

In Service of Communion:  
the Final Report  
of  
The General Synod Task Force on Jurisdiction  
to  
The Council of General Synod  
and  
The Canadian House of Bishops  
February 2002

The origins of “Jurisdiction” as a feature of the life of the Church reach back to the early days of the post-resurrection community in Jerusalem. Jurisdiction of some form is present in the “twelve” who were chosen by Jesus, and who, in the aftermath of the ascension, chose Matthias to make up their number and to take the place of Judas Iscariot.<sup>1</sup> It is certainly there in the creation of the ministry of deacons,<sup>2</sup> and in the validation of Saul’s conversion and calling to preach the gospel to the gentiles.<sup>3</sup>

Saul’s ministry provoked one of the most memorable of the early church’s exercises of jurisdiction in the interests of the growth and nurture of the Church. Confronted with the issue of who might be included within the “ecclesia” in the wake of the wholesale conversion of uncircumcised gentiles in Asia Minor, the early church met (c.49 CE) for what is now referred to as the Council of Jerusalem. The issues were aggravated by centuries of ill-will and prejudice. Gentiles were, by definition of Jewish prejudice, unclean, idolatrous and given to unspeakable acts of immorality. The early Christians, all of whom were Jewish, quite simply could not conceive of how such people might be included in the church as full members unless they repudiated their race and culture, submitting to circumcision as the sign of the sincerity of their repentance and inclusion into the covenant of the law as delivered by Moses. The “Judgement of James”<sup>4</sup> represents, in the truest sense, the exercise of jurisdiction in the interests of the

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<sup>1</sup> Acts 1:12-26

<sup>2</sup> Acts 6

<sup>3</sup> Galatians 1:13-24

<sup>4</sup> Acts 15:1-21

“communion” of the whole church. It was, in effect an exercise in collegiality. The Jewish Christians had some of their worst fears about the allegedly unclean lifestyle of gentiles put to rest, while the gentiles were recognized as full members of the church without the prohibitive requirement of circumcision.

In a Christian community, that is what “jurisdiction” is all about: the careful and caring exercise of authority to guide and enable the growth and lively faith of the church.

This exercise of authority has its roots in the early church’s memory of Jesus’ promise to His disciples in the “Farewell Discourses” of the Gospel according to St. John. There, in response to the disciples’ dismay at his immanent departure from their midst, the Christ promises that the Father will send the Holy Spirit (the enabler) “who will lead you into all truth.”<sup>5</sup> All exercise of authority as jurisdiction within the church proceeds from the church’s confidence in the truth of this promise. This does not mean that the church is inerrant or infallible. It can, has, does, and will make mistakes. But the efficacy of the Spirit’s guidance of God’s Church is such that it cannot be in error indefinitely or irretrievably. The Spirit always guides, always corrects, always brings the Church (sometimes slowly and painfully) “into all truth”.

Church history provides a rich parade of examples of how the Spirit of God has, through the ministry of authority exercised as jurisdiction, renewed and redirected the practice and teaching of the Church. One such example is in the matter of slavery. It is obvious from the evidence of Acts and the letters of St. Paul that the early Christians, while affirming that all baptized persons were “new creations” in God’s grace, and brothers and sisters in Christ, nevertheless accepted without protest or comment the brutal institution of slavery. With rare exceptions, this continued to be the case until the early 1800’s when the witness of William Wilberforce and his colleagues brought about the abolition of slavery in the British Empire. Wilberforce acted out of Christian conviction, but was violently opposed by many of his fellow-believers, who argued in support of slavery, citing precedents from scripture. The slavery example is, in some senses, extra-ecclesial,

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<sup>5</sup> John 16:12

but stands nevertheless as an example of how the Spirit can and does “guide” us into “all truth”.

