

Communion and *Discipline*

**A Submission to the Lambeth Commission
by the
Anglican Communion Institute**



Seeking the mind of Christ for the Body of Christ

Table of Contents

PREFACE	3
PREVIOUS PAPERS	3
THE CALL FOR DISCIPLINE	4
THE PRIORITY OF THEOLOGY EVEN IN A CRISIS	5
I. INTRODUCTION: THE PRESENT CRISIS OF COMMON LIFE	6
<i>NORTH AMERICA: ACCELERATED DISINTEGRATION</i>	6
<i>THE WIDER COMMUNION: MAJOR REALIGNMENTS</i>	8
<i>A WAY FORWARD?</i>	8
II. A FALSE PARADIGM OF RESPONSE	10
(1) THE SUBSTANTIVE ISSUE OF THE PRESENT CRISIS IS NOT COHERENT WITH THE PARADIGM OF RECEPTION	11
<i>(2) THE PROCESS OF DELIBERATION AROUND THE PRESENTING ISSUES IS NOT COHERENT WITH THE PROCESS OF RECEPTION</i>	12
<i>(3) THE POLITICAL REALITY IS NOT ONE OF A PERIOD OF RECEPTION</i>	13
CONCLUSION	14
III. SCRIPTURE	16
<i>(1) THE PURPORTED ANALOGY OF GENTILE INCLUSION (ACTS 11 AND 15)</i>	16
<i>(2) THE PURPORTED NECESSITY OF DIFFERENT INTERPRETATIONS OF THE BIBLE</i>	17
(3) SCRIPTURE IN THE PRESENT CRISIS: THREE KEY POINTS	18
CONCLUSION	19
IV. COMMUNION AND DISCIPLINE	21
(1) SCRIPTURE FORMING THE BODY OF CHRIST	21
(2) ‘COMMUNION’ AS THE MISSIONARY EXPRESSION OF THE BODY OF CHRIST ‘IN ACCORDANCE WITH THE SCRIPTURES’	22
(3) DISCIPLINE AS INTEGRAL TO THE BODY OF CHRIST’S MISSION IN COMMUNION	23
<i>(4) FORMS OF DISCIPLINE WITHIN ANGLICANISM THAT EXPRESS AND MAINTAIN THE BODY’S COMMUNION IN CHRIST</i>	25
V. CLARIFYING TERMS	28
(1) AUTONOMY	28
(2) COMMUNION	31
(3) AUTHORITY.....	34
VI. RESTORATIVE DISCIPLINE	37
(1) INTRODUCTION	37
(2) THE PURPOSE AND FORM OF ECCLESIASTICAL DISCIPLINE	38
(3) ADDITIONAL CONSIDERATIONS	41
<i>Question One: What should be taken as a sign that the discipline offered has served its purpose?</i>	41
<i>Question Two: Within what period of time should discipline be offered (in respect both to its inception and its end)?</i>	43
<i>Question Three: What action is needed in relation to clergy and congregations opposed to innovations whose bishop is under discipline?</i>	43
<i>Question Four: What is the relationship between those given AEO and their diocesan bishop?</i> ...	44
VII. CONCLUSION	46
APPENDIX 1	47
APPENDIX 2	48

COMMUNION AND DISCIPLINE

A paper submitted to the Lambeth Commission by members of the Anglican Communion Institute (April, 2004)

PREFACE

This paper has been written for the Lambeth Commission in response to an express request from the Commission's officers for a constructive paper that would assist them in their forthcoming meetings. It has been written by a number of theologians associated with the Anglican Communion Institute (ACI).¹

This organization seeks through conferences and scholarly writings to encourage creative and thoughtful engagement with Anglican theology and practice within the context of the Communion's life in the world. Its recent publications such as *Nicene Christianity*² indicate its commitment not only to careful scholarship but also to a generous, ecumenical, and dynamic orthodoxy, rooted firmly in Scripture and the Creedal Tradition.

More recently, however, it has sought of necessity to place its theological resources at the disposal of the wider Anglican Communion in its struggles with the vexed issue of homosexuality and the varied responses to this within the Communion. In this difficult time, which threatens (in the words of the Primates gathered at Lambeth last October) to "tear the very fabric of our Communion", it would have been an irresponsible form of scholarship that failed to offer its assistance based on our commitments to the Communion, to Anglicanism, to scholarship, as well as to godly living and pastoral practice.

Previous papers

This present paper may usefully be seen as the third in a series responding to the present crisis. *True Union in the Body?* (originally commissioned for the Primates meeting in May 2003) explored the biblical and theological reasons that underpinned the Lambeth 1998 resolution (I.10) that homosexual practice was "contrary to Scripture". It also outlined a vision for the Church's pastoral care, rooted in grace and truth, and closed with warnings as to the political and constitutional crises that would develop if its appeal for a

¹ Further details of the ACI are available on its website (www.anglicancommunioninstitute.org). Copies of *True Union, Claiming* and this paper may be ordered there on line. In UK *True Union* (2nd edition) is to be obtained from Grove Books in Cambridge (www.grovebooks.co.uk).

² C. Seitz (ed.), *Nicene Christianity* (Brazos/ Paternoster: 2001).

moratorium were not heeded. These are warnings that one year later appear to be only too painfully fulfilled.

In specifying clearly the theological issues that must be addressed before the Church changes its official teaching, it lay down a challenge to revisionist thinking that an appropriate and persuasive case in its favor be made — a challenge that has not, so far as we are aware, been adequately answered. Instead, synodical decisions, in a seeming flight from serious theological engagement, have simply chosen the path of unreflective unilateral action. We take some comfort, therefore, that the Lambeth Commission has expressly *not* been given a focus on the sexuality issue *per se*. We take this as a reaffirmation on the part of the Primates that the Communion's official teaching remains that stated at Lambeth and expounded in *True Union* and that the Commission's task is therefore to deal with the situation caused by provinces and dioceses choosing to flout the Communion's teaching.

The events of last summer (2003) then called forth a second paper, *Claiming our Anglican Identity*, which catalogued the various violations of Scripture and Anglican tradition and polity within ECUSA and the diocese of New Westminster. Compiled in the weeks between ECUSA's General Convention and the Archbishop's responding Emergency Primates' Meeting, it makes plain under a variety of headings the enormity of the crisis upon us. It contains pertinent appendices, for example on the Quadrilateral, and documentation as to how the Anglican Communion processed in a quite different way the controversies over the ordination of women. Finally, it begins to make the case for the necessity of some form of discipline to be exercised.

The Call for Discipline

It is this appeal for discipline that is now developed in more detail in this present paper for the following reasons:

On the one hand, for those readers who strongly disagree with any such call for discipline, there is the perennial need for the advocates of discipline to reiterate the case. This entails outlining both why this issue is so serious theologically, but also highlighting clearly the concrete 'facts on the ground' that declare our Communion to be in imminent danger of disintegration (see section I). Such facts are unpalatable, but the time has passed when we can deny them. There is every sign that without some form of discipline and some guarding of our common theological and moral boundaries, there will be no true union in the body of the Church, which will instead become incoherent and fly apart: truly, no discipline, no Communion.

Moreover, from now on, not least because of the Internet, a truly global Communion will require speedy answers to matters that now are of immediate, almost local, concern to us all. We can no longer "act locally" without "thinking globally". This is particularly the case when local actions are quickly recognized around the globe as being supportive of a theology or practice that is plainly contrary to Scripture. The Communion will need in the future to be more transparent, more even-handed, and its life more clearly ordered by what all Anglicans perceive to be scriptural principle pursued in the light of Christ.

On the other hand, those readers who might be sympathetic to the appeal for discipline have become aware that this is not as straightforward as one might suppose. The events and discussions of last year that precipitated the forming of the Lambeth Commission made this all too plain. For example, Anglicanism has no equivalent of a Papal *curia* and has always eschewed such a centralized authority. Which body within Anglicanism would have the authority to impose discipline, and by what right? And what kind of discipline is both sufficient and yet also appropriate? It would be unfortunate in the heat of a crisis to set a precedent that proved unhelpful in the long-term or ‘un-Anglican’ by being untrue to our deepest principles.

Then again, if Anglicanism has no central *curia* that binds us together, are we forced to conclude, on the other extreme, that there is nothing that holds us together except canon law? This might then mean, as some have argued, that, since there is no already existing ‘legal’ framework for exercising intra-Communion discipline, such discipline cannot be imposed. Here we must conclude that ‘law’ is not a static body from the past, but can and must develop—and indeed always does so as new crises and situations bring forth unforeseen eventualities. The integrity of our common life in Anglicanism cannot be destroyed by the silence of the laws or by literalistically exploiting loopholes in the law. Rather, we must see canon law as necessarily emerging and developing in ways that explicate that which previously had always been assumed and well understood—albeit implicitly—as Communion *responsibilities*. Although the imposition of discipline within the Communion may appear novel in its implementation, its current demand reflects the actual life of our communion in Christ *as it is* in its full promise, and not as it may be according to human invention. To avoid such a demand, in the name of tradition, will serve only to destroy Anglicanism as it in fact exists.

The Priority of Theology even in a Crisis

It is for this reason that this present paper must go into such detail concerning the true nature of discipline within the Church. It is why, again, our emphasis is primarily theological, rather than narrowly legal. The issues, however, are not academic, but critical to the survival of the Communion. Theology is important precisely to ensure that in this crisis we take no steps that are un-Anglican. We must let the biblical and theological heritage of Anglicanism direct us *precisely because this is true to the essence of Anglicanism*. For ultimately, if we are ruled not by a Papal *curia* on the one side, nor by canon law on the other, it is because we have our own deeper way — we claim to be ruled by the ‘word of Christ’ himself. And this then requires that ‘theo-logy’ -- a true speaking of and for God -- be at the heart of our life.

This paper is offered, then, in the strong hope that, despite all the pain and stress that has been caused, this crisis may serve in the good purposes of God to bring once again to the fore the brilliant conception of Anglicanism to be a church under the rule of Christ alone by his Word; and that the true spiritual and godly authority of bishops will be seen to reside in their responsibility to teach the faith ‘once delivered to the saints’. In the apt words of St Paul: “Let the peace of Christ rule in your hearts, since as members of one body you were called to peace. And *let the word of Christ dwell in you richly as you teach and admonish one another in all wisdom*” (Col. 3:15-16).

I. INTRODUCTION: THE PRESENT CRISIS OF COMMON LIFE

We stand at an unprecedented and dangerous moment within the Anglican Communion. Never before have so many within the Communion refused to recognize the conciliar actions of, and episcopal authority within, some of its provinces. Such recognition has been a benchmark of Anglican identity (as articulated at Lambeth back in 1878)³; yet now such mutual recognition has been spectacularly thrown aside, as seen in the determined response of the so-called ‘Global South’ primates representing the overwhelming majority of the Communion’s 55 million practising communicant members.⁴ And they have declared, in various ways, some form of ‘impaired’ or ‘broken’ communion with the tiny, if financially and culturally powerful, province of ECUSA and (until now) a single diocese in Canada. The consequences of this fracturing of recognition and communion are potentially enormous, and many around the world look to Canterbury and the Primates to bring order into a frighteningly chaotic situation.

In sorting this out, the Commission has sought counsel from Anglican churches throughout the world on a number of matters touching upon the character, purpose and obligations of communion, and on the ways in which the Anglican Communion might preserve unity within its fellowship in the light of the Gospel. These matters will all be addressed in what follows, but first we must outline in some more detail the nature of the current crisis in the light of which the Commission must make its recommendations.

North America: Accelerated Disintegration

The cause of the crisis is well known: in June 2002 the Diocese of New Westminster in Canada synodically approved liturgical rites for same-sex blessings; in August 2003 the General Convention of ECUSA consented to the election as bishop of a man in a non-celibate same-sex partnership and approved a resolution (C-051) acknowledging the ecclesial legitimacy of same-sex blessings and unions. Both these actions violate the clear teaching of Scripture and the historic faith and commitments of each of these churches’ common life and of their life as members of the Anglican Communion.⁵

The immediate result of these actions by New Westminster and ECUSA has been a loss, felt by many members of these churches, in the ecclesial legitimacy of the councils in question, and of the moral authority of participating bishops and their institutional bureaucracies.⁶ This sense of local, provincial, and episcopal delegitimation has not yet

³ LR 1878:Recommendation One: “The duly certified action of every national or particular Church, and of each ecclesiastical province...in the exercise of its own discipline, should be respected by all the other Churches, and by their individual members.”

⁴ The figure of 77 million, which is often given as the total number of Anglicans worldwide, includes a figure of 26 million for the Church of England; the reality, of course, is that practising communicants in England is much lower, hence the reduced numbers given above.

⁵ As argued in ACI’s *Claiming Our Anglican Identity* (above n.1); on the violation of ECUSA’s Constitution, see also below, note 41.

⁶ The General Synod of the Anglican Church of Canada will soon put to vote resolutions that will make possible for the *entire* Anglican church in Canada what is now only officially the case in the diocese of

translated into enacted ecclesial anarchy. Yet this restraint derives from a temporary sense of respect and hope for the churches in question—not from a posture of deliberated subjection to these churches’ continued canonical authorities.

What has kept many North American Anglicans within their churches, thus far, is a deep desire for the Anglican Communion as a whole to hold together (with North American Anglicanism a part of this) and also to act—through the Archbishop of Canterbury, the Primates and the Lambeth Commission—in a way that keeps this possibility alive. The Commission must understand the extremely fragile nature of this restraint and their own potential and critical role in maintaining it even now.

Indeed there are many signs of a rapidly accelerating disintegration within North American Anglicanism. For example:

- some USA dioceses (*e.g.* Massachusetts, Washington, Nevada, Utah, etc.) are already moving ahead with local decisions that reinforce the violations of Communion teaching—in the face of repeated pleas for self-restraint;
- dozens of clergy have left the Episcopal church in the last six months or are deciding for early-retirement;
- parochial contributions to local dioceses are being redirected, even in prominently ‘liberal’ areas (*e.g.* Washington, Chicago etc.), setting in motion a contracting ecclesiastical economy;
- attrition of membership and decline in ministry engagement is being felt on a local level in many areas.

Of course, most of these trends are hard to measure accurately at this stage. But the direction is clear and alarming, and plays into an already established dynamic of numerical and missionary decline.⁷

There is, furthermore, the development of a more ‘organized’ disintegration of common life: in some cases this is tied to real or hoped-for Communion structures—for example, the struggle for Adequate/Alternative Episcopal Oversight, the widespread work of the Anglican Mission in America, the formal establishment of the Network of Anglican Communion Dioceses and Parishes. All of these formally enacted re-arrangements of authority, ecclesial and episcopal relationships, mission and even forms of jurisdiction represent people’s hopes for integrity and renewal. They are not to be dismissed in and of themselves as ‘divisive’ (as some have done). Yet, whatever their motives, it is also the case that they lay the groundwork for splintering and in some cases for legal entanglements—*but only if concerted action is not taken to reverse the dynamics of internal disintegration*. Indeed, even if such action is taken, it is no longer clear that splintering and legal action can now be avoided.

