

The Church of England in South Africa and the Anglican Communion

HERBERT HAMMOND

'Church of the Province of South Africa joins in as the Anglican Communion prepares for exciting Lambeth Conference.'

—Headline in *Seek*—Newspaper for Anglicans in Southern Africa.

The warm-ups have started, the press corps is preparing its "Who's Who", Kent University is installing porta-cabins and telephones, clerical outfitters are getting ready for a roaring trade, Canterbury is all set to play host and Bishops around the Anglican Communion are limbering up for the Lambeth conference, July 17th – August 7th 1988.

There is really no ecclesiastical event quite like it. In pomp and ceremony it is a match for any Royal Wedding. In colour, style and hats, the outfitters out-fiesta any carnival. For three weeks this July and August, 1,200 people will be coming to the University of Kent at Canterbury to take part in the 12th Lambeth Conference of Bishops.

The participants include Archbishops, Primates, Diocesan Bishops, representative Suffragan and Assistant Bishops, consultants, members of the Anglican Consultative Council (A.C.C.) and observers. Bishops will be talking and praying about some of the most pressing and urgent questions that face the Anglican Church today. They hope to come away renewed, refreshed, and re-invigorated by the experience of sharing with brother Bishops from all over the world.

Anglican Information, London.

Eighteen Diocesan Bishops and two Suffragan Bishops of the Church of the Province of South Africa (CPSA) will be attending the Lambeth Conference of Bishops from July 16 to August 7. Also attending from the CPSA will be the Archbishop's Media Secretary, Editor of *Seek*, Provincial Executive Officer, Lay Representative of the Anglican Consultative Council.

Seek, May 1988.

Unique to this Lambeth Conference is the fact that the membership will include clergy and lay members of the Anglican Consultative Council and Bishops from Churches in Full Communion—The Church of North India, the Church of South India, the Church of Pakistan, the old Catholic Church, the Church of Bangladesh and the Philippine Independent Church.

Anglican Information, London

Ghost at the Feast?

The Church of England in South Africa was not at Lambeth, 1988. Its Bishops had not been invited to participate as members or as guests or even as observers.

This article considers their absence by examining the status of the Church of England in South Africa in relation to the Anglican Communion. It is a study in ecclesiastical discrimination.

The Church of England in South Africa—Why and How?

That the Church of England can exist out of England, just as well as in England, was taken for granted by its members as they settled in North America in the seventeenth century and as British Colonies and possessions came into being all over the world in the eighteenth and nineteenth centuries. They took with them the Prayerbook of 1662, containing the services of the Church and the Thirty-Nine Articles of Religion, its doctrinal basis. Naval and Military Chaplains accompanied the Armed Forces and Colonial Chaplains were provided later for civilian congregations as the need arose. Still later, Bishops were appointed from England, Dioceses were organized and parallel structures to the Church of England in England came into being in colonies and dominions as well as in the independent U.S.A.

This was also the course of events in South Africa. The first Church of England service on record in the country was conducted by a Naval Chaplain in 1749. After the British occupation of the Cape in 1806, congregations were formed and churches were built. In 1847, Robert Gray was appointed as the first Bishop of Cape Town, an appointment which was to have crucial consequences for the Church of England already in the South African Colony. Gray was an admirable pioneer, but he was also authoritarian in temperament and Anglo-Catholic by conviction, determined to impose an Anglo-Catholic pattern and none other on the Church as he found it and as he wanted it to develop. His contemporary, A.C. Tait, Bishop of London, later Archbishop of Canterbury, commented in Convocation that, if Bishop Gray's power were equal to his will, he would drive away all those whose views were evangelical. Conflict duly followed, and Bishop Gray decided that the way forward was in a new denomination free from what he chose to call 'the bands and fetters of the reformation'. In 1870 he brought into being the Church of the Province of South Africa (C.P.S.A.).

All the South African Bishops, with the exception of Natal, followed Gray's lead. But there were congregations, laity and clergy, who declined to leave the Church of England in South Africa, and they continued to hold that position. South Africa therefore became the only part of the world to have two separate 'Anglican' churches existing in the same country.