More recent examples, of the guidance of the Holy Spirit drawn from the experience of the Anglican Church of Canada include the amendment of the Marriage Canon to permit the remarriage of divorced persons and the action of General Synod to permit the ordination of women to the priesthood and to the episcopate. In both cases, long-entrenched traditional practices and teachings of the Church were challenged and found wanting, and the exercise of authority as jurisdiction enabled a renewal of the Church in its pastoral and sacramental life.<sup>6</sup>

None of this happened without debate, argument and disagreement. The Church is not, nor has it ever been a “perfect” institution inhabited by a “perfect” people. The Church as the “bride of Christ... without spot or wrinkle”<sup>7</sup> exists only as eschatological promise – a vision of what we will become in the fullness of God’s grace! What we are now is a company of people whom Jesus has called together into communion, with the intention that the life which we share might nurture us in our journey of faith, and might by example and witness, call others to do so as well. It is in this context, through the tradition of two millennia of grace, that the exercise of authority as jurisdiction can be seen to be the servant of the greater good of communion.

### **COMMUNION AND AUTHORITY**

Our shared communion is one of God’s greatest gifts to the Church. This is both literally and figuratively true. The Eucharist stands at the heart of our collective experience as Christians. It is the symbol of our life together, and serves as the touchstone for our wider sense of communion. The Eucharist draws us all together, including those who would otherwise be separated by political belief, social status, economic class, cultural difference, ethnicity, or sexual orientation, to name but a few of our human distinctions. Archbishop Michael Peers has recently suggested that our primary obligation as Christians is to be in communion, and that this obligation requires that our commitment

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<sup>6</sup> See “Authority as Jurisdiction” p.5 below.

<sup>7</sup> Ephesians 5:25-28

to orthodoxy be tempered by an acknowledgment of human fallibility in comprehending the mind of God. In the Primate's words, there is "no absolute other than God".<sup>8</sup> Historic Anglicanism has always valued communion over certainty. This was so even in the less-than-charitable times of the late 16<sup>th</sup> century. When Puritans within the Church of England pressed her to authorize the enforcement of a detailed confessional statement, after the style of Genevan Protestantism, the Queen, acting as supreme governor of the Church of England, told them that "we do not build windows into men's souls." Four and a half centuries later, the Virginia Report<sup>9</sup> suggests that communion aims "to free the people of God to use their God-given gifts responsibly and cooperatively, in every way compatible with the gospel and its effective proclamation in word and deed". Communion, then, is about freeing us and enabling us to be the best that we can be. Communion equips us to rise to God's challenge. It allows the Church to be "the effectual sign of the supernatural in the midst of the natural order", to adopt Michael Ramsey's description.<sup>10</sup>

This understanding of the centrality of communion to the life of the Church carries rich implications for our approach to the concept of authority. "Authority" is a complex term. It can be understood in a number of ways. One speaks of authority to do or to compel something. Here "authority" is used synonymously with "power", and can imply dominance. "Authority" can also be a noun: one is an authority on a given subject. Here "authority" relates to learning or expertise. "Authority" may also be used to describe a person or body whose ideas or decisions are "authoritative". This use of the term implies that the authority is persuasive or, to put it another way, that the pronouncements are perceived by the hearer to be legitimate.

If our primary obligation as Christians is to be in communion, and if communion is about freedom and assistance to fulfill God's purpose for our lives, then a Christian understanding of authority would seem to accord most closely with the third definition suggested above: influence flowing from the person or body who is "authoritative".

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<sup>8</sup> Michael Peers, Power in the Church: Prelates, Confessions, Anglicans, Arnold Lecture, 6 December, 2000, Halifax Nova Scotia.

<sup>9</sup> The Virginia Report, Inter-Anglican Doctrinal Commission, 1997.

<sup>10</sup> Michael Ramsey, From Gore to Temple, (London, 1959)

Christian authority is not rooted in hierarchy; nor is it a mere manifestation of power. When James and John asked to sit at the right and left hand of Jesus in glory, our Saviour replied:

You know that among the Gentiles those whom they recognize as their rulers lord it over them, and their great ones are tyrants over them. But it is not so among you; but whoever wishes to become great among you must be your servant, and whoever wishes to be first among you must be slave of all. For the Son of Man came not to be served but to serve, and to give his life a ransom for many.<sup>11</sup>

Jesus is the pattern of servant leadership for His Church. His authority was not an authority of status or domination, but an authority based on His willingness to share His power with all who would follow Him. Christian authority is life giving, for it is rooted in communion. In the Anglican tradition, the communal understanding of authority has been described by Bishop Stephen Sykes as “dispersed authority”, authority that arises from a continuous process of decision making amongst all participants.<sup>12</sup> This concept of authority underlies the synodical governance of the Anglican Church of Canada.

