

**SOME THOUGHTS TOWARD CANON REVISION:  
CANONS AS GIFT OF GRACE AND DANCE OF LOVE**

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*THIS PAPER WAS WRITTEN AT THE REQUEST OF THE EPISCOPAL CHURCH'S NATIONAL TASK FORCE ON DISCIPLINARY POLICY AND PROCEDURE (TASK FORCE ON TITLE IV REVISIONS) DURING THE FALL OF 2002.<sup>1</sup> ITS PURPOSE IS TO SERVE AS A CATALYST FOR FURTHER DISCUSSION OF THE THEOLOGICAL GROUNDS AND RATIONALE FOR UNDERSTANDING THE UNDERLYING PURPOSES OF DISCIPLINARY CANONS, AND IN PARTICULAR, ADDRESSING CONTINUING CONCERNS ABOUT SEXUAL ABUSE IN THE CHURCH AND "KEEPING GOD'S PEOPLE SAFE."<sup>2</sup> THE INTENT HERE IS NOT TO PRESENT **THE** SINGLE, DEFINITIVE THEOLOGICAL STATEMENT ON THIS SUBJECT, BUT RATHER, TO OFFER SOME CONSTRUCTIVE THEOLOGICAL AND ETHICAL "FOOD FOR THOUGHT" AS OUR CHURCH, AMONG MANY, MOVES TOWARD DEEPER FORMULATIONS OF OUR THEOLOGICAL FOUNDATIONS AND RATIONALE FOR CANON REVISION.*

**WHAT IS THE ULTIMATE PURPOSE OF DISCIPLINARY CANONS? IN MY VIEW, THE CANONS OF THE CHURCH REPRESENT "LAW" IN ITS HIGHEST SENSE—AS A GOD GIVEN EXPRESSION OF CARE FOR THE ORDERING OF THE CHURCH THAT IS GROUNDED NOT MERELY IN RESTRAINT OF EVIL (AS OFTEN IS THE CASE IN SECULAR LAW)<sup>3</sup>, BUT FOCUSED ON CREATING A COMMUNITY IN WHICH EVERY MEMBER IS SUPPORTED IN LIVING A LIFE GROUNDED IN DESIRE FOR GOD, AND THE JOY OF BEING IN HARMONY WITH THE ORIGINAL GOODNESS OF GOD'S CREATION. THIS IS THE CHURCH'S EARTHLY VOCATION, AND THE VOCATION OF ITS MINISTERS—WHO ULTIMATELY INCLUDE ALL THE BAPTIZED, "LAY PERSONS, BISHOPS, PRIESTS AND DEACONS" (BCP, P. 855). THERE IS, AS WELL, A DISTINCTIVE VOCATION TO SERVE WITHIN THIS COMMUNITY, AMONG THOSE WHO HOLD ORDAINED AND OTHER PROFESSIONAL LEADERSHIP ROLES WITHIN THE CHURCH'S EARTHLY ORGANIZATION: TO "EQUIP THE SAINTS FOR THE WORK OF MINISTRY" (EPH. 4:12), ASSISTING EACH AND EVERY CHILD OF GOD TO DISCERN MORE AND MORE FULLY HIS OR HER OWN UNIQUE VOCATION FROM GOD TOWARD THE LIVING OF GOD'S OWN REALM OF PEACE, JUSTICE AND FREEDOM, ENCAPSULATED IN JESUS' SUMMARY OF THE LAW: "YOU SHALL LOVE THE LORD YOUR GOD WITH ALL YOUR HEART, AND WITH ALL YOUR SOUL, AND WITH ALL YOUR MIND." THIS IS THE GREATEST AND FIRST COMMANDMENT. AND A SECOND IS LIKE IT: YOU SHALL LOVE YOUR NEIGHBOR AS YOURSELF.' ON THESE TWO COMMANDMENTS HANG ALL THE LAW AND THE PROPHETS" (MATT. 22:37-40; ALSO IN MK. 12:28-34, LK. 10:25-28).**

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PERHAPS IN AN IDEAL WORLD, THERE WOULD BE NO NEED FOR CANONS AT ALL. YET THE CHURCH, LIKE ALL EARTHLY, HUMAN INSTITUTIONS, PARTICIPATES IN THE PARADOX OF GOD'S REALM: THE MYSTERY OF THE ALREADY-NOT YET CHARACTER OF GOD'S FINAL REDEMPTION OF THE WORLD. JESUS CAME TO PROCLAIM THAT GOD'S REALM OF PEACE AND JUSTICE IS ALREADY HERE, NOW, AND IT IS UP TO US TO LIVE DAILY INTO THAT ALREADY GIVEN REALITY, WHICH EXISTS NOW IN *KAIROS* TIME, GOD'S TIME-IN-ETERNITY; YET THE FALLENNESS OF CREATION PERSISTS IN THE DAILY TICK-TOCK *CHRONOS* TIME OF OUR CREATURELY EXISTENCE. THUS THE CHURCH BOTH PARTICIPATES IN THE CHURCH ETERNAL IN WHICH ALL HUMAN COMMUNITY IS PERFECTED AND MADE AT ONE WITH ONE ANOTHER AND WITH GOD; AND AT THE SAME TIME IS AN EARTHLY CREATURE.

THIS DUALITY MIRRORS THE MYSTERY OF CHRIST'S OWN INCARNATION, AT ONCE DIVINE AND HUMAN. THE CHURCH, AS THE BODY OF CHRIST IN THE WORLD, IS AT ONCE DIVINELY ORDAINED, AND BOUND BY EARTHLY LIMITATIONS. THE CANONS, AND IN PARTICULAR THOSE CANONS THAT GOVERN THE RELATIONS AMONG PERSONS IN COMMUNITY INCLUDING MATTERS OF *PROFESSIONAL*<sup>4</sup> CONDUCT AND ACCOUNTABILITY, AT THEIR BEST SERVE AS A BRIDGE BETWEEN THESE TWO DIALECTICAL POLES OF THE CHURCH'S EARTHLY EXISTENCE. CANONS ARE THUS BOTH AN EXPRESSION OF GOD'S GRACIOUS GIFT OF LAW TO AID HUMAN PERSONS IN GOVERNANCE THAT IS LOVING, MERCIFUL AND JUST: "OH, HOW I LOVE YOUR LAW! IT IS MY MEDITATION ALL DAY LONG" (PS. 119:97)—AND ALSO AN EXPRESSION OF THE JUST AND PEACEFUL VISION OF THE CHURCH ETERNAL TOWARD WHICH THE CHURCH ON EARTH ASPIRES AND AWAITS IN THE FINAL DAY OF GOD'S COMING.<sup>5</sup>

AS THIS GIFT OF GOD, THE CANONS PARTICIPATE IN A VISION OF JUST AND PEACEFUL RELATIONALITY THAT DWELLS AT THE HEART OF THE CHURCH'S TRINITARIAN FAITH. IN THE WORDS OF THE "VIRGINIA REPORT" OF 1997 BY THE INTER-ANGLICAN THEOLOGICAL AND DOCTRINAL COMMISSION IN RESPONSE TO A CALL FROM THE LAMBETH CONFERENCE OF 1988:<sup>6</sup>

*... THE UNITY OF THE ANGLICAN COMMUNION DERIVES FROM THE UNITY GIVEN IN THE TRIUNE GOD, WHOSE INNER PERSONAL AND RELATIONAL NATURE IS COMMUNION. THIS IS OUR CENTER. THIS MYSTERY OF GOD'S LIFE CALLS US TO COMMUNION IN VISIBLE FORM. THIS IS WHY THE CHURCH IS CALLED AGAIN AND AGAIN TO REVIEW AND REFORM THE STRUCTURES OF ITS LIFE TOGETHER SO THAT THEY NURTURE AND ENABLE THE LIFE OF COMMUNION IN GOD AND SERVE GOD'S MISSION IN THE WORLD.*

IN PRACTICE, THIS MEANS THAT THE CANONS MUST BE CONGRUENT WITH THE CHURCH'S MORAL THEOLOGY.<sup>7</sup> AS

EPISCOPALIANS AND MEMBERS OF THE ANGLICAN COMMUNION, THE CHURCH'S MORAL CONSENSUS IS NOT DERIVED ONLY FROM MAGISTERIAL AUTHORITY, AND IS NOT IMPLEMENTED THROUGH A TOP-DOWN HIERARCHY. WE DRAW, RATHER, ON THE OFT-CITED "TRICYCLE" OF SCRIPTURE, TRADITION, AND REASON/EXPERIENCE, WHICH HAD ITS CLASSICAL 16<sup>TH</sup>-CENTURY ARTICULATION AT THE TIME OF THE ELIZABETHAN SETTLEMENT IN THE WRITINGS OF RICHARD HOOKER, AND HAS BEEN A CONTINUING THEME IN THE WORKS OF OTHER ANGLICAN DIVINES THROUGHOUT THE CENTURIES.<sup>8</sup>

*SCRIPTURE* (THE LARGE WHEEL OF THE TRICYCLE), AS IN ALL PROTESTANT TRADITIONS, IS PRIMARY. RICH IN GENERAL GUIDELINES FOR CHRISTIAN COMMUNITY AND THE MORAL LIFE OF THE BAPTIZED, SCRIPTURE GROUNDS THE COMMUNITY OF FAITH BOTH IN CHRIST'S TEACHINGS, ROOTED IN TURN IN THE JEWISH COMMANDMENT OF LOVE OF GOD AND NEIGHBOR, AND IN THE EXAMPLE OF CHRIST'S OWN *KENOSIS*, HIS FREELY SELF-GIVING LOVE (PHIL. 2:6-7). SCRIPTURE PROVIDES GENERAL RUBRICS FOR THE CONDUCT OF CHRISTIAN COMMUNITY AS WELL, ESPECIALLY IN THE EPISTLES, E.G. TO SEEK THE FRUITS OF THE SPIRIT: LOVE, JOY, PEACE, PATIENCE, KINDNESS, GOODNESS, FAITHFULNESS, GENTLENESS, AND SELF CONTROL (GAL. 5:22-23).

SCRIPTURE IS OFTEN MUTE OR CONTRADICTORY, HOWEVER, WHEN IT COMES TO THE *SPECIFIC* WAYS IN WHICH PARTICULAR COMMUNITIES BOUND BY THEIR OWN CHRONOLOGICAL, CULTURAL, RACIAL, ETHNIC, AND OTHER ASPECTS OF SOCIAL LOCATION, WORK OUT THE TIME AND CONTEXT BOUND PROBLEMS AND CONFLICTS THAT ARISE IN THE COURSE OF LIVING OUT THEIR PARTICULAR VOCATIONS. CANONS, THEREFORE, MUST ALSO DRAW ON BOTH *TRADITION* AND *GOD-GIVEN REASON* AND *EXPERIENCE* TO INTERPRET SCRIPTURE CONTEXTUALLY FOR THE SAKE OF THE CHURCH'S SENSE OF VOCATION IN ITS OWN UNIQUE TIME AND SOCIAL LOCATION.

TRADITION IS EMBODIED IN THE HISTORY OF THE CHURCH CATHOLIC, AND THE DEPOSIT OF CANON AND INTERPRETATION THAT HAS COME DOWN TO US THROUGH TIME. THE EXPLICIT RECOGNITION OF THE IMPORTANCE OF CULTURE AND CONTEXT AS A DIMENSION OF BOTH TRADITION AND REASON HAS EMERGED IN THE DISCOURSE OF ANGLICAN CHURCHES WORLDWIDE ESPECIALLY IN RECENT DECADES: "ANGLICANISM SEES REASON IN THE SENSE OF THE 'MIND' OF THE CULTURE IN WHICH THE CHURCH LIVES AND THE GOSPEL IS PROCLAIMED, AS A LEGITIMATE AND NECESSARY INSTRUMENT FOR THE INTERPRETATION OF GOD'S MESSAGE IN THE SCRIPTURES."<sup>9</sup>

REASON, VALUED IN ANGLICANISM FOLLOWING THE LONG TRADITION OF NATURAL LAW BACK TO ARISTOTLE AND THROUGH THE THOMIST CATHOLIC TRADITION, IS THE GOD-GIVEN HUMAN ABILITY TO INTERPRET AND MAKE MORAL DECISIONS—NOT ONLY

**BASED ON RATIONAL THOUGHT, BUT ALSO SENSE, FEELING, AND EXPERIENCE. IN HOOKER'S WORDS:<sup>10</sup>**

*WHATSOEVER EITHER MEN ON EARTH, OR THE ANGELS OF HEAVEN DO KNOW, IT IS AS A DROP OF THAT UNEMPTIABLE FOUNTAINE OF WISDOM, WHICH WISDOM HATH DIVERSELY IMPARTED HER TREASURES UNTO THE WORLD. AS HER WAIES ARE OF SUNDRY, SO HER MANER OF TEACHING IS NOT MERELY ONE AND THE SAME. SOME THINGS SHE OPENETH BY THE SACRED BOOKES OF SCRIPTURE; SOME THINGS BY THE GLORIOUS WORKS OF NATURE: WITH SOME THINGS SHE INSPIRETH THEM FROM ABOVE BY SPIRITUALL INFLUENCE, IN SOME THINGES SHE LEADETH AND TRAYNETH THEM ONELY BY WORLDLY EXPERIENCE AND PRACTISE. WE MAY NOT SO IN ANY ONE SPECIALL IND ADMIRE HER THAT WE DISGRACE HER IN ANY OTHER, BUT LET ALL HER WAYES BE ACCORDING UNTO THEIR PLACE AND DEGREE ADORED.*

**REASON AND EXPERIENCE ALSO NEED NOT BE NARROWLY DEFINED AS DRAWING ONLY ON THEOLOGICAL DISCOURSE NARROWLY DEFINED AS SUCH, BUT MAY DRAW EQUALLY AND BE INFORMED IN A MUTUAL DIALOGICAL RELATIONSHIP WITH THE SECULAR DISCIPLINES OF SOCIOLOGY, PSYCHOLOGY, LAW, MEDICINE, AND OTHERS, IN A RELATIONSHIP OF "CRITICAL CORRELATION."<sup>41</sup> IN FACT, FOLLOWING HOOKER, ANGLICANS IN OUR INCARNATIONAL APPROACH FIND THAT THE HOLY SPIRIT CAN SPEAK TO US FREELY THROUGH THE SIGNS AND PRACTICES OF OUR EMBODIED CONTEMPORARY WORLD, AND THE BEST RECORDED WISDOM OF THOUGHTFUL PEOPLE FROM A VARIETY OF TRADITIONS, CULTURES, AND DISCIPLINES. "THE WORD OF GOD IS ADDRESSED TO THE CHURCH AS IT IS PART OF THE WORLD..."<sup>42</sup>**

**THE FOLLOWING THEREFORE ASSUMES THAT CANON LAW IS NOT A STATIC BODY OF LEGISLATION AND ECCLESIASTICAL JURISPRUDENCE WHICH IS CHANGED IN ORDER TO "PERFECT" IT, BUT, RATHER, A LIVING, BREATHING, DYNAMIC DOCUMENT THAT REPRESENTS THE BEST WISDOM OF GOD'S PEOPLE IN A PARTICULAR TIME AND PLACE, "*LEGES ECCLESIAE SEMPER REFORMANDAE*,"<sup>43</sup> EVEN AS THE CHURCH ON EARTH IS *SEMPER REFORMANDA*. AS HOOKER ASSERTED, CHRIST HAS NOT FORBIDDEN CHANGE: "CHRIST HATH NOT DEPRIVED HIS CHURCH SO FAR OF ALL LIBERTY IN MAKING ORDERS AND LAWS FOR ITSELF..."<sup>44</sup>**

