

Canonical Restraint on Episcopal and Synodic Authority as It Relates to Effecting Membership in an External Ecclesiastical Entity

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No canonical procedure exists whereby the College of Bishops of the Anglican Province of America, the Presiding Bishop, the Ordinary of a diocese, any synod or any standing committee of the synods may effect “membership” in an external ecclesiastical entity. For the College of Bishops, the Presiding Bishop, an Ordinary, a Synod or a Standing Committee to attempt to join the APA to another ecclesiastical entity, with its own bylaws, canons, and regulations, would be unconstitutional and an egregious violation of canon law. In short, no method exists because such an action would bring into conflict our own Constitution & Canons with a foreign set of rules and procedures belonging to the external ecclesiastical entity.

Communion in Sacris Distinct from “Membership” – The Limit of Episcopal Authority

“Membership” in an external ecclesiastical entity is a very different matter from “communion in sacris,” which is not only possible, but also highly desirable. We declare this worthy intention in the opening sentence of the Solemn Declaration after the invocation of the Name of the Most Blessed Trinity: “We declare this Church to be, and desire that it shall continue in full communion with all traditional Anglicans throughout the world.” Though we have well learned over the years that many a “declaration” turns out to be empty, the APA continues to strive for the day when we may realize this aspiration in truth and deed. And yet it is only the Bishop Ordinary, or in the case of the APA, the House of Bishops, that may effect “communion in sacris” with another ecclesiastical entity. Though we may debate the proper nature of the entity with which we may enjoy “communion in sacris,” there is no doubt that the instrument effecting that relation is the Bishop. He is the Apostolic Man who may declare by word and deed that we are in sacramental communion with some other ecclesiastical entity external to ourself. No other office or legislative body of the jurisdiction may effect that state of being.

To illustrate this point by way of analogy, take the example of the Standing Committee's [SC's] canonical responsibility to certify candidates for ordination. This canonical duty is also the limit of the SC's authority. The SC may certify a candidate for ordination, but it cannot compel the Bishop to act on its certification if he chooses not to act. Conversely, if the Bishop desires to ordain someone he must first acquire the SC's consent by certification. But in the end, only the Bishop can actually ordain the candidate – that is, effect the sacrament - and that is finally his decision. A similar truth pertains to the ecclesiastical relation of “communion in sacris.” Certainly a synod may commemorate a collective desire to be in communion with a particular body, but ultimately, regardless of votes and polls, the onus is upon our Apostolic Man to effect “communion in sacris.”

Of course the exercise of authority always has the potential for exacting heavy personal and collective costs. The cardinal virtue of prudence is essential for the life of Church. The Ordinary is not an atomistic individual who may do anything that he wishes simply because he is the Ordinary. He is a member of a long line of bishops to whom he is accountable to hear and follow. He has several critical responsibilities:

1) He is responsible to guard the depository of worship, doctrine and life that has been placed in his care. This depository is composed, at least in part, of the Holy Scriptures, the Ecumenical Councils, the Book of Common Prayer, and the Anglican formularies. He uses this depository as map and compass as he navigates the ship of the Church through the stormy seas of life into the *via media*, which is the narrow way that leads to salvation.

2) He is responsible to grasp intellectually the salvific consequences of any changes in worship, doctrine and life that may come into his jurisdiction and to conform himself and his charge to the Constitution & Canons. In this regard he promises to “banish and drive away from the Church all erroneous and strange doctrine contrary to God’s Word: both privately and openly to call upon and encourage others to do the same.”

3) He is responsible to discern the *sensum fidelium*, which can hardly be achieved without humility and patience. Historically, the Ordinary consults with his clergy and laity, albeit that consultation is part of his discerning process and not to be confused with a modern focus group, a political

caucus, an election or even a “vote of confidence.” In the end, all our bishops are expected to remain loyal to the Oath of Conformity they share with all other clergy in our jurisdiction.

