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SYNODICAL GOVERNMENT IN THE ANGLICAN COMMUNION

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The purpose of this paper is to offer an overview of Anglican governance[1] and decision making in order to appreciate how moral decisions are discerned and decided in an Anglican context. This will be a broad stroke presentation within which there are nuances and variations according to local practice among the Churches that comprise the Anglican Communion.

An oft repeated phrase summarizing the governance of the Anglican Church is that it is 'episcopally led and synodically governed'. These four words pithily condense a complex web of relationships between bishops, clergy and laity at every level of the structure of the church across all areas of decision making. This is additionally complicated by nuances and difference among the churches that make up the Anglican Communion. It is hoped that the following pages will assist in understanding the relationships within which Anglican Churches individually and corporately seek to discern the will of God.

In order to consider the path for the discernment of moral decisions within the governance of the Church it will be helpful to approach it first from the perspective of history. This paper will therefore sketch the development of governance within the Anglican Communion. Appendix II includes a short paper of how a particular moral issue, the remarriage of divorced persons, has been discerned in the Anglican Church of Canada as an example of the process.

I Historical Overview

Development of Synodical Governance

Until the separation of the Church of England from the Roman Church in the 1500's the Church followed the pattern of the Western Church of governance of dioceses by local bishops under papal authority. The Church looked to the example of the Council of Jerusalem (Acts 15) for scriptural authority for conciliar guidance and rooted itself in the Ecumenical Councils as the arbiters of heresy. Bishops met in Councils with senior clergy and monastic leaders for advice on matters of church discipline and faith. Convocations were also convened of bishops, clergy and monastic leaders for discussion of temporal matters, including financial decisions, in which clergy consent was required for any enactment of decisions. By the mid 15th Century these two kinds of gatherings had been combined in England into the Convocations of York and Canterbury. In order to preserve both episcopal privileges and consultative authority of clergy, the lower house of clergy were granted the right of veto on certain temporal decisions.

The *Act of Supremacy* of 1534 marked the separation of the English Church from Rome with the declaration that the English monarch was the supreme head on earth of the Church in England. With the exception of the brief restoration of papal headship under Mary I English monarchs have continued to hold the title of *Supreme Governor and Defender of the Faith* and the Church of England became the established church of the country.

As the powers of the Convocations were now virtually redundant with the Church under the governance of the crown and parliament, the Convocations rarely met over the next two hundred years and not at all from 1717 to the 19th Century once powers of taxation had been removed from the Convocations. Convocations required royal writ in order to be convened and any enactment of canons came under

[1] Anglican nomenclature can be confusing! See Appendix I for clarity on usage in this paper.

parliamentary jurisdiction and required royal assent. Any change in doctrine or worship required a parliamentary act. The appointment of Bishops became a prerogative of the crown that continues in the Church of England to the present.

The 19th century provided a series of new challenges to the structure of the established Church. Social and political changes saw the presence of dissenters and Roman Catholics taking their place in parliament and it became increasingly problematic for the Church to have decisions on its life governed by those with little investment in its well-being. The expansion of the British Empire across the world was now resulting in agitation for representative government within the colonies. As well, the Church in the colonies was chafing under the need for local governance that was more responsive to its needs in a timely fashion.

The American Revolution and necessary independence of the Episcopal Church there since 1789 had established a principle of representative church governance including laity. A suspicion of the power of the episcopate had led to the development of a bicameral synodical structure that limited episcopal authority.

The early part of the 19th Century saw conversations emerge around the necessity for and shape of new models of governance, particularly the need for diocesan synods to be convened to deal with temporal matters. Financial support and control of property was vested in the British parliament. With the rise of religious pluralism and financial constraints, colonies chafed under the lack of responsiveness of parliament to their needs. The financial responsibilities of maintaining the church at home were being challenged by non-Anglicans who resisted paying taxes for a church they did not support – and the costs of colonial churches were equally problematic. The calling of synods required parliamentary permission from England at a time when the English parliament was mired in uncertainty about the appropriate shape of church governance for the future in the colonies, given its desire for continued control and weariness with the responsibilities at such long distances. Could local colonial governments be permitted to legislate an enabling act to allow such synods to convene to deal with temporal matters?

