

THE EVANGELICAL CONNEXION

of

The Free Church of England

otherwise called

The Reformed Episcopal Church

WHERE WE STAND

WHERE WE ARE GOING

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THE EVANGELICAL CONNEXION OF THE FREE CHURCH OF ENGLAND

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Bishop's Letter prepared for Convocation 2005

1. EARLY HISTORY

"now they desire a better country, that is, an heavenly; wherefore God is not ashamed to be called their God: for he hath prepared for them a city" (Hebrews 11:16)

"I am not ashamed of the gospel of Christ: for it is the power of God unto salvation to every one that believeth; to the Jew first, and also to the Greek for therein is the righteousness of God revealed from faith to faith; as it is written, the just shall live by faith". (Romans 1:16-17)

If the words evangelical, protestant and reformed, mean anything at all they identify the Free Church of England, in its early history as a one-party church. Indeed, evangelical secessions from the Church of England in both 18th and 19th centuries can hardly have been for the purpose of creating a broader Church. Latitudinarian and High Churchmanship was not threatened when James Shore (1844) declared himself the first member of the "free" Church of England. Those who argue otherwise need to study the Constitution and Canons Ecclesiastical of the Free Church of England and with a marker-pen highlight the use of the word "evangelical". It occurs many times, as do the words protestant and reformed. Evangelical means "a gospel church". Protestant means "salvation by grace alone, through faith alone, in Christ alone". Reformed means Calvinistic as opposed to Roman Catholic, Lutheran, or Via Media.

Sadly, many members of the (old) Free Church of England no longer seem confident in maintaining this position. They want a bigger pond in which to swim, or fish, as the case may be. The present Primus, Rt Revd Kenneth Powell, is on record as saying, 'he wants a broad, more inclusive church'. He participates in modern ecumenical services. He attended (without knowledge of the then Primus or Convocation) the Enthronement of the present Archbishop of Canterbury. He was a greatly disappointed man when the talks for a closer relationship with the Church of England failed. He is in close relationship with the newly-designed REC and has never spoken against the REC/APA Concordat. Despite claiming to be an evangelical churchman, he has done everything possible to remove, or effectively negate, leading evangelical churchmen from the Denomination. He has gathered around him several dominant people who would be insulted if referred to as conservative evangelicals. According to the latest Yearbook, he believes biblical doctrine is subservient to "Christian love" (p.20 Report of the Acting Bishop Primus). While having many personal qualities, including managerial skills and exemplary energy, the tragedy is that the FCE is now led by a man who has never attended a theological institution or undergone any significant form of training for Christian ministry. Despite a lifetime of dedicated service, he appears not to understand the theological and historical position of his own Church and is preparing to 'sell his evangelical birthright for a mess of ecclesiastical pottage.'

2. EVANGELICAL FOUNDATION

'All scripture is given by inspiration of God, and is profitable, for reproof, for correction, for instruction in righteousness'... 2 Timothy 3:16

'The Free Church of England holds to...the faith once delivered unto the saints, and declares its belief in the Holy Scriptures of the Old and New Testaments as the Word of God, and the SOLE Rule of Faith and Practice'... FCE Constitution Article 1 Declaration of Principles).

The Constitutional position of the Free Church of England is absolutely clear for those who have eyes to see. It is a sola scriptura Church. Legally, it can only proceed by reference to Convocation under the supreme authority of the Word of God. But, in recent years, the authority of Convocation has been weakened by upgrading the limited "ad interim powers" of General Council to a more important functional level. For example, the new Year Book speaks about the status of those who do not recognise the jurisdiction of the present bishops (p24) as being now outside the Denomination. At the time, General Council, without reference to Convocation, made this primary decision. It has also, similarly, made a decision to remove all who join the FCE (Evangelical Connexion) from the Communion Roll of local churches, without any reference to the local churches concerned, without discussing the matter at Convocation, or citing the Constitutional and Canonical authority for doing so.

3. NEW TESTAMENT BISHOPS

'to all the saints which are at Philippi, with the bishops and deacons' (Philippians 1:1) 'a bishop must have a good report of them which are without; lest he fall into reproach and the snare of the devil' (1 Timothy 3:7).

'This Church recognises and adheres to Episcopacy, not as of Divine Right, but as a very ancient and desirable form of Church polity...the Episcopate is an office proceeding from the Presbyterate - primus inter pares and not an order in succession to the Apostolate and maintains the ecclesiastical parity of Presbyters'...(FCE Constitution and Declaration of Principles)

FCE bishops were never intended to be the same as CofE bishops. Anyone familiar with the early history of Bishop George Cummins (who effectively gave episcopal orders to the FCE) will know his mind on episcopacy. He was even embarrassed to wear the robes of a bishop. The REC booklet WHAT REFORMED EPISCOPALIANS BELIEVE (Charles Edward Cheney) was a textbook for the REC/FCE for years. Cheney describes episcopacy as 'a presiding officer among his fellow presbyters' (page 62). But the present (two) bishops of the FCE have now made membership of the church/denomination dependent on accepting their episcopal oversight, while excluding many of the presbyters upon which their own authority/function, as bishops, depends. Therefore, we can only assume, that episcopacy is being raised to a new level and promoted as a separate order from the presbyterate. This is contrary to the clear and limited definition of episcopacy in the canons and constitution where presbyteral parity is affirmed.

4. MODERN ECUMENISM

'Sanctify them through thy truth: thy Word is truth' (John 17:17)

'To remain divided is sinful! Did not our Lord pray that they may be one, even as we are one? (John 17:22). A chorus of ecumenical voices keep harping the unity tune. what they are saying is, Christians of all doctrinal shades and beliefs must come together in one visible organization, regardless...unite, unite! Such teaching is false, reckless and dangerous. Unity without truth is hazardous' (C H Spurgeon)

The Free Church of England has its own history, seen largely to be the work of Bishop Frank Vaughan, and published by authority of Convocation. But both Bishop Kenneth Powell (Primus and Southern Diocese) and Bishop John McLean (Northern Diocese) have given wholehearted support to Dr John Fenwick's new book THE FREE CHURCH OF ENGLAND, without authority of Convocation. There is much in this book which is commendable, scholarly, and worthy of consideration. But its great weakness lies in developing the theory that 'the Free CofE could be described as England's best-kept ecumenical secret'. It is absurd to try and prove that a 1927 Constitutional reference, 'this Church will maintain communion with all Christian Churches and will set forward, so far as in it lieth, quietness, peace, and love, among all Christian people,' can apply to the modern ecumenical movement. The Ecumenical Movement embraces so many who deny the preceding doctrinal tenets of the FCE DECLARATION OF PRINCIPLES. There is also growing evidence that the modern ecumenical movement is quickly developing into an inter-faith project.

5. CONTEMPORARY REVISIONISM

...'We have renounced the hidden things of dishonesty, not walking in craftiness, nor handling the Word of God deceitfully; but by manifestation of the truth commending ourselves to every man's conscience in the sight of God' (2 Corinthians 4:2).

Anglicanism generally, in matters of faith and morals, is engaged in a process of revisionism which not only alters the history and theological confessions of "mainstream denominations," but has chosen the way of cultural relativism with regard to Scripture itself. The FCE Evangelical Connexion is made up of those who, willingly or unwillingly, can no longer participate in the structures of the Denomination to which they have given loyal support and service for many years. A working document, AGENDA FOR RENEWAL, described as "controversial" by the present Primus of the FCE in his Church Magazine, was produced to define our position. It centres around ten points, all designed to take the FCE back to its original roots. One very significant point was to put evangelical ecumenical unity back on the Agenda. The document did not get the necessary backing but has now been re-introduced by Dr John Fenwick. He turns the

argument for evangelical ecumenism into a proposition for modern ecumenism. He is a former ecumenical officer to the Archbishop of Canterbury. Dr Fenwick was originally turned down for membership of the Free CofE by the then Primus, Rt Revd Arthur Bentley-Taylor, and this was a significant factor in the pressure brought to bear upon Bishop Bentley-Taylor, making him step down as Primus and Bishop of the northern diocese.

6. CHURCH DISCIPLINE AND CHRISTIAN LOVE

...brethren, if a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness; considering thyself, lest thou also be tempted. Bear ye one another's burdens, and so fulfil the law of Christ' (Galatians 6:1-2).

Readers of the new FCE YEARBOOK need to be aware that much more lies behind reference to the Court of Discipline (page 23) than meets the eye. Bearing in mind recent ecclesiastical politics, contemporary ecumenical revisionism, unconstitutional behaviour, failure to recognise the proper procedure in bringing the charges, admission by the present Primus, in whose Diocese the charges were brought that they are inspired by personal malice against Bishop Bentley-Taylor, being brought by a minister who does not even have a church in the denomination, and by one who could not possibly have known the truth, or otherwise, of many of these so-called charges, it is clear they were designed to effect a resignation. This is acknowledged in the Year Book, 'Dr Shove had indicated that he reserved the right to bring the charges again if Bishop Bentley-Taylor withdrew his resignation'. In fact, Bishop Bentley-Taylor retired from his jurisdiction as Primus and Northern Diocese Bishop. He never wrote a letter of resignation. He was "resigned" by the Free Church of England Council, a totally irregular procedure.

The present writer can assure readers of the Year Book that not one biblical, confessional, or moral issue, was levelled against the Rt Revd Arthur Bentley-Taylor, who is a person of immense integrity and Christian character. The whole procedure was a travesty of truth and a denial of the gospel principle, even if wrong, 'to restore such an one in the spirit of meekness'. This dastardly act will go down in the annals of the Free CofE as one of its most unloving, unchristian and shameful acts in recent history. The former Primus was under the counsel and advice of two Physicians at the time.

7. NEW AGE EVANGELICALS

'God is love' (1 John 4:8).

