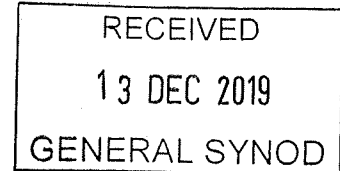




13 December 2019



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

Attention: Mrs Anne Hywood
By email: appellatetribunal@anglican.org.au

Dear Anne

**Primate's Reference under Section 63 of the Constitution – Blessing of Persons Married
According to the Marriage Act 1961 Regulations 2019 (Wangaratta)**

As you know I act for the Archbishop of Perth The Most Reverend Kay Goldsworthy AO.

I attach for your attention Archbishop Goldsworthy's primary Submissions on this reference which I request you file with the Tribunal.

Would you please confirm receipt of the attached Submissions.

Yours sincerely

Eric Ross-Adjie
Chancellor

cc Susan Harvey
By email

IN THE APPELLATE TRIBUNAL

ANGLICAN CHURCH OF AUSTRALIA

IN THE MATTER OF questions referred by the Primate under section 63 (1) of the Constitution

AND IN THE MATTER OF the *Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019* of the Synod of the Diocese of Wangaratta

SUBMISSIONS OF ARCHBISHOP KAY GOLDSWORTHY AO

1. Definitions

In this Submission the following terms shall have the following meanings:

“**ACA**” means the Anglican Church of Australia;

“**AAPB**” means *An Australian Prayer Book 1978*;

“**APBA**” means *A Prayer Book for Australia 1995*;

“**BCP**” means the Book of Common Prayer 1662;

“**Blessing Service**” means the service contained in Appendix A to the Regulations;

“**Canon Concerning Services**” means the Canon Concerning Services 1992;

“**Constitution**” means the Constitution of the ACA;

“**First Reference**” means the reference made by the Primate to the Appellate Tribunal on 5 September 2019;

“**Marriage Act**” means the *Marriage Act 1961 (Cth)*;

“**Regulations**” means the *Blessing of Persons Married According to the Marriage Act Regulations 2019* made by the Synod of the Diocese of Wangaratta pursuant to section 5(2) of the Canon Concerning Services;

“**Second Reference**” means the reference made by the Primate to the Appellate Tribunal on 21 October 2019; and

“**Wangaratta Submission**” means the primary submissions made by the Synod of the Diocese of Wangaratta dated 8 November 2019.

INTRODUCTION

2. Marriage is not necessarily a Christian ceremony. It preceded Christianity many centuries and is essentially a civil contract between two persons of whatever religious or non-religious adherence. The Christian church does not have any monopoly on the form of or qualification for marriage or as to who may perform a valid marriage ceremony. In Australia that is regulated by the Commonwealth Parliament in the *Marriage Act*.
3. Within that framework a church may regulate which of its members may perform a marriage ceremony, who is or is not qualified to be married in that church and the form of the marriage service to be used. The ACA has done this in the *Solemnisation of Matrimony Canon 1981*, the *Marriage of Divorced Persons Canon 1981*, the *Matrimony (Prohibited Relationships) Canon 1981* and in the various forms of service for the solemnisation of matrimony contained in the authorised prayer books. We understand that it is not the Appellate Tribunal's function on this reference to analyse and determine what those limitations are in this Church, although we agree with the Wangaratta Submission that a marriage may only be performed in this Church between a man and a woman (refer paragraphs 53 to 55). We also agree with the Wangaratta Submission as to the function of the Tribunal on this reference (paragraphs 11 to 20).
4. The Blessing Service is not and does not purport to be a form of marriage ceremony. The only forms of marriage service available for use in this Church are those contained in the BCP, AAPB and APBA. They all contain within those services a form of blessing by the Minister of the parties to the marriage in accordance with those respective rituals. The Blessing Service can have no relevance to such marriages, already blessed, and no bearing on them. It is only relevant to a marriage of the type which is not provided for in those rituals such as a Jewish marriage, a Muslim marriage, a marriage conducted by a civil celebrant and any other marriage recognized as such by the law of Australia. It is also beyond dispute that none of the authorised rituals of this Church make provision for the blessing of such marriages.
5. The form of blessing contained in the Blessing Service is similar to that contained in all of the marriage services authorised for use in this Church, namely a series of prayers for various applications seeking God's grace for the couple being blessed

culminating in an invocation for the blessing of the Holy Trinity upon them for their guidance and protection.

6. Moreover section 4 of the Regulations does not purport to authorise the use of the Blessing Service generally in the Diocese of Wangaratta but only "where a minister is asked to and agrees to conduct a Service of Blessing for persons married according to the *Marriage Act 1961*", and that the Blessing Service may only be used in such a case.

THE FIRST REFERENCE

7. We submit that question 1 does not ask a constitutional question and should not be answered, but for the following different reasons than those contained in the Wangaratta Submission.
8. Firstly, the question itself is not one which "*arises under (the) Constitution*" under section 63(1). It is not in accordance with the Constitution to pose a question whether a regulation or ordinance of a diocesan Synod is "*consistent with the Fundamental Declarations and Ruling Principles in the Constitution*". Section 4 of the Constitution contains four provisos to the authority conferred by that section.
9. The first one requires that all statements, forms, rules or alterations or revisions of the relevant formularies "*are **consistent with the Fundamental Declarations***". The second proviso declares that the BCP and the Thirty-nine Articles are to be regarded as the authorised standard of worship and doctrine of the Church and that "*no alterations in or permitted variations from the services or Articles therein contained **shall contravene any principle of doctrine or worship laid down in such standard***". The relevant questions that can be asked are therefore whether a diocesan Regulation or Ordinance contains a statement, form, rule or alteration or revision of the relevant formularies and if so whether it is **consistent with the Fundamental Declarations** and/or whether it constitutes an alteration in or permitted variations from existing authorised services or the Articles and if so whether it **contravenes any principle of doctrine or worship** laid down in the standard. Those questions are different and cannot be rolled into one. To that extent we disagree with paragraph 23 of the Wangaratta Submission. (our emphasis)

10. This probably also means that the proponent of the legislation must justify its consistency with the Fundamental Declarations and that any opponent to the validity of the legislation must establish that it contravenes a relevant principle of doctrine or worship. However it is unnecessary for the Tribunal to rule on that issue.
11. What is significant is that the Regulations and Blessing Service may fall within the meaning of "forms" and "rules" referred to in the first proviso in section 4 of the Constitution and accordingly it is relevant to ask whether they are **consistent with** the Fundamental Declarations. However, they are neither an alteration in or permitted variation from the prescribed services or the Thirty-nine Articles. They provide for something that is not provided in any of them, and the second proviso in section 4 of the Constitution can have no application. Question 1 in the First Reference is therefore flawed and should not be answered by the Tribunal.
12. As there is no provision in the Constitution or in the existing formularies of the Church for the blessing of a couple other than in the course of an authorised marriage service of the Church it is necessary to look elsewhere for the authority to conduct such a blessing. That may be found in section 5(2) of the Canon Concerning Services. The validity of that Canon is not and cannot be called into question on this reference. That may only be done by way of reference under section 29 of the Constitution.
13. A service in the form of the Blessing Service may be used in the Diocese of Wangaratta without the authority of the Regulations. Section 5(2) of the Canon Concerning Services authorises the use of a form of such service if it is considered suitable by the Minister because no provision is made for such blessing by the authorised formularies. Subject to the qualifications expressed in that section the decision is that of the Minister. The reference in section 5(2) of that Canon to a regulation made by the Synod of the diocese is one of the qualifications on the exercise of that power. It is not the regulation which is required to authorise this exercise.
14. The Synod of the Diocese of Wangaratta has made such a regulation limiting the form of blessing which may be used by a Minister in that diocese to the form prescribed in the Regulation and regulating the circumstances in which it may or may not be used. The form of section 4 of the Regulations and the other

conditions prescribed in the Regulations for its use are entirely consistent with the approach required by section 5(2) of the Canon Concerning Services. This limiting regulation is clearly authorised by the Canon Concerning Services, and its validity or otherwise is not a question which arises under the Constitution. If any defect in the Regulations were alleged it may only arise as a question of inconsistency with the Canon Concerning Services as provided for in section 30 of the Constitution. However no such question arises in this reference.

