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THE NATURE OF EPISCOPAL AUTHORITY
IN THE CHURCH OF THE PROVINCE OF SOUTHERN AFRICA
(With special reference to the Constitution and Canons,
recent Commissions on Episcopacy and the Metropolitan,
and the Third Draft of the Plan of Union)
- A CONTRIBUTION TO THE CHURCH UNION DEBATE

DECEMBER 1987

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ABSTRACT

The C.P.S.A. as a daughter of the Church of England is part of the Catholic Church and has inherited the Historic Episcopate. In sorting out its legal status, the C.P.S.A., unlike the Church of England came to be not an established Church, but a voluntary religious association, free from state control, with its own Constitution and corpus of Canons (adopted in 1870), by which its members agree to abide. This meant that the Bishops were no longer appointed by the Crown, but elected by the Church; and their authority was defined and limited by the Constitution and Canons. Episcopal authority is inherently spiritual, and is exercised in a number of episcopal functions, which are the special ministry of the Bishop.

A premise of this thesis is that the basic unit of church organisation is the territorial diocese under the jurisdiction of one bishop. He is its Father-in-God, teacher, leader in worship, ordainer; he exercises discipline and presides over Synod. He is linked collegially with his clergy in the diocese; and with his brother bishops in the province, of which the Archbishop/Metropolitan is the first among equals, and the focus of unity of the province as a whole. The heavy demands on the Metropolitan in his dual role as Metropolitan and diocesan bishop lead us to recommend that the C.P.S.A. be divided into three or four provinces, being held together under a Primate.

We find that the C.P.S.A. has departed from the above principle in that it has allowed its dioceses to remain too large, and therefore has had^{to} raise up suffragan bishops to supplement the episcopal ministry of the diocesan. The tendency is to "regionalise" under suffragans rather than create smaller dioceses. Suffragan bishops do not have proper jurisdiction, and their episcopal authority is severely limited. We recommend a reversal of this trend.

The C.P.S.A. is engaged in unity negotiations in the Church Unity Commission with non-episcopal churches. These have agreed to the inclusion of bishops in the ministerial structure of an United Church. However the episcopal authority of such bishops, as compared with the C.P.S.A. counterparts, is so limited by conciliar constraints in the Plan of Union that we doubt whether Anglicans will be very enthusiastic about pledging themselves to such union as presently proposed.

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I INTRODUCTION

The Ordinal in the South African Book of Common Prayer begins thus :

"It is evident unto all men diligently reading Holy Scripture and ancient Authors from the apostles' time there have been these Orders of Ministers in Christ's Church: Bishops, Priests and Deacons." (1)

In this thesis we set out to examine the nature of episcopal authority in the Church Province of Southern Africa (C.P.S.A.). We shall not seek to justify the three-fold order, having been inherited from the Catholic faith. Our particular focus is the first of this three-fold order - the order of Bishops in the Church. Our enquiry is limited to the role of Bishops in the Anglican Church of Southern Africa.

Bishops are the chief ministers and leaders of the church; and our study shall be from the perspective of the authority vested in the Bishops - where it comes from; how it is exercised, and over whom; and the extent and limits of their authority.

In this we are entering the very heart of Anglicanism. Bishop Phelps wrote : The Catholic conception of the episcopate proves itself today, as all down the history of the church, to be the very essence of her life. (2)

A committee of the Lambeth Conference of 1930 based its consideration "on acceptance of the ancient Catholic principle that the fundamental unit of Church organisation is the territorial Diocese under the jurisdiction of one Bishop." (3)

The Lambeth Conference, described as "essentially a deliberative body of equals" (4), is a gathering of all Anglican Bishops who meet at Lambeth, usually every ten years, at the invitation of the Archbishop of Canterbury. The 1930 conference passed a resolution defining the nature and status of the Anglican Communion as follows

The Anglican Communion is a fellowship, within the One Holy Catholic and Apostolic Church, of those duly constituted Dioceses, Provinces or Regional Churches in communion with the See of Canterbury, which have the following characteristics in common :

- a) they uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorised in their several Churches;
- b) they are particular or national Churches, and, as such, promote within each of their territories a national expression of Christian faith, life and worship; and
- c) they are bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the Bishops in conference(5)

Bishop J.W.C. Wand summarised the Bishops' statement by saying : "that Anglicanism, viewed purely as an organisation, is a fellowship of free and independent churches whose Bishops meet in conference at Lambeth, and recognise the Archbishop of Canterbury as their senior." (6) He later commented : "It might be wondered how so loosely constructed an organisation can be kept together. The unity, however, unsurprisingly strong the unity of the Anglican Communion throughout the world is manifest by the interchangeability of its clergy." (7)

It is significant to note the paragraph that concludes the above resolution of Lambeth 1930.

The Conference makes this statement (on the Anglican Communion) praying for and eagerly awaiting the time when the Churches of the present Anglican Communion will enter into Communion with other parts of the Catholic Church not definable as Anglican in the above sense, as a step towards the ultimate reunion of all Christendom in one visibly united fellowship.

This vision for union on the part of Anglicanism at a relatively early stage in the church union debate, is highly commendable. One might presume that the Bishops envisaged first steps towards union being with Churches of a similar faith and order (e.g. with the Old Catholic Churches). It is one thing to have intercommunion and seek union with another episcopal church; it is, however, quite another when it is between episcopal and non-episcopal churches.

Bishop Stephen Neill records :

The Church of South India is unique in that for the first time in history a Church which has maintained the historic succession of the episcopal has succeeded in entering into full corporate union with non-episcopal churches. The achievement was not easy Questions of faith caused no prolonged difficulties. Within somewhat wide limits of interpretation, the three churches found themselves in agreement on the scriptures as the supreme authority in faith and life, on the Nicene Creed as the authorised summary of Biblical doctrine, and on Baptism and the Holy Communion as sacraments of the Church. It was otherwise when the Joint Committee came to consider the question of ministry . . . how were two disparate traditions to be reconciled (unto a single ministry)? (8)

Experience has proved that it is easier to find agreement on Baptism and the Eucharist than on the Ministry. (9) So the Lima Document on "Baptism, Eucharist and Ministry" published in 1982 by the Faith and Order Commission of the W.C.C. is a most important and valuable contribution, and might well be a basis for overcoming hurdles.

Ministry has been recognised as the stumbling block in church union attempts. This is certainly the case with the Church Unity Commission in South Africa - the inclusion of Bishops in the ministerial structure of the proposed United Church being the particular problem. Of the four denominations represented, only one, the Anglican Church, has a three-fold order of ministry. The other three - Presbyterians, Congregationalist and Methodist, have a single order - presbyters.

Anglicans worldwide would not enter into any unity negotiations unless a personal episcopacy is retained. This formed part of the 1958 Lambeth quadrilateral (guidelines on unity). The committee on church unity reported :

Loyalty to the age-long tradition of the Church, and to our own experience, compels us to believe that a ministry to be acknowledged by every part of the church can only be attained through the historic episcopate, though not necessarily in the precise form, prevailing in any part of the Anglican Communion (10)

Episcopacy therefore is non-negotiable for Anglicans; but there is room for negotiation as to the nature of episcopal authority and the role of the Bishop. Bishop Wand's comment will help others to understand the Anglican position : "To the Anglican it is as important to have the right order as to have the right doctrine. But strict adherence to the three-fold order of bishop priest and deacon is accompanied by a remarkably free expansiveness in general administration." (11)

On the other hand, "Free churchmen ... have certain convictions about the ordering of the church on conciliar lines which over the years have shown that Bishops are not necessary to the life of the Church of God" (12)

Furthermore, there is a traditional suspicion on abuse of power of episcopal office.

In 1975 the Presbyterian Church of S.A. registered its objection to the episcopal structure of the proposed plan of union - noting that five out of the six participating churches have never had episcopacy as part of their church government. The C.P.S.A. 's Provincial Standing Committee was quick to respond with a reminder that

"the greater part of the Christian Church for the greater part of its history has held episcopacy to part of Christ's purpose for his church." It urged further examination of the doctrine and practice of episcopacy, believing that the office of a bishop is consistent with a conciliar form of government.(13)

Our present study is in response to this call. It is a study of the nature of episcopal authority in the C.P.S.A., which encompasses both the principles and practice of episcopacy in the Anglican Church in Southern Africa. As such it is offered as a contribution to the church union debate in our part of the world. Non-episcopal churches of the Church Unity Commission are invited to lay aside any pre-conceived ideas or foreboding and try to understand the ethos and functioning of the Anglican episcopate in South Africa. Such an invitation is made in humility; because, while Anglicans believe they have in the episcopacy something of lasting value to offer the other churches, they recognise too that their practice of episcopacy has not always been commendable, or pleasing to God.

Indeed the C.P.S.A. has in recent years been engaged in trying to improve its episcopal system, in general terms, and in trying to solve the particular problem of the role, locus and workload of the Metropolitan (Archbishop). There have been a number of commissions, the goal of which is to develop "effective episcopacy." Some want to pursue this by the creation of smaller dioceses; others want to cut existing large dioceses up into episcopal areas or regions headed by a suffragan-bishop, all falling under the jurisdiction of the diocesan bishop. This study then comes at a time of much debate, some experimentation and cautious movement within the C.P.S.A. itself. Hopefully this thesis will in some small way be helpful in this process.

Not only do Anglicans want the other partners to appreciate their heritage in the historic order of ministry; but the others would we can presume, want Anglicans to be open to a critical reappraisal of their practice of episcopacy. A sober appraisal of the strengths and weaknesses will both help Anglicans in their search for effective episcopacy; and prepare all the churches of the C.U.C. to work out an acceptable form of episcopacy for the proposed United Church of Southern Africa.

It is important to realise that the doctrine and practice of episcopacy in the CPSA is in some respects very different from that of its mother Church, the Church of England. This came about by way of a historical process, often traumatic and painful. Bishop Phelps wrote in 1930:

The history of the Anglican episcopate in SA is the history of the change from an Erastian Prelacy to Constitutional Episcopacy... The change has been brought about through a series of events, some of them the result of an altered system of civil government and law, and some of them through ecclesiastical controversies. These latter were in themselves deplorable and distressing; yet through the benediction of God and the overruling of the spirit, they were stages in the process by which the C.P.S.A. attained to that constitutional system of Episcopacy and spiritual freedom which happily prevails today. (14)

In this subject it is impossible to understand the present without making reference to the past. So our study will in many respects be a historical one. A constitutional system of episcopacy means that the nature of episcopal authority is, as far as can be done, circumscribed by the Constitution and Canons of the Church. This grounds our study in the field of Canon Law.

II THE SOURCE OF EPISCOPAL AUTHORITY

1. CHURCHES WITHOUT A BISHOP

The story of the Anglican church in South Africa begins with the British occupation of the Cape in 1795 - 1803, and then from 1806. The British forces had chaplains; civilian chaplains also came for the governor and colonial civil servants. The main wave of English settlers arrived in 1820 and opened up the Eastern Cape. A number of Churches were built in and around Cape Town, Port Elizabeth and Grahamstown. More clergy were sent out by the missionary societies to serve the spiritual needs of the English people. There was no Bishop. The Cape fell under the jurisdiction of the Bishop of Calcutta. Bishops passing round the Cape by sea would minister ordination and confirmation. The governor acted as Ordinary, meaning that under Commission from the King he was in charge of ecclesiastical affairs of the Church of England in the Colony (more about this below).

These English churches experienced financial difficulty as they did not have endowments as in England, and the congregations usually could not raise enough money even to pay the stipends of their clergymen. A solution was found in a peculiar system of "Ordinance Churches". Each church (with a few exceptions) was governed by an Ordinance issued by the Governor-in-Council, which embodied its constitution. The government sometimes gave a capital sum towards the building and shares in the building were sold. The shareholders elected the trustees, who had control of the church.

Peter Hinchliff explains further :

Each church was regarded as in some sense separately "established" by these ordinances, and each congregation as separately in communion with the Church of England. There was no united Anglican Church for the whole Colony....The ordinances created a corporation capable of holding property and gave shareholders some security for their investment. But it left the church in the colony in a curious position. It was not really the established Church in the colony, but it was part^{and} parcel of the established Church in England and completely tied to it! (1)

The Rev. Theodore Wirgman (Rector of St Mary's Collegiate Church, Port Elizabeth) writing in 1895, described this system as "feeble kind of Erastian Congregationalism." (2) No new ordinances were issued after the arrival of the first bishop, Robert Gray in 1848. But the system led to a great many legal difficulties, as Bishop Gray and others were to discover.

This first chapter of the Anglican Church in South Africa concludes with the arrival of Bishop Gray. Our story continues (somewhat disjointedly though) as one strand of this dissertation. The other strand (the main one) is a systematic treatment of the nature of episcopal authority in the C.P.S.A. as we find it today - first looking at the source of episcopal authority, then how this is exercised in episcopal functions. Further on we deal with the relationship between the bishops, and the position of non-diocesan bishops. Finally we offer a critique of two areas of current debate : the position of the Metropolitan, and the C.U.C. model for bishops in the proposed United Church.

Our primary sources in weaving the systematic strand are the Constitution and Canons of the C.P.S.A. Interwoven with this is the historical strand, the purpose of which is to give some background and development leading up to the present position. The formative years were those during the episcopate of Robert Gray, leading up to the adoption of the Constitution and original Canons in 1870; though a number of problems had still to be worked through in the years thereafter.

We proceed in this chapter, then, with a systematic treatment of the source of episcopal authority.

2. APPOINTMENT OR ELECTION

There are basically two ways whereby a person attains episcopal office - appointment or election.

Episcopal Appointments : 1847 - 1870

In the Church of England, bishops are appointed by the Queen (who is head of the church) upon advice of the Prime Minister's office. In practice the Church usually has a say in these appointments, as advice is sought.

Robert Gray was appointed as Lord Bishop of Cape Town under Royal Letters Patent, issued four days before his consecration on 29 June - St Peter's day - 1847.

Letters Patent is a lengthy legal document, signed under the seal of the sovereign, setting out all the rights and privileges, duties and limits of the authority and jurisdiction being bestowed.

Gray's Letters Patent decreed:

The colony of the Cape of Good Hope and its Dependencies together with the island of St Helena is to be a Bishop's See and Diocese, under the style of the Bishopric of Cape Town, and the Church of St George, Cape Town, a Cathedral Church and Bishop's Seat; also constituting the whole of Cape Town and city; and nominating and appointing Robert Gray, D.D., to be called and known by the name or title of Lord Bishop of Cape Town. (3)

He was thus commissioned not only as a Bishop of the Church, but also an officer of the State.

Bishop Phelps comments ; "When Bishop Gray was called to the episcopate, he was appointed Bishop of Cape Town under Royal Letters Patent, making him in reality a bishop of the Church of England, though exercising his jurisdiction overseas. The Letters Patent gave him such authority as was possessed by a Bishop in England, and he was charged with the general supervision of all Church people throughout the whole of South Africa." (4)

But Gray regarded his letters patent as a liability rather than an asset - a trap in which all coloni_al bishops were caught. He had to accept them as a condition of consecration; and having accepted them he felt bound to work through them. (Wirgman tells us that in 1841 Bishop Selwyn of New Zealand - who shared a similar vision to Gray - complained that his Royal Letters Patent were "Erastian and profane," and insisted on the withdrawal of a clause precluding him from appointing his own Archdeacons.) (5)

Gray soon discovered that his diocese was too large for one man to manage, and applied to have it divided. In 1853 the Dioceses of Grahamstown and Natal were founded, with John Armstrong and John Colenso respectively being appointed bishops under Letters Patent, and consecrated on St Andrew's Day, 30 November, of that year. In order for this to be done, Bishop Gray first resigned his Letters Patent giving him jurisdiction of the whole of British South Africa. New Letters Patent were then issued to Bishop Gray making him Metropolitan of South Africa, and Bishop of the reduced Diocese of Cape Town. For no apparent reason, however, Bishop Gray's new Letters Patent were dated a fortnight after those issued to the Bishops of Grahamstown and Natal - an insignificant point this might seem, but used by Colenso to his advantage in the Law courts when Bishop Gray tried him for heresy.

Another problem with Gray's second Letters Patent, which was to come to light in a court case with the Rev. William Long of Mowbray, was that they were issued after the Cape Colony had been granted representative government in 1852. The Privy Council found therefore that they were null and void, as the crown could no longer exercise prerogative rights in the colony except in terms of the constitution granted to it.

One wonders what the status of Gray's original letters patent would have been, had he not needed to resign them, once the Cape received self-government. (The celebrated case of Regina vs. Eton College in 1857 had shown that the Letters Patent of a Colonial Bishop did not enable him to carry with him to a colony the legal privileges of a Bishop of the Church of England.) (6)

The confusion and frustration that followed Letters Patent being proved worthless in law led to their discontinuance in 1863 in any of the Dominions possessing self-government. Up until 1863 they were issued in all cases of Bishops consecrated in England and Scotland for Dioceses beyond the seas; but thereafter only for missionary dioceses and those in countries where no self-government exists. In self-governing countries the diocese requiring a bishop would either request or authorise the Archbishop of Canterbury to apply to the Crown for a licence to consecrate.

Bishop Armstrong died after less than 3 years in office. We note that the new appointment was made by Archbishop Sumner of Canterbury in 1856. His choice of Henry Cotterill, whom he then consecrated as Bishop of Grahamstown, was controversial. Archdeacon Merriman of that diocese seemed the obvious choice; but Cotterill, a strong evangelical, was appointed, Perhaps this was to appease a group of "Protestant partisans" from Port Elizabeth, or to "thwart the policy and wishes of the Metropolitan" (himself an Anglo-Catholic). (7) Bishop Gray protested strongly. We see from this case that, at this stage in its existence, the Anglican Church in South Africa was not yet an independent province, and even though it had a Metropolitan, episcopal appointments were still made from England.

We shall make further reference to the tragic developments of Dr Colenso's episcopate in Natal, later in this thesis. For the moment we observe the contrast between his coming to Natal as "an ambassador of Christ" (with his letters patent metaphorically in his back pocket); and his later attitude (after he had been deposed for heresy) that he was "the Queen's Bishop", and that all who accepted his successor (Macrorie) were separating themselves from the Church of England. Wirgman commented : "He thus got an Erastian following who professed to reject his heresies, and yet own him as their Bishop because of his Letters Patent" (8)

About the first Lambeth Conference of 1867 (that had been largely prompted by the Colenso case), the Scottish Primus said : " It has for ever dissipated the erroneous Erastian notion that the Church of England could not recognise any man a true bishop who was not made so by the authority of the Sovereign. One-third of the bishops present were not so made, nor was any distinction recognised between bishops of an established or unestablished church" (9)

Gray found a new bishop for Natal, W.K. Macrorie. But because Colenso through the law-courts, had managed to retain his title, the colonial secretary (Buckingham) ruled that the new bishop should not take his title from Natal or any place within that Colony. So Gray chose "Maritzburg"! After much delay Buckingham was ready to invite the Archbishop of Canterbury to apply for a licence to consecrate the new bishop, but Dean Green of Pietermaritzburg absolutely refused to allow the consecration to proceed with royal mandate, being afraid that thereby another bishop would be created who could not be touched by the church courts.

After further delays, Gray in desperation, to Green's undisguised relief, arranged the consecration for Cape Town in January 1869. (10)

In the next year - 1870 - Gray summoned a Provincial Synod of his Metropolitan See, and a constitution for an independent Province in communion with Canterbury was provisionally adopted. The Canons provided for the election of a bishop by the clergy and representation by the laity of the diocese. This was how a "voluntary religious association" should operate (all legal ties with the Church of England having been cut).

One problem soon arose though. In an established diocese of the Province a bishop could be elected by clergy and laity; but there was no recognised procedure for the appointment of a bishop to a new diocese : Zululand being the case in point. One would have thought that the Bishops of the Province should then appoint the new bishop; but in this case it was the Colonial Bishops Council. (11)

Election according to the Canons

The election of Bishops in the CPSA is governed by Canon 4 Of The Election Of Bishops. The original Canon of 1870 was amended a number of times, until a new Canon was substituted in 1973 and again in 1976. The significant change from the original was that in the old Canon the clergy of the diocese elected the bishop with the assent of the Lay representatives. This was changed to include the Laity in the elective process. (12) The new Canon is a lengthy one - 23 sections - and we shall attempt to summarise the pertinent points. We are concerned here for the purpose of this thesis mainly with the principles involved, rather than technical details of law.

Persons eligible: "The Bishop of any Diocese in this Province may be elected from this church or from any church in full communion with the Church of this Province." (Section 1) Nothing is said that the person must be in priests' orders. He could be a deacon or layman - which has happened in Church history, but is unlikely to today. Women are not yet eligible to the priesthood or episcopate.

In any Diocese with less than ten licensed priests, "the Bishops shall be elected by the Bishops of the Province". Normally the election of the Bishop is by an Elective Assembly (Section 3). This consists of :

- a) The Metropolitan or his deputy as President
- b) The members appointed by Provincial Synod to the Advisory Committee of the vacant Diocese (with a right to speak but not vote).
- c) All Bishops Suffragan and Assistant Bishops in the vacant diocese.
- d) All clergymen licensed in the vacant diocese.
- e) Lay representatives elected according to the rules that apply for their election to Diocesan synod (Hinchliff observes that the elective assembly is practically Diocesan Synod under another name). (13)
- f) Laymen elected by the Synod of the Diocese to serve on the Advisory Committee. (Section 5)

Once a See has been declared vacant - in the event of death, resignation (duly accepted), translation (to another diocese), compulsory retirement, or deprivation of the Diocesan Bishop - the Metropolitan issues a mandate to the Dean of the vacant diocese to summon the Elective Assembly to meet in two to four months' time.

The Dean also summons the advisory Committee to meet (Section 8,9). "Any clergyman or communicant of the vacant Diocese^{...} shall be entitled to submit in writing to the Dean for consideration the names of persons to fill the vacancy." The Advisory Committee, whose members may also submit names, then prepares reports on all such names and sends them to the President of the Elective Assembly. (Section 10)

Once the Assembly is constituted, the President furnishes it with a list of all names considered by the Advisory Committee, and invites nominations by members of the Assembly or Committee from that list. (Section 14)

Nominations are considered alphabetically, with the Advisory Committee's report on the person being heard. (Section 15) "When such discussion has ceased, the members, shall record their votes. The voting shall be by secret ballot and the President shall have a deliberative vote only..... No person shall be deemed to be elected unless he shall have received not less than two thirds of the total number of votes of the Bishops and Clergy together, and two thirds of the votes of the House of Laity, voting at the same time." (Section 16)

If the necessary two-thirds majorities are not attained, voting continues into a second or successive ballots. Discussion may be reopened after the fourth ballot. After the fifth or sixth ballot the assembly adjourns; and reconvenes for fresh nominations, and may consider names not previously submitted to the Advisory Committee. (Section 17)

"The Assembly may at any time delegate the choice of a Bishop to the Bishops of the Province, if it so determine by a two-thirds majority" (Section 13). (Archbishop Philip Russell to Cape Town in 1981, and Bishop Desmond Tutu to Johannesburg in 1985 were elected in this way).

If within two consecutive days no election is made or if a quorum cannot be found within that period, "the Advisory Committee shall meet and forward to the Metropolitan the names of at least two persons considered by the Committee to be suitable for appointment as Bishop. The Metropolitan and Bishops of the Province shall then choose from the names so submitted a Bishop for the vacant See." If none of those elected accepts, or no election is confirmed, the Assembly shall be reconvened. (Section 23) The Assembly sits behind closed doors and members are obliged to observe secrecy. (Section 22).

Canon 5 - Of The Election Of The Archbishop Of Cape Town. The original Canon of 1870, after a couple of amendments, was substituted by a new Canon in 1973, which has since also been amended. The new Canon makes special provisions to amend slightly the procedure detailed in Canon 4 above. It is the Dean of the Province (14) who summons the Advisory Committee and (in this case) the Bishops of the Province, issues a mandate for the Dean of Cape Town to summon the Elective Assembly, and presides at the Assembly (Sections 1 - 3). Because of the Arch bishop's prominent role, the Houses of Clergy and Laity of the Diocese of Cape Town are supplemented by one clerical and one lay representative from each Diocese of the Province, who make speak and vote. The Bishops of the Province have a special role. They attend the Assembly and have the right to speak and nominate, but not vote (Section 4). The Assembly may at any time send a deputation of its members, not exceeding five, to consult with the Bishops (Section 5). After nominations have been made, the Bishops withdraw to consider these, and may communicate their views to the assembly (Section 6). The same rules of voting apply (Section 7), and the choice may be delegated to the Bishops at any time (provision in Canon 4). Once the Assembly has made an election the Bishops withdraw to consider whether they will accept the decision (Section 7).