But was the C.P.S.A. the same as the Church of England? This issue was tested both by the Supreme Court in South Africa and by the Privy Council in England on Appeal. Both Courts held that C.P.S.A. was separate from the Church of England on the grounds of there not being 'identity in standards of faith and doctrine'. It was further laid down that the divergence was "real and actual", not merely potential. It was "root and branch", not merely trivial'.

The C.P.S.A. had lost legally, historically and doctrinally by secession, but for all practical purposes it could afford to ignore all these factors. It had taken over the great majority of churches, church properties, the cathedrals, the church schools and training institutions and endowments—possession is nine points of the law. Above all, from 1883 it had all the Bishops, while the Church of England in South Africa (C.E.S.A.) had none and was fragmented into individual churches or loose groupings of churches.

From 1870 until 1932, Bishop Gray's successors had no difficulty in acknowledging the existence of C.E.S.A. both in theory and in practice. They acknowledged themselves to be in a dual position. Consecrated in the Church of England in England, they were Bishops of the Church of England. As such they could minister to the congregations of the C.E.S.A., and did so minister. Elected as Bishops of the C.P.S.A., they duly ministered as such to that Church. But the dual position came to an end when the C.P.S.A., in 1932, elected as Archbishop Francis Phelps, who had not been consecrated in the Church of England in England and was therefore solely a C.P.S.A. Bishop. Faced with litigation, C.E.S.A. and Archbishop Phelps unsuccessfully sought for a concordat safeguarding the position of both parties. C.E.S.A. then pleaded, also unsuccessfully, with the Archbishop of Canterbury to appoint a Bishop for it, and when these pleas came to nothing, it was left to carry on as it had before Bishop Gray's arrival from 1806 to 1847. This state of affairs continued until 1955.

In that year, Bishop G.F.B. Morris, who had then recently retired from the position of Bishop of the Church of England in North Africa, agreed to fill the vacancy created in 1870 by Robert Gray. But the treatment accorded to Bishop Morris and the C.E.S.A. was to be very different from that meted out to Bishop Gray and the C.P.S.A. Bishop Morris, having notified the Archbishop of Canterbury in advance of the legal, doctrinal and historical reasons which would conscientiously cause him to accept election as Bishop of C.E.S.A. if he were to be elected, was severely and with calculated publicity denounced for his acceptance.

Yet, due respect for the Archbishop's high office notwithstanding, the sole force of his remarks was to put on record his own personal opinion. By Church law, his jurisdiction did not extend out of his own Province unless specifically extended, but it had not been so extended to South Africa. Accordingly Bishop Morris was under no obligation

to obey an unlawful demand not to accept the position of Bishop of the Church of England in South Africa, his own oath of canonical obedience being restricted to those matters which the law ordained. In essence, therefore, the Archbishop of Canterbury's statement amounted to no more than an indignant objection that Bishop Morris had acted against his advice and broken what Crockford's Clerical Directory aptly called the 'united episcopal front' or, to use a more recent phrase of the Anglican Communion's, 'the collegiality of bishops'.

Bishop Morris and the C.E.S.A. were, however, to be punished further. As Bishop in North Africa, Bishop Morris had been a member of the Anglican Communion's Lambeth Conference of 1948. As Bishop in South Africa, he was not invited in 1958 nor was any invitation extended to his successor, Bishop S.E. Bradley, in 1968 and 1978. The C.E.S.A. had, it appears, been tried, judged and expelled from the Anglican Communion, all this in its absence, without opportunity for representation, defence, or appeal.

With the election of Bishop Morris, the C.E.S.A. was able to consolidate. The backlog of ordinations and confirmations was dealt with. Bishop Morris confirmed over 1,000 African members at a single service alone. The Church expanded in South Africa and spread into Zimbabwe and Namibia. In 1983, Canon D.T. Foord of Sydney was elected to succeed Bishop Bradley, and in 1984 he was consecrated by the Archbishop of Sydney with the Anglican Primate of Australia and the Bishop of Kimberley; a Bishop of the C.P.S.A., participated in a gesture of goodwill.

The response of the Anglican Communion was lukewarm and unenthusiastic. Instead of welcoming Bishop Foord's consecration, the Anglican Consultative Council criticised it at its next meeting. What, it may be supposed, lies behind this attitude?

