

The Making and re-making of Episcopal Canon Law

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In order to current arguments about the structure of The Episcopal Church and its relationship to the other members of the Anglican Communion, it may be may be useful to reflect on earlier periods in which the Constitution and Canons of The Episcopal Church have changed significantly. It could be argued that the three most important such periods in the history of The Episcopal Church in which such change took place were: the American Revolution, the early 20th century, and the 1960s. The first of these three periods was perhaps the most radical, an attempt to revise English canon law in light of American democratic ideals. The second of these periods of reform was perhaps the most sweeping; Episcopalians of the early 20th century attempted to replace a set of individual provisions with a comprehensive code of canon law. The third period of revision—during the 1960s—is an important realignment made in recognition of the increasing complexity of the Anglican Communion.

Constitution and Canons for a new Democracy

Later in this volume other authors will write about the precise details of the *Constitution and Canons* that were adopted by the Episcopal Church in the period from 1785 to 1789. At this point I do not want to enter into that very important conversation. What I would like to do is to step back and simply consider the importance of the fact that a set of constitutions and canons were adopted at all.

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It is easy for contemporary Americans to overlook the degree to which William White (1748-1836), the first bishop of Pennsylvania and the longest serving Presiding Bishop (1789, 1795-1835), and his colleagues departed from the English model of church organization that they inherited. Americans, after all, declared their interest in preserving “the religious principles of the Church of England,” and they continued to use much of the same terminology as their English co-coreligionists.² Nevertheless, they created a church quite unlike that of England.

Apologists for the Episcopal Church often overemphasize the degree to which the revised Episcopal Constitution of 1789 and the U.S. Constitution of the same year were the product of the same personnel and based upon the same principles. What is true, however, is that the deputies who gathered in General Convention and the representatives who gathered in the Continental Congress faced a similar problem. They sought to reduce to written form systems of government, at a time when the British example on which they could build lacked written constitutions. The Church of England, like the English Parliament had no written constitution.

There were also limits to the concrete example that could be provided by the Church of England. That church had a theoretical system of clergy convocations. Both the provinces of Canterbury and York had a history of gatherings of bishops and clergy in “two-house” assemblies, but the convocations had not met since 1717 and would not

² William White, “Case of the Episcopal Churches” in *Readings from the History of the Episcopal Church*, ed. Robert W. Prichard (Wilton, Conn.: Morehouse-Barlow, 1986), 62n. White’s *Case* laid out a first draft for what would become the government of the Episcopal Church. He assumed it was so obvious that American members of the church wanted to continue the “religious principles of the Church of England” that he made his comment about the continuity of religious principles in a footnote.

meet again until the mid-19th century.³ Americans could not turn to the Church of England for a contemporaneous model of church organization.

The Church of England did, to be sure, have a canon law code: a set of 141 canons prepared largely by Bishop Richard Bancroft, presented to the Convocation of Canterbury during the winter of 1603-04, and approved by James I in April 1604. The canons, however, were largely a response to the specific conditions and debates of the English Church in the early years of James I, which the English had made no attempt to revise or update in the intervening two centuries. (The Church of England would not consider revisions in the canons until 1865 and would not replace the code itself until 1969.⁴) The code did not contain a succinct statement of polity or doctrine, and individual provisions were often stated in the negative.

These English canons were divided into eight sections. The first (canons 1-12) concerned general principles of the Church of England, and particularly the role of the monarch and the suppression of dissent. It was followed by sections on worship (13-30), ordained ministry (31-76), school masters (77-79), church buildings and lands (80-88), lay leadership (89-91), church courts (92-138), and synods (139-141).