Synodical governance means walking together. In this journey, while we bring with us our several differences, we infuse our relationship with patience and a loving acceptance of those who hold different viewpoints. Walking together in this fashion requires a necessary ambiguity, but it has also enabled us to grow and to move forward along the way of becoming, in greater maturity, the People of God. The witness of this journey is the discovery that time is needed to reflect together, to live in relationship with one another, despite our differences, so as to understand better what it means to be in relationship. We constantly seek the middle way, not abandoning our beliefs, but finding a means to hold our differences in creative tension.

We advocate this pattern of civility as the path to follow, rather than to declare definitive statements which have the potential to separate, divide and exclude. We are reminded of our obligation to be “in communion”. The experience of our Anglican way is that decisions which affect the doctrine and discipline of the Church involve a process which

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<sup>11</sup> Mark 10:42-45

<sup>12</sup> Stephen W. Sykes, ed., Authority in the Anglican Communion: Essays Presented to Bishop John Howe, (Toronto, 1987)

demands study, prayer and witness on the part of the whole Church. It must be remembered, however, that because of our human limitations, those decisions must always be regarded as provisional. In the end the “Gamaliel principle”<sup>13</sup> is the one sure test. If a thing is of God it will flourish; if not it will wither.

## **AUTHORITY AS JURISDICTION**

Authority and jurisdiction are not synonymous. Jesus is described as speaking with authority but of having no jurisdiction over those to whom he spoke. Jurisdiction is having the legal right to exercise authority. In the polity of the Anglican Church of Canada there are four basic levels of jurisdiction – the parish, the diocese, the province and the General Synod. Our structure is confederal. When the provinces of Canada and Rupert’s Land, with the dioceses of British Columbia, Caledonia and New Westminster, came together in the 1890s to form the General Synod, the gathering defined the responsibilities and duties that were within the jurisdictions of the General and Provincial Synods leaving all undefined responsibilities and duties to the jurisdiction of the dioceses.

The Solemn Declaration states that among the responsibilities of the General Synod is “by the help of God to hold and maintain the Doctrine, Sacraments and Discipline of Christ as the Lord hath commanded in His Holy Word and as the Church of England hath received and set forth the same.”<sup>14</sup>

The Declaration of Principles states in Section 6 that “subject to the provisions of Section 7 (which describes the jurisdiction of the provincial Synod) the General Synod shall have authority and jurisdiction in all matters affecting in any way the general interest and well-being of the whole church and in particular:

- (1) the definition of the doctrines of the Church in harmony with the Solemn Declaration adopted by this Synod.”

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<sup>13</sup> Acts 5:34-39

<sup>14</sup> Hand Book of General Synod, p.5

Section 6 (Jurisdiction of the General Synod), Section 7 (Fundamental Principles) and Section 8 (Ecclesiastical Offences and Disciplinary Proceeding) can be amended by a two-thirds majority in each order voting at two successive General Synods, but changes cannot be effected without the consent of the provincial synods. Diocesan synods need not be consulted.

Section 11 c) i) of the Declaration of Principles states that canons dealing with doctrine, worship or discipline and all alterations to such canons must be referred for consideration (but not approval) to diocesan and provincial synods before coming into force. It seems clear, therefore, that the intention of the founders of General Synod was to place responsibility for matters of doctrine and discipline within the jurisdiction of General Synod.

From time to time, matters which affect the whole church but which are not covered by the canons of General Synod arise. The best example in recent years is the ordination of women to the priesthood. General Synod established a procedure by which the issue could be studied and a decision reached without enacting a canon. If an issue is understood to be one of doctrine or discipline, whether it be already dealt with in the canons or not, it belongs within the jurisdiction of General Synod.

The difficulty lies, of course, in the determination of which matters are of doctrine and discipline.

### **DOCTRINE AND DISCIPLINE, TRADITION ETHICS AND MORALITY**

When the Church speaks of “doctrine” in its most precise sense, what is meant by this is that body of agreed belief concerning the nature of God, the nature of humanity, the nature of God’s redemption of humanity in Jesus Christ, and the nature of humanity’s response to God’s redemption. The source of doctrine thus defined is the historical reflection of the Church upon the witness of the canonical scriptures, illuminated by the witness of the Holy Spirit’s activity in reason and tradition.