God is also...sovereign (Psalm 9:7), all-powerful (Exodus 6:6, Rev.18:8), Holy (1 Sam. 6:19-20), angry with sin (Romans 2:5), is Perfect Truth (Rev.16:7) impartial (2 Chronicles 19:7), filled with compassion (Lamentations 3:31-33, Jonah 3:10) patience (2 Peter 3:9) and mercy (Nehemiah 9:31) but is supremely, a Righteous Judge (Isaiah 2:17, 2 Peter 2:9 ;3:7, Rev.20:12).

The difficulties we are passing through are being experienced by Conservative Evangelicals worldwide. A new kind of evangelicalism has emerged in recent years which has made an idol of love. Indeed, God could now be described simply as a God of love. We are exhorted to say nothing about error or heresy. We are asked not to judge or be critical of church matters. We are to embrace everything under this one banner of so-called charity. 1 Corinthians 13 is continually quoted but few seem to mention verse 6 'rejoicing in the truth'. Or John 17 is set forth as paramount, 'we must have (visible) unity at any price,' yet few point up the many references in our Lord's High Priestly prayer to 'truth'. and 'the word of God'.

Modern evangelicals do not like to speak about sin, repentance, hell, death, judgment, divine holiness, personal righteousness, wrath, lost sinners, goats and sheep, Christ as Lord and King *now*. Many seem to take solemn oaths in the presence of almighty God but quickly forget them. The ends always justify the means. Never mind what you think, feelings matter above all else. Surely, Evangelicalism is in deep trouble? It has been robbed of its content and reshaped according to the relative values and changing whims of contemporary society. It has been divested of its history and lives only for today. Business principles, statistical boastings and growing churches are the in-thing. Whatever happened to old-fashioned biblical standards, separation from error, faithfulness over success, hell-fire preaching and the calvinism of the 39 articles of

religion? Men today seem to know better, and be more efficient, than God Himself!

Modern evangelicals are good at biblical affirmation; not so good at biblical application.

The members of the FCE (Evangelical Connexion) will not be sidetracked. We are unashamedly "old" REC/FCE and determined to stand by the truths which brought the 18th century Evangelical Awakening and, before this, led to the martyrdom of our protestant fathers, exactly 450 years ago.

We are not interested in 'playing at church'. We are gospel men.

8. THE ONLY GOSPEL

...'though we, or an angel from heaven, preach any other gospel unto you than that which we have preached unto you, let him be accursed' (Galatians 1:8)

'My situation was that, although an impeccable monk, I stood before God as a sinner troubled in conscience...I greatly longed to understand Paul's Epistle to the Romans. Night and day I pondered until I saw the connection between the justice of God and that statement...'the just shall live by faith'. Then I grasped that the justice of God is that righteousness by which through grace and sheer mercy, God justifies us - through faith. Thereupon I felt myself to be reborn and to have gone through open doors into paradise' (Martin Luther)

We believe that many evangelicals are confused today and think of the gospel in terms of what we do. The emphasis so often is upon my faith, my repentance, my coming to Christ, my new life, my being born-again, and so on. We seem to have lost the concept of the righteousness of God and the accounted righteousness of the Lord Jesus Christ. We do not seem to realise that the sinner's will is 'fast bound in sin and nature's night' (Charles Wesley). We cannot become Christians until we are set free by a sovereign act of Almighty God. We value the two gospel sacraments but we cannot be saved by sacraments. We endorse the biblical doctrine of the Church but we do not believe our salvation dependent upon the Church. We believe the chief aim and purpose of the Christian Church is to bear witness to the gospel - the one and only gospel - as Paul shows in the Roman and Galatian Epistles. We want to take what is best from biblical Anglicanism but we do not believe a person will be lost eternally for not being in 'the Anglican fold'. We are not impressed by the worldwide Anglican Communion, apart from those faithful expressions of it in Africa, Asia, and South America. We identify fully with Bishop George David Cummins, founder of the Reformed Episcopal Church, in what we perceive to be the priorities, when he said, 'I have an earnest hope and confidence that a basis for the union of all Evangelical Christendom can be found in a communion which shall retain or restore a primitive Episcopacy and a pure scriptural Liturgy, with a fidelity to the doctrine of Justification by faith only - articulus stantis vel cadentis Ecclesiae' (Letter to Rt Revd Benjamin Bosworth Smith, Bishop of PECUSA, Diocese of Kentucky 10 November 1873)..

9. CONSTITUTIONAL CHANGES & DOMESTIC MATTERS

We wait with bated breath to see what decisions will be taken by the General Council, with or without the approval of Convocation, on the future direction of the denomination, including relations with the Reformed Episcopal Church in the United States! But it is unlikely to produce a challenge to the REC/APA arrangements or to desire a separate identity to the general ecumenical movement in this Country. We believe that the "calvinism" of the Articles, Homilies, and Prayerbook have already been rejected by them, as a way forward. And by Calvinism we mean, the Augustinian/Pauline gospel of the New Testament i.e. true evangelicalism.

The resignation of Bishop Barry Shucksmith (former minister of the Established Church of England until the ordination of women priests, 1993-4) came only after a long and testing time in which Bishop Powell did not allow him, in any meaningful sense, to function as a bishop, despite twice receiving majority votes in Convocation for his episcopal ministry. He was consecrated bishop in 1996 and on resigning/retiring from the present Free Church of England (July 2003) the sum total of his episcopal ministry was one confirmation and the consecration of three garden benches! If anything, Bishop Shucksmith, an orthodox conservative evangelical, who opposed freemasonry and closer relationship with the Church of England, was slow to realise his

churchmanship was not wanted. The final straw came just three weeks after the 2003 Convocation, where the decision of the four bishops, who had agreed publically to work together for the good of the denomination was destroyed, by malicious charges brought against Primus Arthur Bentley-Taylor. Bishop Shucksmith made it clear in his resignation letter, and subsequently, that his problem is not with reformed episcopalianism but with the *present* Free Church of England which he believes to be adrift from its historical and theological moorings. He is a fully-recognised member of the new FCE (Evangelical Connexion).

10. OLD CONNEXION - NEW DIRECTION

...a loose 'family' of societies continued in relationship with Whitefield, and after his death (in 1770) they were known as The Whitefield Connexion...by the 1840s many of those remaining in the Connexion (Countess of Huntingdon's) were seeking what modern secular terminology would call a 'relaunch' - a new initiative to breathe life into the old vision. The opportunity came in 1844' (pages 20-27 The Free Church of England, Dr John Fenwick)
...it would nevertheless be possible to envisage the current Free Church of England splitting along Anglican/non-Anglican lines as it did in 1877 and nearly did again the following year. The 'Non-Anglican' section would be free to pursue its own vision of the Church' (pages 275-303 The Free Church of England, Dr John Fenwick)

The Christian solicitor acting on behalf of the disenfranchised churches, which are covered in blanked-out pages 58-66 the new Year Book, is seeking a just and equitable settlement of church buildings and historic resources. Like many in the USA, we have experienced frozen bank accounts, changing of locks on buildings, and claims that buildings are the assets of the Denomination. We have also had malicious press reports and there is constant disinformation about us. It remains to be seen whether the law of the land and individual trust deeds allow almost half of the denomination's churches to retain their buildings. But with, or without church buildings, we have no intention of going away. As in the REC USA, so in the United Kingdom, some will remain faithful to the "old" beliefs and practices. We believe in the godly remnant principle. We desire God's glory and His gospel above all else. We want to centre everything on the Lord Jesus Christ.

We do not believe there are many ways, various religions, to bring us to God. We believe Jesus Christ unique above all else. We have no interest in amalgamating with institutional churches already in decline, in a further state of apostasy from which we separated almost two hundred years ago, and far removed from New Testament apostolicity. We shall remain as a fellowship of gospel churches and as a permanent and visible conscience to those, with whom we recently walked, but whom we believe now about to take a step in the wrong direction. It is our heartfelt prayer for ourselves, and those who do not see things as we see them, that *solus deo gloria* will be our chief and daily motivation. We desire in all things to walk before God in a spirit of repentance, for 'He has chosen to dwell with those who are of a broken and contrite heart' (Psalm 51:17).

Rt Revd Dr J Barry Shucksmith BD MA PhD DMin FRSA Royal

THE EVANGELICAL CONNECTION
OF THE FREE CHURCH OF ENGLAND
OTHERWISE CALLED THE REFORMED EPISCOPAL CHURCH

Declaration of Principles

The Free Church of England, otherwise called The Reformed Episcopal Church, which is a branch of the Holy Catholic Church of the Lord Jesus Christ, united by Faith to Him, who is the Head over all things to the Church which is His Body, and recognising the essential unity of all who, by a like Faith, are united to the one Divine and Common Head, doth make declaration of its Principles as follows:-

1. The Free Church of England, otherwise call The Reformed Episcopal Church, holding “the faith once delivered to the saints,” declares its belief in the Holy Scriptures of the Old and New Testaments as the Word of God, and the sole Rule of Faith and Practice; in the creed commonly called “The Apostles’ Creed”; in the Divine Institution of the Sacraments of Baptism and the Lord’s Supper; and in the Doctrines of grace substantially as they are set forth in the Thirty-nine Articles of Religion.
2. This church recognises and adheres to Episcopacy, not as of Divine right, but as a very ancient and desirable form of Church polity.
3. This Church, retaining a Liturgy which shall not be repressive of freedom in prayer, accepts the Book of Common Prayer, as it was received, prepared, and recommended for use by the General Convention of the Protestant Episcopal Church, A.D. 1785, reserving full liberty to alter, abridge, enlarge, and amend the same, as may seem most conducive to the edification of the people, “provided that the substance of the faith be kept entire”.
4. This Church CONDEMNNS and REJECTS the following erroneous and strange doctrines as contrary to God’s word:-
First, that the Church of Christ exists only in one order or form of ecclesiastical polity:
Second, that Christian ministers are ‘priests’ in another sense than that in which all believers are a ‘royal priesthood’:
Third, that the Lord’s Table is an altar on which the oblation of the Body and Blood of Christ is offered anew to the Father:
Fourth, that the presence of Christ in the Lord’s Supper is a presence in the elements of Bread and Wine:
Fifth, that regeneration is inseparably connected with Baptism.
5. In accordance with the liberty given in Article 3 of the above Declaration of Principles, this Church accepts the Book of Common Prayer of the Church of England, with such revisions as shall exclude sacerdotal doctrines and practices.
6. This Church, as a Reformed and Protestant Church, doth hereby reaffirm its constant witness against all those innovations in doctrines and worship, whereby the primitive faith hath been from time to time defaced or overlaid, and which at the Reformation were disowned and rejected.
7. This Church will maintain communion with all Christian Churches and will set forward, so far as in it lieth, quietness, peace, and love, among all Christian people.

