

GS Misc 910

**The Governance of
the Church of England
and
the Anglican Communion**

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I: Introduction

- 1.1 In July 2008 the General Synod passed the following resolution, which had come to the Synod as a diocesan synod motion from the Diocese of Guildford:

‘That this Synod request the House of Bishops:

- (a) to prepare a report that describes and explores the relationship between discussions, recommendations and decisions made by these bodies:

the Lambeth Conference,
the Anglican Consultative Council,
the Primates’ Meeting,
the House of Bishops of the Church of England,
the Archbishops’ Council,
and the General Synod of the Church of England;

and

- (b) to promote discussion of the report to increase the understanding of the governance of the Church of England within the Anglican Communion.’

In his background note (GS Misc 891B) the Secretary General reported that the House of Bishops Standing Committee had commissioned me to write a paper in response to part (a) of the resolution. The paper also responds to some comments made in the Synod’s debate.

- 1.2 I am grateful for comments and suggestions from present and former Church of England and Anglican Communion colleagues and from members of the House of Bishops and of its Theological Group and Standing Committee (both of which have discussed an earlier draft with approval), but responsibility for the paper’s contents rests with the author.
- 1.3 In order to describe and explore the relationship between the discussions, recommendations and decisions of the bodies concerned, it is necessary first to understand their roles. As background to this, Section II of the paper comments on the governance of dioceses. Section III looks at the Church of England bodies mentioned in the resolution and Section IV at the Anglican Communion bodies.

II: Dioceses

- 2.1 In the debate there was a request that this paper should also address the role of diocesan synods, and in order to explain the roles of the bodies mentioned in the resolution it is in any case necessary first to consider the governance of dioceses in the Church of England.
- 2.2 This is because the diocese is the fundamental unit of the Church. In England, dioceses came first historically. There were, of course, always local places of worship, but territorial parishes were formed only in the tenth, eleventh and twelfth centuries (between 300 and 600 years after St Augustine's arrival in Canterbury in 597). The diocese is not an aggregation of parishes; rather, it is (in the technical sense) a 'local church', of which the diocesan bishop is the 'principal minister'.¹ It is not primarily a unit of administration but a portion of the people of God gathered around the diocesan see and its bishop. Dioceses are sub-divided into parishes. These are, of course, the most local expressions of the Church and the place in which people experience its life. In that sense they are its basic units, but the Church of England is an episcopal not a congregational church.
- 2.3 The Canons of the Church of England state that the diocesan bishop is 'the chief pastor of all that are within his diocese, as well laity as clergy, and their father in God'. Bishops have a particular responsibility for apostolic teaching and doctrinal orthodoxy and are to be themselves 'an example of righteous and godly living'.² They also have responsibility for worship, with the right 'of conducting, ordering, controlling and authorising all services'.³ They are ministers of unity, charged 'to set forward and maintain quietness, love and peace among all men' and 'to promote peace and reconciliation in the Church and in the world and... [to] strive for the visible unity of Christ's Church'.⁴
- 2.4 Both the 1662 Ordinal and the Common Worship Ordination Services understand bishops to be the successors of the Apostles as pastors of Christ's flock.⁵ As such, each bishop is not only a guardian of the apostolic faith but also a leader in mission (an apostle being one who is sent out), charged with 'proclaiming the gospel of God's kingdom and leading his people in mission'.⁶ The diocesan bishop 'has within his diocese jurisdiction as Ordinary, except in places and over persons exempt by law or custom' and 'by virtue of his office and consecration, is required to administer discipline'.⁷ Most importantly in this context, the 1662 Ordinal understands the office of bishop to be one of 'Government in the Church of Christ', and in the Common Worship rite those ordained bishop are told: 'You are to govern Christ's people in truth.'⁸

¹ Canon C 18.4.

² Canon C 18.1; *cf.* The Ordinal (1662).

³ Canon C 18.4.

⁴ Canon C 18.1; *Common Worship: Ordination Services* (London, 2007), p. 62.

⁵ 1662: 'Almighty God, who by thy Son Jesus Christ didst give to thy holy Apostles many excellent gifts, and didst charge them to feed thy flock; Give grace, we beseech thee, to all Bishops, the Pastors of thy Church...'; *Common Worship Ordination Services*, p. 67: 'Fill this your servant with the grace and power which you gave to your apostles.'

⁶ *Common Worship: Ordination Services*, p. 55.

⁷ Canon C 18, para. 2; Clergy Discipline Measure 2003, s. 1.

⁸ *Common Worship Ordination Services*, p. 63.

- 2.5 The dioceses of the Church of England are accordingly governed by their bishops. However, bishops have never enjoyed absolute power. Since ancient times they have been bound by the canons of the Church's councils. They are subject to the laws ecclesiastical and in particular canon law, including the Canons of the Church of England enacted by the provincial Convocations in the 1960s and since 1970 by the General Synod. Since 1969 they have been required to govern their dioceses synodically – that is to say, to consult the representatives of the clergy and laity in the diocesan synod on matters of policy (though not, of course, on the exercise of their ordinary jurisdiction): the Synodical Government Measure 1969 stipulates that 'It shall be the duty of the bishop to consult with the diocesan synod on matters of general concern and importance to the diocese', and at least two meetings of the synod must be held each year.⁹
- 2.6 The functions of a diocesan synod are:
- (a) *to consider* matters concerning the Church of England and *to make provision* for such matters in relation to their diocese, *to consider and express their opinion* on any other matters of religious or public interest [provided that this 'shall not include the issue of any statement purporting to declare the doctrine of the Church on any question'];
 - (b) *to advise* the bishop on any matters on which he may consult the synod;
 - (c) *to consider and express their opinion* on any matters referred to them by the General Synod...;
 - (d) *to consider* proposals for the annual budget for the diocese and *to approve or disapprove* them;
 - (e) *to consider* the annual accounts of the diocesan board of finance of the diocese.¹⁰
- 2.7 Democratic election is the means by which the representatives of the clergy and laity in the diocesan synod are chosen,¹¹ but that does not mean that the Church is a democracy. Within the royal priesthood of the whole people of God there are different callings and responsibilities. It will be seen that the role of a diocesan synod is primarily *advisory* and *consultative*, though it has a quasi-legislative power to 'make provision' and the power to approve or disapprove the diocesan budget. There is, furthermore, a 'bishop's council and standing committee of the diocesan synod' with power to discharge the synod's advisory and consultative functions on its behalf.¹² Neither the diocesan synod nor the bishop's council is an executive body with powers of 'government'.

