

A review of 'This Holy Estate' the Report of the Commission on the Marriage Canon
of the Anglican Church of Canada.

I. The purpose of the report

The Commission on the Marriage Canon of the Anglican Church of Canada was established as a result of the passing by the General Synod of the Anglican Church of Canada in 2013 of resolution C003.

This resolution directed the drafting of a motion for consideration by General Synod in 2016 of a motion 'to change Canon XXI on marriage to allow the marriage of same-sex couples in the same way as opposite-sex couples, and that this motion should include a conscience clause so that no member of the clergy, bishop, congregation or diocese should be constrained to participate in or authorize such marriages against the dictates of their conscience.'

The Commission was established to 'recommend wording for the motion called for by the 2013 General Synod, as well as the wording of a conscience clause that would allow dissenting dioceses and clergy to opt out of authorizing or presiding at same-sex marriages. It was also mandated to prepare documentation demonstrating how such a change in the church's traditional teaching could be understood to be scripturally and theologically coherent' (p. 1- for the full terms of reference see Appendix C at the end of the report).

The purpose of the report from the Commission is to perform these three tasks.

II. The structure of the report

After an Introduction the report consists of five main chapters.

Chapter 2, 'Consultation,' reviews the submissions made to the Commission by members of the Anglican Church of Canada and its ecumenical partners and result of consultation with the Anglican Communion through the Communion's Inter-Anglican Standing Commission on Unity, Faith and Order (IASCUFO).

Chapter 3, 'Solemn Declaration,' considers the question of the compatibility of changing Canon XXI with the Solemn Declaration of 1893, the basic constitutional document of the Anglican Church of Canada.

Chapter 4, 'Conscience clause,' considers whether a conscience clause for those who would be unable to support same-sex marriage would be legally sustainable.

Chapter 5, 'Biblical and theological rationale,' considers the biblical and theological case for accepting same-sex marriage.

Chapter 6, 'Conclusion,' gives the report's conclusions.

Appendices A –D contain the text of a draft resolution to change Canon XXI, the text of the Solemn Declaration, the Commission's Terms of Reference, and the text of the resolutions that lie behind the Commission's work.

III. The argument of the report

1. The Anglican Church of Canada may rightly disregard the damage that a change to the marriage canon would cause to ecumenical dialogue with the Roman Catholic Church.

Chapter 2 notes that the Roman Catholic Church is the Anglican Church of Canada's oldest ecumenical partner and that the submission to the Commission from the Anglican-Roman Catholic Dialogue of Canada warned of the serious consequences of changing the Church of Canada's doctrine of marriage, declaring 'any divergence on the doctrine of Christian marriage, which our dialogue has until now presented as a matter of fundamental convergence, would weaken the very basis of our existing communion, and weaken the foundations upon which we have sought to build towards fuller ecclesial communion.' (p.7) The report does not reflect on why it would be right to disregard this warning, but what it recommends implies that it would be right for the Anglican Church of Canada to disregard it.

2. The Anglican Church of Canada is free to disregard the view of the Anglican Communion as a whole.

In chapter 2 the report notes that the members of IASCUFO, representing the churches of the Anglican Communion warned that changing the marriage canon 'would cause great distress for the Communion as a whole, and for its ecumenical relationships. Members of the Commission are unanimous in urging you not to move beyond your present policy of 'local option'.' (p.7).

In spite of this warning the report suggests that Anglican Church of Canada should undertake such a unilateral move, arguing that having consulted was enough to discharge its obligations to the Communion:

Consultation with the wider Anglican Communion on this represents our church's commitment to live into the principle of 'mutual responsibility and interdependence in the body of Christ' first articulated at the Anglican Congress held in Toronto in 1963, which named 'deep and deliberate involvement in one another's affairs and life' as a necessary aspect of life as churches in communion. (p.8)

3. The General Synod is free to decide on whether changing the marriage canon would be in line with the Solemn Declaration.

Chapter 3 argues that historically the existence of statement of the Solemn Declaration that 'We are determined by the help of God to hold the Doctrine, Sacraments and Discipline of Christas the Church of England has received and set forth in the *Book of Common Prayer*' has not prevented the Anglican Church of Canada from making changes in its worship, doctrine and discipline, including in the area of marriage. (pp. 14-15)

It further argues that 'the final authority to determine what is in continuity must be the General Synod' and that therefore it is 'up to the General Synod to determine whether this is an area of definition and interpretation of doctrine on which it can make change and, if it is, whether this is a change it believes is appropriate.' (p.17)

4. The proposed conscience clause would be legally defensible.

In chapter 4 the report quotes the legal opinion that it received that:

...there is a significant risk that the Proposed Resolution will be subject to a challenge under provincial human rights legislation, the [Canadian] Charter [of Rights and Freedoms], or both. However, the Church will have strong defense against such challenges, and in our view, it is highly unlikely that these challenges would be successful in the light of the prevailing jurisprudence and the very clear statements by the Supreme Court of Canada in the same-sex Reference. (p.18)

Nevertheless, the report recommends that an updated legal opinion be provided for the General Synod in 2016.