THE FRAMEWORK OF REFERENCE FOR COVENANTING CHURCHES & INDIVIDUALS

"That in all things Christ might have the preeminence"
Colossians 1:18

1. In keeping with the primitive history of the Free Church of England and the Reformed Episcopal Church the body is to be known as A CONNEXION OF COVENANTING CHURCHES and is not a new denomination. A main purpose of the CONNEXION is to reaffirm the Protestant, Reformed, and Evangelical character of the 1927 union.
2. We continue to accept the DECLARATION OF PRINCIPLES of the Free Church of England as our basis of faith and receive the Document AGENDA FOR RENEWAL as the initial way forward for our continuing churches. Both statements confirm the 39 Articles of Religion (revised) and 1785 Book of Common Prayer as the doctrinal standards of the CONNEXION. Individual Christians (scattered members) or overseas churches can also covenant to identify with the CONNEXION. In future meetings, nothing is to be discussed or proposed contrary to these standards.
3. The CONNEXION will meet annually for Conference/ Convocation, which will include spiritual nurture; prayer; business-consultation; policy-making; the receiving of reports; and the appointment of committees with interim authority only.
4. In keeping with the early history and present Constitution of the Free Church of England, Bishops cannot make themselves the focus of ecclesiastical unity. We affirm this role for the whole Convocation under the Word of God. We do not exclude the possibility of a future reconciliation with previous FCE churches but this seems unlikely for the immediate future. We view with great alarm any system which robs the Lord Jesus Christ of His position as the Chief Shepherd and Bishop of our Souls (1 Peter 2:24-25).
5. In view of the above, (4), the CONNEXION must be functionally and financially free. A Central Fund is to be set-up for the administration of the said CONNEXION. We commit ourselves, through our legal advisor, to seek an immediate orderly and equitable division of all FCE assets.
6. Local churches are to be responsible for the selection and appointment of their own ministers in consultation with the Bishops, Examination Board and the Annual Conference. Licences are to be issued to accredited clergy and laity, by the bishops, under the authority of the Annual Connexional Conference/Convocation.
7. Evangelical Bishops, recognised by the CONNEXION, may undertake episcopal duties on invitation of the local congregation and with the approval of the Connexional bishops.
8. The Connexion reserves the right to select candidates, ordain ministers, and consecrate bishops when necessary for the good order, future growth, and needs of the churches. The Connexion may also implement the present Canon 41 to receive duly ordained evangelical ministers, without Episcopal re-ordination.
9. We reject contemporary writings which deal with the history of the FCE/REC in a revisionist manner. Our official history remains Bishop Frank Vaughan's, THE FREE CHURCH OF ENGLAND to which we intend to add our own supplement. This

CONNEXION will not be a member of Churches Together, or of the modern ecumenical movement, but will seek to promote 'the gospel of justification by grace alone, through faith alone, in Christ alone', in accordance with AGENDA FOR RENEWAL. The Connexion will also seek to foster evangelical ecumenism.

10. In view of the long and sad history of unbiblical parachurch organisations, membership of such bodies is discouraged. This includes any movement in conflict with the original Declaration of Principles of the REC/FCE, currently in use.

Approved by the Evangelical Connexion on 12 Nov 2004 and revised at Convocation, 10 May 2005. The above covenant to be signed by all holding office in the Connexion and to be available for local church, national press, and general public use.

Signature

Printed Name

Office if any

Date

THE EVANGELICAL CONNEXION
OF
THE FREE CHURCH OF ENGLAND

Agenda for Renewal

"Where there is no vision the people perish"
Proverbs 29:18

Prepared for Convocation 2002
Adopted by the Evangelical Connexion on 10 Sept 04

Rt Revd Dr J Barry Shucksmith PhD DMin Royal Navy (rtd)

SUMMARY

TEN PRINCIPLES FOR CHURCH RENEWAL

1. WE DESIRE to re-affirm Sola Scriptura
2. WE DESIRE to affirm the priority to proclaim the Gospel
3. WE DESIRE to re-affirm evangelical comprehensiveness
4. WE DESIRE to seek a biblical ecumenism
5. WE DESIRE TO PROMOTE a traditional/biblical ethic
6. WE DESIRE TO MOVE from maintenance to mission
7. WE DESIRE and will seek a highly-trained Clergy
8. WE DESIRE to re-affirm biblical episcopacy
9. WE DESIRE greater use of our Laity
10. WE DESIRE modern but sound liturgy, as a supplement

PREAMBLE

HISTORY

A Body of Christians called the Free Church of England assembled and worshipped in this Country in 1844 and was registered in Chancery by Deed Poll, 13 August 1863. The historic episcopate was conferred, by the Reformed Episcopal Church, 30 August 1876, and both churches were originally similar in character and government - episcopal, liturgical and evangelical. In June 1927, the Free Church of England and the Reformed Episcopal Church united as one Church and accepted the 18 Articles of the Constitution and 126 Canons, the Book of Common Prayer (revised), with the Rubrics and Instructions contained therein, as the Constitution and Canon Law of the United Church. These are binding upon all the Bishops, Ministers, and embers of the Church and they must remain so in any new venture, or twenty-first century renewal (1).

Since 1927, the Nation and Established Church of England have changed beyond recognition. This is equally true of all the so-called mainline denominations. The Free Church of England has also witnessed steep decline and today there are only twenty-five churches and one mission church, in the United Kingdom. At the present rate of decline, the Free Church of England could disappear within two decades, leaving only a few stronger, but isolated, churches. After 8 years of talks about "talks" with the Church of England, the Convocation decided in 1997, with a 61% majority vote, that reunion with the Church of England is no longer an option. The Church of England is in more serious doctrinal and moral decline than when our Founding Fathers seceded.

Clearly, some action is needed, not only in terms of maintenance, but to strengthen what remains (Revelation 3:2), to inspire vision for new pioneer work, and to ensure a reformed, episcopal, and evangelical presence, for the next generation. We also need to take seriously the missionary mandate in Matthew 28:19-20. Without making new converts we have no future. (2) Above all else the Free Church of England, like many other Christian Institutions, needs a biblical renewal, prompted by the presence and power of the Holy Spirit. These matters are in the gift of a Sovereign God. But the means given can and should be employed - a vigorous application of biblical principles at every level of church life and consistent seeking of God's face in prayer. Today, many churches try to resolve their problems by an ever-encroaching ecumenism, rooted not in biblical principles, but in visible structures. History shows this to be disastrous and productive only of more division. I commend the following ten objectives as worthy of consideration and support.

AGENDA FOR RENEWAL

1. WE DESIRE TO RE-AFFIRM SOLA SCRIPTURA

We are not ashamed of the Constitution of the Free Church of England. We do not believe that we are lacking something which other Churches need to give to us. We are happy to be independent of the Established Church of England and believe our forefathers to be right in their separation from the "Mother Church", even more so in view of modern developments.

We acknowledge the Established Church of England to be a comprehensive church which (now) relies for her authority upon a threefold basis of scripture, tradition and reason. Whereas, the Free Church of England is a one-party church whose adherents must be protestant, reformed, and evangelical.

Furthermore, while valuing the Book of Common Prayer (revised), the 39 Articles of Religion, and the Apostles, Nicene, and Athanasian Creeds, we believe it necessary, for survival as a denomination, to re-affirm our belief in the Holy Scriptures of the Old and New Testaments as the Word of God and the sole rule of faith and practice, (3)

We also believe it essential, in view of modern trends, to re-emphasize that our church is not only singularly evangelical, but evidently anti-tractarian.

We believe it necessary to forge a new identity, by subjecting all we do, as individual churches and as a denomination, to biblical scrutiny. This is only to be what we profess to be, in our Constitution.

2. WE DESIRE TO AFFIRM A PRIORITY TO PROCLAIM THE GOSPEL

After the general principle of soli gloria - to glorify God, we see it as the church's primary function, to proclaim the gospel of Jesus Christ. Today, there is confusion as to what this is. For some, it is a programme of social action, for others a man-centred self-improvement, for many modern evangelicals it has become a simple decisionism. Yet, according to the Roman and Galatian Epistles, the gospel is the righteousness of God in Jesus Christ. This is something which God does, not ourselves, to be received by faith. In a sentence, it is justification by grace alone, through faith alone, in Christ alone. The Prayerbook and 39 Articles bear witness to this and so has the Free Church of England for over 150 years. We believe it necessary to re-affirm this truth.

3. WE RE-AFFIRM OUR EVANGELICAL COMPREHENSIVENESS

Evangelicalism has always been comprehensive in its churchmanship. A HISTORY OF THE FREE CHURCH OF ENGLAND takes note of the evangelical revival and the variety of instruments used by Almighty God (4). Among those mentioned are Whitefield, Grimshaw, Romaine, Rowlands, Berridge, Venn, Harvey, and Fletcher. The Countess of Huntingdon Connexion is also acknowledged as part of our history. Again, variety of belief and expression is noted here. What is not allowed is sacerdotalism... 'a principle equally precious to the Free Church of England, because no less preservative against the assumptions of sacerdotalism, is the maintenance of pure sacramental doctrine' (5).