The Americans drew on only 11 of these 141 canons—three for the constitution and eight for the canons. The three articles in the constitution based at least in part on English Canons were Article VIII on the “use of the Book of Common Prayer” (English

³ George I suspended the convocations in 1717 in order to prevent them from condemning a sermon preached by his chaplain, Bishop Benjamin Hoadly. The Canterbury Convocation did not begin to meet again until 1852, and that at York until 1861. See F. L. Cross and E. A. Livingstone, *The Oxford Dictionary of the Christian Church*, 2nd ed. with corrections and revisions (Oxford: Oxford University Press, 1983) s.v. “Convocations of Canterbury and York” and “Hoadly, Benjamin.” Canons 139-141 of 1603-04 do refer to an Anglican Synod, but Gerald Bray argues that the references there are actually references to the clergy Convocation of Canterbury. See Gerald Bray, *The Anglican Canons 1529-1947* (Woodbridge, Suffolk: the Boydell Press for the Church of England Record Society in Association with the Ecclesiastical Law Society, 1998), 442n.

⁴ *The Anglican Canons*, ed. Bray, liv-lxi, 259-59.

Canon 14 on “prescript forms of divine service”), Article VII on “Examination and Ordination” (English canon 35 on the “examination of such as are to be made ministers”), and Article I on the General Convention (English Canon 139 on “a National Synod”). Roughly half of the canons adopted in 1789--8 of 17—were based at least in part on English antecedents. The English canons on which they relied were 13 (on keeping the Sabbath), 26 (which paralleled the *Book of Common Prayer* provision about exclusion of certain persons from communion), 31 (on the times of the year for ordination), 33 (on the positions to be held by clergy), 34 (on candidates for ordination), 55 (which directed clergy not to use extemporaneous prayers before sermons), 70 (on keeping registers of baptisms, marriages, and burials), and 75 (on “Sober Conversation” of clergy).

What is striking here is not the degree on which the Americans relied on the previous English canons, but the degree to which they omitted legislation on whole areas covered by the English canons. The combined number of articles in the constitution (nine) and canons (seventeen) in the *Constitution and Canons* of the Episcopal Church was less than 20% of the number of English Canons of 1603-04. Americans did not rely at all upon any of the material in four of the eight sections in the English canons: those concerning general principles, schoolmasters, church buildings and property, or lay leadership. In the place of a provision for a national court system, they specifying only that “the mode of trying Clergymen shall be instituted by the” state convention.⁵

Americans were in part able to adopt this minimalist system because of their reliance on something that the Church of England lacked: a system of diocesan constitutions and canons. To this day the dioceses of the Church of England (with the sole exception of the Diocese in Europe, the British equivalent of The Episcopal Church’s

⁵ *Constitution of the Protestant Episcopal Church in the United States of America* (October 1789), Article 6.

Convocation of Churches in Europe) have no diocesan constitutions and no diocesan canon laws.⁶ In contrast, the Americans produced a constitutional system in which the national General Convention assumed the existence of diocesan constitutions (which provided for the election of bishops and deputies who served in General Convention) and canons (which addressed the many issues such as discipline that were not covered in national canons).

In summary, the American Episcopalians adopted a constitution (which the Church of England lacked), a body of national canons (which covered only a small percentage of the material covered in the English canons of 1603-04), and a system of diocesan constitutions and canons (also lacking in England).

This combination of decisions had two important consequences for the later development of canon law in The Episcopal Church. First, the omission of canons covering five of the eight categories of the English Canon law provided an agenda of issues to which later General Conventions would return. Second, the adoption of both national and diocesan constitutions and canons set up the possibility of a conflict of authorities absent in the Church of England.

The Early 20th Century

Episcopalians of the early 20th century looked at their *Constitution and Canons* with a very different set of eyes. Episcopalians of the period were convinced of the need to reorganize their church along the lines of what they referred to at times as “business-like

⁶ Colin Podmore, “A Tale of Two Churches: The Ecclesiology of the Episcopal Church and the Church of England Compared,” *Ecclesiastical Law Journal* 10 (January 2008): 47.

methods”—i.e. the techniques of centralized leadership and planning being used to build the large corporations and financial conglomerates of the time.⁷