15. The form of service to be used "*must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church*" (section 5(3) of the Canon Concerning Services). We agree with the Wangaratta Submission as to what constitutes the doctrine of this Church (refer paragraphs 28 to 52). However, subsection 5(4) of that Canon provides that a question concerning the observance of the provisions of subsection 5(3) may be determined by the Bishop of the diocese. The question whether a form of service used by a Minister is contrary to or a departure from the doctrine of the Church is not a question arising under the Constitution. It is a question arising under section 5 of the Canon Concerning Services concerning a practice adopted by a Minister. It is not a question that may be settled by the Appellate Tribunal under section 63 of the Constitution. Depending on what the Minister actually does it may be the subject of a disciplinary action in a diocesan tribunal and ultimately the subject of an appeal to the Appellate Tribunal, but that is quite a different proceeding from this reference.
16. Recognising this, the General Synod has authorised a process by which such a question may be resolved. In many respects the Constitution recognizes that diocesan bishops are to be the guardians of the doctrine of the Church, for an example refer to section 58 of the Constitution. Occasions when doctrinal questions will arise under section 5 of the Canon Concerning Services will be relatively rare. That is not surprising, given the limited operation that such a form of service will have, that any doctrinal question arising in its exercise should be able to be dealt with summarily by the diocesan Bishop, or perhaps as a necessary precondition to the bringing of any charge in the diocesan tribunal.
17. If we are wrong this is not a question that can be settled by the Appellate Tribunal. As an alternative submission, if a question of doctrine arises at all, the Tribunal should, in the exercise of its discretion, decline to answer the question and allow it to be resolved by the diocesan Bishop. In any event, a relevant question cannot

arise unless and until some action is taken by a Minister and a judgment may be made about his or her conduct. Otherwise the Appellate Tribunal would be asked to rule on a theoretical question which may never arise.

18. For these reasons we submit that question 1 of the First Reference should not be answered.
19. As the Regulation is no more than a limiting qualification on the exercise of the power conferred by section 5(2) of the Canon Concerning Services and because the question of its validity does not arise under the Constitution but under the Canon question 2 of the First Reference should also not be answered.

THE SECOND REFERENCE

20. The first question contained in the Second Reference should not be answered because it contains defects which are similar to, but not identical with, the first question in the First Reference. Also, for the reasons given above, it is not a question which arises under the Constitution, and for the reasons given in the Wangaratta Submission a question of doctrine does not arise.
21. The second question should not be answered for the same reasons. In addition, the Appellate Tribunal should not rule on an entirely theoretical question concerning some other unidentified form of service.
22. The third question should be answered as follows. Regardless of whether determinations are made in Questions 1 and 2 the Regulations are validly made pursuant to the Canon Concerning Services

THE DOCTRINE OF THIS CHURCH

23. We respectfully adopt paragraphs 53 to 71 of the Wangaratta Submission which provides as follows:

“The Church’s teaching on marriage

53. *The Church’s teaching on marriage is to be found in its forms of service for marriage, most particularly in the BCP, and in the three Canons of General Synod dealing with the question of matrimony. It can also be found in codes of conduct such as Faithfulness in Service which contain*

advice or directives about sex and intimacy within marriage. None of the 39 Articles deal [sic.] expressly with marriage.

54. *The BCP marriage service is expressly confined to marriage between a man and a woman. There is no authorised Anglican rite for any form of Christian marriage other than a marriage between a man and a woman. The General Synod, in exercising its powers under section 26 of the Constitution, has expressed the view that marriage is between a man and a woman.*
55. *There are 3 Canons of General Synod that relate to marriage.*
 - 55.1 *All three are confined to Christian marriage, that is to, marriages being solemnised using the rites and ceremonial of the Anglican church;*
 - 55.2 *All three deal with matters of discipline and ritual and do not contain any reference to faith. They relate to how and when the marriage rites of the church may be used, and to who may participate in those rites, including divorced persons.*
56. *Taken all together, and having regard to past statements of the Tribunal on the distinction between doctrine and other forms of Church teaching on matters of ritual, ceremonial and discipline, the Church's teaching on marriage does not have the status of doctrine as that term is defined in the Constitution. It is not referred to in the Fundamental Declarations. It is not the subject of any teaching in the 39 Articles. The BCP and the Canons of General Synod deal with the marriage as a rite of the Church and as matter relating to ceremonial and discipline. Codes of Conduct such as Faithfulness in Service deal with marriage as part of guidance about godly living and conduct.*
57. *An argument might be made that the BCP marriage service does expressly prohibit relationships other than Christian marriage because of the words in the service "so many as are coupled together otherwise than God's Word doth allow are not joined together by God; neither is their Matrimony lawful". The argument is that those words represent a statement which excludes any form of relationship other than Christian*

marriage between a man and a woman as being a relationship capable of sanctioned by God.

58. *This argument still requires consideration of whether any such prohibition, if it exists, represents the teaching of the Church on a question of faith rather than of ritual or ceremonial, or whether it merely reflects matters of tradition or secular law. It is important to consider the context in which the liturgies and formularies in the BCP were created. As was noted by Vice President Tadgell JA in the context of debate on whether women could be ordained to any of the orders of ministry :*

The social and constitutional milieu in which the Book of Common Prayer was produced required that its compilers proceed upon the footing that women were ineligible for ordination. No-one doubts that they were ineligible both by the common law and by the canon law, for by neither the common law from its commencement nor the Constitution of England was a woman entitled to exercise any public function ... What Lord Haldane in Viscountess Rhondda's Claim [1992] 2 AC 339, 387 called "the general disability which the law regarded as attaching to the exercise by women of public functions" cannot be supposed to have depended upon the canon law or any religious doctrine or religious principle, for it extended much beyond the Church in its application. Inasmuch as the common law exclusion of women overlapped the religious exclusion, I should be unwilling to ascribe to any position adopted or enshrined or embodied or laid down in the Ordinal the character of a principle of doctrine or worship unless there were other evidence to justify it being treated as such.¹

59. *Whether dealing (as this reference does not) with a form of service purporting to solemnise a marriage according to Christian rites, or whether (as here) with a form of blessing only, the Tribunal can adopt this reasoning with respect to the blessing of civil marriages, including*

¹ See Report of the Appellate Tribunal Opinion on the Ordination of Women to the Office of Deacon Canon 1985 4 March 1987: reasons of the Vice President at page 90

same sex marriages: to the extent that the BCP marriage rite provides for only marriages between men and women, that can be seen as reflecting the reality of the common law position and attitudes extending well beyond the Church rather than being derived from any doctrine. At the time the BCP was prepared, there was no possibility of same sex marriages, and no "civil marriage" in the sense of ceremonies conducted other than by priests. Just as the historical absence of women as clergy does not represent a doctrinal principle that women cannot be ordained, so too the historical absence of civilly conducted marriages or forms of rite for same sex marriages does not arise from a point of doctrine but from past social attitudes and legal constraints unrelated to, if overlapping with, the rituals and discipline of the Church.

