
ANNOTATED CONSTITUTION AND CANONS

**for the Government of
the Protestant Episcopal Church
in the
United States of America
otherwise known as
The Episcopal Church**

Adopted in General Conventions

1789 - 1991

BY EDWIN AUGUSTINE WHITE, D.D., D.C.L.

**Second Edition, Revised, 1954
BY JACKSON A. DYKMAN, D.C.L.**

1981 EDITION

**Revised and Updated by the Standing Commission on
Constitution and Canons of the General Convention**

1991 SUPPLEMENT

**Prepared by the Standing Commission
on Constitution and Canons**

The Domestic and Foreign Missionary Society New York

1991
The General Convention
815 Second Avenue
New York, N.Y. 10017

Copyright (c) 1991 by The Domestic and Foreign
Missionary Society

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the permission of The Domestic and Foreign Missionary Society.

Printed in the United States of America

ISBN

Officers of the General Convention and Membership of the Standing Commission on Constitution and Canons during the preparation of the 1991 Supplement to the 1981 Edition of the *Annotated Constitution and Canons*:

Presiding Bishop

The Most Reverend Edmond L. Browning

President of the House of Deputies

the Very Rev. David B. Collins

President-Elect of the House of Deputies

Pamela P. Chinnis

Executive Officer, Secretary, and Registrar

The Reverend Canon Donald A. Nickerson, Jr.

The Standing Commission on Constitution and Canons

1988 - 1991

The Rt. Rev. Walter D. Dennis, Jr., *Chair*, The Rt. Rev. C. Brinkley Morton, The Rt. Rev. C. Charles Vache, The Rev. Rachelle Birnbaum, The Rev. David W. Robinson, The Rt. Rev. Robert G. Tharp, David Booth Beers, Esq., Maria B. Campbell, Esq., Mary Lou Crowley, Esq., *Treasurer*, Burns H. Davison II, Esq., *Secretary*, John A. Lockwood, Esq., Robert C. Royce, Esq., *Vice Chair*, and Fred C. Scribner, Jr., Esq., *Consultant*

Sub-Committee of the Standing Commission appointed to prepare the 1991 Supplement

Fred C. Scribner, Jr., Esq., *Chair*, Mary Lou Crowley, Esq., David Booth Beers, Esq., and Robert C. Royce, Esq., *Editor*

FOREWORD TO THE 1991 SUPPLEMENT

At the General Convention of 1976, the Joint Standing Committee on Constitution and Canons, if such were to be established, or the Executive Council, was urged to arrange for the editing, updating, publication, and sale of a revised edition of the *Annotated Constitution and Canons*, written by Edwin Augustine White in 1922 and edited and updated in 1954 by Jackson A. Dykman, commonly and affectionately known as "White & Dykman."

Volume I of the 1981 revision was published in 1982 and was followed in 1985 by Volume II, both of which covered the actions of General Conventions through and including 1979 and which annotated the Constitution and Canons as existing and printed in 1979.

In 1989, The Joint Standing Committee on Constitution and Canons produced and issued the 1989 Supplement to the 1981 Edition of "White & Dykman", which included the legislation enacted by the 1982, 1985 and 1988 General Conventions.

This 1991 Supplement replaces the 1989 Supplement and includes the matters covered in the 1989 Supplement and the legislation of the 1991 General Convention.

The 1985, 1988 and 1991 General Conventions completely reorganized both the structure and some of the substance of Title III. Canons were split and relocated as parts of other Canons; topic areas were rearranged and combined; and most Canons were renumbered. This all has taken place subsequent to the publication of Volumes I and II of the 1981 Edition of "White & Dykman". Therefore, there will be some difficulty in moving between the 1991 Constitution and Canons and the 1981 edition.

A Derivation and Distribution Table has been prepared to assist the reader in making the transition between the 1979, 1985, 1988 and 1991 Title III Canons. In addition, the 1988 Title III Revision prepared by then The Reverend Canon Robert G. Tharp and a Commentary to the 1991 Title III Revision drawn from the *1991 Blue Book Report* of the Council for the Development of Ministry have been appended to this Supplement.

This Supplement is a supplement to the two hard cover volumes of the 1981 Edition and is intended to allow the reader to make the transition from the 1991 Constitution and Canons to the 1981 Edition. In essence, this Supplement is a bridge between the present state of the Constitution and Canons and the magnificent resource represented by the 1981 Edition.

In 1991, Titles I, II, IV and V were also reviewed and rewritten to insure that inclusive language was used throughout and changing the word "Minister" where appropriate. Title III had been so amended in 1988. However, this revision was intended to make only linguistic changes and was not intended to make any substantive changes.

The Editors also have provided exposition and commentary on the 1991 legislation as well as other substantive areas where clarification and further study were deemed appropriate.

Fred C. Scribner, Jr., Esq., *Chair*
David Booth Beers, Esq.
Mary Lou Crowley, Esq.
Robert C. Royce, Esq., *Editor*

December, 1991

TABLE OF CONTENTS

THE CONSTITUTION

ARTICLE I	- Of The General Convention.....	1
ARTICLE II	- Of Bishops.....	4
ARTICLE III	- Of Bishops Consecrated for Foreign Lands.....	7
ARTICLE IV	- Of The Standing Committee.....	7
ARTICLE V	- Of Admission of New Dioceses.....	8
ARTICLE VI	- Of Missionary Dioceses.....	9
ARTICLE VII	- Of Provinces.....	10
ARTICLE VIII	- Of Requisites for Ordination.....	10
ARTICLE X	- Of The Book of Common Prayer.....	10
ARTICLE XI	- Of Amendments to the Constitution.....	11
ARTICLE XI	- Of Dioceses and Missionary Dioceses.....	12

THE CANONS

TITLE I ORGANIZATION and ADMINISTRATION

CANON 1	- Of The General Convention.....	13
CANON 2	- Of the Presiding Bishop.....	19
CANON 4	- Of the Executive Council.....	24
CANON 5	- Of the Mode of Securing an Accurate View.....	25
CANON 5	- Of the Archives of the Episcopal Church.....	27
CANON 6	- Of Business Methods in Church Affairs	28
CANON 7	- Of The Church Pension Fund.....	29
CANON 8	- Of Provinces.....	29
CANON 10	- Of Missionary Jurisdictions.....	31
CANON 13	- Of Parish Vestries.....	32
CANON 16	- Of Regulations Respecting the Laity.....	32
CANON 18	- Of Regulations Respecting Holy Matrimony.....	40

TITLE II WORSHIP

CANON 2	- Of Translations of the Bible.....	42
CANON 3	- Of the Standard Book of Common Prayer	42

TITLE III THE MINISTRY

CANON 2 - Of Postulants for Holy Orders.....	46
CANON 3 - Of Lay Eucharistic Ministers.....	47
CANON 5 - Of the Normal Standard of Learning.....	48
CANON 6 - Of a Board for Theological Education.....	49
CANON 7 - Of a General Board of Examining Chaplains.....	49
CANON 8 - Of Admission to Holy Orders in Special Cases.....	50
CANON 9 - Of General Provisions Respecting Ordination.....	50
CANON 10 - Of Ordination to the Diaconate.....	51
CANON 11 - Of Ordination to the Priesthood.....	52
CANON 12 - Of Ministers Ordained in Churches Not in Communion..	53
CANON 14 - Of the Ordination and Consecration of Bishops.....	53
CANON 20 - Of the Reconciliation of Disagreements.....	57
CANON 20 - Of Assistant Bishops.....	58
CANON 21 - Of Ministers and Their Duties.....	59
CANON 26 - Of Lay Readers.....	64
CANON 27 - Of Religious Communities.....	66
CANON 29 - Of Lay Ministries	66
CANON 30 - Of a Board for Church Deployment.....	67

TITLE IV ECCLESIASTICAL DISCIPLINE

CANON 1 - Of Offenses.....	68
CANON 3 - Of Courts.....	69
CANON 4 - Of Presentments.....	76
CANON 5 - Of the Trial of a Bishop.....	77
CANON 10 - Of the Abandonment of the Communion.....	77
CANON 11 - Of a Minister Absenting Himself.....	80
CANON 12 - Of Sentences.....	81
CANON 13 - Of the Remission or Modification.....	81

TITLE V GENERAL PROVISIONS

CANON 1 - Of Enactment, Amendment.....	81
CANON 2 - Of Terminology Used.....	83

COMMENTARY ON THE 1988 REVISION OF TITLE III

Introduction	i
Canon III.1 - Of The Ministry of All Baptized Persons	ii
Canon III.2 - Of Commissions on Ministry	iii
Canon III.3 - Of Licensed Lay Persons.....	iv
Canon III.4 - Of Postulants for Holy Orders.....	vi
Canon III.5 - Of Candidates for Holy Orders.....	ix
Canon III.6 - Of the Ordination of Deacons.....	ix
Canon III.7 - Of Ordination to the Diaconate and Priesthood.....	x
Canon III.8 - Of General Provisions Respecting Ordination.....	xi
Canon III.9 - Of the Ordination of Local Priests and Deacons.....	xii
Canon III.10 - Of Christian Clergy Previously Ordained	xiv
Canon III.11 - Of Priests and Deacons Ordained in Churches.....	xv
Canon III.12 - Of Clergy Ordained by Bishops of Other.....	xvi
Canon III.13 - Of Deacons and Their Duties.....	xvi
Canon III.14 - Of Clergy and Their Duties.....	xvi
Canon III.19 - Of the Dissolution of the Pastoral Relation.....	xvii

COMMENTARY ON THE 1991 REVISION OF TITLE III

Canon 13, Of Deacons and Their Duties.....	a
Canon 15, Of Clergy Not in Ecclesiastical Employment.....	a
Canon 16, Of Letters Dimissory, Licenses and Retirement.....	b
Canon 17, Of the Calling of a Rector.....	b
Canon 19, Of Persons Not Ordained in this Church, etc.	b
Canon 27, Of Religious Orders, etc.....	b
Canon 28, Of The Board for Theological Education.....	c
Canon 29, Of the General Board of Examining Chaplains.....	c
Canon 30, Of the Board for Church Deployment.....	c

THE CONSTITUTION

ARTICLE I - Of The General Convention

Section 2.

Convention of 1982

This section was amended by adding the phrase *every Assistant Bishop* after the term *Suffragan Bishop*.¹

This amendment provided a seat and a vote in the House of Bishops for Assistant Bishops.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.²

Section 3.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.³

Section 4.

Convention of 1982

This section was amended by adding the words *ordained persons* and *or Deacons*.⁴

Exposition

This amendment permitted Deacons to serve as Clerical Deputies to the General Convention. A similar amendment failed in 1976.

-
1. Journal, 1982, p. C-21.
 2. Journal, 1991, p.
 3. Journal, 1991, p.
 4. Journal, 1982, pp. C-21-22.

This section was further amended by striking the words *and Missionary Dioceses*.⁵

Exposition

The purpose of this amendment and similar amendments to the Constitution is to eliminate references to Missionary Dioceses and the Convocation of the American Churches in Europe, since the term "Dioceses" when used without qualification in the Constitution is now understood to refer to dioceses, missionary dioceses and other jurisdictions entitled to representation in the House of Deputies. This interpretation of the word "dioceses" was added to the Constitution by a new Article XI, *infra*.

Convention of 1985

This section was amended by striking the first two paragraphs and substituting the following:

*The Church in each Diocese which has been admitted into union with the General Convention, and the Convocation of the American Churches in Europe, shall be entitled to representation in the House of Deputies by not more than four ordained persons, Presbyters or Deacons, canonically resident in the Diocese and not more than four Lay Persons, communicants of this Church, in good standing in the Diocese but not necessarily domiciled in the Diocese; but the General Convention may reduce the representation to not fewer than two Deputies in each order. Each Diocese, and the Convocation of the American Churches in Europe, shall prescribe the manner in which its Deputies shall be Chosen.*⁶

[See Exposition to this section above under 1982.]

Section 4 was also amended by deleting the fourth paragraph.

5. Journal, 1982, p. C-18.

6. Journal, 1985, p. 118.

Convention of 1988

The words *confirmed adult* were added prior to the word *communicants*.⁷

[Please refer to the Exposition to Title I, Canon 2, Section 5.]

Section 5

Convention of 1985

Following the deletion of the fourth paragraph of Section 4, a new Section 5 was added to read as follows:

Sec. 5. The vote on all questions which come before the House of Deputies shall be governed by the following provisions, supplemented by such procedural provisions as the House of Deputies may adopt in its Rules of Order:

Unless a greater vote on any question is required by this Constitution or by the Canons in cases not specifically dealt with by this Constitution or unless a vote by orders on a question is required, the affirmative vote of a majority of all the Deputies present and voting shall suffice to carry any question. A vote by orders on any question shall be taken if required for that question by this Constitution or by the Canons or if the Clerical or Lay representation from three or more separate Dioceses shall so request at the time of the call for the vote on that question. In all cases of a vote by orders, the vote of each order, Clerical and Lay, shall be counted separately, each order in each Diocese shall have one vote, and a vote in the affirmative by an order in a Diocese shall require the affirmative vote of a majority of the Deputies present in that order in that Diocese.

*To carry in the affirmative any question being voted on by orders requires concurrence in the affirmative by both orders and, unless a greater vote is required by this Constitution or by the Canons in cases not specifically dealt with by this Constitution, concurrence in the affirmative by an order requires the affirmative vote in that order by a majority of the Dioceses present in that order.*⁸

7. Journal, 1988, p. 612.

8. Journal, 1985, pp. 128-129.

Section 7.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.⁹

Exposition

There are provisions for a vote by orders in the House of Deputies in Article I, Section 5, Article VI, Section 2, Article X and Article XI of the Constitution. These provisions contained inconsistencies and a lack of clarity. It is believed that much of the mystique of the vote by orders which has engendered suspicion and dispute will be dispelled by clear and consistent provisions in each of the Articles. No substantive change in the provisions was intended or made.¹⁰

ARTICLE II - Of Bishops

Section 2.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.¹¹

Section 3.

Convention of 1982

This section was amended by deleting the words *or Missionary Diocese*.¹²

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.¹³

9. Journal, 1991, p. 148.
10. Blue Book, 1985, p. 7.
11. Journal, 1991, p. 148.
12. Journal, 1982, p. C-19.
13. Journal, 1991, p. 148.

Section 4.

Convention of 1985

The Convention amended the last sentence of this section to read: *He shall be eligible for election as Bishop or Bishop Coadjutor of a Diocese, or as a Suffragan in another Diocese.*¹⁴

Section 6.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.¹⁵

Section 7.

Convention of 1982

The last sixteen words of the last sentence were deleted.¹⁶

Convention of 1985

The last sentence was amended to read: *He shall be eligible for election as Bishop or Bishop Coadjutor or Suffragan Bishop of a Diocese.*¹⁷

Convention of 1988

The words *Veterans' Administration Medical Centers, and Federal Correction Institutions* were added following the words *United States.*¹⁸

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.¹⁹

14. Journal, 1985, pp. 117-118.

15. Journal, 1991, p. 148.

16. Journal, 1982, pp. C-19-20.

17. Journal, 1985, pp. 117-118.

18. Journal, 1988, p. 612.

19. Journal, 1991, p. 148.

Section 8.

Convention of 1982

This section was amended to read:

*A Bishop exercising jurisdiction as the Ordinary, or as the Bishop Coadjutor, of a Diocese, may be elected Bishop, Bishop Coadjutor, or Suffragan Bishop of a Diocese.*²⁰

Convention of 1985

This Section was amended by the substitution of the words *conditioned on the required consents of the Bishops and Standing Committees of the Church to his election*" for the words *subject to the required consents of the Bishops and Standing Committees of the Church.*

This section was further amended by deleting reference to a *Missionary Diocese* and by stylistic changes.²¹

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.²²

Exposition

In Section 8, which permits translation of Bishops, the reference to *required consents of the Bishops and Standing Committees of the Church* has caused some uncertainty as to what it is to which such consents are required. The history of the section makes it clear that the reference is to the consents of the Bishops and Standing Committees to the election of the Bishop to the second Diocese. Thus, the resignation that the Bishop is required to tender by the section is a qualified one (effective only in the event the necessary consents to the election in the second Diocese are obtained) such that it does not result in the relinquishment of the original episcopal office in the event that the election to the second diocese fails for lack of the

20. Journal, 1982, p. C-20.

21. Journal, 1985, p. 128.

22. Journal, 1991, p. 148.

required consents by the Bishops and Standing Committees of the Church. The consent required to the resignation of the Bishop is only that of the House of Bishops, as provided in the last line of the section.²³

Section 9.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.²⁴

Exposition

As to the deletion of *Missionary Diocese(s)*, see the Exposition to Article I, Section 4.

ARTICLE III - Of Bishops Consecrated for Foreign Lands

Convention of 1991

This Article was amended to provide for sexually inclusive language without change in substance.²⁵

ARTICLE IV - Of The Standing Committee

Convention of 1988

The first sentence of Article IV was amended to read as follows:

In every Diocese a Standing Committee shall be ~~appointed~~ *elected* by the Convention thereof, *except that provision for the filling of vacancies between meetings of the Convention may be prescribed by the Canons of the respective Dioceses.*²⁶

-
23. Blue Book, 1985, p. 6.
24. Journal, 1991, p. 148.
25. Journal, 1991, p. 148.
26. Journal, 1988, p. 613.

Convention of 1991

This Article was amended to provide for sexually inclusive language without change in substance.²⁷

ARTICLE V - Of Admission of New Dioceses

Section 1.

Convention of 1982

Section 1 was amended by adding the word *existing* before the word *Dioceses* in two places in clause (2) of the first paragraph; and by striking the last sentence and substituting:

*After consent of the General Convention, when a certified copy of the duly adopted Constitution of the New Diocese, including an unqualified accession to the Constitution and Canons of this Church, shall have been filed with the Secretary of the General Convention and approved by the Executive Council of this Church, such new Diocese shall thereupon be in union with the General Convention.*²⁸

Section 2.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.²⁹

Section 3.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.³⁰

27. Journal, 1991, p. 134.

28. Journal, 1982, pp. C-22-23.

29. Journal, 1991, p. 148.

30. Journal, 1991, p. 148.

Convention of 1991

This Article was amended to provide for sexually inclusive language without change in substance.²⁷

ARTICLE V - Of Admission of New Dioceses

Section 1.

Convention of 1982

Section 1 was amended by adding the word *existing* before the word *Dioceses* in two places in clause (2) of the first paragraph; and by striking the last sentence and substituting:

*After consent of the General Convention, when a certified copy of the duly adopted Constitution of the New Diocese, including an unqualified accession to the Constitution and Canons of this Church, shall have been filed with the Secretary of the General Convention and approved by the Executive Council of this Church, such new Diocese shall thereupon be in union with the General Convention.*²⁸

Section 2.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.²⁹

Section 3.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.³⁰

27. Journal, 1991, p. 134.

28. Journal, 1982, pp. C-22-23.

29. Journal, 1991, p. 148.

30. Journal, 1991, p. 148.

Section 4.

