

DOCTRINE COMMISSION

PURPOSE

The Doctrine Commission of the Anglican Church of Australia exists to examine questions of doctrine referred to it by various church bodies, and to make recommendations on matters of doctrine which are of importance to the church.

MEMBERSHIP

| Name | Qualifications |
|--|--|
| The Right Reverend Dr Jeffrey Driver (Chair) | ThL, ThSchol, MTh, PhD |
| The Reverend Canon Dr Matthew Anstey | BTh, MCS, PhD |
| The Reverend Canon Professor Dorothy Lee | BA (Hons), BD (Hons), Dip Ed, PhD |
| The Reverend Dr Gregory Seach | BA (Hons), DipEd, BD (Hons), AdvDipMin, |
| Dr Claire Smith | PhD |
| The Right Reverend Dr Michael Stead (Secretary) | BTh, MA (Theol), PhD BCom, BD (Hons), DipMin, PhD |
| The Reverend Canon Dr Mark Thompson | BA, BTh, DipA, MTh, D Phil |

The current panel of the Doctrine Commission was appointed in November 2014 by the Primate on the advice of the General Synod Standing Committee.

THE WORK OF THE DOCTRINE COMMISSION SINCE GENERAL SYNOD 2014

Since the last session of the General Synod, the work of the Doctrine Commission has been focussed on the following seven matters.

1. AMENDMENTS TO THE CANON CONCERNING CONFESSIONS 1989

At General Synod in 2014, the Canon Concerning Confessions 1989 was amended to recognise very limited circumstances in which certain confessions (for example, of sexual abuse of a child) may be disclosed to the relevant authorities. The Doctrine Commission had prepared a report in support of these amendments.

In response to concerns raised subsequent to General Synod, the Confessions Working Group advised that there were significant questions over the validity of the amendments purportedly made in 2014, because the amendments were not moved in the form of a Special Bill.

A Special Bill to amend the Canon Concerning Confessions is to come to General Synod in 2017, and the Doctrine Commission has prepared a revised report in support of these amendments. Our report is attachment 1, to this report.

2. REPORT ON THE ANGLICAN-ORIENTAL ORTHODOX AGREED STATEMENT ON CHRISTOLOGY 2014

The Doctrine Commission was asked to review and report on the 2014 Anglican-Oriental Orthodox Agreed Statement on Christology. The 2014 Agreed Statement is a revised version of an earlier Agreed Statement produced in 2002, and includes a number of substantive improvements. There remain, however, some points that we feel still require further clarification. Our report on the 2014 Agreed Statement is attachment 2, to this report.

3. REFLECTIONS ON THE WCC FAITH AND ORDER PAPER NO. 214 ON ECCLESIOLOGY

In 2013, the World Council of Churches released Faith and Order Paper 214 entitled “The Church: Towards a Common Vision”. This document is the fruit of two decades of ecumenical work, and offers a “convergence text” that identifies both areas of agreement and continuing areas of disagreement in ecclesiology. The Doctrine Commission considers that there are a number of points at which the paper might provide a helpful stimulus for our national church to reflect on its life and mission, and there are also sections about which we have some reservations. Our report is attachment 3, to this report.

4. REFLECTIONS ON THE 2015 “BUFFALO STATEMENT” FROM THE ICAODT

The agreed statement of the International Commission for Anglican – Orthodox Theological Dialogue (ICAODT) on the theological understanding of the human person entitled *In the Image and Likeness of God: A Hope-Filled Anthropology (Buffalo 2015)* was referred to the Doctrine Commission for consideration. Our reflection on the Buffalo Statement is attachment 4 to this report.

5. THE ELEMENTS OF THE EUCHARIST

The Doctrine Commission was asked to comment on the May 2015 report of the Select Committee of the Synod of Brisbane entitled “Elements of the Eucharist”, on the issue of whether the doctrine of our church allows the use of dealcoholized wine or other non-alcoholic alternatives to wine (e.g., grape juice) in the celebration of the Eucharist. The Doctrine Commission concluded that the Lord’s Supper or Eucharist involves a shared participation in a sacramental meal, in which the normative elements are bread (preferably wheaten) and wine (fermented fruit of the grape). Where, however, the use of regular bread or regular wine might exclude some from participation in the Sacrament, it is appropriate that a pastoral accommodation be made through the provision of a similar – appropriately

representational – alternative, such as gluten-free bread or dealcoholized wine. Our report is attachment 5, to this report.

6. DEPOSITION FROM HOLY ORDERS

The Doctrine Commission was asked to consider the theological issues in relation to deposition from holy orders, and in particular whether it was possible for a bishop to relinquish (or to be deposed from) bishop's orders, while still retaining priest's orders and/or deacon's orders. Our report on this issue is attachment 6, to this report.

7. MARRIAGE AND SAME-SEX MARRIAGE

The Doctrine Commission was asked by General Synod in 2014 to consider issues relating to marriage. We were subsequently asked by the Standing Committee to examine the theological issues in relation to the blessing of civil unions and/or marriage of same-sex people (SC2016/2/16). The Doctrine Commission is of the view that these two referrals should be taken together, and be the focus of a book of collected essays on the topic of marriage and same-sex marriage. The Doctrine Commission plans to promote a resolution at General Synod in 2017 to seek the Synod's endorsement of this course of action.

Bishop Jeffrey Driver
Chair, Doctrine Commission
April 2017



The Doctrine Commission of the Anglican Church of Australia

Confessions and Confidentiality – March 2016

CONFESSION

The practice of confession needs to be shaped by our theological framework, especially the doctrines of creation, sin, and redemption, and their application to the understanding of human society. All people have been made in God's image and must be treated with dignity and respect. We are also all corrupted and affected by sin. The atonement tells us that God takes sin seriously – so seriously, in fact, that God became incarnate and Christ died so that our sins might be forgiven. God desires reconciliation and the restoration of broken relationships, both with God and with one another. Through Christ, forgiveness is freely offered to the sinner, calling for the acknowledgment of sin, true repentance and amendment of life, bearing 'fruits worthy of repentance' (Luke 3:8). This is the proper context for the practice of confession. First John 1:8-9 tells us 'If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he who is faithful and just will forgive us our sins and cleanse us from all unrighteousness.'

Similarly, the Risen Christ, in 'sending' the disciples into the world (as he was sent by his Father), and breathing the Holy Spirit on them, gave to his disciples the authority to pronounce, or withhold, God's forgiveness (see John 20:21–23; c.f. Matthew 16:19). The Church has continually exercised this ministry, part of the wider ministry given to it by its Lord. It is in this context that the 'Reconciliation of a Penitent' (c.f. APBA p. 773 ff), which entails the making (and hearing) of confession, and the pronouncing of absolution, arises. From this gospel imperative comes the clear sense that in this ministry we are dealing with matters of eternal salvation.

The New Testament recognises a corporate dimension to confession: 'confess your sins to each other and pray for each other so that you may be healed' (James 5:16). There is a basic human reluctance to confront our own sin, and the involvement of others can encourage repentance and provide an opportunity for pastoral care of the penitent. Although public confession is recorded in the Scriptures (e.g., Jer 29, Ezra 9-10) and was sometimes practised in the early church, there is often a reluctance to confess private sins in public.

Over time, the wisdom and experience of the church led to the principles of private confession, recognising the pastoral importance of 'the unburdening of conscience and [receiving] spiritual consolation and ease of mind' by the confession of 'secret and hidden

sins'. While BCP provides for regular corporate confession and absolution in the context of public worship services, it also recognises that private confession may be helpful in some cases. This is articulated in the first exhortation in the Order for the Administration of the Lord's Supper.

[B]ecause it is requisite, that no man should come to the holy Communion, but with a full trust in God's mercy, and with a quiet conscience; therefore if there be any of you, who by this means cannot quiet his own conscience herein, but requireth further comfort or counsel, let him come to me, or to some other discreet and learned Minister of God's Word, and open his grief; that by the ministry of God's holy Word he may receive the benefit of absolution, together with ghostly counsel and advice, to the quieting of his conscience, and avoiding of all scruple and doubtfulness.