(This means that the Bishops of the Province have the right to veto the Diocese of Cape Town's choice for Archbishop). "If the Bishops of the Province and the Assembly fail to come to an agreement within four days, the choice shall be delegated to the Advisory Committee and four other bishops, of whom two shall be chosen by the Assembly and two by the Synod of Bishops (Section 9). (The Advisory Committee consists of four priests and four laymen from the Diocese, elected by Diocesan Synod; and two Bishops, two priests, and two laymen elected by Provincial Synod).

Canon 7 - Of Confirmation Of Bishops provides legal requirements for the confirmation of the election of a person to episcopal office. (The Canon of 1870 was substituted by the present Canon in 1970, being an expanded version of the original). The Dean advertises the election by notice on the Cathedral door, inviting objections in writing. The Bishop-elect gives his assent in writing, and provides proof of his baptism and ordination, and "Letters Commendatory or Dimissory from the Bishop of his Diocese or the Metropolitan of his Province." If no objection is lodged, and the documents are in order, the Metropolitan then notifies the Bishops of the Province asking for their assent or objection. Provided no valid objection is received from a Bishop of the Province or Communicant of the Church "of honest life and good repute", the Metropolitan shall confirm and sign the Deed of Confirmation of the Election of a Bishop.

If valid objection is received, the Metropolitan summons a Court of Confirmation, consisting of the Bishops or their commissaries, and assisted by certain legal personages. A majority of Bishops summoned (or their commissaries) must be present; and a majority of these ^{must} consent to the Confirmation, "provided that if the Metropolitan be present, his consent shall be necessary, unless his judgement be in opposition to the unanimous judgement of the other members of the Court." (Section 9) Churchmen from non-episcopal churches might be overwhelmed or even put off by this lengthy and complicated procedure.

They must remember that a Bishop unlike a moderator is not elected for a limited term of office. The church must be very sure that it is acting according to the will of God. Hence the requirement of two-thirds majority in both houses of clergy and laity, the very solemn procedures to be followed, and the provision for objections.

One can feel the spirit moving when an election is made after only a few ballots. There are other times when the assembly bogs down in stalemate, perhaps dogged by "caucus" voting; and the Bishops have to seek the mind of Christ.

Bishop Phelps captures the significance of the procedure: "The election of bishops in the CPSA is carried out under regulations laid down in the Canons. Upon this rests the constitutional authority which the bishops of the Church and the Province possesses Thus the new bishop comes to his diocese with a knowledge that he has been chosen to his office by the majority of the priests and representatives of the laity; and he begins his ministry as a bishop with the encouragement that such knowledge gives him. It is indeed, one of the peculiar joys of the episcopate in SA that the relations between the bishop thus elected and his clergy and people are grounded on such an intimate spiritual experience of the Divine guidance and Will. Even though he may be personally unknown to the majority of his flock, he is, in very truth, their Father-in-God." (15)

3. CONSECRATION AND ENTHRONEMENT

Once a person has been elected Bishop of a vacant See, and his election has been confirmed by the Metropolitan, the next step is for him to be consecrated (also referred to as being "ordained") bishop - unless he is already in episcopal orders - and then enthroned, usually by his Dean, in his Cathedral Church.

Article XV of the Constitution states that the person appointed to the vacant see according to Provincial rules, "shall when consecrated, be recognised as the Bishop of that Diocese". * There is a proviso following "that everyone so appointed shall declare in writing his assent to the laws of the Church of this Province, according to forms prescribed by the Provincial Synod." This is because the CPSA is a voluntary religious association, and therefore submission to its laws and discipline is by voluntary compact. A second proviso was removed in 1968, because it no longer applied. This dealt with the special case of Bishops appointed by the Crown by Letters Patent - no doubt in the case of non-self-governing colonies within the Province. They were excused of having to assent to the Laws of the church; but by doing so voluntarily could exercise the rights of a Bishop of the Province. * (Underlining mine).

Canon 8 Of Consecration of Bishops, and Collation and Enthronement of Diocesan Bishops elaborates on the Constitution by giving detailed requirements. We pick up the following points .

1. The consecration shall take place at the earliest convenient season after the date of confirmation. It is traditional to choose a feast day of the church; e.g. Bishop Gray was consecrated on St Peter's day; Bishops Armstrong and Colenso on St Andrew's Day, Bishop Carter on St Michael's Day.

2. Consecration is always ministered by three bishops, usually the Metropolitan and two other Bishops of the Province. (This demonstrates the corporate nature of the episcopal ministry, reported the Commission on Episcopacy).(16)

The Commission on the Metropolitan recommended that ("the Archbishop should normally be involved in all consecrations of Bishops' (but not necessarily in elections or enthronements). (17)

3. There is provision that, "with the concurrence of the metropolitan, the consecration of a Bishop for this Province may take place in England or elsewhere by or under commission of the Archbishop of Canterbury or any other Metropolitan in communion with this church."

4. "In the case of the Metropolitan, the Synod deems it expedient, for the purpose of exhibiting the connection of this Province with the Church of England; that, with the concurrence always of the Bishops of this Province, or a majority of them, the Metropolitan should ordinarily be consecrated by, or under commission of, the Archbishop of Canterbury."

The first three Metropolitans of the Province were all consecrated by the Archbishop of Canterbury (Carter as Bishop of Zululand). Bishop Phelps was consecrated in South Africa as Bishop of Grahamstown. (Because of this the "Church of England party" was not willing to accept him as the successor to Carter and to allow him to continue to function in the "dual capacity" as the previous Archbishop had).(18) All the Metropolitans, from Carter to Tutu had already been in episcopal orders when they became Archbishop of Cape Town.

5. Immediately after the consecration (or as soon as circumstances permit after the confirmation, if there is no consecration) the Metropolitan "collates" the new bishop (this does not apply to a Bishop Suffragan). Where a Bishop is consecrated outside the Province, the collation must occur within 7 days thereafter. At collation the new Bishop is legally and canonically appointed to and given possession of his diocese, with all the rights and privileges thereto.

6. The enthronement of the new Bishop on his Cathedra (teaching chair) in his cathedral completes the process. (He is of course already leagally Bishop of the Diocese before his enthronement). Often the Bishop is consecrated elsewhere. His enthronement - usually by his Dean - is a diocesan family affair. His diocese receives and recognises him as their new Father-in-God.

It often happens that a new bishop is consecrated elsewhere than in his own Cathedral, in which case his enthronement is the only public ceremony of his assumption of office among his own people. It also marks his assumption of the rights and privileges of the See conferred on him at his collation.

Oath of Canonical Obedience

The Book of Common Prayer and the South African Prayer Book include in the Order of Consecration, an oath of obedience that the Bishop-elect must make to the Archbishop before the actual consecration takes place. In both it reads : "In the name of God Amen. I N. chosen Bishop of the Church and See of N. do profess and pronounce all due reverence and obedience to the Archbishop and to the Metropolitan Church of N. and to their successors : so help me God, through Jesus Christ."

The Rubric adds that an Archbishop does not need to take the oath.

(19) The taking of this oath in the early days of the church in South African posed certain problems concerning jurisdiction and submission; and was a bone of contention between the South African and English Churches.

Robert Gray took the oath to the Archbishop of Canterbury. This was natural enough, as Gray came to Cape Town as a "suffragan" of Canterbury, in the sense that he was a diocesan bishop in submission to the Archbishop. In 1853 when Gray became a Metropolitan Bishop (but still styled as "Bishop"), the new Bishops of Grahamstown and Natal took their oaths to him - when they were consecrated in England by Archbishop Sumner with Gray present. Hinchliff observes : "No one seems to have seen anything peculiar in the consecration being performed by one Metropolitan in the presence of another to whom the oaths were taken" (20).

(A problem later arose during the Colenso case, when the Privy Council ruled that Gray could have no jurisdiction over Colenso except by consent; and although Colenso had twice (21) taken an oath of obedience to Gray, this did not really provide the basis for jurisdiction by consent, because the Crown could not make Gray Metropolitan however hard it tried, and Colenso would not have taken the oath if he had known this).

When the Archbishop of York consecrated Bishop T.E. Wilkinson for Zululand, he insisted that Wilkinson take an oath of obedience to York, which he said could later be transferred to Gray by a second oath to be taken when he arrived in Cape Town. Gray was furious and deeply offended, and dispensed with a second oath. Hinchliff adds : "Wilkinson's case serves very well to illustrate how every part of the Church's work was bedevilled by the constitutional issue" (22)

The issue came to a head with the consecration of West-Jones as new Metropolitan Bishop of Cape Town. Archbishop Tait of Canterbury insisted that Jones take an ordinary suffragan's oath to him - something he did not require from his brother Metropolitans in Britain and Ireland. However, the elective assembly in Cape Town in December 1872 had declared that it would be wrong for a Metropolitan to take an oath of Canonical obedience to any other Metropolitan or Archbishop. Stalemate was resolved when Tait and Jones agreed that prior to the oath being taken, Jones could sign a document to the effect that in taking the oath he would not be prejudicing his Metropolitan rights, or surrender any of the rights and privileges involved in the Constitution and Canons of the South African Church.(23)

This legal difficulty was disposed of late in the same year of Jones' consecration (1874), when the Colonial Clergy Act allowed the Archbishop of Canterbury^b and York, if they saw fit, to dispose of oaths to themselves when consecrating bishops to exercise episcopal functions elsewhere than in England. From 1897 the Bishop of Cape Town has been styled "Archbishop", from whom the rubrics in any case do not require an oath.

The elective assembly statement (above) was incorporated into an Act of Provincial Synod of 1891 (now Act V) saying also that the provision in no wise departs from the C.P.S.A.'s union with Canterbury or other Anglican Provinces. It adds that Suffragan Bishops elect take the oath to their own Metropolitan and^{to} no other Bishop or See.

Why need there be such an oath in the first place? An answer lies in the following direction :

1. From a spiritual perspective there are lines of authority and submission in the church, as christians submit themselves one to another, as to the Lord. So a priest submits to his bishop; and a bishop to his Metropolitan.
2. From a temporal perspective, the oath is a legal requirement in the Church of England as by law established. In South Africa the Church is a voluntary association, so jurisdiction is established by consensual compact. By taking the oath the office bearer

voluntarily binds himself to the constitution and rules of association.

We shall now explore and differentiate between the spiritual and temporal aspects of episcopal authority.

4. SPIRITUAL AND TEMPORAL AUTHORITY

The authority of a Bishop is inherently spiritual. In the South African Prayer Book the Archbishop and bishops present lay their hands on the Bishop elect saying :

Receive the Holy Ghost, for the office and work of a Bishop in the Church of God, now committed unto thee by the imposition of our hands; in the name of the Father, and of the Son, and of the Holy Ghost, Amen. And remember that thou stir up the grace of God which is given thee by this imposition of our hands: for God hath not given us the spirit of fear, but of power, and love, and soberness. (24)

The Commission on Episcopacy (set up by Archbishop Philip Russell in response to a resolution of the 1985 Provincial Synod) finds : "Ordination to the episcopate (as to other orders) both recognises special gifts of ministry in the candidate, and confers charismata and authority." And further : "the bishop's authority and commission come not simply from the church as ins_titution, but from Christ himself in and through his Church."(25)

Apostolic Succession

The Anglican church has held on to the belief and practice of the Apostolic succession, as a channel of spiritual authority. Phelps writes : "the CPSA together with other churches of the Dominions, has inherited from the Mother Church in England the true Apostolic succe^ssion of the Catholic Church through three distinct lines of bishops, English, Irish and Italian" (26)

The Apostolic succession can be understood in two senses :

- i) "A Bishop at his consecration receives the commission - grace given to the Apostles by their Lord, and transmitted by them to the first Bishops to act in His name

- ii) A Diocesan Bishop occupies his Cathedra or Teacher's chair as the successor of the other bishops each of whom, in orderly succession, can trace it back to a chair founded by an Apostle. (27)

Within the CPSA it is particularly Anglo-Catholics (the majority) who are concerned for the preservation of the Apostolic succession of ministry. This causes problems when moves towards church union are attempted, especially if this factor is non-negotiable. Those ministers outside the succession then need to be subtly brought in through a special laying on hands service as a mutual acceptance of ministries!

The Lima report puts the "succession of the Apostolic ministry" in the perspective of the "Apostolic tradition in the Church". The latter means "continuity in the permanent characteristics of the Church of the apostle" (details elaborated). Concerning the former : "The primary manifestation of apostolic succession is to be found in the apostolic tradition of the church as a whole The orderly transmission of the ordained ministry is therefore a powerful expression of the continuity of the Church throughout history; it also underlines the calling of the ordained minister as guardian of the faith (28).

Temporal Authority

From the spiritual authority inherent in the office of a Bishop, we can distinguish (though not divorce) what might best be called temporal authority. By this we understand the temporal rights and privileges attached to his office: the right of occupation and control of properties, patronage of parishes, imposition of sentences that have temporal effects (e.g. deprivation), and the rights to endowments.

In the established Church of England the temporal authority of diocesan bishops is great. They ^{may} also have a seat in the House of Lords. The authority and powers vested in Colonial bishops through their Royal Letters Patent was of a temporal nature. But once the courts found that these were null and void (because the Cape had been granted a Constitution) this temporal authority diminished. In a study of the nature of episcopal authority, it is helpful to have in our minds a clear distinction between these two types of episcopal authority. In the constitutional struggle of the CPSA there was sometimes tension between the two, which we can illustrate with some references.

Wirgman sarcastically wrote : "Colonial bishops would have continued to rely on the feeble arm of flesh provided in their "Royal Letters Patent" instead of on their inherent spiritual powers as the lawful inherit of Apostolic Thrones" (29) Gray was an exception, and strove to free the Church of this legacy. In 1864 he wrote : "Though I have ever respected the Queen's letters patent, ... I have never believed that my authority was derived from them I have ever held that my commission was given me from Christ through the Church. The church, in her Lord's name, entrusted me with spiritual power. The Crown sought, but it seems sought in vain, to clothe that power with the authority of law" (30)

Temporal jurisdiction of the Privy Council

These issues were brought to a head with the Colenso controversy. Gray as Metropolitan issued a sentence of deprivation on the Bishop of Natal, and eventually of excommunication. He presumed that he had jurisdiction by consent, as Colenso had twice taken an oath of Canonical obedience to Gray - at his consecration and after the issue of Gray's second letters patent. But Colenso appealed to the Judicial Committee of the Privy Council, who found in his favour. Gray would not accept any spiritual authority in the Judicial Committee ; and while accepting their judgement as a matter of law, he could not accept any claim of the court to set aside^a spiritual sentence of a Bishop of the Church of Africa. Cornish points out that while it may be true that the right to summon synods, and to deprive or excommunicate offending clerics has been inherent in the episcopal office from the earliest times, the position of the Church of England and its colonial branches is defined and regulated by Acts of the British Parliament; and therefore a spiritual censure conveying a temporal penalty, such as that of deprivation, comes ultimately within the purview of the Crown. (31)

The majority of clergy of Natal meanwhile expressed their sympathy with Bishop Gray, repudiated the false teaching of Bishop Colenso, and declared their conviction that "should it please God for the chastisement of our sins to allow him to return to this diocese with legal authority, we dare not acknowledge him as having authority in spiritual matters." (32) From a spiritual point of view then, Colenso had lost his authority; and he could not have held his position as a Bishop in any Church which maintained ecclesiastical discipline and possessed the right of managing its own affairs.

In the Long Case (earlier), where the Rev William Long of Mowbray refused to obey Gray's summons to a Diocesan Synod, and was suspended by Gray, he too appealed to the Privy Council and won. But the Privy Council could only grant Long temporal, not spiritual restoration, recognising that this was Grays prerogative.

The Privy Council found Gray's Letters Patent to be defective; and although Gray had jurisdiction by consent, he could not expect from a priest what was not ordinarily expected in the Church of England, i.e. attend Synod. As things developed the parishes of Mowbray and Wynberg accepted the ministrations of the Bishops but refused to recognise the Synods of the Province.

It is interesting to note that before the arrival of the first Bishop, the Governor was Ordinary, which meant that he possessed the temporal authority of the Bishop of the Diocese. Service were held "by permission of H.E. the Governor." Not being ordained he of course had no direct spiritual authority. (33)

The position in the South African Church was intolerable. Wirgman observed : "the Colonial churches were thus by implication bound to all the disadvantages of the English establishment without any of its advantages of prestige or ancient endowments." (34) The Eton College case finally demonstrated that the Church of England qua establishment had no legal existence outside England. The only satisfactory way forward was for the church to break from any state control, and organise itself as an independent body. Spiritual union with the Church of England was all that was required, with no legal ties. For all this to be achieved, it was necessary for the Church in South Africa to adopt its own constitution - a goal towards which Gray worked tirelessly.

5. CONSTITUTIONAL EPISCOPACY

Freedom of the Church

A number of clergy and many churchmen were very suspicious of Gray calling synod, and trying to free the South African church from legal ties with the Church of England. They resented ritualism and any autocracy of Bishops, and feared that with no recourse to England, these would flourish. The Church of England in South Africa has its roots in these elements.

While it can be said the Church of Christ is not a democracy, but a theocracy, it can well do without autocratic bishops or old fashioned "prelacy", which has been described as "parent of intolerable abuses". (35) Across the ocean there was resistance in America to the appointment of a bishop, and question as to what kind of bishop he was to be. "The question of an episcopate for America" wrote Neill "reveals plainly how far the Church of England was from having cast off the pernicious medieval heritage." (36) One can understand why non-episcopal churches are hesitant about taking episcopacy on board when it comes to church union negotiations.

The conflict between Gray and Colenso is again relevant, and Hinchliff has an ironic observation : "The problem for each was really the problem of the freedom of the Church. For Colenso establishment secured the spiritual freedom of Her Majesty's subjects, protecting them against the arbitrary actions of bishops and synods. For Gray it subjected the Catholic Church to the arbitrary action of state officials.... So long as Colenso had his way the church was forced to accept the authority of the interfering State. .So long as Gray had his way Colenso was forced to accept the authority of the

interfering church, or leave it!" (37). These two positions taken to extreme, would lead to sovereignty of the Queen or Pope respectively.

Wirgman (being complimentary) described Gray as "one of the greatest prelates that have ever adorned the Anglican Communion!" (38) Cornish begs to differ. After praising his courage, perseverance, and controlled temper, he lashes : "But his principles and his methods of action are those of spiritual despotism, and it is not to be desired that the Church of England should have many prelates of his type, either at home or in the colonies." (39) Anglicans in South Africa would tend towards the former assessment. (An example of an autocratic and obstinate bishop in the CPSA would rather be Bishop Brousfeld of Pretoria (Bishop 1878 - 1891) who dealt with his clergy in a high handed and remote way). Archbishop Darbyshire of Cape Town gives us Gray's true concern :

To Gray the only safeguard for the church from anarchy or tyranny - that is from individualism run riot or episcopal government despotically exercised - was a settled constitution which members of the church as a "voluntary association" agree to accept, and a Synod which comprises the three houses of Bishops, Clerics and Laity. (40)

At that time in the Cape the "voluntary movement" was making strong headway among liberals, spearheaded by a Jewish parliamentarian, Saul Solomon. It wanted to do away with the quasi-establishment of certain churches who were receiving financial grants from the colonial government. Not only was this a financial drain on the government, but was unfair in its distribution. More important were the principles at stake. Those who supported the grants saw this as official encouragement of Christianity - a carry over of the established church back "home". Those who opposed the grants saw

them as discrimination against non-receiving churches and other religious bodies, and upheld the principle of religious liberty - free from any state control or patronage. "In short Solomon's Voluntaryism meant equalisation of all denominations and congregations by grants to none." The movement achieved its goal when grants were abolished by an Act of the Cape Parliament in 1875. (41)

So for the Anglican Church in South Africa to be a voluntary association meant

- i) it would have no legal ties with the Church of England as by law established
- ii) it would have no established status or special ties with the Colonies, and would have the same status as other denominations
- iii) it would (eventually) receive no financial support from the colonial government
- iv) its members would be held together by voluntary assent to a Constitution and Canons.

Constitution and Canons

Henry Lowther Clarke explains that in some Provinces the church proceeded with its schemes of self-governement under the sanction of Enabling Acts obtained from local legislatures. These paid some deference to English demands, and provided that nothing shall be done by the church contrary to the laws of the state. Canada and Australia followed this course. In other Provinces this Act was wholly disregarded, and organisation of the church was advanced under a system of consensual compact, which was possible once Imperial restrictions were withdrawn. South Africa and New Zealand, followed this course. (42).

The American church had paved the way, and had a strong influence in the drafting of the Constitution and Canons of the Colonial Churches.

In South Africa the Declaration of Fundamental Principles was drafted as early as 1860 by Bishop H Cotterill. This was adopted by the Provincial Synod of 1870, and then incorporated in the Constitution as Article I together with first and second provisos. The constitution of the CPSA was provisionally adopted by Provincial Synod of 1870, and ratified by the Synod of 1876. (43) Provincial Synod also made the first set of Canons - laws governing the Church of the Province.

Third Proviso

Article I of the Constitution has a Third Proviso (added on to the original Fundamental Principles), which reads : "Provided also, that in the interpretation of the aforesaid Standards and Formularies the Church of this Province be not held to be bound by decisions, in questions of Faith and Doctrine or in questions of Discipline relating to Faith or Doctrine, other than those of its own Ecclesiastical Tribunals, or of such other Tribunal as may be accepted by the Provincial Synod as a Tribunal of Appeal". The effect of this proviso was a rejection of the jurisdiction of the Privy Council.

In the Case of Merriman vs Williams (44) (Bishop and Dean of Grahamstown respectively), the Supreme Court of the Cape ruled that legally the CPSA had

cut itself off "root and branch" from the Church of England, because of this proviso. (Judge de Villiers did not question the spiritual union of the two churches). This caused alarm among some churchmen, and there were strong moves led by Archdeacon Badnall, to have the proviso repealed. The new Metropolitan, Bishop William West-Jones, argued very persuasively at provincial synods of 1883 and 1904 against its removal. He argued that the proviso was a necessary safeguard of the church's independence, against being bound by the interpretation of the Judicial Committee of the Privy Council on the Standards of Faith and Doctrine of the Church. The reason why the South African Church needs a proviso, whilst other colonial churches do without such a clause, is that the South African Church has accepted the Standards and Formularies of the Church of England en bloc (Article I of Constitution) while other colonial churches have specified those particular Standards and Formularies which they accept. Thereby they have guarded themselves just as effectively. (45) The third Proviso was retained.

Personal Contract

In a voluntary association as the CPSA had in fact become, it is necessary for each Bishop and clergyman to contract personally to abide by the rules and discipline of the church. Bishop Cotteril resigned his Letters Patent in order to enter into ^rcontract with the CPSA. Article XXI of the Constitution states : "No one shall be admitted to any office in the Church of this Province, or shall be entitled to receive any income, emolument or benefit from or out of any property held under the authority of the Provincial Synod, unless he shall have signed a declaration, according to a form prescribed by the Provincial Synod, of submission to the laws of the Church of this Province relating to such office."

This article is given effect in Canon 16 Of Declarations and Subscriptions to be made by Bishops and Clergy. A Bishop promises to "teach and maintain the Faith of our Lord Jesus Christ, and the Doctr^Rine and Discipline by him delivered to the Church as acknowledged and set forth by the CPSA in the Constitution of the said Church." He also declares that he consents "to be bound by and to govern my Diocese in conformity with all the Laws and Canons (both present and future) of the said Church, and by the Rules and Regulations which have heretofore been made, or which may from time to time be made" by the Diocesan and Provincial Synod. Section 3 provides that the making and subscription of the declaration shall bind such Bishop-elect (or clergyman) "to accept and immediately submit to any sentence depriving him of any or all the rights and emoluments appertaining to his Bishopric or office.....which may at any time be passed upon himby any Tribunal acknowledged by the Provincial Synodsaving all rights of appeal allowed by the said Provincial Synod."