**TO SUMMARIZE, THEN, IF THE CANONS ARE TO BE UNDERSTOOD AS AN INCARNATIONAL, DYNAMIC GIFT OF GOD, THEY MAY EVEN FURTHER BE UNDERSTOOD SACRAMENTALLY, AS A MEANS OF GRACE BY WHICH THE VISIBLE CHURCH IS GIVEN THE POWER TO ORDER ITS COMMON LIFE FOR HOLY PURPOSE—TO PROMOTE HUMAN COMMUNION THAT REFLECTS AS CLOSELY AS IS HUMANLY POSSIBLE THE UNITY AND RELATIONALITY OF GOD.**

**WHAT FORM OF GOVERNANCE, AND IN PARTICULAR, ECCLESIASTICAL DISCIPLINE, THEN, DOES OUR PRESENT TIME AND**

**CONTEXT CALL FORTH FROM US, AS THE PROTESTANT EPISCOPAL CHURCH IN AMERICA IN THE FIRST DECADE OF THE 21<sup>ST</sup> CENTURY? DIFFERENT ERAS IN CHURCH HISTORY HAVE FOCUSED ON DIFFERENT ASPECTS OF ECCLESIOLOGY AND CLERICAL CONDUCT. MOST RECENTLY, MUCH OF THE FOCUS HAS BEEN ON UNCOVERING FORMERLY HIDDEN PRACTICES SURROUNDING CLERGY SEXUAL MISCONDUCT, ON DISPUTES OVER HUMAN SEXUALITY MORE GENERALLY, AND CONCERNS ABOUT THE BOUNDARIES OF INTRA-ANGLICAN CHURCH COLLEGIALLY AND INTRUSIONS BETWEEN ECCLESIASTICAL JURISDICTIONS. IN ADDITION, FINANCIAL MISCONDUCT, OTHER FORMS OF ABUSE OF AUTHORITY, AND REFUSALS OF LOCAL EPISCOPAL OVERSIGHT HAVE HARMED THE CHURCH'S TRUST AND UNITY.<sup>15</sup>**

**IN PARTICULAR, OUR NORTH AMERICAN EXPERIENCE IN JUST THE LAST DECADE HAS INCLUDED A GROWING, PAINFUL AWARENESS OF SEXUAL ABUSE AND EXPLOITATION IN THE HOME, IN PUBLIC INSTITUTIONS, AND IN THE CHURCH. SEXUAL MISCONDUCT, INCLUDING SEXUAL HARASSMENT, ABUSE, AND EXPLOITATION, HAVE BEEN IDENTIFIED IN RECENT YEARS AS CONSTITUTING A SERIOUS PROBLEM AFFECTING THE INTEGRITY OF THE MINISTRY, AND THE CAPACITY OF THE CHURCH TO BE A SAFE AND JUST PLACE FOR ALL PEOPLE. RESEARCH STUDIES HAVE ESTIMATED THAT UP TO 20% OR MORE OF CLERGY HAVE VIOLATED SEXUAL BOUNDARIES WITH PARISHIONERS (A HIGHER PERCENTAGE THAN ANY OTHER PROFESSIONAL GROUP).<sup>16</sup> THIS PROBLEM, ONCE CLOAKED IN SECRECY, IS NOW BEING ADDRESSED IN HEALTHY WAYS BY OUR CHURCH DENOMINATIONS AND BY INDIVIDUALS AND GROUPS WITHIN THE CHURCH WHO ARE COMMITTED TO PROMOTING POSITIVE PROFESSIONAL SEXUAL ETHICS AND MODELS OF SELF-CARE, BOUNDARIES AND WELLNESS AMONG CHURCH WORKERS. HOWEVER, WHILE IMPORTANT STRIDES HAVE BEEN MADE TO ADDRESS THIS ISSUE, SERIOUS PROBLEMS PERSIST, AS DEMONSTRATED BY THE RECENT VIVIDLY PAINFUL DISCLOSURES OF THE ROMAN CATHOLIC CHURCH, AND CONTINUING DEVASTATING CASES OF MISCONDUCT IN OUR OWN COMMUNION.**

**THE ULTIMATE GOAL OF THE CANONS IN SUCH A CONTEXT, IT SEEMS TO ME, MUST BE DIRECTED TOWARD THE RESTORATION OF RIGHT RELATION IN COMMUNITY, THROUGH TRUTH TELLING, HEALING OF THE WOUNDS IN THIS PART OF THE BODY OF CHRIST, AND RECONCILIATION—NOT IN THE SENSE OF CHEAP OR PREMATURE FORGIVENESS, BUT IN THE SENSE OF THE WHOLE COMMUNITY, THE WHOLE CHURCH.<sup>17</sup> IT IS IMPORTANT TO NOTE THAT SUCH RECONCILIATION IS NOT AN END-IN-ITSELF. THE GOAL OF RECONCILIATION IS NOT SOLIPSISTIC, BUT MISSIONAL AS I HAVE WRITTEN IN *THE CRY OF TAMAR*, TO “RECONCILE” TRANSLATES THE GREEK WORDS *APOKATALLATTO*, *KATALLASSO*/*KATALLAGE*, AND *DIALLATTOMAI*, ALL OF WHICH MEAN A THOROUGH CHANGE: “TO BE**

RECONCILED IS TO BE CHANGED THROUGH AND THROUGH. THIS IS THE PRECISE MEANING OF THE PASSAGE IN PAUL'S SECOND LETTER TO THE CHURCH IN CORINTH, ENTREATING CHRISTIANS TO BE AMBASSADORS FOR CHRIST'S RECONCILING LOVE FOR THE WORLD, AND THEMSELVES TO BE RECONCILED TO GOD (2 COR. 5:18-19). IT IS IN THIS SENSE OF THOROUGHGOING CHANGE THAT PAUL PROMISES UNITY AND PEACE BETWEEN JEW AND GREEK (EPH. 2:14-16), HUMANITY AND GOD (ROM 5:10; COL 1:9-23). WE ARE CALLED BY THE GOSPEL TO *RESTORE RIGHT RELATION*,<sup>18</sup> NOT JUST BETWEEN INDIVIDUAL MEN AND WOMEN, AND NOT IN THE SENSE OF PREMATURE OR CHEAP FORGIVENESS, BUT IN THE SENSE OF THE WHOLE COMMUNITY, THE WHOLE CHURCH. WE ARE CALLED BY BAPTISM TO BE *RE-CONCILERS*, THAT IS, RESTORERS OF THE *CONCILIUM*—THE WHOLE COMMUNITY OF GOD, CALLED AND BLESSED AS GOD'S CHILDREN, AND EQUALLY PRECIOUS IN GOD'S SIGHT.<sup>19</sup> THIS, THEN, EMPOWERS THE CHURCH IN TURN FOR ITS MISSION—TO PROCLAIM AND LIVE OUT THE GOOD NEWS OF JUSTICE, PEACE, AND RECONCILIATION IN THE WIDER WORLD.

HOW DO WE DO THIS? I WOULD PROPOSE THAT, IF THE CANONS ARE TO PROVIDE US WITH A BRIDGE BETWEEN THE NEEDS OF THE EARTHLY CHURCH FOR HEALING AND JUSTICE, AND THE VISION OF THE CHURCH ETERNAL TO LIVE INTO THE RE-ESTABLISHMENT OF RIGHT RELATION THAT IS FINALLY THE REALM OF GOD, THEY MUST THEN ADDRESS AT LEAST FOUR AREAS OF BOTH MORAL THEOLOGY (VISION) AND ECCLESIASTICAL POLITY (*PRAXIS*): 1) SAFETY; 2) TRUTH-TELLING; 3) HEALING; AND 4) RECONCILIATION.

### 1. SAFETY

IN ALL AREAS OF DISCIPLINE, THE MOST FUNDAMENTAL ETHICAL/THEOLOGICAL PRINCIPLE IS ONE OF SAFETY. IN SECULAR ETHICS, PARTICULARLY THE ETHICS OF ALLIED HELPING AND HEALING PROFESSIONS, THIS IS MADE PLAIN IN THE CLASSICAL DICTUM: *PRIMUM NON NOCERE*—FIRST DO NO HARM. BUT IN THE CHURCH, AGAIN, WE ARE GUIDED NOT ONLY BY THE NEGATIVE AVOIDANCE OF EVIL, BUT THE POSITIVE VOCATION TO LOVE AND JUSTICE. IN OUR BAPTISMAL COVENANT, WE ARE CALLED TO “SEEK AND SERVE CHRIST IN ALL PERSONS, LOVING OUR NEIGHBOR AS OURSELVES,” AND TO “STRIVE FOR JUSTICE AND PEACE AMONG ALL PEOPLE, AND RESPECT THE DIGNITY AND FREEDOM OF EVERY HUMAN BEING” (BCP, P. 305). SAFETY WITHIN THE CHURCH, PARADOXICALLY, IS THE NECESSARY PRE-CONDITION FOR THE MISSIONAL GOAL OF TAKING RISKS FOR THE GOSPEL. RISKS TAKEN FOR THE SAKE OF THE GOSPEL ARE NEVER IMPOSED OR COERCED. SAFETY WITHIN THE BODY OF CHRIST IS WHAT NURTURES AND EMPOWERS CHRISTIANS TO TAKE UP THE CROSS, NOT SUBMITTING PASSIVELY TO INVOLUNTARY SUFFERING, BUT HAVING THE COURAGE

TO CONFRONT EVIL AND INJUSTICE AS THEY ENCOUNTER IT IN BOTH THE CHURCH AND THE WIDER WORLD.<sup>20</sup>

SANCTUARY IS AT THE HEART OF CHRISTIAN ECCLESIOLOGICAL TRADITION: “THROUGHOUT HISTORY, THE CHURCH HAS BEEN UNDERSTOOD TO BE A ‘SANCTUARY,’ A PLACE OF SAFETY FOR ALL WHO ENTER. THIS HAS BEEN PROFOUNDLY DEMONSTRATED IN TIMES OF STRIFE, WAR, PLAGUE, TRAGEDY, OPPRESSION, AND CHAOS. THE CHURCH WITH ALL ITS MINISTERS IS BOTH SIGN AND SYMBOL OF THE DIVINE REALITY OF CHRIST’S COMPASSION AND JUSTICE.”<sup>21</sup>

THIS RAISES AN IMPORTANT DEFINITIONAL QUESTION: *WHO CONSTITUTE THE MINISTERS OF THE CHURCH, WHO, FOR THE PURPOSE OF CANON LAW ARE ACCOUNTABLE TO CANONICAL DISCIPLINE?* AS STATED ABOVE, OUR CATECHISM MAKES EXPLICIT THAT THE MINISTERS OF THE CHURCH ARE COMPRISED OF ALL THE BAPTIZED, “LAY PERSONS, BISHOPS, PRIESTS AND DEACONS,” WITH THE LAITY IN FIRST PLACE (BCP P. 855). WHILE PAUL MAKES IT CLEAR THAT THERE IS A VARIETY OF GIFTS AND FORMS OF SERVICE WHICH ARE ALL INTERDEPENDENT IN THE BODY OF CHRIST (ROM. 12:3-8; I COR. 12:4-11, 27-31), THERE IS AN OVER-ARCHING CALL TO RIGHT RELATION THAT IS INCUMBENT UPON ALL BAPTIZED CHRISTIANS AS THE “PRIESTHOOD OF ALL BELIEVERS.” THE CANONS SHOULD OFFER A PROCESS THAT RECOGNIZES THE RESPONSIBILITIES AND ACCOUNTABILITY OF THE MINISTRY OF THE BAPTIZED IN OUR RELATIONS WITH ONE ANOTHER AT ALL LEVELS OF THE CHURCH’S EARTHLY ORGANIZATION (IN PRACTICAL TERMS, ENCOMPASSING BOTH “PAID” AND “VOLUNTEER” WORKERS). THIS MEANS GUIDELINES NOT ONLY FOR ETHICAL, NON-EXPLOITATIVE BEHAVIOR BY ALL CHRISTIANS TOWARD THOSE WHOM WE SERVE IN OUR COMMUNITIES (AGAIN, THE NEGATIVE IMPERATIVE), BUT FOR THE FAITHFUL LIVING OUT OF OUR BAPTISMAL CALL TO LOVE AND JUSTICE, AND MEANS TO CALL ONE ANOTHER TO ACCOUNT WHEN WE FALL SHORT. IN THE WORDS OF THE DIOCESE OF VIRGINIA, “CHRISTIANS HAVE A HIGH CALLING. CHRIST INVITES AND EMPOWERS US TO LIVE OUT OUR LIVES IN THE LOVE HE SHOWS US. OUR IDENTITY AS CHRISTIANS IS BOTH GIFT AND DEMAND. PROMISED FULLNESS OF LIFE, WE ARE CALLED TO THE SELF-GIVING OF THE CROSS, TO FAITHFULNESS, COMPASSION AND JUSTICE. OUR FAITH IS FRAMED BETWEEN ACKNOWLEDGEMENT OF OUR ARROGANCE, SINFULNESS AND BROKENNESS, AND COMMITMENT TO THE RENEWAL OF HUMAN LIFE THROUGH DYING TO SELF. THAT RENEWAL ENCOMPASSES ‘THE HEALING, WHOLENESS AND LIBERATION PROMISED BY GOD’S GRACE TO EVERY FACET OF HUMAN LIFE’ WHICH IS THE TASK OF MINISTRY.”<sup>22</sup>

WHILE ORDAINED CLERGY ARE NOT TO BE UNDERSTOOD, THEN, AS HAVING A “HIGHER” CALLING, THEY HAVE HISTORICALLY BEEN UNDERSTOOD AS “SET APART” FOR SPECIALIZED SERVICE TO THE CHURCH AND THE WORLD. THIS IS TRUE ACROSS A SPECTRUM OF

UNDERSTANDINGS OF ORDINATION WITHIN THE ANGLICAN TRADITION, FROM THE MORE CATHOLIC OR SACRAMENTAL UNDERSTANDING OF ORDINATION AS AN “INDELIBLE MARK” (HOOKER’S VIEW<sup>23</sup>) OR ONTOLOGICAL STATUS, TO THE MORE PROTESTANT OR FUNCTIONAL UNDERSTANDING OF ORDINATION AS A VOCATION OR PROFESSION WITH A UNIQUE AUTHORITY AND STATUS WITHIN THE CHURCH.<sup>24</sup> THIS IS EQUALLY TRUE ACROSS THE SPECTRUM OF ORDAINED MINISTRIES OF DEACONS, PRIESTS, AND BISHOPS, AND THEREFORE THE CANONS SHOULD REFLECT A PARALLELISM IN DISCIPLINARY PROCESSES AMONG ALL THREE HOLY ORDERS.

