

## SYNODICAL GOVERNMENT IN THE SCOTTISH EPISCOPAL CHURCH

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'In Scotland the Church is fortunately in a position of practical independence of the State. Whatever difficulties and hindrances affect the Church in Scotland, and they are many, are more than balanced by the non-interference of the temporal power.' So wrote Canon Lemprière in 1903, and so it remains. As a result it has adapted to changing circumstances more easily than a body established by law.

No statute keeps its prayer book frozen immutably, no faculty jurisdiction restricts parish changes, no parson's freehold gives the instituted clergyman an almost unlimited right of tenure. It has all the freedom of a trade union to change its constitution (if that is considered freedom), though the fundamentalist elements view the wording of the Bible with the same uncompromising attitude as a trades unionist until recently preserved clause 4 of his Socialist creed. Nonetheless, no organisation can exist or cohere without some constitution.

The Scottish Episcopal Church made the mistake of backing the wrong side in 1688 and supporting the Jacobite cause; as a result it was ruthlessly suppressed, and it was not until the second quarter of the 18th century that the Revolution Settlement was accepted as permanent. It took time, however, for all the Penal Laws to be revoked.

The Scottish Parliament in July 1689 passed an Act abolishing 'Prelacy and all superiority of any office in the Church in this Kingdom above Presbyter', and repealed all the laws in favour of Episcopacy<sup>1</sup>. Episcopacy was suppressed, bishops were deprived of the emoluments of their sees, and some clergy who could not accommodate to the new regime were ejected. Bishops, however, maintained the succession of their own order, but as the old diocesan bishops died out, the new bishops possessed no properly defined jurisdiction and a new organisation required to be set up. The Toleration Act 1712<sup>2</sup> relieved episcopalians of restrictions in their worship, but the Jacobite rising in 1715 led to further legislation requiring clergy to take the oath of allegiance to King George, to abjure the Pretender, and to pray for the Hanoverian King and the Royal Family at all services<sup>3</sup>. Dioceses were later at the request of clergy defined and assigned particular bishops, and in 1727 the four bishops to whom dioceses had been assigned met in synod, and framed six canons. Though these canons related exclusively to the Episcopal Order, they formed the basis of the present code of canons. They included power to a bishop to appoint one of his presbyters 'who shall be in the place and stead of a dean', and made provision for the presbyters to convene and elect a new bishop when such was required. The next step took place in 1731 when the bishops drew up 'Articles of Agreement among the bishops of the Church of Scotland', and the principles embodied in it were recognised in the code of canons adopted by the Episcopal Synod in 1743. The bishops were to choose a primus 'without respect either to seniority of consecration or precedency of district', but the primus was barred from claiming any metropolitanical or indeed any power not specifically granted by the canons, though he did have a casting vote in Synod.

The landing of the Young Pretender and the troubles of the '45 brought the Church again to the verge of extinction, and the Penal Laws of 1746 and 1748 led to house restrictions which prevented further progress in the development of the Church; moreover, clergy could only be ordained by English or Irish bishops<sup>4</sup>. It was not until 1792 that the Penal

<sup>1</sup> Prelacy Act 1689 (June 5 c 4).

<sup>2</sup> The Scottish Episcopalians Act 1711 (10 Anne c 10) is generally known as 'the Toleration Act 1712'.

<sup>3</sup> Church Patronage (Scotland) Act 1718 (5 Geo 1 c 29).

<sup>4</sup> Episcopal Meeting Houses (Scotland) Act 1745 (19 Geo 2 c 38); Cattle Theft (Scotland) Act 1747 (21 Geo 2 c 34) (which deals with letters of orders of episcopal ministers in Scotland as well as with a variety of other topics). The inconsistency in years is because of the different calendars employed in Scotland and England.

Laws were repealed<sup>5</sup>, though clergy ordained in Scotland were still disqualified from holding benefices in England, a restriction not cancelled until 1840 and 1864<sup>6</sup>. It was only in June 1811 that a General Ecclesiastical Synod was established consisting of seven bishops, three deans and a representative of the clergy from each diocese which had more than four presbyters. Such synod was scarcely democratic, but rather bishop-dominated. The first synod was made up of six bishops, four delegates and four presbyters, and the next synod held in 1820 mustered four bishops, four deans and six presbyters. Later synods held in 1838 and 1863 were scarcely larger in number of representatives, though the latter synod did increase the representation of the clergy to some extent. Only in the synod of 1890 was the government of the Church widened by the creation of the Representative Church Council as the 'organ of the church in matters of finance'. Such council was, however, forbidden to deal with question of doctrine or worship or with matters of discipline, except to 'give effect to canonical sentences of the Church'. Its constitution could not be altered except with the consent of the Episcopal Synod, but it was empowered to discuss any question affecting the interest of the Church and, if desired, to submit it to the General Ecclesiastical Synod (now re-named the Provincial Synod).