Constitutional Episcopacy

The Commission on Episcopacy was of the opinion that : "Because the bishop is first and foremost a member of the Church (the laos of God) and shares this calling with all other Christians his actions must at all times be consonant with the will of God and of the church as expressed in its Canons and Constitution." (46) The same sentiments were expressed by the Lambeth Conference of 1930 when it said, "We greatly desire that the office of a Bishop should be everywhere exercised in a representative and constitutional manner, and more truly express all that ought to be involved for the life of the Christian family in the title of Father-in-God." (47) . A commentator on the Constitution and Canons of the CPSA wrote : "The Anglican Bishop today is a constitutional ruler but the degree to which his powers are fettered depends upon the constitution of his Province.

A bishop in the Church of England is more heavily fettered by Act of Parliament than a Bishop of the Church of this Province." (48) These requirements have, we can fairly say, been fulfilled in the CPSA - a church which today enjoys spiritual freedom and a constitutional system of episcopacy.

III AUTHORITY EXERCISED IN EPISCOPAL FUNCTIONS

1. THE BISHOP IN HIS DIOCESE

We have already said that the basic unit of church organisation is the diocese, headed by one bishop. We shall now enquire into how the authority vested in the bishop - spiritual and temporal - is exercised in episcopal functions. We have seen that the C.P.S.A. has developed a system of constitutional episcopacy; and so again we shall look to the Canons for church legislation pertaining to episcopal functions and look to past experience by way of illustration.

We shall keep to the ideal model of the diocese being governed by one bishop, and therefore not at this stage complicate the issue with the addition of suffragan bishops. (Their role is specifically dealt with in Chapter V).

In commending the "Historic Episcopate" to non-episcopal churches, Lambeth 1930 offered some helpful "explications":

The Episcopate occupies a position which is, in point of historic development, analogous to that of the Canon of Scripture and of the Creeds In the course of time the Episcopate was greatly affected by secular forces, which bent it to many purposes alien to its true character, and went far to obscure its spiritual purpose. It is hard to recognise the successors of the Apostles in the feudal prelates of the medieval church, or in the "peers spiritual" of eighteenth century England. Moreover, the essential character of the Episcopate was distorted by the development of Papal supremacy. Such deviations from its true principle are mainly responsible for the general abandonment of Episcopacy by the Protestant Churches. The Historic Episcopate as we understand it goes behind the perversions of history to the original conception of the Apostolic Ministry.... What we uphold is the episcopate, maintained in successive generations by continuity of succession and consecration, as it has been

throughout the history of the church from the earliest times, and discharging those functions which from the earliest times were discharges. (1)

These functions according to the Lambeth Committee were as follows.

(The Lambeth 1958 Committee report also identified episcopal functions, but in slightly different terms. We put these alongside the former, in parenthesis, where they more or less correspond, as a helpful comparison). (2)

- a) the general superintendence of the Church and more especially of the Clergy (pastoral care and oversight)
- b) the maintenance of unity in the One Eucharist (leadership in worship)
- c) the Ordination of men to the ministry (ordination)
- d) the safeguarding of the faith (teaching)
- e) the administration of the discipline of the Church.

Taking the above "primitive functions" as a basis, and expanding them to include other functions that have become attached to episcopal office as it has developed in the Anglican Church, and in the C.P.S.A. in particular, we arrive at the following table of functions of a bishop in his diocese.

a) Pastoral Care and Oversight

- i) The Bishop as Father-in-God, Shepherd, Leader and Focus of Unity of the Diocese
- ii) Oversight of clergy
- iii) Bishop and Cathedral Chapter
- iv) Patronage of Parishes
- v) Visitation rights

b) Leadership In Worship

- i) The Bishop as President of the Eucharist
- Chief liturgical officer (jus liturgicum)
- ii) Confirmation of the faithful

c) Ordination

- i) Selection, training and ordination of candidates for the ministry
- ii) Licensing of Lay Ministers

d) Teaching

The Bishop as Teacher and Defender of the Faith

e) Discipline

- i) Discipline of the Clergy
- ii) Discipline of the Laity
- iii) Inhibitions and Dispensations

f) Diocesan Synod

- i) The Bishop as President of Synod
- ii) Chairman of Diocesan Council
- iii) Trustee of Church Property

2. PASTORAL CARE AND OVERSIGHT

i) The Bishop as Father-In-God, Shepherd, Leader and Focus of Unity in the Diocese

These various ascriptions of the role of the bishop are different ways in which his leadership of the diocese have come to be known. They offer different nuances of the same basic function. The Bishop is Christ's representative. Christ is the "shepherd and Bishop of your souls" (1 Peter 2:25), the Chief Pastor of the Church. The Bishop exercises this authority in a ministerial rather than magisterial way. Though his elevated titles of Right Reverend and Lord Bishop suggest lordship, a proper understanding of these is that he stands there as an ambassador and servant of our Lord. His symbols of office convey these various meanings. He carries a pastoral staff in the form of a shepherd's crook. His ring is a symbol of his authority. His pectoral cross, purple shirt and cassock, and convocation robes have become distinctive signs of episcopal office.

The Commission on Episcopacy sees the bishop as "the focus of unity of the Church, both throughout the centuries and throughout the world. Like the priest (but to a greater extent) he represents and focuses in himself the ministry entrusted to the whole church."

The Commission seems also to be saying that so long as a Bishop is father of the diocesan family and its true focus of unity, it is appropriate for him to exercise his special powers in certain sacramental actions (ordination and confirmation). But to be called upon to exercise them when he no longer

fills this role is the result of "a wrong understanding of the bishop as a man endowed with special powers as a result of his ordination (to the episcopate)." This is a debatable point. It is one thing to say that the normal practice would be for the bishop of the diocese to preside over and minister the sacraments of ordination and confirmation. But the Commission goes too far when it rules out other bishops performing these ministrations when, say, the bishop of the diocese is not available.

The Commission goes on to outline the ministry of the bishop. Under this head we quote : "The overwhelming emphasis of so much of what a bishop does or is expected to do is pastoral... We recognise also that the bishop has a number of other ministries (other than teacher) : prophet, pastor and administrator, and perhaps most important, that of encouragement."

Recognising that "he must be able to exercise his own special gifts" the commission continues, "But he must also see that the other demands of oversight and leadership should be carried out in the diocese under his authority."(3)

In the early church a bishop was the chief presbyter of the town or city. later on he was the overseer of a number of towns. Bishop Phelps, writing in 1930, described the relation of the bishop to his clergy in this province as one of close fellowship; and to his laity as one of very close friendship and understanding. (4) Today most of the dioceses of the CPUSA are very large - too large - and population has increased. The only way a diocesan bishop can exercise oversight of the church effectively is by delegation. Archdeacons and Churchwardens are clerical and lay officers of the bishop; and much episcopé is carried out by the former.

The Bishop's role as leader is crucial to the life of the diocese. In the Preface to "Episcopacy Ancient and Modern" is written : "Autocracy and leadership are not the same thing, and at the same time something more is involved in the historical conception of the bishop's office than that he should be a capable chairman of committees." (5) As leader the bishop gives direction to the diocese, he determines its priorities, he sets the tone. He is advised by others in all these things, but he is the one with the responsibility.

Examples of episcopal leadership

Bishop Gray was an outstanding leader. Before his arrival it was reported that a bishop was urgently needed, not only to perform ordinations and confirmations, but because the English Church on the frontier needed pastoral care and oversight. The clergy were unable to maintain discipline in their congregations without the authority of a bishop behind them. Once Gray had seen the whole diocese and had talked to his clergy, he was left with a complete conviction about three things :

- i) the diocese was too big
- ii) missionary work must be started
- iii) the church must be self-governing.

At the end of his 25 years episcopate he had adequately attended to all those concerns. (6)

In Natal Bishop Baynes did stirring work to heal the breach with the Natal Church Council after Colenso's death. In the Transkei, Bishop Callaway, the first Bishop of St John's, proved to be an outstanding missionary and administrator; his very charity holding him aloof from the pettiness that had plagued the Colenso controversy. Bishop Bousfield did not have much faith in the future of the Church in the Transvaal. However the ability of the next Bishop, Carter, as an administrator ensured that the diocesan machinery was rebuilt and that the new wealth of the Rand and the talents of the laity were more fully used in the service of the Church than had ever been possible under Bousfield's antiquarian regime. As Bishop of Grahamstown Phelps became widely known as a statesman and spiritual force. Decades later Bill Burnett, as bishop of the same diocese, gave a strong lead in the Charismatic Movement. (7)

The Bishops of the Province have given a strong lead in the area of the Social Responsibility of the church, particularly regarding race relations. Behind the concern of many young Anglo-Catholic clergy from England was the ideal of Christian Socialism, which found its way into the ethos of the C.P.S.A. Bishop Carter possessed such a background, and he became Archbishop just at the time of Union. He spoke out as a prophet for the rights of the underprivileged and disenfranchised. Bishops Talbot of Pretoria and Karney of Johannesburg were concerned to heal the breach between English and Afrikaans, and between white and black. Bishop Lavis in Cape Town fought the battles of the underprivileged in that city. Archbishop Clayton refused to allow the government to dictate to the church about the attendance of services. Many other examples can be cited where Bishops have spoken prophetically and given a strong lead to the church to witness for Christ in a divided South Africa. Unfortunately the church has

been accused of hypocrisy because the rank and file of white laity do not really support the views of the Church as expressed by the clergy and bishops. (The advent of Archbishop Tutu has precipitated a purification from within).(8)

ii) Oversight of Clergy

Within the context of his general oversight of the diocese, the bishop has a special concern for his clergy. He is the "pastor pastorum" - pastor of the pastors.

The Commission on Episcopacy reported: "The bishop's relation with priests and deacons in his diocese is particularly close. As the size of dioceses grew many episcopal functions (e.g. presiding at the eucharist) were delegated to priests (presbyters) of the diocese. Thus every priest (and deacon) in the diocese ministers only with the bishop's licence and permission. The nature and extent of the delegated functions are largely determined by practical considerations. At the institution of a priest the Bishop says. "Receive the cure of souls which is both mine and yours." The oversight in the diocese is shared between bishops and presbyters in the diocese" (9).

The Bishop must be able to exercise oversight of the clergy realistically. The colonial chaplains were licenced by the Bishop of London, but his oversight was purely nominal! Bishop Gray inherited a leaderless church at the Cape, with its clergy unused to supervision and resenting interference.

There was an urgent need for a bishop's oversight of isolated clergy in the country areas. Gray did the practical and wise thing - he divided (or multiplied!) the diocese of Cape Town. It is impossible for a diocesan bishop to have effective oversight of clergy in the larger dioceses of the C.P.S.A. today. To compensate they use suffragan bishops and archdeacons. We shall discuss the inadequacy of the former below. In addition to keeping an eye on church property and registers and admitting church councillors to their office, archdeacons actually exercise episcopé. We maintain that the use of such intermediaries is a sad departure from the historic model of a direct pastoral relationship between a bishop and his clergy. Rather create smaller dioceses, and "promote" suffragans and archdeacons to govern them.

An important aspect of a bishop's oversight of his clergy is the ministry of encouragement. He has also the responsibility for their spiritual lives. Priests must feel free to consult him about difficult situations in their parish ministry.

iii) Bishop and Chapter

The bishop has an advisory council of senior priests called the Cathedral Chapter. The bishop is chairman, and the dean is vice-chairman. The Dean is rector of the Cathedral parish, and because of his position is the senior priest of the diocese. Other members of chapter are the Archdeacons, who are appointed by the bishop; and Canons, who are either appointed by the bishop or elected by the clergy.

The duties of Chapter are chiefly to advise the bishop in matters of diocesan policy and on appointments. In practice Chapter spends a lot of time considering clergy moves and appointments. It is also concerned with problems relating to the clergy. Members of Chapter might be called upon to serve on the courts and tribunals of the Church.

The proceedings of Chapter are meant to be strictly confidential, though leaks sometimes occur! Care must be taken to create a positive rapport between Chapter and the clergy of the diocese. The bishop is not bound by the advice of his Chapter, and should feel free to make his own decisions, as is his prerogative.

iv) Patronage of Parishes

One of the chief duties of the bishop is to administer patronage in his diocese. In the C.P.S.A. the right of patronage normally rests with the bishop of the diocese. (In the Church of England there are often other patrons - persons, societies, or certain office bearers).

Act XVI of the Constitution states that "The Provincial Synod shall ... have power, except such matters be otherwise ordered by law or by terms of any special trust, to determine how and by whom Patronage shall be exercised, and what shall be the duties of Parochial Officers, and the rights and privileges of parishioners in Church matters, and further, to frame rules as regards the division and boundaries of Parishes, and other such questions."

The following Canons relate to this function :

Canon 23 of Pastoral Charges

The power of constituting, altering and abolishing pastoral charges rests with the bishop, subject to the rules, and in the last case concurrence, of the Diocesan Synod. (Christ commissioned his apostles to found churches).

Canon 25 of the Tenure of Clergy

The right of presentation to a vacant pastoral charge shall be exercised by those in whom this right vests by law, contract (already sanctioned by the bishop), or Diocesan Synod regulations. If none of these exists, the Bishop has the right.

It is also up to the Bishop to accept the presentation, and agree to collate and institute the clergyman. If the Bishop considers the work of God in a parish demands that a change of incumbent or assistant be made, he may with the approval of the majority of chapter, offer the clergyman other paid work in the diocese. (There is then no "parson's freehold" in South Africa. In the Church of England the incumbent has an indefinite right of tenure - his "living" - until retirement age, unless of course he is found guilty of some misconduct or false teaching).

Canon 28 of Parish Councils

The Bishop may refer matters to the Parish Council for their consideration and action. The Incumbent, Churchwardens or any three councillors may refer problems to the Bishop.

Canon 29 - Of Churchwardens and Chapelwardens

Should the Incumbent not agree to the appointment of a churchwarden, the matter is referred to the bishop for his decision. Churchwardens are officers of the Bishop and principal representatives of the congregation. It is their duty to complain to the Bishop or Archdeacon if there should be anything plainly amiss or reprehensible in the life or doctrine of the Incumbent and also if there be anything contrary to order or decorum in the administration of Divine Service. Only the Bishop is competent to accept the resignation of a Churchwarden and Chapelwarden, or remove him from office.

Because the C.P.S.A. is a voluntary association, a priest must sign declarations accepting the faith and doctrine of the church, and submitting to its laws, before he can be instituted to any benefice. The Bishop's pastoral link with the laity is expressed in his exercise of patronage, his institution of the new priest, and his ongoing relationship with the parish through priest and churchwardens.

v) Visitation rights

The Bishop's rights of visitation to a parish are closely associated with his patronage thereof. When licensing an incumbent to a pastoral charge, the bishop specifically reserves to himself the right to visit the parish, or send his appointed representative. This is usually the Archdeacon, who makes an annual visit to inspect registers, church property and admit church

officers. His functions and appointment are regulated by Canon 15 Of Archdeacons: The main function of the Archdeacon is to share in the pastoral ministry and missionary leadership of the Bishop in the area to which the Archdeacon is appointed. By virtue of his office the Archdeacon is entitled to the same obedience as the Bishop with regard to such matters as have been entrusted to him.

In the celebrated Grahamstown case Dean Williams had declared himself in schism with the South African Church. Bishop Merriman decided eventually to exercise his episcopal rights by going to preach in his cathedral. The Dean frustrated him in this - by preaching first - and the Bishop, at the end of his tether, took the matter to law. The Supreme Court and Privy Council ruled that (because of the third proviso) the CPSA was not part of the Church of England and could not claim Church of England property, unless this had been legally transferred. So Grahamstown Cathedral could not belong to the Province, and Merriman could exercise no jurisdiction over it. But as it was no longer the seat of a bishop the Cathedral was not a Cathedral, and the dean not a dean! The breach was healed by the next generation. (10)

3. LEADERSHIP IN WORSHIP

i) The Bishop as President of the Eucharist and Chief Liturgical Officer.

In the early church the bishop was chief minister in all sacramental acts. By the time of Ignatius of Antioch it was possible ^{to} claim that the presence of the bishop or his authorised representative was essential for the eucharist. (11) As the Christian community grew, and the bishop had a number of churches under his care, it became commonplace for this function to be delegated to presbyters. But the principle remained and still holds today, that the Bishop is the president of the Eucharist in the diocese. The priest celebrating in his parish is there as "the bishop's man", and may therefore occupy the president's chair. The ancient custom of the Bishop concelebrating with his priests on special occasions has been revived in the C.P.S.A.

So the Commission on Episcopacy calls the Bishop "the chief liturgical officer of the local church, and is especially the president of the Eucharist" (12) He is therefore also the chief baptiser. Hence the bishop likes to be advised if there are adults for baptism, so that should he wish, he can exercise his prerogative and administer this sacrament himself. This usually happens with unbaptized candid^ates for confirmation.

The Fundamental Principles and Article I of the Constitution states that the C.P.S.A. receives the Book of Common Prayer, and later disclaims the right of altering any of the standards of faith and doctrine of the Church of England. Article X gives the Provincial Synod power to make such "adaptations and abridg^ements of, and additions to the services of the

church as may be required by the circumstances of this Province". However such changes are only provisional, until confirmed at a subsequent session of Provincial Synod as being consistent with the spirit of teaching of the Book of Common Prayer. Further, all such changes made by a Bishop for his own Diocese - whether in Diocesan Synod or otherwise - shall be open to revision by the Provincial Synod.

Jus Liturgicum

A traditional Right of the Bishop is his "Jus Liturgicum" - the right to authorise forms of service. We see that this right is not absolute, but subject to the provisions of the constitution, i.e. subject to the authority of Provincial Synod in this case.

The Commission on Episcopany advises: "the Bishop's traditional right to allow liturgical exceptions must remain his - yet he would need to consult with and seek to be in accord with the mind of his fellow bishops in all essential matters, so that the faithful are built up." (13) In practice the Synod of Bishops work as a team in authorising new services. The past two decades have seen much liturgical revision and experimentation.

Canon 33 Of the Services of the Church stipulates that a clergyman may not use any of the services apart from those in the Book of Common Prayer, unless changes or substitutions are authorised by Provincial Synod or allowed by the Bishop. We note that the Book of Common Prayer is still the authorised Prayer Book in the Province.

The South African Prayer Book is an authorised alternative. This Canon also states that no clergyman may "officiate in sacred things" in the diocese without the authority of the Bishop; nor may a clergyman of this Church join with another not of this church in administering the sacraments or conducting service without the Bishop's permission. He must also authorise the Hymnals in use. He directs how obligatory Feasts and Fasts are to be observed. So the Bishop has control over all liturgical functions.

Churchmanship

As we consider the function of the Bishop as leader in worship, we come up against the issue of churchmanship. The Church of England has all "types and sizes" on board : high church, low church, broad church; Anglo-Catholic and Evangelical. Churches in the colonies tended to take on, by and large, the churchmanship of their early missionaries and leaders. South Africa was served by the Society of the Propagation of the Gospel. Bishop Gray was a high church Anglo-Catholic, which determined not only his churchmanship but his understanding of his episcopate. The C.P.S.A. has remained to this day "Anglo-Catholic of centre". This is marked by an elevation of ceremonial and dress and stricter observation of feasts and fasts, the devotional life and religious communities.

A strength of the Church of England is its ability to accommodate such a wide spectrum of churchmanship and even theological outlook. It is sad that the mother church has in South Africa spawned two daughters - Church of the Province of Southern Africa, and the Church of England in South Africa (C.E.S.A.). The latter (the illegitimate daughter?) is not in Communion with Canterbury, is basically evangelical, low church and theologically conservative. Repeated attempts to effect a reconciliation have unfortunately failed.

ii) Confirmation

Confirmation in the Anglican Church has tradiitonally been understood as the completion of Christian initiation and the admission to Holy Communion. It is the Bishop alone who administers the sacrament of confirmation, and he prays for the gift of the Holy Spirit.

This traditional model has come into serious question recently.

- i) . There is growing consensus in the church that Christian initiation is complete in Baptism. The Spirit is also believed to be given in Baptism.(14)
- ii) As a consequence of (i) the C.P.S.A. is following the Roman Catholic lead by, in a tentative way, admitting children to Holy Communion before confirmation.
- iii) As this trend develops confirmation itself becomes re-evaluated, and seems to be more appropriate as a mature profession of faith, and commissioning to full membership in the Church.
- iv) There is no sound theological argument for the necessity of the Bishop to be the minister of confirmation.(15)

The Commission on Episcopacy has taken a radical look at episcopal confirmation. From a pastoral point of view the practice is unsatisfactory: Too much of the Bishop's time is taken up with confirmations, limiting his availability to attend to pastoral needs. He does not need confirmation as a reason to visit a parish; and an episcopal visitation could be more profitable if the burden of confirmation was removed.

Although, confirmation is a pastoral link with the laity, the link is very superficial. In the Church's current practice, it communicates that confirmation is more important than baptism. The commission feels that "with smaller dioceses, the bishop's proper function as principal baptiser could more easily be restored" - especially in the case of adults.

The Commission recommends that bishops "allow confirmation to be conducted by a senior priest at least in exceptional circumstances, noting the current Roman Catholic practice of regular delegation of confirmation to a priest in cases of people who are dying. The bishop would still be "in touch" with the candidates through the process of delegation and the blessing of oils.

(16) We would think that those to whom this function is delegated should have a pastoral link with the candidates, viz. the archdeacon or parish priest. The Commission dislikes the practice of delegating confirmation to assistant or suffragan bishops, simply because they are in episcopal orders (Refer section 2(i) above, of this chapter). We would see a Suffragan Bishop responsible for the area in which the parish falls as appropriate.

(17)

There is perhaps a reason why ordination^{and} confirmation have both been reserved for bishops, in that in both the Holy Spirit is given. However the bishop does not have a "monopoly" of the Holy Spirit. It is appropriate that he be the chief minister at every ordination (refer section 4 below); but^{we} see no such necessity with confirmation, and rather agree with David Holeton when he writes :

Episcopal churches who reserve the rite of confirmation to bishops alone should ask themselves serious questions about their conception of episcopé. Having delegated the dominical sacraments of baptism and eucharist to other clergy, what rationale is there for not delegating confirmation too?..... Is not perhaps the traditional practice of confirmation in these churches becoming an impediment to the bishop's exercising the type of pastoral ministry that is being asked of him by today's churches?" (18)

With so many demands being made on the bishops today, none should suffer an identity crisis should confirmation no longer be reserved for them.

4. ORDINATION

1) Selection, Training and Ordination of Candidates for the Ministry.

The bishop is responsible for staffing his diocese. He does this by inviting clergy from outside the diocese, and by selecting and training and ordaining candidates for the ministry from inside his diocese. For most of its existence the CPSA has been heavily dependent on expatriate clergy (and bishops) from England. A crucial task of bishops in the pioneering days was finding men willing to serve in the colonies. In recent decades the number of South African ordinands (both "european" and "native") has grown considerably.

Because of the personal nature of his ministry, a bishop can attract or discourage ordinands. Perhaps those most attracted are those who identify with the bishop's style of ministry and leadership. For example, Bishop Burnett attracted "charismatic" ordinands. On the other side, Bishop Bousfield's "cantankerous reputation" resulted in a shortage of clergy in the Transvaal, which was only solved once Bishop Carter took over.

The Bishop usually appoints a chaplain to nurture potential ordinands in the Fellowship of Vocation. When they are ready to offer themselves, they appear at a selection conference before the bishop and a team of clerical and lay advisers invited by the Bishop. The bishop will take counsel from the selection panel, but the decision on the acceptance or otherwise of a candidate is his alone. He will also, after discussion with the ordinand, direct him as to the course of his theological training. Sometimes pre-requisites are required before he enters a theological college.

During his time at college the Bishop keeps in touch with him (often through his chaplain), and receives regular reports from the college principal. At any stage in this training process, should problems arise, the bishop has the right to decide not to proceed with ordination. Once the candidate has successfully completed his training (usually three years), he is presented, by the bishop's examining chaplain, to the bishop for ordination as a Deacon in the Church. (The Prayer Book styles this the Making of Deacons.) Usually after a year the candidate is ordained a priest.

The diaconate has become an "apprenticeship" for the priesthood, with very few men in the permanent diaconate. We feel this is a distortion of the three-fold ministry, and that the permanent diaconate should be revived. At present in the C.P.S.A. women can be ordained to the diaconate^a but not (yet) the priesthood. (19)

We feel that it is altogether appropriate that administration of the sacrament of ordination should be the preserve of the bishop. He is head of the diocese and thus represents Christ; and in ordination passes on the Commission and special grace from Christ. However the custom of priests sharing in this ministry by the joint laying on of hands at the ordination of priests is very commendable, because of the close relationship between the bishop and his clergy, and the collegiality of the ordained ministry in the diocese. (20)

ii) Licensing of Lay Ministers

The shortage of clergy in this large country led to more and more use of men, and later also women, licensed as Lay Readers and Catechists.