5. Scripture has authority as it is interpreted and applied and as it is read in community.

Section 5.1.1 of the report states that:

The approach we wish to take is...recognizably Anglican in two important ways: first while Scripture bears the final authority for the church, it does not do so apart from interpretation and application. No reading of Scripture is 'uninterpreted' apart from reason and tradition. No reading of Scripture can be abstracted from the life of the church and its struggle to embody the Gospel. Second, it recognizes Scripture as a text read (or perhaps better 'performed') primarily in community, in the context of the liturgy, rather than a text read privately in the context of one's own private devotions on the one hand, or in the scholarly laboratory on the other. (pp. 22-23)

6. The use of isolated proof texts is to be avoided.

Section 5.1.1 goes on to say:

...we take a via media approach to Scripture between one way which appeals to isolated texts as 'proof' of a particular understanding of being biblical, and another which discards Scripture as a site for hearing any authoritative word that stands over against uncritically accepted and culturally derived ideas. By contrast, we are adopting a stance consonant with the broad approach to Scripture in the Windsor Report, which seeks to discern what faithful practice with regard to the question of same-sex marriage might look like in our Canadian context. It also accords with a welcome shift in the use of Scripture by opponents of same-sex marriage away from the six 'bullet' texts, which are then answered by those sympathetic to same-sex marriage, inevitably generating more heat than light about the overall intent of God in sexuality and marriage within the biblical story. (p.24)

7. The debate about same-sex marriage must start from the General Synod resolutions about same-sex relationships and about listening to gay and lesbian people.

Section 5.1.3 notes that in 2004 General Synod affirmed 'the integrity and sanctity of committed adult same-sex relationships and comments that: 'This affirmation is consistent with the conviction that sexual orientation is a fundamental aspect of human identity, a given (though not always unambiguous or unchanging). Like other aspects of human identity, it is potentially both a challenge and a blessing.' (p.26)

It also notes that 'The Anglican Church of Canada has committed itself to listening to the voices of gays, lesbians and other sexual minorities, especially those within our church.' (p.23)

The section declares that:

While it is clear that not all Canadian Anglicans agree with these developments, they represent the official position of the Anglican Church of Canada. Thus this commission, as directed by the 2013 motion that requested its formation must assume our synodical resolutions as the starting point for this particular debate about same-sex marriage. (p.23)

8. We should accept that homosexual orientation is something natural

Section 5.2.2 accepts that 'sexual duality and heterosexual orientation remain predominant biological characteristics of humanity.' (p.28). However, it then goes on to say we should be wary:

...of extrapolating from these facts the notion that heterosexuality is 'natural' in contradistinction to homosexuality. According to the predominant scientific understanding, homosexual orientation is a 'natural' phenomenon in the sense that it is also an anthropological given not something that is either freely chosen or nurtured in a child. (p.29)

9. We should neither absolutize heterosexual duality nor lose the importance of heterosexual love.

Section 5.2.2 goes on to declare that 'the Judeo-Christian tradition has resisted the divinizing of heterosexual duality into an absolute principle.' (p.29) What it means by this is that unlike the gods of the pagan world God cannot be defined in terms of gender and neither 'gender or marital status describe our ultimate identity and destiny as human beings.' (p.29). On the other hand, we should not lose the 'hard-won' insight of the Western Church that heterosexual love is not something to be distrusted but seen as 'good gift of God.' (p.30) 'If homosexual love is to be celebrated in the same terms, it would be unfortunate to lose the rich celebration of heterosexual love that runs through our cultural and religious heritage.' (p.30)

10. The image of God in Genesis 1:27-28 should be understood in terms of the mandate to 'be fruitful and multiply,' but the fulfilment of this mandate has no necessary connection to either marriage or family life.

In section 5.2.3.1 the report contends that the 'image of God' referred to in Genesis 1:27:

...speaks of humans as created to extend God's rule in creation, rather than humans as 'looking like' God. Gender ('male and female') therefore refers not to God, and so God's image, as sexually differentiated, but to God's call to humanity to 'be fruitful and multiply and fill the earth.' While sexuality and procreation are implied as a means to fulfilling that commission, there is no explicit reference to marriage (nor to family) as a necessary agent of procreation. The full human community as *adam* (male and female) is responsible to fill the earth.' (p.31)

11. There is no reference to procreation in Genesis 2:24 and what is said in this verse about marriage should be seen as descriptive rather than prescriptive.

The same section of the report further argues that Genesis 2:24:

...makes no explicit reference to procreation as part of the intent for marriage. The need the creator fulfils in making the woman is the aloneness of the *adam*, and is met by companionship (Genesis 2:18). It is only after eating the fruit of the Tree of Knowledge that the man names his wife Eve, 'mother of the living' limiting her role no longer as equal partner but as subordinate, procreative vessel. (p.32)

It also suggests that it is not clear whether this verse was 'intended to be a normative statement about the particular form of marriage.' (p.33) It declares that the fact that 'the voice in the text is that of the narrator (rather than God) supports this statement as being descriptive rather than prescriptive.' (p.33)

12. Mark 10:1-10 and Matthew 19:1-9 do not give us a timeless doctrine of marriage.

In section 5.2.3.2 the report notes that in Mark 10:1-10 and Matthew 19:1-9 Jesus refers to the two creation accounts when discussing the issue of divorce. However, it says, Jesus 'is not stating a timeless doctrine of marriage, but rather giving a pastoral (and political) response to a particular set of practices.' (p.33)

13. In Galatians 3:28 and Ephesians 5 St. Paul views marriage from a new Christological perspective.

In section 5.3.2 the report acknowledges that, like Jesus, 'the apostle Paul's teaching on marriage invokes Genesis 1:27 and 2:24.' (p.33) However, it then argues that Paul subjects Genesis 1 to:

'Christological discipline' in Galatians 3:28 in that the new humanity is no longer humanity as 'male and female' but humanity as 'in Christ Jesus.' The divine image is restored in a way that opens the possibility of Christian relationships beyond the power-differentiated 'male and female' and 'Jew and Greek' and 'slave and free' – corrupted human relationships which have claimed to exclusively reflect God's image to the world.' (pp. 33-34)

In Ephesians 5, the report declares, Genesis 2:

...is given Christological *expansion* in that 'the two shall become one flesh' is fulfilled in the mystery of Christ and the Church. Marriage reflects that mystery not simply in procreation, but in its witness to love of neighbour. (p.34)

14. St. Paul's language in Romans 1 about conduct 'contrary to nature' is not about revulsion, does not necessarily mean that such conduct is sinful and is designed to combat self-righteousness.