60. *So too, the words "so many as are coupled together otherwise than God's word doth allow are not joined together by God" in the BCP marriage service must be seen in the context of their place in the service. That context is the section dealing whether there are any impediments at law to the marriage. The reference to "other than God's word doth allow" is a reference to circumstances in which marriage was prohibited by both civil and canon law – such as cases where one party was already married or where the parties stood in a prohibited relationship to each other.*
61. *Even if this teaching is construed as doctrine, it is still necessary to consider the implications of that doctrine for how the Church is to regard other forms of relationship, such as civil marriages. If the Church's position on marriage is one of faith and not of ritual, ceremonial or discipline, then by necessary implication it is a position confined to Anglicans. It is teaching governing the practice of the central tenets of the Anglican faith. It cannot then purport to cover the field with regard to civil law or be a universal statement about the morality of other kinds of relationships.*
62. *The Appellate Tribunal has previously found that a canon providing for the marriage of divorced persons, regardless of the cause of the breakdown of marriage, would not contravene either the Fundamental*

*Declarations or the Ruling Principles.*² This would indicate that the teaching of the Church on marriage as contained in the BCP, at least insofar as it relates to the principle of “to the exclusion of all others for life” is not the teaching of the Church on a question of faith and therefore not doctrine for the purposes of section 4 of the Constitution.

63. Accordingly the BCP marriage service does not speak to the question of whether persons in a civil marriage may be blessed by the Church. The marriage service does not reflect the Church’s teaching on what constitutes a Christian marriage but, even if that teaching is **doctrine** for the purposes of section 4 (which the Tribunal should find it is not) it does not represent a binding statement of whether persons in other kinds of relationship can be blessed or otherwise regarded as worthy of God’s favour.

Scripture

64. It can be readily acknowledged that there is a body of opinion that would consider the blessing of same sex civil marriages contrary to Holy Scripture, and therefore contrary to the faith of the Church as reflected in section 2 of the Fundamental Declaration, because of the presence of certain Biblical verses which are interpreted by some scholars as prohibiting homosexual relationships. However, given the extent of learned debate amongst biblical scholars and theologians regarding the proper meaning and weight to be attached to those few phrases³, and having regard to the need for questions of faith to be capable of clear definition because they can form the basis for charges in diocesan and Special Tribunals, the Tribunal should be slow to reach a conclusion that those verses of themselves are sufficient to support a conclusion that the Fundamental Declarations prevent the creation of a service of blessing for persons who are married under the Marriage Act, including persons in a same sex civil marriage.

² *Opinion of the Appellate Tribunal on the Marriage of Divorced Persons and admission of women to Holy Orders* 8 February 1980.

³ A similar argument from certain texts was made in the context of the ordination of women and rejected in the light of biblical scholarship: see the reasons of the majority in *Opinion of the Appellate Tribunal on the Ordination of Women* August 1985

65. *As the Appellate Tribunal has had occasion to remark in cases relating to the ordination of women, it is not always possible to discern from scriptural texts a single unified and consistent meaning.*

65.1 *Ancient texts are far from unambiguous, are sometimes no less than obscure, and are the subject of such widely divergent interpretation and explanation by exponents of the arts of hermeneutics and scriptural exegesis that the quotation back and forth of scriptural texts is of little assistance in the legal task which confronts the Tribunal.⁴*

65.2 *The existence of different biblical commentaries on disputed passages indicates that there are many different views on parts of Scripture.⁵*

65.3 *While the interpretation of Scripture does not change with every whim and win, the Tribunal ought not ignore 150 years of biblical critical scholarship and its results, nor 300 years scientific investigation and discovery.⁶*

65.4 *Differences of interpretation sometimes result from differences in detailed exegesis, sometimes from the application of differing hermeneutical principles. "While the Constitution binds the Church to holy scripture as the ultimate rule and standard of faith, and while the 39 Articles make important statements about the place of Holy Scripture in the Church, the Church has not bound itself to one particular set of principles in the interpretation of Scripture".⁷*

66. *Such texts as exist on the topic of marriage, sexual relationships and same sex relationships are the subject of profound and continuing debates amongst scholars and form the basis for widely diverging views*

⁴ *Report of the Appellate Tribunal Opinion on the Ordination of Women to the Office of Deacon Canon 1985 4 March 1987: reasons of the Vice President at page 80-81,*

⁵ *Report of the Appellate Tribunal Opinion on the Ordination of Women to the Office of Deacon Canon 1985 4 March 1987: reasons of Mr Justice Young at page 98 where His Honour notes there are "as many different views on parts of Scripture as there are views about the meaning of section 92 of the Australian Constitution",*

⁶ *Report of the Appellate Tribunal Opinion on the Ordination of Women to the Office of Deacon Canon 1985 4 March 1987: reasons of the Bishop of Newcastle at page 69,*

⁷ *Report of the Appellate Tribunal Opinion on the Ordination of Women to the Office of Deacon Canon 1985 4 March 1987: reasons of the Archbishop of Adelaide at page 43.*

amongst Anglican clergy and laity. The Tribunal is not equipped to resolve that debate. Indeed, the very existence of that debate is itself evidence that questions of marriage and personal relationships are questions which are not questions about the faith as contained in the Fundamental Declarations. They are matters about which faithful Anglican people of good conscience can differ. They are not of the same order as matters relating to the faith of the Church as held from ancient times. Strong views may be held on either side of the debate without either side ceasing to uphold that Christian faith as it is reflected in the Creeds and in the 39 Articles and BCP. This is amply evidenced by the variety of arguments and views expressed in the Doctrine Commission's essays in Marriage, Same Sex Marriage and the Anglican Church of Australia, as well as in the contents of debates within and between dioceses and other church organisations.

67. *Accordingly, any argument about the content of the Church's teaching which is based on disputed interpretations of Scripture cannot meet the definition of doctrine under the Constitution. Anglicans are able to hold divergent views on many matters and still be Anglicans. Individual consciences may regard the teachings of the Scripture as leading to differing conclusions on matters of personal behaviours and morality. The fact that those different views are faith-informed and held with great sincerity cannot convert matters of ritual or discipline or moral or social welfare⁸ into matters of doctrine.*

Blessings

68. *As set out in the attached essay from Revd Canon Professor Dorothy Lee, blessings are at the heart of the common life of Anglicans.*
69. *The Regulations adopt a form of service for blessing people who have been married in a civil ceremony. There is no doctrine contained in the 39 Articles that limit the circumstances in which a blessing may be given to a person. The prayers upon diverse occasions in the BCP and other authorised prayer books do not purport to cover the field such that*

⁸ Section 26 of the Constitution empowers the General synod to declare its view on many matters including matters of spiritual, moral and social welfare. Resolutions from General Synod made in exercise of that power are not doctrine.

blessings or prayers in other contexts are not permitted. While not all Anglican traditions favour the use of blessings to the same extent, there are well established practices in many parts of the Church which bless people, pets, meetings, building and personal endeavours.