ORDAINED CLERGY IN ALL THREE HOLY ORDERS ARE CALLED TO PARTICULAR FORMS OF EQUIPPING MINISTRY, WHETHER SERVICE (*DIAKONIA*), SACRAMENTAL LEADERSHIP (*PRESBYTEROS*), OR OVERSIGHT (*EPISKOPE*). SUCH MINISTRY IS SET APART ALWAYS FOR THE SAKE OF OTHERS, BY PREACHING THE WORD, ADMINISTERING THE SACRAMENTS “TO EQUIP THE SAINTS FOR THE WORK OF MINISTRY, FOR BUILDING UP THE BODY OF CHRIST”(EPH. 4:12) THIS VOWED RESPONSIBILITY CREATES AN ASYMMETRY OF POWER AND AUTHORITY THAT IS AT ONCE BOTH SPIRITUAL AND TEMPORAL IN THE INVOLVEMENT OF CLERGY WITH THE LIVES OF THOSE WHOM THEY SERVE (BOTH IN THE CHURCH AND THE WIDER COMMUNITY).<sup>25</sup> IN BOTH BIBLICAL AND TRADITIONAL SOURCES, THIS ASYMMETRY HAS BEEN RECOGNIZED IN THE FORM OF A PARTICULAR RESPONSIBILITY, AS STATED IN THE ORDINAL OF THE 1979 BCP, “TO DO YOUR BEST TO PATTERN YOUR LIFE IN ACCORDANCE WITH THE TEACHINGS OF CHRIST, SO THAT YOU MAY BE A WHOLESOME EXAMPLE TO YOUR PEOPLE”(BCP P. 532), AND THAT CANDIDATES FOR BOTH THE DIACONATE AND THE PRIESTHOOD MUST BE CERTIFIED BEFORE ORDINATION AS HAVING A “MANNER OF LIFE...SUITABLE TO THE EXERCISE OF THIS MINISTRY”(BCP PP. 526, 538).<sup>26</sup> IN THE WORDS OF THE PASTORAL EPISTLES: “TRAIN YOURSELF IN GODLINESS, FOR WHILE PHYSICAL TRAINING IS OF SOME VALUE, GODLINESS IS VALUABLE IN EVERY WAY...”(2 TIMOTHY 3:7B-8A).

## 2. TRUTH-TELLING

*“FOR NOTHING IS HIDDEN THAT WILL NOT BE DISCLOSED, NOR IS ANYTHING SECRET THAT WILL NOT BECOME KNOWN AND COME TO LIGHT. THEN PAY ATTENTION TO HOW YOU LISTEN” (LUKE 8:17-18A).* THE CANONS SHOULD OFFER AN ECCLESIASTICAL PROCESS THAT CREATES A SAFE SPACE FOR DISCLOSURE OF THE TRUTH, AND STRIVES TO ELIMINATE A CLIMATE OF TOXIC SECRECY AND SHAME, FOR VICTIMS IN CASES OF PERSONAL HARM, AND FOR THOSE ACCUSED OF OFFENDING, ALIKE. SUCH PROCESSES SHOULD NOT THREATEN VICTIMS WITH RE-TRAUMATIZATION BY FORCING DISCLOSURES FOR WHICH THEY ARE NOT SUFFICIENTLY HEALED OR ENCOUNTERS WITH (ALLEGED OR ADMITTED) OFFENDERS. SIMILARLY, PROCESSES SHOULD NOT CONFUSE

ASSIGNMENT OF RESPONSIBILITY WITH SHAMING OFFENDERS. IN THE WORDS OF ONE POLICY FROM ANOTHER COMMUNION, "A CHURCH THAT BALANCES THE NEEDS OF INDIVIDUALS WITH THE COMFORT AND ADMONITION OF A CARING COMMUNITY WILL BE IN A BETTER POSITION TO EXERCISE DISCIPLINE WITHOUT HARSHNESS OR RESENTMENT. THE SHARING OF BURDENS AND FAILURES CAN BE SUCH A REGULAR PART OF CHURCH LIFE THAT CORRECTION AND COMFORT FROM OTHERS WILL BE EXPECTED. THE SPEAKING OF TRUTH IN A SPIRIT OF LOVE AND SELF-CONTROL HELPS BUILD A CLIMATE THAT COUNTERS THE WORLDLY PRACTICE OF CONCEALMENT AND DEFENSE. IF A CONGREGATION (CHURCH BODY/STRUCTURE) IS ACCUSTOMED TO CONFRONTATION ALONGSIDE FORGIVENESS AND ACCEPTANCE, THE SECULAR PRACTICES OF CONCEALMENT AND CONTEMPT WILL BE GIVEN UP."<sup>27</sup>

ANOTHER PERHAPS MORE DISTINCTLY ANGLICAN WAY OF THINKING ABOUT THIS TRUTH TELLING MIGHT BE TO CONNECT IT SACRAMENTALLY TO THE EUCHARIST, AS *ANAMNESIS*. THE CENTRAL FEATURE OF THE EUCHARIST ITSELF IS THE *ANAMNESIS*, THE RECALLING OF GOD'S SAVING ACTS IN HISTORY AND IN THE LIVES OF BELIEVER. IN THE WORDS OF MARION HATCHETT, "*ANAMNESIS* IS THE ANTITHESIS OF AMNESIA. A PERSON WITH AMNESIA HAS LOST IDENTITY AND PURPOSE. TO KNOW WHO YOU ARE, TO WHOM YOU BELONG, AND WHERE YOU ARE HEADED, YOU MUST REMEMBER."<sup>28</sup> ESPECIALLY IN SITUATIONS OF TRAUMA, THE IMPORTANCE OF REMEMBERING AND TELLING ARE CRUCIAL FOR HEALING OF BOTH INDIVIDUALS AND COMMUNITIES. THE PARTICIPATION OF THE COMMUNITY AS WITNESSES TO THE TRUTH IS A CRUCIAL ELEMENT IN HEALING AND JUSTICE. AS ELIE WIESEL HAS WRITTEN, "LET US REMEMBER: WHAT HURTS THE VICTIM MOST IS NOT THE CRUELTY OF THE OPPRESSOR, BUT THE SILENCE OF THE BYSTANDER."<sup>29</sup> THOSE NOT DIRECTLY INVOLVED IN THE TRAUMATIC EVENTS HAVE AN EQUALLY IMPORTANT ROLE TO PLAY IN THE WORK OF TRUTH-TELLING AND REMEMBERING THE GREEK WORD FOR WITNESS IS *MARTYS*, MARTYR. THE WORK OF FAITHFUL LISTENING AND WITNESSING IS, INDEED, WRENCHING AND SACRIFICIAL. THE CANONS MUST CONTINUE TO OFFER A PROCESS TO SUPPORT THE COMMUNITY'S WILLINGNESS TO KNOW PAINFUL TRUTHS IN THE FACE OF PREVAILING CULTURAL DENIAL.<sup>30</sup>

GIVEN THE CONTINUED PREVAILING DISBELIEF ABOUT ABUSE (WHICH HAS NOT SUDDENLY GONE AWAY IN THE WAKE OF TWO DECADES OF DISCLOSURES) AND THE NATURAL TENDENCY TOWARD MINIMIZATION AND DENIAL,<sup>31</sup> THE CHURCH MUST NOT RETRENCH ON MECHANISMS DESIGNED TO MAXIMIZE AND PROTECT A FAIR HEARING OF THE MOST VULNERABLE, I.E., AS IN THE "REASONABLE WOMAN STANDARD" ESTABLISHED IN SECULAR LAW,<sup>32</sup> THOSE ALLEGING ABUSE, AND MORE GENERALLY, THE LAITY, WOMEN, PERSONS OF COLOR, AND

CHILDREN, AND OTHER GROUPS WHO HAVE EXPERIENCED SYSTEMATIC AND INSTITUTIONAL OPPRESSION BOTH IN THE SECULAR SOCIETY AND IN THE CHURCH.<sup>33</sup> GROUNDED IN CHRIST'S OWN TEACHINGS THAT THE LAST SHALL BE FIRST, THE CANONS NEED TO REFLECT A "PREFERENTIAL OPTION" FOR THE VULNERABLE, IN ORDER TO APPLY THE NECESSARY COUNTER-CULTURAL STRENGTH NEEDED TO RESIST THE PREVAILING PREFERENTIAL OPTION IN SOCIETY FOR THOSE TRADITIONALLY ENDOWED WITH INSTITUTIONAL POWER AND CULTURAL PRIVILEGE. THIS DOES NOT MEAN DENIAL OF DUE PROCESS, BUT DOES CALL FOR PRESERVING CANONICAL SAFEGUARDS AND PROTECTIONS THAT TAKE INTO CONSIDERATION THE COURAGE REQUIRED FOR VICTIMS TO COME FORWARD WITH COMPLAINTS, THEIR FEAR OF DISBELIEF, OSTRACISM, RETALIATION, EVEN SPIRITUAL HARM<sup>34</sup>, AND THE PREVAILING SOCIETAL TENDENCY TOWARD DENIAL.

PROCESSES SHOULD ALSO BE REFINED IN ORDER TO...

A) ASSIST THOSE WHO (IN A VERY SMALL MINORITY OF PAINFUL CASES)<sup>35</sup> ARE FALSELY ACCUSED IN BEING RESTORED TO THEIR COMMUNITY WITHOUT STIGMA, AND

B) ASSIST THOSE AGAINST WHOM COMPLAINTS ARE FOUNDED TO OWN THEIR RESPONSIBILITY FOR THE IMPACT OF THEIR BEHAVIORS AND TO TAKE APPROPRIATE STEPS TOWARD BOTH HEALING AND RESTITUTION. CANONS SHOULD OFFER MECHANISMS BY WHICH THE CHURCH CAN RIGHTFULLY ENFORCE APPROPRIATE CONSEQUENCES AIMED TOWARD THE PROTECTION OF POTENTIAL FUTURE VICTIMS AND THE SAFETY OF THE COMMUNITY, WITHOUT SHAMING THE OFFENDER OR IMPLYING A LEVEL OF PERSONAL OR SPIRITUAL CONDEMNATION THAT IS NOT WITHIN THE PURVIEW OF HUMANITY TO IMPOSE. EXISTING CANONS HAVE TOO OFTEN FOCUSED ONLY ON

INDIVIDUAL CLERGY AND COMPLAINANTS, HOWEVER. CANONS SHOULD FURTHER OFFER A PROCESS BY WHICH THE *FULL COMMUNITY* ALSO TAKES RESPONSIBILITY FOR SYSTEMIC SOURCES OF ABUSE, AND IN SPECIFIC INSTANCES, FOR CORPORATE RESPONSIBILITY *VIA* SILENCE, OR EVEN UNWITTING COLLUSION, WITH ABUSIVE DYNAMICS, PATTERNS, AND BEHAVIORS ON THE PART OF CLERGY AND OTHER CHURCH LEADERS. WHILE CONFIDENTIALITY AND SAFETY MUST TAKE FIRST PRECEDENCE, THE EFFORT OF ANY ECCLESIASTICAL PROCESS SHOULD ALWAYS BE TO HELP SAFELY MOVE ALL AFFECTED PARTIES—NOT ONLY VICTIMS AND OFFENDERS, BUT SECONDARY VICTIMS SUCH AS FAMILY MEMBERS, FRIENDS, AND ULTIMATELY THE WHOLE CONGREGATION AND WIDER COMMUNITY—TOWARD GREATER TRANSPARENCY, HONESTY, AND AS APPROPRIATE, OWNERSHIP OF RESPONSIBILITY FOR THE NEXT STEPS TOWARD HEALING AND RESTORATION OF TRUST, JUSTICE AND SAFETY.

THIS GREATER ACCOUNTABILITY OF THE WIDER COMMUNITY MAY FURTHER BE UNDERSTOOD AS A CALL TO EVERY ECCLESIASTICAL LEVEL, FROM NATIONAL CHURCH, TO PROVINCE, TO DIOCESE, TO LOCAL PARISH AND MISSION. IN THE WORDS OF ROMAN PAUR, CHURCHES MUST CONFRONT AN UNDERLYING ‘ECCLESIAL CULTURE OF ABUSE: THE FUNDAMENTAL CHALLENGE OF RELIGIOUS LEADERS ACROSS FAITH SYSTEMS IS TO EXAMINE HOW ABUSE OF POWER THROUGH THE SEXUAL MISCONDUCT OF CLERICS IS REINFORCED BY THEIR INTERPRETIVE DOCUMENTS AND TRADITIONS. SUCH AN EXAMINATION IS FORMIDABLE BECAUSE IT GOES TO THE CORE OF STRUCTURAL AND INSTITUTIONAL IDENTITY AS EVOLVED OVER TIME, CLAIMS ON ORIGINATING SOURCES, UNDERSTANDING OF ORDAINED AND LAY LEADERSHIP, AND MANDATES OF MISSION AND PURPOSE.’<sup>36</sup>

### 3. HEALING

THE WORD HEALING CORRESPONDS WITH THE TEUTONIC ROOT WORD *HAELEN/HELEN*, LINKING IT WITH ‘HEALTH’ AND ‘WHOLENESS.’ THE LATIN PARALLEL IS *SALVARE*, FROM WHICH WE GET BOTH ‘SALVE’ AND ‘SALVATION.’ THUS, HEALING AND SALVATION BELONG TOGETHER.<sup>37</sup> FOR MOST ANGLICANS, SALVATION IS ULTIMATELY UNDERSTOOD AS THE RECONCILIATION BETWEEN HUMANITY AND GOD, A HEALING OR RE-WHOLE-ING OF HUMANITY’S ORIGINAL TURNING AWAY FROM THE INHERENT DESIRE FOR GOD. SIN IS THEREFORE UNDERSTOOD MOST DEEPLY AS A CONDITION OF ALIENATION,<sup>38</sup> OF SEPARATION, OR ISOLATION, BOTH FROM GOD AND FROM OTHERS IN CREATION. FOR HOOKER, *PARTICIPATION* WAS A CENTRAL THEOLOGICAL THEME<sup>39</sup> BAPTISM IS THE SACRAMENT OF INCORPORATION INTO THE BODY OF CHRIST, THE INITIATION INTO FULL PARTICIPATION WHICH IS THEN RENEWED IN THE SACRAMENT OF HOLY COMMUNION. THE ‘REAL PRESENCE’ OF CHRIST IN THE EUCHARIST WAS NOT FOR HOOKER A TECHNICAL CHANGE IN THE ELEMENTS OF BREAD AND WINE THEMSELVES, BUT RATHER, THE TRANSFORMING PRESENCE OF CHRIST IN THE HEARTS OF THE BELIEVERS WHO RECEIVE THEM, THROUGH ‘OUR PARTICIPATION OF HIS BODY AND BLOOD’<sup>40</sup>—ECHOING CRANMER’S EUCHARISTIC PRAYER, ‘THAT WE MAY BE MADE ONE BODY WITH HIM, THAT HE MAY DWELL IN US, AND WE IN HIM’ (BCP 336).<sup>41</sup>

WHILE ONLY GOD CAN BRING ABOUT THE ULTIMATE SALVATION OF RECONCILIATION BETWEEN HUMANITY AND GOD’S OWN SELF, THE CHURCH THROUGH ITS LONG TRADITION OF ‘CURE OF SOULS’ HAS WORKED IN MORE HUMBLE WAYS TOWARD HEALING AND WHOLENESS FOR INDIVIDUALS WITHIN THEIR PARTICULAR COMMUNITIES. THE TRADITIONAL FUNCTIONS OF PASTORAL CARE HAVE ALWAYS INVOLVED HEALING, SUSTAINING, GUIDING, AND RECONCILING,<sup>42</sup> AND MORE RECENTLY HAVE ALSO BEEN UNDERSTOOD TO INCLUDE

NURTURING, EMPOWERING, AND LIBERATING.<sup>43</sup> IF SIN IS THE ULTIMATE CONDITION OF ALIENATION, THEN HUMAN ILLNESS, INJURY AND HUNGER MAY ALSO BE UNDERSTOOD NOT MERELY AS WOUNDS TO BE PHYSICALLY TREATED, OR PROBLEMS TO BE FIXED, BUT RATHER AS MANIFESTATIONS OF ALIENATION AND ISOLATION TO BE HEALED, IE, ‘RE-WHOLED.’ EXAMPLES IN THE GOSPELS OF JESUS’ OWN HEALING MINISTRY FREQUENTLY ADDRESSED NOT ONLY AN INDIVIDUAL’S NEED FOR PHYSICAL HEALING, BUT RESTORED THAT PERSON TO COMMUNITY.

