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CANONS AND CONSTITUTIONS

Our brethren at Christ Church, the mother church of the diocese of Georgia, have been engaged in difficult discussions with the Bishop of Georgia concerning their dissent from actions of the General Convention. Late last year, the chancellor of the diocese abruptly turned up the heat, by sending Christ Church a long letter (subsequently made public) threatening Christ Church with certain legal sanctions of an extreme nature. More recently, the bishop himself has made public a letter sent to the parish, of a more moderate and pastoral tone, in which he spoke of a continuation of "dialogue...seeking, with God's help, a way forward for all of us". He and Christ Church should have our prayers in this regard. My own hope is that the genuine pastoral commitment of the Bishop of Georgia will prevail over counsels of legalism and litigation.

Leaving aside the particulars of the dispute between Christ Church and the diocese, what this current fracas exposes, which is of general concern, is an apparent willingness to resort to litigation to resolve disputes that are fundamentally theological in nature. One cannot but notice the parallel with events in the diocese of Virginia, where the diocese, supported by Madame Schori, has abandoned the protocol it had prepared to guide the amicable withdrawal of parishes from the diocese with their property, and seems ready to resort to litigation. One need not have a dog in this fight to regret this lurch into litigation. Not only does it open the door to bitter and bloody wrangling likely to harm the church's ministry and mission for years to come, it also bespeaks a legalistic kind of ecclesiology – the Church as the religious equivalent of Walmart, in which those who hold office as well as members in general are little more than functionaries within a bureaucratic structure.

What those ignore, who invoke the authority of canons against dissent, is that the canons themselves are subordinate to the constitution of the Episcopal Church. In the preamble of the constitution – an integral element of the constitution, with strong historic precedents and parallels in the rest of the Communion – the Episcopal Church is described 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".

That preamble was added only in the 1960's, but it well expresses the implicit historic commitment and covenant of the Episcopal Church to its Lord, with its members, and with other provinces of the Communion. It articulates the consensus about what the Word of God teaches that made it possible for there to be an Episcopal Church, that is, a spiritual community of faith and worship. As such, the constitution's preamble has an authority that is prior to that of any bishop, priest, deacon, or convention: their authority is derived authority given them under the terms of the constitution, and cannot be used contrary to it.

Moreover, to interpret this preamble aright, one must recall that it was adopted before the authorization of the 1979 Prayer Book (whose compilers, as Urban T. Holmes III admitted in the Massey Shepherd festschrift, *Worship points the way*, used it to introduce change in doctrine while denying publicly that they had done so); before the unilateral and communion-impairing ordination of women; and before the unilateral and repudiated consecration of Gene Robinson. The Episcopal Church has been "sitting loose" to its own constitutional obligations in faith and ministerial order for some time (with St. John's in vocal dissent every step of the way). As a result, since 2003 a question mark has been hanging over the status of the Episcopal Church as a "constituent member" of the Anglican Communion. (It is possible that the question of the Episcopal Church's status in the Communion will be resolved in next month's meeting of the Primates in February in Dar es Salaam, Tanzania.)

The point is this: a church which cannot uphold its fundamental constitutional obligations has a dubious moral (and perhaps also legal) claim to enforce its canons against those members and congregations who do. If the majority which controls the General Convention wishes to engage in a fundamental revision of the Church's worship, faith and order, to the point where it is no longer recognized as a province of the Anglican communion, they should recognize that in so doing they have undermined the Church's historic consensus about worship, faith and order, and the implicit covenant that exists with its parishes and members.

A one-sided emphasis on canons, at the expense of the constitutional commitment they are designed to realize, will not serve the welfare of the Episcopal Church, or of Episcopalians. The point made by the Archbishop of Canterbury last summer bears repeating: if the Anglican Communion is to survive intact, it must change: the old forms of provincial autonomy, which presupposed a long-abandoned 'gentlemen's agreement' to abide by the doctrine and sacraments of the Prayer Book, must give way to "closer and more visible formal commitments to each other. And it is not going to look exactly like anything we have known so far". What is true of the Communion as a whole is equally true of the Episcopal Church: it will not be preserved or revived by a reactionary resort to the abstract legalism of litigation, but only by a genuinely progressive act of pastoral and ecclesiastical imagination, a leap into mutual accountability within the context of its historic commitments of faith, order, and worship. I do not know if such imagination exists in the leadership of the Episcopal Church. All I am sure of, is that its absence will be paid for in much bitterness.

The Rev'd. Gavin G. Dunbar

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