



## Stewardship of the Gospel – Stewardship of the Diocese

Now I rejoice in my sufferings for your sake, and in my flesh I am filling up what is lacking in Christ's afflictions for the sake of his body, that is, the church, of which I became a minister according to the stewardship from God that was given to me for you, to make the word of God fully known,...(Colossians 1:24-25)

The Diocese of South Carolina, after much prayerful consideration and reflection, has chosen to seek relief in the courts for the relentless challenges made to its integrity as a Diocese by The Episcopal Church (TEC). Many of our parishes have joined in this request for a judicial ruling because their own integrity is also at stake in these matters. Indeed, the very integrity of the Gospel of Jesus Christ, as it has been handed down to us through the ages, through the apostles and martyrs, is at stake.

This legal approach is not an offensive tack by the diocese, but purely a defensive attempt to seek a declaratory judgment in this matter once and for all. A **declaratory judgment** is a legal determination by a court that seeks to clearly define the legal position of litigants in cases where there is some doubt as to their position in law. It is a form of “legally binding **preventive** adjudication” (Samuel Bray, 2010, “Preventative adjudication,” *Univ. Chicago Law Rev* 77, 1275) by which a party involved in an actual or possible legal matter can ask a court to conclusively rule on and affirm the rights, duties, or obligations of one or more parties in a civil dispute.

We want both those within this Diocese and our friends further abroad to understand that this decision was not made lightly, but only after careful consideration of its significance. What follows represents a summation of the work that has informed this decision.

### I. Our Stewardship of the Gospel

“Do not move the ancient boundary stones which your fathers have set... (Proverbs 22:28).

One of us who writes these reflections remembers a snowy day in Scotland walking in the glens of the highlands with a professor friend—crossing paths, jumping fences, veering off the paths at will, up hills with no maps or boundaries. He recalls suddenly stopping and speaking to his Scottish friend: “We could never do this in America. There would be trespassing signs at every crossroads. How do you manage to cut across all this property?”

He said: “In Scotland, it is an ancient precedent and the law of the Scottish Parliament that nobody owns this land. God owns it.”

That moment brings a humbling and governing reality (a good place to begin): We do not believe that TEC owns the property in the Diocese of South Carolina; we do not believe that the Diocese of South Carolina owns it. God owns it. He will dispose of it in his sovereign wisdom. And so where does this place us before God in a time in which we are contending for the gospel (Jude 3) with TEC, in which we are seeking a declaratory judgment? It is simply compressed in the words God spoke through Paul: *This is how one should regard us, as servants of Christ and as stewards of the mysteries of God. Moreover it is required of stewards that they be found trustworthy* (1 Corinthians 4:1-2).

A trustworthy steward of the mercies of God: steward because we do not own our buildings or resources or endowments or anything else. But we are entrusted to guard these “tender mercies” and the unchanging power of the Gospel to transform lost lives. A favorite word of Paul in his advice to his son Timothy is “deposit.” “O, Timothy, guard the deposit entrusted to you (1 Timothy 6:20).” And again: “By the Holy Spirit who dwells within us, guard the good deposit entrusted to you (2 Timothy 1:14). And what is this deposit? It is all the received power of God in Jesus Christ to bring redemption and reconstructed hearts of sinners dwarfed by the power of their own self-absorption. This “deposit” is a treasure we do not improve or modify. We do not have permission to take the best ideas we discover on *Beliefnet* and re-define this treasure. It is something not humanly crafted. This deposit is simply received. So the Apostle teaches, “As you have received Christ Jesus, so live in him, rooted and built up in him and established in the faith, just as you were taught...” (Colossians 2:6). It has the character of coming to us from *beyond*, for us within. This is what we are: we are stewards and servants of the Gospel’s truth.

