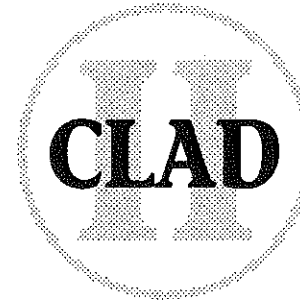


Anglican Church of Canada
600 Jarvis Street
Toronto, Ontario
M4Y 2J6

Evangelical Lutheran Church in Canada
1512 St James Street
Winnipeg, Manitoba
R3H 0L2



RESPONSE TO

THE NIAGARA REPORT

BY

THE CANADIAN LUTHERAN ANGLICAN DIALOGUE

Introduction

Having spent the past two years in study of *The Niagara Report*¹, the members of Canadian Lutheran Anglican Dialogue want to affirm that we have found the report to be a most stimulating and thought-provoking document. During our conversations and studies since the issuance of the report it has continued to give us both an agenda for discussion and a guide into the issues that remain to be understood between our two traditions. We offer our profound thanks to those who participated in the consultation and to those who wrote the report.

While recognizing that some points require further clarification², the members of Canadian Lutheran Anglican Dialogue affirm in general the material presented in "The Truths We Share", paragraphs 60-80. We find that this section of *The Niagara Report* is a good reflection of the agreements reached in our own dialogue between the Anglican Church of Canada and the Evangelical Lutheran Church in Canada. Our own level of agreement and mutual trust has been the point that our current relationships encompass step one and step two suggested in Section V of the report, "Practical Steps".

We intend for this response to be read in light of this affirmation of the report and our own relationship of interim sharing of the eucharist. We also believe that the questions in paragraphs 100-110 provide a useful picture of effective *episcopate* and would hope that they be recast at some point in indicative rather than interrogative form so as to provide specific guidance for those called by the church to episcopal ministry.

In our discussion of *The Niagara Report* we have found that certain expressions and orderings in the report might give rise to misunderstanding. Some of these possibilities are brought out in the sections prepared by the representatives of the two churches

below. In general, we believe that there would be less chance for misunderstanding if Section V of the report, which we find to be logically out of place in its present position in the document (as illustrated by paragraphs 87 and 88; cv. #114), can be understood as a result of the initiation of the relationship outlined in Section V rather than as a prerequisite. We believe that this is the intent of the Anglican-Lutheran International Continuation Committee and of the participants in the Niagara consultation.

In our relationship we have found it important not to demand that one of our churches deny its traditions in order to "measure up" to the standards of the other church, but that we both work together to be faithful to God in Christ by the Spirit in our mutual cultural setting. It is in light of this understanding that the representatives of the Anglican Church of Canada and the representatives of the Evangelical Lutheran Church in Canada make their specific responses.

Paragraphs 89-92 of *The Niagara Report*

89 All persons who exercise an ordained ministry of *episcopus* should receive the title of bishop or suffragan bishop. (See Paragraph 57 and Appendix IV for historical and other information on the titles currently in use in some Lutheran churches.)

90 Because Lutherans understand the office of bishop as pastoral (CA, XXVIII, 5 *et passim*; cf. *Lutheran Understanding of the Episcopal Office*, 1983, which states that 'episcopal ministry and episcopal office denote the task of pastoral leadership and spiritual supervision', pp. 3 ff.), constitutions should be revised so that bishops are elected to the same tenure of office as are congregational pastors, chaplains, and other pastoral ministers in the Church. That is, they should be elected and called until such time as death, retirement, or resignation terminate their

incumbency. This may mean that Churches will also want to revise the procedures for identifying and nominating candidates for election to the ministry of bishop so that God's gifts of leadership and governance (1 Cor. 12.28) are properly recognized and called to office. Where appropriate, bishops and Churches should also establish and welcome structures for collegial and periodic review with the purpose of evaluating and improving the bishop's ministry.

