

AN HISTORICAL PERSPECTIVE ON DOCTRINE AND DISCIPLINE IN THE CHURCH OF ENGLAND

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*Doctrinal discipline is a necessary concomitant of ministerial accountability and ecclesial integrity. When there is division in the Church the consequence of that division is expressed in articles or confessions of faith which, in the words of the Declaration of Assent, indicate how that Church 'bears witness' to the Christian Gospel and the faith once delivered to the saints. Anglican accountability is linked historically to the Book of Common Prayer, the Thirty-Nine Articles and the Canons. This article sketches some of the important milestones in the history of doctrinal discipline in the Church of England, concentrating on the early Anglican formularies, and the nineteenth-century controversies about doctrinal and liturgical issues. More recently there have been controversies over books such as *Honest to God*, and about Bishop David Jenkins' teaching on the Resurrection. The passing of the Church of England (Worship and Doctrine) Measure 1974 and the adoption of the Declaration of Assent has made the Declaration the touchstone of accountability. The Clergy Discipline (Doctrine) Report, which failed in the General Synod in July 2004 by a small vote in the House of Clergy, took account of Anglican history and sought to provide a workable structure of doctrinal discipline, avoiding on the one hand heresy-hunts and on the other the absence of any doctrinal accountability. This particular report may not have commanded full assent, but it is an issue to which the Church must return sooner or later.¹*

Doctrinal discipline in any Church is concerned with the accountability of those holding public teaching office in the Church to the faith they have committed themselves to believe, preach and teach. It is not primarily about policing, but about assuring the faithful that those who preach and teach do so with integrity in their commitment to the Gospel of Jesus Christ. In an ecumenical age it is also concerned with assuring Christians of other traditions that there is a corporate integrity of faith to which the ministers of the Church are publicly committed and for which they may be held accountable. Within that accountability and commitment of faith

¹ The substance of this article reproduces in an appropriately amended form the historical and theological background material prepared by Bishop Rowell for the House of Bishops Working Group on Clergy Discipline (Theology and Liturgy) and which was incorporated in its report *Clergy Discipline (Doctrine)* (GS 1554).

there clearly must be space for theological exploration and investigation, and for differences of approach and interpretation in relation to the faith that is proclaimed and handed on.

The Church exists in history and has throughout that history related to different cultural climates and philosophies. It had to move from an Hebraic biblical background to engage with Greek philosophy and Roman law, both of which left their mark on both creeds and canonical structures. In Northern Europe it was shaped in different ways by the customs of Germanic tribes.² At the time of the Reformation Churches influenced by the Reformation often ceded a particular role to the 'godly prince' and were in turn shaped by the emerging nation-state.³ Later still the movements of both the Enlightenment and Romanticism were powerful cultural contexts which affected both styles of worship and hermeneutical questions as to how the Bible is to be interpreted and creeds are to be understood. There are therefore always questions of interpretation, of doctrinal development, and about the legitimate boundaries of that development. The Gospel is at its heart God's self-revelation in the incarnation, passion, death and resurrection of Jesus Christ, who is 'the same yesterday, today and forever'. The faith of the Church is the faith once delivered to the saints. Yet that faith has, as the Declaration of Assent puts it, 'to be proclaimed afresh in each generation'. Simply because the cultural context changes in which the unchanging faith is to be proclaimed it is possible to say with Newman that 'it changes always in order to remain the same'. Any doctrinal discipline must recognise both change and continuity, and set appropriate boundaries.

If we now turn to the Church of England and ask, Where is the Church's doctrine to be found? the answer is at first glance simple. Canon A 5 states that:

The Doctrine of the Church of England is grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures.

In particular such doctrine is to be found in the Thirty-nine Articles of Religion, *The Book of Common Prayer*, and the Ordinal.

Furthermore the Church of England (Worship and Doctrine) Measure 1974 notes that 'References in this Measure to the doctrine of the Church of England shall be construed in accordance with the statement concerning that doctrine contained in the Canons of the Church of England'.⁴

² Cf Albert Mirgeler, *Mutations of Western Christianity* (Burns & Oates, 1964).

³ For this and the many questions of doctrine and discipline posed by the Reformation, especially in relation to baptism, the Eucharist, and the nature of the Church, cf Diarmaid MacCulloch, *Reformation: Europe's House Divided 1490-1700* (Allen Lane, 2003).

⁴ Church of England (Worship and Doctrine) Measure 1974, s 5(1); N Doe, *The Legal Framework of the Church of England* (Clarendon Press, Oxford, 1996), p 256. Yet it has been noted that that same Measure contains a circular argument in that

The legal position has been set out in the following way:⁵

As with its canon law the doctrine of the Church of England is that of the Western Catholic Church immediately before the Reformation, subject to modifications both explicit and implicit introduced by the Reformation. The Church of England is a reformed Catholic, and in that sense a “protestant” church, the term “Catholic” being applied to all those churches which maintain the faith and traditions of the Creeds, the Ecumenical Councils and the Church Fathers, together with the practice of the Sacraments and the Episcopate in historical succession from the Apostles.⁶

Following the break with Rome, uniformity in worship was defined by the Prayer Books – 1549, 1552, and (after the break of Mary Tudor’s reign) 1558, and a further revision after the restoration of Charles II in 1660 in 1662. It was the intention of Archbishop Cranmer to replace the diversities of mediaeval English practice (‘the uses of Hereford, Sarum, and Bangor’) by a single form of liturgical practice for the Church of England. Such uniformity was undoubtedly aided and abetted by the concurrent invention of printing which enabled the mass reproduction and distribution of a single liturgical form. Within the Prayer Book form of worship were the ancient summaries of belief—the Nicene (strictly Niceno-Constantinopolitan) Creed, the Apostles’ Creed, and the (so-called) Athanasian Creed (*Quicumque Vult*), all of which were used as summaries of the Christian faith within the authorised Church of England services.