The role of the minister in pronouncing absolution is to declare God's forgiveness to those who repent. As the service of Evening Prayer in BCP reminds us,

[God] hath given power, and commandment, to his Ministers, to declare and pronounce to his people, being penitent, the Absolution and Remission of their sins: He pardoneth and absolveth all them that truly repent, and unfeignedly believe his holy Gospel.

Therefore confession and absolution are of utmost significance. The context in which every confession is heard is the desire of the penitent to be reconciled to God, to the church, and to those who have been harmed by their sin.

CONFIDENTIALITY OF CONFESSIONS

It is for this reason that the church has guarded confessions with strict confidentiality. Otherwise, those whose consciences are burdened may be too afraid or ashamed to seek and find forgiveness for their sins. Just as legal professional privilege is necessary to enable a client to be completely open with his or her legal counsel, so also the confidentiality of confessions encourages full disclosure from a penitent.

The historic law of our Church regarding the confidentiality of confessions is as set out in the Proviso to Canon 113 of the Canons of 1603. In most dioceses in Australia, this has been replaced by the Canon Concerning Confessions 1989, which is a modernised version of the 1603 Canon that for the most part mirrors the 1603 version.¹

| Proviso to Canon 113 of 1603 | Canon Concerning Confessions 1989 |
|---|---|
| Provided always, that if any man confess his secret and hidden sins to the minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not in any way bind | If any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make |

¹ An important difference between the two canons is that the 1603 Canon allowed an exception to the principle of absolute confidentiality (as further discussed below).

| | |
|---|--|
| the said minister by this our Constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy ... | known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person. |
|---|--|

While the 1603 Canon strongly urges confidentiality for what is revealed in a confession, this confidentiality was not absolute. The Proviso to Canon 113 recognised that confidentiality had to be maintained unless ‘they [the sins confessed] be such crimes as by the laws of this realm his own life may be called into question for concealing the same’. For example, a 17th century minister who heard a confession of treason was not required to keep that confession confidential. This single exception is very important, because it establishes both that confidentiality is of the utmost importance, and also that exceptions could be made under extraordinary circumstances. At this point, the Anglican understanding of the confessional is markedly different to the Roman Catholic understanding, in which the so-called ‘Seal of the Confessional’ allows no possible exceptions.² The single exception in the 1603 Canon demonstrates that, in a particular historical circumstance, it was not considered contrary to the doctrine of our Church for there to be an exception to the principle of strict confidentiality in certain extreme circumstances. As indicated above, however, that understanding of our doctrine was not articulated in the wording of the Canon of 1989.

AN EXCEPTION FOR CONFESSIONS OF CRIMINAL ABUSE OF THE VULNERABLE?

To be authentic in character, a confession of thoughts, words or actions needs to include a concern for any who might have been hurt or harmed by the matters confessed. In some cases it is a first step whereby the needs of others are addressed, and refusal to do so may bring the genuineness of the confession into question, and, in the view of some, thereby remove the obligation of confidentiality. We cannot separate our relationship with God from our relationship with others. Human existence is innately multi-dimensional, so sin is multi-dimensional, as is forgiveness.

The Biblical principle of love and the call to promote fullness of life calls us to do everything in our power to further the welfare of all, especially the vulnerable. In addition to the pastoral responsibility to minister to those who come in genuine repentance and seeking forgiveness, there is also an obligation to victims of past and present actions and potential victims of future actions. Where there is an irreconcilable tension between these two responsibilities, the pastoral priority must lie with the vulnerable in matters of abuse. Here we can identify an exception to the high calling of confidentiality in the confessional which is different in context but not unrelated in principle to the exception provided in the 1603 canons. It remains a limited and relatively specific provision and aligns with the priority that Jesus consistently gave to the vulnerable. There remains a lack of clarity as to whether the 1989 canon, in the current historical circumstances, pays sufficient attention to this priority of the vulnerable.

² According to Canon 983.1 of the Code of Canon Law, “[t]he sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.”

The Commission recognises that difficulties are posed by the lack of consistency in the civil law across Australia in relation to the priest-penitent privilege. Furthermore, the Church is subject to mandatory reporting rules which are in partial conflict with the 1989 Canon, and ministers may be compelled to give evidence before a Royal Commission, which may be subject to different evidentiary rules. While we are grateful that the civil law protects ministers from civil prosecution for non-disclosure of confessions in some jurisdictions, we believe that it will be sometimes be appropriate not to rely on these legal privileges, out of a consideration of the welfare of the vulnerable.

At the same time, we also recognise that the practice of confession depends on the expectation of confidentiality, and that to undercut confidentiality in a substantive way is likely to put an obstacle in the path of those who are in deep spiritual need. Ministers should keep in strictest confidence all that has been 'committed to them in trust' and should not reveal pastoral information to others or gossip. The national code of conduct, *Faithfulness in Service*, in para. 4.8 establishes confidentiality in pastoral relationships as a standard of ministerial behaviour. This expectation should only be relieved in exceptional cases involving 'grave criminal offences involving the abuse of the vulnerable'.

As noted above, the Proviso to Canon 113 of 1603 recognised that confidentiality had to be maintained unless 'they [the sins confessed] be such crimes as by the laws of this realm his own life may be called into question for concealing the same'. This establishes both that confidentiality is of the utmost importance, and also that exceptions could be made under extraordinary circumstances. We now recognise that grave criminal offences involving abuse of a vulnerable person or persons may constitute such extraordinary circumstances as to override the pastoral imperative of confidentiality.

RECOMMENDATIONS

The Doctrine Commission supports the March 2016 resolution of the national bishops, that a new form of the Canon Concerning Confessions Amendment Bill be promoted as a special bill at the 2017 session of General Synod, which addresses the concerns raised in relation to the 2014 Amendment Canon and takes into account subsequent discussions and the following recommendations. We recommend that the special bill be drafted in such a way as to give expression to the following key principles.

- The context in which every confession is heard is the desire of the penitent to be reconciled to God, to the church, and to those who have been harmed by their sin. We are therefore dealing with matters of eternal salvation.
- Priests are required to keep all matters disclosed in the context of a confession strictly confidential, except in cases of **grave criminal offences involving the abuse of a vulnerable person or persons**. After appropriate consideration, the strong imperative of confidentiality may be overridden in these exceptional circumstances.
- The decision as to what constitutes a **grave criminal offence involving the abuse of a vulnerable person** rests with the judgment of the priest who has heard the confession. If a priest is uncertain as to whether disclosure is permissible or

appropriate, they should seek counsel from the bishop or a person appointed by the bishop for this purpose. This may be in the form of general advice, without the disclosure of identity or other particulars.

- The canon should be permissive ('may reveal'), not coercive ('must reveal') - E.g. '... that priest may reveal the contents of a confession to the civil and/or church authorities.'

The Doctrine Commission of the Anglican Church of Australia
March 2016.



The Doctrine Commission of the Anglican Church of Australia

REPORT ON THE ANGLICAN-ORIENTAL ORTHODOX AGREED STATEMENT ON CHRISTOLOGY 2014

At its meeting in November 2014, the General Synod Standing Committee referred the Anglican-Oriental Orthodox Agreed Statement on Christology 2014 to the Doctrine Commission for our review and report.

The 2014 Agreed Statement is a revised version of an earlier Agreed Statement produced in 2002, and includes a number of substantive developments. The Doctrine Commission submitted comments on the 2002 version (attached as an appendix to this report), and we are grateful that there have been changes to the text that address some of our suggestions and concerns.

There remain, however, some points that we feel still require further clarification.

Nature/Natural in Clause 8

In our previous report, we indicated that the use of the term “natural” in clause 7 (now clause 8) may be ambiguous. It may be of assistance if we clarified our concerns, and suggest an alternative phrasing. The ambiguity relates to the following sentences (emphasis added).