As already noted, we wish to maintain our church as anti-tractarian but positively evangelical. We cannot endorse anglo-catholic, central church, or simply, low-church views, unless by low-church, we understand "evangelical". The Free Church of England is not a (smaller) clone of the Church of England. Our forefathers did not have to secede to preserve high, central, or low views, but, as the legal case against James Shore proves, to maintain evangelical integrity.

We believe, without promoting the evangelical nature of our denomination, we have no future and, therefore, to be "evangelical" is not only to be faithful. It is to survive and grow.

4. WE WISH TO SEEK A BIBLICAL ECUMENISM

The present Ecumenical Movement is preoccupied with seeking unity without biblical and doctrinal consideration. Its emphasis is upon visible organic union which must end, by its very nature, in reunion with Rome. Those who have engaged in the process have already conceded a great deal of ground. For example, the Church of England has just published its Report, THE GIFT OF AUTHORITY, in which the universal primacy of the Pope is accepted.

We desire to have relationships with all evangelical Christians who are committed to the same position on Scripture as ourselves. We see no logical reason, for not embracing evangelical nonconformists, like ourselves, as well as Anglican evangelicals worldwide. We would like to reach out to such bodies as Sydney Diocese, Australia, the Church of England in South Africa, the Church of Uganda, Reform UK, Church Society, etc. etc.

5. WE WILL SEEK TO MAINTAIN AND PROMOTE A TRADITIONAL / BIBLICAL SEXUAL ETHIC

In the last two decades there has been abandonment, among episcopalians, of moral and sexual ethics as we have always understood them. We wish to identify with the growing number of biblically-committed Christians who feel it necessary to re-state the teaching of our Lord and the Apostles.

1. That sexual intercourse should take place only between a man and a woman who are married to each other.
2. That fornication, adultery, and homosexual acts are sinful in all circumstances.
3. That Christian leaders are called to be exemplary in all spheres of morality, including sexual morality, as a condition of being appointed or remaining in office.
4. That the Church is called upon to show Christ-like compassion to those who have fallen into sin, encouraging them to repent and receive forgiveness, and offering the ministry of healing to all who suffer physically or emotionally as a result of such sin (6).

6. WE RECOGNISE THE NEED TO MOVE FROM A MAINTENANCE TO MISSION - MENTALITY

We consider, there is an urgent need to investigate how we can "revive" the dying churches in our Denomination and also inspire new work. We do not have the time for the luxury of ecclesiastical introspection which invariably leads to division and even schism. This means, for example, challenging the stronger churches to look outwards, encouraging Free C of E members to consider starting a home meeting where they live, investigating the possibility of scattered members starting a work, producing helpful material on how to "grow" a church, and creating a category for mission stations, or pioneer works, to be in recognised fellowship, until able to apply for full membership.

7. WE RECOGNISE THE NEED TO PROVIDE BETTER TRAINING FOR OUR CLERGY / READERS ESPECIALLY IN-SERVICE TRAINING

No episcopalian Church can be better than its clergy. We believe in an educated and biblically-literate ministry. We desire to raise the standards for ordination and to encourage more serious study, especially in the field of biblical theology.

We want to promote, by internal circulation, informed papers on historical, biblical, theological, ethical, pastoral, and contemporary subjects, and train the clergy we already have, to a more effective and wider-ranging ministry.

8. WE WISH TO RE-AFFIRM THE VALUE OF EPISCOPACY BUT NOT AS SIMPLY AN ADMINISTRATIVE / POWER STRUCTURE

It is quite clear, from our Lord's washing of the Apostles feet, that ministry is about service, not power. Our forefathers were most astute in adopting a form of episcopacy which majors on the preaching/pastoral functions and which is emphatic in declaring, *we adhere to episcopacy, not as of divine right, but as a very ancient and desirable form of Church policy'. We desire to see much more team spirit among the bishops; for the time being, the removal of diocesan boundaries, and consultation with all the clergy. This means a much more practical outworking of our claim to uphold "primus inter pares". We also wish to have one means of selecting future ordination candidates and Convocation involved in their authorisation.

9. A MECHANISM TO INVESTIGATE GREATER USE OF OUR LAITY AND POSSIBLE RESTRUCTURING IN CERTAIN AREAS

The Body is not one, but many (7). While preserving the use and ministry of Lay Readers, we desire to encourage greater involvement of our gifted lay people. For example, does the General Secretary have to be ordained? Are there denominational administrative tasks which could be taken over by a lay person? In everything, we wish to see more openness and accountability, as scripture requires. We would like to consider the possibility of a Bi-Annual Convocation and to introduce more informed debate and longer discussion on the issues of the day. This also means using the present committees, or new committees, for in-depth study purposes and using our most articulate members, lay and ordained.

10. THE PROVISION OF MODERN LITURGY TO SUPPLEMENT THE TRADITIONAL, WITH CONVOCATIONAL APPROVAL.

The majority of our clergy are over the age of 60 years. Very few future clergy are likely to be 1662 (revised or otherwise!) clergymen. The modern generation are not attached to the traditional Prayerbook, .as many of us are.

There needs to be a mix of liturgy - one mandatory traditional service each Sunday. But there is also scope for experimentation/use, on a regular basis, of modern liturgy. This could mean using, for the time being, AN ENGLISH PRAYERBOOK(8), or we should ask someone / some committee to provide modern liturgy, as a matter of urgency.

A denomination, committed solely to traditional language, cannot survive another decade. What we need is modern liturgy, soundly written, and in keeping with the doctrine and spirit of our Prayerbook and Articles of Religion. This is not to replace what we already have, but to supplement it.

I submit these ten propositions/principles, not as an end in themselves, but as the beginning of a process to renew and revitalise the Free Church of England, for the 21st Century, to ensure a continuing evangelical episcopalian witness, independent of the Church of England, and to be more effective as a "Gospel" Church.

Rt Revd J Barry Shucksmith
Convocation - Free Church of England
May 2002

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**DOCTRINAL DIFFERENCES
BETWEEN
THE FCE EVANGELICAL CONNEXION AND THE FCE ECUMENICAL**

Part 1: BASED ON THE REPORT OF THE FREE CHURCH OF ENGLAND AND THE CHURCH OF ENGLAND INFORMAL CONVERSATIONS 1992-1996.

Contents :

1. Preamble
 2. Evidences for the Irreparable breach
 3. 9 points of difference
 4. Conclusion & Dr Mary Tanner
- Bibliography

1. PREAMBLE:

i. **Few documents give more factual evidence of the division** between the Free Church of England, led by Bishop K J W Powell, and the Free Church of England (Evangelical Connexion) than the Report of the FCE and the CofE Informal Conversations 1992-1996. The document, along with the forced reception of Rev Dr J Fenwick (Archbishop of Canterbury's Assistant Secretary for Ecumenical Affairs 1988-92) into FCE membership, were fundamental to the breakdown.

ii. **Although the Report was rejected by Convocation, it is still deeply significant** because its rejection was due, in no small measure, to opposition from those who now represent the Connexion. On the other hand, Bishop Powell and Dr Mark Gretason, key players in the Ecumenical FCE, are named as supporters of the document. Also mentioned are, Revd A Fryer, Bishop John McLean, Revd W Baker, Revd P Hunt and Mr D Harvey, all key members of Bishop Powell's present Ecumenical FCE.

iii. **It needs to be recognised that the Report was presented on the first day of the 1997 Convocation with little time for real preparation.** For the first time it gave clear voice to developing trends in the FCE, contrary to the beliefs of the founding fathers. It shows the FCE under radical reconstruction. It is a classical illustration of contemporary revisionism in which the history and theology of a denomination is re-interpreted to fit the unworthy objective of lowest-common denominator (visible) unity. It seeks to make the FCE a broad church and to destroy its character as a one-party evangelical body. Bishop Powell is on record as publically saying that he desires a broad church.

iv. **The Church of England, throughout the Report, is represented as a Church still loyal to the worship, doctrines, and protestant/reformed nuances, of the 16th century.** These earlier teachings may have been retained in written documents but they are effectively museum pieces which have little bearing upon the contemporary Established Church. Vast numbers of Bishops and clergy swear to uphold the teachings of the 39 Articles and the 1662 Prayer Book but, after ordination, immediately deny them. The Church of England has become one of the most divided churches in Christendom, is noted for its hypocrisy and lack of integrity, has no credibility in pursuing visible unity, and needs to first put its own house in order. Even the general unbelieving public is aware of the issues of practising homosexuality and women priests/bishops, currently tearing the Church of England, and the wider Anglican Communion, apart.

iv. **More serious, in the CofE/FCE Report, the founders of the FCE are transformed from persons of integrity and strong protestant faith into nervous, emotional reactionaries.** By repeatedly using the term "anti-ritualists", for the founders of the FCE, they deny to our forefathers the right of self-identification. In fact, the roots of the FCE, as Dr Fenwick has shown in his recently published book: THE FREE CHURCH OF ENGLAND, are in the 18th, not the 19th century. Some of us would wish to go back further still to the 16th century Reformation.

v. **As further evidence of revisionism**, twice the outrageous claim is made that the FCE has not involved itself in ecumenical progress because of financial constraint. The truth is, that those now representing the FCE (Evangelical Connexion) are people of integrity and doctrinal conviction, who are not convinced by the argument for a visible ecclesiastical and ecumenical structure, in which distinctive doctrine is secondary to a "perceived unity". For such structures to be true, this can only end in reunion with Rome. Our evangelical, protestant, forefathers saw Rome as corrupt and the Papacy as antichrist. Indeed, this position is clearly stated in earlier related FCE/REC Documents. Through the "agreed ARCIC documents", we have witnessed the total capitulation of the Church of England, in the areas of authority, ministry, sacraments, and primacy, to Rome. Yet, Rome, while engaged in window-dressing, has not moved one inch from the Council of Trent. So much, for modern ecumenical procedure!

vi. **Another classic illustration of misinformation is the reference to Bishop David Cummins**. Cummins, who effectively gave the FCE episcopal orders, is presented as having separated from PECUSA on the grounds of ecumenism, thus giving the FCE a primary precedent for ecumenical involvement. Yet, no distinction is made between contemporary inclusive ecumenism and Cummins desire for a more limited evangelical ecumenism. The FCE (Evangelical Connexion) is keen to promote evangelical ecumenism, in keeping with its own ecumenical statement (Declaration of Principles, Article 1, final paragraph). This means seeking a unity without having to deny the basic beliefs of the Declaration. Faithfulness to history, integrity of heart and mind, and adherence to solemn vows taken before Almighty God, leave no place for dissemblance.