Convention of 1991

This section was amended to provide for sexually inclusive language without change in substance.³¹

Exposition

This amendment changes the procedure for the admission of new Dioceses. Previously, a new Diocese was admitted into union when it appeared to the satisfaction of the General Convention that all conditions had been complied with and the new Diocese had acceded to the Constitution and Canons. Hereafter, between General Conventions admission takes place upon the filing with the Secretary of General Convention of the Constitution of the new Diocese approved by the Executive Council.

ARTICLE VI - Of Missionary Dioceses

Section 2.

Convention of 1985

The word *Provided* was inserted at the beginning of the last clause; the language *of two-thirds of the House of Deputies voting by orders* was deleted and the language *by orders in the House of Deputies in accordance with Article I, Section 5, except that concurrence by the orders shall require the affirmative vote in each order by two-thirds of the Dioceses.* was inserted in its place.³²

[See Exposition to Article I, Section 5.]

31. Journal, 1991, p. 148.

32. Journal, 1985, p. 127.

ARTICLE VII - Of Provinces

Convention of 1982

This Article was amended by deleting the several references to *Missionary Dioceses*.³³

[See Exposition to Article I, Section 4.]

ARTICLE VIII - Of Requisites for Ordination

Convention of 1985

This Article was amended by the deletion of the words *or Missionary Diocese*.³⁴

Convention of 1991

This Article was amended to provide for sexually inclusive language without change in substance.³⁵

[See Exposition to Article I, Section 4.]

ARTICLE X - Of The Book of Common Prayer

Convention of 1985

This Article was amended by deleting the reference to *Missionary Dioceses* and *the Convocation of American Churches in Europe*.³⁶

[See Exposition to Article I, Section 4.]

-
33. Journal, 1982, p. C-18.
34. Journal, 1985, p. 117.
35. Journal, 1991, p. 148.
36. Journal, 1985, p. 116.

Convention of 1988

This Article was amended by deleting all words between *The Book of Common Prayer* and *as now established* as no longer required due to the structure of the *1979 Book of Common Prayer*.³⁷

ARTICLE XI - Of Amendments to the Constitution [Renumbered Article XII in 1982]

Convention of 1982

This Article was amended by deleting the several references to *Missionary Dioceses* and *the Convocation of American Churches in Europe*; and to add clarifying language as to votes by orders by amending the last sentence commencing after the words *House of Bishops* to now read as follows:

No alteration or amendment of this Constitution shall be made unless the same shall be first proposed at one regular meeting of the General Convention and by a resolve thereof be sent to the Secretary of the Convention of every Diocese, to be made known to the Diocesan Convention at its next meeting, and be adopted by the General Convention at its next succeeding regular meeting by a majority of all Bishops, excluding retired Bishops not present, of the whole number of Bishops entitled to vote in the House of Bishops, and by an affirmative vote by orders in the House of Deputies in accordance with Article I, Section 5, except that concurrence by the orders shall require the affirmative vote in each order by a majority of the Dioceses entitled to representation in the House of Deputies.

*Each duly adopted alteration or amendment to this Constitution, unless otherwise expressly stated therein, shall take effect on the first day of January following the adjournment of the General Convention at which it is finally adopted.*³⁸

[See Exposition to Article I, Sections 4 and 5.]

37. Journal, 1988, p. 612.

38. Journal, 1985, p. 128.

Convention of 1991

This Article was amended by the addition of a new second paragraph reading as follows:

Notwithstanding the provisions of the foregoing paragraph, the adoption or any alteration or amendment to this Constitution which inserts or repeals an Article, or a Section or Clause of an Article, shall effect the necessary change in numbers or letter of Articles or of Sections or Clauses of an Article, that follow, and in references made in this Constitution to any other part, without the necessity of specific provision therefor in the alteration or amendment.³⁹

ARTICLE XI - Of Dioceses and Missionary Dioceses [Added in 1982]

Convention of 1982

In 1982, a new Article XI was added reading as follows:

Whenever the term "Diocese" is used without qualification in the Constitution, it shall be understood to refer both to Dioceses and Missionary Dioceses and also, wherever applicable, to all other jurisdictions entitled to representation in the House of Deputies of the General Convention.⁴⁰

[See Exposition to Article I, Section 4.]

39. Journal, 1991, p. 751.

40. Journal, 1982, p. C-20.

All references are to the 1979 Canons, except as otherwise indicated

THE CANONS

TITLE I ORGANIZATION and ADMINISTRATION

TITLE I, CANON 1 - Of The General Convention

Section 1

Convention of 1982

Section 1 (c) was amended by adding the phrase *and a duplicate copy of such testimonials* to the end of the first sentence and deleting the second sentence.¹

Exposition

This amendment dispensed with the sending of a duplicate copy of the testimonials of the members of the General Convention to the host Diocese, which no longer makes housing arrangements.

Section 1 (e) was amended to permit the use of certified mail and to delete the requirement for return receipts.²

Section 2

Convention of 1985

Section 2 (c) was amended by the addition of the following:

*Episcopal members appointed after the adjournment of any General Convention at which a Presiding Bishop is elected shall be appointed by the Presiding Bishop-elect.*³

Exposition

This amendment clarified the authority of the Presiding Bishop-elect to make episcopal appointments.

1. Journal, 1982, pp. C-70-71.
2. Journal, 1982, pp. C-71-72.
3. Journal, 1985, p. 263.

All references are to the 1979 Canons, except as otherwise indicated

Section 2 (j) was amended to require all Commission reports to be sent to the Executive Officer of the General Convention *not later than 150 days* prior to the *opening day* of General Convention rather than the 1st day April, thus recognizing that General Conventions will occur at different times of the year.⁴

A new clause (o) was added establishing a Joint Commission on Evangelism and Renewal.⁵

Convention of 1988

Clause 2 (n)(2)(i) was amended by the deletion of the word *Joint*.⁶

Clause 2 (n)(3) was amended by the addition of the phrase *with the advice and consent of the Executive Council*.⁷

Clause 2 (n)(4) was amended by striking the same and adding new clauses (4) and (5), which in effect separated the Standing Commission on Human Affairs and Health into two separate Standing Commissions: A Standing Commission on Health and a Standing Commission on Human Affairs.

Clause 2 (n)(9) was amended by the addition of the words *consisting of 12 members (2 Bishops, 2 Presbyters or Deacons and 8 Lay Persons)*; and by the deletion of subparagraphs (i), (ii) and (iii), which are provided for elsewhere in the Canons.⁸

Clause 2 (o) was added creating a Joint Commission to study and concern itself with the theological, ethical and pastoral questions inherent in the AIDS crisis.

Convention of 1991

Clause 2 (a) was amended by the addition of the following new second sentence:

-
4. Journal, 1985, p. 126.
 5. Journal, 1985, pp. 187-188.
 6. Journal, 1988, p. 174.
 7. Journal, 1988, p. 700.
 8. Journal, 1988, pp. 174-175.

All references are to the 1979 Canons, except as otherwise indicated

*Joint Commissions shall cease to exist at the end of the single interval for which they are created unless extended by action of the General Convention.*⁹

This amendment was intended to make clear the life span of joint commissions.¹⁰

Clause 2 (n)(7) was amended by the addition of the words *with Justice* to the title of the Standing Commission.¹¹

Clause 2 (n)(10) was amended by the full revision of the definition of the duties of the Standing Commission on Stewardship and Development.¹²

Clause 2 (o) was amended by the deletion of the first sentence, which was replaced by the present language.¹³

Section 4

Convention of 1988

This section was amended to read as follows:

All jurisdictions of this Church entitled by the Constitution or Canons to choose Deputies to the General Convention shall be required to do so not later than ~~the year preceding the year of~~ *twelve months preceding the opening date of the General Convention* for which they are chosen.¹⁴

Exposition

This amendment provides adequate time for the processing of Deputies by the Secretary and the assignments and committee appointments by the President in light of General Conventions occurring in the early summer months.

9. Journal, 1991, p. 752.

10. Blue Book, 1991, p. 490.

11. Journal, 1991, p. 628.

12. Journal, 1991, p. 354.

13. Journal, 1991, p. 803.

14. Journal, 1988, p. 174.

All references are to the 1979 Canons, except as otherwise indicated

Convention of 1991

The Convention numbered the existing text as (a) and added the following clauses:

(b) *It shall be the duty of each seated Deputy to communicate to the electing jurisdiction the actions taken and the positions established by the General Convention.*¹⁵

(c) *It shall be the responsibility of each diocese to provide a forum in which the Deputies to the General Convention from that jurisdiction have opportunity to report.*¹⁶

Exposition

The Standing Commission on the Structure of the church proposed these amendments to improve the mutual flow of communication and accountability.¹⁷

Section 5

Convention of 1985

This Convention deleted Section 5 and adopted a new Canon I.5 concerning the Church Archives. All subsequent sections were renumbered.

Section 6 (now 5)

Convention of 1988

Clauses (b), (c) and (f) were amended to use sexually inclusive language, remove archaic references, and to require the Secretaries of both Houses to deliver to the Registrar the minutes of proceedings within 30 days.

15. Journal, 1991, p. 752.

16. Journal, 1991, p. 752.

17. Blue Book, 1991, p. 480.

All references are to the 1979 Canons, except as otherwise indicated

Section 15 (Now 14)

Convention of 1982

The Convention added a new Section 15 (a) being an extensive and detailed Canon providing for future site selections.¹⁸

Exposition

This amendment was in response to the Report of the Joint Standing Committee on Planning and Arrangements¹⁹ recommending greater flexibility in the timing of General Conventions and the selection of sites. Past practice had been for General Conventions to designate future sites, usually nine years in advance. Under the Canon as amended, General Convention will approve not less than three sites, with the final selection and arrangements to be established at a later date. (Note: Joint Rule of Order VI was also amended to implement this Canon.²⁰)

Section 15(b) (Now 14 (b))

Convention of 1988

Clause (b) was amended to read as follows:

From the sites recommended by the Joint Committee, the General Convention shall approve ~~not less~~ *no fewer* than three *nor more than five* sites as possible for such meeting of the General Convention.²¹

Section 15(f) (Now 14 (f))

Convention of 1991

This clause was amended by adding the President of the House of Deputies as one to whom the recommendation is to be made and deleting the requirement of the necessity of obtaining the approval

18. Journal, 1982, pp. C-65-66.

19. Blue Book, 1982, p. 275 et. seq.

20. Journal, 1982, pp. C-68-69.

21. Journal, 1988, p. 92.

All references are to the 1979 Canons, except as otherwise indicated

of Executive Council before the recommendation is made to the General Convention.²²

This amendment was proposed to include the President of the House of Deputies in the decision making process inasmuch as the President is involved in the initial site selection.²³

Section 15 (Now 14)

Convention of 1991

The Convention added the new clause I.1.14(g):

(g) Within such guidelines as may have been established by the General Convention regarding the date and the length of future General Conventions and pursuant to the reasonable and necessary arrangements and commitments with the Dioceses and the operators of facilities in the Diocese in which the next General Convention will be held, the Joint Committee shall fix the date and the length of the next succeeding Convention, report the same to the Secretary of the General Convention and include the same in its report to the Convention. In the event of a change of circumstances indicating the necessity or advisability of changing the date or length previously fixed, the Joint Committee shall investigate and make recommendations to the Presiding Bishop and the President of the House of Deputies who, with the advice and consent of the Executive Council, may fix a different date or length or both.²⁴

Exposition

In proposing this amendment, the Standing Commission on the Structure of the Church seeks to regularize the practices now followed.²⁵

22. Journal, 1991, p. 752.

23. Blue Book, 1991, p. 487.

24. Journal, 1991, p. 752.

25. Blue Book, 1991, pp. 483-484.

All references are to the 1979 Canons, except as otherwise indicated

TITLE I, CANON 2 - Of the Presiding Bishop

Section 1

Convention of 1982

The phrase *At the General Convention next before the Convention at which a Presiding Bishop is to be elected* was added to both clauses (b) and (c).²⁶

Further, clauses (e) and (f) were added to this section making the present (d) clause (g) and the present (e) clause (d).²⁷

Exposition

The first amendment was intended to clarify the timing for the election of the Joint Nominating Committee.

Clause (c) was adopted to provide for the continuity of the Committee by recognizing that vacancies filled within a year prior to the electing General Convention would not aid the process and might add an element of confusion.

Clause (f) was added in recognition of the fact that the Committee's Report would only be completed when its Report was made to the Joint Session of the General Convention.

Convention of 1985

Section 1 of Canon 2 was repealed in its entirety and a new Section 1 adopted.²⁸

Exposition

In 1985, a Presiding Bishop was elected for the first time pursuant to a nominating process that was established on a canonical basis involving both Houses. Based upon the experience of the Joint Nominating Committee for the Election of the Presiding Bishop, the Standing Commission on the Structure of the Church proposed a total

26. Journal, 1982, p. C-73.

27. Journal, 1982, p. C-75.

28. Journal, 1985, pp. 202-204.

All references are to the 1979 Canons, except as otherwise indicated

revision of this Section. In its Report to the General Convention, this Commission commented:

The Commission believes a Joint Nominating Committee should be elected at each General Convention in order to be in place in the event a vacancy in the office of Presiding Bishop should occur in the interim between meetings of the General Convention, rather than to have such Committee appointed by the respective presiding officers of the two Houses as provided in the present Canon.

At the 1982 General Convention, caucuses were held by bishops and by deputies from their respective provinces to nominate bishops and deputies, but, as no guidelines were established in the Canons, there was a disparity of procedure in the caucuses.

The Commission believes the provincial caucuses can serve a very useful function if they will select only two nominees in each order for balloting by the respective Houses. To nominate only one in each order is to usurp the prerogative of choice of the Houses. If more than two in each order are nominated, the full membership of the Houses does not have the benefit of recommendations of the bishops and deputies from the respective provinces as to the more qualified nominees.

The present Canon makes no determination as to the status of a member of the Joint Committee changing provinces or [who] changes orders as presbyter, deacon or lay person. The Commission believes that any such changes should not make such member ineligible to continue to serve on the Committee.²⁹

Convention of 1991

Clause 1 (a) was amended by the addition to the last sentence of the phrase *at which two Clerical Deputies and two Lay Deputies as nominees and shall be selected by the caucus*. This clarifies the number of nominees to be presented from each Provincial caucus.³⁰

29. Blue Book, 1985, pp. 299-300.

30. Journal, 1991, p. 807.

All references are to the 1979 Canons, except as otherwise indicated

Section 2

Convention of 1985

Section 2 was revised to read as follows:

*The term of office of the Presiding Bishop, when elected according to the provisions of Article I, Section 3, of the Constitution shall be twelve years, beginning the first day of the calendar year following the election after the close of the convention at which he is elected, unless he shall attain the age of seventy years before his term shall have been completed; in that case, he shall resign his office to the General Convention which occurs nearest to the date of his attaining such age.*³¹

Exposition

This amendment proposed by the Standing Commission on the Structure of the Church permits a Presiding Bishop to serve until the age of seventy-two, rather than the present sixty-five; and establishes an exact date for the commencement of the term of office. Previously, confusion had existed as the Canon was tied to the termination of the term of office of the predecessor.³²

The effective date of this revision was designed so as to make the Canon applicable to the election of the Presiding Bishop in 1985.

Section 4

Convention of 1982

Clause (a) of this section was amended by adding the words *and Primate* and capitalizing the words *Chief* and *Pastor*.³³

Exposition

In its Report to General Convention, The Standing Commission on the Structure of the Church recommended that the Constitution be amended to delete the words *Presiding Bishop* and substitute therefor the term *Archbishop*.³⁴ The rationale stated was that the term

31. Journal, 1985, p. 428.

32. Journal, 1985, pp. 301-302.

33. Journal, 1982, pp. C-36-37.

34. Blue Book, 1982, pp. 340-341.

All references are to the 1979 Canons, except as otherwise indicated

proposed was most descriptive of the office of Presiding Bishop and would place the Presiding Bishop on a titular par with other Anglican metropolitans, while implying no change in authority or any archiepiscopal jurisdiction. The constitutional amendment was rejected in favor of this revision of the Canons.

The House of Bishops passed a substitute Resolution adding *Primate* to the Canons, in which the House of Deputies concurred after considerable debate.

Convention of 1982

The present Section 4 (a)(3) was added as follows:

In the event of an Episcopal vacancy within a Diocese, consult with the Ecclesiastical Authority to insure that adequate interim episcopal services are provided;

The subsequent clauses were renumbered.³⁵

Exposition

This amendment was explained by the Joint Commission on the Structure of the Church as follows:

The Presiding Bishop already possesses the authority to visit dioceses of the American Church and its missionary dioceses. The proposed Canon is intended to give continuing episcopal oversight to the ecclesiastical authority in a diocese during an episcopal vacancy, through consultation with the chief pastor. It would not give the Presiding Bishop jurisdiction, but a pastoral consultative role with the ecclesiastical authority to insure that interim episcopal oversight is provided.³⁶

35. Journal, 1982, p. C-37.

36. Blue Book, 1982, p. 341.

All references are to the 1979 Canons, except as otherwise indicated

Section 5

Convention of 1985

This section was amended by adding the words *confirmed adult* before and the words *in good standing* after the existing words *communicant of the Church*.³⁷

Exposition

This amendment to the Canons is one in an extensive series to the Canons passed in 1985. In its Report to the General Convention, the Standing Commission on Constitution and Canons explained:

*The Commission was directed by the 67th General Convention to undertake a comprehensive review of the Constitution and Canons and to propose any amendments necessary to conform the new Title I, Canon 16 adopted at New Orleans.*³⁸ *These amendments were to be presented to the General Convention meeting in Anaheim in 1985, so that these amendments would take effect simultaneously with the new Title I, Canon 16 on January 1, 1986.*

*Since it was made very clear at the time when the new Canon was presented in New Orleans that there was no intention to change in any way the status or understanding of Confirmation by passage of this Canon [I.16]; and since the new Canon itself states that Confirmation is expected of "all adult members of this Church," we have assumed that our charge requires us to find an equivalent term for the word "communicant" in the present Canons. Since the present definition of a "communicant" includes Confirmation, we have determined that the equivalent term under the new Title I, Canon 16 would be "confirmed communicant". Furthermore, with the category of "adult" communicant provided for in the new Canon, we believe that the best possible equivalent term in virtually every instance would be "confirmed adult communicant". Again, in most instances the phrase "in good standing" is also included either because it is included in the present Canon or because it seems necessary to provide the equivalent under the new Title I, Canon 16.*³⁹

37. Journal, 1985, p. 241.

38. Journal, 1982, pp. C-41-44.

39. Blue Book, 1985, p. 10.

All references are to the 1979 Canons, except as otherwise indicated

Section 8

Convention of 1982

This section was amended to read as follows:

Upon the acceptance of his resignation prior to the expiration of his term of office for reasons of disability, the Presiding Bishop may be granted, in addition to whatever allowance he may receive from The Church Pension Fund, a disability allowance to be paid by the Treasurer of the General Convention in an amount to be fixed by the Joint Standing Committee on Program, Budget and Finance, and ratified at the next regular meeting of the General Convention.⁴⁰

Exposition

In its study on the Office of the Presiding Bishop, the Joint Standing Commission on the Structure of the Church found the provisions relating to the retirement allowances for the Presiding Bishop to be out of date and offered this amendment.