The recasting of the *Constitution and Canons* was done in two stages. The first stage was the work of a long-running joint committee (i.e. one with members of both the House of Bishops and the House of Deputies) which completed its work in the early 20th century.⁸ The committee identified three sub-goals in its attempt to give a more business like shape to the *Constitution and Canons*:

(1) of rendering [the Constitution and Canons] more entirely harmonious and freeing them from ambiguities; (2) of adapting them to the greater enlargement and growth of the Church; and (3) of clothing them with such accuracy and precision of language as to relieve the Digest from the technicalities and objections which are made to its phraseology by jurists and canonists.⁹

The reference to jurists and canonists make it clear that the members of the General Convention's Joint Committee were aware that they were not working in a vacuum. By the 1890s, when the joint committee began its work, there were a growing number of Episcopal authors who wrote on canon law. Among them were Murray Hoffman (*Treatise on the Law of the Protestant Episcopal Church in the United States*, 1850), Francis Vinton (*A Manual Commentary on the General Canon Law and the Constitution of the Protestant Episcopal Church in the United States*, 1870), John Wallingford Andrews (*Church Law; suggestions of the law of the Protestant Episcopal Church in the United States of America*, 1883), George H. Humphrey (*The Law of the Protestant Episcopal Church*, 1890), William Stevens Perry (*The General Ecclesiastical Constitution of the American Church*, 1891), and Edwin Augustine White (*American Church Law*, 1898).

⁷ The General Convention of 1913, for example, used the analogy to business methods in appointing a committee to consider adopting a uniform system of financial reporting for the denomination. The General Convention of 1916 accepted the committee recommendations and adopted standard financial forms and a uniform fiscal year. *Journal* (General Convention, 1916), 536-43.

⁸ The Joint Committee was first appointed in 1892.

⁹ *Journal* (General Convention, 1895), 646

The last of these would play a particularly important role in the history of Episcopal Canon law.

The Church of England had attempted, unsuccessfully, to revise its canons in the period from 1874 to 1879 and had in the process produced a model set of canons.¹⁰ An unsuccessful proposal made in the U.S. by the joint committee in 1895 that would have changed the name of the General *Convention* to the General *Synod* (the preferred name in England for a church assembly) made it likely that members of the joint committee were aware of the English efforts.¹¹ As their work drew to a close in 1904 members of the committee would have become aware of another canonical effort; in that year Pope Pius X would call for a “collecting the laws of the universal church, in a clear and concise order, and adapting them to the conditions of our time.” Pius’s call would lead to a collection and reformulation of the Roman Catholic canons, which would be completed in 1914 and promulgated in 1917.¹²

After some initial efforts, the joint committee prepared a revised constitution, which was adopted by the General Convention on second reading in 1901. The joint committee met for three more years and submitted its final report on the revision of the canons in 1904.

Some of the committee’s ideas for revising the *Constitution and Canons* were adopted. Among the idea that General Convention approved were expanding the constitution with material previously in the canons, increasing the complexity of the

¹⁰ Bray, *Anglican Canons*, lxxxii-lxxxiii. Bray attributed the defeat of the proposed canons to the fear that the canons would have led to more litigation in the liturgical fights that were then occurring in the Church of England.

¹¹ For the text of the proposed English canons of 1874 and 1879 see Bray, *Anglican Canons*, 579-618. For the 1895 proposals from the Joint Committee, which included renaming the General Convention the General Synod, see *Journal* (General Convention, 1895), 646-95.

¹² Pius X cited in James A. Coriden, *An Introduction to Canon Law* (New York: Paulist Press, 1991), 26.

church's court system, adding the first canon on the work of vestries, and reworking the canons for missionary dioceses.

Other proposals would not be fully implemented until the following decade. This was the case with the proposal to create provinces; General Convention included an article in the constitution of 1901 allowing for the provinces, but did not adopt enabling canons until 1913. It was also the case with the proposal made in 1901 that the position of presiding bishop be made elective rather than based on seniority by date of consecration. The proposal, rejected in 1901 would not be adopted until 1919.