Over the 1850's a series of four legislative bills were introduced seeking to find a governance model for the colonial churches that would maintain links to the mother church. All four failed to pass.

> *If any of Gladstone's 1852 Bill, Sumner's 1853 Bill, or the government's own 1854 Bill had been enacted they would have created a very different Anglican Church within the British Empire. By legislation it would have been recognized as a single entity whose colonial bishops and synods would have been subordinate to both the Church and the government in England. In addition, the colonial synods would have been strictly limited in their jurisdiction to the management of local affairs and would have been prohibited from enacting any measures in regard to liturgy and doctrine*[2]

The failure of these bills left both the Church of England and the colonial churches mired in an untenable situation with alternatives fomenting in local contexts.

Concurrently the colonial bishops and clergy were meeting internally to discuss their future needs and to plan for the establishment of synods. These discussions included the need for lay involvement in these synods, a response to calls by laity for involvement in decisions which affect their lives in both

[2] Huskins, Harry. *The Autonomy of the Canadian Church within the Anglican Communion; An Historical Study.* Paper unpublished. 2007

secular and church governance. Bishop Selwyn of New Zealand was among the first to call an 'informal' diocesan synod in 1844, without waiting for royal permission. He proceeded to establish a constitution for the church based on the principle of a 'consensual compact'. Similar movements were underway in Australia and Canada, holding to the principles of lay and clergy involvement. Some were formed by consensual compact while others were created by enabling legislation from colonial governments. *Synods became the primary means of distancing the Church from formal connection to political authority and of enhancing the particularity of the Church's identity and mission.*[3]

General Synods

As diocesan synods were established and became normative, a concomitant movement for provincial and national assemblies or synods also arose.[4] New Zealand led the way with a General Synod established in 1857 to govern property, finance, patronage as well as discipline of clergy and officials. Canada called a national gathering and wrote its Solemn Declaration that continues to define its relationship with the Church of England and the provinces. *It is clear, however, that the delegates who adopted the Solemn Declaration in 1893 intended it to define the Canadian Church's relationship with the Church of England and other Anglican national Churches. In addition, the Basis of Constitution adopted at the first General Synod session in 1893 gave the Synod power to deal with all matters affecting in any way the general interests and well-being of the Church within its jurisdiction, and this was taken to be a primary, if not exclusive, power to conduct these relations*[5]

National assemblies or General Synods vary in their powers depending on historical development and constitutional structures. Some powers are reserved to the national General Synod level while others are retained at the diocesan level. In general, matters of doctrine and worship are retained at the level of General Synod while issues of mission and function at the local level are retained by the diocesan synods. As well, within the canons of each level there are procedures for voting dependent on the nature of the proposed canons. Issues of core importance to doctrine require a more stringent test. For example, in Canada and New Zealand a change to the marriage canon would require a two-thirds majority of each house (Bishops, clergy, laity) at two successive meetings of synod with consideration by provincial and diocesan synods after the first vote.

The established nature of the Church of England and its historic roots resulted in a slower rate of change to its structures. The introduction of a house of laity to the Convocations took place in 1888 (Canterbury) and 1892 (York). A national assembly was established in 1919 with the authority to commend canons to the parliament which can only vote to approve or not, but cannot amend. General Synod was established in 1969 in which the three orders sit together and make decisions on matters of relations with other churches, worship, matters of religious or public interest and finance. Episcopal prerogative is preserved by requiring that any measure or canon related to doctrine or sacraments must have the approval of the House of Bishops and can only be approved in the form presented by the House of Bishops. Some measures (relating to Baptism, Eucharist) require additional approvals by all diocesan synods.

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[3] Sachs, William L. *The Transformation of Anglicanism.* Cambridge University Press, Cambridge. 1993. Pg. 195

[4] The Anglican Communion is composed of 38 Provinces many of whom are coterminous with national boundaries (eg. Canada, New Zealand, Australia) while others are clusters of a group independent nations grouped as one Province (eg. West Indies). Each province has a General Synod.