91 In accordance with the canons of the Council of Nicaea the rites of installation for bishops should be revised so that there is a laying on of hands by at least three bishops. The involvement of three bishops in the installation of a bishop is the liturgical form by which the Church recognizes that the bishop serves the local or regional church through ties of collegiality which are links to the universal Church. Such participation of three bishops should express liturgically the fact that genuine consultation among bishops on the faith and life of the Church is expected in structure and practice. If we are in full communion with each other, one or more of the bishops at a Lutheran installation should be from a Church in the Anglican Communion. Lutherans can invite such participation by Anglican bishops for two reasons. First, in recognizing and acknowledging 'the full authenticity of the existing ministries of Lutheran churches' (see paragraph 94) Anglicans join Lutherans in affirming that bishops have authority only through the gospel (CA XXVIII, 5-8) and thus serve the identity and unity of the Church given by the pure preaching of the gospel and the administration of the sacraments (CA VII, 2). Second, Lutherans have confessionally and historically recognized that the historic episcopate is a valuable symbol of unity and continuity in the Church (cf. LRCJC, *The Ministry in the Church*, 65, 66, and 80, together with the documentation in the footnotes). Such participation of Anglican bishops must be a symbol for mandatory mutual consultation and real interaction in *episcopus*.

92 It should become the unfailing practice that only bishops or suffragan bishops should preside at all ordinations of clergy in their respective regions (synods, dioceses, churches, districts). This is consistent with much current practice in Lutheran Churches; and it is upheld in principle by the fact that Lutheran bishops or those who exercise *episcopo* in Lutheran Churches must now authorize all ordinations at which they do not themselves preside.

Lutheran Response to Paragraphs 89-92 of *The Niagara Report*

1. Preface

For Lutherans, what is being asked in *The Niagara Report* paragraphs 89-92 represents a significant departure from present practice. Traditionally, Lutherans have opted for as much flexibility as possible in church structures and practice in non-essential matters. The request that those exercising *episcopo* should receive the title bishop is not problematical. The granting of permanent tenure, the installation according to the Nicene Canons and the reservation of ordination only to bishops represent changes for the Evangelical Lutheran Church in Canada. Lutherans are historically committed both to the preservation of flexibility in form and to the principle of ecumenical cooperation. In faithfulness to the Gospel the ELCIC commits itself to reflect with great care on changes *The Niagara Report* calls Lutherans to make.

2. **Paragraph 89** asks Lutherans to give the title of "Bishop" or "Suffragan" to all who exercise an ordained ministry of *episcopo*. The term "bishop" is already in wide use among Lutherans worldwide including the ELCIC. This is seen to

be in keeping with the historic practice of the Church and indeed is acknowledged in the *Lutheran Confessions* (C.A. 28). Lutherans have been at pains to dissociate notions of hierarchy from *episcopo* and consequently have often used such alternate terms as "superintendent" and "president" to denote the offices. The term "bishop" is, however, seen as appropriately signifying the pastoral nature of the office and is recognized as conforming to the major tradition of the church through its history. The term "suffragan" is foreign to Lutheran understanding and usage and it would appear wise not to introduce this term into discussion. Lutherans do believe there is an office of oversight in the church divinely instituted. The use of the term "bishop" to designate the one who occupies that office is biblically, confessionally and historically acceptable. As part of the church universal and in unity with our Anglican sisters and brothers we are pleased to respond positively to the request. At the same time Lutherans feel it would be helpful to articulate a common and clear understanding of the kind of oversight implicit in *episcopo*.

3. **Paragraph 90.** The request of *The Niagara Report* that Lutherans accept the practice of permanent tenure for the office of bishops is controversial for Canadian Lutherans. Present policy provides for election for a prescribed length of time (4 years). While this practice differs from our European counterparts the North American practice in large measure reflects the socio-political context. Our churches in North America are organized on a democratic congregational model. Implicit in this model is a principle of accountability to the electorate on a regular basis. Also implicit is a rejection of hierarchical concentration of power in a single office subject only to "collegial and periodic review".

If Lutherans are to accept lifetime tenure for bishops several matters will need clarification. There would need to be a

clear and effective means of removing from office a bishop who is ineffective or whose conduct is unbecoming to the office. There would need to be instruments to safeguard the church from the abuse of authority that has historically been often associated with the hierarchical exercising of *episcopate*. There is also a concern that extending the episcopal mandate can in the long run be a detriment to advancing the church's mission because of resistance to new challenges, inflexibility and insensitivity to voices in the church and society.

Furthermore, parish pastors are increasingly being called to office on a term basis and to some there seems inconsistency in moving in the direction of unlimited tenure for bishops when the rest of the church may be moving towards specified terms.

