

# Contraception's Authority: An Anglican's Liturgical and Synodical Thought Experiment in Light of ARCUSA's "Ecclesiology and Moral Discernment"

Matthew S. C. Olver

## P R E C I S

*"Ecclesiology and Moral Discernment," the 2014 agreed statement from the Anglican-Roman Catholic Consultation in the U.S., claims that the typical assessment that these traditions have well-established, opposing teachings will not do justice to the complementary ways we teach. Contraception is used as an example of a contentious moral matter about which it is assumed Anglicans and Catholics have settled, opposing teaching. The agreed statement bases this claim on differences in the structure and exercise of authority between the communions. This essay has three goals: (1) It expands the summary of Anglican ecclesiology in the document, clarifying the extent of the ecclesiological differences between Anglicanism (especially the Episcopal Church) and Catholicism on teaching about moral matters. (2) It offers one recognizably Anglican approach to reasoning theologically about the moral complexities of contraception, by an Episcopalian, liturgically and synodically. (3) It explains why Episcopalians "could hold and teach" that the statement's judgments are "more consonant with Scripture and moral truth, if that were their judgment."*



## I. "Ecclesiology and Moral Discernment"

What is the Anglican approach to contraception within the context of Christian marriage? The answer is not as straightforward as it may appear initially, particularly when the investigation is considered ecumenically

alongside the approach of the Roman Catholic Church.<sup>1</sup> The reasons for this difficulty are fundamentally ecclesiological, as the recent Anglican-Roman Catholic in the United States (ARCUSA) statement, “Ecclesiology and Moral Discernment” (hereafter, *EMD*), argues in its summary of the different ways in which the Catholic Church and the Anglican Communion are ordered:

The dispersed and non-centralized pattern of Anglican moral teaching, itself understood to be subject to possible error and correction, makes straightforward comparison between the teachings of the Episcopal Church and the Roman Catholic Church difficult. The Roman Catholic Church has a supreme and authoritative teaching magisterium exercised jointly by the bishops united with the bishop of Rome or occasionally by the bishop of Rome acting as head of the episcopal college. The particular churches of the Anglican Communion, by contrast, are episcopally ordered and self-governing, with shared bodies or “instruments” for consultation and the articulation of teaching across the Communion. (*EMD*, no. 23)<sup>2</sup>

The reasons for the significant differences between the ways the two bodies are ordered and the ways in which various kinds of teaching are given are beyond the scope of this study. It is critical, however, to understand how the differences in the content and specificity of teaching in each are constitutive of their different ecclesiologies.

---

<sup>1</sup>This essay is concerned simply with whether contraception is appropriate within the bonds of Holy Matrimony. The context of the recent ARCUSA statement assumes what is stated in the earlier Anglican Roman-Catholic International Consultation (ARCIC) text, “Life in Christ: Morals, Communion, and the Church” (1993): “Both our traditions treat human sexuality in the context of the common good, and regard marriage and family life as institutions divinely appointed for human well-being and happiness. It is in the covenanted relationship between husband and wife that the physical expression of sexuality finds its true fulfilment (cf. Gn 2:18–25), and in the procreation and nurturing of children that the two persons together share in the life-giving generosity of God (cf. Gn 1:27–29)” (“Life in Christ: Morals, Communion, and the Church” [ARCIC, 1994], no. 58, in Jeffrey Gros, E. Rozanne Elder, and Ellen K. Wondra, eds., *Common Witness to the Gospel: Documents on Anglican-Roman Catholic Relations, 1983–1995* [Washington, DC: United States Catholic Conference, 1997], p. 203).

<sup>2</sup>The Anglican-Roman Catholic Theological Consultation in the USA, “Ecclesiology and Moral Discernment: Seeking a Unified Moral Witness,” April 22, 2014; available at <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/anglican/upload/arcusa-2014-statement.pdf>. Quotations from this statement will be cited parenthetically in the text as *EMD* with the paragraph number.

When it comes to contraception, there is no Anglican teaching that has either the authority or the specificity such as is found in the Catholic Church, particularly the encyclicals *Casti connubii*, issued by Pius XI in 1930, and *Humanae vitae* from Pope Paul VI in 1968. This is not to say that either Catholic theologians or the magisterium agree about the level of authority that each encyclical has and thus the type of assent that each properly requires of the faithful. Broadly, the question is whether the particular teachings of *Humanae vitae* are taught *de fide* and thus with infallibility, or whether, in spite of the fact that they are taught authoritatively by the magisterium, the particular judgments of the encyclical (such as the absolute prohibition of artificial forms of contraception) are subject to possible reform.<sup>3</sup> This is a debated point, and, in a summary of these broad questions, Catholic theologian Paul Griffiths acknowledged that there *will* be, and there “*should* be debate about the degree of *religiosum obsequium* commanded by any particular teaching within this third category; there also will and should be debate about just which teachings belong here; and there will and should be debate about just what religious submission of mind and will amounts to.”<sup>4</sup>

This complexity about the various levels of magisterial teaching and the kind of authority that different teachings hold is an aspect of ecclesiology that is often missed in ecumenical discussions. All magisterial teachings are often treated *de facto* as having the same authority and requiring the same type of religious submission. In addition, these two examples of magisterial teaching in the previously mentioned encyclicals are neither infallible nor necessarily irreformable simply because they are papal encyclicals. Nonetheless, the current teaching of the Catholic Church is that of *Humanae vitae* that the use of artificial contraception as a contraceptive is incompatible with the Christian understanding of the function of the sexual act within marriage. The question is: Does the Anglican Communion and/or the Episcopal Church have a contrary teaching? To answer this question, a brief

---

<sup>3</sup>For an example of one approach to the types of teaching authority in the Catholic Church, see Paul J. Griffiths, “Is There a Doctrine of the Descent into Hell?” *Pro Ecclesia* 17 (June, 2008): 258–261. For a slightly different approach that could allow for a less definitive reading of *Humanae vitae*, see Richard R. Gaillardetz, *Teaching with Authority: A Theology of the Magisterium in the Church*, Theology and Life Series 41 (Collegeville, MN: Liturgical Press, 1997).

<sup>4</sup>Griffiths, “Is There a Doctrine?” p. 260; emphasis added. The first category, in Griffiths’s summary, is matters *de fide* that are distinct because they arise directly from divine revelation.

consideration of how authority functions in the Anglican Communion and the Episcopal Church is necessary.

ARCUSA's *EMD* wades much deeper into the relationship between ecclesiology and moral theology than probably any bilateral agreed statement to date. In fact, this may be the statement's most important contribution. The self-governing churches that make up the Anglican Communion (commonly referred to as "provinces" or "member churches") "possess common patterns and family resemblances" (*EMD*, no. 25). This means that each has its own body of canon law (which is why they are properly described with the technical term "autonomous") and its own "authorized Book of Common Prayer and other governing documents that order its common life," and all of these sources, it is important to note, "contain explicit moral teaching" (*EMD*, no. 25).

However, all the member churches of the Anglican Communion are organized identically. In some, both the province's synod or convention, as well as the individual and/or the college of bishops, may have the prerogative to teach with canonical and binding authority. In other member churches, the resolutions or acts of the bishops and/or the conciliar body (unless they are amending their Prayer Book or governing documents) are only recommendatory and carry only the moral authority of the body itself, which is to say that they merely express the mind of that body at that point in time. Generally speaking, the Church of England falls into the former category and the Episcopal Church falls into the later.<sup>5</sup> The detailed description of the process regarding the blessing of same-gender relationships in the most recent ARCUSA statement (see nos. 51–57) provides an illuminating and practical explication of the recommendatory nature of General Convention resolutions.

In the Anglican Communion, there are "shared bodies or 'instruments' for consultation and the articulation of teaching across the Communion."<sup>6</sup>

<sup>5</sup>For one perspective on the different polities between the Church of England and the Episcopal Church, see Colin Podmore, "A Tale of Two Churches: The Ecclesiologies of the Episcopal Church and the Church of England Compared," *International Journal for the Study of the Christian Church* 8 (July, 2008): 124–154. For a different perspective, see Pierre W. Whalon, "The Tale Needs Re-Telling: A Reply to Colin Podmore's 'A Tale of Two Churches,'" *Theology* 114 (January, 2011): 3–12.

<sup>6</sup>The ARCUSA statement describes this reality, in contrast to the situation in the Catholic Church, which "has a supreme and authoritative teaching magisterium exercised jointly by the bishops united with the bishop of Rome or occasionally by the bishop

Anglicans often speak of either three or four “Instruments of Communion”:

1. The decennial Lambeth Conference of bishops, convened by the Archbishop of Canterbury, who also issues the invitations;
2. The intermittent Primates' Meeting, which gathers the senior bishop of each member church (whether primate, primus, presiding bishop, metropolitan, etc.) and is chaired also by the Archbishop of Canterbury;
3. The Archbishop of Canterbury himself; and
4. The Anglican Consultative Council, comprised of laypersons, deacons, priest, and bishops elected by each of the member churches.<sup>7</sup>

The Anglican Consultative Council at its 2005 meeting passed a resolution that encouraged the Anglican Communion to follow the suggestion of the Windsor Report<sup>8</sup> and regard the Archbishop of Canterbury as “the focus for unity” and that the other three entities “be regarded more appropriately as the ‘Instruments of Communion.’”<sup>9</sup>

The judgments, reports, and resolutions of each of these bodies, as well as the actions and statements of the Archbishop of Canterbury, carry no canonical or juridical status across the Communion. This is the case not only because there is no common body of Anglican canon law that could be amended by any of these bodies. It is also true because no province or member church has acceded such authority to any of these instruments. As a consequence, the authority of any particular teaching or statement by any of these communion-wide bodies or the Archbishop of Canterbury “depend[s] upon its reception within each particular church” (*EMD*, no. 25).

---

of Rome acting as head of the episcopal college,” in the following way: “The particular churches of the Anglican Communion, by contrast, are episcopally ordered and self-governing, with shared bodies or ‘instruments’ for consultation and the articulation of teaching across the Communion” (*EMD*, no. 23).

<sup>7</sup>These instruments are described in greater detail on the official website of the Anglican Communion: <http://anglicancommunion.org/communion/index.cfm>. See also *The Windsor Report 2004: The Lambeth Commission on Communion* (Harrisburg, PA: Morehouse Publishing, 2004), nos. 97–104.

<sup>8</sup>*The Windsor Report 2004*, par. 105.

<sup>9</sup>ACC 15 met June 19–28, 2005, in Nottingham, England. This recommendation comes from Resolution 2: The Instruments of Unity (Communion). See <http://www.anglicancommunion.org/communion/acc/meetings/acc13/resolutions.cfm#s2>. The resolution quotes verbatim from the Windsor Report recommendation in par. 105.