New Westminster. This portends an expanding sense among many Canadian Anglicans of the illegitimacy of their Synod.

⁷ See *e.g.* K. Martin, ‘The Future of the Episcopal Church’ (www.vitalchurchministries.org: March 3 & March 25, 2004), who synthesizes a range of well-known demographic statistics pertinent to the present situation of ECUSA. This quantitative evidence of decline shows that recent actions are simply the latest and most serious symptoms of a more fundamental qualitative decline and malaise: see P. Turner, ‘The Episcopalian Preference’, *First Things* (Nov. 2003).

The Wider Communion: major realignments

Within the larger Communion, the Commission is familiar with the widespread and formal actions taken by primates and provinces around the world that have already declared ‘impaired’, ‘suspended’ or otherwise limited communion with ECUSA, New Westminster and a range of North American bishops. Many of these provinces see association with North American churches as a direct threat to their reputation, legitimacy, and mission. These pronouncements by other provinces then place a real pressure upon dioceses and congregations within ECUSA and Canada to seek disengagement from the policies and even structures of their respective Churches; for they value their identity as being bound—in our view legally—to the Anglican Communion. As these pressures mount, so too do the tensions *among and within* Communion provinces, as each is itself in turn pressed into aligning itself along lines of commitment and allegiance defined in response to the perceived violations of Communion clear and recent teaching by North American bishops and provinces.

Public statements by the Archbishop of Sydney and the Primate of Nigeria, among others, have already indicated the direction that such realignment of allegiance may take on an inter-provincial level -- a direction that will be adopted independently of decisions by the Communion as a whole. Such realignment may place provinces in arrangements of mutual life that are disengaged from Canterbury itself, as well as from whole groups of other Anglican provinces. If this happens, then the forces of disintegration *within* individual provinces, including the Church of England, may very well follow the pattern of division and realignment now beginning to be seen in North America.

Given these unfolding realignments, the continued existence of a common Christian life among world Anglicans is clearly under threat. If broken, it is hard to imagine how the Communion could ever be put back together again.

It is not enough simply to denounce these centrifugal dynamics at work within the Communion as somehow unworthy of our common life. These dynamics are within the realm of our common responsibilities, with their immediate cause identifiably tied to decisions of dioceses and provinces in USA and Canada. These decisions have asserted a unilateral redefinition of traditional readings of Scripture, of doctrine and of discipline. They have been made in full awareness that they are contrary to the acknowledged ‘common mind’ of the Communion. Indeed, in our view, they are contrary to the foundational commitments and identity of the North American churches themselves, which are defined as constituent members of the Anglican Communion. The cause of the present dynamics of disintegration can be traced directly to those who have flouted the Communion’s common mind and seemingly chosen to cut themselves free from the responsibilities of patient forbearance and mutuality tied to their membership within a worldwide Communion. A response to these willfully taken actions is imperative.

A Way Forward?

The challenge for the Commission and the Communion’s leaders will be to constrain these destructive dynamics. This must be done in a manner that expresses what it means

to ‘live in communion’. It must also positively strengthen a common growth in Christian communion among all Anglican churches that would hold a place in their midst for ECUSA and the Anglican Church of Canada (and their members) as brothers and sisters within the actual Body of Christ. If the very reality of ‘communion’ is to have any future among Anglicans and before the face of the world (however provisional in God’s ultimate ecumenical purposes), this challenge must be met straightforwardly and decisively as a matter of utmost urgency.

To this end we now make this submission, arguing that the only way forward is one in which the Anglican Communion discovers a way of disciplined life in communion. Without such a discipline, which resists these recent innovations and sets biblical limits on the acceptable boundaries of Anglican diversity, the Communion is all too evidently prone to disintegration within a matter of months.

Our proposed pattern for such discipline will be outlined below in section VI. Prior to that, however, we will seek to build a case that such discipline is both practically necessary and theologically justifiable by focusing on the following essential points:

- the inadequacy of responding to this crisis with the model of ‘reception’ (II);
- the essential role of biblical interpretation and scriptural authority within the Church (III);
- the nature of discipline as a good, necessary and non-judicial expression of communion within the body of Christ as it responds to ecclesial disorder and disregard for Scripture & Church teaching (IV);
- the meaning and limits of ‘autonomy’, and the nature and expressions of ‘communion’ and ‘authority’ within Anglicanism (V).

Only when these key issues have been addressed can we then present our concrete proposal for *a way of disciplined life in communion* that addresses the actual crisis of common life brought about by the recent decisions of North American Anglican churches. The life of communion in the Body of Christ is one that involves concrete missionary realities of calling, decision, and relationship. We can no longer afford to engage these realities in the abstract. The actual challenges we are currently facing within our fellowship need urgent attention and definitive action.

II. A FALSE PARADIGM OF RESPONSE

The challenges outlined above are enormous, and may well encourage a sense of helplessness in some. Many others, however, will be tempted to meet these challenges by redefining them more positively; they will respond to them by attempting to place them in a familiar framework from the past according to the paradigm of ‘reception’. This paradigm has already been used within the Communion (most noticeably in response to women’s ordination) when faced with innovative actions by one or more provinces that lack universal assent and threaten to impair communion between provinces.⁸

There are six central planks of this paradigm as it has been applied previously within the Communion:

1. *Membership & Status*: There is to be no change in Communion membership or status of provinces because of their innovation.
2. *Response to Innovation*: The Communion is understood to be entering a period of receiving and testing the innovation, and the innovation in question is therefore understood to be acceptable provisionally within the bounds of Anglican diversity.
3. *Jurisdiction & Legalities*: During this period of reception there should be continuing respect for the existing legal and jurisdictional structures within provinces—both by internal dissenters and by other provinces of the Communion.
4. *Protection of Dissenters*: During this period of reception there must also be pastoral provision—through some form of extended/supplemental Episcopal care—for those who cannot currently receive the innovation within their province or accept the episcopal ministry of bishops who support the innovation.
5. *Levels of Communion*: Within this paradigm there will be some ‘impairment’ in relation to the area of innovation as not all provinces move forward together. However, given (1) & (2) above, then (3) & (4) are intended to be sufficient to secure the highest level of communion within and between provinces in the Communion as currently constituted and enable diversity with integrity within Anglicanism.
6. *Communion Instruments & Structures*: Although the instruments of unity and Communion structures face new challenges, no significant change in their rationale, composition or arrangement is likely to be required—so long as (3) & (4) above are upheld.

On this model, which assumes there is no qualitative difference between the current situation and past areas of conflict and disagreement, the Lambeth Commission might seek as far as possible to maintain the *status quo ante*, work to find ways of securing (3) & (4); and it would only reform current Communion institutions (or establish new ones,

⁸ See the reports chaired by Grindrod (1987) & Eames (1989 & 1990). For different perspectives on the workings of this, with special reference to the Church of England, see the articles in P. Avis (ed), *Seeking the Truth of Change in the Church: Reception, Communion & The Ordination of Women* (T&T Clark, 2004).

if necessary) in order to facilitate the period of ‘reception’ and protect dissenters within ECUSA and any other innovating provinces.

To approach the current situation from within this paradigm and to see parallels with past tensions, however, fails to recognize that there are three fundamental discontinuities with the question of women’s ordination. These differences relate to the *substantive issue*, the *processes leading to the current situation*, and the *political reality*.

(1) The substantive issue of the present crisis is not coherent with the paradigm of reception

The theological issues flowing from the decisions of ECUSA & New Westminster are fundamentally different from those flowing from decisions to ordain women to the priesthood or the episcopacy for the following reasons:

- a) The decisions in relation to homosexual practice are viewed by most Anglicans as a matter of the authority of Scripture and not simply as a matter of historic church practice or Anglican tradition. This is clearly stated in Lambeth I.10 which views ‘homosexual practice as incompatible with Scripture’.⁹
- b) These decisions relate not simply to a matter of church order but to moral order. They bear on the pattern of obedience called for by the gospel and the form of redeemed human life in Christ that the Church is called to make known in word and deed to the world. Indeed, in the light of apostolic teaching (especially 1 Cor. 6:9), many Anglicans would argue that a church that commends sexual relationships other than marriage puts at risk the eternal salvation of those entrusted to the Church’s care and guidance.
- c) These decisions are ones where the actions of a province and diocese clearly violate and disregard the teaching and counsel of the Anglican Communion as a whole. The Communion has recently and clearly stated its mind as a communion, not only in relation to biblical teaching but also its implications for Anglican practice: the Lambeth Conference ‘cannot advise the legitimising or blessing of same-sex unions nor ordaining those involved in same gender unions’. This again contrasts with the situation in the Communion in relation to the ordination of women when ECUSA and other provinces began to ordain women priests.¹⁰

⁹ On this, see more detailed argument in *True Union* (above n.1). On the “essential” character of the Church’s traditional doctrine and discipline around sexuality, see also *Claiming Our Anglican Identity* (above n.1), III.4, the concluding summary paragraph of which is as follows: “In general, the ‘essential’ character of the Church’s teaching on human sexuality is proved in its consistent expression in Scripture, its intimate tie with Christological and ecclesial figures, its use in prophetic imagery, its continuous presence in the universal Church’s teaching, and finally its theological implication in the doctrines of creation, of the human purpose and destiny, and therefore of redemption. Furthermore, human sexuality has, in fact, been a church dividing issue (clerical marriage) and at Nicea was directly addressed as a crucial matter of orthodox practice (cf. the several Canons of this Council that speak to the sexual behavior of clergy).” The Scriptural character of this “essential” matter is addressed in Section III below of the present essay, and the constitutional question for ECUSA referred to in note 41 below.

¹⁰ On the comparison with women’s ordination, see *Claiming*, Appendix 3, and M. Tanner, *Decision Making Process in the Communion of the Church* (Lambeth Commission Paper). There was never any declaration that Scripture explicitly prohibited women’s ordination. Admittedly, one Lambeth Conference

(2) The process of deliberation around the presenting issues is not coherent with the process of reception

The process of deliberation by which the decision was reached in New Westminster & ECUSA is fundamentally different from that followed in relation to those issues that have entered a process of reception within the Communion:

- a) There has been no agreement within the Anglican Communion to ‘receive’ and test this innovation while maintaining as high a level of communion as possible.¹¹
- b) No attempt has been made to secure assent to receive the innovation before proceeding with it, despite the Lambeth Conference advising “member Churches not to take action regarding issues which are of concern to the whole Anglican Communion without consultation with a Lambeth Conference or with the episcopate through the Primates Committee”.¹²
- c) Repeated appeals and warnings not to proceed by other Anglican provinces and by the instruments of unity have been ignored.¹³

described it as ‘against the tradition and order...of the Anglican Communion’ (LR 1948:113); but a later Conference concluded that ‘the theological arguments...are inconclusive’ (LR 1968:37).

¹¹ The longer historical context in relation to women’s ministry must also be remembered. There was never any claim that the action was ‘against Scripture’; on the other hand, there was a noted patience shown by those eager to innovate. In 1920 the Lambeth Conference stated: “The order of deaconesses is for women the one and only order of the ministry which has the stamp of apostolic approval, and is for women the only order of the ministry which we can recommend that our branch of the Catholic Church should recognise and use’ (LR 1920:48; reaffirmed in 1930:67). After the ordination as priest of Florence Li Tim-Oi in 1944, Lambeth rejected an appeal for experimentation: when asked “whether such liberty to experiment within the framework of the Anglican Communion would be in accordance with Anglican tradition and order”, the Conference felt “such an experiment would be against the tradition and order and would gravely affect the internal and external relations of the Anglican Communion” (LR 1948:113). It was “aware that in some quarters there is a desire that the question of ordination of women to the priesthood should be reconsidered”, but ruled, in the light of the Archbishops’ Commission on the Ministry of Women (1935), that the “time has not come for its further formal consideration” (LR 1948: 115). In 1968 the Conference affirmed “its opinion that the theological arguments as at present presented for and against the ordination of women to the priesthood are inconclusive” (LR 1968:34), and called for careful consultation, recommending that “before any national or regional Church or province makes a final decision to ordain women to the priesthood, the advice of the Anglican Consultative Council (or Lambeth Consultative Body) be sought and carefully considered” (LR 1968:37). This was duly followed when it was agreed at the ACC (1971) that any decision by the bishop of Hong Kong to ordain a woman to the priesthood “will be acceptable to this Council, and that this Council will use its good offices to encourage all Provinces of the Anglican Communion to continue in communion with these dioceses”.

¹² LR 1978:11. This principle is clear also in ecumenical discussions, e.g. in the Anglican-Lutheran agreement: “To be in full communion implies a community of life, an exchange and a commitment to one another in respect of major decision on questions of faith, order and morals” (*Growth in Communion*, para.113). Paradoxically this principle has also been acknowledged by ECUSA itself and in relation to matters of sexual ethics as recently as 1991: “these potentially divisive issues...should not be resolved by the Episcopal Church on its own” (1991 Gen Convention B-020).

¹³ See *Claiming*, Appdx 1.

- d) The justification for action has been a particular view of ‘autonomy’. However, as Tanner comments, a primary lesson learned in the process of discernment concerning any matters being considered within a period of reception (*i.e.* women’s ordination) was that “provincial autonomy is not the way of life in communion; ...there was a prevailing ‘sense’ that matters that touch the faith, order or moral life of the Church should only be settled within the interdependent life of the whole Church”.¹⁴ Furthermore, the whole understanding of ‘autonomy’ used in defence of the action is itself highly questionable.¹⁵
- e) Reception can only take place in the context of mutual trust and respect; but the manner in which the present actions have been taken has seriously damaged that trust—both externally (between Primates and provinces) and internally within the provinces/dioceses.

(3) The political reality is not one of a period of reception

As a result of these fundamental differences in substance and process, the political reality now facing the Communion and the Lambeth Commission (as sketched in section I) is fundamentally different from that which the Communion faced from 1971 onwards. The ecclesial context is therefore quite different from that examined by the Grindrod and Eames Commissions in relation to receiving the ordination of women.