God the Word became incarnate by uniting His divine uncreated **nature**, with its **natural** will and energy, to created human **nature**, with its **natural** will and energy. The union of **natures** is **natural**, hypostatic, real and perfect.

The ambiguity arises because of the verbal association between the words “nature” (which is used here in a technical sense to refer the divine and human natures of the Word) with “natural” (which is here used, we presume, to mean ‘in accordance with its own nature’). To avoid confusion between these two different connotations of ‘nature’, we suggest the following wording.

God the Word became incarnate by uniting His divine uncreated nature, with its **own intrinsic** will and energy, to created human nature, with its **own intrinsic** will and energy. The union of natures is ~~natural~~, hypostatic, real and perfect.

We would prefer to see the final instance of the word “natural” (struck-through above) removed, as it is redundant, given the following phrase “hypostatic, real and perfect”.

Natures “distinguished in our mind in thought alone” in Clause 8

In our previous report, we also indicated that we felt that the phrase in clause 8 “these natures are distinguished in our mind in thought alone” needed further elucidation. The 2014 version of the report does not add any further elucidation in this clause, and furthermore inserts an abridged version (“distinguished in thought alone”) to clause 3.

We note that the one of the key themes of this paper develops from this quotation from Cyril, and in recognition of this we would welcome further development and elucidation of the implications of this quote. This phrase could be (mis)understood as asserting that the two natures of Christ are merely a human mental construct, with no ontological reality. We take it that this is not the intended meaning, and that the purpose of the phrase is simply to acknowledge the limits of human reason when seeking to understand the hypostatic union, such that we need to make a mental distinction between the natures, but that this distinction does not divide the union. It is necessary for the text to develop this idea, in order to provide clarity on this important point.

“One personal will” in Clause 8

There is the potential for a further misunderstanding in this clause through the use of the phrase “one personal will”. The quote from St Nerses the Graceful is helpful in preventing one set of false conclusions, but the integrity of the two natures requires a divine and human will operating in perfect concord, as Maximus the Confessor explained in the seventh century. The result is a single act of willing by the incarnate Son. Perhaps the simple omission of this phrase would eliminate the potential for confusion.

“Perfect humanity, without sin” in Clause 3

As previously indicated, the phrase in clause 3 **‘that perfect humanity, without sin, which he took from her’** is ambiguous, and may refer to the humanity of Christ as without sin and derived from his mother Mary (which we would affirm), or (also) imply a view of Mary as without sin (which we would not affirm).

We suggest the following alternative wording as a means of avoiding this ambiguity.

“...from the very conception united to himself that **full humanity which he took from her, yet without sin.**”

Making Clause 3 Gender Neutral

Clause 3 currently uses gender-specific language - ‘God the Word became incarnate and was made **man**’. As a minimum, we recommend that ‘man’ be replaced with the gender inclusive “human”. However, since the remainder of the clause expounds the full humanity of the Word, this clause is redundant, and could be omitted entirely.

We recommend that

“God the Word became incarnate and was made man ...” be replaced with
“God the Word was incarnate...”

Our proposed amended clause 3 (incorporating both changes) now reads in full.

*In accordance with this sense of the unconfused union, we confess the holy Virgin to be Theotokos, because God the Word **was incarnate**, and from the very conception united to himself that **full humanity which he took from her, yet without sin**. As to the expressions concerning the Lord in the Gospel and in the Epistles, we are aware that theologians understand some in a general way as relating to one single person, and others they distinguish as relating to two natures, explaining those that befit the divine nature according to the divinity of Christ, and those of a humble sort according to his humanity. [Based on the Formula of Re-union, AD 433].*

We respectfully submit these suggestions to the Anglican-Oriental Orthodox International Commission for their consideration.

The Most Rev'd Jeffrey Driver
Chairperson of the Doctrine Commission
22 October 2015

APPENDIX - DOCTRINE COMMISSION COMMENTS ON THE AGREED STATEMENT FROM NOV 2002

The Doctrine Commission recommends to the Standing Committee of General Synod:

That Standing Committee:

1. commends the work of the International Anglican Oriental Orthodox Commission, and locally of the Anglican Oriental Orthodox Regional Forum;
2. welcomes the progress towards agreement on Christology by the International Anglican Oriental Orthodox Commission, and note the Agreed Statement from November 2002;
3. encourages the Commission to consider elucidation of the Statement (see further Appendix), particularly of clause 2, so as to resolve possible ambiguities regarding the use of “nature”;
4. encourages the Commission to separate consideration of matters concerning the Assyrian Church of the East or other Churches from any agreed statement on Christology.

The Doctrine Commission of the Anglican Church of Australia offers the following reflections concerning the Agreed Statement on Christology of the International Anglican Oriental Orthodox Commission.

In clause 2, we note that the statement “that in the one incarnate nature of the Word of God, two different natures continue to exist” uses the word “nature” in two different ways. Although these correspond to the inherited uses of our two traditions, and it is desirable to express our common confession of the genuine divinity and humanity of Christ as well as his personal unity, such use in one sentence without elucidation may lead to confusion. We also note that this formulation does not occur in other agreed statements between the Oriental Orthodox Churches and western Churches.

Further, we note that the phrase “continues to exist” differs from the expressions used both by St Cyril (who speaks of the two natures as “perceived”), and by the Definition of Chalcedon (which speaks of the two natures as “made known”) in their understandings of the hypostatic union.

We also note that in clause 3 the phrase “perfect humanity, without sin, which he took from her” is ambiguous, and may refer to the humanity of Christ as without sin and derived from his mother Mary (which we would affirm), or (also) imply a view of Mary as without sin which we would not all hold.

We note also that the use of the term “natural” in the first part of clause 7 may be ambiguous, and encourage its elucidation. Similarly we note that the phrase “one personal will” may require elucidation.

Further and finally regarding clause 7, the statement that the “natures are distinguished in our *mind in thought alone*” {emphasis ours} may require elucidation, in that its focus on the intellect may not seem to allow for the ways in which our traditions may affirm that the natures are seen or perceived by reflection or contemplation (cf. Cyril, *Ep. 46, ad Succensum I*).

February 2006

The Doctrine Commission of the Anglican Church of Australia

A RESPONSE TO THE WCC FAITH AND ORDER PAPER NO. 214 ON ECCLESIOLOGY (OCTOBER 2015)

In 2013, the World Council of Churches released Faith and Order Paper 214 entitled *The Church: Towards a Common Vision*. This paper is the fruit of two decades of ecumenical work, and offers a 'convergence text' that identifies areas of agreement and continuing areas of disagreement in relation to ecclesiology. The paper invites response from national and international church bodies by 31 December 2015. The Doctrine Commission of the Anglican Church of Australia considered the WCC Paper when it met in February 2015, and has produced this report for submission to the WCC in response to their request.

In the view of the Doctrine Commission, WCC paper 214 is a useful resource that could provide a helpful stimulus for our national church to reflect on its life and mission, but we have some reservations about the emphases and approach in parts of the document.

A significant feature of the WCC paper is that the exploration of ecclesiology has been set within the overarching context of God's plan to reconcile all things to himself, and in particular, that 'mission' is not merely an activity of the church, but an attribute of God. To paraphrase Jürgen Moltmann, it is not the church that has a mission, but the God of mission who has a church. We view this movement towards a 'missional ecclesiology' as a very welcome development, and a fruitful way to understand the mission of the church as an activity of God-in-Trinity.

