

The Revisionist Treatment of Marriage
in the Canons of the new Anglican Church in North America

by Roberta Bayer, Editor, PBS Mandate

In June the newly formed Anglican Church in North America adopted, at least provisionally, a constitution and canons. Given the controversy surrounding questions of marriage and sexual morality, an examination of the canons on marriage is in order. Strikingly, these canons make provision for divorce (described as a "tragedy") and offer guidelines for remarriage. This is of course in formal contradiction to the teaching of the 1662 BCP as well as the canons of the Church of England. Now why this was done I do not know.¹ It goes beyond even the minority tradition of divorce in non-Anglican Protestant Reformers who did permit divorce under very prescribed circumstances, and only after the married persons had submitted to a rigorous disciplinary process and reconciliation.

"Traditional Anglican doctrine teaches the indissolubility of marriage, that union is dissolved only by the death of one of the parties."² By contrast, the ACNA canons state that "Scripture acknowledges our fallen nature and allows the possibility of a subsequent marriage in certain circumstances (Matthew 19 and 1Corinthians 7)." But the teaching of these Scriptural passages is less clear than is implied. In finding justification for this revision they rely on a statement about divorce in the case of unchastity, which appears in only one of the synoptic gospels. (Compare Mark 10.2-9, Luke 16.18) and which ignores the dominant theme at Matthew 19.6 "So they are no longer two but one flesh. What therefore God has joined together, let no man put asunder."

When the Pharisee asks Jesus whether or not it is lawful to divorce one's wife for any cause, Jesus does not offer an answer which, following the Mosaic Law, might have allowed him to give some kind of nuanced approval on the ground that the rabbis differed in their opinions. Nor does the teaching at 1 Corinthians 7 on the sanctity of marriage entirely serve the purpose here intended, as this

1 For another treatment of the same issue see Warren Tanghe, "So to the Next Stage" at www.trushare.com

2 Norman Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective* (Oxford, 1998)

passage emphasizes celibacy as the best life, and on the plain reading of the passage, rules out re-marriage after separation from a spouse.

Instead it would seem that that the ACNA canons are departing from the traditional interpretation of Scripture in western Christendom which allows annulment only on the basis that the marriage was never consummated, or failed in some way to be a marriage because of the lack of freely willed consent on the part of those covenanting. The sticking point will be in how they interpret the stated impediment that a marriage may be annulled if it was solemnized when there was the "absence of the capacity for free and intelligent choice". This wording suggests a broader interpretation of the grounds for annulment than previously held. Mental incapacity can be determined, presumably by diagnosing a genuine mental illness. Forced marriages equally have an objective invalidity. But how does one show that there was an absence of free and intelligent choice in any other case? Does it simply mean that the partners have changed their minds because they are now more intelligent?

As many people know, a too broad interpretation of the rules for annulment has become an embarrassment to the Vatican. I think it useful to look at their example. Here the sticking point is Canon 1095, which has something of the flavour of the new canon in ACNA. It has led to marriage tribunals in the Roman Catholic church investigating marriages so as to determine what entails a psychological impediment to entering maturely into marriage.

Both Popes, John Paul II and Benedict XVI, have become concerned about cases where annulments were granted on the grounds of immaturity. It makes the annulment too easy: annulment becomes normal. It also implies that a normal and happy marriage is beyond the ability of an ordinary person. As Benedict XVI has recently written: "Indeed, we run the risk of falling into a form of anthropological pessimism which, in light of the cultural situation today, considers marriage as almost impossible."(*Address to the Tribunal of the Roman Rota, January 29, 2009*)

Can it really be beyond the ability of the average person to make a good marriage? Realistically speaking, the decision to enter into lifelong marriage must be something which an ordinary person can

make. One should expect no more and no less than that there will be change as people mature and grow and their interests change. God continues to love us as we change. Those who enter into Christian marriage should be seeing their spouse in that light, the light of God's love. The Gospel calls all Christians to sainthood.

Christians are called to model their lives on Christ; their happiness comes from knowing God loves us and from being His light in the world. Consequently, it is fair to say that a couple are called to continue their marriage as Christians, even if a psychologist, looking at the same couple, just sees unhappiness and incompatibility. It is conceivable that two Christians, whose feelings and thoughts are governed by the knowledge of God's love for them both, might place their happiness in God rather than the marriage. In so doing, one might hope that their expectations about happiness can be inwardly transformed.