Two features of the Anglican approach reflect concerns that marked the reformations in the sixteenth century. First, “church teaching is always acknowledged to be subject to the judgment of Holy Scripture” (*EMD*, no. 25), one of the first matters addressed in the Articles of Religion<sup>10</sup> (whose authoritative status among the member churches varies).<sup>11</sup> Second, an emphasis upon the effects of the fall perdures within Anglicanism. Thus, church teaching can err, and, “[w]ithin each church, and throughout the Communion, a process of ‘mutual support, mutual checking, and redressing of errors and exaggerations’ is understood to take place through this dispersed and varied pattern of teaching” (*EMD*, no. 25).<sup>12</sup> While these examples exhibit a typical Anglican reticence about the likelihood of infallible and irreformable teaching,<sup>13</sup> this has been augmented in some of the statements of the Anglican-Roman Catholic International Commission (ARCIC), which developed a nuanced theology of indefectibility and infallibility.<sup>14</sup>

<sup>10</sup>Article VI begins: “Holy Scripture containeth all things necessary 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” (quoted in Episcopal Church, *The Book of Common Prayer [1979]* [New York: Seabury Press, 1979], p. 868).

<sup>11</sup>See Henry Chadwick, “Tradition, Fathers, and Councils,” in Stephen Sykes, John Booty, and Jonathan Knight, eds., *The Study of Anglicanism*, rev. ed. (London: SPCK; Minneapolis, MN: Fortress Press, 1998), p. 105, where he wrote that “[t]he partly controversial Thirty-Nine Articles of 1571 have a standing which varies in different provinces [i.e., member churches] of the Anglican Communion, but have been influential on the historical shaping of Anglicanism in its middle path between Roman Catholicism and Protestantism.”

<sup>12</sup>For a discussion of the various Anglican approaches to the Ecumenical Councils, see Henry Chadwick, “The Status of Ecumenical Councils in Anglican Thought,” in David Neiman and Margaret Schatkin, eds., *The Heritage of the Early Church: Essays in Honor of Georges Vasilievich Florovskiy on the Occasion of His Eightieth Birthday* (Rome: Pontifical Institutum Studiorum Orientalium, 1973), pp. 393–408.

<sup>13</sup>A fruitful exploration would be to look at classical Anglican sources and ask what kind of pastoral methods they considered most fruitful in drawing people to holiness and a love of the good.

<sup>14</sup>From ARCIC I (1970–81), see “Authority of the Church I” (1976), “Elucidations on ‘Authority of the Church I’” (1981), and “Authority of the Church II” (1981) in Anglican/Roman Catholic International Commission, *The Final Report: Windsor, September, 1981* (Cincinnati, OH: Forward Movement Publications, 1982) (see [http://www.prounione.urbe.it/dia-int/arcic/doc/e\\_arcic\\_final.html](http://www.prounione.urbe.it/dia-int/arcic/doc/e_arcic_final.html)). For a discussion of the topic by one of the Catholic members, see George H. Tavard, “ARCIC-I on Authority,” in G. R. Evans and M. Gourgues, eds., *Communion et Réunion: Melanges Jean-Marie Roger Tillard*, Bibliotheca Ephemeridum Theologicarum Lovaniensium 121 (Louvain: Leuven University Press, 1995), pp. 185–198. See also Margaret O’Gara, “Reception as Key: Unlocking ARCIC on Infallibility,” *Toronto Journal of Theology* 3 (March, 1987): 41–49. From ARCIC II, see “The

Even after such a cursory summary, it is clear that direct comparisons at the level of basic order between the two Christian bodies are very difficult, because at many junctures there are simply no direct parallels. There is no direct counterpart to the canonical role of the bishop of Rome within Anglicanism (nor, one could add, any parallel to the role of the pope as a personality in the Catholic common life). The Archbishop of Canterbury is the closest figure, but his canonical authority does not extend beyond the Church of England. The latter is truly a *primus inter pares* and one whose role among the bishops is primarily to gather and preside. There is nothing like the Catholic Church's College of Cardinals within Anglicanism (a church commission called the Crown Nomination Commission appoints the Archbishop of Canterbury, along with the other diocesan bishops in the Church of England); there is no parallel to the complex array of curial offices at the Vatican that address various matters of theological concern for the Catholic Church under the direction of the bishop of Rome; there is no parallel to the *Catechism of the Catholic Church*,<sup>15</sup> which presents a detailed summary of magisterial teaching on a whole spectrum of theological matters. With each of these aspects of Catholic ecclesiology, there is no substantive parallel within the Anglican Communion.

But, one would be amiss to conclude from this that there is no *teaching* in Anglicanism. Because there is formal and authoritative teaching in Anglicanism, one can properly speak of a "magisterium," at least in its basic linguistic meaning.<sup>16</sup> As is now clear, however, such an Anglican magisterium

---

Gift of Authority: Authority in the Church III," in Jeffrey Gros, Thomas F. Best, and Lorelei F. Fuchs, eds., *Growth in Agreement III: International Dialogue Texts and Agreed Statements, 1998–2005*, Faith and Order Paper 204 (Geneva: WCC Publications; Grand Rapids, MI: William B. Eerdmans Publishing Co., 2007), pp. 60–81. For a discussion of authority in this third statement, see Stephen Platten, "ARCIC-II's The Gift of Authority," *One in Christ*, vol. 36, no. 2 (2000), pp. 126–132. For a discussion of all three statements, see Mary Tanner, "The ARCIC Dialogue and the Perception of Authority," *Journal of Anglican Studies* 1 (December, 2003): 47–61. For a discussion of ARCIC as it relates to authority and the papacy in particular, see Stephen W. Sykes, "ARCIC and the Papacy: An Examination of the Documents on Authority," *Modern Churchman* 25 (January, 1982): 9–18. See also Eamon McManus, "The Re-Reception of Papal Primacy by ARCIC II," *One in Christ* 37 (January, 2002): 16–30.

<sup>15</sup>Catholic Church, *Catechism of the Catholic Church*; available at [http://www.vatican.va/archive/ENG0015/\\_INDEX.HTM](http://www.vatican.va/archive/ENG0015/_INDEX.HTM).

<sup>16</sup>Anglicans would not normally use the term "magisterium" in the ways that Catholics would, though it would not be uncommon to hear someone speak of "the magisterium of the Prayer Book," by which they would likely mean both that the Prayer Book has ca-

is ordered quite differently and is less circumscribed than in the Catholic Church, precisely because of the significant ecclesiological differences just outlined. The implications of these differences for the Anglican theologian are not only a different set and hierarchy of sources from which to draw and with which to engage but also a correspondingly distinct theological methodology.

Theologian and bishop Stephen Sykes helpfully summarized what has been called the “Anglican method,” which can be seen at work “in Hooker and in F. D. Maurice, and consists in a particular way in which scripture, tradition and reason are combined as authorities for Christian doctrine.”<sup>17</sup> Within this methodology, there are the basic sources of authority, nicely summarized here by Henry Chadwick: “Within the Anglican Communion the accepted norms of authority are located first in the faith declared in Scripture, then in the safeguard of interpretation provided by the Catholic Creeds, and finally in the liturgical tradition of the Prayer Book and Ordinal.”<sup>18</sup>

Thomas Cranmer’s Preface to the first English Prayer Book of 1549 points to an additional source that has marked Anglican theology: an emphasis on the early Christian “Fathers.”<sup>19</sup> This Preface refers many times to the Fathers and their teaching and reveals that Cranmer’s purpose in the

---

nonical authority and that it contains doctrine. For this reason, coupled with the absence of a formal catechism or confession (in the magisterial Protestant sense), Anglicans see a peculiar usefulness to the well-worn aphorism, *lex orandi, lex credendi* (loosely translated, “we pray as we believe”), not because it does not apply for other Christian traditions but, precisely, because there are so few authoritative documents, the liturgy ends up carrying a great deal of doctrinal freight.

<sup>17</sup>Stephen W. Sykes, *The Integrity of Anglicanism*, A Crossroad Book (New York: Seabury Press, 1978), p. 63. He continued, with reference to Michael Ramsey’s assertion that “[t]here is such a thing as Anglican theology”: “Contemporary Anglicanism needs, he [Ramsey] holds, to rediscover itself, not by taking over a revived neo-Thomism or a form of Barthianism. Rather it needs to follow, in a mode appropriate to the twentieth century, the same method as was operated in the sixteenth. The appeal to scripture must recognise the work of critical scholars; the reference to tradition cannot be content with a static appeal to the undivided church, but must be an appeal to the Christian experience of creed, sacrament, order and liturgy; and the role of reason is to be found both in its distinctive use of scripture and tradition, and in the Anglican insistence on not endowing proper authority with the accolade of infallibility.”

<sup>18</sup>Chadwick, “Tradition, Fathers, and Councils,” p. 105.

<sup>19</sup>Chadwick defined “Fathers” as “the term long used for the orthodox writers of East and West of the first six or seven Christian centuries” in *ibid.*, p. 101. One might rightly ask from a historical perspective to what degree this appeal to the Fathers was a heuristic within the context of reformation debates and polemics and how much Cranmer’s theology and the liturgy he constructed actually had specific bases in patristic theology.

compilation of the Prayer Book was to restore “the godly and decent order of the ancient Fathers.”<sup>20</sup> Lancelot Andrewes’s well-known aphorism on the limits of the Anglican authoritative sources adds an additional source of authority, that of the council or synod: “One canon reduced to writing by God himself, two testaments, three creeds, four general councils, five centuries, and the series of Fathers in that period . . . determine the boundary of our faith.”<sup>21</sup> This is the skeletal framework for Anglican theology and, thereby, for moral reasoning and discernment.

In order to determine the specific teachings within Anglicanism that are binding in any analogous way to the authoritative and binding teaching within the Catholic Church, one must look not to the Communion level but to the local level of the member church. Specifically, in the Episcopal Church, there are “normative teachings” of that church that are “embedded in its Constitution, Canons, and Book of Common Prayer [1979]” (*EMD*, no. 31). The most regular occasion when this body of authoritative teaching is referenced is at ordinations, when the ordinand (bishop, priest, or deacon) makes the following oath: “I do solemnly engage to conform to the doctrine, discipline, and worship of the Episcopal Church.”<sup>22</sup> Such a vow would be superfluous unless there were an authoritative body of teaching

---

<sup>20</sup>Church of England, *The Book of Common Prayer* [1662], pew ed. (Oxford, U.K., and New York: Oxford University Press, 2001), p. 6 (hereafter, *B.C.P.*[1662]). The original Preface for the 1549 Book is reprinted in the 1662 book under the title “Concerning the Services of the Church.”