- a) It is already clear that at least a significant minority, quite possibly a majority, of provinces will not accept the ‘reception’ paradigm.
- b) A number of provinces appear no longer willing to commend innovating provinces/dioceses as churches that, in and for their geographical location, bear faithful witness to Christ as Anglicans have received him. They are therefore unlikely to be willing to support their mission, or to entrust baptised Christians to them for nurture and growth; nor will they share in common counsel with them in a structure of mutual accountability and recognition.
- c) Already statements are being issued and actions are being taken at the inter-provincial level of the Communion without reference to the Communion’s instruments of unity; many of these clearly cannot be subsumed within the ‘reception’ paradigm.
- d) Within the provinces concerned a significant number of parishes/dioceses are dissenting from the decisions and not acknowledging their authority or the authority of those who approved of them. They are, however, refusing simply to leave the church—not least because they have the support of many provinces within the Anglican Communion. One clear sign of this difference is the willingness of a number of primates and bishops to offer their ministry to dissenters without permission of the bishop with legal jurisdiction. There has thus come about a total disregard for those “principles of church order” set out at Lambeth 1878 “for the maintenance of union among the Churches of our Communion”.¹⁶

¹⁴ Tanner, *Decision Making Process*, para. 13, p. 5.

¹⁵ See N. Doe, *Communion & Autonomy in Anglicanism: Nature & Maintenance*; and further below (section V.1).

¹⁶ LR 1878, Encyclical Letter 1.5. It continues: “when a diocese, or territorial sphere of administration, has been constituted by the authority of any Church or province of this Communion within its own limits, no

- e) Ecumenical partners are treating this innovation as significantly and qualitatively different from those introduced in the past.

Conclusion

In summary, the Communion has made quite clear that it does indeed have teaching in relation to human sexuality and that this declares certain forms of conduct to be contrary to Scripture. This renders the acceptance of that conduct to be outside the bounds of Anglican diversity. For it is one of the “fundamental principles of the canonical tradition...[that] it is not lawful for the Church to ordain anything that is contrary to God’s Word written”.¹⁷ Those who cannot accept Communion teaching have nevertheless acted contrary to that teaching; they have ignored the responsibilities of ‘communion’,¹⁸ the principle that ‘what touches all must be approved by all’,¹⁹ and also the Anglican ethos of “a theologically informed and spiritually sustained *patience*”.²⁰ There is therefore a widespread belief in the Communion that the current crisis is fundamentally different from previous ones and so cannot be resolved within the existing paradigm of ‘reception’. Quite possibly, those desirous of change believed their innovations would be more likely to enter a period of reception if enacted rather than if (as with women’s ordained ministry) prior agreement were sought for the acceptability of innovation. It is, however, clear that any such judgment has proved false. All too evidently we have entered, not a period of ‘reception’, but a process of ‘rejection’.

At the same time there is evidently a widespread desire for a deeper worldwide communion between those Anglicans committed to catholic faith and morals. Since the ‘reception’ paradigm is misleading and mistaken, the current structures of the Communion must find some other ways of addressing this crisis. If they do not, then there is a real risk that those structures will be abandoned by many. Worldwide Anglican realignments will come about as provinces see to establish new structures that will both

bishop or other clergyman of any other Church should exercise his functions within that diocese without the consent of the bishop thereof”. At the May 2003 Primates’ Meeting the Primates also stated: “in recalling the Virginia Report’s exhortation that we should strive for ‘the highest degree of communion possible with tolerance for deeply held differences of conviction and practice’ (*Report of the Inter-Anglican Theological and Doctrinal Commission*, 1997, ch. 1), we are committed as Primates...to respect the integrity of each other’s provinces and dioceses, acknowledging the responsibility of Christian leaders to attend to the pastoral needs of minorities in their care” (Primates’ Pastoral Letter, May 27th 2003, Brazil). While disregard for these principles is obvious (and has, in fact been underlined by the March 2004 statement from the ECUSA House of Bishops), the Commission must also note that it represents a deliberate posture taken in response to the growing sense of canonical anarchy set loose by North American actions that themselves disregarded the clear direction of Communion teaching.

¹⁷ Doe, *Communion and Autonomy*, pp. 24-25 (citing Article 20 at n. 240). See also *True Union?*, ch. 6.

Hugh Latimer’s 16th-century judgment well expresses this fundamental Anglican principle: “If [a conciliar decree] agree with God’s word, it is to be received; if it agree not, it is not to be received, though a council, yea, though an angel from heaven, had determined it” (“Sermon preached at Stamford: Nov. 9th, 1550”).

¹⁸ Doe, *Communion & Autonomy*, discusses the terms and conditions of communion (I.7, pp. 14-16) and the limits of (provincial) autonomy (II.2, pp. 29-34). He includes the following as internal limits on autonomy: duties to maintain communion, to govern compatibly with the instruments of unity, to exercise ministry compatibly with the terms of communion and to maintain common doctrinal and liturgical standards.

¹⁹ This principle is cited by Doe, *Communion & Autonomy*, p. 24, n. 237.

²⁰ This characterization is offered by R.D. Williams in his *Anglican Identities* (DLT, 2004), p. 7 (italics original).

be faithful to God's Word in Scripture as heard within the Church and also fully committed to mutual accountability and the real disciplines of communion. For this reason we offer our proposal, which, we suggest, is the only way forward through this impasse: not a process of reception, but a process of restorative discipline.

III. SCRIPTURE

We have referred above to the critically significant role that the authority of Scripture plays in the current crisis. Because of Scripture's plain teaching on the subject of homosexuality, the recent North American conciliar decisions must be seen as quite distinct from previous matters of contention within the Communion. It is necessary, therefore, to address briefly the matter of scriptural authority and communion straightforwardly in the present context—although in a very limited way. So much has been written on the role of Scripture in this debate that there is the risk of simply repeating prior discussions.²¹

For present purposes we call attention to two matters, popularly reproduced in our day:

- the idea that the Holy Spirit teaches new truths beyond Scripture's plain sense, and that the warrant for this can be found in the inclusion of gentile Christians in the Early Church;
- the idea that Scripture has no plain sense, and that diversity is a feature of Scripture in such a way that diversity in interpretation is a necessity.

The first matter is highly relevant to the question of 'conciliar' decision-making, and the second to the matter of communal teaching and response to innovation within communion.

(1) The purported analogy of Gentile inclusion (Acts 11 and 15)

Peter's action of receiving Gentile converts without demanding circumcision has often been used as a scriptural justification for 'full inclusion' of gay persons into the authoritative life of the Church without demand for behavioral change. It has also been used as a precedent for the Church receiving 'new truths' by the revelation of the Holy Spirit, that somehow go beyond and even against the explicit teaching of written Scripture. It is important, therefore, to see how in fact Peter's actions are justified according to the account in Acts, and also how the body of Christian leadership 'in council' is led to accept them as of God.

According to Peter himself, his actions are said to have dominical warrant (Acts 11:16). Moreover, rules are laid down by the apostolic leadership upon Gentile Christians (15:20), and these are drawn directly from Leviticus. The texts involved deal with the "sojourner in the midst of Israel" (see Lev. 17:10, 13; 18:26). We are told that the baptism given to uncircumcised Gentiles and its scriptural warrant were approved in the context of full apostolic consent and without dissent (Acts 15:12, 22). Here, therefore, is a case where the work of the Holy Spirit is clearly seen to be continuous with the will of the God as revealed in the Old Testament ("with this the words of the prophets agree"), in the words of the Lord Jesus ("I remembered the word of the Lord"), and in the consensus of the Church.

²¹ See *True Union?* and *Claiming* (above n. 1) on such matters as: Scripture's plain sense; modern hermeneutics; the diversity of interpretation.

The episode therefore offers a good example of how Scripture (now comprised of two Testaments) should be used today. Indeed it shows how the actual process of decision-making and innovation in North America, far from following it, has instead contradicted this example. In the debate over same-sex approval, we cannot point

- to scriptural warrant;
- nor to dominical teaching;
- nor to past Church consensus or teaching.
- Moving forward with this new teaching has not come as a result of widespread agreement that this is pleasing in God’s eyes;
- rather, it has exposed widespread disagreement, ecumenical severance, and public divisions before the Gentile world.
- Indeed, over against Peter’s activity and the Council of Jerusalem, it has had an inverse and negative missionary effect out of all proportion to the Acts account—resolving this matter will not come about quickly nor without real cost.

(2) The purported necessity of different interpretations of the Bible

Much has been made by North American innovators in the present crisis of the need both to interpret Scripture diversely (so as to grasp the supposedly multivalent and culturally incomplete character of its truth), and to accept such diverse interpretations so as better to enter the depth of Scripture’s meaning in communion with those who interpret differently. This claim to valid diversity of interpretation as a justification for innovation—however troubling that innovation is to the life of the Church—fails to grasp the essential way that the Church, precisely because of its vocation of communion, has ordered its diverse readings “according to” the internal coherence of Scripture’s received plain sense.

We see this clearly in the Early Church. During this period appeal to the ‘rule of truth’ or the ‘rule of faith’ meant that a larger pattern or scope or intent (the terms used are *dianoia*, *skopos*, *hypothesis*) could be grasped in Scripture’s varied presentation, and that the Church was to teach in accordance with this rule. Both the rule and Scripture together had a recognisable, public, and perspicuous character.

The alternatives to such ordering coherence were:

- (a) failure to see or acknowledge a unity and coherence flowing from the material witness. In other words, accepting that there was no ‘mind of Scripture’ or ‘sense’ or ‘christological centre coordinating the witness in its entirety’; *or*
- (b) rejection of parts of Scripture, or entire sections altogether (what Tertullian called the ‘circumcision’ and ‘castration’ of the Scripture); *or*
- (c) appeal to new knowledge not given to the apostles or prophets, and not known in the Church’s teaching and worship.

Each of these alternatives clearly subverted the possibility of an ordered mission and coherent Gospel to be preached and taught. Each thereby was seen as acting against the reality of the Church as the Body of Christ expressing itself through communion.

To be sure, there is some diversity of interpretation in the Early Church (for example, in the different emphases of Alexandrian, Antiochene and Cappadocian exegesis). Yet this was not the boundless diversity of a post-modern species, nor enthusiasm about Scripture's potential to generate different readings. Instead the same pressure for proper recognition of order (*taxis*) and larger meaning (*hypothesis*), as well as the assessment of sequence and presentation (*akolouthia*), animates interpreters as diverse as Irenaeus, Origen, Theodore, and Gregory of Nyssa. Moreover, the Church also could and did assess limits to interpretation. As a result, one can fairly say that the Church *was more concerned with this problem of interpretative freedom in exegesis and doctrine than any other issue it faced; and that the crises over dogma were crises over how to handle Scripture's diversity and plain sense*. The pressure was for stability in interpretation, and for deference to its plain sense and the received teaching of the Church—not for diversity and local options. The reasons for this had to do with God's own stable character, as plainly revealed in his economy, even while reflecting an immanent unity of being and purpose in time—both aspects of which were essentially expressed in the Church's common life and mission.

Appeals to a new work of the Holy Spirit, therefore, which is at odds with the scriptural witness or out beyond its own plain sense apprehension, reveal a double and deeply significant problem. First, they are corrosive of the economic sufficiency of God's word in "the prophets and apostles" as well as of God's own character as Father, Son, and Holy Spirit—that is, three persons yet consistent and unified and eternally One. Secondly, they also undermine the life of the Church as a witness to this reality of who God is.

The Anglican Articles of Religion sought to guard against similar threats, using their own language, by speaking of Scripture's *sufficiency*; of its *authority* over the Church; and of the pattern of truth it conveyed, that was not to be encroached upon by schemes of *repugnance*, wrongly defended as the Church's authority so to teach. The purposefulness of *God's word to Israel* was upheld. Moreover *reason* within Anglicanism referred to that theological grounding in creation which enabled the Christian to read the Bible and to apprehend its plain sense, guided by the Holy Spirit, within the life of the Church and obedient to its teaching (*Tradition*). It was not, of course, tied to any notion of human rights and market diversity.

(3) Scripture in the present crisis: three key points

1. Christians have apprehended a *plain sense of Scripture* in the area of human sexuality; and the history of interpretation and of catholic life have manifested agreement on this teaching.

2. What is called today diversity and pluriformity of interpretation (demanded by purported newly discerned cultural truths), is, within the history of exegesis, that aspect of Scripture which may or may not pertain to God's economic life, with Israel and the Church. It is strictly limited by the fact that the *Holy Spirit cannot bring a truth which lacks accordance with God's word* given in Israel and to the apostles. As the American Episcopal Church's own catechism economically puts it: "Question: How do we recognize the truths taught by the Holy Spirit? Answer: We recognize truths to be taught

by the Holy Spirit when they are in accord with the Scriptures.”²² This “accordance” belongs to the very heart of creedal affirmation, which is itself rooted in the New Testament’s proclamation that the life, death, and raising of Christ happened “in accordance with” the Scriptures of Israel (1 Cor. 15:3).

3. Finally, the concern with diversity and pluriformity of interpretation also belongs to the modern (post-modern) climate of consumerism and market choice, and has no direct analogy in the history of interpretation. In this history, diversity of interpretation has always been constrained by a concern to pass on the plain teaching of prophets and apostles, and to assure that Christian doctrine and teaching, in all areas of its common life, are “in accordance with the Scriptures”. From the very inception of the Church there were always occasions when the limits to compromise were keenly felt (Gnosticism, Marcionism, Manicheism, Montanism). About some matters limits were very clearly set; compromise was ruled out, lest the teaching of the apostles be obscured and the truth of God in Christ be distorted, elongated, moralised, or attenuated and dismissed.

Conclusion

While not an ecumenical council, the Lambeth Commission is acting on behalf of the whole Church of the Anglican Communion, and therefore will rightly seek to function as did synods and councils of the past. These sought not to revise past teaching; nor to pass on new teachings where the old were deemed not to be deficient; nor to combine various conflicting positions and so produce a kind of stew. That would be to move into the culture of rights and choices, and not the faith of prophets and apostles.

On the contrary, councils met to determine the proper limits of catholic faith and teaching, and to rule out positions which were not in ‘accordance’ with the sacred deposit of the prophets and apostles. This practice found its point of origin in Scripture itself—for example, in the Council of Jerusalem with which we began this section. The question was always: Did a practice find agreement with the prophets and could a work of the Holy Spirit be said to have dominical support?

The Lambeth Commission may indeed not be directly addressing the Church’s teaching on matters of sexuality. Nevertheless, it is arguably in a position whereby its response to violations of that teaching could indirectly result in its *becoming the first council to state, even if only by implication, that the Church has no clear sense of Scripture’s teaching in the area of human sexuality*; or that Scripture is not clear or has no word to speak; or that Scripture can contain positions which are mutually opposed. We ask that the Commission *not* set this precedent (which would be entailed by recourse to the ‘reception’ paradigm). Rather we ask that it forbear and maintain the teaching of the Church as previously passed down and upheld through the ages.