Still other proposal for change, such as canonical provisions to create a national court of review that was allowed in the revised Constitution of 1901 or the creation of a more proportional form of representation, would never be acted upon.

The joint committee issued its final report in 1904. The committee had not been successful in all of its proposals, but it had served long and hard. Eugene Augustus Hoffman, who was the Dean of the General Theological Seminary, secretary of the joint committee, and a leading force in its work, had died in 1902.¹³ The committee was not reappointed. Individual members of the convention would continue to submit proposed canonical changes, but without the joint committee the effort to overhaul the canons slowed.

The revisions of 1901-04 modified some of the innovations of the *Constitutions and Canons* of 1789. In contrast to the English canons of 1603-04, which said a great deal about church discipline, the documents of 1789 had been silent on the composition of diocesan courts and had made no provision for national courts of review.¹⁴ The

¹³ *Journal* (General Convention, 1904), 561.

¹⁴ The General Convention of 1859 was the first to say anything about the composition of courts. It adopted a canon on the courts for the trial of bishops but was silent on courts of review for priests and deacons, subjects not covered until the General Conventions of 1901 and 1904.

Generals Conventions of 1901 and 1904 would specify the composition of courts, provide for provincial courts of review, and allow for the possibility of an “ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith, or Worship.”¹⁵ The Constitutions and Canons of 1789 had been silent (with the exception “incidental” references to the Standing Committee in several canons) on lay leadership, a topic about which the English canons had more to say.¹⁶ The revised *Constitution and Canons* of 1901-04, with its new canon on vestries, its reworking of the material on Standing Committees, its expansion of a canon on “Regulations Respecting the laity,” and its rewriting of a canon on lay readers that had been first introduced in 1871, attempted to fill that silence.¹⁷

The second stage of early twentieth-century revision took place in the period from 1916 to 1919. Business practice may have led Episcopalians at the beginning of the century to propose a revision of canons; a new circumstance—the First World War—reinforced the value of unified action and centralized leadership. The General Convention of 1916 adopted canons that provided for uniform financial practices (Canon 50, Of Business Methods in Church Affairs) and a clergy pensions (Canon 56, Of the Church Pension Fund).¹⁸

The General Conventions of 1916 and 1919 also made a major change in the form of national leadership of the church. The proposal to amend the constitution to make the office of presiding bishop elective, which had failed in 1904, was approved in 1916 and

¹⁵ The provision for the Ultimate Court of Review was added to Article IX of the Constitution in 1901. Enabling canons for the creation of the Court of Review have never been adopted.

¹⁶ Edwin Augustine White and Jackson A. Dykman, 1981 edition, 2 vols., *Annotated Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church* (New York: Seabury Press, 1982), 1:354.

¹⁷ White and Dykman, *Annotated Constitution and Canons*, 1:364, 384; 2:932-36.

¹⁸ White and Dykman, *Annotated Constitution and Canons*, 1:293, 315.

1919.¹⁹ Another amendment to the constitution approved by the two successive conventions allowed a bishop elected “to an office created by the General Convention” to retain seat and voice at General Convention. New canon 60 of 1919 created a centralized governing structure (the Council, renamed the National Council in 1922) that replaced the maze of overlapping volunteer bodies by which the church had operated to that point. The 1919 Convention also adopted the Nation-wide Campaign, a fund-raising effort that create national and diocesan endowments and effectively marked the end of the pew-rent system. With very few exceptions, annual financial pledges to Episcopal congregations would replace the older system of renting church seating.²⁰

Edwin Augustine White had been one of the “jurists and canonists” of whom the joint committee of earlier in the century had taken note. By 1919, he was a venerated senior scholar of the Church and the chair of the House of Deputies’ committee on Canons.²¹ The convention in that year called for the creation of a definitive commentary on the *Constitution and Canons*.²² White became the author of that commentary, which appeared in 1924. In that commentary, he identified the decision to create a National Council that worked with the Presiding Bishop as one of the most significant decisions made in the history of Episcopal canon law.