⁹ Synodical Government Measure 1969, s. 4 (3); Church Representation Rules, rule 34 (1)(c).

¹⁰ Synodical Government Measure 1969, s. 4 (2).

¹¹ Election is direct in the case of the clergy but indirect in the case of the lay members of diocesan synods and the General Synod, who are elected by the lay members of the deanery synods.

¹² Synodical Government Measure 1969, s. 4(4); Church Representation Rules, rule 34(1)(k).

- 2.8 There are, however, boards with specific responsibilities (such as the Diocesan Board of Finance and the Diocesan Board of Education), on which certain powers have been conferred by statute. These boards are responsible for very significant areas of the diocese's life, and here laypeople and clergy play important roles. The Diocesan Board of Finance (DBF) is an incorporated, charitable body which is the diocese's financial executive and the employer of its staff.¹³ Its directors are in the position of trustees, responsible for the proper management of its assets.
- 2.9 The clergy and in particular the laity have a right and a responsibility to play their part in decisions about the money that needs to be contributed by the parishes (and ultimately by the people) and also about the purposes for which that money should be spent, and to apply their expertise to those issues. Questions of policy will often have financial aspects as well as strategic, missionary and pastoral dimensions. Often, therefore, it is not only desirable but also necessary for policy to be developed by bishops, clergy and lay representatives working together.
- 2.10 The diocesan bishop's powers are inherent in his office; they are not delegated by or exercised on behalf of the diocesan synod, and while there is a mutual accountability within the body of Christ, the bishop is not accountable to his synod in any legal sense. (It does not, for example, have any power to give the bishop directions as to how he should exercise his ministry.) The diocesan bishop is the president of the diocesan synod and the Church Representation Rules confer on him an effective veto over its decisions.¹⁴ However, Canon C 18.5 enjoins that 'Where the assent of the bishop is required to a resolution of the diocesan synod it shall not lightly nor without grave cause be withheld.'
- 2.11 It is only against the background of the position of dioceses as the fundamental units of the Church of England, and of the responsibility of bishops to govern them synodically, that the governance of the Church of England at 'national level' can be understood.¹⁵

¹³ In some dioceses the members of the diocesan synod or of the bishop's council are also the members or directors of the DBF, but it is a distinct body with distinct responsibilities, even though its membership may be identical with that of one of the synodical bodies.

¹⁴ Church Representation Rules, rule 34(1)(e)(g).

¹⁵ In this paper 'national' is a shorthand. The Province of York includes the Isle of Man and the Province of Canterbury some parishes in Wales. The Channel Islands are annexed to the Province of Canterbury and the Diocese in Europe is also deemed to be part of it for certain purposes.

III: The Church of England

- 3.1 The place of the diocese in the structure of the Church of England is reflected in the limitation of the General Synod's powers by Article 8 of its Constitution, under which certain Measures, Canons and ecumenical schemes can only be approved by the General Synod if they have been approved by the majority of the diocesan synods. None the less, the Church of England is not simply an aggregation of dioceses. In the middle ages it was called '*Ecclesia Anglicana*' in Latin and 'the Church of England' in English – not '*Ecclesiae Anglicanae*' or 'the churches of England'. The General Synod is not an assembly of diocesan deputations but the synod of a national church.
- 3.2 The Church of England comprises two provinces. The Archbishops of Canterbury and York are not only Primates (bishops of the 'first sees') 'of All England' and 'of England' respectively (roles which relate to the English nation as a whole), but are also the metropolitans of their respective provinces. All the bishops of the province owe 'due obedience' to its archbishop. Each archbishop has 'throughout his province at all times metropolitan jurisdiction, as superintendent of all ecclesiastical matters therein' and also has responsibilities with regard to the discipline of bishops and clergy. Each is 'within his province, the principal minister' and can approve liturgies for use in his province on occasions for which the Prayer Book, the General Synod and the Convocations have made no provision.¹⁶ However, because the diocese is the fundamental unit of the Church the Archbishops do not 'govern' their provinces as a diocesan bishop governs a diocese. The Archbishops' metropolitan jurisdiction is supervisory in its nature.¹⁷ It is inherent in their office, not delegated by or exercised on behalf of the General Synod, and they are not answerable to the Synod for the exercise of that jurisdiction.

The General Synod

- 3.3 The General Synod, created in 1970, comprises the two provincial synods (the Convocations of Canterbury and York), assemblies of the bishops and clergy which have existed since the middle ages and continue also to meet separately on occasion, together with a House of Laity.¹⁸ The General Synod meets two or three times a year. Its functions are primarily legislative and deliberative.
- 3.4 The General Synod's legislative role contrasts with the mainly advisory and consultative role of diocesan synods, but it is a parliament, not a government or a body with executive powers. It legislates by Measure and Canon (using powers inherited from the former Church Assembly and the Convocations respectively). Measures need approval by both Houses of Parliament and, when they receive the Royal Assent, become part of the statute law of the realm. Canons do not require parliamentary approval (though it may be necessary for a Measure to make it lawful for the Synod to make provision by Canon for the matter concerned). They can only be promulgated if the Royal Assent and Licence has been received, but it is promulgation of the Canon by the Synod that gives it legal force.

¹⁶ Canon C 17.1,2,4; Canon C 14.1; Canon B 4.2.

¹⁷ However, the Canons also provide for a metropolitan visitation, during which the jurisdiction of diocesan bishops is suspended and the archbishop has 'jurisdiction as Ordinary' (Canon C 17.2).

¹⁸ For a survey of the history and principles, see C. J. Podmore, *Aspects of Anglican Identity* (London, 2005), ch. 7.