“Doctrine” thus defined, belongs to the “Church Universal” and is not the property of any particular denomination with the “Church”. Consequently, while we may affirm and from time to time interpret “Doctrine”, we may not alter it or add to it.<sup>15</sup> This, in the terminology of the “Righter” decision is what is meant by “core doctrine” – that which the Church affirms as being encompassed and embodied in the creeds and expressed in our offering of worship.

Proceeding from “Doctrine” by way of living witness, is the “Discipline” of the Church. Because we collectively believe certain things to be true about God, humanity and the relationship between God and humanity, the Church orders its common life in certain ways, and it accepts a certain “Discipline”. In general terms this “Discipline” is the corporate witness offered by the Church in its way of life which expresses its common understanding of the things which it believes as “Doctrine”.<sup>16</sup>

This use of the terms “Doctrine” and “Discipline” must be distinguished from the traditions of the Church and from the implications of the traditions as expressed in moral and ethical standards. The distinction here is that “Doctrine” and “Discipline” deal with matters “necessary to salvation” whereas “traditions” and “morals and ethics” relate to the mutable development of theological hypotheses and their application in particular circumstances from time to time. To quote Richard Hooker,

Lest...the name of tradition should be offensive to any, considering how far by some it hath been abused, we mean by traditions, ordinances made in the prime of Christian tradition, established with that authority which Christ has left to His Church for matters indifferent, and in that consideration requisite to be observed, till like authority see just and reasonable cause to alter them...

(Hooker, Lawes ....V LXV.2II p. 318)

Serious issues for the Church arise, not in a theoretical mode but out of the life and experience of the Church. Three widely contentious issues of the last fifty years, the marriage of divorced persons, the reception of the Holy Communion by the unconfirmed and the ordination of women to the priesthood all arose out of pastoral concern.

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<sup>15</sup> Declaration of Principles, 1893 s.11a)i)

<sup>16</sup> Sec. 8 General Synod Canon on “Discipline” where the term is specifically defined with reference to the authority of ecclesiastical courts to deal with specific offences.



The marriage of divorced persons became an issue because of the church's desire to provide pastoral care for the increasing number of its members who were divorced. Responses varied greatly across the church. In some dioceses re-married persons were not allowed to receive the sacrament. In others they had to refrain from receiving it for a period of time. Still others had no restriction.

There had been a General Synod Canon on marriage since 1902, which was amended in 1946 to allow a church annulment after a civil divorce. The presence of that canon made it clear that the matter could only be dealt with by General Synod. In 1967 when a new canon was proposed it was ruled to be a matter of discipline and therefore had to be passed at two successive synods having been referred to Provincial and Diocesan Synods for consideration (but not approval) between the two votes.

The question of the reception of Holy Communion by those who are not confirmed, and in particular children, arose out of a renewed emphasis on baptism conferring full membership in the Church, changed perceptions about how and when children learn, and a centuries old uneasiness with the theology and practise of confirmation. The practise of admitting only the confirmed to the sacrament was clearly based on the rubrics of the Book of Common Prayer which is Canon XIV of General Synod and could therefore have been considered a part of the discipline or worship of the church. Yet when, over the course of several General Synods, the matter was debated and decided it was not treated as a matter of discipline or worship and no attempt was made to effect a change in Canon XIV. The Synod simply established guidelines under which Bishops and Dioceses could implement the practise.

The ordination of women to the priesthood arose because many in the Church believed the exclusion of women from ordered ministry was unjust and women were voicing their belief that they were being called. There was no mention of ordination to the priesthood being restricted to men in our constitution, canons or the Book of Common Prayer and so it was not immediately clear that this was a matter for General Synod. Indeed a case could have been made that it was properly a diocesan matter since ordination is a prerogative of the bishop. However, by common consent, General Synod did deal with it,

not by enacting a new canon but by a resolution that authorized the ordination of women to the priesthood and requested the House of Bishops to implement it.

It is apparent that there is no single clear process to determine whether or not a matter is one of doctrine, discipline or worship and therefore the prerogative of General Synod. It is through struggling with an issue that the 'mind of the church' about where and by whom it should be resolved emerges.

