

(ACI Easter Message on South Carolina and its defense of Episcopal and Anglican ways.) - Statement On South Carolina - Saturday, April 3rd, 2010

Written by: The Anglican Communion Institute, Inc.

<http://www.anglicancommunioninstitute.com/2010/04/statement-on-south-carolina/>

In his recent address to his diocese, Bishop Mark Lawrence of South Carolina identified a challenge confronting both his diocese and the wider Episcopal Church:

an entirely new challenge has surfaced: A constitutional question about the ability of a diocese to govern its common life in a way that is obedient to the teaching of the Bible, the received heritage of The Protestant Episcopal Church of the United States of America, and in accordance with The Constitution & Canons of The Episcopal Church....

It is a challenge to how for over two hundred years The Episcopal Church has carried out its mission and ministry. It is one of the ironies of this time that we in a diocese like South Carolina, which has been one of the most vigorous critics of the "national" church, should be the ones that are called to defend the polity of TEC—to defend the way Episcopalians have for so long carried out their mission. But history is full of such paradoxes. In standing up and protecting our autonomy or independence as a diocese in TEC, in protecting the diocesan bishop's authority to shepherd the parishes and missions of his diocese, and in defending the bishop and, in his absence, the Standing Committee as the Ecclesiastical Authority, we are in fact defending how TEC has carried out its ministry and mission for these many years. Every Diocesan Bishop, every Standing Committee, indeed every Episcopalian ought to know that if this is allowed to stand, that if The Presiding Bishop and her chancellor are allowed to hire an attorney in a diocese of this Church, to look over the shoulder of any bishop or worse dictate to that Bishop or Standing Committee how they are to deal with the parishes and missions under their care, imposing upon them mandates or directives as to how they disburse or purchase property then we have entered into a new era of unprecedented hierarchy, and greater autocratic leadership from the Presiding Bishop's office and his or her chancellor.

The Anglican Communion Institute has often called attention in recent years to the subversion of the fundamental polity of The Episcopal Church now afoot, and we stand fully behind Bishop Lawrence and the diocese of South Carolina in their defense of our constitutional governance. We wish to direct particular attention to three points stated so concisely by Bishop Lawrence.

First, The Episcopal Church is and always has been an association of autonomous and independent dioceses. As Bishop Stanton of Dallas recently noted in an address to his diocese, Bishop Alexander Charles Garrett, the first bishop of Dallas and also Presiding Bishop of The Episcopal Church, observed that:

Every Diocese is an independent and sovereign state, held in the unity of the Catholic Church by its Episcopate, according to the rule of St. Cyprian....The Diocese thus becomes the ecclesiastical unit, a full and perfect integer sufficient of itself for all purposes of growth and development.

And Bishops Garrett, Stanton and Lawrence are only reflecting what has been the understanding of the structure of The Episcopal Church from its beginning. White & Dykman, the official commentary on our Constitution and Canons summarized the nature of our church as: "Before their adherence to the Constitution united the Churches in the several states into a national body, each was completely independent." White & Dykman then describes the national body they created as "a federation of equal and independent Churches in the several states."

Second, notwithstanding changes to the office of Presiding Bishop over the years, primarily making the office elective rather than one based on seniority among diocesan bishops, the Presiding Bishop is constitutionally prohibited from acting within the territory of a member diocese without the consent of the Ecclesiastical Authority of the diocese. Indeed, under the Constitution, the Presiding Bishop may only act at the "direction" of the House of Bishops even in "territory not yet organized." Neither she nor any other bishop may act within the territory of a member diocese without consent from the diocese. This is an absolute constitutional debarment that no precedent, no canon and no support from other bodies can override.