- 3.5 In addition to legislating by Measure and Canon, the Synod makes provision by order, regulation or instrument (either pursuant to a Measure or Canon, and hence with legal force, or otherwise). It also takes liturgical, ecumenical and financial decisions, approving liturgical texts for use as alternatives to the Book of Common Prayer, ecumenical agreements and the annual budget of the Archbishops' Council. Its deliberative function is 'to consider and express their opinion on any other matters of religious or public interest'.¹⁹
- 3.6 The General Synod consists of three Houses: the House of Bishops (comprising the Upper Houses of the Convocations), the House of Clergy (comprising the two Lower Houses) and the House of Laity. Each of the three Houses has an effective veto, in that when a vote is taken by Houses a majority in each House is required. Where a vote by Houses is not required by the Standing Orders or by twenty-five members (just under half of the membership of the House of Bishops), the assent of all three Houses is assumed.
- 3.7 A non-legislative instrument or resolution can be 'solemnly affirmed and proclaimed an Act of Synod', which is defined as 'the embodiment of the will or opinion of the Church of England as expressed by the whole body of the Synod'.²⁰ An Act of Synod does not have legal force, but it is the most solemn expression of the Church of England's position on the subject concerned and is regarded as morally binding. Other resolutions of the General Synod can also be taken as definitive statements of the Church of England's position, albeit not with the same solemn status, because they have the (explicit or implied) assent of all three Houses of the Church of England's representative body.
- 3.8 The Archbishops are the Presidents of their respective Convocations and joint Presidents of the General Synod. They have a proper role of presidency and leadership, for which the General Synod looks to them, but it is the House of Bishops collectively rather than the Archbishops individually whose role in the legislative and deliberative process at the national level is most comparable with that of the diocesan bishop in his diocesan synod. The House of Bishops has a veto within the General Synod (as do the other two Houses); the Archbishops do not.

The House of Bishops

- 3.9 Historically, while in the Convocations the proposals of the Upper House (of bishops) required the consent of the Lower House (of clergy), the two houses were not equal. The role of the Lower House was to offer counsel to the bishops in their collective leadership of the Church in the province, and to give (or withhold) consent to their legislative proposals.²¹

¹⁹ Constitution of the General Synod, Article 6.

²⁰ Standing Order 40; cf. Constitution of the General Synod, Article 6.

²¹ Cf. E. W. Kemp, *Counsel and Consent: Aspects of the Government of the Church as exemplified in the history of the English Provincial Synods* (London, 1961).

- 3.10 In the General Synod the three Houses now work together in a more collaborative way, but the House of Bishops continues to have a distinctive role and special responsibilities. It meets twice a year between the meetings of the Synod. There are also two non-synodical episcopal gatherings each year: a meeting of the diocesan bishops and a meeting of the whole college of bishops (including suffragan bishops and bishops who no longer occupy a see but have not yet retired).
- 3.11 The role and responsibilities of the House of Bishops derive in part from the provisions of the Synod's Constitution. Article 7 imposes special requirements in the case of 'a provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof'. Such a provision can only be submitted for final approval in terms proposed by the House of Bishops. This is because the bishops are, by virtue of their ordination, guardians and overseers of the faith, liturgy and ministry of the Church and because all worship in a diocese takes place under the authority and oversight of the diocesan bishop. The General Synod's Standing Orders and the Constitution of the Liturgical Commission provide that liturgies are prepared and introduced into the Synod on the instructions of the House of Bishops.
- 3.12 Other aspects of the House of Bishops' role derive from the individual roles and responsibilities of most of its members as diocesan bishops. For example, since ministry in a diocese is undertaken on behalf of the diocesan bishop, who is the diocese's 'chief pastor' and 'principal minister', and it is diocesan bishops (or suffragan bishops to whom the responsibility has been delegated) who take decisions about ordination, it is natural that the diocesan bishops collectively, through the House of Bishops, should oversee much of the national work concerning selection and training for ministry.
- 3.13 Because bishops are ordained to be 'teachers' and 'guardians of the faith',²² there is an expectation that the House of Bishops will take the lead in the Synod's consideration of doctrinal and theological issues (including issues of moral and pastoral theology) and of ecumenical agreements which touch on the faith and order of the Church. Any statement of the House of Bishops on such matters has an intrinsic authority which derives not from the Constitution of the General Synod but from the inherent individual and collegial authority of the House's members as teachers of the faith and guardians of sound doctrine, given to them in their ordination to the episcopate.

The Archbishops' Council

- 3.14 Though the diocese is the fundamental unit of the Church, much work needs to be done at the national level. Some of this work supports and resources work done in the dioceses, and in other cases it is more efficient for work to be done centrally rather than in each diocese separately. The Church of England also needs to relate at the national level and internationally to other churches, to the Government, to national and international bodies, and to society at large. Various parts of this national work have historically been done by different bodies – some voluntary and some accountable in different ways to Parliament and/or to the General Synod or the House of Bishops. Until the creation of the

²² *Common Worship: Ordination Services*, p. 67: 'Make him steadfast as a guardian of the faith and sacraments, wise as a teacher and faithful in presiding at the worship of your people.'

Archbishops' Council under the National Institutions Measure 1998 there was no single body with responsibility for co-ordinating that work.

- 3.15 The objects of the Archbishops' Council, which meets six times a year, are 'to co-ordinate, promote, aid and further the work and mission of the Church of England'. The Archbishops' Council is required to lay its annual budget before the General Synod, to report to it on various matters and to give Synod members the opportunity to question its representatives. Like the Diocesan Boards of Finance, the Archbishops' Council is an incorporated, charitable body, the members of which are responsible for the proper management of its assets. It is the Synod's financial executive and the managing employer of its staff, most of whose work is overseen by boards and councils – committees of the Council whose representatives can, again, be questioned by members of the Synod. The Council seeks to ensure that the work of the National Church Institutions (the Council itself, the Church Commissioners, the Pensions Board and the offices of the Archbishops) is co-ordinated. It is responsible for applying and distributing the sums that the Church Commissioners (bishops, clergy and laypeople who co-operate in managing the church's historic assets at national level) are able to make available in support of the Church of England's ministry after their statutory responsibilities to finance the ministry of bishops and support that of cathedrals have been met.
- 3.16 Again, it is in the raising and application of the Church's financial resources that there are particular responsibilities that are appropriately exercised by those who represent the people who have contributed the greater part of those resources. As at the diocesan level, financial and policy considerations often need to be viewed synoptically, and where this is so the Archbishops' Council is the forum in which the insights of bishops, clergy and laypeople are brought together at a senior level.
- 3.17 The Archbishops of Canterbury and York are the joint presidents of the Archbishops' Council. However, its role is quite different from that of a bishop's council (despite the similarity of the names). A bishop's council is an advisory body, not an executive body. The Archbishops' Council, by contrast, is an executive body. Though it may offer advice to the archbishops (or anyone else), that is not its primary purpose, and indeed (as pointed out in para. 16) the archbishops do not in any case have a responsibility for government of the Church of England nationally that would be comparable with a diocesan bishop's role in his diocese.