70. *Accordingly, nothing in the doctrine of the Church prevents the offering of a blessing to persons who seek that blessing in the context of their having been party to a civil marriage.*

Conclusion

71. *The result of this analysis is that*

71.1 *The Church's teaching on marriage is not doctrine;*

71.2 *If it is, it is confined in its scope to what constitutes a Christian marriage, and not to whether people in other kinds of relationships are worthy of God's blessing;*

71.3 *In either case, the Regulations and the form of service they adopt are not contrary to or a departure from doctrine; and*

71.4 *Accordingly, they are validly made under the Canon Concerning Services."*

24. Neither the practice of blessing a lawful marriage other than that occurring in the course of a marriage within this Church nor its regulation by diocesan Ordinance affect in any way a marriage service conducted in accordance with any of the forms authorised for use in this Church. Those authorised marriage services are also silent about the blessing of a marriage conducted outside this Church. There is therefore no relevant principle of doctrine or worship contained in the BCP or the Thirty-nine Articles which such a form of service would contravene.
25. The Blessing Service or its use does not qualify in any way any expression of the doctrine of this Church which may be contained in the BCP. The service merely fills a vacuum left by the several authorised marriage services. Accordingly it does not "*contravene any principle of doctrine or worship laid down in*" "*any authorised standard of worship and doctrine in this Church*" (section 4 of the Constitution).

26. The Blessing Service is not, nor does it purport to be, a marriage service. Therefore it has no impact on this Church's doctrine of marriage. It does no more than bless a legally constituted relationship. There is no doctrine of the Church which prevents two persons of the same gender from living together in a loving and respectful relationship which they promise to maintain so long as they both shall live. In the same way that the Church does not purport to be the ship builder when God's blessing is sought for a ship "and all who sail in her". The act of blessing in this service is no different, for example from the blessing of a ship "*and all those who sail in her*", but this Church never purports to build ships. The Church asks God to bless what already exists at/under law. The Blessing Service is the blessing of a class of people or people defined by a lawful relationship. This blessing does not purport to bless every act or omission, whether lawful, unlawful, sinful or otherwise conducted or permitted by a person in that relationship any more than the blessing of a marriage in an authorised marriage service does.
27. If the Blessing Service were to be condemned because of the possibility of a sin being committed within the relationship it would be quite wrong to allow any form of blessing in a marriage service. If the concern is the blessing of a same-sex marriage lawfully carried out in this or any other 'civil' jurisdiction, the blessing is only that of persons in a loving relationship, not what may or may not be conducted within it. The blessing is not of a contract but only of the persons who are parties to that contract living in a covenanted loving relationship. The blessing is not of what may, or may not be, conducted in the relationship. It is not necessary for this submission or the Tribunal to make any judgement about that, just as it is not necessary for the Church or its ministers, in blessing (any) couple in an authorised Anglican marriage service, to make any assumption or judgement as to whether the couple will in the future reject each other in violent, adulterous or hateful circumstances. Indeed any loving relationship can only be enhanced by the blessing and guidance of the Holy Spirit implicit in such a service.

Theological Reflections on a Blessing

28. What follows below refers chiefly to the theological issues raised by the Primate's reference to the Appellate Tribunal. Thus, notwithstanding the thrust of the submission above that the Blessing Service does not contravene any principle of doctrine or worship, and, further, that, according to section 5 of the Canon Concerning Services, any doctrinal question arising in its exercise should be able

to be dealt with summarily by the diocesan Bishop. This is offered to assist the Tribunal should it choose to consider the question of doctrine and worship, which as we submit above it does not need to. Its sole focus is the related issue raised by questions 1 and 2 - whether the Blessing Service "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."

A. Introduction

29. *Prima facie*, the proposed order of Blessing (Appendix A) is consistent with, at least, the Fundamental Declarations and Ruling Principles in the Constitution. The Fundamental Declarations refer to 'the Christian Faith as professed by the Church from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles Creed.' (section 1 of the Constitution.) Neither of these creeds makes any reference to marriage, let alone to blessing of persons living in a legally binding marriage.
30. The Fundamental Declarations affirm that 'the canonical scriptures of the Old and New Testaments are the ultimate rule and standard of faith... containing all things necessary for salvation.' (section 2). Paragraphs 35 to 50 below will submit that the proposed order of Blessing is consistent with the standard of faith in the canonical scriptures of the Old (paragraphs 35–41) and New Testaments (paragraphs 42-50).
31. The Ruling Principles affirm that the ACA 'retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer... and in the Articles of Religion sometimes called the Thirty-nine Articles' (section 4). Like the Creeds, the Articles of Religion make no mention of any doctrine of marriage, nor blessing. Paragraphs 51 to 81 below will submit that the proposed order of Blessing is consistent with doctrine as embodied in the BCP.
32. It seems helpful to start these theological reflections with a concise definition of blessing, which one standard reference book defines as 'the authoritative pronouncement of God's favour.'⁹ Significantly, that same reference continues that

⁹ *The Oxford Dictionary of the Christian Church*, ed. F. L. Cross, (3rd ed., ed. E. A. Livingstone), (Oxford: OUP, 1997), p. 215

'instances in the Old Testament [OT]... presuppose the automatic action of blessing, independent of moral considerations.'¹⁰

33. Another helpful insight into 'blessing' is found in the work of Anglican theologians Daniel W. Hardy and David F. Ford. They argue:

"Blessing is the comprehensive praise and thanks that returns all reality to God and so lets all be taken up into the spiral of mutual appreciation and delight which is the fulfilment of creation."¹¹

This definition of blessing allows for a wide understanding of blessing – and who, or what, may be blessed. With those preliminary remarks, we turn to a more systematic exploration of 'blessing' in the canonical scriptures, the BCP and theological reflection on these.

B. Blessing in the Old Testament

34. In the Old Testament (OT) the source of all blessing is God (e.g. Gen 1:22,28; 9:1; 12:1-3; 26:3). Even where a father blesses his children (e.g. Gen 27:27-29; 31:55) this is implicit, as it was simply taken for granted in the ancient Near East and for ancient Israel that it was divine providence that operated in the natural world and history. Some texts refer to people blessing God: this is an act of praise and homage to God and God's gracious providence (e.g. Ps 34:1; 63:3-4; Dan 4:34; 1 Chronicles 29:10).
35. Within the cult or liturgy (the setting most pertinent to the current question of blessing people married in places other than the church), when the king or priest pronounced a blessing he invoked the name of YHWH (e.g. 1 Kings 8:14-21, 56ff) or invited YHWH to bless the people (e.g. Num 6:22-27; Ps 134:3). It was YHWH who blessed the people; the source of blessing was not ultimately the king or priest. It was YHWH's choice to bless the people or not. Nowhere in the Old Testament does God bless a 'contract' (see paragraphs 36, 49 and 63 below); always in these liturgical settings it is *people* who are given God's blessing through the king/priest inviting God's blessing on them.
36. Even in the institution of a covenant relationship between God and a person (e.g. Abraham) or a people (the people of Israel), which *may* be read as establishing a

