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RAFT Anglican Church
(All Souls Church in the parish of Ferntree Gully and Rowville)
131 Taylors Lane
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12 December 2019

The Registrar
Appellate Tribunal - General Synod Office
Anglican Church of Australia
Suite 4, Level 5
189 Kent Street
Sydney
NSW
2000

Dear Ms Hywood,

Appellate Tribunal Submission

Please find below the submission from RAFT Anglican Church to the Appellate Tribunal concerning PRIMATE'S REFERENCE UNDER SECTION 63 OF THE CONSTITUTION - Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 (Wangaratta).

Yours in Christ,
Hilton Jordan
Agent of Communication on behalf of RAFT Anglican Church

Introduction

We, the people of RAFT Anglican Church, submit that the answers to the two questions referred by the primate of the Anglican Church of Australia to the Appellate Tribunal (5 September 2019) are:

1. That the regulation Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 made by the Synod of the Diocese of Wangaratta is **not** consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
2. That the regulation is **not** validly made pursuant to the Canon Concerning Services 1992.

Concerning Question 1:

1.1. On the Matter of Persons Married According to the Marriage Act 1961:

Since the Marriage Amendment (Definition and Religious Freedoms) Act 2017 came into effect on 9 December 2017, Australian federal marriage law has legalised same-sex marriage. The result of this legislation, pertinent to the two questions put by the primate of the Anglican Church of Australia to the Appellate Tribunal, is that a civil marriage can therefore also take the form of a same-sex marriage.

It is for this reason that we will argue:

1. That the regulation Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 made by the Synod of the Diocese of Wangaratta is **not** consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
2. That the regulation is **not** validly made pursuant to the Canon Concerning Services 1992.

1.2. On the Matter of Blessing:

It is imperative that one understand what is meant by 'blessing' in the Holy Scriptures, God's Word, if one is to respond correctly to these two questions put by the primate. On this point we commend the essay "To what end? The blessing of same-sex marriage" written by the Reverend Canon Dr Rhys Bezzant in the collection of essays published by the Doctrine Commission of the Anglican Church of Australia in June 2019 entitled: *Marriage, Same-Sex Marriage and the Anglican Church of Australia*.

It is our conviction that, as Bezzant has written: "The language of blessing cannot serve the generic purpose of encouragement, but has a distinct shape within the biblical narrative, to which we must pay attention. If blessing affirms and promotes the divine order, but homosexual practice is sinful, then it is not possible to bless a homosexual union in the name of a holy God." (p.231)

In addition, we concur with Bezzant's conclusion: "In summary, applying the language of blessing to same-sex unions in liturgical contexts is at odds with our own liturgical heritage, modest application of priestly practices, and the place of marriage in an economy of grace ... We cannot bless all human relationships regardless of their shape, given our understanding that God will discriminate between us 'according to our works' (Rom 2:6)." (pp.234-235)

2.1. On the Matter of the Fundamental Declarations in the Constitution of the Anglican Church of Australia:

2.1.1. Fundamental Declaration 1:

The first fundamental declaration affirms: "The Anglican Church of Australia, being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed." (Part 1, Ch.I, §1, p.2)

In the Apostles' Creed we read the words: "I believe in the Holy Spirit, the holy catholic Church". In the Nicene Creed we read the words: "We believe in one holy catholic and apostolic Church."

Paul, the apostle of the Lord Jesus Christ, writes concerning marriage:

Husbands, love your wives, just as Christ loved the church and gave himself up for her, in order to make her holy by cleansing her with the washing of water by the word, so as to present the church to himself in splendour, without a spot or wrinkle or anything of the kind—yes, so that she may be holy and without blemish. In the same way husbands should love their wives as their own bodies. He who loves his wife loves himself. For no one ever hated his own flesh, but nourishes and cherishes it, just as Christ does the church, because we are members of his body. "Therefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh." This mystery is profound, and I am saying that it refers to Christ and the church. However, let each one of you love his wife as himself, and let the wife see that she respects her husband. (Ephesians 5:25-33 ESV)

The "holy catholic Church" or the "one holy catholic and apostolic Church" is identified by the apostle of Christ as the bride of Christ. The biblical teaching on marriage is thus profoundly and inextricably joined with the teaching on the church. In addition, marriage is therefore clearly a teaching of the church and a matter of faith.

According to the constitution of the Anglican Church of Australia: "Doctrine" means the teaching of this Church on any question of faith. To suggest that marriage is not doctrine but merely ceremony is, therefore, inaccurate and misleading.

To bless a civil marriage between two people of the same sex thus implicitly contradicts "the Christian Faith as professed by the Church of Christ from primitive times" and thus contravenes the first Fundamental Declaration of the Anglican Church of Australia.

