

Response of the House of Bishops to Four Questions posed by the Appellate Tribunal

18 August 2020

The answers to the following questions from the Appellate Tribunal have been formulated by the House of Bishops in a collegial spirit following several meetings of the whole House to review drafts exploring possible answers, before coming to an agreed response to the questions asked, despite some differences within the House on other aspects of the Wangaratta reference. As is appropriate, the bishops serving on the Appellate Tribunal were absent from the whole of these discussions and the preparation of these answers.

Question 1: One of the many issues in the Reference is the meaning and scope of the words “the Christian Faith as professed by the Church of Christ from primitive times and in particular set forth in the creeds known as the Nicene Creed and the Apostles’ Creed”. Which of the Thirty-Nine Articles and which (if any) part of any other document (including Holy Scripture) contains statements relevant to the Wangaratta references about the faith of the Anglican Church of Australia and what are they?

1. In answering this question and the subsequent three, as they flow logically and consequentially from the first, we have sought to articulate how the *faith* of the Anglican Church of Australia (ACA) relates to its *doctrine*, and how the Fundamental Declarations of the Constitution relate to the Ruling Principles. We have done so restricting ourselves to what is understood to be the express intent of each question and have not explored other matters pertaining to the Primate’s Reference to the Tribunal, which are not apposite to the four questions asked of the House of Bishops. We have also sought to show how a reading of the Constitution as it pertains to the key elements of the first question is to be understood.
2. Of the Thirty-nine Articles, Articles I-VIII contain statements concerning the nature of the foundational documents which establish the faith of the Anglican Church. Articles VI, VII, VIII, IX, XVI, XX, XXXV contain statements relevant to the Wangaratta references about the faith of the Anglican Church of Australia.
3. Apart from the other documents mentioned in the Fundamental Declarations and Ruling Principles, “A Fruitful exhortation to the reading of Holy Scripture” and “A Sermon of the Salvation of Mankind by only Christ our Saviour from Sin and Death Everlasting” (First Book of Homilies), and The Form of the Solemnization of Matrimony from *The Book of Common Prayer* (BCP) contain statements relevant to the Wangaratta references. With respect to Holy Scripture, the key passages include Genesis 19:1-11; Leviticus 18:22; 20:13; Matthew 19:1-12; Romans 1:24-32; 1 Corinthians 6:9-11; Ephesians 5:1-13; 1 Timothy 1:8-11; Jude 7 and Revelation 21:27.
4. The Christian *faith* as referred to in the Fundamental Declarations finds Anglican liturgical expression through the words and actions of our corporate worship which is given common voice through its pattern of authorised liturgies.

5. “The Principles of Canon Law Common to the Churches of the Anglican Communion”,¹ makes a distinction between “the faith” and “the doctrine” of the Church. It is accepted that “Christian faith” as it is used in the Fundamental Declarations differs from a broader category of doctrine. The central issue then is whether “Christian faith” as expressed in the Fundamental Declarations, is that propositional content solely contained in the two mentioned Creeds, or whether the use of the phrase “and in particular” implies “the Christian Faith as professed by the Church of Christ from primitive times” includes other aspects of faith not contained in the Creeds.

6. Certain sections of *A Prayer Book for Australia* (being an authorised liturgical resource for the ACA) seem to distinguish the credal tenets of the Christian faith from the doctrinal distinctives of the Anglican tradition.
 - a. At the Ordination of Bishops, the bishop-elect is required to make the following form of Declaration and Assent: “I firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of the Anglican Church of Australia as expressed in the Thirty-Nine Articles of Religion, *The Book of Common Prayer* and the Ordering of Bishops, Priests and Deacons...”²
 - b. At the Reception into Communicant Membership the bishop asks the candidate two questions: “Do you stand by the Christian confession and commitment made at your baptism?” and “Do you desire to be admitted into communicant membership of the Anglican Church of Australia and accept her doctrine and order?”³