THE HEALING THAT IS FACILITATED THROUGH CANONICAL PROCESSES WILL NOT, AND POSSIBLY SHOULD NOT, TAKE AWAY THE REALITIES OF PAIN AND INJURY. BUT THE MEMORY AND EXPERIENCE OF THAT INJURY CAN BE TRANSFORMED, BY GOD’S GRACE, THROUGH PROCESSES THAT BOTH HONOR THE TRUTH, AND RESTORE WOUNDED INDIVIDUALS TO COMMUNITY. EPISCOPAL ETHICIST DAVID H. SMITH HAS WRITTEN, “THE SALVATION THAT IS MADE POSSIBLE BY THE INCARNATION DOES NOT FUNDAMENTALLY CONSIST OF BRINGING SUFFERING TO AN END. RATHER, SALVATION INVOLVES GOD’S PARTICIPATION IN SUFFERING, TO ESTABLISH COMMUNITY BETWEEN SUFFERING HUMANKIND AND HIMSELF. SALVATION DOES NOT MEAN AN END TO SUFFERING; IT MEANS AN END TO *ISOLATED* SUFFERING.”<sup>44</sup> PERHAPS PARADOXICALLY, EXPERIENCE HAS SHOWN THAT THOSE ECCLESIASTICAL PROCESSES THAT DO NOT RUSH TO COVER OVER TRUTH OR PREMATURELY SEEK AN END TO PAIN, USUALLY RESULT—OVER TIME—IN MORE LASTING AND PROFOUND HEALING FROM PAIN AND SUFFERING FOR ALL INVOLVED. THE TRUTH-TELLING INVOLVED IS ALSO, IN AND OF ITSELF, ONE CRUCIAL DIMENSION OF JUSTICE. TRUTH-TELLING, HEALING AND RECONCILIATION ARE ALL INTIMATELY INTERTWINED WITH JUSTICE.

SOME MIGHT WANT TO ARGUE FOR A SEPARATE CATEGORY AT THIS POINT, ENTITLED “JUSTICE.” WHILE I AGREE WITH OTHERS WHO HAVE WRITTEN EXTENSIVELY ON THE HEALING OF THE TRAUMA OF EXPLOITATION AND MISCONDUCT BY CHURCH LEADERS, THAT THERE CAN BE NO COMPLETE HEALING WITHOUT JUSTICE,<sup>45</sup> I HAVE ALSO COME TO BELIEVE THAT THERE IS A FALSE DICHOTOMY BETWEEN THE TWO. THIS BEGINS WITH THE ERROR OF SEPARATING GOD’S OWN LOVE FROM GOD’S JUDGMENT. GOD’S JUDGMENT *IS* A LOVING WORD. AS PHILLIP BENNETT HAS WRITTEN, “HOW CAN WE RECONCILE GOD’S LOVE WITH GOD’S JUDGMENT? THE MOST SATISFYING ANSWER I HAVE FOUND IS THAT GOD’S JUDGMENT IS GOD’S LOVE, IN ITS PENETRATING, UNREMITTING POWER. GOD’S JUDGMENT IS NEVER DIVORCED FROM GOD’S LOVE; IT IS NOT SOME ANGRY PART OF GOD WHICH IS SPLIT OFF FROM GOD’S MERCY AND GENTLENESS. INSTEAD, GOD’S JUDGMENT IS THE WAY WE EXPERIENCE PURE AND CONSTANT LOVE WHICH SEES AND KNOWS US TO OUR CORE...OUR LAYERS OF SELF-DECEPTION AND

**AVOIDANCE OF INTIMACY MUST BE UNWOUND UNTIL LOVE CAN TOUCH US TO OUR CORE.”<sup>46</sup>**

**WHILE ALL JUDGMENT ULTIMATELY BELONGS TO GOD, THE CHURCH’S DISCIPLINE SHOULD BE A MIRROR OF THAT ALL-KNOWING, ALL-COMPASSIONATE LOVING JUDGMENT OF GOD. THE HEALING FUNCTIONS OF PASTORAL CARE HAVE OFTEN BEEN CONSIDERED INCOMPATIBLE WITH JUSTICE. HOWEVER, WE ARE ENJOINED TO DO BOTH TOGETHER: “WHAT DOES THE LORD REQUIRE OF YOU BUT TO DO JUSTICE, AND TO LOVE KINDNESS, *AND* TO WALK HUMBLY WITH YOUR GOD?” (MIC. 6:8). THE CANONS OFFER AN OPPORTUNITY TO EFFECT BOTH IN A PROCESS THAT INTEGRATES HEALING MERCY WITH APPROPRIATE DISCIPLINE. THE CANONS SHOULD FACILITATE A PROCESS IN WHICH THE VERY PROCESS OF TRUTH TELLING ITSELF, THIS *ANAMNESIS*, IS SO SAFELY AND COMPASSIONATELY FACILITATED THAT IT HAS THE POTENTIAL TO BRING ALL PARTIES ALIKE TO THEIR KNEES, NOT IN SHAME, BUT IN AWE OF THE MYSTERY OF BEING SO TRULY AND DEEPLY KNOWN. IN SUCH A PROCESS, CONSEQUENCES AND RESPONSIBILITY MAY COME TO BE EXPERIENCED BY OFFENDERS NOT AS PUNISHMENT, BUT AS PART OF THE HEALING PROCESS ITSELF, A MEANS BY WHICH THOSE WHO HAVE CAUSED INJURY CAN BEGIN A PROCESS OF REPENTANCE IN ITS TRUE SENSE, RE-TURNING TO ALIGN ONESELF AGAIN WITH GOD’S WILL. NOTE THAT THIS IS NOT THE SAME AS RELIEVING OFFENDERS OF CONSEQUENCES FOR PAST BEHAVIOR, NOR DOES IT ASSUME REINSTATEMENT TO THE OFFICE AND PRACTICE OF ORDAINED MINISTRY, BECAUSE THE SAFETY OF THE WHOLE COMMUNITY MUST TAKE PRIORITY OVER THE PRIVILEGE OF CLERGY. BUT THIS ORIENTATION TO DISCIPLINE AS HEALING RECOGNIZES THE INTRINSIC HUMAN WORTH AND DIGNITY OF ALL PARTICIPANTS IN ANY ECCLESIASTICAL PROCESS, INCLUDING THOSE WHO HAVE CAUSED GREAT HARM.**

**MUCH HAS ALREADY BEEN WRITTEN AND NEED NOT BE DUPLICATED HERE ABOUT THE SPECIFIC WAYS IN WHICH HEALING CAN BEST BE EFFECTED FOR VICTIMS, OFFENDERS, FAMILY MEMBERS, AND CONGREGATIONS, PARTICULARLY IN CASES OF SEXUAL AND/OR FINANCIAL MISCONDUCT WHERE CLERGY MISCONDUCT HAS CAUSED PERSONAL INJURY.<sup>47</sup> THE CANONS SHOULD CONTINUE TO MAKE THESE DISTINCTIONS. IN BRIEF: VICTIMS REQUIRE INTENSIVE HEALING IN THE REALM OF TREATMENT FOR POST-TRAUMATIC STRESS. OFFENDERS REQUIRE LONG-TERM HEALING TO ADDRESS ISSUES OF NARCISSISTIC WOUNDING, TOGETHER WITH APPROPRIATE CONTAINMENT. FAMILY MEMBERS OF BOTH VICTIMS AND OFFENDERS OFTEN REQUIRE ASSISTANCE IN THE FORM OF FAMILY THERAPY. THE COMMUNITY ALSO REQUIRES HEALING IN THE FORM OF TRAUMATIC DEBRIEFING AND THE NORMALIZATION OF A WIDE VARIETY OF REACTIONS AND FEELINGS. IN EVERY CASE, ‘IT IS ABSOLUTELY NECESSARY FOR DISCIPLINE TO BE SEEN**

AS A PART OF PASTORAL CARE DISCIPLINE AND CONSOLATION, REFORMATION AND RECONCILIATION, FELLOWSHIP AND GUIDANCE ARE ALL PART OF THE PRACTICE OF DISCIPLINE. IT IS DIFFICULT TO BRING ALL THESE ELEMENTS TO BEAR UPON THE CASE OF A PROBLEM INDIVIDUAL, BUT IT IS ALSO CLEAR THAT WE HAVE A GREATER PROBLEM WHEN ANY OF THESE ELEMENTS ARE MISSING.”<sup>48</sup>

#### 4. RECONCILIATION

THE FINAL PURPOSE OF THE CANONS IS TO ESTABLISH PROCESSES BY WHICH CONDITIONS ARE CREATED IN WHICH GOD CAN BRING ABOUT RECONCILIATION IN THE WOUNDED COMMUNITY, SO THAT THE CHURCH IS FREED AND STRENGTHENED FOR MISSION IN THE WORLD. I AM DEFINING “RECONCILIATION” IN THE BIBLICAL SENSE OF THOROUGHGOING CHANGE OR TRANSFORMATION DESCRIBED ABOVE. THE MARKS OF SUCH RECONCILIATION WOULD INCLUDE A FELT SENSE OF RESTORATION OF SAFETY, TRUST, AND JUSTICE—ALL PRECURSORS TO A COMMUNAL *PRAXIS* OF *AGAPIC* LOVE THAT IS “UNSTUCK,” SPONTANEOUS, FREE AND FRUITFUL. RECONCILIATION IS, ULTIMATELY, THE WORK OF THE HOLY SPIRIT, NOT THE EARTHLY CHURCH OR ITS AGENTS. HOWEVER, IN THE SENSE DESCRIBED ABOVE IN WHICH CANONS OFFER A BRIDGE BETWEEN THE EARTHLY CHURCH AND THE CHURCH ETERNAL, THE CANONS CAN HELP FACILITATE THE CONDITIONS IN WHICH THIS WORK OF THE SPIRIT CAN OCCUR.

FURTHERMORE, RECONCILIATION MUST BE UNDERSTOOD A *PROCESS*, NOT AN EVENT. THE CANONS CAN OFFER A SPACIOUS PROCESS IN WHICH THE ONGOING SUPPORT FOR BOTH HEALING AND OWNERSHIP OF RESPONSIBILITY CAN BE GIVEN THE TIME THEY NEED, WITH ENOUGH FLEXIBILITY TO RECOGNIZE THAT TIMELINES FOR HEALING WILL VARY FROM INDIVIDUAL TO INDIVIDUAL, PARISH TO PARISH, AND DIOCESE TO DIOCESE.

THE ULTIMATE GOAL OF RECONCILIATION AND RESTORATION OF THE COMMUNITY IS NOT AN END IN ITSELF, AND DOES NOT STOP AT THE GOAL OF ATTEMPTING TO SATISFY IMMEDIATELY AFFECTED INDIVIDUALS OR GROUPS, BUT IS FINALLY ALWAYS DIRECTED TOWARD THE RESTORATION OF MISSION. MISSION IS DISABLED BY FRACTURES IN TRUST AND SAFETY. RECONCILIATION IS NOT ONLY MEANT TO REINSTATE GOOD FEELING AMONG BELIEVERS, ALTHOUGH THIS IS A WELCOME OUTCOME. IN ITS FULLEST SENSE, RECONCILIATION, TRANSFORMATION, ENABLES THE COMMUNITY TO MOVE AGAIN FROM A PREOCCUPATION WITH INTERNAL CONCERNS TO AN OUTWARD FOCUS, EVEN EVANGELISM, BRINGING ONCE AGAIN THE GOOD NEWS (*EVANGELIO*) OF GOD’S UNDYING COMPASSION, PASSIONATE MERCY, LOVE AND JUSTICE TO THE REST OF THE WORLD.

#### CONCLUSION

FINALLY, ALL CANONS MUST BE GROUNDED IN AN *IMAGO DEI*.<sup>49</sup> THE CANONS OF THE CHURCH HELP US IN OUR EARTHLY PILGRIMAGE TO CREATE RIGHT RELATION. RIGHT RELATION DEPENDS NOT SOLELY UPON RULES FOR BEHAVIOR, OR CATEGORIES OF VIRTUES THAT CAN ENHANCE CIVILITY (AS IN SECULAR ETHICS), BUT MORE FUNDAMENTALLY UPON AN UNDERSTANDING OF OUR IDENTITY AS CHILDREN OF GOD—TO KNOW WHO WE ARE, AS HUMAN BEINGS CREATED IN THE IMAGE AND LIKENESS OF GOD. I BELIEVE A TRINITARIAN UNDERSTANDING OF GOD IS MOST HELPFUL IN UNDERPINNING ALL OUR RELATIONAL PRACTICES,<sup>50</sup> INCLUDING THOSE GUIDED BY CANONICAL PROCESS, BECAUSE IN THE TRINITY, WE COMPREHEND GOD AS BEING-IN-RELATION IN GOD'S OWN ESSENCE. TAKING THE RUBLEV ICON OF THE TRINITY AS HER EXEMPLAR, ELIZABETH JOHNSON HAS WRITTEN ABOUT A TRINITARIAN IMAGE OF GOD AS FLUID, MULTIPLE, AND PROFOUNDLY RELATIONAL. JOHNSON FINDS SUPPORT FOR THIS IDEA IN AQUINAS: "...RELATION REALLY EXISTING IN GOD IS REALLY THE SAME AS HIS ESSENCE, AND ONLY DIFFERS IN INTELLIGIBILITY. IN GOD RELATION AND ESSENCE DO NOT DIFFER FROM EACH OTHER BUT ARE ONE IN THE SAME."<sup>51</sup>

QUOTING CATHERINE LACUGNA, "TO BE GOD IS TO-BE-RELATIONALLY."<sup>52</sup> JOHNSON CONCLUDES WITH THE FOLLOWING JOHANNINE-INSPIRED STATEMENT, WHICH PERHAPS OFFERS US A SUMMARY OF THE THEOLOGY THAT SHOULD UNDERGIRD ALL EFFORTS AT CANONICAL REVISION: "AT ITS MOST BASIC THE SYMBOL OF THE TRINITY EVOKES A LIVINGNESS IN GOD, A DYNAMIC COMING AND GOING WITH THE WORLD THAT POINTS TO AN INNER DIVINE CIRCLING AROUND IN UNIMAGINABLE RELATION. GOD'S RELATEDNESS TO THE WORLD IN CREATING, REDEEMING, AND RENEWING ACTIVITY SUGGESTS TO THE CHRISTIAN MIND THAT GOD'S OWN BEING IS SOMEHOW SIMILARLY DIFFERENTIATED. NOT AN ISOLATED, STATIC, RULING MONARCH BUT A RELATIONAL, DYNAMIC, TRIPERSONAL MYSTERY OF LOVE—WHO WOULD NOT OPT FOR THE LATTER."<sup>53</sup>

CANONS, LIKE ALL HUMAN PRODUCTS, ARE NOT INFALLIBLE. I HAVE HOPED TO SHOW IN THIS PAPER THAT THEY ARE, NEVERTHELESS, GIFTS OF GRACE FROM GOD, AND THOUGH WE HAVE THEM "IN EARTHEN VESSELS," WE ARE CALLED TO CONTINUE TO DISCERN HOW GOD WOULD ASK US TO SHAPE THEM ANEW FOR OUR OWN TIME AND CONTEXT. IF WE ARE FAITHFUL IN OUR DISCERNMENT, OUR CANON REVISIONS MAY INDEED HELP US TO APPROXIMATE MORE CLOSELY IN OUR CHURCH ON EARTH THAT REALM OF HUMAN COMMUNITY WHICH IS GOD'S *PERICHORESIS*, THE DIVINE RELATIONAL DANCE OF PEACE AND JUSTICE, SAFETY AND FREEDOM FOR ALL PEOPLE, NOW, AND UNTIL THE TIME TO COME.

