THEOLOGISCHE UNIVERSITEIT VAN DE GEREFORMEERDE

KERKEN IN NEDERLAND TE KAMPEN

In All Things Lawful

An Intercultural Reformed Evaluation of the Obligation of Canonical Obedience in the Anglican Church of Kenya

ACADEMIC THESIS

TO OBTAIN THE DEGREE OF

MASTER OF INTERCULTURAL REFORMED THEOLOGY

Daniel O. Odhiambo

August, 2022

Supervisors: Drs. J.J.A. Colijn

Prof. Dr. C. van den Broeke

Dr. E. Brink

Abstract

The relationship between clergy and bishops in the Anglican Church of Kenya is marked by a palpable culture of deference, in its negative connotation of subservience and servility. In this context, therefore, the oath of canonical obedience means nothing except an ecclesiastical obligation to offer unqualified obedience to the bishops, always, in all things. There is reliable evidence that some bishops use this power in sinful ways, to bully and coerce compliance from the clergy. Because the bishops are structurally at the summit of the hierarchy, there is nowhere else to go within the institution for aggrieved clergy. A few clergy are therefore now taking legal action by suing their bishops in the secular courts, a trend that might only continue.

This thesis argues that the oath, though coming from a sixteenth-century context where the culture would not have been so different from the one just described, does not necessarily demand deference. In contemporary usage, in the Church of England, it has been interpreted to require obedience only in those directions which the bishop is by Canon Law authorized to give. In this sense, and because bishops also swear an oath of canonical obedience to the archbishop, the oath binds both the clergy and the bishops to the authority of Canon Law. The principles of collegiality, autonomy, parity of ministers, and mutual accountability drawn from the Reformed tradition can help inculcate a healthy leadership culture in the Anglican Church of Kenya, where the oath of canonical obedience is simply understood to symbolize the framework of relationships, and the tradition of faith, within which Anglican ministry is exercised.

Table of Contents

INTRODUCTION

i. Preface

This thesis concerns the oath of canonical obedience to the bishops that every clergy in the Anglican Church of Kenya, and indeed many other Anglican churches, usually take during ordination. According to Canon XI of the Provincial constitution of the Anglican Church of Kenya, a priest or deacon shall only be admitted to officiate in any church after receiving a license from the bishop. The license will, however, by canonical law, only be issued if the said priest or deacon shall have made the following oath which, in the Anglican Church of Kenya, is normally taken only once during ordination:

I, A.B. do swear by Almighty God that I will pay due and canonical obedience to the bishop of ……. and his successors in all things lawful.

The form of the oath as used in the Anglican Church of Kenya strictly follows that of the Church of England's canon law; only omitting the phrase "and honest" at the end. It is very ancient and probably predates the sixteenth-century English Reformation. It has however been passed over across the centuries, substantially in its original form. It is thus one of the "common laws" in the churches of the Anglican Communion.[1]

Indeed, a fundamental element in how Anglicanism defines itself is a commitment to the episcopal form of church government. Though every national church is autonomous, it is the Lambeth Quadrilateral[2] that defines the basic commitments of Anglicanism and forms the basis

[1] Norman Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective* (Oxford: Clarendon Press, 1998), 152.

[2] The Lambeth Quadrilateral is the name given to the four commitments which the bishops from around the world meeting in at the Lambeth conference of 1888 agreed to as the basic defining elements of global Anglican communion.

of Anglican global unity.[3] It was approved by the third Lambeth conference in 1888 and consists of:

> A) The Holy Scriptures of the Old and New Testaments, as 'containing all things necessary to salvation', and as being the rule and ultimate standard of faith. B) The Apostles' Creed, as the baptismal symbol; and the Nicene Creed, as the sufficient statement of the Christian faith. C) The two Sacraments ordained by Christ Himself— Baptism and the Supper of the — ministered with unfailing use of Christ's words on Institution, and of the elements ordained by Him. D) The Historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of His Church."[4]

That episcopacy finds its way into this short list is a testament to how essential it has become in Anglican self-awareness. To be sure, even at the Reformation, it is the commitment to this historic episcopate that made the Church of England distinct from other protestant churches on the continent.

In this historic episcopate, the ordained ministry is exercised through the threefold ministry of bishops, priests, and deacons. Bishops play the central role by exercising general oversight of governing, teaching, discipline, and pastoral care. Priests, traditionally called presbyters, usually lead the local congregations, also called parishes, under the oversight and authority of the bishops; while the order of deacons usually functions like probation to the priesthood though the progression is not automatic. It can therefore be said that there are only two orders: bishops and clergy.

With the bishop as the chief minister, what governs the relationship between the bishops and the clergy is the obligation of canonical obedience. Not only do bishops have the prerogative for ordination, they also have the prerogative over where and how the clergy serve. The priests

---

[3] In Anglican ecclesiology, not only is every national church autonomous, but so is every diocese. The bishops of all the dioceses globally meet every ten years in what is called a Lambeth Conference. In the absence of a pope, this conference is as closest as it gets to defining the unity of global Anglican Communion.

[4] Kevin Ward, *A History of Global Anglicanism* (Cambridge, UK; New York: Cambridge University Press, 2006), 298.

and deacons commit themselves by oath to this authority. Therefore, the oath of canonical obedience is both a function of discipline and accountability; and on the other hand, also of power—episcopal power.[5]

Though it is such a significant tradition of the church, there has been little detailed examination of this canonical obligation. The oath might look simple and straightforward, but its contemporary interpretation and application in Kenya are so ambiguous and contentious that it is difficult to understand its true nature and usefulness. The challenge of this Thesis, therefore, is, while affirming the biblical and historical heritage that the episcopal polity accords, to think about how to appropriate the enduring substance of this canonical obligation into a form that best serves the contemporary Kenyan context. A biblical, Reformational, and contextually effective (and acceptable) obligation needs to uphold the significance and goodness of healthy authority while at the same time establishing structures of mutual accountability and respect; so that bishops and clergy can with one mind strive side by side for the faith of the gospel (Phil. 1:27) in the attitude that comes with it (Phil. 2:1-5).

ii. Necessity and Relevance

The Oath of Canonical Obedience to the Bishops which is required of every ordinand and/or licensee in the Anglican Church of Kenya is causing considerable disquiet in the Anglican Church of Kenya. On the one hand, this could just be an expression of the common observation that the Kenyan culture is one of defiance and little regard for rules, something akin to that of

[5] Though strictly speaking there is a difference between authority and power—authority being the legitimate use of power— the two words will be used interchangeably in this Thesis.

Western postmodernism as expressed in what French philosopher Michael Foucault popularly called "the battle against relations of power."[6]

On the other hand, however, there is now much more awareness, culturally, of the potential of the abuse of unaccountable and arbitrary power even among church leaders. In the past, bishops, just as all other leaders, were highly revered as is typical in African cultures said to have a High Power Distance.[7] Deference to authority, with its negative connotation of unquestioned obedience and servility, was the norm. Bishops, therefore, enjoyed a limitless scope of authority, and autonomy in their exercise and enforcement of that authority.

This leadership culture is however increasingly resisted, even in the nation and government. While former presidents, for example, were very powerful and unquestioned in their exercise of authority, the new constitution has significantly limited the powers of the president, and many presidential decisions are now being successfully challenged and blocked in the courts—to the delight of many.[8] The same trend is now seen in the church. Though the status quo has remained constitutionally and structurally, there has been a worrying trend of clergy seeking legal redress in secular courts over ecclesiastical conflicts with their bishops.[9]

The obligation of canonical obedience by clergy to their bishops in its current form, it is alleged, conveniently served the former authoritarian leadership culture. Though exceptions

---

[6] Olubayi Olubayi, "The Emerging National Culture of Kenya: Decolonizing Modernity," *Journal of Global Initiatives* 2, no. 2 (2007): 223–37. Also Hofmeyr et. al discuss the defiant 'Who can Bwogo Me' culture where "bwogo" means "to threaten": Isabel Hofmeyr, Joyce Nyairo, and James Ogude, "Specifities: 'Who can Bwogo Me?' Popular Culture in Kenya", *Social Identities* 9, no.3, 373-382.

[7] Power Distance is concept that describes how people in a society relate to each other on a hierarchical scale. A culture that gives great deference to a person of authority is a High Power Distance culture, and a culture that values the equal treatment of everyone is a Low Power Distance culture. Geert H. Hofstede, Gert Jan Hofstede, and Michael Minkov, *Cultures and Organizations: Software of the Mind: Intercultural Cooperation and Its Importance for Survival*, 3rd ed (New York: McGraw-Hill, 2010), 61, 72.

[8] Ambreena Manji, "The BBI Judgment and Project Kenya," *The Elephant*, May 24, 2021, https://www.theelephant.info/features/2021/05/24/the-bbi-judgment-and-project-kenya/.

[9] Tom Osanjo, "ACK Power Wrangles Put Church in the Spotlight Again," *Nation*, June 28, 2020, https://nation.africa/kenya/news/ack-power-wrangles-put-church-in-the-spotlight-again-1248996?view=htmlamp.

abound, bishops accuse clergy of resisting authority and accountability, while clergy mistrust bishops for their tyranny and coercive enforcement of authority. There is a need for the obligation of canonical obedience to be evaluated and appropriated to make it culturally effective and acceptable in enhancing safe and biblical accountability among the clergy. In its current form, it creates a culture of fear and mistrust and sometimes enables the abuse of power.

iii. Research objective

This research aims at examining the Anglican tradition of the ¨Oath of Canonical Obedience to the bishops¨ in the Anglican Church of Kenya to properly understand it and appropriate it in how episcopal authority is exercised and enforced in the Anglican Church of Kenya.

The thesis hopes to make an original contribution to the understanding of the oath of canonical obedience and the cultural narrative of power and accountability between clergy and bishops in the Anglican Church of Kenya. No one, as far as I am aware, has done research on this topic in Kenya.

iv. Research question

The main question is: What is the nature of the Anglican tradition of the Oath of Canonical Obedience and what can be learned from the vision of ecclesiastical oversight and accountability in the Reformed/Presbyterial tradition to help bridge the wedge between bishops and clergy in the Anglican Church of Kenya?

The Sub-questions are:

i. What is the history and historical significance of the Oath of Canonical Obedience in the official Anglican ecclesiastical tradition?

ii. What are the contemporary problems and challenges in the practice and application of the Oath of Canonical Obedience in the Anglican Church of Kenya today?

iii. What does the Reformed/Presbyterial tradition envision about the authority and accountability of ecclesiastical officers?

iv. What is the meaning of the oath and what theological implications are raised for its application today through a conversation between the theology of power and accountability in the Reformed/Presbyterial tradition (iii above) and the historical significance of the oath in the Anglican tradition (ii above)?

v. Position as a Researcher

I have undertaken this research, not as a disinterested outsider, but as a critical insider. I am a priest of the Anglican Church of Kenya, who has sworn the oath of canonical obedience both when I was ordained as a deacon and as a presbyter. I, therefore, came to this study as one of the clergy.

The implication is that clergy who did not know me well declined the interview, and I got no response from a bishop and a diocesan chancellor. Conversely, clergy colleagues who know me personally accepted to be interviewed enthusiastically. Though there might be disadvantages to this, the great benefit was that the interviewees felt safe speaking to me. Though they firmly insisted on anonymity, for example, they trusted that I clearly understood how damaging the interview could be to their ministry if confidentiality is breached and the contents of the interview get to the unintended audience. This is a sensitive topic, and trust is important if interviewees are to speak openly and truthfully.

I am also aware that because I am an insider, some of my data may not arise explicitly from my research; but is part of my background knowledge of the situation. This would probably

also affect how I analyzed the data I received. The advantage of this, however, is that I understand the issues much better. In any case, this research aims to infer a general understanding of the cultural narrative around the oath of canonical obedience as a function of power and accountability, rather than a discovery of something completely new from the interviewees.

The theological reflection in this work is enriched by the fact that I have a wider experience of the Church than just Kenyan Anglicanism. I grew up a Pentecostal, and over the years, my theological commitments shifted to the Reformed tradition and the Anglican denomination. Thankfully there is a small stream of Anglicanism called Reformed Anglicanism (or conservative Evangelicals) which is where I feel most at home. I also have a bit of intercultural exposure, having lived here in the Netherlands and previously in the UK for a short time.

vi. Methodology

This research is grounded in Practical and Pastoral Theology explored in the context of a Reformed Systematic and Intercultural theological framework. The approach to theological thinking is that which defers to the past and therefore seeks to recover and contextualize the tradition handed down over the centuries as the better and purer form of theology.[10] To be sure, it is acknowledged that all theology, even the classic historic confessions, and doctrines are contextual and thus should not be treated uncritically. But the past is privileged over modern, innovative theologies.