TITLE I, CANON 4 - Of the Executive Council

Section 1

Convention of 1985

Clause (c) of this section was amended by adding the words *confirmed adult and in good standing*.

[See Exposition to Title I, Canon 2, Section 5.]

Convention of 1988

A new clause (d) was added to provide that the Vice-President, Secretary and Treasurer would have seat and voice but no vote on Executive Council.⁴¹

40. Journal, 1982, pp. C-37-38.

41. Journal, 1988, p. 331.

All references are to the 1979 Canons, except as otherwise indicated

Convention of 1991

Clause (b) was amended to require a *published* report and by the addition of the following sentence:

*The report shall also include information on the implementation of all concurred resolutions of the previous General Convention calling for action by the Executive Council, by its officers and staff and by the jurisdictions of the Church.*⁴²

This amendment furthers the communication and accountability process recommended by the Standing Commission on the Structure of the Church.⁴³

Section 3

Convention of 1988

Upon recommendation of The Standing Commission on the Structure of the Church, this section providing for the officers of the Executive Council was amended so as to conform to the present designation or election of officers.

TITLE I, CANON 5 - Of the Mode of Securing an Accurate View of The State of this Church (In 1985, renumbered Title I, Canon 6)

Section 1

Convention of 1982

The last sentence of this section was amended to read in part:

*Every Bishop, Presbyter or Deacon whose report is not included in a parochial report shall also report on the exercise of his office, and if there has been none, the cause or reasons which have prevented the same. And these reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.*⁴⁴

42. Journal, 1991, p. 847.

43. Blue Book, 1991, pp. 480-482.

44. Journal, 1982, pp. C-83-84.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

The Report to General Convention of the Council for the Development of Ministry explained:

The report of those who are not covered by parochial reports, and thus not under direct pastoral oversight of another member of the clergy, must include, and thus confirm, the fundamental reasons for ordination in the first instance, and compliance with the stated opportunities relied upon by the Bishop and Standing Committee in Title III, 21, 4(a) [Now III, 16, 2(a)]. The present Canon could be met by a report of "one wedding".⁴⁵

Convention of 1985

Upon the recommendation of the Committee on the State of The Church⁴⁶ and the Standing Commission on Constitution and Canons, clause (1) of the text of this section was amended to provide for compliance with the 1982 adoption of Title I, Canon 16.

[See Exposition to Title I, Canon 2, Section 5.]

Section 2

Convention of 1991

Section 2 was amended by the addition of the following sentence at the end thereof:

It shall also include information concerning implementation by the Diocese of resolutions of the previous General Convention which have been specifically identified by the Secretary of General Convention under Joint Rule 13 as calling for Diocesan action.⁴⁷

This amendment furthers the communication and accountability process recommended by the Standing Commission on the Structure of the Church.⁴⁸

45. Blue Book, 1982, pp. 196-197.

46. Blue Book, 1985, pp. 282-283.

47. Journal, 1991, p. 752.

48. Blue Book, 1991, pp. 480-482.

All references are to the 1979 Canons, except as otherwise indicated

Section 3

Convention of 1982

Section 3 (a) was amended to delete as surplusage reference to a *Convocation*, changes the number of diocesan Journals to be sent from five to two, and add *and one copy to the archives of the Church*.⁴⁹

Exposition

This amendment reduces the number of copies of the diocesan Convention Journals to be submitted to the Secretary of General Convention, and eliminates the intermediate handling of copies for deposit with the Archives of the Church.

TITLE I, CANON 5 - Of the Archives of the Episcopal Church (Added in 1985)

Convention of 1985

The Convention added a new Canon *Of the Archives of the Episcopal Church*, renumbered former Canon 5 as Canon 6, and renumbered the subsequent Canons of Title I.⁵⁰

Convention of 1988

Section 2 (a) was amended by adding the words *the Dean of the Episcopal Seminary of the Southwest (ex officio, with vote)*.⁵¹

49. Journal, 1982, p. C-71.

50. Journal, 1985, pp. 270-272.

51. Journal, 1988, p. 213.

All references are to the 1979 Canons, except as otherwise indicated

**TITLE I, CANON 6 - Of Business Methods in Church Affairs
(In 1985, renumbered Title I, Canon 7)**

Section 1

Convention of 1985

The first paragraph of clause (1) of this section was deleted and the following added:

*Funds held in trust, endowment and other permanent funds, and securities represented by physical evidence of ownership or indebtedness, shall be deposited with a National or State Bank, or a Diocesan Corporation, or with some other agency approved in writing by the Finance Committee or the Department of Finance of the Diocese, under a deed of trust, agency or other depository agreement providing for at least two signatures on any order of withdrawal of such fund or securities.*⁵²

A new third paragraph to clause (1) was added as follows:

This paragraph shall not be deemed to prohibit investments in securities issued in book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer.

Exposition

This amendment was intended to clarify the definition of funds to which the Canon is applicable, expand the classes of eligible depository institutions, and add flexibility in investments particularly with regard to so called "book entry" form securities.

[Note: By Resolution, the Convention also commended the use of minority banks, federally insured savings and loan associations and credit unions.⁵³]

52. Journal, 1985, pp. 226-227.

53. Journal, 1985, p. 161.

All references are to the 1979 Canons, except as otherwise indicated

Section 2

Convention of 1991

This Section was amended by adding to the end of the Section *or other appropriate diocesan body with such authority* to deal with dioceses which have in their local structure bodies other than finance committees and Departments of Finance.⁵⁴

**TITLE I, CANON 7 - Of The Church Pension Fund
(In 1985, renumbered Title I, Canon 8)**

Section 2

Convention of 1988

This Section was amended to provide that a Trustee who has served twelve or more consecutive years shall not be elected again until the General Convention following the General Convention at which the Trustee would not have been eligible for re-election.⁵⁵

**TITLE I, CANON 8 - Of Provinces
(In 1985, renumbered Title I, Canon 9)**

Section 1

Convention of 1982

This section was amended by transferring the Diocese of Western Louisiana from Province IV to Province VII, and by adding the Area Mission of Navajoland to Province VIII.⁵⁶

Section 2

Convention of 1982

The phrase *or Area Mission* was added to clauses (a) and (b).⁵⁷

54. Journal, 1991, p. 672.

55. Journal, 1988, pp. 287-288.

56. Journal, 1982, p. C-171, C-172.

57. Journal, 1982, p. C-172.

All references are to the 1979 Canons, except as otherwise indicated

Convention of 1985

Section 2 was amended to delete reference to *Missionary* dioceses and to add the Convocation of American Churches in Europe to Province II.⁵⁸

Section 5

Convention of 1982

This section was amended by the addition of the words *and Assistant Bishop*.⁵⁹

Exposition

The amendment provides a seat and vote in the House of Bishops of a Province for an Assistant Bishop of a Diocese in that Province.

Section 7

Convention of 1982

This section was amended to read:

*Each Diocese and Area Mission within the Province shall be entitled to representation in the Provincial House of Deputies by Presbyters or Deacons canonically resident in the Diocese or Area Mission, and Lay Persons, communicants of this Church in good standing but not necessarily domiciled in the Diocese or Area Mission, in such number as the Provincial Synod, by Ordinance, may provide. Each Diocese and Area Mission shall determine the manner in which its Deputies shall be chosen.*⁶⁰

Exposition

Section 7 is now in conformity with Article I, Section 4 of the Constitution in recognizing that anomalies of domicile and diocesan involvement should not be a bar to provincial representation of the laity.

58. Journal, 1985, p. 168.

59. Journal, 1982, p. C-31.

60. Journal, 1982, pp. C-31-32, C-40-41, and C-172-173.

All references are to the 1979 Canons, except as otherwise indicated

Further, the Canon was amended to provide for the provincial representation of an Area Mission.

Convention of 1985

The 1985 Convention added the words *confirmed adult and in good standing* regarding the eligibility of lay deputies.⁶¹

[See Exposition to Title I, Canon 2, Sec. 5]

TITLE I, CANON 10 - Of Missionary Jurisdictions (In 1985, renumbered Title I, Canon 11)

Section 2

Convention of 1982

A new clause (f) was added regarding provincial representation of Area Missions:

*An Area Mission which shall have been undertaken under the sole auspices of this Church, with a Bishop of this Church assigned to give episcopal oversight, shall be entitled to representation in the Provincial House of Bishops and in the Provincial House of Deputies in the Province of which it is a part.*⁶²

Section 3

Convention of 1982

While not amending this canon, the 1982 General Convention made action under section 3 (f) of this Canon subject to compliance with the requirements of Resolution A-162S pertaining to policies and procedures for Dioceses transferring their provincial authority from this Church.⁶³

61. Journal, 1985, pp. 512-513.

62. Journal, 1982, p. C-173.

63. Journal, 1982, pp. C-164-165.

All references are to the 1979 Canons, except as otherwise indicated

Clause (g) of this section was amended to provide for the cessation of representation in the Provincial Synod as well as the General Convention upon the transfer from the authority of this Church.⁶⁴

**TITLE I, CANON 13 - Of Parish Vestries
(In 1985, renumbered Title I, Canon 14)**

Section 3

Convention of 1985

To clarify who would preside at meetings of the Vestry, this section was amended to read as follows:

*Unless it conflict with the law as aforesaid, the Rector, or such other member of the Vestry designated by the Rector, shall preside at all meetings of the Vestry.*⁶⁵

**TITLE I, CANON 16 - Of Regulations Respecting the Laity
(In 1985, renumbered Title I, Canon 17)**

In 1982, Canon 16 was substantially revised to read as follows:

Sec. 1 (a). All persons who have received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, whether in this Church or in another Christian Church, and whose Baptisms have been duly recorded in this Church, are members thereof.

(b). Members sixteen years of age and over are to be considered adult members.

(c). It is expected that all adult members of this Church, after appropriate instructions, will have made a mature public affirmation of their faith and commitment to the responsibilities of their Baptism and will have been confirmed or received by a Bishop of this Church or by a Bishop of a Church in communion with this Church.

64. Journal, 1982, p. C-173.

65. Journal, 1985, pp. 602-203.

All references are to the 1979 Canons, except as otherwise indicated

Sec. 2(a). All members of this Church who have received Holy Communion in this Church at least three times during the preceding year are to be considered communicants of this Church.

(b). For the purposes of statistical consistency throughout the Church, communicants sixteen years of age and over are to be considered adult communicants.

Sec. 3. All communicants of this Church who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving for the spread of the Kingdom of God, are to be considered communicants in good standing.

Sec. 4(a). A member of this Church removing from the congregation in which his or her membership is recorded shall procure a certificate of membership indicating that he or she is recorded as a member (or adult member) of this Church and whether or not such a member:

- 1. is a communicant;*
- 2. is recorded as being in good standing;*
- 3. has been confirmed or received by a Bishop of this Church or a Bishop in communion with this Church.*

Upon acknowledgment that a member who has received such a certificate has been enrolled in another congregation of this or another Church, the Minister or Warden issuing the certificate shall remove the name of the person from the parish register.

(b). The Minister or Warden of the congregation to which such certificate is surrendered shall record in the parish register the information contained on the presented certificate of membership, and then notify the Minister or Warden of the congregation which issued the certificate that the person has been duly recorded as a member of the new congregation.

Whereupon the person's removal shall be noted in the parish register of the congregation which issued the certificate.

(c). If a member of this Church, not having such a certificate, desires to become a member of a congregation in the place to which he or she has removed, that person shall be directed by the Minister of the said congregation to procure a certificate from the former congregation,

All references are to the 1979 Canons, except as otherwise indicated

although on failure to produce such a certificate through no fault of the person applying, appropriate entry may be made in the parish register upon the evidence of membership status sufficient in the judgment of the Minister or Warden.

(d). Any communicant of any Church in communion with this Church shall be entitled to the benefit of this section so far as the same can be made applicable.

Sec. 5. No one shall be denied rights or status in this Church because of race, color, or ethnic origin.

Sec. 6. A person to whom the Sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the rubrics, or who desires a judgment as to his or her status in the Church, may lodge a complaint or application with the Bishop or Ecclesiastical Authority. No Minister of this Church shall be required to admit to the Sacraments a person so refused or repelled without the written direction of the Bishop or Ecclesiastical Authority. The Bishop or Ecclesiastical Authority may in certain circumstances see fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Minister. If it shall appear to the Bishop or Ecclesiastical Authority that there is sufficient cause to justify refusal of the Holy Communion, however, appropriate steps shall be taken to institute such inquiry as may be directed by the Canons of the Diocese; and should no such Canon exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will insure an impartial investigation and judgment.

Sec. 7. No unbaptized person shall be eligible to receive Holy Communion in this Church.⁶⁶

Exposition

This revision was a compromise primarily between Resolution A-48 submitted by the Standing Commission on Ecumenical Relations,⁶⁷ and Resolution A-78 submitted by the Standing Liturgical Commission⁶⁸

66. Journal, 1982, pp. C-41-44.

67. Blue Book, 1982, pp. 60-62.

68. Blue Book, 1982, pp. 155-156.

All references are to the 1979 Canons, except as otherwise indicated

The former was guided by the charge to it by the Convention in 1979 to implement the document entitled *Toward a Mutual Recognition of Members*. On the other hand, the Standing Liturgical Commission recommended its amendment to bring the Canon into conformity with the concept of Christian initiation and Church membership indicated by the 1979 Book of Common Prayer.

The two resolutions reflected specific persuasions and purposes that differed sharply.

Deputy Charles M. Crump of Tennessee, sensing the problems inherent in these proposals and the vast legislative time and debate which would be consumed on the floors of each House, crafted Resolution A-48S as a compromise.

The motion on the substitute carried the House of Deputies on a vote by orders.

The effective date of this amendment was established as January 1, 1986 so as to allow the several interim bodies of General Convention ample opportunity to review the effect of this amendment on the entire body of the Canons and prepare appropriate remedial legislation and to allow the Dioceses opportunity to adjust their canons.

The report of the Legislative Committees indicated that age sixteen was intended only for statistical purposes and was not intended to confer rights which might conflict with diocesan canons and state laws.

Section 1

Convention of 1985

This section was amended by the addition of a new clause (d) as follows:

Any person who is baptized in this Church as an adult and receives the laying on of hands by the Bishop at Baptism is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also

All references are to the 1979 Canons, except as otherwise indicated

Any person who is baptized in this Church as an adult and at some time after the Baptism receives the laying on of hands by the Bishop in Reaffirmation of Baptismal Vows is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also

Any baptized person who received the laying on of hands at Confirmation (by any Bishop in apostolic succession) and is received into the Episcopal Church by a Bishop of this Church is to be considered for the purpose of this and all other Canons, as both baptized and confirmed;⁶⁹ and also

Any baptized person who received the laying on of hands by a Bishop of this Church at Confirmation or Reception is to be considered for the purpose of this and all other Canons, as both baptized and confirmed.

Exposition

This amendment was intended to express the various ways that this Church recognizes a person as being confirmed and as is deemed essential to interpret *confirmed* throughout the Constitution and Canons.⁷⁰

Editor's Note

During the past several General Conventions, various Resolutions have been presented to further amend Section 4 (now Section 5) by adding additional categories to those to which stated protection has been extended. During the debates on these proposals, much confusion was apparent as to whether or not an amendment to Title I, Canon 16 - Of Regulations Respecting the Laity affected any other Titles. Particularly in the area of sexual orientation it was clear that many believed that an amendment to this Canon would "spill over" into the ordination Canons. The argument being that even though race, color and ethnic origin are not expressly protected in the other Titles, no one today would rationally argue that any person could be denied access to the ordination process or service on a Commission on Ministry or on an ecclesiastical court on the basis of race, color or ethnic origin.

69. Blue Book, 1985, p. 162.

70. Journal, 1985, p. 174.

All references are to the 1979 Canons, except as otherwise indicated

The evolution of the present Section 5 of this Canon is as follows:

The Convention of 1964 added a Section 4 as follows:

Sec. 4. Every communicant or baptized member of this Church shall be entitled to equal rights and status in any Parish or Mission thereof. He shall not be excluded from the worship or Sacraments of the Church, nor parochial membership, because of race, color, or ethnic origin.⁷¹

At the General Convention of 1982, The Standing Commission on Ecumenical Relations proposed the following revision:

Sec. 4. 6. ~~Every---communicant---or---baptized member of this Church shall be entitled to equal rights---and---status---in---any---Parish---or---Mission thereof.---He---or---she---shall---not~~ *No member of this Church shall be denied rights or status or be excluded from the worship or Sacraments of the Church, nor parochial membership, because of race, color, or ethnic origin.*⁷²

This proposal was not accompanied by any express or pertinent commentary as to the reasons for the deletion of the references to "Parish" and "Mission", with the concomitant implied broadening effect.

At the General Convention of 1982, the Standing Liturgical Commission also proposed an amendment to this Canon as follows [Note: The Resolution has been presented to show actual legislative effect.]:

Sec. 4 5. Every ~~communicant---or---baptized~~ member of this Church shall be entitled to equal rights and status *as participants* in ~~any Parish or Mission thereof.---He shall not be excluded from~~ the worship ~~or Sacraments and sacraments~~ of the

71. White & Dykman, 1981, p. 390.

72. Blue Book, 1982, pp. 61-62.

All references are to the 1979 Canons, except as otherwise indicated

Church; ~~nor~~ *None shall be excluded from parochial membership;--because on the basis of race, color, or ethnic origin.*⁷³

Again, this proposal was not accompanied by any express or pertinent commentary as to the reasons for the deletion of the references to "Parish" and "Mission", with the concomitant implied broadening effect.

At the 1982 General Convention, Deputy Charles Crump was the draftsman of the amendment which was intended to reconcile the two Resolutions dealing with this Canon through the vehicle of Resolution A-048S, which was adopted and which accomplished the following legislative amendment:

~~Sec. 4. Every-communicant-or-baptized-member of-this-Church-shall-be-entitled-to-equal~~ *No one shall be denied* rights and status in ~~any-Parish-or Mission-thereof.--He-shall-not-be-excluded-from the-worship-or-Sacraments-of--the~~ *this Church;* ~~nor--parochial--membership;~~ because of race, color, or ethnic origin.⁷⁴

This is the present form of the Canon I. 17.5. as we find it.⁷⁵

The Editor can find no express legislative intent, other than the enactments themselves, to change the substance of this Canon from a Canon dealing solely with the rights of the laity in parochial settings to a Canon that "spills over" into all the other Titles. No debate or Committee Reports on the "streamlining" of this Canon is reported.

At New Orleans, by the adoption of D-120S, the General Convention directed The Standing Commission on Constitution and Canons "... to review the Canons to insure inclusion of the words "disabled/handicapped persons" within the intent of the Canon and report its finding to the 68th General Convention."⁷⁶

73. Ibid, p, 156.

74. Journal, 1982, p. C-44.

75. Constitution & Canons, 1988, p. 49.

76. Journal of, 1982, p. C-142.

All references are to the 1979 Canons, except as otherwise indicated

This direction was followed by that Standing Commission's Resolutions to the 1985 General Convention of A-11, which would have amended then Canon I.16.5, and A-12, which would have amended then Canon III.9.2.⁷⁷ Neither Resolution was adopted.