NOTES

**1. I AM GRATEFUL FOR THE FEEDBACK IN RESPONSE TO AN EARLIER DRAFT OF THIS MANUSCRIPT BY THE MEMBERS OF THIS TASK FORCE IN CONVERSATION AT THEIR MEETING IN KANSAS CITY, OCTOBER, 2002, AND FOR DETAILED INPUT FROM LES ALVIS, MARGO MARIS, AND ESPECIALLY TIMOTHY SEDGWICK FOR HIS CAREFUL READING OF AN EARLIER DRAFT. I AM ALSO GRATEFUL TO GUY LYTLE AND TIMOTHY SEDGWICK FOR ENCOURAGING A WIDER DISSEMINATION OF THE PAPER TO PROMOTE FURTHER THEOLOGICAL DISCUSSION ON THE SUBJECT OF CANON LAW IN THE EPISCOPAL CHURCH.**

**2. EPISCOPAL DIOCESE OF CHICAGO, *KEEPING GOD'S PEOPLE SAFE: SEXUAL MISCONDUCT: POLICIES, PROCEDURES, PREVENTION*, AUGUST 1, 1994.**

**3. I WAS DELIGHTED TO DISCOVER A PARALLEL FORMULATION OF THIS DISTINCTION BETWEEN SECULAR LAW AND CANON LAW AS GROUNDED FIRST IN THEOLOGY IN JESUIT THEOLOGIAN LADISLAS ORSY, *THEOLOGY AND CANON LAW: NEW HORIZONS FOR LEGISLATION AND INTERPRETATION* (COLLEGEVILLE, MN: LITURGICAL PRESS, 1992).**

**WHILE ORSY'S PROJECT FOCUSES ON THE INTERPRETATION, IMPLEMENTATION AND RECEPTION OF ROMAN CATHOLIC CANONICAL REVISIONS SINCE VATICAN II, (ESPECIALLY THE LATEST REVISION OF LAW IN THE CODE OF 1983), AND THEREFORE MUST CONTEND WITH ARGUMENTS CONCERNING MAGISTERIAL AUTHORITY THAT DO NOT APPLY IN THE ANGLICAN CONTEXT, HIS FUNDAMENTAL THESIS OF GROUNDING CANON FIRST IN THEOLOGY IS RELEVANT TO THIS COMMITTEE'S PROJECT: 'SINCE THE CHURCH IS...THE CONTINUATION OF THE INCARNATION, WE MAY SAY THAT IT EXISTS FOR THE SAKE OF REDEEMING HUMAN PERSONS. TO UNDERSTAND CANON LAW AS HAVING A FUNCTION IN OUR REDEMPTION IS TO DISTINGUISH IT SHARPLY FROM CIVIL LAW, AND TO COLLOCATE IT IN A SPIRITUAL ORDER WHICH IS NEVER PURELY JURIDICAL' (P. 29).**

**4. THE REV. DR. FRANCIS BRIDGER OF TRINITY COLLEGE, BRISTOL, (ALSO CITING ROMAN CATHOLIC MORAL THEOLOGIAN RICHARD GUILA) HAS ARGUED CONVINCINGLY FOR THE REAPPROPRIATION OF THE TERM 'PROFESSIONAL,' NOT IN THE SENSE OF SECULAR OCCUPATION, BUT AS 'STANDING FOR (*PROFESSIO*) A SET OF TRANSCENDENT VALUES AND PRINCIPLES WHICH DERIVE FROM A THEOLOGY OF VOCATION,' BEING CALLED AS CHRISTIANS TO BE 'SIGNS AND AGENTS OF GOD'S LOVE.' FRANCIS BRIDGER, "A THEOLOGICAL REFLECTION," IN *GUIDELINES FOR THE PROFESSIONAL CONDUCT OF THE CLERGY*, THE CONVOCATIONS OF CANTERBURY AND YORK, FEBRUARY, 2002, PP. 1-8.**

**5. ANALOGIES TO THIS ESCHATOLOGICAL APPROACH CAN BE FOUND IN BOTH CATHOLIC AND LUTHERAN UNDERSTANDINGS. ORSY, *OP. CIT.*, WRITES: "ON THE LEVEL OF IDEALS THE NEXT REVISION OF CANON LAW SHOULD BEGIN BY EXAMINING ALL OUR INSTITUTIONS, ONE BY ONE, IN ORDER TO DETERMINE THE THEOLOGICAL VALUES WHICH THE LAW MUST UPHOLD AND SERVE. THEN IT SHOULD ASSESS HOW FAR THE**

EXISTING NORMS MEASURE UP TO THE THEOLOGICAL DEMANDS. IF THEY DO NOT, THEY SHOULD BE DULY AMENDED. OBVIOUSLY A DREAM; ALTHOUGH THIS WAS THE HISTORICAL PROCESS BY WHICH OUR LAWS WERE CONCEIVED AND ESTABLISHED IN THE FIRST PLACE. ON THE LEVEL OF OUR FALLEN WORLD (BY WHICH I MEAN A WORLD AFFECTED BY ORIGINAL SIN AND ITS CONSEQUENCES) WE CAN TAKE MANY SMALL STEPS TOWARD THE IDEAL BY UPHOLDING THE ORGANIC RELATIONSHIP BETWEEN THEOLOGICAL CONCEPTS AND PRACTICAL NORMS, WE CAN IN OUR DAILY WORK DEFEND AND PROMOTE THE INTEGRITY OF THE CHURCH. BY INTEGRITY I MEAN AN INTERNAL HARMONY AND UNITY, WHERE ALL NORMS OF ACTION FLOW FROM A VISION. IN THIS, OBVIOUSLY, WE SHALL NEVER ACHIEVE PERFECTION; IT OUGHT TO BE AN ON-GOING PROCESS” (PP. 117-18). IN LUTHERAN THEOLOGY, THIS MIRRORS LUTHER’S EMPHASIS ON THE DISTINCTION BETWEEN LAW AND GOSPEL, AND THE LATER DOCTRINE, DERIVED FROM MELANCHTHON, KNOWN AS THE “TWO KINGDOMS DOCTRINE,” IN WHICH THERE IS A RECOGNITION THAT IN THE KINGDOM ON EARTH, GOVERNED BY LAW, HUMAN AGENTS ARE DIVINELY ORDAINED TO APPROXIMATE DIVINE JUSTICE, BUT THE FULLNESS OF SALVATION AND GRACE IS ONLY REACHED IN THE HEAVENLY KINGDOM, WHEN IN THE FULLNESS OF TIME GOD REDEEMS ALL CREATION THROUGH THE LOVINGKINDNESS OF GOD’S GRACE.

6. ROBERT EAMES, “THE REPORT OF THE INTER-ANGLICAN THEOLOGICAL AND DOCTRINAL COMMISSION,” ANGLICAN CONSULTATIVE COUNCIL, 1997, 1.11.

7. ORSY, PP. 119FF.

8. RICHARD HOOKER, *THE LAWES OF ECCLESIASTICAL POLITY* (CAMBRIDGE, MA: HARVARD UNIVERSITY PRESS, 1977-1981).

9. EAMES, *OP. CIT.*, 3.10.

10. HOOKER, *LAWES*, II.1.4. “HOOKER BASED HIS INSISTENCE ON THE ROLE OF REASON IN CHURCH POLITY ON THE IDEA OF REASONABLE LAW, WHICH HE TOOK TO BE MANIFEST IN THE WORKINGS OF GOD AND THE VARIOUS ORDERS OF CREATION.” AS. MCGRADY, “REASON,” IN STEPHEN SYKES AND JOHN BOOTY, EDS. *THE STUDY OF ANGLICANISM* (MINNEAPOLIS: FORTRESS, 1998), P. 108.

11. THIS CONCEPT OF CORRELATION IS FOUND FIRST IN THE WORK OF PAUL TILICH, *SYSTEMATIC THEOLOGY I* (CHICAGO: UNIVERSITY OF CHICAGO PRESS, 1951), 18-28, AND ELABORATED AS A DISCIPLINE OF MUTUAL DIALOGUE IN DAVID TRACY, *BLESSED RAGE FOR ORDER: THE NEW PLURALISM IN THEOLOGY* (NEW YORK: SEABURY, 1975), ESPECIALLY PP. 45FF.

12. EAMES, *OP. CIT.*, 3.10.

13. ORSY, P. 18.

14. HOOKER, *LAWES*, III.1.13.

15. MORE SUBTLE FORMS OF UNETHICAL PRACTICES BY CLERGY THAT OFTEN DO NOT RISE TO THE LEVEL OF ECCLESIASTICAL DISCIPLINE HAVE ALSO CAUSED HARM TO THE CHURCH'S TRUST AND UNITY. THESE INVOLVE BREACHES IN SUCH AREAS AS TRUTH-TELLING, USE OF DISCRETIONARY FUNDS, CONFIDENTIALITY, PLAGIARISM, AUTHORITY IN TEACHING AND PREACHING, REPRESENTATION OF CREDENTIALS, ROLE IN SOCIETY, REPRESENTATION OF PERSONAL PIETY, IGNORING THE POWER INHERENT IN THE CLERGY ROLE AND THE RELATED REQUIREMENT OF NONMALEFICENCE, THE NEED TO BE LIKED, AND MINISTERING ONLY TO CERTAIN GROUPS OR PERSONS, OUTLINED BY PHILLIP CATO IN "BEYOND SEX: A BROADER LOOK AT CLERGY ETHICS," *LEAVEN: A JOURNAL OF THE NATIONAL NETWORK OF EPISCOPAL CLERGY ASSOCIATION*, OCT.-NOV. 2002, PP. 1FF.

16. A RANGE OF 12-20.7% CAN BE EXTRAPOLATED FROM A *CHRISTIANITY TODAY* SURVEY, REPORTED IN "HOW COMMON IS PASTORAL INDISCRETION?" *LEADERSHIP* (WINTER 1988), 1. A DOCTORAL STUDY AT FULLER SEMINARY SHOWS FULLY 38.6% OF RESPONDENTS HAVING HAD SEXUAL CONTACT WITH A PARISHIONER. RICHARD ALLEN BLACKMON, "THE HAZARDS OF THE MINISTRY" (UNPUBLISHED PH.D. DISSERTATION, FULLER SEMINARY, 1984). IN MY OWN MOST RECENT RESEARCH AMONG PASTORAL COUNSELORS AND CLINICAL SOCIAL WORKERS, RESPONDENTS ESTIMATED A MEAN PREVALENCE OF SEXUAL MISCONDUCT OF 14.5% AMONG PASTORAL COUNSELORS; AND 82% HAD HEARD A CLIENT REPORT OF A CLERGYPERSON CROSSING A SEXUAL BOUNDARY WITH HIM OR HER, WITH A MEAN OF OVER 4 INCIDENTS TOLD TO EACH THERAPIST. COOPER-WHITE, "THE USE OF THE SELF IN PSYCHOTHERAPY: A COMPARATIVE STUDY OF PASTORAL COUNSELORS AND CLINICAL SOCIAL WORKERS," *AMERICAN JOURNAL OF PASTORAL COUNSELING* 4/4 (2001), 14.

17. I HAVE WRITTEN MORE EXTENSIVELY ABOUT THIS DISTINCTION BETWEEN INDIVIDUAL FORGIVENESS AND RECONCILIATION AS A COMMUNAL ACTIVITY IN THE CONCLUSION TO *THE CRY OF TAMAR: VIOLENCE AGAINST WOMEN AND THE CHURCH'S RESPONSE* (MINNEAPOLIS: FORTRESS PRESS, 1995), PP. 253-62. (SEE ESPECIALLY PP. 261-62). THE THEOLOGICAL METHOD OF *THE CRY OF TAMAR* IS ONE OF CRITICAL CORRELATION, IN WHICH SOCIAL AND PSYCHOLOGICAL KNOWLEDGE AND IN PARTICULAR THE INSIGHTS OF TRAUMATOLOGY ARE BROUGHT INTO FRUITFUL ENGAGEMENT WITH CONSTRUCTIVE ETHICAL AND THEOLOGICAL REFLECTION IN A MORE CLASSICAL MODE.

18. CARTER HEYWARD HAS WRITTEN EXTENSIVELY ABOUT THE CALL TO RIGHT RELATION, WITH PERHAPS THE MOST SYSTEMATIC ELABORATION IN HER FIRST BOOK, *THE REDEMPTION OF GOD: A THEOLOGY OF MUTUAL RELATION* (LANHAM, MD: UNIVERSITY PRESS OF AMERICA, 1982).

19. COOPER-WHITE, *THE CRY OF TAMAR*, PP. 262-63.

20. FEMINIST THEOLOGIANS HAVE RIGHTLY CHALLENGED A READING OF THE CROSS AS A JUSTIFICATION FOR INVOLUNTARY SUFFERING BY THE OPPRESSED AND A GLORIFICATION OF SUFFERING AS ‘DIVINE CHILD ABUSE,’ E.G., JOANNE CARLSON BROWN AND REBECCA PARKER, ‘FOR GOD SO LOVED THE WORLD?’ IN JOANNE CARLSON BROWN AND CAROLE BOHN, EDS., *CHRISTIANITY, PATRIARCHY AND ABUSE* (NEW YORK: PILGRIM PRESS, 1989), 26; AND RITA NAKASHIMA BROCK, ‘AND A LITTLE CHILD WILL LEAD US: CHRISTOLOGY AND CHILD ABUSE,’ IN *CHRISTIANITY, PATRIARCHY AND ABUSE*, 42-61. IN MY VIEW, CHRIST’S SURRENDER TO THE CROSS IS NOT REDEMPTIVE BECAUSE OF HIS SUFFERING, WHICH IS NEVER REDEMPTIVE IN ITSELF, BUT RATHER BECAUSE OF HIS CHOICE TO REMAIN FAITHFUL EVEN IN THE FACE OF DEATH, AGAINST THE OPPRESSIVE POWERS AND PRINCIPALITIES OF HIS DAY. (*THE CRY OF TAMAR*, P94) GOD DOES NOT CAUSE SUFFERING, BUT RATHER, AS LATIN AMERICAN LIBERATION THEOLOGIANS HAVE POWERFULLY ASSERTED, GOD STANDS IN SOLIDARITY WITH THOSE WHO SUFFER, E.G., JON SOBRINO, *CHRISTOLOGY AT THE CROSSROADS* (MARYKNOLL, NY: ORBIS, 1978); AND JON SOBRINO AND JUAN HERNANDEZ PICO, *THEOLOGY OF CHRISTIAN SOLIDARITY*, TRANS. P. BERRYMAN (MARYKNOLL, NY: ORBIS, 1985). SEE ALSO SALLY B. PURVIS, *THE POWER OF THE CROSS: FOUNDATIONS FOR A CHRISTIAN FEMINIST ETHIC OF COMMUNITY* (NASHVILLE: ABINGDON, 1993).

