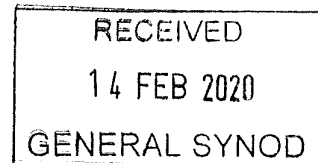


**IN THE APPELLATE TRIBUNAL OF
THE ANGLICAN CHURCH OF AUSTRALIA**



R5

IN THE MATTER OF questions referred by the Primate under section 63(1) of the Constitution regarding the *Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019* of the Synod of Wangaratta

AND

IN THE MATTER OF questions raised under section 63 of the Constitution Regarding the Clergy Discipline Ordinance 2019 Amending Ordinance 2019 (Diocese of Newcastle)

RESPONSE TO THE SUBMISSION OF OTHERS

IN THE ABOVE MATTERS:

SUBMISSION BY FIONA D. McLEAN

Introductory remarks

1. I note that of the thirty-three submissions received by the Tribunal in the Wangaratta matter, twenty-nine were opposed to the actions of Wangaratta Diocese, and upheld historic Anglican doctrine and practice.
2. I affirm the need to show pastoral concern for those who are same-sex attracted, as well as those who struggle with other aspects of gender and sexuality. We are all broken and sinful people. Ultimately, the most loving thing we can do for anyone is to point them to Jesus, invite them to respond to him in repentance and faith, teach them to obey his

commands, which are for our good¹, and welcome them into Christian churches, where, as fellow disciples, we can walk together as brothers and sisters in Christ.

Key issues arising from the submissions

3. The matters before the Tribunal have deep roots in key doctrines and values. The approach revealed to these key themes by the submissions in favour of Wangaratta and Newcastle threatens our Anglican identity and unity. These key themes include the following, which I will comment on below:
 - 3.1. The authority of Scripture
 - 3.2. The issue of diversity
 - 3.3. The place of experience
 - 3.4. Comparisons with slavery and other issues

(a)The authority of Scripture

4. The key issue in this dispute is the authority of Scripture. As I have argued in my previous submissions, belief in and submission to the authority of Scripture is a fundamental Anglican doctrine, without which we cease to be authentically Anglican. I am concerned that the attitude to Scripture revealed in those submissions which affirm same-sex relationships undermines the authority of Scripture.
5. The doctrine of the authority of Scripture is undermined by an emphasis on the diversity and ambiguity of opinions about what the Bible actually says. For example:
 - 5.1. Equal Voices notes “the complexity and ambiguity of biblical texts” (para. 11.1)² and “the accepted divergence of opinions among Anglicans” (para. 11.3).
 - 5.2. The Rev’d Associate Professor Matthew Anstey suggests that “there are competing, and legitimate, bodies of theological opinion” on this issue (para. 1.7). He says that there are “fundamental disagreements within the Anglican Church of Australia on

¹ Deuteronomy 10:13.

² Note: All references, unless otherwise specified, are to submissions made in the Wangaratta matter.

Submission by Fiona McLean, February 2020,
in response to other submissions to the Appellate Tribunal regarding the Wangaratta and Newcastle matters

whether same-sex marriage is doctrinally and morally in accord with the mind of Christ” (para. 5.1).

6. Anstey’s emphasis on *interpretation* has the practical outcome of making the Bible so opaque as to be unknowable. The authority of Scripture thus devolves to a variety of competing interpretations, none of which retain the authority of “the Word of God”, but which are, essentially, human voices with merely human authority, with which we can agree or disagree. Thus the historic understanding of what Scripture says about human sexuality (or anything else) becomes just one interpretation among many, equally vulnerable to being dismissed or superseded.
 - 6.1. Anstey writes, “The study of the history of Christian debate about moral issues shows that *the interpretation of Scripture* is always the primary locus for disagreement ... It is also beyond dispute that *how* Scripture is interpreted is itself a primary issue of dispute” (para. 6.3, italics in original). For Anstey, “lack of agreement by committed, faithful Anglican scholars and theologians” (para. 4.4) means that we can question traditional understandings of the Bible.
 - 6.2. For Anstey, Scripture is only one source of authority alongside the Church, “science”, “technological inventions and advances” and “changes in the culture and world” (para. 3.6). These sources of authority all have some relevance and importance, but none can be allowed to override Scripture.
 - 6.3. Anstey critiques “the immediacy model” (para. 6.4 and following), and proposes an alternative model: that “we make our case for a doctrinal position in dialogue with science, tradition, historical analysis, and lived human experience” (para. 6.12). But of these many sources of authority, which takes precedence? When they disagree, how can this disagreement be resolved?
 - 6.4. Anstey further undermines Scripture by giving the Creeds more significance than Scripture. He says that the Creeds “set the clearest demarcation of what is and what is not Christian faith” (para.3.2). However, while they are important, their authority derives from the fact that they summarise and affirm what the Bible teaches. Our ultimate authority as Anglicans resides with Scripture, not the Creeds, which do not comment on every important issue (for example, they say nothing about sexual morality).