From the forms of the Standing Commission's response to this direction we can infer that it believed that the amendment of a Canon in Title I would not be sufficient to amend Canons in other Titles and that each applicable Canon should be appropriately amended.⁷⁸

Deputy Crump advises the Editor that he had no intent to expand the reach of this Canon beyond Title I, that he knew of no such intent by those involved in the 1982 amendment, and that the drafting process was intended solely to streamline the verbiage in the Canon.

Late on the next to last legislative day of the 1991 General Convention, a surprise substitute Resolution D-025s reached the House of Deputies from the House of Bishops, which proposed to amend Section 5 to read: *All members shall have equal access to the life, worship and governance of this Church, except as otherwise specified by Canon.* The House of Deputies Canon's Committee had no opportunity to hold a hearing on this Resolution before its consideration on the floor of the House on the last legislative day. The Deputies did not concur with the Bishops based primarily upon the effects that this amendment might have and the confusion that might arise in conflicts between state statutes and other formularies affecting local parishes and congregations.

77. Blue Book, 1985, p. 10.

78. Of course this is not a substantive judgment or advisory position.

All references are to the 1979 Canons, except as otherwise indicated

TITLE I, CANON 18 - Of Regulations Respecting Holy Matrimony

Section 3 (d)

Convention of 1988

This Section was amended to delete from the Marriage Declaration the language found in the *1928 Book of Common Prayer* and to add the language found in the *1979 Book of Common Prayer*.⁷⁹

Editor's Note

At this Convention, three resolutions directed towards the amendment of Canons 18 and 19 were introduced. None were adopted but their discussion resulted in referral to the Standing Commission on Health for a study of the canons on Holy Matrimony concerning the need for criteria for a judgment of nullity by the Church and how such a judgment might be effected. These actions demonstrate the appropriateness of a more extensive exposition of the actions of the General Convention of 1973.

The objective and essence of the 1973 marriage canons was set out in the resolution adopted to accelerate their effective date to November 1, 1973 (rather than January 1 of the following years, as would otherwise be the case) unless a Diocesan Bishop designated a later date, but not later than January 1, 1974. The resolution stated: "The Design of the presently proposed marriage Canons places this Church's concerns for those seeking marriage decisions into a pastoral context."

To that end, as reported to the House of Deputies by the chair of its special committee, who had presided over the joint committee sessions, the new Canon I.18 (now Canon I.19) provided for acceptance of the fact of termination of a marriage by the parties to the relationship by whom it had been made (as contrasted with its solemnization by a member of the clergy). This was demonstrated by the procurement of a civil judgment of annulment or divorce from a civil court of competent jurisdiction. Accordingly, the necessity for an ecclesiastical judgment of nullity based upon the historic canonical impediments as a condition precedent to the solemnization of the remarriage of a person whose former spouse was still living

79. Journal, 1988, p. 702.

All references are to the 1979 Canons, except as otherwise indicated

was removed. What was required to be determined by the Bishop or Ecclesiastical Authority was only that the prior marriage had been duly annulled or dissolved by final judgment or decree of a civil court of competent jurisdiction.

The legalism of the previous Canon, under which the invalidity of the prior marriage was measured against the list of canonical impediments and responsibility or fault determined, was replaced by a pastoral attitude under which a ministry to the needs of the parties to the failed marriage would take precedence. The list of canonical impediments was deleted from the Canons.⁸⁰

When an application is made for a judgment as to marital status, there is no canonical requirement in present Canon I.19.2 for an inquiry into the invalidity of a marriage which has been annulled or dissolved by a civil court beyond a judgment recognizing that such a civil determination has been made.

The report made to the House of Deputies in 1973 indicated that it was expected that such applications would be infrequent and limited to unique circumstances such as entry into a religious community for which a determination of marital status would be relevant or as to persons for whom a recognition of such status would have psychological and pastoral significance. The language of the second sentence of Section 2 is explicit in bringing within the reach of such an ecclesiastical judgment a termination of a marriage as well as an annulment.

80. The historic canonical impediments to marriage would now be merely of guidance to a member of the clergy in developing an understanding of the right of the parties to contract a marriage according to the laws of the state.

All references are to the 1979 Canons, except as otherwise indicated

TITLE II WORSHIP

TITLE II, CANON 2 - Of Translations of the Bible

Convention of 1988

The New International Version (1978) and *The New Jerusalem Bible* (1987) were added as Bibles acceptable for the reading of the Lessons prescribed by the *Book of Common Prayer*⁸¹

Convention of 1991

The Revised English Bible (1989) and *The New Revised Standard Version Bible* (1990) were added as Bibles acceptable for the reading of the Lessons prescribed by the *Book of Common Prayer*.⁸²

TITLE II, CANON 3 - Of the Standard Book of Common Prayer

Section 1

Convention of 1985

The words following *Prayer* to the word *accepted* were deleted.⁸³

Exposition

The language deleted is no longer applicable as the subject matter is now incorporated in the body of the *1979 Book of Common Prayer* and is not a series of supplements as found in the previous versions of the Prayer Book.

81. Journal, 1988, p. 545.

82. Journal, 1991, p. 748.

83. Journal, 1985, pp. 600-601.

All references are to the 1979 Canons, except as otherwise indicated

TITLE III THE MINISTRY

1991 Editor's Note

The 1991 General Convention adopted sweeping revisions to the Title III Canons dealing with the ordained ministry other than the Episcopacy. The reader's attention is called to Report of the Council for the Development of Ministry in the *1991 Blue Book* for the exact legislative drafting showing the many amendments, which are beyond the scope and capacity of this Supplement to reproduce. Canons were eliminated, re-written and combined. Some changes were stylistic, but many were substantive.

The rather extensive proposed amendments to the Canons dealing with the Episcopacy were referred to The Standing Commission on Constitution and Canons and the Council for the Development of Ministry for further study and revision.

As a further aid to the reader, the concepts espoused by the Council on the Development of Ministry in proposing these amendments has been appended as a Commentary to the 1991 Title III Revisions.

The comments to the 1991 revision to Title III in this Supplement are reported under the numbering of the 1979 Canons, as arranged in the main volumes of White & Dykman (1981), so as to attempt to minimize confusion while maintaining the 1981 Revision as an interpretive resource.

To assist the reader in using the 1981 Edition of "White & Dykman" as hereby supplemented (based upon the 1979 Canons) in conjunction with the 1985, 1988 and 1991 revisions of Title III, a Derivation and Distribution Table is included at the end of this Supplement.

1989 Editor's Note

The 1982 Convention directed the Standing Commission on Constitution and Canons to undertake a comprehensive review of

All references are to the 1979 Canons, except as otherwise indicated

Title III.⁸⁴ This directive led to a joint consultation between that Commission and the Council for the Development of Ministry (CDM). The CDM undertook to completely revise Title III, which revision might possibly include several items of changes in substance that were beyond the canonical authority of the Joint Commission on Constitution and Canons. Thus, CDM was the lead interim body, with Constitution and Canons providing guidance on canonical consistency and clarity.

In addition, efforts were made to eliminate archaic language and out dated references, as well as to begin the process of using sexually inclusive language.

In its Report to the 1985 Convention, CDM stated:

...[the CDM's] task was to clarify the practical realities already in place and in effect. The following issues were used as a basis for review:

- 1. Designing the Canons in a more logical order, in view of the Church's understanding of ministry and in light of the Book of Common Prayer.*
- 2. Clarifying language, for example not to use "minister" or "ministry" when reference is made to ordained persons alone; identifying order - bishop, priest or deacon - when specific reference is made.*
- 3. Whenever the term "member of the clergy" is used in these Canons, it shall be understood to refer to a person ordained or received as a bishop, priest or deacon as the Canons of this Church prescribe.*
- 4. In some cases the words "rector" and "parish" are used due to legal necessity under the corporate charters of the states in which the parish resides.*
- 5. It will be noted that III.12.5.(a) can be considered a substantial change. At present, a person already ordained by a bishop in historic succession must be received into a diocese as a deacon of this Church, and be such for four months, before being received as a priest. The new*

84. Journal, 1982, p. C-105.

All references are to the 1979 Canons, except as otherwise indicated

*Canon would "receive the person into this Church in the Order to which he has already been ordained by a Bishop in the historic succession..."*⁸⁵

The CDM presented its Report under Resolution A-113, which was overwhelmingly adopted⁸⁶ on a vote by orders in the House of Deputies, after spirited debate and criticism led by several diocesan chancellors who were concerned that the revision was incomplete and as such should be deferred until a final proposal was completed.

By its adoption of the CDM proposal, the General Convention indicated that an imperfect start towards revision was preferable to no start. However, the Convention directed a continuing review of Title III⁸⁷ and usage of language that is consistently sexually inclusive.⁸⁸

At the General Convention of 1988, the CDM proposed a sweeping revision of the ministry canons dealing with most questions of ministry other than the episcopacy. These canonical amendments were passed and constitute Canons 1 through 14 and 19 of the 1988 Canons.

Appended to this Supplement is the very thorough and helpful Commentary on the work of the CDM and the revised Canons, which was very graciously provided by The Reverend Canon Robert G. Tharp and to which the reader is respectfully directed.

The General Convention directed the CDM to continue its work with the revision of the balance of Title III, which will be presented to the General Convention of 1991 for consideration.

Given the reality that Title III will be further substantially revised by the General Convention in 1991, the Subcommittee of the Standing Commission on Constitution and Canons charged with the production of this Supplement determined to await the action of that Convention before attempting a full and integrated analysis of Title III as then revised.

85. Blue Book, 1985, pp. 188-189.

86. Journal, 1985, p. 487.

87. Journal, 1985, pp. 170-171.

88. Journal, 1985, p. 515.

All references are to the 1979 Canons, except as otherwise indicated

The comments to the 1985 revision to Title III in this Supplement reflect substantive amendments of note adopted in 1985, but are reported under the numbering of the 1979 Canons, as arranged in the main volumes of *White & Dykman* (1981), so as to attempt to minimize confusion while maintaining the 1981 Revision as an interpretive resource.

Numerous other amendments to Title III were adopted in 1985, which were not in the CDM proposal. These amendments were incorporated by virtue of the effect of new Title V.1.2, which became effective on enactment and prior to the adoption of the CDM proposal.⁸⁹

To assist the reader in using the 1981 Edition of *White & Dykman* as hereby supplemented (based upon the 1979 Canons) in conjunction with the 1985 and 1988 revisions of Title III, a Derivation and Distribution Table is included at the end of this Supplement.

**TITLE III, CANON 2 - Of Postulants for Holy Orders
(In 1985, Renumbered Title III, Canon 5)
(In 1988, Renumbered Title III, Canon 4)**

Sections 2, 3 and 4

Convention of 1985

Clauses 2(d), 3(a), 3(b) and 4(2) were each amended to delete the word *recommendation* and substitute therefor the word *evaluation*.⁹⁰

Exposition

This amendment was intended to reinforce the understanding that the role of the Commission on Ministry in the ordination process is to provide the Ordinary with evaluations upon which he will be moved to proceed. A Commission on Ministry does not have the canonical authority to cast a veto in the ordination process by virtue of a negative recommendation, a problem that had arisen in several dioceses.

89. Journal, 1985, p. 182.

90. Journal, 1985, pp. 575-576.

All references are to the 1979 Canons, except as otherwise indicated

**TITLE III, CANON 3 - Of Lay Eucharistic Ministers
(First adopted in 1985)**

The 1985 Convention enacted a new Canon 3 "*Of Lay Eucharistic Ministers*".⁹¹

Exposition

In 1982, a proposal to license lay persons to administer the Holy Communion to shut-in members of the congregation passed in the House of Bishops but was defeated in the House of Deputies on a vote by orders on the last legislative day of the New Orleans Convention. The results of the Ballot were as follows:⁹²

<i>Lay</i>	<i>Yes-58</i>	<i>No-30</i>	<i>Divided-15</i>
<i>Clerical</i>	<i>Yes-49</i>	<i>No-45</i>	<i>Divided-10</i>

During the debate numerous objections were raised relating to a lack of clarity, regulation and accountability in the House of Bishops' action.

The 1985 amendment combined both the prior canon pertaining to Lay Readers specially licensed to administer the chalice and the now authorized Lay Eucharistic ministry. The Canon makes it explicitly clear that the utilization in all respects *shall be established by the Ordinary of the Diocese*.

Convention of 1991

The following was added:

(c) *A Diocesan Bishop or the Ecclesiastical Authority may license duly certified Church Army Evangelists to exercise one or more of these ministries in accordance with the provision of this Canon.*⁹³

91. Journal, 1985, pp. 278-279.

92. Journal, 1982, pp. B-71-72, D-137, D-141.

93. Journal, 1991, p. 785.

All references are to the 1979 Canons, except as otherwise indicated

TITLE III, CANON 8 - Of Admission to Holy Orders in Special Cases

(In 1985, Renumbered Title III, Canon 11)

(In 1988, Renumbered Title III, Canon 9)

Section 2

Convention of 1985

To reflect the language of the 1979 Book of Common Prayer, former clause 2(b)(4) was amended by deleting *the Office of Instruction* and adding *An Outline of the Faith Commonly called the Catechism*.¹⁰²

TITLE III, CANON 9 - Of General Provisions Respecting Ordination

(In 1985 Renumbered Title III, Canon 8)

Section 1

Convention of 1982

The words *Postulants and* were added as Section 1 had not been changed to reflect the restoration in 1976 of postulancy as a requirement for ordination.¹⁰³

Section 2

Convention of 1985

Former Section 2 was deleted to eliminate the requirement that ordinations be held on the *Sundays following the Ember Weeks*, unless the Bishop appoint other times *for urgent reasons*.¹⁰⁴

102. Journal, 1985, p. 599-600.

103. Journal, 1982, pp. C-78-79.

104. Journal, 1985, pp. 487.

All references are to the 1979 Canons, except as otherwise indicated

TITLE III, CANON 10 - Of Ordination to the Diaconate
(in 1985 Renumbered Title III, Canon 9)
(in 1988 Renumbered Title III, Canon 6)

Section 5

Convention of 1985

Section 5(3) was amended by deleting the word *him* and adding the words *this person* to the form of certificate.¹⁰⁵

Section 5(4) was amended by deleting the words *hath* and *him* and substituting the words *has* and *A.B.*¹⁰⁶

Section 8

Convention of 1985

The 1985 Convention amended the form of certificate to reflect the 1979 Book of Common Prayer by removing archaic language and making it sexually inclusive. (e.g. III.10.5, *supra*)¹⁰⁷

Section 10

Convention of 1982

Section 10(a) was amended to include references to Postulants to correct the omission of the same upon the reintroduction of Postulancy in 1976; and to correct erroneous canonical citations in clauses 10(a)(2) and (3).¹⁰⁸

Convention of 1985

The words *Persons who are confirmed adult* were added to Section 10(a).¹⁰⁹

[See Exposition to Title I, Canon 2, Section 5]

105. Journal, 1985, p. 261.

106. Journal, 1985, p. 261.

107. Journal, 1985, pp. 261-262.

108. Journal, 1982, pp. C-80-81.

109. Journal, 1985, p. 241.

All references are to the 1979 Canons, except as otherwise indicated

**TITLE III, CANON 11 - Of Ordination to the Priesthood
(In 1985 Renumbered Title III, Canon 7)**

Section 7

Convention of 1985

The form certificate required by this section was amended to delete archaic language and make it sexually inclusive.¹¹⁰

Section 9

Convention of 1982

In 1982, this section was amended to reword the last clause to read as follows:

*... or with some other opportunity for the exercise of the office of Priest judged appropriate by the Bishop.*¹¹¹

Exposition

This amendment recognizes that flexibility is need today in the requirement that a new priest have a "cure", since clergy, especially in nonstipendiary ministries, may not be ordained to traditional situations for priests. Further, it avoids the fiction that may result if nonstipendiary clergy are appointed to parochial cures merely to fulfill the "threshold" provisions of the Canon. It continues to be incumbent upon the bishop to judge whether or not the deacon will have sufficient opportunity for the exercise of the office of priest, which is the primary concern.¹¹²

Section 10

Convention of 1982

Section 10(c) was amended by the addition of the words *pursuant to Title III, Canon 11, Sec. 9.*¹¹³

110. Journal, 1985, p. 262.

111. Journal, 1982, p. C-83.

112. Blue Book, 1982, p. 196.

113. Journal, 1982, p. C-82.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

This amendment is intended to make clear the fact that III.11.9. is equally applicable to nonstipendiary Deacons ordained under this section. Ordination to the Priesthood is but to one Priesthood, which has no gradations or categories.

TITLE III, CANON 12 - Of Ministers Ordained in Churches Not in Communion with this Church

(In 1985 Renumbered Title III, Canon 13)

(In 1988 Renumbered Title III, Canon 10)

Section 5

Convention of 1985

Section 5(b) was amended to revise the Preface to the service of the reception of a Deacon or Priest ordained in Churches in communion with this Church.¹¹⁴ Further, the precatory recitations in the letters of reception were amended.¹¹⁵

This Convention also amended Section 5(c) as to the mandatory preface to the conditional ordination service.¹¹⁶

TITLE III, CANON 14 - Of the Ordination and Consecration of Bishops

(In 1985 Renumbered Title III, Canon 21)

(In 1991 Renumbered Title III, Canon 22)

Section 1

Convention of 1982

The Testimonial required by Section 1(a) was amended by deleting language deemed to be archaic. Further, the first full paragraph following the Testimonial was deleted and replaced by the following:

The Secretary of such Convention shall certify upon this testimonial that it has been signed by a constitutional majority thereof. There shall also be forwarded with the testimonial and other documents, certificates from

114. Journal, 1985, p. 249.

115. Journal, 1985, p. 249.

116. Journal, 1985, p. 603.

All references are to the 1979 Canons, except as otherwise indicated

*two recognized and licensed professionals, appointed by the Ecclesiastical Authority of the Diocese with the approval of the Presiding Bishop, that they have thoroughly examined the Bishop-elect as to such person's physical and mental conditions and have not discovered any reason why it would not be wise for such person to undertake the work for which such person has been chosen. The forms for medical and psychiatric reports prepared by The Church Pension Fund shall be used for this purpose.*¹¹⁷

Section 1(c) was also revised to simplify the documents sent by the Secretary of the Convention of the electing Diocese to the several Standing Committees now relying upon that Secretary's statement of compliance; to conform internal references to Section 1(a); and to delete language deemed to be archaic.¹¹⁸

Exposition

This amendment brought current practice into conformity with similar mental and physical certificates and examinations required throughout the Canons.

Convention of 1985

The 1985 Convention amended the testimonial required by Section 1(a) to make it sexually inclusive.¹¹⁹

Convention of 1991

Section 1(c) was amended by the deletion of the word *immediately* and the addition of *except as provided in Sec. 5 of this Canon promptly*.¹²⁰

117. Journal, 1982, pp. C-79-80.

118. Journal, 1982, pp. C-32-33.

119. Journal, 1985, pp. 250-251.

120. Journal, 1991, p. 797.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

This amendment was required to conform to the provisions of the new Section 5, which provides for review of any alleged irregularities in an episcopal election.