The General Synod, the House of Bishops and the Archbishops' Council

- 3.18 Creation of what came to be called the Archbishops' Council was recommended by *Working as One Body* (the report of the Archbishops' Commission on the Organisation of the Church of England, published in 1995). Speaking of the national level of the Church of England's life, the report asked, 'If the Synod is the Church's parliament, who or where is its government? Can the Synod be a 'governing body?' Its answer was that while the Synod 'has its own role in governance' it 'cannot be an executive body'. However, the report affirmed the importance of the Synod's legislative and deliberative functions.²³

²³ *Working as One Body: The Report of the Archbishops' Commission on the Organization of the Church of England* (London, 1995), pp. 65-67: paras 6.15, 6.19, 6.21.

- 3.19 The report was clear too as to the limitations, in an episcopal church, of a central co-ordinating and executive body. It saw ‘leadership’ (a different thing from ‘management’) as the responsibility of the House of Bishops:

‘The House of Bishops would exercise its leadership by developing, with the assistance of the Council, a vision for the broad direction of the Church, offering it for debate in the General Synod and the Church as a whole. This vision would in turn influence the work of the Council, which would seek the guidance of the House of Bishops on its overall plan and strategy and then present them to the General Synod for endorsement. Building on the model of the Bishop-in-Synod, this would allow the bishops collectively to offer leadership to the Church, while also taking counsel and seeking consent. The House of Bishops would elect two of its members to the Council, which would also include the Archbishops and other bishops who might be chosen to chair key Council committees.’²⁴

The report explained, ‘It is appropriate for the House to offer such vision because it is a college of chief pastors and has the responsibility for oversight... But they would do so in consultation with the General Synod and the Council because the Church has a tradition of communal, as well as personal and collegial, *episcopate*.’²⁵

- 3.20 Thus the introduction of the Archbishops’ Council as a co-ordinating and executive body was not intended to usurp the proper roles of the General Synod and the House of Bishops. The General Synod remains the ultimate body in which the bishops and representatives of the clergy and laity of the Church of England deliberate together and speak on behalf of the Church of England. The provision for voting by Houses makes it possible to ensure that statements enjoy the support of all three Houses and crucially (where matters for which the bishops have a particular responsibility, such as questions of faith and order, are concerned) that of the House of Bishops. The episcopate continues to have the right and the duty to lead and guide the Church, and this may be done through statements and reports of the House of Bishops. The resolution to which this paper responds is itself an example of the Synod looking to the House of Bishops for guidance.

‘Episcopally Led and Synodically Governed’?

- 3.21 It is often said that the Church of England is ‘episcopally led and synodically governed’. *Working as One Body* commented, ‘This useful and convenient phrase may, however, tend to conceal the fact that the bishops are part of the synod and that the leadership they give is in and to the whole synodical body’.²⁶ That is, in fact, only one of a number of difficulties with the phrase ‘episcopally led and synodically governed’. (For example, laypeople also occupy leadership positions in the Church and its synods.) Both the Archbishop of York and the Bishop of Durham have criticized this phrase (not least in the debate on the resolution to which this paper responds), and it is indeed apt to mislead.

²⁴ *Working as One Body*, p. 40: para. 4.11.

²⁵ *Working as One Body*, p. 75: para. 7.6.

²⁶ *Working as One Body*, p. 7: para. 1.19.

- 3.22 While it is true that the Church of England's bishops are charged with governing their dioceses synodically (ie, with the advice of the representatives of the clergy and laity in the diocesan synod and the bishop's council), the phrase can be heard as implying that the Church of England is governed by synods. As *Working as One Body* pointed out, synods are parliaments (legislative and deliberative assemblies); they are not governments. At the diocesan level, bishops not only lead but also govern and that has implications for the role of the House of Bishops at the national level.

Discussions, recommendations and decisions

- 3.23 The relationship between the discussions, recommendations and decisions of the General Synod, the House of Bishops and the Archbishops' Council is determined by their membership and their respective responsibilities, as outlined above.
- 3.24 The highest level of decision in the Church of England is a decision of the General Synod embodied in legislation by Measure or Canon. After that comes a resolution of the Synod that is solemnly affirmed and proclaimed an Act of Synod – 'the embodiment of the will or opinion of the Church of England as expressed by the whole body of the Synod'. Ordinary Synod resolutions come next in the hierarchy.
- 3.25 The Synod cannot usurp the responsibilities which the members of the House of Bishops have, individually and collegially, by virtue of their episcopal ordination and office. The Synod's Constitution makes it possible to ensure that it does not pass resolutions or take decisions that do not enjoy the support of the House of Bishops, but the synodical structure is also intended to ensure that members of the House of Bishops hear the views of the representatives of the clergy and laity. The House of Bishops is also expected to fulfil its individual and collegial teaching responsibility by issuing statements and teaching documents, and these have an inherent authority.
- 3.26 The Archbishops' Council's responsibilities are different in kind. Its status as an incorporated trustee body requires it to take decisions of a financial and practical nature, and in these decisions the lay voice will be strong. From time to time it will need to issue statements outlining the Church of England's position on various subjects, but these should reflect the decisions of the General Synod and the guidance of the House of Bishops. Ecclesiologically speaking, such statements do not have the inherent authority that statements of the House of Bishops or of the General Synod enjoy.