7. The issue before us is not a question of two different *interpretations* of Scripture, but two different *approaches* to Scripture: one which believes that Scripture is God's inspired Word, that God can communicate with us, and that it is possible to understand and obey God's word; and another view which fragments the Bible into a multiplicity of interpretations, all of which have only human authority and can therefore be disregarded. One outcome of an embrace of diversity and ambiguity seems to be that we no longer seek consensus, and therefore everyone gets to do what seems right in his or her own eyes. But Scripture becomes meaningless and irrelevant if we cannot with confidence work out what it says. And Anglicans without the Bible are no Anglicans at all³.

(b) The issue of diversity

8. A second key issue is how we think about diversity, and when it is something good, to be embraced and celebrated, and when it is something evil, to be resisted and opposed.

9. Equal Voices value diversity and see this as a good thing (e.g. "diversity of opinion [within the Anglican tradition in Australia] is accepted and encouraged", para. 10.4)⁴. Similarly, Anstey's preferred theological approach "sees diversity not as a threat to be eliminated but a gift to be embraced" (para. 6.12).

9.1. As an aside, it seems clear that the goal of Equal Anglicans is not, in the end, the kind of diversity in which historical Anglican views of sexuality are welcome. Their goal, in fact, is a Church in which their view prevails. While Equal Voices say, "**We profoundly respect difference**, including the genuinely held views of other Anglicans who oppose us" [emphasis in original]¹, they seek a Church where diverse sexual expressions and identities are welcomed and affirmed. In practice, the historical view and the revisionist view are incompatible; they cannot co-exist.

³³ With apologies to Peter Adam, whose repeated refrain at the consecration of Bishop Richard Condie in Tasmania was "A bishop without a Bible is no bishop at all"!

Appeals to diversity serve to weaken the authority of the traditional view as a first step towards removing it altogether – as we have seen in the TEC and in Canada, for example.

10. Good diversity includes the glorious diversity of creation, the variety of people and gifts in the body of Christ (Romans 12; 1 Cor. 12); and the wonderful diversity we will see around God's throne in heaven, where people from all tribes, nations, peoples and languages will be gathered (Rev. 7:9).
11. But not all diversity is good. For example, Paul condemns the preaching of "a different gospel" in Galatians (1:6-9), and urges Christians to be "standing firm in one spirit, with one mind striving side by side for the faith of the gospel" (Phil. 1:27; see also Eph. 4:3). When it comes to the gospel, we are to strive for **unity**, not diversity. Paul writes to the Corinthians, "I appeal to you, brothers, by the name of our Lord Jesus Christ, that all of you agree, and that there be no divisions among you, but that you be united in the same mind and the same judgment" (1 Cor. 1:10).
12. Thus, good diversity is to be celebrated and encouraged; but sinful diversity is to be resisted and opposed, something to be mourned rather than celebrated. Sadly, the diversity of opinions within the Anglican Church about same-sex marriage is not something to be celebrated, but rather an example of where we should keep seeking Scripture and strive to be "of one mind" on this fraught issue.

(c) The place of Experience

13. The authority of Scripture is further undermined by the authority given to experience. Anstey's submission argues that "lived experience" should prompt us to re-evaluate our doctrine (para. 7.1 and following). He says that "the majority of Christians who have moved from opposing to affirming same-sex marriage have been significantly influenced by the testimony of gay Christians" (para. 7.4). Personal stories are indeed a profound influence and should be given due weight and an appropriate pastoral response.