¹⁰ *Loc. cit.*

¹¹ David F. Ford and Daniel W. Hardy, *Living in Praise: Worshipping and Knowing God* (London: D.L.T., 2005; first published in 1984 as *Jubilate: Theology in Praise*), p. 103

form of contractual relationship, the blessing is from God to those persons or people; not on the covenant itself. Furthermore, this is seen as 'overflowing' from the person originally blessed to others: e.g. 'I will bless you... so that you will be a blessing. I will bless those who bless you... and in you all the families of the earth shall be blessed.' (Gen. 12:2,3)

37. The Old Testament is inconsistent regarding whether those who are blessed deserve it or not. God blesses all the birds and sea creatures, and all of humankind, in Gen 1:22,28, and Noah and his sons in Gen 9:1,7. Is this deserved or not? It is ambiguous. It could be argued, alternatively, that in Gen 1, since all of creation including the creatures and humans are pronounced by God to be good, it is deserved, although humans and creatures alike have not done anything themselves to deserve it. However, in Gen 9:1,7, after the flood, although Noah is righteous (Gen 6:9) it is not clear that his sons are, and given the second creation that has violence built into it, the violence of humans towards animals and the warning against murder (9:2-6), the blessing as deserved does not seem to be a consideration. Most strikingly, in the instance of Balaam (Num. 23 f), the blessing on Israel is independent of moral considerations: the blessing flows from the liberty of God.
38. There are conditional blessings and these occur in the covenant context, namely in Deut 28:1-14 and Lev 26:3-13, where the blessings listed reward faithful observance of the covenant's terms in counterbalance to the curses on those who disobey the covenant laws in Deut 28:15-68 and Lev 26:14-33 respectively.
39. Within cultic and liturgical contexts, as described above, it is the people in general that are blessed by the king or priest without any reference to being deserved, and indeed the context of 1 Kings 8: 14-21, 56ff, Solomon's prayer for the people in light of various sins, suggests the blessing is undeserved. There is no screening as to who among the people should be blessed and who not – the blessing is unconditional.
40. In summary, God is the source of all blessing. Leaders (king/priests) invite God's blessing, and in liturgical contexts this is on the people in general with no distinction between the deserving and undeserving.

41. This suggests that, as regards people who have been married other than in a church, a 'blessing' of this marriage in the context of liturgy not only does not go against the Old Testament regarding liturgical blessing, but that the decision to bless or not is not the judgment call of the priest – it is God's decision. The priest or other authorised minister can invite God's blessing and it is up to God to bless or not – it is out of our hands and for us or any priest to make a judgment call on this and refuse a blessing is overstepping human limits thereby usurping God as the final decision maker and source of blessing.

C. **Blessing in the New Testament**

42. The New Testament (NT) takes over much of the OT usage of 'blessing', with the odd development. As in the OT, a blessing typically refers to a bestowal of benefits and is the counterpoint to a "curse". Bestowed benefits include vitality, health, longevity, fertility, land, prosperity, honour, and progeny. Curse results in death, illness, childlessness, famine, and war.
43. An important feature in the NT understanding of blessing is the distinctive joy which comes through participation in the kingdom of God. Blessings such as those found in the beatitudes (Matt 5:3-12, and parallel Luke 6:20-26) express a vision of life in the kingdom and reveal divine favour for certain human actions and situations. Recipients are "fortunate" or "happy" in the sense that they are the privileged recipients of divine favour through God's imminent reign. Jesus suggests that those who recognize the message of the kingdom will be blessed (Matt 13:16).
44. As in the OT, God is the primary source of blessing. In the NT, God is repeatedly referred to as the blessed one (Luke 1:68; Romans 1:25; 2 Corinthians 1:3; 11:31; Ephesians 1:3; 1 Peter 1:3; 1 Tim 1:11; cf. Mark 14:61). The mother of the Messiah is also "blessed among women" and the fruit of her womb (Jesus) is "blessed" (Luke 1:28, 42).
45. Inviting God's blessing upon persons legally married outside the church, including those in same-sex relationships, is not inconsistent with the principles of Scripture. It is customary through the NT to invite God's involvement in every aspect of political, familial, social, and economic life. During his ministry, Jesus never blesses marriages or relationships, but he adopts the religious practices of his day to pronounce blessing over food (Mark 6:41; Mark 14:22) and people such as

children (Mark 10:16), the apostle Peter (Matt 16:17), and the disciples at the ascension (Luke 24:50).

46. When we pray, we do as Jesus taught us, by inviting God's kingdom and God's will to be done on earth as in heaven. Ultimately, it is up to God whether a blessing takes effect. Human approval or sanction is not a necessary precondition to receiving God's blessing. In fact, *blessing often falls upon those we least expect*. For example, Jesus radically instructs his disciples to "Bless those who curse you" (Matthew 5:44//Luke 6:28), and this teaching is echoed in Paul's admonition to the Roman assembly: "Bless those who persecute you" (Rom 12:14; cf. 1 Cor 4:12). Similarly, the author of 1 Peter advises his recipients, themselves victims of suffering, not to "repay evil for evil or abuse for abuse" but, on the contrary, to "repay with a blessing" (1 Peter 3:9).
47. This surprising and counter-cultural motif is demonstrated most acutely in the beatitudes spoken by Jesus at the beginning of his Sermon on the Mount (Matt 5:3-12). Here a significant and unexpected reversal takes place wherein the "blessed" or "fortunate" are those who conventionally would be regarded as "unfortunate" or "cursed" by first century Jews and Gentiles. Blessedness is reserved not for the rich and secure, but for the poor, the mourning, the meek, and the persecuted. In the prevailing Græco-Roman society, by contrast, to be "blessed" refers almost exclusively to the freedom of the wealthy from normal cares and worries. Luke's version of the beatitudes alternates blessings—including for the hungry and the hated, excluded, and reviled—with several "woes" against the rich and satisfied, which further cements the promise that the earthly status of those addressed will be reversed in the kingdom (Luke 6:20-26). When Jesus declares the poor and persecuted blessed, this does not mean that God *approves* of poverty or persecution, but simply that God is present and at work within their respective situations. Blessing assures the addressees of the vindication and reward that attends God's salvation, and thus provides encouragement in their current predicament, and an opportunity for reconciliation to God.
48. The surprising theme of God's blessing falling upon the unexpected is rooted in the notion that Jesus himself was "cursed" when he was crucified by the Romans (Gal 3:13; cf. Deut 21:23), and that through his humiliating death on a cross, the world is being saved and reconciled to God. Such counter-intuitive logic, at odds with the prevailing logic of the wider Græco-Roman world in which "the mere mention of the

word 'cross' is shameful to a Roman citizen and a free man" (Cicero, *Pro Rabirio* 5.16), is what led Paul to exhort the radical message of Christ crucified as God's "foolishness" that completely confounds the conventional wisdom of this world and the current age (1 Cor 1:18-25).

49. Thus, the blessing of persons who have been married in a civil ceremony is consistent with Scripture, so long as it is understood that it is not the union itself which is being blessed, but rather the persons involved, who come before God, in the context of liturgical worship, to seek blessing upon their life together.

