

The Revision of the Canons

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THE whole matter of the revision of the Canons Ecclesiastical is of such a size and complexity that it is impossible to deal adequately with it in the space of a single article. All that I can do is to sketch an outline, first indicating the present position as clearly as I can.

With few exceptions, the Canons at present nominally in force are those enacted in 1603-4. While some of these may still be operative, many others are invalidated either by changes in national custom, or by subsequent ecclesiastical legislation, or by developments in common practice. Examples of each of these classes may be cited. In the first category we may mention the Canons regulating the outdoor dress of the Clergy or prohibiting the use of churches for markets and fairs : in the second, the enumeration of the functions of " churchwardens and questmen ", which have been severely limited by the passing of the Powers Measure : in the third, the old Canon forbidding a child's parents to stand as godparents. As the Archbishop of York has said, " The Church of England, alone among the Churches of the Anglican Communion, lacks a body of Canons which has been revised in the light of modern conditions " : that being so, our choice must necessarily lie between abolishing, disregarding, or revising them.

As long ago as 1851, the Bishops in Canada declared that " inasmuch as the retention of rules which cannot be obeyed is manifestly inexpedient and tends to lessen the respect due to all laws, we hold that a revision of the Canons of 1603-4 is highly desirable " : and in 1939 the Convocations of Canterbury and York affirmed the same principle by setting up a Commission for that purpose. There is little point in discussing now a decision that sixteen years ago was accepted without protest : but it is entirely right to examine—critically and in detail—the proposals put forward by the Commission, and to comment on the subsequent procedure.

It should be said, first of all, that there has never been any serious intention of revising the whole corpus of Canon Law : the Commission has indicated that this would be far too big an undertaking, and its members point out that in any case a complete code of Canon Law on the Roman model would be foreign to the genius of the Church of England. The intention is, however, to produce a limited but definite body of Canons " whose authority will be loyally recognized and accepted by the clergy and laity of our Church ".

Let me emphasize that at the time of writing there are no " new Canons "—an exact use of language is not without importance. Appended to the Commissioners' Report, which was published in 1947, is a collection of suggested drafts, designed as a framework around which constructive debate could be carried on. It would have been impossible to begin to draw up a code of Canons without some such

framework ; and (as has already been said) the 1603 code could not serve. Very few of these preliminary drafts will find their way into whatever code is finally evolved, at least without substantial revision ; and the procedure which is being followed, laborious as it is, is designed for caution rather than for speed. The four Houses of Convocation debate each proposal (sitting separately in Canterbury, generally together in York) ; and, unless the whole draft is rejected out of hand, their respective findings are conflated by a " Steering Committee "—a process which may have to be repeated several times before an agreed form can be produced. This agreed form is then passed to the House of Laity of the Church Assembly, where it is again debated and whence it is sent back to the Convocations to be reconsidered in the light of such comments as the laity may think fit to make.

The next Stage is to seek the Royal Licence, without which a Canon cannot be promulged. When this is obtained, each proposed Canon—in the form which it has reached under Stage 1—will again be thoroughly debated in detail, and (if necessary) further amended. The final Stage will consist merely in ensuring that every proposal is put into strict canonical form for promulgation.

In the meantime, legal watchdogs have been appointed to consider whether, and to what degree, any proposed Canon, at any stage, may conflict either with Statute Law or with any enactment of the Church Assembly. In all such cases nothing can be done without an Amending Act of Parliament or Amending Measure (as the case may be) : if either of these is not forthcoming, naturally the proposal is abortive : only if and when everything is in order can the proposal go forward for the Royal Assent and ultimately become a Canon of the Church. There is therefore no question of by-passing Parliament or infringing the constitutional rights and liberties of any of Her Majesty's subjects ; although objection may well be taken on other grounds.

I start with one general criticism ; namely, that in spite of what has been said above, the new proposals try to cover a needlessly wide field. True, the number of draft Canons is slightly less than those contained in the former code ; but in so far as ordered liberty is a better thing than rigid legalism, the aim should surely be the minimum of regulation. Besides, some of the proposals patently transgress the theory that a Canon should be regarded as a standard for the measurement of practice rather than as an ordinance demanding compliance ; notably those that repeat the provisions—and indeed the language—of some Church Assembly Measure. These are obviously intended to have statutory force ; and I hold that this is contrary to the spirit and purpose of a Canon.

