**The Authority of General Convention**

*Archived at* [https://web.archive.org/web/20030922233029/http://www.anglicancommunioninstitute.org:80/authorityofgc.htm](https://web.archive.org/web/20030922233029/http%3A//www.anglicancommunioninstitute.org%3A80/authorityofgc.htm)

We face a crisis in the Episcopal Church over decisions about same-sex partnerships.  We believe that this crisis affects the very foundations of the common life of the Episcopal Church, and its claim to status as a church in the catholic tradition.  We wish to address this crisis by considering a series of basic questions.

 **1.  What does it mean to be a “conciliar” church?**

 We too often imagine that our system of governance is simply about democratic decision-making by the people of God.  This misunderstanding informs the view of some that, by virtue of its status as the widest “council” of our church,ECUSA’s General Convention is the church’s  “highest” authority, and that its legislative decisions are therefore binding on all members.  Hence, we can easily think that change in the church’s teaching, ordering, and worship is validated and authoritative by function of representative popular will expressed at legally convened gatherings.

 This view, though widespread, seriously misrepresents the nature of our system of church governance.  The basic principle of ECUSA’s ordering of common life is rightly called “conciliar,” because it is based upon a number of different and interlocking “councils,” ranging from parish vestries, diocesan councils, provincial meetings, House of Bishops meeting, and General Convention, to ongoing interactions with partner churches, both in the United States (e.g., the ELCA), as well as internationally (e.g., the Lambeth Conferences).  The many forms of “council,” each different in structure, canonical status, and range of competence, exist to uphold the Christian faith of the Apostles of Jesus, given in the Scriptures.  One function of these councils is to discern where that teaching is being compromised by the actions and decisions of a few.  All councils must serve this discerning and limiting purpose  “according to the varying exigencies of times and occasions” (Preface to 1662 BCP, cited in 1789 Preface to American BCP).  In short, the business of councils is not to discern the will of the majority gathered in a particular time and at a particular place – church councils are not democratic in that sense.  Instead, the “economy” of communal discernment in the councils of the church is directed toward discerning the constraints of past apostolic teaching and practice, as well as the constraints of a shared, common life with other councils in the present.

 This conciliar economy wasarticulated early.  St. Athanasius[[1]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn1%22%20%5Co%20%22) maintainedthatno new councils were to be heldexcept to ratify and rearticulate the councils of the past; that councils are for articulating the universal apostolic teaching of the Church,and that councils are valid only in so far as they express themselvesin a way that is congruent with universal acceptance.  The conciliar principlewas rearticulated in the later Middle Ages by so-called “conciliarist” theologians who so influenced Anglican thinking on church structure; e.g., William Ockham[[2]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn2%22%20%5Co%20%22) who argued thatcouncils are designed to limit the innovating powers of the pope, and to maintain the authority of Scripture and apostolic teaching.  The principle wasreiterated by Anglican theologians of respected authority.  Richard Hooker***[[3]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn3%22%20%5Co%20%22)***contended thatthe purposes of councils lie in their maintenance of peace and stability, and thattheir authority lies in their conformance to Scripture, their antiquity and in the united approbation they elicit over time.

**2.  What are the General Convention’s conciliar limits?**

 The Constitution of ECUSA acknowledges this principle of conciliar economy by defining our church’s *primary ecclesial identity* in terms of its “constituent membership” in the “Anglican Communion.”  This communion, in turn, is understood as a “fellowship” of churches itself defined in terms of its membership within “the one, holy, catholic, and postolic Church” and “upholding and propagating” the “historic Faith and Order” of this larger Church, “as set forth in the Book of Common Prayer” (Preamble).   In defining itself in this way, ECUSA has committed itself to a fundamental constitutional principle: all the legitimate work of its General Convention must take place within the limits of the conciliar economy of the Anglican Communion, itself defined in turn by the Church Universal’s “historic Faith and Order”, as confirmed in the Book of Common Prayer.  For this reason, the Constitution of ECUSA nowhere gives General Convention authority to make decisions that would, in any way, exceed or contradict these parameters.  Even the distinction between unchangeable “doctrine” and emendable “discipline” made in the Preface to the Book of Common Prayer is repeatedly made subject to this general framework of constraint, by which the “historic Faith and Order” of the wider Church is given precedence over all particular actions of the General Convention.