In March 1553 Cranmer presented his proposals for the reform of ecclesiastical law (*Reformatio Legum Ecclesiasticarum*) to Parliament, but, because of the death of Edward VI that summer, matters were not taken further. Nonetheless the *Reformatio* begins with a clear doctrinal emphasis which has been continued in Anglicanism. It begins with the doctrine of God, revealed as Holy Trinity and the mysteries of our redemption in Christ. ‘Every required belief must come from the canonical Scriptures ... so that if something is not read or contained in it, neither does it follow nor is it deduced from it, [it] cannot be demanded of anyone that it should be believed as an article of faith’ (I.9). The Apostles’, the Nicene and Athanasian creeds are to be received as summaries of faith, ‘for they can easily be proved by the most certain testimonies of the divine and canonical Scriptures’ (I.5). The first four Councils are to be embraced and accepted with great respect, and the authority of the orthodox Fathers is not to be despised, though Holy Writ must be our rule and judge for all Christian teaching (I.15). The second section of the *Reformatio*

once a Measure with doctrinal reference has been passed by the General Synod and Parliament and received the Royal Assent that determines that such doctrine *is* in accordance with Scripture and tradition and the historic formularies according to the Canons of the Church of England, and cannot further be tested. (Cf the cases brought by the Revd Paul Williamson on precisely this issue in relation to the question of the ordination of women to the priesthood).

⁵ Lynne Leeder, *The Ecclesiastical Law Handbook* (Sweet & Maxwell 1997).

⁶ *Ibid.*, 9.2, p 267.

deals with heretics who 'receive the doctrine of our common faith in a way which is contrary to what has been determined by Holy Scripture' (II.1), and a series of articles on doctrinal errors follows, concerned with classical Christian heresies, what were judged to be Roman 'inventions' and a repudiation of anabaptism. The third section sets out procedures for judging those who profess heretical opinions, by 'inquest, accusation, evangelical denunciation, and exception' (III.1).⁷

Although the *Reformatio* was not put into effect (John Foxe published it in 1571), it had a significant influence on the Thirty-nine Articles which were published, 'agreed by the Archbishops and Bishops of both provinces and the whole clergy in the Convocation holden at London in 1562'. They were stated to be 'for the avoiding of the diversities of opinions and for the stablishing of consent touching true religion'. They were thus intended as Articles of peace. They were also 'put forward by the Queen's authority'. In 1571 the Subscription Act⁸ repeated what had been said nine years earlier, asserting that ecclesiastical authority lay with the convocations, but acknowledging that the publishing of the Articles lay with the Crown. Canon 5 of the 1603/1604 Canons censured the Impugners of the Articles of Religion established in the Church of England:

Whosoever shall hereafter affirm that any of the nine and thirty Articles agreed upon by the Archbishops and Bishops of both provinces, and the whole Clergy, in the Convocation holden at London in the year of our Lord God one thousand five hundred and sixty-two, for avoiding diversities of opinions, and for the establishing of consent touching true Religion, are in any part superstitious or erroneous, or such as he may not with a good conscience subscribe unto; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his repentance, and public revocation of his wicked errors.⁹

Canon 34 of the 1603 Canons, which deals with 'The Quality of such as are to be made Ministers', requires that those admitted to holy orders must 'be able to yield an account of his faith in Latin, according to the Articles of religion approved in the Synod of the Bishops and Clergy of this realm, one thousand five hundred sixty and two, and to confirm the same by sufficient testimonies out of the holy Scriptures'.¹⁰ The particular reference to the Articles in the 1603 Canons is set within the affirmation of the Royal Supremacy (and by implication the repudiation of papal claims), stating that the Church of England is a 'true and Apostolical Church', 'teaching and maintaining the doctrine of the Apostles'.¹¹

⁷ Gerald Bray (ed). *Tudor Church Reform: the Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum* (The Boydell Press, Church of England Record Society, 2000), pp xli ff, pp 170-224.

⁸ 13 Eliz 1, c 12, also known as the Ordination of Ministers Act 1571 and the Act confirming the Thirty-nine Articles 1571.

⁹ *Constitutions and Canons Ecclesiastical 1604* (ed J V Bullard, 1934), Canon V, p 6.

¹⁰ *Ibid.*, Canon XXXIV, p 38.

¹¹ *Ibid.*, Canons I, III, pp 3, 4.

Canon A 2 of the Revised Canons Ecclesiastical states that 'The Thirty-nine Articles are agreeable to the Word of God and may be assented unto with a good conscience by all members of the Church of England'. The Clerical Subscription Act of 1865 amended Canon 36 of 1603 so that instead of an obligation to 'acknowledge all and every one of the Articles to be agreeable to the Word of God' only a general assent was demanded. In 1975 the obligation laid on every beneficed cleric to read the Articles to his congregation on the first Sunday after taking up a cure of souls was abolished, being replaced by a new Declaration of Assent to which all clergy of the Church of England must give public assent before being licensed or instituted to any office, which was embodied in Canon C 15. The Preface to the Declaration of Assent states that

The Church of England is part of the One, Holy, Catholic and Apostolic Church worshipping the one true God, Father, Son and Holy Spirit. It professes the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation. Led by the Holy Spirit, it has borne witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, *The Book of Common Prayer* and the Ordering of Bishops, Priests and Deacons. In the declaration you are about to make will you affirm your loyalty to this inheritance of faith as your inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making him known to those in your care?

The minister declares his or her assent to this declaration in the following form:

I, A B, do so affirm, and accordingly declare my belief in the faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and to which the historic formularies of the Church of England bear witness ...

It is significantly looser than Canon 36 of 1603.