IV: The Anglican Communion

The Anglican Communion

- 4.1 Though the term ‘Anglican Communion’ was first used in its modern sense in 1847,²⁷ the Communion only achieved structural expression with the first Lambeth Conference in 1867. In the run-up to the Conference, the name ‘Anglican Communion’ was not yet unequivocally established and it was not even entirely clear which churches belonged to the Communion and which did not. A decision was taken to invite not only the bishops of what was then still the United Church of England and Ireland (including ‘the Colonial Church’ in other parts of the British Empire and missionary bishops operating beyond it) but also bishops ‘of all the various Churches holding full communion with the United Church of England and Ireland’ (ie, also the bishops of the Scottish Episcopal Church and of the Protestant Episcopal Church in the USA). After consulting the English bishops the Archbishop of Canterbury rejected a proposal that the Swedish bishops should also be invited. This 1867 meeting of the bishops of the United Church of England and Ireland throughout the world with those of the American and Scottish Episcopal Churches thus not only gave visible expression to the idea of an ‘Anglican Communion’ but also defined its extent and limits. The very identity of the Anglican Communion is inextricably linked with the Lambeth Conferences.
- 4.2 The Anglican Communion brought together churches whose understandings of church governance differed markedly. The ‘polity’ (governmental structure) of The Episcopal Church (TEC), as the Protestant Episcopal Church in the USA is now commonly known, continues to reflect a democratic and egalitarian ecclesiology that is strikingly different from that which the Church of England has inherited and developed.²⁸ This difference in understanding is reflected in different attitudes to the structures of the Anglican Communion.
- 4.3 The structures of the Communion are still developing in response to new challenges and new insights (including insights from ecumenical convergence). This section of the paper is therefore necessarily more tentative at some points.

The Archbishop of Canterbury

- 4.4 The Archbishop of Canterbury not only presides over the Lambeth Conference; he is also its host. He invites the bishops (and decides who should and should not be invited). The first nine conferences were held in his home, Lambeth Palace, and (after one meeting in Church House, Westminster) since 1978 they have taken place in his see city of Canterbury. Since the second conference, held in 1878, the Lambeth Conferences have always begun with a service in Canterbury Cathedral.

²⁷ C. J. Podmore, *Aspects of Anglican Identity* (London, 2005), p. 35.

²⁸ For this, see C. J. Podmore, ‘A Tale of Two Churches: The Ecclesiologies of The Episcopal Church and the Church of England Compared’, *Ecclesiastical Law Journal*, 10 (2008), 34-70, reprinted in *International Journal for the Study of the Christian Church*, 8 (2008), 124-154.

- 4.5 The Lambeth Conference is a conference of bishops who are in communion with the See of Canterbury. That See, and in particular its Archbishop, is the Communion's focus of unity.²⁹ This is expressed when the bishops of the Communion gather in Canterbury Cathedral around the throne of St Augustine. There are now churches in communion with the See of Canterbury that do not belong to the Anglican Communion (notably, the Old Catholic and 'Porvoo' Lutheran churches), but to belong to the Anglican Communion it is necessary to be in communion with the See of Canterbury.³⁰ The Archbishop also presides at Primates' Meeting and calls them together, and is president of the Anglican Consultative Council (see below).

The Lambeth Conference

- 4.6 The Lambeth Conference is a gathering of bishops (though ordained and lay experts may be present in an advisory capacity). Owen Chadwick has explained the fact that the conference consists only of bishops thus:

'Why should the Archbishop of Canterbury invite a lot of bishops from across the seas to come and meet at Lambeth? Why did he not invite representative priests or lay people? The answer lies in the Acts of the Apostles and then in early Christian history. In Acts 15 there is the description of a meeting of apostles and apostolic men to settle a difficulty which plagued the Church. From the third century if not before, at least from the earliest time of which we have a sight into the workings of church order, the bishops met with apostolic authority to settle disputes in the Church...

'When the Roman Empire became Christian, it was possible for councils to meet which represented the whole Church, even though travelling was arduous and expensive and sometimes dangerous. These great councils won a permanent place in the history of the Church by settling the creeds and the right way to express the doctrines of God and Christ. They not only left a structure of doctrine. They left the memory that the right way to settle the affairs of the Church is by meetings of bishops, that is, by people of apostolic authority who are the representatives of God to their flocks and of their flocks to God.'³¹

²⁹ The report of Section III of the 1968 Lambeth Conference spoke of 'the see of Canterbury, the focal point of our communion' [*The Lambeth Conference 1968: Resolutions and Reports* (London and New York, 1968), p. 141], while the report of Section 3 of the 1978 Lambeth Conference said that the basis of Anglican unity 'is personally grounded in the loyal relationship of each of the Churches to the Archbishop of Canterbury who is freely recognized as the focus of unity' [*The Report of the Lambeth Conference 1978* (London, 1978), p. 98]. Taking both statements together, it is important to emphasize that the Archbishop of Canterbury is the focus of unity because he is the bishop of the see which is the Communion's focal point.

³⁰ Resolution 49 of the 1930 Lambeth Conference defined the Anglican Communion as '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 certain characteristics in common.

³¹ W. O. Chadwick, 'Introduction' in R. Coleman (ed.), *Resolutions of the Twelve Lambeth Conferences, 1867-1988* (Toronto, 1992), pp. i-xxviii, at pp. i-ii. Acts 15.6 speaks of a gathering of 'the apostles and the elders'. Interestingly, 'the whole church' is mentioned when it was decided who should accompany Paul and Barnabas to Antioch to communicate the decision (Acts 15.22: 'it seemed good to the apostles and the elders, with the whole church') but in connection with the decision itself and in the letter announcing it only the apostles and elders are mentioned (Acts 15.6, 23.)

