

What the Diocese of South Carolina May Get Wrong (Part I)
by Joan R. Gundersen, Ph.D.

In a future essay I will address the actual constitutional claims made in the proposed [resolutions](#) for the reconvened 2010 South Carolina convention and the [Anglican Communion Institute](#) paper that seems to underpin the resolutions. This essay addresses the underlying implication that these changes were designed as a stealth attack on "orthodox" clergy and bishops.

I am truly surprised by the Anglican Communion Institute's and the Diocese of South Carolina's sudden negative reaction to the revised Title IV (ecclesiastical discipline) of the Episcopal Church canons. While I do not find the revision perfect and hesitated briefly before voting for them as a deputy at the 2009 General Convention, the time for protest is long past. In fact, these canons were developed over at least seven years in an open process that included posting of multiple drafts. The 2006 draft received numerous criticisms, but questions of constitutionality were not raised. In fact, conservative blogger Brad Drell republished (June 9, 2006), a set of comments made by Province I Chancellors after a careful study of the 2006 draft. Constitutionality issues were raised neither by Drell nor the Province I Chancellors. General Convention listened to the many critics and, rather than pass the 2006 version sent the draft back to committee for further revision. The intent of the revision was to move away from an adversarial mode based on a courtroom trial model focused on uncovering truth and fostering reconciliation. Its closest model was the professional standards board. Driving the revision were concerns about dealing with sexual misconduct, not theological controversy.

The current version was made available to the general public in early 2008—three and a half years ago. While the approach to discipline remained the same, the committee had responded to a number of criticisms of the earlier draft. Notices of the new draft were public enough that I downloaded the revisions in February 2008, despite the fact that, at that time, I was not scheduled to attend the General Convention, and did not expect to have any say in the decision about the Title IV revisions. There were hearings at General Convention 2009 in Anaheim, and South Carolina had deputies present in Anaheim. Because of other committee duties, I did not attend the hearings, but, as a deputy, I cannot remember anyone raising issues about the constitutionality of the Title IV revisions during discussion by the House of Deputies. The ACI authors complain that debate was cut off and those trying to raise issues were denied the floor. By the time this revision reached the floor, there had been numerous opportunities to raise issues. The amount of time spent on any issue was limited, but except for the budget those left standing in line to speak when time ran out had had opportunities to respond to the actual draft presented to the House during committee hearings.

The first set of model canons for dioceses is dated November 4, 2008. I downloaded it immediately after returning from General Convention in 2009 because I had been elected in 2008 to the Pittsburgh Committee on Canons and the committee would need see the model. It was republished in September 2009. As a few dioceses

began modifying their canons to fit the new Title IV, their canons were made available as resources. The canons were the subject of a meeting of diocesan Chancellors in early 2010 that focused on the many choices dioceses would need to make in revising their current canons, choices that allowed each diocese to shape the balance of power between the bishop and elected bodies in selecting those who would handle incidents under the revised Title IV. Again, constitutionality issues did not arise at the Chancellor's meeting.

So why is there such a fuss now? Is it really the changes that worry South Carolina, or is it that some are looking for a wedge issue to drive South Carolina further from the rest of the Church and isolate it more? Were some of South Carolina's leaders following a strategy based on evading one set of disciplinary canons only to find that the loopholes they had counted on were about to be closed? Were South Carolina leaders so asleep at the switch that for five years they didn't notice a major revision of the canons until the deadline for implementation of the canons drew near? Whatever explanation you pick, it would seem the problem lies more within the Diocese of South Carolina than in Title IV.

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