When we consider what is involved in making an assent of faith, obvious questions arise. What is entailed in assent to such a declaration? What does it mean to declare one's belief in a body of doctrine which is to be found in such a various collection of writings as the Scriptures of the Old and New Testaments? To say that the doctrine of the Church is grounded in the Holy Scriptures, or that it is to be found in the Thirty-nine Articles or in *The Book of Common Prayer*, is not to say that everything contained in those documents necessarily constitutes the doctrine which is in question. Who then discriminates between those parts which count and those which do not? Who is to determine the sense in which assent is to be given? And how do we handle the many questions that arise in relation to the development of doctrine? As we look over the history of the Church it is clear that some doctrines have at one time been generally understood in a literal sense and at other times more figuratively. A doctrine which has appeared central

or fundamental to one generation has appeared less so to another. The issue of development takes a particular form in a body like the Church of England which accords special authority to documents which were formed in the controversial circumstances of a particular era. How, in the light of irreversible subsequent developments, including those of ecumenical theology, is the Church to arrive at and recognise an authoritative reading of those earlier authoritative documents?

We need to recognise that it is never enough simply to appeal to documents, whether they be primary documents such as the Scriptures or secondary ones like *The Book of Common Prayer* and the Thirty-nine Articles. The question will always arise as to who has authority to interpret these documents. In this context we must also note that authority is properly a quality of persons, not of documents. Documents have authority only in a secondary sense, derived from the authority of those persons who have written or approved them. Thus the issue of the authority of the Church is inescapable. This is recognised in Article XX ('Of the Authority of the Church'):

The Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith: and yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree anything against the same, so besides the same ought it not to enforce any thing to be believed for necessity of Salvation.

Later on in Article XXXIV ('Of the Traditions of the Church') the Articles deal with the authority of particular or national Churches 'to ordain, change, and abolish, ceremonies or rites of the Church ordained only by man's authority ...'. It is significant that this Article says nothing about matters of doctrine. This is in clear distinction from Articles XIX and XX, which include doctrine in their scope and which deal with the authority of the universal Church.

Articles XIX and XX provide the context for the immediately following Article XXI ('Of the Authority of General Councils'). The Church of England acknowledges the authority of General Councils, with the proviso that 'things ordained by them as necessary to salvation have neither strength nor authority, unless it may be declared that they be taken out of Holy Scripture'. Thus the authority of councils such as Nicaea and Chalcedon is assured. It is also made clear that, as far as Christian doctrine is concerned, the Church of England sees itself as a part of and subject to the authority of the universal Church, provided that declarations ascribed to the 'universal Church' are judged to be consonant with Holy Scripture.

The same understanding of the position of the Church of England (and of the Anglican Communion) within the universal Church is expressed

in the Preface to the 1975 Declaration of Assent set out in Canon C 15: the Church of England 'is part of the One, Holy, Catholic and Apostolic Church', and its particular formularies are subordinate witnesses to the faith revealed in the Scriptures which are common to all Christians and set forth in the creeds which belong to all Christians.

In the Church of England the nineteenth century saw a significant increase in questions of doctrinal dispute, and questions relating to liturgy. The vast majority were in the second category. The catalyst was the Oxford Movement and the subsequent catholic revival. Ironically the Court of Delegates, which had been established as a final court of appeal for appeals which before the Reformation would have gone to Rome, was abolished in 1833. Its place was taken by the Judicial Committee of the Privy Council. At the very moment therefore when doctrinal and liturgical cases came to the fore, the final court of appeal was not a Church court, and this of itself was one of the causes of contention. When George Cornelius Gorham was refused institution to the living of Brampford Speke by Bishop Phillpotts of Exeter because of Gorham's denial of the doctrine of baptismal regeneration, it was the Judicial Committee of the Privy Council which finally ruled that Gorham's views were legally acceptable in the Church of England. It was a secular court determining doctrine in this instance that finally led to Henry Manning's secession to the Roman Catholic Church and his publication of a strongly worded criticism of the Erastianism of the Church of England in his pamphlet, *The Appellate Jurisdiction of the Crown in Matters Spiritual*.

The Judicial Committee was clear that its role was to set the limits of what was permissible. 'The court sat simply to determine whether particular doctrines, be they true or false, were such as a clergyman was forbidden to hold or teach. A doctrine to be prohibited had to contravene either the Thirty-nine Articles or the Prayer Book. Those were the official formularies of the Church of England. Where they were silent, liberty prevailed'.¹² A number of other cases besides the *cause célèbre* of the Gorham judgment may be noted: *Henry Erskine Head* (1843) was condemned for attacking the confirmation service, the catechism, and aspects of the baptismal service. *Frederick Oakeley* (1845) was condemned in the Court of Arches for claiming in a published document that it was permissible to hold the entire doctrine of the Church of Rome and remain a clergyman of the Church of England. (This went further than Newman's *Tract 90* which sought to interpret the Articles as being directed against popular Romanist beliefs at the time they were issued, rather than against the later formulations of the Council of Trent). *Dunbar Isidore Heath* (1862) and *Charles Voysey* (1871), who maintained a religion of general benevolence, were both condemned for particular propositions taken from their writings that were held to contradict particular Articles. In the case of *Essays and Reviews* (1863) the two defendants (H B Wilson and Rowland Williams) were condemned on

¹² Robert E Rodes Jr. *Law and Modernization in the Church of England: Charles II to the Welfare State* (University of Notre Dame Press, 1991), p 259.

a limited number of charges arising from their essays (concerning eternal punishment and the inspiration of Scripture) in relation to particular Articles. The Dean of the Arches (Dr Lushington) condemned the defendants on three charges. His judgment was reversed by the Judicial Committee in a famous judgment which was said to 'deprive members of the Church of England of their hope of everlasting damnation'. The Judicial Committee noted that it did not see it as part of its duty 'to pronounce any opinion on the character, effect, or tendency of the publications known by the name of *Essays and Reviews*'. Their judgment was narrowly confined to the extracts before them. 'If, therefore, the Book, or these two Essays, or either of them as a whole, be of a mischievous and baneful tendency, as weakening the foundation of Christian belief, and likely to cause many to offend, they will retain that character and be liable to that condemnation, notwithstanding this our judgment'.¹³