1. Is it that the critics are much closer to the doctrinal position of the Church of the Province than the evangelical position of the C.E.S.A.?
2. Do they prefer the high profile political stance of the C.P.S.A. to the low profile of the C.E.S.A.?
3. Is it that the C.P.S.A., by virtue of its much greater size, has commanded all the attention and publicity?
4. Are the impeccable historical, doctrinal and legal credentials of the C.E.S.A. unknown, or are they ignored in the corridors of power of the Anglican Communion?
5. Is it that the presence of two Anglican Churches in the same country is an unusual, inconvenient, untidy feature which should be ironed out?
6. Could it be that C.E.S.A. is a threat to the claims of the C.P.S.A. to be 'the Church of England in these parts' and to certain of its endowments?

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These are open questions and the answers can only be surmised. What is certain is that Bishop Foord's successor, Bishop J.B. Bell, has not been invited to the Lambeth Conference, neither as a Bishop in the Anglican Communion, nor as a Bishop of a Church in full Communion with the Anglican Communion, nor as a guest, nor in any other capacity.

In view of *Anglican Information's* gaudy description of this event, this might be of no great consequence, but the situation is more serious than that. If the Anglican Communion abides by its own standards, the C.E.S.A. is one of its component parts, and Bishop Bell as its presiding Bishop is entitled to be present as much as any other fully fledged member. Furthermore, not only is the exclusion of the C.E.S.A. a breach of Anglican standards, it also prevents the Anglican Communion from making any contribution to C.E.S.A. and stops C.E.S.A. from making its contribution to Anglicanism. All this is counter-productive and will continue to be so until the Lambeth Conference makes time to think over C.E.S.A.'s exclusion. Perhaps it might do so when it comes to pray for reconciliation and unity or when it is busy on the issue of a statement denouncing exclusion and discrimination, the very evils of which, as far as C.E.S.A. is concerned, it itself is guilty and has been so for a very long time. One can only hope that well before the next Lambeth Conference, the Anglican Communion will rise to the occasion in the spirit of truth and love, and not continue to walk by on the other side and look the other way.

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APPENDIX

RELEVANT POINTS OF LAW

The Anglican Communion and its Relationship to the Church of England in South Africa

What is the Anglican Communion?

Halsbury's Laws of England—Vol.13 Ecclesiastical Law—defines the Anglican Communion as:

a fellowship of churches historically associated with the British Isles. It embraces all those churches that are in conformity with the faith and doctrine of the Church of England. It includes the Church of England,

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the Episcopal Church in Scotland, the Church in Wales, the Church of Ireland, the Protestant Episcopal Church in the United States, the Churches of India, Pakistan, Burma and Ceylon and the numerous churches in the Dominions, Colonies, and foreign parts that are in conformity with the faith and doctrine of the Church of England.

Condition 1.

The Anglican Communion is 'a fellowship of churches historically associated with the British Isles'.

Does the Church of England in South Africa meet this qualification? It is a historical fact that the early English settlers in South Africa brought the Church of England with them and congregations were established from 1806 onwards. Until 1847 these congregations were dependent on the visits of passing Bishops of the Church of England for episcopal ministrations. In 1847, however, Bishop Gray was appointed the first Bishop of Cape Town, while in 1853 Bishops Colenso and Armstrong were appointed Church of England Bishops of Natal and Grahamstown respectively.

There was considerable resistance to the illegal innovations which Bishop Gray tried to impose on the Church of England in South Africa. In 1870, frustrated by repeated defeats in the Courts which provoked him to describe the Judicial Committee of the Privy Council as 'that masterpiece of Satan for the overthrow of the faith', Gray and his supporters established the Church of the Province of South Africa. The Bishop of Natal, Colenso, and the great majority of congregations of his diocese, as well as a number of clergy and congregations in the remainder of the country, refused to follow Gray and did not assent to the Constitution of the Church of the Province. From 1870 onwards therefore the original Church of England in South Africa has existed side by side with the secessionist Church of the Province. Subjected thus to the test of history, the connexion of the Church of England in South Africa with the Church of England in England is unbroken.

Condition 2.

