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# A Response to the Opinion of the Court for the Trial of a Bishop

*The case against Bishop Righter for ordaining an avowed non-celibate homosexual was brought in 1995 by ten bishops of ECUSA. The doctrinal issues are dealt with in the two articles by Stephen Noll appearing in the previous and current issues of Churchman. Following the decision of the court not to act against Bishop Righter, the same ten presenting bishops published a response which is reproduced below.*

I am astonished that you are so quickly deserting the one who called you in the grace of Christ and are turning to a different gospel – not that there is another gospel, but there are some who are confusing you and want to pervert the Gospel of Christ. (Gal 1:6–7)

We live in a day of moral confusion and widespread attack upon the Church's received teaching in many areas, including that of human sexuality. For the past twenty years the most hotly debated issue in the Episcopal Church has been that of homosexuality. This preoccupation has diverted resources and energy from the Church's primary task of calling all people to repentance and discipleship in Jesus Christ.

While the Church has expressed and reaffirmed its pastoral care for homosexual persons, two related questions have been the focus of debate and occasioned our present disorder:

whether the Church can 'bless' same sex unions, and

whether non-celibate homosexual persons can legitimately be ordained to the diaconate, priesthood, and episcopate of this Church.

It is not as if the Church has failed to address these questions. Repeatedly and consistently, through Resolutions of the General Convention, Statements of the House of Bishops, and most recently in the publication and release of the pastoral study document *Continuing the Dialogue* (1994), the Episcopal Church has affirmed and reaffirmed that:

the teaching of the Episcopal Church is that physical sexual

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expression is appropriate only within the lifelong monogamous 'union of husband and wife in heart, body, and mind intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity and, when it is God's will, for the procreation of children and their nurture in the knowledge and love of the Lord' as set forth in the *Book of Common Prayer*...

and therefore,

it is not appropriate for this Church to ordain a practising homosexual, or any person who is engaged in heterosexual relations outside of marriage.

Indeed, in approving the pastoral study document, the House of Bishops voted its commitment to:

continue in trust and *koinonia* ordaining only persons we believe to be a wholesome example to their people, according to the standards and norms set forth by the Church's teaching.

Until now, the problem has not been a lack of clarity regarding the Church's understanding of these matters. Rather it has been the growing number of bishops and dioceses that have chosen to disregard and contradict this understanding both by their teaching and in their actions.

In an attempt to restore order in a Church where it had all but disappeared, we have engaged in a lengthy legal process within the House of Bishops over the past year and a half. Unfortunately, that process has been deeply compromised from its very beginning. We cite as only one example the fact that three out of the nine judges authorized or performed ordinations identical to the one in question – and a fourth declared his willingness to do so; yet, only one recused himself, and then only after the majority Opinion had been determined.

Nevertheless, the Court has spoken. On May 15, 1996, the majority held that – all of our previous statements notwithstanding – the Episcopal Church has no 'Core Doctrine' in the area of human sexuality; and therefore neither the doctrine nor the discipline of the Church has been violated.

We decry this Opinion as deeply flawed and erroneous. The Court's disclaimer notwithstanding, its decision has swept away two millenia of Christian teaching regarding God's purposes in creation, the nature and meaning of Christian marriage and the family, the discipleship in relation to sexuality to which we are called as followers of Jesus, and the paradigm

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of the Church as Bride and Christ as Bridegroom. The distinction of 'Core Doctrine' from other 'doctrinal teaching' is without precedent or foundation in the *Book of Common Prayer*, the Resolutions of General Convention, or the Canons of the Church. The very term, 'Core Doctrine', is a specious invention of the Court.

There is but one Lord, Jesus Christ, whose ministry the Apostles proclaimed as the Gospel and enduring norm for the Church. There is but one Faith, which must rest on the foundation of this apostolic teaching, and which must find clear and unified expression in both doctrine and discipline. There is but one Baptism, in which all members of the Body of Christ promise to continue in faithful obedience to the apostolic teaching. This faith is both coherent in its unity, and comprehensive in its breadth, bringing every sphere of human life under the Lordship of Christ.