Third, it is Bishop Lawrence, the diocese of South Carolina and the other bishops and dioceses that stand with them that are truly defending the Constitution and Canons, the discipline, of The Episcopal Church and are therefore upholding their consecration vows. Our bishops make no vow or oath of due obedience to an archbishop or metropolitan church or authority as do the bishops in the Church of England, who must "profess and promise all due reverence and obedience to the Archbishop and to the Metropolitan Church of N. and to their Successors : So help me God, through Jesus Christ." Our bishops instead answer an examination and offer vows that do not mention any metropolitan authority. Indeed, our bishops are presented for consecration as "bishop in the one, holy catholic, and apostolic Church" and later as "bishop of the Church of God to serve in the Diocese of N." The Examination of the candidate begins by emphasizing that "with your fellow bishops you will share in the leadership of the Church throughout the world." There is no mention of General Convention. There is no vow of obedience to the Presiding Bishop as there is to archbishops or metropolitan bodies in the oaths of other churches. In short, it is Bishop Lawrence, not his detractors, who is upholding this vow during a very difficult season.

We conclude with these observations about the fundamental facts of our polity:

1. The Presiding Bishop's office is regulated by the constitution and canons and exists historically for the good order of the church. It is not a metropolitan office. The title 'presiding Bishop' was chosen with care and inheres with the notion of good order when the wider church gathers. It is not an office with independent political authority.
2. The existence of diocesan canons in The Episcopal Church is a departure from the model typically followed in the polity of other provinces of the Anglican Communion. The existence of these canons goes hand in hand with the history and sovereignty of the diocese in The Episcopal Church as the basic ecclesial unit of catholic Anglicanism.
3. That no mandate exists that can be enforced by canon law for dioceses to pay assessments beyond the good operating of their own affairs is likewise evidence of the catholic and missionary integrity of the dioceses of this church.
4. Diocesan Chancellors exist to assist the Bishop and Standing Committee of the Diocese in maintaining the legal good operating of the Diocese and the undertaking of its internal affairs.
5. General Convention resolutions as such have no canonical force. They represent the mind of those gathered and are not legislative in character.
6. As a province, The Episcopal Church has no single authoritative voice, but exists with a dispersed character at the provincial level, involving individual diocesan Bishops, diocesan conventions, a triennial General Convention, House of Bishops meetings, and the office of Presiding Bishop.

We fully support Bishop Lawrence and the diocese of South Carolina in their defense of these principles.

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Comment On: ACI Easter Message on South Carolina and its defense of Episcopal and Anglican ways. - 4/05/2010

By: Mark Harris – Editor Preludium, Episcopal Priest Diocese of Delaware, Member TEC Executive Council House of Deputies, Canon Episcopal Church in the Philippines

The Anglican Communion Institute, whose working writer - theologians are The Rev'd Professor Christopher Seitz, The Very Rev'd Dr Philip W. Turner III and The Rev'd Dr. Ephraim Radner, has come to the defense of the Diocese of South Carolina and its bishop. The defense took the form of an Easter Day Message.

Bishop Mark Lawrence of the Diocese of South Carolina has decided to take on the Presiding Bishop, her Chancellor and the whole Provincial effort to enforce the intent of the Canons of The Episcopal Church as they apply to the holding of property by whatever church entity in trust for The Episcopal Church. Bishop Lawrence has relied on the notion that dioceses have something he calls, "sovereignty." He gets this idea from Bishop Alexander Charles Garrett, a past bishop of Dallas. Bishop Garret stated, "Every Diocese is an independent and sovereign state, held in the unity of the Catholic Church by its Episcopate, according to the rule of St. Cyprian....The Diocese thus becomes the ecclesiastical unit, a full and perfect integer sufficient of itself for all purposes of growth and development."

Out of this quaint idea the ACI puts forward the following propositions:

The Presiding Bishop's office is regulated by the constitution and canons and exists historically for the good order of the church. It is not a metropolitical office. The title 'presiding Bishop' was chosen with care and inheres with the notion of good order when the wider church gathers. It is not an office with independent political authority.