[5] Huskins, Harry *Autonomy, pg 38*

The result of the changes of the 19th and 20th century is a 'family' of structurally independent national churches with genetic links to the Church of England. These genetic markers are found in liturgicial expressions; constitutional declarations (eg *Solemn Declaration – Canada);* episcopal leadership and synodical structures. Colin Podmore summarizes the characteristics of synodical government in England, that are generally shared, in these 10 principles:

- Necessary and permanent feature of life of the Church
- Representative gathering of whole church – including laity, clergy and bishops.
- Not a democracy – not created by numerical proportion;
- Exist at every level – diocese, province, national church; no legislative power higher than national level
- All are members of synod – not representatives of a constituency – once elected or appointed all called to act for good of the whole Church under the guidance of the Holy Spirit
- Diocesan synods have limited powers re faith, order, doctrine – general powers over daily operational life;
- Gathering of whole church 'around' bishop – not against – expected to work together Bishop holds a power of veto (of varying degrees) but bishop cannot withhold consent 'lightly nor without grave excuse'
- Bishops – remain the guardians of faith and order – expected to give leadership and have the right of veto
- Synods are concerned with the whole world not just church
- Synod is a liturgical – eucharistic body – incorporates prayer – eucharist etc.[6]

Podmore sums up synodical governance - *"It (Church of England) is still led and governed by its bishops, but the bishops act not in isolation but in partnership and constant dialogue with the clergy and laity through the synods of the church, and with their consent."* [7]

Rooted in the description of Acts 15 of the Jerusalem Council where consultation takes place on a matter of internal discipline, synods provide opportunity for the bishop, clergy and laity to discern together. Episcopal leadership is preserved by the right of veto, though not an unlimited right in some cases. It is understood that the Holy Spirit speaks to the whole Church while the bishop has been ordained to leadership and given particular authority to exercise within the discernment of the synod. *Anglicans remain true to their tradition when they* simultaneously *insist on the exercise of real power by those entitled to claim it and on the necessity of open criticism of the quality of the exercise of the power. Both of these principles are derived from scripture, are consistent with the traditions of the early church and the Reformation, and are enshrined in the structure of a synod.*[8]

Lambeth Conferences

However, the nature of the family ties remained a significant problem as ecclesial independence was now established. To what degree are we bound together? This question led to a need for episcopal consultation, articulated in a call from the Provincial Synod of Canada in 1865 for a global episcopal forum: ...*means should be adopted by which the members of our Anglican Communion in all quarters of*

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[6] Podmore, Colin. *Aspects of Anglican Identity.* London: Church House Publishing, 2005. Pg. 119-122

[7] Podmore, Colin *Aspects of Anglican Identity.* London: Church House Publishing, 2005. Pg. 123

[8] Chittleborough, K.S. *Towards a Theology and Practice of the Bishop-in-Synod* in Sykes, Stephen, ed. *Authority in the Anglican Communion.* Toronto, Anglican Book Centre, 1987. Pg 148.

the world should have a share in the deliberations for her welfare, and be permitted to have a representation in one General Council of her members gathered from every land.[9]

In 1867 the Archbishop of Canterbury, C.T. Longley, called global bishops to Lambeth Palace for the first of what would become the Lambeth Conferences. Seventy-six bishops attended that first conference with the purpose of worship and counsel to promote Church unity, but explicitly not to make definitive declarations. Longley solicited topics for discussion that included doctrinal standards, relationships between the churches, the role of laity and role of the Church in social issues.

At these early Lambeth conferences there was considerable tension over the question of whether the conference could or should establish its authority over all the churches for the sake of unity. Some were clearly opposed as this would infringe on the traditional authority of the crown while others longed for a greater unity that had more teeth to maintain standards and traditions. Judicious leadership of the conferences maintained the position that the Conference would be consultative only.

> *The results of the first Lambeth Conference should not be measured by the failure of these proposals by Gray, Fulford and others, but by the Conference's success in affirming that the diocese and its synod is the fundamental unit of the Anglican Communion and that it is essential to order and good government that the Diocese should be organized by a Synod.*[10] *The Conference also affirmed that the synod should be composed of bishops, clergy and laity, and that dioceses and their synods should, in turn, be organized in larger units of provinces and provincial Synods.*
> *As important was the Conference's rejection of proposals that it should hold legislative, judicial, or executive jurisdiction. These two elements, that the diocese and its synod is the fundamental unit of the Communion, and that there is no authority to exercise legislative, judicial or executive power over the individual Provinces was foundational to the subsequent development of the Communion. Evident in all of this was what* The Virginia Report *of 1997 would refer to as the life of the Communion being held together in the creative tension of Provincial autonomy and interdependence.*[11]

