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Canon Law: Practical Action

BY THE REV. D. R. HILL, M.A.

TWICE in the past twelve months the Editor of the *CHURCHMAN* has printed articles on the subject of, "The Revision of the Canons". The first was written by the Vice-Chairman of the House of Clergy of the Church Assembly. The writer of the second was able to begin his paper, "As a Proctor . . .". By contrast the present writer cannot give any comparable justification for venturing into print on this vast subject. His reason for accepting the invitation to contribute something to this journal, on the same topic, lies in the fact that for the past four and a half years he has been secretary of "The Truth and Faith Committee", which was formed in 1952 "to withstand unscriptural Canon 'Law'".

The meeting of Evangelicals which brought the Committee into being was called by a group of well tried and trusted men. No society sponsored the meeting, and at that time not many seemed alive to the dangers inherent in the Report of the Canon Law Commission. The newly formed Committee, therefore, set about the task of opposing unscriptural Canon Law, though lacking the help which the "machinery" of an already existing clerical staff would have given. On the other hand, however, those who were elected to serve that Committee were unfettered by any limitations which might result from the exercise of parental control by a society's council. The only terms of reference to which The Truth and Faith Committee could turn were contained in the following resolution passed at the Caxton Hall, Westminster, on January 23rd, 1952 :

"This meeting of Evangelical Churchmen is of the opinion that the passage into law of certain of the proposed canons (such as Canon 13, of Lawful Authority ; and Canon 17, of the Vesture of Ministers during the Time of Divine Service) which are now under consideration would undermine the scriptural position of the Church of England, and radically alter its character as a reformed Church. In loyalty to the Word of God, His Majesty the King, and the Church of England as by law established, those who constitute this meeting pledge themselves to unremitting earnest prayer, and strongest possible action in opposition to such canons, and press the same course upon all loyal churchmen."

Our work has been conducted in two directions. In the first place we have endeavoured to inform Evangelical Christians of the nature and content of this proposed revival of Canon Law and revision of the Canons. In the second place we have approached the lay members of the Church Assembly, and the Proctors in Convocation, and all the *ex-officio* members of those bodies, and brought to their notice the serious faults which we see in the proposals, as we study them in the light of Holy Scripture.

We have felt it to be necessary to write the foregoing explanation of the Truth and Faith Committee's purpose, because it is only as honorary secretary of that Committee that the writing of this paper has been undertaken.

The ignorance of the subject, which the writer shares with the vast majority of his brother clergy in the Church of England, would not alone incapacitate him for the task of writing on the subject. That ignorance is occasioned by one of the main objections to the revival of Canon Law. Canon Law is dead as a practical matter, and for 400 years has been buried. Occasionally pilgrimages to the grave have been made by just a few who have regarded the corpse as of some academic interest. Indeed when efforts were made a few years ago to study Canon Law of the Church of England we were informed, by more than one of our Universities, that no such study is possible. A similar request to use the Law Faculty Library brought the reply that virtually there is no literature on the subject. Therefore we make no apology for ignorance. The situation is not of our making or choosing, and we engage in this controversy in defence of our rightful heritage in the Protestant Reformed *Church of England established by law*.

We call to mind the words of the Vicar General of Canterbury, Sir J. P. Deane, which he spoke of the government and discipline of the Church of England. "Will anybody put his finger on one single title of the Canon Law from the first title of the *Decretum* to the very last title in the *Extravagantes* which is not at once met by the statute law of this country? Take simony. There are in the Canon Law several articles on simony, but no lawyer would refer to the Canon Law. He would refer to the Acts of Elizabeth, Anne, and Victoria. . . ."

When we started our work we were regarded with some suspicion; and it has taken the whole of four years to enlist the co-operation of many who, now, undoubtedly look on the proposed Canons with the same serious misgivings which we have.

Perhaps the early attitude towards us is represented by the suffragan bishop who wrote in the spring of 1952 saying he felt the new committee would do more harm than good. But that our work has been of some account and consequence comes out in a letter from the Archbishop of Canterbury, written to us this year following a long private talk we had together on the Canons. "Thank you for letting me see what you had written as a kind of summary of our long conversation. . . . I appreciate very much your desire to be entirely fair in all that you say and put out. . . ." That the Archbishop gave up nearly three hours for a private talk with one man, and followed it a few days later with a letter running to some 1,500 words on the same subject, is evidence that opposition has to be reckoned with. In addition the Archbishop has started holding group discussions periodically at Lambeth Palace on Canon Law proposals. There, Evangelicals, and others, meet members of the Steering Committee of the Convocations.

These meetings give us opportunity to state our opinions and the views of those we represent, very clearly. But the impact we make when we attend will be greater, if we can go to Lambeth with the knowledge that behind us there are thousands of praying people backing us up in our efforts to save the Church of England from giving

official recognition to practices and ceremonies which are the outward expression of unscriptural doctrines.