Another welcome development is the 'convergence text' approach, which seeks to highlight both agreement and disagreement. This is by far preferable to an approach that uses ambiguity and imprecision to mask disagreement. There were, however, points at which we felt that the document may have overstated the degree of convergence on some issues. For example, there is a strong sacramental theology underpinning the document's approach to the life and practice of the church, and while this focus on the Eucharist and Baptism was appreciated by some members of the Doctrine Commission, it was recognised that this was not a universally held view. We recognise that a convergence text does not purport to express full consensus on all the issues under consideration, but even so the document is at times overly optimistic about the consensus that has been achieved. For example, paragraph 42 speaks of a 'progress towards agreement about the Eucharist' which involves a shared acceptance that it involves (*inter alia*) 'an invocation of the Holy Spirit to transform both the elements of bread and wine and the participants themselves'. This understanding of the Eucharist was not shared by all members of the Doctrine Commission. Other phrases used to describe our 'common' understanding of the Eucharist (such as 'gathered around his table, Christians receive the body and blood of Christ') are likely to be understood in very

different ways by different groups. The strong sacramental theology underpinning the report and these occasional overstatements on the extent of convergence on this issue combine to result in what some members of the Commission see as an overemphasis on the significance of the sacraments in the life and mission of the church.

The paper could be enhanced by a fuller treatment of the place of the Scriptures in the life of the church. In particular, the paper does not deal adequately with the normative place of the authority of scripture. A key reason for some of the continuing disagreement over church practice stems from different approaches to the authority of the Scriptures in relation to church tradition and human reason. The approach taken in the report encourages pluralism and diversity, but without addressing the issue of the limits of diversity, and in particular about the role of the Scriptures in establishing these limits.

The paper could also have been enhanced by a stronger eschatological underpinning of the purpose of the church, both in terms of the present expression and ultimate goal of the church. For example, in the present the church is a sign to the world of what the transformed creation will look like into eternity. Similarly, the discussion in the paper in relation to our present visible unity needs to be framed by our ultimate state, where we will be one redeemed community gathered in worship around the throne of the Lamb.

Several members of the Doctrine Commission would like to have seen a fuller treatment of soteriology, and in particular how the saving work of Christ relates to the mission of the church. Although there is a repeated emphasis on the church's mission to preach the gospel to the world, in the view of some members of the Doctrine Commission there was insufficient exploration of the content of that gospel message (that, for example, the gospel message involves the promise of the forgiveness of sin and a call to repentance).

Notwithstanding the reservations listed above, the Doctrine Commission views the WCC Faith and Order Paper No. 214 on Ecclesiology as a significant exploration of the *missio dei* and the role of the church within that mission. We hope that it will be a helpful stimulus for our national church to reflect further on its life and mission.

The Doctrine Commission of the Anglican Church of Australia
October 2015.



The Doctrine Commission of the Anglican Church of Australia

A RESPONSE TO *IN THE IMAGE AND LIKENESS OF GOD: A HOPE-FILLED ANTHROPOLOGY*: THE BUFFALO STATEMENT AGREED BY THE INTERNATIONAL COMMISSION FOR ANGLICAN-ORTHODOX THEOLOGICAL DIALOGUE (2015)

The Doctrine Commission welcomes the Buffalo Statement and the ecumenical cohesion it represents, as well as the many positive insights it brings to our mutual understanding of Christian anthropology. The achievement of such an agreement between our two ecclesial traditions is deeply welcome.

The Doctrine Commission in particular valued a number of points that emerge from the Statement:

- The doxological emphasis, including (though not confined to) the way the Statement begins and ends with a focus on praise and prayer (pp. 1, 79-80). This helps to establish the true purpose of humanity (and all creation with humanity): that is, to worship the eternal and Triune God. As the Statement rightly says, “it is in praising and worshipping God that we discover who we are as human beings” (Ch 1, p. 3).
- The theology of personhood which emerges, with its emphasis on the complex, mysterious, gifted and unique humanity of each person, created in the image and likeness of God (Chs 5-9).
- The strong focus on personhood as fundamentally relational rather than individualistic (Chs 6 and 24 esp.), and the affirmation that Christian anthropology must go beyond utilitarian approaches to the person (Ch 7).
- The overall clarity and succinctness of the language and the general avoidance of technical language. (This, the Commission noted, will make discussion of the Statement in our ecclesial communities, in their widest and most diverse extents, more helpful).
- The recognition that the long-standing Orthodox valuation of ‘divinisation’ (Θεοσις) is also to be seen as located in brokenness, weakness, illness, disability and death. (See Chs 21, 22 and 29, esp. “Even when our human bodies are gravely impaired, we do not cease to be fully human persons according to the image and likeness of God” (Ch 22).

- The statements which acknowledge and support monastic and single life, as well as marriage, as vital elements of the Church's life, and faithful expressions of lived humanity under God (Chs 25 – 27).
- The emphasis on creation, and the stewardship which humankind is given to care for the earth and its inhabitants.

There were, however, questions raised about aspects of the Statement which some Anglicans might consider somewhat problematic.

- There is throughout a lack of clarity around the use of the personal pronoun "we". Sometimes it seems to refer to Christian believers and the Church, sometimes to creation, and sometimes to the whole of humanity. This ambiguity results in confusion about the scope and extent of salvation and whether it implies, in some contexts, a universalist perspective. Some greater clarity of the meaning of "we" in particular places would help.
- The understanding of God's ultimate plan shown in the Statement results in a helpful and necessary restoration of an eschatological perspective to the place and dignity of humanity. That notwithstanding, some members of the Commission had a sense that, in places, the eschatology is overly "realized", leading to a diminished emphasis on the future consummation of God's reign. Consequently, the Church is presented in some cases (from an Anglican perspective), in idealised terms, without due acknowledgement of the fallible nature of the Church in the present. There are, occasionally, insufficient "qualifiers" to the present, sinful, reality of the Church, existing as it does between the Resurrection and the future coming of Christ.
- Some members of the Commission felt there was an insufficiently clear emphasis on the primacy of Scripture over against Tradition. Placing the two on the same level (see the quotation from the Moscow and Dublin agreed Statements in Ch 4) is, for some Anglicans (who see authority as arising primarily from Scripture), theologically problematic. While Tradition is deeply valued, particularly in relation to the ecumenical creeds of the early Church, members of the Commission felt that there needs to be a more clearly nuanced distinction between "Scripture" and "Tradition" if some Anglicans are to accept the Statement.
- Some members of the Commission argued that the word "freedom" is used in a somewhat absolutist fashion, without giving sufficient consideration to the fallenness of the human will (see esp. chap. 14).
- The presentation and discussion of Mary in the Statement may be difficult for some Anglicans. While all Anglicans would agree on the blessedness of the Blessed Virgin Mary as Theotokos, and as an example of faith, not all see her as the definitive exemplar of discipleship (Ch 13). A footnoted reference to the recent ARCIC document (Mary: Grace and Hope in Christ) does not assist here, as that document itself is subject to disagreement from some Anglicans.

- Not all Anglicans see marriage as a sacrament, though many would be happy to speak of it as, in some sense, “sacramental”.
- Some concern was expressed about the distinction between “image” and “likeness”. While recognizing the significance of this distinction in Orthodoxy, linguistically, this is not a distinction used in Anglican theology, and it seems to ignore the Hebrew parallelism of Genesis 1:27. Theologically, it is potentially problematical for Anglicans if, in the suggested redemptive progression from image to likeness, it implies that humans play a rôle along with God in our entry into salvation.
- Some felt the definition of personhood is occasionally presented in “absolute” terms (e.g. pp. 24, 74), where human characteristics are listed as essential in such a way as to imply that the unborn or people with some kind of disability or illness are somehow lacking in humanity. This was somewhat at odds with the appreciated aforementioned recognition that “theosis” is unaffected by human brokenness or weakness.

CONCLUSION:

Notwithstanding the issues raised above, the Doctrine Commission was grateful for this Agreed Statement. The Statement provides evidence of the continuing value to both Anglican and Orthodox churches (in Australia as well as internationally) of the work of International Commission for Anglican-Orthodox Theological Dialogue. Following, as it does, from the helpful *Church of the Triune God*, the Commission recommends *In the Image and Likeness of God* for prayerful reading and consideration by Australian Anglicans.