There is a further point. The section (Canons 112-125) dealing with the Ecclesiastical Courts will almost certainly have to be completely rewritten in the light of the recent report on this subject. This can perhaps easily be done ; but if the draft suggestions had indeed been accepted and promulged as Canons before the Report had appeared, the difficulty would have been much greater. The alteration of a Canon may be a more formidable business than the amendment of an Assembly Measure : therefore matters covered by Measure should be wholly excluded from the purview of the Canons ; not least because

duplication (and triplication) is a foolish habit of the British mind, and should not be encouraged in ecclesiastical circles.

Moreover, this example of what has in fact happened may well be taken as a warning of what is likely to happen again. To quote from the preface to the Report, "Through the very nature of the case, there can be no final body of Canons. For a living Church will frequently desire to amend existing Canons and to add to their number as new needs arise". While therefore we can never have a rigidly static code, it will be foolish if we saddle ourselves with one that will require revision almost before it comes into operation at all.

Again, it is a pity that rubrical directions, and excerpts from the text of the Book of Common Prayer, should be repeated as Canons: both on this same ground of the undesirability of duplication and because such a procedure savours of an attempt to turn advice into rule. Two instances may be cited, both of particular concern to Evangelicals. One is in Draft Canon 21, which repeats the rubric laying down that "no person shall be admitted to the Holy Communion until such time as he shall be confirmed or be ready and desirous to be confirmed". Without going into the historical setting of this rubric, I would say only that there is a real difference between a rubrical direction to be followed in the course of Divine Service, and a Canon setting a standard which could in theory cover all circumstances and leave no room for the practice of "economy".

The other—rather more subtle in its bearings—occurs in Draft Canon 65: this quotes the passage in the "Long Exhortation" of the Holy Communion Service about those with a troubled conscience coming "to some discreet and learned minister of God's Word". But inasmuch as the Canon is headed "Of the Hearing of Confessions" it would seem to limit the meaning of this passage to the so-called "Sacrament of Penance", rather than admitting its reference to the informal pastoral talk—in the privacy of home or study—which would normally be our interpretation of its purport. It is fair to say that as soon as this objection was raised in the Lower House of Canterbury Convocation, the draft was withdrawn and remitted to the Steering Committee: but the incident shows that it would be better to omit the passage altogether (leaving it in the Prayer Book where it belongs) than to do something that might look like introducing the subject of Sacramental Confession by a back door.

The first conclusion that I would draw, therefore, not merely on grounds of Evangelical Churchmanship but even more on considerations of simplicity and reasonable liberty, is that we ought to press for a drastic reduction in the number of proposed Canons, retaining only those that can fairly be said to set a standard or indicate a line of guidance in necessary matters, and getting rid of all that savour of Statute, re-echo Measures of the Assembly, or duplicate rubrical directions.

A good many people probably deplore the whole business of revision *in toto*. I cannot think that this attitude of mind is well-conceived, though it is certainly attractive: and those who take such a line must follow its implications. If, on the one hand, they advocate the entire abolition of Canons, they must realize that many things are regulated

by Canon which we take for granted, such as the provision of furnishings for Divine Worship, general rules for Institution and Induction, requirements for Ordination, and so forth. It is all very well to say that these are now a matter of routine ; but there must surely be some authorised standard in the background. If, on the other hand, they would seek to retain such of the ancient Canons as are still appropriate without introducing new ones, this would be an indication that the Church is really moribund : for old Canons would gradually fall into desuetude, and if no new ones are to be promulgated, in time all will be extinct. None the less, the challenge that is set before the Church (and not only, be it noted, before the Evangelical School of thought) is an exacting one ; a good many of us would prefer not to have to face it, and its acceptance fills us with no enthusiasm but rather imposes a duty, and demands a searching of conscience and an effort of will which we would gladly evade if we could honourably do so.

To attempt a critique of all the proposals is, of course, out of the question here : to shrink from facing some of the difficulties confronting us would be cowardly. I can only express my own views, to which I have come—in some respects very reluctantly—after a fairly close concern with the whole subject for a good many years. I do not expect to command the assent of all my readers ; my head and heart are at times in violent conflict, but I must be as honest as I can.