2. EVIDENCES FOR THE IRREPARABLE BREACH BETWEEN THE ECUMENICAL FCE AND THE FCE (EVANGELICAL CONNEXION).

i. *We have already cited the names of leading members*, named in the Talks Document, who we believe have now departed from the legal, doctrinal position of the Free Church of England. We will now show this to be so, not based upon hearsay, popular knowledge, or personal feelings, but on the basis of their own confession and signature.

ii. *The Talks Report not only contains sections dealing with the Co-Chairmen's Preface, Introduction, The Free Church of England in Context, our Common Calling to full Visible Unity and Next Steps in the process of Union.* It has a vitally important section entitled, **WHAT WE CAN NOW AGREE IN FAITH**". We wish to treat the signatories with respect and integrity. We have no reason to doubt their sincerity and honesty in these agreed texts. If they are "agreements in faith" they come to the very heart of personal conviction. The adding of a personal signature is affirmation indeed.

iii. *Under paragraph 3, the heading, "What we can now agree in faith"*, the section lists 11 items of agreement between the FCE and CofE. We will presently deal with ten of the more serious points, on a one by one basis.

iv. *The Report makes the bold claim, (para.2) that "we have a common calling to full visible unity"*. But it is clear that the unity spoken about is based on the ecclesiastical reconstruction outlined in the document, and not on the Principles of Declaration of the Free Church of England. How can the FCE be committed to a unity based upon, "the sharing of one Baptism, the celebrating of one Eucharist and the service of a reconciled, Common Ministry in the Historic Succession" when it has clear, historical, doctrinal statements which militate against unbiblical, unprotestant, and unreformed concepts of Baptism, Holy Communion, and Episcopacy? Indeed, one of the main reasons for the existence of the FCE is to witness against the multiplicity of views held in the Church of England today. Why should the Free Church of England wish to be reunited with a Church which is in a far worst state of doctrinal departure than it was at the time of the original separation? It would be more honourable for individuals, who are no longer happy with

reformed episcopalianism, want a broader church, and seek a visible unity, in keeping with modern ecumenism, to leave the FCE and not attempt to subvert it from within.

3. NINE POINTS OF DIFFERENCE between the FCE (Ecumenical) and the FCE (Evangelical)

We now come to "the so-called agreements in faith". The Talks Report declares:

(1) "We both accept the authority of Scripture"

But this is a totally inadequate statement. The Church of England accepts the authority of Scripture in relation to reason and tradition. The Church of Rome holds to the authority of Scripture but in reality makes scripture subservient to tradition. Many liberal theologians would accept the "authority" of Scripture but only certain parts of it, and only for certain reasons.

The Constitution of the Free CofE is adamant: *"it holds to the faith once delivered unto the saints", declares its belief in the Holy Scriptures of the Old and New Testaments as the Word of God, and the sole Rule of Faith and Practice"*.

We do not agree in faith on the authority of Scripture.

(2) "We accept the Nicene-Constantinopolitan and Apostles creeds and we confess the basic Trinitarian and Christological dogmas to which these creeds testify as sufficient statements of the Christian faith".

There is no doubt that Connexional members adhere to and use the Creeds. We see their use and value. But we cannot describe them as "sufficient statements of the Christian faith" because we are already committed to the Constitutional position... *"the Word of God...the SOLE Rule of Faith and Practice"*.

We do not agree in faith on the Creeds

(3) "We celebrate the apostolic faith in worship, and centrally in liturgical worship which is both a celebration of salvation through Christ and a significant factor in forming the consensus fidelium (the common mind of the faithful) We share a common liturgical tradition grounded in the Book of Common Prayer".

Leaving aside the fact that the BCP has almost disappeared from the CofE and that modern liturgies have re-introduced pre-reformation errors, the FCE fathers were careful to remove even questionable teachings from their own BCP, including baptismal regeneration, the real presence in the Sacrament, the concept of ministers as priests, keeping of many saints days, and the view of episcopacy as an order separate from the presbyterate. They also made provision for "freedom in prayer" along with the revised liturgy. The FCE and the CofE cannot possibly be united on these matters, unless one side has given way. Yet, all the above errors are now accepted practice/belief in the Established Church. It can hardly be described, with any honesty, as "celebrating the apostolic faith in worship" for apostolic faith is based upon the teachings of the apostles in Holy Scripture, and the Church of England has already introduced into its liturgy e.g. the ordination of women priests, in direct disobedience of apostolic command. Even the Roman Catholic Church has declared the ordination of women priests/bishops a massive stumbling block to reunion.

We do not agree in faith on the "Talks" view of Liturgy.

(4) "Both our churches recognise that regeneration is the work of the Holy Spirit and that the one baptised is incorporated into the One, Holy, Catholic, and Apostolic Church".

This may suit well the ecumenical reports of BAPTISM, EUCHARIST, AND MINISTRY and the ANGLICAN-ROMAN CATHOLIC dialogue where baptism is viewed as "making a Christian". But the Free CofE has no such teaching. Its early history indicates a vigorous rejection of baptismal regeneration and enshrined in the Constitution is the clear statement "this Church

CONDEMNNS and REJECTS the following erroneous and strange doctrines contrary to God's Word:-

"that Regeneration is inseparably connected with baptism...this Church accepts the Book of Common Prayer of the Church of England, with such revisions as shall exclude sacerdotal doctrines and practices..."

It is a clever move to link baptism with Holy Spirit-regeneration, but the founding fathers of the FCE were not deceived, neither are we!

We do not agree in faith with Bishop Powell's, 'FCE view of baptismal regeneration'. We believe it is a betrayal of the position of the founding fathers, to say nothing of being in direct opposition to Holy Scripture, where Jesus taught rebirth, separate from baptism (John 3- the washing is a spiritual washing) and Peter links rebirth with the Word of God, not water, (1 Peter 1:23).

(5) "In the Holy Communion Christ is truly present to share his risen life with us and to unite us with Himself in his self-offering to the Father".

Here is another illustration, where language is chosen which can be interpreted in a variety of ways. While there is reference to *'the One, full, perfect and sufficient sacrifice which Christ alone can offer and has offered once for all'*, it is entirely negated. By introducing and including sinners in the self-offering of Christ to the Father, and by linking the giving of Christ to the consecrated elements, anglo-catholic and Roman Catholic views of real presence are set forth, contrary to the Constitution of the FCE. The real presence is in the heart of the believer, as Archbishop Thomas Cranmer says, in the words of administration... *"feed upon Him in thy heart (not hand!) by faith and with thanksgiving"*. As far as the offering of Christ for sin is concerned, contrary to Roman Catholic belief, sinners can play no part. As Christ said, in His dying moments upon the Cross of Calvary, "It is finished". Therefore words of "offering, sacrifice, eucharist" (a word foreign to the FCE) are not relevant. In this respect, "remembrance," not "celebration," is a more appropriate word for the Holy Communion.

We do not agree in the faith declared with respect to the Holy Communion Service. The offering has been made once for all. There can be no offering anew to the Father at any time.

(6) "We share a common understanding of God's justifying grace i.e. that we are accounted righteous before God only by grace through faith..."

This may sound right but it allows for a Roman concept of justification which is tied to the sacraments as the vehicle of grace. Martin Luther (the supreme authority on justification) added the word ONLY or ALONE to faith, as well as grace. This is the stated position of Article 11, "of the justification of man", which is not quoted in the Talks Document. Why? Because it does not serve the purpose of visible unity which is committed to finding verbal formulas amenable to a wide range of churchmanship. To lose this doctrine that "we are saved by grace alone, through faith alone, in Christ alone", is to lose the Christian gospel, as outlined in the Roman and Galatian epistles. It is the article of a standing or falling Church, and was fundamental to Bishop Cummins separation from PECUSA.

We do not agree in faith with the statement on justification and believe it contradictory to Bishop Cummins own position.

(7) "The Christian faith is that God has made peace through Jesus 'by the blood of his cross' (Col.1:20) so establishing the one valid centre for the unity of the whole human family (cf.Article 19)".

How any evangelical Christian could subscribe to such a view is a mystery to us. The Apostle is not speaking about the world but the church as clearly defined in Article 19. There is no automatic valid centre for the unity of the whole world (this is universalistic teaching which sees all people - and all faiths - perhaps a one-world church, as the objective). The context of the passage of Scripture cited (Colossians 1:20-23) speaks of "the faith," "the gospel," and "reconciliation with

Christ". One wonders whether the signatories to the Talks Document even understand the gospel!

(8) "We believe that the universal church is manifested and sustained where a congregation gathers under the calling of the holy Spirit, the gospel is preached and the sacraments be duly ministered. It is not a creation of individual believers"...

We need to note the subtle change and omissions. The Founding Fathers felt it necessary to improve on Article 19 to safeguard against absolute Roman Catholic views. Also the English Reformers said that discipline, along with the preaching of the Word and the 2 gospel sacraments, was a further mark of the true church. In the Talks document there is no reference to discipline (which has broken down in the CofE & world-wide Anglicanism). The reference here is only to sacraments, not as Article 19 declares, '*Sacraments duly administered according to Christ's ordinance*'. This is because there are many in the CofE, as in the Church of Rome, who accept seven, not two sacraments. Also, the church is made up of individual believers, "faithful men" i.e. men full of faith. No loyal member of the FCE, with theological understanding, could agree to this compromised and inadequate faith- statement, concerning the definition of a Church.