The Most Rev. Dr Jeffrey Driver
Chairman
25 October 2016



The Doctrine Commission of the Anglican Church of Australia

THE USE OF NON-ALCOHOLIC WINE IN THE EUCHARIST A REPORT OF THE DOCTRINE COMMISSION: OCTOBER 2016

THE REASON AND SCOPE OF THIS REPORT

The Doctrine Commission has been asked to comment on the May 2015 report of the Select Committee of the Synod of Brisbane entitled “Elements of the Eucharist”, on the issue of whether the doctrine of our church allows the use of dealcoholized wine or other non-alcoholic alternatives to wine (e.g., grape juice) in the celebration of the Eucharist.

In part this issue turns on how the word “wine” in section 5 of the Holy Communion Canon 2001 is to be understood. We understand that the Canon Law Commission has been asked for advice on this legal question. The Doctrine Commission does not offer an opinion on the legal question directly, but provides this report to outline our understanding of the doctrine of our church with respect to the use of wine in the Eucharist.

THE SOURCES OF THE “DOCTRINE OF OUR CHURCH”

The sources for the doctrine of the Anglican Church of Australia are defined in the Fundamental Declarations of the Constitution of our church (sections 1-3). Section 2 declares that the “canonical scriptures of the Old and New Testaments” are our “ultimate rule and standard of faith”.

Section 4 makes the “doctrine and principles” embodied in the formularies (the 1662 Book of Common Prayer, the Ordinal and the 39 Articles) normative for our church. Although the church has plenary authority to alter the “faith, ritual, ceremonial or discipline of this Church”, any variation must be “consistent with the Fundamental Declarations” and also must not “contravene any principle of doctrine or worship” in the formularies. The formularies are the “authorised standard of worship and doctrine in this Church”.

The doctrinal framework of our church is therefore the doctrine of the canonical scriptures of the Old and New Testaments, as received and reflected in the 1662 Book of Common Prayer, the Ordinal and the 39 articles.

To apply this to the issue of wine in the celebration of the Eucharist, we ask two questions.

- What doctrinal principles does the Bible establish on this issue?
- How has this scriptural teaching been received by the Anglican Church, as reflected in our formularies? To put the same question in another form: what “principles of doctrine or worship” are established by the formularies on this issue?

1. What doctrinal principles does the Bible establish on this issue?

The New Testament passages most relevant to Eucharistic practice are the Last Supper narratives in the synoptic gospels (Matt 26:26-29, Mark 14:22-26, Luke 22:15-20) and the description of the Lord’s Supper in 1 Cor 11:20-29.

None of the Synoptic accounts of the Last Supper explicitly refer to “wine” (οἶνος). With minor variations, each passage describes how Jesus took a “cup” (ποτήριον), gave thanks (εὐχαριστέω) and declared “This [cup] is [my/the] blood of the covenant, which is poured out for [you/many] [for the forgiveness of sins]”. The cup, however, evidently contained wine, in that Jesus later refers to the “fruit of the vine” (γενήματος τῆς ἀμπέλου).

Similarly, Paul’s instructions to the church at Corinth regarding the “Lord’s supper” (κυριακὸν δεῖπνον) do not refer explicitly to “wine” (οἶνος). Paul says that Jesus “took the cup also, after supper, saying, ‘This cup is the new covenant in my blood. Do this, as often as you drink it, in remembrance of me.’ For as often as you eat this bread and drink the cup, you proclaim the Lord’s death until he comes” (1 Cor 11). Paul elsewhere refers to the “cup of thanksgiving” as a sharing or participation in the blood of Christ (1 Cor 10:6). As noted in the Brisbane Synod Report, this cup probably reflects the third cup of the Jewish Passover feast and/or the ancient Jewish custom of finishing the evening meal with a prayer of thanksgiving over a cup of wine.

It is reasonable to presume that the wine used in the Last Supper and in the ongoing celebration of the Lord’s Supper would have contained alcohol.¹ Likewise it is reasonable to assume that wine which Jesus drank on other occasions contained alcohol, since his opponents accused him of being a drunkard (Luke 7:34).² The water that Jesus turned into fine wine at the wedding in John 2 presumably also contained alcohol, judging by the steward’s comment in John 2:10.

It should, however, be noted that the semantic domain of “wine” (οἶνος) is broad enough to include wine which is not yet fermented (and therefore does not yet contain alcohol). “New wine” (Mark 2:22/Matt 9:17/Luke 5:37-39) should not be put into old wineskins, because the vigour of the fermentation process will rupture brittle old wineskins. The technical name for new wine is “mustum”. As an aside, it is noted that Roman Catholic practice allows the use of *mustum* in the celebration of the Eucharist in limited circumstances (e.g., alcoholism).³

¹ Improper participation in the Lord’s Supper in Corinth resulted in some “being drunk” (μεθύω) – 1 Cor 11:21.

² John the Baptist came “not drinking wine” (μήτε πίνων οἶνον) – Luke 7:33. The “drinking” of the Son of Man in the following verse must by implication refer to “drinking wine”. This is true notwithstanding the fact that the accusation that Jesus was a drunkard was not true.

³ On Aug 22 1994, Cardinal Joseph Ratzinger, at that time the prefect of the Congregation for the Doctrine of the Faith, issued a statement entitled “Norms for the use of low-gluten bread and *Mustum*”. *Mustum* is defined

In summary, the wine used in the Last Supper / Lord Supper was ordinary wine, which was given a symbolic significance by Jesus, to represent the shedding of his blood for the forgiveness of sins. As Christians drink wine from “the cup” in remembrance of Christ, we symbolically share together in the blood of Christ.

2. How has this scriptural teaching been received by the Anglican Church, as reflected in our formularies?

In the Order for the Administration of the Lord’s Supper in the 1662 Book of Common Prayer, typically the rubrics refer to “wine” whereas the liturgy proper refers to the “Cup”.⁴ The emphasis of the liturgy is on the symbolic significance of the contents of the cup (that it represents the blood of Christ, shed for the remission of sins) and the significance of drinking from the cup with a lively faith. The third exhortation declares that when we “drink of that Cup ... with a true penitent heart and lively faith ... we spiritually ... drink his blood”.

The prayer of humble access does not explicitly mention either wine or cup but the reason we “drink”. It is a prayer that we may “drink his blood” in such a way that “our souls [may be] washed through his most precious blood”.

In the Prayer of Consecration, following from the rubric that the “Priest, standing before the Table, hath so ordered the Bread and Wine...”, the Priest prays: “... that we receiving these thy creatures of bread and wine, according to thy Son our Saviour Jesus Christ’s holy institution, in remembrance of his death and passion, may be partakers of his most blessed Body and Blood”. The rubrics that accompany this prayer provide specific “manual actions” (as they became called). In these, the Priest, having been instructed “to take the Cup into his hand” (rubric “d”) is then further instructed (rubric “e”) “to lay his hand upon every vessel (be it Chalice or Flagon) in which there is any Wine to be consecrated.”

The consecration prayer then goes on to echo the accounts of the Last Supper in the New Testament and attaches the same symbolic significance.

He took the Cup; and, when he had given thanks, he gave it to them, saying, Drink ye all of this; for this is my Blood of the New Testament, which is shed for you and for many for the remission of sins: Do this, as oft as ye shall drink it, in remembrance of me.

The words of distribution do not explicitly mention either wine or cup, but in the act of drinking from the cup the communicant is invited to “Drink this in remembrance that Christ’s Blood was shed for thee, and be thankful”.

in that document as “fresh juice from grapes or juice preserved by suspending its fermentation (by means of freezing or other methods which do not alter its nature).”

⁴ An exception to this pattern occurs in the prayer of consecration, which refers to “these thy creatures of bread and wine”. This will be discussed further below.

The theological emphasis of the liturgy is on spiritual and symbolic significance of the cup/wine to represent the blood of Christ shed for our sins, and the significance for the communicant of partaking from the cup in “remembrance” of what Christ did with his disciples “in the same night that he was betrayed”; i.e., in doing as he did and “instituted and commanded us to continue.”