21. EPISCOPAL DIOCESE OF CHICAGO, *KEEPING GOD’S PEOPLE SAFE*, P. 5.

22. DIOCESE OF VIRGINIA, ‘THEOLOGICAL BASIS: FOR ALL CHRISTIANS,’ IN *POLICY AND PROCEDURES ON SEXUAL MISCONDUCT IN PASTORAL CARE*, NOVEMBER, 1998, P. 1. AVAILABLE ON THE INTERNET AT [HTTP://WWW.THEDIOCESE.NET/DIOCESE/CPSM/POLICIES.HTM](http://www.thedioocese.net/dioocese/cpsm/policies.htm) OR FROM THE MAYO MEMORIAL CHURCH HOUSE OF THE DIOCESE OF VIRGINIA, 110 W. FRANKLIN ST., RICHMOND, VA 23220-5095.

23. HOOKER, *LAWES*, V.1.

24. FOR A DISCUSSION OF THIS QUESTION, SEE OWEN THOMAS, ‘MINISTRY: IS THERE A THEOLOGICAL DIFFERENCE BETWEEN A LAY PERSON AND AN ORDAINED PERSON?’ IN *THEOLOGICAL QUESTIONS: ANALYSIS AND ARGUMENT* (WILTON, CT: MOREHOUSE-BARLOW, 1983), PP. 119-123. SEE ALSO TIMOTHY SEDGWICK, *THE MAKING OF MINISTRY* (CAMBRIDGE, MA: COWLEY, 1993).

25. ROMAN PAUR, OSB, EXECUTIVE DIRECTOR OF THE INTERFAITH SEXUAL TRAUMA INSTITUTE, HAS WRITTEN: ‘CLERGY AND RELIGIOUS FREQUENTLY, IF NOT TYPICALLY, ARE QUITE UNAWARE OF THEIR RELATIONAL ‘POWER,’ AND OFTEN DO NOT APPRECIATE HOW THEY ARE PERCEIVED BY THE FAITHFUL WITHIN THEIR CONGREGATIONS OR, FOR THAT MATTER, BY PEOPLE AT LARGE. THEY CAN EXPRESS GENUINE SURPRISE AND CONSIDER THEMSELVES EVEN POWERLESS AND INEFFECTIVE TOWARD ACHIEVING THEIR PASTORAL GOALS. SUCH LACK OF AWARENESS CAN JEOPARDIZE RELATIONAL INTEGRITY BY

MINIMIZING APPROPRIATE DIFFERENCES IN WANTING TO BE PERCEIVED AS JUST ANOTHER GUY OR CROSSING LINES OF PROFESSIONAL PROPRIETY WITH INDIFFERENCE OR DISTORTIONS OF TRANSFERENCE AND COUNTERTRANSFERENCE. POWER IS MORE A MATTER OF HOW CLERGY ARE PERCEIVED BY OTHERS THAN HOW THEY PERCEIVE THEMSELVES. IN ANY CASE IT IS IMPERATIVE THAT CLERGY BE CLEAR ABOUT WHO THEY ARE IN THEIR VARIOUS ROLES AND THE RELATIONAL REQUIREMENTS THOSE ROLES IMPOSE ON THEM. POWER DERIVED FROM THE AUTHORITY OF PASTORAL APPOINTMENT IS ROOTED IN THE COMMUNITY OF THE FAITHFUL AND IN THE SERVICE OF THEIR SAFETY, FREEDOM, AND GROWTH.” IN “RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR: THE HUMANITY OF BELIEF SYSTEMS, TWELVE CRITICAL ISSUES,” INTERFAITH SEXUAL TRAUMA INSTITUTE WEB SITE, [HTTP://WWW.CSBSJU.EDU/ISTI/RECOMMENDATIONS/ENGLISH/DIR\\_REC.HTM](http://www.csbsju.edu/isti/recommendations/english/dir_rec.htm)

26. CRANMER’S WORDS FROM THE ORDINAL IN THE FIRST BOOK OF COMMON PRAYER CARRIED EVEN MORE SOLEMN WARNING: “HAVE ALWAYS PRINTED IN YOUR REMEMBRANCE, HOW GREAT A TREASURE IS COMMITTED TO YOUR CHARGE. FOR THEY ARE THE SHEEP OF CHRIST, WHICH HE BOUGHT WITH HIS DEATH, AND FOR WHOM HE SHED HIS BLOOD. THE CHURCH AND CONGREGATION WHOM YOU MUST SERVE, IS HIS SPOUSE, AND HIS BODY. AND IF IT SHALL CHANCE THE SAME CHURCH, OR ANY MEMBER THEREOF TO TAKE ANY HURT OR HINDRANCE BY REASON OF YOUR NEGLIGENCE, YE KNOW THE GREATNESS OF THE FAULT, AND ALSO THE HORRIBLE PUNISHMENT WHICH WILL ENSUE.”

27. NEW YORK CONFERENCE, UNITED CHURCH OF CHRIST, SYRACUSE, NY, 1990, “GUIDELINES FOR RESPONDING TO ALLEGATIONS OF PROFESSIONAL MISCONDUCT BY AUTHORIZED MINISTERS...,” ALSO CITING MALONY, NEEDHAM, SOUTHARD, EDS., *CLERGY MALPRACTICE*, WESTMINSTER PRESS, PP. 86-87), REPRINTED IN M. FORTUNE ET AL., EDS., *CLERGY MISCONDUCT: SEXUAL ABUSE IN THE MINISTERIAL RELATIONSHIP: WORKSHOP MANUAL*, 1992 (SEATTLE, WA: CENTER FOR THE PREVENTION OF SEXUAL AND DOMESTIC VIOLENCE, 1914 N. 34TH ST. STE. 105, SEATTLE, WA 98103), APPENDIX I, P. 11.

28. MARION J. HATCHETT, *COMMENTARY ON THE AMERICAN PRAYER BOOK* (NEW YORK: SEABURY PRESS, 1981), P. 366. FOR A DISCUSSION OF ANAMNESIS IN THE CONTEXT OF ANGLICAN VIEWS ON HEALING AND SUFFERING, SEE ALSO DAVID H. SMITH, *HEALTH AND MEDICINE IN THE ANGLICAN TRADITION* (NEW YORK: CROSSROAD, 1986), PP.21FF. SMITH IS AN EPISCOPAL MEDICAL ETHICIST, PROFESSOR OF RELIGIOUS STUDIES AT INDIANA UNIVERSITY, BLOOMINGTON, AND DIRECTOR OF THE POYNTER CENTER FOR THE STUDY OF ETHICS & AMERICAN INSTITUTIONS.

29. THEMES OF REMEMBERING, KNOWING VS. NOT-KNOWING, AND BREAKING SILENCE ARE PERVASIVE IN THE WRITINGS OF HOLOCAUST SURVIVOR ELIE WIESEL, E.G., "WE MUST REMEMBER," IN *AGAINST SILENCE: THE VOICE AND VISION OF ELIE WIESEL*, ED. I ABRAHAMSON (NEW YORK: HOLOCAUST LIBRARY, 1985), 3:192-3; AND "THE CALL TO REMEMBER" IN *AGAINST SILENCE*, 1:112-14.

30. FOR MORE ON THE IMPORTANCE OF A COMMUNITY OF WITNESSES AND A SOCIAL CONTEXT THAT VALUES JUSTICE, SEE JUDITH HERMAN, *TRAUMA AND RECOVERY* (NEW YORK: BASIC BOOKS, 1992) 8-9.

31. FOR MORE ON THE PSYCHOLOGICAL MECHANISM OF DENIAL AS A GROUP PHENOMENON IN THE FACE OF HUMAN-CAUSED TRAUMA, SEE JUDITH HERMAN, *TRAUMA AND RECOVERY* (NEW YORK: BASIC BOOKS, 1992), PP. 8-9; *THE CRY OF TAMAR*, PP. VII-IX.

32. IN THE LANDMARK CASE *ELLISON V. BRADY* (U.S. COURT OF APPEALS, 9TH CIRCUIT, NO. 89-15248, 1991, 878FF.), TWO NOMINALLY CONSERVATIVE, MALE FEDERAL APPELLATE COURT JUDGES ESTABLISHED THE "REASONABLE WOMAN" STANDARD, WITH THE FOLLOWING HISTORIC STATEMENT: "WE BELIEVE THAT IN EVALUATING THE SEVERITY AND PERVASIVENESS OF SEXUAL HARASSMENT WE SHOULD FOCUS ON THE PERSPECTIVE OF THE VICTIM. IF WE ONLY EXAMINED WHETHER A REASONABLE PERSON WOULD ENGAGE IN ALLEGEDLY HARASSING CONDUCT, WE WOULD RUN THE RISK OF REINFORCING THE PREVAILING LEVEL OF DISCRIMINATION. HARASSERS COULD CONTINUE TO HARASS MERELY BECAUSE A PARTICULAR DISCRIMINATORY PRACTICE WAS COMMON, AND VICTIMS OF HARASSMENT WOULD HAVE NO REMEDY." A MORE LENGTHY EXCERPT AND DISCUSSION IS GIVEN IN *THE CRY OF TAMAR*, PP. 71-72.

33. FOR A LIST OF BASIC PRINCIPLES NECESSARY TO SAFEGUARD VICTIMS AND PREVENT FURTHER HARM, SEE *THE CRY OF TAMAR*, PP. 143-4.

34. FOR SURVIVOR TESTIMONIES AND A DISCUSSION OF THE SPIRITUAL DAMAGE OF CLERGY SEXUAL MISCONDUCT, SEE COOPER-WHITE, "SOUL-STEALING: POWER RELATIONS IN PASTORAL SEXUAL ABUSE," *THE CHRISTIAN CENTURY*, FEBRUARY 20, 1991, PP. 196-99; AND *THE CRY OF TAMAR*, PP. 136-39.

35. SEE "THE CLERGY NIGHTMARE: FALSE ALLEGATIONS," IN *THE CRY OF TAMAR*, PP. 139-40).

36. IN "RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR," *OP. CIT.*, P. 1.

37. FOR A MORE DETAILED DISCUSSION OF PASTORAL UNDERSTANDINGS OF HEALING, SEE LARRY KENT GRAHAM, "HEALING," *DICTIONARY OF PASTORAL CARE AND COUNSELING*, ED. R.J. HUNTER (NASHVILLE: ABINGDON, 1990), 497-501.

38. JOHN MACQUARRIE, *PRINCIPLES OF CHRISTIAN THEOLOGY*, 2ND ED. (NEW YORK: SCRIBNER'S, 1977), PP. 71-72.

39. HOOKER, *LAWES*, V.57.

40. HOOKER, *LAWES*, V.675.

41. CF, HOOKER'S STATEMENT "THAT MUTUAL INWARD HOLD WHICH CHRIST HATH OF US AND WE OF HIM, IN SUCH SORT THAT EACH POSSESSES THE OTHER BY WAY OF SPECIAL INTEREST, PROPERTY OR INHERENT COPULATION." (*LAWES*, V.56.1)

42. WILLIAM CLEBSCH AND CHARLES JAEKLE, *PASTORAL CARE IN HISTORICAL PERSPECTIVE* (ENGLEWOOD CLIFFS, NJ: PRENTICE HALL, 1964).

43. CARROLL WATKINS ALL, *SURVIVAL AND LIBERATION: PASTORAL THEOLOGY IN AFRICAN AMERICAN CONTEXT* (ST. LOUIS: CHALICE PRESS, 1999), P. 9.

44. SMITH, *OP. CIT.*, P. 8.

45. FOR A THOUGHTFUL DISCUSSION OF THE RELATIONSHIP BETWEEN JUSTICE AND MERCY AND THE IMPORTANCE OF REMEDIATING INJUSTICE AS PART OF THE HEALING PROCESS, SEE MARIE FORTUNE, *IS NOTHING SACRED?: WHEN SEX INVADES THE PASTORAL RELATIONSHIP* (SAN FRANCISCO: HARPER & ROW, 1989), PP. 108-29.

46. PHILLIP BENNETT, *LET YOURSELF BE LOVED*, ILLUMINATION BOOKS, (NEW YORK: PAULIST PRESS, 1997), P. 25. BENNETT IS AN EPISCOPAL PRIEST, SPIRITUAL DIRECTOR AND PSYCHOANALYST IN THE DIOCESE OF PENNSYLVANIA.

47. FOR EXAMPLE, FOR RESOURCES ON HEALING FOR VICTIMS, SEE, E.G., *THE CRY OF TAMAR*, PP. 126-44 AND 229-51. FOR HEALING FOR OFFENDERS, SEE *THE CRY OF TAMAR*, PP. 195-228; GARY SCHOENER ET AL, "THE BETRAYAL OF THE PASTORAL RELATIONSHIP," "SEXUAL EXPLOITATION BY CLERGY," AND "INTERVENTION," CHS. 9, 20 AND 32 IN *PSYCHOTHERAPISTS' SEXUAL INVOLVEMENT WITH CLIENTS: INTERVENTION AND PREVENTION, 1990* (WALK-IN COUNSELING CENTER, 2421 CHICAGO AVE. SO., MINNEAPOLIS, MN 55404); SOME USEFUL CONSIDERATIONS OF TREATMENT AND INSTITUTIONAL RESPONSES ARE ALSO FOUND IN GLEN O. GABBARD, "SEXUAL MISCONDUCT," *ANNUAL REVIEW OF PSYCHIATRY*, 1994, 433-56 AND GLEN O. GABBARD AND EVA P. LESTER, *BOUNDARIES AND BOUNDARY VIOLATIONS IN PSYCHOANALYSIS* (WASHINGTON, DC: AMERICAN PSYCHIATRIC PRESS, 1995, PP. 87-121 AND 175-196). FOR RESOURCES FOR CONGREGATIONAL HEALING, SEE LARRY KENT GRAHAM, "HEALING THE CONGREGATION," *MCS CONCILIATION QUARTERLY*, (SPRING, 1991), PP. 2-4, 15; CHILTON KNUDSEN, "TRAUMA DEBRIEFING: A CONGREGATIONAL MODEL," *MCS CONCILIATION QUARTERLY* (SPRING, 1991), PP. 12-13; NANCY MYER HOPKINS, "SYMBOLIC CHURCH FIGHTS: THE HIDDEN AGENDA WHEN CLERICAL TRUST HAS BEEN BETRAYED," *CONGREGATIONS: THE ALBAN JOURNAL* (MAY/JUNE, 1993), PP. 15-18; AND HOPKINS AND MARK LAASER, EDS., *RESTORING THE SOUL OF A CHURCH: HEALING CONGREGATIONS WOUNDED BY CLERGY SEXUAL MISCONDUCT* (COLLEGEVILLE, MN: ALBAN INSTITUTE AND INTERFAITH SEXUAL TRAUMA INSTITUTE, 1995). FOR AN OVERVIEW FROM A SYSTEMS PERSPECTIVE, SEE ALSO CANDACE BENYEL, *UNDERSTANDING*

*CLERGY MISCONDUCT IN RELIGIOUS SYSTEMS* (NEW YORK: HAWORTH PASTORAL PRESS, 1998).

48. NEW YORK CONFERENCE, UNITED CHURCH OF CHRIST, SYRACUSE, NY, 1990, "GUIDELINES," *OP. CIT.*, P. 14.

49. ORSY, 29-30. WHILE ORSY MAKES THIS ASSERTION, HE DOES NOT GO FURTHER IN PROPOSING A SPECIFIC *IMAGO DEI*.

50. COOPER-WHITE, "HIGHER POWERS AND INFERNAL REGIONS..." *PASTORAL PSYCHOLOGY* 50/5 (2002), 319-43.

51. ELIZABETH JOHNSON, *SHE WHO IS* (NEW YORK: CROSSROAD, 1994), PP. 227-28.

52. CITED IN JOHNSON, P. 228.

53. *IBID.*, P. 192.