Canon 60 of 1919 [on the National Council], with the amendments made by the Convention of 1922, undoubtedly marks a greater change in the polity of

¹⁹ The provision for the selection of a Presiding Bishops is found in the Constitution, which requires a vote of two successive conventions for revision. The proposal for an elected presiding bishop passed in 1901, but failed on the needed second vote in 1904.

²⁰ For a description of the change in one parish from pew rents to pledging see “Rearranging the Hierarchy of the Episcopal Church in the Second Decade of the Twentieth Century,” in *One Lord, One Faith, One Baptism: Studies in Ecclesiality and Ecumenism in Honor of J. Robert Wright*, ed. Marsha L. Dutton and Patrick Terrell Gray (Grand Rapids: Eerdmans, 2006).

²¹ *Journal* (General Convention, 1919), 283.

²² Edwin Augustine White, *Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America Adopted in General Conventions 1789-1922, Annotated, with an Exposition of the Same, and Reports of Such Cases as have arisen and been decided thereunder* (New York: Edwin S. Gorham, 1924), iii.

the American Church than any other Canon ever enacted by General Convention, and is one of the greatest pieces of constructive legislation, if not the greatest, ever enacted by the body since the first General Convention of 1789.

The American Nation and the American Church both began their national life at precisely the same time. In the beginning, one was a Confederation of independent States, and the other, to some extent, a Confederation of independent Dioceses. In both cases, there was a strong opposition to any form of centralized government. In each case, there was as little of executive authority provided for as conditions would permit. But the parallel between the Nation and Church ceases soon after the beginning of each. Gradually, there was either granted to the executive branch of the National Government, or else assumed by it, additional power and authority, until, today, we have one of the strongest forms of centralized government in the world. But the Church did not keep pace with the Nation in this matter. The Church began her National life with practically no executive head, and with no central governing power, save only General Convention, meeting once in three years, and whose functions were chiefly legislative, not executive.

As she began, so she continued in great measure for one hundred and thirty years, until the General Convention of 1919, when in one fell swoop she discarded all her past traditions in the matter of executive government, and by the enactment of Canon 60, erected a strong form of centralized government. To one central body the Church committed the administration of her work, giving to the Presiding Bishop and the National Council, as now named, not only the performance of such work as the General Convention may commit to that body, but also the power to initiate and develop such new work as it may deem necessary.²³

The creation of the National Council and the provision for the election of the Presiding Bishop added an element that the joint committee at the start of the century had desired but had been unable to attain. The more modern, centralized, business-like church structure that they had created now had a stronger executive power.

Edwin Augustine White's comment about the sweeping effect of Canon 60 posed a question that is currently being adjudicated in the secular court system.²⁴ The second stage of early 20th century revision had been primarily canonical, rather than constitutional. General Convention created a more centralized leadership with the

²³ White, *Constitution and Canons . . . Annotated* (1924), 958-59.

²⁴ By 2009 The Episcopal Church's national leadership was involved in litigation with four dioceses—Pittsburgh, San Joaquin, Fort Worth, and Quincy—that claimed the right to leave the denomination. State courts in Pennsylvania, California, Texas, and Illinois have been asked to judge whether the departure of a diocese is allowable.

adoption of Canon 60, but it did not make corresponding changes in the constitution. The potential for conflict between diocesan and national authority, which had been a feature of the Constitution of 1789 and had not been significantly changed in 1901, remained.