First, then, there has sometimes been a tendency on the part of some Evangelicals to demand for themselves a wider liberty than they are prepared to concede to others. The balance between freedom and discipline is never easily struck, and it is (rightly) the genius of the Church of England to incline to the former. What we are called on to do is to determine the area of freedom, to resist any narrowing of the bounds, to oppose their transgression by others and to be content ourselves to observe them. Herein lies the importance of restricting the scope of the new code of Canons to matters that are rightly within their province. And if I were asked which of the proposed drafts were most obnoxious to Evangelical conviction, I should unhesitatingly point to the two that I have already mentioned, viz., on Confession and on Communicants ; not merely because of their subject matter but because of the principle (to which I adverted above) of bringing into canonical form that which belongs elsewhere. I hold that—on this ground—these two should be uncompromisingly resisted : I know that this identification of " Enemy No. 1 " will not commend itself to all Evangelicals ; but when I survey the whole matter from the standpoint of principle as well as of content, I cannot bring myself to judge otherwise.

Before I proceed to detailed criticism, I must make one observation. It is sometimes felt that the natural instinct—and almost the duty—of Evangelicals is to oppose. I am sure that this is wrong ; and if the gist of what follows would seem to give countenance to such an attitude, it should be remembered that the right to condemn where we must depends on our eagerness to applaud where we can. This must underlie the rest of my remarks.

As for the proposal that in future the customary Declaration of Assent should be supplemented by a further declaration of assent to

such Canons "as have been or shall hereafter be passed", this goes sorely against the grain: but I am bound to reiterate (i) that if we have any Canons at all, we must intend *bona fide* to observe them, (ii) that if the Church is alive, new Canons will be necessary from time to time, (iii) that it is our business to bring such influence to bear that Canons shall set the kind of standard that we shall be glad to observe, (iv) that in fact an identical requirement is "common form" in other branches of the Anglican Communion (as for example the Church of England in Canada) without—so far as I know—causing any particular heart-searching. It should perhaps be added that, if we take a secular parallel, membership of a Club obviously postulates the intention to observe such rules of the Club as the elected Committee may think it right to formulate.

I will not comment on the "Marriage Canons": they are not yet in final form, and in any case they cut across ordinary divisions of Churchmanship, as do a good many others; such as the draft which would severely restrict the use of churches for organ recitals, film services, and so forth. The Canons dealing with the clergy, readers and deaconesses (numbered 52 to 95) are in general unexceptionable. (I hope there will be universal approval for the deletion of illegitimacy as a bar to Holy Orders without the Archbishop's special dispensation.) Those on Ecclesiastical Courts (112-125) are in suspense, as I said above: the Section 96-111 provides for "Things Appertaining to Churches", such as pews, Bibles, a communion table (the word "altar" is rigidly avoided, although stone is—mistakenly—allowed as an alternative to wood), registers and so forth: and is generally a codification of existing and laudable practice.

In considering the residue, consisting of those number 1-32, there is one detail on which I hope all Evangelicals will be agreed; viz. that the "Principal Feast Days" should comprise (apart from Sundays) only those that are associated with Our Lord's own human life: once that line is transgressed, it is difficult to find where any other can reasonably be drawn. We should all stand firm on this point.

I have left until the end the three most difficult matters, that is to say the definition of Lawful Authority, Draft Canon 5 "Of the Doctrine of the Church of England", and "The Vesture of Ministers". A brief word on each must suffice.

1. ". . . I will use the form in the said book prescribed, and none other, except so far as shall be ordered by lawful authority." After prolonged thought, reading and listening, I have come (rather unwillingly) to the opinion that Mr. Justice Vaisey is right in concluding that the words "lawful authority" cannot in this context refer to one, and one only, fount of authority. Firstly, if "The Sovereign in Council" had been intended, would it not have said so? Secondly, and I think more compellingly, when in some industrial parish or diocese a terrible accident occurs, I believe that the Incumbent or Bishop has the "authority", and indeed the pastoral duty, to "order" a prayer suitable to the occasion, whether liturgical or *ex tempore*. It is important to remember that the word "order" means—as always in the Prayer Book—not "enjoin" but "regulate": (e.g., "that the course of this world may be so peaceably *ordered* by thy

governance"; or "that all things may be so *ordered* and settled by their endeavours"). Nobody can be "ordered" in the former and quite modern sense to depart from the provisions of the Acts of Uniformity; but it is not impossible that such departure for a special purpose could be regulated and validated by the competent authority. The limits of this principle, once conceded, are indeed difficult to define: whether the long list of things "deemed to be ordered by lawful authority", and particularly the expedient of "experimental deviations" incorporated in the latest redraft, is the right answer, I do not know: it will be interesting to see what the House of Laity thinks of it.