In section 5.2.3.3 the report states that there are three points in relation to Romans 1 'that may be agreed upon regardless of one's view of same-sex marriage' (p.35).

The first is that the language that St. Paul uses in Romans 1:26-27 'is different from the popular 'It's not natural!' sentiments often expressed as a gut-level revulsion at the mention of (usually male) same-sex practices.' (p.35)

The second is that for St. Paul:

... 'contrary to nature' is not necessary [sic] a synonym for 'sinful.' For instance, the term 'contrary to nature' (*para physin*) is also used later in Romans to speak of the grace of God *para physin* in grafting Gentiles 'as a wild olive branch' onto the cultivated tree ('natural branches') of Israel (11:17, 21). (p.35)

The third is that:

Paul's concern in the passage is not sexuality, but self-righteousness. Indeed, his use of such a diatribe is a very specific strategy within Romans to attack the usual ways people see themselves as more righteous than others. (p.35)

15. The question facing the Church is whether the covenantal understanding of marriage reflected in the marriage vows can include same-sex couples

In sections 5.2.4 and 5.2.5 the report declares that what is distinctive about Christian marriage is that it is a life-long covenantal relationship between two people. In the key passages in these sections it states:

The specific shape of Christian marriage – in distinction from the other forms of Christian community – is that it is a commitment to a lifelong, exclusive, faithful relationship with one person. Here the metaphor of God's covenant with Israel, and of the 'mystery of Christ and the Church' in foundational. As a lifelong relationship, it extends over time, through the stages of our growing and aging, for better or worse, in sickness as in health. As an exclusive

relationship, it implies a commitment to and intimacy with this one person, including the vulnerability and neediness of our sexual nature. Marriage is the discipline of loving one another in the intimacy of daily life with all the particular joys, but also all the challenges, that this presents. (p.37)

In section 5.2.6 the report explains that the exclusive and life-long commitment that marriage involves is expressed in the marriage vows and that 'the presence of vows, by which the covenant is made before God, appears to be the distinctive difference between a marriage and the blessing of civil marriage.' (p.39)

It then goes on to pose four questions on the basis of the covenantal understanding of marriage used in the wedding vows:

- Should the church work to include same-sex couples in the kind of covenantal language so far used only for heterosexual couples at their weddings?
- Conversely is it right for the church to forbid same-sex couples from making this commitment before God?.....
- If a same-sex couple used covenantal vows in the language of current heterosexual vows, would these vows be true to that couple's experience and expectations, and reflect the range of meanings inherent in heterosexual vows?
- If the church wants same-sex partnerships to be called something other than marriage, or to use covenantal vows distinct from the Christian vows currently used by heterosexual couples, are we saying that these same-sex covenants and vows are theologically different from homosexual vows and marriages? (p.40)

16. Same-sex relationships can fulfil the three purposes of marriage.

In section 5.2.6 the report goes to argue that the three traditional purposes of marriage, companionship and support, sexuality and procreation, can apply just as much to same-sex relationships as to heterosexual ones.

On companionship and support it says:

...there would appear to be no basis for denying that this aspect of heterosexual marriage can be present in same-sex couples to the same extent as in opposite-sex couples. The witness of many stable, committed, loving same-sex relationships is compelling. (p.42.)

On procreation it notes that 'procreation is not seen as a necessary condition of a genuine marriage,' (p.43) since the church marries couples who 'desire to – but who know they cannot – bear children' (p.43) and it further declares that:

In its widest sense, the procreative purpose of marriage implies the capacity of couples to exercise love, nurture, and healing beyond their relationship to one another to others around them, to enlarge the couple's community. 'Fecundity (meaning fruitfulness and the capacity to give life) exists not only in families,' writes Jean Vanier. 'It is implied in all human relationships, especially those where one person cares for another.'

Furthermore, 'procreation' is only part of this purpose, as articulated in our authorized liturgies: the care and upbringing of children (their upbringing 'in the fear and nurture of the Lord') is also mentioned. Indeed these duties demand considerably more investment from the couple than mere procreation, and for them particularly, it could be argued, the stability

of marriage is beneficial. Many same-sex couples are already carrying out this purpose of marriage. (pp. 43-44)

On sexuality it declares:

...Christians of homosexual orientation share the same fundamental human need to love and be loved as do heterosexual Christians; yet their sexuality has an equally profound orientation, towards their own gender. It is not surprising, then, that some should seek the stability of a Christian covenant (as do many heterosexual Christians in a Christian marriage) to be in a committed relationship, supported by their church and blessed by the one and same God they share with their fellow Christians. The church's traditional teaching views marriage as the appropriate context for living out sexual intimacy. (p.45)

17. Thought needs to be given to whether same-sex couples are capable of a 'sacramental' relationship that reflects the love of Christ for the church.

Section 5.2.8 explains that the sacramental view of marriage based on Ephesians 5:32 means that the 'mutual love and tender care' of a married couple 'is capable of reflecting the loving union of Christ and the Church' (pp. 47 and 46). This raises the question:

How then should we assess the mutual love and tender care of same-sex couples, who have also left mother and father and come together to form a new family? Are these relationships also capable of 'sacramentality' of signifying the Christian 'mystery' of the love of Christ for his body the church? Do we recognize within same-sex covenants the same 'great mystery'? Or are there grounds to argue that same-sex unions cannot reflect the love of Christ for the church in the same way, and therefore their inclusion in Christian marriage would somehow modify the analogy? (p.47)

18. Same-sex covenants should be seen as a differentiated form of Christian marriage

In section 5.3 the report considers three models for understanding same-sex marriage.

