

13th December, 2019

Submission to the Appellate Tribunal, Anglican Church of Australia, by Lisette Malanina, regarding:

Primate's reference under section 63 of the Constitution: Blessing of Persons Married according to the Marriage Act 1961 Regulations 2019 (Diocese of Wangaratta)

And

Primate's reference under section 63 of the Constitution

At the request of 25 members of the General Synod:

Blessing of Persons Married according to the Marriage Act 1961 Regulations 2019 (Diocese of Wangaratta)

Response to first reference:

1. Whether the regulation 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.

Given that the regulation Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 made by the Synod of the Diocese of Wangaratta allows for the blessing of same-sex couples married pursuant to the act, the regulation does not follow the doctrine of the Anglican Church as consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.

Fundamental Declaration number 2. affirms the role of canonical Scripture as being the ultimate rule—this being of both the Old and New Testaments. Fundamental Declaration number 4. Also affirms the Thirty-Nine articles as a valid measure for the authorised standard of worship and doctrine in this Church.

Article VI of The Thirty-nine Articles of Religion states that “whatsoever is not read therein [in the Holy Scripture], nor may be *proved* thereby {my emphasis}, is not to be required of any man, that it should be believed as an article of the Faith” or pertaining to Salvation.

The doctrine of marriage in the Anglican Church affirms the Biblical standard of marriage as between one man and one woman only; a definition of marriage affirmed by Jesus himself (Matthew 19:4-6). This doctrine is founded on canonical Scripture—which does not affirm any other form of marriage. Reverend Canon Professor Dorothy Lee's reference to other forms of marriage found in the Bible as support for marriage other than between one man and one woman is poor exegesis. Interpreting descriptive passages as instructive can lead to errant thinking and doctrine.

Scripture also clearly forbids same-sex sexual relationships in both the Old and the New Testament (and, as Article VII of Religion reminds us, the Old Testament is not contrary to the New. We are not exempt from the moral law of the Old Testament, under which same-sex relationships fall). It requires quite creative interpretation of Scripture to dismiss the anathema with which God holds such sexual relationships—or ANY sexual relationship outside of a marriage covenant between one man and one woman. Any such interpretation which arrives at the conclusion that same-sex relationships are sanctioned by God, or pleasing enough to be blessed by Him, is certainly without Scriptural proof or precedent. Article XX of Religion 'Of the Authority of the Church' states, “it is not lawful for the Church to ordain anything contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another”. It is not possible to reconcile the fullness of Scripture to ordain any sexual relationship outside of marriage between one man and one woman. Therefore, same-sex marriage, while permissible under Australia law, is contradictory to the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia, and as such, so is the blessing of such a union.

Rev Canon Professor Dorothy Lee discusses several aspects pertaining to the blessing of civil marriages in general in the supporting material presented by the Synod of the Wangaratta Diocese for the present case

before the tribunal. Her arguments often sound convincing and non-contrary to Scripture, but a closer examination reveals certain logical and theological errors.

She refers to the act of blessing in the Bible and in Anglican life, rightly noting that we can confer blessing to all living creatures. She however equivocates on the definition of blessing by suggesting that blessing, being available for all, also means that marriage unions not ordained by God can be blessed with Biblical precedent. To bless a person is not synonymous with blessing their union. Conversely, to withhold blessing from a same-sex marriage does not mean it is necessary to withhold blessing from a same-sex attracted person.

Rev Canon Professor Dorothy Lee also refers to the precedent of a change in Anglican tradition in regard to the blessing of civil marriages between a man and a woman, particularly with respect to remarriage, asserting that, "Gay and lesbian married couples are like divorced couples before 1985". Here the error lies with conflating the issues of divorce, remarriage and same-sex relationships, and equivocating on the definition of *couple*. These are not one and the same, and should not be treated as such, particularly as the Scripture does not treat them as the same. While there is Biblical precedent for allowable divorce, there is no Biblical precedent for same-sex marriage.

Additionally, it is in itself fallacious to measure the fidelity of a claim to Scriptural acceptance of same-sex marriage against a man-made decision regarding a change in tradition for divorce and remarriage. As Article XXI of Religion 'Of the Authority of General Councils' states "[men] may err, and sometimes have erred, even in the things pertaining unto God." It is irrelevant whether the decision pertaining to divorce and remarriage is correct or not in reference to deciding whether the blessing of civil marriages as proposed by the Synod of the Wangaratta Diocese be authenticated. The yardstick used should not be previous decisions, rather it should be the fullness of Scripture as underscored in Canon and the Articles of Religion.

The issue of whether the blessing in question be adopted, or not, is not one of culture, nor of conscience. Were it a question of culture, then as Article XXXIV of Religion states, it would be within the authority of the Church to change tradition. However, as this same article notes, nothing should be "ordained against God's Word", and blessing that which God has not blessed is contrary to Scripture. While the Synod of the Wangaratta Diocese states (6.2 of the Primary Submission) that teaching on marriage is not a question of doctrine nor of faith, and therefore dismisses the notion of inconsistency with doctrine, it does become a question of doctrine when the reference turns to same-sex marriage. Stating in 9.2 of the submission that Ministers have freedom of conscience not to perform such a service (of blessing), indicates the inherent recognition that there may be sufficient reason to question the validity of such a service. If such a service were truly consistent with Scripture, there should be no need for a freedom of conscience clause.

Finally, it becomes a question of whether the Anglican Church of Australia recognises the authority of Scripture as it pertains to Articles of Faith and issues of Salvation. While the Synod of the Wangaratta Diocese may argue that the blessing of same-sex marriage is not an Article of Faith, it does pertain to salvation. When Scripture clearly tells us that those who practice any sexual relationship outside of a marriage union between one man and one woman will not see the Kingdom of God, we must take this very seriously as an issue regarding Salvation. The question is not whether we think this is fair. The question is whether this is what Scripture tells us, regardless of how it may make us feel. To bless such relationships may indeed jeopardise the eternity of a person.

[2. Whether the regulation is validly made pursuant to the Canon Concerning Services 1992.](#)

Pursuant to the Canon Concerning Services 1992, the General Synod prescribes as follows:

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.

While the Synod of the Wangaratta Diocese submits that the regulation does not pertain to doctrine, and thus is exempt from the prescription of the Canon Concerning Service 1992, same-sex marriage is a departure from

the doctrine of this Church as established above, therefore the aforesaid regulation is not made validly pursuant to this Canon.

Response to the second Reference:

1. Whether the use of the form of service at Appendix A to the Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 made by the Synod of the Diocese of Wangaratta to bless a civil marriage which involved a union other than between one man and one woman, is consistent with the doctrine of this Church and consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.

My response to question 1 of the second reference is as for question 1 of the first reference, see above.

2. Whether the use of any other form of service, purportedly made in accordance with section 5 of the Canon Concerning Services 1992, to bless a civil marriage which involved a union other than between one man and one woman is consistent with the doctrine of this Church and consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.

My response to question 2 of the second reference is as for question 2 of the first reference, see above.

3. Whether, in light of the determinations to be made in Questions 1 & 2, the Regulations are validly made pursuant to the Canon Concerning Services 1992.

In light of questions 1 & 2, 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 validly made pursuant to the Canon Concerning Services 1992.