



THE APPELLATE TRIBUNAL OF THE ANGLICAN CHURCH OF AUSTRALIA

References with respect to the *Blessing of Persons Married According to the Marriage Act 1961 Regulations of the Synod of Wangaratta.*

Submission from EFAC Australia, on behalf of EFAC Branches in each State and Territory and evangelical Parishes across Australia

Introduction

1. This submission sets out the position of EFAC Australia with respect to:
 - (a) 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**), and
 - (b) the questions posed by 41 members of the General Synod regarding the Regulations in the reference dated 14 October 2019 (**GS Member Reference**).

The Questions

Primate's Reference

2. EFAC submits that the Appellate Tribunal should answer the Primate's Reference as follows:

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

Question 2: The Regulation is not validly made.

GS Member Reference

3. EFAC submits that the Appellate Tribunal should answer the GS Member Reference 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 EFAC (Evangelical Fellowship in the Anglican Communion) Australia

On behalf of EFAC New South Wales, Victoria, Tasmania, Canberra/Goulburn, Queensland, South Australia and Western Australia.

EFAC Australia is a national body with branches in each State and Territory. EFAC Australia is a fellowship of like-minded members who are faithful Anglicans and reflect the evangelical heritage of the Anglican church. EFAC members happily uphold the Constitution of the Anglican Church of Australia and its Canons, including the Fundamental Declarations, our Ruling Principles and the doctrine and practice of the BCP.

In making this submission we are conscious that many of our members serve as clergy or lay leaders in Dioceses where they, as evangelical Anglicans, are in a minority. As such they have an active interest in these matters because they have real personal implications for them. If the Tribunal were to rule that the Wangaratta Blessing of Persons according to the Marriage Act were legal then it would potentially lead some persons to consider leaving their Diocese or to seek alternative arrangements.

It is widely acknowledged that evangelical Anglican parishes are, with a few exceptions, the strongest parishes in most Dioceses in our nation. Numerically, they are a very large cohort, if not the majority of worshipping Anglicans in our nation. These churches and their people would be deeply disturbed by such a major potential shift in the life of our church.

The submission from the Diocese of Wangaratta seemingly hangs or falls on their contention that the proposal is not a matter of doctrine. It is simply a set of regulations for the conduct of a ceremony to bless

persons who have participated in a civil ceremony of marriage. Given that they use the language of the Marriage Act (amended in 2017), they acknowledge that this is a regulation that would enable the blessing of the marriage of two persons of the same sex.

In making this submission we note that the Wangaratta submission takes the view that these are simply regulations to amend a service and therefore it can be legislated locally with no wider import.

In the Constitution it is stated as a Ruling Principle:

*'4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, **provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-Nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard. Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.'***

The Canon Concerning Services states at 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.'***

Both the Constitution and the Canon Concerning Services consistently allow a variety in liturgy (i.e., rites and ceremonies) from time to time. However they are very clear that any such variation needs to be consistent with the Fundamental Declarations (Creeds, Scripture, Commands of Christ). It is also clear that any variation should be consistent with the principles of doctrine and worship as expressed in the Book of Common Prayer and the Thirty-Nine Articles.

We contend that:

1. The proposed regulations are contrary to the Fundamental Declarations, especially with regard to the revelation of Holy Scripture (Section 2) and the commands of Christ (Section 3)

2. That the regulations allow forms of service which are contrary to the doctrine of the church as expressed in the Book of Common Prayer and therefore breach the restriction that 'no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard' (Section 4)

The church has always upheld the view that a marriage is between a man and a woman. This is a part of the creation mandate expressed in Genesis 1 and 2. Jesus himself affirmed this teaching, as we read in Matthew 19. As such it is therefore a part of the Doctrine of Christ and is normative regardless of time, culture or context.

The Apostles also upheld this teaching in Ephesians 5, Colossians 3 and 1 Peter 3.

While these are difficult passages in our current cultural context, Scripture also explicitly excludes the possibility of active same-sex relationships (Romans 1 and 1 Corinthians 6). We hasten to note that those who are same-sex attracted are loved by God and should be fully accepted in God's church. We affirm the many godly women and men who are same-sex attracted and have lived faithfully according to the teaching of Christ. We reject all forms of homophobia that sadly have been part of our church life.