[10] This approach is also called Retrieval theology. See David Buschart and Kent Eiler, *Theology as Retrieval: Receiving the Past, Renewing the Church* (Downers Grove, IL: Intervasity Press, 2015). Also, Michael Allen and Scott R. Swain, *Reformed Catholicity: The Promise of Retrieval for Theology and Biblical Interpretation* (Grand Rapids, MI: Baker Academic, 201).

For questions i and iii, I have mainly engaged literature, both primary and secondary, simply employing a historical analytical method.

For question ii, I undertook qualitative research by conducting semi-structured interviews to help me understand the nature of the increasing wedge between clergy and bishops and the cultural narrative of the oath of canonical obedience in the Anglican Church of Kenya. In these interviews, I sought to answer the following questions:

a. How is the bishop's role understood and practiced in the Anglican Church of Kenya?
b. What is the relationship between bishops and clergy in the Anglican Church of Kenya?
c. What does the oath of canonical obedience mean and what is its impact?
d. What does the accountability of bishops look like?
e. How can the relationship between bishops and clergy be strengthened?

The subjects of these interviews were mainly clergy but I also interviewed a bishop. The first is a long-serving minister in a rural parish. The second is a provost.[11] The third is a clergy who does an administrative role in a bishops' office and therefore not responsible for any congregation. The fourth is a clergy who does both a senior administrative role in the bishop's office while at the same time taking care of a parish of six congregations. The fifth is a bishop, though he is a retired bishop and is not a Kenyan per se. He, however, worked in an administrative role in a bishop's office in Kenya for almost twenty years before later returning to Kenya to be a bishop himself for almost ten years. That's an aggregate of almost thirty years of

[11] A Provost is the minister who serves at the Cathedral-usually the most privileged congregation in a diocese.

experience of ministry in Kenya but with the advantage of being from a different culture. The interviewees not only come from different dioceses, but also from different tribes in Kenya.

Two case studies of judgements by secular courts on cases where clergy have sued their bishops are also examined, to understand the nature of the conflicts and the underlying cultural narrative around power and obedience. The first, *John Kennedy Kinyua v Joel Waweru Mwangi (Bishop of Nairobi Diocese) & another [2022]*, is the latest case for which a determination has been made. The court decision was delivered in February 2022. The second, *J M M, J N G & P M W v Registered Trustees of the Anglican Church of Kenya [2016]*, is perhaps the most known lawsuit touching on the Anglican Church of Kenya because it provided and continues to give the Kenyan media fodder for its readers and viewers. Though a legal determination was made, harmony is yet to be found between the two parties and the conflict has not ceased from public view.

To analyze the results of the qualitative research and the case studies, the intercultural theological tool abbreviated as the BBBE model (Believing, Behaving, Belonging, and Experiencing) is employed. [12]

For question iv, I have mainly employed the systematic theological and applied pastoral theology method by using skills at the synthesis level of Bloom's taxonomy.

vii. Chapter Structure

Chapter I is a brief exploration of the ecclesiastical history of the Anglican church and a historical synopsis of the oath of canonical obedience. Chapter II discusses the contemporary

[12] For the methodological background of the model, which was developed by Jos Colijn: Saroglou, Vassilis. 'Believing, Bonding, Behaving, and Belonging: The Big Four Religious Dimensions and Cultural Variation'. *Journal of Cross-Cultural Psychology* 42, no. 8 (1 November 2011): 1320–40. See also: Kreider, Alan. The Change of Conversion and the Origin of Christendom. Harrisburg, Pa.: Trinity Press International, 1999.

practice of the oath of canonical obedience in the Anglican Church of Kenya against the background of authority and accountability. Chapter III examines some of the historical principles of Reformed-Presbyterial ecclesiology with a keen eye on the practice of oversight and accountability of ministers in Geneva and the Netherlands. Chapter IV discusses a solution by attempting to provide meaning to the oath of canonical obedience and some theological implications on how it can be applied through a conversation between the Anglican tradition and the Reformed-Presbyterial tradition. Chapter V concludes this work by giving some practical applications for the Anglican Church of Kenya.

CHAPTER ONE

Historical Synopsis and Commentary

1.1 Introduction

This chapter will attempt to explore the historical context of the Anglican form of church government as practiced in the Anglican Church of Kenya and from which the obligation of canonical obedience arises. The Anglican Church of Kenya, while wholly autonomous and self-governing, has its roots in the Church of England. She accepts and is guided by —as its foundational documents—the historic formularies namely, the Thirty-Nine Articles of Religion of 1571, the Ordinal of 1661, and the Book of Common Prayer of 1662.[13]

It will moreover be shown that the oath of canonical obedience, as we now know it, comes from not only a particular ecclesiastical development, but also a certain historical context, namely, the sixteenth-century English Reformation and the medieval feudalism present at the time. The oath is very similar to the oath of allegiance which clergy in England swear to the queen of England as the supreme authority in ecclesiastical matters— which clergy in England have sworn since the late sixteenth century. It also compares very closely to oaths of vassalage sworn to secular lords in the medieval era.

1.2 Historical Development of the Oath of Obedience

1.2.1 Obedience to the Bishops in the Early Centuries

It is already possible to see that obedience to the bishops was an important matter even in the early centuries of the church. St. Ignatius of Antioch is known for his exalted language about bishops and the need to obey them. In a series of letters written as he was being led from Antioch to Rome in chains for his martyrdom, he expresses a well-developed episcopal form of church

[13] Anglican Church of Kenya Provincial Constitution, Article III

government comprised of the three orders of deacons, presbyters, and bishops. In almost all his letters, the theme of obedience to the bishops is consistent.

It is in the letter to Smyrnaeans, for example, that he famously writes, "Wherever the bishop appears, there let the congregation be; just as wherever Jesus Christ is, there is the catholic church." The implication is, he continues, "Let no one do anything that has to do with the church without the bishop" and "But whatever he approves is also pleasing to God, in order that everything you do may be trustworthy and valid."[14] For Ignatius, the bishop provides order and formality.

In the letter to Magnesians, he writes urging the Christians to obey the bishops despite his young age, just as the presbyters do:

> Indeed, it is right for you also not to take advantage of the youthfulness of your bishop but to give him all the respect due him in accordance with the power of God the Father, just as I know that the holy presbyters likewise have not taken advantage of his youthful appearance but defer to him as one who is wise in God; yet not really to him, but to the Father of Jesus Christ, the bishop of all.[15]

Here, the bishop is obeyed as one who is wise in God, and therefore, as to God himself. Because submission to the bishop is in honor to God, he adds, it must be done without hypocrisy for God knows our secrets. A good conscience in this matter is key for Ignatius. It is disingenuous to call one a bishop and then disregard him.

Perhaps more famous and comprehensive on the subject is his letter to the Ephesians where he also appeals to them to be in harmony with their bishop. He comes to the subject by noting that he, Ignatius, though a bishop, is not perfect, nor important, but equal —fellow disciple—with them. It is his love for them that inspires him to write to them, that they "may run

---

[14] Michael W. Holmes, ed., *The Apostolic Fathers: Greek Texts and English Translations*, 3rd edition (Grand Rapids, Mich: Baker Academic, 2007), 255–57.

[15] Holmes, 254.

together in harmony with the mind of God. For Jesus Christ, our inseparable life, is the mind of the Father, just as the bishops appointed throughout the world are in the mind of Christ."[16] He adds,

> Thus it is proper for you to run together in harmony with the mind of the bishop, as you are in fact doing. For your council of presbyters, which is worthy of its name and worthy of God, is attuned to the bishop as strings to a lyre. Therefore in your unanimity and harmonious love Jesus Christ is sung. (Eph.4:1)[17]

What is clear is not only that episcopacy existed, and obedience of presbyters to the bishops is taken for granted, but that the relationship between bishops and clergy is marked by collegiality and harmony—the clergy are attuned to the bishop as strings to a lyre.

1.2.2 Possible Genesis Of The Oath

Though it is undoubted that obedience to the bishops by the presbyters was an expectation as soon as the hierarchical episcopacy developed, there is very little evidence that oaths were taken to this effect. The taking of oaths itself, though not prohibited, would have been very rare. Christians not only regarded the taking of oaths as something not to be done lightly but not at all. Schrader points to earlier writers like Clement of Alexandria in his *Stromata* for whom putting another Christian under oath was looked upon as indignity.[18] It is therefore out of question that clergy would have sworn an oath of obedience to the bishops in that era and the immediately following eras.

The first evidence there is of such an oath, Bray notes, is a shred of negative evidence in the fifth century when Pope Leo I (440-61) told one of his correspondents that clergy did not

---

[16] Holmes, 185.
[17] Holmes, 187.
[18] Charles E. Schrader, "The Historical Development of the Papal Monarchy," *The Catholic Historical Review* 22, no. 3 (1936): 263.

need to swear an oath of obedience if they were not engaged in church administration.[19] Schrader also points to various councils in the fifth century including the Council of Carthage (AD 419) and the Council of Chalcedon (AD 450) where we find for the first time the obligation of clergy and deacons to obey their bishops expressly prescribed.[20]

This development might have arisen for at least a couple of reasons. First, a custom of examination of faith and orthodoxy before ordination and consecration was developed due to the prevalence of heresy. This was required even of bishops and developed into the requirement for a formal written profession of faith and orthodoxy. Second, the taking of oaths previously disfavored by Christians came to be regarded more positively by Christians over time.[21] Therefore, though there is no explicit requirement that such an oath was required, it cannot be sufficiently argued that it did not exist.

The second mention of an oath of obedience appears a century later in the sixth century when Pope Vigilius received a written oath of obedience from Sebastian before he could be ordained as a deacon. Again, here, there is no indication that the oath was obligatory, but was simply "accepted when voluntarily offered by one whose suitability for the office in question there seems to have been grave doubt."[22] There is also evidence that bishops also begin to take oaths of obedience to the consecrating prelates (not necessarily the pope).

Other mentions of the oath up until this point take a similar vein—It was not universal nor obligatory, but appears in cases where either orthodoxy, fidelity, or unity needed to be secured. The forms of the oath were also quite diverse! But then it begins to slowly take a

---

[19] Gerald Lewis Bray and Latimer Trust, *The Oath of Canonical Obedience* (London: The Latimer Trust, 2004), 19–20. This, he notes, is repeated several centuries later by Pope Urban II who said that no bishop could force a clergy to take an oath of obedience unless he had been given some form of church administration.

[20] Schrader, "The Historical Development of the Papal Monarchy," 265.

[21] Schrader, 264.

[22] Schrader, 266.

definite and obligatory shape in the sixth century. In the Synod of Valencia (1524) for example, the bishop is not to ordain anyone who had not first promised to remain in his vocation, thus the need to secure vocational stability. The trend continues and more evidence is available from the seventh century onwards where the oath takes a definite canonical form and is more widely used to secure the fidelity of the clergy to their duties, longed-for unity, and discipline. Even bishops, according to the council of Nicaea II (AD 787), must promise canonical obedience to be consecrated. [23]

But even this did not give the oath the formal, legal, and obligatory nature it has taken today. For one, these promises were not necessarily oaths and were circumstantial and geographic. Second, this was merely a custom and had not been codified into a fixed law. The foundations had however been firmly established and the idea would come to maturity in the eleventh and twelfth centuries when medieval feudalism came to its peak. Thus Gerald Bray, a historian in canon law, notes, "the oath of Canonical obedience as we know it today bears the strong imprint of medieval feudalism."[24]

1.2.3 Medieval Feudalism

Land had become the sole source of income and power. Those in the higher social classes, the nobles, held it and granted it to vassals in exchange for military and other services. The land was called the fief. This was done at a formal ceremony where the vassals swore an oath of fealty to their lords. Because the church had acquired and owned lots of land over the years, bishops would also become feudal lords and the church was sucked into feudalism. This

[23] Schrader, 268–72.
[24] Bray and Latimer Trust, *The Oath of Canonical Obedience*, 19.

was the genesis of simony—the buying and selling of ecclesiastical offices. Even people who did not qualify sought to gain ecclesiastical offices for the prestige it offered.

Pennington in his examination of the oath of fealty in the early jurisprudence of canon law makes instructive conclusions. First, he argues that contrary to what he notes as the reigning scholarship on the subject, there was indeed a difference between ecclesiastical oaths and secular oaths of fidelity. He notes, "If a cleric received an ecclesiastical office only because he swore homage and fidelity to his prelate, he committed simony. To receive a fief for an oath of fidelity in the secular realm was honorable, but it was not honorable or licit in the church."[25] Though of course, it happened.

