

COGS Highlights



Council of General Synod

Tuesday, September 22, 2015

Council members gathered at 1 p.m. in Cody Hall at St. Paul's Bloor Street Church in Toronto.

Welcome, Prayer, Remarks

Archbishop Fred Hiltz, Primate of the Anglican Church of Canada, thanked assembled members of the Council of General Synod (CoGS) for responding to the proposal to hold a special meeting to receive the Commission on the Marriage Canon report. He expressed the gratitude of CoGS members that General Secretary Michael Thompson was able to be present following recent surgery, to which council members offered enthusiastic applause.

All CoGS members, the Primate said, had recently mourned the death of Canon Robert Falby, former council member and chair of the Commission on the Marriage Canon, who died on June 8. Recalling the work of Canon Falby and the well-attended memorial service, the Primate noted, "we'll be remembering Robert in our prayers as we open the meeting." He also offered thoughts and prayers to two members of CoGS who recently experienced the deaths of close family members.

Although some council members were unable to be present, Archbishop Hiltz noted that the meeting would be livestreamed for those council members who could not attend. He welcomed observers and media in the gallery there to listen before outlining the schedule for the meeting and introducing the members of the commission who were present. They included:

- The Rt. Rev Linda Nicholls (serving as convener since Canon Falby's illness and death), Toronto;
- Dr. Patricia Bays, Ottawa;
- The Rev. Dr. Paul Friesen, Nova Scotia and Prince Edward Island;

- The Rev. Canon Paul Jennings, Nova Scotia and Prince Edward Island;
- Dr. Stephen Martin, Edmonton; and
- The Most Rev. John Privett, Kootenay

Sister Elizabeth Rolfe-Thomas, chaplain to CoGS and who in May was installed as the new Reverend Mother of the Society of St. John the Divine, led an opening worship service during which a minute of silence was observed in honour of Canon Falby.

Presentation—Report of the Commission on the Marriage Canon

Commissioner Bishop Linda Nicholls began by noting that since its establishment, the commission had held four face-to-face meetings and four telephone conferences, along with a number of subcommittee conference calls and email consultations.

She provided an overview of the report, which included:

- background and terms of reference;
- input from the broad consultation;
- details on whether a proposed motion blessing same-sex marriage would contravene the Solemn Declaration;
- the question of a conscience clause for bishops, dioceses and priests who choose not to participate in or authorize the marriage of same-sex couples;
- the biblical and theological rationale for a change in teaching on the nature of Christian marriage;
- a conclusion;
- appendices that included the Solemn Declaration and a draft motion for General Synod 2016;
- and additional material including an

annotated bibliography, summary and study guide.

The report was dedicated to the memory of Canon Falby, whom Bishop Nicholls said was present in spirit at that day's meeting.

Commissioner Dr. Patricia Bays described the section of the commission's report on background and terms of reference, which included the text of Resolution C003 from General Synod 2013 that led to the formation of the commission.

She discussed the results of the consultation, which saw 223 submissions on the proposed changes to the marriage canon from 26 dioceses. The commission in particular had sought opinions about matters such as the Solemn Declaration and conscience clause. It received reports from men and women, young and old, lay and clergy, gays and lesbians, Indigenous communities, theological colleges, dioceses and parishes, and ecumenical partners.

"We're very grateful to the church for taking the time to think about this," Dr. Bays said.

Among the ecumenical partners consulted were the United Church of Canada, which said it would respect the eventual decision of General Synod and that its ecumenical relationship with the Anglican Church of Canada would not be affected. The Anglican Roman Catholic Dialogue in Canada, however, said that any divergence on the doctrine of Christian marriage would weaken the basis of the present communion between the Anglican and Roman Catholic churches in Canada.

Consultation with the wider Anglican Communion suggested that any change by one member church could have ramifications in terms of its relationship within the communion. In Canada, Indigenous Anglican bishops who were consulted said that while marriage is understood differently in Indigenous cultures and that Indigenous communities must decide the issue on their own, they assured the commission that their prayers would be with them going forward.

Bishop Nicholls then returned to the podium to

discuss the issue of the Solemn Declaration, a founding document of the Anglican Church of Canada that affirms its full communion with the Church of England and its teachings. Noting that General Synod is given jurisdiction "in the definition of the doctrines of the Church in harmony with the Solemn Declaration," the report explored the meaning of "harmony" by comparing past changes in discipline and practice in the church, such as the ordination of women. These legal precedents suggest that what is "in harmony" with the Solemn Declaration is the discernment of General Synod.

On the subject of the conscience clause, commissioners determined that an opt-out clause would be the best approach to accommodate bishops, dioceses and priests who choose not to authorize same-sex marriages, along with an option for ministers to decline for reasons of conscience.

Legal experts informed the commissioners that in their opinion, there is "significant risk" that the proposed resolution would be subject to a legal challenge. However, they argued that the Anglican Church of Canada would have strong defence against such challenges, which would be unlikely to succeed due to the "prevailing jurisprudence" and clear statements by the Supreme Court of Canada in its same-sex Reference.