 The Constitution of ECUSA, therefore, is clearly defined by a conciliar economy that accepts the limits of both the Anglican Communion’s teaching and the “historic Faith and Order” of the Church Universal.  This acceptance of limits is further underlined by official choices that the Episcopal Church has made in its documented standards.

 First, both the Preface to the Book of Common Prayer of 1549 (reproduced as an Historical Document in the Prayerbook of 1979) and the Preface of 1789 (with its references to the 1662 Preface*)* contained in ECUSA’s Book of Common Prayer of 1979 make it clear that Convention’s decisions cannot “depart from the Church of England in any essential point of doctrine, discipline, or worship” and “cannot be contrary to the Word of God or to sound doctrine,” as articulated in the teaching of the “ancient fathers” (1549 Preface).

 Second, the debates and decisions of the PECUSA in the 18th century exhibit a manifest commitment to these parameters, and clearly define our present Constitution’s Preamble.   The earliest Convention (October 1785: prior to the reception of bishops for the new church) established “articles of union” among different Anglican parishes.  The purpose of this ordered union would be “the maintaining [of] uniformity in doctrine, discipline and worship.”  This became the basis of subsequent revisions of the Constitution, and in 1786 was tied, by an official act of the Convention, to the “steadfast resolution to maintain the same essential Articles of Faith and Discipline with the Church of England” (Oct. 11, 1786).  Thus, uniformity of doctrine and practice within the Episcopal Church, coupled with an “essential” uniformity with the Church England, were two sides of a single self-definition.  Thus, the “council” of Convention was seen from the start as having as its purpose the maintenance of internal order through external coherence with the larger Church.

 The Lambeth Conferences of worldwide Anglican bishops, which began in 1867, later assumed the role that had been previously held by the Church of England.  As Anglican churches spread throughout the world, many of them became independent of the English church, as did ECUSA in the 18th century.  Thus, the original notion of “uniformity” with England’s doctrine and discipline came to be defined in the wider terms of uniformity with the “Primitive Church” of the first four centuries as explicated in the Book of Common Prayer shared throughout the globe.[[4]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn4%22%20%5Co%20%22)

 The Episcopal Church’s revision of its Constitution’s Preamble now identifies the church as part of the “Anglican Communion,” itself “in communion with the see of Canterbury.”  This revision is an explicit legal recognition of the transfer of conciliar constraint from the Church of England, to the larger Anglican “fellowship” of churches that Lambeth in part represents.[[5]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn5%22%20%5Co%20%22)

 Two important conclusions follow from this explicit constitutional self-definition of ECUSA as part of the Anglican Communion:

 First, upholding or “conforming to” the “doctrine, discipline, and worship” of the Episcopal Church, an obligation central to ordination vows, is something that is neither exhausted by, nor always congruent with, General Convention’s legislated canons or resolutions.  Rather, the horizon of these vows is the baptismal vow to “continue in the apostles’ teaching and fellowship.”  This horizon is reflected in the basic principle in ECUSA’s own Constitution: faithful and conscientious guarding of and subjection to the conciliar economy marked out by the larger Communion’s enactment of the “historic Faith and Order” of the Church Catholic.

 Second, this constitutional subordination of General Convention to the larger conciliar economy coheres with a basic theological understanding of the Christian Church in general.  In the church, Christians are “fellow citizens with the saints and members of the household of God, built upon the foundation of the apostles and prophets, Christ Jesus himself being the cornerstone” (Eph. 2:19f.).  This single “household” is one whose very shape is given by the prophetic Scriptures and Apostolic teaching as they derive from, and reflect the form of, Christ. Furthermore, “membership” in this body involves the constraining reality of the many “saints” whose wider fellowship establishes the limits of what constitutes the church in any given place or time.

 **3.**      **How are these limits adjudicated?**

Unlike the American constitutional system, the Episcopal Church has no independent judicial body authorized to decide if its legislating body – in this case, General Convention – has acted against its own self-definition.  While the General Convention is explicitly forbidden to act beyond or contrary to the “conciliar economy” described above, there is no person or group explicitly authorized to determine if this has happened or not.  Ecclesiastical courts do not have the authority to evaluate the decisions of General Convention as the U.S. Supreme Court may judge the constitutionality of a given law enacted by the U.S. Congress.[[6]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn6%22%20%5Co%20%22)  In this way, the constitutional system of ECUSA parallels the British system of governance.  No independent judiciary can overturn the actions of the General Convention.  However, just as the British Parliament cannot “do as it pleases,” the absence of a juridical body overseeing questions of constitutionality does not mean that the General Convention is unconstrained.