Second, he argues that medieval canonists were instrumental in coming up with the key norms governing secular oaths of fealty and applied them to a range of secular oath takers. Moreover, he notes,

> They also applied many of the same norms that governed the secular oath of fealty to the ecclesiastical oath that prelates received from their clerics and that the pope received from bishops…They did not hesitate to apply the norms that they found in the secular world to ecclesiastical institutions and to incorporate moral and ethical principles taken from religious law into the norms governing secular institutions.[26]

What seems clear from this, is that even if the oath of canonical obedience preceded the medieval period, the form of the oath as we have it does come from it. Bray comes to the same conclusion. He says,

> The oath of canonical obedience is ... essentially an oath of vassalage which along with some other things, has somehow managed to survive the demise of medieval feudalism more or less unscathed. Much of the confusion which surrounds it today must be attributed to the demise of the context in which it was devised, with the result that no-one is quite sure what effect it is supposed to have in the modern world.[27]

---

[25] Kenneth Pennington, "Feudal Oath of Fidelity and Homage" in *Law as Profession and Practice in Medieval Europe: Essays in Honor of James A. Brundage,* eds. Kenneth Pennington, Melodie H. Eichbauer, and James A. Brundage (Farnham, Surrey, England; Burlington, VT: Ashgate Pub, 2011), 109–10.

[26] Pennington, *Feudal Oath of Fidelity and Homage*, 114.

[27] Bray and Latimer Trust, *The Oath of Canonical Obedience*, 12.

1.3 Ecclesiastical Identity of Anglicanism

1.3.1 The Genesis

The polity of Anglicanism is directly connected, and indeed a product of the historical circumstances surrounding the events of the sixteenth-century English Reformation.[28] The English reformation began as a controversy about canon law. King Henry VIII famously needed an annulment of his marriage, something only the pope could give but declined to. Reforming the existing church laws, therefore, become a necessity to allow for the annulment of the marriage. This, however, is only part of the larger story, which needs to be briefly laid out because of its formative influence on Anglican ecclesiology. As Pederson notes, the process of English Protestantization was a "Long Reformation" that did not occur overnight, but through many decades of progress, regress, and solidification.[29]

The first phase (1509-1547), the reign of King Henry VIII gave the Reformation an ambivalent start. Political factors were for example undoubtedly at play, for King Henry VIII had, through the influence of his advisers—including many church leaders—come to believe that the Pope had usurped the authority that was rightfully his. Their theory was that all authority, both temporal and spiritual ultimately resided in the King under God.[30]

Zahl however points out that right from the early 1520s, there was already in creation, though veiled and even underground, a protestant face of Christianity. [31] Luther's ideas on justification and forgiveness, the bound human will, and the free grace of God were spreading

---

[28] Paul F. M. Zahl, "The Bishop Led Church: The Episcopal or Anglican Polity Affirmed, Weighted and Defended," in *Perspectives on Church Government: Five Views of Church Polity, eds. Daniel L. Akin et al.,* (B&H Publishing Group, 2004), Chapter 4, Kindle.

[29] Randall J. Pederson, *Unity in Diversity: English Puritans and the Puritan Reformation, 1603-1689* (BRILL, 2014), 54.

[30] Mark D. Chapman, *Anglicanism: A Very Short Introduction* (Oxford; New York: Oxford University Press, 2006), 14.

[31] Paul F. M. Zahl, *The Protestant Face of Anglicanism* (Grand Rapids, MI: W.B. Eerdmans, 1998), 9–22.

into England and being studied and embraced particularly by a circle of Cambridge University teachers.[32] When it came to changing canon law to allow King Henry VIII to annul his marriage, Thomas Cranmer, one of Cambridge's teachers, would make a significant contribution. A draft proposal of the initial canons is known as the Henrician canons, and it formed the basis for the better-known subsequent revision, *Reformatio Legum Ecclesiasticarum* (Reformation Church Law).[33] Neither of these became law.

King Henry VIII therefore assumed a position of absolute power over the church, much similar to that of the pope. In 1531, he asked Convocation (the church's parliament) and was acknowledged as "singular protector, supreme lord" and even "supreme head of the Church of England." Soon after, in early 1532, he sought an act of submission from the clergy that ensured that all ecclesiastical legislation would be subject to royal approval. Only a few months later, he also succeeded in obtaining the submission of bishops and showed the House of Commons a copy of the bishops' oath of allegiance to him rather than the pope as they had done from the eleventh century.[34]

1.3.2 The Reformation Progresses

The second phase of the English Reformation (1547-1553) was the reign of Edward VI who started to reign at the age of nine. All his tutors and advisors were consciously Protestant which made this phase a high point of the English Reformation. The Book of Common Prayer was published, first in 1549 and then a revised one in 1552. The Forty Articles of Religion was also formulated which was indispensably anti-Roman Catholicism, rejecting lots of Roman

[32] Notable figures in these circles include Thomas Bilney, Thomas Cranmer, Nicolas Ridley, Hugh Latimer, and William Tyndale.

[33] Gerald Bray, ed., *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum* (Woodbridge: Boydell Press, 2000).

[34] Chapman, *Anglicanism*, 15–17.

Catholic teachings like purgatory and transubstantiation.[35] There was also established such a good rapport with continental reformers that saw thinkers like the Strasbourg reformer Martin Bucer and his Italian counterpart Peter Martyr invited to the task of English Reformation.

Cranmer and these continental reformers also set about revising canon law, the *Reformatio Legum Ecclesiasticarum*. In it they explain the system of church government and discipline which they intended to put in place:

> Bishops, because they hold the chief place among the other ministers of the church, must therefore govern and pastor the lower orders of the clergy, … not indeed in order to lord it over their faith, but that they might prove themselves to be true servants of the servants of God. And they shall know that the government(authority) and ecclesiastical jurisdiction has been specially entrusted to them for no other reason than that by their ministry and hard work/dedication as many people as possible may be made rich in (joined) to Christ…[36]

It also speaks about the obedience to be shown to the bishops. The primary responsibility of the bishops is to "foster harmony" and therefore everyone should "listen to him (conform to his will), that they shall obey and carefully follow (most readily obey), both those matters which they teach according to the Word of God and also in those which they shall ordain for the sake of Christian discipline, and those which pertain to our ecclesiastical laws."[37]

1.3.3 Elizabethan Settlement

The reign of Elizabeth I (1558-1603) is the most defining phase of the Anglican ecclesiology in the English Reformation. She was Protestant, and had to be, for the legitimacy of her reign was only affirmed by Protestant thinking which regarded her as a true daughter, and thus a legitimate heir of king Henry VIII. Moreover, her half-sister's bloody-mindedness had produced the unintended effect of discrediting Roman Catholicism among the English. A change

[35] Zahl, *The Protestant Face of Anglicanism*, 19.
[36] Bray, *Tudor Church Reform*, 357. (*Reformatio* 20:10)
[37] Bray, 357. (*Reformatio* 20:11)

to the Edwardian religion was natural. Within a few years, nearly all bishops had been replaced and a new prayer book was introduced.

These developments made Pope Pius V excommunicate Queen Elizabeth by a papal bull in 1570, not only absolving Christians from their secular allegiance to her, but also calling upon them to overthrow her as well. Political plots to overthrow the queen, therefore, became rampant, and even clergy were involved in these acts, hoping to dismantle the Elizabethan settlement and return the country to Roman Catholicism. It is this that led to the imposition of the Oath of Allegiance which clergy in the Church of England swear up to date.[38]

To be sure, Elizabeth was very moderate in temperament and had an inherited fear of the possibility of a civil war or a divided nation.[39] This had a huge impact on the church formed after her, usually called the *via media*. Zahl writes,

> Because of the Erastianism inherent in the English church setup…Elizabeth's particular personality and interests could only have a huge, almost overriding effect on church thinking. Her tastes and sentiments could only be extremely influential on the self-understanding of English Christians.[40]

The fact that the state controlled the church—Erastianism—meant that the church took the shape and form the Crown gave it. In this case, it was a mix of various ideas floating around in the sixteenth century. Zahl goes on to say,

> But it is the synthesis of a Lutheran theology of justification, Lutheran-type Erastianism or state-control of the church, and Calvinist ideas of the Holy Communion. Add some residual "Catholicism," "Catholic" pomp and circumstance with a stately cathedral tradition, and you have a melting pot of ideas, an ecclesiastical crucible, the sweets and savories mixed into one. This melting pot produced a via media—the often-used term—between systematic or strenuous Puritan Protestantism and "high church" state Protestantism.[41]

---

[38] Bray and Latimer Trust, *The Oath of Canonical Obedience*, 18.

[39] Avis argues that just like Henry VIII, it is the independence, integrity and unity of the national church that was of primary concern of Elizabeth. He says, "In the case of Elizabeth, they focused on national cohesion and consensus in the face of the internal and external threats. Paul Avis, *Anglicanism and the Christian Church: Theological Resources in Historical Perspective* (Bloomsbury Publishing, 2002), 19.

[40] Zahl, The Bishop Led Church, chapter 5, Kindle

[41] Ibid.

Contrary to popular understanding, therefore, the *via media* was never strictly a *via media* between Roman Catholicism and Protestantism, but a *via media* between two visions of Protestantism.

Something of Elizabeth's moderation can also be seen in the fact that though the doctrine of royal supremacy continued, her title was softened from being the "Supreme head of the Church of England" to the more modest "Supreme governor of the Church of England", a title the monarch of England also holds to date.

1.3.4 An Age Of Controversies

The last phase of the English Reformation is the reign of James I and his Stuart successors. Though James was raised under Presbyterialism in Scotland and claimed to be a Calvinist, he quickly embraced the Church of England's hierarchical church government because he believed it accorded best with the monarchy.[42] "No bishop, No King," he famously said.

Richard Bancroft—a key defender of the episcopacy—was the first to set about codifying canon law, the Canon Law of 1603. This Canon law, among other things, reaffirmed the Crown's jurisdiction over the state ecclesiastical. Chapman notes, "No longer was the church simply that place where the Word was purely preached and the sacrament duly celebrated, but rather it was visibly structured according to certain ceremonies and rites and patrolled by bishops."[43] A third mark of the church had been instituted.

Authority was a key element in the debates in England at the time. Ironically, Calvinists—who allowed no free will and believed in the sovereignty of God over everything—were very suspicious of the king's authority (supposedly God's representative), while the

[42] Pederson, *Unity in Diversity*, 47.
[43] Chapman, *Anglicanism*, 46.

Arminians who held to free will, strictly advocated absolute obedience to the king.[44] Zahl who also points this out speaks of the Arminian's repulsion not just to Calvinism *per se*, but to the Calvinists' tendency to challenge not only the power of kings, but also the bishops. In the Arminian party was a desire to assert "a prelatical episcopacy (i.e., episcopacy with political privileges)".[45]

1.3.5 Episcopacy Abolished and Reinstituted

A civil war would soon erupt, because not only was most of the population still Protestant by conviction (even if not Puritan), but Parliament was also quite Protestant in its composition and was led by Puritans. Having deposed the monarchy, parliament also abolished episcopacy in England in 1646, though at this point episcopacy had generally ceased to exist. The episcopacy had generally fallen out of favor in England for a while and bishops were facing not only persecution but also execution.[46] Only moderate bishops like James Ussher had some sympathy and continued to preach openly.

When the monarchy was restored, episcopacy too was restored. Attempts to have a reduced episcopacy or amalgamate it with Presbyterialism failed.[47] The suffering of bishops during the civil war become the platform from which they exercised authority and dealt with dissenters. Marcus notes,

> English bishops themselves may not have disputed their capacity to punish dissent, but their own degradation from power and status was a source of reflection and argument.

---

[44] Leo F. Solt, *Church and State in Early Modern England, 1509-1640* (Oxford University Press, 1990), 162.

[45] Zahl, *The Protestant Face of Anglicanism*, 22.

[46] Peter King, "The Episcopate during the Civil Wars, 1642-1649," *The English Historical Review* 83, no. 328 (1968): 525–27.

[47] William M. Abbott, "James Ussher and 'Ussherian' Episcopacy, 1640-1656: The Primate and His Reduction Manuscript," *Albion: A Quarterly Journal Concerned with British Studies* 22, no. 2 (1990): 237–59, https://doi.org/10.2307/4049599.