14. Yet the Bible teaches us that our experience is not necessarily a good guide to what is true and right. We are beset by sinful desires that must be resisted (hence Paul tells Timothy to “Flee youthful passions”, 2 Timothy 2:22; we are told to “put off your old self, which ... is corrupt through deceitful desires”, Eph. 4:22). There are times when our experience does not match what we believe about God. God may seem distant, uncaring, even unjust (see, for example, many of the psalms of lament, including Psalms 13 & 44). The challenge many of us face is to hold onto faith when times get tough, when following Jesus does not seem to bring us fulfilment, when we are counting the cost of discipleship, and when we are facing terrible suffering, including unjust or apparently senseless suffering. Can we believe, like the psalmist, that God might sometimes afflict us for our own good (see, for example, Psalm 119:71, 75; Hebrews 12:10-11)? Can our faith survive negative life experiences? We show our submission to Scripture when we obey and trust God’s Word, even when our lived experience does not seem to match what we believe about God.

15. C.S. Lewis, in his classic *The Screwtape Letters*, helps us see the limitations of experience. In it, Screwtape, the senior devil, advises a junior devil of the danger his ‘patient’ (a Christian man) is in if his lived experience doesn’t match what he believes and yet he still persists in faith:

“He [God] leaves the creature [the Christian man] to stand up on its own legs – to carry out from the will alone duties which have lost all relish. ... Our cause is never more in danger than when a human, no longer desiring, but still intending, to do our Enemy’s [God’s] will, looks around upon a universe from which every trace of Him seems to have vanished, and asks why he has been forsaken, and still obeys”⁵.

16. The emphasis on experience, on the importance of our feelings, and on personal fulfilment is promoted and reinforced in our culture. The values of our society’s worldview are often directly opposed to biblical values. It is these values which have, I

⁵ C.S. Lewis, *The Screwtape Letters*: Fount, HarperCollins: London, 1942, page 31. For those unfamiliar with this book, it is written from a senior devil to a junior devil, so “our Enemy” is, in fact, our good God!

Submission by Fiona McLean, February 2020,
in response to other submissions to the Appellate Tribunal regarding the Wangaratta and Newcastle matters

believe, unduly influenced the submissions of Wangaratta and others who support their campaign for the legitimisation of same-sex relationships. These values include:

- 16.1. Individualism, where the rights and desires of the individual are prioritised over the welfare of the community as a whole. Our culture values autonomy, the right to direct our own lives, to make decisions that serve our own best interests, and to do what we think is right, without reference to or criticism from other people.
- 16.2. The prioritisation of pleasure. In contrast with the previous Western paradigm of guilt/innocence, we are now in an era where a pain/pleasure paradigm is paramount. For those operating under a pleasure/pain paradigm, doing right means doing what gives me pleasure; and what is wrong is not what brings guilt, but what brings pain.
- 16.3. Self-fulfilment and especially sexual fulfilment. Virginity and sexual purity are seen as undesirable; denying oneself sexually is seen as dangerous repression; and celibacy is seen as a state which is incomplete and to be pitied.
- 16.4. Immediate gratification. We are encouraged to live our lives in the light of this world, "under the sun"⁶, rather than in the light of heaven and eternity.

17. The Biblical worldview is in stark contrast to this worldview:

- 17.1. Instead of prioritising the individual, the Bible has much more of a corporate perspective. We are the body of Christ; we are to act for the good of others, to put their interests above our own (e.g. Phil. 4:1-4). We are to think about what benefits society as a whole, not just us as individuals. This will mean, at times, denying ourselves for the sake of others.
- 17.2. Instead of prioritising pleasure, the Bible says the highest good is to please God and serve him. This may well mean suffering: Jesus tells us that following him will mean denying ourselves and taking up our cross (Luke 9:23). Biblical values include discipline, denial, and self-control (e.g. Phil. 3:7-11; 1 Peter 2:21; 2 Tim. 1:8-9a; 2:3).

⁶ A phrase used throughout Ecclesiastes to symbolise life without reference to God or eternity.

