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GENERAL SYNOD 18

THE APPELLATE TRIBUNAL OF THE ANGLICAN CHURCH OF AUSTRALIA

A submission in response to the Primate's reference of the *Blessing of Persons Married*

According to the Marriage Act 1961 Regulations of the Synod of Wangaratta.

Submission by the New Cranmer Society

The New Cranmer Society is a group of lay and clergy, primarily within the Diocese of Melbourne, who seek to encourage and promote traditional orthodox doctrine and practice and come from both the evangelical and conservative Anglo-Catholic traditions of the Anglican church. This submission sets out our response to the questions posed by the Primate regarding the Blessing of Persons Married According to the Marriage Act 1961 Regulations of the Synod of Wangaratta (**Regulations**) in the reference dated 5 September 2019 (**Primate's Reference**), namely the questions:

- Whether the Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 made by the Synod of the Diocese of Wangaratta is consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
- Whether the regulation is validly made pursuant to the *Canon Concerning Services 1992*.

Our submission also addresses the questions posed by 41 members of the General Synod regarding the Regulations in the reference dated 14 October 2019 (**GS Member Reference**).

The New Cranmer Society submits that the Appellate Tribunal should answer the Primate's Reference as follows with regard to the Questions regarding the Diocese of Wangaratta:

Question 1: The Regulations are inconsistent with the Fundamental Declarations and Ruling Principles.

Question 2: The Regulations are not validly made.

With regard to the GS Member Reference we submit that the Appellate Tribunal should answer as follows:

Question 1: The form of service in Appendix A to the Regulations is not consistent with the doctrine of this Church, the Fundamental Declarations or the Ruling Principles.

Question 2: The use of any other form of service to bless a civil marriage which involves a union other than between one man and one woman would not be consistent with the doctrine of this Church, the Fundamental Declarations or the Ruling Principles.

Question 3: The Regulations are not validly made.

Submission of the Diocese of Wangaratta

We note the response given by the Diocese of Wangaratta to the Primate's Reference.

The argument being advanced by the Diocese of Wangaratta is of three main parts.

The first and primary argument is that the Regulations do not touch on doctrine but only ceremony. If this were true, the Diocese of Wangaratta implies that no question needs to be answered about whether the Regulations are consistent with the Constitution of the Anglican Church of Australia.

The second argument is that the Wangaratta synod was free to make the Regulations because no authorised service existed for blessing a civil marriage.

The third argument is that even if marriage is properly seen as being a question of doctrine then this would only apply to “Christian marriage and does not extend to the question of the Church extending a blessing to persons in relationships that are recognised by the civil law but which do not have the status of Christian marriage.” (Quote from Wangaratta’s submission).

Response by the New Cranmer Society

We wish to make a number of comments on the issue raised by the Primate’s Reference, the GS Member Reference and with the response of the Diocese of Wangaratta to these questions.

1. We note that a form of service for the blessing of civil marriages has been available for some years (a product of the Liturgy Commission) and can be downloaded from the website of the Anglican Church of Australia. See:

<https://anglican.org.au/wp-content/uploads/2019/05/Blessing-of-a-Civil-Marriage.pdf>

(Accessed: 10.50am 9/12/2019).

A Bishop of a Diocese could choose to authorise this service for use in blessing a civil marriage without creating a new service. Therefore, in making the Regulations, the Diocese of Wangaratta is specifically seeking to do something for which the existing

service is not adequate (presumably in part because the current service includes the words "Scripture teaches that marriage is a lifelong partnership uniting a woman and a man in heart, mind and body" and this would not allow the blessing of same sex couples).

It therefore seems self-evident to us that the Diocese of Wangaratta is doing something of doctrinal import by eliminating this summary of Scriptural teaching from their new service. This Scriptural teaching about the nature of marriage is not a statement reserved only for "Christian marriage" but, by its inclusion in the Liturgy Commission's civil marriage blessing service, is intended to be applied to any civil marriage being blessed. The Diocese of Wangaratta and others within the Anglican Church of Australia may respectfully and sincerely disagree with the statement that "Scripture teaches that marriage is a lifelong partnership uniting a man and a woman". But we submit that this disagreement is fundamentally doctrinal in nature and should be dealt with in the appropriate forums for doctrinal disagreements and not be treated as merely a matter of ceremony, ritual or discipline.

We note that the BCP, including its liturgies, is included as a foundational document that shapes Anglican doctrine. The Anglican church has always found its teaching and doctrine within the services prescribed by the BCP and as such it is particularly important that the doctrinal implications of new services are carefully considered and treated with the seriousness that this Anglican tradition deserves.

2. We are troubled by the precedents and consequences that the approach of the Diocese of Wangaratta will have. The Regulations seek to authorise a service for the blessing of any civil marriage made under a particular Australian law. This law can, and has, been amended in ways that differ markedly from previous forms. Therefore, there is a possibility that further amendments, perhaps even radical amendments, could happen again in the future.

If we allowed the Regulations proposed by the Diocese of Wangaratta we would have guaranteed approval and blessing of whatever form of marriage might be legislated by the Parliament of Australia at any time in the future. While the Diocese of Wangaratta may be comfortable with the definition of marriage currently legislated for by the Marriage Act 1961, the same might not be true in the future. Yet this form of Regulation would have removed a mechanism for making such distinctions.

