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# Necessary to Salvation? The Canon Law of the Church of England and the Interpretation of Scripture

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*The canon law of the Church of England begins from the assumption that scripture contains 'all things necessary to salvation' but the law makes little attempt to lay down rules for the way in which scripture should be interpreted. The authors attribute this reticence to the fact that, historically, adherents of the Church of England have been inclined to disagree about the nature both of ecclesiastical and of scriptural authority; and one of the functions of the Church's canon law has therefore been to hold together a wide spectrum of theological opinions. This comprehensiveness, however, causes strains within the wider Anglican Communion and may lead to difficulties of mutual comprehension in ecumenical conversations.*

## INTRODUCTION

The nature of scriptural authority has been a matter of controversy among members of the Church of England almost from the point of the break with Rome. The English Reformation was by no means an instantaneous event, nor were all members of the newly-reformed Church of the same theological temper. Some were influenced by Lutheran theology, others by Calvin and Bucer, while yet others wanted a church that would retain the essentials of the pre-Reformation faith while rejecting papal supremacy.

<sup>1</sup> Cranmer, a Quaker, and Heffer, an Anglican priest, would like to thank Professor Norman Doe, of Cardiff Law School, and the Revd Canon Joseph Cassidy, Principal of St Chad's, for their comments on an early draft. An earlier version of this article was published as 'Il diritto canonico della Chiesa d'Inghilterra: l'interpretazione delle Scritture è veramente necessaria per la salvezza?' (2006) 6 *Daimon* 69–96.

At the close of the sixteenth century, Richard Hooker was engaged in a heated argument with the Puritan party<sup>2</sup> about the place of human reason in the interpretation of Holy Writ. Although, he asserted, scripture was from God and therefore carried a unique authority, the very act of attempting to prove a particular theological position by reference to the Bible was inevitably an exercise of human intellect and of human authority, since

for the most part, even such as are ready to cite five hundred sentences of Holy Scripture; what warrant have they, that any one of them doth mean the thing for which it is alleged? Is not their surest ground most commonly, either some possible conjecture of their own, or the judgment of others taking those Scriptures as they do? . . . So that now and then they ground themselves on human authority, even when they most pretend divine.<sup>3</sup>

Rowan Williams argues that the thrust of Hooker's argument about the nature of Holy Writ is a denial of the idea that the Bible is a law-book, whether complete or incomplete; that

[w]e have to break through the sterile opposition between Catholic and Puritan error, Catholics arguing that all sorts of things are obligatory under divine law that are not contained in the Bible, Puritans countering with the claim that everything not commanded in Scripture is in effect prohibited.<sup>4</sup>

Four hundred years or so after Hooker, surprisingly little has changed; and it is perhaps as much for that reason as any other that what little the canon law of the Church of England says about the place of scripture within the Church is couched in very broad and general terms. For example, the single reference to scripture in the index to *Legal Opinions Relating to the Church of England* relates to copyright, while its only mention in Mark Hill's *Ecclesiastical Law* is a note of the requirement that the parochial church council should be consulted as to the version of the Bible that is to be used in the parish church.<sup>5</sup>

## THE ARTICLES OF RELIGION, THE CANONS AND SCRIPTURE

Article VI of the Thirty-nine Articles of Religion (Of the Sufficiency of the Holy Scriptures for Salvation) asserts that Holy Scripture 'containeth all things necessary

2 Not least in the person of his colleague Walter Travers, the (Puritan) Reader of the Temple Church of which Hooker was the Master.

3 *Of the Laws of Ecclesiastical Polity*, Book II viii.

4 RD Williams, 'Richard Hooker: The Laws of Ecclesiastical Polity revisited' (2006) 8 Ecc LJ 386.

5 Prayer Book (Versions of the Bible) Measure 1965, s 1 proviso; M Hill, *Ecclesiastical Law* (third edition, Oxford, 2007), para 3.29.

to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the Faith, or be thought requisite or necessary to salvation', and defines Scripture as 'those Canonical Books of the Old and New Testament of whose authority was never any doubt in the Church'. Article XX (Of the Authority of the Church) reinforces that position:

The Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith: and yet 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. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree any thing against the Same, so besides the same ought it not to enforce any thing to be believed for necessity of Salvation.

There is much in that 'and yet'. Geoffrey Rowell suggests that authority is properly a quality of *persons*, not of documents: the authority of documents derives only from the authority of those persons who have written or approved them.<sup>6</sup> Others would argue that the authority of the Word of God derives from *God* rather than from human agency and that the Church does not itself bestow authority on the Bible but recognises the authority that inheres in the kind of texts it contains. The problem with the latter approach, however, is that, although 'All scripture is inspired by God and useful for teaching',<sup>7</sup> the historical evidence suggests that the individual texts themselves were not immediately regarded as self-authenticating: the early Church included them in the Canon by a process of reception. Had the consensus turned out differently, the *Shepherd of Hermas*, for example, might conceivably have been deemed canonical; it is bound with the New Testament in the fourth-century *Codex Sinaiticus*.<sup>8</sup>

The modern Canons continue to affirm the status of the Articles. Canon A2 (Of the Thirty-nine Articles of Religion) – which restates in more user-friendly terms the provisions of Canon 5 of the *Canons Ecclesiastical 1603/04*<sup>9</sup> – declares that they 'are agreeable to the Word of God and may be assented unto with a good conscience by all members of the Church of England'. Canon A5 (Of the doctrine of

6 DG Rowell, 'An historical perspective on doctrine and discipline in the Church of England' (2005) 8 Ecc LJ 46. Much of Dr Rowell's argument, though focused primarily on clergy discipline, is relevant to the present discussion.

7 2 Timothy 3:16. The Greek has *theopneumatōs*: 'God-breathed'.

8 BD Ehrman, *Lost Christianities: the battle for scripture and the faiths we never knew* (New York, NY, 2003), p 245.

9 'Impugners of the articles of religion established in the Church of England, censured: Whosoever shall hereafter affirm that any of the nine and thirty articles agreed upon by the archbishops and bishops of both provinces, and the whole clergy, . . . are in any part superstitious or erroneous, or such as he may not with a good conscience subscribe unto; let him be excommunicated *ipso facto* and not restored, but only by the archbishop, after his repentance, and public revocation of such his wicked errors.': G Bray, *The Anglican Canons 1529–1947* (Woodbridge, 1998), p 273.

the Church of England) states that doctrine is grounded ‘in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures. In particular, such doctrine is to be found in the Thirty-nine Articles of Religion, the Book of Common Prayer, and the Ordinal’.

So far, all seems clear: the modern canons expressly confirm the legal validity of the Articles,<sup>10</sup> Canon A5 declares that they are a source of Anglican doctrine and Canon C 15 paragraph 1(1) includes them among the ‘historic formularies’ to which clergy (and certain lay officers such as ecclesiastical judges and readers) must make a Declaration of Assent.<sup>11</sup> And, for the avoidance of doubt, the Church of England (Worship and Doctrine) Measure 1974 section 5(1) declares that ‘References in this Measure to the doctrine of the Church of England shall be construed in accordance with the statement concerning that doctrine contained in the Canons of the Church of England’.

In the Communion-wide context, the words of Article VI were echoed in the first two items of Resolution 11 of the Lambeth Conference (the ‘Chicago-Lambeth Quadrilateral’) of 1888:

That, in the opinion of this Conference, the following articles supply a basis on which approach may be by God’s blessing made towards home reunion:

- i The Holy Scriptures of the Old and New Testaments, as ‘containing all things necessary to salvation’ and as being the rule and ultimate standard of faith.
- ii The Apostles’ Creed, as the baptismal symbol; and the Nicene Creed, as the sufficient statement of the Christian faith.