At the same time, Lutherans are not unalterably opposed to the principle of unspecified tenure for bishops and this may well be a matter for continuing discussion between our churches. Length of term is also linked with authority emphasizing again the need for a clear articulation of how *episcopate* is understood and administered.

4. **Paragraph 91.** Lutherans can in principle support the request that in episcopal installation at least three bishops be involved in the laying on of hands. This preservation of the canon of the Council of Nicea recognizes both the local or regional and universal nature of the church. Lutherans have historically (see the *Tractatus*) affirmed the right of several bishops to lay on hands in conferral of the episcopal office. Lutherans would also be open to the participation in episcopal installation of one or more bishops from the Anglican Communion. At this point the historic episcopate is recognized as a valuable symbol of unity and continuity in the Church.

Lutheran history, however, prompts the reminder that not only bishops but presbyters also represent the whole church and share in the right to ordain and install. The request for uniform rites and ceremonies with respect to episcopal installation is acceptable to Lutherans and indeed preferable but it could not be considered mandatory. Lutherans see the request for three or more bishops to be present as an enrichment of the experience of the unity of the church already present in Word and Sacrament. While responding positively to the request Lutherans will still consider this ceremonial protocol to be an *adiaphoron* belonging to the "bene esse" rather than the "esse" of the church. The function of the bishop as a symbol of continuity and unity of the whole church, while not emphasized by Lutherans, is recognized as one of the important functions in classical understanding. The gradation of ministry into three levels of ordination remains, however, a controversial matter among Lutherans who have historically and without exception held to a unitary understanding of ordination. Any moves in the direction of emphasizing the pastoral character of *episcopate* are welcomed by Lutherans. Any moves intended to enhance the authority of episcopal office are regarded with suspicion. For this reason, Lutherans may with demonstrable caution respond positively to the request of this paragraph.

5. **Paragraph 92.** Lutherans respond positively to the request that only bishops should preside at ordinations of clergy. This conforms with present practice although it goes beyond the custom of the antecedent churches. Prior to the merger it was the practice for bishops (or presidents) to authorize the ordination and often to preside but also in some cases to designate a presbyter to preside. The rite of ordination used in our churches indicates that the bishop presides at services where he/she is present. If unable to be present the bishop authorizes an ordained representative to ordain.

At the time of the Reformation Lutherans provided for ordination of clergy even though it was not always possible for this to be done by a bishop. Nonetheless, it is clear that Luther, Melanchthon, and other reformers regarded ordination by bishops as good and even normative practice. Lutherans had no intention of disregarding the tradition of the church in this respect. When it became impossible to find bishops to ordain pastors for evangelical congregations, Lutherans agreed as a kind of emergency principle to ordain as a function of the assembly of "priests". If ordination by bishops alone is understood to be in conformity with historic practice and a discipline of good order for the church, Lutherans will gladly agree to this request. If a view of ministry as preservation of apostolic succession is implied by this practice, Lutherans will clearly have reservations. In this new ecumenical era Lutherans are willing to acknowledge that the emergency situation of the Reformation period no longer applies and are, therefore, willing "for the sake of love and unity", not of necessity (Smalcald 3.10:1) for ordinations to be celebrated by those who exercise *episcopate*.

6. Conclusion

Lutherans will continue to reflect on the implications of what *The Niagara Report* calls Lutherans to do. Faithfulness to Scripture, conformity with the Confessions and relevance for the proclamation of the Gospel are the standards for the church (Preface C.A) and look forward with eagerness to entering into full communion with the Anglican Church of Canada. If the changes asked of Lutherans in paragraphs 89-92 of *The Niagara Report* can be understood by Lutherans as contributing to the communication of the Gospel and the unity of the church they will be supported.

Paragraphs 94-96 of *The Niagara Report*

94 Anglican Churches should make the necessary canonical revisions so that they can acknowledge and recognize the full authenticity of the existing ministries of Lutheran Churches. We believe that the basis for such action lies in the recognition that 'the apostolic succession in the episcopal office does not consist primarily in an unbroken chain of those ordaining to those ordained, but in a succession in the presiding ministry of a church, which stands in the continuity of apostolic faith' (*The Ministry in the Church*, 62). Anglican Churches are here being asked for a major canonical revision in ordering their relationships to those Lutheran Churches which have bishops who are not in the historic episcopate and to those whose chief ministers exercising *episcopate* are not called bishops. We believe that Anglicans are free to do this both by the grace and power of the Holy Spirit and because such action does not mean surrender of the gifts of the historic episcopate. 'Full communion', the consequence of such acknowledgement and recognition, does not mean the organizational merger of Anglican and Lutheran Churches. Therefore Anglican Churches would continue to consecrate their own bishops and ordain their own clergy according to the ordinals now in use.