Even if the Appellate Tribunal is convinced by arguments that blessing same sex civil marriages made under the Marriage Act 1961 does not have doctrinal implications for the Anglican Church of Australia, we believe that the form of the Regulations as proposed leaves so much discretion over the definition of marriage in the hands of a secular body (the Australian Parliament) that the Regulations themselves necessarily carry the possibility of a doctrinal clash between the Marriage Act and the position of the church on what forms of union it is prepared to bless.

Therefore, the Regulations must be treated as pertaining to the doctrine of the Church.

3. We believe that “blessing” necessarily implies approval or endorsement. A blessing of a relationship or union is the pronouncement of God’s blessing on the union. Indeed, the fact that couples married in a civil ceremony seek a blessing service, especially one which recalls and reaffirms the vows they have taken, is a clear sign that they are looking for a signal of the endorsement and approval of God (and the church) on their relationship.

We believe that a further indication of the importance of blessing is the fact that it is reserved for priests in the order of the Anglican church. Blessing means more than wishing someone well or even praying for them. The office of priest is one which the church is careful about discerning and ordaining people to precisely because they will be charged with the responsibility of pronouncing God’s blessing, absolving sins and presiding at communion.

In light of this, pronouncing a blessing on a union through a new authorised service is claiming something about God’s approval of that union. If it were pronouncing blessings on the people within a civil union but without implying anything about God’s approval of the form and structure of the union itself then a new form of service would not be required.

4. We submit that “the definition of doctrine as meaning the ‘teaching of the Church on any matter of faith’” cannot be held to merely encompass beliefs and not also the practices and ethics that flow from those beliefs. Such an interpretation of a ‘matter of faith’ would be profoundly out of line with the history of Christian thought.

The most frequent Biblical references to things which can put someone outside the kingdom of heaven concern not right belief but rather right practice. Thus idolators, the greedy and the sexually immoral are the main focus in Paul’s letters for warnings that they stand condemned (for example, 1 Corinthians 6:9-10). Jesus spoke of those who say “Lord, Lord” but do not follow up their words with right actions (Matthew 7:21). Actions and salvation are inextricably linked (for example James 2: 18 – 19: “Show me your faith without deeds, and I will show you my faith by my deeds. You believe that there is one God. Good! Even the demons believe that—and shudder.”) Without wishing to downplay the importance of right belief, the ethics implied by such beliefs are also critical and, according to the Bible, are vital for salvation. The injunctions of Scripture, therefore, about such actions are doctrinal matters that go to the heart of the Gospel and to questions of salvation.

5. The Diocese of Wangaratta states that “any argument about the content of the Church’s teaching which is based on disputed interpretation of Scripture cannot meet the definition of doctrine under the Constitution.” This statement appears to be based on an assumption that anything on which church members disagree because of different readings of Scripture must be outside of the definition of doctrine by the very fact of them disagreeing about it.

This leads to the absurd position that any diocese could at any time authorise a service, no matter how wildly antithetical to previously understood Christian doctrine, and claim authority to do so because by definition their disagreement with the rest of the Christian world on the issue proves that it is not a matter of doctrine but only of ceremony and therefore entirely at their own discretion. This cannot be a valid interpretation and is in any case a circular argument.

6. Finally, we disagree with the submission of the Diocese of Wangaratta that the BCP and the Canons of General Synod deal with marriage as a rite of the Church and as a matter relating to ceremony and discipline but not as a doctrine. The BCP instructions about who may lawfully use the marriage service and under what circumstances are indeed ceremonial and pertaining to discipline. But the words of the marriage service itself:

“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”

and also, for example,

“It was ordained for the procreation of children, to be brought up in the fear and nurture of the Lord, and to the praise of his holy Name.”

must properly be understood as teaching on the nature of marriage as God ordained, not as statements of what the Church is at the present time permitting. We also note that the theological basis for God’s institution of marriage as outlined in the BCP is based in creation and therefore can reasonably be taken to apply both within the Church and outside it. This is presumably why the Liturgy Commission was happy to propose the form of blessing of civil marriages which exists on the website of the Anglican Church of Australia and which closely mirrors the prayer book marriage service.

The Church’s decision to allow divorced persons to remarry in the Church did not change this teaching about the nature of marriage. It allowed for the brokenness and fallenness of human beings while emphatically continuing to uphold the institution of marriage as ordained by God and taught in the BCP marriage service.

Conclusion

Section 5 of the Constitution provides that:

“Subject to the Fundamental Declarations and the provisions of this chapter [ie the Ruling Principles] 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.”

It follows that the Wangaratta Regulations are invalid if they are inconsistent with the Fundamental Declarations or the Ruling Principles. We submit that the Regulations are inconsistent and therefore are invalid.

We acknowledge that there is sincere disagreement between Christians in the Anglican Church of Australia as to whether same sex marriage is a valid signification of “the mystical union that is betwixt Christ and his church”. We believe that theological debate on this matter is necessary and should happen within the proper forums for such debate which are provided in the Anglican Church of Australia. If indeed the position of the Anglican Church of Australia is to change on this issue it would be far better, and ultimately more unifying, for the Church to discern together and decide together on its position.

Like many people, New Cranmer Society members wish to show love and support to our same-sex attracted brothers and sisters. For a number of us it is a matter of some grief that our reading of Scripture does not permit us to endorse and bless same-sex marriages.

However, it is our belief that the current position of the Anglican Church of Australia on the doctrine of marriage is the only one that is consistent with the Fundamental Declarations and with Scriptural teaching on the issue.

Allowing the new service proposed by the Diocese of Wangaratta to be authorised would not only short-circuit proper theological debate but in our view is clearly taking a doctrinal position which means that the Regulations are not able to be validly made.