7. With regard to the central issue, this shows that while there is a distinction between the Christian Faith (professed by the Church Catholic) and the doctrine of the Anglican Church of Australia (which is particular to our Church), assent to both are required of bishops and to be accepted by communicant members. The witness of the creeds as an essential part of the Christian Faith is supported by their placement in section 1 of the Constitution, with its allusion to Article VIII. Likewise, the ACA “receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith” in section 2, with its allusion to Article VI. Clearly, the Apostles’ and Nicene Creeds do not exhaust the content of the faith of the Anglican Church of Australia. Other aspects of its faith are found in the canonical scriptures, the Thirty-nine Articles, and form part of the liturgical practice of our Church in the Ordinal and the *BCP*, and reflected in as well as other authorised liturgies or practices. Nonetheless, it should be noted that “the faith of this Church” (to use the language of section 26) includes the principles of doctrine and worship laid down in the “*Book of Common Prayer*, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and in this Church”. Hence “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).

¹ Published by the Anglican Communion Office, London, 2008.

<https://www.anglicancommunion.org/media/124862/AC-Principles-of-Canon-Law.pdf> (accessed 1 August, 2020), p. 55ff.

² *APBA*, p. 800

³ *APBA*, p. 96

Question 2: Can you please refer the Tribunal to two or three respected, published, available works or articles discussing the history and scope of Article VI? In that Article, what is meant by the words “containeth all things necessary to salvation”?

1. The history and scope of Article VI is discussed in –

Historically influential works

- E. J. Bicknell, *A theological introduction to the Thirty-nine Articles of the Church of England* (3rd ed. London: Longmans, 1955), 128-133.
- E.C.S. Gibson, *The Thirty-Nine Articles, 9th ed.* (London: Methuen, 1915), 230-279.
- W. H. Griffith Thomas, *The Principles of Theology: An introduction to the Thirty-nine Articles* (London: Church Book Room Press, 1951), 103-133.

More recent works

- C.F. Allison, *The Rise of Moralism: The Proclamation of the Gospel from Hooker to Baxter* (Wilton, Conn.: Morehouse Barlow, 1966).
- G.L. Bray, *The Faith we Confess. An Exposition of the Thirty-Nine Articles* (London: Latimer Trust, 2005), 41-49.
- O. O'Donovan, *On the Thirty-nine Articles: A Conversation with Tudor Christianity* (Exeter: Paternoster, 1986), 49-61.

Articles

- J.A. Null, “Thomas Cranmer and the Anglican Way of Reading Scripture”, *Anglican and Episcopal History* 75/4 (2006), 488-526.
- J. Rodgers, Jr, “Salvation in The Thirty-Nine Articles”, *The Anglican Theological Review* (Winter, 2013) Volume 95:1, 115-124.

Australian works

- M. Foord, “Article VI”, L. Gatiss (ed.), *Foundations of Faith: Reflections on the 39 Articles* (London: Church Society, 2018), 50-54.
- M. Jensen & T. Frame, *Defining Convictions and Decisive Commitments: The Thirty-nine Articles in Contemporary Anglicanism* (Canberra: Barton Books, 2010), 41-44.
- B. Kaye, “Fundamental Commitments”, *A Church Without Walls: Being Anglican in Australia* (North Blackburn: Dove, 1995), 52-92.

2. Article VI draws a distinction between matters which are to “be believed as an article of the Faith” or are requisite or “necessary to salvation”, and those which are not. The purpose of the Article is not to determine that some matters taught by Scripture are not essential to an individual’s justification, sanctification and glorification through Jesus Christ. Rather its purpose is to set out that only what is found in or can be proved by Scripture is necessary to salvation.

3. Further, the positive framing of the first clause of the portion of Article VI quoted (that “Holy Scripture containeth all things necessary”) must be understood in conjunction with the negative reframing of the second clause (“whatsoever is not read therein, nor may be proved thereby, is not required...to be believed as an article of the Faith”). Additionally, Article XX contains the

injunction that “it is not lawful for the Church to ordain anything that is contrary to God’s word written, neither may it so expound one place of Scripture that it be repugnant to another.” The expected coherence within Holy Scripture leads to the understanding that while not everything that is in Holy Scripture is necessary for salvation, the various parts of Scripture should not be posed against one another or be made to contradict one another.

4. Article XVIII teaches us that “holy Scripture doth set out unto us only the Name of Jesus Christ, whereby men must be saved.” Therefore, those things which are contained within Scripture which are necessary for salvation will have an inexorable connection with the person and work of Jesus Christ.