<sup>21</sup>The quotation comes from a sermon preached in Latin before James I and the Elector Palatine, Frederick V, the defender of Calvinism in Germany. See “Concio latine habita, coram Regia Majestate, XIII<sup>o</sup> Aprilis, A.D. MDCXIII. in Aula Grenvici; Quo tempore, cum Leffifsima Sua Coniuge, discessurus iam erat Gener Regis, Serenissimus Potentissimusque Princeps Fridericus Comes Palatinus ad Rhenum,” in Lancelot Andrewes, *Opuscula Quaedam Posthuma. Accedit in Opera Eius Latina Index Copiosissimus Lanceloti Andrewes* (Oxonii: J. H. Parker, 1854), p. 91: “Nobis Canon unus in Scripta relatus a Deo, Duo Testamenta, Tria Symbola, Quatuor Priora Concilia, Quinque saecula, Patrumque per ea series, trecentos ante Constantinum annos, ducentos a Constantino, regidam nobis Religionis figunt.” Jean-Louis Quantin noted that not only did the influential bishop John Cosin (1594–1672) reproduce this quote verbatim “in an exposition of the doctrine of the Church of England that he wrote at Hyde’s request in 1652,” but that no fewer than twenty major authors “have seen in it the motto of a ‘specifically Anglican theology’ to set against that of Geneva as well as Rome” (see Jean-Louis Quantin, *The Church of England and Christian Antiquity: The Construction of a Confessional Identity in the 17th Century* [Oxford, U.K., and New York: Oxford University Press, 2009], p. 155; quoting P. A. Welsby in *Lancelot Andrewes, 1555–1626* [London: SPCK, 1958], pp. 155–156).

<sup>22</sup>Episcopal Church, *Book of Common Prayer* [1979], p. 513 (bishops), 526 (priests), and 538 (deacons) (hereafter, *B.C.P.* [1979]).

(that is, doctrine), discipline, and liturgical norms to which one could pledge spiritual and practical submission. However, when it comes to moral teaching, as the recent ARCUSA statement acknowledges, the documents that contain this doctrine, discipline, and worship for the Episcopal Church, “are, by nature, fairly restrained in their address of specific moral teachings, leaving many issues unaddressed. The prayer book teaches specifically and definitively that murder, theft, adultery, and false witness are wrong (317, 350); that marriage is a life-long union of a man and a woman (422); that ordained ministers are to organize their lives in a godly manner (517–18, 531–32, 543–44); and that all Christians are to pursue justice and peace in their various social contexts (303)” (*EMD*, no. 31).<sup>23</sup>

Even at this point, the difference in order and method between the Catholic Church and the Anglican Communion are apparent, but the ARCUSA statement brings the particular Anglican method as seen within the Episcopal Church into even greater focus and in a detail not seen heretofore in bilateral dialogues:

But these documents do not offer definite, authoritative moral teaching about contraception or abortion, nor indeed do they teach prohibitively or affirmatively about same-sex relationships. Beyond these documents, conventions and councils of the Episcopal Church have at various times rejected or embraced conflicting judgments, which, in turn, have been themselves acceded to or contested by individuals, parishes, and dioceses of the church. Over time, a plurality of practices and teachings emerge. In these cases, specific teaching is limited and not normative or authoritative in that it does not demand assent. (*EMD*, no. 31)

Thus, this limited and circumscribed approach means that there will be many issues about which there will be clear and authoritative Catholic teaching without corresponding definitive teaching in the Episcopal Church. Instead, there is an Anglican methodology by which one considers a particular moral question that utilizes the sources listed above: scripture as the ultimate authority, the Catholic Creeds, the ecumenical teaching of the undivided church, the broader tradition of catholic Christianity, the liturgical tradition of the Book of Common Prayer, the canon law of the particular member church, and the synodical teaching at the local and Communion-wide level.

<sup>23</sup>The page numbers cited parenthetically in the quotation are all from *B.C.P. [1979]*.

What follows in the second section is an attempt to demonstrate one possible Anglican approach to the question of the legitimacy of contraception within Christian marriage that works from a theology of marriage to the specific question of contraception. The study grounds itself in a careful consideration of “The Form for the Solemnization of Matrimony” in the 1662 English *Book of Common Prayer*—the official Prayer Book in the Church of England and the basis upon which many of the other Prayer Books throughout the Communion were formulated. Next, since the AR-CUSA document concerns the Episcopal Church specifically, the changes introduced in the marriage rites in the American Prayer Books will be examined, including the current 1979 Prayer Book, the current official liturgy for the Episcopal Church. The last section of the study will be synodical sources, primarily the Lambeth Conferences, beginning in 1908.

## II. An Anglican Approach to Contraception: A Thought Experiment

The presence of a rite for the “Solemnization of Matrimony” in every Prayer Book since the first in 1549 means that for Anglicans, as for Christians generally, marriage is a theological matter and is more than simply a personal or private concern. The Exhortation that begins the English rite states that marriage was “instituted of God in the time of man’s innocency.”<sup>24</sup> The union of husband and wife, the ARCIC text “Life in Christ” explains, is “grounded by God in human nature and [is] a source of community, social order, and stability.”<sup>25</sup> Marriage, then, functions at two levels with regard to society: first, by creating its own “basic social unit, a family, in which all forms of human exchange may and ought to be practiced”<sup>26</sup> and, second, by serving as a basic, ordering principle within society as a whole.

---

<sup>24</sup>B.C.P. [1662], p. 363. The original spelling has been retained in all quotations. The updated language of the 1979 American Prayer Book is “established by God in creation” (B.C.P. [1979], p. 423).

<sup>25</sup>“Life in Christ,” no. 59, in Gros, Elder, and Wondra, *Common Witness to the Gospel*, p. 203.

<sup>26</sup>Philip Turner, “Limited Engagements,” in Philip Turner, ed., *Men and Women: Sexual Ethics in Turbulent Times* (Cambridge, MA: Cowley Publications, 1989), p. 56.

### A. *The 1662 English Rite—The Mystical Union*<sup>27</sup>

The Exhortation that opens the rite explains that matrimony signifies “unto us the mystical union that is betwixt Christ and his Church.”<sup>28</sup> The passage from Ephesians 5 to which it refers is often interpreted as a reference to the Paschal work of Christ, particularly the qualities and virtues demonstrated therein, all of which show forth the extent of Christ’s love. But the virtues of fidelity, self-giving, constancy, and even love-unto-death can be made visible without and outside of Christian marriage.<sup>29</sup> The question is not whether Christian marriage should embody these virtues—it must seek them and many others. The question is whether those qualities are what fundamentally connect marriage to Christ and the church. Augustine, often cited in discussions about Christian marriage for his negative views about sexual activity,<sup>30</sup> argues that the mystery to which Ephesians refers is one that is known not in the abstract but in its physicality. This follows the way in which the term “*mysterion*” is generally used in the Pauline epistles.<sup>31</sup>

---

<sup>27</sup>Much of this section, especially his helpful discussion of Augustine’s exegesis, reflects the approach of Ephraim Radner in “The Nuptial Mystery: The Historical Flesh of Procreation,” which he kindly made available to me in its unpublished form for an earlier version of this essay. His article was later re-edited and anthologized in Roy R. Jeal, ed., *Human Sexuality and the Nuptial Mystery* (Eugene, OR: Cascade Books [Wipf & Stock], 2010), pp. 85–115 (subsequent page references are to this published article).

<sup>28</sup>B.C.P. [1662], p. 363.

<sup>29</sup>See Radner, “Nuptial Mystery,” p. 91.

<sup>30</sup>For an example of such a reading of Augustine, see Peter Everard Coleman, *Christian Attitudes to Marriage: From Ancient Times to the Third Millennium* (London: SCM Press, 2004), pp. 142–145.

<sup>31</sup>In the New Testament, a mystery is something that is a result of God’s Providence and is revealed within the messiness of history. E.g., in Col.1:27, Paul refers to the “mystery” of Christ among the gentiles. At the end of Romans, Paul speaks of the “revelation of the mystery which was kept secret for long ages but is now disclosed and through the prophetic writings is made known to all nations,”—viz., the bringing about of obedience in faith among the gentiles (Rom. 16:25–27). Near the beginning of Ephesians, he speaks of the “mystery” of “God’s will,” which aims at the “gathering” of all things in God and is “now made known” to Paul (Eph. 1:9) In 1 Timothy, the “mystery” is given as something now “confessed”: Christ is “manifested in the flesh, vindicated in the Spirit, seen by angels, preached among the nations, believed on in the world, taken up in glory” (1 Tim. 3:16)—Christ given over to the gentiles, that is, and embracing the world. So, the “mystery” referred to as “Christ and the church” in Ephesians 5 is rightly explicated in *this* sense: God’s plan to “draw all people” (Jn. 12:32) through Christ’s death on the Cross. Mystery in scripture—and most especially the mystery of the revelation of God in Christ—is always physical, historical, and tangible. Thus, “apart from human marriage, there is no Christ, no Israel” (Radner, “Nuptial Mystery,” p. 92), no People of God gath-

While he extolled the ways that Christian marriage shows “the ‘mystical’ coupling of Christ and his Church, or of the soul and God, or of God and the Son,”<sup>32</sup> Augustine argued that marriage speaks first of the action in time, in history, when God became “one flesh” with a human body: “The nuptial union is effected between the Word and human flesh, and the place where the union is consummated is the Virgin’s womb. It is flesh, very flesh, that is united to the Word . . . The Church was drawn from the human race, so that flesh united to the Word might be the Head of the Church, and all the rest of us believers might be the limbs that belong to that Head.”<sup>33</sup>

In other words, the mystery of the union of husband and wife bespeaks the heart of the gospel’s message: that God the Son chose to love the human race by being united forever to “a body by which to live within the world, to suffer and die within the world, and in which to be raised to glory.”<sup>34</sup> The offspring of this union is the church, that vast extent of people from every language, people, and nation, the very “‘fruit’ of his own flesh, since they are part of his ‘body.’”<sup>35</sup> Such an interpretation sits nicely with the oft-noted “Anglican theological emphasis on the Incarnation.”<sup>36</sup>

For the Christian, marriage is a reality that God created with intentionality for the whole of creation and whose purposes reach from the personal to the cosmic and even to the soteriological. One of the ways in which Christians have described marriage is as a “vocation,” a theme that can also be heard in the Exhortation. Marriage, it says, “is commended of Saint Paul to be honourable among all men: and therefore is not by any to be enterprised, nor taken in hand, unadvisedly, lightly, or wantonly . . . but reverently, dis-

---

ered from the nations and joined to the flesh of Jesus. Marriage—and its intimate and necessary connection to children—is bound together “intimately and ultimately” (Radner, “Nuptial Mystery,” p. 92) with the mystery of Christ and the church *in its physicality* (see Radner, “Nuptial Mystery,” pp. 91–93).

<sup>32</sup>Ibid., p. 93. Radner noted that Claude Chevasse was one of the few people to take note of this approach by Augustine in *The Bride of Christ: An Enquiry into the Nuptial Element in Early Christianity* (London: Religious Book Club, 1939), pp. 135–158.

<sup>33</sup>Augustine, “Exposition of Psalm 44,” in *The Works of Saint Augustine: A Translation for the 21st Century*, Part III, Vol. 16, *Expositions of the Psalms*, 33–50, ed. John E. Rotelle, tr. Maria Boulding (Hyde Park, NY: New City Press, 2000), p. 282.

<sup>34</sup>Radner, “Nuptial Mystery,” p. 94.

<sup>35</sup>Ibid.