The rubrics provide that bread should be “the best and purest Wheat Bread that conveniently may be gotten”, but do not make any explicit stipulations about the wine. At that time in England, however, there was no understanding of “wine” as anything other than alcoholic fruit of the vine. The so-called black rubric makes reference to the “natural substance” of the wine, in the context of a polemic against the adoration of the consecrated element.

It is here declared, that thereby no Adoration is intended, or ought to be done, either unto the Sacramental Bread or Wine there bodily received, or unto any Corporal Presence of Christ's natural Flesh and Blood. For the Sacramental Bread and Wine remain still in their very natural substances, and therefore may not be adored

The 39 articles echo the theological emphasis of the Lord's Supper liturgy:

- “insomuch that to such as rightly, worthily, and with faith, receive the same ... likewise the Cup of Blessing is a partaking of the Blood of Christ” (Article 28)
- Those “void of a lively faith” who consume the “Sacrament of the Body and Blood of Christ” are not in any way “partakers of Christ” (Article 29)

The articles stress the nature of the sacraments as “Christ's ordinance”. For example, we read that “The visible Church of Christ is a congregation..., in which the pure of Word of God is preached, and the Sacraments be duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same” (Article XIX). And, in discussion “Of the Sacraments” themselves (Article XXV), the emphasis again is on “Sacraments ordained of Christ (which) be not only badges or tokens ..., but rather they be certain sure witnesses and effectual signs of grace...” Later, in the same article, the contrast between “[t]hose five commonly called Sacraments” is defined in that they “have not the like nature of Sacraments with Baptism and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God.”

Since a sacrament is a visible sign ordained by Christ, it is vital that a “sacrament be duly ministered according to Christ's ordinance”. The material elements of the sacrament are part of “Christ's ordinance”. We do not have the freedom, for example, to use milk instead of water in baptism. Similarly, “Bread” and “Wine” are the stipulated elements for the Lord's Supper.

A similar emphasis is also reflected in the Catechism

Question. What is the outward part or sign of the Lord's Supper?

Answer. Bread and Wine, which the Lord hath commanded to be received.

Question. What is the inward part, or thing signified?

Answer. The Body and Blood of Christ, which are verily and indeed taken and received by the faithful in the Lord's Supper.

Question. What are the benefits whereof we are partakers thereby?

Answer. The strengthening and refreshing of our souls by the Body and Blood of Christ, as our bodies are by the Bread and Wine.

It is evident from this review of our formularies that the normative practice of our church is a shared participation in a symbolic meal, in which all communicants receive both bread and wine, according to the pattern instituted by Christ. The wine represents the blood of Christ shed for our sins. For it to have spiritual benefit, the communicant must come with a lively faith as they, with thanksgiving, “drink this in remembrance that Christ’s Blood was shed” for them.

There are, however, a small number of people who, on medical grounds, are unable to partake of one or more of the elements (eg. those who are gluten-intolerant and alcoholics). This introduces a point of tension for our normative practice, in that the use of ordinary bread and wine will have the effect of excluding some from participation in what should be an inclusive celebration of that which the sacrifice of Christ has achieved for us all.

In these circumstances, it is appropriate that a pastoral accommodation be made, by allowing the option of gluten-free bread and dealcoholized wine. This approach is preferable to withholding one of the elements from a communicant, given that Art. XXX stipulates that “both parts of the Lord’s Sacrament... ought to be ministered to all Christian men alike”.⁵ Though less than ideal, dealcoholized wine is sufficiently of the nature of wine to fulfil its representational function to signify the blood of Christ shed for sins.

We concur with the conclusion of the Report of the Inter-Anglican Liturgical Commission (IALC) on “Eucharistic Food and Drink” to the Anglican Consultative Council (2004)

1. We affirm that the normative principle and practice of the Anglican Communion has always been and continues to be the use of the elements of bread and wine at the Eucharist.
2. We do not think that it is necessary or helpful to define “bread” or “wine” in precise detail. It is enough that the elements should be realistically capable of being called “bread” and “wine” in the context of the celebration of the Eucharist in a particular culture at a particular time.

In conclusion, the Lord’s Supper or Eucharist involves a shared participation in a sacramental meal, in which the normative elements are bread (preferably wheaten) and wine (fermented fruit of the grape). Where, however, the use of regular bread or regular wine might exclude some from participation in the Sacrament, it is appropriate that a pastoral accommodation be made through the provision of a similar – appropriately representational – alternative, such as gluten-free bread or dealcoholized wine.

The Most Rev. Dr Jeffrey Driver
Chairman
18 October 2016

⁵ Despite the Doctrine Commission’s preference for gender inclusive language, we have retained the generic use of “men” to preserve the historical integrity of the BCP. The referent clearly includes both women and men.



The Doctrine Commission of the Anglican Church of Australia

DEPOSITION FROM HOLY ORDERS – FEBRUARY 2017

1. This report was produced in response to a proposal to promote a Bill to General Synod in 2017 to provide for the option of “deposition/relinquishment by degrees”. Under current canon law, both deposition from Holy Orders and the relinquishment of the exercise of Holy Orders apply to all Orders concurrently. It is not possible, for example, to relinquish the Order of bishop but retain the Order of priest and deacon. The proposal to modify this to allow deposition/relinquishment “by degrees” has prompted our theological reflection on the nature and mutability of Holy Orders.
2. Broadly speaking, there are two main points of view held in Anglican thought. Both views would hold in common that Anglicans recognise three clerical Orders – Bishop, Priest and Deacon – and that Holy Orders are entered into for life. These Orders are cumulative – one must first be a deacon to be ordained a priest, and a priest to be consecrated a bishop. The point of divergence between the two points of view involves the extent to which these Orders can be “removed”. On one view, the effect of deposition/relinquishment is to remove an ordained person entirely from Holy Orders, whereas on the other view the intrinsic character of the Holy Order remains, and the “clergy person” is removed from the exercise of their office.
3. The Scriptures are silent on this question, and our formularies (the *1662 Book of Common Prayer*, the Ordinal and the 39 Articles) do not provide a clear answer either. In light of this, this paper will provide a brief overview of the variations in understanding and practice both within the Anglican Communion and ecumenically, outline the current situation as established by the Constitution and Canons of the Anglican Church of Australia, and conclude with some theological reflections and suggestions for possible ways forward.
4. Within the Western churches, there is a long tradition that emphasises the permanence or “indelibility” of Orders. This was given classic expression by Thomas Aquinas, who spoke of Holy Orders as one of three catholic sacraments that made “an indelible mark” on the soul of the recipient.¹ Despite some debate at the time, the Thomistic view became the standard in the Roman Catholic Church. The Council of Florence in 1439 affirmed the indelibility and unrepeatability of these three “character-conferring” sacraments and the seventh session of the Council of Trent in

¹ *Summa Theologiae* III, 63, 5.

1547 anathematised those who did not hold to this position.² So while the Roman Catholic Church speaks of deposition and “laicisation”, it is clear that this involves cessation of the rights and obligations of the ordained, while the indelible character of ordination is retained (this is evidenced by an exceptional provision for a laicised priest to give absolution to someone in the danger of death). The other important aspect of the Thomistic approach to Orders is that because each Order is part of one “sacrament” of Orders, there is an intrinsic unity between them.