Robert Rodes notes that with the *Voysey* case 'the series of doctrinal cases comes to an end. Never again was a clergyman of the Church of England to be required to answer for his doctrines in an English court'. When doctrinal objections were raised against Frederick Temple (he was a contributor to *Essays and Reviews*) on becoming Bishop of Exeter, and to Charles Gore (as a contributor to *Lux Mundi*) on becoming Bishop of Worcester, the courts refused to consider objections to their doctrine. Much more recently Michael Bland (1972) had his argument that he refused to baptise the child of parents who did not attend church as being a doctrinal one dismissed. 'He was prosecuted for what he failed to do, not for what he believed or taught'.¹⁴ Overall, as Rodes notes, there has been a 'frustration inherent in trying to decide current theological controversies by resort to judicial interpretation of sixteenth-century formularies', but there has also been little willingness to develop a new set of doctrinal standards to replace the old. 'As a result, canons of scholarship have tended to take the place of canons of orthodoxy in establishing the doctrinal commitments of the church. Anglican controversialists no longer look for official condemnation of opposing doctrines. They look for such doctrines to fare in the church as the Baconian theory has fared among Shakespeare scholars, or the flat earth theory among geographers. They are not always disappointed'.¹⁵ As Lynne Leeder again notes:

In doctrinal matters the law permits a considerable degree of liberty, and where two interpretations are possible either is permissible. Further there are many matters upon which the formularies are silent and much is therefore left to the conscience of the individual. In England it is generally in the outward expression of doctrine, that is public worship, rather than in exposition of doctrine itself, that the greatest controversies have arisen and where heterodoxy has been challenged.¹⁶

¹³ Quoted *ibid*, pp 274-275.

¹⁴ *Ibid*, p 275.

¹⁵ *Ibid*, p 276.

¹⁶ *Ecclesiastical Law Handbook*, 9.3, p 270.

If the nineteenth-century cases concerning doctrine were relatively few, by the same token the cases concerning liturgy were frequent. The Oxford Movement and the subsequent Ritualist movement, and the sharp division between parties in the Church led to a series of law suits concerning the celebration of the Eucharist in particular. The Church Association from the Protestant side brought prosecutions, which provoked sharp defences from the 'Catholic' side led by the Church Union. Priests were imprisoned for ritual offences (Arthur Tooth, Thomas Pelham Dale, R W Enraght, Sidney Faithorn Green, James Bell Cox) because they refused to acknowledge the authority of Erastian courts, or claimed to be following the practice of Western Catholic Christendom. There were cases about Eucharistic vestments, the 'manual acts' in the Prayer of Consecration at Holy Communion, the lighting of candles on the altar, the use of incense, Benediction of the Blessed Sacrament, the use of Latin and parts of the Roman canon. The *Purchas* judgment of 1871 was particularly significant. In this the Judicial Committee of the Privy Council declared Eucharistic vestments, the eastward position of the celebrant at Holy Communion, the mixed chalice, and the use of wafer bread illegal, overturning an earlier judgment by the Dean of the Arches that they were legal. 'The verdict marks a turning-point in the ceremonial revival in the Church of England in the 19th century, because hitherto such practices had been regarded on nearly all sides as conforming with the letter of the law, whereas from then on ritualists were held to be law-breakers. The judgment was widely disobeyed, however, as without spiritual authority, and the eastward position was continued, e.g. at St Paul's Cathedral'.¹⁷ In 1877 in the *Ridsdale* judgment the Judicial Committee of the Privy Council pronounced that 'alb and chasuble or cope, as distinguished from the surplice' were illegal in the Church of England, except that copes were allowed in cathedrals or collegiate churches. The eastward position was permitted provided that the manual acts were not concealed from the congregation as a result.¹⁸

In pre-Oxford Movement days there had been law suits about hymns, which were of doubtful legality.¹⁹ There was controversy about the disuse of the Athanasian Creed, prescribed in the Prayer Book for use on certain days. There was controversy about the spiritual authority of the courts which ruled on ritual offences. Erastian courts were themselves offensive to Catholic minded priests. Archbishop Tait's attempt to 'put down Ritualism' by the Public Worship Regulation Act 1874 proved a failure because it only succeeded in making martyrs to the ritualist cause, and Lord Penzance as a divorce court judge was thought particularly unsuitable to preside over a court concerned with ritual offences. The narrowness of appeal to rubrics and sixteenth-century documents was also a frustration, from which there was a certain deliverance when Archbishop Benson concluded that he had

¹⁷ F L Cross and E A Livingstone (eds), *Oxford Dictionary of the Christian Church* (Oxford University Press, Oxford, 1997 edn), entry on *Purchas* Judgement pp 1348f. For the case, see *Hebbert v Purchas* (1871) LR 3 PC 605.

¹⁸ *Oxford Dictionary of the Christian Church*, entry on *Ridsdale* Judgement. For the case, see *Ridsdale v Clifton* (1877) 2 PD 276, PC.

¹⁹ Cf Thomas K McCart, *The Matter and Manner of Praise: the controversial evolution of hymnody in the Church of England 1760-1820* (Scarecrow Press, 1998).

the right to try Bishop Edward King of Lincoln for ritual offences and was able to draw on a much wider range of patristic and pre-Reformation practice in coming to his 1890 Lincoln judgment.²⁰

The Royal Commission on Ecclesiastical Discipline was set up in 1904 to 'inquire into breaches or neglect of the Law relating to the conduct of Divine Service in the Church of England and to the ornaments and fittings of Churches' and to devise remedies. It reported to Parliament in 1906 after taking evidence from 164 witnesses and consulting the bishops. The Commission reported unanimously that 'the law of public worship was too narrow, and that the machinery for discipline had broken down'. It recommended that practices significant of teaching repugnant to the doctrine of the Church of England should be made to cease, if necessary by force of law; that Letters of Business should be issued to the Convocations to regularise the vestments of the minister and to provide greater elasticity in public worship; that the Judicial Committee of the Privy Council should be replaced as the final court of appeal; that the Public Worship Regulation Act of 1874 should be repealed; and that dioceses should be divided to secure greater episcopal supervision.²¹