<sup>36</sup>ARCUSA, “Response to ‘Mary: Grace and Hope in Christ,’” October 20, 2007, no. 11; available at <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/anglican/response-mary.cfm>.

creetly, advisedly, soberly, and in the fear of God; duly considering the causes for which Matrimony was ordained.”<sup>37</sup> Thus, only after explaining that marriage is part of the created order whose purpose is to serve as an icon of relationship that can exist between God in Christ and the human creature, does the liturgy consider the personal or relational aspects of marriage by proceeding to articulate its causes. These relational aspects of marriage serve to order the marriage relationship properly such that it simultaneously serves its function as icon of the “mystery” and its formative role in the lives of both the couple and the community in which they live.

### *B. The 1662 Rite—“The Causes for which Matrimony Was Ordained”*

The goods named in the 1662 Prayer Book are the procreation of children, the avoidance of sin, and “the mutual society, help, and comfort, that the one ought to have for the other.”<sup>38</sup> The primary scriptural source for the bond between marriage and procreation comes from the first three chapters of Genesis. After the declaration that woman and man are created in the image of God, the text continues: “God blessed them, and God said to them, ‘Be fruitful and multiply.’”<sup>39</sup> In the vein of Augustine’s reading of Ephesians 5, the conclusion of Genesis 1 serves as the basis for an understanding that the faithful response to the first divine command in scripture is part of what it means to be man and woman created in the image of God. The conclusion to the second creation account—“Therefore a man leaves his father and his mother and clings to his wife, and they become *one flesh*”<sup>40</sup> (Gen. 2:24)—provides what Anglican ethicist Philip Turner

<sup>37</sup>B.C.P. [1662], p. 363.

<sup>38</sup>Ibid.

<sup>39</sup>See also Gen. 1:27–28: “So God created humankind in his image, in the image of God he created them; male and female he created them. God blessed them, and God said to them, ‘Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.’” All biblical quotations are from the New Revised Standard Version.

<sup>40</sup>Chrysostom made an interesting exegetical move in his treatise, *On Marriage and Family Life*: “Scripture does not say, ‘They shall be one flesh.’ But they shall be joined together ‘into one flesh,’ namely the child. . . . As if she were gold receiving purest gold,” the wife receives her husband “and within her it is nourished, cherished and refined. It is mingled with her own substance and she then returns it as a child!” Even in the case when a couple is unable to conceive, Chrysostom argued, the sexual consummation of a man and his wife “casts a procreative shadow upon time, and holds within its form, fruitfulness itself” (John Chrysostom, *On Marriage and Family Life*, tr. Catharine P. Roth and David Anderson [Crestwood, NY: St. Vladimir’s Seminary Press, 1986], p. 76).

described as the “metaphor [that] is intended to concentrate in one image the ‘ends’ or ‘goods’ God is believed to have in mind for both sexual relations and for marriage (Gen. 2:24; Mt. 19:6; Mk. 10:8; Eph. 5:31).”<sup>41</sup>

The second cause articulated in the rite is as “a remedy against sin, and to avoid fornication; that such persons as have not the gift of constancy might marry, and keep themselves undefiled members of Christ’s body.”<sup>42</sup> While stated negatively, this cause highlights a number of critical aspects of marriage. First, marriage is the place where sexual activity was created to be expressed and, thus, the “society” into which children are to be brought and reared. Second, the sin referred to is not simply “sex outside of marriage” but, as Turner argued, “the temptation men and women share to ‘use’ each other for the achievement of selfish ends.”<sup>43</sup> From here, Turner moved to explain how this second good can be restated positively: “By saying that marriage serves as a school for charity,” it serves “to teach them, in all areas of life, to love as God intends.”<sup>44</sup> When viewed in this way the sexual aspect of spousal love highlights the ways in which marriage is able to form the virtue of chastity by directing both sexual desire and its expression to its proper end and glory. Article XXXII<sup>45</sup> is a helpful corollary to this second cause because it places the discernment regarding marriage for priests and bishops within the context of the general Christian call to holiness. Priests and bishops may marry, as may “all other Christian men,” because they have discerned “the same to serve better the call to godliness.”<sup>46</sup> Thus, a principal reason that marriage is a remedy for sin is because God has purposed marriage to be a basic avenue for sanctification for those with this vocation.

The third and final cause enumerated by the Prayer Book is “the mutual society, help and comfort, that the one ought to have of the other.”<sup>47</sup> Striking again the “one flesh” note that can be heard in each of causes, this unitive

---

<sup>41</sup>Turner, “Limited Engagements,” p. 56.

<sup>42</sup>*BC.P. [1662]*, p. 363.

<sup>43</sup>Turner, “Limited Engagements,” p. 59.

<sup>44</sup>*Ibid.*

<sup>45</sup>XXXII. Of the Marriage of Priests—“Bishops, Priests, and Deacons, are not commanded by God’s Law, either to vow the estate of single life, or to abstain from marriage: therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness” (cited in *B.C.P. [1979]*, p. 874). I am grateful to J. Robert Wright for bringing this to my attention, specifically in relationship to the vocation of marriage.

<sup>46</sup>*Ibid.*

<sup>47</sup>*BC.P. [1662]*, p. 363.

good also serves as a helpful summary of the splendor of marriage to which Augustine referred in *The City of God* when he contended that “the procreation of children *belongs to the glory of marriage*.”<sup>48</sup> This is the broadest of the three causes. As the final cause, it may be understood to say not only that the first two causes can be situated within its scope, but that all the goods of marriage that one might name—such as unity, pleasure, emotional support, and so forth—are contained within this final cause.

In the course of just a few paragraphs, the Exhortation to the marriage rite articulates a robust and comprehensive account of Christian marriage. Created with intent by God in the making of man and woman, this union serves as a basic unit of order within the human community, while at the same time establishing a miniature society—namely, the family—whose purpose is two-directional. First, it proclaims the heart of the gospel by wordlessly preaching the mystery of the Word-made-flesh in the new “one flesh” that marriage makes. Second, it enrolls each spouse in the school of charity by calling them to physical and spiritual fruitfulness, a renunciation of sin and a sacrificial form of relating. This cannot help but generate the kind of relational qualities that make life-long union possible. Procreation is an ordering principle within Christian marriage, but as Orthodox theologian Paul Evdokimov clarified succinctly, it “neither defines it nor in any way depletes it.”<sup>49</sup>

### C. *The English Rite—Some Preliminary Conclusions*

Far from shying away from specificity, *The Book of Common Prayer*,<sup>50</sup> one of the most tangible expressions of tradition for Anglicans, provides a sub-

<sup>48</sup>Augustine, *The City of God*, ed. Boniface Ramsey, tr. William Babcock, *The Works of Saint Augustine: A Translation for the 21st Century*, 1.10 (Brooklyn, NY: New City Press, 1990), XIV.21.1, p. 128; emphasis added.

<sup>49</sup>Paul Evdokimov, *The Sacrament of Love: The Nuptial Mystery in the Light of the Orthodox Tradition*, tr. Anthony P. Gythiel and Victoria Steadman (Crestwood, NY: St. Vladimir’s Seminary Press, 1985), p. 178.

<sup>50</sup>The Prayer Book of 1662, still the authorized Prayer Book in the Church of England and the most widely authorized throughout the Communion, is what is meant in most Anglican documents when reference is made to the Prayer Book. It is interesting to note that the American church is one of the few member churches of the Anglican Communion to authorize new Prayer Books in such a way as effectively to outlaw previous books. The practice in many member churches is to authorize some sort of Book of Alternative Services that is able to be used alongside the 1662 Book (such as “Common Worship” in the Church of England).

stantive framework for Christian marriage that makes possible a serious consideration of the question of contraception. The marriage rite assumes a specific connection between marriage and procreation at a number of points in the rite. As we have already noted, “the procreation of children”<sup>51</sup> is the first of the three causes for marriage listed in the Exhortation. All three articulate what Harmon Smith called the “classical Catholic arguments” on the nature of Holy Matrimony, describing procreation as a constitutive element of Holy Matrimony.<sup>52</sup> The assertion by Charles Gore, then bishop of Oxford, in his 1930 paper “Lambeth on Contraceptives,” is reflective of the predominant assumption until some point in the first half of the twentieth century: namely, that the church “has said steadily or constantly that this [that is, procreation] is the primary end of marriage.”<sup>53</sup>

However, the language of the rite is ambiguous on this point. It does not explicitly state either that procreation is the principle good or the good from which all the others gain their virtue. If that were the case, it would, for instance, root the mutual support of the spouses within the context of procreation. The liturgy simply presumes procreation to be part and parcel of marriage. The other two references in the rite serve to buttress this assumption. The first of the two Psalm options (Psalm 128) points in this direction: “Your wife will be like a fruitful vine within your house; your children will be like olive shoots around your table” (v. 3). Following the exchange of vows and the giving and receiving of rings, the couple kneels as the priest leads the prayers for the couple. The rubrics before the second prayer instruct that it “shall be omitted, where the Woman is past child-bearing” and is a straightforward request that God may “assist with thy blessing these two persons, that they may both be fruitful in procreation of children.”<sup>54</sup> The working principle in each of these sources is the same: that an intrinsic con-

---

<sup>51</sup>B.C.P. [1662], p. 363.

<sup>52</sup>Harmon L. Smith, “Decorum as Doctrine: Teachings on Human Sexuality,” in Timothy F. Sedgwick and Philip Turner, *The Crisis in Moral Teaching in the Episcopal Church* (Harrisburg, PA: Morehouse Publishing, 1992), p. 32.

<sup>53</sup>Charles Gore, *Lambeth on Contraceptives* (London: A. R. Mowbray, 1930); available at <http://anglicanhistory.org/gore/contra1930.html>.

<sup>54</sup>The whole prayer reads: “O merciful Lord, and heavenly Father, by whose gracious gift mankind is increased: We beseech thee, assist with thy blessing these two persons, that they may both be fruitful in procreation of children, and also live together so long in godly love and honesty, that they may see their children Christianly and virtuously brought up, to thy praise and honour; through Jesus Christ our Lord. Amen” (B.C.P. [1662], p. 370).

nection exists between marriage and procreation. However, no direct reference to contraception is made, nor is there any explicit or implicit attempt to answer the question of whether every sexual act must contain within it the possibility of procreation.