After much deliberation, in 1905, the Provincial Synod approved the formation of a Consultative Council on Church Legislation to revise the canons of the Church, with the aim of focussing the opinions of the clergy and laity on all matters proposed or thought fit for legislation in the Provincial Synod. The new Consultative Council consisted of the bishops, five clerical and five lay members elected by the bishops, with clerical and lay representatives elected from each diocese. The hope was that a fuller reflection of the mind of the Church might be obtained which could be taken into account when the Canons were revised. By the end of 1910 the new Council had submitted suggestions for amendments of the Canons to the Episcopal Synod, and this led to the proposed changes being referred by the bishop to the dioceses for comment.

In 1960 the Provincial Synod met and decided that, because of the value of the Consultative Council, it should be incorporated into the Provincial Synod; by such integration the laity would have a direct voice in the legislative body of the Church. The Provincial Synod thus became more representative of the Church and the Consultative Council disappeared, with the enlarged Provincial Synod taking over its role and duties. It was also decided that in future the Episcopal Synod would be required to decide how many clerical members each diocese might elect to the body, with a mandatory meeting of the Provincial Synod in the following year after such decision. It was provided that other meetings might be called as the Episcopal Synod saw fit, but as changes in the Canons required to be ratified by subsequent meetings of the Provincial Synod, any proposed change required the calling of another meeting and this resulted in annual meetings. It has in consequence met every year since 1960.

The membership of the enlarged Provincial Synod consisted of the bishops, certain clerical and lay officials, and five lay members appointed by the bishops, while diocesan synods could elect a specific number of members to it in the proportion of one lay member to every two clerical members. Members could be of either sex. The Synod was made up of two Chambers, with the bishops forming the First Chamber. Although most business was discussed at joint meetings, the votes of the two chambers were recorded separately, and motions required to be passed by the appropriate majority in each of the Chambers.

In time further change was contemplated. The existence of two bodies, the Provincial Synod and the Representative Church Council, seemed to be wasteful, and the Representative Church Council felt aggrieved in being restricted to dealing with financial matters. Considerable discussion took place as to how the bodies could be amalgamated, what representation there should be in the new body, and what was the best number for

<sup>5</sup> Scottish Episcopalians Relief Act 1792 (32 Geo 3 c 63).

<sup>6</sup> Scottish Episcopal and Other Clergy Act 1840 (3 & 4 Vict c 33); Episcopal Church (Scotland) Act 1864 (27 & 28 Vict c 94).

decision making. The Representative Church Council, on which all clergy served and to which each congregation elected a member, had become a body which met to conduct business, but also had become a social gathering at which members of congregations from all parts of Scotland met and exchanged views. It was with great reluctance, therefore, that the Church agreed to restrict the number of members of the new body in the interest of more efficient decision making, and thereby to lose the social interchange which was considered valuable as well as a source of pleasure. The amalgamation of the bodies took place eventually in 1983 after the smaller dioceses had insisted on a larger numerical representation than diocesan numbers justified. It was felt that the need to keep the remoter parts of the province informed of what the Church was thinking and doing was a good argument for disproportionate representation. Once again names changed and the new body known as the General Synod replaced the two former bodies.

Appropriate resolutions were passed by the Provincial Synod and the Representative Church Council in 1978 and 1979, though technically the responsibility for the existence of the Representative Church Council lay with the Provincial Synod which had brought the Council into existence; but it was not until 1983 that the new body first met and the General Synod replaced its predecessors. Under the constitution of the General Synod much of its work is delegated to Boards, though the Synod has the right to question any part of the Boards' work and to debate it fully; policy in general, however, is retained in the hands of the Synod. At one stage it was proposed that there should in addition be a provincial conference held every third year at which there could be greater representation for the discussion of wider issues, but this idea found little support and has not been followed up.

The number of members of the General Synod has been settled at around one hundred and twenty, which has been thought to be large enough for communication and for retaining a feeling of involvement by the Church generally and not too large for efficient debate. The Bishops and a number of *ex officio* members form the small core, to which is added diocesan representation in equal number of clerical and lay members. The ratio is roughly one member per four hundred communicants, modified by the principle of a minimum number of six from even the smallest diocese, since it is desired that the representatives should as far as possible be on a district or geographical basis to compensate for the loss of previous direct congregational participation.