The first model is 'Same-Sex Marriage as an Undifferentiated Form of Christian Marriage.' This model would involve 'changing the language of the canon and the liturgy to gender-inclusive terms, thereby creating an institution that fits both heterosexual and homosexual couples in an identical fashion.' (p.48) The report is cautious about this approach stating that:

...Christian theology should be wary of abandoning the rich imagery and experience of heterosexual love. Rather than generalizing marriage to a greater level of abstraction, should we not celebrate the specificity of heterosexual love as a gift of God – and so open the door to celebrate the specificity of homosexual love as a gift of God as well? (p.51)

The second model is 'Same-Sex unions as Blessed Partnerships.' The report is also cautious about this approach, which would involve the Church blessing existing civil marriages (something that already happens in many Canadian dioceses). The reason it is cautious about this approach is because:

As a blessing without vows, this model does not acknowledge the relationship's potential to be a place in which the couple exercises their vocation of Christian love by striving to be as Christ to one another in covenanted love. (p.52)

The third model is 'Same-Sex Covenants as a Differentiated form of Christian Marriage Covenant.' On this model, which is the one the report prefers, there is seen to be 'an *analogous* relationship

between traditional and same-sex marriage.’(p.52) Seen from this perspective, the issue ‘is not whether same-sex relationships are marriage, in some absolute, abstract sense. It is, rather, about the possibility that same-sex couples may be adopted into an existing institution of Christian marriage, enriching and expanding its meaning, yet without denying its previous meaning.’ (p.53)

The report argues that the account in Acts 10 of the inclusion of the Gentiles into God’s covenant with Israel provides a ‘theological analogy’ for the admission of same-sex couples into Christian marriage. This is because:

The two situations show significant structural parallels that may provide us with a model to think both full inclusion and distinct identity together:

- In both cases there is a long history in which it was believed that a particular grace was given only to one group of people to the exclusion of others;
- In both cases there is a recognition that God’s grace is broader than we had assumed, and that those who had been excluded are now being invited in;
- The ‘adoption’ or ‘grafting in’ is seen as on some level contrary to nature (*para physin*, Romans 11:24), yet nonetheless is of God.
- The task for the church in both cases is to discern whether this reorientation to greater inclusivity stems from a genuine movement of the Spirit;
- In both cases this inclusion is not completely on the same level as the original group: as Gentiles are not called to observe Torah, so same-sex marriages do not share in precisely the same tradition of sexual expression (and its symbolic import) as heterosexual marriage.
- They do nonetheless share in the fundamental nature of the same covenanted grace (in the case of Acts 10 the covenant with God, in the present context the covenant of partners as reflection of this primary covenant);
- Finally, the inclusion of the new group does not invalidate the earlier covenant as wrong or no longer relevant; like the Torah, the original understanding of the heterosexual structure of marriage, rooted in the creation accounts in Genesis, remains fully in effect for those to whom it applies. (pp.53-54)

The report acknowledges that a possible objection to its argument is that ‘the inclusion of the Gentiles is a salvation-historical event of unique significance, such that not every proposal for inclusion can be equated with it.’ (p.54) In response to this objection the report agrees that:

...it is important to note the centrality of the reconciliation of Jew and Gentile to the redemptive work of Christ and the foundation of the church (Ephesians 2:11-12). Yet the unique significance of the inclusion of the Gentiles does not mean it cannot continue to echo as a type or analogy of Christ’s ongoing work of reconciliation in the life of the church. The church does not need to discern that same-sex marriage is an event of equal importance to the inclusion of the Gentiles, but it does need to discern whether it is a consequent development of the same redemptive action of Christ. (p.55)

19. It is possible for the Church to see a specific act of God’s grace in extending Christian marriage to include same-sex couples.

In section 5.4 the report states that the analogy with the inclusion of the Gentiles within the covenant between God and Israel suggests that in order to see the extension of the marriage canon as something theologically desirable ‘the church would want to see a specific act of grace.’ (p.56) In other words, as in Acts 10, God would be doing a new thing and the Church would be discerning this fact.

The report then further suggests:

...there are reasons to believe that this might be the case. The expansion of the definition of marriage in the New Testament as a discipline of Christian love has prepared the way. The logic of the inclusion of the marginalized that runs through Scripture should always alert us to this possibility. The growth in our understanding of human sexuality, both scientifically and interpersonally, helps us to lay aside prejudices and misconceptions. The pastoral needs of those rejected by society and church, particularly gay youth, should drive us to seek reconciliation. Finally, the experience of same-sex committed partnerships in our midst, clearly manifesting God's blessing and the fruit of the Spirit, are a powerful indication that God's view of marriage may be more inclusive than ours. However, it is finally a decision that the church will have to reach, not by arguments alone, but by prayerful discernment of the movement of the Spirit in our midst. (p.56)

IV. The outcome proposed by the report

Appendix A of the report contains a draft resolution for possible amendments to Canon XXI.

If passed such a resolution would mean that the General Synod would declare that Canon XXI 'applies to all persons who are duly qualified by civil law to enter into marriage.' (p.59)

It would also mean that in the body of the canon the words 'man and woman' and 'husband and wife' would be replaced by the terms 'the parties to the marriage' and 'partners.' (p.59)

The appendix also contains provisions that would prevent a minister from solemnizing a marriage between two people of the same-sex where this had been prohibited by a diocesan synod canon, a public direction from the diocesan bishop or a congregational resolution.

Where a minister declines to solemnize such a marriage for reasons of conscience and these criteria do not apply 'the minister shall refer the persons to another priest and permit that priest to solemnize the marriage in the minister's church or other place of worship.' (p60)

V. Responding to the report

There are multiple problems with the report that mean it does not make a persuasive case for changing Canon XXI in the way proposed.