Especially in country parishes where one priest has to serve a number of

centres, each centre^{has} its Lay Reader and Catechist. It was also usual for there to be Sub-Deacons in each church, who were basically "cup-bearers" administering the chalice. These, lay offices were later combined into one, styled "Lay Minister", as provided for by Canon 20 Of Lay Ministers. The new Canon of 1970 replaced the old Canon "of Catechists, Subdeacons and Readers".

The Canon allows each Diocesan Synod to make its own regulations for the description, appointment and admittance of Lay Ministers. Usually the incumbent nominates a person, and the church council must then approve the appointment. The Canon continues : "The exercise of the office of a Lay minister shall be by licence of the Bishop who may grant, revoke or renew such licence as he deems fit." The duties of licensed lay ministers are one or more of the following :

- a) Instructing and preparing candidates for Holy Baptism and Confirmation.
- b) Preaching
- c) Assisting in the administration of Holy Communion
- d) Performing such other pastoral duties, not reserved to the ordained ministry, as the Bishop may determine.

Not all ministry by the laity has to be by licence of the Bishop. The Canon states that any lay person may in an emergency baptize; and at the request of the incumbent or Archdeacon, conduct Divine Service and bury the dead. And in any service, including Holy Communion, at the request of the priest, a lay person may read such scriptures or say such prayers as are not reserved to the ordained ministry.

Lay Ministers are appointed not elected, and no time period is set for their office. They are therefore an extension of an episcopal style of church government. Juxtaposed to this is the Church Council which is elected annually. There is sometimes a confusion between the two types of lay leadership - the one "theocratic", the other of a "democratic" process. If the present structures are to continue we would recommend that, as do the licensed clergy, so also should the licensed Lay Ministers have an ex officio place on the Church Council.

5. TEACHING

The Bishop As Teacher And Defender Of The Faith

In its section on the Ministry of the Bishop, the Commission on Episcopacy begins : "We recognise that the Bishop is the chief teacher in the diocese, the bishop's throne (cathedra) is not a kingly sign of authority, but a reminder that in the early days the teacher always sat to teach". And ends, "We would suggest that the ministry of teaching is in many ways the most urgent of the bishop's ministries, but it is often hindered by paper and provincial chairmanships" (21)

Article I of the Constitution declares that the C.P.S.A. "First receives and maintains the Faith of our Lord Jesus Christ as taught in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds, and affirmed by the undisputed General Councils : Secondly, receives the Doctrine, Sacraments and Discipline of Christ as the same are contained and commanded in Holy Scripture according as the Church of England has set forth the same in its standards of Faith and Doctrine ..." The Third Proviso of this article then states that in the interpretation of the aforementioned Standards and Formularies the CPSA be not held to be bound by decisions of Faith and Doctrine, or in questions of discipline relating to Faith or Doctrine other than those of its own Ecclesiastical Tribunals. In other words, no secular body, albeit Privy Council, can dictate to the church on matters of Faith and Doctrine. Preliminary Resolution no. V, on the other hand states almost as an aside: "that without questioning ... the rightful authority of the Episcopate in matters of faith and order ..."

Put in a nutshell, the Bishops' role as chief minister of the Gospel is to teach the truth and refute error. In a sense the Creed, the summary of the Christian faith is passed on from "hand to hand", from bishop to bishop, who see that it is forced onto the attention of each Christian, in what Rich calls the "episcopal tradition". (22)

Heresies

Bishop Gray had his fair share of errors to refute. Bishop Colenso in Natal was writing and preaching things that caused alarm in his diocese : his view on the meaning of the eucharist; his commentary on Romans with its inadequate teaching on the atonement, conversion, the Church and sacraments to be used as a basis to evangelise the heathen. Dean Green of Pietermaritzburg - himself rather rigid in his views - took exception to the former, and eventually wrote to Gray as Metropolitan delating his bishop for heresy. Gray replied that Colenso was dangerously vague but not out of line, while Green could not insist on so narrow a view of the Eucharist. Gray himself took up the matter of Romans, at first in vain begging Colenso to reconsider and withdraw the publication, after which he referred the matter to the Archbishop of Canterbury.

In the meantime Colenso published a work on Pentateuchal Criticism, which was way before its time, in which he departed from the fundamentalist position. Canterbury had summoned the bishops of the realm to the first Lambeth Conference in 1867 who now condemned Colenso on his valuable work of biblical criticism rather than his unorthodox views of redemption. (23)

This first Lambeth Conference, as Guy points out, was the result in part of the concern raised amongst the colonial bishops by the Colenso controversy. In fairness to Colenso he observed that the debates about the Bishops of Natal "were made so much more intense because they were seized upon by members of a church already provoked by religious controversy, and deeply divided." (24)

The other major error that it befell Gray to refute was what came to be called the Erastian Heresy. Erastianism, a distortion of the teachings of the reformer Erastus, claimed dominance of the state over the church. (25) Gray experienced this when having tried Colenso for heresy and sentenced him in an ecclesiastical court, Colenso was able to appeal successfully to the Judicial Committee of the Privy Council - the highest civil court.

Gray fought against this Erastianism tooth and nail. Wirgman argues the point polemically : "Robert Gray our first Metropolitan has rightly been called "the Athanasius of the South." Had it not been for his resolute fortitude and iron determination not to compromise one iota of the first principles of Catholic liberty, the battle against Erastianism would not have been won." In the same vein he saw it essential to retain the third proviso : "If the South African church had by its own vote abrogated the Proviso and willingly placed its neck under the yoke which the Mother Church unwillingly has been compelled to bear, it is not too much to say that the Church of this Province would have betrayed its own spiritual liberties, and with them the Catholic Faith". (26)

From about the time of Union in 1910 the Church, led by the bishops and synods, has been at pains to refute the errors of racial discrimination in law and practice; and from 1948 the ideology and doctrine^R of "apartheid" as an insult to the dignity of human nature, and which in recent years has been declared a heresy by most churches.

Need for authorised teaching material

With regard to the teaching of the church there is the danger that the Anglican Church, in attempting to combine freedom with authority, could fall between two stools. Her regard for liberty of thought and enquiry is a quality appreciated by the cultured and educated, but it sows confusion among the less educated masses, who may feel more secure in churches with rigid teaching. These we find in the fundamentalist protestant and pentecostal camps as well as the Roman Catholic church. Rome does not permit the broadcasting of new knowledge, often unassimilated, until such time as the church has endorsed it, and regards its publication as opportune. (27)

While Anglicans (except the extreme Anglo-Catholics) will probably find the Roman controls a bit "totalitarian" and may not relish a reign of "nihil obstats" and "imprimatur", they could well appreciate and benefit from more uniformity and clarity of teaching of the faith and doctrine of the Church. Apart from a short Catechism, there are no official courses in instruction for baptism, confirmation and Sunday school. Without such courses candidates are often left to the whims of inadequately trained instructors, or put too much store on religious experience - which is a useful servant but a bad master. Provision for adequate teaching is ultimately the Bishop's responsibility as teacher and defender of the faith.

6. DISCIPLINE

i) Discipline of the clergy

Not suprisingly there is much in the church laws concerning discipline. Article XI of the Constitution lays down the principle : "Rules for Ecclesiastical Discipline shall be framed by the Provincial Synod." Rules made by a Diocesan Synod may not clash with Provincial Synod rules, and have temporary force until the next session of Provincial Synod. Article XII states "The Provincial Synod shall determine the constitution and rules of procedure of the Diocesan Tribunals for the exercise of Ecclesiastical Discipline and shall provide a Provincial Tribunal of Appeal."

We offer now a brief resumé of the Canons on church discipline. For the purposes of this study we note the central role of the Bishop, who is responsible for discipline of both clergy and laity.

Canon 16 Of Declarations and Subscriptions to be made by Bishops and Clergy. "By making and subscribing the prescribed declarations before the Bishop, a clergyman being admitted to office binds himself to accept and immediately submit to any sentence depriving him of any or all the rights and emoluments appertaining to his office, after a proper trial, saving all right of appeal." This then is a personal contract between clergymen and his bishop, which gives jurisdiction by consent. A civil court would only be competent to pass judgement on the existence of such a contract. The necessity of contracts became apparent in the Long case.

Canon 25 Of the Tenure of Clergy (1870, 1945). Section 3b (inserted by the Synod of 1970) is relevant. If between the date when the Bishop agrees to collate or institute a clergyman to a

pastoral charge, and the actual date of the collation or ins^titution,
"evidence comes to light, which, when presented to the Bishop causes him to
have grave doubts as to such clergyman's innocency of life and
conversation, the bishop after having given such clergyman an opportunity
to be heard, shall be entitled forthwith to cancel the collation or
ins^titution of such clergyman to the pastoral charge concerned." We know
that this has been applied in cases of alcoholism or suspected sexual
immorality having come to light.

Canon 29 Of Churchwardens and Chapelwardens (1870,1970)

Section 7c : One of the duties of the churchwardens is "to complain to the
Bishop or Archdeacon if there should be anything plainly amiss or
reprehensible in the life or doctrine of the Incumbent and also if there be
anything contrary to order or decorum in the administration of Divine
Service." Such a complaint could lead to disciplinary steps should the
Bishop see fit to act.

The chapter on Discipline proper begins with Canon 36 Of the Tribunals of
the Church. (This canon, dating back to 1945, substantially recast the
canons dealing with ecclesiastical tribunals and judicial proceedings).
Here again we consider it relevant to explain the principles rather than
detailed points of law. Apart from the Court for the Trial of a bishop
(dealt with later) there is the Provincial Tribunal of Appeal consisting of
the Metropolitan and two Diocesan Bishops sitting together. The Metropolitan
appoints two laymen learned in law (being communicants of the C.P.S.A.) and
three senior priests in this province to assist the Provincial Tribunal in
a purely advisory capacity.

The Diocesan Tribunal normally consists of the Bishop of the Diocese as President; two senior priests of the diocese nominated by chapter; two laymen, one being learned in law, nominated by the Bishop; and (at the Bishop's discretion) a Priest from outside the diocese. The Diocesan Tribunal shall be the court for the trial of Priests and Deacons under Canon 39, or of such matters as the Bishop of the Diocese may refer to it.

The Bishop's Court normally consists of the Bishop, with the Chancellor of the Diocese (a lawyer) to assist in a purely advisory capacity. The Bishop's court is for cases arising under certain canons, and matters pertaining to Church property and temporalities generally, unless referred by the Bishop to the Diocesan Tribunal.

Canon 37 Of Judicial Proceedings (1870, 1945) This lengthy canon lays down rules and procedures for laying charges, and conducting the trial. We note some of the points. A bishop, priest or deacon may be presented for trial on charges and accusations of : An offence which has led to a criminal conviction, sexual immorality, scandalous and offensive conduct, heresy or false doctrine, schism, apostasy, violation of the Constitution or Canons, disobedience of rules of provincial or diocesan synod, neglect of duties. The presenters (those laying the charges and accusation - in writing) must agree to accept the judgement of the tribunal as final, save rights of appeal. Resignation by the accused does not exempt him from judicial enquiry nor from being sentenced. A written admission of guilt and offer to submit to the sentence means the tribunal can proceed to judgement without further evidence. The president may reopen the case within 30 days should new facts come to light. After 30 days he refers the matter to the Diocesan Bishops who shall have power to annul or modify any such decision.

Canon 39 Of Trial of Priests and Deacons (originally "Of Trial of Clergy" in 1870, replaced and renamed in 1945), this canon lays down further specific rules and procedures for the trial of Clergy. Those competent to lay charges are: a priest licensed in this province, both churchwardens, 3 or more communicants of the parish (at least 24 years old). The Bishop of the Diocese, if he sees sufficient cause, shall have the liberty to act without such charge being preferred. The Bishop then constitutes a Board of Preliminary Inquiry consisting of 2 priests and a layman (learned in law). The board shall consider whether there is a prima facie case against the accused, and shall report to the Bishop who shall decide whether further proceedings shall be taken or not. If he refuses, the presenters may appeal to the metropolitan, who may require the trial to proceed. The accused may be inhibited by the bishop, until the trial is concluded, from the exercise of ministerial duties, for the prevention of scandal.

"It shall be competent to the President of the Diocesan Tribunal to refer to the Synod of Bishops any question of interpretation of the Faith and Doctrine of the Church or of the laws of the church of this Province; and their interpretation shall be considered final." The Tribunal comes to a judgement by majority decision; but only the Bishop of the Diocese shall pronounce sentence.

Canon 40 Of Judicial Sentences. (1870, 1945) Appropriate sentences for those found guilty of the various offences listed in Canon 37 are now given. They are (in increasing order of severity) formal admonition, suspension (up to three years), deprivation (of the office held), deposition (deprivation together with suspension in the diocese), degradation (deposition from Holy Orders).

A person who refuses to submit to his judgement or sentence renders himself liable to a more severe sentence at the discretion of the Bishop of the Diocese. But it shall be competent for the Bishop to refrain from proceeding to the penalties of deprivation, deposition and degradation. In any case before a sentence of deprivation or deposition can be pronounced or come into effect, the Bishop must secure the consent of a Commission of three Diocesan Bishops nominated by the Metropolitan and sitting together; and of degradation, the consent of the Synod of Bishops.

Canon 41 of Appeals (1870, 1945). Leave may be granted to presenters to appeal to the Provincial Tribunal in cases of false doctrine, heresy, apostasy, schism, violation of Constitution or Canons, or disobedience (but not in cases of immorality, scandalous conduct or neglect of duties); and to persons against whom sentence is passed for any category. Application for such leave to appeal, giving reasons, is made to the Bishop. There is no appeal regarding the facts of the case - only the conclusions. The bishop may inhibit persons from the exercise of his ministry until the Provincial Tribunal shall have determined the appeal.

The Provincial Tribunal may affirm or reverse a judgement of the Diocesan Tribunal, and may modify or amend the sentence appealed against, or pass any other sentence in the case, as it thinks fit. Any part in a suit relating to matters of Faith and Doctrine may, within one month of the pronouncement of sentence by the Provincial Tribunal, require the President to refer the whole case to the Archbishop of Canterbury. (This is in keeping with the spirit of the Constitution, in that the CPSA has accepted the standards of faith and doctrine of the Church of England).

Canterbury submits the case to the Central Consultative body of the Lambeth Conference or considers it himself assisted by other bishops of the Anglican Communion whom he selects. He reports the opinion formed to the President of the Provincial Tribunal. In the light of this the Provincial Tribunal proceeds to affirm, reverse or vary the sentence already pronounced by it.

We have seen that the bishop is at the very centre of the whole disciplinary process. The canons vest him with considerable authority in this. But we must remember that the whole system is based on free contract. The Bishop can only exercise jurisdiction over those willing to accept him as their bishop. A weakness of the discipline in a voluntary association is that its tribunals can never enforce obedience; they can only deprive a member of privileges for disobedience. Further, no one can be compelled to attend or to give evidence before a tribunal.

There may be similarities in formal procedure between ecclesiastical and civil courts. But there must be a basic difference between the rule of law that requires justice to be done, and to be seen to be done, and the discipline of the church. In the latter case genuine penitence, would, one hopes, be a significant factor. One would also hope that all other avenues would be exhausted before resorting to a trial - which is a traumatic experience in the life of the church. The proceedings between the Reverend J.T. Darragh and Bishop Bousfield concerning St. Mary's Parish, Johannesburg bear painful testimony of that. (The Bishop even labelled the Provincial Tribunal the "Robber Council" of Ephesus)(28).

Sentencing must be seen in the proper spirit of the nature of Church discipline. "Retribution is not the object of any judicial sentence pronounced by the bishop : the purpose of Discipline seems to be to preserve the dignity of the ministry for the edification of the Church and for the maintenance of the fundamental principles of faith and doctrine."

(29)

The Commission on Episcopacy had this to say : " The right of a bishop to discipline the clergy in his diocese must be part of the bishop's authority. We did note however that greater consistency and communication between dioceses on this matter is desirable."(30)

ii) Discipline of the Laity

The Bishop is also ultimately responsible for discipline of the laity. Though authority for this is delegated to the Parish Priest, he must usually report to the bishop for approval of disciplinary steps taken.

Canon 35 Of Pastoral Discipline (appeared originally in 1904 as "of Ecclesiastial Discipline", was replaced in 1945 by a new Canon "of the Dicipline of the Laity", and again in 1979 under the present title). Here "discipline" is used in two senses : Firstly, the standards or conditions laid down before the sacraments of Baptism, Confirmation and Marriage

can be administered; secondly, steps to be taken against laity guilty of misconduct.

Regarding the former, candidates must be prepared for baptism, confirmation and marriage by being given a form of instruction that has been approved by the Bishop of the Diocese.

Regarding the latter, the Canon stipulates what must be done "When a Priest shall perceive a communicant to be in a state of open and malicious contention with his neighbours or in open contravention of Canonical regulations of the Church or other grave and open sin without repentance ..." He must "exhort and admonish" him "in order to move him to penitence, amendment of life, and where necessary restitution" - first in private, and if this fails, in the presence of other communicants. "Only if the communicant fails to heed such admonition may the Priest suspend him from communion". If he does this, the priest must notify the Bishop and the Archdeacon, giving his reasons. The Bishop, either personally or through his Archdeacon, investigates the case to satisfy himself that the Priest has acted rightly, and then either confirms the suspension or restores the communicant to communion. He may refer the matter to the Diocesan Tribunal. The restoration to communion of a suspended communicant shall be at the discretion of the Bishop on the recommendation of the Incumbent or Parish Council. The communicant can also apply directly to the Bishop.

Any communicant who has been suspended from communion shall be considered to be under church censure. A commentary to the Canons explains: "Censure normally takes the form of withholding the privileges of membership. You

cannot hate God and ask for his blessing, and you cannot belong to a club and ignore its rules" (31).

A common example of suspension - which takes effect automatically - is if a communicant remarries while his/her first spouse is still alive, without a dispensation from the Bishop.

iii) Inhibitions and Dispensations

As part of his exercising of ecclesiastical discipline, the Bishop makes inhibitions and grants dispensations.

By inhibiting somebody, the Bishop prevents that person from doing something that would otherwise be in order. For example, Canon 33 Of the Services of the Church (1870) states that a Chaplain to the Forces would be permitted to officiate in any church of the diocese, more than just once, "except if he be inhibited by the Bishop."

A dispensation is defined as "a relaxation of the law in a special case by the proper authority for good reason." (32) A prominent example is where the law (Canons) say that remarriage after divorce leads to suspension from communion; but according to Canon 33 the Bishop can grant a dispensation so that the new couple can live as practising Anglicans; and even be married in church.

E J Palmer, chairman of a special commission on the subject in 1935, summed up the Church's role : "Anglican churches can only enjoy the benefits of

the practice of dispensation if they recognise that the highest authority in the matter of dispensation is the Bishops in their synod. This implies that it is the Bishops in synod who determine from what laws they may or may not themselves dispense in their own dioceses. (33)

South African Bishops are known to dispense re fasting, communion of remarried divorcees, prohibited seasons for marriage and liturgical deviations.

One must not confuse the granting of a dispensation with a licence. "A licence is permission granted to a person by an authority constituted by law, to do an act which, according to the law, may only be done with such permission." (34) Licences, as we have seen, for example, are issued to Lay Ministers authorising them to preach, etc.

7. DIOCESAN SYNOD

i) The Bishop as President of Synod

A controversial move

Government of the church by Synods and Councils is a very ancient practice. But by the 19th century they had been discontinued in England. So when Bishop Gray decided to summon a Synod in his diocese for 21st January, 1857, it came as something of a departure from the practice of the Church of England, and was viewed by some as a Tractarian measure. From the start Gray determined that the synods should include representatives from the laity, which parishes were invited to send. However there was opposition from various parishes who considered it illegal and dangerous for laity to legislate in ecclesiastical matters.(35)

One clergyman, the Rev. William Long, Rector of Mowbray, refused to attend the Synod. When he again refused to attend the second synod in 1861, Gray charged him with disobedience, found him guilty, and suspended him. Long appealed to the Privy Council, which found for Long. The Privy Council maintained that since the summoning of Synods had been discontinued in England, Bishop Gray had no right to require his clergy to attend in South Africa. It restored Long to his benefice, but not to the spiritualities of his office. Gray later restored him, and Long continued to accept Gray as his bishop, but would never recognise the authority of Synods.(36)

In Gray's first historic synod of 1857 certain matters of organisation were discussed, most of them a consequence of the change from a "congregational" to a diocesan life. The second synod of 1861 had to discuss the delicate question of the relationship between the church and the colonial administration. The feeling, in sympathy with the "voluntary movement" was that the state should have no control over the internal affairs of the church. This meant that synod could not ask for a general ordinance to be drawn up giving established legal status to the new parishes, as that would at the same time give the state the right to interfere in church affairs. (37) This left the diocese with a situation in which the old Ordinance Churches could claim a different legal status from parishes formed by synodical action. Here lay the roots of future disorder and disunion. (38)

The nature of Synod

The Diocesan Synod is a legislative and deliberative body. It consists of three houses : the house of bishops, of clergy, and of laity. If a vote by houses is called, then a resolution must gain the support of each house to be passed.

If a measure is defeated in the house of laity, it is not even voted on by the other two houses. (By contrast, Colenso had a different idea of a synod. It was an advisory, not legislative body, called the "Church Council", where clergy and laity sat together, not in separate houses.)

The Bishop of the Diocese is the President of Diocesan Synod. It is his prerogative to summon synod - it is compulsory for licensed Clergy to attend - and he presides over its sessions. Synod follows similar rules to that of parliamentary procedure. (When Synod breaks into committee, there is a lay chairman, and less formal rules of debate).

Canon 9 Of the Bishop's Veto in the Synod of his Diocese (dates from 1904, substituted by the present Canon in 1973). It begins with the principle : "The Bishop of the Diocese shall possess the right of veto upon all Acts and Resolutions of the Synod of his Diocese." Should an Act or Resolution be passed by a majority of less than two-thirds of those present, then the Bishop can declare them void and of no effect., If one is passed by two-thirds or more of those present, then the Bishop does not have a direct veto, but must follow certain procedures. He expresses his intention of exercising his veto, and thereafter separate votes are taken in the Houses of Laity and Clergy. If a majority of two-thirds or more is achieved in both houses, and the Bishop then vetoes the Act or Resolution, an appeal against the veto can be made by the Dean (empowered by a resolution) to the Metropolitan (or Dean of the Province) and Diocesan Bishops. The Diocesan Bishops consider the matter in Synod, and can override the Bishop's veto. He must then promulgate the Act or Resolution in his Diocese without delay.

The Bishop also has the right to declare a motion to be controversial. In this case a two-thirds majority is needed for it to be passed.

This is an example of constitutional episcopacy. The Bishop has authority in summoning synod, presiding over it; and exercising a veto. But this authority is limited by the Canons of the Church. The Bishop in Synod has been likened to the King in Parliament, with the Bishop's veto, like the monarch's fiat, showing that he has the final powers of decision, and that synod (like the original parliament) is purely to give him counsel, to help him discern the will of God. (39) Such a model is not, however, a fair reflection of church government in the C.P.S.A., nor of the relationship between the Bishop and his Synod. This relationship is better described by G.F.S. Gray : "The fundamental unit of church organisation is the territorial diocese under the jurisdiction of one bishop, in which the bishop and the diocesan synod are usually jointly responsible. (40) And Hinchliff : "Diocesan administration centres on the Bishop who governs with and through the diocesan synod." (41)

A notorious example of a Bishop and his synod at loggerheads is the case when the Rev. J.T. Darragh of St Mary's Parish, Johannesburg was elected by Synod onto the Finance Board of the Diocese. Bishop Bousfield of Pretoria refused to allow him to be appointed on the grounds that he was an unfit person. Relations between the two had been strained for some time. Synod supported Darragh against the Bishop's autocratic action. The dispute went to provincial arbitration, and Darragh's appointment was confirmed. (42)

ii) Chairman of Diocesan Council

The Diocesan Council, or similar named body, is elected by Diocesan Synod, with certain ex officio members. It is the standing committee of Diocesan Synod, which together with the Bishop, sees to the ongoing running

of the Diocese between sessions of Diocesan Synod. Like Synod it has both clerical and lay members. Diocesan boards and committees are usually responsible to Diocesan Council, e.g. the Diocesan Finance Board. The Bishop is the chairman of Diocesan Council, as well as important boards like the Finance Board. Apart from other skills and gifts of leadership, and pastoral care, it is important that a Diocesan Bishop be a good administrator. In this he needs to have a good administrative staff so that he is not too desk bound.

iii) Trustee of Church Property

Property owned by the C.P.S.A. usually has to be registered in the name of the Diocesan Trustees of the respective diocese, and not in the name of the parish, even if the parish paid for the property. This is probably to prevent a schismatic congregation from taking their church buildings with them. Property matters seem to take up a disproportionate amount of time and money in the life of the church, and give relatively more problems than one would expect them to according to spiritual priorities. The Bishop would normally be chairman of the Board of Trustees.

