

Report on Synod Resolution 8/83 Ordination of Women to the Diaconate

Synod Resolution 8/83

1. The Synod resolution reads as follows:

"Synod requests the Standing Committee to arrange for a canon to amend or to initiate legislation to amend the Constitution to be presented at the next session of the General Synod to permit women to be ordained to the diaconate and further request Standing Committee to give consideration to the nature of a distinctive and permanent diaconate and to report its findings to the first session of the next Synod."

Legislation to effect a change

2. A report from the Legal Committee of the Standing Committee is in Appendix A. The Standing Committee has adopted the recommendation in item 27 of the report.

Consideration of the nature of permanent diaconate

3. The Standing Committee appointed a committee to give consideration to the nature of a distinctive and permanent diaconate, and to report its findings to the Standing Committee before the first session of the next Synod. The Committee consisted of the following persons:

Mrs. D. M. S. Cohen	Canon D. B. Knox
Mr. G. R. Christmas	The Rev. W. J. Lawton
Mrs. S. L. Gabbett	Deaconess M. A. Rodgers
Bishop R. H. Goodhew	Deaconess J. Standfield
The Rev. M. Hill	

4. While the Committee has met on numerous occasions, it had not been able to reach any conclusion as at the date of this report.

Approach from the General Synod Standing Committee

5. On behalf of the Standing Committee of the General Synod, the standing committees/diocesan councils of the dioceses in the Australian Church were asked to respond by 20 August to a number of questions relating to the ordination of women as deacons. My letter of 15 August setting out our Standing Committee's answers to these questions is in Appendix B.

Recommendations

6. That the Synod endorse the Standing Committee's decision to promote legislation in terms of item 27 of the report of the Legal Committee (Appendix A).
7. That the Synod endorse the Standing Committee's reply to the questions asked on behalf of the Standing Committee of the General Synod (Appendix B).
8. That leave be granted to continue the consideration of the nature of a distinctive and permanent diaconate with a view to a full report being brought to the Synod next year.

For and on behalf of the Standing Committee

W. G. S. GOTLEY
Diocesan Secretary

15 August 1984

Appendix A

STANDING COMMITTEE OF SYNOD

REPORT OF THE LEGAL COMMITTEE ON SYNOD RESOLUTION 8/83 ORDINATION OF WOMEN TO THE DIACONATE

Referral

1. With regard to the first part of Synod resolution 8/83, the Standing Committee has requested the Legal Committee to prepare appropriate legislation to amend the 1961 Constitution. This legislation is to be presented to the next session of the General Synod.
2. The appropriate part of Synod resolution 8/83 is as follows:

"Synod requests the Standing Committee to arrange for a canon to amend, or to initiate legislation to amend, the Constitution to be presented at the next session of the General Synod to permit women to be ordained to the diaconate . . .".

Details of meetings

3. This matter was considered at a number of meetings, the last of which was held on 13 June 1984 when the following members were present:

Mr. N. M. Cameron (in the Chair)	Mr. I. C. Miller
Mr. G. R. Christmas	Mr. W. V. Saunders Canon
J. R. L. Johnstone	Mr. P. W. Young Q.C.

4. The Diocesan Secretary was in attendance.

Opinion

5. We have been asked to draft the amendments which need to be made to the Constitution of the Anglican Church of Australia (found in the Schedule to the Anglican Church of Australia Constitution Act, 1961) to permit women to be made deacons.

6. This raises a preliminary question - what provisions, if any, of the Constitution prevent women from being made deacons at present? The question is not easy to answer.

7. The following Sections of the Schedule to the 1961 Act, in our opinion, must be considered:

"1. The Church of England in Australia, being a part of the one Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.

2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.

3. This Church will ever obey commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

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 abovenamed 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."

"74. . . .

(6) In the case of lay but not clerical persons words in this Constitution importing the masculine shall include the feminine."

8. The question was considered by the Appellate Tribunal of the Anglican Church of Australia, in connection with the ordination of women generally by virtue of a reference made in 1979 by the Primate pursuant to Section 63(1) of the Schedule. That sub- section provides as follows:-

"63. (1) Wherever a question arises under this Constitution and in the manner provided and subject to the conditions imposed by this Constitution the question is referred for determination or for an opinion to the appellate tribunal the tribunal shall have jurisdiction to hear and determine the same or to give its opinion as the case may require provided that if provision is not otherwise made under this Constitution for the reference of such questions to the tribunal the Primate may and shall at the request of general synod by resolution or at the written request of twenty-five members thereof or at the request by resolution of the provincial or diocesan synod affected refer the question to the tribunal which shall have jurisdiction as aforesaid."