However, the Articles are much less central to doctrinal standards for the wider Anglican Communion than for the Church of England. Though the Anglican Church of Australia, for example, approves the doctrine and principles of the Church of England embodied in the 1662 Book of Common Prayer, the Ordinal and the Articles,<sup>12</sup> this is unusual; the more common approach is the principle of reception, under which canon law approves the doctrines that are received by the particular church in question.<sup>13</sup> The recent draft prepared by the Covenant Design Group at its meeting in Nassau in January 2007 (the

10 See N Doe, ‘Toward a critique of the role of theology in English ecclesiastical and canon law’ (1992) 2 *Ecc LJ* 335.

11 For the full text of the Declaration and a discussion of its status, see P Forster, ‘The significance of the Declaration of Assent’, (2005) 8 *Ecc LJ* 162–172.

12 *Constitution* 1.1, quoted in N Doe, *Canon Law in the Anglican Communion: a worldwide perspective* (Oxford, 1998), p 197, n 46.

13 Doe, *Canon Law in the Anglican Communion*, 198.

*Nassau Report*) calls upon each member Church and the Communion as a whole to affirm, inter alia, ‘that it has borne witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, the 1662 Book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons’<sup>14</sup> – which is not quite the same thing as saying that every individual item in the formularies is binding on every individual Anglican.

And even within the modern Church of England itself, the authority conferred on the Articles by Canon A2 is by no means regarded as uncontroversial. Because the Elizabethan Settlement attempted to accommodate a wide spectrum of theological opinion, ranging from those who felt that the English Reformation had been insufficiently radical to those who looked back wistfully to the pre-Reformation Church, the Articles were very much a product of their time: concerned primarily with issues of *authority in the Church* rather than of belief. As the Church’s Doctrine Commission has pointed out, they ‘were not intended to serve as a summary of Christian belief, a potted systematic theology. They deal with points of contention in the sixteenth century, over against the Church of Rome, the Anabaptists and rigorous Calvinists’.<sup>15</sup>

The effects of this can be seen, for example, in Article XVII (Of Predestination and Election):

... the godly consideration of Predestination, and our Election in Christ, is full of sweet, pleasant, and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal Salvation to be enjoyed through Christ as because it doth fervently kindle their love towards God ...

Or there again, *perhaps it doth not*. Admittedly, since Article XVII says nothing about the way in which predestination is to be understood it does not exclude the possibility of universal election; and if all it means, in effect, is ‘Gosh, folks, aren’t we lucky?’, then it is fairly harmless – if rather trite. If, on the other hand, it is espousing the classical doctrine of election and double

14 *Report of The Covenant Design Group* meeting in Nassau, 15th–18th January, 2007 under the chairmanship of the Most Revd Dr Drexel Gomez, Archbishop of the West Indies, 2(5), available at <[http://www.aco.org/commission/d\\_covenant/docs/covenant.pdf](http://www.aco.org/commission/d_covenant/docs/covenant.pdf)>, accessed 28 April 2007.

15 Doctrine Commission of the Church of England, ‘The mystery of salvation’ (1995) in *Contemporary Doctrine Classics from the Church of England: the combined reports by the Doctrine Commission of the General Synod of the Church of England* (London, 2005), p 439. A much earlier report of the Commission, *Subscription and Assent to the Thirty-nine Articles* (London, 1968), had concluded on p 32 that ‘nobody could claim that they are now descriptive of the doctrinal positions of more than a minority’.

predestination enunciated by Calvin in 1536<sup>16</sup> that is a very different matter, since many present-day Anglicans would regard predestination to damnation as both theologically dysfunctional and morally outrageous.

Michael Ramsey's defence of the traditional Anglican method of doing theology by interpreting scripture in the light of reason and the tradition of the Church resonates with the position of Hooker. Ramsey points out that, because they were an attempt at compromise, some of the Articles are cast in very general terms; moreover, though they assert that scripture 'containeth all things necessary to salvation',

they do not say that Holy Scripture contains truth on innumerable subjects *not* related to salvation. ... The Anglicans claimed that whatever is needed for our salvation we find in scripture, but we do not necessarily have to follow scripture for rules concerning the details of the life of the Church.<sup>17</sup>

So, for example, when Puritans objected to the requirement for the giving of a ring as part of the rite of holy matrimony, they were resisted on the grounds that the Bible was silent on the matter, that reason asserted that the retention of the ring was morally neutral and that the custom was in accordance with the traditions of the Church.

## DOCTRINE AND THE COURTS

Not only is there is no single authoritative statement of canon law in the style of the *Codex Iuris Canonici* 1983, whether for the Church of England itself or for the wider Anglican Communion, but Anglican canonists have no single modern source of doctrine against which their canon law can be tested that is comparable to the authority of the documents of Vatican II for Roman Catholics. So if, as Robert Ombres asserts,<sup>18</sup> canon law is a reflection of the ecclesiology of the church to which it relates, we are already on difficult ground in trying to establish an Anglican canonical norm for the place of Holy Scripture within the Church. Moreover, there are several competing Anglican ecclesiologies, both as between the individual provinces of the wider Communion and within

16 'God by his eternal and immutable counsel determined once for all those whom it was his pleasure one day to admit to salvation, and those whom, on the other hand, it was his pleasure to doom to destruction. We maintain that this counsel, as regards the elect, is founded on his free mercy, without any respect to human worth, while those whom he dooms to destruction are excluded from access to life by a just and blameless but at the same time incomprehensible judgment.' John Calvin, *Institutes* (translated by H Beveridge, Edinburgh, 1845), ch 26 s 7.

17 AM Ramsey, *The Anglican Spirit* (London, 1991), pp 23–24. The book was compiled and edited by Dale Coleman from lectures that Archbishop Ramsey gave in his retirement to students at Nashotah House, and published posthumously.

18 R Ombres, 'Why then the law?' (1974) 55 *New Blackfriars* 302.

them; the Diocese of Sydney, for example, sees itself as an evangelistic mission and has very little time for traditional Anglican theology or order, to the extent that its Synod has long advocated lay presidency at the Eucharist.<sup>19</sup> Historically, the existence of these competing ecclesiologies has produced a tendency to accommodate a wide variety of views and, perhaps because of this (though one eminent eighteenth-century authority suggested that it would be heresy for a cleric to publicise ‘a false opinion repugnant to some point of doctrine clearly revealed in scripture and either absolutely essential to the Christian faith or at least of most high importance’<sup>20</sup>), the courts have taken a more restrictive stance.

In *Gorham v Bishop of Exeter*,<sup>21</sup> for example, the Privy Council concluded that Gorham’s denial of the doctrine of baptismal regeneration was not incompatible with his position as a clergyman of the Church of England, for

there were points of doctrine related to baptism that were capable of being honestly understood in different senses and ‘upon these points all ministers of the Church, having duly made the subscriptions required by law, and taking Holy Scripture for their guide, are at liberty honestly to exercise their private judgment without offence or censure’.<sup>22</sup>

In *Williams v Bishop of Salisbury*,<sup>23</sup> the Privy Council went slightly further, concluding that, if a particular doctrine is not ‘expressly and distinctly stated, or . . . is not plainly involved in or to be collected from that which is written . . . , there is so far freedom of opinion that they may be discussed without penal consequences’.<sup>24</sup> Whether or not any particular doctrine passes that fairly severe test is not necessarily a matter of total agreement among Anglicans; and the Privy Council’s conclusion leaves considerable room for argument in individual cases.