The Bishop of Gloucester (E C S Gibson) contributed an historical appendix to the Report of the Royal Commission on Ecclesiastical Discipline, which dealt with the Administration of the Act of Uniformity 1558. He noted the stringency of Elizabeth's Act, and the content of nineteenth-century judgments: 'In the performance of the services, rites and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed, no omission and no addition can be permitted';²² and 'Their Lordships are of the opinion that it is not open to a Minister of the Church, or even to their Lordships in advising her Majesty, as the highest Ecclesiastical Tribunal of Appeal, to draw a distinction in acts which are a departure from, or violation of, the rubric, between those which are important and those which appear to be trivial. The object of a Statute of Uniformity is, as its preamble expresses, to produce a universal agreement in the public worship of Almighty God, an object which would be wholly frustrated if each minister, on his own view of the relative importance of the details of the service, were to be at liberty to omit, to add to, or to alter any of those details'.²³ Nonetheless Gibson stated 'As a matter of history (1), at all periods practices not enjoined in, and omissions from the requirements of the rubrics have been common, being often not merely acquiesced in, but even approved and sanctioned by Episcopal authority; while (2) every attempt to enforce the strict letter of the law by coercive measures has proved disastrous, and led to a Schism in the Church, "conscience" in each case being pleaded by the recalcitrant party'.²⁴

²⁰ *Read v Bishop of Lincoln* [1891] p 9. See John A Newton, 'The Trial of Bishop King' (1999) 5 *Ecc LJ* 265.

²¹ F L Cross and E A Livingstone (eds), *Oxford Dictionary of the Christian Church*, entry 'Ecclesiastical Discipline, Royal Commission on' pp 524f.

²² *Liddell v Westerton* (1857) Brod & F 117, PC.

²³ *Martin v Mackonochie* (1868) LR 2 PC 365.

²⁴ *Royal Commission on Ecclesiastical Discipline*, 1906, IV, Appendix C, p 49.

Letters of Business were issued in November 1906 beginning the process of revision which led up to the Prayer Book presented to Parliament in 1927, and again, in a slightly modified form, in 1928, both books being rejected by Parliament, and therefore leading to a situation in which technically illegal liturgy, if conforming to the 1928 provision, was accorded a quasi authoritative status in the Church of England. Following the enactment of the Prayer Book (Alternative and Other Services) Measure 1965 the principle of uniformity has been replaced by the principle of conformity. Variations are now permitted to the extent that other forms of service are authorised or the minister has a discretion to vary their forms.²⁵ The passing of the Church of England (Worship and Doctrine) Measure 1974 gave the General Synod power to regulate by Canon all matters of worship including Alternative Services, provided that the forms of service in *The Book of Common Prayer* continued to be available for use. In 1975 the form of the declaration of assent was agreed. The processes of liturgical revision leading to the *Alternative Service Book 1980*, and more recently *Common Worship*, have led to increasing latitude and much greater flexibility in the matter of liturgical texts, and the emphasis is now on common structure. Worship in the Church of England must however be according to approved texts, even with wide variations.

At the same time as controversies about ceremonial led eventually to the setting up of the Royal Commission on Ecclesiastical Discipline, so doctrinal issues became matters of concern with tensions in relation to both 'Modernists' and Anglo-Catholics. A memorial was presented to Archbishop Randall Davidson in 1922 which led later that year to the setting up of a Commission with the following terms of reference: 'To consider the nature and grounds of Christian Doctrine with a view to demonstrating the extent of existing agreement within the Church of England and with a view to investigating how far it is possible to remove or diminish existing disagreement'.²⁶ Designed to work for a consensus between the different parties in the Church of England, the Commission laboured for fourteen years, with annual meetings of the whole Commission and some further meetings of local groups. William Temple chaired the Commission for the greater part of its life. Temple's biographer judged that 'on the issues between Catholic and Evangelical the Report is a good and constructive piece of work: on those between traditional and modernist it is less satisfactory' and many felt 'that the Report displayed the irritating inconclusiveness of Anglican compromise' but welcomed it as 'a triumph for toleration and for the comprehensiveness of the National Church'.²⁷

There have been notable furores over matters of doctrine, most particularly when bishops, with their particular teaching responsibility have been involved. In 1947 E W Barnes, Bishop of Birmingham and a scientist by

²⁵ Leeder, *Ecclesiastical Law Handbook*, 9.5, p 271.

²⁶ G K A Bell, *Randall Davidson, Archbishop of Canterbury* (3rd edn) (Oxford University Press, London, 1952), p 1150.

²⁷ F A Iremonger, *William Temple, Archbishop of Canterbury, his life and letters* (Oxford University Press, London, 1948), pp 465-466.

training, who had already tangled with Anglo-Catholics over sacramental doctrine, published *The Rise of Christianity*. It was a book which surveyed Christian origins but in a way which totally repudiated any miraculous element in the origin of Christianity. Many of his fellow bishops were appalled, Archbishop Garbett calling it a 'miserable book' and doubting whether he had known anything in the whole course of his ministry more likely to injure the work and influence of the Church. Archbishop Fisher found himself confronted with four courses of action: to ignore the book; to have Barnes tried for heresy; to debate the matter in Convocation; or to issue a unilateral condemnation. Fisher was aware, as he made clear in a number of letters, that if he allowed a trial for heresy in an Archbishop's Court, an appeal would lie to the Privy Council and once again a lay court would pass judgment on orthodoxy in the Church of England, and he was not prepared to go down that road. Fisher determined on asking E G Selwyn and Leonard Hodgson to draft a theological report on the book and on the basis of that report made a statement to the Convocation of Canterbury in which he stated that, if Barnes' views were his 'I should not feel I could still hold episcopal office in the Church'. Although the Church of England gave 'a great deal of freedom to its members ... there is a point at which a limit is reached as to what is tolerable, and that point is reached earlier in the case of a bishop, who is specially charged with the responsibility of guarding the tradition of the Church'.²⁸

