

Proposed Amendment to Canon 43

Current Version

CANON 43 OF HOLY MATRIMONY

Section 43.1 As used in this Diocese, the terms “Holy Matrimony” and “Marriage” are defined as the exclusive physical and spiritual union of one man and one woman, by mutual consent of the heart, mind and will, and with the intent that it be lifelong.

Section 43.2 The blessing of same-sex unions is prohibited in churches, missions and congregations of this Diocese; and clergy resident or licensed in this Diocese are prohibited from performing such blessings in any venue.

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Section 43.2 The blessing of same-sex unions is prohibited in churches, missions, and congregations of this Diocese; and the Clergy resident or licensed in this Diocese are prohibited from performing such blessings in any venue.

Section 43.3 It shall be within the discretion of any member of the Clergy to decline to solemnize any marriage.

Section 43.4 The Clergy of this Church shall conform to the Canons of this Church governing the solemnization of Holy Matrimony.

- a. Both parties shall be baptized. Any exception to this requires the permission of the Bishop;
- b. There shall be sixty (60) days notice of intention to marry unless waived for weighty reasons, in which case the Bishop shall be notified immediately and in writing;
- c. The Clergy shall provide counsel to both parties on Holy Matrimony with respect to theological and social implications and responsibilities;
- d. The Clergy shall ascertain that the man and woman, parties to the marriage, have a valid marriage license.

Section 43.5 As marriage is a lifelong covenant between a man and a woman in which the two become one flesh, it is both an ordinance of Creation, affirmed as such by our Lord, and a sign of the mystical union between Christ and His Church, commended as such by St. Paul (Matthew 19:3-9; Ephesians 5:22-32). Therefore, the failure of a marriage is always a tragedy. Scripture acknowledges our fallen nature and does provide guidance to know when a marriage may be declared a nullity or dissolved and allows the possibility of a subsequent marriage in certain circumstances (Matthew 19 and 1 Corinthians 7).

- a. Couples who request to be married by a member of the Clergy of this Church must have approval from their Bishop if either party has ever been divorced.
- b. When a divorced person seeks permission to remarry, the Clergy must ascertain the pertinent facts concerning a declaration of nullity or termination of marriage; and in the absence of a declaration of nullity, forward such information to the Bishop in writing for his godly advice and consent.
- c. The Bishop is responsible to create a process by which this discernment may be made with reasonable promptness.
- d. Any declarations of nullity may only be granted by a Bishop with jurisdiction and shall be based upon Scriptural principles including the impediments to marriage set forth in Section 43.6.
- e. At the completion of the above process, the decision of the Bishop is binding.

Section 43.6 No Clergy knowingly, after due inquiry, shall solemnize any marriage if they have unresolved concerns regarding the following impediments:

- a. "Consanguinity and affinity" (whether the whole or half-blood) within the following degrees:
 - (1) One may not marry one's ascendant or descendant (great-grandparent, grandparent, parent, child, grandchild, or great-grandchild, and etc.)
 - (2) One may not marry one's sibling
 - (3) One may not marry the sibling of one's ascendant or descendant
 - (4) One may not marry one's current or former stepchild or stepparent
 - (5) Furthermore, beyond blood relations, one may not marry anyone related within these degrees of relation by adoption.
- b. Mistaken identity;
- c. Absence of the capacity for free and intelligent choice;
- d. Bigamy, evidence of sexual perversion or conviction of a sexually related crime;
- e. Fraud, coercion, abuse or duress;
- f. Existence of a pre-nuptial agreement.

Section 43.7 The Clergy shall require the parties to sign the following declaration:

“We, A. B. and C. D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Book of Common Prayer:

We believe that the union of husband and wife, in heart, body, and mind, is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and when it is God’s will, for the procreation of children and their nurture in the knowledge and love of the Lord.

And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God’s help thereto.”

Section 43.8 Both parties must live chastely prior to marriage and live apart until the marriage is completed. However, pastoral concession may be made by the Clergy tending to the marriage in cases where living apart may not be possible.

Section 43.9 In all cases marriages shall be solemnized according to the forms contained in an authorized Book of Common Prayer, or other rite authorized by the Bishop.

Section 43.10 The Clergy shall record in the Parish register the name, age, and residence of each party. Such record shall be signed by the member of the Clergy, the married parties, and at least two witnesses.

Purpose of Amendment

To clarify the position of the Diocese with respect to the method of administering the Sacrament of Holy Matrimony and to affirm the position of the Diocese with respect to upholding the Biblical principles pertaining to Christian marriage. The Committee on Constitution and Canons recommends adoption of the Amendment.