- 4.7 As the Virginia Report of the Inter-Anglican Theological and Doctrinal Commission (submitted to the 1998 Lambeth Conference) explained, a key part of the bishop's role is to be 'one who represents the part to the whole and the whole to the part, the particularity of each diocese to the whole Communion and the Communion to each diocese'.³² The bishop is his diocese's representative to the wider Church and thus it is natural that when representatives of all the dioceses of the Communion gather together each diocese is represented by its bishop. Hence Archbishop Runcie's invitation to bishops participating in the 1988 Lambeth Conference to 'bring their dioceses with them' – as the Virginia Report put it, to 'bring the issues and concerns of their own dioceses' for consideration by their fellow bishops.³³
- 4.8 The Anglican Communion is not a single church but a communion of churches and extra-provincial dioceses. Although the churches of the Communion are interdependent, legally speaking each is autonomous.³⁴ The bishops at a Lambeth Conference therefore cannot make legally binding canons. As explained above, in the Church of England canons have, since the middle ages, been made by synods in which the clergy gave not only their counsel but also their consent, and since 1970 the consent of the representatives of the laity has also been required. A legislative body consisting only of bishops would now seem foreign to the Anglican tradition as it has developed.
- 4.9 Though the Lambeth Conference has no legislative authority, as Owen Chadwick has pointed out, 'In most Churches some of the most important parts of authority are not based upon the law.'³⁵ Like the House of Bishops, the Lambeth Conference is a body composed of those who by their ordination to the episcopate have been given apostolic responsibility, in the words of the Virginia Report, 'to guard the faith, unity and discipline of the whole Church'.³⁶ The resolutions or statements of the Lambeth Conferences therefore have an intrinsic authority which is that of their members gathered together. In its teaching document *Bishops in Communion* (2000) the House of Bishops commented,
- 'Although they have no juridical authority, the Resolutions of the Lambeth Conference carry a considerable moral authority by virtue of the office of oversight entrusted to those who gather to take counsel. Their decisions need to be received with attentiveness and put to a process of discernment and reception.'³⁷
- 4.10 Bishop Mark Santer has expressed this as follows:

'The essential powers and responsibilities of apostolic ministry are inherent in the gift of this ministry. They may be ordered or given shape by human law, but they

³² 'The Virginia Report: The Report of the Inter-Anglican Theological and Doctrinal Commission' in *The Official Report of the Lambeth Conference 1998* (Harrisburg, PA, 1999), pp. 15-68, at p. 57.

³³ 'The Virginia Report', p. 59.

³⁴ The Windsor Report explains that '“autonomy”... denotes not unlimited freedom but what we might call freedom-in-relation, so it is subject to limits generated by the commitments of communion': The Lambeth Commission on Communion, *The Windsor Report 2004* (London, 2004), pp. 48-49: para. 80.

³⁵ Chadwick, 'Introduction', p. x.

³⁶ 'The Virginia Report', p. 34.

³⁷ *Bishops in Communion. Collegiality in the Service of the Koinonia of the Church: An Occasional Paper of the House of Bishops of the Church of England* (GS Misc 580, 2000), p. 31.

are not the creation of human law. So, to take a particular example, if bishops, as Anglicans and Roman Catholics agree, have an inherent responsibility for the maintenance of communion within and between Christian communities, it is ultimately beside the point to assert that the Lambeth Conference or the meeting of Anglican Primates has only 'consultative' and not 'legislative' authority. The fact is that, as a body of bishops, duly called together to deliberate for the good of the Church, they are the bearers of an inherent authority, collective and personal, which they have received from Christ himself in service of the Church's unity and mission.'³⁸

- 4.11 In the words of Owen Chadwick, the bishops who were members of the successive Lambeth Conferences were not infallible, but they 'hoped they had decided as the Spirit led them'. Therefore, their resolutions 'might only be advice, by the law of the land or even by the customs of the local Church, but they were of such weight that they were more than "not binding".'³⁹
- 4.12 Some Lambeth Conference resolutions have been 'received' by synodical action of the individual member churches in giving legal force to their principles or taking them as the basis for their policy on the issues concerned. Other resolutions have not found such resonance, and some have been reversed by later conferences. But in the past the Church of England has proceeded on the basis that the teachings and guidance of the bishops of the Communion, gathered together in conference by the Archbishop of Canterbury, deserve to be listened to with attention and respect.
- 4.13 The 2008 Lambeth Conference did not pass any resolutions. Instead, a 'reflections group', consisting of one bishop from each of the 'indaba groups' into which the conference had been divided, with an episcopal chairman and a staff member from the Anglican Communion Office, produced a document entitled 'Lambeth Indaba: Capturing Conversations and Reflections from the Lambeth Conference 2008, Equipping Bishops for Mission and Strengthening Anglican Identity'.⁴⁰ The Archbishop of Canterbury also delivered three Presidential Addresses to the Conference. His concluding address summed up the outcome of the Conference.⁴¹

The Primates Meeting and the Anglican Consultative Council

- 4.14 In addition to the Lambeth Conference, the Anglican Communion has a Primates' Meeting and the Anglican Consultative Council. It is difficult to discuss either of the latter two bodies without reference to the other. As we shall see, the relationship between them has not yet been clarified completely.
- 4.15 Though in its present form the Primates Meeting is the newest of these three bodies, it stands in a tradition dating back to 1897. The Lambeth Conference of that year

³⁸ M. Santer, 'Communion, Unity and Primacy: An Anglican Response to *Ut Unum Sint*', *Ecclesiology*, 3 (2007), 283-295 at p. 286.

³⁹ Chadwick, 'Introduction', p. xvii.

⁴⁰ [http://www.lambethconference.org/vault/Reflections_Document_\(final\).pdf](http://www.lambethconference.org/vault/Reflections_Document_(final).pdf), accessed 17 October 2008.

⁴¹ Concluding Presidential Address: <http://www.archbishopofcanterbury.org/1925>, accessed 17 November 2008.

recommended the creation of a Consultative Body of bishops from the churches of the Communion, and the 1908 conference recommended that it should meet at least annually (though in fact it came to meet irregularly and much less frequently).⁴² It came to be seen as a ‘continuation Committee of the whole Conference’ (though ‘purely advisory’ and without ‘executive or administrative power’).⁴³ It was chaired by the Archbishop of Canterbury and consisted of bishops representing the churches and the extra-provincial dioceses. From 1958, the churches were represented by the Archbishops of Canterbury and York and the ‘Primates or Presiding Bishops’ (or their nominees, if they were unable to attend).⁴⁴ Thus there was a meeting of primates or presiding bishops before there was an Anglican Consultative Council.

