

The Tale Needs Re-telling: *A Reply to Colin Podmore's 'A Tale of Two Churches'*

In an article entitled 'A Tale of Two Churches: the Ecclesiologies of the Episcopal Church and the Church of England Compared'¹ Dr Colin Podmore argues that episcopacy in the Church of England is a demonstrably catholic model inherited from antiquity, whereas episcopacy in the Episcopal Church complements an essentially congregational polity. As his article has appeared in two academic journals, a reply was deemed necessary.

Origins of the churches

Dr Podmore describes economically the ecclesiology and polity of the Church of England. Despite the creation in 1970 of the General Synod, with its three Houses of Bishops, Clergy and Laity, the broad outline of its structures was inherited from its origins from antiquity. The diocese remains the basic unit of the Church of England. The diocesan chairs an annual synod of the diocese, but only decisions of General Synod itself are binding upon the bishops.

Moreover, bishops continue to be appointed, despite significant changes in the manner of selection that allows dioceses some say in those appointments. The Crown Nominations Commission makes a nomination to the Prime Minister, and a Royal Mandate is issued under the monarch's hand and seal commanding that the cleric in question be elected and consecrated to the particular see. This manner of the selection of bishops differentiates the Church of England from all the other provinces of the Anglican Communion.

The Episcopal Church began as members of the Church of England emigrated to the American colonies. Apparently, other colonists first named these Christians 'protestant episcopalians': 'Protestant' because they did not recognize the Pope's authority, 'Episcopalian' because they were under a bishop's authority.²

The Bishop of London was responsible for these churches, but his appointed commissaries exercised his authority only gingerly. The Church of England in the seventeenth century with all her troubles could do little directly for her faithful in the colonies for want of a resident bishop. Eventually, missionary societies such as the Society for the Promotion of Christian Knowledge (1698) and the Society for the Propagation of the Gospel in Foreign Parts (1701) were sponsored, and numerous parishes were founded through the resources furnished by these societies. Congregations in several colonies joined together to form what were called 'Conventions' and occasionally commissaries were appointed to them. But the lack of resident bishops in the American colonies was a perennial complaint.³

Amongst American Anglicans, the idea of a bishop was certainly acceptable, but the details caused concern: that the candidate would be imposed 'from above,' that he would be accorded the powers and privileges of a peer — these particularly were contrary to the tradition of parochial life, with its powerful lay leaders, which had developed over a century-and-a-half.

Whilst Podmore acknowledges the ‘extraordinary achievement’ of the founding of the Episcopal Church after the Revolution, the feat was perhaps more extraordinary than he admits, given that two-thirds of the clergy and large numbers of laity had fled elsewhere. Many parishes lay in ruins. The informal colonial conventions held in some colonies were never intended to form ‘a new church’. There was real concern that the church wouldn’t survive.

Remarkably, it was the power of the idea of episcopal leadership — the fundamental catholic ecclesiology of the English Church that Podmore describes — that enabled the development of a genuine American episcopacy, despite the overall hostility of other American Christians and the unfamiliarity with bishops for the vast number of episcopalians. Whilst Podmore focuses on William White’s 1782 pamphlet, ‘Case for the Episcopal Church in the United States Considered,’ it is not a founding document of that Church.⁴ White himself withdrew his essay as soon as it was evident that the necessary Parliamentary changes would occur to allow the consecration of American bishops in England.

The founders of the Episcopal Church chose to re-establish the elections of bishops, as in the earliest ages of Christianity. This allowed them to link the nascent church to antiquity and enabled them avoid the conundrum of appointed bishops. It was clearly consonant both with the new democratic ideals being tried and the Reformation pattern of looking to the sources of the Church (*‘ad fontes’*) for inspiration for reforming its life.

Fascinated with the development of the church into dioceses from scattered, unorganized parishes, Podmore concludes ‘the congregations are the fundamental units of the Episcopal Church—precisely the opposite of the position in the Church of England.’⁵ This is perhaps the basic misunderstanding of his essay.

Podmore understands correctly that the church has a unitary polity, for the decisions of General Convention are unimpeachable. They do not require the assent of the several diocesan conventions nor is there a separation of powers between the General Convention and the dioceses.⁶ The General Convention comprises bishops and deputies in two assemblies, meeting every three years. (In contrast, the General Synod, divided into three chambers, meets three times a year with five-year terms.) Moreover, Episcopal dioceses elect deputies anew every three years. Some estimate the turnover in deputies to be about 40 percent for each Convention, whereas the bishops sit in their House for life.