95 Anglican Churches and bishops should establish and welcome structures for collegial and periodic review with the purpose of evaluating and improving the bishop's ministry (see paragraph 90).

96 Anglican Churches should regularly invite Lutheran bishops to participate in the laying on of hands at the consecration and installation of Anglican bishops. Such participation must be a symbol for mandatory mutual consultation and real interaction in *episcopate* (see paragraph 91).

Anglican Response to Paragraphs 94-96 of *The Niagara Report*

1. There is a danger that the three requests put to Anglicans in paragraphs 94-96 and the four requests put to Lutherans in paragraphs 89-92 will be seen as blanket, abstract requests put to all Anglicans by all Lutherans and *vice versa*. Nothing could be further from the truth. These are concrete requests made by specific churches of each other in virtue of the previous recognition of "each other as sister Churches" (para. 83). In Canada, this would mean the Anglican Church of Canada on the one hand and the Evangelical Lutheran Church in Canada on the other. More will be said about this below.
2. Of the three changes in practice requested of Anglicans, paragraphs 94 and 96 are inter-related. Paragraph 95 about *establishing structures for collegial and periodic review with the purpose of evaluating and improving the bishop's ministry* may come as a surprise to some but it raises no substantive issue for Anglicans. The questions in paragraphs 99-110 make it abundantly clear that the Anglican members of the Anglican/Lutheran International Continuation Committee harbour no illusions about the effectiveness of our episcopal practice. We may, therefore, leave this proposal to one side.
3. It is in paragraphs 94 and 96 that Anglicans will find issues of substance. Paragraph 94 asks Anglican Churches to:

make the necessary canonical revisions so that they can acknowledge and recognize the full authenticity of the existing ministries of Lutheran Churches.

And paragraph 96 requests Anglican Churches to:

regularly invite Lutheran bishops to participate in the laying on of hands at the consecration and installation of Anglican bishops.

Both of these requests will appear to some Anglicans to involve a repudiation of our catholic heritage.

4. As a communion of churches, Anglicans have no normative understanding of the theological implications of the practice of unswerving adherence to the principle of episcopal ordination. At the same time, the lack of a normative understanding does not imply that the practice is without meaning.
5. Many Anglicans would be quite comfortable with Michael Seils' summary in *Lutheran Convergence*?

Bishops are consistently seen as pastors with a special mission and their episcopal office as a specific form of the one ordained ministry, its specificity being defined by its ministerial mission.³

Some would even be comfortable with Seils' final sentence.

The episcopal office is not a hierarchically superior rank set over the other ordained ministries by a special consecration.⁴

6. But still others would not. And Anglicans are on record as saying that they cannot envision full integration of ministries (full communion) without historic episcopate.⁵ And it is a fact that since 1962 episcopal ordination has been necessary for holding ministerial office in the Church of England. So on what basis can it be said that the requests in paragraphs 94 and 96 are consistent with the Anglican Tradition?

7. For the Anglican Church of Canada, the Solemn Declaration of 1893 which is printed in the *Book of Common Prayer* witnesses to the desire of this Church to preserve and maintain the doctrinal, sacramental, and disciplinary heritage it has received from the Church of England. But that heritage itself was no rigid uniformity of either doctrine or practice. Nor is there some privileged moment that can be identified as expressing the normative character of Anglicanism. Neither Cranmer nor the Elizabethan Settlement nor the Caroline Divines nor the Restoration can be said to be the normative expression of Anglicanism. Thus the Anglican heritage is neither static nor reducible to mere verbal continuity.

8. Paragraphs 41-59 of *The Niagara Report* sketch out a development of structure against which the requests in paragraphs 94 and 96 must be measured. There are hardly any functions which we today reserve for bishops which have not at some time been exercised by presbyters (priests). *Episcopoi* and *presbyteroi* were for the most part interchangeable terms through much of the first century and the claim that the only difference between them is a question of jurisdiction is a claim that was widely accepted in the Middle Ages and at the time of the Reformation.