In order that the whole Church might feel that it was taking part in government the Representative Church Council was peripatetic in its meetings. Each diocese in turn was given the opportunity of hosting the meeting and entertaining the Council members. This procedure has not been followed by the General Synod, and so far meetings have been held only in Dundee and Edinburgh, these cities being chosen as being easier of access to representatives from all parts of Scotland. The length of time allotted for meetings has now been settled at three days, but on the third day proceedings have generally been concluded by lunch time. As the third day is usually a Saturday and the remaining business to be dealt with on that day is of a more formal and less contentious nature, there is a tendency for numbers to drop off, especially if on the last day there is a major national sporting event.

The business of Synod normally consists of a mixture of financial reporting, proposed Canonical changes and the introduction of some particular topic of missionary endeavour. Fortunately, since the Synod's inception there has been no financial crisis to discuss, but the emotional question of the ordination of women has been calmly debated and decided, and the role of the Church and the particular areas of the work to which the Scottish Church should direct its missionary efforts have been two important matters for decision.

Under the present Canons, in particular Canon LII, it is laid down that the General Synod shall be called at least annually at a place and time determined by its Standing Committee, on sixty days' notice. The agenda is required to be issued at least fourteen days before the meeting is due to take place, and other items can only be introduced by

the vote of a majority of at least three-quarters of those present and voting.

Membership of the Synod consists of the diocesan bishops, the Convenors of the main Provincial Boards, the Principal of the Theological College, and the members elected by the dioceses—seventy-six clerics elected by ballot by the clerical members of the Diocesan Synods, and seventy-six lay members elected by ballot by the lay members of the Diocesan Synods. Alternates are also elected in case an elected member is unable to attend. The General Synod then meets as one body, but it is made up of three Houses—Bishops, Clergy and Laity; each House selects its own chairman to preside when the Houses meet separately. Members are elected for a term of four years and may not serve more than two consecutive terms, although they may be re-elected after the lapse of one year.

Most of the Synod business is resolved on a simple majority vote, but alterations to the Canons require to be passed first by simple majority of each House and then to be confirmed at a subsequent meeting by a two-thirds majority of each House. There must be a sufficient lapse of time between the two Synod meetings for the proposed alterations to be considered by Diocesan Synods. Any comments put forward by Diocesan Synods on the proposed changes must be considered by the Provincial Synod in their second deliberation, and amendments to the proposed alterations can only be considered if they are 'not irrelevant to, beyond the scope of or inconsistent with the general subject matter and the purport of the proposed alterations'. No other amendments may be considered, and an amendment may be disallowed if, in the opinion of the Chairman, it does not substantially reflect an opinion communicated by a Diocesan Synod, though verbal or drafting amendments are permitted.

It may be asked if the new body, the General Synod, is achieving the purposes for which it was created. One purpose was to make every diocese and congregation feel part of the decision-making body of the Church, and it seems to have achieved this, although congregations still feel the loss of their own lay representative on the governing body. Another was to foster unity and encourage uniformity of beliefs and practice throughout the Church; this has been an important task when, despite the gradual disappearance of the division between high and low churchmanship, there has been developing an even greater polarisation in forms of service with the emergence of charismatic worship, and a wider split between those holding more liberal beliefs and others retaining fundamentalist tenets. Despite such fissiparous tendencies the Scottish Church coheres—it has stood the test of passing canonical changes allowing female priests without any group of dissident members breaking away, an amazing situation considering Scottish Church history and the tendency in the last century for large numbers of schismatic groups to break away and form new Churches. With only seven dioceses, shortly to be reduced to six, and the total membership of the Church less than that of an English diocese, the Scottish Church does not, of course, having the same strains and stresses to contend with as its English neighbour; when the Presbyterian Church became the established Church of the country, it inherited the burden of maintaining churches in depopulated areas and of coping with the problem of population movements.

To many people religious democracy is as suspect as political democracy, but, if the faithful are to be entrusted with their own government, the General Synod seems to be as suitable an instrument for its operation as can be readily devised. Flexibility will always be frustrated by the conservatism of church members, and liberalism impeded by innate Scottish Calvinism, while sexual discrimination is reinforced by Scottish male *machismo* as demonstrated in political and sporting fields. But the Scottish Episcopal Church has slowly adapted to twentieth-century attitudes, and in doing so has amended its Canons to reflect such changes. Perhaps the saving grace has been that the Canons do not set out to regulate too much of the Church's life, and while they cannot emulate the brevity of the Ten Commandments, the six Canons framed in 1727, admittedly increased in number, have not mushroomed like the regulations emanating from Brussels into detailed particularity. A congregation remains its own master, while the General Synod, like Rumpole's wife, is regarded, slightly resentfully, as 'she who must be obeyed'.