Yet the Commission can only do this if it can recommend communal action that properly expresses what it means for this Church, living in communion, to live ‘in accordance’ with Scripture. This is why, consistent with the teaching of Old and New Testaments, we urge that those in this Communion who have departed from Scripture’s plain sense and

²² ECUSA *Book of Common Prayer* (1979), p. 853.

catholic teaching be disciplined. If the Church will not express and enact such discipline, it will clearly have surrendered and abandoned the plain sense of Scripture. To the character of that discipline, we now turn.

IV. COMMUNION AND DISCIPLINE

(1) Scripture forming the Body of Christ

Does this framework of scriptural authority, sufficiency, and coherence define Anglican churches in a fundamental way, in their actual relationship one to another? And if so, does it exercise influence upon the choices churches are called to make in these relationships? An answer to these questions will in part clarify the role that canonical realities ought to play in the present crisis among churches within the Communion, in particular if such canonical realities are to determine or to *be* determined by some more primary theological truth regarding the Communion's life.

Certainly, within the tradition of the Christian Church's self-understanding—including Anglicanism—the scriptural coordinates of the 'rule of faith', the scope and center of the Scriptures' reach, and the authoritative non-repugnance of scriptural writings have always represented an *essential* facet of the Church's own integral witness within the world, in word and deed. The reality of an ecclesial existence and teaching 'in accordance with the Scriptures' therefore stands as the foundation of integrity for the Church's life in Christ.

Historically, Anglican churches have preferred to use the scriptural referent of the 'Body of Christ' as the primary theological explanation of their life as Church. Until the twentieth century, the term 'communion' enjoyed a more limited and technical usage—in the context of the sharing of sacraments and episcopal orders. Its application as descriptive of some deeper relationship among churches came late and was not even in play when the first Lambeth Conference was convened. In a way, this should come as no surprise, since 'communion' is not a scriptural term used to refer to the Church in the essential way that the Body of Christ is.²³

It is, in fact, within the contours of the 'Body of Christ' that the scriptural framework of lived accountability is traditionally established. As H. P. Liddon noted, what was true for Tertullian's church was understood to be applicable for the Church of England and for developing sister churches as well: "Of ourselves we form a single body, united by the bonds of one faith, of one discipline, of one hope.... This Divine Word [of the Scriptures] nourishes our faith, raises our hope, strengthens our confidence, tightens the bonds of

²³ This difference has been noted in other traditions as well, *e.g.* among Roman Catholics; see the 1992 Letter to Bishops from the Congregation of the Doctrine of the Faith, *Some Aspects of the Church Understood as Communion* I.5. Congar, in an important early article, with much historical detail, pointed out that, from the perspective of Catholicism, 'communion' appropriately designates a "non-catholic" body *precisely because* it is an incomplete and secondary element within the true Church's life. See his "Note on the words 'Confession', 'Church', and 'Communion'" (1950), reprinted in Congar, Yves M.-J., *Dialogue Between Christians: Catholic Contributions to Ecumenism* (London: Geoffrey Chapman, 1966), 184-213. Hooker's rich and theologically primary consideration of the Church as the Body of Christ is well known (*cf.* *Laws*, V.54ff.), and the framework remained central in Anglicanism after him. The interplay between 'Body of Christ' as the fundamental designation of the Church, 'communion' as a kind of denominational designation, and 'inter-communion' as a structural relationship between denominations, can be seen in *e.g.* the 1948 Lambeth resolutions regarding ecumenism and unity (56ff.); *cf.* also the 1958 Lambeth Encyclical.

discipline, by its inculcation of precept.”²⁴ For Tertullian, as for the catholic tradition of the Early Church as a whole, the formative power of the scriptural ‘precept’ as received corporately was precisely what constituted the ‘shared’ aspect of ‘communion’. It was what shaped, as internal *disciplina*, the common life of the Christian community in its witness before the world.

(2) ‘Communion’ as the missionary expression of the Body of Christ ‘in accordance with the Scriptures’

When the notion of an ‘Anglican communion’ surfaced—the phrase is commonly associated with a document from the 1851 Society for the Propagation of the Gospel Jubilee—it was used to describe the lived fruits of this ‘body’ as it had carried out its mission of witness within the larger world. That is, ‘communion’ here represented the power of a missionary impulse informed by a Gospel properly motivating the life of the Body of Christ as embraced in the Church of England.²⁵ When the Lambeth Conferences began to describe the internal relationship of churches within the ‘Anglican Communion’, it was not simply in terms of the canonical forms of ‘inter-communion’ – a term applied instead to relationships with certain appropriate non-Anglican denominations – but of churches genetically bound in a living and shared ‘faith and doctrine’ with a ‘mother church’ whose evangelical gifts had given them birth.²⁶ According to this description, ‘reception’ into a kind of ‘union’ with one another represents an acceptance of this reality of the Body’s informed mission and demonstrates a commitment to its maintenance. Although the parent-child imagery is now seen as anachronistic, its continued pertinence lies in its description of an organic and disciplined communion identity, very much in the original apologetic and missionary tradition of someone like Tertullian.

In light of this, we can say that the authority, sufficiency, and non-repugnant reference of Scripture at work within the Communion will be a sign of its living coherence as the Body of Christ. And, by contrast, a Communion expressing an internal discord that has as its disruptive center contradictory apprehensions of Scripture’s scope, demand, and reference will represent a Body in the process of missionary disintegration. This is why the 1998 Lambeth Conference’s clear and overwhelming affirmation of what Scripture teaches about sexuality and what is ‘in accordance with the Scriptures’ on this matter is so significant; and why the subsequent dismissal of this affirmation by various individual member churches, whose acceptance of ‘communion’ was signaled through their participation at the Conference, is so destructive.

²⁴ Tertullian, *Apology* ch. 39. Dean Liddon dwelt upon Tertullian’s vision in e.g. his 1872 sermon ‘The meaning of Church life on earth’.

²⁵ The actual New Testament references to “communion” itself (*koinonia*) touch upon these spiritual fruits of the Body’s active self-expression in the world: pure moral habits as joined to divine holiness (2 Pet. 1:4); mutual suffering and encouragement among members of Christ (2 Cor. 1:7); teaching and evangelizing the faith (Phlm. 6); common life and action in the Spirit (Phil. 2:1), etc.. Thomas Bray, the SPG’s founder, provided a dynamic vision of the missionary character of the Church as Body of Christ expressing its nature through acts of communion and discipline; cf. not only his sermons on mission in America, but also the *Lectures upon the Church Catechism* (1696), Lecture 5 on Church Membership.

²⁶ Cf. 1867 Lambeth Resolution 8.

It is, furthermore, important to see in this context why is it *not* the case that rejections by individual churches of Lambeth's resolution on sexuality represent the setting in motion of a procedure called 'reception' (in this case of a novel reading of Scripture) that needs to have space granted it to run its course. Within the Christian Church as the Body of Christ, 'reception' is a basis of law in a very particular sense; that is, only within the realm of some kind of functioning communion that has, as its foundation, being 'in accordance with Scripture'. As Yves Congar has pointed out, reception is "the acceptance by the community of a truth proposed to it", when that truth is based on the "reason of the Old and New Testaments".²⁷ Not anything that is 'received' by the Church in a bare procedural sense is therefore an actual 'reception of the truth'; and what is not received, when measured 'according to the Scriptures', is to be understood as a rejection of something on the basis of the truth itself, and not merely because of local distastes.

This is congruent with Anglican theology's venerable adherence to something like the so-called Vincentian Canon, whose criterion for the embrace of a given doctrinal tradition is not simply based on a wide geographical, temporal, and personal reception ("universality, antiquity, and consent") but has as its more fundamental constraint that it be 'in accordance with the Scriptures' in a way that marks a coherence of recognized scope, demand, and reference. That is, it is a doctrine's lived scriptural 'consonance' (one that has motivated the Church's mission in the past), that itself must determine the very appropriateness of raising the question of reception in the first place.²⁸

(3) Discipline as integral to the Body of Christ's mission in communion

The rejection of 1998 Lambeth I.10 by ECUSA and other parts of Anglican North America—even in the face of widespread and clearly articulated protests upholding that Conference's coherence—represents a rejection of the very framework by which reception can function: the Body's life 'in accordance with Scripture' as its missionary character. This rejection, by definition, constitutes therefore the embrace of anarchy and the undercutting of communion itself. Thus the signs of breakdown that we now see in structural and jurisdictional order in North America are only legal symptoms, not causes, of a deeper disease affecting the Church's very nature in this place.

The appropriate character of response to this condition must therefore spring from this more basic nature of the Church as the Body of Christ, whose life as 'communion' is formed by an accord with the Scriptures, and not primarily from the formal canonical constraints that order the structures of Anglican churches. For this reason the Commission must confront the fact that the *response of 'discipline' represents the absolutely necessary and faithful avenue* given the churches of the Communion in the face of their current crisis.

²⁷ Y. Congar, "La 'Reception' comme réalité ecclésiologique", *Revue des Sciences Philosophiques et Théologiques* LVI (1972), pp. 369-403, at p. 392. See the discussion in Brian Tierney, "'Only the Truth Has Authority': The Problem of 'Reception' in the Decretists and in Johannes de Turrecremata", in *Law, Church, and Society*, eds. K. Pennington and R. Somerville (Philadelphia: University of Pennsylvania Press, 1977), pp. 69-96, and his discussion on "consonance [*consona*] with Scripture" as the touchstone of proper "reception" (p. 88).

²⁸ Cf. Vincent of Lérins' *Commonitory*, 54-59 (on 'progress' in doctrine) and 70.

Discipline is not primarily a legal reality. As the ordering force of the Body's life in witness before the world through its scriptural consonance, discipline represents very generally and freely the means by which the Church, at any given time, is 'formed' into this common life of faith. The word is not a juridical term, but a pedagogical one. It derives directly from the *disciplina* of the Vulgate's rendering of the sapiential concept found in Proverbs and Job, transferred most famously to Hebrews' vision of God's fatherly education of the Church:

"For the Lord disciplines him whom he loves, and chastises every son whom he receives [Prov. 3:12]. It is for discipline that you have to endure. God is treating you as sons; for what son is there whom his father does not discipline?... He disciplines us for our good, that we may share his holiness. For the moment all discipline seems painful rather than pleasant; later it yields the peaceful fruit of righteousness to those who have been trained by it" (Heb. 12:6-7, 10-11).

Applied to the Church, discipline lies at the center of the Body's self-expression. Neither punitive nor acting as some extraneous force, discipline is the Body's own character of communion as it maintains itself internally in the midst of whatever dynamics of disorder may threaten it or prod it to further growth in the Spirit. Rather than appealing to or feeling limited by canonical definitions regarding the scope of autonomy and intervention among various Anglican churches, the disorder of the Church's Body in communion calls forth a response of discipline by all brothers and sisters joined together in Christ, and this response is governed solely by the intrinsic needs of the Body's own health and mission. Legal restraints are *not* the primary basis for discipline, and they do *not* define discipline, but this is because the primary character of discipline is the same as that which blesses the Body: love itself.

The goal, and only ultimate goal, of discipline is reconciliation in the truth, reciprocally and fully, whose final gift is the missionary impulse provided through a life of forgiveness. From a scriptural standpoint, the central discussion of discipline within the Church appears in Matthew 18:15-20, where the matter of "binding and loosing" is addressed by Jesus. This discussion (understood in light of other New Testament accounts of Church discipline, as in 1 Corinthians 5:6ff.), shows how necessary it is for the Church's people as a whole to engage in the process of confronting, addressing, and responding to perceived offense—through discussion, discernment, decision, and action. Indeed, it is imperative—for the sake of maintaining the 'body's' health in growing in love, "gaining a sister or brother", and taking faithfully the reality that we are, both in the suffering of scandal and of reconciliation, "members one of another".

This engagement in discipline for the sake of love is one that is governed, not by rules at all, but by the recognition of authority, respect for individuals, embrace of moral standards, and willingness to be flexible. All these constitute a proper submission to the Holy Spirit's fundamental leading of the Church.²⁹ John Howard Yoder, comments on the "real tragedy" of neglecting the function of discipline within the Church:

²⁹ The pneumatic basis for the Church's corporate life of maintaining its order in faith, witness, and unity is what links discipline to 'communion' so essentially. Canon law derives from and must bow to this primary practical dynamic. Cf. Congar's discussion of the Holy Spirit and the Church in the second volume (*The Lord the Giver of Life*) of his *I Believe in the Holy Spirit* (New York: Crossroad/Herder and Herder, 1997), chs. 1-5; see chapter 3's discussion of the relation between an ordered 'catholicity' and the

“as *church* we come to respect as a sign of maturity the willingness to live with directionlessness and with unreconciled divisions and conflicts. We reject as immature or impatient those who would argue that something definitely must or must not be done. We make a virtue of the ‘acceptance’ of intolerable situations rather than of the obedience in openness and forgiveness that could transform a situation [...by our] taking responsibility for the direction in which churches and their institutions are evolving”.³⁰

We urge the Commission to recognize that the call to exercise discipline upon the disordering forces of North American Anglican churches is one that comes from the *reality of a communion already existing and is oriented in love for the sake of such a communion’s continued survival*. Its authority, furthermore, is given in the reality of this church, in communion, as being truly the Body of Christ.

(4) Forms of discipline within Anglicanism that express and maintain the Body’s communion in Christ

Within this context, the expressions of ‘impaired’ or ‘separated communion’ articulated by various provinces and bishops within the Anglican Communion vis-à-vis American bishops and structures can be, and probably ought to be, taken as local steps in the process of ‘discipline’ in its pneumatic authenticity, and not as the implementation of formal canonical processes of separation. This explains, in part, the blurred and seemingly imprecise use of the language of ‘communion’ itself in these cases.³¹

Having engaged in counsel and admonition with their American brethren over the matter of changed sexual teaching and the shape of ordained ministry, churches now announcing ‘impairment’ of communion have exercised acts of ‘binding’ for the sake of repentance and reform. Whether they have done so adequately or not, these steps in discipline are clearly intended in an intrinsically provisional sense, and are not so much designed to *threaten* ‘communion’ as an expression of the Body of Christ, so much as to *heal* its disorder. By contrast, true ‘broken communion’ within the Body of Christ, as a condition that is deliberately independent of the Church’s internal dynamics of expressing and maintaining itself ‘in communion’, is *not discipline enacted but anarchy accepted*. And

Scripture’s received authority through the Spirit’s ordering work. We note also the Inter-Anglican Theological and Doctrinal Commission’s discussion of a limited form of discipline, *paraklesis* or admonition, as properly finding its place within this positive pneumatic context; cf. ‘Reflections offered to the Primates’, paras. 7 & 9.