Archbishop Tait in a letter to American bishops prior to the second Lambeth conference wrote: *Each is considered qualified to regulate its own separate affairs, while all are united in the maintenance of the one faith. Therefore, if the Conference meets, it will be necessary to exclude all questions which might trench on the complete independence of the several branches of the Church.*[12]

The third Lambeth Conference (1988) adopted what has come to be known in Anglican circles as the Lambeth Quadrilateral, four statements originally developed by an American priest, W.R. Huntington for use in ecumenical dialogues.

Lambeth Quadrilateral:

1. *The Holy Scriptures of the Old and New Testament as containing all things necessary for salvation, and as being the rule and ultimate standard of faith.*

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[9] Journal, Provincial Synod of Canada, 1865, page 14
[10] Report of the Committee appointed under Resolution 5, Lambeth Conference, 1867, section 1.
[11] Huskins, Harry. *Autonomy,* pages 44-45.
[12] Letter from Archbishop A.C. Tait to the American Bishops, June 7, 1875, in Davidson in R.T. Davidson's *Life of Archibald Campbell Tait*, volume 2. London, Macmillan, 1891

2. *The Apostles' Creed as the Baptismal Symbol; and the Nicene Creed as the sufficient statement of the Christian Faith.*
3. *The two Sacraments ordained by Christ Himself – Baptism and the Supper of the Lord – ministered with unfailing use of Christ's Words of Institution, and the elements ordained by Him.*
4. *The Historic Episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the Unity of His Church.*[13]

At the 1988 Conference the Lambeth Quadrilateral was ratified as a basis for Anglican identity and for ecumenical conversations. It continues to be an important touchstone of Anglican discussions.

Successive Lambeth Conferences have called together bishops from around the globe for similar consultation and support. They continued to reject any attempts to establish judicial responsibilities within its deliberations or to give the Archbishop of Canterbury authority over any particular provincial or national level. At the 1930 Conference the following resolution offers the clarity the Conference had come to on the nature of the Anglican Communion

> *The Anglican Communion is a fellowship, within the one Holy Catholic and Apostolic Church, of those duly constituted dioceses, provinces or regional Churches in communion with the See of Canterbury, which have the following characteristics in common:*
> *(a) they uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorized in their several Churches;*
> *(b) they are particular or national Churches, and, as such, promote within each of their territories a national expression of Christian faith, life and worship; and*
> *(c) they are bound together not by a central legislative and executive authority, but by mutual loyalty sustained though the common counsel of the bishops in conference*.[14]

Although not legislative the Conferences carry considerable moral authority and are significant opportunities for episcopal consultation. William Sachs summarizes the formation of the Lambeth Conferences in this way: "*The Lambeth Conference embodied the synodical principle without itself being a synod and evinced the Church's desire to be a public religion without recourse to civil society's structures. It represented the Church's longing to function as a spiritual kingdom, and it confirm the Church's unity amid diversity, and recognized its heritage without positing the necessity of allegiance to England." [15]*

Recent tensions in the Communion have once again brought the question of the nature of our unity to the fore and led to the proposal for an Anglican Covenant[16] among members of the Anglican Communion. The Covenant is currently being considered by each of the member churches to determine their willingness to embrace it as an expression of our shared life.

Anglican Consultative Council

There continued to be a call for a global council of reference with attempts made at the 1888 Lambeth Conference to establish such a Council of Reference. This attempt failed although the idea continues to

[13] Lambeth Conference, 1888, Resolution 11.
[14] Lambeth Conference 1930, Resolution 49.
[15] Sachs, William *Transformation,* pg 207.
[16] The Anglican Covenant can be seen at: http://www.aco.org/commission/covenant/docs/index.cfm

surface periodically in Lambeth discussions. In 1968 the Anglican Consultative Council was established with approval from all provinces of the Communion for the purpose of continuity between Lambeth Conferences, encouragement in areas of mutual concern and advice. It retains the threefold membership of bishops, clergy and laity from each province of the Communion.