D. Liturgical blessing in BCP (and AAPB and APBA)

50. The BCP is the standard for doctrine for the ACA referred to in the Constitution. Nevertheless, BCP is not a *limiting* standard for doctrine, but rather has been an enabling standard for Anglicans over centuries. Indeed, ***the BCP's silences and its historically-conditioned expressions of prayer have not prevented the Anglican Church of Australia from providing other pastoral services and resources which have become valuable in 20th and 21st century evangelistic and pastoral contexts***, not least in AAPB and APBA. Some examples are given below.

51. Example 1: Childbirth

The BCP form for the *Thanksgiving of Women after Childbirth, Commonly Called Churching of Women* has a historically understandable emphasis on the preservation of the life of the woman through childbirth. It has no reference to the child (which may have died), to the father of the child, or to other family members. The emphasis on the woman's survival is preserved in *Thanksgiving for a Child* in APBA in a single prayer, while the rest of the APBA form is rich in prayers for all concerned in the child's birth, family life and growth in faith.

52. Example 2: Ordination

The BCP forms for ordaining deacons, priests and bishops assume male gender and use only male pronouns for all those who are ordained. This is entirely understandable in the historical context of the BCP. It has not prevented the ACA from legislating to allow women to be ordained as deacons, priests and bishops, or from providing in APBA liturgical forms for ordination in which pronouns used may be masculine, feminine or plural, depending on the candidates' gender.

53. Example 3: Ministry with the Sick

The service of Visitation of the Sick in the BCP is strongly focussed on the possible death of the person who is ill, and on a sensitivity to sin and its consequences. This emphasis is greatly reduced in APBA's Ministry with the Sick, where prayers for healing emphasise and recognise God as companion, strengthener and healer, rather than the likely source of the illness. These pastorally and theologically necessary developments include the separation of Ministry with the Sick and Ministry with the Dying into two separate orders in APBA. The shift also speaks into an evolving understanding of Scripture and blessing in the ancient world.

54. Example 4: Marriage

The BCP provides only a form for marriage in the parish church of a man and a woman. This is entirely understandable in the historical context of the BCP.

The BCP does already recognise and provide for two kinds of marriage, however: a marriage with, and a marriage without procreative possibility. When the woman is over child-bearing age, a rubric requires the priest to omit the prayer which asks God to "assist [the woman] with thy blessing" in order that she may bear children.

55. These silences of the BCP have not prevented the ACA from providing prayers and pastoral resources related to marriage that touch on contexts unknown to or not felt as needed in the world of the BCP, including prayers for existing families, prayers for healing after hurt, and forms for recognising and blessing marriages conducted elsewhere than in the parish church.

56. The BCP does not provide for a marriage where the woman and the man are social, economic or political equals. The gender-asymmetrical marriage vows of the BCP demonstrate this, where the man, on giving the ring, endows his wife with his possessions, and the woman, in her vow, promises to obey her husband.

57. This BCP asymmetry has not prevented the ACA from providing, in AAPB and APBA, marriage services which have entirely symmetrical marriage vows for the man and the woman.

58. The Wangaratta provision may therefore be seen as making a pastoral provision for prayer in an area where the BCP is silent, and where what the BCP does say is not sufficiently pastorally and theologically developed as to advance the mission of the Church in the 21st century, when fewer and fewer marriages are solemnised in the parish church.
59. It fits the definition of section 5(2) of the *Canon Concerning Services*, which specifies that, “subject to any regulation made from time to time by a Synod of a Diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions.”

It is not “contrary to or a departure from the doctrine of this Church” (section 5 (3)) but rather, like the examples given above, a supplement to and a development of the doctrine of this Church.

60. Furthermore, the BCP provides for diverse forms of blessing, which are used as models for developing further occasions of prayer for and declaration of God’s blessing. The grammar of liturgical texts in the BCP (and thus in AAPB and APBA) varies in the way blessing is prayed for, given thanks for, and declared. “Bless” as a verb occurs in indicative, imperative and subjunctive moods. “Blessing” and “benediction” as nouns are used. The wide range of expressions for blessing in the Bible is also reflected in Anglican liturgical texts.
61. (a) *Berakah-form blessing – prayers that bless God.*

“Blessed are you, Lord God of all creation; through your goodness we have these gifts to share.” “Bless the Lord, O my soul, and let all that is within me bless God’s holy name.” This form is related to praise and thanksgiving, and is familiar from the Hebrew scriptures. In it, the person or assembly praying acknowledges blessing received from God and reflects that blessing back from an overflowing heart. It can be prayed by any Christian at any time.

(b) Thanksgiving for blessing received

The General Thanksgiving has us pray: "We bless thee for our creation, preservation, and all the blessings of this life". This form both blesses God, and constitutes a heartfelt thanksgiving for blessing received from God.

In APBA, in the service of Thanksgiving for a Child, we pray: "thank you for blessing *names* with the gift of a *son/daughter*". This names a specific blessing received.

All Christians at any time can give thanks for blessings God has given them.

(c) Petition or intercessory blessing - People

The most common form of blessing in BCP and subsequent Anglican prayer is a direct request to God to bless persons or, very occasionally, things. In the Great Litany we pray "that it may please thee to bless and keep all thy people." Many formal and informal prayers ask God to bless particular persons, usually but not always with a particular purpose or outcome in mind. The form is then "Send your blessing upon/ bless these persons, *so that....*" The desired outcome, attitude or behaviour is carefully specified. For example, in the marriage service, the couple are prayed for in these terms: "bless these thy servants, and sow the seed of eternal life in their hearts; that whatsoever in thy holy Word they shall profitably learn, they may in deed fulfil the same."

(d) Petition or intercessory blessing - Things

Classical Anglican formularies are very circumspect in the things, as distinct from the persons, that are blessed. However, some significant things remain appropriate or indeed necessary subjects for the bishop's or priest's blessing.

62. In the BCP Baptism service, the priest prays over the water: "sanctify this water to the mystical washing away of sin". The blessing is to have a specified effect.

In the Lord's Supper, in the Great Thanksgiving, the prayer in BCP is called the Prayer of Consecration, and the rubrics refer to the consecration of the wine and the blessing of the bread. The petition associated with the "blessing" of the bread

and wine is “that we, receiving these thy creatures of bread and wine... may be partakers of his most blessed body and blood.”

63. Similarly, in the text of APBA’s Great Thanksgivings, the priest’s words of consecration/blessing over the bread and wine express the purpose of the blessing or consecration: “we pray that by your Word and Holy Spirit, we... may be partakers of Christ’s body and blood”.
64. The blessing of the wedding rings, in APBA’s Marriage Service, also takes the form of a petition with a purpose: “By your blessing, let these rings be for *N* and *N* a symbol of their love and faithfulness”.
65. Beyond these Prayer Book formulations for blessing water for baptism, bread and wine at Holy Communion, and rings at the wedding. Liturgies of the ACA predominantly thank God for things and bless the people who will use them.
66. *Declarative blessing of persons*

One of the distinguishing features of this kind of blessing is that it addresses not God (as the previous kinds of blessing do) but the people to be blessed. Instead of “[you, God,] bless us / them”, the syntax is “God bless you [the people seeking the blessing].”