Section 2

Convention of 1982

Section 2(d) was amended by the addition of the following:

...Provided, if it is certified to the Ecclesiastical Authority of a Diocese by three competent physicians selected by that Authority that the Bishop Coadjutor in such Diocese is permanently unable, by reason of physical or mental condition, to carry out the duties as Bishop Coadjutor, the Ecclesiastical Authority, upon advice of three Bishops of three neighboring Dioceses, may declare that the right of succession of such Bishop Coadjutor is terminated and in such event a new Bishop Coadjutor may be elected for such Diocese as provided in paragraph (a) of this Sec. 2.¹²¹

Exposition

Canon III.14.2.(a) makes provision for the election of a bishop coadjutor in a case where the bishop of the diocese is unable, by reason of age or other permanent cause of infirmity, fully to discharge the duties of his office. There is, however, no comparable provision relating to the disability of a bishop coadjutor. Without such provision, a diocese may find itself with a bishop coadjutor under disability with no way to remedy the situation by terminating his right of succession and providing for the election of a new bishop coadjutor.

121. Journal, 1982, pp. C-34-35.

All references are to the 1979 Canons, except as otherwise indicated

Section 5.

Convention of 1991

A new Section 5 was added as follows:

Sec. 5 (a). Within ten days after the election of a bishop, a Bishop Coadjutor or a Suffragan Bishop by a Diocesan Convention, delegates constituting not less than 10% of the number of delegates casting votes on the final ballot may file with the Secretary of the Convention written objections to the election process setting forth in detail all alleged irregularities. Within ten days after receipt thereof, the Secretary of the Convention shall forward copies of the same to the Bishop, the Chancellor and Standing Committee of the Diocese, and to the Presiding bishop, who shall request the Court of Review of the Province in which the Diocese is located to investigate the complaint. The Court of Review may invite response by the Bishop, the Chancellor, the Standing committee and any other persons with the electing Diocese. Within thirty days after receipt of the request, the Court of Review shall send a written Report of its findings to the Presiding Bishop, a copy of which report the Presiding Bishop, within fifteen days, shall cause to be sent to the Bishop, Chancellor, the Standing Committee and the Secretary of the electing Diocese.

(b). If such election shall have taken place within three months before a meeting of the General Convention, the Report shall be sent with the evidence of election and testimonials as provided in Section 1(a) of this canon.

(c). If such election shall have taken place more that three months before the meeting of the General Convention, the report of the Court of review shall be sent to the Standing committees of the several Dioceses, with the Certificate of the Secretary of the electing Convention relating to consent to consecrate. Likewise, the Presiding Bishop shall include such Report in the communication to the Bishops having jurisdiction. The Secretary also shall send a copy of the report to each of the delegates who filed objection to the election process.¹²²

122. Journal, 1991, p. 785.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

This amendment was proposed by the Standing Commission on the Structure of the Church to establish a procedure for dealing with alleged irregularities in episcopal election processes.¹²³

TITLE III, CANON 20 - Of the Reconciliation of Disagreements Affecting the Pastoral Relation (First Adopted in 1991)

Convention of 1991

The 1991 General Convention adopted a new Canon 19 as follows:

*When the pastoral relationship in a parish between a Rector and the Vestry or congregation is imperiled by disagreement or dissension, and the issues are deemed serious by a majority vote of the Vestry or by the Rector, either party may petition the Ecclesiastical Authority, in writing, to intervene and assist the parties in their efforts to resolve the disagreement. The Ecclesiastical Authority shall initiate such proceedings as are deemed appropriate under the circumstances for that purpose by the Ecclesiastical Authority, which may include the appointment of a consultant. The parties to the disagreement, following the recommendations of the Ecclesiastical Authority, shall labor in good faith so that the parties may be reconciled. Whenever the Standing Committee is the Ecclesiastical Authority, it shall request the Bishop of a neighboring Diocese to perform the duties of the Ecclesiastical Authority under this Canon.*¹²⁴

Exposition

This addition to the Canons was proposed through NNECA (National Network of Episcopal Clergy Associations) to attempt to stimulate and encourage active episcopal pastoral intervention in parishes where there was some disagreement or dissension, which might imperil the pastoral relation, well before the matters escalate to a petition for a canonical Dissolution of the Pastoral Relationship.

123. Blue Book, 1991, p. 487.

124. Journal, 1991, p. 797.

All references are to the 1979 Canons, except as otherwise indicated

The language of the Canon approximates that of Canon I.19, concerning the efforts to preserve a marriage.

**TITLE III, CANON 20 - Of Assistant Bishops
(In 1985 Renumbered Title III, Canon 24)
(In 1991 Renumbered Title III, Canon 25)**

Section 2

Convention of 1982

Section 2(c) was amended to read as follows:

(c) Bishops of a Church in communion with this Church, in good standing therein, if they:

- 1. have previously resigned their former responsibilities;*
- 2. have exhibited satisfactory evidence of moral and godly character and theological requirements; and*
- 3. shall have promised in writing submitted to the Bishop making the appointment to submit in all things to the Doctrine, Discipline and Worship of this Church, and also shall have submitted to and satisfactorily passed a thorough examination covering both physical and mental condition by recognized and licensed professionals appointed by the Presiding Bishop. The forms of medical and psychiatric reports prepared by The Church Pension Fund shall be used for these purposes.¹²⁵*

Exposition

This amendment clarifies who may be appointed as an Assistant Bishop; adds specifications for eligibility for bishops of another Church in communion with this Church; and adopts the standard examination procedures required throughout the Canons.

Section 2 was also amended by the addition of a new clause (d) as follows:

(d) Provided, that before the appointment of an Assistant Bishop in a Diocese under the provisions of subparagraphs b or c, who is not

125. Journal, 1982, pp. C-35-36.

All references are to the 1979 Canons, except as otherwise indicated

*otherwise a member of the House of Bishops, the consent of the House of Bishops or, if such appointment is to be made more than three months prior to a meeting of the House of Bishops, the consent of a majority of the Bishops having jurisdiction, is essential and must be obtained.*¹²⁶

Exposition

This added provision deals with the appointment of Assistant Bishops who are not otherwise members of the House of Bishops. Previously, Bishops of a Church in communion with this Church could be appointed as Assistant Bishops without any participation of the House of Bishops. With the amendment of the Constitution to grant seat and vote in the House of Bishops to Assistant Bishops, this amendment becomes quite relevant and appropriate.

TITLE III, CANON 21 - Of Ministers and Their Duties (In 1985 renumbered Title III, Canon 15) (In 1988 renumbered Title III, Canon 14)

Section 1

Convention of 1982

Section 1 was amended to read as follows:

Sec. 1(a). The control of the worship, and the spiritual jurisdiction of the Parish, are vested in the Rector, subject to the Rubrics of the Book of Common Prayer, the Canons of the Church, and the godly counsel of the Bishop.

(b). All assistant Ministers of the Parish, by whatever name they may be designated, shall be selected by the Rector, subject to the approval of the Vestry where required by Diocesan Canons, and shall serve under the authority and direction of the Rector. Prior to the selection of any assistant Minister, the name of the member of the clergy proposed for selection shall be made known to the Bishop and sufficient time, not exceeding thirty days, shall be given for the Bishop to communicate with the Rector and Vestry on such selection. Any assistant Minister selected shall serve at the discretion of the Rector but may not serve beyond the period of service of the Rector except that, pending the call of a new Rector, such assistant Minister may continue in the service of the Parish

126. Journal, 1982, pp. C-81-82.

All references are to the 1979 Canons, except as otherwise indicated

if requested to do so by the Vestry of the Parish and under such conditions as the Bishop and Vestry shall determine.

(c). For the purposes of his office and for the full and free discharge of all functions and duties pertaining thereto, the Rector shall, at all times, be entitled to the use and control of the Church and Parish buildings with the appurtenances and furniture thereof.

(d). In a Missionary Cure the control and responsibility belong to the Priest who has been duly appointed to the charge thereof, subject to the authority of the Bishop.¹²⁷

Exposition

This amendment was intended to further clarify both the relationship of assistant Ministers to the Parish and Rector and to establish a termination of service, subject to further service under conditions established by the Vestry and Bishop. The latter provision was intended both to avoid saddling a successor Rector with an assistant Minister in place and to avoid imposing privations upon the assistant Minister appointed by a predecessor upon the appointing Rector's departure.¹²⁸

Section 2

Convention of 1985

The words *An Outline of the Faith Commonly Called the* were added before the word *Catechism* in Section 2(a).¹²⁹

[See Exposition to Title III, Canon 5, Section 2]

127. Journal, 1982, p. C-77.

128. Blue Book, 1982, pp. 16-17.

129. Journal, 1985, p. 599.

All references are to the 1979 Canons, except as otherwise indicated

Section 4

Convention of 1982

Section 4(a) was amended to read as follows:

Sec. 4(a). A Deacon or Presbyter of this Church desiring to enter into other than ecclesiastical employment, or one ordained pursuant to Title III.10.10 or Title III.11.10 desiring to resign from the exercise of the office to which he was ordained, without renouncing or being released from the office itself, shall make his desire known to the Bishop or the Ecclesiastical Authority of the Diocese in which he is canonically resident. The Bishop, with the advice and consent of the Standing Committee, after satisfying himself and them that the applicant will have, and use, opportunities for the exercise of the office to which he was ordained, may give his approval on the following condition: the Minister shall report annually, in writing, in a manner prescribed by the Bishop, his occasional services, as provided in Canon I.5.Sec.1.¹³⁰

Exposition

This amendment: (1) adds nonstipendiary deacons and priests to those who are required to substantiate the opportunities for the exercise of the ordained offices following their entry into or ordination while in other than ecclesiastical employment; (2) deletes a reference to *relinquishing* (which has no canonical significance); (3) adds the existing concept of renunciation and a new reference to release; (4) establishes as the test for the requested approval the commission conferred at ordination; and (5) requires the report mandated by Canon I.5.1.¹³¹

Convention of 1982

Clause (c) was amended as follows:

1. Any such Presbyter or Deacon removing to another jurisdiction, shall present himself to the Bishop of the jurisdiction within two months of his arrival in the jurisdiction.

130. Journal, 1982, p. C-83.

131. Blue Book, 1982, p. 196.

All references are to the 1979 Canons, except as otherwise indicated

2. *Such Presbyter or Deacon shall fulfill the following conditions:*
 - A. *He shall officiate or preach in that jurisdiction only under the terms of Sec. 7 of this Canon.*
 - B. *He shall in writing notify the Bishop of the Diocese of his canonical residence, within sixty days of his removal.*
 - C. *He shall also forward a copy of the report required by Title I, Canon 5, Sec. 1 to the Ecclesiastical Authority to whose jurisdiction he has removed.*
 - D. *The Bishop from whose jurisdiction he has removed shall notify in writing the Bishop to whose jurisdiction he has moved, upon receipt of the notice of such removal.*

If the Presbyter or Deacon fails to comply with these conditions, the Bishop of the Diocese of his canonical residence may, upon sixty days' written notice, transfer the Presbyter or Deacon to the Special List of the Secretary of the House of Bishops.¹³²

Exposition

The amendments to this Canon are intended to see that Presbyters or Deacons, having applied to the Bishop under III.21.4(a), to leave ecclesiastical employment without renouncing the ministry, actually exercise their offices. Further, the planned communications are intended to provide clergy with ongoing pastoral, not merely administrative, oversight.

No formal pastoral oversight is changed or canonical residence established upon the removal to a new jurisdiction, but an opportunity is presented for all concerned to establish some appropriate pastoral responsibilities.¹³³

Convention of 1982

The Convention amended Section 4(d) by deleting clause 4(d)(3) and adding the following clauses:

(e). Presbyters or Deacons in other than ecclesiastical employment, whether ordained under Title III, Canon 5 or Title III, Canons 8, 10 or

132. Journal, 1982, p. C-84.

133. Blue Book, 1982, p. 197.

All references are to the 1979 Canons, except as otherwise indicated

11, or whether entering other than ecclesiastical employment without renouncing or being released from the exercise of their office, shall demonstrate to the Bishop of the Diocese in which they are canonically resident that they have and will continue to use reasonable opportunities for the exercise of the office to which they have been ordained.

(f). Any Presbyter or Deacon of this Church not under presentment and who would be permitted under Title IV, Canon 8, Sec. 1 to renounce the exercise of his office, who desires to enter into other than ecclesiastical employment, may declare in writing to the Ecclesiastical Authority of the Diocese in which he is canonically resident his desire to be released from the obligations of the office to which he was ordained. A Bishop receiving such a declaration shall proceed in the same manner as if the declaration were one of renunciation.¹³⁴

Exposition

Under the prior Canon, a Presbyter or Deacon could voluntarily go on the Presiding Bishop's List, which essentially allowed the member of the clergy to "back out" of the ordained ministry with no oversight. This provision has been deleted.

New Section 4(e) intends to require a Presbyter or Deacon to either exercise the office to which ordained or consider renunciation or release.

New Section 4(f) adds a new concept of release from the exercise of office without a renunciation under Title IV. Thus, a crisis in vocation may be dealt with under this Canon as an administrative decision rather than as a disciplinary matter.¹³⁵

Section 6

Convention of 1985

The form of testimonial in Section 6(a) was amended to make it sexually inclusive.¹³⁶

134. Journal, 1982, p. C-85.

135. Blue Book, 1982, p. 198.

136. Journal, 1985, pp. 262-263.

All references are to the 1979 Canons, except as otherwise indicated

Section 8

Convention of 1982

Section 8(a) was amended by the deletion of the word *Protestant* from the title of the Church and to capitalize the word *The*, which brings the Canon into conformity with the *Preamble* of the Constitution.¹³⁷

Section 9

Convention of 1982

The Convention added Federal Correctional Institutions to Chaplaincies and corrected the title of the Office of the Suffragan for the Armed Forces in Section 9(a).¹³⁸

TITLE III, CANON 26 - Of Lay Readers
(In 1985 Renumbered Title III, Canon 2)
(In 1988 Renumbered Title III, Canon 3 and
renamed Of Licensed Lay Persons)

Section 1

Convention of 1982

A new Section 1 was added as follows:

*Sec. 1. An ordained Minister in charge of a Congregation may in his discretion appoint competent Lay Persons to read such portions of the service of public worship as the Book of Common Prayer and these Canons allow.*¹³⁹

Subsequent sections were renumbered.

In addition, new Section 6, was amended to provide for a maximum term of three years for a Lay Reader's license.¹⁴⁰

137. Journal, 1982, pp. C-38-39.

138. Journal, 1985, pp. 540-541.

139. Journal, 1982, p. C-106.

140. Journal, 1982, pp. C-105-106.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

The new Section 1 is intended to make it clear that lay lectors need not be licensed as Lay Readers.

Convention of 1985

The 1985 Convention repealed Canon 26 and substituted a new Canon *Of Lay Readers, Lay Preachers, and Catechists*.¹⁴¹

Exposition

The Standing Liturgical Commission submitted a lengthy revision of this Canon in its Report to General Convention.¹⁴² It was the Commission's intention to clarify the various ministries of lectors, Lay Readers, Lay Readers with pastoral or administrative oversight, lay ministers of communion, catechists and lay preachers.

The 1985 Canon was a shortened substitute for the Standing Liturgical Commission proposal.

Convention of 1991

The General Convention added a new clause (c) as follows:

*A Diocesan Bishop or the Ecclesiastical authority may license duly certified Church Army Evangelists to exercise one or more of these ministries in accordance with the provisions of this Canon.*¹⁴³

Section 3

Convention of 1985

To reflect the language of the 1979 Book of Common Prayer, clause 3(d) was amended by deleting *Offices of Instruction* and adding *An Outline of the Faith Commonly called the Catechism*.¹⁴⁴

141. Journal, 1985, pp. 584-584.

142. Blue Book, 1985, pp. 159-161.

143. Journal, 1991, p. 785.

144. Journal, 1985, pp. 599-600.

All references are to the 1979 Canons, except as otherwise indicated

TITLE III, CANON 27 - Of Religious Communities
(In 1985 Renumbered Title III, Canon 28)
(In 1991 Renumbered Title III, Canon 29)

Convention of 1982

This Convention repealed the previous Canon and adopted a substantially revised Canon 27 *Of Religious Orders and Other Christian Communities*.¹⁴⁵

Exposition

The new provisions expand the Canon to include and provide for communities whose rule does not follow the traditional three-fold vow and to provide several aspects of due process and oversight.

TITLE III, CANON 29 - Of Lay Ministries
(In 1985 Renumbered Title III, Canon 1, Section 3)
(In 1988 Renumbered Title III, Canon 2)

Convention of 1982

This Canon was amended to read as follows:

*The Church in each Diocese shall make provision for the development, training, utilization, and affirmation of Lay Ministries. This may include identification of gifts, skills training, theological education and spiritual formation. Each Diocese shall assign responsibility for the implementation of this Canon to the Commission on Ministry or to such other committee or other agency as it shall deem fitting.*¹⁴⁶

Convention of 1991

Section 3 was deleted and a new Section 3 was added as follows:

Sec. 3. The Bishop and Commission shall actively solicit from the clergy and laity of parishes, college and university campus ministry centers, and other communities of faith, nominations of persons whose demonstrated qualities of Christian commitment, leadership and vision, and

145. Journal, 1982, pp. C-91-92.

146. Journal, 1982, pp. C-107-108.

All references are to the 1979 Canons, except as otherwise indicated

*responsiveness to the needs, concerns and hopes of the world mark them as desirable candidates for positions of leadership in the Church. The Commission shall invite such nominees to engage in a process of discernment appropriate to the cultural background of the nominees by which to ascertain the type of leadership, lay or ordained, to which they may be called. When this discernment process has been completed, the Commission shall commend to the agencies with their procedures as established under (c) and (e) above those whose vocation is to lay ministry, and shall present to the Bishop those whom it wishes to support as Postulants for ordination to the diaconate or priesthood, and who have indicated their willingness to be nominated.*¹⁴⁷

TITLE III, CANON 30 - Of a Board for Church Deployment
(In 1982 this new Canon was adopted)
(In 1985, renumbered Title III, Canon 31)
(In 1991, renumbered Title III, Canon 32)

Convention of 1982

Acting upon a proposal of the Joint Commission on The Structure of The Church¹⁴⁸, the Convention adopted a new Canon 8, *Of a Board for Church Deployment*.¹⁴⁹

Convention of 1991

In 1991 the membership categories were revised to raise the number of Bishops to four, the number of Presbyters and Deacons to four and to decrease the number of Lay Persons to four.¹⁵⁰

Exposition

The Board for Church Deployment concluded that it could better discharge its canonical responsibilities if its membership reflected a more balanced representation of its constituencies.¹⁵¹

147. Journal, 1991, p. 825.

148. Blue Book, 1982, pp. 345-346.

149. Journal, 1982, pp. C-87-88.

150. Journal, 1991, p. 825.

151. Blue Book, 1991, p. 31.

All references are to the 1979 Canons, except as otherwise indicated

TITLE IV ECCLESIASTICAL DISCIPLINE

TITLE IV, CANON 1 - Of Offenses for which Bishops, Presbyters, or Deacons May Be Tried

Section 2

Convention of 1982

The former section was repealed and replaced by the following:

If a presentment against a Presbyter or Deacon alleges an act or acts which involve a violation of ordination vows and specifies as the act that the Presbyter or Deacon has disobeyed or disregarded a pastoral direction of the Bishop having authority over such person, the presentment or charge must be made by the Bishop giving the pastoral direction and shall set out the pastoral direction alleged to have been disregarded or disobeyed and wherein the disregard or failure to obey constitutes a violation of ordination vows. Unless the presentment complies with the foregoing provisions no finding or judgment of guilt may be made of the offense specified in Section 1(6) on the basis of an act of disregarding a pastoral direction of or failing to obey the Bishop having authority over such person.