- 4.16 The 1948 Conference established, alongside the Consultative Body, an Advisory Council on Missionary Strategy. This consisted of representatives of the Communion’s member churches (but not the extra-provincial dioceses) and was to meet at least every two years.⁴⁵ The Advisory Council’s members were not necessarily bishops, so unlike the Consultative Body it was not a sub-set of the Lambeth Conference. In 1968 the Consultative Body and the Advisory Council on Missionary Strategy were replaced by a single new body called the Anglican Consultative Council (ACC), with a constitution set out initially in a resolution of the Lambeth Conference.⁴⁶ The ACC consists of bishops, clergy and lay members, and although the Archbishop of Canterbury is its President, it also has an elected Chairman, Vice-Chairman and Standing Committee. More will be said about the ACC below.
- 4.17 Though the ACC remained in being, in 1978 Archbishop Coggan re-established a separate ‘Primates’ Meeting’. He explained this in an address to the Lambeth Conference of that year. His statement that the ‘primates’ (ie the senior bishop of each church – not necessarily primates in the traditional sense of the bishop of the ‘first see’ of a nation or people) should meet ‘for leisurely thought, prayer, and deep consultation’ has often been quoted out of context – sometimes with the implication that what he envisaged was merely an international fellowship group for church leaders. In fact, the theme of Archbishop Coggan’s address was ‘Authority in the Anglican Communion’.⁴⁷ He began by asking where authority in the Anglican Communion should lie. Having rejected suggestions that it ‘ought to be centred in the person of the Archbishop of Canterbury’ or that the Lambeth Conference would suffice, he went on ‘Is the central authority of the Anglican Communion, then, to rest with the Anglican Consultative Council? Again I believe that the answer is no.’ He similarly rejected the idea that a doctrinal commission could be ‘the authoritative council of the Anglican Communion’. Instead, he argued, the way forward was twofold. First, the primates should meet ‘reasonably often, for leisurely thought, prayer, and deep consultation... perhaps as frequently as once in two years’. The primates would be ‘the channels through which the voice of the member churches would

⁴² Lambeth Conference 1897, resolution 5; R. Davidson (ed.), *The Six Lambeth Conferences, 1867-1920* (London: reissued 1929), p. 418.

⁴³ Lambeth Conference 1920, resolution 44.

⁴⁴ Lambeth Conference 1958, resolution 61.

⁴⁵ Lambeth Conference 1948, resolution 80; *The Lambeth Conference 1948: The Encyclical Letter from the Bishops; together with Resolutions and Reports* (London, 1948), pp. 88-90.

⁴⁶ Lambeth Conference 1968, resolution 69.

⁴⁷ *The Report of the Lambeth Conference 1978*, pp. 122-124.

be heard, and real interchange of heart could take place'. Secondly, the Primates Meeting should 'be in the very closest and intimate contact with the Anglican Consultative Council'. Thus Archbishop Coggan explicitly saw the establishment of the Primates Meeting as part of a solution to the question of authority in the Anglican Communion.

4.18 During the 1978 Lambeth Conference, the report of the conference states, 'The Primates Committee [as it was initially called] was convened for major decisions about the Lambeth Conference, and for some matters concerning Regional Sessions and unassigned Plenaries; and for subjects on which the Archbishop of Canterbury wished to seek the Committee's views.'⁴⁸ Thus from the outset the role of the meeting of primates was more than one merely of prayer and reflection.

4.19 The Conference also saw what became the Primates Meeting as having a crucial role when developments were envisaged in individual churches that might have consequences for the whole Communion. Resolution 11 stated:

'The Conference advises 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, and requests the primates to initiate a study of the nature of authority within the Anglican Communion.'

4.20 At the same time, the Conference identified, in Resolution 12, a need to sort out the relationship between the various 'instruments of communion' (as they are now called) and wished the Archbishop of Canterbury and the primates to take the lead in that. Thirty years later, the need for this remains.

4.21 The ACC meets every two to three years and the Primates' Meeting (which consists of the senior bishop of each of the Communion's member churches⁴⁹) every one or two years. Both bodies have important roles to play in the life of the Communion, but the lack of structural connection between them has been seen as problematic. At its 2005 meeting the ACC therefore proposed (taking up a recommendation of the 1998 Lambeth Conference⁵⁰) that the two bodies should be integrated, with the members of the Primates' Meeting becoming ex officio members of the ACC (bishops being excluded from election or appointment to the other places). It also suggested that the Council might vote 'by orders' in some circumstances. Whether these proposals will be adopted remains to be seen.

4.22 A step towards integration had, however, already been inviting the five members of the Primates' Standing Committee to attend meetings of both the ACC and its Standing Committee (which became known as the 'Joint Standing Committee'). A proposal to

⁴⁸ *The Report of the Lambeth Conference 1978*, p. 14.

⁴⁹ In 2007 the Archbishop of York attended the Primates' Meeting in addition to the Archbishop of Canterbury for the first time. The Secretary General of the Anglican Communion explained, 'It is the hope that the presence of Dr Sentamu will allow more discussion of church life in Britain, as the Archbishop of Canterbury's focus is heavily global during these gatherings.' (<http://www.anglicancommunion.org/communion/primates/history/2007/index.cfm>, accessed 17 November 2008).

⁵⁰ Lambeth Conference 1998, resolution III.6.

make the five members of the Primates' Standing Committee *ex officio* members of both ACC bodies has been sent to the member churches of the Communion for ratification (which requires the assent of two-thirds of them).