This Gospel stewardship has at least three major implications for us today:

i) We are stewards of the *Gospel identity* which was launched centuries ago by the Diocese of London. We are stewards of our name and identity and our Diocesan seal—and all it suggests regarding the potent Gospel we have been given to spread and defend. We are called to be faithful stewards of this godly heritage; and we enter into this litigation simply to defend an attack upon our own identity in Christ as we know it historically in the Diocese of South Carolina. We cannot lightly set this precious gift and heritage aside.

ii) We are stewards of our *property*. Of course “God owns it.” Of course all “property,” from the thirty-thousand foot vantage point of eternity is dust in the wind. We resist any idolatrous, sentimental notion of an attachment to our property which places it in the center of our hearts. God will bring his judgment to that. However we have been entrusted as *stewards* of these gifts that the living water of the Gospel might flow through it all. Our buildings, chapels, carved pulpits, mission centers, kitchens, the places where generations of a family have knelt together—all of this has a *sacramental* dimension. They are places of encounter. And we are entrusted to make sure that the true Gospel is alive in these places. If for instance we were merely to give St. Christopher to the church which produces the

General Convention of TEC, what sort of gospel do we think would seep into a child's thirsty heart? Gospel stewardship demands action to insure true Gospel ministry continues in all the places God has provided us for His work among us.

iii) We are stewards of *God's call*, to take the road which God calls us to. We believe we have a calling in this day to make biblical Anglicans for a global age. Our affiliation of this Diocese with TEC has been voluntary. We have a right to sever affiliation with an organization which has redefined the mysteries of God, recast the "deposit" once delivered to the saints, and left the identity of Christ himself a pale and open question. The paths of TEC and this Diocese have diverged in radically different directions. Stewardship of our Gospel calling requires separation.

We are simply stewards of the mysteries of God. And so—as ruined and lost sinners, who have known the priceless invasion of the Savior Jesus Christ upon the shores of our hearts—we are entrusted with a Gospel we shall proclaim and defend. There is no other gospel and in all these things the one enduring passion of God for us is that we be found faithful.

With so much at stake, we must consider carefully how scripture, tradition and reason can best inform and suggest a precedence for our decisions.

## II. Lawsuits against Believers: 1 Corinthians 6: 1-8

**What is at Issue?** What about Christians and lawsuits? How does the scripture guide us here? Like a narrow passage through a mountain range, we eventually stand before a formidable few verses (1 Corinthians 6:1-8). Paul is writing to a Christian fellowship which is fractious, divisive, spiritually competitive, immature, often gripped by self-importance (who has the most important spiritual gifts and the like)—there is no wonder that the great love chapter is so prominent and necessary (1 Cor. 13), as is Paul's insistent focus on the strange wisdom and power of the cross. Now the issue is lawsuits. Christians are taking other Christians in the same fellowship to court. Paul calls it a "shame" and a "defeat," (6:7). "How dare you do this...." What's going on here? The cursory, *prima facie* response to the impact of these verses would seem to be: "Have nothing to do with legal recourse in any situation. Any legal recourse is simply a disaster! Run from the courtroom!" But is that what the text actually says?

**Looking closer.** Is this passage simply saying: "No Christians should ever go to court about anything."? Or "It is always wrong to seek justice in a court room." Bruce Winter, Warden of Tyndale House, Cambridge, offers some sense of the setting and its original context, so that we do not rush in too quickly to export principles without understanding what is going on at ground level in Corinth:

In the light of the way local courts operated it is little wonder that Paul is appalled that some Christians dare to take civil actions before annually elected magistrates and wealthy compatriots. They acted as either judge and jury with great partiality and

could also be bribed. If the saints are to judge the world then they are surely competent to act as mediators in the civil actions which Paul calls trivial cases. The term used suggests that their civil litigation is vexatious rather than settling genuine matters....Some of those who are wise might undertake the role of mediator which was an accepted way to resolve matters in secular courts. (*New Bible Commentary*, pg.1169)

The picture is of two believers in the local church—within the same fellowship of believers (6:6), *between the brothers* (6:5) taking one another to court. And the issue is not cataclysmic or momentous; it is not of high importance, but spoken of as *trivial*, of least importance, of small moment (*elaxistos*). Further, it is between two brothers sharing the same Christian life. They bear the same heart and anchorage in the Lord and his specific graces and resources to bring about a godly resolution. The fact is that this is a trivial lawsuit. It has at its heart a twisted intent: *your desire is to wrong and defraud—even your own brothers* (6:8).