> These arguments developed in a context where episcopal authority was contested from different sources.[48]

The oath of canonical obedience would become a controversial matter during this time. A new Act of Uniformity was passed in 1662 requiring the reordination of clergy. It also gave unconditional consent to The Book of Common Prayer and advocated the taking of the oath of canonical obedience. Many of the Puritan clergy could not go along with this and almost two thousand of them declined and were outed from their pulpits.[49] An insight into the controversy can be gleaned from Richard Baxter's works. Richard Baxter was one of the leading figures of the puritan movement in the debates after the restoration of episcopacy. He was, however, quite moderate in his views.

To the question, "May we lawfully swear obedience in all things lawful and honest, either to usurpers, or to our lawful pastors?" Baxter responds by saying that, first, the practice of swearing obedience to the bishops was a very recent practice that the church had historically not known. And when the practice came up, it only helped build the Roman Catholic empire under the pope. However, because the practice was already in place, he says,

> But if it be not only their ambition which imposeth it, but either the king and laws command it; or necessity require it for the avoidance of a greater evil, it may be lawful and a duty to take an oath of obedience to a lawful presbyter or bishop; because, 1. It is a duty to obey them. 2. And it is not forbidden us by Christ to promise or swear to do our duty, (even when they may sin in demanding such an oath.)[50]

It is noteworthy that Baxter, though he repudiates the whole idea of swearing oaths of obedience as not only an innovation without historical precedent, and as something that aided papalism, he

---

[48] Marcus Harmes, "The Universality of Discipline: Restoration of the English Episcopacy 1660-1688," *Renaissance and Reformation* 33, no. 1 (Winter 2010): 71–72.

[49] Pederson, *Unity in Diversity*, 53.

[50] Richard Baxter, *The Practical Works of the Rev. Richard Baxter: With a Life of the Author, and a Critical Examination of His Writings* (J. Duncan, 1830), 543.

concedes to it if it is done lawfully. For Baxter, obedience is a duty. And though it is not commanded that we promise it in an oath, it is also not forbidden. Requiring the oath might be sinful, but not taking it.

1.3.6 Anglicanism Beyond England

After the restoration of the monarchy, missionary consciousness began to develop in the Church of England. This led to the formation of missionary societies, initially, Society for Promoting Christian Knowledge (SPCK, 1698) and the Society for the propagation of the Gospel (SPG, 1701). It was, for example, the SPG-sponsored Philip Quaque who was the first African to be ordained according to the Anglican Ordinal.[51] Later on in the eighteenth century, thanks to the evangelical revival associated with John Wesley and George Whitefield, another mission organization emerged, the Church Missionary Society (CMS, 1799). It is the CMS that would send missionaries to Kenya and is associated with the establishment of Anglicanism in East Africa towards the end of the nineteenth century.[52]

The CMS, being a voluntary mission organization, was significantly different from its earlier counterparts, the SPCK and SPG.[53] The CMS, for example, only cooperated with the government when such corporation would be useful for evangelism. Moreover, they also held the church establishment at arm's length.[54] They rejected the missionary approach of sending missionary bishops who would then establish a church; insisting rather on the priority of forming

---

[51] Michael Nazir-Ali, "How the Anglican Communion Began and Where It is Going" in *Reformation Anglicanism: A Vision for Today's Global Communion*, The Reformation Anglicanism Essential Library, volume 1, eds. Ashley Null and John W. Yates III (Wheaton, Illinois: Crossway, 2017), 25.

[52] Ward, *A History of Global Anglicanism*, 164–65.

[53] Ward, 35.

[54] Henry Venn, CMS's famous leader is known to advocate the three self-principle of mission: self-governance, self-propagation and self-support.

community over the need for bishops.[55] They also emphasized the autonomy of missionaries from episcopal direction and advocated for independent native churches.[56]

This vision, however, was only a minority one. This period was also marked by the rise to dominance of the Oxford Movement (also called Anglo Catholicism). This group, led by John Henry Newman, seized a political opportunity to reassert their desire to return the Church of England to Roman Catholicism, which they did by denigrating and attacking the protestant heritage of the Church of England and emphasizing the Anglican distance from the Reformation.[57] For Newman and company, the Church of England was a Catholic Church of England.

Various elements of the doctrine and practice of the Roman Catholic church would since be reinstated in the Church of England, notably for this work, the doctrine of apostolic succession and a high view of bishops. A stronger affinity to the Roman Catholic Church *vis a vis* other Reformed churches would also be promoted. The result was that Anglicanism, upto today, has distinct groups within it, usually called the three streams of Anglicanism: the protestant/evangelical, the Anglo Catholics, and the charismatics.[58] In the Church of England, these groups are clearly distinct. The SPG, for example, was aligned to the Anglo Catholics while CMS is for the evangelicals. But even CMS founded churches like Kenya which identify as evangelicals have also been influenced by the reverberations of the Anglo Catholic movement, in this case, its Roman Catholic view of episcopacy.[59]

---

[55] Nazir-Ali, *Reformation Anglicanism*, 27.

[56] Bishop Nazir Ali thus credits Venn and CMS for the idea of autonomy which characterizes Anglicanism today: "independent national churches that should enjoy the closest spiritual relations with the Church of England but should otherwise be responsible for their won worship, discipline and order." Nazir-Ali, 27.

[57] Ward, *A History of Global Anglicanism*, 36.

[58] Ibid.

[59] The three streams are not distinct from each other in Kenya. Anglicanism in Kenya is an arbitrary mix of elements of each.

1.4 Conclusion

The oath of canonical obedience as practiced in the Anglican Church of Kenya comes from a certain historical context with certain historical meanings and nuances. The political situation in sixteenth-century England for example played a big role. The oath of canonical obedience played a role in securing episcopacy, or more precisely, prelactical episcopacy— episcopacy with political privileges— which in turn secured the monarchy. Medieval feudalism on the other hand helped to formalize the expectation of obedience to the formal and legal status it has today. These two factors are exemplified by the fact that some bishops in the Church of England are members of the House of Lords even today, which is probably where the title "Lord Bishop" commonly used for bishops even in Kenya comes from.

That said, obedience of the clergy to the bishops was always expected from the earliest centuries of the church. It was, however, in a context of shared power and collegial working between bishops and clergy. The earliest instances of oath taking also show that it had a free character and was neither mandatory nor enforced on all clergy. It only took a mandatory character when the monarchy and episcopacy were reinstated after its abolition. The influence of nineteenth century Anglo-Catholicism also promoted a high view of bishops, than had been known before in Anglicanism. It is against this background that the oath of canonical obedience to the bishops should be understood.

The next chapter will seek to examine the contemporary context of the Anglican Church of Kenya and how the oath of canonical obedience is understood and applied today.

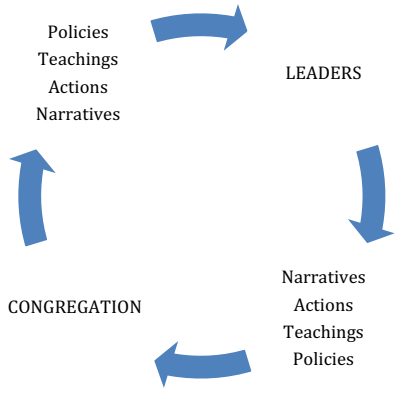
CHAPTER TWO

Contemporary Practice in the Anglican Church of Kenya

2.1 Introduction

This chapter is an attempt to describe, analyze and theologically reflect on the contemporary understanding and culture around the oath of canonical obedience to the bishops in the Anglican Church of Kenya. What people believe ought to be done, is sometimes different from what is going on, which is sometimes different from what people think is going on.[60] This chapter, using interviews and case studies, seeks to describe what is going on and what the clergy thinks about the oath of canonical obedience as a function of power and accountability in the Anglican Church of Kenya. Articulating this will lead to an understanding of the cultural narrative of ecclesiastical authority as expressed by the clergy in the Anglican Church of Kenya.

Just like individuals, every church has a culture, an internal culture. Church leaders are generally responsible for shaping this culture of the church, though the congregation too has a part to play such that it is a cycle.[61] The diagram below shows the dynamic:



[60] This is my paraphrase of the Four Voices Model. Helen Cameron, et al., *Talking About God in Practice: Theological Action Research and Practical Theology* (London: scm press, 2010).

[61] Scot McKnight and Laura Barringer, *A Church Called Tov: Forming a Goodness Culture That Resists Abuses of Power and Promotes Healing* (Tyndale House Publishers, Inc., 2020).

This internal culture, they point out, is not incidental. Cultures are powerful, transformative, and self-perpetuating. Even if an individual is not abusive, for example, it is no surprise that working in a culture where abuse thrives can make the individual abusive.

From these interviews and case studies, it is demonstrated that the culture around bishops and clergy is unhealthy. Bishops are very powerful and work without any accountability or plurality. The oath of canonical obedience is understood as strict obedience to the bishops in all things; thus militates against a proper adult relationship of trust and mutual respect.

To be sure, this does not mean that all bishops are dangerous or exercising power over the clergy in sinful ways. But the cultural narrative displays it. Moreover, as Honeyset helpfully demonstrates, the path to sinful use of power is a slippery slope.[62] Most leaders do not set out to abuse power from the beginning, but without proper guardrails—accountability, plurality, transparency, and embodiment in the church community— it is just so easy to get there, as this framework he gives shows:[63]

Legitimated power: responsibly exercised in a godly way, formally with accountability and transparency	Legitimated power; responsibly exercised in godly way, relationally by soft power and influence	Other-serving coercive power	Self-serving coercive power	The most serious abuses

[62] Marcus Honeysett, *Powerful Leaders?: When Church Leadership Goes Wrong and How to Prevent It* (London: Inter-Varsity Press, 2022), 2. A similar remark was also made by Christian therapist K.J. Ramsey in a twitter post in October 16, 2020: "Spiritually abusive churches don't set out to be abusive. They set out to be amazing."

[63] Honeysett, 37.

2.2 The Interviews

Though the main question is about the oath of canonical obedience, I located this question in the context of the relationship between bishops and clergy. Moreover, the oath of canonical obedience is a function of accountability and power. The questions I asked my interviewees, therefore, explored these categories.

The first question asked the interviewees to describe the role of bishops and particularly what they thought the bishops spend most of their attention and effort on. The second question sought a description of the relationship of the clergy with the bishops. The oath of canonical obedience speaks into this relationship before asking about the meaning, usefulness, and impact of the oath of canonical obedience.

The fourth question explored the effect of the oath of canonical obedience that bishops themselves swear as an aspect of their accountability, as well as the other structures of episcopal accountability. The last question sought to move towards finding a way forward and was asked variously. I for example asked the interviewees what they would do differently if they were appointed bishops.

2.2.1 Role of Bishops

According to the constitution of the Anglican Church of Kenya, Article VI, a bishop is "appointed as chief pastor of a diocese or area…. He is not the pastor of one congregation, but is set free to from the detailed work of a pastor in order that he may be free to exercise his special duty of overseeing."[64] In the detailed job description that follows, he is to be a leader in gospel

[64] Anglican church of Kenya, "ACK Provincial Constitution 2010," art. 6, sec. 4.

proclamation, leader in worship, guardian of doctrine, ordination, chief minister of discipline, and maintaining unity within the diocese and with other bishops in the Anglican Communion.

These roles cohere with the role of bishops as Thomas Cranmer would have envisaged them in sixteenth-century England. Lee Gatiss summarizes them as:

> "… passing on sound doctrine; conferring holy orders and instituting ministers to benefices as well as removing those who are unworthy; settling complaints and quarrels between ministers and their churches; correcting vices by ecclesiastical censures and excommunicating persistent offenders; visiting the whole diocese regularly; holding synods and confirming people."[65]

Bishops in ACK continue to do some of these same roles. Clergy interviewed generally summarized the roles of bishops into two: administrative and spiritual, or as one called it—ecclesiastical. The administrative role deals with the managerial task of running the organization, the diocese. The Bishops are the top managers in this organization. The other role of bishops on the other hand is spiritual or rather ecclesiastical. There are for example certain ecclesiastical elements that only bishops can perform—ordination and confirmation for example. They are therefore also, as the constitution calls them, the chief pastor leading in worship and mission.

Curiously, however, all my interviewees pointed out that the bishops spend most of their time doing administrative tasks and the pastoral or spiritual tasks are mostly neglected. Even the bishop I interviewed admitted, with regret, that he spent most of his energy and time doing administrative duties and could have done better as a pastor.[66] For one of the interviewees,

---

[65] Lee Gatiss, "Evangelicals and Their Bishops: The Role of Bishops and How We Should Relate to Them" (Church Society Regional Conferences 2020, Bishop of Maidstone, 2020), 30.