Primates' Meetings
In 1978 the Lambeth Conference instituted periodic meetings of the Primates of the Communion to strengthen interdependence and further consultation. Like the Lambeth Conference and ACC these meetings do not have legislative authority but carry the moral authority of the office of the participants.

Summary
Although historically linked to pre-Reformation episcopal leadership, the developments of the English Reformation as an established church and subsequent fragmentation of the Church of England through colonial independence led to new additional forms of governance. A `family` of independent national Churches with Anglican DNA emerged from the 19th and 20th Centuries. Episcopally led, they are synodically governed under a variety of nuances of relationship between bishops, clergy and laity in decision making. Deliberation on matters of worship and doctrine, although traditionally matters of episcopal discernment, are also considered by these synodical structures. The wider Anglican Communion exists through mutual agreement to meet and consult. Through the structures of the Lambeth Conference, Anglican Consultative Council and the more recent consultations of the Primates of the Communion the family seeks to maintain a sense of unity as a global Communion.

It must be noted that recent decisions in particular Churches have highlighted the tensions of our system that remain unresolved. *"It would seem that the Lambeth Conferences at least have not as yet directly and systematically addressed a series of key questions here: where provincial autonomy ends in decision-making on matters of faith, order and morals; where the establishment of moral rules ends and 'discipline' begins; what is the sphere of provincial or diocesan jurisdiction in matters of discipline in relation to that of the ministry with pastoral charge or 'cure of souls' locally within a particular congregation; mercy; whether it can really be the case that Anglicans claim no more than a 'moral authority', that is, a non-coercive authority, an authority of example, working by loyalty to the fellowship, when at least in the sphere of authority in matters of morals there is and always has been provisions for punitive sanctions, both legal and excommunicative."* [17] Anglican structures remain in development as the Communion seeks ways to sustain unity in the midst of diversity.

II Synodical Powers

The above summary of the historical development of synods lays out the foundation. However, of critical importance, is the way in which synods at the various levels of governance actually function in decision making. Two principles govern all levels of governance. The first is that of subsidiarity. The second is that of the `bishop-in-synod` which articulate the balance between episcopal authority and the counsel of the clergy and laity of synod.

At the Lambeth Conference of 1867 a discussion of the relationship between various levels of synods noted: ``The spheres of action of the several Synods should be defined on the following principle, viz.,

[17] Evans, G.R. *Authority in the Church: A challenge for Anglicans*. Norwich: The Canterbury Press Norwich, 1990. pg. 116

That the Provincial Synod should deal with questions of common interest in to the whole Province, and with those which affect the Communion of the Dioceses with one another and with the rest of the Church; whilst the Diocesan Synod should be left free to dispose of matters of local interest and to manage the affairs of the Diocese.`` G.R. Evans adds, ``The principle of `subsidiarity` (nothing should be done at a higher level than is necessary) clearly underlies this practical ruling and preserves the diocesan synod as the fundamental unit of Church organisation in such a conciliar structure." [18] This remains a principle of relationships between diocesan and Provincial synods although there are nuances in the balancing of the powers within different Churches.

The second key principle is that of the `bishop-in-synod`. The Lambeth Quadrilateral affirmed the importance of the `historic episcopate` as an identifying feature of Anglicanism. The exercise of episcope continues to be an essential feature of Anglican life. In the Church of England the consent of the diocesan bishop is required for any resolution of the diocesan synod to be enacted. At the level of General Synod the consent of House of Bishops is required. This protects the role of the bishop as `guardian of the faith and unity of the Church` and is to be exercised with due caution and care. This pattern of the `bishop-in-synod` is mirrored across the Communion.

A consultation of chancellors of each Province of the Anglican Communion has set out general principles for Churches of the Anglican Communion.[19] These principles are not binding but do represent a significant convergence of agreement among the chancellors and are a reference point for the establishment of canons and structures of the Church. The role of bishops is noted in principles such as the following:

Principle 50:5 *No new doctrinal formulae may be approved by a central church assembly without the consent of the House of Bishops or equivalent collegial Episcopal body.*

Principle 53:6 *The bishop has a special responsibility to guard and uphold sound and wholesome doctrine.*

Principle 20:6 *A diocesan bishop may give or withhold consent to proposed diocesan legislation to such extent as is provided by law, but may not legislate unilaterally.*

The primary unit of the Anglican structure is that of the diocese governed by a bishop. At the diocesan level the bishop and synod govern the daily life of congregations including the ordering of parishes, appointment and discipline of clergy; management of property and finances (including parish allotments); election of members for provincial and general synods and diocesan structures needed for mission and ministry.[20] Discussion of matters of doctrine and worship may originate in diocesan synods in response to the pastoral and missional needs of the local context. However the diocesan synod can only then commend the discussion and its recommendations to either the provincial or general synod or the ecclesiastical province for action through memorials.