Question 3: Does the Anglican Church of Australia have a teaching on whether persistence in sexual immorality precludes a person from salvation in Christ Jesus? Where is this teaching set out? In this context, is sexual immorality different from other forms of sinfulness?

1. As discussed in the answers above the consecutive relationship between the Fundamental Declarations and the Ruling Principles provides an understanding of the Anglican Church of Australia's beliefs. The relationship also reflects what is common to the Church Catholic and what is particular to the Anglican Church of Australia. The *Christian Faith* (being a synonym for the *Catholic Faith*) professed by the Church of Christ from primitive times and in particular set forth in the two Creeds is grounded in the canonical scriptures which are the ultimate rule and standard of *faith*. These Fundamental Declarations undergird the Ruling Principles of the ACA, whose doctrine, worship and polity are derived from the Church of England, including the Thirty-nine Articles and the *BCP*, which together form "the authorised standard of worship and doctrine in this Church".
2. Section 74(1) of the Constitution defines "doctrine" to mean "the teaching of this Church on any question of faith." The relationship between teaching and doctrine is best explained by the reference in the Fundamental Declarations, that the ACA "will ever obey the commands of Christ and teach His doctrine". Thus, the subject matter of the teaching of the Church is directly related to its doctrine. In other words, the doctrine of the ACA is its teaching, because the ACA must teach its doctrine, as it must teach Christ's doctrine.
3. The corpus of teaching about sin, confession and persistence in sin is found primarily in Scripture, as understood within the framework of the Thirty-nine Articles and as expressed through its authorised liturgies.
4. Accordingly, the Anglican Church teaches that persistent, unrepentant sin precludes a person from God's kingdom. This is reflected in Article XVI and expressed in the way that confession and the assurance of forgiveness is enacted in the authorised prayer books. In the opening sentences before the general confession in *BCP* include Psalm 143:2. "Enter not into judgment with thy servant, O Lord; for in thy sight no man living be justified." The reality of God's judgment upon the unrepentant is clearly manifest, as a reminder to the congregation of the need to confess their sins.⁴

⁴ It is also a constitutive part of the *BCP*'s A Communion or Denouncing of God's Judgements against Sinners. '[L]et us (remembering the dreadful judgement hanging over our heads, and always ready to fall upon us) return unto our Lord God, with all contrition and meekness of heart; bewailing and lamenting our sinful life, acknowledging and confessing our offences, and seeking to bring forth worthy fruits of penance. For now is the axe put unto the root of the trees, so that every tree that bringeth not forth good fruit is hewn down, and cast into the fire. It is a fearful thing to fall into the hands of the living God...'

5. Moreover, confession is made with a view to forgiveness “that we may ever hereafter serve and please thee in newness of life” (*BCP Holy Communion Service*).⁵ In the confession said at Morning and Evening Prayer it is more intentionally expressed: “That we may hereafter live a godly, righteous, and sober life, to the glory of thy holy Name.” The priest in pronouncing the Absolution, therefore concludes: “Wherefore let us beseech him to grant us true repentance and his Holy Spirit, that those things may please him which we do at this present and that the rest of our life hereafter may be pure and holy.”

6. The promise of forgiveness (freely given by God) is made on the understanding that it is to all of those “...who turn to him in faith”. In this context the persistence of sin and the availability of forgiveness relates to what it means to “turn to God in faith”. While few would wish to become arbiters of a person’s truthful confession, the possibility of inappropriate or a faithless confession exists.

7. Specific teaching related to sexual immorality and salvation is found in 1 Corinthians 6:9-11; Ephesians 5:3-5; 1 Timothy 1:8-11; Revelation 21:27; and 22:11.

8. Sexual immorality is as liable to the judgment of God as other sins (James 2:10). All sin requires repentance and forgiveness, with a view to following a life of obedience. Of course one ought not to prioritise sins of immorality over and above other persistent sins, however, sexual sins have significant consequences, because they constitute a sin against the Christian’s body, which is a gift from God and in which he has taken up residence by his Holy Spirit.

Shun immorality. Every other sin which a person commits is outside their body; but the immoral person sins against their own body. Did you not know that your body is a temple of the Holy Spirit within you, which you have from God? You are not your own; you were bought with a price. So glorify God in your body.