Two questions are constantly being asked by those who write to us about the Canons. Briefly expressed they are :

1. Is the revision nearly finished, and when it is finished, will all the Canons have to be approved by Parliament ?
2. Is there anything those who disapprove of the proposals can do *now*, or must we wait for some future occasion to voice our objections ?

Let us look at the questions in that order.

To the first the answer is that the revision is not nearly finished, and when it is completed not all the Canons will have to go before Parliament. Here it may be helpful to attempt to explain the very complicated procedure by which Canons are being made.

The Convocations have very recently approved a "Memorandum on Stages 2 and 3 of the Procedure for the Revision of Canon Law". This plan of procedure has been drawn up because a considerable number of Canons have now reached the end of Stage 1. Stage 1 was begun in 1948, in a somewhat irregular and unconstitutional manner. The proposals set out in 1947 to accompany the Report of the Canon Law Commission provided the subject matter for the early Canon Law debates in the Convocations. But until a Royal Licence to confer and make Canons had been issued, those debates were unconstitutional because contrary to the Act for the Submission of the Clergy (1534).

By that Statute it was established that the Convocations should "never from henceforth presume to attempt, allege, claim, or put in ure, or enact, promulge, or execute any new Canons, Constitutions, ordinance provincial or Convocation, unless the King's most royal assent and licence may to them be had to make, promulge and execute the same. . . ."

The present Canon Law manœuvre had to be "put in order" by obtaining a Royal Licence *after* discussion had already begun. Therefore, although some of the early debates were technically out of order the licence has now been obtained, and those early debates provided occasions for certain blemishes in the new Canons to be laid bare. The result of this first stage has been interesting though the movements have been very difficult to follow.

In March 1954 another volume, *The Revised Canons of the Church of England further Considered*, was published. The Canons contained in that book represent the results of the debates on Stage 1. Those versions will be the ones reconsidered in Stages 2 and 3. Stages 2 and 3 have now been planned and it is said they will be "formal and decisive". All who are concerned for the progress of the Gospel and the maintenance of Biblical doctrine should recognize the importance of this new phase of the programme now beginning.

As the Canons complete Stage 1 they will be presented to Convocations in groups for Stage 2. As they are presented, opportunity for proposed amendments will be given. Such amendments have to be sent through the Steering Committee in time for circulation with the agendas for the next session of Convocation. After approval in Convocation the Canons will go to the House of Laity and the members

of that House may suggest and consider alterations. They will then be returned to the clergy of Convocation for the second approval. At that stage only amendments relevant to comments or criticisms made by the House of Laity, or proposed by the Steering Committee, will be admitted. Following all this a resolution sending the Canon on to Stage 3 will be moved. This Stage 3 will be the final drafting and approval by Convocation, without further reference to the House of Laity. But here Special Amendments may be put forward by the Drafting Committee, and in that case such Special Amendments will have to go through the programme of Stage 2 yet again.

At the end of Stage 3 a final resolution will be moved authorizing the President to seek Royal Assent and Licence from the Crown. But here again, as at the start, the Act of Henry VIII, 1534, has to be observed. That Statute, already quoted, further enacted that, "no Canons, Constitutions, or ordinance shall be made or put in execution within this realm by the authority of the Convocations of the Clergy which shall be contrariant or repugnant to the King's prerogative royal, or the customs, laws, or statutes of this realm. . . ."

At this point then the voice of Parliament may have to be heard, and attention paid to it. A queer reluctance to bring the Canons before the House of Commons has been observed. Already the proposals intended to control clergy in their present freedom to remarry divorced persons have been dropped, and the reason openly given was an unreadiness to meet Parliament.

Since the Canon Law Revival project was first started we have tried repeatedly to find out which Canons will have to go to Parliament. The answer has always been, and still is, "It is not known". It is becoming more and more evident that only a bare minimum will be brought there. But Evangelicals know well that that minimum includes the most controversial ones. Many matters touched upon in the proposed Canons are already provided for in the rubrics of the Book of Common Prayer and on that consideration alone they infringe Statute Law. The point may be illustrated by reference to proposed Canon 26, paragraph 2, which says, "The bread, whether loaf or wafer, shall be of the best and purest wheat flour that conveniently may be gotten. . . ." The Prayer Book orders "that the Bread be such as is usual to be eaten. . . ." Or, Canon 17 makes special provision for the vesture of clergy "At the Holy Communion", to be different from that, "At Morning and Evening Prayer". The Ornaments Rubric which those who try to defend their use of vestments sometimes quote, as their authority, knows only one vesture for "all times of their ministration", which of course includes Morning and Evening Prayer, Holy Communion, and the occasional offices too. Other examples could be given, which undoubtedly infringe the Statute Law, and bring the Canons under condemnation.