Within some Provinces of the Communion clusters of dioceses form an ecclesiastical province with its own provincial synod composed of the bishops of the province and clergy and lay members elected by

[18] Evans, G.R. *Authority.* Pg. 56

[19] The Anglican Consultative Council. *The Principles of Canon Law Common To The Churches of The Anglican Communion.* London, Anglican Communion Office, 2008.

[20] See Appendix III as an example of the Table of Contents of diocesan canons from the Anglican Diocese of Toronto

each diocese.[21] These have a limited and particular range of responsibility related to the geographical particularities of the ecclesiastical province in addition to regulating and overseeing the election of diocesan bishops.

The General Synod of a Province retains authority over doctrine and worship, allotment for purposes of the Province and governs ecumenical relationships and operations of the structures of the whole Province. For example the powers of the General Synod of the Anglican Church of Australia are described in its Constitution as follows*: ``Subject to the terms of this Constitution Synod may make canons rules and resolutions relating to the order and good government of this Church including canons in respect of ritual, ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual, moral or social welfare, and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions`.*[22] In General Synods the three houses, bishops, clergy and laity, share in the deliberations of Synod. Rules governing voting vary according to the nature of the resolution presented with issues of doctrine and worship requiring more stringent levels of agreement in order to be passed. A significant change may require voting at two successive synods with significant majorities (two-thirds or three-quarters) and diocesan consultations and/or approvals between the synods. The House of Bishops has particular responsibility as no resolution will be enacted without its agreement. Some Churches have sought alternative forms of reaching a decision. The Anglican Church in Aotearoa, New Zealand and Polynesia uses a form of consensus based based on a local pattern of decision making.

Summary

It is within the interlocking synodical structures described above that the Churches of the Anglican Communion discern the parameters of their life, seeking the guidance of the Holy Spirit through the vehicle of discussion and decision making of all members of the Church, laity, clergy and bishops. The bishop continues to hold a particular place in teaching and has some power of veto within synodical structures. In each generation tensions around moral issues have highlighted the fragility of our bonds of affection and have tested the web of relationships that hold us in communion with one another. Our growth as a Communion is a continuing work in progress.

[21] Anglican Church of Canada Website: http://www.anglican.ca/help/faq/ac-provinces/ Internally, most autonomous provinces/churches consist only of dioceses but a few churches are further sub-divided into provinces (sometimes called ecclesiastical provinces) and then into dioceses. Six provinces/churches have an internal provincial structure: the Anglican Church of Australia (5 provinces), the Anglican Church of Canada (4 provinces), the Church of England (2 provinces), the Church of Ireland (2), the Church of Nigeria (10 provinces) and Episcopal Church U.S.A. (9 provinces).

[22] Constitution of the Anglican Church of Australia Pt. 26.

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Appendix I

For the purposes of this paper the following nomenclature and practice of capitalization will be used:

Anglican Communion – The Anglican Communion comprises 38 self-governing Member Churches or Provinces that share several things in common including doctrine, ways of worshipping, mission, and a focus of unity in the Archbishop of Canterbury. Formal mechanisms for meeting include the Lambeth Conference, the Anglican Consultative Council, and the Primates' Meeting, together known as the Instruments of Communion.

Church – a national or regional Anglican body affiliated with the Anglican Communion

Province – Regional body, sometimes coterminous with a national Church, that is a geographic sector of the Anglican Communion

ecclesiastical province – a cluster of dioceses within a Church.

Appendix II

DIVORCE AND REMARRIAGE IN THE ANGLICAN CHURCH OF CANADA:
An example of change in doctrine & practice

As the church wrestles with a variety of pastoral issues, not least of which currently is the blessing of same sex unions, it is instructive to ask how the church has handled similar issues in the past. One of these issues, within the current memory of many in the church, is that of the permission for divorced persons to be remarried with the blessing of the church. Although the Anglican Church of Canada gave permission for the remarriage of divorced persons in 1967, the path to arrive at that decision began in the 1800's.