Each diocesan deputation has the same number of votes. Podmore contrasts the smallest diocese, Northern Michigan, with what he believes to be the largest, Virginia (Haiti is). Without defining the term, Podmore concludes therefore that the General Convention lacks ‘ecclesial density’ *vis-à-vis* the General Synod. Presumably he means that whilst change happens slowly within the General Synod, as it considers and re-considers matters, changes (other than to the Book of Common Prayer or to the Constitution) can happen with comparatively little deliberation at a single General Convention.

Podmore points out that the General Canons do not regulate the diocesan constitutions and canons, other than requiring their explicit accession to the authority of the

General Canons. However, in accepting the 1789 Constitution, the original conventions irrevocably ceded their independence to the General Convention.⁷ Diocesan canons must conform to the General Canons, and indeed have since that time. As the sorry events of schism continue to unfold in the United States, there has been a concerted effort — mainly through recourse to the secular courts — to prove that the dioceses of the Episcopal Church are autonomous.⁸ They are not. In every case since 1789, local initiatives have required the assent of the Convention.⁹ Secession of a diocese is therefore impossible. People may leave, following their conscience, and this is as it should be. Only overseas dioceses may depart, however, to join, e.g., another province of the Anglican Communion.¹⁰

Concluding that ‘the Episcopal Church’s nature as a church constructed from below, whose fundamental units are its parishes and congregations, is in tension with its constitution as a unitary church, in which the conventions have unlimited power.’¹¹ Podmore has in fact pointed out a property of the principle of subsidiarity, discussed below.

Comparing the churches’ bishops

Podmore quotes John Henry Newman’s questions about that church: ‘Is a bishop a mere generalization of his diocese, or its foundation? ... Does a bishop depend on his diocese, or his diocese on him?’¹² Anglican ecclesiology requires that a bishop, to be fully a bishop, must have a diocese. A diocese is also no diocese without a bishop. In the Episcopal Church, even mission work not yet organized into a diocese needs to be led by a bishop. Therefore, the answer to both Newman’s questions is ‘yes,’ in England as well as America.

Newman’s more important criticism of the Episcopal Church—which Podmore does not raise—occurs in the same essay: ‘much more systematic and overt deflexion from Church principles than any which we have yet mentioned, viz., the power usurped by the laity over the bishop’s jurisdiction.’ This is, on the surface at least, one of the most important distinctions between the Church of England and the Episcopal Church.

Episcopal Church polity broadly imitated the Elizabethan Settlement, keeping the episcopacy but giving the lay monarch’s role to voting bodies. Thus vestries elected by the parishioners have duties over temporalities (income, expenses, and property maintenance) and work with the bishop to call a rector; diocesan councils, elected by the diocesan convention (nomenclature varies by diocese) have responsibility for temporalities; and the General Convention elects the Executive Council to oversee both, with the Presiding Bishop and President of the House of Deputies incarnating the separation of roles in the common enterprise of the Church.

Podmore follows many others in comparing the Constitution of the United States with that of The Episcopal Church. In fact, however, when William White was writing his ‘Case for the Episcopal Church Considered,’ the Articles of Confederation, predecessor to the U.S. Constitution, were coming into force. With its emphasis on states’ rights, and a weak federal government, that document resembles much more the constitution and canons of the Church than the U.S. Constitution.¹⁴ When Podmore labels the Episcopal Church essentially ‘an eighteenth-century institution,’ quoting R. William Franklin, he misses just which eighteenth-century institution, in fact, it is.¹⁵

Writing in 1808, Presiding Bishop William White described the process thus:

... when ... our congregations, planted under the jurisdiction of the Church of England, were withdrawn from it, they had no longer any common centre of union; being not only without an entire Ministry, but severally in a state of separate independence, *inconsistent with the Catholic principles which they had inherited from their founders*. [...]

[...] The correctness of this sentiment became confirmed, by connections speedily created, of our Churches, until then detached from one another, on terms which contemplated the perpetuating of the communion, *with all the distinguishing properties of the Church of England*. [...]

We were, however, without that order of the Ministry, which we had learned from Scripture and primitive antiquity, to be *essential* to the due conducting of ecclesiastical concerns; and to the clothing of others, with authority to preach the word and to administer the sacraments.¹⁷

Podmore recognizes that Episcopal bishops, like their English counterparts, confirm, ordain, oversee the clergy and require their obedience. But he peculiarly concludes that this is mere resemblance and oddly ignores the fact that an Episcopal diocesan is also chief pastor, priest and teacher of the diocese and its congregations. And whilst alluding to John Henry Hobart, G. W. Doane, and other early high-church bishops' influence over the development of the episcopacy, Podmore virtually dismisses their effect. In fact, the church continued to develop, particularly with respect to the office of bishop.¹⁸

Though Episcopal bishops usually do not directly appoint priests to parishes, parishes must obtain the bishop's acceptance of a new rector or assistant and a bishop may choose not to give it. Rectors serve as the bishop's delegates, as the Letter of Institution, read at every installation of a new rector, makes clear.¹⁹ Whilst a priest does not swear obedience to the bishop at that service (as in England), having done so twice at the diaconal and presbyteral ordinations, disobedience would make the cleric liable to discipline administered chiefly by the bishop. It does not matter whether the bishop is a woman or a man, as Podmore thinks: obedience to the diocesan is not optional.