9. In this instance, Section 58(1) of the Schedule is also of relevance. The sub-section is in the following terms:

"58. (1) Before determining any appeal or giving an opinion on any reference the appellate tribunal shall in any matter involving doctrine upon which the members are not unanimous upon the point of doctrine and may, if it thinks fit, in any other matter, obtain the opinion of the house of "bishops, and a board of assessors consisting of priests appointed by or under canon of general synod."

10. The first of the questions put to the Appellate Tribunal and its answers thereto were as follows:

"Question 1 Would the admission of women to Holy Orders be consistent with the Constitution of the Church?

Opinion The answer is Yes, subject to the answers to questions 3 and 4(i) and (ii).

Question 2 Does chapter I, Section 3 of the Constitution preclude the ordaining of women into the sacred ministry as bishops, priests or deacons?

Opinion The answer is No".

11. Our understanding is that, while there is general agreement that there is nothing contained in Scripture to the effect that a woman cannot be a deacon, there is disagreement as to whether or not a woman may be made a priest or presbyter. Some say that Scripture does not permit a woman to be made a priest or presbyter; others take the contrary view. For some, the answer depends on the functions to be performed by the priest or presbyter. It is not our function to resolve this controversy; we note, however, that it exists.

12. The Anglican Church in Australia includes, among the Fundamental Declarations in its Constitution, not to be altered (Section 66) the Scriptures as the "ultimate rule and standard of faith". Section 5 provides:

"Subject to the Fundamental Declarations and the provision of this Chapter (chapter 2) this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution."

13. In the opinion of a majority of the Committee, the question as to whether or not a woman may be ordained a priest or presbyter involves a question of doctrine. (Doctrine is defined in Section 74(1) as meaning the teaching of the Anglican Church of Australia on any question of faith. Faith is defined as including the obligation to hold the faith.) Yet no opinion was sought pursuant to Section 58(1). This leaves open three possibilities.

(1) That the Tribunal overlooked Section 58(1) - a possibility that we dismiss.

(2) That the Tribunal, contrary to the view expressed earlier, did not consider that a question of doctrine was involved.

(3) That the Tribunal accepted that a question of doctrine was involved but was unanimous on that point.

Mr. Peter Young Q.C., who is a member of the Appellate Tribunal, refrained from expressing any opinion on the subject matter of this paragraph.

14. It follows that the Tribunal considered that the ordination of women as bishop priest or deacon is not contrary to Scripture. The Tribunal gave no reason for its decision so no indication is available as to the basis on which it proceeded.

Mr. Peter Young Q.C., who is a member of the Appellate Tribunal, refrained from expressing any opinion on the subject matter of this paragraph.

15. The answer given by the Tribunal to the second question is difficult to interpret. Section 3 is ambiguous. The words "the three orders of bishops, priests and deacons in the sacred ministry" can be read as importing no particular connotation of gender. In other words, the word "order" to be preserved is by definition a male order. The words can also be read as referring to the three orders as they have evolved over the past 2,000 years, that is, as male orders. Section 74(6) does not help to any extent but, to some, it suggests that the latter view is correct. The latter view is dismissed by the Tribunal.

Mr. Peter Young Q.C., who is a member of the Appellate Tribunal, refrained from expressing any opinion on the subject matter of this paragraph.

16. The third and final questions put to the Tribunal were as follows:

"Question 3 Is there any doctrine or principle of the Church embodied in the Book of Common Prayer together with the Ordinal and the Thirty-Nine Articles with which the ordination of women would be inconsistent?

and

Question 4 Legislation has been proposed for amendment of the Constitution by

i. adding to Section 4 a sub-section in the form

'(2) Nothing in this section prevents this Church from authorising by Canon the ordaining of women into the three orders of bishops, priests and deacons in the sacred ministry.'

and

ii. adding to Section 74 a sub-section in the form

'(6A) Notwithstanding anything in sub-section (6), in Chapter II to XII both inclusive and in the Table annexed to this Constitution words importing the masculine shall include the feminine.'