In order for the disregard or disobedience of a pastoral direction to constitute a violation of ordination vows the pastoral direction must have been a solemn warning to the Presbyter or Deacon; it must have been in writing and set forth clearly the reasons for the pastoral direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Presbyter or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan; and it must have been directed to some matter which concerns the Doctrine, Discipline or Worship of this Church or the manner of life and behavior of the Presbyter or Deacon concerned. Upon trial under any such presentment the question of whether the disregard or disobedience of the pastoral direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered. The term "pastoral direction" shall be deemed to include, without limitation, "godly admonition."¹⁵²

152. Journal, 1982, p. C-34.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

One of the offenses for which a bishop, presbyter, or deacon of this Church is liable for presentment and trial under IV.1. is any act which involves a violation of ordination vows. Experience born of ecclesiastical litigation following the pre-1976 allegedly irregular ordination of women in Philadelphia disclosed a need to have a clearer specification of this offense, where it is based upon disregard or disobedience of a pastoral direction of a bishop. This amendment was intended not only to provide added protection of the accused but also to make the administration of ecclesiastical justice more orderly and uniform throughout the Church.¹⁵³

TITLE IV, CANON 3 - Of Courts, Their Membership and Procedure

Section 3

Convention of 1985

This section was amended to require that the lay members of the Court of Review be confirmed adult communicants in good standing.¹⁵⁴

[See Exposition to Title I, Canon 2, Section 5]

REPORT TO THE 1982 GENERAL CONVENTION THE STANDING COMMISSION ON CONSTITUTION AND CANONS

Commentary

The Standing Commission on Constitution and Canons *inter alia* was directed [by the 1979 General Convention] by concurrent Resolution D-32¹⁵⁵ to study the advisability of (b) a National Court of Review to hear appeals from presbyters and deacons from trials by ecclesiastical courts of the dioceses, (c) some uniform system of review (if requested) of the sentences by ecclesiastical authorities where there were no

153. Blue Book, 1982, pp. 24-25.

154. Journal, 1985, pp. 513-514.

155. Journal, 1979, pp. 130-140.

All references are to the 1979 Canons, except as otherwise indicated

trials, and (d) some means of providing bishops, presbyters and deacons with the necessary charges and expenses of their appeals and reviews.

The direction for this report arose out of questions of the advisability of substituting for the several Provincial Courts of Review a single National Court of Review to hear appeals by presbyters and deacons from trials by ecclesiastical courts of the dioceses; and the advisability of instituting procedures whereby a presbyter or deacon, voluntarily or involuntarily suspended, removed or deposed by the ecclesiastical authority without trial, could receive a review of his sentence or the action taken on his application for remission of such sentence; and the advisability of providing bishops, presbyters and deacons with the necessary charges and expenses of their appeals and reviews.

(1) A National Court of Review:

Pursuant to Article IX of the Constitution:

"The General Convention, in like manner, may establish or may provide for the establishment of Courts of Review of the determination of diocesan or other trial Courts".

This Article has been implemented by Canon IV.3.2.-13., which essentially provides for the determination and hearing of appeals from decisions of trial courts in dioceses on trials of presbyters or deacons by a Provincial Court of Review.

The question of the establishment of a National Court of Review has been raised often and considered extensively by the General Conventions of this Church (c.f. *Annotated Constitutions and Canons*, White & Dykman; Vol. I, pp. 108-120, and Vol. II, pp. 309-317).

In short, the primary argument in favor of such a National Court is to provide uniformity in interpretation through the Church, so that the same question of doctrine cannot be decided in as many ways as there are Provincial Courts of Review.

All references are to the 1979 Canons, except as otherwise indicated

This proposition has consistently been rejected by the General Conventions of the Church.

The theoretical argument is answered on pragmatic and expedient grounds, and on the ground that ample protection for the clergy for due process and appellate review of trial convictions already exists.

In light of the few instances of trial court convictions and infrequency of appellate reviews, the establishment of a National Court of Review would entail the expenditure of personnel and fiscal resources for a theoretical problem of inconsistent interpretation. This theoretical problem has not appeared to have arisen substantially since the 1904 enactment of the Canon establishing the Provincial Courts of Review.

As to the question of denial of due process to presbyters and deacons, it must be stated that, if convicted by a trial court, the accused has an absolute right of appeal to a previously constituted Provincial Court of Review (IV.3.6.). Only upon questions of the Church's doctrine, faith or worship, and only upon the written request of at least two bishops of other jurisdictions within the province may an appeal from the acquittal of the accused be taken.

Thus, no presbyter or deacon need face an appeal from an acquittal except on this limited ground.

The other offenses for which presentment and trial arise (IV.1.1(1),(3)-(8)) primarily require determinations of fact (which is the jurisdiction of a trial court) and the application of the formularies of the corpus of the law of the Church.

Should inconsistencies in the interpretation of the doctrine, faith and worship of the Church arise so as to concern the General Convention, Article IX of the Constitution provides:

"The General Convention, in like manner, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith or Worship."

All references are to the 1979 Canons, except as otherwise indicated

As the General Convention meets not less than once in each three years, it is highly unlikely that conflicting determinations could arise from trial courts and in the appellate system in a three-year period so as to cause such confusion or uncertainty as to interpretations of doctrine, faith or worship.

(2) Review of Sentences Imposed Without Trial:

The question posed to the Commission requires clarification:

(a) There is no involuntary removal, as removal is a sentence imposed where there has been a voluntary renunciation (IV.12.1).

(b) There is no voluntary suspension as suspension is either a sentence after trial (IV.12.1) or after a waiver and submission is entered by the accused.

(c) There is no voluntary deposition as deposition is imposed either

(i) as a sentence after trial; or (ii) where a waiver and submission is entered by the accused; or (iii) where there has been a renunciation in cases of misconduct or irregularity on the part of the minister; or

(d) in a case of abandonment of the communion of this Church. (IV.12.1)

Accordingly, there only appear to be three instances where a sentence of deposition may be imposed without a trial:

(a) Where a minister has absented himself from the diocese or abandoned the work of the ministry (IV.11.2(d));

(b) Where a minister has renounced or where there may be questions of misconduct or irregularity (IV.8.1); or

All references are to the 1979 Canons, except as otherwise indicated

(c) Where a minister has abandoned the communion of this Church (IV.10.2).

In the first instance, a trial is highly improbable as a minister whose whereabouts are unknown or who has failed to file reports for ten years is not likely to be located or presented for trial.

In the second instance, the bishop may only proceed to depose with the consent of the Standing Committee; thus, there is a duly constituted body to consider independently whether or not there is a question of misconduct or irregularity. Further, a renouncing minister facing deposition, as opposed to removal, could arrange for a presentment to insure trial by a diocesan trial court, thus avoiding deposition, until conviction by a trial court, for causes affecting moral character.

As to the third instance, an adversarial system of law supposes that each side cares about the outcome of the controversy.

The abandonment of communion proceeding is commenced by a majority of the Standing Committee with a certification and statement of the acts and declarations of abandonment.

After notice, the minister has six months within which to retract the alleged acts or declare the alleged facts to be false. [Note: Notice shall be served personally or by registered mail, addressed to or left at the last known place of residence or abode, respectively. (IV.2.3.)]

Such retractions or declaration would appear to terminate the proceeding. In the event that this not be done in good faith, presentment could be considered for canonical offenses.

This administrative procedure attempts to balance the opportunity for the minister to protect his interests against the integrity of the corporate body. If a trial were a requirement of the Canons in abandonment cases, the Church would be in the odd position of providing a forum within which one having no concern for the well being of the Church

All references are to the 1979 Canons, except as otherwise indicated

could use the forbearance and good will of the Church in an attempt to discredit the Church.

An appellate review of an uncontested deposition would appear to be meaningless.

As to a review of remissions of sentences, such remissions require the advice and consent of two-thirds of all members of the Standing Committee after a suspension; or in cases of removal or deposition, with the advice and consent of two-thirds of all of the members of the Standing Committee *and* with the approval from at least four of five bishops whose dioceses are nearest. This is a substantial and balanced review procedure prior to remission.

(3) Provision for Expenses of Appeals:

The Commission is not aware of any instance where the expense of the appeal of a trial court conviction has either been a personal burden to the appellant or a barrier to an appeal.

The President of the Court of Review may dispense with the printing of the record (IV.3.9.), thus relieving the individual appellant of this expense. The Court could order a record of the trial within its discretion and at its expense (IV.3.24).

As to the other legal expenses of the appellant (which could be the ecclesiastical authority in matters of doctrine, faith or worship), each party in interest shall bear the respective expenses.

Recommendations:

The Standing Commission on Constitution and Canons recommends to the 67th General Convention that:

(1) It is inadvisable to substitute for Provincial Courts of Review a National Court of Review to hear appeals from presbyters and deacons from trials by ecclesiastical courts of the dioceses;

All references are to the 1979 Canons, except as otherwise indicated

(2) It is inadvisable to institute any further systems of review of sentences of presbyters and deacons and actions taken on application for remission of such sentences where there are no trials; and

(3) That the Commission does not favor an action of the General Convention of assuring the expenses of bishops, presbyters and deacons with the necessary charges and expenses of their appeals and reviews.¹⁵⁶

Section 4

Convention of 1982

Section 4 was amended to insert the words *once during the period between General Conventions and the time and* and deleted the words *at its first meeting after the regular meeting of the General Convention* so as to provide some flexibility in the timing of the election of the members of the Provincial Courts of Review.¹⁵⁷

Section 24

Convention of 1991

Section 24 was amended to read as follows:

*The necessary charges and expenses of the Court of Review of the Trial of a Presbyter or Deacon, including the reasonable and necessary out-of-pocket disbursements and expenses of the Lay Assessors and the Church Advocate, but not the legal fees of the Church Advocate, if any, shall be a charge upon the Province and shall be paid by the Treasurer of the Synod of such Province upon the order of the President of the Synod. Any legal fees of the Church Advocate shall be the responsibility of the Diocese in which the trial was held. Similar charges in the case of the Trial of a Bishop, and of the Courts of Review of the Trial of a Bishop, shall be paid by the Treasurer of the General Convention upon the order of the President of such Courts.*¹⁵⁸

156. Blue Book, 1982, pp. 17-20.

157. Journal, 1982, pp. C-39-40.

158. Journal, 1991, p. 307.

All references are to the 1979 Canons, except as otherwise indicated

Exposition

This amendment was adopted to make clear the fact that the Synod is not responsible for the payment of any fees for legal services rendered by a Church Advocate to the Provincial Court of Review. Such legal fees are solely the responsibility of the Diocese in which the trial was held.

TITLE IV, CANON 4 - Of Presentments

Section 2

Convention of 1991

Section 2 was amended by deleting the requirement of the consent of *two-thirds* of the Bishops entitled to vote in the House of Bishops and substituted therefor *one-fourth*.¹⁵⁹

Exposition

The General Convention adopted this amendment as a recognition that it would be next to impossible to obtain the consents of two-thirds of the bishops qualified to vote in the House of Bishops to a trial of a bishop on "heresy" grounds. The reduction of this requirement to one-fourth of such Bishops makes it possible for such a trial to move forward on the basis that a sufficient number of bishops of this Church had probable cause to believe that such an offense had been committed. Further, obtaining the consent of two-thirds of such Bishops is not only difficult but also might be so overwhelming and compelling as to have a serious effect on the outcome of the trial.

Section 3

Convention of 1985

This section was amended by the addition of the word *confirmed* some stylistic changes and the use of sexually inclusive language.¹⁶⁰

159. Journal, 1991, p. 777.

160. Journal, 1985, p. 514.

All references are to the 1979 Canons, except as otherwise indicated

Section 6

Convention of 1985

The words *confirmed adult* were added.¹⁶¹

[See Exposition to Title III, Canon 5, Section 2]

TITLE IV, CANON 5 - Of the Trial of a Bishop

Section 3

Convention of 1982

The section was amended to revise the name of this Church to conform to the *Preamble* to the Constitution.¹⁶²

TITLE IV, CANON - 10 Of the Abandonment of the Communion of this Church by a Presbyter or a Deacon

Section 1

Convention of 1985

The Convention substantially expanded and revised this Canon to read as follows:

Sec. 1. If it is reported to the Standing Committee of the Diocese in which a Presbyter or Deacon is canonically resident that such Presbyter or Deacon, without availing himself of the provisions of Canon IV.8, has abandoned the Communion of this Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of its members that such Presbyter or Deacon has abandoned the Communion of this Church by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or by a formal admission into any religious body not in communion with the same, or in any other way, it shall be the duty of the Standing Committee of such Diocese to transmit in writing to the Bishop of such Diocese, or if there be no such Bishop, to the Bishop of an adjacent Diocese, its determination, together with a statement setting out in reasonable detail the acts or declarations relied upon in making its determination. If the Bishop affirms such

161. Journal, 1985, p. 514.

162. Journal, 1982, pp. C-38-39.

All references are to the 1979 Canons, except as otherwise indicated

determination, the Bishop shall then inhibit the Presbyter or Deacon from officiating in the Diocese for six months and shall send to such Presbyter or Deacon a copy of such determination and statement, together with a notice that such Presbyter or Deacon has the rights specified in Section 2, and that at the end of the six-months period, the Bishop will consider deposing such Presbyter or Deacon in accordance with the provisions of Section 2.

Sec. 2. Prior to the expiration of the six-months period of inhibition, the Bishop may permit such Presbyter or Deacon to utilize the provision of Canon IV.8. If within such six-months period the Presbyter or Deacon shall transmit to the Bishop a statement in writing signed by such Presbyter or Deacon which the Bishop is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a bona fide denial that he committed the acts or made the declarations relied upon in the determination, the Bishop shall withdraw such notice and the inhibition shall expire. If, however, within such six-months period, the Bishop does not pronounce acceptance of the renunciation of such Presbyter or Deacon in accordance with Canon IV.8, or such Presbyter or Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop either (i) to depose such Presbyter or Deacon as provided in Canon IV.12, or (ii) if the Bishop is satisfied that no foregoing irregularity or misconduct is involved, with the advice and consent of the Standing Committee, to pronounce and record in the presence of two or more Presbyters, that such Presbyter or Deacon is released from the obligations of Presbyter or Deacon and that he is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination for causes which do not affect the person's moral character.¹⁶³

Exposition

This amendment is intended to provide a degree of due process and to clarify proceedings in cases of abandonment of communion by a Presbyter or Deacon. Under the Canon prior to this amendment a problem existed where a Presbyter or Deacon could baldly declare the acts or facts were not correct and the matter would grind to a halt, even in cases where there was uncontroverted documentary evidence of the facts and acts. Previously, such a case would lead to a Standing Committee's reaffirmation or recertification of the acts or

163. Journal, 1985, pp. 609-610.

All references are to the 1979 Canons, except as otherwise indicated

facts stated. It is intended that the revision will make the intent of the Canon more readily carried out, while more clearly and carefully protecting the rights of those Presbyters and Deacons who have a sincere concern about the result.

Section 2

Convention of 1982

This section was amended to read as follows:

Sec. 2. Prior to the expiration of the six-months grace period of inhibition, the Bishop may permit such Presbyter or Deacon to utilize the provisions of Canon IV.8. If, however, within such six-months period, the Bishop does not pronounce acceptance of the renunciation of such Minister in accordance with Canon IV.8. or such Minister does not make such retraction or declaration in accordance with notice given under Sec. I, then it shall be the duty of the Bishop either (i) to depose such Minister from the Ministry and pronounce and record, in the presence of two or more Presbyters, that he has been so deposed, or (ii) if the Bishop is satisfied that no foregoing irregularity or misconduct is involved, with the advice and consent of the Standing Committee of the Diocese, to pronounce and record, in the presence of two or more Presbyters, that such Minister is released from the obligations of the Ministerial office, and that he is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination for causes which do not affect the person's moral character.¹⁶⁴

Exposition

The 66th General Convention asked the Standing Commission on Constitution and Canons to explore possible alternatives to deposition for those clergy who "for reason of conscience, have come to exercise their ministry in another Communion."

The Commission reported that such an alternative already exists under the provisions of Canon IV.8. However, to extend further the possibilities of using this alternative, it proposed an amendment to Canon IV.10, Section 2.

164. Journal, 1982, pp. C-78.

All references are to the 1979 Canons, except as otherwise indicated

The amendment does two things. It permits, but does not require, a bishop to let a minister inhibited under Section 1 of Canon IV.10 to avail himself of Canon IV.8 during the six-month period of inhibition. If he does so and the bishop's pronouncement under Canon IV.8 is made within the six-month period, action Canon IV.10 is ended.

Secondly, it permits a bishop, where only abandonment is involved and not any irregularity of misconduct, to use under Canon IV.10 an alternative to strict deposition similar to the pronouncement under Canon IV.8.

**Convention of 1985
(See Section 1 above)**

**TITLE IV, CANON 11 - Of a Minister Absenting Himself from his
Diocese or Abandoning the Work of the Ministry**

Section 2

Convention of 1988

Section 2.(d) was amended as follows:

Any Minister whose name shall have been added to the said List as aforesaid, and who has not ~~complied with Canon III.21.Sec.4(d)(3)~~ *made an annual report on the Minister's exercise of office to the Presiding Bishop* for a period of ten years, may be considered to have abandoned the Ministry of this Church. The Presiding Bishop may, ~~at his~~ *in the exercise of discretion*, in the presence of two Presbyters, pronounce sentence of deposition on such Minister, and authorize the Secretary of the House of Bishops to strike the name from the List and to give notice of the fact as provided in Canon IV.12.4.(b).¹⁶⁵

The inserted language incorporates the substance of the deleted canonical reference, which no longer exists.

165. Journal, 1988, pp. 526-527.

All references are to the 1979 Canons, except as otherwise indicated

TITLE IV, CANON 12 - Of Sentences

Section 1

Convention of 1982

This section was amended by adding the words *or a request for a Release under Canon 111.21*, to provide for the new concept of Release; and to delete *Minister* and add *Presbyter or Deacon* as a stylistic change.¹⁶⁶

TITLE IV, CANON 13 - Of the Remission or Modification of Judicial Sentences

Section 3

Convention of 1982

This section was amended by the addition of the words *or removed, or release from* and *exercise of the Office of Presbyter or Deacon* and the deletion of the words *Ministry of this Church*.

Exposition

This amendment makes provision for the new concept or release, with the further recognition that one is not deposed, removed or released from ministry but from the exercise of the office to which ordained.