³⁰ J.H. Yoder, ‘Binding and Loosing’, in M.G. Cartwright (ed.), *The Royal Priesthood: Essays Ecclesiological and Ecumenical* (Grand Rapids: Eerdmans, 1994), 323-358, on p. 350. Yoder’s essay is a classic description of the theology *and practice* of church discipline as an essential, obligating, and pneumatic aspect of life for the faithful church, and deserves careful study. It is consistent with a range of substantive treatments of the subject. Cf. Dietrich Bonhoeffer, *The Cost of Discipleship* (New York: Macmillan Co., 1963), ch. 31 on “The Saints”, especially pp. 323-330: “Readmission to the community or salvation is the purpose of church discipline in all its stages: it is throughout a “pedagogic” procedure” (p. 329). See more recently Stanley Hauerwas’ comments in his essay, ‘Punishing Christians’ in *Performing The Faith: Bonhoeffer and the Practice of Nonviolence* (Brazos Press, 2004), 199, 200.

³¹ For a brief analysis of various statements in response to New Westminster and ECUSA General Convention and discussion of their legal imprecisions, see Doe, on ‘impaired communion’, *Communion & Autonomy*, 20ff.

it is precisely this accepted anarchy of teaching, ordaining, and relating in council that these actions of declared ‘impairment’ are intended somehow to address.

The Commission needs to help clarify exactly how these actions can and should do this, rather than to evaluate the canonical appropriateness of the actions themselves. That is, the Commission should discern how this ‘discipline for the sake of communion’—the ordering love at work within the Body of Christ—can indeed fulfill its spiritual purpose, which is to remove scandal, enable repentance, and facilitate reconciliation.

If we take seriously the *non-legal* character of Anglicanism’s formal ‘communion’ of churches (emergent only over time and in the process of apprehending the means of its self-expression), we can see more easily the place where discipline is properly to be located in the present moment. This non-legal character of the Communion’s common life has frequently been considered a limit upon discipline itself, and upon its theological validity as applicable within Anglicanism. We have already argued, however, that discipline is expressive of the Body of Christ as it lives the fruit of communion, rather than the juridical execution of a set of already-given legal sanctions. In addition to this, Anglicanism’s non-formal structural linkages as a Communion tend to model precisely the dynamics of the Church’s life when discipline as a formal, if not legislated, means of maintaining communion was itself first clearly apprehended. To use Angelo de Berardino’s characterization of the pre-Constantinian Church as a non-legal communion whose internal discipline was given through “meeting and communication”, we can point to the analogous character of the ‘communion’ that animates the Anglican Communion as being given simply and concretely in the practices of ‘gathering’ and ‘council’.³²

It is through the means of gathering and conciliar participation, and the constraints now being exerted upon such participation, that discipline is already being exercised through declarations of ‘impaired’ communion. And it is through just these means, still undefined by specific legal demands, that the Commission should seek to articulate a common and more ordered form of discipline to be applied on a Communion-wide basis with respect to American and other churches that have disturbed the coherence of the larger Church’s witness in the present crisis. Constraints imposed upon the American churches in the area of their privilege to be gathered with other Anglican churches and to participate in the councils of the wider Church are *exactly* the expression of discipline-in-communion. Their purpose is and would be to provide space for the missionary expression of the Body of Christ, in accordance with the Scriptures, as it enacts its witness in the world.

Practically-speaking, a form of discipline that limits the American churches’ participation in council, will give to the expanding churches of the Communion the freedom from scandal to proclaim and embody the scriptural faith in a common way within diverse cultures. It will also provide for the continued discussion and examination of Scripture’s direction in the matter of sexuality within a realm that does not seek to undermine already-given conciliar declaration and authority. The fact that open-ended speculation and scholarly discussion has been allowed to attenuate the ongoing authority of the

³² A. de Berardino, ‘Patterns of *Koinonia* in the First Christian Centuries’, in J.O. Beozzo and G. Ruggieri (eds.), *The Ecumenical Constitution of Churches* (London: SCM/Concilium, 2001), 45-58, on p. 58.

Church's public teaching regarding sexual behavior has badly misled and confused Church members and non-members alike. At the same time, the disciplined separation of offending churches from participation in the conciliar affairs of the Communion is intended to encourage "godly grief" (cf. 2 Cor. 7:10), self-examination, and a re-ordered commitment to the virtues of common counsel and decision-making on the part of those provisionally excluded from such privileges.

It is not only the case that such a form of discipline (to be explicated in detail below in section VI) is suitable to the Anglican Communion as it is presently structured. This it surely is. But beyond this suitability lies the evangelical imperative that the Body of Christ maintain the spiritual force of its communion by actively and deliberately being a place where disorder is confronted, truth is made the touchstone of discussion, sorrow is called forth, and reconciliation constructed. The failure to desire and to enact discipline within the Body of Christ is *tantamount to accepting the disappearance of communion itself*, and to affirming and embracing the actual character of a separated and dismembered Body. As Nicolas Zernov observed long ago, "the separated members of the Church do not feel guilty of the sin of division. They are incapable, therefore, of asking for divine help and forgiveness".³³ These "charisms" of communion in Zernov's estimation—repentance and forgiveness—are what make discipline an embodied form of hope and of common life in Christ itself.

³³ N.Zernov, *The Reintegration of the Church* (Greenwich: Seabury Press, 1952), 105.

V. CLARIFYING TERMS

Given the ‘reception’ model is not viable (section II), the need for the Commission to uphold the Church’s teaching in relation to Scripture (section III), and finally that our vocation as a Church is given in a reality far larger and weightier than juridical definitions (that is, in the Body of Christ living ‘in accordance with Scripture’ which is expressed through communion and discipline: section IV), what can and should be done?

Here it is necessary, before outlining the shape for some form of Communion discipline, to clarify the following key terms which dominate much of the discussion: autonomy, communion & authority. These are terms that we shall use in our final proposal, but in ways that serve rather than constrain the realities we have discussed above.

(1) *Autonomy*

‘Autonomy’ is regularly cited as the constitutional and legal basis to justify recent innovative decisions. It is, in turn, used to argue that any novel response by the Communion would amount to un-Anglican ‘interference’.³⁴ Clearly some sense of ‘autonomy’ has a strong history within Anglican self-understanding as in the statement that ‘the true constitution of the Catholic Church involves the principle of the autonomy of particular Churches’.³⁵ Indeed, at the heart of the English Reformation and the origins of Anglicanism is some such claim to ‘autonomy’. However, the fact that such a claim was made in the face of excessive power concentrated in the hands of what was seen at the time to be a corrupt central authority, and also that ‘autonomy’ was used in order to reform the Church *precisely on* the basis of Scripture, makes parallels with the Anglican Communion today difficult to justify.

More fundamentally, however, a problem arises when ‘autonomy’ as a *juridical* principle is detached from two prior *theological* principles. The *first* of these is that any claim to ‘autonomy’ is set within the wider claim to be within the One, Holy, Catholic, and Apostolic Church.³⁶ There are, in other words, limits to any ‘autonomy’. It is always ‘autonomy *within*’ and not primarily ‘autonomy *from*’; it is conditioned and bounded autonomy. This is why ‘autonomy’ cannot therefore be equated with ‘complete independence’ or ‘self-sufficiency’—nor has it been historically—but must recognise ‘interdependence’.³⁷

³⁴ Following his introduction, Rees’ first substantive topic in his paper for the Primates’ Meeting of October 2003 (‘Some Legal and Constitutional Considerations’) is ‘provincial autonomy’. For a fuller discussion of the term see now Doe, *Communion & Autonomy*, whose emphasis on the limits of (provincial) autonomy (pp. 29-34) is particularly relevant.

³⁵ Lambeth Resolution 1930:48.

³⁶ This is acknowledged in the Preamble of ECUSA’s Constitution, where ECUSA is expressly related to communion with the See of Canterbury and membership of the Anglican Communion.

³⁷ Thus Rees (‘Some Legal’) follows his discussion with a (longer) discussion of ‘interdependence’ that begins by asserting that autonomy is ‘not the whole story’ (3.1). Doe’s helpful discussion of the legal implications of this states, ‘The Anglican understanding tends to see autonomy as the right of an ecclesiastical community to govern its own internal affairs in a manner compatible with the interests and concerns of the wider community; ...autonomy is by nature a form of limited governmental freedom’ (*Communion & Autonomy*, II.2, p. 29). This means that ‘autonomy does not include the right of a body or

Secondly, in a properly theological perspective ‘autonomy’ is closely correlated with sin—understood as the desire of the creature to set his own rule and law without reference to the divine law. ‘Autonomy’ is therefore not only set within the one, holy, catholic and apostolic Church but within the confession that this one catholic Church is itself set within and under the rule of God and understands itself to be the Body of Christ, indwelt by his Spirit and with Christ as its head. The Church is therefore never strictly ‘auto-nomous’ but rather ‘theo-nomous’ or ‘Christo-nomous’.³⁸

The heart of the Anglican principle of ‘autonomy’ is the prevention of a centralisation of power and of the granting of ultimate authority to any human authority (there is no ‘vicar of Christ’ on earth between his first and second coming) and particularly to a distant and unrepresentative institution. The principle encourages diversity and cultural adaptation as the Church seeks to be the Body of Christ faithfully engaged in his mission in and for the varied cultures of his world. In this way, Anglican autonomy is part of an ecclesiology which contrasts with that of the Roman Catholic church and its hierarchy and has more affinity with that of the Eastern Orthodox churches.

The danger is that this model could lead to incoherent plurality as each ‘autonomous’ body develops and innovates in such a way that evidence of there being ‘one holy, catholic and apostolic Church’, living as the Body of Christ, is lost. The Anglican Communion seeks to prevent this through its instruments of unity and by the commitment of all its ‘autonomous’ member churches to be ‘bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference’.³⁹

For all its strengths, this ecclesiology faces problems if an ‘autonomous’ part within the Church no longer feels bound by this mutual loyalty and embraces a secular, individualistic or libertarian understanding of ‘autonomy’. The situation we now face is one in which legal freedoms and rights of self-governance among North American Anglican churches have been used to enact measures that the wider Church has authoritatively stated (albeit in a manner which cannot be *legally* binding) to be a sinful

community to make decisions which will affect subjects involving others external to that body. An autonomous body cannot make laws ... which touch the affairs of others [in?] a wider community of which it forms part’ (p. 26). The false understanding of autonomy causes even greater damage when devolved to the diocesan level—whether by provincial synods (as in 2003 General Convention’s ‘local option’ in Resolution 0051) or unilaterally (as in New Westminster or some of the arguments used to justify giving consent to Gene Robinson at General Convention)—and parishes that then dissent through adherence to Communion teaching and practice are claimed to be ‘schismatic’. There appears to be a belief that innovation can be secured within the life of Christ’s church at any level of governance and then a false view of ‘autonomy’ used to safeguard innovations from wider church authority or ‘interference’. In contrast, Doe states, ‘if an autonomous community trespasses on matters of shared concern to the wider community of which it forms part, then external intervention is permissible’ (p. 26).

³⁸ Doe’s comments about ‘largely positivist’ understandings of Anglican polity (n. 289) here need greater clarification, especially as they are made in relation to a statement clearly subordinating church law to divine law (*cf.* also Article 34 cited below). They only have weight in as much as Anglicanism lacks a recognised infallible authority to interpret Scripture and with jurisdiction legally to enforce its ruling.

³⁹ Lambeth Resolution 1930:49.

assertion of human autonomy in opposition to divine law as revealed in Scripture and thus unacceptable within the Church of Christ.

The Roman ‘hierarchy’ model of Church governance and authority could not adapt in the face of the national and international tensions (theological, political and ecclesiological) at the birth of nationalism and modernity in the sixteenth century. The current question is how the Anglican ‘autonomy’ model that arose at that time *must now itself adapt* in the face of current national and international tensions (theological, political, and ecclesiological) at the birth of globalisation and post-modernity and also when the British Empire has been replaced by a twenty-first century American Empire. The difficulties and dangers inherent in this kind of adaptive challenge are so patent in the realm of contemporary secular politics that it is fair to say that how the Anglican Communion constructively deals with this present crisis will provide an important witness to the global community in general.⁴⁰

In the proposal of our final section, we will attempt to outline a form of discipline that respects the clear juridical boundaries currently in place among and between separate Anglican churches and provinces. These boundaries arose largely on the basis of the historical principles of national autonomy, tied to freedom of conscience and political integrity that so deeply inform the originating outlooks of many of our churches, in particular in Britain and the United States. Whether these principles, as they are currently apprehended by Western Anglicans in particular, will in fact allow for the renewing reception of discipline is not clear.

In the case of ECUSA, it is our belief that her own Constitution, particularly in her Preamble, provides a clear basis upon which she herself must judge her actions at General Convention to have gone beyond the proper bounds of her autonomous self-ordering. The imposition of discipline upon ECUSA by the Communion is designed in part to encourage her bishops and leaders to move back into acknowledgment of these bounds, on *the basis of her own internal law*, and thereby to a reconsideration of General Convention actions and a formal stepping back from their implications and implementations.⁴¹

⁴⁰ Robert Kagan’s analysis of the destructive misunderstandings afoot in the current American-European relationship (with respect to diplomacy, foreign affairs, and military responsibility) constitutes a sobering mirror held up to inter-Anglican relationships that have allowed secular philosophies to override Christian ecclesiology and political ideology to prevail over the Body of Christ expressed in communion and discipline. See R. Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Vintage/Random House, 2003/2004).

⁴¹ This interpretation of ECUSA’s preamble and its implications is more fully explored in ‘On the Authority of General Convention’ [see www.anglicancommunioninstitute.org].

The Preamble to the Constitution runs as follows: “The Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church (which name is hereby recognized as also designating the Church), as a constituent member of the Anglican Communion, a Fellowship within the One, Holy, Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury, upholding and propagating the historic Faith and Order as set forth in the Book of Common Prayer. This Constitution, adopted in General Convention in Philadelphia in October, 1789, as amended in subsequent General Conventions, sets forth the basic Articles for the government of the Church, and of its overseas missionary jurisdictions.”

We recognize, however, that if bishops (of ECUSA, for instance) do not acknowledge anew the theological bounds of their autonomy and reorder their decisions in accordance with these bounds, articulated even in their own Constitution, then this may well require a deliberated withdrawal from the common missionary vocation of the Anglican Communion as a whole by those innovators who share such principles of autonomy and prioritise them over the responsibilities and disciplines of life in communion.

This will inevitably entail reorderings, some of them with difficult legal bearing, of common life in North America and elsewhere, where some groupings will remain within the Communion and others will go their own way. This will be necessary as the call to discipline within communion is an expression of something far more fundamental than the principles of autonomy themselves. The Commission, we believe, must face squarely the Christian duty, from within whatever individual church, to view autonomy as a servant to this fundamental reality of the Body of Christ, not as its ruler.