Commissioner Dr. Paul Friesen introduced the biblical and theological rationale for changes to the marriage canon by reiterating that the commission is merely responding to a motion from General Synod. He began by highlighting the three starting points of the overall report: the authority of Scripture, the definition of marriage, and the integrity of same-sex relationships.

In describing the authority of Scripture, Dr. Friesen noted two main poles in biblical interpretation—the "fundamentalist" (believing every word of the Bible to be the inerrant word of God) and the "liberal" (seeing the Bible as a source book from which we may draw certain helpful lessons while ignoring other parts as necessary).

He highlighted an approach to Scripture that was

“neither fundamentalist nor liberal, but Anglican,” in which Scripture was at the centre of a series of concentric circles—the first circle being tradition (community) and the second being reason (interpretation). The relationship between Scripture, tradition and reason is dialectical and interpenetrating; sometimes one aspect challenges another, and sometimes one helps us understand another.

Moving onto the question of how to define marriage, commissioner Dr. Stephen Martin used the current marriage canon as a starting point and the declaration of intent from couples about to be married. From these two sources he extracted five main aspects of marriage:

- 1) Permanence—a lifelong union, for better or for worse;
- 2) Monogamy—an exclusive union to the exclusion of all others;
- 3) Faithfulness—a union characterized by mutual faithfulness;
- 4) Covenant—a covenant with God, who creates the marriage bond; and
- 5) Purpose—mutual support, procreation if it may be, and sexual expression.

Dr. Martin emphasized that the commission’s mandate is not to change this definition, but to see whether it may be expanded or opened up to include same-sex relationships without distorting its character.

This effort, he added, was not a question of “subversive liberals” trying to gain a hold of the church, or of the Anglican Church pandering to a particular constituency or culture, but because of what had been articulated by the church’s own LGBTQ members and the response of General Synod.

The commission was working both within the church’s definition of marriage as well as the 2004 General Synod resolution affirming the integrity and sanctity of committed adult same-sex relationships. Dr. Martin also noted the church’s repentance for its previous exclusion of LGBTQ people and its pledge to listen and learn from the experiences of gay and lesbian church members.

Delving into the theology of marriage, commissioner Canon Paul Jennings distinguished between Christian and civil definitions of marriage, the latter of which has been decided as the law of Canada and thus recognized by the church. Rather than the issue of human rights, the issue is the theological meaning the church sees in same-sex unions. Canon Jennings acknowledged that marriage in history has always been heterosexual because of the biological fact that human beings reproduce sexually.

Examining two quotes from the Book of Genesis describing the Creation of Adam and Eve (Genesis 1:27 and Genesis 2:18, 23-24), Dr. Martin noted that the first discusses procreation and not marriage, while the second describes marriage but not procreation. Moving on to the New Testament, he turns to Paul, whose understanding of marriage was patterned on Christ’s relationship to the church. Quoting Genesis directly in Galatians 3:28, Paul notes that there is “no longer male and female, for all you are one in Christ Jesus.” Thus, the Old Testament Creation accounts are both affirmed and re-oriented in the light of Jesus, giving marriage a radically new basis that would have been seen as subversive of cultural ways prevalent in New Testament times.

Commissioner Archbishop John Privett then discussed various aspects of marriage—as a key part of the Christian way of life, and as a covenant that serves as a reflection of God’s steadfast faithfulness and love. He described the commission’s examination of the nature of the marriage vows and related questions by the commission on whether it was right for same-sex couples to use the same covenantal language used by heterosexual couples or for the church to forbid same-sex couples from making such a commitment before God; whether making the same vows would be true to the experiences of same-sex couples; and whether same-sex covenants and vows would be theologically different from heterosexual vows and marriages.

Reiterating the threefold purpose of marriage—companionship and support, procreation, and sexuality—Archbishop Privett noted that procreation is not currently deemed a necessary

component in marriage, since couples without children or with adopted children are still considered to be living in full and complete marriages.

Moving from meanings to models, Canon Jennings asked how the church might conceive of ways to include same-sex couples while doing justice to its traditions. In the church's conception of same-sex marriage, he identified three possible ways of thinking about the issue:

- 1) Same-sex marriage is *essentially the same* as opposite-sex marriage. Civil legislation currently views same-sex marriage in this manner. For the church to adopt it would mean changing the language of the canon and liturgy to be gender-neutral. The strength of this view is its absolute clarity and equality, which is appropriate to legal issues such as changing the canon. However, in terms of theology, it is debatable whether simply neutralizing language or removing references to the Creation account would simply render liturgy and theology more abstract. Many Anglicans have expressed concerns that changing the definition of marriage would alter the meaning of their own marriages, and such concerns should not be dismissed completely. Similarly, same-sex couples have specific gifts to offer the church, which might be negated by a one-size-fits-all approach.
- 2) Same-sex marriage is *completely different* from opposite-sex marriage. Viewing the different forms of marriage as two distinct unions would keep categories separate and ensure no one feels threatened. Theologically, however, it might neglect the idea that marriage is a way of Christian life, or that same-sex partners form a covenant with each other through their exchange of vows, if treated differently from heterosexual marriage.
- 3) Same-sex marriage is *related* to opposite-sex marriage, as a differentiated form of Christian marriage covenant. Biblical typology, Canon Jennings explained, includes the idea that key events and

symbols recur again and again throughout the Bible in different contexts, echoing the earlier meaning while adding to it. He offered the biblical parallel of the inclusion of the Gentiles in the covenant with Israel, suggesting it provides a model for thinking about the issue of same-sex marriage.