- 17.3. The Bible teaches us to consider our responsibilities and our duty, rather than our rights. We are to do what is right, even when it hurts, even when it costs us.
- 17.4. We are to live in the light of Jesus' return, rather than investing all we have in this life (e.g. the Parable of the Rich Fool in Luke 12:16ff; the parables in Matthew 25). This may mean practising delayed gratification, rather than instant gratification, even in matters as significant as intimate relationships. We see this in the lived experience of many of the prophets: Jeremiah was commanded not to marry (Jer. 16:2); Hosea was called to marry a prostitute; Jesus says some will be "eunuchs" for the sake of the gospel (Matthew 19:12). Rather than pursuing pleasure, God's Word assures us that it's worth suffering now for the sake of future glory; it's worth denying ourselves in order to honour God.
- 17.5. In the biblical perspective, sex is not just about our pleasure and fulfilment and desires, but it is "sex in the service of God"⁷. Sex in the context of marriage is not just to give pleasure to individuals, but to strengthen the marriage relationship, for the procreation of children, for the stability of the family and therefore society, and ultimately for the good of others. We honour God and we build up his church when we treat sex the way that God intended and commands. Same-sex sexual relations cannot achieve these purposes and do not honour God.

(d) Comparisons with slavery and other issues

18. In his submission, Matthew Anstey argues that, in the same way that the church has changed its attitude to slavery, we should now also change our attitude to homosexual practice (see paras. 5.4, 6.1, 6.17, 6.20). This is a common argument. But this is not a fair comparison.
19. Firstly, I acknowledge the abhorrence and evil of Negro slavery in the US in the antebellum period, and of modern-day slavery, sex trafficking, and bonded labour. It was a good and right thing for Christians like William Wilberforce to strive to abolish slavery, and for organisations today to oppose current evils of slavery.

⁷ Christopher Ash, *Marriage: Sex in the Service of God*.

Submission by Fiona McLean, February 2020,
in response to other submissions to the Appellate Tribunal regarding the Wangaratta and Newcastle matters

20. Secondly, the Bible sees slavery generally as undesirable. God's definitive act in the OT was the rescue of the Israelites from slavery in Egypt. While the Israelites were able to buy male and female slaves "from among the nations", they were not to enslave fellow-Israelites (Leviticus 25:39-46; 2 Chronicles 28:8-11). In the NT, Paul tells Christians who are slaves that if they can obtain their freedom, they should do so (1 Cor. 7:21); and he tells Philemon to now treat Onesimus, his former slave, as a brother (Philemon verses 15-16). 1 Timothy 1:10 condemns "enslavers", i.e. "those who take someone captive in order to sell him into slavery" (ESV footnote). There are thus biblical principles that condemn the practice of modern-day slavery.

21. Nevertheless, although slavery in the Bible may be undesirable and the result of poverty and hardship, it is not necessarily evil. This is in stark contrast to same-sex sexual activity, which is universally condemned as sinful in the Bible, both OT and NT.

21.1. In the Bible, it is not immoral to be a slave, to be in someone's service and subject to their commands. For example, Israelites could choose to remain in slavery to fellow-Israelites without condemnation (e.g. Deut. 15:12-17). In the New Testament, slaves are not told to revolt, but to obey their masters, especially where those masters are fellow-believers, even telling them that, in their work as slaves, "you are serving the Lord Christ" (Colossians 3:22-24).

21.2. Furthermore, it was not immoral to be a slave owner. Alongside the commands to slaves, the NT includes commands to slave owners, and both slaves and slave owners could be part of God's family (e.g. Colossians 3:22 – 4:1; Ephesians 6:5-9).

21.3. Even more strikingly, the Bible uses the language of slavery to describe our relationship to God, who rescued his people from slavery in Egypt to be his slaves, to belong to him and serve him. As God's people, we are his slaves (e.g. Romans 6:18, 22; 1 Corinthians 7:22). Paul says, "You are not your own, for you were bought with a price" (1 Cor. 6:19-20; cf. 1 Cor. 7:23).

21.4. The implications of this are that the biblical attitude to slavery is more nuanced and complicated than just that it is evil. In contrast, there are no positive affirmations of sexual immorality, including same-sex sexual activity.

22. Similarly, attempts to justify a change in attitude to same-sex relationships by comparisons with changed attitudes to the ordination of women and remarriage of divorced persons are also flawed.