Our relation of “communion in sacris” with the Reformed Episcopal Church is a case in point. We have for some time now enjoyed a relation of fraternal charity whose outward and visible sign is the Holy Communion we share in common. However the APA is not a member of the REC, nor is the REC a member of the APA. That would require an action that is not anticipated in the Constitution & Canons, i.e. dissolving our jurisdiction and entering into the REC.

To sum up Episcopal authority vis-à-vis the APA’s relation to an external ecclesiastical entity, our bishops may effect “communion in sacris” with another jurisdiction of the Catholic Church, but they may not effect our membership in another entity.

APA Constitution and Canons: Synod Authority vis-à-vis External Ecclesiastical Entities

The Synod’s authority regarding external ecclesiastical entities exists in three areas: (a) Forming parishes; (b) Receiving parishes; and (c) Creating new dioceses.

Forming Parishes:

The role of the Synod in forming new parishes is either (a) to create the Diocesan governing canon addressing the issue, or (b) to require- at the very least- the SC’s advice and consent prior to the Bishop’s final decision (*Canon 48, Section 2*). Thus, as with the ordaining of postulants, while the Bishop is not required to form a parish simply because the SC recommends it, he is not permitted to do so without their consent. The SC must consent to any parish that the Bishop wishes to form.

Receiving Parishes:

While the APA Canons are not as clear regarding *receiving* established parishes, this function also, by implication, belongs to the Synod. The

Diocese of the Eastern United States [DEUS] provides the logical solution, analogous to the Synod's role in forming parishes: If an established parish accedes to the Solemn Declaration, the Constitution and Canons, and the doctrine, discipline and worship of the APA, then the Bishop may receive it into Diocesan membership. Yet, as with parish formation, he may only do so with the advice and consent of the SC. Again, we see that the Synod (via the SC) exercises authority over this process (*DEUS Canon 9*).

Creating New Dioceses:

Synods are critical to the creation of new dioceses; indeed, the Provincial Synod is ultimately responsible to ascertain whether a potential new diocese has complied with the Constitution and Canons, and, absent the Ordinary's veto, to admit the new diocese into union with the APA. The proceedings for the creation of a new diocese begin with the Synod of the affected diocese(s) agreeing to the action. Then, the Provincial Synod ascertains whether all proceedings and other necessary documents are in proper order, and whether the new diocese accedes to the APA's Constitution and Canons. If the Provincial Synod is satisfied on these counts, and if the Ordinary has not exercised his veto power, then "such new diocese shall be admitted to union with the Provincial Synod" (*Article V, Section 1; Canon 47, Section 4*).

No Synod, however, may vote to join as a "member" or to effect union with any other ecclesiastical entity. The APA's Constitution and Canons simply do not empower any Synod or SC with that role. The Synod's authority vis-à-vis external ecclesiastical entities lies only in its authoritative role in forming parishes, receiving existing parishes, and creating new dioceses. For a Synod or a SC to attempt to join another ecclesiastical entity, with its own by laws, canons, and regulations, would be a constitutional and canonical violation.

Indeed, given the limits imposed by our Constitution and Canons, for the APA to unite with or to "join" an external ecclesiastical entity results in one of three things happening:

- 1) The APA dissolving into the other ecclesiastical entity and ceasing to exist altogether (by virtue of acceding to another set of canons, regulations, and church practices, and thereby annihilating our identity and our governing charters).

- 2) The external ecclesiastical entity itself dissolving and ceasing to exist; then, each individual parish of that former entity may vote to request entry into the APA at the parish level; and the respective Diocesan Synod, following its canons, determines whether to receive that particular parish.
- 3) Both entities- the APA and the other ecclesiastical entity - dissolving to create a new province with its own Constitution and Canons.

CONCLUSION:

The Synod and Standing Committee's authority is clearly limited in our Constitution and Canons to the three areas discussed above. Thus, whether via the Episcopate, the Synod, or the Standing Committee, no canonical path exists whereby the APA may effect union with or "membership" in an external ecclesiastical entity.