2.1.2. Fundamental Declaration 2:

The second fundamental declaration affirms: "This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation." (Part 1, Ch.I, §2, p.2)

In the second chapter of the Old Testament we read:

But for Adam there was not found a helper fit for him. So the LORD God caused a deep sleep to fall upon the man, and while he slept took one of his ribs and closed up its place with flesh. And the rib that the LORD God had taken from the man he made into a woman and brought her to the man. Then the man said,

“This at last is bone of my bones
and flesh of my flesh;
she shall be called Woman,
because she was taken out of Man.”

Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh. And the man and his wife were both naked and were not ashamed. (Genesis 2:20b-25 ESV)

The foundational book of Scripture, therefore, perspicuously reveals that the institution of marriage was created by God for one man and one woman.

This teaching, that marriage as God has created it is for one man and one woman for life, is so well established in the New Testament that this doctrine is even used to teach other doctrines.

For example, in the epistle the Lord Jesus' apostle wrote to the church in Rome, Paul uses this doctrine to illustrate his teaching on the subject of the law:

Or do you not know, brothers - for I am speaking to those who know the law - that the law is binding on a person only as long as he lives? For a married woman is bound by law to her husband while he lives, but if her husband dies she is released from the law of marriage. (Romans 7:1-2 ESV)

To bless a civil marriage between two people of the same sex thus explicitly contradicts “the canonical scriptures of the Old and New Testaments ... the ultimate rule and standard of faith given by inspiration of God” and thus contravenes the second fundamental declaration of the Anglican Church of Australia.

2.1.3. Fundamental Declaration 3:

The third fundamental declaration affirms: “This Church will ever obey the commands of Christ, teach His doctrine ... follow and uphold His discipline” (Part 1, Ch.I, §3, p.2)

In Matthew’s Gospel we read Christ’s response to the Pharisees who tested him:

He answered, “Have you not read that he who created them from the beginning made them male and female, and said, ‘Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh’? So they are no longer two but one flesh. What therefore God has joined together, let not man separate.” (Matthew 19:4-6 ESV)

The Lord Jesus Christ unequivocally taught that marriage has been instituted by God and is a lifelong covenant between a man and a woman to the exclusion of all others.

To bless a civil marriage between two people of the same sex thus clearly contradicts the doctrine of Christ and thus contravenes the third fundamental declaration of the Anglican Church of Australia.

2.2. On the Matter of the Ruling Principles in the Constitution of the Anglican Church of Australia:

2.2.1. Retaining and Approving the Doctrine and Principles of the Church of England Embodied in the Book of Common Prayer:

Section 4 of the Ruling Principles states: “This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer ...” (Part 1, Ch.II, §4, p.2)

The Book of Common Prayer (1662) contains “The Form of the Solemnization of Marriage” and the introduction of that service begins with the following words:

Dearly beloved, we are gathered together here in the sight of God, and in the face of this congregation, to join together this Man and this Woman in holy Matrimony; which is an honourable estate, instituted of God in the time of man’s innocency, signifying

unto us the mystical union that is betwixt Christ and his Church ... (The Solemnization of Marriage - BCP 1662)

This service patently teaches that holy matrimony was instituted by God between a man and a woman as part of God's good creation. In addition, this service teaches that marriage signifies the union between Christ and his bride, the Church.

This service also concludes with a blessing upon the marriage of the newly wedded man and woman referencing God creating the institution of marriage between a man and a woman - not two people of the same sex - which reads:

Almighty God, who at the beginning did create our first parents, Adam and Eve, and did sanctify and join them together in marriage: Pour upon you the riches of his grace, sanctify and bless you, that ye may please him both in body and soul, and live together in holy love unto your lives' end. Amen. (The Solemnization of Marriage - BCP 1662)

To bless a civil marriage between two people of the same sex thus clearly contradicts the Book of Common Prayer and the service for "The Solemnization of Holy Matrimony" and thus contravenes the ruling principles of the Anglican Church of Australia.

2.2.2. Retaining and Approving the Doctrine and Principles of the Church of England Embodied in the Articles of Religion:

Section 4 of the Ruling Principles also states: "This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied ... in the Articles of Religion sometimes called the Thirty-nine Articles ..." (Part 1, Ch.II, §4, p.2)

Article XXXV - entitled "Of the Homilies" - states:

The second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome Doctrine, and necessary for these times ... and therefore we judge them to be read in Churches by the Ministers, diligently

and distinctly, that they may be understood of the people. Of the Names of the Homilies ... 18 Of the State of Matrimony ... (Article XXXV).