There remains one other consideration before we attend to the second of our two questions. Our references to Parliament are often criticized on the ground that M.Ps. may be "Jews, infidels, and heretics". That is so. The Church and State Report 1952 made the important observation that, "it is arguable that, however paradoxically, the House of Commons represents the mind of the inarticu-

late mass of laymen more closely than does the House of Laity ”.

The second question, asking what can now be done, often comes from those who are wide awake to the perils.

In the outlined plan of procedure now adopted there will be at least three occasions when protests can be made. We suggest Evangelicals should raise their voices on every occasion.

(i) Write to Proctors in Convocation in time for debates at Stage 2.

(ii) Write to, or visit, lay members of the Church Assembly in time for debates at Stage 2.

(iii) Make contact with M.Ps. Point out the ways in which the Canon proposals infringe Statute Law, and encourage the Members of Parliament to see that the Canons are brought before them.

It may help some, who at present hesitate to commit themselves to withstand the Canons, if they hear extracts from a few of the very large number of letters which come to hand from time to time.

“ If Canon Law comes in, I go out,” writes an Essex vicar ; and another from the same neighbourhood says, “ I know where I stand, and I will leave the Church of England rather than have any truck with this blatantly unscriptural move ”. From the Channel Islands a clergyman wrote, “ You can count on my wholehearted and absolute agreement, support, and co-operation ”. Others have written, “ I am in hearty agreement with your attitude to the Canons,” “ I am in hearty agreement, and I thank God for all you are doing,” “ I know there are many like myself who are just not prepared to perjure their consciences by agreeing verbally or in writing to these new Canons ”. A cleric from Carlisle wrote, “ I feel very strongly that your attitude is the only one we Evangelicals can tolerate ”. “ It seems to me,” writes a clergyman from Islington, “ we must sit loosely to our beloved Church of England, rather than endanger our consciences before God ”. From Kent a country rector wrote to say, “ It would be impossible for me to subscribe to the declaration required by Canon 69 as it now stands ”. From St. Albans a vicar told us, “ You can count on my support in all that you are doing ”. A Hampshire vicar says, “ I think it is outrageous that clergy should be required in advance to subscribe to Canons that may be passed in future. You may add my name to any list of names in protest against such a requirement ”.

For a well expressed answer to the question, “ What is our duty ? ” we cannot do better than publish again the concluding paragraphs of an address which Canon T. G. Mohan, secretary of the Church Pastoral-Aid Society, gave at the last London meeting of The Truth and Faith Committee. May God give us grace to act upon the seven points Mr. Mohan has put before us.

Mr. Mohan said, “ (i) We must proclaim the Gospel and persuade men to accept it. Nothing is so effective as positive evangelism ; leading people to the experience of its truth in their own lives.

“ (ii) We must also recover the Scriptural balance between preaching and teaching. So many Evangelicals say, ‘ I am too busy with the positive proclamation of the Gospel, I can’t be bothered with controversy ’. The answer to this is to turn to the New Testament

where preaching and teaching are nearly always coupled together. The Epistles are full of controversy, warning the young Church against the dangers to the truth of the Gospel. Beware ! beware ! beware ! is constantly the theme. Evangelicals are often the least well-taught members of the Church. We need a great teaching campaign with the Billy Graham converts coming into the Church. We need to teach the truths recovered at the Reformation ; we need to teach why we are Evangelicals ; we need to teach the importance of worship which is consistent with the Gospel ; we need to teach the meaning of our Prayer Book and Articles ; and to relate all to Holy Scripture.

“ (iii) We must be prepared to speak out when diocesan and other functions or services are of a character to offend Prayer Book Churchmen. If Evangelicals made their objections known, many of these things would never happen. If we remain silent it will be said that no one objects. Archbishop Lang boasted that he was the first person to wear a mitre both in York Minster and in Canterbury Cathedral since the Reformation, and he said, ‘ No one complained ’. It was obvious that he was expecting objections. Very often Diocesan Bishops agree to things with which they are not in sympathy because of Anglo-Catholic pressure. Evangelical pressure might even be welcomed ! Evangelicals have been silent because they did not want to be thought aggressive. We have soft-pedalled our convictions to avoid disharmony. But some Bishops boldly encourage practices which a few years ago would be regarded as outrageous and disloyal. **They** have no such hesitation. If they were criticized they would reply that the Church’s attitude to these things has changed. Yes, but the Prayer Book has not changed ! And we Evangelicals have the Prayer Book on our side. The time has come for us to be equally bold.

“ (iv) We must make clear our refusal to subscribe to Canons which offend our conscience, and especially any attempt to demand obedience to Canons yet unborn. We are not prepared to be in the position of those who now make solemn asseverations with secret reservations.

“ (v) We should unite together to stand firm for the truth.

“ (vi) We should be careful to avoid customs and fashions which are inconsistent with our beliefs.

“ (vii) Finally, we should humble ourselves before God, relying wholly upon Him, while not failing in obedience to His Will.”