

Impaired Fellowship and Bishops' Licenses

This Paper addresses the following concern, which has been raised in the aftermath of the proposal concerning the Prayers of Love and Faith

If I do not receive the ministry of a particular Bishop, by being in a resolution parish, can I also refuse to receive a license or PTO from them?

In short – **NO**.

The official policy on PTO¹ unambiguously states: *“It is unlawful for a member of the clergy to officiate (which includes preaching)² without the requisite authority. Any member of the clergy who does so, and any minister who permits another member of the clergy to do so, would be committing misconduct and liable to proceedings under the Clergy Discipline Measure.”* This is for two reasons: **appropriate authorization** and **necessary safeguarding**.

The ‘**necessary safeguarding**’ approval is hopefully a non-controversial necessity, but the Bishop’s license or PTO is the mechanism by which the safeguarding status of ministers is regulated. Without a license or PTO a minister is liable to proceedings under a CDM, as is any minister who allows them to minister in their church.

The ‘**appropriate authorization**’ requirement is an expression of the legal jurisdiction of a Bishop as the Ordinary. It is part of the ordination vow to *“... pay true and canonical obedience... in all things lawful and honest...”* to the Bishop. This ‘legal jurisdiction’ is distinguishable from the ‘pastoral ministry’ of a Bishop, as is evident in the +Ebbsfleet arrangements, whereby pastoral and sacramental ministry is explicitly delegated to a different Bishop so as to provide for the complementarian theological convictions of the Parish. This ‘appropriate authorization’ is therefore an authority under law, not a personal authority to make a law – the authority exercised is not a personal authority, but a legal responsibility. The issue of canonical obedience is explored further on the +Ebbsfleet website³.

¹ The Policy on Granting PTO may be found here:

<https://www.churchofengland.org/sites/default/files/2018-07/House%20of%20Bishops%20Policy%20on%20PTO%20July%202018.pdf>

² In the policy above it also includes “preaching, presiding at the Eucharist and taking the Occasional Offices” (2.11)

³ <https://www.bishopofebbsfleet.org/guidance/oaths-of-canonical-obedience/>

It is worth noting that this authority of the Bishop as Ordinary is itself ultimately subject to the supreme authority of Scripture with regard to doctrine⁴. No synod or bishop has authority to exercise any ‘authorizing authority’ in a way that denies or distorts Scriptural doctrine.

However there is a distinction in Scripture made between obedience to a human office under law, and submission to a spiritual ministry. Romans 13:1-7 & 1 Peter 2:13-17 teach appropriate submission to appropriate authorities (*strikingly so, since one of them was Nero*)⁵; but Romans 16:17f and 2 John 10 teaches us to distance from or not welcome into house or church those who teach a different gospel. The particular authority Scripture calls us not to receive is that of their teaching ministry in the church, rather than of their office itself. Jesus’ trial in John 18:19-24 or Paul’s before the Sanhedrin Acts 23:1-5 both illustrate a continued ministry of speaking God’s truth while respecting a person’s office (*see especially Acts 23:5*).

When a bishop signs a license or grants a PTO it is clearly an expression of their legal authority rather than of ministry oversight; and for that reason, the receipt of a license or PTO does not in itself constitute a ‘receipt of ministry’, rather only a recognition of office. Where there is a legal authority, it is biblical to respect the office while not receiving its ministry. Notwithstanding personal conscience, it is clear that ministry within the Church of England established by law requires this legal authority.

Would it be possible to delegate the signing of a license to another Bishop?

Under Canon C 18.3 it is technically possible for a Bishop to formally commit aspects of jurisdiction to another ‘commissary’, but the legal authority remains with the Diocesan Bishop in so doing, and the Episcopal seal attached to such documents will remain that of the Diocesan Bishop.

⁴ Canon A5 states: “The doctrine of the Church of England is grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures.

⁵ While Rom.13 & 1 Peter 2 primarily address ‘secular’ rather than ‘church’ authorities, this is relevant in context because the Church of England is “by law established”, which intentionally mixes the aspects of the ordering of civil legislation and the ministry of spiritual oversight. Church law is English law.

But what if my conscience is that I could not receive such a license from someone who I think is 'unfaithful' to Scripture?

Conscience is a serious expression of our obedience of faith in God; as Romans 14:22-23 puts it, *"...everything that does not come from faith is sin."* However our conscience needs to be constrained by the Word of God to be reliable. Three aspects of ordained ministry are relevant to consider here:

1. An ordination, confirmed by the legal authority of a license or PTO, is a calling from God recognized by the Church; not a call of the Church or a particular Bishop, that God then blesses. The authority for the Ministry of the Word lies with the Author of that Word, not whoever is authorized to recognize it. The promises associated with ordination are made to the Lord, not to the Bishop, and can be kept in good conscience whatever Bishop administers them.

2. This principle is explicit in Anglican theology, expressed in Article 26, that *"...in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the Ministration of the Word and Sacraments, yet forasmuch as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their Ministry, both in hearing the Word of God, and in receiving of the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such as by faith and rightly do receive the Sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men."* Specifically, Anglican doctrine holds that our own faithfulness is not corrupted by the unfaithfulness, even of those with authority over them, because ministry is received by grace and faith, not by office and person⁶. An ungodly person signing a license, does not negate the license, or corrupt the one thereby licensed. Note that Article 26 does also expect that unfaithfulness will come under due discipline – a theme explored by Mark Burkill in his Latimer book⁷.

⁶ Note it is assumed that this even holds true when a preacher is unfaithful, because God's Word has still been read and shapes the liturgy and the Spirit of God enables faithful people to discern truth in the face of error (eg John 2:20ff)

⁷ Mark Burkill "Unworthy Ministers: Donatism and Discipline Today" (Latimer Briefings Book 8) at www.latimertrust.org

3. We need to regulate a conscientious concern about any possible ‘guilt by association’ (eg receiving a license from someone implies approving of their ministry) by the radical example of Jesus, summed up in Matthew 11:19 “*The Son of Man came eating and drinking, and they say, ‘Here is a glutton and a drunkard, a friend of tax collectors and “sinners”.*’ But wisdom is proved right by her actions”. Jesus calls us to demonstrate godliness by our actions WHILE engaging with those whose actions are evil. Receiving a license even from someone we think may be an unfaithful minister could be the opportunity to demonstrate by our actions what a faithful minister ought to be. That appears to be the explicit teaching of Jesus in Matthew 23:22 “*The teachers of the law and the Pharisees sit in Moses’ seat. So you must obey them and do everything they tell you. But do not do what they do, for they do not practise what they preach.*” The very people over whom Jesus pronounces his ‘woe’, are the ones he yet calls them to submit to.

But what about what it looks like if I receive a license in a public service – doesn’t that make it seem to others that I am receiving a person’s ministry?

There is no legal requirement to have a licensing service. It is possible to receive PTO through the post, and even if a licensing requires the legal aspect of swearing of oaths, that can be done in a private way, for example in a bishop’s chapel. At many ordinations, the legal bit is often done outside of the ceremony. Part of the distinction between the legal aspects of the Ordinary and the spiritual aspect of receiving ministry can be made visible in this way.

There is more that can be said, but in the light of the above, while it is absolutely necessary to have a license or PTO for ministry in the Church of England, it is not improper or unfaithful to receive it from someone whose ministry you might otherwise decline to receive.

The Bishop of Ebbsfleet’s website contains useful advice and guidance: www.bishopofebbsfleet.org See especially the section on Guidance.

If you have any queries, please contact the Bishop of Ebbsfleet’s office: admin@bishopofebbsfleet.org or on 07710 232423.