Paradoxically, the 1916-19 revision of the canons to give the Episcopal Church a centralized leadership more typical of the U.S. Federal government, also brought the Episcopal Church more in line with the other provinces of the Anglican Communion, for it introduced an administrative arch-episcopal power—though not a pastoral one--of the sort that had been omitted in 1789.²⁵

A semi-official publication of the Episcopal Church took note of the shift in the power of the presiding bishop. *The Living Church Annual & Churchman's Almanac* used the title of “Rt. Rev” (the title of a bishop) of the presiding bishop through 1919 and listed him as the *chairman of the House of Bishops*. Beginning in 1920 it switched to “the Most Rev.” (the designation for an Archbishop) and listed him as Presiding Bishop of the Episcopal Church.²⁶

Edwin Augustine White’s 1924 commentary on the canons had an underlying theme that also stressed the relationship of the Episcopal Church to the Church of England. As he had explained in his *Church Law* (1898), Edwin Augustine White believed that “the English Ecclesiastical law in force at the time of the colonization of America, so far as it is applicable to our condition and circumstances, and not superseded by enactments of our own, [forms] the Common Law of the Church in the United

²⁵ The designation of the presiding bishop as a “chief pastor” of the church and the requirement that the presiding bishop make regular diocesan visitations would not be adopted until the 1960s. See the following section of this essay.

²⁶ *Living Church Annual & Churchman's Almanac 1920* (Milwaukee: Morehouse Publishing), 27. The *Journal of the General Convention* would not make the same switch until 1982.

States.”²⁷ The movement toward greater conformity with English canon law was thus two-fold: it involved both the creation of a more centralized executive, which had been lacking in the 1789 *Constitution and Canons*, and the propagation of a theory (through the adoption of a text on the canons by an author with a particular point of view) of the continuing applicability of English Canon Law.

The Church in a Big World

The third period of change was in the mid 1960s, and was the result of a shift in the global character of Anglicanism. In August of 1963 the Anglican Congress (an occasional unofficial gathering of Anglican clergy and laity) met in Toronto. Roughly a thousand delegates attended from throughout the Anglican world.²⁸ Many came from churches in newly independent or soon-to-be independent former British colonies in Africa and Asia. The official report of the gathering, titled *Mutual Responsibility and Interdependence in the Body of Christ*, noted this broad constituency and commented that

In our time the Anglican Communion has come of age. Our professed nature as a world-wide fellowship of national and regional churches has suddenly become a reality—all but ten of the 350 Anglican dioceses are now included in self-governing churches, of one blood with their own self-governing regions and peoples. The full communion in Christ which has been our traditional tie has suddenly taken on a totally new dimension.²⁹

The report went on to cite “three central truths at the heart of our faith.” The third was the conviction that “the time has fully come when this unity and interdependence must find a completely new level of expression and corporate obedience.”³⁰ That new level

²⁷ Edwin Augustine White, *American Church Law: a Guide and Manual for Rectors, Wardens and Vestrymen of The Church Known in Law as “The Protestant Episcopal Church in the United States of America,”* (New York: James Pott & Co., 1898), 15-16.

²⁸ Stephen F. Bayne, Jr., *Mutual Responsibility and Interdependence in the Body of Christ with related Background Documents* (New York: Seabury Press, 1963), 18.

²⁹ Bayne, *Mutual Responsibility*, 17-18.

³⁰ Bayne, *Mutual Responsibility*, 18.

involved both a change in vision about mission (cooperative ventures replaced an earlier colonial pattern in which sending nations decided what needed to be done and where) and a reconfiguring of structure of the Anglican Communion that was already in process when the Anglican Congress met.

The Lambeth Conference (a gathering of Anglican bishops world-wide once each decade) had created the Advisory Council on Missionary Strategy in 1948 and the Lambeth Consultative Body in 1958.³¹ Both bodies met at the time of the Toronto Anglican Congress. Both bodies were composed primarily of archbishops or presiding bishops.³² The developed world was more heavily represented than what were then being called “the young churches” of the Southern Hemisphere. The Lambeth Consultative Body, for example, had 5 seats for the British Isles, and one each for the US, Canada, Australia, and New Zealand, but only 3 for all of Africa.³³ At the Lambeth Conference following the Toronto meeting, both of these bodies were replaced by the Anglican Consultative Council (ACC) with a wider representation that included lay persons and priests or deacons, as well as bishops. The Episcopal Church was one of six national churches or provinces entitled to 3 seats on the ACC. Lambeth 1968 drafted a constitution for the ACC and asked provinces of the Anglican Communion to approve it.³⁴

³¹ Robert W. Prichard, *A History of the Episcopal Church*, rev. ed. (Harrisburg: Morehouse, 1999), 306.