# **AUTHORITY, SCOPE AND VALUES IN THE DISCIPLINARY CANONS**

LES ALVIS

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IN HER PAPER 'SOME THOUGHTS TOWARD CANON REVISION: CANONS AS GIFT OF GRACE AND DANCE OF LOVE,' DR. PAMELA COOPER-WHITE POSES THE QUESTION, "WHO CONSTITUTE THE MINISTERS OF THE CHURCH, WHO, FOR THE PURPOSE OF CANON LAW ARE ACCOUNTABLE TO CANONICAL DISCIPLINE?" ACKNOWLEDGING THAT THE MINISTERS OF THE CHURCH COMPRISE ALL THE BAPTIZED, SHE CONCLUDES THAT "THE CANONS SHOULD OFFER A PROCESS THAT RECOGNIZES THE RESPONSIBILITIES AND ACCOUNTABILITY OF THE MINISTRY OF THE BAPTIZED IN OUR RELATIONS WITH ONE ANOTHER AT ALL LEVELS OF THE CHURCH'S EARTHLY ORGANIZATION (IN PRACTICAL TERMS, ENCOMPASSING BOTH 'PAID' AND 'VOLUNTEER WORKERS)."

THE PROSPECT THAT REVISION OF THE CHURCH'S DISCIPLINARY CANONS MAY RESULT IN AN EXPANSION OF THE SCOPE OF THOSE WHO ARE SUBJECT TO THEM, PARTICULARLY EXTENSION TO THE LAITY OR CERTAIN SEGMENTS OF IT, RAISES THE QUESTION OF FROM WHENCE THE AUTHORITY TO EXERCISE SUCH DISCIPLINE DERIVES. WHAT FOLLOWS IS ONE ANSWER TO THAT QUESTION, AN AMPLIFICATION ON DR. COOPER-WHITE'S SUGGESTION THAT THE REACH OF THE CHURCH'S DISCIPLINARY PROCESS SHOULD BE EXTENDED BEYOND MERELY THE ORDAINED, AND A CONCLUSION THAT THE SUCCESS OF ANY REVISION TO THE DISCIPLINARY CANONS WILL DEPEND UPON A SHIFT AWAY FROM CANONS THAT UPHOLD LEGAL VALUES TOWARD CANONS THAT UPHOLD PASTORAL VALUES. THE PREMISE OFFERED HERE IS THAT THERE AWAITS TO BE REDISCOVERED, REVITALIZED AND RENEWED CONCEPTS OF ECCLESIASTICAL DISCIPLINE INFORMED BY PASTORAL VALUES WHICH HAVE ALWAYS BEEN EXPRESSED IN ANGLICAN TRADITION.

## **A. SOURCES OF ACCOUNTABILITY TO DISCIPLINE**

THE DISCIPLINARY CANONS OF THE EPISCOPAL CHURCH ARE SET FORTH IN TITLE IV OF THE CHURCH'S CANONS. THE DISCIPLINARY PROVISIONS OF TITLE IV APPLY EXCLUSIVELY TO THE ORDAINED. THE CORE SUBSTANCE OF TITLE IV IS DERIVED FROM THE SECOND PARAGRAPH OF ARTICLE XXVI OF THE ARTICLES OF RELIGION. THE PRIMARY PURPOSE OF ARTICLE XXVI, FIRST ISSUED IN 1553 BY THE CHURCH OF ENGLAND, WAS TO REJECT THE ANABAPTIST VIEW THAT THE EFFICACY OF MINISTRY NECESSARILY DEPENDS UPON THE GOOD PERSONAL CHARACTER OF THE CLERGY AND THAT THE MINISTRY OF "EVIL MINISTERS" IS INEFFECTIVE. IT IS THE FIRST PARAGRAPH OF ARTICLE XXVI THAT DEALS WITH THIS ERRONEOUS BELIEF. THE ARTICLE CONCLUDES WITH A SECOND PARAGRAPH THAT STATES, ALMOST AS AN ASIDE, THE AUTHORITY OF THE CHURCH TO DEAL WITH "EVIL MINISTERS":

NEVERTHELESS, IT APPERTAINETH TO THE DISCIPLINE OF THE CHURCH, THAT INQUIRY BE MADE OF EVIL MINISTERS, AND THAT THEY BE ACCUSED BY THOSE THAT HAVE KNOWLEDGE OF THEIR OFFENCES; AND FINALLY, BEING FOUND GUILTY, BY JUST JUDGMENT BE DEPOSED.

FOUR CONCEPTS ARE EXPRESSED IN THE SECOND PARAGRAPH OF ARTICLE XXVI. THE FIRST IS THAT OF CALLING TO ACCOUNT: OFFENDING CLERGY ARE TO BE "ACCUSED BY THOSE THAT HAVE KNOWLEDGE OF THEIR OFFENCES." THE SECOND IS THAT OF INVESTIGATION, "THAT INQUIRY BE MADE OF EVIL MINISTERS." THE THIRD IS THAT OF A FAIR PROCESS ("BEING FOUND GUILTY, BY JUST JUDGMENT") WHICH

RESULTS IN FINDINGS AND DOES JUSTICE. THE FOURTH CONCEPT IS THAT OF CONSEQUENCES, SUCH THAT OFFENDING CLERGY BE DEPOSED. THESE FOUR CONCEPTS ARE FOR THE MOST PART IDENTIFIABLE IN TITLE IV, WHICH PROVIDES MEANS FOR ACCUSATION, INVESTIGATION, FAIR PROCESS AND CONSEQUENCES.

THE SECOND PARAGRAPH OF ARTICLE XXVI HAS BEEN THE LAW OF THE CHURCH FROM THE EARLIEST TIMES, AND IT TOGETHER WITH THE VERY RIGHT OF THE CHURCH TO MAKE RULES AND REGULATIONS FOR ITS OWN MEMBERS IS SAID TO DERIVE FROM CHRIST'S DELEGATION TO THE APOSTLES THE AUTHORITY TO BIND AND LOOSE, TO DECLARE FORBIDDEN AND DECLARE ALLOWED. ARTICLE XXVI AND ITS IMPLEMENTING CANONS, TITLE IV, ARE IN FURTHERANCE OF THE CHURCH'S INHERENT AUTHORITY TO MAKE 'SUCH RULES AS WILL FURTHER ITS PURPOSE AS AN INSTITUTION FOR THE HELP OF MEN [S/C] IN THEIR FOLLOWING OF OUR LORD, AND WHICH WILL PREVENT ANYTHING CREEPING INTO ITS LIFE THAT MAY HINDER IT FROM PERFORMING ITS PROPER FUNCTIONS.'

ULTIMATELY, HOWEVER, THE CHURCH'S AUTHORITY TO DISCIPLINE THE ORDAINED DERIVES FROM THE INTENTIONAL, VOLUNTARY SUBMISSION TO THAT AUTHORITY BY THE ORDAINED. IN ORDINATION, THE ORDINAND SUBMITS TO PARTICULAR ACCOUNTABILITY. THE ORDINAND DECLARES, WITH THE PEOPLE AS WITNESSES, HIS ACCEPTANCE OF AND COMMITMENT TO THE TRUST AND RESPONSIBILITY ESPECIALLY REPOSED IN THOSE IN HOLY ORDERS. THE ORDINAND PROMISES TO GIVE OBEDIENCE TO HIS BISHOP, TO PROVIDE A WHOLESOME EXAMPLE TO THE PEOPLE, AND TO BE LOYAL TO THE DOCTRINE, DISCIPLINE AND WORSHIP OF THE CHURCH. THE PEOPLE, IN TURN, PLEDGE TO UPHOLD AND SUPPORT THE ORDINAND IN THESE COMMITMENTS AND PROMISES. THUS, ARTICLE XXVI IS BETTER UNDERSTOOD AS AN HISTORICAL *STATEMENT* OF THE CHURCH'S AUTHORITY TO DISCIPLINE THE ORDAINED THAN AS THE *SOURCE* FOR THAT AUTHORITY. INSTEAD, IT IS THIS VOLUNTARY, INTENTIONAL UNDERTAKING OF THE ORDINAND THAT IS THE SOURCE OF THE ORDINAND'S ACCOUNTABILITY TO DISCIPLINE: THE PRIEST IS SUBJECT TO THE CHURCH'S AUTHORITY TO DISCIPLINE BECAUSE THE PRIEST HAS MADE IT SO.

LIKewise, THE PEOPLE, THE COMMUNITY, IN COMMITTING TO SUPPORT AND UPHOLD THE ORDINAND, NECESSARILY UNDERTAKE TO CALL THE ORDINAND TO ACCOUNT WHEN HE FALLS SHORT OF HIS ORDINATION PROMISES. IT IS THIS CALLING TO ACCOUNT BY THE COMMUNITY TO WHICH ARTICLE XXVI REFERS WHEN IT PROVIDES THAT OFFENDERS ARE TO BE "ACCUSED BY THOSE THAT HAVE KNOWLEDGE OF THEIR OFFENCES." ONE COMMENTATOR HAS FRAMED THIS CALLING TO ACCOUNT IN TERMS OF *DUTY*:

IT IS THE DUTY OF CHRIST'S FAITHFUL PEOPLE,—A SOLEMN DUTY WHICH THEY OWE TO THEMSELVES, AND TO CHRIST'S HOLY CHURCH, OF WHICH THEY ARE MEMBERS, AND WITH NO PRIVATE FEELINGS SHOULD BE ALLOWED TO INTERFERE,—TO SEE THAT THE EVIL CONDUCT OF THEIR MINISTERS, IF SUCH COME TO THEIR KNOWLEDGE, BE BROUGHT BEFORE THOSE, WHO HAVE AUTHORITY IN THE CHURCH TO ENQUIRE INTO, AND TO INFLECT THE DUE PUNISHMENT OF, SUCH MISCONDUCT.

WHERE ANY IN THE COMMUNITY FAIL TO CALL THE ORDINAND TO ACCOUNT, THEY FAIL IN THEIR COMMITMENT TO UPHOLD THE ORDINAND IN HER MINISTRY. FOR THIS FAILURE, SUCH OF THOSE IN THE COMMUNITY SHOULD BE EQUALLY ACCOUNTABLE TO THE REST OF THE COMMUNITY, FOR ALL OF THE PEOPLE, THE ENTIRE *ECCLIESIA*, HAVE MADE THEMSELVES ACCOUNTABLE TO ONE ANOTHER IN BAPTISM.

JUST AS IN ORDINATION THE ORDINAND UNDERTAKES A PARTICULAR KIND OF ACCOUNTABILITY, SO IN BAPTISM (AND MORE MATURELY IN CONFIRMATION) DO THE LAY BAPTIZED VOLUNTARILY AND INTENTIONALLY ENTER INTO A COVENANT, WITH THE PEOPLE AS WITNESSES. THE BAPTISMAL COVENANT CONSISTS OF FIVE

PROMISES THAT ARE REMARKABLY SIMILAR TO THE PROMISES MADE BY THE ORDINAND AT ORDINATION. THE FIRST IS TO BE LOYAL IN WORSHIP AND TO THE TEACHING OF THE CHURCH. THE SECOND IS TO ALWAYS REPENT AND TO ALWAYS RETURN TO THE LORD. THE THIRD IS TO PROCLAIM THE GOSPEL BY WORD AND EXAMPLE. THE FOURTH IS TO SEEK AND SERVE CHRIST IN ALL PERSONS AND TO LOVE ALL PERSONS. THE FIFTH IS TO WORK FOR JUSTICE AND PEACE AMONG ALL PEOPLE, RESPECTING THE DIGNITY OF EVERY HUMAN BEING. AS IN THE ORDINAL, THE PEOPLE WHO WITNESS THE BAPTISMAL COVENANT COMMIT TO SUPPORT AND UPHOLD THE BAPTIZED. THE PARTIES TO THE BAPTISMAL COVENANT THUS ARE NOT MERELY GOD AND CANDIDATE, BUT INSTEAD GOD, CANDIDATE AND COMMUNITY—INDEED, GOD, CANDIDATE, COMMUNITY AND, AT LEAST AS THIRD-PARTY BENEFICIARIES, *EVERY HUMAN BEING*.

THERE IS NOTHING PRIVATE ABOUT THE BAPTISMAL COVENANT; IT IS A VERY PUBLIC UNDERTAKING AND, AS SUCH, CARRIES WITH IT ACCOUNTABILITY TO THE PEOPLE, THE COMMUNITY, THE *ECCLESIA*, IN THE BREACH. EACH MEMBER OF THE *ECCLESIA*, WHETHER ORDAINED OR LAY, IS THUS ANSWERABLE TO EVERY OTHER FOR THE FAITHFUL LIVING OUT OF THE BAPTISMAL COVENANT, REGARDLESS OF WHETHER THAT COVENANT HAS BEEN EXPANDED THROUGH ORDINATION, AND EACH MEMBER LIKEWISE CARRIES THE RESPONSIBILITY TO UPHOLD EVERY OTHER IN THEIR OWN COMMITMENTS, ALL IN A SEAMLESS CIRCLE OF CHRISTIAN DUTY AND ACCOUNTABILITY.

IF, THEN, AS DR. COOPER-WHITE ASSERTS, THE GOAL OF THE CANONS IN THIS CONTEXT IS THE RESTORATION OF RIGHT RELATION IN COMMUNITY, THEN IT FOLLOWS THAT THE DISCIPLINARY REACH OF THE CANONS OUGHT NOT BE LIMITED TO THE ORDAINED. THIS IS NOT THE RADICAL IDEA THAT IT MAY SEEM.

## B. THE DISCIPLINARY RUBRICS

WHILE THE PRESENT MANIFESTATION OF THE PRINCIPLES OF ARTICLE XXVI IN THE FORM OF TITLE IV ADDRESSES OFFENSES BY THE ORDAINED, THE SAME PRINCIPLES ARE MADE APPLICABLE TO THE LAITY THROUGH ANOTHER CANON THAT IMPLEMENTS THE PRAYER BOOKS DISCIPLINARY RUBRICS. THE DISCIPLINARY RUBRICS, WHICH APPEAR IN THE “ADDITIONAL DIRECTIONS” SECTION OF THE LITURGY FOR THE HOLY EUCHARIST, PROVIDE:

IF THE PRIEST KNOWS THAT A PERSON WHO IS LIVING A NOTORIOUSLY EVIL LIFE INTENDS TO COME TO COMMUNION, THE PRIEST SHALL SPEAK TO THAT PERSON PRIVATELY, AND TELL *HIM* THAT *HE* MAY NOT COME TO THE HOLY TABLE UNTIL *HE* HAS GIVEN CLEAR PROOF OF REPENTANCE AND AMENDMENT OF LIFE.

THE PRIEST SHALL FOLLOW THE SAME PROCEDURE WITH THOSE WHO HAVE DONE WRONG TO THEIR NEIGHBORS AND ARE A SCANDAL TO OTHER MEMBERS OF THE CONGREGATION, NOT ALLOWING SUCH PERSONS TO RECEIVE COMMUNION UNTIL THEY HAVE MADE RESTITUTION FOR THE WRONG THEY HAVE DONE, OR AT LEAST HAVE PROMISED TO DO SO.