The matter of how doctrinal offences should be handled was considered by the Commission on Ecclesiastical Courts set up in 1951, which reported in 1954. The Commission recognised the distinction between 'doctrinal, ritual, ceremonial and simoniacal offences' and moral offences and offences relating to the neglect of duty. The Commission recognised that a different type of court and procedure would be required for dealing with doctrinal issues. Such cases, designated as 'Reserved Cases', were to be tried by a Court of Ecclesiastical Causes Reserved. The Commission noted that as far as liturgical and ritual offences were concerned there was need for the law governing public worship to be amended, for 'to make new provisions for the trial of offences against a law, considerable sections of which are no longer observed and in addition are contrary to the mind of the Church as expressed in practice, is sheer waste of time. To expect the ecclesiastical courts to administer such a law, is to require them to make decisions that are either contemptible or ridiculous'.²⁹ Provision was made for assessors, theologians in a doctrinal case and liturgists in a ritual or ceremonial case. But the Commission had wise words about the limited and exceptional role of ecclesiastical courts in doctrinal matters:

An ecclesiastical court in the Church of England can play only a limited part in the correction of unsound doctrine. It would appear

²⁸ John Barnes, *Ahead of his age: Bishop Barnes of Birmingham* (Collins, London, 1979), pp 395-412; Edward Carpenter, *Archbishop Fisher – His Life and Times* (The Canterbury Press, Norwich, 1991), pp 295-301.

²⁹ *The Ecclesiastical Courts: Principles of Reconstruction*, Commission on Ecclesiastical Courts (SPCK, London, 1954), p 73 .

that, as the law now stands, a court can only deal with doctrine that is alleged to be a denial of or contrary to the teaching of the Church. The type of unsound doctrine which makes use of orthodox phrases with presuppositions which rob those phrases of their real meaning and, because it is more subtle, is more dangerous than verbal denials, cannot be satisfactorily dealt with at all by an ecclesiastical court. In any case the circumstances in which the Church of England carries on its mission make proceedings in an ecclesiastical court a remedy for dealing with unsound doctrine which should be resorted to only as an extreme measure. Methods in many ways more consonant with the spirit of the Church of England are theological discussion and debate accompanied by sympathetic understanding and patient persuasion on the part of those who oppose a particular unsound doctrine. These methods have an additional advantage, as compared with proceedings in a court, in that they better enable what is true in any alleged unsound doctrine, though perhaps long forgotten, to be sorted out from what is false and brought home afresh to the mind of the Church.³⁰

The Commission hoped that the new Court of Ecclesiastical Causes Reserved would be cautious in acting, not only when 'a complaint was trivial or without foundation, but also when in its opinion such actions would not be in the interests of the Church'. The court has in fact only had one case brought before it, that respecting the Henry Moore altar installed in the Wren City Church of St Stephen, Walbrook, where the Chancellor of London had refused a faculty not only on aesthetic grounds but on the grounds that the Moore altar was made of stone and had nothing of tableness about it. The court overruled the Chancellor and permitted the installation of the altar.³¹

The Court of Ecclesiastical Causes Reserved was not called on to sit in judgment on perhaps the two most celebrated furores involving bishops and doctrinal matters, one involving Bishop John Robinson and *Honest to God* in the 1960s and the other concerned with the views of David Jenkins, Bishop of Durham, on the Resurrection and the Virgin Birth in the 1980s.

Honest to God was published in March 1963. Michael Ramsey had been enthroned as Archbishop of Canterbury two years earlier. Robinson drew on his own theological reading of Bonhoeffer ('religionless Christianity'), Bultmann (demythologising) and Tillich (the symbolic character of theology and God in the depth), and also on the new challenge of the highly secularised South London where he ministered as Bishop of Woolwich. The book said little that was surprising to those familiar with the writings of Bonhoeffer, Bultmann and Tillich, but, as Eric James points out in his biography of Robinson, the furore was caused by the fact that

³⁰ Ibid, p 71.

³¹ *Re St Stephen's, Walbrook* [1987] Fam 146, [1987] 2 All ER 578 Ct of Eccl Causes Res.

its author was a bishop, and a bishop who had gained notoriety in 1960 for defending the publication of D H Lawrence's novel, *Lady Chatterley's Lover*, which had been held to be obscene. But more important was the article Robinson wrote at the invitation of *The Observer*, which was given the headline 'Our Image of God Must Go', which many took to mean that the bishop was an atheist. This was far from what Robinson had intended, and no one could have been more ardent than Robinson for a personal God. But the perception projected by the article led Michael Ramsey to criticise Robinson in a television interview because it was 'utterly wrong and misleading to denounce the imagery of God held by Christian men and women and children; imagery they have got from Jesus himself, the image of God the Father in Heaven, and to say that we can't have any new thought until it is all swept away'. Later, in a presidential address to the Convocation of Canterbury, Ramsey spoke of the difficult balance between 'encouraging freedom of enquiry and adhering to a definite faith revealed in Holy Scripture and summarised in the historic creeds'. 'If heresy is a danger so too is an obscurantist spirit in respect of the study of truth'. So Ramsey continued:

The effort to open up new modes of contact between our Faith and a secular age is one with which I feel much sympathy. We state and commend our Faith only in so far as we go out and put ourselves with loving sympathy inside the doubts of the doubting, the questions of the questioners, and the loneliness of those who have lost their way. But again, the book appears to reject the concept of a personal God as expressed in the Bible and the Creed. The presence in the book of gentle remarks for the comfort of orthodox believers does not cancel this fact. In place of the doctrine of God which is to be rejected there emerges instead some doctrine about God and about the deity of Christ. But I doubt whether any argument could show that the doctrine which so far emerges is properly the same as the doctrine of the Church. The Bishop however assures us that he upholds the Biblical and Catholic Faith and the thought of the book is tentative and exploratory.³²

Ramsey later wondered whether he had been too harsh in his judgment and began to see the wider shifting in the context in which the Church was now set. 'A world of half-belief and half doubt, of searching and questionings, was dug up by *Honest to God* ... Here was an opportunity to learn from that wistful world which was being uncovered, to understand, to discriminate, and then to try to guide with patience'.³³

In the 1980s a further furore centred on the teaching of Bishop David Jenkins in respect of the Virgin Birth and the Resurrection. The issue was, as Clifford Longley put it, that by divorcing the doctrine of the Resurrection from its anchor in an historical event Jenkins had undermined it, redefining

³² Eric James, *A Life of Bishop John A T Robinson, Scholar, Pastor, Prophet* (Collins, London, 1987), p 121.