#### *D. The American Rites—Ambiguity Introduced*

The Prayer Books of The Episcopal Church show a distinct turn from the specificity of the 1662 rite. Beginning with the first proposed American Prayer Book in 1786, the paragraph that lists the causes for marriage disappears, and they remain absent until they return in a revised form in the 1979 Book.<sup>55</sup> The causes, however, do make a resurgence much earlier when Title I, Canon 17, Section 3, was introduced into canon law in 1949. This canon “required a couple to sign a declaration of intention . . . in which the causes are rephrased and listed in a different order.”<sup>56</sup> It reads in part: “The union of husband and wife in heart, body, and mind is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and, when it is God’s will, for the procreation of children and their nurture in the knowledge and love of the Lord.”<sup>57</sup> This same language was

---

<sup>55</sup>Harmon Smith made this comment on the way Marion Hatchett addressed this point in the latter’s definitive commentary on the 1979 American Prayer Book (Marion J. Hatchett, *Commentary on the American Prayer Book* [New York: Seabury Press, 1980]): “Trying to imagine how the traditional theological and liturgical reasons for including these purposes happened to be dismissed is not easy. The difficulty is only escalated when one tries also to imagine how the anthropological, economic, and sociological reasons for having large families in this new land could be so summarily and similarly disregarded. In a single omission, both Christian tradition and existential location were abandoned!” (Smith, “Decorum as Doctrine,” in Sedgwick and Turner, *Crisis in Moral Teaching*, p. 20).

<sup>56</sup>Hatchett, *Commentary*, pp. 432–433. That canon reads: “We believe it [marriage] is for the purpose of mutual fellowship, encouragement, and understanding, for the procreation (if it may be) of children, and their physical and spiritual nurture, for the safeguarding and benefit of society” (Episcopal Church, *Constitution and Canons: The General Convention of the Episcopal Church* [New York: Church Publishing, 2013]).

<sup>57</sup>*B.C.P. [1979]*, p. 423. Smith noted the strange statement of the 1949 Committee on Constitution and Canons in its recommendation of the original canon (I.18.3), where they wrote, “Certain additions and clarifications which do not deal with doctrine seem desirable, and provision should be made for further study of the matter.” Smith’s point was that the addition of this canon and its subsequent incorporation into the marriage rite in the 1979 Book clearly articulated a doctrine of marriage, despite the fact that the framers of the canon declared that it had nothing to do with doctrine.

incorporated into a revised form of the marriage canon in 1988 and forms the basis of the declaration that every couple is canonically bound to sign.<sup>58</sup>

The causes from the English rite are not only rearranged in the present American Prayer Book but are also altered significantly. Procreation is now listed last and is qualified with the enigmatic phrase, “when it is God’s will,” a phrase that appears nowhere else in the 1979 Book. Its source, however, is the prayer for fruitfulness in procreation that first appeared in the American Book of 1928, which has its precedent in the 1662 English rite. How one might discern God’s will on this question is left completely unanswered. The good of “mutual society” from 1662 (“for the mutual society, help, and comfort, that the one ought to have of the other, both in prosperity and adversity”) has been reworded to echo the language in the Declaration of Intent in the Canons of the Episcopal Church (“for the help and comfort given one another in prosperity and adversity”). But, it is the new first cause in the 1979 Prayer Book—the total union of the couple that God intends for their joy—that may be the most important change. This new cause replaces the second cause of 1662 (“a remedy against sin and to avoid fornication”) and thereby erases any direct mention of the ability of marriage to form the Christian toward a life of virtue and away from sin. The American Book takes care not to rank the causes with numbers or hierarchy, making it closer (though only in this respect) to the language of the first Prayer Book in 1549.<sup>59</sup>

---

<sup>58</sup>The canon presently in place (Title I, Canon 18, Section 3) was revised in 1988 by the General Convention (1988–Do20) and reads: “(d) The Member of the Clergy shall have required that the parties sign the following declaration: (e) ‘We, A.B. and C.D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Book of Common Prayer. (f) ‘We believe that the union of husband and wife, in heart, body, and mind, is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and, when it is God’s will, for the procreation of children and their nurture in the knowledge and love of the Lord. (g) ‘And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God’s help thereto’” (Episcopal Church, *Constitution and Canons*, p. 60). Every couple married in the Episcopal Church must sign this declaration.

<sup>59</sup>The Preface to the Marriage rite in the first Prayer Book of 1549 includes language that is nearly identical with 1662, with one notable change. Instead of saying that marriage was “first” ordained for the procreation of children, the 1549 Opening Exhortation, while still listing procreation first, introduces it this way: “one cause was the procreation of children,” which seems to set procreation as one among a number of goods rather than

The language used in the prayers for fruitfulness in procreation in the American Prayer Books also demonstrates a change in emphasis. This petition, found in the 1549, 1552, 1559, and 1662 English rites, is not to be used if the woman is past childbearing age. As was already mentioned, there was no analogous prayer in any American Book until the 1928 revision, when the following prayer was included as one of a number of optional prayers before the pronouncement and blessing:<sup>60</sup> “bestow upon these thy servants, *if it be thy will*, the gift and heritage of children; and grant that they may see their children brought up in thy faith and fear, to the honour and glory of thy Name.”<sup>61</sup> What is not clear is whether the phrase “if it be thy will” (found in both 1928 and 1979) was meant to be a different way of articulating what the rubric of 1662 stated explicitly, namely, that God’s will for the procreation of children is expressed in the biological rhythms in and out of fertility, or whether the phrase is meant to imply that there are other reasons why a couple would not have children and that these reasons could express the will of God.

One more significant revision to the marriage rite in the 1979 American Prayer Book is the format of the prayers that follow the exchange of vows. After the Our Father, nine short petitions are given. Only one of these is marked as optional and is the prayer for children.<sup>62</sup> Smith helpfully located the problem introduced by this development: “On the face of it, the rubric appears to make the procreation of children optional according to a couple’s preference; but both the marriage canon and the exhortation appear to leave the matter of having or not having the blessing of children dependent upon God’s will. What has changed . . . is the means by which we understand and respond to God’s will. In this case, we appear to have moved from identifica-

---

the principle one (Brian Cummings, *The Book of Common Prayer: The Texts of 1549, 1559, and 1662*, repr. ed. [Oxford, U.K.: Oxford University Press, 2013], p. 64).

<sup>60</sup>One possible reason for the return of a prayer for children may have been the critical treatment of contraception at the 1920 Lambeth Conference along with the resolution by the American House of Bishops in 1925 that strongly condemned contraception.

<sup>61</sup>Protestant Episcopal Church of the United States of America, *The 1928 Book of Common Prayer* (Oxford, U.K., and New York: Oxford University Press, 1993), p. 303; emphasis added. Hatchet noted that this prayer comes from the revised Scottish Prayer Book of 1912 (Hatchett, *Commentary*, p. 437).

<sup>62</sup>The prayer reads: “Bestow on them, if it is your will, the gift and heritage of children, and the grace to bring them up to know you, to love you, and to serve you.” The rubrics printed before all nine prayers reads, “If there is not to be a Communion, one or more of the prayers may be omitted” (*B.C.P. [1979]*, p. 429).

tion of God's will with the (natural) biological process of reproduction to human discernment and private choice."<sup>63</sup> It is not clear, for instance, what it would mean theologically for a couple who is of the age to have children to choose not to have the petition for fruitfulness used at their wedding.

In short, the relationship between marriage and procreation is obfuscated in the American Prayer Books. Thus, it is fair to say that the developments in the American liturgy are not completely in accord with one another and are certainly more vague than what is found in the 1662 rite. One could even say that they reflect the growing permissiveness toward contraception that the Lambeth resolutions demonstrate in the years following the 1930 Conference.

### *E. The Synodical—The Lambeth Conference<sup>64</sup> on Contraception*

The Anglican Communion first addressed contraception at the 1908 Lambeth Conference: "The Conference regards with alarm the growing practice of the artificial restriction of the family, and earnestly calls upon all Christian people to discountenance the use of all artificial means of restriction as demoralising to character and hostile to national welfare."<sup>65</sup> What is most striking about this is the complete lack of any theological language. The response to the growing use of birth control is merely "alarm," while the reasons given in the exhortation to discountenance its use are individualistic and nationalistic (though "character" could be read theologically in this context, with bishops writing as chaplain to the collective English soul). The faithful Anglican is simply left to infer that, since procreation is listed as one of the causes for marriage, the use of contraception must therefore impinge upon that good.

At the next Lambeth Conference in 1920, contraception was again addressed, this time from a much more theological perspective. Resolution 66 began the series of resolutions related to "Problems of Marriage and Sexual

---

<sup>63</sup>Smith, "Decorum as Doctrine," pp. 21–22.

<sup>64</sup>For a history of the Lambeth Conferences through 1968, see Alan M. G. Stephenson, *Anglicanism and the Lambeth Conferences* (London: SPCK, 1978). For more on the origin of the Lambeth Conference, see Randall Thomas Davidson, *Origin and History of the Lambeth Conferences of 1867 and 1878, with the Official Reports and Resolutions* (London: Society for Promoting Christian Knowledge; New York: E. & J. B. Young & Co., 1888).

<sup>65</sup>Roger Coleman, ed., *Resolutions of the Twelve Lambeth Conferences, 1867–1988* (Toronto: Anglican Book Centre, 1992), Resolution 41, p. 35.

Morality” with a renewed call to the virtue of chastity, which the bishops understand as applicable to both the single and married Christian as both an “unchangeable Christian standard” to which there is “universal obligation” that is of “vital importance as an essential condition of human happiness.”<sup>66</sup> Contraception was addressed specifically in Resolution 68, where it received a much more comprehensive consideration than in 1908.<sup>67</sup>

The resolution begins by noting that the Conference has set aside a situational perspective (that is, they decline “to lay down rules which will meet the needs of every abnormal case”) and instead offers “an emphatic warning against the use of unnatural means for the avoidance of conception.” What is most notable about this resolution is the use of the word “unnatural,” precisely because natural law plays a significant role in Roman Catholic teaching in the twentieth century, notably in both *Casti connubii* and *Humanae vitae*.<sup>68</sup> In fact, the resolution could easily be read to mean that the only reason, or at least the primary reason, that contraception is wrong is that it goes against nature. The resolution goes on to note the accompanying “physical, moral, and religious” dangers that its use incurs and warns “against the evils with which the extension of such use threatens the race.” These accompanying evils are not the reasons why contraception is to be avoided but simply accompany and follow an action that is in conflict with the causes for which marriage was ordained. The resolution also assumes a conclusion that does

---

<sup>66</sup>Ibid., p. 64.

<sup>67</sup>The full text of this resolution reads: “The Conference, while declining to lay down rules which will meet the needs of every abnormal case, regards with grave concern the spread in modern society of theories and practices hostile to the family. We utter an emphatic warning against the use of unnatural means for the avoidance of conception, together with the grave dangers—physical, moral, and religious—thereby incurred, and against the evils with which the extension of such use threatens the race. In opposition to the teaching which, under the name of science and religion, encourages married people in the deliberate cultivation of sexual union as an end in itself, we steadfastly uphold what must always be regarded as the governing considerations of Christian marriage. One is the primary purpose for which marriage exists, namely the continuation of the race through the gift and heritage of children; the other is the paramount importance in married life of deliberate and thoughtful self-control. We desire solemnly to commend what we have said to Christian people and to all who will hear” (ibid., p. 65).