The earliest conversations on this issue began due to pastoral concern for the status of the 'innocent party' in a divorce. The Episcopal Church in the United States gave permission for the innocent party in a divorce to remarry in 1808 however no other Church of the Anglican Communion officially did so until the next century. Lambeth 1888 maintained the indissolubility of marriage, though recognized the Matthean exception of adultery and fornication, and affirmed the prohibition of the remarriage of persons divorced for any other reason during the lifetime of the other party. Some leeway was presumed for the innocent party though this was disputed as an increasing emphasis on indissolubility of the marriage covenant strengthened within Anglicanism.

A Joint Committee of the Provincial Synod of Canada in 1892 examined various aspects of the debate and submitted a report in which the majority opinion upheld the then current practice and even suggested that the Matthean Exception (for adultery) was abrogated "…when Jerusalem was destroyed and when the full Christian law came into operation."[23] It left open the possibility of remarriage of the innocent party through a civil marriage with permission to take Holy Communion but only after episcopal approval. A minority opinion was appended and noted: "The undersigned also begs to represent that to refuse marriage to the innocent party is a violation of natural justice, inasmuch as it deprives him arbitrarily, without any offence, or fault of his, of one of the most sacred of natural rights."[24]

As the debates continued the primary tensions in the discussions were between the sacramental indissolubility of the marriage covenant, the pastoral status of divorced persons in the ongoing life of the Church re admittance to Holy Communion and the possibility of remarriage within the Church as an issue of pastoral grace and justice. These tensions ran alongside the changes in civil society in Britain and Canada that loosened restrictions and access to divorce and remarriage.

The Lambeth Conference of 1920 reiterated the indissolubility of marriage and the Council for Social Service that same year restated that, since Jesus had declared that the remarriage of divorced persons initiated adultery, it must be opposed. In subsequent years the discussion shifted to focus on the

[23] Millman, T.R. *Marriage Legislation of the Protestant Episcopal Church (paper – no date)* Anglican Church of Canada Archives, pg 3
[24] Report on Marriage and Divorce, Provincial Synod of Canada. 1892 Anglican Church of Canada archives.

grounds for ecclesiastical annulment. If marriage was indissoluble, the only way to address the pastoral concerns was to look at the initial formation of the marriage bond and address its credibility.

However, continued concern for the innocent party led to an attempt again at General Synod 1949 to permit the remarriage of the innocent party in the church after divorce. It was still deemed too radical a departure from the existing practice of most of the Anglican Communion and was rejected. The only slight change was to that admittance to Communion for a remarried innocent party no longer required Episcopal permission (as long as the person was otherwise qualified to receive communion).

A further Commission on marriage was established in the 1950's to continue to explore the tension between the principle of indissolubility and the pastoral needs of individuals and families, alongside the changes in secular practices. This finally came to a conclusion with the approval in principle at General Synod 1965 for a change to the Marriage Canon such that divorced persons could make an application to the Bishop for remarriage in the church. With revisions to the Canon, including the establishment of Matrimonial Commissions under the authority of the Bishop to review applications for remarriage, it was finally authorized in 1967. The Commission on Marriage and Related Matters came to the understanding that the doctrine of indissolubility could not be sustained theologically or in tradition, noting that the doctrine of indissolubility had at no time in history been accepted unanimously across the Christian church.[25]

A trajectory that began in the late 19th century reached an official conclusion in 1967, nearly seventy years later. As with other changes to tradition and practice, the received theological tradition came under pressure from pastoral and social changes. Discernment of the interpretation of scripture engaged with historical reflection on the nature of marriage across the Christian community and social realities. Different parts of the Anglican Communion made changes at different times with Canada near the forefront of changes in the 20th Century. As noted in a report for the Church of England in 1971 "...it appears that the steps taken by the Church of Canada in 1967 are providing a pattern for other Churches to follow…"[26]

A further revision to Canon XXI was made in 2004 which permits the Bishop to delegate the authority to approve an application for remarriage either to a Matrimonial Commission or to the incumbent of the parish where application is made, with the proviso that the necessary preparation is undertaken. At all times there has been provision for clergy whose conscience will not permit them to remarry divorced persons, a symbol of the ongoing tensions present in our decisions.