³³ Owen Chadwick, *Michael Ramsey: a Life* (Clarendon Press, Oxford, 1990), pp 372-373. q. Michael Ramsey, *Canterbury Pilgrim*, 1974, pp 3-5.

it to mean something else. 'When he says he believes in it, he does not mean what the Church has always understood it to mean. Similarly with the Virgin Birth ...'. But, as Longley also pointed out, 'nothing in the Church's founding documents, whether the Creeds of the early centuries or the Thirty-nine Articles of the sixteenth, explains exactly how the words Resurrection and Virgin Birth are to be understood'.³⁴ As David Jenkins has recently made clear, his traditionalist critics maintained that it was essential that the 'historical claims' relating to the incarnation and the resurrection 'had to be guaranteed as being literally true because they were stated in certain biblical texts and were thereby authenticated by divine scriptural warrant ... Christian faith depends on the fact that these truths are guaranteed by scripture, endorsed and handed on by the God-granted authorities of the church. If divine authority does not endorse the literal truth of these particular historical claims (such as the virgin birth and the empty tomb) then our faith collapses'. For Jenkins such a stance 'involves an untenable idea of God, one that it is impossible to hold or commend if one takes seriously advances in modern thought since at least the middle of the seventeenth century'.³⁵

The response to the theological controversy was a debate in General Synod in February 1985, in which Archbishop Runcie reminded Synod that 'the issues about the limits of interpreting credal statements which have concerned us in recent months are far from new', and he commended as an Anglican virtue what T S Eliot called 'continence in affirmation'.³⁶ The House of Bishops responded to the debate a year later with a statement, *The Nature of Christian Belief*. Affirming the objective reality of the Resurrection, belief in the empty tomb underlined the fact 'that in the resurrection life the material order is redeemed, and the fulness of human nature, bodily, mental and spiritual, is glorified for eternity'. The statement went on to say that:

There must always be a place in the life of the Church for both tradition and enquiry. The relation between them is not simple and never settled, and has always meant that there can be a proper diversity in the understanding and expression of the Christian faith. But provided that we are attentive to the Holy Spirit as he glorifies Jesus and leads us into all truth, this variety which our faith not only allows but fosters need not become a cause of division, but can deepen our relationship with God and our understanding of the Gospel.³⁷

Before proceeding to a detailed exposition of the doctrinal issues relating

³⁴ Quoted in Jonathan Mantle, *Archbishop: the Life and Times of Robert Runcie* (Sinclair-Stevenson, London, 1991), p 207.

³⁵ David E Jenkins, *The Calling of a Cuckoo: Not Quite an Autobiography* (Continuum, London & New York, 2002), pp 52-53.

³⁶ Adrian Hastings, *Robert Runcie* (Mowbray, London, 1991), p 202.

³⁷ *The Nature of Christian Belief: a statement and exposition by the House of Bishops of the General Synod of the Church of England* (Church House Publishing, London, 1986), p 2.

to the Virgin Birth and the Resurrection, the statement considers the implications and character of the Declaration of Assent, including important words about the task to which the Church and Christian ministers are called of 'proclaiming the faith afresh in each generation'.

An integral part of loyalty to the inheritance is commitment to mission, to the task of "proclaiming the faith afresh"... [The] task of helping the world to know and understand the faith is a never-ending process. Where venerable words are still the best, yet they need to be explained in new ways to the children of new cultures. Where they are failing to communicate, new words have to be found to convey the original vision. Where new knowledge opens up a larger and deeper conception of God, it has to be shown how the inheritance of faith is enriched and developed by this without losing its essential character.³⁸

The tensions recognised by the 1986 House of Bishops statement are part of the necessary balancing between the biblical and credal orthodoxy embodied in the Declaration of Assent and the work of theological enquiry and interpretation. The history of the exercise of discipline in the Church of England with regard to doctrine and liturgy indicates a general trend towards more permissive regulation. Although doctrinal orthodoxy is a fundamental concern, most of the cases have been liturgical, though of course liturgy embodies doctrine and it is easier to monitor what is done and said in services than to tackle broader doctrinal issues. In any case it is important to remember the proper caution of the Commission on Ecclesiastical Courts that a Church court can play only a limited part in the correction of unsound doctrine.

Nonetheless the Church does have a responsibility to ensure that those given authority to preach the Gospel and teach the Christian faith do in practice uphold that faith, and the Church has to exercise that guardianship of doctrine through particular persons or bodies charged with the responsibility of so acting. This relates both to the declaration of doctrine, and to its interpretation in particular cases. The two issues are distinct, but cannot be entirely separated.

As far as the primary declaration of doctrine is concerned, the position in the Church of England is clear. All doctrinal and liturgical matters are brought to the General Synod by the House of Bishops in virtue of their role as guardians of the Church's faith and teaching. The Synod as a whole determines whether or not to give assent. This reflects the relationship between bishops and laity which was clearly set out by Richard Hooker four hundred years ago. In point of fact, the bringing of any proposals by the House of Bishops to the Synod will have been preceded and prepared for by extensive consultation and discussion. This reflects the theological role of the House of Bishops in discerning the mind of the Church in such a way that the Church's representatives may be able to recognise the faith

³⁸ *Ibid*, p 9.

of the Church in what is presented to them for assent. The bishops have a particular responsibility for saving the local or national Church from eccentricity by ensuring that any fresh formulation of faith or liturgy is in conformity with the mind of the whole Church both in space and in time. In this they are exercising their responsibility for guarding the unity, catholicity and apostolicity of the Church. They also have a responsibility for guarding its holiness. This particular responsibility for guarding the faith, holiness and unity of the Church is shared by the Church's bishops together. It is also shared by each bishop with the presbyters of his diocese, with whom he shares the ministry of the Word and of the Sacraments of the Gospel.