This is not to say that the courts never look at the Bible in considering ecclesiastical disputes. As noted by Timothy Briden and Robert Ombres,<sup>25</sup>

19 After almost thirty years of campaigning on the issue, on 9 August 2004 the Sydney Diocesan Synod resolved not to proceed further; but its Resolution included the provision that ‘This Synod believes, with deep conviction under Almighty God, that there is no prohibition or restriction in the holy scriptures, or in Christian doctrine, on the administration (sometimes referred to as “presidency”) of the Lord’s Supper by a suitable person, but who is not a bishop or an episcopally ordained priest.’

20 R Burn, *Ecclesiastical Law* (London, 1842), pp 304–305, quoted in N Doe, *The Legal Framework of the Church of England: a critical study in a comparative context* (Oxford, 1996), p 267.

21 *Gorham v Bishop of Exeter* (1850) 1 Cripps’ Church and Clergy Cases 266 PC.

22 A Jordan, ‘George Cornelius Gorham, clerk v Henry Philpotts: a case of Anglican anxieties’ (1998) 5 Ecc LJ 108, quoting Lord Langdale MR.

23 *Williams v Bishop of Salisbury* (1864) 2 Moo PCC NS 375.

24 Doe, *The Legal Framework of the Church of England*, p 267. For a comprehensive historical review of doctrine cases, see Rowell, ‘An historical perspective on doctrine and discipline in the Church of England’.

25 T Briden and R Ombres, ‘Law, theology and history in the judgments of Chancellor Garth Moore’ (1994) 3 Ecc LJ 227.

in a judgment about the legality of erecting pictorial Stations of the Cross, Moore Ch made reference to the precise English translation of the Greek text of Mark 15:22.<sup>26</sup> In another case, he refused to allow the placement near the font of a plaque depicting the washing of the baby Jesus in the stable at Bethlehem, on the grounds that it might suggest that he was baptised as an infant rather than at the beginning of his ministry and ‘it is an important duty of the court to safeguard sound doctrine’.<sup>27</sup> But in recent times neither the courts nor the Church have been eager to use canon law as a tool for enforcing theological conformity. When, shortly before his consecration as Bishop of Durham, David Jenkins made some remarks on the Virgin Conception of Jesus that attracted considerable criticism, many people demanded that he should not be consecrated – but no one seriously contemplated trying him for heresy.<sup>28</sup>

#### ANGLICANS AND THE AUTHORITY OF SCRIPTURE

In a discussion of the authority of scripture in Anglicanism, Bill Countryman asserts that for Anglicans the question, ‘What is the authority of scripture?’ ‘... is not just a different question from asking “What is the authority of scripture in Lutheranism, say, or the Reformed tradition?” It is actually a different *kind* of question’.<sup>29</sup> And it is proving a very difficult question to answer.

The first phase of the Anglican–Roman Catholic International Commission (ARCIC I) saw the authority of scripture (or, at any rate, the authority of the New Testament) like this:

Assisted by the Holy Spirit . . . [the Apostles] transmitted what they had heard and seen of the life and words of Jesus and their interpretation of his redemptive work. Consequently the inspired documents in which this is related came to be accepted by the Church as a normative record of the authentic foundation of the faith. To these the Church has recourse

26 *Re St Peter, St Helier, Morden: Re St Olave, Mitcham* [1951] P 303; [1951] 2 All ER 53 at 61, Southwark Cons Ct.

27 *Re St Edward the Confessor, Mottingham* [1983] 1 WLR 364–366 at 365, Southwark Cons Ct. Granting liberty to amend and reapply, he made it clear that he would like to see the introduction of the plaque into the church: his objection was purely to its siting. The petition was later granted, as amended.

28 Whether or not he was accurately reported in the *Church Times* of 4 May 1984 as saying ‘I wouldn’t put it past God to arrange a virgin birth if He wanted, but I very much doubt if He would’, he certainly told General Synod in July 1986 that ‘the birth narratives are far more about the obedience of Mary and Joseph in response to the unique graciousness of God than about Mary’s physical virginity’: see *General Synod July Group of Sessions 1986, Report of Proceedings* 17: 2 465–471 and DE Jenkins, *The Calling of a Cuckoo* (London and New York, NY, 2002), p 180.

29 LW Countryman, ‘Healing leaves: the Bible as a source of hope’ (2001) 83(4) *Anglican Theological Review*, available at <[http://findarticles.com/p/articles/mi\\_qa3818/is\\_200101/ai\\_n8948934](http://findarticles.com/p/articles/mi_qa3818/is_200101/ai_n8948934)>, accessed 12 June 2007.



for the inspiration of its life and mission; to these the Church refers in its teaching and practice.<sup>30</sup>

But all that says is, ‘the Church reads the Bible’; it says nothing definitive about *how* it does so. Even the Chicago-Lambeth Quadrilateral is ambiguous about the way in which the Bible relates to the Nicene Creed: scripture contains ‘all things necessary to salvation . . . as . . . the rule and ultimate standard of faith’, while the Creed is ‘the sufficient standard of the *Christian* faith’.<sup>31</sup> Perhaps the bishops assembled at Lambeth were implying a distinction between the Creed as the expression of faith of the early Church and scripture as some kind of ultimate reality-check on whether something was to be believed or not.<sup>32</sup>

The *Nassau Report* referred to above adopts a nuanced approach to scriptural authority, calling on each Church to commit itself to

ensure that biblical texts are handled faithfully, respectfully, comprehensively and coherently, primarily through the teaching and initiative of bishops and synods, and building on our best scholarship, believing that scriptural revelation must continue to illuminate, challenge and transform cultures, structures and ways of thinking.<sup>33</sup>

In short, it seems to be arguing for an engagement with scripture that is at the same time both reverent *and scholarly*, rather than for literalism: very much the approach espoused by Richard Holloway, who suggests that responding to scripture involves

hierarchies of truth . . . acknowledging areas in which we are less free to tamper, recognising lower orders of truth with which we are more free to experiment and explore, allowing us a flexibility in response to the Holy Spirit at work in history and culture, remembering that all language about God is metaphorical and not itself to be idolatized.<sup>34</sup>

That said, however, many Anglicans would want to rest on the inerrancy of scripture without further question. John Stott, for example, regards the truth revealed by God in scripture as absolute, binding and universal and asserts that ‘Evangelical Christians emphasise that without revelation the knowledge

30 [First] Anglican–Roman Catholic International Commission, *Authority in the Church* (Venice, 1976 and London, 1977), para 2, published in *The Final Report, Windsor, September 1981* (London and Cincinnati, OH, 1982), pp 49–67.

31 Emphasis added.

32 An observation by Joe Cassidy, for which we are extremely grateful.

33 *Nassau Report*, 3(3).

34 RF Holloway, *The Stranger in the Wings: affirming faith in a God of surprises* (London, 1994), p 49.

of God is impossible . . . , that what God has revealed to us is true, and that our only reaction must be to listen, to believe and to obey'.<sup>35</sup> But since the Bible contradicts itself in its various accounts of the same incident, one might reasonably assume that the majority of those who would argue for scriptural inerrancy must be making claims about the truth of scripture *as a whole* rather than about the historical accuracy of any individual verse within it. And, in any case, many Anglicans – of all shades of theological opinion – would be very wary of anything that smacked of the ‘proof text’ approach to exegesis; in the memorable (if possibly apocryphal) observation attributed to the late Eric Heaton, Dean of Christ Church, ‘the Bible was not designed to be read in two-inch chunks by a guy in an Oxford hood standing behind a brass duck’.