Article XVI of the Constitution states the principle that "the Provincial Synod shall frame such regulations as may be necessary from time to time for the management of property held in trust for the Church of this Province", having full control over the use or occupation of such property. This jurisdiction does not extend to properties acquired before the creation of the province.

Article XVII gives Provincial Synod the power to delegate such powers to any Synod, Board, Committee or body. Article XVIII states that all property shall be transferred to Trustees acting on behalf of the Province.

Articles XIX and XX lay down the conditions of the Trust and obedience of trustees to provincial synod and its tribunals.

On diocesan level, the Bishop exercises authority over property matters by

- 1) being chairman of the Board of Trustees
- 2) appointing Archdeacons to do annual inspections of all church property (Canon 15)
- 3) issuing Faculties under his hand and seal for all building work and alterations in construction or arrangement of church buildings.

To help him with the latter function he has a faculties Advisory Committee.

Property Disputes

The early history of the Anglican Church in South Africa has a number of examples of disputes concerning property. The legal situation was complicated. The property belonging to ordinance churches was held by a special church property trust, as these churches enjoyed a different legal status to parishes formed after the Bishop's arrival.

The first diocesan bishops were trustees of Church of England property by virtue of their Letters Patent. With the Colenso controversy^s, the Natal Supreme Court ruled that by resigning his first Letters Patent, Gray effectively invalidated his trusteeship of the Natal properties, which then lapsed to Bishop Colenso instead. In that schism, Colenso effectively took the old Natal properties with him.

In the case of Merriman vs Williams where Dean Williams declared himself to be in schism with the C.P.S.A., and effectively debarred Bishop Merriman from exercising his episcopal rights, the Supreme Court and Privy Council ruled that because of the Third Proviso there was no legal connection between the Church of England and the C.P.S.A.; and therefore the C.P.S.A. had no legal rights to use Church of England properties, unless they could prove transfer of ownership. Bishop Merriman could not claim to be Bishop Cotteril's successor. The courts did emphasise that in question was not the spiritual union but legal connection with the Church of England. In the upset that followed, Archbishop Tait of Canterbury wrote to Archbishop West-Jones to assure him : "No changes which have taken place in the church over which you preside have in any way separated it from full communion with the Mother Church of England." (42)

Problems arose in Cape Town when Phelps became Archbishop. His predecessors had all been consecrated in England, and Trinity Church (an ordinance church) was happy to accept them as Church of England bishops, successors to West-Jones. Phelps was now not acceptable. Holy Trinity Church Council challenged his position as a trustee, and the Cape Supreme Court ruled (in 1932) that he could not act in that capacity, and new trustees must be appointed. The dissidents in vain attempted to get a bishop of their own; and also challenged the C.P.S.A. possession of Bishops_court (Archbishop's residence). The court ruled that Phelps was entitled to Bishops_court unless something should happen to make it possible for a Letters Patent Bishop to be appointed, or until the Province became substantially, and not merely legally, different from ^{the} Church of England.(43)

IV PRIMUS INTER PARES

1. ARCHBISHOP AND METROPOLITAN

Bishop Gray's new letters patent in 1853 appointed him Bishop of Cape Town and Metropolitan of South Africa. At that stage the South African dioceses became grouped together under the jurisdiction of Bishop Gray as Metropolitan, but they did not yet constitute an independent province of the Anglican Communion. They stood in a similar relationship to the Church of England as did the Church of Ireland or Wales; but their legal position was ambiguous, as litigation was to prove.

The office of Metropolitan of South Africa has from the start been linked to the office of Bishop of Cape Town. This is in keeping with the Church of England tradition, with this office being linked to a specific see of a Province - i.e. Canterbury and York. Other provinces of the Anglican Communion have opted for different models, e.g. the Episcopal Church of the U.S.A. has a Presiding Bishop without a see. Canada and Australia have Primates. The best model for Southern Africa has been under serious debate recently, and will be taken up in the last chapter of this thesis.

The term "Metropolitan" was used legally for the first time in the canons of the Council of Nicaea in 325. It denoted the bishop of the principal city (metropolis) of a province of the Roman Empire. (1) The Metropolitan does not in the normal sense rank above the other bishops in his province; but he is their senior, and at their consecration they must make an oath of

canonical obedience to him. Only in certain circumstances, and for specific functions stipulated in the Canons does the Metropolitan exercise jurisdiction over his brother bishops. His relationship together with his brother bishops can fairly be described as "primus inter pares" - the first among equals.

As Metropolitan of South Africa, Gray continued to be styled as "bishop". The Provincial Synod of 1870 requested the Bishops of the Province to take measures to secure the title of Archbishop for the Metropolitan to give due ecclesiastical recognition to his position. In 1894 the Synod of Bishops unanimously resolved that the title of Archbishop was the proper title for the Metropolitan; but like other colonial churches in a similar position they waited until the Lambeth Conference of 1897 before adopting it. Lambeth resolved : "Recognising the almost universal custom in the Western Church of attaching the title of Archbishop to the rank of Metropolitan, we are of the opinion that the revival and extension of this custom amongst ourselves is justifiable and desirable." (2) William West-Jones became the first Archbishop of Cape Town in 1897. The present Archbishop, the Most Reverend D M Tutu, is the tenth. This title gave no new powers, and the Archbishop addresses his pastoral letter to his own diocese only.

Canon 2 Of the Metropolitan (previously entitled "Of the Functions of the Metropolitan") lists the functions and powers of the Metropolitan of the C.P.S.A. succinctly as:

- a) to summon Provincial Synods, and to preside at them;

- b) to summon the Bishops of the Province to Synods of Bishops and to preside at them;
- c) to preside at Elective Assemblies, or appoint a deputy if he so desires;
- d) to confirm the election of Bishops of the Province;
- e) to hear in his Provincial Tribunal appeals from sentences of Diocesan Tribunals;
- f) with the aid of other Diocesan Bishops, to hear and to decide upon charges brought against any Bishop of the Province;
- g) to visit officially any Diocese of the Province when invited to do so by the Bishop or Clergy of that Diocese, or whenever it shall seem desirable to himself, after consultation with other Diocesan Bishops.

A proviso is attached to this section on visitatorial powers, viz. that the exercise of jurisdiction of the Bishop of the Diocese be not inhibited during the Metropolitan visitation, except there appear to the Metropolitan to be some strong reason for such inhibition. The Synod of Bishops, at their next session are competent to declare whether such reason was sufficient. We see that this Canon gives the Metropolitan limited powers which he cannot exercise autocratically.

Functions c,d and e have already been dealt with in Chapter II and III above. The other functions of the Metro^oplitan will be dealt with in this chapter.

Canon 22 Of Spiritualities and Revenues of Vacant Bishoprics gives a further function or responsibility of the Metropolitan. "Whenever any See of this Province shall be vacant by the death of a Bishop or other sufficient cause, the spiritual care and government shall devolve upon the Metropolitan, who shall appoint a Vicar General to act until the See be again canonically filled."

After Bishop Twells fled from Bloemfontein in the wake of an unfortunate scandal, Bishop Gray as Metropolitan declared the See vacant, and appointed Archdeacon Merriman as Vicar General. On the day that his sentence of deposition on Bishop Colenso was due to take effect, Bishop Gray went to Natal to take charge of that diocese.(3)

Canon 42 Of Trusts puts the Metropolitan as Chairman of the Provincial Trusts Board (in his absence the Board elects its own chairman); and Canon 43 Of the Provincial Standing Committee puts him as chairman of that body too.(This Canon was adopted in 1915, and replaced by a new Canon in 1965).

Just as the Bishop of a diocese is the focus of unity of his diocese, and sets a certain tone and gives leadership and vision, so one sees the Metropolitan fulfilling the same role to the Province. He is its focus of unity, and invariably his own personality and style of leadership has a strong influence on the whole province. For example, Archbishop Carter had an Anglo-Catholic Christian-Socialist background, and represented a very different church tradition to Gray and West-Jones.(4)

2. DISCIPLINE OF BISHOPS

Just as the Diocesan Bishop is central in the exercise of discipline of clergy and laity, so we see the Metropolitan as being responsible for all matters of discipline of Bishops. We will first draw attention to a few canons relating to discipline in general, and then to those in the event of charges being brought against a bishop.

Canon 11 Of Residence of Diocesan Bishops (1870) begins by laying down the principle that every bishop in charge of a diocese must reside within his diocese. However the Metropolitan and Diocesan Bishop may agree to an exception to this rule, for a time, on grounds of ill health or other important considerations. Furthermore, "No Bishop shall absent himself from his Diocese except for duty, without the consent of the Metropolitan, nor the Metropolitan from his Province without the consent of two Diocesan Bishops."

A breach of these principles leads to disciplinary steps being taken : "In the event of a Bishop being absent from his diocese for six months without the consent required by this Canon, it shall be competent for the Metropolitan to give him three month's notice to return to his Diocese; and, should he fail to return timeously, the Metropolitan may, with the consent of the majority of the Diocesan Bishops, declare the See vacant."

Canon 12 Diocesan Bishops Temporarily Incapacitated (1950). In the event of a Diocesan Bishop being temporarily incapacitated so that he cannot run his diocese, while remaining in it, he

may appoint a Vicar General to do so; but must report this to the Metropolitan. Should he be unable to appoint a Vicar General, then the Metropolitan does so, Canon 13 of Diocesan Bishops Suffering from Mental Incapacity (1891). In the case of a Diocesan Bishop being of unsound mind, and this is certified by such medical and other testimony as is normally required in the country, the Metropolitan may, with the consent of the majority of the Bishops of the Province, and after receiving submissions from the Bishop himself, declare the See vacant.

Canon 14 Of Resignation of Diocesan Bishops (1870). If a Diocesan Bishop makes an irrevocable decision to resign or retire from his See, he shall send his resignation to the Metropolitan in writing, and the Diocesan Bishops shall judge whether or not the resignation shall be accepted. A Diocesan Bishop must retire at 70, but the Metropolitan may, after consultation with ^{the} diocese, extend his tenure of office.

This Canon also provides for the "compulsory resignation" of a Diocesan Bishop. The Bishop may "be asked, or if necessary, required, to resign his See" if two-thirds of the Diocesan Bishops decide that the Bishop is "no longer able to discharge adequately the duties of his office." Such a procedure is set in motion if at least three Diocesan Bishops make representations to the Metropolitan. The bishop must be given the fullest opportunity to state his views; and no action can be taken by the Metropolitan until he is satisfied that due provision has been made for the maintenance of the Bishop required to resign his See.

All four of these Canons end by ruling that should the Metropolitan come

under its provisions his functions be exercised by the Dean of the Province. (In the latest edition the word "Diocesan" was added to the titles of Canons 11 - 14)

Trial of Bishops

Article XIII of the Constitution reads : "Any bishop of this Province, against whom a charge shall be brought, shall be tried by the other Bishops of the Province, according to such rules as have been, or may hereafter be, determined by the Provincial Synod."

The rules of Provincial Synod are contained in the Canons. We have already, in the previous chapter, given a summary of those governing the discipline of the church as applied to clergy and laity. Now we pick up sections relating to the trial of bishops.

Canon 36 Of the tribunals of the Church, (1945) Provides a court for the trial of a Bishop as being "the Synod of Bishops, which shall consist of the Metropolitan and the Diocesan Bishops, sitting together". For the court to be constituted at least five of the Bishops must be present, including the Metropolitan, but excluding parties to the suit. Two lawyers, appointed by the Metropolitan, shall be advisers. This Canon might need to be revised as the Synod of Bishops now includes Suffragans. If they are not included in the court, then the wording must be changed.

Canon 37 Of Judicial Proceedings (1870, 1945) lists the charges or accusations on which any Bishop, Priest or Deacon of this Province may be presented for trial, and goes on to give in detail the procedures that must be followed. We have already discussed this in Chapter III section 6 above.

Canon 38 Of Trial of Bishops (1870, 1945) then gives specific procedures to be followed in the case of the trial of bishops. In matters of faith and doctrine a charge may be laid by at least three licensed priests of the Province, or two Diocesan Bishops; in other matters by at least two priests and three churchwardens or Parish Councillors all of the diocese of the accused Bishop. The Articles of Presentment shall be delivered to the Metropolitan (unless he be the accused, in which case to the Dean of the Province). He then constitutes a Board of Preliminary Inquiry, consisting of two Diocesan Bishops (not presenters) and one lawyer, to which the accused may submit a written answer to the Articles of Presentment. The Board reports whether there is a prima facie case to the Metro^olit^oan, who shall decide whether further proceedings shall be taken or not. He may in this instance wish to exercise his visitatorial powers.

Should the Metro^olit^oan decide that the case should proceed, he advises the presenters, accused, and other Diocesan Bishops, and arranges for the trial to take place. (If he is party to the suit his duties are performed by the Dean of the Province). Opinions of the lay advisers must be considered before judgement is pronounced. The accused Bishop can only be found guilty if at least two thirds of the Bishops present agree, and each can deliver his judgement separately. The sentence passed shall be by simple majority, and shall be either admonition, suspension, deprivation, deposition or degradation, as explained in Canon 40 Of Judicial sentences(1870, 1945) (with severer penalties for non-submission to the sentence). This Tribunal must then communicate the result of such judgement to the Bishop (or senior priest) of every Diocese of the Province, who must then have it made known to every clergyman within

the Diocese. During a period of suspension, the Metropolitan must make provision for the care and administration of the Diocese.

In the trial of a Bishop by this Tribunal of Diocesan Bishops there is no higher court to which appeal can be made, and "the judgement of the Tribunal in all proceedings under this Canon shall be final and conclusive." However before final judgement is given, in cases concerning faith and doctrine, any parties to the suit may demand that the case be referred to the Archbishop of Canterbury, as provided in Canon 41 Of Appeals (1870, 1945). The Metropolitan may also so appeal if judgment is pronounced against him on the extent of his Metropolitan authority or exercise of his Metropolitan functions or powers. No reference for cases concerning morals or conduct as a Diocesan Bishop can be made.

The celebrated case of a trial of a Bishop is that of Bishop Colenso of Natal, to which reference has already been made. This sorry affair took place in the 1860's before the adoption of the Constitution and Canons of the C.P.S.A. Colenso was able to appeal to a secular court after having been sentenced by Bishop Gray as Metropolitan. This is no longer possible. The Constitution and Canons were formed to close such loopholes experienced in the constitutional controversies of the C.P.S.A. The Third Proviso specifically rules out appeals to any tribunals other than those laid down, in matters of faith and doctrine, or the interpretation thereof.

3. EPISCOPAL SYNOD AND PROVINCIAL RESPONSIBILITIES

Episcopal Synod

Together the Bishops form a corporate leadership of the Province. All the Bishops of the Province - that is Diocesan and Suffragan Bishops - are members of the Episcopal Synod. As provided for in Canon 3 Of the Synod of Bishops (1982), the Metropolitan summons Episcopal Synod - usually twice a year, and presides at its sessions. It is not a legislative body, but its spiritual authority is considerable. Rather it is an executive body ensuring a measure of unity of administration in the Province, and binds the 17 dioceses into a corporate life.

The Bishops deal with every facet of church life - some in the course of fulfilling certain canonical functions, others as the needs of the church require. Specific functions mentioned in the Canons include:

- a) Electing a Dean of the Province (Canon 2)
- b) Considering nominations at an Elective Assembly (Canon 4)
- c) Appointing a Bishop if so delegated by an Elective Assembly (Canon 4)
- d) Considering a person elected, prior to confirmation thereof (Canon 4)
- e) Hearing appeals from a Diocesan Synod where the Bishop has exercised his veto (Diocesan Bishops only) (Canon 9)
- f) Forming a panel of Bishops from which the Metropolitan may choose members for the Provincial Tribunal (Canon 34)
- g) To form a court for the trial of a Bishop (Canon 34)

Canon 2 Of the Metropolitan Require the Bishops of the Province at the first meeting each year of the Synod of Bishops to elect one of their members to be Dean of the Province. He performs the functions of the Metropolitan whenever the Metropolitan See is vacant, when the Metropolitan is absent from the Province for more than six weeks, or is incapacitated. In this capacity he is entitled to the same canonical obedience due to the Metropolitan. Should he also be unable to perform his duties, then the Diocesan Bishop senior by Consecration shall do so; and should the office fall vacant, a new Dean of the Province is elected to serve until the next scheduled election. The Dean of the Province presides at the Assembly to elect a Metropolitan. He carries out disciplinary functions when the Metropolitan is party to the suit. The Commission on the Metropolitan recommends that the workload on the Archbishop could be eased by passing certain defined ongoing tasks and responsibilities to the Dean of the Province, such as presiding at Elective Assemblies. (5)

In recent years the Synod of Bishops has given approval to the new services produced by the Liturgical Commission. It has also passed many resolutions on socio-political concerns, and given a lead to the Province in such matters by the writing of pastoral letters.

Provincial Synod

An essential feature of the Province is that the Bishops act corporately in dealing with questions concerning the faith, order and discipline of the Church. In the Provincial Synod they constitute the House of Bishops. The provision of voting by houses secures that no resolutions dealing with matters of faith and order can pass without the consent of the House of Bishops.

Canon 1 Of the Provincial Synod (1870) allows the Bishops to withdraw and deliberate by themselves. After each session of Provincial Synod the Bishop has the duty to see that all the congregations in his Diocese are advised of alterations ^{to the} Canons.

Article II of the Constitution declares the Provincial Synod to be the legislative body of the C.P.S.A.; and its enactments the laws and rules of the church. A proviso, granting exceptional powers to the Synod of Bishops, was added by the Provincial Synod of 1979 (confirmed in 1982). "If it should at any time be impossible, for reasons beyond the control of the church, to give proper effect to any of the Articles of the Constitution or the Canons of the Church and it is not practicable to convene Provincial Synod, then in order to give effect to the said Article or Canon, the Synod of Bishops may, by a resolution passed by not less than three-quarters of the Bishops present thereat and voting, waive compliance with the procedure laid down by the said Article or Canon and alter same, but only to such extent as such procedure requires to be altered so as to give effect to such Article or Canon". Such a resolution ^{must} be tabled at the next meeting of Provincial Standing Committee for confirmation and at the next session of Provincial Synod for ratification. But failure of Synod to ratify will not invalidate the decision or action of the bishops if they have acted properly.

It seems that these "emergency regulations" are to enable the "spirit" of the Constitution and Canons to be carried out even when it is impossible to follow the "letter" of the law. In all this one gets the impression of the Synod of Bishops being something like the cabinet with the Metropolitan as Prime Minister or President, and Provincial Synod as Parliament.

Provincial Administration

Canon 43 Of the Provincial Standing Committee (inserted in 1915 substituted by the present Canon in 1965) stipulates that the Diocesan Bishops, but not Suffragans, are all ex officio members of the Provincial Standing Committee (P.S.C.), which is the executive arm of the Provincial Synod between its sessions. Each Diocesan Synod elects one priest and one layman to P.S.C. P.S.C. is responsible for provincial finance, and allocates money to the various provincial departments. It also assists in the direction and co-ordination of the work of these departments and appoints Boards or Committees where necessary for such purposes. The Provincial departments and committees include : Publications, Mission, Education, Justice and Reconciliation, Youth, Liturgical Commission, Missions to Seamen, and the Afrikaans Committee. The directors of departments, the Provincial Executive Officer (who is secretary) Provincial Liaison Officer, Provincial Secretary and Assistant, and the Provincial Registrar attend with the power to speak but not vote (unless an elected member). These are all appointments of the Metropolitan.

Each of the provincial boards, departments or committees is chaired by a bishop, as appointed by the Episcopal Synod..

This can be a time consuming part of a bishop's work; and for this reason was criticised by the Commission on Episcopacy in that it hinders his teaching function (6). The Provincial Theological Colleges have Bishops as Chairmen of their Councils. This is important; but the Commission on the Metropolitan feels that the Archbishop be relieved of this responsibility.(7) Each Religious Community has a Bishop as its Visitor, who exercises an episcopal jurisdiction over that Community even if it is outside his diocese, but only so far as internal community matters are concerned. Members of a Religious Community licensed as clergy in a diocese fall under the jurisdiction of the Diocesan Bishop as far as their ministry in the diocese is concerned.

The Lambeth Conference of 1930 declared that the balance between provincial authority and diocesan autonomy may vary from province to province according to the constitution agreed upon in each case. (8) The CPSA Constitution seems to be "weighted" on the provincial side. The Provincial life and organisation began to "consolidate" under the leadership of Archbishop Carter. He stood for a centralised and unified provincial administration in finance, education and missions. He gave the Province an "enthusiastic coherence". Hinchliff appraises: "It was a happy coincidence that a man with such an ideal for unified provincial life and administration should have become archbishop at the very moment when South Africa became a single state." (9)

Retired Archbishop R. Selby Taylor has observed that the role and work of C.P.S.A. and the Provincial Departments has grown a lot in recent decades. This is due partly to the growth in size of the Province, but also reflects a growing centralisation of the Church's life.

Hinchliff also observed "a gradual shifting of the Province's centre of gravity from the quiet constitutional atmosphere of Cape Town to the rowdy, mushroom growth of the Transvaal." (10) The main Provincial Departments have their offices in Johannesburg. The offices of the Provincial Secretary and Executive Officer were always in Cape Town, close to the Archbishop, but in 1970's were moved to Johannesburg. This proved to be unsatisfactory, and a few years ago they moved back to Cape Town. The C.P.S.A. experiences a similar tension to the Government, with its Provincial leadership straddled between the Cape and Transvaal.

Collegiality of Bishops

Against the background of this Provincial life we turn to the "collegiality" of the episcopate. According to the Commission on Episcopacy, collegiality (meaning collective ministry) is to be seen in two ways :

- i) In the diocese the bishop's ministry is exercised with his "sympresbuteroi." (When the laity are also included we can talk of "conciliarity").
- ii) In the Province and the wider church his ministry is exercised with his fellow bishops.

In this chapter we are concerned with the latter aspect. The Commission's concept is further expressed: "By collegiality we mean the exercise of discussion and consensus by bishops of various dioceses in a region meeting together, and not several bishops exercising their episcopé in the same diocese." This last reference is in keeping with the Commission's unhappiness with Suffragan Bishops - an opinion we share - to which we will return in the next chapter.

The autonomy or independence of a Bishop and his diocese needs to be balanced by the collegiality in the province; as indeed is the autonomy of a Province set against the whole of the Anglican Communion. Collegiality inevitably means that there is some loss of autonomy within the diocese, as the Constitution and Canons, and financial exigencies in any case regulate. A helpful model is that of the family. Within the family there is a structuring which allows for individual freedom as well as corporate and shared responsibilities. Cyprian well expressed the principle: "Each bishop is free to direct his own actions as long as the bond of concord (between bishops) is not broken."

The Commission concludes that collegiality must produce within it the need to direct and guide the Church at large. This is most effective when it helps the Bishops to give direction rather than giving hard and fast rules for the Church to follow. The corporate voice of the Bishops on matters of faith, ethics and morals and the issues of the day are necessary and should be as precise as possible. (11) This is more urgent in the present day climate in Southern Africa than ever before.

V. BISHOPS WITHOUT A SEE

A premise that we have asserted repeatedly in this thesis is that the basic unit of church organisation is the territorial diocese under the jurisdiction of one bishop. We find however, in the past and present in the C.P.S.A. (as indeed in the worldwide Anglican Communion) bishops other than diocesan bishops - i.e. bishops without a See. Their existence and use is therefore to be seen as a deviation from our basic premise. Not being diocesan bishops they have limited episcopal authority, being subject to the diocesan. This is borne out by the Constitution and Canons, and our theology of episcopacy. We shall look at present as well as past categories of bishops without a See in C.P.S.A., for the sake of completion. The last section on "Vicar General" does not fall into this group, but is included for the sake of convenience.