[66] Interview with Interviewee P, June 27, 2022. First, he was the first bishop in a new diocese that was just being formed and so he needed to do all the administrative work that was required to set up the diocese. Second, their skill set and passion was in administration and had worked most of his life in administration. Third, he was a foreigner in the context and probably just did not know the context well enough to provide pastoral leadership as much as he would have liked.

bishops actually have a third role distinct from these formal ones—a community leader—which is what takes most of their time. Interviewee Q says,

> But what I see mostly, … he will end up doing so many other things that are community-based. Like you see, because he is a leader. You will find him with politicians—he's been called to launch some project or there is another group coming to see him… You get it?... so much in meetings.[67]

He goes on to say that though he works in the bishop's office, it is not always easy to get an appointment with the bishop because the bishop is always too busy. This sentiment is also shared by R who also has part of his work in the diocesan offices. Interviewee S remarked how it is easier for some senior members of the church, especially the rich and influential ones, and politicians, to meet and interact with the bishops than for the clergy to do so. "The only time you ever find yourself in the bishop's office is when there is a disciplinary matter against you."[68]

Interviewee R adds a twist to it: "This thing of 'Lord Bishop,' I think sometimes it gets into their heads, and they end up doing a lot of "admin", and now that means they look too much on their back to see who's doing what behind them."[69] The point being that some of these bishops begin to act as micromanagers.

In the foregoing, bishops' priorities, even by the admission of a bishop can be said to be lopsided towards administrative and CEO-type duties rather than pastoral and spiritual matters. Interviewee T says, "this is a death trap" for bishops.[70] Bishops become CEOs rather than pastors when they are not trained to be CEOs in the first place but pastors. Interviewee T, therefore, raises the issue of delegation. Though bishops delegate the pastoral work of the congregation to

[67] Interview with Interviewee Q, June 22, 2022.
[68] Interview with Interviewee S, June 21, 2022.
[69] Interview with Interviewee R, June 22, 2022.
[70] Interview with Interviewee T, June 18, 2022.

the clergy, they do not delegate the administration work to competent people so as to free them up to do more pastoral care for the clergy.[71]

2.2.2 Relationships Between Bishops and Clergy

According to the constitution of the Anglican Church of Kenya, bishops are appointed as the chief shepherds; but because they are itinerant, they delegate the shepherding roles of the congregations to the clergy to minister in the individual congregations on his behalf.[72] The priests are thus sent to the churches by the bishops and offer delegated ministry. What you expect then, is that there will be a close and harmonious relationship between the bishops and the clergy, which is what the constitution envisages. The bishop is to be a "loving friend, father, and brother to all the clergy of his jurisdiction, sharing their burden, guiding them with counsel, and keeping them in the fellowship of the faithful ministers of the Church"[73]

This is hardly the case, however. The relationship between bishops and clergy is, first, as can already be inferred, marked by a huge power distance. It is difficult to even get an appointment to see them for the clergy in some dioceses. The relationship is better described as that of an employer and employee or a CEO and staff. Interviewee Q says, "...more like employer and employee. No spiritual relationship. If you do this, you are a good employee. If you don't you are not—you are suspended, you are transferred to a small parish."[74]

The social distance is huge and the equivalent is that of religious professionals performing duties in the corporate world kind of setting, even if it is couched in religious

---

[71] Ibid.,
[72] ACK Provincial Constitution, art. 6, sec. 4.
[73] ACK Provincial Constitution, art. 6. Sec 4. cl. h.
[74] Interview with Interviewee Q, June 22, 2022.

language. A true community between bishops and clergy is impossible as the social gap is just too huge.[75] Interviewee R says,

> You know I have the privilege of walking with … (his bishop) when he's visiting the parishes. You see the tension that clergy have when he is around. Until some of them just get confused…. But you see the tension among the clergy, and you realize that this guy is actually not respected—he's feared.[76]

Fear is a common theme in almost each of the interviews. Interviewee Q said it dramatically: "..I have always said—We fear the purple shirt. We fear the office of the bishop. To an extent that we take the bishop to be a small god, with a small 'g'." Then he explains, "Of course in this Anglican system, the bishops have the powers—they can bless you, they can curse you. They can cut your leg if they want or they can make you not grow. They have all the powers."[77]

The relationship is also marked by pragmatism. Interviewee S:

> "It's balance. Everybody wants to balance, like, you know, I'm missing the right word. It is, let's say, it is, just like the cat and mouse game you know, (*hide and seek*). Yes, hide and seek because I wouldn't want him to know me, But at the same time, I would want also him to, you know, to get to understand me, I don't know if you are getting the two. I want him to understand me, but at the same time, I don't want also him to know me because I would feel like maybe he will trample on me. (So there's, suspicion), that is the word, because you know, this guy is supposed to be my boss. And the same time he has to be my chief Shepherd so it does not work. That is my perception."[78]

It turns out for example that the closer and liked you are by the bishop, the easier it is to get favors. These favors include being sent to a wealthy parish or opportunities to further studies.

---

[75] The bishop's wife who sat in during the interview pointed out that her greatest struggle was that she could not make any friends irrespective of how much she would have loved to. Everyone thought of her as of a different class and did not want to relate with her in a horizontal way.

[76] Interview with Interviewee R, June 22, 2022.

[77] Interview with Interviewee Q, June 22, 2022.

[78] Interview with Interviewee S, June 21, 2022.

The bishop I interviewed also alluded to this hide-and-seek behavior when he remarked that clergy would sometimes even change language to the local language when speaking with others and he was nearby so that he could not hear what they are saying. He found it disrespectful because he knew they were openly hiding things from him.[79] But he understood that the culture of bishops throwing around their weights was responsible for this and he had to work really hard to demonstrate that he was not that kind of bishop. Interviewee Q: "No one dares to question or critic even if it is honest. There's the fear of victimization."[80]

From the interviews, I could infer four main hotspots of tension between bishops and clergy. First is the issue of posting and transfers. It is bishops that have the prerogative on where each clergy serves, and churches in the dioceses are mostly on a spectrum from small poor rural parishes to urban wealthy churches. The parish a clergy ends up in depends on the bishop, and he can transfer clergy at any time. There is no security or stability. The bishop I interviewed even used the phrase "punishment posting" which is usually when a clergy is posted to a rural poor parish as a punishment or disciplinary action.

Second, is the issue of money. According to interviewee T, bishops' relationship with clergy mainly revolves around money. Every local church is required to contribute money to the diocese, and it appears that this is the most important agenda for the bishops. This of course makes sense, because the diocese needs to run. The problem, according to Q however is that, especially for small parishes, there is hardly ever sufficient money for the clergy's salary. When the bishops keep pushing for the diocesan contribution to be paid yet these clergy have not been paid salaries for months, it can be very frustrating.

---

[79] Interview with Interviewee P, June 27, 2022.
[80] Interview with Interviewee Q, June 22, 2022.

The third is the need for uncritical loyalty. Loyalty carries a huge price tag in the relationships between bishops and clergy. Interviewee T remarks, "If you are not supporting what the bishop is doing…. Sometimes you will see something happen and then you will tend to ask. When you ask, you are seen as a rebel…. You are victimized."[81] Interviewee Q also reflects:

> "No one is ready to stand up and tell bishop the truth. We always sugarcoat when we are talking to the bishop. Yeah…of course…we always believe bishops never make mistakes—whenever you say *bishop hapa umefanya makosa* (Swahili for "bishop on this I think you are making a mistake"), be prepared to receive a letter the next day."[82]

Interviewee S digests this culture of deference further. He says,

> Because, now, this hierarchy of the Anglican church, you know, the hierarchy, is very high! Do you think people are free to air their views? …There is that fear of victimization, and then there is that we call *seniori a priori*, as in 'this is my senior, you know, let me not.' *Ukishindana na ndovu kunya, utapasuka msamba*!

This is a common Swahili proverb that is loosely translated to, 'if you challenge an elephant, it is you who will suffer.' The counsel of this proverb is to never challenge your seniors because there will be consequences.

The fourth hotspot of tension between clergy and bishops is the priority of the congregation. One would think that because of the hierarchical system, the laity is at the bottom of the pyramid. According to the clergy, it is the clergy that are at the bottom of the pyramid. Interviewee R says, "Christians have bishops' phone numbers. A small disagreement, they go directly to the bishop. And so sometimes you don't have room to defend yourself…. Your explanation will be null and void."

The same thought is expressed by interviewee R even more vividly: "We have a say here that customers are always right. So, because the congregation are the customers—they are

[81] Interview with Interviewee T, June 18, 2022.
[82] Interview with Interviewee Q, June 22, 2022.

always right, no matter what!" He continues, "But can I get someone who can say: 'you are my business employee; therefore, I have a duty to protect you against the rowdy customers.' Sometimes you have nowhere to turn to!"

2.2.3 Oath of Canonical Obedience

Every clergy is required to take the oath of canonical obedience to the bishop and his successors in all things lawful. I asked each interviewee to describe what they think the oath requires. Two things are worth noting upfront: First, there was an admission that they have never really thought about the question and hence found it a hard question. While there was a lot of enthusiasm in the previous questions, that enthusiasm quickly dissolved into hesitation and uncertainty. Second, and for all interviewees, there were two explanations—what they think it means, and what the popular understanding was. In almost all the interviews, the answers were different as summarized in this table:

Interviewee	What they think it means	What is the popular meaning
Q	Commitment to Christ's service Respect for the leader It's about accountability to the rule and regulations of the organization	The bishop will have the right of say. You are signing up to the bishop's absolute authority/lordship
R	Allegiance to the bishop It is an accountability structure Protection	You are the bishop's servant—you don't have autonomy nor independence
S	The oath binds and checks Absolute obedience is required unless it is sinful	Absolute obedience is required.
T	Obeying the bishop in lawful things, which are things supported by the Bible	Just a tradition that is immediately forgotten after the service.

Several findings can be deduced from the interviews. First, and as has been observed already — not much thinking has gone into the meaning of this oath. It is an oath that is not prepared for before taking, and is forgotten as soon as it is done. Interviewee Q says,

> It is a very hard question, because I never thought about it. For me, we did it together. I never did it alone. We did it together, yeah, aah, aah, but for me, I think it's just a way of, in simple words, it requires from me some kind of commitment to Christ's service. I don't think there's much more than that.[83]

The same sentiments are shared by Interviewee R who asserts that the oath is just another of the ritual of Anglicanism — "it is just some ritual that happens but people don't go to get the meaning… it's just like a bridge to cross you to the other side. Some of us forget it as soon as we say it."

To be sure, it is never totally forgotten. Interviewee Q points out that it usually comes up when the bishop wants to do something unpopular but also when there is a conflict. Interviewee T relates:

> …it is something that is forgotten immediately after the ordination. Even the person administering the oath (the Bishop) forgets. Only when you go to the field …only until a conflict arises.. when you are given an unlawful instruction by the bishop, and you disobey-my friend- you'll never sit on the seat again.[84]

Pressed about what would count as unlawful to him, he offers — "that's where the contention is. I'm supposed to send money to the bishop, money that does not go through due processes."

Interviewee S posited that obedience is to the bishop, and thus is binding. The only place where obedience is not required is when the bishop requires something sinful. On issues that are debated, even if your conscience does not agree, according to interviewee S, then it's even better to quit than to disobey. The oath is completely binding! When asked if there are exceptions to the

[83] Interview with Interviewee Q, June 22, 2022.
[84] Interview with Interviewee T, June 18, 2022.

obedience required, he says, “Where, will I not obey the Bishop? And he's my boss … Maybe, I would say, maybe where it is going to be a sin. Maybe there, I might not obey him. Maybe when he turns me to sin. Maybe where my moral compass is compromised.”

Though accountability is needed, Interviewee T posited that the object of obedience is Christ and not the bishop as a person. Instructions to be obeyed are those that are lawful, the law here being the law of God and the church/land. He introduces an important point, that the oath is attached to the license. To enjoy the privileges of the license, this is the price you need to pay—the oath of canonical obedience.[85]

For interviewee R, it is about allegiance. But it is also protection—from the other stakeholder. You swore the oath to the bishop, and not to the church council or archdeacons. This means that ultimately, you only feel responsible to the bishop; and that protects you.[86] But asked how thoroughgoing the allegiance is and what the qualifications ‘canonical’ and ‘lawful’ presuppose, he says, “These are just big words meant to make you know you can’t do anything. You are a man under authority. Canonical as per who? Lawful as per who?”[87] In other words, it is the bishop who defines what canonical law is. He is the law.

For Interviewee Q, as has been noted, this is about commitment to Christ’s service. It is like a pledge of faithfulness, and also a commitment to respect the leaders—the representation of the church, as you start your ministry.