Furthermore, the diocesan has the right and duty to visit regularly the congregations of the diocese, and does not require the consent of the rector or vestry.²⁰ In a mission congregation, one that is not self-sufficient, the priest in charge is often styled 'vicar,' and serves directly at the bishop's pleasure, as does the bishop's committee. Parishes may also revert to 'mission status', in which case they come under the bishop's direct authority. Podmore's conclusion, that 'There is little sense of the bishop as the eucharistic president throughout his diocese, the principal minister on whose behalf his priests preside, the chief pastor whose cure of souls they share,'²¹ is quite unsupported.

With respect to the discipline of the clergy, the bishop in the Episcopal Church oversees the disciplinary process and is the only one empowered to remove a cleric

from his or her congregation ('deprivation' in the English sense). Like an English bishop, an Episcopal bishop is constrained by canon from acting in a peremptory or unilateral way in administering discipline. Surprisingly, Podmore appears to misunderstand 'deposition' as it is used in the Episcopal Church. Within that Church, it is a prohibition on the exercise of ministry, similar to the withdrawal of the bishop's license; it is not 'defrocking,' as many confusedly presume it. Holy Orders in the Episcopal Church are considered indelible.

Podmore does not make due allowance for the fact that the structures of the Episcopal Church were created, amongst other things, to limit the power of bishops, in deference to colonial tradition. The standing committee, composed of elected clergy and lay members, serves as a council of advice. In the case of ordination and deposition, the standing committee must concur with a bishop's decision, validating that the canonical process in question has been followed correctly. While the standing committee can become *temporarily* the 'Ecclesiastical Authority' when there is no bishop, with respect to certain episcopal functions — ordination, obedience of the clergy, authorizing special liturgies, and the like — the standing committee has none of the functions of a diocesan bishop. Moreover, the rubrics and texts of the Book of Common Prayer have the full force of canon law (failure to observe them is actionable), and these separately prescribe a significant portion of the bishop's duties, rights and responsibilities.

English diocesan synods are only advisory, while Episcopal diocesan conventions are in fact legislative bodies. Podmore presumes that Episcopal bishops are constrained by actions of their conventions. However, no diocese can discipline or remove its bishop²², just as a congregation cannot remove its priest. So while Episcopal bishops are first elected by their diocesan conventions, they are certainly not its 'elected officials.'²³ The example Podmore uses — the action of the convention of the Diocese of San Joaquin 'directing' its bishop to investigate affiliation with another province of the Communion — is therefore irrelevant. The bishop in question, according to his Oath of Conformity, ought to have ruled the motion out of order. (In fact, he was at the origin of it, which was amongst the grounds for his deposition.)

The major differences between the episcopacy in the Episcopal Church and the Church of England lie not at the episcopal level, but rather the metropolitan level — archbishops *versus* presiding bishops. Every bishop serving in the Church of England must swear obedience to his archbishop, whether Canterbury or York. In fact, the diocesan bishops are sometimes referred to as 'the archbishop's suffragans.'

The Presiding Bishop is not a metropolitan to whom the Episcopal bishops swear obedience, but rather a peer elected by the bishops (with confirmation by the House of Deputies) to serve as the president of the General Convention and the House of Bishops, to act as chief consecrator of new bishops, to oversee the discipline of bishops, and to represent the Church to other Anglicans as a primate, and to the general public.

The Episcopal Church's bishops practice a 'corporate catholicity,' in that each is subject to the approval of the House, expressed by majority vote, not only for their consecration, but also for resignation of their see. The House can deny a bishop's resignation, or declare it irregular and strip a member of his voice and vote in the

House.²⁴ Furthermore, the House can censure a bishop for some word or action. Finally, the approval of the House is necessary to judge that a bishop has ‘abandoned the communion of the [Episcopal] Church’ and is to be deposed.²⁵

The General Convention fills in the rest of the metropolitan authority of an archiepiscopal office. Once a canon law, rubric or canonical text of the Prayer Book has been amended by Convention, it is binding upon the bishops, as well as the other clergy and laity.