Moreover, the situation relationally is worsened by going to the Greco-Roman courts which, as Winter points out, is rife with an atmosphere of bribes, political corruptness and social inequality. That's reason enough not to go to a civil court in Corinth.

What kind of witness does this bring the world? Why take trivial disagreements and try to use them to wrong and defraud a fellow brother? Is there not somebody in the body of Christ who can bring *wisdom* and mediation (6:5)?—this is what is at work in Paul's pastoral heart.

**“By analogy” what is this text saying in our own context?** We need to hit the brakes before we too quickly go into the import business in applying this text to our situation. Here are a few reflections:

i) Paul's overall passion here seems to be to attempt to lead these brothers to find *wisdom*. It is to discover a wise mediation to the problem. It is stunning to recognize that this instinct has been the clear and demonstrated intent of the Bishop of South Carolina who traveled to New York on October 3, 2012 to seek a wise resolution with the Presiding Bishop. That, however, proved to be of no avail. So with no viable ecclesiastical alternative, the civil courts (far different than those of Corinth) are the remaining viable alternative.

ii) Paul is dismayed at the inner motives on display in this lawsuit in Corinth. He wants to expose these motives which are merely rancorous and vexatious; they are in the courtroom for unjust gain with an attempt to wrong and defraud. Would it not be true to say that our interest in a declarative judgment is the *opposite*: to find a true ruling—where the boundary line finds its true place. A declarative judgment seeks a wisdom which does not attempt to extort gain from the other party, but is simply a disciplined effort to establish justice.

iii) Paul is dealing with a situation in which the matter is *trivial* or least in importance (literal Greek). This is worlds away from our situation as demonstrated in section I above.

iv) We do not find ourselves now in an inner parish setting such as the one Paul describes, but in one with the Gospel stewardship of many parishes at stake. It is in fact a continental struggle to define the basics of Christianity itself.

v) This passage assumes a core and basic Christian *brotherhood* (6:6). Paul is appealing to the fact that these unnamed adversaries are at heart standing around the same fireplace which warms but also consumes in its own fire all sin and self-gain. All the treasure of Christ—the priceless deposit of the Gospel—all this common treasure is enough to broker a powerful and wise conciliation. They share the same Lord—*commonly* understood in his truth and claims and reality. Just how apparent is this in our situation? What happens when the Gospel has been hollowed out, so attenuated and redefined that it has no skeletal structure left? We have lost the common ground. Back beneath any legal contest stands a more massive fracture: we are in a desperate struggle to define the meaning of Christ himself and the truth and reliability of His Word.

### **Conclusion.**

i) Gratuitous lawsuits are ugly. They are a tragic reverse-witness to the culture. True Christian brothers and sisters need to settle their hearts before Christ and one another (Sermon on the Mount. Romans 12, etc). “As much as it depends on you, be at peace with all people.” We never have the right to return evil for evil.

ii) Just as strong to hold to is this: Every day Christians find themselves in a legal setting when every other wisdom has broken down, when there was nowhere else in this world to go. That seems to be the clear truth in our context. Nowhere in this passage does Paul prohibit lawsuits as a word from the Lord. You will not find that taught in chapter 6. Indeed, we pray for kings, rulers, Caesars of every generation, and all in authority, who dwell in the civil and legal world that the ancient boundary stones which have been wrenched away might be restored again to their true place (Proverbs 23:10).