The introduction to the Book of Common Prayer describes Christian marriage in the following way:

*'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; which holy estate Christ adorned and beautified with his presence, and first miracle that he wrought, in Cana of Galilee; and is commended of Saint Paul to be honourable among all men: and therefore is not by any to be enterprised, nor taken in hand, unadvisedly, lightly, or wantonly, to satisfy men's carnal lusts and appetites, like brute beasts that have no understanding; but reverently, discreetly, advisedly, soberly, and in the fear of God; duly considering the causes for which Matrimony was ordained.*

First, 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.

Secondly, It was ordained for a remedy against sin, and to avoid fornication; that such persons as have not the gift of continency might marry, and keep themselves undefiled members of Christ's body.

Thirdly, It was ordained for the mutual society, help, and comfort, that the one ought to have of the other, both in prosperity and adversity. Into which holy estate these two persons present come now to be joined. Therefore if any man can shew any just cause, why they may not lawfully be joined together, let him now speak, or else hereafter for ever hold his peace.'

The doctrine of marriage as described in the Book of Common Prayer was clearly intended to be between a man and a woman and was given for their mutual benefit and the good order of society.

A Prayer Book for Australia (1995) Order 2 states the same principles in a more contemporary way.

*'Scripture teaches that marriage is a lifelong partnership **uniting a woman and a man in heart, mind and body. In the joy of their union, husband and wife** enrich and respond to each other growing in tenderness and understanding.'*

At this point we note the argument advanced by Rev Prof Matthew Anstey in his article 'Scripture and Moral Reasoning' in the General Synod Doctrine Commission Papers (2019).

In his paper Anstey states on page 60:

'Scripture shows us how the people of God come to make moral and theological judgements, rather than providing the substantive content of those judgements. Hence to be faithful to Scripture in this debate does not mean we exegete Scripture and apply to lived human experience a timeless moral-doctrinal precept but rather we seek to make our case for the doctrinal position we are arguing in dialogue with both Scripture and lived human experience. (Johnson is footnoted at this point 'Scripture... points readers to the human body as the preeminent place of God's self-disclosure.)'

He goes on to quote and seemingly endorses the argument advanced by Johnson:

'I think it is important to state clearly that we do (with regard to homosexuality), in fact, reject the straightforward commands of Scripture, and appeal instead to another authority when we declare that same -sex unions can be holy and good. And what exactly is that authority? We appeal explicitly to the weight of our own experience and the experience thousands of others have witnessed to, which tells us that to claim our own sexual orientation is in fact to accept the way in which God has created us. By so doing, we explicitly reject as well the premises of the scriptural statements condemning homosexuality-namely, that it is a vice freely chosen, a symptom of human corruption, and disobedience to God's created order.'

(Johnson, commonwealmagazine.org/homosexuality-church-0)

As Anstey concludes:

'We are not rejecting the word of God, but discerning and embracing the word of God.'

(p.70 General Synod Doctrine Commission papers)

It is hard to see how the views of Anstey, and the quotes from Johnson which he affirms, can be considered to be consistent with the teaching of Holy Scripture, the doctrine of Christ and the doctrine of marriage in the Book of Common Prayer and A Prayer Book for Australia. As much as Anstey says he is not rejecting the word of God, he upholds Johnson's

explicit rejection of the word of God in relation to these matters. This approach to Holy Scripture is inconsistent with the Article XX – "it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another."

In conclusion we urge the Appellate Tribunal to determine that the Regulations proposed by the Diocese of Wangaratta, inasmuch that they allow the blessing of a same-sex marriage, are inconsistent with the doctrine of our church as described in our formularies. In weighing their decisions the Tribunal needs to be aware of the many faithful evangelical Anglicans who affirm and uphold the doctrine of Christ as expressed in the Fundamental Declarations and Ruling Principles of our Church.

The blessing of same-sex marriages is a matter of doctrine that has had serious ramifications in the Anglican Communion over the past two decades. It was the action of blessing same-sex marriages in the Diocese of New Westminster (Canada) that began a "tear in the fabric of the communion" that is still unravelling. The Diocese of Wangaratta should not be able to unilaterally change the doctrine and practice of the church so as to bless and thereby legitimise same-sex marriages. To do this (without at least the sanction of General Synod Canon authorising such a change) means that Evangelical (and Anglo-catholic/any other) clergy who hold office in such a diocese will find themselves in a minority position in relation to their Bishop. Many will feel in good conscience that they cannot submit to the authority of Bishop who authorises actions which are contrary to the teaching of Christ and the doctrine of the wider Anglican Church of Australia.

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