 As with any Church council, General Convention must look “outside” itself -- indeed it is obliged to look outside itself -- for a sense of its actions’ constitutional legitimacy.  The constitutional articles and canons of the church are intrinsically insufficient parameters for adjudicating the faithfulness of the church’s actual life.  Such discernment must come from beyond its internal boundaries.  This crucial point cannot be overemphasized: ECUSA’s very Constitution founds the church upon a presumed conciliar economy.

 According to the explicit logic of its own Constitution, then, General Convention, and the church it represents, must look first to the Holy Scriptures; next to the apostolic past as it was “universally” accepted to be interpreting those Scriptures and ordering the Church’s life in accordance with them; to the Church of England’s original bequest coherent with that past; and today, to the concurrent opinion of the wider Anglican Communion, through whatever articulate and representative bodies it normally speaks – at present, individual synods of particular Anglican churches, Lambeth, the Primates’ Meeting, and the Anglican Consultative Council.   Finally, the interpretation of these various opinions belongs to the people – lay and clergy -- of the church itself, and not to Convention.  The people, in turn, must, before God, act upon the direction so discerned, in council and out.   Thus, the ultimate constitutional authority is the *consensus fidelium* (the common mind of the faithful), which is enshrined in the “historic Order” of the Catholic Church and adopted throughout the Anglican Communion.

 **4.  What happens when limits are exceeded?**

 Actions contrary to this ultimate constitutional authority render General Convention “unconstitutional.”  When councils of the Church make decisions that exceed or contradict their fundamental constitutional principle, they place the entire authority of that particular council in jeopardy.  If the unconstitutionality of a council’s decisions can be deemed knowing and intentional – that is, if such decisions deliberately ignore the conciliar economy that ought to inform or constrain it – then the council as a whole must be deemed illegitimate.  This way of judging particular councils derives from the early Church, and is the method by which the many councils held during the decades of the Arian controversy were finally sorted out.[[7]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn7%22%20%5Co%20%22)

 It should be emphasized that judgments about legitimacy apply only to the corporate identity of a particular council as a whole, and not necessarily to its constituent members – bishops, clergy, and lay deputies.   A “constitutional crisis” leaves the legitimacy and authority of particular bishops, clergy and congregations intact (even if they have participated in the council in question).  However, it releases them from the duty to recognize (and even impels them to disavow) the authority of that particular council (synod or convention) until another is convened for the sake of restoring the church’s constitutional integrity.

 The grave consequences inherent in an intentional decision by a council to ignore its proper constitutional constraints are obvious.  The unity and integrity of the ordered church are themselves not only threatened, but, at least temporarily, overturned.

 5.  What would be the constitutional status of General Convention’s explicit permission or promotion of same-sex blessings and behavior?

 Such permission or promotion would appear to be a clear violation of the Communion’s understanding of the “historic faith” as interpreted by the Church in the past and by the Communion itself.  While ECUSA’s Constitution and Book of Common Prayer do not refer explicitly to this matter, the conciliar economy that stands as the fundamental constitutional principle of ECUSA demands that any such decision regarding same-sex unions accept the constraints by which ECSUA’s corporate identity is defined.  The nature of these constraints on this particular issue are well known, having been frequently defined, and therefore any decision contrary to them would be an intentional contradiction of their force.

 The conciliar constraint of Scripture is primary.  In this case, the interpretation of Scripture on questions of sexual morality, while not unanimous in some parts of the Communion, is consistently upheld in a way that would forbid the permission or promotion of same-sex unions.  To ignore the constraining authority of this consensus requires rejecting the conciliar economy.  For ECUSA in particular, ignoring this constraint would be unconstitutional because it would:

 a.  violate the principle of uniformity of doctrine, discipline, and worship within the Communion, represented by the teaching and practice of the vast majority of Anglican dioceses throughout the world;

 b.  violate the principle of conciliar approbation, that is, that the decisions of General Convention cohere with the decisions of other councils of the Church;[[8]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn8%22%20%5Co%20%22)

 c. violate the principle of  universal acceptance, since not only within ECUSA but around the Communion such decisions would be rejected by large numbers of the faithful;

 d. violate the principle of historical continuity, since it would constitute an innovation of Scriptural interpretation, ethical understanding, and church discipline, contrary to two millennia of Christian witness and teaching.