Curiously, all the interviewees observed that the oath is never explained and is usually simply taken for granted till there is a conflict. The culture of deference does not necessarily come from the oath of canonical obedience, but the power distance between bishops and clergy;

---

[85] Interview with Interviewee T, June 18, 2022.
[86] Interview with Interviewee R, June 22, 2022.
[87] Ibid.,

and how bishops exercise that power. The oath of canonical obedience only reinforces the culture of deference, especially when there is a conflict.

2.2.4 Accountability of Bishops

Structurally, it would seem like there are at least two elements that should provide accountability to the bishops—first, the fact that they take an oath of canonical obedience to the archbishop, and second, the synod. On the first, Interviewee T remarks: "They are accountable to who? They are operating autonomously! They can decide to disobey him. In fact, in many circumstances, they have disobeyed him."[88]

Indeed, it is common knowledge that Kenyan bishops do not always listen to the archbishop. For a second time, a section of Kenyan bishops will attend the Lambeth conference despite calls by an archbishop to boycott it.[89] Other countries like Uganda, Rwanda, and Nigeria will in collegiality not attend. In Kenya, however, a huge section of bishops will attend the conference in defiance of the archbishop. Also, quite recently, bishops defied the archbishop's ban on politicians speaking from the pulpits when it appeared that politicians were using church podiums irreverently. *Anglican Ink* journalist and clergy, Reverend Conger is right to observe that in the Anglican Church of Kenya, "Tribal rivalries and jealousies, accompanied by foreign funding by Western interests undercut the archbishop's authority."[90]

---

[88] Interview with Interviewee T, June 18, 2022.

[89] The Lambeth Conference is the gathering of all Anglican bishops that takes place every 10 years. As sections of the more influential and wealthy parts of the communion have gone liberal, evangelical Anglicans have responded by boycott to display how seriously they object to the idea of fellowship with people who live in and support views contrary to traditional teachings concerning human sexuality.

[90] George Conger, "Kenyan Bishop Breaks Ranks and Defies his Archbishop," *Anglican Ink*, October 11, 2021. https://anglican.ink/2021/10/12/kenyan-bishop-breaks-ranks-and-defies-his-archbishop-over-politicking-ban/

The principle on which they disobey the archbishop is usually the fact that every diocese is autonomous. The archbishop is only *primus inter pares*. Interviewee Q illustrates,

> You know once the bishop made a mistake and some people complained. And we came to the clergy chapter *na akasema kwamba* (and he said): 'People don't know that every diocese is autonomous. I do not need to answer to anyone for what I've done. Even if you go to the archbishop, he cannot come to do anything in my diocese. I am independent. I am autonomous.'[91]

Synods too are largely unable to hold bishops to account. First, bishops convene them and sometimes bishops fail to convene them in the frequency the constitution requires. Second, as interviewee T observes, half of the synod are clergy who are subservient to him anyway and can never ask questions or provide criticism without risking their livelihoods. There is also a lot of manipulation and political maneuvering that are involved at the synod. The statement that the Anglican church is "synodically governed and episcopally led" is not true in Kenya. Synods are for the most part simply rubberstamps for unilateral episcopal decisions.

Interviewee T also points to the fact that it is almost impossible to discipline or remove a bishop. Though the constitution provides for it, it is extremely cumbersome and practically impossible in comparison. He says,

> Mostly what happens, when you are given an unlawful instruction, you fear that you will lose your job, and you will lose it! The process of removing a bishop is much more tedious that that of removing a clergy. Your license will be revoked in a minute. Just by the stroke of a pen, your job is gone. Yet you have a family! You have to fear![92]

The spirit of the constitution leaves the conduct of the bishops simply to their personal integrity, self-restraint, and discipline which all interviewees including the bishop interviewee found disturbing and dangerous.

---

[91] Interview with Interviewee Q, June 22, 2022.
[92] Interview with Interviewee T, June 18, 2022.

2.3 The Case Studies

Interviews can be subjective, especially when the interviewees are people who know me well. It is however not impossible to corroborate the data from the interviews because the bishop-clergy conflict is something in the public domain. A few bold clergy have even sought legal redress in secular courts, and two judgments from such cases are here considered as case studies to supplement the data from the interviews. Both of them highlight the (mis)use of the oath of canonical obedience and the power dynamics between clergy and bishops.

2.3.1 Court Case I

This case is titled *John Kennedy Kinyua v Joel Waweru Mwangi (Bishop of Nairobi Diocese) & another [2022].*[93] It was presented to the Employment and Labour Relations Court in Nairobi where the clergy sued the bishop for unfair and procedural termination of employment. Having furthered his studies, the clergy (Rev. John Kennedy Kinyua) had sought a part-time teaching job at a nearby Anglican college. But the bishop on receiving a copy of Rev. Kinyua's letter of a job offer as a lecturer in the said college; first demoted him from being a vicar to a curate (an assistant minister), and ultimately terminated his employment. This was done despite Rev. Kinyua explaining that he had not yet accepted the job, and had actually unsuccessfully sought an appointment with the bishop to discuss the offer which was only part-time anyway. The bishop also humiliated Rev. Kinyua by sending a circular to the congregation with unfounded allegations against Rev. Kinyua to explain his termination.

[93] "Cause 1210 of 2015 - Kenya Law," accessed July 8, 2022, http://kenyalaw.org/caselaw/cases/view/228570/.

Defending his actions in court, the bishop told the court that, first, the power to revoke and appoint is invested in the bishop. "Authority is from heaven and inherent in the bishop."[94] There was therefore no need for consultation or a formal hearing from a tribunal recognized by the synod and even stipulated in the church constitution. Moreover, Rev. Kinyua had sworn an oath of canonical to the bishop which he had contravened by taking an appointment elsewhere without the bishop's permission. "The oath binds all Priests to obey the Bishop's instructions that are lawful and honest."[95]

The judge handling the matter determined that the bishop was "irrational" in his actions, malicious in shaming the clergy before his congregation, and "was plainly wrong, in taking the decision he took against the claimant, which he says, was based on his mandate of heaven."[96] The judge also pointed out that the bishop did not act as the church constitution requires him to act—as a "loving friend, father and brother to all clergy under his jurisdiction, sharing their burden and guiding them with wise counsel."[97]

Moreover, the judge pointed out, that the constitution of the church also requires the bishop "to remember that exercise of authority and power may lead all too easily to arrogance, and he must be watchful at all times over his ways, knowing that he is the servant of servants of God, and that he can carry out his duty only in so far as he follows the example of Christ, who made himself the servant of those whom he had come to redeem."

Needless to say, the court found that the termination was unfair and unprocedural and awarded him financial damages for unfair dismissal. Sadly, however, the judge could not order

---

[94] Ibid.
[95] Ibid.
[96] Ibid.
[97] Ibid.

Rev. Kinyua's reinstatement for the reason that it was neither practicable nor reasonable. The judge determined that it was likely that the Bishop would not facilitate Rev. Kinyua's work if he returned to the diocese. "As demonstrated in his circular of 2018, the Bishop appears to harbor a deep-seated loathing for the claimant. It is not likely that the Claimant will peacefully discharge his ministerial calling upon reinstatement, under such a Bishop."

2.3.2 Court Case II

This case is titled *J M M, J N G & P M W v Registered Trustees of the Anglican Church of Kenya [2016].*[98] It was a more serious matter in which three clergy were terminated from their employments by the bishop on grounds of suspicion of sexual immorality, specifically homosexuality. Only one was directly accused and the other two were co-accused for their close friendship with him. In contrast to the previous case, the bishop did form a tribunal to deal with this matter as required by the constitution and it is the said tribunal that then found them guilty and recommended termination of employment and withdrawal of licenses.

The court determined that the terminations were unfair. First, due process was not followed in trying these clergy. The process was rushed and the allegations were not genuine. The bishop and his tribunal did not follow the church constitution.[99] Curiously, the court noted that there was unopposed evidence that one of the accused clergy had a long-running rivalry with the bishop emanating from the fact that he too was a contender for the bishop's post.[100] The tribunal had been marshaled to settle a personal score.

---

[98] "Cause 190,192 & 193 of 2015 - Kenya Law," accessed July 8, 2022, http://kenyalaw.org/caselaw/cases/view/127235.

[99] Ibid.

[100] It is not uncommon for bishops to punish and frustrate their competitors when they get the positions.

The judge ruled that all the clergy be reinstated to their previous stations and awarded huge financial compensation. According to the judge, the court found that as testified by one of them, "the claimants must have looked for a place to hide or something to swallow them but found none. There is no doubt that such suffering and pain on the part of the claimants was a direct consequence of their unfair removal by their employer and the employer's actions were in all unreasonable; the court finds that it was on the extreme employer's leadership and management action to treat the claimants in the manner they were treated."[101]

This case is of note because it is far from over. Even though the clergy were reinstated, the relationship with the bishop has continued to be stormy.[102] Early this year, the bishop suspended one of them again for failing to obey his instruction for him to remarry within six months of reinstatement, now that the wife had divorced him thanks to the homosexuality allegations laid against him. It is only by remarrying, the bishop apparently argued, that he would be able to prove that he was not a homosexual.[103] This time, it is the congregation that came to his rescue by staging a public protest against the bishop.[104]

2.4 Analysis

To bring all this together, the BBBE model will be used to construct a cultural narrative of the relationship between bishops and clergy and the wedge between them. Indeed, only a small fraction of the dioceses are represented in the interviews and so this data cannot be used to sweep the entire Anglican Church of Kenya with one brush. However, this qualitative survey

---

[101] Ibid.

[102] George Conger, "Priest Suspended for Failure to Marry within Six Months," *Anglican Ink* (blog), January 17, 2022, https://anglican.ink/2022/01/17/priest-suspended-for-failure-to-marry-within-six-months/.

[103] Ibid.

[104] Eva Nyambura, "ACK Worshipers Protest Dismissal of Divorced Archdeacon,", Kahawa Tungu, January 17, 2022, https://www.kahawatungu.com/ack-worshipers-protest-dismissal-divorced-archdeacon/.

gives a window into the cultural narrative. It is expected that there will be exceptions and deviations, and there is no doubt that there are good bishops who are seeking to lead in a Christlike way, and humble clergy seeking to obey their leaders in God-honoring ways.

2.4.1 Believing

At the level of believing, it is first imperative to note that there is an established hierarchy. The episcopal form of church government lends itself to a hierarchy where the higher the hierarchy you go, the more power and privilege. Interviewee T pointed out that the problem begins with the election of bishops. Because of the power and privilege that comes with being a bishop, many unworthy contenders vie for it and when they succeed, they victimize those that did not support their bid.

Episcopacy is all about absolute power in many dioceses. Power corrupts, the adage goes, but absolute power corrupts absolutely. The fact that every diocese is autonomous gives bishops absolute power in their dioceses.

As for the oath of canonical obedience, the running belief is that it requires absolute obedience and loyalty of clergy to their bishops. It is instructive that almost all the interviewees described their bishops as their ‘boss’ and one of them described the relationship explicitly as that of employer and employee.

As can also be seen from the case studies, some bishops believe themselves to be under no authority, whether the constitution or the archbishop. It also happens that standard processes and protocols are usually ignored. As one of the interviewees remarked, “canonical as per who? Lawful as per who? The bishop is the law.”

2.4.2 Behaving

Bishops behave more like top-level managers in the corporate world than as pastors. This impact their relationships with clergy which has been reduced to the contractual employer-employee relationship. Even then, the employer-employee relationship described here is very ancient and out of touch with the trends and best practices of human resource management in modern society.

It is also disturbing that though this oath is taken on the important day of ordination, as one carries the Bible, many clergy do not give much thought to it. One would expect some level of reverence to an undertaking like this, which in many ways sounds like the vows one makes during a wedding, but not quite like it.