1. Warnings about damage to relations with the Roman Catholic Church appear to be simply ignored.

While the report notes the warning from the Anglican-Roman Catholic dialogue of Canada about the serious damage that changing the Anglican Church of Canada's doctrine of marriage would do to Anglican-Roman Catholic ecumenical relations it does not consider the weight that should be given to this warning when thinking about amending Canon XXI. Even if the Marriage Commission considered that amending the Canon was a legitimate move for the Church of Canada to make it should still have explained why the good that this would achieve would outweigh the harm that it would cause to ecumenical relations. As it stands the report gives the impression that having asked the Roman Catholic for their views the Commission simply ignored what they had to say.

2. The report fails to explain why it would be right to ignore the views of the Anglican Communion.

According to traditional Anglican ecclesiology the churches of the Anglican Communion have the authority to make their own binding decisions about matters of faith and order. Unlike in the

Roman Catholic Church there is no centralized authoritative decision making structure whose decisions are canonically binding on all Anglican churches. However, the churches of the Anglican Communion have not been seen as having the right to simply make any decisions they want to. As the classic statement of the encyclical letter from the 1920 Lambeth Conference put it, Anglican churches:

...are indeed independent, but independent with the Christian freedom which recognizes the restraints of truth and of love. They are not free to deny the truth. They are not free to ignore the fellowship.¹

What this has meant in practice is that Anglican churches have not only consulted with each other over potentially divisive issues but have accepted and lived by decisions corporately arrived at by the ten yearly Lambeth Conferences of Anglican bishops.

Since 2002 the Anglican Church of Canada has repeatedly broken this tradition by ordaining people in same-sex relationships and blessing such relationships in the face of Resolution 1.10 of the 1998 Lambeth Conference which ruled out both of them. The report fails to explain why it thinks continuing this trend even further, even when specifically warned not to by IASCUFO, is compatible with its obligations to the rest of the Communion.

3. The report fails to consider the issue of how to decide what continuity with the Solemn Declaration involves.

The report claims that the General Synod has the right to decide what is in continuity with the Solemn Declaration. This may be constitutionally correct, but it does not address the theological issue of what continuity with the Solemn Declaration involves. If there are no limits to what can be claimed to be in continuity then there is no point in having the Solemn Declaration at all. If there are limits then the report needs to explain what these are and why the proposal to amend Canon XXI falls within them.

4. What the report says about the authority and reading of Scripture is misleading.

The report is misleading when it suggests that the Anglican position is that Scripture does not have final authority for the Church 'apart from interpretation and application.' Because Scripture is God's word written it has intrinsic authority in and of itself. Scripture does not become authoritative only when it is understood and applied. Obviously it needs to be understood and applied in order to achieve the purposes for which God caused it to be written, but the process of understanding and applying Scripture does not make it any more authoritative than it already is.

The report is also misleading when it suggests that Scripture is a text which is primarily read liturgically rather than in the context of private devotions or in the 'scholarly laboratory.' What does 'primarily' mean here?

If it means that this is where Scripture is most often read then what is the evidence that this is so? If it means that this is the setting in which it is best read then this is also highly questionable. If the purpose for which Scripture is read is understanding and obedience it is not clear why a liturgical setting is a better one than personal bible study or scholarly exploration. Indeed it could be argued that a liturgical reading of Scripture is a less helpful setting when it comes to a detailed study of the biblical text.

¹ *The Six Lambeth Conferences 1867-1920*, London: SPCK 1920, pp.13-14.

5. The report fails to engage with relevant biblical material

The report claims that a move away from the six 'bullet texts' relating to homosexuality is something to be welcomed. The texts it has in mind are Genesis 19, Leviticus 18:22 and 20:13, Romans 1:26-27, 1 Corinthians 6:9-11 and 1 Timothy 1:10. In line with this claim the report then goes on to ignore all of these texts apart from Romans 1:26-27.

The problem with ignoring these texts, and other relevant texts such as Judges 19, Deuteronomy 23:17-18 and Jude 7, is that it means that the report addresses the question of marriage for same-sex couples without engaging with most of the key biblical texts relating to same-sex activity. That is like discussing justification by faith without referring to John 3:16, Romans 3:23-26 or James 2:14-26 or the person of Christ without looking at John 1:1-2, Philippians 2:5-11 or Hebrews 1:1-1-14.

Obviously no biblical texts should be read in isolation from the teaching of Scripture as a whole, but that is no reason for not engaging with individual verses when they are relevant to the matter under discussion.

6. The report fails to address the basic issue of whether same-sex relationships are an acceptable form of behaviour

Probably because it builds on the 2004 General Synod resolution that affirmed the 'sanctity and integrity of committed adult same-sex relationships,' the report consistently assumes that same-sex relationships are an acceptable form of relationship. The only issue it is interested in exploring is whether such acceptable relationships can be viewed as a form of Christian marriage.

Because it limits its focus in this way the report does not get to what is the heart of the matter from a traditional Christian perspective, which is whether such relationships should exist at all. The report simply does not engage with this issue.

From a traditional Christian perspective this is like discussing whether an adulterous relationship should be regarded as a marriage without addressing the issue of whether it should exist at all.

7. The report misrepresents what we know about the causes of same-sex attraction and misunderstands what is meant by the use of the term 'natural.'

As we have seen, the report claims that a homosexual orientation should be seen as 'natural' because it is 'an anthropological given not something that is either freely chosen or nurtured in a child.'