67. The declarative form of blessing results from the basic conviction that God is the source of all blessing and is a God of abundance who delights in all kinds of flourishing. It will always be up to God what shape, if any, the blessing will take. The role of the priest or bishop in this kind of blessing is not to preach it, filter, focus or quantify it, but simply to declare it.
68. The sign of the cross, often accompanying the words of a declarative blessing, is a visual acknowledgement of the cost to God in Christ of delivering every good gift of mercy, peace, love and wholeness for those who receive the blessing. The Trinitarian formula is strongly associated with declarative blessing.
69. *Blessing the assembly*

Blessing is frequently declared by the bishop or priest in Anglican assemblies, in a grammatically distinct form which uses the subjunctive. “The peace of God which passes all understanding keep your hearts and minds in the knowledge and love of

God, and of his Son, Jesus Christ our Lord; and the blessing of God almighty, the Father, the Son and the Holy Spirit, be among you and remain with you always.” The subjunctive is recognisable in the verb forms *keep... be... remain* which would in the more common, indicative form be *keeps... is... remains...* This blessing both prays for and accomplishes what it describes. It is offered to the whole assembly, without conditions or exclusions. It assumes that God desires to bless, and does bless those present.

70. *Blessing a married couple*

There are few examples in the BCP or APBA of declarative blessing of specific individuals rather than the assembly.

One is in the BCP Marriage service. The priest declares this blessing: “God the Father, God the Son, God the Holy Ghost, bless, preserve, and keep you; the Lord mercifully with his favour look upon you; and so fill you with all spiritual benediction and grace, that ye may so live together in this life, that in the world to come ye may have life everlasting. Amen.”

71. To a rich declaration of blessing (with the verbs in the subjunctive: bless, preserve, keep, look with favour, fill...) it adds a “so that” prayer for the couple. This combines the declarative element of the blessing form with the petitionary element of the hoped-for result of God’s blessing.
72. There are no conditions or exclusions associated with this blessing, but only the hope of a grace-filled life on earth and everlasting life in the world to come. The declarative and the petitionary element of this blessing could equally be prayed for any Christian people living under one roof or forming an intentional community: parents and children, sisters and brothers, friends or house-sharers, adoptive, foster, step or blood families, vowed members of a religious community, and so on.
73. In APBA, the two Orders for marriage also contain rich words of declarative blessing for the married couple. When couples married under the Marriage Act elsewhere than in the parish church request a “blessing” for their married life, it is safe to assume that they are asking for a declarative form of blessing. It should be noted that the blessing in the marriage service in BCP and APBA *follows* the declaration of the marriage. The declarative blessing cannot be construed as *creating* the marriage. Before the blessing is spoken, the minister has already

explicitly declared that the marriage has now been constituted by the consents, vows, giving and receiving of a ring, and the joining of hands.

74. *Blessing in the Wangaratta regulations*

The Blessing Service provided begins with the minister announcing that “we have come together to pray for God’s blessing on *N* and *N* as they continue their married life together.” Various thanksgivings and petitions follow.

The form of service ends with a prayer addressed to the Holy Spirit, which in turn concludes with a declarative blessing based on the familiar form, with an associated petition: God’s blessing be upon you “to guide and protect you and all those you love.”

75. This blessing would be more felicitously expressed by separating into two distinct sentences the prayer to the Spirit and the declarative blessing, as these are addressed to different “audiences,” with the pronoun “you” having one reference in the prayer to the Spirit and another reference in the declarative blessing.
76. The rubrics recommend locating this form of service within a larger liturgical celebration, which would itself conclude with one of the forms of blessing for the whole assembly, described above.
77. The form of service clearly indicates that it relates to a marriage already solemnised elsewhere. That is, that it does not constitute the marriage.

E. **Theology of Blessing**

78. As seen above with specific reference to the ACA, the Christian church has always seen the Triune God it worships as the source and bestower of all blessing. In this, it follows the patterns of the people of Israel as seen in the OT. When the people of God – either the people of Israel or the Church – bless, they are always invoking or praying for *God’s* blessing, or (occasionally) recognising the blessing God has already bestowed on people or situations.
79. As stated above, the significant development seen in New Testament texts is a radical revision of what is identified as ‘blessed’. In the Beatitudes (whether the Matthean or Lukan versions), what is usually seen as ‘cursed’ is pronounced by Jesus to be ‘blessed’. Similarly, in terms of cultic foods – seen by the people of Israel to be cursed and unclean – it is revealed to Peter, in the context of his

(limited) mission to the Gentiles, that even such food can be made clean (or, in terms of cultic food practices, blessed) by God (Acts 10: 11–16).

80. A particular instance of this comes in Paul's instructions to the Church in Corinth. The cultic rituals of the Old Testament make clear that 'blood' is not to be consumed, as this makes a person or people impure: 'Only be sure that you do not eat the blood; for the blood is the life, and you shall not eat the life with the meat...' (Deuteronomy 12:23 ff.). Nevertheless, in his teaching about the eucharist/Lord's Supper Paul writes that 'the cup of *blessing* that we *bless*, is it not a *sharing* in the *blood* of Christ?' (I Corinthians 10:16). Of particular importance, this verse comes in the context of Paul's reflection on pagan sacrifices, and the use of blood in pagan cultic practices.
81. In other words, in what is already, by Paul's time, the chief rite of worship in Christian communities, the drinking of 'blood' (however figuratively that is understood, c.f. I Corinthians 11: 25) is, in the light of the offering of the crucified but risen Christ, transformed into a source of blessing – indeed, his blood is 'the cup of blessing.'
82. Unsurprisingly, the 'reversal', attested in the Beatitudes, is made most complete, as has been stated above (paragraph 48), according to Paul, in the fact that the one who ought to be seen as cursed, because he has been hanged on a tree (c.f. Galatians 3:13, c.f. Deuteronomy 21:23), is, in fact, the one whom God has raised to God's right hand and declared to be righteous and blessed. As the seer in Revelation will see:

*"Worthy is the Lamb that was slaughtered
to receive power and wealth and wisdom and might
and honour and glory and **blessing**."*

(Revelation 5:12)

83. Furthermore, this 'blessing' is the blessing that is shared with the 'one seated on the throne':

*"To the one seated on the throne and to the Lamb
be blessing and honour and glory and might
forever and ever!"*

(Revelation 5:13)

84. The references here to Revelation – that vision of the heavenly kingdom – are important. Any pronouncing of 'blessing' is an attempt by the Church, in faith and

trusting in the grace of God, to witness to God's in-breaking, eschatological kingdom. That is, when the Church invokes, prays for or pronounces (in faith and hope and with love) *God's* blessing on people or events, it does so in the faith and hope that these people or events are, and will continue to be, a sign of God's eschatological *basileia* (rule or kingdom) – where peace, mercy, grace and blessing abound – for the community of God in this present age.