1 Corinthians 6:18-20

⁵ Compare the priest’s exhortation after the prayer for the Church militant: “Therefore if any of you be a blasphemer of God, an hinderer or slanderer of his Word, an adulterer, or be in malice, or envy, or in any other grievous crime, repent you of your sins, or else come not to that holy Table; lest, after the taking of that holy Sacrament, the devil enter into you, as he entered into Judas, and fill you full of all iniquities, and bring you to destruction both of body and soul.”

Question 4: Do you see any doctrinal impediment or difficulty with the baptism of a child of a same sex married couple according to one of the Anglican Church of Australia’s authorised rites, including the use of the prayer for the child’s parents?

One issue for us to note is that the Constitution explicitly describes the *BCP* (along with the Ordinal and the Articles) as embodying the doctrines and principles of the Anglican Church of Australia. Despite the widespread use of *AAPB* and *APBA*, neither of these prayer books provide a source of doctrine for this Church. Nonetheless, *AAPB* is an authorised prayer book and *APBA* is an authorised liturgical resource in the ACA.

A second issue which requires comment is that baptism is a pastoral office, requiring pastoral sensitivity, especially when the family of the child to be baptised are not regular churchgoers. The following comments need to be understood within the context of the minister’s pastoral concern for the welfare of the parents as well as the child.

1. The parents of the child being presented for baptism are mentioned in the opening rubric of the Ministration of Publick Baptism of Infants in *BCP*, as the ones responsible for informing the Curate of the impending baptism of their child. However, the parents play no further role in the service, as it is the godparents who present the child for baptism and answer on the child’s behalf. The minister exhorts the godparents, who are presumed to be believers (along with the parents), reminding them of their prayers for the child to be baptised and of the part they play in seeing that the child obediently keeps God’s commandments.
2. While parents are prevented from being godparents in *BCP*, the *Godparents Canon 1977* (now superseded by the *Canon Concerning Baptism 1992*) has relaxed this precept, so that parents can act as godparents. In the latter Canon, godparents must be baptised persons who should be able faithfully to fulfil their responsibilities “by their godly living”.
3. The service for the Public Baptism of Infants in *AAPB* also presumes the parents and godparents are Christians. The minister declares that the child needs encouragement and teaching and the help of a good example, if the child is “to follow Christ and fight against evil”.⁶ The child’s growth as a Christian “depends chiefly” on the parents and godparents.⁷ If the parents of a child are living in a relationship which is inconsistent with the Christian faith, then it is difficult for them to be a good example of following Christ and fighting against evil.
4. The service of Holy Baptism in *APBA* states that
 “Children are baptised in response to God’s all-embracing love. Parents and godparents who have responded to that love come now to bring their children for baptism. Before this

⁶ *AAPB*, p.518

⁷ *Ibid.*

congregation they must express their own trust and commitment to the promises of God, and their intention to bring up their children in the faith and practice of this Church”⁸

Given the promises and commitments required of parents of children to be baptised, there is certainly a difficulty, if not an impediment, when the parents are living, without repentance, in a manner which is contrary to the faith and practice of the Church.

5. However, since the moral disposition of the minister has no bearing on the efficacy of the sacrament (Article XXVI), some members of the House of Bishops consider the moral disposition of the parents is not an impediment to the child’s baptism and that the prayer for the child’s parents⁹ assumes nothing about the moral status of the couple’s relationship. The human work in the rite of baptism is, as a sacramental act showing forth the loving, the prevenient work of God, located in God’s own work. However, the others in the House of Bishops consider that both the prayer for the parents and the prayer for the godparents assume that they are believers, as the prayers are directed to children being taught the gospel and their home sharing in the joy of God’s eternal kingdom.¹⁰

6. The proper presentation of a child for baptism, by parents or godparents, should always be accompanied by an appropriate period of preparation in which the promises they make in response to God’s offer of salvation are explained, including an invitation to receive God’s grace and the forgiveness of sins for themselves. As such, any impediment in the baptism of a same-sex couple is largely addressed by a sensitive, pastoral ministry on behalf of the minister towards the parents.

⁸ *APBA*, p. 73

⁹ *APBA*, p.81

¹⁰ *Ibid.*