The Anglican Communion embraces all those churches which are in conformity with the faith and doctrine of the Church of England. It includes the Church of England . . . and the numerous churches in the Dominions, Colonies and foreign parts that are in conformity with the faith and doctrine of the Church of England.

Does the Church of England in South Africa meet this qualification? The Constitution of the C.E.S.A., drawn up in 1938 and designed expressly to avoid any secession from the Church of England, declares as follows and then states explicitly that the declaration is unalterable.

The unalterable decision of the faith and doctrine of the C.E.S.A.:

The Church of England in South Africa adheres to the faith and doctrine of the Church of England as now by law established in England and embodied in the Thirty-nine Articles of Religion, and the Book of Common Prayer of 1662.

The Church of England in South Africa, as a reformed and protestant church, does hereby reaffirm its constant witness against all those innovations in doctrine and worship, whereby the primitive faith has been from time to time defaced or overlaid, and which at the reformation the Church of England did disown and reject.

The Church of England in South Africa receives the canonical scriptures of the Old and New Testament as being the ultimate rule and standard of faith given by inspiration of God, containing all things necessary to salvation.

The Church of England in South Africa being a part of the one holy Catholic and Apostolic Church will ever remain and be in communion with churches maintaining communion with the Church of England, so long as communion is consistent with the solemn declarations set forth in this chapter.

If this declaration—unalterable—is not sufficient to establish conformity 'with the faith and doctrine of the Church of England' then what is it?

Interestingly enough, Halsbury has elaborated in a footnote on the issue of communion with the Church of England by using the C.P.S.A. as an example in the following words:

A Church organised on a consensual basis may, without ceasing to be in communion with the Church of England, cease to be legally a church in connection with the Church of England. Thus the C.P.S.A. forms part of the Anglican Communion, though it is not in connection with the Church of England as by law established. The Archbishop of Cape Town is not a Bishop of the Church of England as by law established, but a Bishop of the Consensual Church of the C.P.S.A. in communion with the Church of England. Where a church may be severed from the Church of England and yet remain in communion with it, has been recognised by statute; see the Indian Church Act, 1927.

If this is a correct statement of the law in regard to C.P.S.A., it is self evident that the C.E.S.A.'s right to membership of the Anglican communion on this basis alone is indisputable.

What is the Lambeth Conference?

Halsbury defines the Lambeth Conference as follows:

To coordinate the work of the various churches of the Anglican Communion there meets periodically at Lambeth a conference of bishops under the presidency of the Archbishop of Canterbury. This

body has no legal basis and depends for the carrying into effect of any resolutions that it passes on the voluntary acts of the individuals composing it, and their acceptance by the churches represented by them; but various resolutions passed by the conference have been received with general acceptance by all the churches represented, and have thereby derived on a consensual basis an authoritative character in the churches which have accepted them. To bridge the gap between conferences, there has been formed the Central Consultative Body of the Lambeth conference, which consists of not less than 18 members appointed by the Archbishop of Canterbury with due regard to regional requirements of the consultation with metropolitans and presiding bishops.

The Central Consultative Body has since been replaced by the 'Anglican Consultative Council'.

The Lambeth Conference first met in 1867 and has met subsequently every ten years with one exception due to the First World War. The 1988 Lambeth Conference will therefore be the twelfth of its kind.

It is significant that no reason is assigned as to why the Church of England in South Africa has not been invited, as if any reason were to be given it could be argued, examined, checked and challenged.

No case having been made, the case goes by default.

The Lambeth Quadrilateral

In 1888 the Lambeth Conference endorsed a statement of faith as a basis of Christian reunion. It consists of the following four articles:

1. The Holy Scripture of the Old and New Testaments as 'containing all things necessary to salvation' and as being the rule and ultimate standard of faith.
2. The Apostles' Creed as the baptismal symbol; and the Nicene creed, as the sufficient statement of the Christian faith.
3. The two sacraments ordained by Christ himself—Baptism and the Supper of the Lord—ministered with unfailing use of Christ's Words of Institution, and of the elements ordained by Him.
4. The historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the Unity of His Church.

The Church of England in South Africa, in its doctrinal declaration already quoted, subscribes to the Lambeth Quadrilateral. It does so not only by virtue of its constitution but in practice.