³² Bayne, *Mutual Responsibility*, 10.

³³ Resolution 61 from *The Lambeth Conference 1958: The Encyclical Letter from the Bishops together with the Resolutions and Reports* (London: PCK, 1958), 1.44.

³⁴ The other five churches entitled to 3 seats were those in England, Canada, Australia, and that in “India, Pakistan, Burma, and Ceylon.” Fifteen other national churches were entitled to two representatives, and there were six additional slots that could be filled by the Council itself “of whom at least two shall be women and two lay persons not over 28 years of age at the time of appointment.” Lambeth Resolution 69 (1968).

The creation of this body required no canonical change in the Episcopal Church's *Constitution and Canons*, but it did have implications nonetheless, for someone needed to appoint the three representatives to the ACC, and someone needed to respond to the request for approval of the ACC's constitution. The special session of the General Convention in 1969 "acceded and subscribed to the Proposed Constitution of the said Anglican Consultative Council," and took responsibility for election of representatives to that body.³⁵ Subsequent General Conventions approved later changes in the ACC constitution.³⁶ The convention's Joint Committee on Nominations initially proposed names of ACC representatives for election by convention, but in 1982 the Executive Council (the name adopted in 1967 for what had been called the National Council since 1922) took over the responsibility for selection of ACC representatives.³⁷

An additional development in the Anglican Communion had taken place in 1960, which would also bring the Episcopal Church into closer relationship with the Anglican Communion. In that year Stephen Bayne, former Bishop of Olympia in the U.S., had accepted a position as the first Executive Officer of the Anglican Communion, a position later renamed as "Secretary General." Bayne served until 1964. The fourth person to hold the position (Samuel Van Culin, Secretary General, 1983-94), was also an American.

The General Conventions of 1964 and 1967 responded to the call of the Anglican Congress in Toronto that it was time for "the rebirth of the Anglican Communion, which means the death of many old things but—ininitely more—the birth of entirely new

³⁵ *Journal* (Special General Convention, 1969), 159-60. The General Convention's approval of the ACC constitution in 1969 paralleled the then requirement in the Constitution that dioceses desiring to be admitted to General Convention indicate "accession" to the *Constitution and Canons* of the Episcopal Church. In 1979 the language for dioceses was changed, however, to read "entire accession." See *Journal* (General Convention, 1979), C-38.

³⁶ See, for example, *Journal* (General Convention, 1976), C-4, and *Journal* (General Convention, 1979), C-6.

³⁷ *Journal* (General Convention, 1982), C-6.

relationships.”³⁸ The Presiding Bishop set up a Committee on Mutual Responsibility, which reported to both conventions. The 1964 Convention adopted a resolution proposed by the committee that resolved

That this Church, speaking through its episcopate and its duly elected representative in the lay and clerical orders in General Convention assembled, accept the message of the Primates and Metropolitans of the Anglican Communion entitled, “Mutual Responsibility and Interdependence in the Body of Christ”, as a declaration of God’s judgment upon our insularity, complacency, and defective obedience to Mission; and be it further

Resolved, the House of Deputies concurring, That this Church undertake without delay that evaluation and reformation of our corporate life, our priorities, and our response to Mission, which is called for by the leaders of the Anglican Communion....³⁹

The General Convention made an important change in the *Constitution and Canons* at the 1964 Convention, which was then confirmed in the convention of 1967. The General Convention completely rewrote the Preamble of the Constitution in order to reflect the Episcopal Church’s place within the growing Anglican Communion. While not a direct proposal from the MRI committee, it did reflect the goals and values of the Toronto gathering. The new preface read:

The Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church (which name is hereby recognized as also designating the Church), is a constituent members of the Anglican Communion, a Fellowship within the One, Holy, Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces, and Regional Church in communion with the See of Canterbury, upholding and propagating the historical Faith and Order as set forth in the Book of Common Prayer.⁴⁰

The 1967 General Convention also expanded the role of the Presiding Bishop in a rewritten Canon 2, section 4. The Presiding Bishops was thereafter identified as “the

³⁸ Bayne, *Mutual Responsibility*, 24.