CONCLUSION and Dr Mary Tanner:

The Talks Report refers to Mary Tanner as the Secretary to the group in their discussions. She is highly commended as one who *"freely shared with us her perceptive knowledge of other ecumenical discussions. This has enabled us to benefit from the work and insights of others who are travelling along a similar road"*. We have no reason to question this statement and certainly cast no aspersions upon the fine scholarship, genuine integrity, or motivation of Dr Mary Tanner. However, it is worth noting Dr Tanner's own ecumenical convictions which make it impossible for us to accept that doctrinal agreement, on the above points, has been reached by the CofE and the FCE. In chapter 32, *THE MODERN THEOLOGIANS*, (2005) edited by D E Ford, Dr Tanner gives a significant overview of Ecumenical theology. We commend the reading of the chapter for further clarification. Also, in *THE STUDY OF ANGLICANISM*, 1988, Edited by Bishop Stephen Sykes, Dr Tanner shows her true position, in a comprehensive assessment of Ecumenism and its priority for the modern world:-

"What we have learned about the principles of dialogue amongst Christians, about listening attentively to others and only then responding, about searching together, believing that each has something to communicate and that no one person, no single system is the depository of the whole truth, are equally important to this dialogue. The wider framework of inter-faith dialogue is a necessary and proper context for the Christian search for the visible unity of the Churches. As Christians together engage in dialogue with those of other faiths, they will be led to perceive new things in the gospel they share and are commanded to share with the world. It is those who, in ecumenism and inter-faith dialogue, show the characteristics of openness to others as well as a commitment to safeguard the 'jealousies' of their own tradition as they see it, who will be able to overcome the blind and rigid fundamentalism that threatens everywhere the contemporary world" (page 392).

Here is what the true ecumenist really thinks of the Founders of the Free Church of England (and ourselves). Enshrined in our Constitution is the phrase, *"holding the faith once delivered to the Saints"*. Let us remember that this is God's Word by which we are bound (Jude 3). Modern ecumenists, and now apparently Bishop Powell's FCE, represented by the FCE/CofE Talks Document and affirmed by personal signature believe, that their own founders were, "blind, rigid, fundamentalists, who need the enlightenment of inter-faith dialogue". So much for so-called Christian love, unity, and gospel-light.

We are of another mind. **We believe there is only one Saviour and one gospel.** We believe there is **only one way to God**, the Lord Jesus Christ, who is the Way, the Truth and the Life. **We believe in one only reliable revelation, the scriptures of the Old and New Testaments.** We

believe that to walk in the way of the English Reformers and the Evangelical fathers is to walk in the light. **The dialogue we seek is increasingly with the God of Holy Scripture.** All other gods are idols and all other ways will end in darkness and damnation. While we expect *'more light to break forth from God's Word'* we do not expect, in Dr Tanner's words, **'to perceive new things in the gospel,' as we share in ecumenism and inter-faith dialogue.** To the Law and to the testimony: if they speak not according to this Word, it is because there is no light in them' (Isaiah 8:20).

Rt Revd Dr J Barry Shucksmith
Bishop and Press Officer FCE (Evangelical Connexion)

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**Part 2: BASED ON DR FENWICK’S REVISION OF DR SHUCKSMITH’S
“AGENDA FOR RENEWAL, 2002” Arthur Bentley-Taylor**

Barry Shucksmith tabled “Agenda for Renewal 2002-2012” on the floor of Convocation in 2002 in order to agree the way forward for the FCE. Convocation 2003 agreed to meet to discuss “Agenda For Renewal.” The meeting took place in April 2004 after the resignation of Dr Shucksmith and the retirement of the Bishop Primus, Arthur Bentley-Taylor. Neither Bishop was present at the meeting.

At the meeting, Dr John Fenwick tabled proposals supposedly to **implement** “Agenda For Renewal.” In fact, his proposals reverse Dr Shucksmith’s “Agenda For Renewal.” A comparison of Dr Shucksmith’s “Agenda For Renewal” and Dr Fenwick’s revision of it, is a convenient way to reveal certain doctrinal differences between the two groups within the FCE. Evidently Dr Fenwick would take the FCE in a direction different from the direction proposed by Bishop Shucksmith.

Examples of Dr Fenwick’s re-directing of the FCE.

1. Preamble: According to evidence presented to Convocation 2003 and confirmed in Dec 2005 by the REC’s video of a High Mass, it is evident that our sister church in the USA has reverted to anglo-catholic doctrine.

Yet in his Preamble, Dr Fenwick proposes: “Our sister Church in North America has a longer experience than ourselves of seeking to adapt to changed circumstances so as to maintain a Gospel witness in the 21st century. Motion 1: *That a bishop of the REC be invited to Convocation in 2004 or 2005 to share our sister Church's experience of addressing change for the sake of renewing the Church's Gospel witness in radically changed circumstances.*”

It is reasonable to conclude that Dr Fenwick desires that the FCE move in a similar direction to that the REC has taken, that is, in an anglo-catholic direction, contrary to our history and constitution.

2. No.1: Under the heading, “We desire to re-affirm Sola Scriptura”, Dr Shucksmith ^{1st} affirmed the rightness of separation from the Established Church of England; ^{2nd} repudiated the CofE’s reliance for authority on a **threefold** basis of scripture, tradition & reason (rather than a Sola Scriptura basis); ^{3rd} affirmed the FCE to be a one-party church – Protestant, Reformed and Evangelical and ^{4th} reaffirmed the anti-tractarian stance of the FCE.

Under the same heading Dr Fenwick’s proposal affirmed the FCE’s “commitment to the authority of Scripture as defined in the Declaration of Principles” but **omitted all the above points**. In his interview on application to the FCE in 2002, Dr Fenwick stated that he held to the three-fold authority of scripture, tradition and reason, thus denying Sola Scriptura. Clearly Dr Fenwick wishes to take the FCE away from the Sola Scriptura position.

Why does Dr Fenwick wish to restrict the FCE’s position on Scripture to the brief statement in the Declaration of Principles? The FCE Prayer Book contains a more adequate statement on the matter.

3. No.3: Under the heading “We re-affirm our Evangelical comprehensiveness”, Dr Shucksmith affirms the exclusively evangelical nature of the FCE and states, “We cannot endorse anglo-catholic, central church of simply low-church views, unless by low-church, we understand “evangelical”.”

Dr Fenwick’s proposal avoids committing the FCE to an exclusively evangelical position. Alarmingly, Dr Fenwick imposes a restriction on the FCE’s freedom to submit to Scripture by the proposal “This Convocation,... a) deplores any attempt to re-define our doctrinal basis and ecclesiastical practice more narrowly than the boundaries set by the Constitution of the Church.”

Any church that signs up to this motion thereby repudiates the 'reforming' principle to which all Protestants should be committed by the Sola Scriptura principle.

4. No.4: Under the heading "We wish to seek a biblical ecumenism", Dr Shucksmith repudiates indiscriminate ecumenism and commits the FCE to ecumenism among the evangelical fraternity only.

Dr Fenwick's statement and proposal **completely reverses** the direction in which Dr Shucksmith wished to take the FCE and attempts to commit the FCE to full involvement at congregational and denominational levels in the modern indiscriminate ecumenical movement, which is without doubt an interfaith movement.

Dr Fenwick also claims that "We are one of the few Churches explicitly required by its foundational statements to be ecumenical." In reality Dr Fenwick is interpreting the Declaration of Principles in the light of the modern ecumenical movement. At the time the Declaration of Principles was produced, dialogue with Rome was out of the question. The statement in the Declaration of Principles, interpreted as originally intended, only commits the FCE to ecumenism among evangelicals.

THE EMERGENCE OF THE EVANGELICAL CONNEXION

There have always been persons within the FCE who remained faithful to the evangelical and Reformed convictions of its founders. Since the 1940s, when Bishop Thompson resigned in protest against the increasing influence of Freemasons within the FCE, it has been the influence of the evangelical minority which kept the FCE from straying too far from the Faith.

The Evangelical minority found its voice in the 1990s when two men of evangelical and Reformed convictions were elected Bishops - Barry Shucksmith in 1997 and Arthur Bentley-Taylor in 1999. Following Bishop Powell's failed attempt to exclude Bishop Barry from the FCE in 2000, Arthur Bentley-Taylor was elected as Primus for four years running, 2000, 2001, 2002, 2003. During this time, evangelicals won almost every vote taken at Convocation and this brought the long-standing divisions within the FCE to a head.

The four Bishops were equally split and each side took a profoundly different approach to Sola Scriptura; to the Reformed faith; to biblical ecumenism (against indiscriminate ecumenism and the inter-faith movement); and to episcopacy. It made for an uncomfortable ride.

When the Northern Diocese refused to receive Rev John Fenwick into the FCE, Bishops Powell and McLean orchestrated a campaign of 'dirty tricks' that resulted in Bishop Barry's resignation from the FCE in July 2003 and Arthur Bentley-Taylor's retirement as Bishop Primus and Bishop of the Northern Diocese at the end of October 2003.

At that time it was not the intention of the evangelical Bishops to cause a formal split within FCE. Had Bishop Powell not pursued a policy of excluding men of evangelical and Reformed convictions from the denomination, no separation would have occurred. It was entirely Bishop Powell's actions that brought about the split.

In the Summer of 2003, Rev Jeffrey Shove brought thirteen false charges against the Bishop Primus. These were adopted unconstitutionally by Bishop John McLean. Four days after a Special Convocation cleared Bishop Arthur of the thirteen charges, the General Council of the FCE, under Bishop Powell's chairmanship set up a Court of Discipline to hear the charges. Bishop Arthur responded by challenging the constitutional legality of this action and by refusing to recognise the jurisdiction of Bishops Powell and McLean.