Indeed, there are indisputable instances of popes delegating to abbots who were not bishops the power of ordaining their own monks to major orders, that is, as deacons and presbyters.⁸

9. The Elizabethan divines in many respects shared a vision of the Church with continental Protestants. Apostolic Succession was first and foremost a succession in truth. Faith was essential but one type of ministerial structure was not. An ordered ministry was essential but one type was not pronounced to be binding always and everywhere. The Church Universal was

composed of National Churches and while a single order of government ought to obtain within a given National Church that order might be different in the various National Churches.

10. During this period the Church of England received into its own ministry clergy ordained on the continent. These were not persons who had been ordained by bishops in the historic succession. That practice was terminated in 1662 when episcopal ordination became a requirement in Statute Law for holding a benefice in the Church of England. It is this practice which the Autonomous Provinces of the Anglican Communion have received from the Mother Church.

11. Between 1662 and the mid-twentieth century the question whether a particular body of Christians was part of the Church Catholic tended to be answered by focusing on the nature of the ordained ministry in that body. Churches which had preserved the historic succession of deacons, presbyters, and bishops were clearly within the Church Catholic while the others were not. Thus the question about the Church was answered in terms of the structure of the ordained ministry. Since the middle of this century an older view has reasserted itself. In this view one does not recognize a body as a Church by recognizing the "validity" of its ministry. Rather, one recognizes a body as Church and thereby makes a statement about the ordained ministry.

12. It should be noted that in the Roman Catholic-Lutheran Dialogue in the United States, the Roman Catholic participants raised serious questions about the traditional arguments which had been used against the validity of the eucharistic Ministry of the Lutheran Churches and asked

Whether the ecumenical urgency flowing from

Christ's will for unity may not dictate that the Roman Catholic Church recognize the validity of the Lutheran Ministry...⁷

The Roman Catholic theologians took this step because they were able to recognize the Lutheran communities with which they had been dialoguing as Christian *churches* and because the possibility of the validity of ordinations by presbyters remains a live option within Roman Catholic theology despite the long and uninterrupted practice of episcopal ordination.

13. While Rome has not responded to this question except to ask further questions, the Anglican members of the Canadian Lutheran Anglican Dialogue draw attention to the similar line of argument adopted in *The Niagara Report* that recognition of ministries flows from a mutual recognition of each other as *churches*. We also wish to draw attention to the fact that the full Anglican tradition likewise admits to the possibility of the validity of ordinations by presbyters which attest to a long and uninterrupted practice of episcopal ordination.
14. The canonical revisions for which paragraph 94 of *The Niagara Report* calls are not blanket changes. They would be made within the framework of our on-going dialogue with the Evangelical Lutheran Church in Canada and would pertain only to the clergy of that Church.⁸ To recognize each other as "sister churches" is to take a position which forbids us from living our lives apart. That living together is most graphically symbolized by an interchangeability of people and ordained ministers. To refuse this interchangeability is to adopt an attitude which is fundamentally schismatic. To recognize each other as "sister churches" is not to say that the final goal of our dialogue is an organic merger such as that which has recently created the Evangelical Lutheran Church

in Canada. The shape of the final goal will be revealed to us by God as we walk on the path of mutual love and help. To recognize each other as "sister churches" is to commit ourselves to giving concrete expression to our words.

15. If canonical change to "acknowledge and recognize the full authenticity of the existing ministries" of the Evangelical Lutheran Church in Canada by permitting clergy of that Church to serve in the Anglican Church of Canada is one such concrete expression as called for above, regularly inviting Lutheran bishops to participate in the laying on of hands at the consecration of bishops of the Anglican Church of Canada is another such expression. It graphically symbolizes the mutual involvement of those who exercise regional *episcopate* in both churches in the on-going expression of that *episcopate*.
16. *The Niagara Report* is quite clear that the changes asked of Anglicans in paragraphs 94-96 are reasonable only insofar as they are the products of the process sketched out in the rest of the Report. These changes do not initiate the process. These changes are another stage in the process. They are consistent with the best elements of the Anglican Tradition.

Conclusion

As indicated by these statements of the Anglican and Lutheran representatives, in our conversations we have discovered important agreements in those areas discussed by *The Niagara Report* and we have identified topics for future discussion.

An important part of the agreement we have reached has been the understanding that neither of us is asking the other to give up an important part of its heritage, nor is either side casting aspersions on the other's history and traditions.