Viewing marriage in these terms is unique to Christians and possibly not to be expected from an unbeliever. It begins with acknowledging the need to know God and choose to do His will. The difficulty lies in steadfastness of will, not complexity of concept. The history of the church offers examples of how the simple person is capable of such virtue. St Augustine of Hippo's mother, St Monica (*Feast Day May 4th*), was married to an unbeliever. But despite the difficulties of the marriage, Monica made her redemption and faithfulness to God's word of higher importance than satisfaction in this world. Her faithfulness to God, illustrated not only by her marriage, but also by her prayerful hope for the conversion of her son and her husband, was the sign of her sanctity. This is an unusual case, but one to ponder.

When John Paul II gave two addresses to the Tribunal of the Roman Rota in 1987 and 1988, he stressed the transcendent end of marriage:

In the psychological and psychiatric trends prevailing today, attempts to arrive at an acceptable definition of normality refer solely to the earthly and natural dimensions of the person, that, namely, which are perceptible by those same human sciences as such. They do not take into

consideration an integrated concept of the person, in the eternal dimension and in the vocation to transcendent values of a religious and moral nature. In such a scaled down view of the human person and of the human vocation, one easily ends up identifying normality, in relation to marriage, with the capacity to receive and to offer the possibility of full fulfillment in a conjugal relationship. (John Paul II, Address to the Rota, 25 January 1988)

Psychiatric assessments seek to limit or stop human suffering, rather than see suffering as a means to grace, as does the Christian:

Expert examinations carried out on the bases of such a reductionist anthropology do not in practice take into consideration the duty, arising from a conscious undertaking on the part of the spouses, to overcome even at the cost of sacrifice and renunciation the obstacles that interfere with the success of their marriage. Hence they regard every tension as a negative sign, an indication of weakness, and an incapacity to live out their marriage. (John Paul II, Address to the Rota, 5 February, 1987)

It may be that tensions in marriage are an opportunity for self-giving, renunciation and sacrifice.

John Paul II stated that the "breakdown of a marriage union is never in itself *proof* of such incapacity on the part of the contracting parties. They may have neglected or used badly the means, both natural and supernatural, at their disposal." In fact one may be looking at a "case of people who are substantially normal but who have difficulties which could be overcome, were it not for their refusal to struggle and make sacrifices." (*John Paul II, Address to the Rota, 25 January 1988*)

I recognize that offering divorce as an option for those who are unhappily married appears to be compassion. But it is a false compassion. Allowing someone to marry again may not ultimately preclude them from eventually choosing to redeem themselves through obedience to God's will, but it condones a bad and destructive choice. It also closes off a possible means by which God can show the way to true discipleship. There is not an appreciation of the fact that daily married life is for learning how to love one another in a better and fuller way than on one's wedding day.

It must be apparent given contemporary experience, that even if one tries to start a new life after divorce, the old connections are not broken. If there are children from the first marriage, they are a constant reminder of one's failure, and weigh on the second marriage, and even if there are no children, there are friends and family who remember. The old anger and emotional strains do not disappear, the failed marriage must still be redeemed.

Anglicans who have self-consciously chosen to be orthodox, and who claim to be rigorous in their attachment to the Gospel, ought to consider redemption, rather than compassion as their first priority in counseling troubled couples. The Gospel teaches that compassion is a virtue and appropriate in certain circumstances, but the Gospel is Redemption, and compassion should not get in its way.

I conclude with a reference to the Book of Common Prayer. The lesson for All Saints' Day is from the Book of Revelation. It is St John's vision of heaven, a great multitude standing before the throne, saying Salvation to our God. All about stand angels, and elders and Evangelists, worshipping God, and then one of the elders asks: who are these in white robes who approach the throne? The answer is that they are the saints who came out of great tribulation and whose robes have been made white in the blood of the Lamb. "For the Lamb which is in the midst of the throne shall feed them, and shall lead them unto fountains of waters: and God shall wipe away all tears from their eyes." It is God who shows true and final compassion in crowning the saints who have persevered in the face of tribulation.

Apocalyptic? Yes. Unreal? No. That is the Gospel teaching, it is God who loves us more than anyone can, and faith in His love will bring happiness. Keeping All Saints' Day, like keeping all the saint's days of the calendar, strengthens our will in the face of even the greatest adversity. The bottom line is, people are going to do what they are going to do. There is a limited ability to keep people from making mistakes. But canonical statements about marriage need to articulate the Gospel truth and not hedge it about so that when we fail we feel better. One hates to say it, but that is the thinking behind all the revisions related to marriage in the Episcopal Church. So the people writing the Marriage Canons

for the ACNA should keep the Gospel teaching about salvation and sanctity in mind, and avoid revising the teaching on marriage.