## **III. A Case for Just Legal Action**

In our consideration of the place and role of litigation, we can also draw upon a helpful lesson for us from Christian tradition. This dispute that we have been engaged in with the leadership of TEC, tacitly for a generation but more explicitly over the last three years, can be readily perceived through war analogy and battle terminology. St. Paul himself did this often, most especially in Ephesians, chapter 6, “Put on the whole armor of God...” It is because of this recognition of the war that is progressing between us and the prevalent culture holding captive the national leadership of TEC, and most assuredly ongoing in “the heavnlies” that we may also reason our approach through the Just War tradition. The authors are fully aware that this tradition was developed for ethical determinations in civil life between physically and truly warring parties, engaged in substantial loss of life. We

believe we are not overstating the importance of this battle, as the real danger here is potential loss of souls to eternal life in Christ. So, we believe the ethical approach is valid for this spiritual and legal war we are engaged in with the leadership of TEC. Below we make the case for a “just legal action” in the same vein as a case may be made for a just war.

### *The Just War Tradition: Just ad bellum (what justifies going to war)*

The Just War Tradition has a long history in the annals of the Church beginning with Augustine of Hippo and delineated in a more extended form by St. Thomas Aquinas. As recently as 1983, the United States Catholic Bishops explicated a Just War Tradition as official Church teaching in their *The Challenge of Peace: God's Promise and Our Response*. Classically, seven ethical aspects must be attended to before engaging in a “just” war. In the proceeding, when the word “war” or “force” is used we can substitute “legal action” or declaratory judgment.” “Arms” and other such bellicose terms can be replaced by “methods.”

**Just Cause.** “Force may be used only to correct a grave, public harm, such as **defending against unjust aggression...**” (James F. Childress, 1978, “Just War Theories,” *Theol. Studies* 39, 427-445; and proceeding sectional introductory quotes). Churches which have dissented from the trajectory of TEC’s innovation only wish to continue “to be loyal to the doctrine, discipline, and worship of Christ as this Church has received them...” (BCP, p. 526, Ordination of a Priest); and to follow St. Paul’s injunction to the Colossians (2:6-7), “Therefore, as you received Christ Jesus the Lord, so walk in him, rooted and built up in him and established in the faith, just as you were taught, abounding in thanksgiving.” The plethora and pattern of lawsuits initiated by TEC against these dissenting churches is clear evidence of “unjust aggression” to achieve power and property and assets, and not for the spread of the Gospel.

**Legitimate Authority.** “War must serve public and not merely private purposes. So only duly constituted authorities at the highest levels of a legitimate government – those who bear the responsibility to decide matters that are for the good of the people – can make the decision and they must do so publicly.” Any legal action must not be undertaken purely for the cause of protecting assets or property, but must also be for a higher cause, such as the unity of the diocese and the stewardship of its assets for Gospel-centered purposes. The Bishop and Standing Committee, and the Diocesan Convention, are such “duly constituted authorities.” Further, it is fully intended that asking for a declaratory judgment in a civil law court is the most expedient course of action, and would lead to the least amount of suffering for all parties and would indeed be “for the good of the people.”

**Formal Declaration.** “Before using force, a country/entity must make a formal declaration of war and delineate its aims.” It is intended that the filing for a declaratory judgment for all churches in the Diocese will be such a formal declaration. The aim of such a declaratory judgment would be to lessen substantially the length and cost of legal disputes, relieve the anxiety and suffering of our churches as they wait for each step of TEC’s legal strategy to

play out, and ultimately short-circuit the oft demonstrated methods of the national leadership of TEC.

**Right Intention.** “War must be waged for the sake of a just cause, not out of ethnic hatred, for revenge,...for material gain, nor to grab power. War’s ultimate goal must be reconciliation and the restoration of justice. In addition, those who undertake war...should not act with arrogance, or self-righteousness, but with humility, regret, and full recognition of the humanity of their adversaries.” Our clear and singular goal is Gospel stewardship. Its achievement will be judged in the court of public opinion and in the court of Christ the King, but we believe that the Bishop and Standing Committee have proceeded prayerfully, humbly, and with continual self-evaluation. Having said this, we must continue to be critical about our own motives and intentions, all within a spirit of humility and for the ultimate hope of full reconciliation.