Would such amendment of the Constitution enable the making of a Canon to authorise the ordaining of women?

Opinion The answer to the above question is:

There is no doctrine of the kind referred to in question 3 with which the ordination of women would be inconsistent, but there may be a principle of the Church of England in Australia embodied in the Book of Common Prayer together with the Ordinal with which it is inconsistent. On that latter question the Tribunal does not find it necessary to express a final view. Assuming there is such a principle the Tribunal is of the opinion that the amendments proposed in question 4 would enable a canon to be made to authorise the ordaining of women. However, the Tribunal is of the opinion that in lieu of the amendment suggested in question 4(ii) it is preferable to amend Section 74 by the deletion from sub-section (6) of the words 'in the case of lay but not clerical persons'.

17. The reconstituted Appellate Tribunal at its February, 1981 sitting, considered the following question and gave the following answer:

Question 1 "Legislation has been proposed for amendment of the Constitution of the Church of England in Australia by

1. (i) adding to Section 4 a sub-section in the form

'(2) Nothing in this section prevents this Church from authorising by Canon the ordaining of women into the three orders of bishops, priests and deacons in the sacred ministry.'

and

1. (ii) adding to Section 74 a sub-section in the form

'(6A) Notwithstanding anything in sub-section (6), in Chapters II to XII both inclusive and in the Table annexed to this Constitution words importing the masculine shall include the feminine.'

Would such amendment of the Constitution enable the making of a Canon to authorise the ordaining of women?"

Answer "Yes, but two members of the Tribunal would prefer, as a matter of drafting, the form of amendment to Section 74 that was suggested by the Tribunal in the answer that it gave to a similar question in its report to you of the 8th day of February 1980 - namely, that Section 64 of the Constitution be amended simply by deleting from sub-section (6) the words 'in the case of lay but not clerical persons'. The other three members of the Tribunal consider the proposed sub-section (6A) to be preferable."

18. In our opinion, there is no doctrine or principle of the Church of England embodied in the Book of Common Prayer which prevents a woman from being made a bishop priest or deacon except in so far as the Book embodies any relevant requirement of the Scriptures. It is true that the preface states that no "man" shall exercise the office of deacon except in certain circumstances and also states that a bishop knowing a "Person to be a man" may admit him a deacon. (The last licence requires that the persons must be found "learned in the Latin Tongue".) It should also be noted that in the Preface the opening sentence employs the word "men" in a clearly generic sense; and that it was observed by one member of the Committee that in the Preface to the Ordinal there is no use of the pronouns "he" or "him", or the words "man" or "men" in a way which must necessarily be interpreted in the male sense. Of greater consequence is the first alternative Epistle (I Timothy

3 v.8) which refers to the "wives" of deacons and to "deacons be(ing) the husband of one wife ruling their children and their own houses well". We do not regard the statement in the preface (even if taken literally) as either a principle of doctrine or of worship and the Epistle must be read in its proper context. Hence, depending on one's position, there is (or is not) such a prohibition. The Tribunal however held that there "may" be a principle in the Book which prevents making a woman a bishop priest or deacon but declined to express a final view.

19. Thus, in our opinion, two Sections of the Constitution are relevant - Sections 3, and 74(6) - and if our view in the previous paragraph is not accepted, then also Section 4.

20. Because Section 3 is ambiguous, an amendment should be made to put the matter beyond doubt. We suggest that the following be inserted at the end of Section 3:

"and (notwithstanding anything in this Constitution) may admit persons of either sex to the order of deacons".

21. If this is done, we do not consider (even if one accepts the tentative view suggested by the Appellate Tribunal as correct) that any change is needed to Section 4. However, if Section 4, contrary to the view expressed here, prevents a woman from being made a deacon, the words "or in the doctrine or principles referred to in the first sentence of Section 4" could be added to the change suggested above after "Constitution".

22. If it is considered that Section 3 can be ignored then in our opinion, no change is needed to Section 4, unless one adopts the tentative opinion of the Tribunal. If one takes this position, the amendment posed in Question 4, but without the references to bishops and to priests, is as good as any. If Sections 3 and 4 are not relevant, it would be desirable for a canon to be made to authorise the making of women as deacons for reason of more abundant caution.