(2) Communion

We have already argued that ‘communion’ is a secondary expression, in historical mission, of the prior reality of the Church as the Body of Christ. Its ecclesiological

The Preamble was proposed as a “Constitutional amendment” in the 1964 General Convention, passed on its first reading at that time, and finally adopted at the 1967 General Convention. That the Preamble has the same force and effect as any other part of the Constitution is shown by the following: in addition to being moved as an “amendment to the Constitution”, the enabling resolution read, “Resolved, the House of Bishops concurring, That a Preamble be added to the Constitution, the same to be an integral part of the Constitution, which preamble shall read as follows...[text]” (*Journal of the General Convention, 1967*, pp. 379, 27-28, and 34).

At least three main parameters set by the Preamble have been violated by the actions of the 2003 General Convention. In the first place, the “historic Faith and Order”, to which ECUSA binds herself as “upholding and propagating” as a “constituent member of the Anglican Communion” have clearly defined sexual activity as taking place properly and according to Scripture within the exclusive bond of marriage between a man and a woman. This definition is affirmed by the unbroken teaching of the “One, Holy, Catholic, and Apostolic Church” of the *oikumene* over time, and has been repeatedly reaffirmed by ecumenical partners and the Anglican Communion itself, through its “instruments of unity” at Lambeth Conference, Primates Meeting, Archbishop of Canterbury, and the Anglican Consultative Council. (Key language for the Preamble here comes from LC 1930, e.g. res. 49.) Secondly, the (American) Book of Common Prayer’s 1789 Preface (to which book the Constitution ties ECUSA) commits ECUSA to a form of life and teaching that will not “depart from the Church of England in any essential point of doctrine, discipline, and worship”, a commitment undermined by the consecration of a bishop whose office cannot be recognized in England just on the basis of such “doctrine and discipline”. Finally, the commitment of ECUSA to a life of “fellowship” (the English word properly translating the New Testament term *koinonia*, and standing as an English synonym for “communion”) with other “Dioceses, Provinces, and regional Churches” within the “Anglican Communion”, is a commitment to the life of “communion” to whose broad and rich theological privileges and imperatives this paper has attempted to point, and whose character of mutual subjection and accountability the decisions of the 2003 General Convention have evidently contradicted.

By its contravention of its own Constitution, in these and other ways, the 2003 General Convention has placed not only its decisions but the framework of the current executive governance of ECUSA in grave canonical question.

meaning, which has evolved in theological discourse only in recent decades among various Christian traditions, represents varied attempts to describe, within concrete situations of witness, how this or that church faithfully lives out its expression of the headship of Christ and of the mutually dependent character of its formal imaging of Christ Jesus within its internal and external relationships. The Anglican Communion itself embodies the historically-emergent character of this evolution, and churches within the Communion are, by virtue of their membership, a part of a process to which they have willingly submitted as something divinely motivated.

We believe that the Commission must order thinking about ‘communion’ in the light of this broader theological reality. It must, therefore, beware of limiting understanding of communion by purely legal or juridical concerns. Language about ‘breaking’ and being ‘in’ or ‘out’ of communion are of value in the present disrupted context as descriptors of actual missionary relationships within the Body of Christ. However, if taken strictly in legal terms, such phrases lose the complex breadth and depth of the language of ‘communion’, and in fact attenuate the very character of the Church of Christ itself.

At its most fundamental level, communion exists among all Christians as the gift of God in Christ through communion with God by his Spirit and is embodied through the life of the Church in the world as in fact animated by the Holy Spirit. It is not therefore a matter of human will or contract. It is, however, received and shared by Christians through the same acts of faith by which the Gospel itself is accepted and followed.⁴² Thus, communion is—like all God’s gifts—marred by human sin and will not be visibly perfected until the *eschaton*. We are, therefore, called to deepen the levels of communion, by turning from the sin that damages it, and to find visible signs—*not necessarily legally established*—that will both demonstrate and enhance the communion that already exists, because already given to us by God in Christ.

The given fact of communion expresses the further fact that no part of the Christian Church is an island and that actions affect others to varying degrees (*cf.* 1 Cor. 12). Clearly, the more fully communion is historically embodied, the more immediate and serious are the effects of actions. Furthermore, there are some actions that impact on other parts of the Church for they relate to issues of faith, morals and/or order—all elements that are, in a theological sense, characteristics that define communion’s reception within the Church in time. There can be no question that the actions in ECUSA and New Westminster were known to be of this latter form and that both the substance of those actions and the manner in which were taken have, in and of themselves, damaged rather than deepened communion, obscured rather than expressed it.⁴³

⁴² Doe thus distinguishes three deeper forms of communion before addressing ‘ecclesial communion as ecclesial agreement’ (*Communion & Autonomy*, pp. 3-5).

⁴³ As sketched in section I, this damage has been done at every level—within the relevant provinces, the Anglican Communion as a whole, and the wider Christian church. This is because, using Doe’s analysis, the actions have made it more difficult for the Anglican Communion to secure the purposes of communion (fulfilling the will of God, expressing catholicity, mutual interdependence, I.2, pp. 5-7) and undermined the substance of communion (as process, unity, commonality and common life, agreement in mind and action, mutual recognition, I.5, pp. 10-13) with the sole justification that such unilateral innovation enhances the element of ‘communion as diversity and difference’.

The issue that must now be faced is how the relationships and institutions which make visible the reality of communion and seek to support and enhance it need to respond to that damage. Any responses must reflect the reality of the new situation and the deleterious effect of recent actions on communion; they must prevent further damage, and encourage the deepening and broadening of existing communion.

‘Communion’ is embodied in numerous ways and to varying degrees within the Christian Church—precisely because it is an expression of the Body of Christ in time, rather than its primary definition. Thus, we find communion embodied in, for example, recognition of orders and sacraments, varied levels of common counsel (*e.g.* ARCIC, Primates Meeting), respect for others’ decisions and jurisdiction, shared eucharistic fellowship and financial support. Although these may have formal, legal standing, they do not necessarily have it. Within the Anglican Communion, all of these have existed between member churches (though with difficulties at various times, most recently over women in orders). Individual Anglican churches also have varied levels of institutionalised communion with other churches not in the Anglican Communion, both internationally and nationally (*e.g.* Church of England and Porvoo or English Anglican-Methodist covenant, or ECUSA and Evangelical Lutheran Church of America).

Although some may argue that recent actions represent a decision that effectively cuts off those involved from Christ and his Church,⁴⁴ for most the question is rather what material changes are required in existing relationships given these actions and how these changes should be implemented. This is the place where ‘discipline’ properly embodies actual communion, rather than limits it. Each province must make its own judgments on this matter but the instruments of unity and the Lambeth Commission can and, we believe, must offer guidance. The instruments of unity themselves will need to recognise the implications for themselves of these provincial decisions or else risk being replaced by new institutions that better reflect the reality of the communion—existing and desired, non-impaired or disciplined—between current members of the Anglican Communion.

In our formal proposal (section VI), we will be using the term ‘communion’ to refer to the breadth of missionary common life that rightly expresses the Body of Christ as it lives and glorifies God within the various cultures and nations of the world wherein, in fact, the Anglican Communion has member churches. This usage implies the exercise, imposition, and receipt of discipline for the sake of the Body’s faithful life. The phrase ‘impaired communion’ will be applied in an *ad hoc* usage, that simply describes the fact that, under discipline that affects participation in council in particular, communion is *ipso facto* in some sense ‘impaired’.

⁴⁴ A press statement from the Province of South East Asia on 24th November included the statement: “This means that the Province no longer treats those in ECUSA who carried out and supported the act of consecration as brothers and sisters in Christ until and unless they repent of their action and return to embrace biblical truths”. While we understand the motives of this statement, we believe the language to be inexact and perhaps misleading: discipline for the sake of repentance *is* itself an embodiment of communion in Christ. It is only a *final refusal to receive* such discipline that announces a separation from the Body of Christ (*cf.* Matt. 18:17), not the initial imposition of discipline itself. That imposition of discipline may involve a kind of separation, but not from the power of Christ Himself given in His Body (*cf.* 1 Cor. 5:3-5; 2 Cor. 2:5-11).

We wish to confine our discussion of ‘communion’ in the proposal to matters of ‘council’ rather than eucharistic sharing. This is so for a couple of reasons. First, the extent of eucharistic sharing takes place on a number of ecclesial levels within the Communion. These range across “open communion among all the baptized” of whatever Christian church or denomination, through formal agreements of inter-communion with specific non-Anglican bodies (with whom one does not, however, share formal or authoritative council), to locally imposed disciplines of ‘ex-communication’ within dioceses and provinces. Secondly, the limited juridical authority of the Communion’s Instruments of Unity renders the formal use of ‘excommunication’ as a tool for Communion-wide policy legally questionable. Taken together, these considerations lead us to believe that the matter of eucharistic sharing as an element of discipline properly belongs to local provinces and diocese.

Within the context of Communion-wide council, however, we believe it appropriate that when ‘impaired communion’ is so severe as to entail a situation of one portion of the Communion being under conciliar discipline, this should be signified by a suspension of eucharistic celebration itself within council for the duration of the time of discipline. This, on the basis of Matthew 5:23-24 and 1 Corinthians 11:29, would represent the difficult, yet reconciliation-oriented, purpose of discipline-in-communion.

(3) Authority

The Anglican Communion is based on an understanding of the Church in which legal authority resides within member churches rather than in some communion-wide body or one particular office. Legal authority is not, however, the only or even the primary form of authority within the Christian Church.⁴⁵ A Christian understanding of authority must start with the risen Christ’s commissioning of his apostles after his resurrection based on the fact that ‘all authority in heaven and on earth has been given to me’ (Matt. 28:18; cf. Eph. 1:20ff; Col. 1:15ff). That authority—like that of the apostles themselves within the Early Church—is not one that is juridically defined or established. It is an authority that is exercised in the Church by the Spirit of Christ. It is not embodied in any single human legal institution, but is rather an authority to which all human legal expressions of the Church are subject. (This is one example of why ‘communion’ is to be defined and evaluated, in diverse situations, on the basis of the ways in which it properly expresses the exercise of Christ-given and Spirit-animated authority.)

On the basis of Matthew 28:18 we can say that recognition of Christ’s authority—and hence any legitimate claim to a form of limited and derived ecclesial authority—is demonstrated by commitment to worldwide mission expressed through baptism in the name of the Trinity and faithful transmission of Christ’s teaching:

“Therefore go and make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you”.

⁴⁵ Rees notes that, in the Anglican Communion, authority ‘is not primarily a legal concept, even though it may have aspects that carry legal implications’ (‘Some Legal & Constitutional Considerations’, 3.2).

It follows that actions that damage mission to all nations, deny baptism or the Triune God, or undermine obedience to Christ lack authority within the Church even if undertaken by legally established bodies and within their jurisdiction.

In addition to legally recognised powers, the authority of Christ is mediated in the Church through diverse non-legally enforceable means. The fundamental instance of this is the authority of Scripture. This authority is articulated and received, as we have stated above (section III), in terms of commonly understood orderings of perspective and life—that is, as a ‘rule of faith’ for the full and various aspects of the Church’s life, received and applied ‘in council’. Derivative instruments of authority in the Church follow from this: teaching authority, and the counsel of those in authorised leadership within the Church. Particular individuals, offices and representative bodies therefore establish a moral authority to teach, exhort, direct and warn the Church. Within Anglicanism as a whole such authority clearly resides in the Archbishop of Canterbury, the Lambeth Conference and increasingly the Primates’ Meeting (and, to a lesser extent, the ACC).

These last bodies all lack legal jurisdiction. Their actions also lack human power to ensure compliance and need to be received by the wider Church. The authority they currently have has never been legally granted to them and, as long as they do not claim to be exercising legal authority, they may therefore act in novel ways in response to new situations. The existence of a human authority in the Church to act in a certain way is sometimes only found by venturing an action which cannot claim any legal precedent but is judged to meet the needs of the community at that time and to be authorised by Christ (*e.g.* the Archbishop of Canterbury inviting bishops to Lambeth in 1867).⁴⁶

Ultimately, of course, all exercise of authority in the Church—including the legal—relies on the consent and acceptance of decisions by those within the Church who, as baptised believers, themselves have the Spirit of Christ in order to discern the mind of Christ. One aspect of the current disorder within parts of North American Anglicanism is that many in the Church as a whole are not giving consent to decisions (or recognizing the oversight of those who supported them) that, though they claim to have legal authority, show disregard for Scripture and the wider Church, and so are held to lack moral or spiritual authority.⁴⁷

Although the Anglican understanding rejects a single hierarchical structure of legal authority within the universal Church (see above under ‘autonomy’), it places limits on the diverse local legal authorities: thus Article 34 grants authority “to ordain, change and abolish, ceremonies or rites of the Church ordained *only by man’s authority*” and places

⁴⁶ Different cultural attitudes to human authority *in general* will shape the patterns and effectiveness of authority in different parts of the church: thus in places where authority is only really taken seriously where it is institutional/bureaucratic authority claiming to be democratically founded and with the force of law, such moral authority may not carry as much weight as in those cultures where traditional and personal authority remain significant.

⁴⁷Of course, those with authority in the church may appeal to the secular authority to use its jurisdiction and powers of coercion to implement decisions by legally established ecclesial authorities. In the face of a loss of moral and spiritual authority on the part of some leaders, this latter recourse may become an important factor in the current crisis with the threat of legal actions in relation to property and finances.

the limit that “nothing be ordained *against God’s Word*”.⁴⁸ A central question now raised is therefore who has authority to act—and in what ways—when the wider Church believes these limits have been exceeded locally and thus that local churches have strictly exceeded or abused their powers and authority—even though there is no legally recognised and authorised body to make such a declaration.⁴⁹

This question was avoided in relation to the ordination of women because the Communion agreed such a decision was within the powers of member churches to decide either way. It cannot be avoided now. It is, however, not one limited to matters of sexuality but one relating to matters of polity, discipline and authority within the Church (which could apply in other areas, such as a unilateral decision to allow non-presbyters to preside at the eucharist). Given the inapplicability of the paradigm of reception and the lack (both currently and, even if considered desirable, in the near future) of any legal framework within which to adjudicate the acceptability of such unilateral decisions within unhindered communion, the Christian understanding of church discipline outlined above (section IV) provides the best means of framing a response consonant with Anglican understandings of autonomy, communion and authority.

It is with this framework of discipline in communion that we now present our formal proposal.

⁴⁸ Many of these limits are helpfully outlined by Doe, *Communion & Autonomy*, pp. 29-34.

⁴⁹ A further question, of importance in relation to recognition of jurisdiction and hence disagreements over the nature of ‘adequate Episcopal oversight’, is whether those with legal authority who undertake such acts thereby lose all moral and spiritual authority in the church or simply their authority in relation to those acts.