Under Bishop Powell's chairmanship, the General Council interpreted Bishop Arthur's action as a resignation from the FCE, despite the fact that at the time he was still the Primus of the FCE and stated clearly that his letter was not a resignation from the FCE. This decision - to resign a man against his will and so exclude him from the FCE - was a further unconstitutional act on the part of the General Council under Bishop Powell's chairmanship.

Subsequently Bishop Powell wrote to Bishop Arthur to say that he could not in all conscience continue as Minister of Emmanuel Church, Workington since the church was under his jurisdiction. At this point, seven evangelical churches of the Northern Diocese acted together and wrote to indicate that, though they remained loyal to the FCE, they could no longer recognise the jurisdiction of Bishops Powell and McLean. The General Council proceeded to interpret their letters as resignations from the FCE and so sought to exclude those churches from the FCE. Meanwhile two other evangelical churches of the Northern Diocese left the denomination.

The excluded evangelical churches sought to call a Special Convocation before the end of February 2004, but the General Secretary caused the meeting to be delayed until March when the new Council lists came into effect. Since Bishop McLean had refused to sign the Council Lists of

the evangelical churches that did not recognise his jurisdiction, Bishop Powell refused to admit representatives of those churches to the Special Convocation which they had called. Representatives of the evangelical churches managed to get into the meeting and took part in the debate but their votes were not counted. As a result, Bishop Powell narrowly won each vote.

By his high-handed actions, Bishop Powell had caused a formal split in the FCE. The two sides had long been moving in opposite directions. On account of Bishop Powell's exclusions between October 2003 and March 2004, it became necessary for the evangelical churches to organise themselves as the true FCE.

The Northern Churches excluded by Bishop Powell met together, invited Bishop Arthur to take the chair and agreed unanimously to recognise Bishop Barry Shucksmith. During the Summer of 2004, Mr David Negus was appointed as their Solicitor. Certain Southern Diocese Churches associated with them to differing degrees. In the Autumn of 2004, these churches, claiming to be the true FCE, signed the Framework of Reference for Covenanting Connexional Churches and organised themselves as the Evangelical Connexion of the Free Church of England, FCE(EC).

For two years, Bishop Powell made every attempt to intimidate Southern Diocese Churches from associating with the Evangelical Connexion. He took steps to freeze the bank accounts belonging to local congregations at Exeter and Leigh-on-Sea; he declared Rev Lee-Potter persona-non-gratia in FCE churches and withdrew Mr John Eustice's licence as Lay Reader at Exeter. These churches joined the Evangelical Connexion and Bishop Powell declared them outside the FCE. Attempts were also made to divide each local church so as to set up two congregations within each church.

During 2006, it became clear that our Solicitor, Mr David Negus, had secured the de facto independence of the Evangelical Connexion of the FCE from the FCE Ecumenical. It is our heart's desire and prayer that our independence from Bishop Powell & McLean's unfaithful body be formalised legally so that we may organise ourselves as a fellowship of Reformed evangelicals, faithful to the Scriptures.

Extract from Joe Busfield's letter to Argentina, 25 June 07

We are different than many of the "Continuing Churches" for the following reasons:

- We existed long before the current furor in the Anglican Communion. Currently anyone who is opposed to the homosexual bishop in the US seems to be willing to band together, in spite of serious theological differences, e.g. Anglo-catholicism, charismatics, women in the ministry, as well as homosexual issues, etc. We have always, and God Willing, will always stand in opposition to all these, but more importantly want to avoid being a "reactionary" church, only responding to the negatives of the day. We should rather seek to be a proactive church, presenting the Gospel as the only real transforming power in a world so in need. As we do this we should not lose sight of our heritage – the heritage for which our ancestors of the English Reformation died and others have suffered. We must remain evangelical, Reformed, and biblically faithful. Remaining Anglican is of secondary importance, though we should respect our episcopal heritage where such respect is warranted and appreciate the BCP as an effective tool in guiding our worship.
- We appreciate the 1662 BCP, but also recognize its deficiencies. Bp. William White, the first American bishop recognized the potential for improvements along evangelical lines when he proposed the first American BCP in 1785 (1784?). The Reformed Episcopal church (the historical or traditional REC to which we were associated – and I a member of -

until they left their roots) also recognized the imperfections of the 1662 and produced its own BCP, calling it the “Best evangelical Prayer Book ever produced”. You can find this BCP in Adobe form at www.TRECUS.net. The FCE-EC using a variant of the REC BCP, again with some linkage to 1662, but with a recognition that some parts of 1662 were designed to drive out dissenters from the Church of England. Not a noble cause.

- We basically adhere to the 39 Articles, though ours have some changes to make them more biblical. We also accept other Reformed statements as valid confessions, e.g. Westminster, Heidelberg, etc.

In summary, we want to be a positive, Reformed witness. Faithful to our founders and not exclusive in our associations. We will fellowship with other Reformed brethren who share our faith and doctrine, but who may worship or be govern differently.

Regarding Venables. I saw him participate in the REC/APA mass in Florida in 2005. I was discouraged that he would participate in such an event. His message was entertaining, but not “meaty”. I have DVDs of that event available if you would want to see it. Again, the common bond between Venables and the REC/APA seems to be opposition to the homosexual bishop, not any positive expression of historic, Reformed, evangelical, Low Church faith in our Lord. Much the same can be said of the Southern Hemisphere Anglicans in Communion with Canterbury, including the African bishops so vocal of late. Charismatic, Anglo-Catholic, and certainly not Reformed, bound together by a dislike of the homosexual bishop. A disdain we share, but not a basis for communion given all the other trappings of Rome and Pentecostalism that comes along with that disdain.

TENURE OF OUR BUILDINGS – THE LEGAL SITUATION

Report on MEETING OF SOLICITORS on Wednesday, 8th February 2006.

On Wednesday, 8th Feb 06, the two solicitors involved in the current dispute within the FCE met a representative of the Charity Commission with the aim of exploring the possibility of a possible settlement to submit to the parties.

Mr David Negus represented the FCE Evangelical Connexion;

Mr Timothy Warren of Potheary & Barratt represented the FCE Ecumenical.

Mr Neil Robinson represented the Charities Commission.

The meeting was lengthy and covered many points – in one sense little progress was made in that no 100% agreement could be reached on any decision. However Mr Robinson from the Charities Commission did make it clear that he agreed with the advice that we have been given throughout by Mr Negus that everything depends on the terms of the Trusts Deeds of each individual chapel and these cannot be overridden by the Denomination's Canons. Moreover he was inclined to the view that as the amalgamation of the old FCE and the REC was not achieved by Act of Parliament, any provisions in the Trust Deeds relating to the former separate denominations were now moribund.

At the start of the meeting, Mr Timothy Warren for Potheary & Barratt had maintained the 'Powell line' that everything was just a simple misunderstanding and the parties could yet be reconciled in one continuing denomination. By the end of the meeting he seemed to realise how fundamental is the rift and how difficult and complicated is the consequent legal situation.

While the Charities Commission cannot impose anything on the Churches, they would be prepared to produce a scheme authorising the formation of a new denomination (remaining true to the original tenets of the FCE and REC) and allow every church to decide whether to join it, or to remain in the 'Powell FCE'. This would be a PERFECT solution from our point of view, but unsurprisingly Mr Warren does not think that his clients will agree.

It was agreed that Mr David Negus will examine all the Deeds of our Churches to establish whether the Central Trust are the full Trustees (both Custodian & Management Trustees) of any of our churches. Mr Robinson's view is that **if the congregation have not departed from fundamental principles of FCE, and if the Management Trustees are content to leave them in the building, there is nothing anyone can do to get them out of the building.** The key issue for each congregation is to have the approval of their Management Trustees for the use of the buildings.

(1) If Central Trust are full Trustees, they have, in theory, the power to dispute the entitlement of the congregation to use the the building every Church. They might not succeed in getting them out of the building but they could try.

(2) If Central Trust are only the Custodian Trustees, and the local Church Council are the Management Trustees, then the Management Trustees alone may decide whom they allow to use the buildings.

It became clear that Mr Warren had been given a copy of John Fenwick's History of the FCE but had never read (nor was even aware of) Frank Vaughan's History of the FCE authorised by Convocation. Mr Negus read quotes from the two books to demonstrate that they seemed to be describing two different churches! The two books are written from entirely different standpoints.

It seems that the FCE Ecumenical wants Bishops to be able to appoint Ministers. (eg: If then Bp Powell does not recognise one of us, he is entitled to overrule the call of the congregation.) That

approach is Anglicanism; Mr Negus pointed out that FCE combines congregationalism, Presbyterianism and Episcopacy and allows the local church the right to call a minister.

Particular issues raised:

1. The inequity of the FCE Ecumenical having access to denomination funds to pay legal bills and our side having to raise the money for ourselves was pointed out. There was an argument about who gives permission for the spending of denominational monies. Nothing was agreed on this issue, but David Negus put down a further marker that we are looking to be reimbursed from denominational funds in due course.

2. Mr Robinson of the Charities Commission confirmed that everything has to be resolved according to individual chapel deeds.

3. Prima facie most if not all of the churches are in the position that the Trust Deeds refer to a denomination that no longer exists and therefore as long as everyone is holding to the Doctrinal position of the relevant previous denomination (either the Declaration of Principles or the 1863 Deed Poll), the particulars relating to the structure and organisation of the former denomination are irrelevant as it no longer exists.

4. Mr David Negus made the important point that it is recorded in one of the Histories, that prior to the Union in 1927, the old FCE & REC covenanted together – a sort of growing into union arrangement - and one of the terms of that covenant was that any congregation wishing to leave the one denomination and join the other was free to do so. At the time, everyone accepted that this was a **voluntary union and that individual churches were autonomous** .