<sup>68</sup>An example from *Casti connubii*: “[A]ny use whatsoever of matrimony exercised in such a way that the act is deliberately *frustrated in its natural power* to generate life is an offense *against the law of God and of nature*, and those who indulge in such are branded with the guilt of a grave sin” (§56; emphasis added); available at [http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf\\_p-xi\\_enc\\_31121930\\_casti-connubii.html](http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_31121930_casti-connubii.html).

not necessarily follow the stated premise, namely, that any use of contraception categorically “encourages married people in the deliberate cultivation of sexual union as an end in itself.” In short, the traditional position against contraception is reiterated by the bishops without any clear theological justification except that it is “unnatural.”

This appeal to nature and to natural law, however, stands in a long tradition of an Anglican embrace of natural law theory from Hooker onward, an affinity that began to weaken only in the twentieth century.<sup>69</sup> Nonetheless, the bishops continued to appeal to natural law through the 1968 Conference, when, in Resolution 22 that year, the bishops rejected the reasoning in *Humanae vitae*, namely, that contraception is contrary to “the order established by God.”<sup>70</sup> What is notable is that the category of “nature” and “natural” is still assumed. The bishops simply expressed their opinion that contraception does not contravene it.

The Lambeth Conference of 1930 was a watershed for many reasons, not the least of which that it was the first time that the official body of a Christian tradition publically appeared to support the use of contraception.<sup>71</sup> Resolutions concerning marriage and sex occupied a larger percentage of the overall resolutions (twelve of the seventy-two resolutions, compared with seven of eighty in 1920) and were clearly a major theme within the deliberations of the Conference. The first of these resolutions states, “The Conference believes that the conditions of modern life call for a fresh statement from the Christian Church on the subject of sex.”<sup>72</sup> The language of

---

<sup>69</sup>See Harmon L. Smith, “Contraception and Natural Law: A Half-Century of Anglican Moral Reflection,” in Paul Elmen, ed., *The Anglican Moral Choice*, The Anglican Studies Series (Harrisburg, PA: Morehouse Publishing, 1983), pp. 181–182. Smith has a short discussion of Kenneth Kirk and R. C. Mortimer as examples of early-twentieth-century Anglican theologians who raise questions about natural law and “showed some relaxation of traditional opposition to contraception” (Smith, “Contraception and Natural Law,” p. 188; see pp. 188–191).

<sup>70</sup>The sentence from Resolution 22, on “Responsible Parenthood,” reads in part as follows: “Nevertheless, the Conference finds itself unable to agree with the Pope’s conclusion that all methods of conception control other than abstinence from sexual intercourse or its confinement to the periods of infecundity are contrary to the ‘order established by God’” (Coleman, *Resolutions*, p. 160).

<sup>71</sup>The fullest history of the 1930 Lambeth Conference resolutions on contraception is found in Theresa Notare, “‘A Revolution in Christian Morals’: Lambeth 1930, Resolution #15, History and Reception,” unpublished dissertation, Catholic University of America, 2008 (available through ProQuest).

<sup>72</sup>*Ibid.*, Resolution 9, p. 70.

this first resolution introduces a *modus operandi* that can be discerned in a number of the resolutions beginning in 1930 and continuing through the 1968 Conference and their response to *Humanae vitae*.

Very often, the Lambeth resolutions begin with external needs or situations (for example, “the conditions of modern life” and “the problems with which we are faced” in Resolution 10) and then suggest a scriptural or theological response. Resolution 13<sup>73</sup> affirms that not just human sexuality in general but “the sexual instinct [itself] is a holy thing implanted by God in human nature” and that the sexual act in and of itself “has a value of its own within that sacrament” and serves as a means of union and love. At the same time, it states for the first time what could be inferred but was not explicit in the 1662 Exhortation: namely, that “the primary purpose for which marriage exists is the procreation of children.”<sup>74</sup> At the same time, procreation must be held alongside deliberate and thoughtful self-control as the governing considerations in that intercourse.<sup>75</sup>

While Resolution 13 implied that the nature of marriage is to form a person in the virtues, not simply in chastity, Resolution 14 considered the matter of holiness in three parts.<sup>76</sup> First, “the duty of parenthood [is] the glory of married life.”<sup>77</sup> The bishops clearly presume parenthood to be a divine duty, which implies that procreation is a good, at least in part because it places responsibil-

---

<sup>73</sup>“The Conference emphasises the truth that sexual instinct is a holy thing implanted by God in human nature. It acknowledges that intercourse between husband and wife as the consummation of marriage has a value of its own within that sacrament, and that thereby married love is enhanced and its character strengthened. Further, seeing that *the primary purpose for which marriage exists is the procreation of children*, it believes that this purpose as well as the paramount importance in married life of deliberate and thoughtful self-control should be the governing considerations in that intercourse” (*ibid.*, p. 72; emphasis added).

<sup>74</sup>One could ask here what “primary” is intended to mean.

<sup>75</sup>The language of this resolution comes directly from the Report prepared beforehand on this issue; see section on “Birth Control” in *Lambeth Conference, 1930: Encyclical Letter from the Bishops, with Resolutions and Reports* (London: SPCK; New York: The Macmillan Co., 1930), pp. 89–92.

<sup>76</sup>Resolution 14: “The Conference affirms (a) the duty of parenthood as the glory of married life; (b) the benefit of a family as a joy in itself, as a vital contribution to the nation’s welfare, and as a means of character-building for both parents and children; (c) the privilege of discipline and sacrifice to this end” (Coleman, *Resolutions*, p. 72).

<sup>77</sup>Note that the bishops actually went further in saying that procreation is “*the glory of the married life*,” whereas Augustine simply maintained that “the procreation of children belongs to the glory of marriage” (Augustine, *The City of God* XIV.21.1, p. 128; emphasis added).

ities on the shoulders of parents that they might otherwise avoid and that lead to virtues that might otherwise be unattained. Such an emphasis recalls the language in the marriage blessing in the 1979 American Prayer Book that situates the marital covenant within the context of Jesus' life, which showed "the way of the cross to be the way of life" (p. 430). The duty of parenthood is balanced with the joy that is inherent in the very nature and fact of children.

One of the most insightful comments in the whole corpus of Lambeth resolutions on this topic is the way they describe a necessary relationship between the joy of family and its "means of character building for both parents and children." This little society, situated within the wider cultural one, has the capacity to form all who enter in the school of virtue and godliness. If this were not enough, the resolution hammers again at this theme by concluding with a declaration of "the privilege of discipline and sacrifice to this end." Through this extrapolation, the bishops maintain that the gifts of discipline and sacrifice are able to lead us not only to life and peace but also to joy. What the bishops did, in fact, was argue that one of the reasons that the procreation of children is the primary purpose of marriage for those who are so called is that it is one of the basic ways that God will bring us face-to-face with the fundamental sins of pride and selfishness. This is the context in which contraception is considered.

Resolution 15 was the resolution most widely quoted because it opened the door to methods other than abstinence (what would now be called Natural Family Planning) and the most maddening for its repeated vagueness.<sup>78</sup>

---

<sup>78</sup>Resolution 15: "Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. Nevertheless in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles. The Conference records its strong condemnation of the use of any methods of conception control from motives of selfishness, luxury, or mere convenience. *Voting: For 193; Against 67*" (Coleman, *Resolutions*, p. 72). It is critical to realize that this was the only one of the 75 resolutions passed by the 1930 Lambeth Conference for which voting figures were published. The numbers are also somewhat misleading; since there were 307 bishops plus the Archbishop of Canterbury in attendance, it means that 48 bishops (16%) did not register a vote. Thus, only 63% of the bishops present voted in favor of the resolution, which makes one wonder to what degree this affected the bishops' perspective about the level of authority the resolution should be accorded. The reason that the voting numbers were included for only this resolution is not completely clear, but it is

The first sentence reads as follows: “Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles.” The only clue within the resolutions as to what “clearly felt moral obligations” might be is found in Resolution 17, which claims only that economic conditions are *not* one of those unnamed “moral obligations to limit or avoid parenthood.”<sup>79</sup> While those Christian principles are not clear, it would seem that what is found in the previous two resolutions (13 and 14) is probably what the bishops had in mind. Complete abstinence, or abstinence as a part of some type of Natural Family Planning, is “the primary and obvious method” for limiting or avoiding parenthood. Why? Again, neither the Conference’s resolutions nor the accompanying Report provide a clear answer. The closest thing to a reason is the means by which the recommended method is to take place: “a life of discipline and self-control lived in the power of the Holy Spirit.”<sup>80</sup> In other words, natural methods are to be preferred because they have a greater capacity to form the Christian in the virtues that children are also meant to engender.

Then follows the critical sentence: “[W]here there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used.” Again, the bishops did not clarify at any point in the Lambeth documents what these morally sound reasons might be (though they explicitly reject “selfishness, luxury, or mere convenience”).<sup>81</sup> What is likely is that the bishops had in mind both the second cause for marriage along with the teaching on marriage in 1 Corinthians 7.<sup>82</sup> If one of the purposes for marriage is to be a remedy against sin, particularly fornication, it would seem that complete abstinence calls into question the remedy that marriage makes possible. “Do not deprive one another except perhaps by agreement for a set time,” Paul instructs, “to devote yourselves to prayer,

---

likely that this was the only resolution for which the votes were actually counted (given its contentious nature), and thus it was felt that those numbers should be included in the published resolutions. (My thanks to one of the anonymous readers for bringing this important detail to my attention.)

<sup>79</sup>Resolution 17: “While the Conference admits that economic conditions are a serious factor in the situation, it condemns the propaganda which treats conception control as a way of meeting those unsatisfactory social and economic conditions which ought to be changed by the influence of Christian public opinion” (*ibid.*, p. 73).

<sup>80</sup>Resolution 15, *ibid.*, p. 72.

<sup>81</sup>*Ibid.*

<sup>82</sup>1 Cor. 7:9—“But if they are not practicing self-control, they should marry. For it is better to marry than to be aflame with passion.”

and then come together again, so that Satan may not tempt you because of your lack of self-control" (1 Cor. 7:5).

The subsequent Lambeth Conferences contributed little in the way of substance to what was said in 1930. The 1940 conference did not address the matter at all. Not until the next conference in 1958 was the question taken up again and only with language that echoes considerably the language from 1930: Sexuality is a gift from God; marriage is a vocation to holiness; "sexual love is not an end in itself nor a means of self-gratification" but "that self-discipline and restraint are essential considerations of the responsible freedom of marriage and family planning."<sup>83</sup> But, there are two new additions in 1958. First, "conscience" is introduced as a basis upon which the planning of "the number and frequency of children" is to be determined and whose use is based on the (unnamed) "duties of marriage."<sup>84</sup> Second, consequentialist arguments—"wise stewardship of the resources and abilities of the family as well as a thoughtful consideration of the varying population needs and problems of society and the claims of future generations"<sup>85</sup>—are introduced as morally acceptable reasons for exercising restraint in procreation, the first instance of specific reasons issued by the bishops.