The symbolism in the vestments of the bishops signifies the absolute power they wield. 'We fear the purple shirt', remarked interviewee Q. Bishops wear a purple shirt which has become a symbol of power. Indeed, the whole episcopal vesture is a symbol of power and opulence. The controversial element of late is the mitre—an ecclesiastical headdress that bishops wear. English theologian Ian Paul comments,

> To most, and I would suggest especially the young, the sight of bishops in mitres puts them in another world. It is a world of the past, a world of nostalgia, a world of deference—and mostly a world which is quite disconnected from present experience and values… And in its hierarchical understanding of authority, it is a culture of which contemporary society is becoming less and less tolerant, possibly for good reason.[105]

There is no accountability for bishops. Even the bishops themselves do not hold each other accountable. A senior bishop is now in secular courts with allegations of sexual harassment

[105] Ian Paul, "Bishops Should Throw Away Their Mitres," *Psephizo* (blog), August 5, 2020, https://www.psephizo.com/life-ministry/bishops-should-throw-away-their-mitres/.

of one of his female clergy.[106] This female clergy was demoted and even suspended at some point based on trumped-up allegations. Now the female clergy alleges that she faces persecution for refusing sexual advances from the bishop. Disturbingly, no bishop, including the archbishop has addressed themselves on the matter despite being such a matter of criminal nature. Interviewee R alluded to this when he said, "You realize some of them are in very big scandals but because they are big people, one, you cannot do anything, and it does not go anywhere because of this theory of scratch my back, I scratch your back. It's written at the top."[107]

To give it perspective, this situation likens to that articulated in a report concerning a bishop in the Church of England who was found to be a serial abuser in the 1980s and early 1990s. The investigation report highlights that the most significant point about him was that he was a bishop. This is because, in the structures of the Church, a bishop has a crucial and central role, underpinned by an essential autonomy. Thus,

> We were struck during this review by a manifest culture of deference both to authority figures in the Church, particularly bishops, and to individuals with distinctive religious reputations – or both. This deference had two negative consequences. Firstly, it discouraged people from "speaking truth to power". Then, on the few occasions where people did speak out and were rebuffed by a bishop – the summit of the hierarchy – there was nowhere else to go. That reinforced the barriers to stepping up in the first place.[108]

To be sure, and as the report observes, a lot has changed in the Church of England in its understanding of abuse, and in the standards and expectations of safeguarding practice since the early nineties when these abuses took place. The power of bishops has been variously restricted. e.g. bishops no longer send clergy to parishes and the processes of appointments are more and

---

[106] Clause Masika, "ACK Bishop Charged with Caressing Woman's Breast, Attempting to Kiss," *The Star*, January 11, 2022, https://www.the-star.co.ke/news/2022-01-11-ack-bishop-waweru-charged-with-attempting-to-kiss-woman-touching-breasts/.

[107] Interview with interviewee R, June 22, 2022.

[108] Church of England, "Abuse of Faith: The Independent Peter Ball Review," 2015, 59.

more reflecting the language and methods of a human resource department in a company. This guarantees clergy both rights and responsibilities.[109]

In the Anglican church of Kenya, however, the culture of deference to the bishops lamented in this report is a present reality. The culture does not encourage speaking truth to power, and those who do so have nowhere to seek refuge because the power resides centrally in the bishop.

2.4.3 Belonging

The phrase referred to in chapter 1 by Ignatius, that "where the bishop is, there is where the church is" might sound ridiculous but it is a commonly held idea. The bishop is the church, and the clergy are only his representative with no authority of their own. It is not uncommon for congregations to insubordinate the clergy and deals directly with the bishop. Increasingly, for example, congregants want the bishop to do even the pastoral duties clergy can perform like a baptism for a child. And so clergy feel undermined not only by the bishops but also by the congregation. The church belongs to the laity because they are the financiers, and to the bishops. The clergy are simply middlemen with no stake and they come and go whenever the bishop decides.

What we have in Kenya is a practice of episcopacy where there is really one true ecclesiastical office—the bishop. Priests and deacons are merely his agents. What we have therefore is three social classes in the church—the laity, the clergy, and the bishops. Though it might look like the laity are at the bottom of the pyramid, they are not. The laity usually have

[109] *Your Church and the Law: A Simple Explanation and Guide*, accessed July 12, 2022, Chapter 10, e book.

more say and freedom of speech than the clergy, and it all boils down to the fact that the clergy have sworn an oath of canonical obedience to the bishop.

2.4.4 Experiencing

It is indispensable that clergy feel a sense of powerlessness in the face of overbearing bishops. There are no rights, no terms of service, or code of conduct. One's experience is purely pegged on the person and character of the bishop. This also leads to a culture of suspicion and fear. Indeed, this is something interviewees explicitly said. The livelihood of a clergy can be taken away by the stroke of the pen, and it all depends on the bishop. There is therefore a culture of fear. Interviewee R who works in bishop's office expressed this when he pointed out that even for him, whenever he visits a parish for worship, the priests there sometimes fear because they think they are being investigated. The fear of witch-hunts is pervasive.

The clergy do not have confidence in the system. There is an impression of a lack of support from anyone through the hard times of their ministry and particularly in situations of dispute and conflict. There is also a feeling of neglect, dissatisfaction, and unhappiness. Of course, unless you are in the inner circle of the bishop.

It is no wonder then that the oath of canonical obedience leaves a sour taste in the mouths of the clergy. It means they have no voice nor can they openly air their opinions before the "lord bishop."

2.5 An Assault on Priesthood- The Roman Catholic Experience

As was noted in Chapter 1, the Anglo-Catholic movement significantly influenced Anglicanism. Even some of those Anglicans, like the Anglican Church of Kenya, who do not identify as Anglo-Catholics still find in Rome an older brother. It is therefore instructive to note

that the challenges described here are not unique to Anglicanism, but have also been expressed in the Roman Catholic Church. In his book *The Assault on Priesthood: A Biblical and Theological Rejoinder*, contemporary Roman Catholic theologian, Lawrence Porter, in a similar fashion also laments what he calls a "delimiting", "devaluing", "demotion" of the ministry of priests in the Roman Catholic church.

Much has been made of the role of the laity and the authority of bishops, he notes, but "the presbyteral ministry is being made all too subservient to episcopal ministry."[110] For him, the second Vatican Council reflected and entrenched this bias. Affirming a commentary of the Council by Louis Bouyer, he notes that there was, regarding clergy/bishop relationship, "a ruthless, even abusive power grab on the part of the bishops."[111] Bouyer himself is quoted to have said,

> Even though the doctrinal texts had formally acknowledged that conflict between primacy and collegiality can arise only in an ecclesiology of power, not in one of service, the episcopate again, intending to its regeneration, too often thought of itself in terms of ecclesiological power… it was shown to what extent the restoration of the power of a number of bishops signified capacity to act with regard to their subordinates exactly as they had reproached the "curia" for doing in the past.[112]

He thus criticizes elements of what he calls hierarchical self-indulgence or episcopal greed, things like discrepancies in remuneration and wealth,[113] the haphazard transfer of clergy, spoliation—using episcopal authority to commandeer and seize parochial funds and property[114]— matters that are at the very heart of the power dynamics described in this chapter.

---

[110] Lawrence B. Porter, *The Assault on Priesthood: A Biblical and Theological Rejoinder* (Eugene, OR: Wipf & Stock, an Imprint of Wipf and Stock Publishers, 2014), xlvi.
[111] Porter, xli.
[112] Porter, xlii.
[113] Porter, 69.
[114] Porter, 70.

Whether the situation in the Roman Catholic Church has anything to do with that in the Anglican Church is not certain, but there is certainly a correlation.

2.6 Summary

The cultural narrative presented in these interviews and the case studies is that of an overstretch of episcopal power enabled by the oath of canonical obedience. To use Honeysett's guardrails again, bishops are not accountable to anyone, they work independently in the guise of autonomy, and because of the huge power imbalance, there is no demonstrable transparency and embodiment in the church community.[115]

Legitimated power: responsibly exercised in a godly way, formally with accountability and transparency	Legitimated power; responsibly exercised in godly way, relationally by soft power and influence	Other-serving coercive power	Self-serving coercive power	The most serious abuses

In this spectrum, a majority of bishops operate in stages three and four: the "other-serving coercive power" and "self-serving coercive power". In stage three, leaders may not intend to abuse position and power but there is evasion and minimization of the checks and balances, reduced transparency, and can become manipulative and political. They can be less concerned about truth than they are about achieving the desired outcome.[116]

[115] Honeysett, *Powerful Leaders?*, 16–17.
[116] Honeysett, 44.

In stage four, leaders are more coercive and control is evident. Embodiment in the community may be evident but people are used as tools that are easily discarded when they cease to be useful or become a threat. Instead of collegiality, there are mutually protecting inner circles of yes-people. Aggressive bullying starts being evident. These features accurately describe the situation presented in the interviews.[117]

This is a clarion call for the Anglican Church of Kenya to evaluate its leadership culture and how bishops relate to the clergy. According to the *Reformatio Legum Ecclesiasticarum*[118], a crisis in church leadership requires urgent attention:

> Just as the condition of the state is ruined when it is governed by people who are stupid, demanding, and burning with ambition,' it says, 'so in these times the church of God is struggling, since it is committed to the care of those who are totally incompetent to assume so important a task, in which respect it has fallen very far short indeed of those rules of the blessed Paul, which he prescribed to Timothy and Titus. Therefore we must find an appropriate remedy for so serious a plague on our churches'[119]

One starting point of the remedy in the Anglican Church of Kenya is the Oath of Canonical obedience which, if correctly and robustly understood, is an important and crucial step to manage this situation.

2.7 Conclusion

The inherent danger with interviews on a sensitive topic like this is to generalize or play into hyperbole. I have therefore sought to present my findings as accurately as possible, even when my experience or understanding of an issue differed from the interviewee's. The point is that every diocese is different and every bishop is different. As has been observed, the structures,

---

[117] Honeysett, 47.

[118] Translated as Reformation of Church Law, this is a draft of Thomas Cranmer's attempt to revise canon law in England. See chapter IV.

[119] Bray, *Tudor Church Reform*, 281. (*Reformatio* 11:1)

or lack of it, leave the responsibility of healthy use of power to the integrity and self-restraint of individual bishops. This should not be the case, however. Though bad leaders can still find ways around good structures, a good structure and a healthy culture goes a long way in dealing with the abuse of power and a breakdown of relationships. The next chapter will benchmark from the Reformed tradition with a view to learning what can be applied to the Kenyan context in building a healthy leadership culture.

CHAPTER THREE

Ecclesiastical Power and Accountability in the Reformed Tradition

3.1 Introduction

This chapter is an attempt to articulate some of the key principles of the Reformed-Presbyterial tradition's understanding of church government, and in particular, the relationship between the ministers and their accountability. As has been shown in chapter one, the Anglican Church has its roots in the Reformation and, at least in its sixteenth-century form, was considered a Reformed church alongside other Reformed churches in the European continent. The architects of the Anglican Church were significantly influenced by the Calvinistic teachings pervasive in Europe and a number of the notable theologians in Europe also spent time in England or participated significantly in the life of the Church of England.

Theodore Beza, John Calvin's associate in Geneva and later his successor, for example, "corresponded with powerful English bishops and noblemen and even carried favor with the queen of England."[120] Historians have even suggested that it is his sustained criticisms of the Church of England's rituals and the episcopal church government that emboldened and inspired the Puritans. However, he "remained convinced that England's church was a legitimate member of the family of Reformed churches, even if it was the only one that did not practice biblical discipline."[121]

---

[120] Scott Manetsch, "Theodore Beza in England" in *Theodore Beza at 500: New Perspectives on an Old Reformer*, Refo500 Academic Studies, volume 74, eds. Kirk summers and Scot M Manetsch (Göttingen: Vandenhoeck & Ruprecht, 2021), 97.

[121] Manetsch, Theodore Beza, 135.

3.2 The Ecclesiastical Controversy

Indeed it was in this issue of church polity, or as they called it, biblical discipline, that the Church of England most visibly differed from the others in the Reformed family of churches. For Anglicans, as stipulated in the Thirty-Nine Articles of Religion, there are only two true marks of the church—the true preaching of the Word and the right administration of the sacraments. Matters of order and discipline were matters for which there was freedom within the bounds of Scripture. According to article XX,

> The Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith: And yet it is not lawful for the Church to ordain anything that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree anything against the same, so besides the same ought it not to enforce anything to be believed for necessity of Salvation.

For Anglicans, church polity and order was something Scripture is not explicit about— thus it belonged to the so-called matters indifferent; contrary to the puritans and a few others in the Reformed family who viewed the Presbyterial form of church government as grounded in Scripture and thus an essential mark of the church.[122]

In response to the outspoken puritan Thomas Cartwright, who moved to Geneva and got to know Theodore Beza, John Whitgift insisted that though church government and order was crucial, they were matters for which each national church had the authority to alter depending on their circumstances. In his argument, he provides for two kinds of church government, the spiritual and the external:

> The invisible and spiritual government of the church is when God by his Spirit, gifts, and ministry of the word, doth govern it, by ruling in the hearts and consciences of men, and directing them in all things necessary to everlasting life; this kind of government, indeed is necessary to salvation, and it is in the church and of the elect only.[123]

---

[122] Zahl, *Perspectives on Church Government,* Chapter 4, e-book.