5. In a lengthy discussion between Mr Warren and Mr Negus on the post 2003 situation, Mr Negus pointed out that the FCE bishops are **not** bishops in CofE sense; the FCE bishops are elected. If churches take the view that these bishops are not authorised or qualified, they may remove themselves from them. **EG:** If hypothetically a bishop became Muslim, an atheist or even a Unitarian, the congregations do not have to submit to them. That being granted, it is a matter of degree as to at what point a bishop ceases to have canonical authority. The issue must be decided by each congregation. In 1927, every congregation had to vote to agree to the Union. It was assumed that just because the leadership merged, every congregation did not have to follow. The corollary of this must be that every congregation is free to leave bishops who have gone astray.

Reports on the current legal position affecting the Evangelical Connexion.

I understand that the FCE Ecumenical have decided that responsibility for dealing with the various issues raised by 'the defection of former members of the Denomination to the 'Evangelical Connexion' has been devolved to diocesan level'. I take this to mean that we have seen the last of any united attempt by them to argue that the various Evangelical Connexion congregations are acting unlawfully in forming their own alignment and that they will in future restrict themselves to trying to coaxe congregations, clergy or members back individually wherever they think that such an approach might succeed.

Ultimately all FCE Churches are legally independent non-conformist Churches and the use of their premises are governed by the terms of their individual Trust Deeds. These Deeds are not standard. Indeed there are hardly any two the same.

The strong advice from the Charity Commission is that as long as the continuing congregations of the Evangelical Connexion continue to use the buildings as they had done previously the Commission would not support any attempt to turn those congregations out of 'their' buildings.

The crunch will come if and when any other Churches find themselves in the position of Hollinwood and decide to discontinue worship and / or dispose of their premises. For many congregations in the Connexion I imagine they are not particularly bothered what happens to the buildings if and when the congregations eventually disperse.

In the meanwhile however we continue to face the situation that Central Trust is the Trustee of many of the premises, either solely or (as in the case of Hollinwood) jointly with other Trustees.

If a Church ceases to meet and the building has to be disposed of, the responsibility for carrying out the disposal falls upon the Trustees, whoever they are. That of course does not mean that Trustees are free to use the money arising from the disposal as they wish. The use of the money is governed by the terms of each individual Trust Deed and again these are far from uniform. However in broad terms most deeds require that the money be applied for the purposes of the (original) FCE or the REC. As neither of these Denominations still exists it is almost certain that an Order of the Charity Commission will be required on each occasion that a building is sold for the funds to be applied according to the cy-pres doctrine (that is for the nearest available charitable purpose to that which can no longer be fulfilled). Obviously there is plenty of scope for argument in this between the Connexion and the other FCE Churches as to which of them has the better claim. The prospect of the Charity Commission calling for Solomon's sword to divide the proceeds in two is a distinct possibility.

David P Negus
26 April 2007

I understand it to be the case that in the face of dwindling resources, both financial and ministerial, you are looking at ways of changing the organisational basis of the Connexion, the end result of which may well look quite different from the 'pseudo-CofE' model which you inherited. I will confine this reply to giving you the short summation of my views rather than an extended discourse of all the reasoning that lies behind them.

The problem needs to be viewed at two levels.

FIRST: I think the main thing that matters to most of the Churches within the Connexion is whether they can retain control of their own buildings and the destiny of their own congregation.

Every individual Church is regarded in law as being an independent non-conformist body. Their buildings (and any independent local funds, whether vested in local trustees or Central Trust) are regarded as held on trust for the local congregation in accordance with the individual terms of their particular foundation trust deed.

The terms of these deeds vary widely from Church to Church. Some of these date back to the old (i.e. pre-1927 FCE). Some go back to the old REC, and broadly speaking the most uniformity is amongst this particular set. One or two are FCE post-1927 but of the two examples that I think I have seen in this category the actual causes themselves clearly go back beyond 1927 and I think there are significant questions that would have to be asked about the actual legality of the position of these foundation deeds if the FCE Ecumenical were ever to try and assert that somehow these Churches are tied to the post-1927 FCE. Finally there are one or two which began life outside the

FCE altogether and at some stage joined the Denomination voluntarily. Again there are significant questions as to whether the legal procedures adopted to try and bring those Churches within the FCE framework were actually carried out in a lawful manner.

The Charity Commission have expressed the provisional (though pretty firm) view that the references in all the pre-1927 deeds to the Churches needing to belong to the FCE or the REC are no longer capable of enforcement at all because those denomination simply do not exist. Because the FCE in 1927 did not go to the trouble and expense of having an Act of Parliament to tie up the loose-ends caused by amalgamating the two former Denominations, they simply ended up sweeping away the old Denominations, which in law were unincorporated associations legally separate from the Churches which belonged to them, and replaced them with a new and different unincorporated association. Thus where the individual Church deeds stipulated that the Church was to be subject to the jurisdiction of an unincorporated association which no longer existed, the legal position was not (as the founding fathers of the new FCE in 1927 must have assumed) that such obligations transferred to the new Denomination. On the contrary, the position appears to be that such obligations ceased to have any legal effect at all and have not had any effect for the last eighty years.

Insofar as individual Church Trust Deeds require particular practices and beliefs to be maintained within the local congregation, neither the Charity Commission nor the High Court will generally speaking become involved in theological arguments as to whether those provisions are being adhered to or not. They might reluctantly interfere if a Church was infiltrated by a non-Christian group who tried to change it into a Mosque or a Hindu Temple, but I think you can safely assume that whilst every one of your congregations continues to have the appearance of a Christian Church in the broadly Anglican tradition nobody is going to be able to turn them out of their building. In this regard it is helpful that the current position within the Anglican Church itself is that the spectrum of theological doctrine and practice runs from the wildest extremes of some of the Holy Trinity Brompton offshoots in London, via the Proclamation Trust/Reform conservative evangelical congregations through the hopelessly wet and agnostic liberals to the highest Anglo-Catholic ritualists at the other end. It may also be of interest in this regard that one of the side effects of the controversy both in England and America about gay clergy and women's ordination is that individual congregations have started to reject the authority of their actual Diocesan Bishop and place themselves under the authority of Bishops in different and more conservative Dioceses.

As a legal matter my view is that as long as the Connexion carries out the choice and ordination of new Bishops in accordance with the new procedure which it has adopted and considers to be proper and valid, it is highly unlikely that anybody could argue successfully that this amounted to individual Churches within the Connexion departing from the FCE. My limited knowledge of the Countess of Huntingdon's Connexion from which the 'old' FCE developed pre-1927 is that internally they had differing views on the subject, as indeed did the great Puritan divines during the seminal debates of 1643 through to 1656. As long as the Connexion holds true to one the views which has a demonstrable Anglican pedigree, it seems to me that no-one can argue that there is a single unchallenged view of what Episcopal ordination means in an Anglican context.

SECOND: I know that there are a few who are also exercised by the question of who controls such centralised funds and assets as the FCE has and which are currently de facto all under the control of the FCE Ecumenical.

In law these belong to the FCE as an unincorporated association, although I think most of the assets are strictly speaking vested in Central Trust and it appears to be the case that Central Trust controls some of those assets purely as a Trustee, holding them on other trusts, whilst the remaining funds it controls subject to Central Trust's own constitution. I have never fully investigated Central Trust's legal constitution but it is clear that for the last several years at least,

its Board has been dominated (I think now exclusively) by members of the FCE Ecumenical. I think it would require a major legal battle to attempt to wrest control of Central Trust from the FCE Ecumenical. Frankly I doubt whether either side has either the heart or the funds to sustain such a battle.

In the unlikely event that such a battle ever does take place through the Courts I dare say that the FCE Ecumenical would throw in charges that the Connexion has since the division departed from the FCE's Denominational structure, but given that they have many other such arguments already I doubt that this one would on its own be decisive of the outcome. The Connexion would have plenty of contrary arguments to lay at the door of the FCE Ecumenical and the only thing that I can predict with confidence about the outcome is that the Court would do everything possible to avoid having to adjudicate on matters which it would consider are exclusively theological and thus beyond the competence of a secular Court.

I would make one general observation. There was already a general recognition across the FCE prior to the recent split that the Denomination was largely elderly, small and sadly dwindling. I believe that the membership of the entire Denomination countrywide of the twenty odd Churches prior to the split scarcely exceeded the number in membership of my own local congregation. I think there had to be serious questions asked therefore as to how long even the Denomination as it was could have afforded to maintain the full apparatus of its Denominational structure and this question must have become even more acute for both bodies now that the split has occurred.

I know that at the time that the division was under contemplation I advised that the Connexion should do everything possible to maintain a parallel structure and to assert that that parallel structure was the authentic FCE. However, contrary to the situation over the foundation deeds of the individual Churches, which can never be changed except to a limited extent by order of the Charity Commission or the High Court, **an unincorporated association invariably has the right to amend its own rules in the light of changing circumstances.** It is perfectly clear that the FCE prior to 2004 had amended its constitution and canons several times, even though some of those changes were the matter of dispute as to whether they had been done lawfully.

If we take as the starting assumption that **the Connexion as it now stands is the legitimate FCE** and that the Ecumenical rump are the usurpers, it follows that **the Connexion is entitled to amend its own constitution and practices in the light of current circumstances.** I believe that one of the matters that provoked the split in the first place was the 'Agenda for Change'. Everybody seems to have been in agreement that change was needed, but there was a fundamental disagreement as to the direction in which the change needed to take place.

Many small congregations which have been faced with the painful reality that a dozen or so elderly members can no longer maintain the fabric of a Victorian Gothic 'barn' originally intended to seat 900, and have had to take a decision to abandon this in favour of meeting somewhere smaller and more manageable. In effect this is the same stark choice with which you are now being faced in a constitutional rather than architectural context.

All I can say from a legal point of view is that if changes are properly adopted and approved by the Denomination then provided that they do not amount to a fundamental departure from anything that could possibly be recognised as the Christian faith within the Anglican tradition I do not think that it could be argued that the Connexion has thereby ceased to be entitled to maintain the argument that it remains the valid successor of the post-1927 FCE.

David P Negus
12 September 2007