2. "The doctrine of the Church of England is grounded in the Holy Scriptures and in the teaching of the ancient Fathers and Councils of the Church agreeable to the said Scriptures." It is a pity that the phrase should appear to put anybody or anything on a level with Holy Scripture: in its defence it may be argued that the Church Catechism bids us "ground" the doctrine of our Confirmation Classes on the Apostles' Creed; and, squarely looked at, I do not think that the matter is crucial. All the same, it could be better expressed by some form of circumlocution or expansion, and this should be done in order to emphasize that fact of the entire supremacy of Holy Scripture which is the very foundation of our Church's position.

3. On the permissive use of "diversities of vesture" what can be said? The battle was lost—if indeed it was ever really joined—when Eucharistic vestments were first re-introduced: and the position—brutally stated—is that a Canon forbidding them would nowadays be no more observed by Anglo-Catholics than would a Canon enjoining them to be observed by Evangelicals: particularly since protagonists on both sides sincerely maintain that their interpretation of the Ornaments Rubric is "conclusive" whether or not it accords with former decisions of the Judicial Committee of the Privy Council. That is the situation—neither creditable nor comforting to Evangelicals, and to many of us a cause of both reproach and distress. But things being as they are, what ought to be done? Some would say, "Omit the Canon altogether": this would certainly be the easiest solution, but the absence of any regulation of the matter would surely open the way to the introduction of all sorts of exotic garb. Others would fight for the canonical prohibition of the Eucharistic vestments. This would salve our consciences, and it may be the right way of emphasizing our stubborn—and as we believe our rightful—convictions. It should, however, be clear to our own minds that this course will be a gesture rather than a policy: for if (*per impossibile*) such a Canon were accepted by the Convocations and the House of Laity, and were finally promulged, we should then have taken the responsibility of setting out a rule in the sure knowledge that the consciences of many would not allow them to observe it.

In the meantime it may be noted that the "Vestments" are the third and last of the alternatives permitted in the draft: the "norm" appears to be a cassock and surplice with scarf (and hood) or stole. It is expressly stated that the Church "does not sanction thereby any doctrine other than those contained in its formularies", from which we must assert that the doctrine of the Mass has no sanction, nor any

advanced expression of the doctrine of Eucharistic sacrifice. And it can be added that in the phrase "The Church of England does not attach any doctrinal significance to the diversities of vesture" an attempt is perhaps being made to reverse the historical situation, and to equate our position with that of the Protestant but vestment-wearing Church of Sweden.

But whatever may be said by way of explanation or mitigation, it remains that the choice which has been forced upon us, in whatever way it is resolved, brings into sharp relief the fact that our Church has departed far from her Reformation practices. We cannot solve the dilemma satisfactorily; but we can, and must, so reinforce our positive teaching that, by God's blessing on our efforts, the ground lost may presently be restored. And if what I have written (with considerable misgiving) should seem to fall short of the line that Evangelicals ought to take, I can only say that I have been constrained by a sense of duty and responsibility to set out the situation as I see it in a way that is contrary to my own traditions and instincts but is, as I am bound to believe, in accordance with reality, honesty and truth. And perhaps the saving fact is that while some of the Canons (if passed) will permit things of which our consciences disapprove, none will require us to engage in practices which our consciences disallow.

Therefore, brethren, pray—for yourselves, for our Church, and for your representatives in Convocation and in the House of Laity. Leave the latter in no doubt as to your sympathy and support—their task is never easy, their decisions are difficult and must be gravely taken. Prepare for the future by strengthening evangelical influence on rural-decanal and diocesan bodies, and so on the Central Councils: and (above all) have faith in God: remembering that nothing really matters so long as somehow we are able to bring souls one by one to the salvation, the love, and the service of Jesus Christ our Lord.