TITLE V GENERAL PROVISIONS

TITLE V, CANON 1 - Of Enactment, Amendment, and Repeal

Section 2

Convention of 1985

The Convention added a new Section 2 as follows:

Whenever a Canon is amended, enacted or repealed in different respects by two or more independent enactments at the same General Convention, including the enactment of an entire Title, the separate enactments shall

166. Journal, 1982, p C-86.

All references are to the 1979 Canons, except as otherwise indicated

*be considered as one enactment containing all the amendments or enactments, whether or not repealed, to the extent that the change made in the separate amendments or enactments are not in conflict with each other. The two members of the Committee on Canons from each House of General Convention appointed pursuant to Canon V.1.5(a) shall make the determination whether or not there is a conflict and certify the text of the single enactment to the Secretary.*¹⁶⁷

All subsequent sections were renumbered. Thereafter, the Convention deleted the former Section 3 (which by renumbering became Section 4) and added a new Section 4 providing for the form of amendment of the Canons and provided for the automatic renumbering and citation of the Canons without further enactment.

The Canon was amended by adding a new last sentence to the end of renumbered Section 5(b)¹⁶⁸ authorizing the renumbering and correction of references to the Constitution required by amendments to the Constitution.

Exposition

New Section 2 would permit composite editing of multiple enactments affecting the same Canon at the same General Convention. This amendment was adopted early in the 1985 Convention and became effective upon enactment. In addition to creating an additional legislative tool for the future, the amendment was of enormous assistance at this Convention.

Given the vast printing involved in the proposed revision of Title III, it was determined that printing or presenting the proposed Title III revision in "legislative form" would be not only very costly but very confusing to the Convention. Thus, the 1988 and 1991 Title III revision was legislatively proposed as a repeal of the existing Title III and the adoption of a new Title III. The new Section 2 permitted substantive amendments to Title III passed before and after the adoption of the Title III revision to be included in the editorial process.

167. Journal, 1985, 182.

168. Journal, 1982, p. 182.

All references are to the 1988 Canons

**COMMENTARY ON THE 1988 REVISION
OF
TITLE III, CANONS 1 through 14 and 19**

Introduction

In attempting to write a guideline for any part of the canons one does so with fear and trembling. There are experts in the field of canon law who have written so ably in the volumes of *White and Dykman*. There are the authors both present and in the past who speak out of their experience and knowledge. There are of course the many interpretations throughout the Church in each diocese. So with these misgivings this "guideline" to the recently revised canons is written not to be the end-all but the point of departure in the use of the revision.

The new canons which go into effect January 1, 1989, were written as a result of the General Convention in Anaheim, California, in September 1985, when an editorial revision of Title III was made. It was noted then that a number of specific amendments to Title III were pending. The General Convention directed that the Council for the Development of Ministry (CDM) "continue its review of Title III Canons in order to propose necessary substantive changes to the 69th General Convention." It likewise directed the Standing Committee on Constitution and Canons (SCCC) to review Title III for editorial changes and to provide a usage of language that is consistently sexually inclusive, which the 1988 revisions intended to accomplish.

True to the bidding of General Convention the CDM committee and the SCCC got to work early on, kept in touch with each other, and produced for the 1988 convention the work (as amended at the time of the convention) which is herein. The form of what we present in this guideline is one which it is hoped will be helpful for Bishops and Commissions on Ministry to understand the reasons for changes made and a clearer presentation of what was repetitive in the canons previously.

All references are to the 1988 Canons

It is not expected that everyone will have read *The Blue Book* of the 1988 General Convention;¹ so important points made in the commentary there will be repeated here not only for clarity but also for easy reference. References in this Commentary are to the 1988 revisions as adopted.

The review and changes made in these canons took into consideration the theological, historical, canonical, and practical aspects of the ordination process. It also reflected the language of and sought to be consistent with the Book of Common Prayer. Canons are written in order to help the Church order its processes in a way that is consistent with the aspects we have mentioned above. Recognition must be made that situations change and new opportunities for the Church in its mission and ministry arise.

This is dedicated in thanksgiving to both the living and the dead who made the presentation of these canons possible and in gratitude for their exceptional and diligent work.

Canon III.1 - Of The Ministry of All Baptized Persons

The recapturing by the Church of the sense of baptism as the initiation rite and further as the call to every baptized person to exercise ministry are underscored by this new canon which begins Title III. The Total Ministry Task Force joined with the CDM in promoting the need to extricate canons pertaining to "lay ministry" from the back of the book and bring them to the front so to speak. It was done with a genuine concern that we put into practice canonically what we declare theologically in the Book of Common Prayer. (See an Outline of Faith, page 855, BCP 1979)

This Canon opens the way for the dioceses to carry out the provisions of Canon III.2.2.(e) in supporting the development, training, utilization, and affirmation of the ministry of the Laity in the world. It is mandated for Commissions on Ministry (COMs), even though dioceses need not assign responsibility for implementation to the COM. This canon assigns responsibility to the diocese for the support of the ministry of all baptized persons, wherever that ministry takes place.

1. Blue Book, 1988, pp. 244-295.

All references are to the 1988 Canons

This canon should also be seen as the cornerstone for the canons which will talk about the ordination process to the diaconate and to the priesthood. For all ministry proceeds from the baptized community. The difference between lay ministry and ordained ministry is perhaps best illustrated by saying that "ordained ministers are ordered and regulated by canon law". The Church cannot regulate how the laity carry out their ministries. They are accountable to God through baptism to do so. But the Church can canonically order the diocese to "make provision for the development and affirmation of all baptized persons in the Church and in the world."

Ministry in daily life is the mission of the Church. And as long as we see ministry of the laity as program, we shall have a distortion of the true meaning of the total ministry of the Church.

Canon III.2 - Of Commissions on Ministry

This canon is little changed though in some ways the emphasis is different. It is flexible enough that each diocese can make provisions for the Commission on Ministry to suit particular needs.

Sec. 1. In proposing that the COM shall assist the bishop in the implementation of III.1, it does not necessarily mean that the COM is the only agency to do so. The following sections suggest how the COM will assist the bishop in carrying out the provisions of the canons.

Sec. 2(b). The word "recruiting" has been substituted for the word "enlistment" to underscore the active role of the Church in calling forth persons for ordained ministry. This section also is the place in which the differentiation is first used to show the distinction between deacons preparing for priesthood ("Deacons in training for priesthood") and those who are already in that Order to which they are called.

Sec. 2(c). Both Clergy and Lay Persons are included in this section which relates to persons especially accountable to bishops for their ministries. It is hoped that COMs will be used as a council of advice in this area.

All references are to the 1988 Canons

Sec. 2(d). Lay professionals are now included in this section which has to do with continuing education. Note should be made that there is no such canon now pertaining to "certified church workers". It was felt that this canon served no purpose presently. The Total Ministry Task Force will continue to look at this matter as to whether or not there should be a canon which signifies the certification of lay professional ministers.

Sec. 2(e). Since the COM is responsible for assessing the needs of the diocese for ministry, its purview must include ministry in the world, which is the primary context of the ministry of the laity.

Sec. 3. Additional words "and readiness" have been added after the word, "fitness", pertaining to the report which must be given to the bishop when an applicant has applied for postulancy or candidacy. **Fitness** refers to the appropriateness of the person to enter a program of preparation. **Readiness** refers to the successful completion of that preparation. The phrase, "if requested by the Bishop", has been moved to make clear that the COM shall report to the bishop before a candidate is ordained to the diaconate and **may** be asked to report to the bishop before a candidate is ordained to the priesthood.

Canon III.3 - Of Licensed Lay Persons

This is a rather extensive canon and an important one. It brings together all licensed lay ministries which have to do with liturgical and pastoral functions within the structure of the church. It is more consistent. Most provisions are simply reordered or restated for greater clarity. Lay Eucharistic Ministers are also included in this canon.

Sec. 1(a). This notes that all the positions which are described in this canon are to be filled by a "confirmed adult communicant in good standing". Heretofore, the term "Lay Reader" has been used to cover the ministry which is described in Sec. 3. **Pastoral Leader** is more descriptive of such ministry. (See commentary below.)

Sec. 1(b). This has been placed near the beginning of the canon since it had to do with the matter of licensing and is followed by the method of licensing within dioceses.

All references are to the 1988 Canons

Sec. 2(a). Only the change as to the revocation of a license is made. Because the license may be given only at the request of the member of the clergy in charge, the member of the clergy in charge should be able to initiate revocation of the license. The member of the clergy in most cases will be the one to ask the bishop for such.

Sec. 2(c). This allows the bishop and the member of the clergy in charge to accept the license given in another congregation or another diocese without the necessity of relicensing.

Sec. 3. As we have already noted, the term **Lay Reader** is widely misused and misunderstood. It has referred in the previous canon to a person assigned "pastoral or administrative responsibility in a congregation without a Member of the Clergy in charge". To clarify this a **Pastoral Leader** is a person who regularly leads the Prayer Book offices and has pastoral or administrative responsibility in a congregation having no resident member of the clergy in charge. Extensive training and examination is required.

Sec. 4. A **Lay Preacher** is a person licensed to preach also requiring extensive training and examination. The General Convention added also that persons so licensed shall only preach in congregations upon the "initiative and under the supervision" of the member of the clergy in charge.

Sec. 5. Confusion existed as to whether or not the canon intended to require those licensed to administer the chalice to have an additional license to take the Blessed Sacrament to the sick. This is now clarified.

Sec. 5(a)(1). Two things should be noted. The word "elements" now replaces "Cup". Also the question was raised as to whether or not priests or deacons worshipping as member of the congregation precluded the use of lay persons administering the chalice. This is now clarified by the word "assisting the celebrant".

Sec. 6. An explanation of the ministry of a **Catechist** is included.

Sec. 7. Training and licensing of a **Lay Reader** [persons who lead public worship under the direction of a resident member of the

All references are to the 1988 Canons

clergy in charge of a congregation] are to be provided according to diocesan canons.

Sec. 8. For purposes of clarification, the ministry of a **Lector** is defined. It is an unlicensed ministry and strictly within the province of the member of the clergy in charge of a congregation.

Canon III.4 - Of Postulants for Holy Orders

With this canon the introduction to the "normal process and preparation of Holy Orders" begins. Canons 4-8 will cover this normal route of ordination. In looking at the table of contents it can be seen that it is expected that the process toward ordination for either a Deacon or a Deacon in training for priesthood is the same. In beginning to work on this section it was found that the former canons set up a multitude of ways in which this process worked. It is hoped that this will give a clearer route and an easier way in which to enter into the preparation for ordination.

Sec. 1. This is an explicit statement that the Church is in the business of seeking and recruiting fit persons for the ordained ministry. The specificity of the canon in using the words - "Bishops of dioceses and other clergy" - does not mean to exclude any member of the Church from the calling process nor indeed in seeking out fit persons. It "orders" those specified as part of their obligation.

In order to help clarify the process from hereon out at the left each step will be marked clearly and the explanation made if need be.

STEP ONE

Sec. 2(a). The process for the individual begins in that person's congregation. Although other priests or deacons may have been consulted, the member of the clergy in charge of a congregation in which the person is a confirmed adult communicant in good standing must be the initial person the aspirant sees. Both calling to the diaconate and to the diaconate and priesthood are encompassed here.

All references are to the 1988 Canons

congregation of this church. There must always be a community behind the aspirant to support and encourage.

Sec. 1(b). The experience and learning of non-Episcopal clergy vary across a wide spectrum. This section not only deals with the reasons for the applicant's change in churches but what program of preparation will be necessary before ordination.

Sec. 1(c). This ensures that the full disciplines of preparation for ordination are satisfied.

Sec. 1(d). This is an affirmation of the former ministry.

Canon III.11 - Of Priests and Deacons Ordained in Churches in the Historic Succession but Not in Communion with This Church

This canon deals with priests or deacons of churches in the historic succession but not in communion with this church. Such ordination being indelible, the purpose is to prescribe the process by which such persons are to be received into the ordained ministry of this church. Few changes have been made beyond form and style, except as noted below. The question has been raised as to whether or not a person ordained bishop is included in this canon. The understanding of the revision committee is that a bishop of another communion than our own cannot be received as a bishop since the canons concerning election to the episcopate have not been observed. It is expected that if such a person so applied, that person would be received as a priest or deacon.

Sec. 1(a)(1). Again the person so applying must come from a congregation of this church and be a confirmed adult communicant in good standing.

Sec. 5(a). It should be noted that the advice and consent of the standing committee is required before proceeding with the three options.

Sec. 7. Provision has been made for deacons who have been received for ordination to the priesthood, but only after having satisfied the requirements of Canon III.7.

All references are to the 1988 Canons

Sec. 2(b)(1). This calls for the parochial inquiry to be expanded to include other leaders of the congregation who will also report such findings to the bishop at the proper time.

Sec. 2(b)(2). This covers situations where practical considerations preclude the persons from acceptance as a postulant.

Sec. 2(c). This reaffirms the role of the congregation in the process. If a change of diocese has been made, the individual must then become a communicant in good standing in a congregation of that new diocese.

STEP TWO

Sec. 2(d). The applicant now states to the bishop in writing the requirements as given in this section.

STEP THREE

Sec. 2(e). The bishop will confer in person with the applicant and require the medical and psychological and psychiatric reports to be taken. An added caution to respect the confidentiality of these reports has been added. [N.B. Often the bishop does not require these reports if in the bishop's judgment there is no reason to continue further with the process.]

STEP FOUR

Sec. 3. This section begins the involvement of the COM and must be considered with Sec. 4 in which are listed the papers to be presented to the bishop and the commission.

Sec. 4. As noted above describes what papers are to be presented to the bishop and COM. Sec 4(d)(1) and Sec. 4(d)(2) should be understood by the Rector and Vestry as coming out of the first step in which the Rector and then lay leadership become involved in the process. In presenting the certificate the vestry should not be confined to the wording of the certificate but truly set forth the grounds upon which "they judge the applicant to possess such qualifications as would be fitting for admission as a Postulant for Holy Orders, and whether their judgment is based on personal knowledge or on other evidence". Also note that now a two-thirds

All references are to the 1988 Canons

vote or recommendation by the vestry is required. This should indicate general support.

Sec. 5. Heavy debts and difficult financial situations have become a serious problem for those preparing for ordination, as testified to by a recent study made by several agencies of the Church. This new section does not attempt to solve those problems directly but rather establishes the mutual responsibility of both the person preparing for ordination and the diocese for dealing with financial support throughout the period of preparation.

STEP FIVE

Sec. 6. This step is the conclusion of the process toward postulancy and is in the hands of the bishop. Those notified of the acceptance of a postulant now include the rector and the standing committee.

Sec. 7(a). A new paragraph is added, setting forth the areas in which the postulant is to be prepared and requiring that pastoral guidance be provided throughout the period of preparation.

Sec. 7(b). The requirements prior to beginning theological studies are modified so that age is no longer considered and prerequisites by theological schools or other programs of preparation are to be taken into account.

Sec. 8. Both this section and Sec. 11 were in the canon on candidates, where they were placed during the time when postulancy did not exist. It is assumed through an oversight these sections were not moved when postulancy was reestablished. This section again requires the postulant to communicate with the bishop either personally or by letter four times a year in the Ember weeks.

Sec. 9. This section reaffirms the right of the bishop to remove a postulant at will. However, notice is to be given to those affected, with a personal explanation given to the removed postulant.

Sec. 11. See Sec. 8 above.

All references are to the 1988 Canons

Canon III.5 - Of Candidates for Holy Orders

Sec. 1. This section has been revised for the sake of clarity. There are no substantive changes except that in "d." provision is made for an interview of the postulant in which the bishop is to raise the issue of the declaration required in Article VIII of the Constitution and also in the rite of ordination to the diaconate in the Book of Common Prayer. If there are any difficulties, they can be known at this stage of preparation instead of at the time of ordination.

Sec. 2. If the postulant is admitted as a candidate, this section sets forth who is to be notified.

Sec. 5. See note on Canon III.4.9.

Canon III.6 - Of the Ordination of Deacons

This canon significantly modifies the old Canon 9, **Of Ordination to the Diaconate**, to exclude those candidates who are ultimately preparing for ordination to the priesthood. This is to give canonical surety that this church believes the diaconate is a full and complete order in and of itself. The deacon is to have fulfilled all the requirements for postulancy and candidacy as set forth in Canons III.4 and 5.

Sec. 1. This states the standard canonical age for deacons.

Sec. 2. This specifies an increase in the period of candidacy from the six months mandated in old Canon III.9.10(b) to one year. With the advice and consent of the standing committee it can be shortened to six months.

Sec. 3. The medical and psychological examinations are required.

Sec. 4. and 5. No substantive change has been made in adapting these sections from the old canon. Change is in form and style only which is set forth in all the canonical changes.

All references are to the 1988 Canons

Sec. 6. Explicit statements by both the candidate and the bishop is added to the application in which a statement will be made as to how the candidate intends to exercise the ministry of a deacon both in the church and in the world. [Sec. 6(a).]

Sec. 7. It is not expected that deacons ordained under this canon will have taken the General Ordination Examinations.

Sec. 8. The canon is only amended to say that the subscription to Article VIII of the Constitution will be made publicly, which is required by the Book of Common Prayer.

Sec. 9(a) and (b). Deacons are to serve directly under the bishop or under the supervision of a priest appointed by the bishop. The transfer of a deacon to another jurisdiction must be with the consent of the standing committee of the diocese to which the deacon is being transferred.

Sec. 9(c). Notice is given that deacons ordained under the provision of Canon III.5 who are employed in the active service of the church on or after January 1, 1990, "shall be entitled to the same provisions for pension as other deacons under the Rules of the Church Pension Fund based on prospective service on and after January 1, 1990. [N.B. Should there be a question as to the eligibility of such a person, contact the Church Pension Fund.]

Sec. 10. This section governs what must be done if the deacon desires to be ordained to the priesthood. Those requirements already fulfilled under this canon need not be repeated. Generally speaking this canon is for the distinctive order of diaconate and those who are called to this ancient and sacred ministry.

Canon III.7 - Of Ordination to the Diaconate and Priesthood

This canon is that by which a deacon in training for priesthood is ordained first to the order of deacon and then to the order of priesthood. In attempting to consider what is the historical, theological, canonical, and practical basis for this canon, it was felt that the issue of *per saltum* ordination is better left to other bodies within The Episcopal Church and the wider Anglican Communion.

All references are to the 1988 Canons

Sec. 1. Clearly stated is the present stance of the Book of Common Prayer and the tradition of the Anglican Communion that before being ordained priest a candidate must be an ordained deacon.

Secs. 2 - 9. These sections incorporate with changes in form and style only, the requirements of the old Canon III.9 and the standards of learning and examination of old Canon III.7.

Sec. 10. This section sets forth the necessary steps of preparation before ordination to the priesthood. It has always been implicit in the canons that those preparing ultimately for ordination to the priesthood would after ordination to the diaconate continue training, usually within a parochial setting. Sec. 10(c) explicitly points in that direction.

Sec. 11. Note again that a **two-thirds** vote is required of the vestry.

Sec. 13. This is introduced to conform with the Book of Common Prayer.

Sec. 14. "...within the Church" is added to point out that sacramental ministry occurs within the church. If that is not to be exercised, then there is no point in ordination to the priesthood at this time.