WHEN THE PRIEST SEES THAT THERE IS HATRED BETWEEN MEMBERS OF THE CONGREGATION, *HE* SHALL SPEAK PRIVATELY TO EACH OF THEM, TELLING THEM THEY MAY NOT RECEIVE COMMUNION UNTIL THEY HAVE FORGIVEN EACH OTHER. AND IF THE PERSON OR PERSONS ON ONE SIDE TRULY FORGIVE THE OTHERS AND DESIRE AND PROMISE TO MAKE UP FOR THEIR FAULTS, BUT THOSE ON THE OTHER SIDE REFUSE TO FORGIVE, THE PRIEST SHALL ALLOW

THOSE WHO ARE PENITENT TO COME TO COMMUNION, BUT NOT THOSE WHO ARE STUBBORN.

IN ALL SUCH CASES, THE PRIEST IS REQUIRED TO NOTIFY THE BISHOP, WITHIN FOURTEEN DAYS AT THE MOST, GIVING THE REASONS FOR REFUSING COMMUNION. THE DISCIPLINARY RUBRIC CANON IS THUS CONSISTENT WITH ARTICLE XXVI'S SUBSTANTIVE PRINCIPLES OF REPORTING, INVESTIGATION, FAIR PROCESS AND CONSEQUENCES. (WHY IT IS NECESSARY FOR DISCIPLINE OF THE ORDAINED TO COMPRISE HALF OF THE BODY OF CANONS OF THE EPISCOPAL CHURCH, WHILE THE WEIGHTIER CONCERN OF EXCOMMUNICATION IS ADDRESSED IN A SINGLE CANON, IS LEFT FOR ANOTHER DISCUSSION)

THE SUBSTANCE OF THE DISCIPLINARY RUBRICS IS INCORPORATED INTO THE EXHORTATIONS IN THE 1662, 1928 AND 1979 PRAYER BOOKS, THE PURPOSE OF WHICH IS TO ADMONISH THE PEOPLE TO PREPARE THEMSELVES TO RECEIVE THE SACRAMENT. WHILE IN THE 1979 BOOK, THE DISCIPLINARY RUBRICS HAVE BEEN RELEGATED TO THE "ADDITIONAL DIRECTIONS" APPENDIX TO THE EUCHARIST LITURGY, IN THE 1549 AND 1552 BOOKS AND IN THE FIRST AMERICAN BOOK, THE DISCIPLINARY RUBRICS APPEAR AT THE VERY BEGINNING OF THE COMMUNION SERVICE—AS THE FIRST THING—A SORT OF CONDITION PRECEDENT TO GOING ANY FURTHER. THE CURRENT CATECHISM CONFIRMS THAT A REQUIREMENT FOR COMING TO THE EUCHARIST IS THAT THE COMMUNICANT "BE IN LOVE AND CHARITY WITH *ALL PEOPLE*."

THE POINT HERE IS THE RECOGNITION THAT THE CHURCH HAS ALWAYS EXPECTED FAITHFULNESS TO PROMISES MADE IN THE CHRISTIAN COMMUNITY AND HAS ALWAYS PROVIDED MEANS, BOTH IN THE TRADITION OF THE PRAYER BOOK AND IN CANON LAW, FOR DISCIPLINE OF THOSE MEMBERS OF THE COMMUNITY, WHETHER ORDAINED OR LAY, WHO IN SOME WAY GRAVELY BREACH ANY OF THOSE PROMISES. IT IS THUS ENTIRELY APPROPRIATE THAT THE CHURCH SHOULD APPROACH THIS RECOGNITION AFRESH IN THE CONTEXT OF REVISION OF THE DISCIPLINARY CANONS. THIS IS ALL THE MORE SO IN LIGHT OF CONTEMPORARY UNDERSTANDING OF WHO THE CHURCH'S MINISTERS ARE—LAY PERSONS, BISHOPS, PRIESTS AND DEACONS—WHICH IS FAR BROADER THAN THE UNDERSTANDING HELD AT THE TIME OF THE ISSUANCE OF ARTICLE XXVI, ON WHICH THE PRESENT DISCIPLINARY CANONS ARE BASED.

### C. INCORPORATION OF PASTORAL VALUES INTO CANON REVISION

THE PRESENT TITLE IV, WHICH IMPLEMENTS ARTICLE XXVI AND APPLIES ONLY TO THE ORDAINED, INCORPORATES ARTICLE XXVI'S FOUR CONCEPTS OF CALLING TO ACCOUNT, INVESTIGATION, FAIR PROCESS AND CONSEQUENCES. TITLE I17.6, WHICH IMPLEMENTS THE DISCIPLINARY RUBRICS AND APPLIES ONLY TO LAY PERSONS, SIMILARLY INVOKES "SUCH PRINCIPLES OF LAW AND EQUITY AS WILL ENSURE AN IMPARTIAL INVESTIGATION AND JUDGMENT ... AND WHICH SHALL ALSO SPECIFY THE STEPS REQUIRED FOR READMISSION TO HOLY COMMUNION." THUS, TITLE IV AND TITLE I17.6 MIRROR EACH OTHER IN BASIC CONCEPT. HOWEVER, TITLE I17.6 HAS THE GREAT ADVANTAGE IN ITS IMPLEMENTATION OF BEING INFORMED BY THE *PASTORAL VALUES* EXPRESSED IN THE DISCIPLINARY RUBRICS AND IN THE EXHORTATION. THE DISCIPLINARY RUBRICS AND EXHORTATION SPEAK OF REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION. THESE VALUES ARE NECESSARILY IMPORTED INTO THE APPLICATION OF TITLE I17.6 AND SHOULD PROVIDE THE CONTEXT IN WHICH "THE STEPS REQUIRED FOR READMISSION TO

HOLY COMMUNION" ARE DISCERNED. REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION ARE PRECISELY THE VALUES WHICH SERVE THE GOAL OF THE CANONS STATED BY DR. COOPER-WHITE, TO RESTORE RIGHT RELATION IN COMMUNITY. IF SUCH IS THE GOAL OF THE DISCIPLINARY CANONS, AND IF THESE PASTORAL VALUES SERVE THAT GOAL, THEN IT FOLLOWS THAT THESE PASTORAL VALUES SHOULD PERMEATE THE DISCIPLINARY CANONS.

DR. COOPER-WHITE MAKES SEVERAL REFERENCES TO ROMAN CATHOLIC CANON LAWYER LADISLAS ÖRSY FOR THE PROPOSITION THAT THE CANONS SHOULD BE GROUNDED FIRST IN THEOLOGY. WORKING FROM THIS POINT OF DEPARTURE, ÖRSY SUGGESTS A FOUR-PART CRITICAL METHOD FOR INTERPRETATION OF CANONS THAT MIGHT LEAD TO THEIR REVISION:

FIRST, DETERMINE FROM THEOLOGY THE VALUES A GIVEN INSTITUTION OUGHT TO SERVE (THEOLOGICAL PART);

SECOND, EXAMINE CRITICALLY THE LEGAL NORMS PRESENTLY APPLICABLE TO THAT INSTITUTION (CANONICAL PART);

THIRD, SEE HOW FAR THE NORMS DO OR DO NOT SUPPORT THE THEOLOGICAL VALUES (CRITICAL PART);

FOURTH, PROPOSE NORMS THAT WOULD BE IN FULL HARMONY WITH THE VALUES AS ESTABLISHED BY THE THEOLOGICAL INQUIRY (CREATIVE PART).

THIS METHOD IS NOT FAR FROM AN OUTLINE OF THE PRESENT WORK OF THE EPISCOPAL CHURCH'S TASK FORCE ON DISCIPLINARY POLICY AND PROCEDURE, AT THE INVITATION OF WHICH DR. COOPER-WHITE'S PAPER WAS WRITTEN. HER PAPER FOCUSES PRIMARILY ON THE FIRST OF ÖRSY'S FOUR PARTS, DETERMINING AS THE THEOLOGICAL OBJECT OF THE CANONS THE CREATION OF "A COMMUNITY IN WHICH EVERY MEMBER IS SUPPORTED IN LIVING A LIFE GROUNDED IN DESIRE FOR GOD, AND THE JOY OF BEING IN HARMONY WITH THE ORIGINAL GOODNESS OF GOD'S CREATION." IF THAT IS THE OBJECT OF THE EPISCOPAL CHURCH'S DISCIPLINARY CANONS, AND IF ALL THE CHURCH'S MEMBERS, ORDAINED AND LAY, ARE BOUND TO UPHOLD ONE ANOTHER IN THIS SEAMLESS CIRCLE OF CHRISTIAN DUTY AND ACCOUNTABILITY, THEN THE *VALUES* WHICH CHURCH OUGHT TO SERVE IN THE CONTEXT OF ECCLESIASTICAL DISCIPLINE ARE THE PASTORAL VALUES OF REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION.

AS HAS ALREADY BEEN NOTED, THE LEGAL NORMS WHICH ARE APPLICABLE TO ECCLESIASTICAL DISCIPLINE IN THE EPISCOPAL CHURCH (TITLE IV AND TITLE I.17.6) ARE PATTERNED AFTER AND SERVE THE ARTICLE XXVI CONCEPTS OF CALLING TO ACCOUNT, INVESTIGATION, FAIR PROCESS AND CONSEQUENCES. PARTICULARLY WITH REGARD TO TITLE IV, IT IS DIFFICULT TO SEE HOW ITS PROVISIONS SERVE THE VALUES OF REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION. THE CHURCH KNOWS THAT TITLE IV DOES NOT ADEQUATELY PROMOTE PASTORAL VALUES. MANY ATTEMPTS HAVE BEEN MADE TO INJECT PASTORAL VALUES INTO THE PRACTICAL WORKING OF TITLE IV THROUGH THE ADOPTION OF LOCAL DIOCESAN POLICIES AND PROCEDURES THAT ARE THEOLOGICALLY ROOTED AND PASTORALLY SENSITIVE WHILE THE *PURPOSE* OF TITLE IV IS NOWHERE IN IT SPECIFICALLY STATED, ITS PURPOSE IS IN FACT TO PROMOTE ORDER AND DUE PROCESS. DIOCESAN POLICIES AND PROCEDURES, HOWEVER, OFTEN GO BEYOND THE PURPOSE OF TITLE IV AND RECOGNIZE THE NEEDS FOR PASTORAL CARE FOR VICTIMS AND OFFENDERS, HEALING FOR CONGREGATIONS, EDUCATION ABOUT BOUNDARIES IN RELATIONSHIPS AND PREVENTION OF MISCONDUCT AND EXPLOITATION. VERY SIGNIFICANTLY, ADOPTION OF DIOCESAN POLICIES AND PROCEDURES HAS RECENTLY BEEN MOTIVATED BY THE CHURCH'S HEARING THE VOICES OF THE EXPLOITED AND THE VULNERABLE. IN THIS SMALL WAY, THE CHURCH, IN SOME QUARTERS, HAS IN FACT

TAKEN THE FIRST STEPS TOWARD A PREFERENTIAL OPTION FOR THE VULNERABLE. ALTHOUGH DIOCESAN POLICIES AND PROCEDURES TYPICALLY DO NOT EXPRESSLY STATE THE PASTORAL VALUES OF REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION WHICH ARE SET FORTH IN THE DISCIPLINARY RUBRICS AND THE EXHORTATION, THEY DO GRAVITATE TOWARD THEM. TITLE IV DOES NOT.

#### D. THE CREATIVE PART

THUS IN ITS CONSIDERATION OF CANON REVISION THE CHURCH ARRIVES AT ÖRSY'S "CREATIVE PART," THE TASK OF PROPOSING CANONS WHICH ARE IN FULL HARMONY WITH THE VALUES WHICH THE CHURCH OUGHT TO SERVE. ÖRSY PROPOSES FIFTEEN MAXIMS OF CANON LAW AS GUIDES TO ITS INTERPRETATION; THESE MAXIMS CAN JUST AS READILY BE APPLIED TO THE REVISION OF CANON LAW AS WELL WHILE ALL FIFTEEN COULD BE APPLIED TO THE PRESENT DISCUSSION, IT WILL SUFFICE TO CONCLUDE WITH CONSIDERATION OF TWO:

*AS THE MISSION OF THE CHURCH IS TO BE LIGHT TO THE NATIONS, SO THE LAWS OF THE CHURCH SHOULD SHOW FORTH THE WISDOM OF THE CHURCH TO ALL PEOPLES.*

*CANON LAW IS THERE TO UPHOLD CHRISTIAN VALUES.*

SOME IN THE CHURCH ARE STILL SURPRISED TO LEARN THAT TITLE IV IS MODELED ON THE UNIFORM CODE OF MILITARY JUSTICE. THE VALUES PROMOTED BY THAT CODE ARE GOOD ORDER AND DISCIPLINE. GOOD ORDER AND DISCIPLINE IN THE CHURCH IS ONE THING, AND IN THE MILITARY QUITE ANOTHER. WHETHER THE MILITARY CODE CAN BE SUITABLY ADAPTED TO PROMOTE REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION PROBABLY NO LONGER NEEDS DEBATE. INSTEAD, WHAT REQUIRES DEBATE IS HOW THE CHURCH CAN LET ITS WISDOM SHINE IN THE ARENA OF CANON LAW, UNFETTERED BY THE CONVENTIONS OF SECULAR LAW, AS FAMILIAR AND COMFORTABLE AS THOSE CONVENTIONS MAY BE.

THE ARTICLE XXVI CONCEPTS OF CALLING TO ACCOUNT, INVESTIGATION, FAIR PROCESS AND CONSEQUENCES THAT TITLE IV SERVES ARE NOT, IN AND OF THEMSELVES, CHRISTIAN VALUES. THEY ARE SECULAR LEGAL VALUES. TWENTY-FIRST CENTURY AMERICAN CHRISTIANS UNDERSTAND SECULAR LAW VERY WELL. IT IS PERVASIVE, BREATHED IN AND OUT EVERY DAY IN A CODIFIED CULTURE WHERE LAW IS NOT SO MUCH IN SERVICE TO VALUES AS IT IS ITSELF THE VALUE. PERHAPS THE SUREST WAY TO GUARANTEE FAILURE IN THE IMPLEMENTATION (OR ENACTMENT) OF DISCIPLINARY CANONS IS TO APPROACH THE CANONS IN THE SAME MANNER AS SECULAR LAW. CANONS THAT ARE PATTERNED ON "DISCIPLINARY MODELS USED BY PHYSICIANS, PROFESSORS, LAWYERS AND OTHER PROFESSIONALS" MAY LOOK AND FEEL MORE PALATABLE THAN TITLE IV, BUT THEY WILL BE NO LESS ROOTED IN SECULAR LEGAL VALUES. AS ÖRSY NOTES, THE CHURCH IS NOT A COMMUNITY OF LAW, AS LAW IS UNDERSTOOD IN SECULAR SOCIETY, BUT A COMMUNITY OF LOVE. THE CHRISTIAN VALUES OF REPENTANCE, AMENDMENT OF LIFE, RESTITUTION, FORGIVENESS AND RECONCILIATION ARE COUNTER-CULTURAL VALUES. THUS IT SHOULD NOT BE SURPRISING THAT DISCIPLINARY CANONS WHICH UPHOLD THESE VALUES MAY WELL BE VASTLY DIFFERENT FROM TITLE IV, SOMETHING THAT LOOKS UNFAMILIAR AND UNCOMFORTABLE, SOMETHING THAT IS AS COUNTER-CULTURAL AS THE GOSPEL ITSELF.