Thus the Anglican Church of Australia approves the doctrines and principles taught in Homily 18 entitled "Of the State of Matrimony". The eighteenth homily begins with the following words:

The word of Almightye GOD doth testifie and declare, whence the originall beginning of Matrimony commeth, and why it is ordained. It is instituted of GOD, to the intent that man and woman should liue lawfully in a perpetuall friendship, to bring foorth fruite, and to auoide Fornication. (original spelling retained; The Second Book of Homilies)

It is clear that Homily 18 teaches that matrimony was instituted by God for one man and one woman - not two people of the same sex - for life.

To bless a civil marriage between two people of the same sex thus clearly contradicts the Articles of Religion - specifically Article XXXV - and thus contravenes the ruling principles of the Anglican Church of Australia.

2.2.3. The Book of Common Prayer, Together with the Thirty-nine Articles, be Regarded as the Authorised Standard of Worship and Doctrine in this Church

The same fourth section of the Ruling Principles states:

Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirtynine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard. (Part 1, Ch.II, §4, pp.2-3)

In view of the clear teaching in both the Book of Common Prayer and the Articles of Religion - as demonstrated above - that marriage is between a man and a woman and not two people of the same sex; it is evident that a service or liturgy for the blessing of a same-sex civil

marriage would indeed be an alteration or variation “from the services or Articles” that would contravene principles of doctrine or worship laid down in these standards.

2.2.4. The Anglican Church of Australia is Subject to the Fundamental Declarations and the Ruling Principles

The fifth section of the Ruling Principles states:

Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution. (Part 1, Ch.II, §5, pp.3)

It is imperative to note that the plenary authority granted to the “several synods and tribunals” of the Anglican Church of Australia is conditional upon that power being exercised “in accordance with the provisions of this Constitution” and is “subject to the Fundamental Declarations and the provisions of this chapter [the Ruling Principles]”.

It is quite clear - as evidenced above - that a service or liturgy for the blessing of a same-sex civil marriage contravenes both the Fundamental Declarations and the Ruling Principles of the Anglican Church of Australia, as outlined above, and is therefore unconstitutional.

Concerning Question 2:

3.1. On the Matter of the Canon Concerning Services 1992:

Among the documents supplied by the Appellate Tribunal on Thursday 7 November 2019 is the file named “4. Canon Concerning Services in effect in Wangaratta 2019.pdf” which is entitled “CANON CONCERNING SERVICES 1992; Canon 13, 1998”. In part 5 section 3 it reads:

5. (3) All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church.

This regulation stipulates two basic requirements of “all variations in forms of service” namely: firstly, that all forms of service used “must be reverent and edifying”; and, secondly, that all forms of service “must not be contrary to or a departure from the doctrine of this Church”.

3.1.1. Must be Reverent and Edifying

The word ‘reverent’ refers to that which “shows deep and solemn respect”. This deep and solemn respect must primarily and ultimately be directed by the worshippers toward the One being worshipped, that is, God Almighty - Father, Son, and Holy Spirit.

For a form of service to be reverent, therefore, it must be in accordance with God's Word - and not contrary to God's Word - in order that God may be given the deep and solemn respect which is required by this canon.

A form of service which blesses a same-sex civil marriage straightforwardly contradicts the Word of God - as asserted above - and as such is irreverent and therefore contravenes this canon.

The word ‘edifying’ refers to that which “builds up”. This building up self-evidently refers to those worshipping the all-sufficient, aseitic God - Father, Son, and Holy Spirit.

This language thus demands that the content of a form of service should be in keeping with God's Word - and not opposed to God's Word - in order that the worshippers are better able to worship God as required by this canon.

A form of service which blesses a same-sex civil marriage plainly denies the Word of God - as asserted above - and as such is unedifying and therefore contravenes this canon.

3.1.2. Must Not be Contrary to or a Departure from the Doctrine of this Church

This regulation also stipulates one prohibition of “all variations in forms of service”; namely, that a form of service “must not be contrary to or a departure from the doctrine of this Church”.

It has already been established, above, that marriage is indeed a doctrine of the church and that marriage has been historically taught from the Holy Scriptures as: instituted by God as an exclusive relationship between one man and one woman for life.

A form of service, such as that proposed by the Synod of the Diocese of Wangaratta which allows for the blessing of same-sex civil marriages, without doubt contradicts the doctrine of the Anglican Church of Australia and so evidently violates this regulation of the “Canon Concerning Services 1992; Canon 13 1998”.

Conclusion

Therefore, we, the people of RAFT Anglican Church, submit that the answers to the two questions referred by the primate of the Anglican Church of Australia to the Appellate Tribunal (5 September 2019) are:

1. That the regulation Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 made by the Synod of the Diocese of Wangaratta is **not** consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
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