22.1. While there is controversy over whether the Bible permits women to exercise authoritative preaching and leadership, it is very clear from the Bible that women were actively engaged in ministry and that they were Paul's valued co-workers (e.g. Romans 16). The question is not whether women can or should be engaged in ministry, but what kind of ministry. In contrast, there is no ambiguity in the Bible about the status of same-sex sexual activity: it is universally condemned.

22.2. Divorce is regarded as an evil in the Bible. It is never something to which Christians should aspire, but is always the result of sinful behaviour by one or both parties to the marriage. At the same time, even Jesus stated that divorce was permissible in some circumstances (e.g. Matthew 5:32; 19:9); and God himself talks about divorcing his unfaithful wife, Israel (Jeremiah 3:8). There is therefore biblical provision for divorce in some circumstances.

22.3. Furthermore, the question of the ordination of women does not pertain to the question about sexual morality; while the discussion around divorce is very much in the context of marriage between one man and one woman.

23. As Anstey suggests, the Church needs to keep re-examining its stance on moral and other issues (para. 6.1). The purpose of such re-examination, however, must always be to bring the Church back in line with God's revealed word. The Church is always called to conform to God's standards and God's word. Often, this will be a costly stand against the values of the culture in which we live. We are called to be salt and light⁸, radically different from those around us. Thus we need wisdom to discern between appropriate contextualisation and ungodly compromise.

⁸ Matthew 5:13-16.

Response to specific arguments and claims in other submissions

24. Regarding the submission by **Equal Voices Ltd** in the Wangaratta matter (dated 13th December 2019), I note that this submission is not based on biblical arguments, but on arguments from society and culture. Equal Voices “seeks marriage equality for its members and believes this to be God’s loving will and intention” (Para. 2), but nowhere provide a biblical argument for this.
25. Equal Voices estimates that they represent “an estimated 300,000 LGBTIQ+ people in the Anglican Church of Australia” (para. 1). This is a very dubious figure, given that:
- 25.1. Of the 3 million people who identify as Anglican in the census, it is not known how many are actively involved in an Anglican church, or even whether they attend church at all.
- 25.2. The estimate that “at least 11 in 100 Australians [identify] as lesbian, gay, bisexual, transgender or intersex” (footnote 1) is highly disputed. The website that Equal Voices references does not provide any evidence. In contrast, the Australian Government website for the Australian Institute of Health and Welfare estimates that around 3.0% to 3.2% of adults identify as homosexual or bisexual⁹. The “1 in 10” figure popularised by Alfred Kinsey has since been comprehensively discredited¹⁰.
- 25.3. Equal Voices’ estimate depends on the questionable assumption that LGBTIQ+ people are represented in Anglican Churches in the same proportion as in the general population.
- 25.4. Further, of Anglicans who experience same-sex attraction, it is not known how many of these uphold the traditional, historic biblical teaching on sexuality.

⁹ <https://www.aihw.gov.au/getmedia/61521da0-9892-44a5-85af-857b3eef25c1/aihw-aus-221-chapter-5-5.pdf.aspx> See also findings in Britain of rates of LGB respondents of 0.3–3%: or 2.0–2.5% (pages 58 and 59) in <https://www.equalityhumanrights.com/sites/default/files/research-report-37-estimating-lesbian-gay-and-bisexual-population-in-britain.pdf> (research is from 2009)

¹⁰ e.g. See <https://erlc.com/resource-library/articles/alfred-kinsey-a-brief-summary-and-critique>

Submission by Fiona McLean, February 2020,
in response to other submissions to the Appellate Tribunal regarding the Wangaratta and Newcastle matters

Not all same-sex attracted Anglicans would be supportive of Equal Voices' aims and beliefs.