The confederal nature of our church means that undesignated powers rest with the dioceses and/or diocesan bishops. This seems to suggest that when it is unclear at what level a matter should be decided, the power to decide it should rest at the diocesan level unless the 'mind of the church' deems it to belong at another level. In short, when jurisdiction in a contentious matter is not specified, it will be decided at the highest level that has the will to decide it.

### **RESPONSES TO QUESTIONS POSED IN THE TERMS OF REFERENCE**

- (a) The Task Force has reviewed canons of the General Synod, and of provincial and diocesan synods relating to jurisdiction over doctrine and discipline. A summary of our findings is contained in Appendix 1 of our report.
- (b) The Task Force has reviewed the Strategic Plan and determined that it offers no guidance on jurisdiction over doctrine and discipline.
- (c) The Task Force consulted by mail bishops, chancellors and principals of theological colleges and a copy of our interim report was submitted to the General Synod in 2001 for discussion and comment.
- (d) While the Task Force concludes that formal jurisdiction over doctrine and discipline rests with the General Synod of the Anglican Church of Canada, in practice this jurisdiction has been exercised with a careful circumspection and with due regard to local expression. In a country as diverse as Canada with a wide variety of settings in which the Church is called to ministry, this flexibility of jurisdiction has served the Church well and can continue to do so. Therefore, we do not propose any further

efforts at definition of jurisdiction.

The Most Rev. David Crawley

The Rev. Canon Dr. Kim Murray (Chair)

The Most Rev. Arthur Peters (until December 31, 2001)

The Hon. Ronald Stevenson

Dr. Stephen Toope

## **APPENDIX: JURISDICTIONAL CANONS IN REVIEW**

We have reviewed the constitutional documents of the General Synod and the four Provincial Synods as they relate to doctrine and discipline.

The Solemn Declaration adopted by the General synod in 1893, and expressly accepted by the Provincial Synods of Rupert's Land, Ontario and British Columbia, commits the Church to maintain the Doctrine, Sacraments and Discipline of Christ as commanded by Him as the Church of England had received them and set them forth in its formularies and in the Articles of Religion. The Synod of the Province of Canada made a similar commitment, in different language, in its 1861 Declaration of Principles.

Originally, “matters of doctrine, worship and discipline” were declared to be within the jurisdiction of the General Synod subject to certain rights and canons of the Provincial Synods of Canada and Rupert's Land and of the synods of dioceses outside those provinces.

Now, the Declaration of Principles of the General Synod gives that Synod authority and jurisdiction with respect to “the definition of the doctrines of the Church in harmony with the Solemn Declaration.” None of the provincial synod constitutions assert provincial jurisdiction over any matter of doctrine.

The General Synod also has authority and jurisdiction with respect to several aspects of ecclesiastical discipline, i.e. the trial of persons accused of ecclesiastical offences. The constitutional documents of the Synods of the Provinces of Canada, Rupert's Land and Ontario say those synods have authority with respect to the ecclesiastical discipline and trial of bishops. That overlaps, and may conflict with, the authority of the General Synod. Those documents, as well as the Declaration of Principles of the General Synod, give the provincial synods jurisdiction with respect to the Provincial Courts of Appeal, the regulation of the ministrations of clergy and the oaths and subscriptions of clergy. The Constitution of the Provincial Synod of British Columbia neatly defines that Synod's

jurisdiction as “the power to deal with all matters affecting the general interest of the church within its territorial jurisdiction other than those delegated to the General Synod.” It does not contain any specific reference to either doctrine or discipline.

Canons and resolutions of the General Synod of a coercive character or involving penalties or disabilities are not operative in the Province of Rupert’s Land until they are accepted by the synod of that province. The constitution of the Provincial Synod of Rupert’s Land also preserves its right to pass on any subject that fell within that synod’s jurisdiction in 1893 when the General Synod was created.

Acting under its authority in matters affecting the general interest and well-being of the whole Church, the General Synod has legislated with respect to discipline in the broad sense of the right ordering of Christian life and community, e.g. in certain provisions of the licensing and marriage canons. It has made non-canonical pronouncements in other areas of discipline with respect to such matters as admission to communion and the ordination of women.