1. MISSIONARY BISHOPS

Bishop Gray had a burning desire for mission work to the heathen. He saw mission work as not merely a task to be left to the missionary societies, but to be undertaken by the church itself. He considered that this would best be achieved by the consecration of a Missionary Bishop to work in a missionary diocese with undefined boundaries. As one can imagine this caused legal problems in England. The bishop chosen was Charles Frederick Mackenzie. To overcome the difficulties, Gray consecrated him in Cape Town, without a mandate from the Queen, in 1861, to his "charge" (not diocese) as "Bishop of the Mission to the tribes dwelling in the neighbourhood of the Lake Nyassa and the River Shire". He took the oath of canonical obedience to the Metropolitan Bishop of Cape Town. His consecration created a precedence of immense importance. He was the first Anglican missionary bishop outside the Empire, and was also the first bishop to be consecrated in a British Colony by the local Metropolitan. (1)

The Zambezi Mission, as it was called, was ill-fated. The area was too undefined and remote from the Province. Tensions and fever wrecked it, and within a year the bishop had died. His successor, William Tozer, moved the mission to Zanzibar which was too far to be part of the C.P.S.A.

Article XIV of the Constitution gives the Provincial Synod the power to erect a new Diocese within the bounds of any of the existing Dioceses of the Province, for altering the bounds of any Diocese, for forming a new Diocese beyond the limits of the present Dioceses, and for associating or incorporating with the C.P.S.A. any missionary or other Dioceses in adjacent countries. Canon 6 Of Missionary Bishops (inserted in 1929, with Section I dating back to 1891 as part of Canon 4) states that Missionary Bishops shall be chosen by the Bishops of the Province, provided there is adequate provision for his maintenance, and that the priests in the missionary Diocese (if not less than 6) can express their wishes. In that capacity a Missionary Bishop has the privilege of a Bishop of the Province, and is subject to the laws relating to Diocesan Bishops.

During the pioneering days this seemed a sensible and practical arrangement. But now the whole of the sub-continent is carved up into dioceses and Provinces. The only feasibility for creating a missionary diocese would be to divide off a section of an existing diocese. Should a missionary bishop be appointed for anything other than a missionary diocese, he would by his very work be likely to overlap the authority and jurisdiction of another bishop - and here we agree with the Commission on Episcopacy that this would be a dangerous precedent. The C.P.S.A. has no Missionary Bishop at present. (2)

2. COADJUTOR BISHOPS

The Canon Of Coadjutor Bishops no longer forms part of the corpus of the C.P.S.A. having been repealed in 1950, so this category no longer exists. Upon petition of the clergy of any diocese, the Metropolitan and Diocesan Bishops judge whether the circumstances of the diocese require the appointment of a Coadjutor Bishop. If they agree, he is elected in the normal manner. He sits in the House of Bishops in Provincial Synod; and in the Diocesan Synod, presides in the absence of the Bishop. He is the predecessor of the present day Suffragan Bishop, performing such episcopal duties as directed by the Diocesan, with the important exception that, when the See becomes vacant, the coadjutor shall succeed as Bishop of the Diocese - with the exception of the Metropolitan See.

Well known of later Coadjutors was Bishop S.W. Lavis of Cape Town (1931), who spent his whole life fighting the battles of the underprivileged in the mother city. A township on the Cape flats is named in his honour.

3. ASSISTANT BISHOPS

Also in the earlier days of the Province there was a Canon Of Assitant^S Bishops. He was different to the coadjutor Bishop in a number of respects. It was the Bishop of the Diocese (and not the clergy) who took the initiative, first consulting with the Diocesan Synod and the "Diocesan Missionary or Native Conference" (if there be one), then petitioning the Metropolitan and Diocesan Bishops, who agreed or not to the appointment of an Assistant Bishop for that Diocese. The appointment was then made by the Bishop of the Diocese. Unlike Coadjutor Bishops, Assistant Bishops were not elected, and did not have the right of succession to the See; but their duties were very much the same, with right of appeal to the Metropolitan and Bishops in the event of disagreement with the Diocesan. He sat with the

Bishops in Provincial Synod; with the Priests in Diocesan Synod.

An Assistant Bishop held a Commission from the Bishop of the Diocese, and from the Metropolitan during a vacancy of the See. The new Diocesan had immediately to Commission him, but could withdraw such (with three months notice) at the end of his first year of office. As with Archdeacons, the principle here is that the Bishop of the Diocese is not bound to keep "lieutenants" who were not his choice.

Assistant Bishops of this type no longer exist, having been superseded by Suffragan Bishops. However Canon 10 Of Bishops Suffragan and Assistant Bishops (the present title dates back to 1960) makes provision for Assistant Bishops of a completely different hue :
"The title of Assistant Bishop may be conferred upon a retired Bishop holding special Letters of Appointment issued by a Diocesan Bishop. Assistant Bishops shall have no right to be summoned to meetings of the Synod of Bishops and their Letter of Appoinment shall in no way confer any new canonical rights upon them."

Assistant Bishops are appointed as such so that they can be available to help the Diocesan Bishops in sacramental ministrations reserved to the episcopal order or ministry, most notably confirmations. This practice is criticised by the Commission on Episcopacy (as we have already mentioned in our discussion on Confirmation above). It reflects an emphasis on the special powers conferred at consecration, above the pastoral relationship of the bishop as father of the diocesan family. If the latter aspect was seen as more important (as we feel it should be) then ^{those} who have a pastoral responsibility with the candidates would be delegated these ministries by the Diocesan.(3)

Depending on his age and health a Bishop retired from episcopal office is often given charge of a Parish (in any diocese) and together with such appointment may be appointed an Assistant Bishop in the diocese in which he now serves. But he may be appointed Assistant Bishop without having a pastoral charge as well.

4. SUFFRAGAN BISHOPS

Suffragan Bishops are really the main category of so called Bishops without a See in the C.P.S.A. There has in the past couple of decades been a marked increase in their number; being raised up to cope with the demands of episcopal visitations in large dioceses. We do not see this as a healthy development. That is not to say that as individuals, suffragans do not exercise an useful ministry.

"Suffragan" means subordinate, and is used in two senses :

- (i) of any bishop in relation to his Archbishop or Metropolitan. So Bishop Gray came to South Africa as a "suffragan" of the Archbishop of Canterbury, although he was a fully licensed diocesan bishop. (4)
- (ii) of a bishop appointed to help the diocesan bishop in the administration of the diocese. It is this latter sense that is normally meant when referring to "Suffragan Bishops" or "Bishops Suffragan"

For our purposes Canon 10 Of Bishops Suffragan and Assistant Bishops can be summarised as follows.

Whenever a Diocesan Bishop deems it necessary for the good of the Church to have a Bishop Suffragan (or additional Bishop Suffragan) in his diocese, he first gets the backing of the Diocesan Synod, then applies to the Synod of Bishops, specifying the powers, authorities and duties, and territorial or other sphere of responsibility of the new office. The Synod of Bishops then consider the pastoral needs of the diocese, and whether it should rather be divided or redelimited; and either grant or withhold approval for such appointment. (In 1983 they turned down an application from the Diocese of Cape Town for a third Bishop Suffragan, but have just granted a fresh application in 1987). No vacancy in the office of Bishop Suffragan may be filled without approval of the Synod of Bishops, who may ask for the view of the Diocesan Synod.

Election Of Suffragans

Originally Suffragans were appointed by the Diocesan. Now they are elected in the same way as a diocesan bishop; but the Bishop of the Diocese decides which names submitted shall be brought to the notice of the Advisory Committee (or the Elective Assembly) and may add names of his own choice. (So while he can no longer appoint, he can effectively block nominations not to his liking). Confirmation of election and, if necessary, consecration follow in the same manner as for a diocesan bishop.

Since Bishops Suffragan have been elected and not appointed to their office, they have been afforded the status of Bishops of the Province, having seats and voting rights in the Provincial Synod, the Diocesan Synod, the House of Bishops of both, and the Synod of Bishops. It is only at Provincial Standing Committee that they may speak but not vote.

"A bishop Suffragan shall hold the Commission of the Bishop of the Diocese and his successors, and during any vacancy of the See, that of the Metropolitan, for the powers, authorities, duties and responsibilities which were specified in the application to the Synod of Bishops for the creation of his office" which shall be stated in the Commission. "A Bishop Suffragan shall be subject to the authority of his Diocesan Bishop in all matters of policy, doctrine and discipline" - but may appeal to the Synod of Bishops in the event of disagreement. The commission may only be altered with the consent of the Bishop Suffragan, or the authority of the Synod of Bishops. A new Diocesan Bishop may, with the authority of the Synod of Bishops (after hearing representations), alter or withdraw the commission.

The Rules and procedures for diocesan bishops regarding residence, absence, mental incapacity, resignation and retirement apply also to Bishops Suffragan - the Role of the Metropolitan (in the case of the former) being fulfilled by the Bishop of the Diocese (in the case of the latter) who may under conditions laid down by the Canon, and with the consent of the Synod of Bishops, withdraw the Commission. If at least two thirds of the Synod of Bishops decide that the Bishop Suffragan is no longer able to discharge adequately the duties of his office, his commission may be revoked.

Use of Suffragans

There are two ways that Suffragan Bishops have been used in the Province :

- (i) as a general "second-in-command" in the diocese as a whole.
- (ii) with responsibility for a specific geographical segment of the diocese, making him an area or regional bishop.

The problem with the first use is that the Suffragan is a kind of "episcopal curate", with no real "teeth", being limited in his exercise of episcopal authority by his suffrage to the Diocesan. The second use at least allows for the Diocesan to delegate a large measure of authority and responsibility to the Suffragan in his area, so that he relates to his clergy and people as a father. But still, the Diocesan Bishop has jurisdiction over the whole diocese, and in the final analysis is the father of the diocesan family.

Division or Regionalisation?

Large dioceses - as most are in the C.P.S.A. - make it difficult, if not impossible, to have effective episcopacy. The C.P.S.A. has opted for two ways in trying to solve this problem :

- (i) The development and creation of smaller dioceses.
- (ii) Regionalisation within existing Dioceses using Suffragan Bishops as area Bishops.

Theologically the first option is by far the more desirable. We have already stated that the basic unit of church organisation is the territorial diocese under the jurisdiction of one bishop. It is true that the second option (regionalisation) could in the longer term lead to the first (division), but there is a grass-roots resistance to division of diocese as experienced in the cases of Cape Town, Natal, and now also Johannesburg. Only Pretoria has actually gone ahead in the creation of smaller dioceses. The others have opted for regionalisation, at least for the present. Bishop Gray saw the need to divide the original Diocese of Cape Town, and succeeded in having this done. Nowadays one has to gain support of Synods - not the Crown - and it is a pity that considerations of financial viability, mobility of clergy, sentimentality and Group Areas hurts should stand in the way of effective episcopacy.

One would expect a diocese or region within a diocese to have sensible and as far as possible natural boundaries, with what we can call "socio-geographic" integrity. Pie-cuts into the middle of a big city like Cape Town are to be avoided. So what if one has a city and country diocese side by side. (Of course one would not want boundaries to be made along racial lines).

One good suggestion is that such smaller dioceses could be grouped together to form a region with a common financial administration, and having a Regional Administrative Centre. This would in no way prevent each diocese from being responsible for its own decision making, within the common framework of the region. (5) The Roman Catholic Church has smaller and therefore more dioceses than the Anglican Church in Southern Africa.

The Commission on the Metropolitan recommends what it calls the "Canterbury Model" for Cape Town and other dioceses where regionalisation is being implemented. This follows the practice in Canterbury and elsewhere in the Church of England, where the whole diocese is covered by Episcopal areas of responsibility, each with its own Suffragan (area) Bishop. The Diocesan Bishop does not have an area of his own, but has general jurisdiction over the whole diocese, working through his suffragans. At present the Diocese of Cape Town is covered by three areas (called "regions", but we would rather reserve that word for a cluster of dioceses, forming a region within the province) - two looked after by suffragans, and one directly by the Archbishop. At a recent special session of the Diocesan Synod, it was decided to apply to the Synod of Bishops for permission to elect

a third suffragan so that the Canterbury Model can be implemented.

Election reconsidered

The Commission saw some problems in the present system of electing Suffragan Bishops. It recognised the present system as "an improvement on the old one in that it gives suffragans more recognition as "Bishops of the Province" and gives people in their Diocese a say in their election". However, at present the whole diocese votes for one who (in cases of regionalisation) will become bishop of an area (or "region"). The Canon may need to be changed to allow for an election of a Suffragan by an area/region.

The Commission also felt that "it could present difficulties for the Diocesan Bishop to have an "assistant" whom he has not had a major role in choosing, especially if he is then given real and extensive authority in a geographical area of the Diocese for which the Diocesan Bishop is ultimately responsible." And further, "we know of no other major organisation where the overall executive does not have a major say in the appointment of the seconds-in-command. (6) In this regard they saw two ways forward :

- (i) to make provision in the Canon for the appointment of a bishop Suffragan (as an alternative to election) as was the procedure formerly in the C.P.S.A.

- (ii) a wise use of the provision already in the Canon whereby the Diocesan Bishop screens names being submitted for consideration, and may add names of his own choice.

The first way forward would in fact be a backward step, and may bring the status of the Suffragan as a Bishop of the Province into question.

In a secular or military organisation a pyramid structure of authority might work well. But episcopacy does not lend itself easily to such (with the Diocesan being the General-Bishop, and his Suffragans Brigadier-Bishops!). Bishops relate well on a horizontal level, collegially; not so well on a vertical level, "suffragely".

The Commission also suggested that consideration be given to areas/regions being represented on important provincial bodies like P.S.C. which do not cater for regionalisation within dioceses, and to Suffragan Bishops being given full membership with voting rights on P.S.C. and other bodies.

Only second best

The problems outlined above are a result of following the path of using suffragans, rather than creating smaller dioceses. If one has inherited the historic episcopate and wishes to maintain it, then why not apply it as it is intended to be used - the territorial diocese under the jurisdiction of one bishop? That is not to say that "regionalisation" and the Canterbury Model cannot be made to work well. Along such lines an area/region can develop into a "sub-diocese", and we suggest that the Suffragan (area) Bishop be given the title of the major town in his area (e.g. Bishop of Stellenbosch), as is the practice in England. This would help his people to see him as their Bishop, rather than just a Suffragan of the Diocesan Bishop. At best a "sub-diocese" can only be second best;

and one would hope that it will develop into an independent diocese - and have its own "fully fledged" Diocesan Bishop.

The Commission on Episcopacy echoes what we have said in the previous paragraph: "We believe that, given the theology of episcopacy as outlined in ... this report, suffragan bishops are not a true expression of episcopacy, and in many ways create confusion rather than clarity of ministry."

However, the Commission does make a special case for suffragans : "We believe that there is a real case for suffragans to be used exceptionally and in particular in experimental situations prior to the re-organisation of a diocese or a region." (7)

5. BISHOP FOR THE ORDER OF ETHIOPIA

An indigenous African body called the Ethiopian Church approached the Bishops of the Province in 1899 "with the desire of being admitted into the full unity of the Catholic Church." (8) The Church was incorporated into the C.P.S.A. as a separate order, known as the Order of Ethiopia, by the Compact of 1900. The Provincial Synod of 1909 interpreted the Compact to mean that the Order of Ethiopia is extra-parochial, but not extra-diocesan : the Missions of the Order fall outside the jurisdiction of parish and missionary priests, but in all spiritual matters under the jurisdiction of the Diocesan Bishop (something like a religious community). The Order is financially independent, and is run by a Conference, headed by a Provincial.

The relationship between the Order and the C.P.S.A. took much strain, and threatened to collapse altogether. Bishop Cornish of Grahamstown refused to recognise the extra-parochiality of the Order, which was drafted into its Constitution at a Conference in 1906 attended by Archbishop West-Jones. The Rev J.M. Dwyane, the Order's first Provincial, was for a time removed from office; and the acting Provincial, Bishop Cameron (co-adjutor of Cape Town) used much diplomatic skill to smooth things over. (9)

The Compact provided for the possibility of a Bishop for the order at any future time, who "shall exercise Episcopal functions in each Diocese only as an assistant of the Bishop thereof, and at his request." But when the Order wanted their Provincial, the Rev J.M. Dwane, to be consecrated Bishop, the Synod of Bishops in 1915 replied that while they "look forward to the time when ... a Native Episcopate will be raised up in South Africa they do not consider that it is in the best interests of the Church that there should be a separate Bishop for the Order of Ethiopia (10)

After the "first long peace", 1912 - 1955, as Trevor Verryn describes that period, the demands of the Order again demanded attention.

Archbishop Joost de Blank, addressing the Conference of the Order in 1961 at Graaf-Reinet, identified two points of difference between the Bishops and the Order :

- i) The Order wishes to be free to develop work where and when it likes without reference to the Bishops, and
- ii) The Order wants the Bishops to consecrate a bishop for the Order, so that such a bishop would have jurisdiction over all the work of the Order.

The Archbishop explained why the Bishops could not grant either of the requests. Their objections were based on the Catholic principle of the Bishop having sole jurisdiction within his own territorial area. Recollecting his address he later wrote :

We can find no precedent in the history of the Catholic Church for appointing a bishop with episcopal jurisdiction to officiate in the diocese of some other bishop.... We must repudiate any suggestion that either now or in the future the Bishops will be prepared to consecrate a Bishop for the Order, even though this may appear to be a breach of the promise which was given by my predecessor, Archbishop West-Jones. (11)

Under the leadership of the Archbishop, the Most. Rev. R Selby Taylor, discussions between the C.P.S.A. and the Order were approached in a more ecumenical spirit than ever before; and not just the Bishops, but the C.P.S.A. as a whole was represented. Despite the momentum being lost around 1970 with the division of the Grahamstown Diocese (the Order is concentrated in the Eastern Cape), much water went under the bridge. The result was a complete reversal of the stance of the Bishops under Archbishop de Blank.

In 1979 a new Canon 48 Of the Order of Ethiopia was adopted (12), which repealed the compact of 1900. The Canon begins: "There shall be a bishop for the Order, who is and shall be recognised as a Bishop of this Province." He is elected by the Order (in the same way as a Diocesan Bishop) and becomes its Provincial, obtaining the Oath of Canonical obedience from clergy of the Order, and possessing the canonical right of veto upon all resolutions of the Conference and Chapter of the Order.

He is entitled to attend, speak and vote in the Synod of Bishops, the Provincial Synod and Standing Committee, except that he may not vote on financial matters. The Bishop shall "be consecrated or collated by the Metropolitan to exercise episcopal oversight of the members of the Order, and shall do so in each diocese in which missions of the Order are established in terms of the licence issued to him by the Diocesan Bishop." He can attend and speak (but not vote) at synods of any diocese in which he has been licensed; and is able to exercise his episcopal ministry within the Church generally upon invitation by any Diocesan Bishop. He ordains candidates to holy orders, licenses Lay Ministers of the Order and exercises discipline over persons and matters which directly affect the life of the Order. Sigqibo Dwane was consecrated as first Bishop of the Order of Ethiopia in 1983.

Specialist Bishops?

We have in this a major departure from the normal practice of episcopacy. The Bishop of the Order has no See. His episcopal responsibility spans many dioceses within the Province. In each his authority is really limited by the Bishop of the Diocese. One would have hoped that after 80 odd years the Order would have become assimilated into the Province - a province that is marked by a rich

variety of backgrounds and cultures. One appreciates that the Ethiopian Church chose to join up with a "main line" denomination rather than follow the path of "independency", but it is time the marriage was consummated. The partners are still in separate beds, and a special bishop encourages this. His creation seems to be an admission of failure to bring about a full union.

There is a precedent for such a bishop in the Anglican Communion. Stephen Neill records that in New Zealand there was a fear that the Maoris, as a minority and less developed people than the "Europeans" might be overlooked and fail to make their due contribution to Church life. So "it was decided to appoint one Maori bishop, who would not have a diocese of his own, but would serve as a helper to all the bishops with their Maori work". (12)

Even if a special case can be made for having such "specialist" bishops without a see, one must clearly see it as a departure from the normal practice and understanding of episcopacy - the territorial diocese under the jurisdiction of one bishop. Our point can be underlined by taking this practice to ridiculous extreme, and suggesting a bishop for the Indians, and for the "Coloureds" in South Africa.

6. VICAR GENERAL

We have already made reference in this study to the appointment of a Vicar General in cases of a vacancy in a See. Although not in episcopal orders, a vicar general is entrusted with certain episcopal functions during the absence of the Bishop from his diocese, or during a vacancy in a See. For this reason we include a brief discussion of his role.

Canon 11 Of Residence of Diocesan Bishops lays down that :

"No bishop shall be absent from his Diocese for more than six weeks without appointing under his hand and seal a Vicar General with authority to administer the Spiritualities of the Diocese and to maintain discipline according to the Canons of the Church."

The Canon even makes provision for the appointment of more than one Vicar General if certain areas are difficult or impossible for one man to service, in which case the Bishop designates one as the Senior Vicar General. A Vicar General is not empowered to administer sacraments reserved to the episcopal ministry. So the Canon further requires that "If any bishop shall be absent from the Province for more than twelve months he shall be bound to make due provision for confirmations and ordinations within his Diocese."

Canon 21 Of Spiritualities and Revenues of Vacant Bishoprics (from 1870 as "of the Spiritualities and Temporalities of Vacant Bishoprics", until renamed in 1968) states that during the vacancy of a See "the spiritual care and government thereof shall devolve upon the Metropolitan who shall appoint a Vicar General to act until the See be again canonically filled." The Vicar General together with Cathedral Chapter shall receive and administer any endowments or trust funds that would come to the bishop, remunerating the Metropolitan and Vicar General for services rendered by them, and accounting for their stewardship to the new bishop.

Two provisos added in 1968 to Article VIII of the Constitution (on Diocesan Synod) gives the vicar General power to convene and preside at a Session of the Diocesan Synod - "if it be desirable" - during the absence or temporary incapacity of the Bishop or during a vacancy in the See. But all Acts and Resolutions passed by such a Session shall be reviewed and "if he see fit" promulgated by the Bishop of the Diocese or the Metropolitan.

The Commission on the Metropolitan suggests the possibility of a permanent Vicar General (as an alternative to multiplying Suffragans) as the Bishops of the Province of Central Africa and the Roman Catholic Bishops in Southern Africa have. (13) This would have the advantage of continuity, and the person concerned (usually a Suffragan Bishop, Dean or other senior priest) would automatically assume responsibility when the Bishop was away. The Vicar General is a personal appointment of the Bishop, and he is not obliged to follow any "pecking order" in his choice.

VI IN THE MELTING POT

1. THE ROLE AND LOCUS OF THE METROPOLITAN

Over the years the Province has grown in size and numbers, and with it the responsibilities and corresponding workload of the Metropolitan. Incumbents of this office have found it more and more difficult to do justice to the joint roles of being Archbishop of Cape Town (i.e. Bishop of the Diocese of Cape Town) and Metropolitan of the Province of Southern Africa. Since Cape Town regionalised a third role has been added - that of area/regional bishop. This problem has become the subject of intense debate both on diocesan and provincial level. A number of commissions have been set up, the latest of which - the commissions on Episcopacy and the Metropolitan - have been constantly referred to in this study.

Expectations between the Diocese of Cape Town and the Province have differed. The Province has put pressure on the Diocese to divide, so as to reduce the Archbishop's diocesan responsibilities, but wants him to remain in Cape Town. There is a strong feeling in the Diocese against division, and for the office of Metropolitan to be separated from the office of Bishop of Cape Town. The Commission on the Metropolitan was set up to try to overcome this "impasse".

Perhaps because of this starting point, and the failure of previous commissions to get anywhere, this Commission opted for a pragmatic solution. This conclusion is supported by the following extracts :

The Commission ... believes that there is ample proof that the C.P.S.A. is not ready for this "Presiding Bishop model", and that we would waste much time and energy pursuing this particular model at this stage."

"The Commission is of unanimous opinion that the Diocese of Cape Town is not ready for multiplication into smaller dioceses, and that for the foreseeable future it would be futile to press for this route." (1)

The Commission basically recommends an improvement on the status quo :

- a) The Metropolitan should stay in Cape Town
- b) The C.P.S.A. needs a strong focus of unity and cannot afford to be sub-divided.
- c) The Diocese of Cape Town should not be asked to divide
- d) Its regionalisation venture should be taken further by using the "Canterbury model", i.e. a third suffragan be appointed, and the Archbishop not have an area/region of his own.
- e) A permanent Vicar General for diocesan work could be appointed.
- f) Wherever possible the Archbishop should delegate responsibilities and jobs such as chairmanships of committees, boards, college and school councils, elective assemblies and even synods - on diocesan and provincial level - to commissaries, speakers, the Dean of the Province, etc.
- g) Communication facilities, especially between the Archbishop and Bishops, should be upgraded.
- h) With a more efficient administration the Archbishop should be freed to spend more time visiting other dioceses, ministering to and with the Bishops, and meeting with his Suffragans and diocesan clergy and leadership.