Although the doctrine of indissolubility came under question in the course of the discussions the Marriage Canon maintains an emphasis on continuing and shared core principles of marriage consistent with tradition and practice. The current Canon XXI on Marriage in the Anglican Church of Canada is clear that '…marriage is a lifelong union in faithful love, and that marriage vows are a commitment to this union for better or for worse, to the exclusion of all others on either side." Divorced applicants for remarriage must "understand the Christian Doctrine of marriage as defined in this Canon, and intend to enter into such a marriage, and believe on reasonable grounds that they have the capacity to enter into and sustain the marriage during their joint lives." (Canon XXI Section 2 Part IV).

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[25] Winnett, A.R. *The Church and Divorce: A Factual Survey. London: Mowbray, 1968.* p. 45-46.

[26] Waddam, Herbert *Marriage and Divorce in the Anglican Communion,* in *Marriage and Divorce and the church: The Report of a Commission Appointed by the Archbishop of Canterbury to Prepare a Statement on the Christian Doctrine of Marriage,* London, SPCK, 1971. pg. 155.

What does the example of divorce and remarriage say to the Anglican Church of Canada in the 21st Century wrestling with different moral issues? It is clear that there is a direct connection between what is happening in the social milieu around the church and its response. The church is part of that milieu and must engage with it to meet pastoral needs. Those needs are recognized and appropriate response is sought in dialogue with key doctrinal themes including creation, covenant, justice, grace, forgiveness, and redemption. Scripture is essential to the discussion yet is also influenced by current interpretative models in a dynamic conversation with the pastoral concerns and our tradition. It is clear that the Church, through Synod, remained willing to engage the concerns brought to it by dioceses and provinces through those seventy years with careful discussion and reflection in an ongoing dialogue. There is nothing to indicate that the dialogue is finished, for concern for marriage and family relationships continues as do revisions to our Canons. As in current debates, attention was paid to the place of the Anglican Church of Canada within the Anglican Communion, sometimes holding back on change as being too radical within the Communion and ultimately choosing to make the changes after serious, extended deliberation. Attention was paid to the wider Christian community to see how the doctrines associated with marriage are engaged there and discovered diversity in tradition and practice on the matter of indissolubility.

The Anglican Church of Canada has established a pattern of careful deliberation in dialogue with scripture, our tradition and the wider Church that continues to be practiced in ongoing moral debates. It is a complex process that engages people at all levels and is never fully completed. Our Church has the resources, in these patterns of engagement to discern future moral challenges and hold together the tensions that may take us many years to resolve.

Respectfully submitted
The Rt. Rev. Linda Nicholls,
Suffragan Bishop, Diocese of Toronto

Appendix III

The Anglican Diocese of Toronto – Anglican Church of Canada
CANONS
TABLE OF CONTENTS

The Constitution
1 Definitions and Procedure
2 The Diocesan Council
3 Executive Board
4 Diocesan Allotment
5 Trusts Committee
6 Acquisition, Disposition and/or Alteration of Real Property and Related Rights
7 Settlement of Differences
8 Spare
9 Incumbent
10 Clerical Appointments, Exchanges, Retirements and Terminations
11 Clerical Stipends
12 Lay Readers
13 Parishes
14 Vestries
15 Churchwardens
16 Spare
17 Advisory Board
18 Parish Executive Committee
19 Archdeacons
20 Regional Deans
21 Spare
22 Discipline
23 Special Purpose Trusts
24 Diocesan Administration of Parishes
25 Diocesan Missions
26 Spare
27 Spare
28 Secretary of Synod
29 Designated Ministries
30 Spare
31 Standing Committees of the Synod
32 Spare
33 Spare
35 Spare
34 Postulancy Committee
36 Audit Committee
37 Constitutions and Canons Committee
38 Spare
39 Investment Committee
40 Indemnification
41 Post Retirement Benefits Fund
42 Pension Fund
43 Areas and Area Bishops
44 Area Councils
45 Spare
46 The York Rectory Commission
47 The Solicitor
48 The Registrar
49 The Chancellor