**Probability of Success.** “Arms must not be used in a futile cause...It is not right to wreak widespread havoc for a lost cause, even if the war is defensive.” Asking for a simple and final declaratory judgment seems the cleanest and least destructive of all other possibilities before us. We believe the precedence of the earlier All Saints, Pawley's case, among other reasons, suggests the legal soundness of our case and a reasonable expectation of vindication.

**Proportionality.** “The good a war will accomplish – or the evil it will prevent – in total must outweigh the totality of suffering it will inevitably cause to all parties. It is morally wrong to make matters worse.” It must first be understood that there were no bloodless options left. All possible choices lead to fracture and pain for many. To believe otherwise is to be unacquainted with all the facts. Those alternative costs have been carefully weighed.

Further, we are asking for a declaratory judgment only, we are not seeking monetary damages. No parish or mission wishing to remain with TEC is being compelled to come with us. All will be allowed to follow their conscience and maintain their assets for the purposes they see fit. That is the least painful and disruptive path for the majority of those worshipping in each of our parishes, regardless of their support or lack thereof for the bishop and diocese.

**Last Resort.** “Force may be used only after all peaceful and viable alternatives have been seriously tried and exhausted, especially good-faith diplomatic negotiations.” The recent history of our interaction with the national TEC leadership, including its General Convention, its Executive Council, its Disciplinary Board for Bishops, and its Presiding Bishop are evidence that other alternatives have been attempted and failed.

Our Diocesan Bishop has on various occasions invited members of the House of Bishops to engage him in conversation about what was happening in his diocese. On December 14 of last year (2011) a group of Province IV bishops requested and were granted a meeting with Bishop Lawrence to discuss the issuance of quit-claim deeds in our state and for a frank

appraisal of the situation in our diocese. He has attended and made himself available for conversation at virtually every meeting of the House of Bishops, including that at the most recent General Convention.

As recently as October 3, 2012, our bishop was involved in good-faith negotiations with the Presiding Bishop. This was at a time when she must have been fully aware that the Disciplinary Board for Bishops had already met and certified (on September 18<sup>th</sup>) that Bishop Lawrence had “abandoned the Episcopal Church” and recommended that his ministry be “restricted.” This is proof that we have tried to negotiate and communicate with those in leadership in other dioceses and those who represent the national leadership in TEC. To no avail.

Now, the public statements and actions by the leadership of the new TEC steering committee have made it abundantly clear that litigation is imminent. The intent to do so has been unambiguously articulated. The preparation to do so is unarguably clear in the formation of shadow parishes, websites and leadership structures. This is not simply reorganization to resume life as a new TEC diocese. It is preparation for a war to take control of ours.

How then shall we proceed?

## **IV. A Case Study: St. Paul - Acts (22-25)**

The life of St. Paul provides a final helpful example of how the principles and concepts of Gospel stewardship outlined above can be applied in a context not dissimilar to our own. Paul exercises his right as a citizen on three related occasions when facing potential harm and persecution.

**The First Appeal.** While visiting Jerusalem and worshipping in the Temple, Paul is accosted by those who believe he has brought uncircumcised Gentiles into the complex (Acts 21). The ensuing attack on Paul brings forth the Roman guard, who arrest him and after a brief pause (Acts 22:1-22), return with him to their barracks. There we see his first appeal to his rights as a citizen. With the goal of getting to the truth of the matter, the Roman commander directs that Paul be flogged and questioned. Here Paul makes his first appeal, asking the Centurion, "Is it legal for you to flog a Roman citizen who hasn't even been found guilty?" (vs. 25). The response is immediate and decisive. His chains are removed and the threat of a brutal interrogation is removed.