A ‘conservative’ view of the Bible would imply that, because all scripture is divinely inspired, all scripture is of equal validity and importance – the approach that led to the strained exegesis of the Song of Songs as an allegory of the relationship between Christ and the Church.<sup>36</sup> However, the view that all scripture is equally normative has been disputed at least since the time of Luther, who relegated Hebrews, James and Revelation to an appendix in his 1552 New Testament. The majority of Anglicans have, in reality, evolved a ‘stepped’ canon, simply regarding some parts of the Bible as self-evidently more important than others.

A further difficulty is that, because the biblical texts are not in English, problems arise both of language and of the cultural context in which they are being interpreted. Frances Young, for example, lays great stress on the experiential nature of understanding, that

no ‘bare event’ is accessible to us – indeed, even if it were, it would be meaningless. Nor is ‘experience’ separable from the process of understanding whereby we make the experience our own. Our experience of the world is itself shaped by the language we use to ‘name’ things and events, and this language is a social and cultural construct which we learn.<sup>37</sup>

The second phase of the Anglican–Roman Catholic International Commission (ARCIC II) took a similar view: ‘we recognise that no reading of a text is neutral, but each is shaped by the context and interest of its readers’.<sup>38</sup> This presents us with a very serious problem of interpretation: even a person with a good

35 JRW Stott, *Evangelical Truth: a personal plea for unity, integrity and faithfulness* (Nottingham, 1999), pp 53–54.

36 John Barton suggests that if the Song of Songs had turned up for the first time among the Dead Sea Scrolls, no one would have seriously suggested that it might be a candidate for inclusion in the canon of scripture – however splendid it might be as a work of erotic poetry: J Barton, *People of the Book? The authority of the Bible in Christianity* (London, 1988), p 60.

37 FM Young, *The Making of the Creeds* (London, 1991), x.

38 [Second] Anglican–Roman Catholic International Commission, *Mary: grace and hope in Christ* (Harrisburg, PA and London, 2005).

command of Hebrew or New Testament Greek can only read the original text through the filter of his or her own perception, while our twenty-first-century perceptions must inevitably be different from those of first-century Christians.

## SOME PROBLEMS OF AUTHORITY AND SCRIPTURAL INTERPRETATION

Bill Countryman suggests that, in theological terms, Anglicanism is the ‘eccentric cousin’ in the family of Western Christianity, with little interest in systematic theology. Instead, ‘Anglican theology tends to take up issues that have become important in our specific context and to work on them within relatively modest limits’.<sup>39</sup> Indeed, the Doctrine Commission said as much twenty years ago:

The very nature of the Bible’s witness to God . . . allows us to form certain conclusions about God, and also expect a certain consistency in the descriptions of his character. But the inadequacy of any language to encompass so great a reality must prevent us from achieving a perfectly systematic account of biblical theology, and warn us that any one account of the biblical evidence is likely to need correction (without becoming obsolete) in the light of new perceptions and methods.<sup>40</sup>

In a subsequent report the Commission concluded that, for example, doctrines of the Atonement

have been many and varied in the history of Christian thought. To try to reduce this variety to a single agreed statement . . . would be untrue both to the New Testament and to our Anglican heritage. Far better, and more consistent with our reference points, to sketch the great mystery of atonement. These are complementary insights and are not in competition with each other; they are facets of the central jewel of Christian faith, that in the cross and resurrection of Jesus, God has won our salvation.<sup>41</sup>

Recent history tends to support this analysis: witness, for example, Jeffrey John’s recent somewhat controversial reinterpretation of the Atonement<sup>42</sup> – and the subsequent furore.<sup>43</sup>

39 Countryman, ‘Healing leaves’.

40 Doctrine Commission of the Church of England, ‘We believe in God’ (1987) in *Contemporary Doctrine Classics from the Church of England*, p 57.

41 Doctrine Commission of the Church of England, ‘The mystery of salvation’ (1995) in *Contemporary Doctrine Classics from the Church of England*, p 356.

42 J John, ‘Lent Talk’ BBC Radio 4, 4 April 2007: available at <[http://www.bbc.co.uk/religion/programmes/lent\\_talks/scripts/jeffreyjohn.html](http://www.bbc.co.uk/religion/programmes/lent_talks/scripts/jeffreyjohn.html)>, accessed 27 April 2007.

43 For example, ‘Evangelical bishops attack Jeffrey John talk (without reading it)’, *Ekklesia*, 4 April 2007, available at <<http://www.ekklesia.co.uk/node/4980>>, accessed 1 May 2007.

It is perhaps because different strands within Anglicanism have such widely differing views of the authority of scripture that they also have differing views on the place of authority within the Church. Of the many issues currently facing the Anglican Communion generally and the Church of England in particular, three may serve to illustrate the problem of authority and scriptural interpretation: one that appeared to have reached something approaching stalemate but now seems to be moving forward; a second that is likely to cause future dissent between catholics, liberals and evangelicals; and a third that is the focus of much current disquiet across the Communion.

### The ordination of women

When the Church of England decided to ordain women to the priesthood, it was realised that some way would have to be found to accommodate opponents of that development: thus the Priests (Ordination of Women) Measure 1992 gave every Parochial Church Council the right to reject the ministrations of women priests and the Episcopal Ministry Act of Synod 1993 empowered parishes to reject the ministrations of any bishop who ordained women.<sup>44</sup> The Measure also provided that nothing within it should ‘make it lawful for a woman to be consecrated to the office of bishop’.<sup>45</sup> The result has been a slightly uneasy accommodation between the so-called ‘two integrities’; but that accommodation is coming under increasing strain as the Church of England strives to address the fact that some sister churches within the Communion already have female bishops.

The issue of women in the episcopate was considered at great length in a report<sup>46</sup> by a Working Party of the House of Bishops chaired by the Bishop of Rochester, Michael Nazir-Ali. In discussing the scriptural material on women in the first-century Church, they inclined to the view that the positive experience of women’s ministry had ‘created a new context in which to look again at the biblical material in the same way that the Church was led to reconsider the biblical material relating to gentiles and slaves’.<sup>47</sup> Moreover, they accepted the argument that the main thrust of scripture is the essential dignity and equality of the whole of humanity before God,<sup>48</sup> and they were doubtful about the validity of the argument for male headship in the light of the New Testament evidence for women’s ministry.<sup>49</sup> That said, however, although Chapter 7 of the report set out in some detail the possible impact of either maintaining the *status quo* or pursuing the various ecclesiological options that would be necessary were the Church to

44 See the Episcopal Ministry Act of Synod, paras 3 (diocesan arrangements), 4 (regional arrangements) and 5 (provincial arrangements) respectively.