In its conclusion, the commission said they had not provided "proof" of a particular argument, but simply a rationale that they commended in the form of the report to CoGS and the wider church. Following the presentation of their report, the Primate led a round of applause to show the appreciation of CoGS for the work of the commission.

Clarification, Exploration, Table Group Discussion

A subsequent discussion period allowed CoGS members to raise concerns or questions about the report. One council member asked whether there would be an "expiry date" on the conscience clause; Bishop Nicholls responded that the conscience clause would persist indefinitely until General Synod decided to change it.

Another CoGS member invoked the recent example of Kim Davis, a county clerk in the United States who defied a court order requiring that she issue marriage licenses to same-sex couples and was subsequently jailed. The chancellor of CoGS, Canon David Jones, noted the "extraordinarily credible" legal opinion quoted in the report, suggesting that invoking the conscience clause could withstand legal challenge.

Following further questions and comments, a CoGS member thanked the commission for its hard work in putting together a report that addressed a complex issue with admirable brevity, which he said would make the forthcoming work of General Synod much easier than it otherwise would have been.

A 15-minute table group discussion allowed council members to express their initial impressions of the report. Afterward, Bishop Nicholls expressed her desire that the report would

be read widely throughout the church, while Dr. Martin hoped that CoGS could find a way to bring the issue forward in a way that would not prove polarizing, but would bring church members of differing opinions together.

Prior to the vote on resolutions, the Primate compared the strong role of CoGS in shaping conversations at General Synod 2010 to its relative lack of influence going into General Synod 2013. By contrast, CoGS had a great opportunity to guide the discussion at General Synod 2016, and he urged council members to be mindful of their responsibility.

By consensus, CoGS members adopted the following motion:

Resolution

That this Council of the General Synod receive the Report of the Commission on the Marriage Canon and express its deep gratitude to the members of the Commission for the exceptionally good work that they have done in fulfilling the Mandate issued to them by this Council, and for their deep personal commitment to our Church. The work given to the Commission in the Mandate now being complete with the submission of this Report, the Council discharges the Commission with the thanks of our Church.

Two other proposed motions on a new working group were later condensed into one.

Council members broke for supper from 6 p.m. to 7 p.m. They were given 45 minutes to read the report for themselves and re-convened at 7:45 p.m.

Upon reconvening, council members adopted the following combined motion by consensus:

Resolution

That the Council of General Synod appoint a Working Group:

- a) To assist and provide advice to the

Planning and Agenda Team in preparation for the November 2015 and March 2016 meetings of the Council of General Synod as the Council prepares and approves its response to Resolution C003 to be put before General Synod 2016.

b) Based on the discussions and decisions of the Council of the General Synod meetings, to assist and provide advice to the General Synod Planning Committee in matters related to the consideration of the motion to amend the Marriage Canon;

“Further, that this Working Group consist of the following members:

- a) Four members to be elected from the Council of the General Synod, one from each of the Ecclesiastical Provinces;
- b) A member of the Planning and Agenda Team chosen by that group;
- c) Bishop Linda Nicholls who served as Coordinator of the Marriage Commission;
- d) The Working Group will appoint a chair from among its members.

Questions with Commission, Closing Comments

During a final discussion period, a CoGS member asked the commission about present policy for local options. Bishop Nicholls replied that the church did not currently have a national policy on the issue of same-sex marriage, but that some dioceses had extended a pastoral option permitting the blessing of same-sex partners, while others had members who were civilly married.

Another speaker asked how CoGS members should respond to remarks on social media or in dialogue with others. Bishop Nicholls hoped members would tell them to read the report and remember that the final decision lies with General Synod 2016.

'This is one step in the process leading to that," she said. "But it's only one part."

One CoGS member asked about the translation of the report into Indigenous languages and French. Dr. Bays said that the summary document constituted one attempt to provide a shorter document that would be quicker to translate. The Ven. Harry Huskins, prolocutor of CoGS, said that while the national church may not have the resources to immediately offer translations, many options existed at the local level. He offered the example of Moosonee, where many church members speak Cree.

In a further clarification, Canon Jones reiterated that for any change to the marriage canon to become effective, it would require affirmative votes at two General Synods, in 2016 and 2019, offering plenty of time for further discernment and discussion.

Closing out the discussion for the evening, the Primate thanked members of the commission for an "incredible piece of work done on our behalf" and their presence at the meeting, as well as the gratitude of CoGS that the commissioners had offered to be of continuing assistance to members leading up to General Synod 2016.

Closing Prayer

The Tuesday session of CoGS concluded with night prayer at 9 p.m. before members adjourned for the day.