The existence of diocesan canons in The Episcopal Church is a departure from the model typically followed in the polity of other provinces of the Anglican Communion. The existence of these canons goes hand in hand with the history and sovereignty of the diocese in The Episcopal Church as the basic ecclesial unit of catholic Anglicanism.

That no mandate exists that can be enforced by canon law for dioceses to pay assessments beyond the good operating of their own affairs is likewise evidence of the catholic and missionary integrity of the dioceses of this church.

Diocesan Chancellors exist to assist the Bishop and Standing Committee of the Diocese in maintaining the legal good operating of the Diocese and the undertaking of its internal affairs.

General Convention resolutions as such have no canonical force. They represent the mind of those gathered and are not legislative in character.

As a province, The Episcopal Church has no single authoritative voice, but exists with a dispersed character at the provincial level, involving individual diocesan Bishops, diocesan conventions, a triennial General Convention, House of Bishops meetings, and the office of Presiding Bishop.

These are assertions in support of Bishop Lawrence's concern to uphold what he believes to be the true character of TEC as "an association of autonomous and independent dioceses."

There are several problems with these six propositions. Here are a few:

On item 1: The whole business of what makes the Presiding Bishop like other heads of the national or regional churches that constitute the Anglican Communion is a difficult one. The Canons say that the Presiding Bishop is, "the Chief Pastor and Primate of the Church." It is true there is no mention of the Presiding Bishop being metropolitan or Archbishop. But the Presiding Bishop is the Primate as far as such things as The Primate's meetings go. But I like the spirit of this one, until the last line: "it is not an office with independent political authority."

Nuts. Of course it is. The Presiding Bishop has the power of appointment, preside at the consecrations of bishops and at the time of the required visitation to dioceses, has occasion to preach, celebrate the Eucharist, and consulting with the bishop and perhaps lay and clergy leaders. The Presiding Bishop speaks on behalf of the Church. Political authority consists to a large part in the exercise of the bully pulpit and in the context of actual pulpits, the Presiding Bishop exercises profoundly important political authority. Is it "independent"? Who knows. But it is canonical and it is there.

On item 2:

This is fluff. A seeking after wind.

On item 3:

ACI states, "That no mandate exists that can be enforced by canon law for dioceses to pay assessments beyond the good operating of their own affairs is likewise evidence of the catholic and missionary integrity of the dioceses of this church." This is just rot.

Here is what the Constitution and Canons of TEC says about that.

Canon I.1, Sec. 8. The General Convention shall adopt, at each regular meeting, a budget to provide for the contingent expenses of the General Convention, the stipend of the Presiding Bishop together with the necessary expenses of that office, the necessary expenses of the President of the House of Deputies including the staff and Advisory Council required to assist in the performance of the duties and matters related to the President's office, and the applicable Church Pension Fund assessments. To defray the expense of this budget, an assessment shall be levied upon the Dioceses of the Church in accordance with a formula which the Convention shall adopt as part of this Expense Budget. It shall be the duty of each Diocesan Convention to forward to the Treasurer of the General Convention annually, on the first Monday of January, the amount of the assessment levied upon that Diocese."

The alert reader will note that this is canon law, not simply Convention resolution. Note the phrases "shall adopt", "assessment", "levied", and "shall adopt." This is a mandate of canon requiring assessment for things well beyond the "the good operating of their own affairs." The mandate of canon itself is the basis for this assessment, and every Diocese in acceding to the Constitution and Canons of The Episcopal Church. So much for the absolute sovereignty of the diocese.

On item 4.

Yes. Diocesan Chancellors do whatever is asked of them as legal advisers to the Diocese. One might hope they have something to do with advising the Diocese about its duties and rights in terms of the Constitution and Canons of TEC as well, since those govern the basis on which both bishops and clergy exercise their offices in the Church.

On item 5.

This is an amazing bit of foolishness. I will quote it again.