26. Equal Voices are keen to affirm LGBTIQ+ people, believing that this is in their best interests. However, statistics show that being LGBTIQ is associated with significantly higher levels of suicidal ideation, mental health issues, self-harm, drug abuse, and other negative outcomes¹¹. It is possible that these outcomes are associated with being lesbian, gay, etc, not just the result of societal prejudice, in which case encouraging such identification and lifestyle will cause more harm, rather than less.
27. Regarding the submission by the **Archbishop of Perth** in the Wangaratta matter (dated 13th December 2019): the Archbishop of Perth argues that "The Blessing Service is not, nor does it purport to be, a marriage service" (para. 4, 26). The flimsiness of this argument is revealed by the fact that the same-sex relationship being blessed is repeatedly referred to as a "marriage" or as "married" (paras. 41, 45, "The form of service clearly indicates that it relates to a marriage ...", para. 77).
28. The argument that "the blessing is only that of persons in a loving relationship, not what may or may not be conducted within it" (para. 27) does not hold up, given that the blessing is the blessing of the *relationship*, not of two unconnected individuals. Contrary to Goldsworthy's assertion, the blessing of a (heterosexual) marriage does not mean that any and all ungodly behaviour within the marriage is blessed, but that the form of the relationship is in accordance with God's design and purposes. The same cannot be said for a same-sex relationship.
29. In response to para. 39, Solomon's prayer for blessing of the people in 1 Kings 8 is based on repentance (see verses 33, 35, 47-48). God does not bless indiscriminately or unconditionally, but calls everyone to "repentance that leads to life" (Acts 11:18).

¹¹ "The Statistics at a Glance: The Mental Health of Lesbian, Gay, Bisexual, Transgender and Intersex People in Australia", 2020, accessed at <https://lgbtihealth.org.au/statistics/> See also <https://www.aihw.gov.au/getmedia/61521da0-9892-44a5-85af-857b3eef25c1/aihw-aus-221-chapter-5-5.pdf.aspx>

30. Archbishop Goldsworthy says that on the cross Jesus was not cursed, but is “the source of all blessing” (para. 89). But the Bible teaches us that God’s curse is a real and potent force which falls on unrepentant sinners. On the cross, Jesus drank the dreadful cup of God’s wrath (Luke 22:42 and parallels; cf. Psalm 75:8; Isaiah 51:17). Jesus can bring blessing to us only because on the cross he suffered the curse we deserved: “Christ redeemed us from the curse of the law by becoming a curse for us” (Galatians 3:13; see also 2 Cor. 5:21; 1 Peter 2:24; Isaiah 53:4-6).

31. Archbishop Goldsworthy argues that “There is no intent in this submission to change the Church’s doctrine of marriage” (para. 97). This ignores the fact that introducing a blessing of same-sex civil marriage would fundamentally change the Church’s doctrine. C.S. Lewis perceptively saw the danger of changing liturgy and pretending that this was not a doctrinal change:

“What we laymen fear is that the deepest doctrinal issues should be tacitly and implicitly settled by what seem to be, or are avowed to be, merely changes in liturgy. ... Can you blame us if the reduction of grave doctrinal issues to merely liturgical issues fills us with something like terror? ... [T]he relation [between belief and liturgy] is healthy when liturgy expresses the belief of the Church, morbid when liturgy creates in the people by suggestion beliefs which the Church has not publicly professed, taught, and defended ... Whether an ‘enrichment’ of liturgy which involves a change of doctrine is allowable, surely depends on whether our doctrine is changing from error to truth or from truth to error”¹².

32. Finally, regarding the submission by the **Diocese of Newcastle** in the Newcastle matter (dated 24th December 2019): It is fundamentally illogical to argue that there is no significant change to the Church’s doctrine or practice, and yet have to introduce an Ordinance to prevent those participating in same-sex marriage ceremonies from being charged with an offence. As the Equal Voices’s submission (in the Newcastle matter) notes, “The wording of The Ordinance implies that the blessing of such a marriage, or

¹² From “Letters”, pages 332-333, in C.S. Lewis, *God in the Dock: Essays on Theology and Ethics* (ed. By Walter Hooper), William B. Eerdmans: Grand Rapids, Michigan, 1970.

Submission by Fiona McLean, February 2020,
in response to other submissions to the Appellate Tribunal regarding the Wangaratta and Newcastle matters

the act of a clergy member engaging in such a marriage, remains an offence under canon law” (para. 6). It is clear that, if there is nothing wrong with participating in a same-sex marriage ceremony, there would not need to be a special Ordinance to protect clergy who participated in this.

33. The Newcastle submission drives a dangerous wedge between doctrine and practice, arguing that what one does with regard to sexual practice does not matter as long as official doctrine remains unchanged.

Conclusion

34. In summary, I urge the Appellate Tribunal to recognise the seriousness of the matters before them, and to act to uphold the authority of Scripture and to retain the doctrines and practices which make us Anglican.