VI. RESTORATIVE DISCIPLINE

(1) Introduction

In light of the previous considerations, it seems to us that the preservation and strengthening of Anglicanism as a communion of churches requires the Archbishop of Canterbury, in fellowship with the Primates of the Anglican Communion, to provide for the Episcopal Church USA and the Diocese of New Westminster a form of discipline whose purpose is the restoration of godly order within those jurisdictions and unimpaired fellowship with the various provinces of the communion as a whole. The issue to be addressed is the form of discipline that best serves to further these ends within the bounds of the traditional Anglican opposition to central and trans-provincial jurisdictional authority. However, before suggesting the form such discipline might take and setting out in greater detail its purpose, it is important to summarize, on the basis of our previous observations, the reasons for its pressing necessity.

1. Resolution 1:10 of the 1998 Lambeth Conference of Bishops clearly views “homosexual practice as incompatible with Scripture.” That belief and practice should accord with the perspicuous witness of Holy Scripture has from the outset provided the foundation of Anglican doctrine. The overwhelming majority of the bishops of our communion have made clear their view as to what that perspicuous witness is. Homosexual practice cannot in consequence be viewed, as is the case with the ordination of women, as a matter for “reception.” A communion that defines its teaching and practice on the basis of the perspicuous witness of Scripture cannot (save at the price of radical incoherence) agree to a process of reception for a practice it holds to be contrary to that witness. Should the Archbishop of Canterbury and the Primates of the communion bless, by silence and inaction, practices the bishops of the communion hold to be contrary to Scripture, the claim of Anglicans to belong to a communion of churches would lose all credibility to members of the communion, their ecumenical partners, and observers and seekers of the Gospel.
2. It is clear that the recent actions of the Diocese of New Westminster and the General Convention of ECUSA run contrary to the practice of mutual subjection in love upon which the maintenance of fellowship in Christ depends. (In doing so, they also contravene the standards of ECUSA’s own Constitution. See above, note 41.) These actions declare, both in fact and in principle, that beliefs and practices held by the majority of the provinces not to be in accord with the witness of Scripture may be considered matters of local option. These bodies have thereby shown disregard for the counsel of the instruments of unity within the communion and the admonitions of other provinces who find in these actions a stumbling block to unity and mission. In so doing, the Diocese of New Westminster and the General Convention of ECUSA have subverted the basic practice upon which the continued health of the Anglican Communion depends. To ignore by silence and/or inaction such a distorted view of autonomy can serve only to render Anglicanism a loose association rather than a communion of churches expressive of the Body of Christ’s missionary integrity “in accordance with Scripture”.

3. The contumacious actions of the Diocese of New Westminster and ECUSA have and continue to have profoundly divisive consequences within the Anglican Church of Canada, ECUSA, and the Anglican Communion as a whole. Within the Anglican Church of Canada and ECUSA, the “scandal” caused by the actions of these bodies has caused
- some to leave for other churches,
 - some to call for more adequate Episcopal oversight,
 - some to form ecclesiastical bodies independent of the Anglican Church of Canada and ECUSA (but in communion with one or another province of the Anglican Communion),
 - some to withhold money for the support of their parish, diocese, and national church.

Within the larger communion, a number of provinces have declared broken or impaired communion with both ECUSA and the Diocese of New Westminster. Some have even spoken of a break with the See of Canterbury if no action is taken to check the excessive claims to autonomy that lie behind the actions recently taken in Canada and the United States.

Finally, some of the most important ecumenical partners of Anglicans have issued strong statements about the divisive implications of the actions taken by the Diocese of New Westminster and ECUSA.

In short, the actions taken in Canada and the U.S. have set off shock waves both locally and internationally. They have produced as well a degree of bitterness and contentiousness throughout the communion that brings shame upon the name of Christ and weakens the credibility of the witness of Anglican Christians. To ignore by silence and/or inaction such rending of Christ’s body is to stand idle as fellowship both within and between the provinces of the Anglican Communion disintegrates.

(2) The purpose and form of ecclesiastical discipline

In the light of these considerations, it seems to us that either to ignore or to gloss over the threat posed by these actions (both to the health of the churches involved and to the Anglican Communion as a whole) would constitute courses of actions whose effects are altogether deleterious. The Lambeth Conference of Bishops has assigned the Primates of the Communion an “enhanced responsibility” for its health and unity in cases as extreme as the ones we have described. The “precedent” for the exercise of such responsibility lies in the nature of the Church herself, rather than simply in historical juridical sanction. Indeed, we believe that, in this case, such responsibility not only implies but demands, on the part of the Primates, among whom the Archbishop of Canterbury serves as *primus inter pares*, the exercise of a form of discipline that serves to restore faithfulness to the witness of Scripture; and, along with this faithfulness, unity within and between the provinces of the communion. The question is what ought to be the purpose of such discipline and what form ought it to take.

As indicated above, we believe that ecclesiastical discipline, properly understood, is not in the first instance simply a matter of interpreting and applying the constitution and canons of a given province of the Anglican Communion. Rather, discipline represents the

means by which the Church, at any given time, is ‘formed’ into a life of common faith and witness as the Body of Christ; that is, discipline represents an essential aspect of the Church’s calling from God. Consequently, discipline is to be understood as a pedagogical rather than a juridical term. Its fundamental motive is love that seeks restoration of truth, unity, and peace within the Body of Christ. We believe, therefore, that in the case of the Diocese of New Westminster and ECUSA the purpose of discipline on the part of the Primates and the Archbishop of Canterbury should be to restore impaired communion rather than establish a break in communion. To put the matter another way, we believe that the purpose of discipline in these cases should be to provide a space in time wherein the Holy Spirit can bring about repentance, reconciliation, and renewal of full communion. While it is not possible to orchestrate in advance the means and even the forms of such renewal, it is of the nature of godly discipline that some formal mechanism be set up by which the Holy Spirit can indeed work towards a defined and desired end.

Thus, we believe further that careful attention should be given to the form such discipline might take. Based upon an unbroken Anglican tradition, it is our conviction that any discipline offered should not be accompanied by or result in encroachment upon the jurisdictional integrity of another province within the Anglican Communion. Further, it is our conviction that any discipline offered should not involve the establishment of a trans-provincial body or office whose activities might imply or lead to direct encroachment upon the jurisdictional integrity of other provinces within the communion.

What form might appropriate discipline therefore take? We believe firmly that the answer to this question lies in the authority the provinces of the Anglican Communion have granted the Archbishop of Canterbury to “gather” the bishops and Primates of the communion and the converse power and responsibility of being gathered by these bishops and Primates. In light of this authority and responsible power, invitations to the bishops and Primates of the communion to join together for mutual counsel and support are properly understood as a privilege rather than a right. That privilege is dependent upon a commitment to mutual subjection within the Body of Christ.

The Diocese of New Westminster and the General Convention of ECUSA have shown something bordering on contempt for this commitment. It seems to us, therefore, that it would be appropriate for the Archbishop of Canterbury, as *primus inter pares*, with the Primates to issue no invitation to such gatherings to those bishops who have exempted themselves from the practice of mutual subjection. We also believe it appropriate for invitations to be sent to those bishops of ECUSA who gave their support to Resolution C-051 only after obtaining a statement from them that they understand the resolution to be descriptive rather than permissive. We also believe it appropriate to obtain, as a further condition of their participation, a statement that they do not intend to allow either the blessing of homosexual unions or the ordination of people known to be in a sexual relation outside the bonds of holy matrimony. Finally, we believe it appropriate to ask of all future bishops consecrated within ECUSA, as a condition of participation in communion meetings gathered for mutual counsel, that they state that it is not their policy to allow either the blessing of homosexual unions or the ordination of persons known to be in sexual relations outside the bonds of holy matrimony.

This course of discipline involves a radical asymmetry within the Communion in the status of the bishop of New Westminster and those bishops within ECUSA who supported the divisive actions of the General Convention on the one hand and those who have opposed the innovations for which they are responsible on the other. Those bishops who stand in opposition would be gathered as bishops with all the privileges of full communion both with the Archbishop of Canterbury and the bishops of the Anglican Communion. They would have both voice and vote in the deliberations of the Lambeth Conference of Bishops and the Meeting of the Primates as well as other related councils and committees. The bishop of New Westminster, along with those bishops within ECUSA who supported the election of Gene Robinson and/or who give a permissive interpretation to resolution C. 051 would not be gathered until they both acknowledge their failure to uphold the communion-sustaining practice of mutual subjection and give assurances that they do not intend to allow the blessing of homosexual unions or the ordination of persons known to be in a sexual relation outside the bonds of holy matrimony.⁵⁰

It seems to us that this course of action on the part of the Primates of the Communion and the Archbishop of Canterbury has much to recommend it.

1. It is a form of discipline that involves no pronouncement of excommunication or broken communion, and therefore founds its purpose upon a prior commitment to maintaining the gifts given in the Body of Christ.
2. It is a form of discipline that creates a space in time for the parties who have acted in a manner contrary to what the communion understands to be the perspicuous witness of Scripture to repent and amend their actions.
3. It is a form of discipline that requires no canonical or constitutional measures, but relies on a form of authority recognized by the communion as a whole and vested in the Primates and the Archbishop of Canterbury.
4. It is a form of discipline that does not interfere with the jurisdictional integrity of the various provinces of the communion, but nonetheless imposes a real limit on claims to autonomy that run contrary to what the vast majority of the bishops of the communion understand to be the witness of Scripture.
5. It is a form of discipline that can provide a model for the communion to address future encroachments on the limits of diversity.
6. It is a form of discipline that allows individual provinces of the communion to address the Diocese of New Westminster and ECUSA in a way that seems appropriate to each; and yet, by working through a common form of discipline, acts as a break on overly independent actions on the part of individual provinces.

⁵⁰ A similar process of discipline may need to be applied in future to other bishops or Primates. This would not be pursued simply because individual bishops or Primates might hold particular opinions on matters of sexual ethics which differ from the Communion's norm: it is, after all, the responsibility of individual dioceses and provinces to maintain, within their jurisdiction, the standards of teaching congruent with the Gospel and the historic faith and order of the Church even if an individual leader transgresses them. Communion discipline comes into play around these matters only if individual leaders, on the basis of their public teaching and discipline, trouble and divide the Communion by disregarding their obligations of mutual loyalty sustained through the common counsel of the bishops in conference and by ignoring repeated and widespread appeals and admonitions from other Provinces and the instruments of unity.

7. It is a form of discipline that puts pressure on the contending parties within the Anglican Church of Canada and ECUSA to address their divisions in ways that bring their belief and practice into accord with those of the other provinces of the communion.
8. It is a form of discipline coherent with and expressive of the actual life of communion that Anglicanism has historically and gradually embodied: communication and counsel.

(3) Additional considerations

The form of discipline we are suggesting has associated with it four additional questions that require a response. The questions are these.

1. If discipline has as its purpose the correction of error and the restoration of full communion, what signs should be considered indications that the discipline offered should be lifted?
2. Within what period of time should discipline be offered (in respect both to its inception and its end)?
3. What is the appropriate course of action to be taken by clergy and congregations who are in disagreement with the recent actions of the Diocese of New Westminster and the General Convention of ECUSA but nonetheless find themselves under the authority of a bishop who has given support to these actions?
4. If (following an observation we will make in due course) clergy or congregations find that their bishop is under discipline and, in response, have placed themselves under the pastoral oversight of a bishop other than the bishop of their diocese, how should said clergy or congregations be related to the bishop of the diocese and its institutions, laws, and other requirements?

Question One: What should be taken as a sign that the discipline offered has served its purpose?

This question must be answered differently in the cases of New Westminster and ECUSA.

In respect to New Westminster, repentance and amendment should be recognized and discipline lifted when the Bishop and Diocese:

- (a) offer unhindered access (under the conditions set out below) to adequate/alternative Episcopal oversight (AEO) to those parishes and clergy who wish their connection to the Anglican Communion to be through a bishop not under discipline
- (b) rescind their decision to authorize the blessing of homosexual unions, *and*
- (c) ask forgiveness for having violated the principle of mutual subjection so central to the maintenance of fellowship within the Body of Christ.

In the case of ECUSA, in respect to those bishops (including the Presiding Bishop) who supported the consecration of Gene Robinson and/or have given a permissive interpretation to resolution C.051, the issue is more complicated. The election of Gene Robinson has been approved, and he has been ordained a bishop. There seems no realistic way to undo these actions. Nevertheless, the case of Robinson has been addressed in some measure by the Archbishop of Canterbury's clear statement that Gene Robinson would not be welcome to officiate within his jurisdiction. We hope the Primates' Meeting as a whole will follow this lead and encourage provinces to make this constraint upon Gene Robinson's Episcopal functioning consistent throughout the Communion. While without legal sanction, we would, in this context, also urge the Primates' Meeting to state their agreed "permission" for individual provinces and dioceses, should they so choose, to restrict the sacramental function within their jurisdictions of any other bishops under Communion discipline.

Beyond this, as we have suggested, it is our belief that, in the case of ECUSA, the most effective sign of repentance and amendment is to be found in the interpretation that present and future bishops within ECUSA give to resolution C.051. As stated above, there are some who see the resolution as simply descriptive of "the state of play" within ECUSA. Others have already or will at some future date interpret the resolution as permissive; that is as giving license to the blessing of homosexual unions.

In the case of those ECUSA bishops under discipline for their support of the ordination of Gene Robinson and/or their support of C.051, we therefore believe that the following signs would be necessary for the lifting of discipline:

- (a) We believe that those bishops who may find themselves under discipline should, in order to show their commitment to mutual subjection within the Anglican Communion, have a stated policy of unhindered access to AEO (under the conditions set out below) on the part of parishes and clergy who desire their link to the Anglican Communion to be through a bishop not under discipline.
- (b) Those bishops who gave their approval to the ordination of Gene Robinson should make a clear statement of regret for having violated the principle of mutual subjection within the Body of Christ upon which the continued health and existence of the Anglican Communion is so dependent. They should also state openly that Gene Robinson is not allowed to officiate within their dioceses.
- (c) In respect to support of C.051, as previously stated, we believe that the Meeting of the Primates and the Archbishop of Canterbury should ask of those bishops who supported this resolution a clear statement that they do not take this resolution as permissive, and that they will take steps to ensure that the blessing of same-sex unions and the ordination of non-celibate homosexual persons will not be the practice of their diocese.
- (d) Bishops under discipline should ask forgiveness for having violated the principle of mutual subjection so central to the maintenance of fellowship within the Body of Christ.

An example of the kind of restorative statement to be signed by bishops consenting to Robinson's election, voting for C-051, or otherwise under related discipline, has

been placed in an Appendix to this paper.