The Lambeth Conference of 1968, the same year that Pope Paul VI issued *Humanae vitae*, issued a surprisingly brief response to the encyclical. While the Conference expressed "its appreciation of the Pope's deep concern for the institution of marriage and the integrity of married life," it rejected the encyclical's conclusion "that all methods of conception control other than abstinence from sexual intercourse or its confinement to the periods of infecundity are contrary to the 'order established by God'."<sup>86</sup> No reasons for this rejection are given. The resolution concludes by simply quoting in full the three resolutions from the 1958 conference related to marriage and contraception.

#### *F. The Synodical—Some Preliminary Conclusions*

One of the unfortunate failures of the 1930 Lambeth Conferences and many of those that followed was the decision not to include within the text

---

<sup>83</sup>From Resolution 113 (Coleman, *Resolutions*, p. 147).

<sup>84</sup>From Resolution 115, in *ibid.*

<sup>85</sup>*Ibid.*

<sup>86</sup>Resolution 22, in *ibid.*, p. 160 (see note 70, above).

of the resolutions any of the reasoning that underlies them, most especially in the resolutions dealing with contraception. This is regrettable because, while in 1930 more detailed explanations are contained in the reports of the Committees that were published along with the Conference's encyclical letter and resolutions (though only the encyclical and resolutions carried the authority of the Conference), it is likely that few people who were not scholars or clerics read these reports. Nonetheless, the report of the (sub-)committee on "Marriage and Sex" reveals some insight into the reasoning underneath the resolutions.<sup>87</sup> The Report explained that even though "there is in the Catholic Church a very strong tradition that the use of preventive methods is in all cases unlawful for a Christian. . . . but we are unable to accept that tradition as necessarily final."<sup>88</sup> The Report continues: "It must be admitted that it [the tradition] is not founded on any directions given in the New Testament. It has not behind it the authority of any Œcumenical Council of the Church."<sup>89</sup> This method of reasoning, I suggest, is distinctly Anglican in its approach: Scripture is consulted but is found to be less than clear; the councils of the Patristic era are also considered, but their authority makes no directive on this front. Sitting in in the background is the assumption behind a number of the Articles of Religion: that the mind of the Church, even expressed in council, may err and, thus, that historical unanimity on a particular matter may not necessarily be final.<sup>90</sup>

The position of the Lambeth Conference may be summed up in this way: Nonnatural means of contraception should be seen as a rare, second option for extraordinary cases and only when undertaken with due consid-

---

<sup>87</sup>The members of the Conference were divided into one of six Committees to write a report on the topic and craft the resolutions that the whole Conference would then consider. There were six committees: The Christian Doctrine of God, The Life and Witness of the Christian Community (divided into three topics with subcommittees: Marriage and Sex, Race, and Peace and War), The Unity of the Church, The Anglican Communion, The Ministry of the Church, and Youth and its Vocation. There were 61 bishops on the "Life and Witness of the Christian Communion" under the leadership of the Bishop of Winchester and 29 bishops on the "Marriage and Sex" under the leadership of the Bishop of St. Edmundsbury and Ipswich. See *The Lambeth Conferences, 1867–1930: The Reports of the 1920 and 1930 Conferences, with Selected Resolutions from the Conferences of 1867, 1878, 1888, 1897, and 1908* (London: S. P. C. K., 1948), pp. 143–281.

<sup>88</sup>*Lambeth Conference, 1930*, p. 90.

<sup>89</sup>*Ibid.*

<sup>90</sup>The relevant Articles are XIX (Of the Church), XX (Of the Authority of the Church), and XXI (Of the Authority of General Councils), along with Article VI (Of the Sufficiency of the Holy Scriptures for Salvation) and Article XXXII (Of the Marriage of Priests).

eration for the goods of marriage. This position, however, leaves open unanswered questions: (1) How is the Christian couple to determine what are legitimate “moral obligations to limit or avoid parenthood”? (2) How does the Christian determine what “morally sound reasons for avoiding complete abstinence” as a method of limiting or avoiding parenthood might be?

Without any real guidelines, Smith noted with concern that this situation means that Anglicans are much more likely “to concede to personal preference.”<sup>91</sup> He described the lack of any substantive pastoral guidelines about how to determine a faithful, moral, and spiritually fruitful use of contraception as the “loss of an authoritative tradition.” Whether there ever was such an authoritative tradition (for Anglicans, at least) that answered these questions is debatable. This is exactly the concern registered by Kenneth Kirk around the time of the 1930 Conference. While he supported the openness to contraception, he lamented the failure of the church to provide “some authoritative guidelines”; with no such direction, “gross laxity [will] arise.”<sup>92</sup> It is clear that such a deficiency makes dialogue with other Christian traditions on this matter much more difficult. The Lambeth bishops in 1930 could have emphasized with much greater clarity that the goods of marriage—especially that marriage serves as a means of pursuing holiness by directing sexual desire and sexual expression to its (and marriage’s) proper ends (that is, procreation, unity, joy, mutual society)—cannot be set in a hierarchy without doing damage to each of the goods themselves.<sup>93</sup>

### G. An Anglican Approach to Contraception—A Summary

The Anglican approach begins with the assumption that procreation is a normative part of Holy Matrimony. The options for scripture lessons in the various marriage rites all highlight this aspect of marriage. The precise contours of the relationship between the two remain, however, as imprecise in the

---

<sup>91</sup>Smith, “Contraception and Natural Law,” p. 197.

<sup>92</sup>Ibid., p. 191.

<sup>93</sup>While there is a tradition of speaking of the “avoidance of concupiscence” as a cause of marriage (at least in the West from Augustine on), the Catholic Church speaks of only two essential aspects of marriage: “the procreation and education of children” and “mutual help and service to each other through an intimate union of their persons and of their actions” (see *Gaudium et spes*, no. 48.1 in Austin Flannery, ed., *Vatican Council II: The Conciliar and Post Conciliar Documents* [Northport, NY: Costello Publishing; and Dublin: Dominican Publications, 1996]).

rites as in the scriptures themselves. While natural law would lead one to concur with this assumption, the appeal to natural law by the bishops at the various Lambeth Conferences only highlights how difficult it is to extract from it any definitive conclusion regarding artificial contraception, especially since there has never been a Christian prohibition against marriage for those past the age of childbearing or for those who are physically unable to conceive.<sup>94</sup>

Regarding the natural law arguments in *Humanae vitae*, the Anglican and Lutheran ethicists Turner and Gilbert Meilaender argued, “Had more adequate reference been made to Holy Scripture [in *Humanae vitae*], it might indeed have proved to be the case that ‘a teaching rooted in natural law’ would have been ‘illuminated and made richer by divine revelation.’” In fact, they argued, “Had more attention been given to these . . . passages [such as 1 John, Ephesians, and Genesis 1–3], it might have been the case that no ranking of the unitive and procreative purposes would even have been implied by the argument.”<sup>95</sup> The problem from an Anglican perspective with

---

<sup>94</sup>Canon 1084 in the Catholic Code of Canon Law does state, however, that the physical inability to engage in intercourse (impotence, but not sterility) does make it impossible to validly contract a marriage: “§1. Antecedent and perpetual impotence to have intercourse, whether on the part of the man or the woman, whether absolute or relative, nullifies marriage by its very nature. §2. If the impediment of impotence is doubtful, whether by a doubt about the law or a doubt about a fact, a marriage must not be impeded nor, while the doubt remains, declared null. §3. Sterility neither prohibits nor nullifies marriage, without prejudice to the prescript of can. 1098” (available at [http://www.vatican.va/archive/ENG1104/\\_P3Y.HTM](http://www.vatican.va/archive/ENG1104/_P3Y.HTM)).

<sup>95</sup>In “Contraception: A Symposium,” *First Things* 88 (December, 1998): 23. The Jewish thinker Eric Chevlen, in the same Symposium, argued that, when *Humanae vitae* describes itself as “a teaching which is based on the natural law and illuminated and enriched by divine Revelation,” the encyclical reversed “the proper priority for those two sources” and “inevitably opened the door for error.” Chevlen continued with an extremely helpful critique of the use of “nature” in the encyclical to which many Anglicans would agree: “The encyclical argues that we may ‘take advantage of the infertile period,’ but it ‘condemns as always unlawful the use of means which directly prevent conception.’ Simultaneously willing infertility and engaging in coitus is permitted, apparently, but not tinkering with the physiology. In both cases, of course, the couple ‘are both perfectly clear in their intention to avoid children and wish to make sure that none will result.’ The difference is that in the former case ‘the husband and wife are ready to abstain from intercourse during the fertile period as often as for reasonable motives the birth of another child is not desirable.’ The encyclical sees sexual abstinence during times of suspected fertility as the only contraceptive technique conforming to natural law. The view of human nature thus proffered, however, is too pinched to encompass the multidimensional reality of our existence. The desire of married couples to engage in sexual intercourse is a process at once physiological, psychological, and often spiritual. On the physiological level alone it engages all the senses, the circulatory system, the respiratory system, the alimentary system (whose functions

determining how natural law is to be applied to the question of contraception is the same problem that Anglicans encounter when trying to answer the two questions posed at the end of the last section: They rely on judgments that are merely “enriched” by scripture but are, in fact, debatable. While the Lambeth bishops acknowledge that there is a very strong “tradition that the use of preventive methods is in all cases unlawful for a Christian,” they conclude, “we are unable to accept that tradition as necessarily final.”<sup>96</sup>

Thus, the difference between the two Christian bodies circles back to the fundamental matter of authority. In the Catholic Church, the magisterium has made and continues to make definitive and binding judgments about how to interpret scripture and apply natural law in particular situations. Anglicanism at the communion level has no mechanism for making such judgments. Given that contraception has never been mentioned in Christian marriage rites (Anglican or otherwise), the only place where the Episcopal Church could make a definitive judgment would be in its canon law. But, given the very limited extent to which that canon law addresses matters of moral theology, such a possibility is very remote.

The Anglican, then, is left with the difficult task of weighing the various sources. One possible approach is to begin with Resolution 13 of the 1930 Lambeth Conference, which calls marriage a “sacrament”<sup>97</sup> and introduces an important point of dialogue with the Catholic position. A sacrament must have an outward act or element that is constitutive of the particular sacrament. The *Catechism of the Catholic Church* is clear that “the exchange of consent between the spouses [is] the indispensable element that ‘makes the marriage.’”<sup>98</sup> But, shortly thereafter, it explains that the bond of mar-

---

are temporarily suppressed), and the endocrine glands, to say nothing of the generative organs themselves. I cannot agree with *Humanae Vitae* that the frustration of this complex multisystem physiological process is somehow more natural than simply retaining a few milliliters of semen behind a latex barrier. The natural law argument is unpersuasive, because it is so—unnatural” (Eric Chevlen in “Contraception: A Symposium,” p. 21).

<sup>96</sup>Lambeth Conference, 1930, p. 90.

<sup>97</sup>The use of the term “sacrament” for marriage is quite significant. The term is not found in any previous Lambeth Resolutions. In the 1662 *Book of Common Prayer*, the rite for the Solemnization of Holy Matrimony does not refer to marriage as a sacrament. The Catechism in the 1662 Book gives the following answer in response to the question, “How many Sacraments hath Christ ordained in his Church?” “Answer. Two only, as generally necessary for salvation, that is to say, Baptism, and the Supper of the Lord.”