A clear example of such a determination or clarification of doctrine took place when the General Synod assented to the proposal of the House of Bishops that the statements of ARCIC on the doctrines of the Eucharist and of ministry and ordination should be accepted as consonant with the doctrine of the Church of England. The Church of England (and also the Anglican Communion as a whole through the Lambeth Conference of 1988) thus gave a new and authoritative reading to the historic Anglican formularies on Eucharist and ministry. Any further revision of the Eucharistic liturgy or of the rites of ordination must be consonant with this reading.

As for the determination of particular cases of doctrinal or liturgical dispute, it is clear (the *St Stephen's, Walbrook* case of 1986 makes the point) that these too can involve the clarification or interpretation of the Church's teaching. Therefore the determinative voice, as far as doctrinal clarification is concerned, must lie with those whose particular role it is to guard the faith, that is, with the bishops. In such cases there will be a large and proper place for legal expertise. But legal expertise cannot of itself determine doctrine, nor must it appear to do so.

A distinction can properly be made between the faith as it is confessed by the Church as a whole and the assent of particular individuals. However, because of their responsibility as public guardians and teachers of the faith, bishops and other clergy do not enjoy the latitude of interpretation or freedom to withhold entire assent which may be allowed to private individuals. This is one of the constraints inherent in public office. The Church's ordained ministers speak and act not only for themselves but in the name of and on behalf of the Church. This is the reason for the questions in the Ordinal in which those who are to be ordained as bishop or priest are asked about their readiness to uphold and to defend the teachings of Scripture. In the nature of the case, those who hold responsibility must be accountable for the way in which they discharge their responsibility. The issue of doctrinal discipline is therefore inescapable as far as bishops and clergy are concerned. If a bishop or a priest is not witnessing to the faith of the Church in a way that the Church can recognise as faithful and authentic, the Church's integrity requires that there be a proper and credible means of addressing the situation.

This principle is comparatively easy to state. It is far harder to formulate practical proposals for implementing the principle. The following points are nonetheless clear:

- The final determination of what may or may not count as authentic Christian teaching must be in the hands of the Church and, in particular, in the hands of the Church's bishops in their role as guardians of the Church's catholic and apostolic faith.
- It has to be recognised that the Church's understanding of its faith is not static and can never be exhaustively set out. It must be for the Church at each particular time to decide, in continuity with the faith it has received and in communion with the Church in the rest of the world, what now counts as authentic Christian teaching.
- No system of discipline will work unless it is generally accepted as fair, trustworthy and authoritative.
- The Church needs protection from false teaching and abuse. It also needs protection from mischievous or mistaken troublemakers and persecutors, and from impatient persons who wish to bring a premature close to issues that ought to remain open.

The procedures proposed by the working party in relation to clergy discipline as it touches matters of theology and liturgy were concerned above all with the witness of the Church to the revelation of God in Christ. Our faith is grounded on God's gracious self-giving in the incarnation, passion, death and resurrection of the Son of God, and the outpouring of the Holy Spirit, through which we are redeemed and sanctified. Doctrinal statements, be they creeds or articles, all witness to this. As Newman wisely wrote, 'Creeds and dogmas live in the one idea which they are designed to express, and which alone is substantive; and are necessary only because the human mind cannot reflect upon that idea, except piecemeal, cannot use it in its oneness and entirety, nor without resolving it into a series of aspects and relations ... the Catholic dogmas are, after all, but symbols of a Divine fact, which, far from being compassed by those very propositions, would not be exhausted, nor fathomed, by a thousand'.³⁹ As the Church seeks to proclaim the faith afresh in each generation words both old and new will be needed. New challenges, be they from feminism or genetics, will require new answers, which will not be fashioned immediately. Living in a world of change, the Church has to respond to change and in so responding be prepared to change, but only, as Newman again said, in order that it may remain the same. To witness to a revealed faith requires doctrinal discipline; to speak to the searching for God and meaning of our generation requires empathy and understanding. Inquisitions do not make good agents of genuine conversion. There is therefore a proper balancing to which we are

³⁹ J H Newman, *Fifteen Sermons preached before the University of Oxford between AD 1846 and 1843* (Longmans, Green, & Co, London 1898), 'The theory of developments in religious doctrine', pp 331-332.

called of witness to Christian truth and respect for theological enquiry, and it is this which underlay the proposals which came before the General Synod in July 2004. In the event, on a division by Houses, the Synod declined to take the proposals forward. The defeat was by the narrowest of margins in the House of Clergy, and if it had been a vote of the Synod as a whole the report and the draft Measure that was attached would have been clearly sent forward for the drafting of a substantive Measure. The point at issue was largely one which the Working Party had itself considered on a number of occasions, namely, the number of members of a diocesan synod needed to bring a doctrinal complaint. The House of Clergy clearly thought what was proposed was too low, and wanted a high (perhaps unrealistically high) threshold for the commencement of proceedings. The concern was about heresy-hunting rather than about doctrinal discipline, and it is to be regretted that the report was not received and the detailed questions about the numbers needed to trigger a complaint subsequently dealt with in the appropriate context of a revision committee with its main task being the drafting and fine tuning of a Measure. The Church of England is now left with procedures under the Ecclesiastical Jurisdiction Measure 1963 which are dubiously compliant with European law. Matters of doctrinal integrity and accountability may be difficult to deal with, but a Church surely needs to have workable tribunals and standards of accountability in place for its own integrity. There will surely be a need to return to this question.