45 Priests (Ordination of Women) Measure 1992, s 1(2).

46 MJ Nazir-Ali et al, *Women Bishops in the Church of England?* (London, 2004).

47 Ibid, para 5.3.2.

48 Ibid, paras 5.3.5–5.3.6.

49 Ibid, paras 5.3.12–5.3.15, 5.3.17–5.3.20.

consecrate women as bishops, the Working Party came to no conclusion as to whether or not it was opportune for the Church of England to do so.<sup>50</sup>

The matter was debated by General Synod at its July session in 2005. Immediately prior to that meeting, seventeen bishops wrote to the *Church Times* urging caution. Because the issue was a matter of major disagreement, both within the Church of England itself and among its ecumenical partners, the signatories felt that

actions by individual provinces touching the scriptural and traditional faith and order of the Church – actions that inevitably unchurch those who cannot accept such changes – do not serve the unity which Christ asks of his Church . . . At the very least, the full and extensive theological debate requested by the General Synod in setting up the Bishop of Rochester's working party must be held throughout the Church of England, and in consultation with all our ecumenical partners . . . To begin the process of removing the legal impediments to the ordination of women as bishops before such debate would widely and correctly be interpreted as assuming the answer.<sup>51</sup>

Nevertheless, Synod agreed a motion, proposed by the Bishop of Southwark, that called for a start to the process of removing the legal obstacles to the ordination of women to the episcopate.<sup>52</sup>

A Working Group was then established under the chairmanship of the Bishop of Guildford, Christopher Hill; its report was considered on a 'take note' motion in February 2006.<sup>53</sup> The matter was further considered in July 2006, this time on a substantive motion agreed to as follows:

That this Synod welcome and affirm the view of the majority of the House of Bishops that admitting women to the episcopate in the Church of England is consonant with the faith of the Church as the Church of England has received it and would be a proper development in proclaiming afresh in this generation the grace and truth of Christ.<sup>54</sup>

At the time of writing, matters had progressed no further.

50 Ibid, paras 8.1.15–8.1.18.

51 *Church Times*, 1 July 2005. The signatories included six diocesan bishops (Blackburn, Chester, Chichester, Durham, Europe and Exeter) and the three Provincial Episcopal Visitors.

52 GS 1605: see *General Synod July Group of Sessions 2005, Report of Proceedings* 36(2) 327–377. An informant present at the debate felt afterwards that, though the technical effect of the motion was to begin the process of removing legal impediments so that a future decision could be implemented more expeditiously, many who voted regarded the motion more as a straw poll to test the mind of Synod as to whether or not there was a case for consecrating women as bishops.

53 Agreed to on a division by Houses: *General Synod February Group of Sessions 2006, Report of Proceedings* 37(1) 56–89.

54 *General Synod July Group of Sessions 2006, Report of Proceedings* 37(2) 85.

### Marian devotion

In 2005, ARCIC II produced an agreed statement on the place of Mary in the Anglican and Roman Catholic traditions: *Mary: grace and hope in Christ*. The difference of emphasis between the two Communion and the difficulties that this presented for ecumenical relations had already been noted by ARCIC I:

the dogmas of the Immaculate Conception and the Assumption raise a special problem for those Anglicans who do not consider that the precise definitions given by these dogmas are sufficiently supported by scripture. For many Anglicans the teaching authority of the Bishop of Rome, independent of a council, is not recommended by the fact that through it these Marian doctrines were proclaimed as dogmas binding on all the faithful. Anglicans would also ask whether, in any future union between our two Churches, they would be required to subscribe to such dogmatic statements.<sup>55</sup>

The agreed statement was not exactly greeted by Anglicans with universal acclaim. Almost as soon as it had been published, Archbishop Peter Jensen of Sydney, a leading Conservative Evangelical, described it in a radio interview as ‘a fudge’, predicting that the statement would not be successful in bridging the gap between Anglicans and Roman Catholics because it

doesn’t take seriously the objections of Reformation Christians – of whom I’m one, and of whom there are many – to the practices and the beliefs that the report seeks to endorse . . . Not only is [the Immaculate Conception] not consonant with scripture, it is denied in scripture, which says ‘all have sinned and fallen short of the glory of God’. The only person who is specifically said to be sinless in scripture is the Lord Jesus himself. Of course the Immaculate Conception is not exactly the same thing as the sinlessness of the Lord Jesus, but its effect is the same.<sup>56</sup>

Subsequently, the General Secretary of the Church Society, David Phillips, simply panned the agreed statement:

The supposed Tradition is clearly a late development with no evidence in Scripture or the early Church. The interest in Mary arose in part from the arguments to defend the true humanity of Christ (that he took his humanity from her), from a growing belief that sexual intercourse was

55 [First] Anglican-Roman Catholic International Commission: *Authority in the Church II* (Windsor, 1981), para 30, published in *The Final Report, Windsor, September 1981*, pp 49–67.

56 *The Religion Report*, ‘Venerating Mary’ (ABC Radio National, 25 May 2005). A verbatim transcript is available at <<http://www.abc.net.au/rn/religionreport/stories/2005/1376656.htm>>, accessed 27 April 2007.

necessarily sinful, and from the importing into Christianity of pagan beliefs and practices.<sup>57</sup>

Nor has criticism come solely from evangelicals. In a recent article, Judith Maltby points out several technical shortcomings in the agreed statement: that the claim in paragraph 46 that post-Reformation reverence for Mary ‘endured in the continued use of the Magnificat in Evening Prayer’ could equally well be applied to Simeon and the Nunc Dimittis;<sup>58</sup> that the retention after the Reformation of churches dedicated to Mary is paralleled by the retention of dedications to mediaeval saints;<sup>59</sup> and that popular Marian devotion among Anglicans is largely a phenomenon of the second half of the nineteenth century.<sup>60</sup> She also expresses serious reservations about the implications of belief in Mary’s perpetual virginity for any worthwhile theology of marriage.<sup>61</sup> In short, she dismisses claims of a particular reverence for Mary in the early modern Church of England as ‘poor history’.<sup>62</sup>

But even leaving aside these misgivings, precisely how is the traditional Anglican rejection of the Assumption and the Immaculate Conception as core doctrines of the Church to be reconciled with the Marian teachings defined by Pius IX and Pius XII?<sup>63</sup> Even if one is prepared to accept that ‘the teaching about Mary in the two definitions of 1854 and 1950, understood within the biblical pattern of hope and grace outlined here, can be said to be consonant with the teaching of scriptures and the ancient common traditions’,<sup>64</sup> it is a very long way from that particular understanding of scripture to the proposition that the two definitions should be regarded as dogmas binding on the faithful.

57 D Phillips, ‘ARCIC on Mary, or things vainly invented’ (2005) 97 *CrossWay*, available at <[http://www.churchsociety.org/issues\\_new/ecum/iss\\_ecum\\_arcic-mary.asp](http://www.churchsociety.org/issues_new/ecum/iss_ecum_arcic-mary.asp)>, accessed 30 May 2007.

58 J Maltby: ‘Anglicanism, the Reformation and the Anglican–Roman Catholic International Commission’s Agreed Statement *Mary: grace and hope in Christ*’ (2007) 110 (855) *Theology* 171–172; likewise Zacharias and the recitation of the Benedictus at Matins.

59 *Ibid.*, 172–173. Portsmouth Cathedral, for example, is dedicated to St Thomas of Canterbury.

60 *Ibid.*, 172–175.

61 *Ibid.*, 176–177.

62 *Ibid.*, 175.

63 One wonders, for example, about the way in which a number of mainstream Anglicans – not just evangelicals – will react to the statement in paragraph 51 that we ‘are agreed that Mary and the saints pray for the whole Church’. It should also be noted that the Commission does not appear to question any of the detail in the birth narratives in Matthew and Luke, even though their historicity is by no means a matter of universal agreement. In a scathing critique of the way in which the statement handles the Biblical material, Gerald Downing suggests that ‘We appear to be invited to enjoy uncritically the several imaginings by various ancient authors and subsequent commentators. We are not encouraged to ask in what proportions the portrayals might arguably be shown to be factual or fictional’: FG Downing, ‘Mary: between minimal history and maximal myth’ (2007) 110 (855) *Theology* 163.