This claim simplifies to the point of distortion what we know about the complexity of the causes of same-sex sexual attraction. As Neil Whiteway and Dennis Alexander write in their article 'Understanding the causes of same-sex attraction' what a survey of the current academic literature on the subject indicates:

...is that no one causal mechanism is both necessary and sufficient to explain the whole gamut of human sexual attraction. Sexual attraction is a highly complex trait, and it seems likely that across the variety of human sexes and cultures, different influences are more important at different times. Not all homosexual men will be carrying the same variant genes. Not all homosexual women are masculinised. The social and cultural environment in which people live is constantly changing, including their friends and partners, together with their own motivations and aspirations, creating a complex system in which biological make-up is integrated with multiple environmental, social and cultural factors. Thus, there is no point in looking for the cause of same-sex attraction – it does not exist. This negative

conclusion is important, because both Christians and others sometimes assume that the aetiology of SSA is known and straightforward. It is not.²

Furthermore, the fact that homosexual orientation exists does not make it 'natural' in the sense in which the term natural is used in Christian theology. For Christian theology what is natural for human beings is how God intends them to be and this is something that cannot simply be read off from what happens in a fallen world.

For example, there are people who, for a variety of reasons, are blind, deaf or lame. However, this is not God's intention for human beings. They were made to see, hear and walk which is why in the Gospels Jesus restores people's ability to do these things.

Similarly, the mere fact that there are people who are sexually attracted to members of their own sex does not mean that having such an attraction or acting on it is God's intention. Whether or not this is the case is something that has to be decided on other grounds.

8. The report is wrong to suggest that our sex is not a permanent part of who we are.

The report is right to say that the Judeo-Christian tradition holds that God cannot be defined in terms of gender. However, its claim that neither 'gender or marital status describe our ultimate identity and destiny as human beings' is only partially correct. It is true that Luke 20:35 tells us that those who attain the resurrection of the dead 'neither marry nor are given in marriage,' but there is no suggestion in Scripture that at the resurrection we shall cease to be male and female and the example of the risen Christ points us to the opposite conclusion. The risen Christ still possesses a male human nature and those who are raised with him will therefore presumably retain their maleness and femaleness as well. Being male or female is who we are and therefore not something that is lost at the resurrection.

9. The report is wrong to suggest that the image of God consists in the call to sexual reproduction.

The report appears to misunderstand the relationship between Genesis 1:27 and 28 when it says that the existence of the image of God refers not to human sexual differentiation, but to God's call to humanity to 'be fruitful and multiply.' The command to be fruitful and multiply is not a definition of what it means for human beings to be made in God's image. In Genesis 1:27 human beings are created in God's image as male and female human beings. They are then subsequently and separately commanded in 1:28 to be fruitful and multiply and fill the earth.

The report is also misleading when it goes on to suggest that 'there is no explicit reference to marriage (nor to family) as a necessary agent of procreation' and that 'the full human community as *adam* (male and female)' is responsible for fulfilling Genesis 1:28.

It is true that Genesis 1:28 does not tell us how the command it contains is to be fulfilled. However, this is then made clear in Genesis 2-4 by God's creation of the institution of marriage between men and women as the context for sexual activity and therefore reproduction. Genesis 1 is part of bigger narrative about God's creative activity and is meant to be understood in the light of this bigger narrative.

² Neil Whiteway and Dennis Alexander, 'Understanding the Causes of Same-Sex Attraction,' *Science and Christian Belief*, Vol 27, No 1, 2015. P.40.

10. The report misrepresents the relationship between Genesis 2:24 and 3:20.

The report is correct to say that there is no explicit reference to procreation in Genesis 2:24. However, there is an implicit reference to procreation in that the verse tells us how the command issued by God in 1:28 is to be fulfilled, namely by sexual union in marriage. This point is subsequently made clear in Genesis 4:1 where we are told that 'Adam knew Eve his wife and she conceived and bore Cain.' Here and subsequently it is the one flesh union of Genesis 2:24 that leads to childbirth.

The report is also correct in saying that it is only after eating the tree of knowledge that Adam names his wife Eve, 'mother of the living,' in Genesis 3:20, but there is nothing in this description that indicates that she has ceased to be an equal partner and has instead become a 'subordinate, procreative vessel.'

As Richard Davidson notes in his study of sexuality in the Old Testament *Flame of Yahweh*, this verse is in fact best understood as a celebration of female power:

...the woman's role in reproduction is presented as an awesome power to produce life – a direct and inherent power that contrasts with the man's indirect power to sustain life through cultivating the ground. The woman's inherent reproductive power – underscored in God's judgment (3:16a) and Adam's naming Eve 'mother of all living' (3:20) – was much more highly valued at the beginning of this world's history and in ancient Israel than in modern society, where we have overpopulation and a lack of emphasis on the continuation of one's lineal descent. Our modern devaluation of this power of women must not be read back into the Genesis account. Instead the focus upon the woman's reproductive power must be seen as further implication of the high status of women upheld in the Genesis text.³

11. The report wrongly sees Genesis 2:24 as 'descriptive' rather than 'prescriptive.'

First, in Genesis the voice of the narrator carries as much weight as the statements explicitly attributed to God. Think of Genesis 1:1 'In the beginning God created the heavens and the earth.' This is the voice of the narrator, but it carries complete authority. The same is true of Genesis 2:15 'The Lord God took the man and put him in the garden of Eden to till it and keep it.' Therefore saying that Genesis 2:24 cannot carry normative weight because it is said by the narrator is a basic misunderstanding of how the text works.

Secondly, the way that the opening words of Genesis 2:24 connect it to what has gone before show that that the text is meant to be prescriptive rather than descriptive. In the words of Robert Bowman:

The opening words of Genesis 2:24, *al-ken*, indicate that what has just been said about the origin of the man and the woman is the reason or basis for men and women forming new unions in marriage. Although the conjunction has a variety of uses in the Old Testament, the usage here is most comparable to statutes of the Mosaic Law that give an explanation of the basis for that statute (Exod. 13:15; 20:11; Lev. 17:12; Num. 18:24; Deut. 5:15; 10:9; 15:11, 15; 19:7; 24:18, 22). Most notably, the Ten Commandments state that God made the Sabbath as a holy day because he had rested on the seventh day after the six days of creation (Exod. 20:11). Here a covenantal institution is said to have been established by the precedent of God's creative work, which is essentially what we see also in Genesis 2:24. (In Deuteronomy 5:15 the Sabbath command is predicated on the Lord's miraculous deliverance

³ Richard M Davidson, *Flame of Yahweh*, Peabody: Hendrickson, 2007, pp.77-78.

of Israel out of Egypt.) Similarly, in Genesis 2:24 the institution of marriage is established by the precedent of God's creative work in forming the first woman and bringing her together with the first man.