In light of the foregoing, therefore:

1 We categorically reject the Opinion of the Court for the Trial of a Bishop, and stand within the Anglican conviction that the Church has 'authority in Controversies of Faith: and yet it cannot ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another'. (Articles of Religion XX)

2 We remain committed to the declaration of the General Convention, that 'the traditional teaching of the Church is that marriage, marital fidelity, and sexual chastity are the standard of Christian sexual morality', and therefore declare that the ordination of non-celibate homosexual persons and the blessing of homosexual unions deviates and departs from the biblical norm.

3 We affirm, with Bishops White and Patterson in their concurring Opinion, 'that it is not permissible, if it is even possible, in our polity for a bishop to teach or act on teaching which is neither supported by the Holy Scriptures, the Church acting corporately nor the *Book of Common Prayer*'. We therefore declare that bishops who knowingly ordain non-celibate homosexual persons or who permit or endorse the blessing of homosexual unions do so without the authority of the Scriptures, of the unbroken apostolic tradition, or of the Anglican Communion and are thereby threatening the unity and order of the Church. As a sign of the seriousness of this threat, we disassociate ourselves from such 'individually discerned teaching and pre-emptive action' by bishops, other clergy, or dioceses.

4 We today propose the following Canon for adoption by the General Convention in 1997, and we urge its introduction and passage in every

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diocese as well:

All members of the clergy, having subscribed to the Declaration required by Article VIII of the Constitution of the Episcopal Church, shall be under the obligation to model in their own lives the received teaching of the Church that all its members are to abstain from sexual relations outside Holy Matrimony.

We call upon the Deputies and Bishops to recognize that all previous objection to such a Canon as 'not necessary' have been rendered moot by the Court's Opinion.

5 We declare that in our dioceses we will refuse to ordain, admit or license clergy who will not subscribe to such a standard.

6 We declare our conviction that orthodox episcopal ministry must be provided to clergy and laity in dioceses where the bishop has departed from the standards and norms set forth by the Church's teaching. For their sake, we will take steps to create a fellowship of Episcopal parishes and dioceses which uphold Scriptural authority, and we will also network with other Provinces of the Anglican Communion who share this stance.

The time has come for the faithful members of this Church to act together. The task of the Church is to bring every soul and every sphere of life under the Lordship of Christ. We call upon all those who share these convictions:

to join us in repentance for our past inattention and inaction in teaching, proclaiming and upholding the apostolic and catholic faith;

to express to their clergy and vestries, their bishops and diocesan leadership their commitment to biblical faith and practice; and

to direct their personal resources, as a matter of stewardship, to those ministries that proclaim the historic and biblical Christian Faith.

We are mindful that this matter is not limited in scope to the Episcopal Church, but one with international and ecumenical dimensions, as noted in this word by a renowned Lutheran theologian:

*Whoever pressures the church to alter the normativeness of its teaching with regard to homosexuality must be aware that that person promotes schism in the church. For a church that would permit itself to be pressured to no longer understand homosexual activity as a deviation from the biblical norm and to recognize*

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*homosexual partnerships alongside marriage, such a church would no longer be based on the foundation of Scripture, but, rather in opposition to its unanimous witness.* (Wolfhart Pannenberg, translated by Karl Donfried; *Zeitwende* 65/1 January 1994)

SIGNED, Whit Monday, 27 May 1996:

The Rt Rev Keith Ackerman, Quincy  
The Rt Rev Maurice M Benitez, Texas (ret)  
The Rt Rev James M Coleman, W Tenn  
The Rt Rev John W Howe, Central Florida  
The Rt Rev Jack L Iker, Fort Worth  
The Rt Rev Stephen H Jecko, Florida  
The Rt Rev Terence Kelshaw, Rio Grande  
The Rt Rev John-David M Schofield, San Joaquin  
The Rt Rev James M Stanton, Dallas  
The Rt Rev William Wantland, Eau Claire

This Response to the Court for the Trial of a Bishop was written by the ten presenter bishops. Others – bishops, clergy or laity – who may desire to signify their support of this statement are invited to add their signatures to it. Correspondence may be sent to The Rt Rev Stephen Jecko, 325 Market St, Jacksonville, FL 32202.