The principle of subsidiarity

The first use of the term ‘subsidiarity’ occurs in Pius XI's encyclical *Quadragesimo Anno* of 1931.²⁶ Its first appearance in governing documents is in the Treaty of Maastricht of 1992, creating the European Union. The genius of the Episcopal Church's polity is that it hit upon the principle long before it had a name. Rather than being an eighteenth-century fossil, it is in this respect very much *au courant*.

‘Subsidiarity’, from the Latin *subsidium* (dominion), holds that a society must *as a matter of justice* delegate its decision-making to the level of organization most competent to address the matter at hand. The heart of the matter is that the rights of local communities be preserved within a necessary larger framework,²⁷ as they are the locus of all human flourishing.

When William White wrote in his *Case of the Episcopal Church* that a general convention should ‘make such regulations, and receive appeals in such matters only, as shall be judged necessary for their continuing one religious communion,’ and his fellow Pennsylvanians determined that ‘no powers be delegated to a central ecclesiastical government, except such as cannot be conveniently exercised by the clergy and laity, in their respective congregations,’²⁸ they were arguing a basic principle of subsidiarity.

But subsidiarity is always a two-way street. It means not only that decisions concerning the local be made by local bodies, but also that local governments recognize and accede to higher authorities which are competent to address those things they cannot. Therefore in the Episcopal Church's polity, diocesan conventions can and should order the things that are best done by local authorities, but do not have power to change, e.g., the doctrine of the church. Episcopal governance consistently strives to hold a balance between the local and the global.

Thus the General Canons allow dioceses to have their own constitutions and canons for good reason. Different contexts means different requirements for local bodies to organize; the founders clearly understood this. A government practicing subsidiarity pursues the common good of the whole whilst also refusing to interfere in the ordinary functioning of its constituent local bodies. This leads to an apparent vagueness, since such interference must remain *subsidiary* to those bodies' vital interests; i.e., temporary. So there always remains the vexing question of what requires action by the government of the whole and what is best left to the local authorities. One point is clear, however: once a local government accedes to the higher government's authority, it cannot secede.³⁰

A bishop's leadership is as servant to all the people of the diocese, giving an example of following Jesus Christ, who 'came not to be served but to serve.'³¹ However, the bishop is not only a local leader but also 'shares in the leadership of the Church throughout the world.'³² The office of bishop has itself a subsidiary function that is also a 'two-way street,' both local and global, reflecting its apostolic nature. Therefore, after granting permission for a diocese to elect a bishop, the Church requires the approval of the consecration of the bishop-elect by the larger Church.

Subsidiarity therefore underlies the ways in which The Episcopal Church lives out its life and ministry. There are of course gaps between theory and practice, which Podmore notes, and these seem, to some extent, responsible for his impressions of the Episcopal Church.

Getting it right

In a church that elects its bishops and makes its decisions by ballot, the politics of participatory democracy are everywhere evident. Episcopalians sometimes seem to overlook that the bishop does have canonical powers and therefore canonical responsibilities.

These include the discipline of bishops. Since the case of Bishop James Pike in 1966, a policy of benign neglect took hold. This may have given an impression of *laissez-faire*. Racist remarks that went unchallenged at a Lambeth Conference, unexcused absences or outright refusal to attend meetings of the House of Bishops, the holding of parallel meetings, the refusal to share Holy Communion, interferences in other dioceses, and the like, went seemingly unnoticed. None of this would be tolerated in other Anglican churches or our ecumenical partners. Whilst a refusal to react is often an appropriate response to provocative behavior, allowing it to continue over time has given license to a few for highly destructive actions that have significantly affected the whole Anglican Communion.

The present situation can also tempt bishops and others to back down from needed action, as Podmore notices.³³ Learning to think politically is an unavoidable skill for all bishops everywhere to become leaders who are 'wise as serpents', and even more so in a democratically-oriented polity. However, this can go too far. This writer has heard colleagues explain their role to visiting Anglican bishops as 'regional managers' of a corporate 'franchise,' and refer to their people as 'my constituents.' It can be easy to forget that in its relationship to Jesus Christ, which is its very being, the Church is *not* a democracy.

The teaching office of the Episcopal Church has traditionally been the House of Bishops. However, this voice has been heard less and less. Moreover, the Episcopal Church has not done a good job overall of raising up scholars to enlighten its bishops, clergy and laity, nor are established scholars generally treated and used as essential resources, as is the case in England.³⁵ In a democratically-oriented church, where my vote is as good as your vote, it will always be a challenge to maintain a meritocracy of scholars.