64 *Mary: grace and hope in Christ*, para 60.

After noting the terms of Article VI,<sup>65</sup> the agreed statement concedes that '[t]he question arises for Anglicans . . . as to whether these doctrines concerning Mary are revealed by God in a way which must be held by believers as a matter of faith'.<sup>66</sup> It then goes on to note the tension between the Anglican and Roman Catholic positions:

Anglicans have asked whether it would be a condition of the future restoration of full communion that they should be required to accept the definitions of 1854 and 1950. Roman Catholics find it hard to envisage a restoration of communion in which acceptance of certain doctrines would be requisite for some and not for others . . .<sup>67</sup>

and concludes, rather lamely, that the doctrines are to be understood in the light of Mary as *theotokos*, suggesting that 'the adoption of an eschatological perspective may deepen our shared understanding of the place of Mary in the economy of grace, and the tradition of the Church concerning Mary which both our communions receive'.<sup>68</sup> Perhaps, in the circumstances, there was nothing more that could be said; but for a canonist the authority of Articles VI and XX in relation to the definitions of 1854 and 1950 remains a key question.

Student textbooks in common-law jurisdictions have tended to expound three basic 'rules of statutory interpretation':<sup>69</sup> the 'literal rule' (that where the meaning of a statute is clear the courts will follow it);<sup>70</sup> the 'golden rule' (the presumption that the legislator does not intend legislation to have an absurd result);<sup>71</sup> and the 'mischief rule' or 'purposive approach' (that in the case of ambiguity the courts may give the words a purposive interpretation in order take account of the mischief that the legislation was intended to remedy). In reality, as Francis Bennion rightly points out, statutory interpretation is massively more complicated than that: 'The court does not 'select' any one of the many guides, and then apply it to the exclusion of the others. What the court does (or should do) is to take an overall view, weigh all the relative interpretative factors, and arrive at a balanced conclusion'.<sup>72</sup>

65 And also, it is to be assumed, the terms of Article XX, if only by implication.

66 *Mary: grace and hope in Christ*, para 60.

67 *Ibid.*, para 63.

68 *Ibid.*

69 It appears that they were first described in J Willis, 'Statutory interpretation in a nutshell', (1938) 16 *Canadian Bar Review* 1–27.

70 Put succinctly by Lord Bridge of Harwich: 'a statute means exactly what it says and does not mean what it does not say': *Associated Newspapers v Wilson* [1995] 2 AC 454–490 at 475, HL.

71 So that in *R v Allen* (1872) LR 1 CCR 367 it was held that, though the definition of a bigamist in the Offences Against the Person Act 1861 s 57 as 'Whosoever, being married, shall marry any other person during the life of the former husband or wife . . .' was hopelessly defective, it should be construed as meaning 'one who goes through the ceremony of marriage a second time'.

72 FAR Bennion, *Statutory Interpretation* (third edition, London, 1997), p 424.



So, taking that ‘overall view’, how would the basic rules of statutory interpretation apply to Articles VI and XX – which are, after all, a species of legislation? The words of the Articles are quite precise, their meaning is totally unambiguous, a literal reading of the texts does not have an absurd result, and their intention is perfectly clear. All three tests point to the same construction: if something is not to be found in scripture or demonstrable by reference to it, no one is under any obligation to believe it and the Church of England has no authority to tell anyone to do so. And that has serious implications for the ARCIC II agreed statement.

Tested against the classical Anglican appeals to scripture, tradition and reason, the doctrines of the Immaculate Conception and Assumption of the Mother of the Lord appear to be questionable. They may well be beliefs of great antiquity and therefore in accordance with the tradition of the undivided church and, as the agreed statement asserts, reason might suggest that they are not repugnant to scripture;<sup>73</sup> but the fact remains that *neither matter is mentioned there*. So, from the perspective of Anglican canon law, it is impossible to see how, so long as the present Articles remain in force, either dogma could ever be an obligatory ‘article of the Faith’ for members of the Church of England, even if individuals might be left free to hold to them as private beliefs. And, perhaps inevitably, that is an issue that *Mary: grace and hope in Christ* does not resolve.

### Issues in human sexuality

In 1991, the House of Bishops came to the conclusion that, while active homosexual partnerships were not totally unacceptable for laypeople,<sup>74</sup> they were not permissible for clergy<sup>75</sup> – a position that generated considerable controversy. Some time later, a Working Group of the House of Bishops chaired by the then Bishop of Oxford, Richard Harries, published a discussion document that looked in great detail at a whole range of issues related to human sexuality.<sup>76</sup>

In the wider Anglican Communion the matter came to a head over two issues. The first was the decision in 2002 by the synod of the Diocese of New Westminster in the Anglican Church of Canada to bless same-sex relationships,

73 But nor are many other things (such as Heisenberg’s Uncertainty Principle) that are not normally thought to be ‘for necessity of Salvation’; moreover, reason suggests that, instead of being assumed bodily into Heaven at the end of their lives, people simply die. As for possible objections to the idea of *any* kind of ‘immaculate’ as opposed to ordinary human conception, with all that such a doctrine implies both for the nature of humanity and for sexuality, that matter is beyond the scope of this article.

74 House of Bishops of the General Synod of the Church of England, *Issues in Human Sexuality* (London, 1991), para 5.6: ‘While unable ... to commend the [homosexual] way of life ... as in itself as faithful a reflection of God’s purposes in creation as the heterophile, we do not reject those who sincerely believe it is God’s call to them’.

75 *Issues in Human Sexuality*, para 5.17.

76 RD Harries et al, *Some Issues in Human Sexuality: a guide to the debate* (London, 2003).

and the issuing by the Bishop in May 2003 of a formal rite for that purpose. The second was the election and consecration in June 2003 of Gene Robinson, a priest living in a long-term homosexual relationship, as Bishop Coadjutor of New Hampshire in ECUSA and his subsequent investiture as Diocesan. Various provinces then declared themselves to be in a state of impaired communion with the Church in North America; and the Eames Commission was set up to attempt to find a formula which would hold the Anglican Communion together, duly publishing its findings as the *Windsor Report*.<sup>77</sup>

At its session in Dromantine, Northern Ireland, in February 2005, the Primates' Meeting said that it continued as a body 'to address the situations which have arisen in North America with the utmost seriousness'.<sup>78</sup> On 22 June 2005, the Anglican Consultative Council passed a resolution endorsing the earlier request by the Primates' Meeting that 'in order to recognise the integrity of all parties, the Episcopal Church (USA) and the Anglican Church of Canada voluntarily withdraw their members from the Anglican Consultative Council, for the period leading up to the next Lambeth Conference'.<sup>79</sup>

Most recently, the *Communiqué* of the Primates' Meeting in Dar es Salaam acknowledged 'a lack of clarity about the stance of The Episcopal Church, especially its position on the authorisation of Rites of Blessing for persons living in same-sex unions'.<sup>80</sup> Subsequently, the Canadian House of Bishops made a statement affirming the propriety of praying with same-sex couples 'but not including a nuptial blessing'.<sup>81</sup> At its meeting in New Orleans in September 2007, the House of Bishops of The Episcopal Church agreed a statement declaring, inter alia, that

We reconfirm that resolution B033 of General Convention 2006 (The Election of Bishops) calls upon bishops with jurisdiction and Standing Committees 'to exercise restraint by not consenting to the consecration of any candidate to the episcopate whose manner of life presents a challenge to the wider church and will lead to further strains on communion' [and we] pledge as a body not to authorize public rites for the blessing of same-sex unions.<sup>82</sup>

77 Lambeth Commission on Communion, *The Windsor Report 2004* (London, 2004).

78 *Anglican Communion Primates' Meeting Communiqué 25 February 2005*, para 12, available at <<http://www.anglicancommunion.org/acns/articles/39/00/acns3948.cfm>>, accessed 28 April 2007.