23. In any case, a change will be needed to Section 74(6). We suggest that "person and deacons but not other" be substituted for "but not" in that sub-section. If it is thought that Section 74(6) does, in some way, affect Chapter I - we doubt if it does, except as regards possibly Section 3 - then the amendment to Section 74 suggested in question 4 is to be preferred. For more abundant caution, we recommend that amendment be made to Section 74.

24. In our opinion, in view of the uncertainties, the best course is the cautious one and we recommend that all the amendments set forth earlier be made to Sections 3 and 74.

25. Any amendment to Section 3 will require an Act of Parliament or to be more precise, Acts of the Parliaments of each of the Australian States and Territories. This course has the further advantage of avoiding controversy as to the appropriate means of amending the Constitution.

26. An alternative course of action to that outlined above is for the Parliaments to be requested to change Section 66. Section 66 is as follows:

"This Church takes no power under this Constitution to alter Sections 1, 2 and 3 and this Section other than the name of the Church."

The name of the Church can be changed but only if every Diocesan Synod consents to the change by Ordinance and the assents are in force at the one time (Section 67(c)). It is conceivable that other changes will be sought to Section 3 - apart from those arising from the Ordination issue. In the long term it would be preferable if the Anglican Church had the same power to amend Sections 1, 2 and 3 (but possibly not the Section which entrenches the restrictions on the use of that power), as it has as regard the name.

Recommendation

27. That the representatives of this Diocese to the General Synod be requested to promote a canon seeking Acts of Parliament to effect all of the changes to Sections 3 and 74 recommended in this opinion. Such a canon should be expressed to take effect on a date appointed by the Primate after each Diocesan Synod of the Anglican Church of Australia has assented to the canon by ordinance.

28. Some members of the Legal Committee are also of the opinion that the proposal in item 26 should be considered in addition to the recommendation in item 27.

For and on behalf of the Legal Committee

N. M. CAMERON
Chairman

13 June 1984

ANGLICAN CHURCH DIOCESE OF SYDNEY

15 August 1984

Mr. G. R. Christmas
Registrar
Diocese of Sydney
St. Andrew's House
SYDNEY SQUARE N.S.W. 2000

Dear Gerald

Re: Ordination of Women to the Diaconate

I refer to Bishop Grant's circular of 13 June seeking answers to various questions by 20 August 1984.

As you know, the question of the ordination of women as deacons will be discussed by our Synod in October. In the meantime, the Standing Committee of the Synod of our Diocese has answered Bishop Grant's questions as follows:

1. THE BASIC ISSUE

QUESTION: Do you or your Council or Standing Committee have any objections to a woman being made a deacon? Do you or they know of any objection held by others in the Australian Church?

ANSWER: This Standing Committee has no objection to a woman being made a deacon but we know that others have objections. (A copy of a sermon delivered by Brother P. A. McGavin of Melbourne is enclosed.)

2. TIME

QUESTION: Do you or your Council or Standing Committee have any views in this area?

ANSWER: This Standing Committee does not have any views in this area.

3. LEGISLATION

QUESTION: Do you or your Council or Standing Committee have views as to the need to change the Constitution or as to the form that any legislation should take?

ANSWER: This Standing Committee requests that the recommendation adopted on 25 June be the answer to this question. (The recommendation referred to is in item 27 of the enclosed report from our Legal Committee.)

4. FUNCTIONS

QUESTION: Do you or your Council or Standing Committee have views on the functions of a woman deacon?

ANSWER: This Standing Committee considers that further definition at this stage is unwise.

5. EDUCATION AND TRAINING

QUESTION: Do you or your Council or Standing Committee have views on the standards which should be laid down in relation to women to be made deacons?

ANSWER: This Standing Committee supports the position of the General Synod Standing Committee (i.e. that the present system should continue until uniform standards are adopted for the Australian Church).

6. PROCEDURE

QUESTION: Do you or your Council or Standing Committee have views on whether members of the Order of Diaconess should be declared to be deacons without further ordination?

ANSWER: For a variety of reasons, this Standing Committee supports the view that deaconesses should be ordained if they wish to become deacons.

Our Standing Committee intends to ask our Synod to endorse the answers given to these questions and the amendments proposed to the 1961 Constitution by the recommendation in item 27 of the report of our Legal Committee.

With best wishes.

Yours sincerely,

for and on behalf of the Standing Committee

W. G. S. GOTLEY
Diocesan Secretary