5. The nature of Eastern Orthodoxy, as a communion of autocephalous churches, means some qualification may be needed in speaking of a single “Orthodox” position on doctrinal matters. It is clear, however, that within Orthodox churches the distinctive status resulting from ordination is intended to last permanently, although this is not couched in the language of the “indelibility” of Orders as in parts of the Western tradition. An Orthodox cleric, however, may be the subject of deposition because of serious sin that creates a permanent canonical hindrance to performing his sacred function. In such a case, even though there may be repentance, the priest cannot be restored to clerical status. On the other hand, there are some offences for which the penalty of deposition is foreseen, but which are not necessarily an obstacle to canonical restoration.³
6. A number of other denominations see ordination as a life-long calling. The Uniting Church of Australia (UCA), for instance, describes ordination as a changed relationship with the Church “normally for life”,⁴ and the Presbyterian Church in Australia maintains that a person, once ordained, remains so for life, unless removed through disciplinary processes.⁵ In the instance of withdrawal of recognition (UCA) or removal from office in these churches, there does not seem to be an assumption of a residual character of ordination in the person so removed.
7. In Anglicanism, the nature of the ordination vows in various rites, with their shared heritage in the *Book of Common Prayer*, would support the affirmation that ordination is normally for life. The lack of any provision for re-ordination would seem to confirm this conclusion. However, there are Anglicans within some traditions who would want to go further than this and, for them, the language of the “indelibility” of Orders would find comfortable acceptance. An alternate position is represented within a 2001 report to the General Synod of the Anglican Church of Australia which noted that, for some Anglicans, “ordination (which is not a sacrament) is very different from baptism (which is), and there is no necessary or essential reason to regard the former as ‘for

² Excerpts from these councils in *The Christian Faith in the Doctrinal Documents of the Catholic Church*, eds. Josef Neuner, S.J. and Jacques Dupuis, S.J. 6th edition (New York: Alba House, 1996), 520-23.

³ “Ordination”, Joint Committee of Orthodox and Catholic Bishops, Boston 1988. Retrieved 13 Feb 2017 from <http://www.assemblyofbishops.org/ministries/dialogue/orthodox-catholic-bishops/1988ordination>

⁴ “Docbyte: Ordination”, National Working Group on Doctrine, Uniting Church of Australia, 2009. Retrieved 13 Feb 2017 from <https://assembly.uca.org.au/doctrine/item/856-docbytes>.

⁵ “How the Presbyterian Church Functions”, Presbyterian Church of Australia. Retrieved 13 Feb 2017 from <http://www.presbyterian.org.au/index.php/functions>

life”⁶.

8. Some Churches within the Anglican Communion have formally articulated an understanding of the enduring character of Orders. Canon C 1.2 of the Church of England, for instance, states:

No person who has been admitted to the order of bishop, priest, or deacon can ever be divested of the character of his order, but a minister may either by legal process voluntarily relinquish the exercise of his orders and use himself as a layman, or may by legal and canonical process be deprived of the exercise of his orders or deposed therefrom.

At the same time, it must be noted the Church of England has in recent times chosen not to use the terminology of “deposition” in regard to the removal of clergy from ministry. The *Clergy Discipline Measure 2003*⁷ provides for a range of sanctions up to life-long prohibition (which is arguably equivalent to deposition, given the affirmation of Canon C 1.2 and probably reflecting concern in the Church of England about the lack of a right of appeal after deposition should further information come to light that might lead to an acquittal in a secular court).

9. The Episcopal Church uses the terminology of deposition, but makes it clear that the person is “removed from the Ministry of this Church and from the obligations attendant thereto, and ... is deprived of the right to exercise in The Episcopal Church the gifts and spiritual authority conferred in Ordination.”⁸ In this understanding deposition does not remove the intrinsic character of Orders but does remove the opportunity and responsibilities of exercising those ministerial gifts within the life of that Church. Ordination is thus assumed to be for life.⁹

THE ANGLICAN CHURCH IN AUSTRALIA

10. The current situation in Australia is regulated by the *Holy Orders, Relinquishment and Deposition Canon 2004*. The Canon provides three alternative pathways – relinquishment from the exercise of Holy Orders, deposition with consent, and deposition resulting from a sentence of a tribunal. There is a distinction in terminology in this canon, in that one **relinquishes the exercise of** Holy Orders

⁶ “The Three-Fold Ordained Ministry in the life and Mission of this Church – An Interim Report to the General Synod”, 2001. Retrieved 13 Feb 2017 from http://www.anglican.org.au/community/working-groups/defunct/documents/ordained_ministry_wg_interim_report_july_2001.doc

⁷ Found at <http://www.legislation.gov.uk/ukcm/2003/3/section/40>.

⁸ The Episcopal Church Canon IV.16(B).4. found at http://www.episcopalarchives.org/sites/default/files/publications/2015_CandC.pdf

⁹ In the Canadian Church, the position is less clear. In a glossary of terms, deposition is described as being from the “office and character conferred by ordination”, while the Discipline Canon of that Church refers to deposition as only from the *exercise* of ordained ministry. The fact that following deposition there can be a process of appeal would suggest that some character of Orders is retained. (Anglican Church of Canada, Handbook of the General Synod, available at <http://www.anglican.ca/about/handbook/>).

(e.g., clause 3), whereas one is **deposed from** Holy Orders (e.g., clause 4). However, notwithstanding this distinction in terminology in the Canon, relinquishment and deposition are functionally equivalent, in that clause 9 applies to both in equal terms:

Effect of relinquishment or deposition¹⁰

9 A person who has relinquished the exercise of Holy Orders or who has been deposed from Holy Orders in accordance with this or another Canon or following the sentence of a tribunal

- (a) may not:
 - i. officiate or act in any manner as a bishop, priest or deacon of this Church; or
 - ii. accept or hold any office in this Church capable of being held only by a person in Holy Orders;
- (b) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;
- (c) shall not hold himself or herself out to be a member of the clergy;
- (d) may not hold an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese.
- (e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Church except for any provision enacted under Chapter IX of the Constitution.¹¹

¹⁰ This definition is (largely) reflected in s.72 of the model Professional Standards Ordinance.

¹¹ The phrase “considered to be a lay person” does not necessarily imply that the clerical character remains after relinquishment/deposition. This clause is a merely a “deeming provision” that ensures that former clergy could still be subject to disciplinary proceedings under Chapter IX of the constitution. The jurisdiction of a diocesan tribunal is limited “to a person licensed by the bishop of the diocese, or any other person in holy orders resident in the diocese” (s.54(2)). A deposed clergy person no longer holding a bishop’s licence might otherwise be outside the jurisdiction of a tribunal.

11. The language of the 2004 Canon *permits* the view that the intrinsic character of Orders cannot be removed, but it does not *require* it. This allows the inclusion of the various viewpoints held in our Church about the nature of the Orders. The fact that the effect of both relinquishment and deposition is identical (see clause 9, quoted above) may be seen as supportive of the conclusion that deposition, like relinquishment, is from **the exercise of** Holy Orders (notwithstanding the difference in terminology in the 2004 Canon).
12. The 2004 Canon does not make provision for “relinquishment/deposition by degrees”. Furthermore, any contemplated changes to the Canon need to be consistent with the limits imposed by the Constitution, which stipulates that deposition resulting from a sentence of a tribunal is “from Orders” (i.e., every Order, not some Orders). According to Section 60(1)

A tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following:

- (a) deposition from orders;
- (b) prohibition from functioning;
- (c) removal from office;
- (d) rebuke.

According to *Canon Law in the Anglican Communion*, six forms of censure are commonly used which, in order of severity, are as follows.

- **Deposition** is the permanent taking away of the right to perform the duties of every office for which Holy Orders is required,
- **Deprivation** is the permanent taking away of the right to perform the acts and functions of a particular office or appointment held by an ordained or lay minister,
- **Suspension** is the temporary taking away of the right to perform acts and functions of the Ministry, or of a particular clerical or lay office or appointment.
- **Inhibition** disqualifies a person from exercising certain ministerial functions.
- **Admonition**, or monition, is a formal written warning, order, or injunction.
- The least severe censure is **rebuke**.¹²

Taking “deposition from orders” in s. 60(1)(a) to mean “the permanent taking away of the right to perform the duties of **every** office ...”, the implication is that a Tribunal has no power to impose a sentence that only takes away “a **particular** office” (i.e., deprivation). However, the same result can be achieved by another route, because of the breadth of “prohibition from function” in 60(1)(b).