79 *Anglican Communion News Service*, 22 June 2005, available at <<http://www.anglicancommunion.org/acns/articles/39/75/acns3994.cfm>>, accessed 27 April 2007.

80 *Communiqué of the Primates' Meeting in Dar es Salaam 19 February 2007*, para 19, available at <<http://www.anglicancommunion.org/acns/articles/42/50/acns4253.cfm>>, accessed 28 April 2007.

81 'Pray with, but don't bless gay couples, say Canadians', *Church Times*, 4 May 2007, 8. For a detailed treatment of the issue, see AT Perry, 'Sex and the Anglican Communion: a Canadian perspective', (2006) 3 *Foundation* 61–68.

82 *Anglican Communion News Service*, 26 September 2007, available at <<http://www.anglicancommunion.org/acns/articles/43/00/acns4322.cfm>>, accessed 26 September 2007.

Whether these responses will avert the threatened rift in the Communion remains to be seen. Part of the problem is a fairly basic disagreement between conservatives and liberals over the attitude that the Church should take to those living in same-sex relationships. But underlying it is the more basic issue that so exercised Richard Hooker more than four hundred years ago: how and in what sense is the Church to read the Bible? Paul Colton, Bishop of Cork, Cloyne and Ross, suggests ‘had it not surfaced on the back of the sexuality debate, this dispute would have emerged sooner or later on an entirely different issue’.<sup>83</sup>

The texts presumed to relate to homosexuality are well known: principally Leviticus 18:22 and 20:13, Romans 1:26–27, 1 Corinthians 6:9–10 and 1 Timothy 1:9–10. However, Anglicans disagree about their authority. Critics point out, for example, that the holiness code in Leviticus also commands that those who engage in heterosexual intercourse during menstruation should be cut off from the people (18:19), that children who curse a parent (20:9) and adulterers (20:10) should be killed, and that the daughter of a priest who engages in prostitution should be burned alive (21:9). Similarly, the Pauline Corpus also contains injunctions that very few would be prepared to accept today: as well as his admonitions about sexual perverts<sup>84</sup> in 1 Corinthians 6:9–10, in Ephesians 6:5 Paul also enjoins slaves to ‘obey your earthly masters with respect and fear and with sincerity of heart, just as you would obey Christ’. And, as David Edwards has reminded us, we have no records of Jesus himself ever writing anything down (except in the dust) or saying anything about homosexuality.<sup>85</sup>

The House of Bishops’ Working Group identified three reasons adduced to support the proposition that the Bible alone cannot be the final word on same-sex relationships: that the biblical material ‘simply does not give clear enough guidance’;<sup>86</sup> that there is evidence that homosexual orientation may be as much a biological as a psychosocial phenomenon;<sup>87</sup> and ‘that people feel ... [that] biblical teaching runs counter to their own moral intuition, and they believe that this moral intuition must be given priority over scripture’.<sup>88</sup> The authors noted that it is the third reason that needs to be taken the most

83 P Colton, *Presidential Address to the Cork, Cloyne and Ross Diocesan Synod*, 10 June 2006.

84 There is some argument as to whether the word *arsenokoitai* is to be taken as referring specifically to homosexual activity: see *Some Issues in Human Sexuality: a guide to the debate*, paras 4.3.26–4.3.32.

85 ‘... or about other subjects that have fascinated those with a taste for controversy’: DL Edwards, ‘It was never meant to be perfect’, *Church Times*, 6 May 2005. Against that, however, the bishops pointed out that ‘from the fact that [Jesus] supports with his own authority the statement in Genesis that in the beginning God created humankind male and female, and uses that as a basis for ethical guidance (Matt. 19:3–9; Mark 10:1–12), it is not unreasonable to infer that he regarded heterosexual love as the God-given pattern’: *Issues in Human Sexuality*, para 2.17.

86 *Some Issues in Human Sexuality*, para 4.4.54.

87 *Ibid.*, para 4.4.58.

88 *Ibid.*, para 4.4.67.

seriously, partly because it reflects the approach of many both within and outside the Church and partly because it resonates with the traditional Anglican method of reading scripture in the light of reason.<sup>89</sup> Ultimately, however, they rejected it on the grounds that it is contrary to the theological approach traditionally accepted by the Church of England and because it would substitute reason for scripture in ethical teaching.<sup>90</sup>

But is it as simple as that? As Timothy Bartel points out,<sup>91</sup> a complete rejection of moral intuition as a legitimate element in reading scripture would lead to certain positions that were totally at variance with current moral norms. Would anyone seriously suggest, for example, that marital intercourse during menstruation was any kind of ethical issue *at all*, let alone an occasion of sin? And might we not have been here before? When William Wilberforce, Granville Sharp and the other members of the ‘Clapham Sect’ were arguing against the slave trade were they not – if only in the opinion of the slave-owners – placing their own moral intuition above the teaching of Paul in Ephesians 6?

#### CONCLUSION: ‘THE TRANQUILLIST HERESY’?

Any discussion of the relationship between canon law and doctrine tends to be hampered by the difficulty of distinguishing adequately between ‘doctrine’ and ‘theology’. In *Stanton v Righter*<sup>92</sup> a majority of ECUSA’s Court for the Trial of a Bishop attempted to make just such a distinction, defining ‘Core Doctrine’ as the *kerygma* of the Gospel and distinguishing it from the *didache* of the Church. Though the Court made it clear that the Anglican tradition was one of theological diversity rather than of confessional definition, ‘all theology is in the end to be subordinated to the Core Doctrine of the Church’s faith’,<sup>93</sup> which it defined like this: ‘God in Christ fulfils the Scripture: God became incarnate in Jesus Christ: Christ was crucified: Christ was buried: Christ rose again: Christ was exalted to God: God gave us the gift of the Holy Spirit: There will be a day of judgment: Therefore repent’.<sup>94</sup>

This formulation is not normative for the Church of England, although many of its adherents might possibly assent to it. But even if it commanded majority support it could not be conclusive, since for some the inevitable rejoinder to the

89 Ibid.

90 Ibid, para 4.4.70.

91 TW Bartel, *Some Issues in Human Sexuality: a reliable guide to the debate on homosexuality?* (London, 2005), available at <[http://www.inclusivechurch.net/downloads/Some\\_Issues\\_in\\_Sexuality\\_Response.pdf](http://www.inclusivechurch.net/downloads/Some_Issues_in_Sexuality_Response.pdf)>, accessed 27 April 2007.

92 (1996) Court for the Trial of a Bishop, ECUSA: no longer, alas, available on the Internet.

93 *Stanton v Righter* s II.E.