85. In other words, blessing is a sign of the faith of the Church: recognising the dawning, in the 'not yet' of the present, of the 'already' of God's eschatological reign. By pronouncing blessing on people or an event, the Church recognises, in faith, that in some way, what we as yet perceive only by faith and in hope, ('dimly' or 'only in part', c.f. I Cor. 13:12) in this event or among these people – that is, God's future *basileia* of peace, justice and reconciliation between God and creation -has become present here and now.
86. To extend this reflection, a further insight into 'blessing' from Ford and Hardy (see above, paragraph 33) is helpful. They describe blessing as 'the powerful yet respectful interaction between God and the world.'¹² It is possible to read 'powerful yet respectful interaction between God and the world' as, again, a foretaste of that eschatological reconciliation that, the Church affirms, God has already accomplished in Christ (c.f. Colossians 1:20).
87. Ford and Hardy continue, however:

*"being blessed a person, animal, plant, situation or thing is affirmed by God in the way most appropriate to its **nature and future**. There is no manipulation, but a combination of discernment and active enabling.... There is in blessing a logic of the overflow ... characterising the mutual freedom of love between God and creation. Blessing is supremely a non-necessity, a gracious bestowal of something new."¹³ (our emphasis)*

88. The important element here is that 'being blessed a person... [or] situation... is affirmed by God in the way most appropriate to its [or his or her] *nature and future*.' That is, blessing is poured out by God as a sign of the future kingdom of God, even if human beings do not currently recognise such people or things as being blessed.
89. This 'expansion' is seen in Peter's roof-top experience (Acts 10), as well as in Paul's constant argument that circumcision, a sign of God's covenant relationship,

¹² *Living in Praise, op. cit.*, p. 102.

¹³ *Ibid.*, p. 103.

was no longer the prerequisite clear marker of God's blessing on the chosen people (at least for males). As argued above, it reaches its zenith when the One who is hanged upon a tree is revealed, not as cursed, but as the source of all blessing, such that even partaking of his blood becomes a 'cup of blessing'. These are clear instances of the in-breaking of God's future reign of restored relationship with creation, reconciliation and peace, joy, love and justice.

90. Therefore, it is consistent with a theological understanding of what blessing does and shows that two persons who have been legally joined in a relationship based on love and 'the mutual society, help, and comfort, that the one ought to have of the other', that a service of blessing for such persons – regardless of their previous marital status or gender – is an act of faith in which the Church recognises that such a relationship can be a sign of 'the mutual freedom of love between God and creation'.

F. Conclusion

91. In the paragraphs above it has been submitted that the Blessing Service is not inconsistent with the:

- (a) understanding of blessing as that is reflected in the canonical scriptures of the Old and New Testaments; and
- (b) understanding of doctrine as embodied in the BCP or the Articles of Religion;

and that, therefore, it is, equally, not inconsistent with the doctrine of this Church nor with the Fundamental Declarations and Ruling Principles in the Constitution.

92. One final point, from a theological perspective, concerning 'the doctrine and *principles*... embodied in the BCP ... and in the Articles of Religion'. At the time Archbishop Cranmer was initially compiling the BCP, and in the revisions it underwent, an especially theologically divisive issue was the notion of 'what happened' (to put it crudely) to the elements of bread and wine during the Prayer of Consecration in the Lord's Supper, especially when it came time to the distribution of those elements to the people.

93. In the First Prayer Book of 1549, Cranmer wrote:

“And when he [the priest] deliuereth the Sacrament of the body of Christe, he shall say to euery one these woordes.

The body of our Lorde Jesus Christe whiche was geuen for thee, preserue thy bodye and soule unto euerlasting lyfe.

And the Minister deliuering the Sacramet of the bloud, and geuing every one to drinke once and no more, shall say

The bloud of our Lorde Jesus Christe which was shed for thee, preserue thy bodye and soule unto euerlasting lyfe.”

94. By the time of the Second Prayer Book (1552), that had changed to:

“And when he [the minister] delyuereth the bread, he shall saye.

Take and eate this, in remembraunce that Christ dyed for thee, and feede on him in thy hearte by faythe with thankesgeuing.

And the Minister that delivereth the cup, shall say.

Drinke this in remembraunce that Christ’s bloude was shed for thee, and be thankfull.”

95. Elizabeth I’s renewed BCP (1559), which was then taken up in the BCP, combined these two forms of the words of distribution. This which allowed inclusion of (at least) two different understandings of the nature of the sacrament – one which (anachronistically we might say) was more Catholic and the other more Protestant:

“And when he [the Minister] delivereth the Bread to any one, he shall say,

The Body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life: Take and eat this in remembrance that Christ died for thee, and feed on him in thy heart by faith with thanksgiving.

And the Minister that delivereth the Cup to any one shall say,

The Blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul unto everlasting life: Drink this in remembrance that Christ’s blood was shed for thee, and be thankful.”

96. Accordingly it is submitted that the doctrine of the BCP (regardless of its antecedents) has always been inclusive of theologically different understandings. In fact, that its *principles* were to devise liturgies that reflected such inclusivity, allowing for a broad spectrum of theological understanding, for the sake of peace in the Church (and, at the time, the realm).

97. This submission is respectfully made understanding that the matters which have led to the questions before the Tribunal have come after changes in the Marriage Act, and, as a result, the desire of Anglican Christians both to receive and offer blessings for those married in civil services. There is no intent in this submission to change the Church's doctrine of marriage. Rather, if the Tribunal chooses to respond to the questions asked of it in respect of the Fundamental Declarations and Ruling Principles in the Constitution, this submission is offered to assist in the Tribunal's deliberations for the good of the Church.
98. The burden of this submission is that the Creeds, the BCP, and the Thirty Nine articles are all silent on the matter before the Tribunal. It is hoped that the scriptural, theological and liturgical content will aid in this respect.
99. The 2018 Bishops' Conference passed a resolution responding to the recent changes in the Marriage Act, and states in part that:

"Bishops should give leadership in demonstrating trust in this [resolution] as the way to move forward together, recognising that this will require care, persistence and generosity. The bishops commit to working together to manifest and maintain unity, as we together discern the truth."

And "We affirm the need for humility and graciousness in discerning the way forward on these issues, recognising that there are complex interactions among the theological, pastoral and missional dimensions to these questions. We recognise that these are challenging matters, which resist simple solutions or courses of *action*."

And "We affirm the responsibility of ministers to pray with and care for same-sex couples in informal settings. Bishops trust that ministers will exercise discretion in their pastoral care for same-sex couples, acting in accordance with the doctrine and discipline of this Church."

And "We note that the Doctrine Commission is presently developing material to guide this Church in its discussion of marriage, same-sex marriage, blessing and related matters."

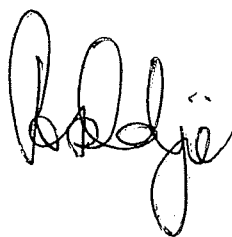
100. It is also noted that the resolution concludes with the following statement on future matters:

We note that the following are matters for continuing consideration.

- a. What is the appropriate content for an informal prayer for same-sex couples, which occurs outside a public liturgical setting?
- b. What is the relationship between prayer and blessing? What are the distinguishing marks of blessing? What is the difference between blessing and solemnising a marriage?
- c. What issues arise for officials of the Anglican Church who are merely present at a same-sex marriage or blessing of a same-sex union?
- d. How does liturgical life of this Church make sense not only of our theology but also our pastoral and missional concerns and imperatives?
- e. How do we respond to the new pastoral issues that arise from the legalisation of same-sex marriage in Australia?

101. This submission is guided by the principles within the resolution of 2018 and in the prayerful hope that we may show forth the unity of the body which our Lord prayed for on the night before he died, and calls us continually to work for under the Holy Spirit.

Dated: 13 December 2019

A handwritten signature in black ink, appearing to read 'Eric Ross-Adjie', written in a cursive style.

Archbishop Kay Goldsworthy AO
per Eric Ross-Adjie Chancellor