We are confident that as such recommendations are carried out the problem will recede, and both Diocese and Province will be happier with the role and ministry of the Archbishop/Metropolitan. However we are not limited by pragmatic considerations, as the Commission appears to be, and would like to look at the more radical alternatives that have been suggested.

Rotating Metropolitan. The Provinces of Central Africa, West Africa, New Zealand and Wales adopt this model. The office of Metropolitan is not linked to any particular See. This option limits the choice to Diocesan Bishops in the Province; and it might well be that the most senior bishop, irrespective of diocese, is chosen to be Metropolitan, and given the title of Archbishop.

Whilst there are no theological objections to this position, it poses serious practical problems in that it entails moving the Metropolitan's office and staff periodically from place to place (or starting new staff with each change). While the Diocese of Cape Town will be relieved, another will be burdened. It looks like six of one and half-a-dozen of the other. In this case we would not see any real advantage in breaking with the traditional historical locus of the Metropolitan in Cape Town. Newer provinces without an established metropolitanical See might well prefer this option though.

Division of the Province. This is also dubbed the Roman Catholic Model, as it is how that Church is organised in South Africa. The Province is divided into several provinces, each with smaller dioceses than the existing ones; and each with an Archbishop (who presumably is also a Metropolitan) being a Bishop of one of the dioceses. These provinces are linked together with a Bishops' Conference headed by a President - who is a chairman rather than a primate.

This model certainly has the advantage of facilitating effective episcopacy, since the dioceses will be smaller and therefore more manageable; and meaningful relationships and episcopal collegiality could exist between the dioceses of a province. What would suffer would be the unity of the Church on national level and in the sub-continent. The President of the Bishops' Conference would not really be the same focus of unity as is the present Metropolitan Archbishop of the C.P.S.A. However this model could be adapted by having a Presiding Bishop or Primate instead of President/Chairman of Conference.

A strong plea was made to the Commission on the Metropolitan against any attempts to divide the Province. Particularly articulate was retired Archbishop Philip Russell:

"Any decision must be related to the current situation with regard to politics, economics, etc. I believe the C.P.S.A. would err grievously if at this juncture it were to divide. Not only do I believe such division would be misunderstood, but also I believe that the whole of the southern sub-continent is so very much a single unit at present that it would be quite disastrous."

"Regionalisation" of the Province. (We have coined this heading.)

The Province would be divided up into a number of "regions" each consisting of a cluster of dioceses - presumably smaller than those at present (such a "region" is also called a "mini-province" or "sub-province"). One of the diocesan bishops in the region would be its Archbishop (there may or may not be an archepiscopal See). The Province would be headed by a Presiding Bishop or Primate, who would presumably be the Metropolitan and probably not have a diocese.

The Commission used the objections to division by Bishop Russell, quoted in part above, to support its rejection of this model : "The Commission believes that the division of the C.P.S.A. into "sub-provinces" could enhance the divisiveness which is a major problem in Southern Africa at this time." (2) This is not quite fair or logical. This model, while regionalising, specifically retains the one undivided Province, with a focus of unity in the Presiding Bishop. In as much it differs from the previous model where a number of provinces are envisaged. This is the same reasoning as on diocesan level, e.g. the Diocese of Cape Town has objections to division of the diocese, so opts for regionalisation instead. One would not then accuse them of divisiveness.

In trying to be contextual, we must be aware of letting the world set the agenda for the Church. Liberation politics envisages an unitary state for South Africa. That does not mean that the Church cannot adopt a federal structure. Smaller dioceses clustered into regions would promote effective episcopacy. At the same time the Anglican Church in Southern Africa would be held together as one in the one Province, and speak with one voice.

At this stage we can draw attention to the fact that this model is along the same lines as the proposed structure by the Church Unity Commission for the United Church of Southern Africa.

Presiding Bishop or Primate. It is pointed out that the U.S.A., Canada and Australia use this model (3). In each case the countries are much larger than Southern Africa, and the national church comprises a number of provinces. The U.S.A. has a Presiding Bishop, Canada a Primate - both without a diocese. Australia has a Primate, who was also a metropolitan of one of the five provinces; though there are moves to separate him from a metropolitanical role, and give him a small diocese of Canberra, the capital city. We note that the provincial and leadership structure of these national churches is akin to their political set up - autonomous states (provinces in Canada) linked together in a national unit.

We feel that the title of "Primate" is better reserved to situations of more than one province. The Presiding Bishop model could be applied to the C.P.S.A. in two basic ways :

- (i) Where the C.P.S.A. is divided or sub-divided either into smaller provinces or into regions (sub-provinces) and linked together under a Presiding Bishop who would not have a diocese.
- ii) Where the C.P.S.A. remains an unity, with no Metropolitanical See, the Metropolitan being a Presiding Bishop without a diocese.

Being free from diocesan responsibilities a Presiding Bishop would be more readily available as pastor to the bishops, and have more time for reading and reflection. But this model also poses problems :

- a) In his relationship with other bishops he may become a bishop of bishops (super episcopos) rather than primus inter pares.
- b) It is difficult to conceive of a bishop without a See. He starts looking like a managing director rather than a Bishop. Bishop Stephen Neill wrote of the American arrangement : "the presiding bishop of the Church is without jurisdiction and without pastoral responsibility. He is almost completely excluded from exercising any part of the episcopal office except the consecration of other bishops ... the presiding bishop should have, in at least a limited form, genuinely episcopal responsibilities." (4) We note that the spiritual head of the Church of England, and the whole Anglican Communion is the bishop of a diocese - Canterbury.
- c) The C.P.S.A. may be too small to justify such an office. The tendency would then be to create more work for the Presiding Bishop to justify his position. (5)

One model is more suited to certain provinces or national churches in the Anglican Communion, another model to others. Clearly there is no blueprint to be held up for all to follow. Which is best suited for the Church in Southern Africa? As suggested above, we want to be free to find the ideal, without being constrained by what is likely to be acceptable to the Province or Diocese at this stage. At the the same time we take seriously factors of history and tradition for these have always been important to the Catholic Church.

So we would not wish to "down grade" the Bishop of Cape Town from being an Archbishop after 90 years. But we might well feel free to suggest another arrangement for the Metropolitan.

Proposals. After considering the various solutions that have been suggested, as outlined above, their pros and cons, we propose the following:

- i) That the C.P.S.A. be divided into a three or four provinces, with smaller dioceses. (6)
- ii) That each province have a metropolitan, styled Archbishop; with either a fixed metropolitanical see, or a rotating metropolitan (this can vary from province to province).
- iii) That Cape Town remain the fixed metropolitanical see for the province in which it falls; with boundaries of the new diocese being co-terminous with greater Cape Town (i.e. incorporating Simonstown, Mitchell's Plain, Kyalitsha, Bellville, Durbanville, Atlantis).
- iv) That these provinces be linked together to form a national, or rather international church under one constitution, with a suitable name. e.g. the Anglican Church of Southern Africa. The Province of Central Africa could possibly be included in such a link up.
- v) That there be three levels of church government : Diocesan Synod, Provincial Synod and General Synod, with each electing representatives to the next level.
- vi) That for the time being the Archbishop of Cape Town be the Primate of this Church.
- vii) That the Bishops of each province meet regularly in Episcopal Synod under the chairmanship of their Archbishop, and from time to time all together in a Bishop's Conference under the chairmanship of the Primate.

- viii That dioceses within a province could cluster together in an informal region to share a common administrative centre, have episcopal "staff meetings", and facilitate mobility of clergy within the "region", but without a multiplication of structures like a regional synod.
- ix) That present Provincial departments, boards and committees could be perpetuated on provincial or national level as appropriate.

Comment on proposals. It makes sense to decentralise the C.P.S.A. as far as internal administration and discipline goes. Instead of one metropolitan exercising jurisdiction over virtually a sub-continent, this ministry will be shared by three or four. Whether one divides the Province up into three or four provinces linked together in one international church, or sub-divides the Province into a number of regions or sub-provinces is not all that different. It is basically a federal structure. We prefer the former model because it is possible to have a number of metropolitans. The functions of a metropolitan, as we have seen in this study, have a lot to do with exercising discipline, being responsible for vacant sees, and for the election, confirmation, consecration and collation of bishops. These internal matters can be effectively divided up into smaller units. We envisage that disciplinary procedures remain on provincial level, except perhaps for appeals in cases of faith and doctrine. The balance between provincial autonomy and national unity in the church can be decided by General Synod. To the extent that the present metropolitan is a focus of unity for the whole C.P.S.A. and a prophetic spokesman for the Church, this role can just as well be fulfilled by a Primate. Added to this he would have a metropolitanical role in only a quarter of the present province. His leadership of the Church can be exercised as President of General Synod, and Chairman of the Bishop's Conference. Likewise the Bishops can together lead the Church in the Southern African context.

We prefer a Primate "rooted" to an Archiepiscopal See rather than a "detached" Presiding Bishop. We believe that for historical and

traditional reasons he should be the Archbishop of Cape Town (as the Archbishop of Canterbury is Primate of All England). We say "for the time being", allowing for changes in the future. Should say the Province of Central Africa join up, a rotating primacy, or one more centrally located might be more appropriate. In such a case the Archbishop of Cape Town would remain "Archbishop" and Metropolitan of the "Western province".

The Archbishop of Cape Town will in any case have drastically reduced diocesan responsibilities. By reducing the size of his diocese to that of greater Cape Town, he has a diocese that is truly multiracial, and with natural boundaries. To go smaller would become artificial, and evoke objections from those who have been moved out of the city under the Group Areas Act. The only real objection is that it would be a mainly urban diocese. But we feel that is outweighed by other considerations. No diocese is an island, and the areas east and north of Cape Town (with some large towns) could become viable dioceses, all linked together in a regional cluster. The new provinces would be a nice size - small enough to experience familiness, large enough to justify the structures and machinery to run them.

We envisage a limited use of Suffragan Bishops:

- i) in experimental regionalisation prior to the division of a diocese. ("Multiplication" is a misleading word. It can be used when expanding into new areas, not when dividing an existing area).

- ii) as an assistant to an archbishop/metropolitan in his diocese at large, especially the Primate.

These proposals come as a product of wrestling with the whole area of episcopal authority in general, and the role of the metropolitan in particular, throughout this study, and are offered as a contribution to the Church at a time when the issues are still in the melting pot.

2. EPISCOPAL AUTHORITY ACCORDING TO THE C.U.C.

Episcopacy

We have already, in the Introduction, briefly sketched the scene of unity discussions and negotiations under the auspices of the Church Unity Commissions (C.U.C.). We noted that the stumbling block was the inclusion and nature of episcopacy in the ministerial structure of the proposed United Church of Southern Africa.

After the Presbyterian Church in 1975 recorded its "conviction that the search for union should be in terms of a conciliar basis which shall not include the office of Bishop", and the C.P.S.A. appealed that the Churches together continue to examine the doctrine and practice of episcopacy, the C.U.C.'s Doctrine Committee produced a Biblical and Theological Study : Why Bishops in which they pointed out that it was really against medieval abuses rather than the principle of episcopacy that the Reformers rebelled, and explained why the C.U.C. believed that the United Church should adopt a form of episcopacy within a conciliar structure. This was published in the September 1976 issue of In Touch, together with proposed functions of a Bishop in an United Church, which can be summarised as : -

- a) Pastoral oversight of the Diocese in general, in conjunction with the governing bodies of the Church; and particular care for the ministers.

- b) Fostering of unity within the Diocese, and with the United Church.
- c) Leadership in evangelism
- d) Teaching
- e) Oversight of worship in accordance with decisions of Synod
- f) Administering discipline, settling disputes, and preventing his flock from erring
- g) "Take part" in all ordinations; join with other bishops in consecrations.

A C.U.C. Consultation on "Episcopacy and Church Union" was held at Hammanskraal in March 1980. Bishop Michael Nuttall stressed the personal nature of episcopal ministry : "The meaning of episcopacy is to be found not primarily in the function of the bishop, but in the person of the bishop. What he is is more important than what he does. What he represents is more important than what he performs." The ordained ministry in general, and bishops in particular are seen as representatives both of Christ and of the Church, Some ministers in non-episcopal churches were reportedly "mildly scathing" about Anglican claims for a personal episcopacy. (7)

There was general agreement of the need for episcopé - i.e oversight - in the church. But the nature and purpose of episcopacy - generally interpreted as the government of the church by bishops - was a matter of hot debate. In May 1981 the Doctrine Committee submitted a statement on Episcopacy to the C.U.C. in which they describe the various ways that episcopé is exercised by the participating churches.

On the other hand, "Anglicans fear lest the pastoral bishop as they know him in the Church of the Province will be replaced by a committee man, who will simply be responsible for issuing and enforcing the decisions of faceless committees and commissions." (11) It is feared, as one Anglican wrote, that many C.U.C. representatives of the non-episcopal churches have adopted the attitude : "O.K.! If we've got to have Bishops, we'll have them, but we'll jolly well see that their sting is taken out." He ended, "we shall not aid the cause of unity by casting away our heritage in order to placate the out-dated fears of Episcopacy in other parts of the Church". (12)

The Doctrine Committee felt that the fears of both sides were exaggerated. However they were sent an open letter by the South African Church Union (a misleading name in the present context!) challenging their presentation of episcopacy in the C.P.S.A. This Anglo-Catholic body insisted on a high church interpretation of the office of a bishop :

"The Anglican Communion accepts episcopal government of the Church as essential to its very nature. The Church is primarily episcopal. In the Episcopate resides the fullness of Ministry and it is only the Bishop who, through the laying on of hands, enables priests to share in his ministry." The Bishop's authority "rests wholly upon the commission he has received from Christ at his episcopal ordination and must therefore be accepted as absolute."

An Anglican member of the Committee, Canon John Suggit, replied on behalf of the C.U.C. He noted that the search for unity in Christ had become more important than upholding rigid standards of orthodoxy, though not at the expense of truth.

He pointed to a continual tension between those Anglicans who think of episcopacy as being of the bene esse and those who consider it to be of the esse of the Church. He said that there is no theological or historical reason why episcopacy has to be expressed in exactly the same way as it is followed at present in the Anglican Communion. "If there can be no union of the Church of Christ without acceptance of the principles of the 1662 Book of Common Prayer we shall have to forget about Church Unity."

On the other side again, Canon Michael Carmichael says that Anglicans are not always very helpful to non-Anglicans when they discuss the ministry, because for them the chief example of the ordained ministry is the Bishop :

In defining the nature of the Bishop's ministry they concentrate in his person all the functions of father in God and pastor, both of the people and of the clergy, president of the eucharist, minister of ordination, teacher, prophet, upholder of discipline and focus of unity in the Church, and even of being an essential part of the Church. They appear to link these functions to him so exclusively that they tend to force non-episcopalians into rejecting bishops altogether, when really they should reply, "Yes, of course, these are all functions of the ordained ministry which Christ has given to his Church and which our ordained ministry exercises no less than the Bishops." (13)

Canon Carmichael has rightly and succinctly listed the functions of a bishop (with the exception of him being an essential part of the church) that we dealt with at length in this thesis. We must however guard against two extremes. The first is that of elevating the office and person of the bishop too high - as does the Church Union - and regard him as "being an essential part of the church." The second is watering him down to the extent that there is little difference between certain functions of ministry being performed by a bishop or other ordained minister. Of course we recognise that in the absence of a three fold order, all the essential functions of the ministry have had to be carried out by a single ordained order. That is not to deny the bishop his rightful place in the shepherding of God's Church.

Plan of Union

The C.P.S.A. refrained, in 1982, from fully accepting the proposed Covenant (as an intermediary enabling step) between the churches, until it was sure it could commit itself to organic union, for which it needed to have an updated Plan of Union. (The First Draft was published in 1972, followed by the second in 1975. The Plan was then put on ice while the Covenant was being prepared and debated). The Third draft of the Plan of Union was published in 1983. (14)

The Preamble to the Plan of Union states that ordained ministers possess "not only the inward call of the Spirit, but also the commission of Christ and the authority of the whole body." Further on we are told that in the United Church there are three orders of ordained ministry : bishops, presbyters and deacons.

The next sentence tries to keep everybody happy: "The nature and function of these orders is understood in such a way as

- to maintain an historic tradition of the Universal Church
- to embody the insights and concerns of the Reformation and
- to enable the Church to relate its ministry to contemporary needs in the life and mission of the Church.

Each order is then enlarged upon. We are concerned only with the office of Bishop in the C.U.C. plan. Coming at the end of a study on the Nature of Episcopal Authority in the C.P.S.A. we are asking the question, "To what extent does the office and function of a bishop according to the C.U.C. co-incide with, or differ from what is held in the C.P.S.A.?"

Ministry of the Bishop

The section on the Bishop begins :

"In the ministry of the Church the office of a bishop is personal, pastoral, priestly, prophetic, collegial and constitutional."

Quite a mouthful! It is a fuller statement than found in the earlier drafts, and most acceptable. But it is as this is "fleshed out" in the Plan that we get a picture of a bishop who has less independence and authority than his C.P.S.A. counterpart. The Bishop's functions are an expanded version of those already drawn up, as summarised (a - g) above. In addition is added :

- h) A prophetic role
- i) He will visit all local churches on a systematic basis
- j) Induction of presbyters

There is a shift in emphasis in the paragraph on pastoral oversight. To make this clear we quote paragraph 21 (b) of the Plan of Union, bracketing words that are left out of the original text on the Functions of a Bishop, and underlining words added.

"The Bishop exercises his (pastoral oversight) responsibilities in conjunction with the other ordained ministers and the laity, the governing bodies of the Church in general and the Diocesan Synod in particular. These bodies (also) are entrusted with the oversight of Christ's flock, and the Bishop must observe the provisions of the Constitution with regard to their powers and functions."

The addition of "other ordained ministers and the laity" and the omission of "also" leave the Bishop looking like little more than a constitutional figurehead. The compulsory visitation conjures up the picture of a Rector sending his Curate off into the parish with a list of names and addresses to visit, with a reportback afterwards.

Diocesan Synod

We move to the section on The Diocese, and notice that the Diocese - rather than the Bishop - "acting through the Diocesan Synod, is responsible to God for the life and witness of the United Church." And then : the Synod - rather than the Bishop - "is the visible expression of the unity and mission of the people of God in the Diocese." These aspects form part of the Anglican understanding of the personal nature of episcopacy.

That the Synod is the governing body of the Diocese tallies. But "the Diocesan Synod has jurisdiction over the Presbyters and local churches" does not. It is the Bishop in the C.P.S.A., who has such jurisdiction, though he must exercise this in accordance with the Canons of Provincial Synod and Acts of Diocesan Synod. Sure the Bishop is a member of, and presides over Synod, but that is not the same as his independent functioning. The Synod votes "as one court" - there is no provision for voting by houses. "Its decisions shall be binding on the Bishop, the presbyters and all other members of the Church in the diocese" - the Bishop has no right of veto.

When we look at the Functions of the Diocesan Synod we notice (with concern) that the Synod is given a number of Functions that are normally the personal responsibility of a Bishop of the C.P.S.A., which he may share with his Cathedral Chapter, viz.

- a) responsibility for worship, preaching, ministration of sacraments, and pastoral care of local churches.
- b) provision for ordination; induction; special appointments.
- c) confirmation of calls to Presbyters from local churches, (Arrangements for appointment of presbyters has still to be formulated).
- d) Care of local churches and arrangements for regular visitation.

We detect a strong influence of the Methodist Conference model. In addition we note that matters of property and finance are handled by the Synod, rather than ongoing bodies like Diocesan Council or Trustees, which might work as "the Synod shall meet not less than once a year." Let us try to articulate the difference. In the C.P.S.A. the Diocesan Synod makes rules by which everyone in the Diocese, including the Bishop must abide.

It also expresses the mind of the church on important matters regarding both the church and the world, makes policy decisions, and elects members to Provincial Synod, Diocesan Councils, Boards and Committees. It leaves the running of the church to the Bishop together with the Diocesan Council, Boards and Committees. The United Church Synod itself seems to have to be concerned with such running of the church.

Regional Conference

Next up is the Regional Conference. It elects a President "from among its members" who need not be a Diocesan Bishop. It also votes as one court, and its decisions are binding on all. The Regional Conference meets annually, and acts as a kind of go-between the Diocesan Synod and General Assembly. Particular responsibilities attributed to it are : finance for the region, property, education, medical and welfare work, mission programmes, co-ordination of the work of dioceses, and the selection of candidates for the ordained ministry and arrangements for their training.

This last ^cfunction - selection and training of ordination candidates - is the prerogative of the Diocesan Bishop in the C.P.S.A., though he relies on the advice of those he appoints to help him.

General Assembly

The General Assembly meets at least once in three years, and resembles the C.P.S.A. Provincial Synod in constitution and function. An important difference is that the Assembly votes as one court - there is no House of Bishops, no voting by houses where the Bishops could block decisions of the clergy and/or laity.

There is no mention of majorities required. (Since 1976 in the C.P.S.A., if the President of a Synod declares a motion to be controversial, it needs a two-thirds majority to be passed). Both Provincial Synod and General Assembly decisions are binding on the whole church.

The General Assembly elects a Moderator from among the Diocesan Bishops. In 1984 Theological Annexures to the Plan of Union were adopted by the Commission, which inter alia gave fuller details about the Moderator (but procedure for his election had still to be formulated). He holds office for three years, and is eligible for re-election for one additional term of three years - but General Assembly can change the system. He remains Bishop of his diocese during his moderation. This is a bit like a rotating metropolitan - but time limits on episcopal office (apart from retirement age) are alien to the Anglican understanding of episcopacy.

The Moderator presides over General Assembly, its Executive Committee, and meetings of Bishops which he may convene. He appoints a Presiding Officer for the election of Bishops in vacant ~~dioceses~~ dioceses; he normally participates in the ordination of Bishops; and visits Regional Conferences and Dioceses "as may be decided upon by the General Assembly or the Executive Committee". He is a chief pastor, co-ordinator of the worship, work and witness of the church, its focus of unity. He fosters ecumenical relations, represents the Church in public, and promotes its social responsibility. These functions he fulfils together with his fellow Bishops. The Moderator clearly fulfils some but not all the functions of the Metropolitan in the C.P.S.A.

The Plan states that "the General Assembly shall appoint an Executive Committee on which representatives of all Regional Conferences shall serve with power to act in its name between its meetings." This is like Provincial Standing Committee, but unlike that body, nothing is said about Diocesan Bishops having an ex officio seat.

Election, Tenure and Authority of Bishops

Bishops are elected in a similar way to procedures of the C.P.S.A. The Elective Assembly is the Diocesan Synod, with non-voting advisers from the General Assembly. A two-thirds majority of Synod is required to secure election - again, unlike the requirement in the C.P.S.A., there is no voting by houses. There is also no possible delegation to the Synod of Bishops, and no necessity for the Diocesan Bishops to approve the election.

The First Draft of the Plan (15) made provision "in the interests of the diocese and the bishop" for a bishop's appointment to be reviewed after ten years by the Electoral College (now called the Advisory Committee), who could renew it for a further five years or less. This provision raised a cry from Anglican circles, as it is alien to the permanency of the episcopate and raised questions of the indelibility of Orders. There were adequate procedures for the discipline of bishops where necessary. Wisely this provision was dropped in subsequent Plans of Union.

The Theological Annexures also elaborate on the role of bishops.

Although he does not possess the right of veto upon any resolution or act of the Synod of his diocese, a special proviso is included :

"If a Bishop of a diocese shall dissent from any act or resolution of his Synod on the grounds of doctrine, conscience or the infringement of correct pastoral practice, he shall inform the Synod of the theological, moral or pastoral basis of his dissent and, provided no law or procedure of the United Church is contravened, he shall be free to act as his convictions or conscience dictate, in the event of consensus being reached by the Bishop and the Synod of his Diocese."