94 *Stanton v Righter* s II.D. The Court found that there was ‘no Core Doctrine prohibiting the ordination of a non-celibate, homosexual person living in a faithful and committed sexual relationship with a person of the same sex’ (s II.B).

final statement, ‘Therefore repent’, would be ‘Repent of *what*, precisely? Of being part of a same-sex relationship? Of killing an “enemy” in time of war? Of living in relative affluence while others starve?’ Peter Forster suggests that, while it might seem superficially attractive to propose a series of core beliefs,

by reference to the existence of God, his Trinitarian being, the incarnation and the cross/resurrection . . . that would open as many disputes as it would solve. It might lead to a rather dumbed-down doctrinal self-understanding, because Christian theology has an architectonic character, with each part contributing to the strength of the whole. Even the existence of God is by no means easy to define.<sup>95</sup>

The practice of religion inevitably involves moral judgments and, in making them, some will take as mandatory what others might regard as advisory or permissive. When those judgments are applied to the reading of scripture, there is considerable evidence that, in reality, Anglicans make choices as to what is more important, what is less important, and what is totally valueless.<sup>96</sup> The problem is that they do not always agree among themselves as to precisely what those choices are to be, and the choices that they actually *make* seem sometimes to be influenced by the problem that is being addressed rather than by any a priori view of scriptural authority, with the result that different theological problems seem to be addressed with different theological tools. For example, the Working Group on *Issues in Human Sexuality* was inclined to reject moral intuition in reading the scriptural texts about homosexuality, while the Working Party on Women in the Episcopate seemed disposed to *employ* moral intuition in looking at the issue of male headship.

The *Windsor Report* suggests that people commonly use ‘the authority of scripture’ in a way that can be misleading and

if it is to be based on what scripture itself says, [it] must be regarded as a shorthand, and a potentially misleading one at that, for the longer and more complex notion of ‘the authority of the triune God, *exercised through* scripture’. The question of how this ‘exercised through’ works in practice is vital to understanding the kind of authority which scripture possesses and hence to the nature and exercise of actual authority within the Church. It may be, historically, that the phrase ‘authority of scripture’ has characteristically emerged in contexts of protest (when one part of the Church appeals to scripture against something being done by another part).

<sup>95</sup> Forster, ‘The significance of the Declaration of Assent’, p 170.

<sup>96</sup> As, one suspects, does almost everyone else, whether Catholic, Protestant, Orthodox, Liberal, Evangelical – or even Quaker.

... the purpose of scripture is not simply to supply true information, nor just to prescribe in matters of belief and conduct, nor merely to act as a court of appeal, but to be part of the dynamic life of the Spirit through which God the Father is making the victory which was won by Jesus' death and resurrection operative within the world and in and through human beings. Scripture is thus part of the means by which God directs the Church in its mission, energises it for that task, and shapes and unites it so that it may be both equipped for this work and itself part of the message.<sup>97</sup>

The Report also lays great emphasis on reading scripture as part of worship – as God's living word – and on the importance of bishops as teachers:

The authoritative teaching of scripture cannot be left to academic researchers, vital though they are. The accredited leaders of the Church ... must be people through whose prayerful teaching ministry the authority of God vested in scripture is brought to bear – in mission within the world and in wise teaching to build up the Church.<sup>98</sup>

After noting the shortcomings both of the Enlightenment reading of scripture and of pre- or anti-critical conservatism, the Commission rejects the idea of detached neutrality and suggests, paradoxically, that Biblical scholarship needs both to be free to explore different meanings and also to be constrained by loyalty to the Church.<sup>99</sup> The authors also note that mention of scripture can sometimes be divisive, concluding that

our shared reading of scripture across boundaries of culture, region and tradition ought to be the central feature of our common life, guiding us together into an appropriately rich and diverse unity by leading us forward from entrenched positions into fresh appreciation of the riches of the gospel as articulated in the scriptures.<sup>100</sup>

*Windsor* concludes by proposing the adoption of a Covenant for the Anglican Communion. The most significant element of the draft for the purposes of the present discussion is the proposed Article 4(1) (Common understanding): 'Every church has the same concern for a conscientious interpretation of scripture in

97 *Windsor Report*, paras 54–55, emphasis in original.

98 *Ibid.*, para 58.

99 *Ibid.*, para 60.

100 *Ibid.*, para 62.

the light of tradition and reason, to be in dialogue with those who dissent from that interpretation, and to heal divisions'.<sup>101</sup>

But how does 'a conscientious interpretation of scripture' impact on the interpretation of particular texts? For example, does the commandment 'Thou shalt not kill'<sup>102</sup> when read in conjunction with Our Lord's injunction to love our enemies<sup>103</sup> mean 'thou shalt not kill any living creature, even for food', or 'thou shalt not kill fellow human beings in any circumstances', or 'thou shalt not kill except in the context of a just war, however defined', or 'thou shalt not kill people except those convicted of murder', or 'we don't really know and it's far too complicated anyway but it will all come out right in God's providence, won't it?'

What *Windsor* and *Nassau* do *not* propose is a series of rules or tests for the validity or relative importance of various passages of scripture or any kind of formal guide to their interpretation – and certainly nothing like the 'rules of statutory interpretation' referred to earlier. Perhaps this is inevitable; but it also means that many of the problems that divide the various groups within the Church of England and the wider Anglican Communion are likely to remain unresolved – as witness Archbishop Jensen's immediate rejection of the validity of the Immaculate Conception by quoting Romans 3:23.

In *Mary: grace and hope in Christ*, ARCIC II notes that various strands within the Church have read scripture in different ways at different periods. In the New Testament, episodes in the Old are interpreted typologically as pointing to Christ. The typological approach was developed by the Fathers, while the Reformers were much more concerned with what they regarded as the clarity and sufficiency of scripture and later commentators adopted the historical-critical approach.

Each of these readings has its limitations, and may give rise to exaggerations or imbalances: typology can become extravagant, Reformation emphases reductionist, and critical methods overly historicist. More recent approaches to scripture point to the range of possible readings of a text, notably its narrative, rhetorical and sociological dimension.<sup>104</sup>

If this holds true for Christendom in general, then it is certainly true for Anglicans in particular; and the wide range of theological views within the Church of England almost inevitably tends to produce a similarly wide range of opinions on the status of scripture. But although this lack of consensus is clearly a problem for some Anglicans, it leaves others totally unruffled. Far

101 Ibid, appendix 2.

102 Exodus 20:13.

103 Matthew 5:44; Luke 6:27.

104 *Mary: grace and hope in Christ*, p 9.

from advocating doctrinal unanimity, Paul Bagshaw, for example, suggests that conflict over matters of doctrine is simply a feature of normal church life,<sup>105</sup> while Richard Holloway has argued very strongly against what he describes as ‘the tranquillist heresy’:

the doctrine that we [Anglicans] have departed from a normative tranquillity and that our present troubles are abnormally stimulated by human wickedness and error, whereas it is the other way round. Turbulence and disagreement are the norm, the signs of life, and we should accept them as such.<sup>106</sup>

And it is perhaps precisely because of this turbulence that the canon law of the Church of England, as we have seen, provides only very general guidelines to the way in which scripture is to be interpreted. This approach has considerable advantages for a community as theologically disparate as the Church of England; equally, however, it has the capacity to cause considerable difficulties both within the wider Anglican Communion and in ecumenical relations generally.

105 P Bagshaw, ‘Doctrine, law and law courts’ (2005) 108 (845) *Theology* 351–352.

106 RF Holloway, ‘Behold, I make all things new’ in J John (ed), *Living Tradition* (London, 1992), p 116.