 It cannot be stated too strongly that General Convention has no authority, within the framework of its own Constitution and its basis in the conciliar economy, to make decisions either promoting or permitting same-sex unions. As such, any decision in this direction would clearly violate the constitutionality of the Convention itself.[[9]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftn9%22%20%5Co%20%22)

 6.  What should be the response of Episcopalians to such actions?

 It is important, before all else, to determine whether, in fact, an actual decision to pursue an unconstitutional action has been taken.  Setting up commissions to discuss or even prepare for such teaching or practice is not yet an unconstitutional act, however much it might indicate or presage one in the future.

 Once such an act is officially implemented by order of a Convention, it renders that particular Convention’s actions unconstitutional and hence illegitimate as a particular body.  In this case, Episcopalians as individuals, clergy, congregations, dioceses or other groups should:

1. refuse to recognize the authority of the particular Convention in question;
2. refuse to recognize the executive demands, including budget, program, and administration of this Convention;
3. appeal to the Communion’s other conciliar bodies – individual synods, ACC, Primates, and Lambeth – asking that they confirm this non-recognition;

 d.   appeal to these other bodies asking them to issue a call to reconvene a legitimate General Convention within ECUSA;

f.    refuse to implement particular demands of Convention;

1. dissent, if clergy, from these demands on the basis of ordination vows that commit the ordinand “solemnly [to] engage to conform to the doctrine, discipline, and worship of the Episcopal Church,” something which adherence to an unconstitutional Convention would contradict;
2. maintain continued participation in diocesan (if appropriate) and parochial ministry and counsel;

i.    refuse to accept any disciplinary action (including refusal of consent to Episcopal elections) initiated by the particular convention or its executive.

An important question arises when diocesan bishops adhere to an unconstitutional Convention’s decisions, while individual clergy or parishes under such a bishop do not.  Here, however, the issue is no longer one of the authority of General Convention itself, but of how clergy and parishes relate to a bishop who may be “in error,” whether over teaching, morals, or judgment.  This situation, however, is relatively common in general; and, apart from whatever legal disciplinary actions may be appropriate to pursue (and there are such actions open to clergy and parishes), subjection to bishops, short of endorsing error itself, is required of both clergy and people as a form of obedience “in the Lord” and “out of reverence for Christ” (cf. Eph. 5:21ff.;  Heb. 13:17; 1 Pet. 5:5).  The relationships of bishop, clergy, and people are defined by the Scriptural tradition of the Catholic Church independently of the organization of churches into denominational structures.  In America, they preexisted the formation of the PECUSA and its General Convention by several years; they can surely survive General Convention’s fall into constitutional illegitimacy.

 **7.  What is the status of the Episcopal Church if one of its Conventions renders itself illegitimate?**

 The status of the Episcopal Church as a real member church of the Anglican Communion is not subverted by the actions of individual General Conventions.  What *is*subverted is the status of those conventions and their executive apparatus.  Bishops, clergy, and congregations remain truly such – as they were before the first convening of the PECUSA; just as the Catholic Church remained the Church despite the calling of heretical councils.  Individual bishops and clergy, however, can and should be subject to the discipline of the Communion, which alone, in the midst of such a constitutional crisis, has the power to resolve the crisis through their teaching and such actions as they are permitted to make.  These actions include such things as recognition of communion (in respect to particular bishops and their councils), granting seat at councils (like Lambeth), cooperation in ministry, etc.  It has generally been the case that the historical outcome of such disciplinary actions, allowed to stand on their own without further strategy, has tended to move towards the eventual correction of illegitimate councils.  Sometimes, the fallow period of these times of confusion have actually replenished the vigor and clarity of Christian faith, as they have driven the faithful back to apostolic ecclesial forms and commitments.

 In the past, this process of correction has proved long and painful.  The desire to shorten the time required by the deployment of power often proves a temptation, and when power fails, the temptation shifts, and in despair or bitterness, we can threaten to leave the church.  Nevertheless, the deployment of power has always shown itself in the end to be ineffective, and departure is as antithetical to the conciliar economy of the church as willful and unilateral innovation.  What God requires of the Church in circumstances where fidelity to the faith of the apostles and good order are threatened is neither an exercise of power nor a rush to the doorways.  What God requires is patience, steadfastness, truthfulness, repentance, and forgiveness.  Above all, God requires a willingness to suffer.  Faith cannot affirm falsehood.  Faith should not recognize and affirm those forces that debilitate the church.  But our Lord does call us to suffer the afflictions of falsehood, and to endure a broken church.  These are among the means God deploys to unify the broken body of his Son.