The final clause rather upsets what has gone before. How will consensus be reached after the Bishop has dissented from the Synod? In another paragraph we read that Bishops "shall have authority to forbid the continuance of grave irregularities in public worship, and" - here comes the catch - "any such prohibition shall remain in force pending a decision of the Synod of the diocese, to which the Bishop shall refer the matter." This is not quite the jus liturgicum of an Anglican bishop! Perhaps it is all summed up in the final paragraph :

"A Bishop, as a servant of the servants of God, shall exercise his authority in a "ministerial" and not a "magisterial" manner as he serves the apostolicity and unity of the church's teaching, worship and sacramental life." (16)

There are many things attached to the office and person of a bishop that Anglicans in South Africa hold dear, such as dress and ceremonial. These are non-essentials, but we wonder how the people in the pew will adjust to a "plain" bishop if these had to go. The Plan of Union and Annexures make no reference to a Cathedral and Dean, Canons and Chapter which are all part of the "episcopal train".

Cul-de-sac?

The 1985 Provincial Synod thanked the C.U.C. for production of the Third Draft of the Plan for Union, and directed that it, together with the theological annexures be studied at diocesan and parochial levels, and comments from such be transmitted to the Bishops, who will formulate the Church's official response to the C.U.C (17). The Commission on the Metropolitan reported that from various sources (Bishops Seibly Taylor, Russell and Tutu), as well as from the Secretary of the C.U.C. itself (the Rev. Joe Wing), it is obvious that the C.U.C. is not a live issue at the moment. (18) Church union appears now to be a long term process, if it succeeds at all.

The C.P.S.A. appears to be the most reluctant of the partners to take the plunge. This is understandable. The other three denominations have more in common - not simply their lack of episcopacy. On the other hand the Anglican Church has much in common with the Roman Catholic Church, but any moves to union in that direction would have to be on world wide level. The Anglican Church is in the unique position of being both Catholic and Reformed, and can play a valuable role in the ecumenical movement.

We pray that nearly 20 years work by the C.U.C. will not have been in vain. At least the exercise has fostered a bond of fellowship and understanding. We would also not want to see the churches rush prematurely into union at the cost of new divisions. One way forward is for the other three denominations to go ahead and unite according to the C.U.C. model, with episcopacy, and maybe at some later date the C.P.S.A. will be ready to join them.

We end with prophetic words of Bishop Stephen Neill, written in 1958:

"Christian Churches, like Christian individuals, if they desire to follow their Master, must be prepared to die for His sake; but it may be incumbent on them, as on their Master, at certain moments say, "My time is not yet come." Churches, like nations, are precious things; and though a church should not "strive officiously to keep alive" things that in the providence of God were better dead, it has no right gratuitously to sell its life away, without any assurance that the sacrifice has been worth while. Churches cannot enter into union with one another except by dying to their existence as separate Churches; they ought not to do so unless they are assured that God himself is calling them to death with a view to a better resurrection."

He believed that God had work for the Anglican Communion to do in separation, "with a view to that blessed union of all Christian people which all the Anglican Churches firmly believe to be the will of God for the Church which is the Body of His Son." (19)

APPENDIX

SUGGESTED PROVINCIAL BOUNDARIES

Our proposals for the restructuring of the C.P.S.A. include division of the existing province into three or four provinces, linked together in a National (or international) church. It is envisaged that some of the larger dioceses will be divided; the number of new dioceses in the place of the existing large one are indicated in parenthesis.

A. Southern Africa comprising three provinces.

I Nambia
St. Helena
Cape Town (3)
George
Kimberley (7 dioceses)

II Port Elizabeth
Grahamstown
St. John's (Transkei)
Bloemfontein
Lesotho
Natal (2)
Zululand (8 dioceses)

III Johannesburg (3)
Pretoria (2)
St Mark's (N.Tvl)
Swaziland
Niassa
Lebombo (9 dioceses)

B. Southern Africa comprising four provinces

- I Namibia
St. Helena
Cape Town (3)
George (6 dioceses)
- II Port Elizabeth
Grahamstown
St. John's (Transkei)
Kimberley
Bloemfontein
Lesotho (6 dioceses)
- III Natal (2)
Zululand
Swaziland
Lebombo
Niassa (6 dioceses)
- IV Johannesburg (3)
Pretoria (2)
St. Mark's (N. Tvl.) (6 dioceses)

NOTES AND REFERENCES

I. INTRODUCTION

1. A Book of Common Prayer (South Africa) O.U.P., London, 1954, p. 677.
2. F.R. Phelps, "The Province of South Africa", in Episcopacy Ancient and Modern, edited by Claude Jenkins and K.D. Mackenzie, S.P.C.K., London, 1930, p.276.
3. The Lambeth Conference 1930, S.P.C.K., London, P157.
4. J.W.C. Wand, Anglicanism in History and Today, Weidenfeld & Nicolson, London, 1961, p. 26.
5. The Lambeth Conference 1930, Resolution 49, p. 55.
6. J.W.C. Wand, op.cit., p. XIV, underlining mine.
7. Ibid, p. 27, 28.
8. S.Neill, "Plans of Union and Reunion 1910 - 1948" in A History of the Ecumenical Movement edited by Rouse & Neill, S.C.M. Press, London, 1968, p. 474.
9. A useful resource book on ecumenical conversations (in which inter alia this point will be borne out) is Growth in Agreement - Reports and Agreed Statements of Ecumenical Conversations on a World Level, edited by Harding Meyer and Lukas Vischer, Faith and Order Paper no. 108, W.C.C., Geneva, 1984.
10. The Lambeth Conference 1958, S.P.C.K., London, p.2:22.
11. J.W.C. Wand, op.cit., p. 230.
12. J. Huxtable, A New Hope for Christian Unity, Collins, Glasgow, 1977, p. 69.
13. In Touch, Vol. II, No 8, Sept, 1976, p.5.
14. F.R. Phelps, op.cit, p. 268. For an explanation of "Erastian" See note III. 25 below.

II THE SOURCE OF EPISCOPAL AUTHORITY

1. P.Hinchliff, The Anglican Church in South Africa, D.L.T., London, 1963, p.24.
2. A. Theodore Wirgman, The History of the English Church and People in South Africa, Longmans, Green & Co., London, 1895, p.123.
3. C.Lewis & G.E. Edwards, Historical Records of the Church of the Province of South Africa, S.P.C.K., London, 1934, p.31.
4. F.R. Phelps, op.cit, p.270.
5. A.T. Wirgman, op.cit., p.185.
6. A.T. Wirgman, loc.cit.
7. Ibid, p.169.
8. Ibid, p.209.
9. C.Lewis & G.E. Edwards, op.cit., p.87.
10. P. Hinchliff, op.cit, p. 101.
11. Ibid, p. 131.
12. Amendments were made to the Canons at the Provincial Synod of 1985 as part of a general revision, after recommendations by a Commission set up for that purpose - chaired by the then Provincial Executive Officer, the Rt. Revd. F. Amore. Thereafter the Commission edited and renumbered the revised corpus in preparation for a new printing. The writer was a member of the Commission for that function. The new edition is due to be published by the end of 1987. The numbers used in this thesis are according to the new numbering. However the writer is working from the commission's working papers, as the final draft was not available in time. It is therefore recommended that any reference to or quotation from this thesis that includes material from the new Canons be checked against the new edition as published. The Legislative History of the Constitution and Canons by Adv. Ian Farlam was written to be included in the new editions.

13. P.Hinchliff, op.cit., p.242.
14. Every year the Synod of Bishops elects one of its members to be Dean of the Province. He fulfils the Metropolitan functions when the Metropolitan is absent, or party to a suit, or during a vacancy in the Metropolitan See. See Ch. IV Section 3 (Episcopal Synod and Provincial Responsibilities) below for a discussion of his Role.
15. F.R. Phelps, op.cit., p. 272 & 275.
16. Commission on Episcopacy (unpublished report), C.P.S.A., 1986, p.3, para. 4.8.
17. Commission on the Metropolitan (unpublished report). C.P.S.A., 1987, p.10, para 6.1.10.5.2.
18. P.Hinchliff, op.cit., p. 222.
19. A Book of Common Prayer (South Africa), p. 698.
20. P. Hinchliff, op.cit., p.44
21. Colenso took an oath to Gray at his consecration, and after the issue of Gray's second Letters Patent. Ibid, p. 97.
22. Ibid, p.133.
23. A.T. Wirgman, op.cit., p. 253.
24. A Book of Common Prayer (South Africa), p.703.
25. Commission on Episcopacy, p.5, para 4.12.2. and p.3, para. 4.7.
26. F.R. Phelps, op.cit., p. 272.
27. Guidance and Government - a Layman's view of the Background to the Constitution and Canons (unpublished paper, ca. 1960 by Mr. Juta), C.P.S.A., p.11.
28. Baptism, Eucharist and Ministry, Faith and Order Paper No. 111, W.C.C., Geneva, 1982, p.28 - 29.
29. A.T. Wirgman, op.cit., p. vii
30. Reported in F.W. Cornish, The English Church in the 19th Century (Part II), Macmillan, London. 1910, p.253.
31. Ibid, p. 255.
32. C.Lewis & G.E. Edwards, op.cit., p.84.
33. A similar position today can be found in the captain of some ships; and the Headmaster of an Anglican Church School, who is the Rector, with authority over the chaplain.
34. A.T. Wirgman, op.cit., p. 183.
35. C. Jenkins & K.D. Mackenzie, Episcopacy Ancient and Modern. S.P.C.K., London, 1930, p.xii.
36. S. Neill, Anglicanism, Penguin, Harmondsworth, Mddx, 1958, p. 233-224.
37. P. Hinchliff, op.cit., p. 90.
38. A.T. Wirgman, op.cit., p. vii
39. F.W. Cornish, op.cit., p. 261.
40. J.R. Darbyshire, The Church of the Province of South Africa, in The Anglican Communion - a survey, edited by J.W.C. Wand, O.U.P., London, 1948, p.98.
41. Edna Bradlow, "Saul Solomon, Cape Liberalism and the Voluntary Movement in the 19th Century" in Journal of Theology for Southern Africa, No 60, September 1987, p. 34.
42. Henry Lowther Clarke, Constitutional Church Government in the Dominions Beyond the Seas and in other parts of the Anglican Communion, S.P.C.K., London, 1924, p. xi & 11.
43. Article XXIII of the Constitution of the C.P.S.A. rules that any amendments to the Constitution must be passed by two consecutive sessions of the Provincial Synod.

44. This case will be discussed in more detail below. See Ch. III, Section 2(v) on Visitation Rights.
45. H. Lowther Clarke, op.cit., p.329f.
46. Commission on Episcopacy, p.4. para. 4.9.
47. Quoted in F.R. Phelps, op.cit., p. 268.
48. Guidance and Government, op.cit., p.13.

III AUTHORITY EXERCISED IN EPISCOPAL FUNCTIONS

1. Report of the Committee on "The Unity of the Church", The Lambeth Conference 1930, p. 114-116, underlining mine.
2. The Lambeth Conference 1958, p. 2:22.
3. Commission on Episcopacy, paragraphs 4.4, 4.5, 4.12.3, & 8.2, underlining mine.
4. F.R. Phelps, op.cit., p.281 & 284.
5. C. Jenkins & K.D. Mackenzie, op.cit., p. XIV.
6. P. Hinchliff, op.cit. p25 - 42.
7. Ibid, p. 109, 162, 193 & 122.
8. Ibid. p. 192, 232. 233 & 241.
9. Commission on Episcopacy, paragraphs 4.11.2, & 9.3
10. P. Hinchliff, op.cit., p. 124.
11. P. Hinchliff, Bishop, in A Dictionary of Liturgy and Worship edited by J.G. DAVIES, S.C.M. Press, London, 1972 p. 77.
12. Commission on Episcopacy, para. 4.3
13. Ibid, para. 5.6.4.1.
14. Baptism, Eucharist and Ministry (The Lima Report) Faith and Order Paper no. 111, W.C.C., Geneva, 1982, p.6.
15. David R. Holeton, "Confirmation in the 1980's", in Ecumenical Perspectives on Baptism, Eucharist and Ministry, edited by Max Thurian, Faith and Order Paper 116, W.C.C., Geneva, 1983, p. 82 & 83.
16. Commission on Episcopacy, Section 6.
17. Ibid. para. 4.12.3
18. David Holeton, loc.cit.
19. Baptism, Eucharist and Ministry, Commentaries 18 & 31 on p. 25 & 27.
20. This practice is relected in the report of the Commission on Episcopacy, para. 4.11.2.
21. Ibid, para. 8.1, and Section 6.
22. E.C. Rich, Spiritual Authority in the Church of England - an Enquiry, Longmans, Green & Co, London, 1953, p.69.
23. P. Hinchliff, The Anglican Church in South Africa, D.L.T., London, 1963, p. 82 - 85.
24. Jeff Guy, The Heretic, A study of the Life of John William Colenso 1814 0 1833, Raven Press, Johannesburg & University of Natal Press, Pietermaritzburg, 1983, p. 96 & 157.
25. E.C. Rich (op.cit., p.20) explains : "There is a distinction to be drawn between the original teachings of Erastus on the relations of Church and State and the more popular and modern idea associated with the term Erastianism. The latter (Erastianism) generally means that form of church government when the State is omni-competent and totalitarian and religion is looked upon as a department of state

wholly under the control of secular authority. Clearly this is a wide departure from the ideas of Erastus and of all those who were responsible in England for the Reformation Settlement. Erastus, in Common with Luther and Hooker (Ecclesiastical Polity, pub. 1954) held to the opinion that the state is a single uniform society both civil and ecclesiastical." It was not a question of subordinating the Church to the secular power; but entire recognition of the civil authority in a state which tolerated "but one religion and that the true one," and the supposition that those who govern in all civil matters are themselves believing and practising Christians.

26. A.T. Wirgman, op.cit., p.vii & 269.
27. E.C. Rich, op.cit., p. XIX
28. For details of this case, see Hinchliff, . op cit, p. 160 - 162.
29. Guidance and Government, p. 36
30. Commission on Episcopacy, para 5.6.4.3
31. Guidance and Government, p. 8
32. E.J. Palmer, Dispensation in Practice and Theory, with special reference to the Anglican Churches, being the report of a Commission appointed by the Archbishop of Canteury in 1935, S.P.C.K., London, 1944, p.66.
33. Ibid, p. 83.
34. Ibid, p. 72.
35. C. Lewis & G. Edwards, op.cit, p. 74
H. Lowther Clarke, op.cit p.11.
36. F.R. Phelps, op. cit, p.271; and P, Hinchliff, op.cit p.91
37. P. Hinchliff op.cit., p38.
38. A.T. Wirgman, op.cit, p.130.
39. Guidance and Government, p.13
40. G.F.S. Gray, The Anglican Communion - a brief sketch, S.P.C.K., London, 1958, p. 143.
41. P. Hinchliff, op.cit, p. 248.
42. A.T. Wirgman, op.cit., p.266.
43. P. Hinchliff, op.cit. p. 223.

IV. PRIMUS INTER PARES

1. "Metropolitan" in The New International Dictionary of the Christian Church, edited by J.D. Douglas, Paternoster Press, Zondervan, Grand Rapids, 1974.
3. P.Hinchliff, op.cit., p. 80 - 96.
4. Ibid. p. 192 - 198.
5. Commission on the Metropolitan, para. 6.1.10.5
6. Commission on Episcopacy, para 8.6.
7. Commission on the Metropolitan, para. 6.1.14
8. G.F.S.Gray, op.cit., p. 143.
9. P. Hinchliff, op.cit. p 198.
10. Ibid, pl57.
11. Commission on Episcopacy, para. 4.11.3 and Section 5.

V. BISHOPS WITHOUT A SEE

1. S. Neill, *op.cit.*, p. 304, and P. Hinchliff, *op.cit.*, p. 72.
2. Commission on Episcopacy, para. 7.
3. *Ibid*, para. 4.12.3.
4. The Commission on Episcopacy gives an interesting historical note (para 4.12.4.3): "At the Reformation in England Henry VIII saw that he had no authority to appoint bishops outside the realm of Great Britain, and by Act of Parliament (1534) he was empowered to appoint suffragan bishops to act by the commission of the diocesan. The Act was repealed by Mary, revived by Elizabeth I and only used again in 1870".
5. *Ibid*, Section 10.
6. Commission on the Metropolitan, paragraphs 5.3 and 6.1.8
7. Commission on Episcopacy, section 9.
8. H. Lowther Clarke, *op.cit.*, p. 376.
9. T. D. Verry, A History of the Order of Ethiopia, Central Mission Press, Cleveland, Tvl, 1972, p.127ff.
10. H. Lowther Clarke, *op.cit.*, p 378 & 387.
11. T.D. Verry, *op.cit.*, p.181ff.
12. Canon 48 (of the Order of Ethiopia) was enacted in 1979 as Canon 51 "of the Bishop for the Order of Ethiopia" - then renumbered and renamed for the latest edition.
13. Commission on the Metropolitan, paragraphs 5.5 and 6.1.10.1

VI IN THE MELTING POT

1. Commission on the Metropolitan, paragraphs 5.7 and 6.1.3.
2. *Ibid*, para 6.2.2.
3. R. Bromley and S.N. Colam, Office and Work of the Metropolitan, Memorandum to Episcopal Synod, C.P.S.A., 1986.
4. S. Neill, *op.cit.*, p. 286.
5. Comment by the S.A.A.T.C. on The Position of the Metropolitan and the Diocese of Cape Town, C.P.S.A., 1986 (unpublished report)
6. See Appenix for suggested Provincial boundaries.
7. In Touch, Vol II, No. 13, Sept, 1980. p. 1,4,26.
8. "Oversight and Episcopacy", by Joe Wing et al, in Journal of Theology for Southern Africa, No. 40, Sept. 1982, p.31.
9. In Touch, Vol II No. 16, Aug. 1983.
10. Quoted in S. Neill, "Plans of Union and Reunion "1910-1948" in A History of the Ecumenical Movement, edited by R. Rouse & S. Neill, S.C.M. Press, London, 1968, p. 484.
11. Journal of Theology for Southern Africa, No 40, Sept 1982.
12. "An Anglican View of the office of a Bishop", a paper issued by the C.U.C., 1976.
13. In Touch, Vol II, No. 13, Sept, 1980, p. 26.
14. Published in In Touch, Vol II No. 16, August 1983.
15. A Plan of Union (First Draft), C.U.C. (S.A.), 1972, p. 21, para. 38.
16. In Touch, Vol II No 17, Aug. 1984.
17. Second Agenda Book for the Provincial Synod 1985, C.P.S.A., p. 13 Motion 47.
18. Commission on the Metropolitan, para. 6.3.2.
19. S.Neill, Anglicanism, Penguin, Harmondsworth, Mdx, 1958, p. 434.

BIBLIOGRAPHY

A. GENERAL BIBLIOGRAPHY

- Baptism, Eucharist and Ministry. Faith and Order Paper No. 111.
World Council of Churches, Geneva,
1982
- Bayne, S.F; Jr An Anglican Turning Point.
Church Historical Society.
Austin, Texas, 1964
- Clarke, Henry Lowther Constitutional Church Government
In the Dominions Beyond the Seas
and in other parts of the Anglican
Communion. S.P.C.K., London, 1924
- Cornish, F.W. The English Church in the
Nineteenth Century (Part II).
Macmillan, London, 1910
- Darbyshire, J.R. "The Church of the Province of
South Africa."
In The Anglican Communion - A
Survey Edited by J.W.C. Wand.
O.U.P., London, 1984.
- Gray, G.F.S. The Anglican Communion - A brief
sketch.
S.P.C.K., London, 1958.
- Guy, Jeff The Heretic. A Study of the Life
of John William Colenso 1814 - 1833
University of Natal Press,
Pietermaritzburg, and Raven Press,
Johannesburg, 1983.
- Hinchliff, Peter The Anglican Church in South
Africa.
An account of the history and
development of the Church of the
Province of South Africa.
Darton, Longman and Todd, London,
1963.

- Huxtable, J. A New Hope for Christian Unity.
Collins, Glasgow, 1977.
- Ive, Anthony The Church of England in South Africa.
A study of its history, principles and status.
Church of England Information Office, Cape Town, 1966.
- Jenkins, C., and Mackenzie, K.D., editors. Episcopacy Ancient and Modern.
S.P.C.K., London, 1930.
- Kung, Hans The Church
Burns and Oates, London, 1968.
- Lewis, C and Edwards, G.E. Historical Records of the Church of the Province of South Africa.
S.P.C.K., London, 1934.
- Moorman, J.R.H. A History of the Church in England.
A. & C. Black, London, 1953.
- Neill, Stephen Anglicanism.
Penguin, Harmondsworth, Mdx., 1958.
- Neill, Stephen "Plans of Union and Reunion, 1910 - 1948".
In A History of the Ecumenical Movement.
Edited by R., Rouse and S. Neill, S.C.M. Press, London, 1968.
- Palmer, E.J., Chairman Dispensation in Practice and Theory with Special Reference to the Anglican Churches, being the Report of a Commission appointed by the Archbishop of Canterbury in 1935.
S.P.C.K., London, 1944.
- Rich, E.C. Spiritual Authority in the Church of England - An Enquiry.
Longmans, Green & Co., London, 1953.

Thurian, Max, ed.

Ecumenical Perspectives on Baptism,
Eucharist and Ministry. Faith and
Order Paper No. 116.
World Council of Churches, Geneva,
1983.

Verryn, T.D.

A History of the Order of Ethiopia
Central Mission Press, Cleveland,
Tvl., 1972.

Wand, J.W.C.

Anglicanism in History and Today.
Weidenfeld and Nicolsen, London,
1961.

Wirgman, A.T.

The History of the English Church
and People in South Africa.
Longmans, Green & Co., London,
1895.

B. AUTHORISED WORKS (ANGLICAN)

The Book of Common Prayer
and Administration of the Sacraments
and other Rites and Ceremonies of the Church
according to the use of the Church of England.
O.U.P., London, 1662.

A Book of Common Prayer
and Administration of the Sacraments
and other Rites and Ceremonies of the Church
together with the form and manner of making, ordaining,
and consecrating of Bishops, Priests and Deacons
Set forth by authority for use in the Church of the Province
of South Africa. O.U.P. and S.P.C.K., London, 1954.

Constitution and Canons of the Church of the Province of
Southern Africa (Together with other Acts and Resolutions of
Provincial Synod).
Updated pre-publication edition, Cape Town, 1987.

The Lambeth Conference : 1930, 1948 and 1958 editions.
The Encyclical Letter from the Bishops, with Resolutions
and Reports. S.P.C.K., London, 1930, 1948 and 1958.

C. PAPERS AND REPORTS OF THE C.P.S.A. AND ANGLICAN COMMUNION

Comment by the South African Anglican Theological Commission on The Position of the Metropolitan and the Diocese of Cape Town. January 1986.

Commission on Episcopacy. Report. Convenor: The Ven. G.D. Buchanan. April 1987.

Guidance and Government - A Layman's View of the Background to the Constitution and Canons. By Mr. Juta, Diocese of Johannesburg, ca. 1960.

Legislative History on the Constitution and Canons. Prepared by Adv. Ian Farlam for inclusion in the new edition of the Constitution and Canons of the C.P.S.A. Cape Town, 1987.

Office and Work of the Metropolitan. Memorandum to Episcopal Synod from R. Bromley and S.N. Colam. April 1986.

Provincial Commission to Examine the Office of the Metropolitan. February 1985.

Report of the Committee to Investigate the Primacy. General Synod 1968.

Report of the Committee on the Role of the Primate. General Synod 1985.

Both reports from the Anglican Church of Australia.

D. PUBLICATIONS AND PAPERS OF THE CHURCH UNITY COMMISSION
(SOUTH AFRICA)

A Plan of Union (First Draft), C.U.C. (S.A.), 1972
A Plan of Union (Second Draft), C.U.C. (S.A.), 1975

In Touch. News Bulletin of the Church Unity Commission.
Vol II, No. 8, Sept. 1976 Vol II, No. 16, Aug. 1983
Vol II, No. 13, Sept. 1980 Vol II, No. 17, Aug. 1984

An Anglican View of the Office of a Bishop. By C.J.J. October 1976

Episcopacy. Open Letter from the South African Church Union.
March 1982.

A Reply to the Open Letter of the S.A. Church Union.
By Canon J. Suggit. March 1982.

E. JOURNALS

Journal of Theology for Southern Africa

Wing, Joe, et.al.

"Oversight and Episcopacy".
In No. 40, Dec. 1982.

Bradlow, Edna.

"Saul Solomon, Cape Liberalism
and the Voluntary Movement in
the 19th Century." In No. 60,
Sept. 1987.