<sup>98</sup>Catholic Church, *Catechism of the Catholic Church*, no. 1626 (available at [http://www.vatican.va/archive/ENG0015/\\_\\_\\_P53.HTM](http://www.vatican.va/archive/ENG0015/___P53.HTM)).

riage “results from the free human act of the spouses *and their consummation of the marriage.*”<sup>99</sup> Thus, while exchange of consent is the indispensable element within the context of the rite itself and is essential to the form, the sexual consummation is also indispensable as the continued and repeated outward sign of the lifelong sacrament. This accords with what the Lambeth bishops said in 1930 when they acknowledged “intercourse between husband and wife as the consummation of marriage.”<sup>100</sup>

Since the sexual act between the couple is the enfleshing or incarnating of the marriage, it must be differentiated from the “goods” of marriage, since sex is neither a “cause” nor a “good” of marriage but a sacramental sign of the marriage itself. All the goods of marriage, we could argue, are the same goods that flow from a couple’s sexual union. Thus, if the couple who engages in intercourse after the time when both spouses are fertile does so without compromising the covenant of marriage—just as the couple “to whom God has not granted children can nevertheless have a conjugal life full of meaning, in both human and Christian terms”<sup>101</sup>—what is at work is a principle that procreation is constitutive of marriage.<sup>102</sup> If it is true that marriage serves as a remedy against sin as St. Paul articulates in 1 Corinthians 7, as the Prayer Book contends, the Anglican then asks why intermittent use of contraception within marriage is inherently wrong when biology (that is, nature) itself precludes the possibility of procreation intermittently and also for significant lengths of time—precisely in order that the goods of the union of procreation are never pitted against one another.

### III. Conclusion

Only after a basic picture of the ecclesiological structures within Anglicanism and the Catholic Church is sketched can the proper location of the differences between the two be seen. Those differences are to be found

<sup>99</sup>Ibid., no. 1640; emphasis added (available at [http://www.vatican.va/archive/ENG0015/\\_\\_\\_P54.HTM](http://www.vatican.va/archive/ENG0015/___P54.HTM)).

<sup>100</sup>Resolution 13 (Coleman, *Resolutions*, p. 72).

<sup>101</sup>Catholic Church, *Catechism of the Catholic Church*, no. 1654 (available at [http://www.vatican.va/archive/ENG0015/\\_\\_\\_P55.HTM](http://www.vatican.va/archive/ENG0015/___P55.HTM)).

<sup>102</sup>See Turner’s articulation of the argument that procreation must be part of Christian marriage “in principle,” though not necessarily in every conjugal act (Turner, “Limited Engagements,” pp. 71–73).

specifically in the organization and use of the organs of authority within the respective churches. There are often no parallels within the Anglican Communion or its various member churches to the kinds of authoritative teaching in the Catholic Church, precisely because there is no parallel to the individual or authoritative Catholic body that issues the teaching. However, to stop here is to be left with an incomplete picture of the ecclesiological landscape, so two further clarifications are necessary.

First, the fact that the teaching of any of the instruments of Communion or various local synods or councils may not be legally or canonically binding does not mean that they do not teach, nor does it mean that their statements do not constitute “teaching.” Each of these bodies clearly understands itself to be engaged in the act of teaching. As such, each carries various degrees of moral authority and is to be received with the proper respect due such authority. Nonetheless, much Anglican teaching is exercised in a mode much less recognizable to Catholics in light of the way authority is structured and exercised in the Catholic Church.

Second, certain actions of Anglican synods or councils carry significant, though implicit, teaching within them. For example, when the General Convention of the Episcopal Church consented in 2003 to the episcopal election by the diocese of New Hampshire of V. Gene Robinson—a man who was divorced and in a same-gender partnership—such an act carried implicit teaching about the virtue of same-gender sexual relationships. When the General Convention authorized provisional rites for the blessing of same-gender relationship in 2012, an implicit teaching is also contained therein. When it comes to contraception, the General Convention has repeatedly commended contraception to members of the Episcopal Church.<sup>103</sup> The lack of nonbinding or canonically authoritative teaching does not mean the absence of teaching.

---

<sup>103</sup>E.g., in 1982, the General Convention passed Resolution D016: “*Resolved*, the House of Bishops concurring, That as a means of world population control this 67th General Convention of the Episcopal Church reaffirm the right of individuals to use any natural or safe artificial means of conception control” (General Convention, *Journal of the General Convention of . . . The Episcopal Church, New Orleans, 1982* [New York: General Convention, 1983], p. C-154). In 1994, a much more extensive resolution (D009) was passed: “*Resolved*, the House of Bishops concurring, That the 1994 General Convention of the Episcopal Church affirm that rapid global population growth adversely affects the prospects for peace and justice by exacerbating poverty, deprivation and suffering, and depleting environmental resources; and be it further, *Resolved*, That the Episcopal Church reaffirm the 1930 Lambeth Conference of the Anglican communion, which approved contraception for purposes of family planning; and be it further, *Resolved*, That

The fact remains that, while the sources that have authority for Anglicans do not tend toward a conclusion identical to the categorical prohibition of artificial contraception found in *Humanae vitae*, the agreed statement argues that it “remain[s] the case that members of the Episcopal Church could hold and teach” that the encyclical’s judgments are “more consonant with Scripture and moral truth, if that were their judgment” (*EMD*, no. 30). More surprisingly, an Episcopalian is free in good conscience to follow the logic of Catholic teaching on contraception. This is the case most importantly because it is not in tension with either the authoritative liturgical rites or canon law and also because it accords with the nonbinding teaching of Lambeth up until 1930. The very weakness of the shift begun in 1930 is the lack of argumentation or reasoning, persuasive or otherwise. The Anglican is free to disagree and act contrarily with the judgments of Lambeth and the General Convention regarding contraception in a way that is very different from what it would be like for a Catholic to disagree and act contrarily to the teaching of *Humanae vitae*.<sup>104</sup> Even more, an Anglican would be free to make a judgment that, while neither Lambeth Resolutions nor General Convention resolutions carry any binding authority, the moral authority of

---

the Episcopal Church, in order to improve the quality of life for all, commend to the several dioceses and agencies of the Episcopal Church as well as to the relative structures of the Anglican Communion programs and projects to provide information to all men and women on the full range of affordable, acceptable, safe, and non-coercive contraceptive and reproductive health care services, utilizing educational programs which start with parents and their children; and be it further, *Resolved*, That governments everywhere be encouraged to recognize, acknowledge and seek remedies to reverse the rapid global population growth that adversely affects the health, education and quality of life of women; the prospects for peace; and depletes environmental resources; and be it further, *Resolved*, That the Secretary of the 1994 General Convention be requested to send a copy of this resolution to the President of the United States, the Vice-President of the United States, the Undersecretary for Global Affairs of the Department of State, the chairman of the International Conference on Population and Development, the representative of the Anglican Consultative Council to the United Nations, the Secretary General of the United States Catholic Conference, the Administrator of USAID, and the Secretary General of the United Nations, together with a letter expressing the hope that the actions proposed above be carried out world-wide” (General Convention, *Journal of the General Convention of . . . The Episcopal Church, Indianapolis, 1994* [New York: General Convention, 1995], pp. 281–282).

<sup>104</sup>For a helpful summary of Catholic teaching on the relationship between a person’s conscience and the teaching of the magisterium, see Catholic Church, *Catechism of the Catholic Church*, nos. 1776–1802; available at [http://www.vatican.va/archive/EN0015/\\_\\_\\_P5Y.HTM](http://www.vatican.va/archive/EN0015/___P5Y.HTM) through [http://www.vatican.va/archive/ENG0015/\\_\\_\\_P63.HTM](http://www.vatican.va/archive/ENG0015/___P63.HTM).

the papal encyclicals and the continued affirmation of those teachings by the Catholic magisterium carry greater moral authority.

This strange set of facts highlights just how deep are the ecclesiological fissures between these two Christian communions and “helps to explain a significant tension in the relationship between Anglicans and Roman Catholics” (*EMD*, no. 29). The resolution of particular theological questions that constitute the remarkable and groundbreaking work of ARCIC I and II can only have practical effect when the fundamental ecumenical conundrum is addressed: the structure and exercise of authority. This is why moral theology was set within the context of ecclesiology in both the recently completed round of ARCUSA and the current round of the international dialogue, ARCIC.<sup>105</sup> *EMD* has moved both churches closer to facing more clearly this central question by articulating more clearly than in any previous bilateral the location and complexity of the ecclesiological differences for Anglicans and Catholics.

Matthew S. C. Olver (Episcopal Church) is a teaching fellow in liturgics at Nashotah (WI) House Theological Seminary, while a doctoral student since 2013 at Marquette University, Milwaukee, WI. He has an M.Div. from Duke Divinity School, Durham, NC (2005); and a B.A. from Wheaton (IL) College. He also spent the summer of 1998 at Trinity College in Dublin, and at St. Anne's College at Oxford University. Ordained a priest in the Episcopal Church in 2006, he has been licensed in the Milwaukee Diocese since 2013, where he is an associate priest at All Saints' Cathedral. Canonically resident in the Dallas Diocese, he served two Dallas churches during 2005–13. Since 2008, he has been an Episcopal member of the Anglican-Roman Catholic Consultation in the U.S. In the Diocese of Dallas, he was the ecumenical officer, 2005–10; a member of the Executive Council, 2008–11; and on the Board of Examining Chaplains, 2012–13. He also was the convener for the disaster preparedness plan for the City of Dallas in 2008. He contributed a chapter to B. Guyer, ed., *Pro Communion* (Pickwick, 2012); and an article is forthcoming in *Nota et Vetera*. He has contributed articles and a review to *The Living Church* and other popular outlets, as well as making presentations at academic and popular conferences and dialogues.

---

<sup>105</sup>The first communiqué from ARCIC III, issued from the Monastery of Bose in northern Italy (May 17–27, 2011), described their focus as follows: “In response to the Programme set forth by Pope Benedict and Archbishop Rowan Williams in their 2006 Common Declaration, discussions have focussed on the interrelated issues: the Church as Communion, local and universal, and how in communion the local and universal Church come to discern right ethical teaching. The Programme also required the Commission to re-examine how the ‘commitment to the common goal of the restoration of complete communion in faith and sacramental life’ [quote from the 1966 Common Declaration of Pope Paul VI and Archbishop Michael Ramsey] is to be understood and pursued today, and to present the work of ARCIC II in its entirety with appropriate commentaries to assist its reception”; available at [http://www.anglicancommunion.org/media/105248/ARCIC\\_III\\_Bose\\_2011.pdf](http://www.anglicancommunion.org/media/105248/ARCIC_III_Bose_2011.pdf).

Copyright of Journal of Ecumenical Studies is the property of University of Pennsylvania Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.