**The Second Appeal.** As we know, however, it is hardly the end of Paul's trials. He remains in Roman custody but is brought before the Sanhedrin for a further examination of the matter. The accusations they bring offer no clarity to the matter at hand, but do have one significant result. We are told that some 40 men take an oath and conspire to kill Paul the next time he is brought before the Sanhedrin (23:12-15). When word of this reaches

Paul, he again appeals to authority, informing the Roman commander (vs. 17), with the result that he is once again protected and sent to the Governor Felix under a heavy armed guard. The letter recorded in Acts conveys the Roman assessment of the matter, "the accusation had to do with questions about their law" (vs. 29) that merited neither death nor imprisonment. Once again his life is preserved by act of the Roman authorities.

**A Final Appeal.** Upon arrival in Caesarea, Paul remains under guard for another two years. The Temple leadership brings their lawyer to press their accusations, but Felix will neither acquit nor convict Paul. When the new Governor Festus arrives, the accusations resume. When it appears that Festus may be about to hand him over to the Jerusalem leadership, Paul makes his final appeal: "I am now standing before Caesar's court where I ought to be tried. I have not done any wrong to the Jews, as you yourself know very well. If, however, I am guilty of doing anything deserving death, I do not refuse to die. But if the charges brought against me by these Jews are not true, no one has the right to hand me over to them. I appeal to Caesar!" (25:10-11).

**Important Observations.** Several important aspects of Paul's behavior, as the author of First Corinthians, should be noted.

- He is not averse to defending himself by appealing to the legal apparatus of his day. He has rights as a Roman citizen, which from time to time, he will exercise (c.r. Acts 16:37-40).
- He does so in a fashion that focuses on his present and future ability to proclaim the gospel. He demonstrates a conscious stewardship of all God has provided for this work. In fact, he utilizes each stage of the encounter as an occasion for that purpose and is affirmed in the assurance that God will send him to Rome for that very task (Acts 23:11).
- All this on his part is done in a fashion that does no material harm to anyone. There is, however, the clear assertion of his truth over that of his accusers. Paul is able to stand on his conscience with complete integrity as a steward of the Gospel.

The analogy to our circumstances here in the Diocese of South Carolina is striking. Our action is in response to over 3 years of steadily escalating attempts to interfere in our Gospel life and ministry by TEC. They have actively sought to remove our duly elected bishop and leadership to replace them with those more accepting of their agenda. This began in 2009 with the Presiding Bishop hiring local legal counsel and demanding documents which could have no purpose but prosecution. This effort continued with attempts by Executive Counsel to declare actions of our Diocesan Convention null and void, and finally the convening of a Disciplinary Board for Bishops in 2011 and again, in 2012 (for the same charges) to try and remove Bp. Lawrence for Abandonment of Communion. When that action was finally taken, we were immediately disassociated from TEC.

Since that time, TEC has rapidly begun the business of creating shadow parishes and a shadow Diocese to supplant these legitimate entities. They have attempted to lay claim to our Diocesan Seal and other marks of identity and engaged in an organizational strategy that clearly has no other goal than the wholesale removal of our parish and Diocesan leaders in order to take control of the institution and our congregations.

Now, like St. Paul, we have exercised our right as citizens and "appealed to Rome" for relief from those who seek to do us harm. Our request for a declaratory judgment seeks nothing but the affirmation of the truth: that we, like Paul, have done no wrong. We believe our actions to date have been legal, moral and justifiable. The truth of that, about which we are in disagreement, must now be adjudicated by the Courts. It is clear we were destined for such a venue by the many actions and public statements made by the Steering Committee leadership in recent weeks. This situation is as unfortunate as it is unavoidable.

For the sake of our stewardship of the Gospel; for the doctrine, discipline and worship of Christ as this Church has received them; for the preservation of the ministry of our parishes in the Lowcountry, we can do no other than defend our Diocese and its ability to spread the Good News of God's Kingdom.

Respectfully submitted,

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