For example, in our discussions we have clarified that Anglican participants are not asking Lutherans to accept an Anglican model of episcopal practice⁹ and are open to review of the ministry of the bishop. In addition, we have found that Anglican participants are not defining apostolic succession in terms of "manumission" and that Lutheran participants agree that bishops properly preside at ordinations. All participants agree that those who exercise *episcopate* should be called "bishops" and that the episcopal ministry is vital to the apostolic continuity of the church.

Those areas highlighted by *The Niagara Report* which the members of Canadian Lutheran Anglican Dialogue believe need further exploration centre around questions of ecclesiology, including church structure and the relation of the bishop to conventions and synods. For example, we find that further exploration of unitary and three-fold models of ministry as well as work on vocabulary relating to ordination and installation is necessary.

In conclusion, we repeat our appreciation for and our commendation of those who participated in the Niagara consultation and those who drafted *The Niagara Report*. We recommend to the Anglican Church of Canada and the Evangelical Lutheran Church in Canada that it be received as a document that provides a helpful introduction to the questions which we will face as we move closer to mutual exercise of the ministry of *episcopate* among God's people and full communion with one another.

Notes

1. Anglican-Lutheran International Continuation Committee, *The Niagara Report: Report of the Anglican-Lutheran Consultation on Episcopate, Niagara Falls, September 1987* (London: Church House Publishing, 1988).
2. We refer especially to #68, #69, #71.
3. Michael Seils, LWF Report 25 - *Lutheran Convergence? An Analysis of the Lutheran Response to the Convergence Document "Baptism, Eucharist and Ministry" of the World Council of Churches Faith and Order Commission, Geneva: Lutheran World Federation, 1988, pp. 124-125.*
4. *Ibid.*, p. 125.
5. Anglican-Lutheran International Conversations, London: S.P.C.K., 1973, p. 20.
6. Boniface I in *Sacrae Religionis* of February 1, 1400 - revoked on February 6, 1403, but not on dogmatic grounds; Martin V in *Gerentes ad vos*, November 16, 1427; Innocent VIII in *Eposcit* of April 9, 1489. G. Vasquez mentions similar privileges granted in favor of Benedictine Abbots and Franciscan Missionaries in the 16th century but the official texts of these have not survived. These privileges supposedly included the presbyterate as well. Cf, Lawrence Crumb, "Presbyteral Ordinations and the See of Rome", *The Church Quarterly Review* 164/350 (1963), 19-31 and the references contained therein.
7. P.C. Empie and T.A. Murphy (eds.), *Eucharist and Ministry: Lutherans and Catholics in Dialogue IV*, Minneapolis:

Augsburg Publishing, 1979, pp. 23-33.

8. Presumably this would include any clergy ordained in other churches who are received into the clerical office in the Evangelical Lutheran Church in Canada.
9. E.g., lifetime tenure or jurisdiction.

Church Actions

The Church Council of the Evangelical Lutheran Church in Canada received this report and approved it as the initial response of the church to be forwarded to the Lutheran World Federation, and to be presented to the 1993 Church Convention. Further responses may be made following the convention and the actions on "Ministry in the ELCIC" study.

The General Synod of The Anglican Church of Canada informed of this report directed the Inter-Church Inter-Faith Relations Committee, in consultation with the Committees on Ministry, Doctrine and Worship, and Organization, and the House of Bishops to produce a Joint Response to paragraphs 94 to 96 of *The Niagara Report*, and report to the National Executive Council. This decision was based on the conviction that doctrinal and ecclesiological implications of Niagara must be considered by Anglicans across the country, and that such reflection will move the process along.

List of Participants

Anglican Members

The Rt Rev'd Eric Bays
The Rev'd Wendy Fletcher
The Rev'd Canon John Flynn
The Rev'd Joanne McWilliam
The Rev'd Susan Storey
The Rev'd John Webster
The Rev'd Alyson Barnett-Cowan

Lutheran Members

The Rev. Alfred Johnson
The Rev. Dr. Robert A. Kelly
Bishop G. W. (Lee) Luetkehoelter
The Rev. Dr. Roger Nostbakken
The Rev. Bonnie Scharf
The Rev. Julianna Wehrfritz-Hanson
Bishop Donald W. Sjoberg

Observer

Dr. Harry McSorley