Thus, Genesis 2:24 is not making an observation about the origin of sexual love, as various modern interpreters have suggested. Rather, it is stating a norm with regard to the union of a man and a woman and grounding that norm on the created order.⁴

12. The report is wrong to claim that Mark 10 and Matthew 19 do not give us a timeless doctrine of marriage.

It is true that in Mark 10:1-10 and 19:1-9 Jesus responds to a particular question about divorce. However in both passages Jesus appeals to Genesis 1:27 and 2:24 as giving a normative account of what God created marriage to be on the basis of which questions about divorce can then be decided. These two gospel passages thus tell us Jesus' view of the normative nature of marriage and for that reason they do give us a timeless doctrine of marriage. In these passages we have God incarnate telling us what God created marriage to be, a permanent, life-long exclusive relationship between one man and one woman.

13. The report misrepresents St. Paul's teaching in Galatians 3:28 and Ephesians 5:32.

First, it is not the case, as the report suggests, that in Galatians 3:28 humanity as male and female is replaced by humanity 'in Christ Jesus.' 'Neither male nor female' in Galatians 3:28 does not mean that for St. Paul the basic human categories of male and female no longer exist (an idea which makes no sense in the light of his references to men and women elsewhere in his letters), but that the difference between men and women (like the difference between Jews and Gentiles and slaves and free people) is irrelevant in terms of people's relationship with God. Everyone becomes a child of God in the same way, through faith in Christ.

Secondly, it is not the case that Ephesians 5:32 teaches that Genesis 2:24 is 'fulfilled in the mystery of Christ and his Church' as if Paul thinks that the relationship between Christ and his Church is the primary reference of Genesis 2:24. What Paul is saying is that the one flesh union between a husband and wife in marriage is a symbol of Christ's relationship with his body the Church and that in turn Christ's self-giving love for the Church and its subjection to him provides the pattern of behaviour which husbands and wives are called to emulate in marriage.

Thirdly, it is not the case that Ephesians 5 teaches that marriage reflects the mystery of Christ's relationship with the Church 'not simply in procreation, but in love of neighbour.' Neither procreation nor love of neighbour are even mentioned in Ephesians 5.

14. The report also misrepresents St. Paul's teaching in Romans 1:26-27.

First, it is true that the term 'contrary to nature' used in Romans 1:26-27 does not necessarily mean 'sinful.' However, given that the context of Romans 1:18-32 is all about sinful behaviour, given the other terms used in these verses 'dishonourable passions,' 'shameless acts' and 'the due penalty for their error' and given that 'contrary to nature' was a term regularly used by both Gentile and Jewish writers to explain why homosexual acts were wrong, the term clearly does mean sinful in this instance. What Paul is saying is that both gay and lesbian behaviour is wrong because it goes against

⁴ Robert Bowman, 'Genesis and the definition of marriage' pp.7-8 at http://www.academia.edu/18438877/Genesis_and_the_Definition_of_Marriage_Monogamy_and_Polygamy_in_Biblical_History_and_Ethics

the pattern for sexual behaviour established by God at creation and is in that sense 'contrary to nature.'

Secondly, while St. Paul's big point in Romans 1:16-3:31 is indeed to attack self-righteousness and replace it with an acceptance that everyone alike is sinful and that everyone alike can only be saved through the action of God in Christ received by faith, this argument actually demands that the behaviour described in Genesis 1:18-32 (including the behaviour described in Romans 1:26-27) truly is sinful. Paul's rhetorical strategy is to establish that Gentiles are sinners in Romans 1, that Jews are sinners in Romans 2 and that all alike are sinners in Romans 3 thus leading to the conclusion that all alike need salvation through faith in Christ.

The structure of St. Paul's argument thus demands that he sees the homosexual conduct described in Romans 1:26-27 as really sinful and one of the reasons that the saving work of Christ is required. It is one of the ways in which 'all have sinned and fall short of the glory of God' (Romans 3:23).

15. The report gives an inadequate account of marriage as a covenantal relationship.

The report defines Christian marriage as 'a commitment to a lifelong, exclusive faithful relationship with one person.' This definition is fine as far as it goes, but it misses out the crucial point that by God's ordinance that one person has to be a member of the opposite sex.

This omission is not accidental, but is part of a strategy to pave the way to ask in the next section of the report whether it 'is right for the church to forbid same-sex couples from making this commitment before God?' If marriage is simply about a committed relationship with another person regardless of sex then the answer to this question is clearly 'no,' thus paving the way for a revision of Canon XXI. If, however, marriage is about a commitment to another person of the opposite sex then the route to revising Canon XXI is blocked.

16. The report wrongly suggests that a same-sex relationship can fulfil the three purposes of marriage.

The argument of the report that a same-sex relationship can fulfil the three purposes of marriage is wrong for three reasons.

First, while same-sex relationships can undoubtedly involve companionship and support, they cannot offer the companionship and support God intends for marriage. As Genesis 2 makes clear, a marital relationship involves companionship and support from someone of the opposite sex. The appropriate marital companion for Adam was not another Adam, but Eve.

Secondly, while we may talk in metaphorical terms about marriages being fruitful in offering love, nurture and healing to those outside the marital relationship this is not what either Genesis 1:28 or the Christian tradition means by 'procreation.' Procreation means having children as a result of sexual intercourse and this is something that same-sex couples can never do. Their relationships are intrinsically sterile and this is one of the key things that distinguishes them from marriages which may be childless, but are not intrinsically so.