- 4.23 Despite consisting of bishops, clergy and laity, the Anglican Consultative Council is not to be compared with the General Synod of the Church of England, in which all the diocesan bishops take counsel with clergy and lay representatives, and whose decisions may taken to enjoy the bishops' support. From a Church of England perspective, it may be seen as having some things in common with the Archbishops' Council, in that it is a charity (of which the members of its Standing Committee are incorporated trustees) which is responsible for the Communion's finances and employs the staff of the Anglican Communion Office. However, with potentially more than 80 members it is far larger. Also, unlike the Archbishops' Council, it is 'consultative' and its role is primarily one of co-ordination, strategic thinking, encouraging co-operation and offering advice. As an episcopal body with a leadership role, the Primates' Meeting might be thought to have some similarities with the House of Bishops, though it does not form part of a synod with legislative powers.
- 4.24 Like the Lambeth Conference and the Primates' Meeting, the ACC has no legislative powers. As is appropriate for a body with responsibility for co-ordination, strategic thinking, encouraging co-operation and offering advice, as well as financial responsibilities, it is a mixed body of bishops, clergy and laity. However, as its constitution makes no provision for voting by 'Houses' or 'orders', there is no guarantee that any of its resolutions enjoys the support of the majority of its episcopal members. From a Church of England point of view, this is one reason why it is not in a position to make statements that would have an authority comparable with that of Lambeth Conference resolutions (which flows from the members' inherent authority as bishops) or resolutions of the General Synod (which can be assumed to enjoy the support of a majority of its episcopal members – see para. 3.6 above). Furthermore, the fact that doctrinal, liturgical and ecumenical work at the level of the Communion is overseen by the ACC rather than the Primates' Meeting contrasts with the position in the Church of England, where the House of Bishops oversees theological and liturgical work and is expected to take the lead in consideration of ecumenical proposals and agreements.
- 4.25 The Primates' Meeting, by contrast, is an episcopal body and its members are by definition those who pre-eminently speak on behalf of their own churches. As the Virginia report put it, 'Their meetings have an inherent authority by virtue of the office which they hold as chief pastors'.⁵¹ However, for the Church of England teaching authority belongs first and foremost to the bishops collectively rather than to the archbishops individually. According to this understanding, the primary teaching authority in the Communion must rest with the Lambeth Conference as a whole, the role of the Primates' Meeting being one of interpretation and application, and of acting between meetings of the Conference on behalf of all the bishops of the Communion. Viewed in this context, the resolution of the 1988 Lambeth Conference urging 'that encouragement be given to a developing collegial role for the Primates' Meeting under the presidency of the Archbishop of Canterbury, so that the Primates' Meeting is able to exercise and

⁵¹ 'The Virginia Report', p. 61.

enhanced responsibility in offering guidance on doctrinal, moral and pastoral matters'⁵² would be understood as referring to guidance within the general lines set by the Lambeth Conference itself. A statement made by the Primates' Meeting is a statement by a meeting whose members have an inherent authority by virtue of their episcopal ordination and of the offices that they hold in their individual churches. It thus carries significant weight, but not the same weight as a resolution of the episcopate of the Communion as a whole.

- 4.26 The 1998 Lambeth Conference called for the Primates' Meeting to have among its responsibilities 'intervention in cases of exceptional emergency which are incapable of internal resolution within provinces, and giving of guidelines on the limits of Anglican diversity in submission to the sovereign authority of Holy Scripture and in loyalty to our Anglican tradition and formularies'. This responsibility would be exercised 'in sensitive consultation with the relevant provinces and with the Anglican Consultative Council (ACC) or in cases of emergency the Executive of the ACC'. The Conference recommended that 'while not interfering with the juridical authority of the provinces, the exercise of these responsibilities by the Primates' Meeting should carry moral authority calling for ready acceptance throughout the Communion, and to this end it is further recommended that the Primates should meet more frequently than the ACC'.⁵³
- 4.27 Between the 1998 and 2008 Conferences, the Primates did indeed meet more frequently than the ACC, and felt obliged to address developments within certain churches of the Communion. Discussion of the appropriate roles for the Primates' Meeting and the Anglican Consultative Council has continued in the context of consideration of successive drafts of the proposed Anglican Covenant.
- 4.28 The Windsor Continuation Group, while recognizing that the ACC 'is particularly valued by those who emphasize the contribution of the whole people of God in the life, mission and the governance of the Church', has stressed that it is 'consultative' and 'not to be understood as a synodical body at the Communion wide level'. It has noted that 'Not all believe that a representative body is the best way to express the contribution of the whole people of God at a worldwide level', also asking 'whether a body meeting every three years, with a rapidly changing membership not necessarily located within the central structures of their own Provinces, can fulfil adequately the tasks presently given to it'.⁵⁴
- 4.29 As already noted, the Anglican Communion's structures are still developing. The Windsor Continuation Group has commented, 'In considering the future development of the Instruments of Communion it is vital to take account of their ecclesiological significance as well as whether they are fit to respond effectively to the demands of global leadership'.⁵⁵

⁵² Lambeth Conference 1988, resolution 18.

⁵³ Lambeth Conference 1998, resolution III.6.

⁵⁴ Windsor Continuation Group, 'Preliminary Observations: A Presentation at the Lambeth Conference', p. [4]: http://www.anglicancommunion.org/commission/windsor_continuation/docs/WCG%20Observations%20080724.pdf, accessed 24 October 2008.

⁵⁵ Windsor Continuation Group, 'Preliminary Observations', p. [4].

Discussions, recommendations and decisions

- 4.30 As with the Church of England bodies discussed in Section III of this paper, the relationship between the discussions, recommendations and decisions of the Lambeth Conference, the Primates' Meeting and the Anglican Consultative Council is determined by their membership and their respective responsibilities, as outlined above.
- 4.31 Because the Anglican Communion is a communion of legally autonomous churches, it does not have a Synod with legislative power. As the House of Bishops has said,
- ‘Although they have no juridical authority, the Resolutions of the Lambeth Conference carry a considerable moral authority by virtue of the office of oversight entrusted to those who gather to take counsel. Their decisions need to be received with attentiveness and put to a process of discernment and reception.’⁵⁶
- 4.32 Within the Communion there are different views as to the respective roles of the Primates' Meeting and the Anglican Consultative Council, which reflect the differing ecclesiologies of the Communion's member churches.
- 4.33 As the Virginia report put it, the Primates' Meetings ‘have an inherent authority by virtue of the office which they hold as chief pastors’,⁵⁷ but by analogy with the archbishops' roles in the individual churches, their leadership should be exercised within the framework set by the episcopate as a whole.
- 4.34 The Anglican Consultative Council is a consultative and co-ordinating body with specific financial and practical responsibilities. Because there is no guarantee that its decisions are supported by its episcopal members (and in any case, unlike the primates, they are not the holders of offices that confer a responsibility to speak on behalf of the episcopates of their own churches), its statements cannot be held – from the perspective of the Church of England's ecclesiology – to have comparable authority with those of the other two bodies.

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⁵⁶ *Bishops in Communion.*, p. 31.

⁵⁷ ‘The Virginia Report’, p. 61.