"General Convention resolutions as such have no canonical force. They represent the mind of those gathered and are not legislative in character."

The ACI folk need to wake up and smell the coffee. Some General Convention resolutions precisely have canonical force, namely those that make changes in the canons. When they are appropriately passed they become canon. All General Convention resolutions are legislative in character, if by "legislative" one means they are passed by a legislature (in this case synodical legislature) and they legislate - that is give sanctioned guidance / direction / mandate / order to some body within TEC. For example: General Convention legislates that there will be an office at the Church Center for this or that ministry and provides budgetary funding for it. It is true that some General Convention legislation is advisory or commendatory only.

On Item 6:

TEC does have a "single authoritative voice" on some issues. For example, the Presiding Bishop is called upon by Canon to "Speak God's words to the Church and to the world, as the representative of this Church and its episcopate in its corporate capacity." On most issues that authority is derived from the consent of the governed by way of the decisions of General Convention and the explicit authority granted by Canon for final determination of particular matters. When the Presiding Bishop declares a bishop has been deposed it is on canonical grounds, but the PB speaks the authoritative sentence of deposition. The PB does not have unbridled authority, thank God.

So what is this about? Why in the world would the ACI publish such a message?

Well, the Bishop of South Carolina is making the case for the so-called Communion Partners that the level of autonomy of dioceses in TEC is such that individual dioceses can make their own treaty with the Anglican Communion and can ignore whatever decision is made by General Convention about the value of the Anglican Covenant. With that argument also comes the proposition that dioceses have status independent of any union to the General Convention. Never mind that it is that union that makes possible the rules under which the bishops of these dioceses were elected and have license. Never mind that it is union with General Convention that made the formation of the dioceses complete. Dioceses, rather than state assemblies, are a product of the Church, not the other way around.

As to the argument that those dioceses formed from the state assemblies were free and independent and gathered in to union by mutual accord, fine. We might well notice, however, that when the dioceses entered into the union with others to form General Convention and when they came to be called dioceses, and when the Canons specified ascent to the Constitution and Canons as an assumed and / or specified requirement of being in this union, and when there was no objection to doing so, the matter was closed.

However, Bishop Lawrence seems to think otherwise. Unchallenged (by better voices than mine) that leads to all sorts of possibilities.

Among them might be:

That Bishop Lawrence, gracious in his way of dealing with parishes that leave TEC for other lands, is patiently waiting for his parishes to walk away from TEC and the Diocese of South Carolina, and when most of those in the diocese do, he will walk too, finding a ready made field of congregations - the ones who left - ready to receive him.

Or, that one fine day, the Diocese of South Carolina, having separated itself from all things TEC as per its resolution last year, will decide the time is ripe to pick up and move over to the Anglican Church in North America. Bishop Lawrence can claim that he never intended to leave, but look... all his parishes bolted and in good Christian conscience he believed they ought to be about to do so. If TEC were to then say, as it has in the past, that no, a diocese cannot by itself leave, it would be left with almost nothing - all or most of the churches having left with their goods, and cattle, etc. By that time shutting the barn door would be a pointless exercise.

Well, life is full of possibilities. One of them is that Bishop Lawrence has every intention of being a bishop in TEC, no intention of going anywhere, and will remain as bishop in TEC.

Who knows? What I do know is that Bishop Lawrence needs better arguments than the ones put forth by ACI to support this sovereignty business. And while he is at it, he needs better legal counsel, for one of these days someone is going to confront him with the matter of letting the assets meant for the use of The Episcopal Church in that place (namely the Episcopal Diocese of South Carolina) simply drift away.

On the first round I did not think Bishop Lawrence should have gotten consents. On the second I did. Oddly, I like the man. He writes well and engagingly and he is a bishop of this church. But I believe he has led us in a convoluted way into a thicket where we will none of us emerge unscathed.

On this business he is wrong, the ACI is wrong and we will have to be watchful and alert.