It is our conviction that special attention needs to be given to these conditions of discipline in relation to the *Presiding Bishop of ECUSA*. Because of his clear support for Gene Robinson, and because he voted to approve his election (though he could have voted against or abstained), we believe, in accord with the principles outlined above, that he should not be invited either to the Meeting of the Primates or the Lambeth Conference, or any other meetings in which the general counsel of the communion is sought. In his case, it is of particular importance that a clear sign of repentance be expressed. A sign of such regret would be a clear statement of regret for having shown, in his vote to approve the election of Gene Robinson, disregard both for the principle of mutual subjection and the divisive effects of his action upon the Anglican Communion as a whole.

Question Two: Within what period of time should discipline be offered (in respect both to its inception and its end)?

If a form of discipline along the lines we have suggested is to be offered to the Diocese of New Westminster and ECUSA, some determination must be made in respect to the time of its inception and the time when this form of discipline, if not already lifted, must be reviewed. Since the purpose of the sort of discipline we have suggested is to reestablish truth, unity, and peace within the Body of Christ, a due period of time for “soul searching” by the parties involved seems apposite.

We would suggest, therefore, that after due notification of the discipline to be offered, that discipline would become effective within three months of this notification. In respect to the time when the form of discipline should be reviewed, we suggest that the next meeting of the Lambeth Conference of Bishops be considered a *terminus ad quem* for the form of discipline we have suggested. At this point, if the discipline offered appears to have failed to achieve its purpose of reconciliation in common teaching and discipline, we recommend that the Primates request that the Archbishop of Canterbury initiate whatever process is necessary within the Church of England to bring about a formal break in communion between the See of Canterbury, ECUSA, and the Diocese of New Westminster, even as other Primates pursue a similar course within their own provinces.

Question Three: What action is needed in relation to clergy and congregations opposed to innovations whose bishop is under discipline?

There is no doubt that clergy and congregations under the authority of a bishop in support of the ordination of Gene Robinson and/or a permissive interpretation of resolution C.051 may face a genuine dilemma. If it should transpire that their bishop were to be placed under the form of discipline we have recommended, it would be understandable (though not requisite) for them to want pastoral oversight from a bishop not under discipline. In such a case we think it entirely proper for clergy and parishes who wish to maintain a full connection with the communion through a bishop to seek adequate/alternative Episcopal oversight (AEO).

It also seems to us entirely appropriate for them in making arrangements for AEO to receive the encouragement and moral support of the Archbishop of Canterbury and the Primates expressed in a public fashion.

We hold this view because congregations and clergy maintain their “full communion” through their own bishops; and if their bishop is under communion discipline, they should be afforded, though only temporarily, another Episcopal linkage that is not limited by being under discipline. This linkage should be considered “provisional” and “pastoral” (not jurisdictional) until the matter of discipline is resolved.

It is our view that the Archbishop of Canterbury and the Primates of the Communion ought to make clear their view that AEO should be allowed without hindrance by the bishop and/or diocese in question, and that they should place the full weight of their moral authority behind requests for AEO that stem from the impaired state of communion that exists between a bishop and/or diocese and the other provinces of the communion.

It is further our view that a state of impaired communion such as we have described is the only reason AEO should be supported by the Archbishop and the Primates. No action should be taken that might be understood as a license for “bishop shopping” on the part of disgruntled clergy or congregations.

A more difficult question is what process or processes ought to be in place to ensure that the provision of AEO contributes to the good order of the Church. If no protocols are in place, one can easily imagine the possibility of anarchy. The problem is how an orderly process might be put in place that is acceptable to the clergy and congregations seeking AEO, and yet does not violate the jurisdictional integrity of a province. Our suggestion is for the Archbishop of Canterbury, in consultation with the Meeting of the Primates, to ask those bishops not under discipline to form a review committee with due protocols for the provision of AEO and to state firmly their view that AEO should not be sought apart from the actions and protocols of such a review committee.

Question Four: What is the relationship between those given AEO and their diocesan bishop?

A host of questions will arise should AEO become a reality within a given diocese. Chief among them is this dilemma: to what extent do the clergy and parishes in question remain under the authority of the bishop of the diocese and the canons and instruments of order and administration within the diocese and to what extent might they rightly consider themselves as no longer subject to these instruments?

It is our view that in such cases (during the time when discipline is in effect) parishes should, under the guidance of the bishop providing AEO, be allowed wide discretion in the selection of clergy and the disposal of revenue. It is our view also that those bishops not under discipline, along with the Archbishop of Canterbury and the Primates should

urge the dioceses in question to grant such latitude to the clergy and congregations in question.

It is our view that lending moral support to congregations and clergy desirous of AEO for what we have designated adequate reason comprises a limit to what the Primates and the Archbishop of Canterbury can do in circumstances such as these. To venture beyond this limit would inevitably involve the sort of compromise of provincial integrity that Anglican tradition has always eschewed.⁵¹ What the Primates and the Archbishop of Canterbury can do in these circumstances is to hold to the distinction between those bishops under discipline and those not under discipline, and in so doing create circumstances that place pressure on the bishops, dioceses, and/or provinces under discipline to address the issues that have impaired their communion with other Anglican provinces. This freedom within order is, we believe, characteristic of Anglican polity.

The course of action we have suggested seems to us to support and strengthen this distinctive characteristic of the communion Anglicans enjoy while at the same time addressing the most serious threat to that communion yet to appear.

⁵¹ Despite this respect for jurisdictional integrity, should such AEO be resisted by bishops under Communion discipline, it may prove necessary for the Archbishop of Canterbury on behalf of the Primates to take a more prominent role in protecting the ministry and mission of those faithful to Communion teaching. This may perhaps best be developed, as a last resort, by means of appointing a Provincial Episcopal Visitor from outside ECUSA to oversee and give Communion support to those not under discipline.

VII. CONCLUSION

We have proposed to the Commission that:

- Recognizing the full seriousness of this situation and the crisis that is posed to our common life, it recommend to the Archbishop of Canterbury and to the Primates some decisive action which will heal our Communion;
- Acknowledging the model of ‘reception’ to be non-viable (both for reasons of theological principle and practical acceptance), it should ensure that its proposals are in ‘accordance’ with Scripture and do not, through their shape or ineffectiveness, imply that Scripture does not speak clearly on this issue;
- Being aware that no institution can survive which does not guard its boundaries or promote a coherent vision of its mission, it should find ways of challenging those who have pushed the bounds of Anglican diversity beyond acceptable limits and have acted in ways which, because they compromise both Scripture and our common life, have been profoundly ‘un-Anglican’;
- Noting proper Anglican concerns about over-centralized authority, it should not be constrained by those who try to limit Anglican possibilities and action to that which our current canon law expressly permits;
- Heeding, therefore, the teaching of the Scripture and the tradition of the Church on the positive purpose of restorative discipline within the Body of Christ, it should find ways of implementing such discipline within our Communion, along lines such as we have outlined.

We ask the Commission to consider this proposal carefully. Its motivation derives from theological concerns that have emerged from within the Communion itself, as it has in fact pursued the mission of Christ’s body within the world; its details have been discerned and articulated from within the concrete demands of the Communion’s own internal struggles and critical challenges. Gratitude and urgency together provide its framework, sentiments we share with many around the world as we seek a way forward that is faithful to the Gospel with which we have been entrusted.

The Rev. Professor Christopher Seitz (President ACI)
The Rev. Dr. Ephraim Radner (Senior Fellow ACI)
The Rev. Don Armstrong (Executive Director ACI)
The Rev. Dr. Philip Turner (Vice-President ACI)
The Rev. Dr. Andrew Goddard (Fellow ACI)
The Rev. Dr. Peter Walker (Board ACI)

APPENDIX 1

An example of a restorative statement to be signed by consenting bishops of ECUSA to demonstrate a Christian commitment to reconciliation with the Communion

As consenters to the election of Gene Robinson and/or the provision of local option as permitted in C051,

We affirm

that we desire to remain a part of the fellowship of the Anglican Communion, as stated in our Constitution;

that the continued health and existence of the Anglican Communion is dependent upon the enacted principle of mutual subjection in council within the Body of Christ;

that the integrity of Christian conscience can only be maintained within such a context of accountability and discipline.

We now acknowledge

that a defensible theological case, with sufficient warrant from Scripture and the tradition of the church, has not been established within ECUSA to justify the 2003 General Convention decisions that overturned the traditional teaching and order of the church with respect to acceptable sexual behavior;

that our personal convictions regarding the character of sexuality, however informed by local context, cannot justify such decisions;

that these innovations are unacceptable within the Anglican Communion of which we wish to remain a part;

that the status of Gene Robinson as a bishop in the catholic church is ambiguous because of his impairment from functioning as a source of unity in the Communion and within ECUSA.

We therefore commit ourselves, for these reasons and for the sake of the Communion,

to forbear and abide by the decision of 1991 General Convention (B020) that “these potentially divisive issues [around changes in teaching and order regarding sexuality] should not be resolved by the Episcopal Church on its own”;

to abide forthwith by the teaching of Lambeth 1.10, until such time as the Anglican Communion as a whole may revise that teaching and decide, with clear scriptural and theological reasons, that its current understanding must be changed;

to ensure that the blessing of same-sex unions and the ordination of non-celibate homosexual persons will not be the practice of our dioceses;

to prohibit Gene Robinson from officiating within our dioceses.

APPENDIX 2

“Observer Status” as an Alternative Form of Communion Discipline

Our main paper has suggested “non-invitation” to Communion councils as the appropriate form of discipline to be imposed on those who have violated the trust of the Communion. This, however, is only one appropriate form to follow. Another appropriate form would allow those bishops and/or other representatives under discipline to attend Communion councils, but would reduce their status to that of “observer”, without voice or vote. In this case, p. 38f. of our essay would contain the following kind of description:

“Our suggestion for the appropriate form of discipline in these cases is as follows. The Archbishop of Canterbury, after consultation with the Primates of the communion, shall “gather” the bishop of New Westminster and those Bishops who approved the election of V.G. Robinson and/or resolution C.051 of the General Convention of 2003 (or who have otherwise affirmed the acceptance of gay unions and sexually active gay clergy within the church), with a status different from that accorded to those bishops who opposed these measures. This change would involve a radical asymmetry between the status of those bishops who supported either or both these actions and those who opposed them. Those bishops who stand in opposition would be gathered as bishops with all the privileges of full communion both with the Archbishop of Canterbury and the bishops of the Anglican Communion. They would have both voice and vote in the deliberations of the Lambeth Conference of Bishops and the Meeting of the Primates. Those bishops who supported the election of Gene Robinson and resolution C. 051 would be gathered but given neither voice nor vote in the deliberations of these bodies.

It seems to us that this course of action on the part of the Archbishop of Canterbury and the Primates of the communion has much to recommend it.

9. It is a form of discipline that involves no pronouncement of excommunication or broken communion.
10. It is a form of discipline that creates a space in time for the parties who have acted in a manner contrary to what the communion understands to be the perspicuous witness of Scripture to repent and amend their actions.
11. It is a form of discipline that requires no canonical or constitutional measures, but relies on a form of authority recognized by the communion as a whole and vested in the Archbishop of Canterbury and the Primates.
12. It is a form of discipline that does not interfere with the jurisdictional integrity of the various provinces of the communion, but nonetheless imposes a real limit on

- claims to autonomy that run contrary to what the vast majority of the bishops of the communion understand to be the witness of Scripture.
13. It is a form of discipline that can provide a model for the communion to address future encroachments on the limits of diversity.
 14. It is a form of discipline that allows individual provinces of the communion to address the Diocese of New Westminster and ECUSA, or other bishops who have broken from Communion teaching and practice in this matter, in a way that seems appropriate to each; and yet, by providing a common form of discipline, acts as a break on overly independent actions on the part of individual provinces.
 15. It is a form of discipline that puts pressure on the contending parties within the Anglican Church of Canada and ECUSA to address their divisions in ways that bring their belief and practice into accord with those of the other provinces of the communion.”

How shall one characterize more precisely the status of an “observer under discipline”?

The continued “invitation” of such disciplined bishops to Communion councils indicates the ongoing commitment of the Communion at large to treat these persons as “erring brethren”, led by the shared desire of all to be restored to the fullness of council, rather than as “gentiles and tax-collectors” (cf. Matthew 18:17) altogether outside the faith and for whom such hopes are given up only to the mysterious efforts of divine providence. At the same time, the discipline of the “observer status” without voice or vote indicates that these erring brethren have committed themselves to a direction of teaching and action that has deliberately led them outside the order of mutual counsel that is founded on a commonly understood set of Christian commitments, and thus demands repentance and reconciliation. Until these common commitments are re-affirmed by those under discipline, they cannot be expected to engage the order of reasoning and spiritual discernment acceptable to the prayerful direction of the united Body. This dual relationship of “presence without engagement” expresses at once the fracturing will of those disciplined, the actual fracture of the Body effected by their actions, and the desire, yet to be fulfilled, for repentant restoration motivated by love on the part of all.

In this way, those under discipline will stand towards the larger body in council in a way analogous, though still dissimilar, to ecumenical observers (with whom one may or may not share eucharistic fellowship – see below): they are analogous to such observers in that they are understood to be brethren “in Christ” for whom a fuller communion in council is still to be achieved; they are dissimilar in that the impairment to such communion in council derives from their status under discipline whose resolution lies within the spiritual restoration given in a change of heart (something nonetheless not without its parallels to the resolving demands of ecumenical estrangement).

Eucharistic Fellowship and the Discipline of Erring Brethren

The question of eucharistic fellowship among the disciplined and those not under discipline at these meetings and in general is perhaps difficult to legislate strictly on a common theological basis. It is possible to argue that “excommunication” in the sense

of exclusion from eucharistic fellowship is an appropriate framework for exclusion from council as a form of discipline. To uphold this argument, however, one must have made the judgment that participation in eucharistic fellowship by erring brethren is a danger to the “consciences” of either those participating with them, or of their flock (this, on the basis of the New Testament’s teaching on eucharistic fellowship in particular in 1 Corinthians 11, and on the relationship between the “strong” and the “weak” in e.g. Romans 14 and 1 Corinthians 8; read in concert with the concern of numerous New Testament writers over the church’s association with false teachers). It seems appropriate, in this case, that those meeting in council together make this determination themselves on the basis of who is present.

However, it is also possible to regard the restorative motive of love that governs this discipline as demanding an expression of “wounded communion” through the suspension of the eucharistic celebration itself during such meetings as are attended by disciplined “observers”. Their presence at council, though without voice or vote, represents a concession of love, that accepts the suffering of this wounded communion by willingly abstaining from the eucharistic meal altogether until such time as the Body is healed by repentant reconciliation. This abstention – founded on such instructions as St. Paul’s exhortation to “discern the body” in 1 Corinthians 11:29 – is an embodiment both of acknowledged judgment and hope together. This is the position outlined above in the main body of our paper.