13. This brief survey of the current situation, both within the Anglican Church of Australia and more broadly, provides the context for further theological reflection.

¹² Norman Doe, *Canon Law in the Anglican Communion*. Oxford, OUP: 1998, pp.88-89.

THEOLOGICAL THEMES

14. Ordained ministry is a particular expression of the priesthood of Christ manifest in the priesthood of all believers. “There is one priesthood in the Church, the priesthood of Christ”, and all “Christian priesthood is directly related to Christ’s priesthood.”¹³ Similarly, through the Holy Spirit, all Christians participate in Christ’s priesthood, as “the whole Church is taken into the movement of Christ’s self-offering and his eternal praise of the Father.”¹⁴ In and by ordination, the Church recognises that some members from within the priesthood of all believers are called by Christ and empowered by his Spirit to exercise their priestly calling by serving a Christian community as messengers, shepherds and stewards of the Lord.
15. Although ministerial ordination occurs in and through the Church, it recognises the prior call and gift of God through the Holy Spirit.¹⁵ The opening prayer in the service for the ordination of both deacons and priests in *A Prayer Book for Australia* begins with the acknowledgement that ordained ministry is above all the call and gift of God:
- Almighty God, giver of all that is good,
by your Holy Spirit you have appointed
various orders of ministry in your church...
16. In response to God’s call and gift, the Church has a threefold responsibility in Ordination – to discern, recognise and authorise. This threefold response is reflected in the structure and shape of the Ordinal.¹⁶ The culmination of the discernment process occurs in the public context of the ordination service. In response to this discernment, the Church then recognises God’s gift and call to ordained ministry, and authorises the ordinand to exercise the office of deacon, priest or bishop. The expectation that ordained ministry is for life speaks of the nature of God’s gift and calling within the person. This gift and calling is not just functional. It is a call to serve; more than that, it is a wholehearted response to the love of God (1 John 4:10).

¹³ *The Church of the Triune God*, (the Cyprus agreed statement from the International Anglican-Orthodox Theological Commission), Section VI, para 1

¹⁴ *The Church of the Triune God*, Section VI, para 11.

¹⁵ The Ordinal consistently places the ministry of the ordained into the context of the whole People of God, so statements about the nature of ordained ministry are usually best heard in relationship to statements about all baptised believers.

¹⁶ The process of discernment is formally acknowledged in the Ordinal during the presentation of candidates. The Ordinal in *A Prayer Book for Australia* reflects earlier rites at this point, with the bishop asking whether the candidates are “suited by their learning and godly living” (The Ordination of Priests, section 12) and those presenting providing the assurance that “Enquiries have been made among the people of God ... and we believe that these candidates are fit for this office”. The process of discernment continues through the Exhortation and Examination. This culminates in a question to the congregation: “Will you accept them as ...?”, and the response, “We accept them gladly!”(section 16). Discernment thus culminates in recognition and authorisation. In the laying on of hands with prayer (section 18) the focus is on the work of God through the Holy Spirit within the People of God. Those upon whom hands have been laid are authorised as they are presented with a copy of the Scriptures and hear the words, “Take authority to preach the word of God and to minister the holy sacraments” (section 19). Recognition is expressed by the newly ordained being “appropriately vested” before the congregation, and in the presentation of the newly ordained to the congregation (section 20).

Ordained ministry is not extrinsic to the individual, as an activity or task, but is an expression of who the person is and is becoming under God.

17. The Church's role in deposition from / relinquishment of the exercise of Holy Orders parallels its role in ordination. Through a process of examination that ends with a public act, the Church makes a discernment about a person's fitness to exercise an office, and accordingly may withdraw its recognition and authorisation. In the case of relinquishment, a variation of the same threefold process occurs.¹⁷ The hesitancy in some parts of the Church to presume that it has the power to remove in entirety what God has given recognises the limits to the Church's role in ordination. Given that the Church should not exceed its own nature, it can deal only with the expression of ministry in its midst, through discernment, recognition and authorisation or withdrawal of the same.
18. The hesitancy, which is prepared to remove a minister from exercising the ministry of the ordained but which is unwilling to claim to remove the inner character of the Order, also reflects an appropriate modesty about the nature of the Church. Even in its holy calling, the knowing of the Church is, as Paul puts it, a knowing "in part" (1 Cor 13:12). What the Articles point out about General Councils is true of churches: they can err. Even in an area as important as clergy discipline, poor or inadequately informed decisions can occur and weakness of human process can produce failings.
19. The affirmation of the ministerial call to ordination as a call for life can be seen to be expressive of important themes: that ministry above all comes as the call and gift of God; and that it involves not just the activity of an individual, but that person's very being. The hesitancy noted above recognises that the Church, waiting its final fulfilment, is incomplete, contingent and susceptible to making inadequately formed and erroneous decisions.
20. These are important theological themes to be affirmed in the context of Holy Orders. But they must also be placed alongside the great and grave responsibilities of those Orders:

Remember that you will be called to give account before Jesus Christ; if it should come about that the Church or any of its members, is hurt or hindered as a result of your negligence, you know the greatness of the fault and the judgement that will follow.¹⁸

That some actions or omissions by those in ministry are regarded as justifying the severest censure is not merely a matter of public expectation. It is the accountability

¹⁷ The elements of discernment, recognition and authorisation are not as public in the relinquishment of or deposition from Holy Orders, but are still present. Deposition involves a formal disciplinary process of examination (i.e., discernment) which may result in the formal and public removal of both recognition and authority. Relinquishment involves a private discernment, in that the Bishop is required to consider the application for relinquishment and to give consent. The bishop must give public notice of relinquishment in the manner prescribed by section 7(2) of the Holy Orders, Relinquishment and Deposition Canon 2004.

¹⁸ APBA p. 794.

of faithfulness to a Lord who warned his followers:

If any of you put a stumbling-block before one of these little ones who believe in me, it would be better for you if a great millstone were hung around your neck and you were thrown into the sea (Mark 9:42).

21. The grace and forgiveness of God always awaits those who repent, but some acts (or inactions) have consequences that can be life-long, not just for those who have been sinned against, but also for the person whose action or inaction has caused harm. The Ordinal gives particular emphasis to this responsibility on the part of the ordained.

CONCLUSION

22. The view of the Doctrine Commission is that the provision for deposition should continue to have as its focus the withdrawal of recognition of and authorisation for the exercise of all ordained ministry. This approach recognises the theological affirmations associated with ordination outlined above and maintains continuity with the wider Church. It remains within the limits imposed by s.60 of the Constitution and appropriately recognises the gravity of serious failings by the ordained.
23. We further suggest that Canon be amended to include the category of “prohibition from functioning”, to provide a mechanism for a tribunal to stipulate a permanent or temporary taking away of the right to perform the acts and functions of a particular office (equivalent to ‘deprivation’ and ‘suspension’ in the list in paragraph 12). The Canon might also be amended so that “relinquishment” might be from the exercise of all Orders, or of a particular Order.
24. The Commission also suggests that the proposed amendments to the *Holy Orders, Relinquishment and Deposition Canon 2004* should make clear that both relinquishment and deposition are from the *exercise of Holy Orders*, leaving open the question as to whether there remains any underlying character of Orders.
25. Providing for deposition, prohibition from functioning, and relinquishment in this way would allow for the effective removal of the exercise of an Order of ministry, while allowing continued participation in other Orders.¹⁹ The overall unity and inter-connectedness of Holy Orders, in terms of their essential character would be retained, while the recognition and authorisation of a particular Order could be removed or prohibited for life.

The Most Rev. Dr Jeffrey Driver
Chairman
February 2017

¹⁹ There is a sequential aspect to this, of course. Priestly/presbyteral ministry presumes ordination to the diaconate, just as episcopal ministry presumes ordination the Order of priests. Removal of Diaconal Orders from a priest would not be contemplated any more than removal of Priestly Orders from a bishop.