It should also be noted that the report's reference to the role of same-sex couples in nurturing children has to be viewed in the light of the growing social-scientific and anecdotal evidence that being brought up by two parents of the same-sex frequently causes a variety of problems for the children concerned.

Thirdly, while it is true that 'the church's traditional teaching views marriage as the appropriate context for living out sexual intimacy' this has always meant sexual intimacy between two people of

the opposite sex in line with Genesis 2:24 and this is a condition which a same-sex relationship, by its very nature can never fulfil.

17. The report fails to take seriously the symbolism contained in the biblical material.

The report argues that a sacramental view of marriage has to do with the 'mutual love and tender care' of a married couple being capable of 'reflecting the loving union of Christ and the Church' and raises the question as to whether same-sex couples may not be capable of doing this. The problem with this argument is that it fails to take seriously the symbolism contained in the biblical material.

In Scripture, the symbolism of a marital relationship between a man and a woman is used to point to the relationship between God and Israel in the Old Testament, and Christ and the Church in the New Testament. However there is nowhere in Scripture where a same-sex relationship is used in this way. What same-sex relationships signify, as in Genesis 19, Judges 19 and Romans 1, is the way in which sinful humanity has turned away from God.

Taking the biblical symbolism seriously means accepting that as a relationship that is constituted in opposition to God's purposes in creation a same-sex relationship can never be a sign that signifies a right relationship between God and his people in the way that a marriage can be. It can thus never be a 'sacramental' relationship.

18. The report fails to provide convincing evidence to support its suggestion that God may be performing a new act of grace in our time analogous to the admission of the Gentiles into the Church.

The report's major theological proposal is that the expansion of Christian marriage to include same-sex couples can be seen as an outworking of the redemptive work of Christ analogous to the inclusion of the Gentiles within the Church. What the report seems to be suggesting is that the Church may be able to discern a new act of divine grace including those who have formerly excluded, not because of their race, but because of their sexuality.

The report lists five reasons for thinking that this might be the case.

The first reason is 'the expansion of the definition of marriage in the New Testament as a discipline of Christian love.' The problem with this reason is that the New Testament does not in fact expand the definition of marriage. Marriage in the New Testament remains what God instituted it to be in Genesis 1 and 2, a life-long, exclusive relationship between one man and one woman.

The second is 'the logic of the inclusion of the marginalized that runs through Scripture.' The problem with this reason is that it risks confusing the inclusion of people with the acceptance of behaviour. It is true that according to Scripture everyone is welcome to be part of God's kingdom, including those marginalized by society, such as the tax collectors and sinner welcomed by Jesus (see Matthew 9:9-13, Luke 7:36-50, Luke 19:1-10). However, the welcome is to people not to behaviour. Becoming part of God's kingdom involves repentance (Mark 1:15, Luke 5:32), turning away from the old sinful way of life and seeking to walk in God's ways instead. The issue that the report does not address is how it thinks such repentance is compatible with people continuing to engage in a way of life, same-sex sexual activity, which excludes them from God's kingdom (1 Corinthians 6:9-11).

The third is 'the growth in our understanding of human sexuality, both scientifically and interpersonally.' The problem with this reason is that we now know is not fundamentally different from what the Bible tells us, namely that human beings come in two sexes, that both sexes are required for procreation and that there are a minority of people who are sexually attracted to those

of the same sex and/or engage in same-sex sexual activity. How does knowing this lead us to think that God might be in favour of extending marriage to include same-sex couples?

The fourth is that 'the pastoral needs of those rejected by society and church, particularly gay youth should drive us to seek reconciliation.' The problem with this reason is that the report does not reflect on what is meant by 'pastoral needs' or 'reconciliation.' The fundamental pastoral need of all people (gay youth included) is their need to be reconciled to God. However, just like inclusion, reconciliation involves repentance, it involves turning away from an old pattern of behaviour and embracing a new one (see Romans 5:1-6:23). What the report seems to be suggesting once again is that in the case of those involved in same-sex relationships such repentance is not required. The question has to be why not? Has God changed his mind about the need for repentance?

The fifth is 'the experience of same-sex committed partnerships in our midst, clearly manifesting God's blessing and the fruit of the Spirit.' The problem with this reason is that however much such partnerships may appear to manifest the fruit of the Spirit, if they involve same-sex sexual activity they are also manifesting the 'works of the flesh' (Galatians 5:19) and as such cannot be a way of life blessed by God.

19. The report is wrong to give up on rational argument.

Having listed its reasons for thinking that God might now be supportive of an expansion of the boundaries of marriage the report concludes by saying that the decision about same-sex marriage is one 'that the church will have to reach not by arguments alone, but by prayerful discernment of the movement of the Spirit in our midst.'

The issue which this comment does not address is how we can know that we have rightly discerned where the Spirit is leading. The suggestion seems to be that through prayer we move to a place beyond argument where we simply and directly know God's will. The question is however, how we can know that we are not being deceived. 1 John 4:1 warns us 'do not believe every spirit, but test the spirits to see whether they are of God.' We have to decide whether what we think is the guiding of the Spirit is in fact so or is an act of deception by evil spirits seeking to lead us away from God and the way to test this is through using our God given rational faculties to test what is being proposed against the objective standard of God's Spirit inspired self-revelation in Holy Scripture. If the proposal to extend marriage cannot meet this test then it is not of God. For this reason the Church cannot rightly move beyond rational argument in the way that the report proposes.

VI. Conclusion

The multiple problems with the report identified in the last section means that it would not be right for the Canadian church to proceed in the direction that the report recommends on the basis of the arguments that the report puts forward.

M B Davie 26.11.2015