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[[1]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref1%22%20%5Co%20%22) Cf. *Contra Arianos*, II. 20ff. (Letter of Julius); *De Decretis*, II.4; *De Synodi s*6;  *Epistola* 54.2;

[[2]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref2%22%20%5Co%20%22) Cf. his *Dialogus*, esp. Books II and V.

[[3]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref3%22%20%5Co%20%22)*Laws*,  Preface 6.3; I.10.14; IV.13.8; 14.6;  VII.6.2.  The thrust of all of Book I, in its explication of the nature of “law”, especially for the Church, moves in this direction quite deliberately.

[[4]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref4%22%20%5Co%20%22) See Encyclical Letter, 1867; Resolution 8, Lambeth Conference, 1867; Encyclical Letter, 1878 1:11-12; Encyclical Letter, Lambeth Conference, 1888, Resolutions 10 & 19. The later so-called “Quadrilateral” of 1888 was seen as explicating only in part this “essential apostolic deposit”, and was designed to be a minimum standard for cooperation with non-Anglican Christians, not a set of criteria defining the parameters of specifically Anglican councils.

[[5]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref5%22%20%5Co%20%22) While it is true, as many have pointed out, that the meetings of bishops at Lambeth are “conferences” rather than councils, and that such conferences have no binding juridical authority for the Episcopal Church, they are nonetheless authoritative as part of the conciliar economy that is assumed throughout the Anglican Communion.  As such, Lambeth Conferences rightfully constrain General Convention’s own legitimate actions.  Further, the moral authority of the deliberative bodies of the communion as a whole is not set aside by the recently introduced principle of subsidiarity.  This principle, which had its origins in the Nineteenth Century within Roman Catholic Social Encyclicals, was originally intended to grant to lesser bodies authority to determine local matters as long as they were properly the business of the lesser rather than the greater body. The whole point of the conciliar economy, however, is that matters bearing upon the apostolic tradition and the continuing unity of the communion in catholic doctrine and practice are not matters that are properly determined locally.  Use of the principle of subsidiarity to justify unilateral action in respect to such matters simply assumes what it must prove, namely, that a change in Christian sexual practice does not concern apostolic teaching and the unity of the church.

[[6]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref6%22%20%5Co%20%22) Ecclesiastical trials make judgments about particular persons, e.g., clergy.  They do not define doctrine or discipline for the church in a precedent-setting way.

[[7]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref7%22%20%5Co%20%22) Among others, this assessment of legitimacy was the basis of Athanasius’ approach to the contradictory conciliar decisions made in different parts of the Empire (cf. *De Synodis*).

[[8]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref8%22%20%5Co%20%22) See the Lambeth Conference of 1998 in Resolution 1:10, which states clearly that such an action would be contrary to the witness of Holy Scripture and so, by implication, a threat to communion.

[[9]](https://web.archive.org/web/20030922233029/http%3A/www.anglicancommunioninstitute.org%3A80/authorityofgc.htm%22%20%5Cl%20%22_ftnref9%22%20%5Co%20%22) The contrast with past decisions to permit remarriage after divorce and the ordination of women highlights the current situation.  Neither in the case of ECUSA’s canonically granted permission to remarry after divorce nor in the case of the ordination of women did the bodies designated by Anglicans as “Instruments of Unity” see fit to declare these actions to be contrary to the conciliar economy of the Anglican Communion.  In respect to remarriage after divorce, in 1958 Lambeth made a change in direction in respect to an earlier position forbidding remarriage after divorce.  (See Resolutions 118 and 119.  See also the Appendix to Committee Report: The Family in Contemporary Society, #94, #95, & #96).  Since that time, though divorce and remarriage are permitted in a number of Provinces, no statement indicating that remarriage after divorce is contrary to scripture has been made either by the Archbishop of Canterbury, the bishops assembled at Lambeth or by the meeting of Primates or by the Anglican Consultative Council has been made.  In respect to the ordination of women, the request of the Lambeth Conference is for provinces to keep the matter open so as to allow time for a process of reception (or rejection) to occur (Lambeth 1998, Resolution III.4).  While there has been recognition of impaired communion because of the ordination of women (Lambeth 1988, Resolution 1), no statement has been made (as in the case of blessing homosexual unions) indicating such a practice to be contrary to the witness of scripture and so outside the boundaries of a conciliar economy.