Canon III.8 - Of General Provisions Respecting Ordination

Most of the changes in this canon are in form and style only except as noted below:

Sec. 3(a). This revision takes into account the changing structures of the Anglican Communion and introduces the need for a request by the ordinand's bishop.

Sec. 4(d). This increases the majority required of a vestry for recommendation to **two-thirds** and is consistent with the previous canons. It also notes what is to be done if the congregation does not have a rector or member of the clergy in charge. The reason for the substitution of "a Presbyter acquainted with the applicant and the Parish" must be also stated in the attesting clause.

All references are to the 1988 Canons

Sec. 4(e). This clarifies that whenever the "parish" or "vestry" is used it can also mean a congregation which is not considered to be a parish but may be a "mission" or "chapel". The local "council" or by whatever name it might be known fulfills the responsibility as stated in these canons.

Sec. 4(f). This is to clarify the specific responsibility of a religious community officially recognized by Canon III.28.

Sec. 5. If dispensation from any of the requirements for ordination by the canons of Title III is permitted, such application must first be made to the bishop and acted upon only after the bishop has received the advice and consent of the standing committee.

Canon III.9 - Of the Ordination of Local Priests and Deacons

With this revision of Canon III.11 it is to be hoped that the understanding and use of this canon will be given a proper place in the church's life. A word must be said about the title of this canon, *Of the Ordination of Local Priests and Deacons*. The office and ministry of a person ordained under this canon is much larger than the provisions of the canon. Reference to those ordained persons as "Canon 8s" or "Canon 11s" or now "Canon 9s" does not convey much more than confusion and obscure regulations. Several adjectives were considered, such as "indigenous" and "community", but it was decided to select "local priests and deacons". This is the language that appears increasingly in other churches of the Anglican Communion.

This canon in its present form could not have been written without the extensive help of a task force made up of church leaders - bishops, priests, deacons, and laity - who have had experience in the use of this canon previously. In concert then with the Title III committee and with some amendment from the General Convention Canon III.9 was passed.

Sec. 1(a). The purpose of this section is to spell out the special situations to which this canon applies and assumes one of the principles of revision: "All Anglican congregations, even though they

All references are to the 1988 Canons

are capable of worshipping and providing pastoral care for one another, are in union with the bishop, need the sacramental ministry of priests, and where possible the explicit servant ministry of deacons." (*The Blue Book 1988*, p. 245) However, it calls for a missionary strategy by the diocese, the involvement of the local congregation, and approval in principle of the House of Bishops of the province.

Sec. 1(b)(1). This provides for a waiver of age requirement if a good case can be made on the basis of missionary imperatives. The bishop must receive a two-thirds vote of the standing committee in order to act. In no case can the age be lower than the ages specified in canons regarding age requirements in the order of deacon or priest.

Sec. 1(b)(3). This section stresses leadership being rooted in the community.

Sec. 1(b)(4). The bishop and congregation is allowed by this section to call a person who resides in another community of the diocese and who satisfies all the canonical requirements with the consent of two-thirds of the standing committee.

Sec. 2. In setting forth the provisions for postulancy and candidacy, the exceptions for local priests and deacons are noted in this section. At the time of the initial introduction of this canon postulancy did not exist. This has been corrected here.

Sec. 3(a). The requirements for learning have been reordered. Appropriate knowledge of church history is added as is required in every other standard of learning including that for licensed lay ministers and considered by many to be basic to an understanding of God as revealed in history.

Sec. 3(a)(2). Provision is made for continuing education and a record of such to be kept.

Sec. 3(b). This assumes that the local congregation is not a parish and does not have a resident priest.

Sec. 4. The ordination of local deacons is provided for only when the ministry of a priest is available to a local congregation,

All references are to the 1988 Canons

consistent with other canons and the Book of Common Prayer. When no priest is available, Canon III.3 now provides for the licensing of a lay pastor.

Sec. 5. Provision for the ordination of a local deacon to the priesthood.

Sec. 6(a). Emphasis is made on the need for supervision either directly by the bishop of an appoint deputy.

Sec. 6(b). This gives greater freedom to the diocese in its missionary strategy by allowing the person to serve more than one local congregation.

Secs. 7 and 8. These sections deal with the mobility of local priests and deacons, authorizing the licensing of them only when the conditions are exceptional as specified in Canon III.9.1. These conditions apply to the special conditions of the congregation, not the special gifts the local priest or deacon may have. Although those dioceses that have been using local priests and deacons over the past several years have exercised discretion and good pastoral judgment, as their utilization spreads their purpose needs to be clear, affirming that ministry and avoiding abuse.

[N.B. For those who wish to know more about "local priests and deacons" information is available through the ministry development office of The Episcopal Church.]

Canon III.10 - Of Christian Clergy Previously Ordained or Licensed in Churches not in the Historic Succession

As Canon III.9 is an exceptional process for ordination, also Canons III.10, 11, & 12 fit this category of "exceptional process". Old Canon III.13 has been divided into two new canons, making a distinction between clergy of other Christian churches not in communion with this church who are to be ordained deacon or priest and those who are to be received as deacon or priest.

Sec. 1(a). Again the emphasis is on the fact that the applicant must be a confirmed adult communicant in good standing in a

All references are to the 1988 Canons

Canon III.12 - Of Clergy Ordained by Bishops of Other Churches in Communion with This Church

Except for form and style changes, only one significant change has been made to this canon. The stipulation that clergy received from other Anglican Churches not be placed in charge of a parish or mission until one year after reception has been more honored in the breach than in fact. Seeing no reason to reaffirm this time requirement, it has been removed.

Canon III.13 - Of Deacons and Their Duties.

Canon III.13 remains essentially unchanged.

Canon III.14 - Of Clergy and Their Duties

What is now Canon III.14, Of Clergy and Their Duties, is descriptive of the duties of parish clergy and in particular the Rector. (Read Vicar or Member of the Clergy in Charge of a Congregation where necessary.)

Sec. 1(a). The word "control" in the old canon seemed not to indicate the true sense of the authority of and responsibility for the conduct of the worship and the spiritual jurisdiction of the Parish. This gives this authority and responsibility to the Rector, subject to the Rubrics of the Book of Common Prayer, the Constitution and Canons of the Church, and the **pastoral direction** of the bishop. This last change is consistent with the Book of Common Prayer.

The rest of the canon is straightforward and not changed except for form and style except in the instances noted below.

Sec. 2(a). Clergy are to ensure that instruction is provided. However, they are not required to provide all of the instruction themselves. No particular method of Christian education is required; requirements for public examination and catechetical lectures are removed. The distinction between children and "youth and others" is removed. Children are to be educated in the Holy Scriptures. "Doctrine, discipline, and worship" is substituted for "Doctrines,

All references are to the 1988 Canons

Polity, History, and Liturgy," since the former is used in Article VIII of the Constitution.

Sec. 2(b). The requirement for clergy to provide instruction about the missionary work of the church and opportunities for offering to its support is clarified and expanded in light of the Book of Common Prayer and resolutions of the General Convention. The clergy are to provide education in Christian stewardship. [See BCP, pp. 388, 445, 827, 855-856; Stewardship: The Main Work of the Church, 1979, 1982, 1985, & 1988 General Convention resolutions.]

Sec. 2(c). Preparation of adults for Baptism is included as a duty of the clergy.

Sec. 2(d). Reflecting the usage of the Book of Common Prayer, pp. 412-419, and Canon I.17.1(d), this section now includes preparation of persons who are not "young" for Confirmation, Reception, and Reaffirmation of Baptismal Vows.

Sec. 3(a). This is changed to reflect the 1985 General Convention amendment to Canon I.17.1(d). In it the descriptions of who is considered baptized and confirmed is made.

Sec. 3(c). This too is changed to reflect the 1985 General Convention amendment to Canon I.17.1(d). It also clarifies that recording of transfers received should be made in the parish register.

Canon III.19 - Of the Dissolution of the Pastoral Relation

For some years dissatisfaction with the "dissolution canon" has been voiced by many church members, including bishops, vestry members, and rectors. In the 68th General Convention in Anaheim a version passed the House of Deputies and for about fifteen minutes there was concurrence in the House of Bishops before a motion to reconsider in that house recommitted the matter to CDM for future work. The new canon represents the product of labor which has included extension consultation with bishops, rectors, chancellors, and members of vestries throughout the church.

Particular note must be made of the positive help that was given the writing of this canon by NNECA (National Network of

All references are to the 1988 Canons

Episcopal Clergy Associations). Their cooperation was invaluable. For it was the intention of those who worked on this project to find a process that would be essentially pastoral in nature; a process that attempts to address a breakdown in interpersonal relationships, rather than in terms of the disciplinary canons in Title IV; a process that incorporates the appearance as well as the substance of fairness, openness, and sensitivity; and a process that has due regard for all of the persons involved.

It is unfortunate that in the positive notes that are sounded in most of the Title III canons it is necessary to have such a canon, but canons also reflect the reality of the lives we live together in community.

Looking at Canon III.19 objectively, it is a good canon and one which supports clergy and also the parish. It looks to the bishop as the chief pastor, arbiter, and final judge in any matter with the recommendation of the standing committee.

Sec. 1. The changes in this section are intended as improvements in style and clarity. No substantive changes are intended here.

Sec. 2. The somewhat vague, confusing process described in the deleted portion is replaced in subsequent sections by what is intended to be a clearer, step-by-step procedure. When the ecclesiastical authority requests a bishop of another diocese to act under this canon, there seems to be no good reason for restricting that selection to bishops of adjacent dioceses.

Sec. 3. Precipitate action by any party is discouraged. Adequate time is given for careful evaluation and judgment to be exercised. The bishop is given great latitude in the exercise of the pastoral offices and the procedures in this section are intended to be suggestive rather than restrictive.

Sec. 4(a). Due notice is required before the bishop proceeds to judgment if the difference between the parties is not resolved. Either party has a right to request a conference with the standing committee. It should be noted that in this section and in a later one the bishop is not to render a judgment until after conferring with the standing committee.

All references are to the 1988 Canons

Sec. 4(c). This clause is intended to ensure both the appearance and reality of fairness. "Representation" might be legal representation but is not necessarily so. Note that this right of representation applies to the conference with the standing committee.

Sec. 4(d). The bishop is clearly the "final arbiter and judge" but does not render his judgment until after receiving the recommendation of the standing committee.

Sec. 4(e). This attempts to give the bishop the opportunity to either render an explanation for his judgment in writing or in some other manner. It also attempts to deal with the rumor and innuendo that often accompany these unfortunate situations.

Sec. 4(f). If the pastoral relations is to continue, clearly some things have to change. This section suggests that clarification of expectations and, in effect, a renegotiation of the pastoral relation might facilitate healing and enable rector and parish to move forward in their ministry together.

Sec. 4(g). The recording of the dissolution by the secretary of the convention simply repeats the old canon. "Terms and conditions including financial settlements" are made a part of the bishop's judgment. This requirement is an attempt to address the concerns of fairness and justice.

Sec. 5. Whether the bishop's judgment is dissolution or continuation of the pastoral relation, the bishop's role as pastor to both rector and parish continues. Envisioned in this section are such services as consulting service for rector or parish, counseling for the rector, including career counseling, etc.

Sec. 6. Sanctions in case of failure or refusal of either party to comply with the terms of the bishop's judgment can be set. In the case of the rector, this section repeats provision for suspension from the exercise of the priestly office. At the same time it attempts to give the bishop a more realistic and credible sanction with respect to the parish than did the old canon.

All references are to the 1988 Canons

Sec. 7. Flexibility and patience are required on the part of all parties, so that the contemplated spirit of openness, fairness, and mature judgment might be given time to bear fruit.

Sec. 8. A fair and open process is again the intention here. The attempt is made to keep this canon separate from the disciplinary procedures appropriate to Title IV, and to keep one process from contaminating the other. Clarity and discernment are needed in determining which is the appropriate process in a given situation, and the two should not be missed.

Sec. 9. The anomaly of this canon comes in this section. Historically, the General Convention dissolution canon was preempted by local canon and state law. The original proposed amendment continued this "local option". In the House of Bishops the national preemption was added as an amendment, which was accepted by the House of Deputies. In an effort not to pass a canon that would supersede a local canon in a pending dissolution proceeding, with the resultant confusion, and to allow the several dioceses to review and amend their own canons, the final sentence was presented and passed. This means that this section does not become effective until January 1, 1990, a year after the rest of the canon goes into effect. The emphasis of the canon is clear that any diocese may make provision in its canons on this subject, but it is also clear that the diocesan canon must be consistent with the general canon and not in any way offer less support for the rector of the parish or the vestry. To be consistent it must take into account the spirit of this canon - openness, fairness, and mature judgment. If the diocesan canon is not equal to or offer greater possibilities than Canon III.19, it would be inappropriate in the light of this revision.

EPILOGUE

The work of the continuation of looking at the rest of Title III Canons goes on. Already the CDM has appointed a committee, which met in December 1988, set out on the course it will take in the next triennium before the General Convention in Phoenix. Such canons as 13, 16, 17, 18 and 20 will be looked at and appropriate action taken.

All references are to the 1988 Canons

The whole area of the canons on the episcopate (Canons III.21 - 27) have not been revised in some time. In the words of the chair, the Rt. Rev. Robert C. Witcher, "We agreed to work out a theological and historical framework for a possible radical re-writing of these canons, or perhaps a simple revision." This just gives us a glimpse into what is already put into motion.

To the many of the deputies at General Convention who made suggestions and to those who have sent suggestions either to Canon John Docker or to me, be assured that they will be given to Bishop Witcher for consideration. I suggest that if anyone has suggestions to make they should be forwarded to Bishop Witcher, the Bishop of Long Island, 36 Cathedral Avenue, Garden City, New York 11530.

This present work is ended. It is hoped that it will be helpful. It is also hoped that it will be a means of our continuing our search for a more excellent way. Canons are not the end only a means. The ministry canons should always look ahead to the priesthood of Christ whose ministry we share now in time.

Robert G. Tharp

Knoxville, Tennessee
Advent IV, 1988

All references are to the 1991 Canons

COMMENTARY ON THE 1991 REVISION OF TITLE III

Canon 13, Of Deacons and Their Duties

The North American Association for the Diaconate was consulted in drafting the proposed revisions.

Section 1(a). The language reflects the ordination rite in which the bishop tells the ordinand that he or she shall have "a special ministry of servanthood under your bishop."

(b) A new section provides for the bishop to appoint a director of the diaconate program.

Section 2(a). Because deacons "by virtue of their order do not exercise a presiding function" (BCP, p. 13), they should not be in charge of a congregation. Deacons in training for the priesthood are an exception. The old provision prohibiting deacons from becoming chaplains in the armed forces has been removed. It is increasingly common for deacons and lay persons to serve as professional, paid chaplains in hospitals, prisons, and the like.

(b) The word *therein* has been added to clarify the limits of authority.

Section 2(c) is covered by Section 1; Sections 3 and 4 are covered in Canon III.6.9(b).

Canon 15, Of Clergy Not in Ecclesiastical Employment

Section 1 clarifies the language of old Sections 1 and 2. The chief concern here is that the deacon or priest is to demonstrate to the bishop that reasonable opportunities exist for the exercise of the person's office and that good use will be made of such opportunity. The bishop then determines whether or not the person should continue to exercise the office. An annual report to the bishop is to be made by such clergy.

Sections 2 and 4 eliminate the need for the "Special List maintained by the Secretary of the House of Bishops" (Canon IV.11.2). Normal accountability of clergy should be to their bishops.

All references are to the 1991 Canons

Clergy who are not going to exercise the office to which they were ordained will now need to work out their relationships under this Canon or comply with Canon IV.8.

Section 4 requires that if a member of the clergy fails to comply with the conditions of this canon, the bishop may proceed in accordance with Canon IV.10 rather than transfer the person to the Special List.

Canon 16, Of Letters Dimissory, Licenses and Retirement

Most of the recommendations are for changes in form and style. The words *and Retirement* were added to the title to make it more descriptive.

Canon 17, Of the Calling of a Rector

The committee consulted with NNECA and the Church Deployment Office. Changes are in form and style only.

Section 4 is deleted because the term "settled" no longer applies to present situations.

Canon 19, Of Persons Not Ordained in this Church, etc.

Changes are in form and style only.

Canon 27, Of Religious Orders, etc.

These changes were proposed at a meeting of representatives of Religious Orders and Christian Communities and approved by the House of Bishops Standing Committee on Religious Communities. Most changes are in form and style.

Section 1(d). A clause accidentally dropped in the Title III revision of 1985 is restored.

Section 2(e). The restoration of this clause balances Section 2(e) with 1(e). This was apparently dropped from the 1982 legislation accidentally.

All references are to the 1991 Canons

Section 3. This new section recognizes and provides oversight of solitaries received by a Bishop using the form for "Setting Apart for a Special Vocation" in the *Book of Occasional Services*.

Canon 28, Of The Board for Theological Education

The BTE was consulted. Changes are in form and style.

Canon 29, Of the General Board of Examining Chaplains

The General Board of Examining Chaplains was consulted. Most of the changes are in form and style.

Section 2(c) changes the concept of "failed." The General Ordination Examinations are designed to reveal deficiencies and to point to how those deficiencies may be remedied or overcome.

Section 5 was deleted because the report of the GBEC is advisory only. The Provincial Court of Appeal deals only with ordained persons.

Canon 30, Of the Board for Church Deployment

The Church Deployment Board was consulted. Changes are in form and style.

* * * *

Editor's Note

A companion Resolution from CDM, A131 substantially revising the Canons on the Episcopate, was not approved in the House of Bishops and was referred for further study and drafting.

DERIVATION AND DISTRIBUTION TABLE

TITLE III CANONS

<u>1991</u>	<u>1988</u>	<u>1985</u>	<u>1979</u>
1	1	-	-
2	2	1,29	1,29
3	3	2,3	26
4	4	5	2
5	5	6	3
6	6	9	10
7	7	7,10	5,11
8	8	8	9
9	9	11	8
10	10	13	12
11	11	13	12
12	12	12	13
13	13	14	24
14	14	15	21
15	16	16	21
16	17	17	21
17	18	18	23
18 (Reserved)	-	-	-
19	20	20	25
20	-	-	-
21	19	19	22
22	21	21	14
23	22	22	15
24	23	23	16
25	24	24	20
26	25	25	17
27	26	26	18
28	27	27	19
29	28	28	27
30	29	29	6
31	30	30	7
32	31	31	-

DERIVATION AND DISTRIBUTION TABLE

TITLE III CANONS

<u>1991</u>	<u>1988</u>	<u>1985</u>	<u>1979</u>
1	1	-	-
2	2	1,29	1,29
3	3	2,3	26
4	4	5	2
5	5	6	3
6	6	9	10
7	7	7,10	5,11
8	8	8	9
9	9	11	8
10	10	13	12
11	11	13	12
12	12	12	13
13	13	14	24
14	14	15	21
15	16	16	21
16	17	17	21
17	18	18	23
18 (Reserved)	-	-	-
19	20	20	25
20	-	-	-
21	19	19	22
22	21	21	14
23	22	22	15
24	23	23	16
25	24	24	20
26	25	25	17
27	26	26	18
28	27	27	19
29	28	28	27
30	29	29	6
31	30	30	7
32	31	31	-