³⁹ *Journal* (General Convention, 1964), 325, 726.

⁴⁰ *Journal* (General Convention, 1967), Appendix 36.1-36.2. The preface was suggested at the 1964 convention by Dr. Clifford P. Morehouse, who was President of the House of Deputies. He made the suggestion as an alternative to a resolution that had been introduced with the intention of dropping the word *Protestant* from the name of the church. See □White and Dykman, *Annotated Constitution and Canons*, 1:6.

Chief Pastor” of the Church and given the responsibility to visit every diocese of the church, that is to say, that the pastoral element of ministry of an archbishop that was lacking in the 1919 creation of a central executive was now added.⁴¹

An unsuccessful attempt was made at the 1967 General Convention to also append the title “Archbishop” to the description of the role of the Presiding Bishops, but moves in the direction of treating the presiding Bishop more like the Archbishops in other provinces did meet success in the following two decades. *The Book of Common Prayer* of 1979 included for the first time mandatory prayers for the Presiding Bishop within the Prayers of the People in the Eucharist. The 1982 General Convention amended Canon 2, section 4 to note that the Presiding Bishops was a “primate.”⁴² The editors of the *General Convention Journal* for that year finally followed the practice that the *Living Church* has adopted in the 1920s and began to style the Presiding Bishop as the *Most Reverend*, the designation reserved for Archbishops.⁴³

The Commission on Structure that recommended the change in the description of the office of the presiding bishop in 1967 summed up the direction of changes of that decade by referring back to the Anglican Congress in Toronto and its doctrine of *Mutual Responsibility and Interdependence*:

A clarifying understanding is now discernible through the Church. This is that the initial five-year period referred to in the Document [*Mutual Responsibility and Interdependence in the Body of Christ*] (1963-68) is now generally recognized for what it was intended to be: a time of transition within the Anglican Communion when our widely separate paths would come closer together; a time when we would be developing new patterns of relationship; a time when we would see ourselves growing from a fellowship of Churches to a fellowship within the

⁴¹ *Journal* (General Convention, 1927), 321.

⁴² *Journal* (General Convention, 1982), C-37.

⁴³ The 1979 General Convention Journal lists the Presiding Bishop as the “Rt. Rev. John Maury Allin.” In 1982 it was changed to “the Most Rev. John Maury Allin.”

Church of God; a time of emergency when new assistance must be transmitted to the younger Churches.”⁴⁴

Changes in this period were not so much an attempt to conform the U.S. to an English pattern as they were a participation in a rethinking of the whole idea of an Anglican Communion.

Concluding Thoughts

We have looked at three moments in the history of Episcopal Canon law: the initial effort to create a Constitution and Canons following the American Revolution, the attempt in the years before and after World War I to create a more comprehensive system of church law and a more modernized and centralized executive, and the effort in the 1960s to recognize the international character of the Anglican Communion.

It is always dangerous to speak about a movement or trajectory to history, so please take what I am going to say with appropriate skepticism. I think that what we have seen is a movement away from an early minimalist view of authority to a more comprehensive form of government that is both more centralized in the U.S. and more involved in the Anglican Communion.

One of the interesting things about the current moment in the Episcopal Church is that the two movements that have long gone side by side—more centralized authority in the U.S. and deeper relationship with other Anglican church—seem now to be set at odds against one another.

⁴⁴ *Journal* (General Convention, 1967), appendix 25.2-25.3.