These failings can give rise to the impressions that Colin Podmore, amongst many, has expressed. Nevertheless, the polity of the Episcopal Church — and its underlying

ecclesiology — are utterly consistent with the basic principles of Anglicanism. We practice a catholic episcopacy within a synodical framework. Furthermore, we were precocious in developing an ecclesial government that recognizes and respects the principle of subsidiarity. As the Anglican Communion continues to reach a new level of self-definition, the experience of the first Anglican church outside the British Isles — the one that gave birth to the Communion — will continue to be instructive.

So long as it is properly understood, and insofar as Episcopalians practice it faithfully.

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Endnotes

¹ *Ecclesiastical Law Journal* (2008) 10 Ecc LJ pp. 34-70; reprinted by *The International Journal for the Study of the Christian Church*, 8.2, May 2008, pp. 124-154. All the bishops attending the 2008 Lambeth Conference received copies of the latter, to which this essay refers.

² David Lynn Holmes, *A Brief History of the Episcopal Church*, (Continuum International Publishing Group, 1993) p. 50.

³ Indeed, an SPG missionary, John Talbot, rector of St. Mary's, Burlington, New Jersey, was consecrated bishop in 1722 by Ralph Taylor, a Non-juror.

⁴ In *Documents of Witness*, ed. Armentrout & Slocum (New York: Church Hymnal Corporation, 1994), pp. 2-14.

⁵ Podmore, 129.

⁶ The definitive study is by James Allen Dator, *Many Parts, One Body* (Church Publishing: New York, 2010). See p. 6ff.

⁷ Article II originally stated that the Convention's decisions are binding upon all dioceses whether or not a particular deputation is present.

⁸ The General Convention is not constrained by the rights of the several dioceses. See Dator, *Many Parts*, p. 144.

⁹ General Convention created entirely new dioceses early on: Ohio (1819). Kentucky (1832), Tennessee (1834), Illinois (1835), and Michigan (1836). The first created by division was Western New York in 1839, which marks the first use of the term 'diocese.'

¹⁰ Canon I.11.3(b).

¹¹ Podmore, p.133.

¹² Quoted by Podmore, p. 139; from 'The Anglo-american Church' in *Essays Critical and Historical*, vol. 1, 353-354.

¹⁴ John Jay, who was instrumental in the creation of the Church's constitution, was the president of the United States under the Articles of Confederation.

¹⁵ Podmore, 129, 140.

¹⁷ A PASTORAL LETTER TO THE MEMBERS OF THE PROTESTANT EPISCOPAL CHURCH &c., May 1808. (New York: T. & J. Swords, 1808). Emphasis added. Accessed on 10 May 2009 at <http://anglicanhistory.org/usa/wwhite/pastoral1808.html> See also his 'Essay on High-church Principles,' at <http://anglicansonline.org/resources/essays/misc/WmWhiteHighChPrinc.html>

¹⁸ Podmore makes reference to the remarkable book by the sometime Bishop of Oxford, Samuel Wilberforce, *The History of the American Church*, (p. 128 n.21), without reference to Wilberforce's excellent grasp of the development of the church in its first fifty years.

¹⁹ 1979 Book of Common Prayer, p. 557

²⁰ Canons III.9.5(b)5; III.12.3

²¹ Podmore, p. 142.

²² New dioceses must raise an endowment whose income can support the episcopal office, so that the power of the purse cannot be used against the bishop.

²³ Podmore, p. 144, quoting F.V. Mills, *Bishops By Ballot*, p. 288.

²⁴ Article II of the present Constitution, and Rule X of the Standing Orders of the House of Bishops.

²⁵ Canon IV.9. This canon can be invoked not only for bishops who have chosen to join another Christian Church, but also for bishops performing episcopal acts outside the province, without permission from the diocesan of the other Anglican province (section 1.iii).

²⁶ *The Compendium of the Social Doctrine of the Church* (The Vatican, 2004).

²⁷ See e.g., Chantal Millon-Delsol, *L'Etat Subsidiaire: Ingérence et Non-Ingérence de L'Etat: Le Principe de Subsidiarité aux Fondements de L'Histoire Européenne* (Paris: Presses Universitaires de France, 1992), p. 126.

²⁸ Quoted by Podmore, p. 129.

³⁰ See Avery Kolers 'Subsidiarity, secession, and cosmopolitan democracy,' *Social Theory and Practice* Oct 2006, vol. 32, no 4, pp. 659-669

³¹ Mark 10:45

³² The Ordinal, Book of Common Prayer, 517

³³ Podmore, p. 142.

³⁵ I am grateful for the privilege of sitting with the English House of Bishops since 2002 as honorary assisting bishop in the Diocese of Gibraltar in Europe.