[123] John Whitgift and John Ayre, *The Works of John Whitgift... Edited for the Parker Society* (Cambridge [Eng.] Printed at the University Press, 1851), 183, http://archive.org/details/worksofjohnwhitg00whituoft.

This he contrasts with, "The visible and external government is that which is executed by man, and consisteth of external discipline, and visible ceremonies practiced in that church, and over that church, that containeth in it both good and evil…"[124] Of this second kind of government, he notes, "..but that any kind of government is so necessary that without it the church cannot be saved, or that it may not be altered into some other kind thought to be more expedient, I utterly deny."[125] For him, there was no need for uniformity between the different reformed churches, for "'we do not take upon (as we are slandered) either to blame or to condemn other churches, for such orders as they have received most fit for their estates"

This understanding was shared by many Anglican divines like John Jewel and Richard Hooker.[126] For them, church polity was contextual, and so the polity engineered by Calvin in Geneva was not necessarily fit for England. This chapter follows this classic Anglican understanding—denying that there is a perfect and fit for all Church polity. Nevertheless, Anglicans can learn from the Reformed churches in how they have contextualized their church polity as we seek to address the challenges posed by our church polity in the twenty-first century.

3.3 The Primer of Reformed Ecclesiology

A consideration of the Reformed church order of necessity begins with John Calvin to whom the Presbyterial form of church government is owed, and his work in Geneva.[127] To be sure, the reformation preceded Calvin in Geneva. However, the situation of Geneva's church when he first arrived was dismal. He reminisces, "When I first arrived in this church there was

---

[124] Ibid., 183

[125] Ibid., 184.

[126] Ironically however, it was not long before Anglicans would add a third mark of the church, at least in practise—the church would also be "visibly structured according to certain ceremonies, rites and patrolled by bishops." Chapman, *Anglicanism*, 45.

[127] Herman Bavinck, John Bolt, and John Vriend, *Reformed Dogmatics*, vol. IV (Grand Rapids, MI: Baker Academic, 2003), 385.

almost nothing. They were preaching and that's all. They were good at seeking out idols and burning them, but there was no Reformation. Everything was in turmoil."[128] His life and legacy in Geneva would therefore be the architecture of an ecclesiology that follows the reformed doctrine. Indeed, for Calvin, as shown by the structure of his magnum opus, *The Institutes of Christian Religion*, a proper understanding of the church is underpinned by biblical convictions about the knowledge and sovereignty of God, the authority of scripture, and the merits of Christ.[129] The church is treated in Book IV as an external agency by which God invites us into the society of Christ and holds us there in. He writes as an introduction,

> In the last Book, it has been shown that by the faith of the gospel Christ becomes ours, and we are made partakers of the salvation and eternal blessedness procured by him. But as our ignorance and sloth (I may add, the vanity of our mind) stand in need of external helps, by which faith may be begotten in us, and may increase and make progress until its consummation, God, in accommodation to our infirmity has added much helps, and secured the effectual preaching of the gospel, by depositing this treasure with the Church. He has appointed pastors and teachers, by whose lips he might edify his people, (Eph. 4: 11;) he has invested them with authority, and, in short, omitted nothing that might conduce to holy consent in the faith, and to right order.[130]

The church is therefore a means of grace by which God accomplishes the believers' sanctification, and it is this function that then determines the form of church government.

When Calvin writes about how the church is governed in chapter three, he begins by underscoring the fact that only God's word should be the standard of church government. He writes,

> We are now to speak of the order in which the Lord has been pleased that his Church should be governed. For though it is right that he alone should rule and reign in the Church, that he should preside and be conspicuous in it, and that its government should be exercised and administered solely by his word; yet as he does not dwell among us in

---

[128] Quoted in Patrick Collinson, *The Reformation* (Hachette, UK: 2013) chapter 5, e-book.

[129] David C. Hester, "The Sanctified Life in the Body of Christ: A Presbyterial Form of Christian Community" in *Community Formation in the Early Church and the Church Today,* ed. Richard N. Longenecker (Peabody, Mass: Hendrickson Publishers, 2002), 194–98.

[130] John Calvin and John Murray, *Institutes of the Christian Religion*, trans. Henry Beveridge, 1st edition (Fig, 2012), 4.1.1.

> visible presence (Matt.26:11), so as to declare his will to us by his own lips, he in this (as we have said) uses the ministry of men, by making them, as it were his substitutes, not by transferring his right and honor to them, but only doing his own work by their lips, just as an artifice uses a tool for any purpose.

A couple of things are worth noting. First, God is the only legitimate ruler of the church, and he does this by his word. And because God is not physically present to do this by his own lips, he uses the lips of ministers. Second, the fact that God has chosen to use the lips of men does not connote that he has delegated his authority and honor to these men. They are simply mouthpieces for God.

3.4 Church Organization in Geneva

This conviction, of God ruling by his word, made Calvin to prioritize the proclamation of the word of God in Geneva.[131] Like the other reformers such as Luther and Zwingli, Calvin viewed the proclamation of the Word of God as the minister's primary responsibility and restructured parish life because of this priority.[132]

Something of this conviction can also be seen in his discussion of the offices of the church, which privileges the preaching office.[133] He sets out as essential first the office of pastors and teachers, which the church can never dispense with. He then notes that there is a difference between the two—teachers are only concerned with the interpretation of scripture so that the pure and sound doctrine may be maintained, while the rest of the pastoral office presides over discipline, the administration of sacraments, admonitions, and exhortations.[134] The other offices are that of elder and deacon who attend to discipline and who care for the poor respectively.

---

[131] Though preaching was a big part of it, they prioritized God's word in other ways—liturgy, hymns and psalters, catechisms and pastoral care through home visitations.

[132] Scott M. Manetsch, *Calvin's Company of Pastors: Pastoral Care and the Emerging Reformed Church, 1536-1609* (Oxford; New York: Oxford University Press, 2013), 148.

[133] Calvin and Murray, *Institutes of the Christian Religion, 4.3.3*.

[134] Calvin, *Institutes*, 4.3.4.

What we have from Calvin is therefore four offices of pastor, teacher(doctor), elder, and deacon as the way he organized the church in Geneva. From this would be formed the classic Presbyterial pattern of ministry—presbyterate or consistory (ministers of the word and sacraments, and elders) and deacons.[135]

It is worth noting, as Hester points out, that "Calvin did not succumb to a slavish recapitulation of the early church's early practices, as he understood them" but contextualized it to the social situation in Geneva.[136] Though he traces how the designations "bishops", "presbyters" and "pastors" are used in Scripture; he, by his own admission, says that he is giving them "indiscriminately to those who govern churches… on the authority of Scripture, which uses the words as synonymous."[137] He feels it is legitimate not to strictly follow the designations as they are used in Scripture. In the background, however, there are echoes of the influence of the governing structure and civil authority of Geneva in his "ruling elders" and the governing consistory consisting of elders and ministers.[138]

The title or office of a bishop and the hierarchy it infers was therefore absent and was vehemently rejected in Reformed-Presbyterial ecclesiology. To be sure, as Bavinck notes, some had no objection to episcopacy in a sense of superintendence—supervising a local group of pastors.[139] Martin Bucer, for example, defends this view of bishops.[140]

---

[135] The office of doctor was unique to Geneva and Calvin's ecclesiology though it was adopted by some other churches like the Reformed Church in the Netherlands which has the office of Professors of Theology (Church Order 1618-1619, Article 20

[136] Hester, *A Presbyterial Form of Christian Community*, 203.

[137] Calvin, *Institutes*, 4.3.8

[138] Hester, *A Presbyterial Form of Church Government*, 205. Bavinck also grants that something of Calvin's personal character and historical circumstances opened his eyes to the significance of offices in Scripture. Bavinck, Bolt, and Vriend, *Reformed Dogmatics*, IV:385–86.

[139] Bavinck, Bolt, and Vriend, IV:361.

[140] For a Reformation era defense of this view of bishops, Martin Bucer, *Concerning the True Care of Souls*, trans. Peter Beale (Edinburgh: The Banner of Truth Trust, 2009), 36–38.

In the Reformed ecclesiology, however, it has been suggested that a presbytery or classis which is a governing body with oversight for several local churches is the most appropriate equivalent to a bishop.[141] Just like bishops, these classis have a decisive role in overseeing the admission, ordination, installation, and functioning of ministers; overseeing the institution, merger, or dissolution of congregations; and visitation of churches to ascertain if the church officers are performing their duties and sound doctrine has been maintained.[142]

It is also worth noting that for Calvin, and the Reformed, the offices of the church were a ministry, that is, they were for service. Only Christ as the sole head of the church possesses magisterial and supreme authority over the church. [143] As for church officers, their office is ministerial and their authority is derived and subordinate. "They do not and cannot act *suo jure*."[144] Bavinck makes the same point more sharply: "To the extent that Christ, in the exercise of this power, employs instruments, these are not autonomous, independent, sovereign, but bound to him, that is, to his Word."[145] The implication is that the authority of church officers is only as far as they declare the Word of God. Conscience was an important matter, and they sought not to bind people's consciences with things that the Bible did not.

The Reformed ecclesiology was therefore a radical move from the prevailing hierarchical and episcopal ecclesiology of the Roman Catholic Church and at the same time short of the congregationalist ecclesiology of the Anabaptists. The theological rationale for it was, first,

---

[141] Allan J. Janssen, "Who Says? The Authority of the Classis/Presbytery in a Reformed Church" in *A Collegial Bishop Revisited: Classis and Presbytery at Issue,* eds. Allan J. Janssen and Leon van den Broeke (Kampen, NL: Summum Academic Publications, 2020), 27.

[142] Leo J. Koffeman, *In Order to Serve: Church Polity in Ecumenical Contexts* (LIT Verlag Münster, 2014), 57.

[143] James Bannerman, *The Church of Christ: A Treatise on the Nature, Powers, Ordinances, Discipline, and Government of the Christian Church* (T. T. Clark, 1868), 2.2.

[144] Leon van den Broeke, "Reformed Church Order" in *Church Laws and Ecumenism: A New Path for Christian Unity,* ed. Norman Doe (Routledge, 2020), Chapter 8.

[145] Bavinck, Bolt, and Vriend, *Reformed Dogmatics*, IV:408.

Calvin's deep awareness of human depravity and thus the vulnerability of Christians including those who hold leadership positions.[146] Professor Mary-Anne Plaatjies van Huffel identifies five core principles by which Calvin's ecclesiology was guided—

> (i) the autonomy of the church, or its right of self-government under the sole headship of Christ. (ii) the parity of the clergy as distinct from a jure divino hierarchy whether papal or prelatic. (iii) the participation of the Christian laity in church government and discipline. (iv) strict discipline to be exercised jointly by ministers and lay-elders, with the consent of the whole congregation. (v) union of church and state on a theocratic basis, if possible, or separation, if necessary to secure the purity and self-government of the Church.[147]

Because of their significance to the subject matter of this Thesis, the first three principles will be discussed further.

3.5 (Limited) Autonomy of Local Congregations

For Calvin, and the reformed tradition after him, autonomy of the local congregations is a significant principle. An illustration of this tension of autonomy is in the Dutch Reformed tradition. It is the revised form of Calvin's *Ecclesiastical Ordinances* that formed their first book of church order, the *kerkorde*, approved in the Synod of Emden in 1571. Speaking of the first article in Acts of the Synod of Emden of 1571, reputed as the mother of all Reformed synods, van den Broeke remarks: "Among scholars in Reformed church polity, this first article is called the *canon aureaus*, the golden rule. It states that neither church nor office nor office-bearer (and/or person) lords it over another."[148] Egalitarianism and autonomy are key aspects of Dutch ecclesiology.

---

[146] Koffeman, *In Order to Serve*, 58.

[147] Mary-Anne Plaatjies van Huffel, "The Relevance of Reformed Church Polity Principles: Revisiting the Concept" in *Protestant Church Polity in Changing Contexts I,* eds. Allan J. Janssen and Leo Koffeman (LIT Verlag Münster, 2014), 31.

[148] van den Broke, *Reformed Church Order,* Chapter 8, e-book..

To be sure, autonomy in the Reformed tradition is vastly different from the absolute autonomy in the congregationalist polity. The Synod of Emden 1571 emphasized the binding nature of the decisions of synods. This principle was preserved when the church order was revised and adopted at the synod of Dort 1619, what would become the standard book of church order to date.

On how the synods relate, the Church Order of Dort states: "The classis has the same authority over the consistory that the particular synod has over the classis, and the general synod over the particular."(Article 36). But this was not hierarchical per se. Only matters unresolved in the "lower" assembly needed to be discussed in the "higher assembly." (Articles 30 and 31)

From the foregoing, it is possible to speak of the recognition of limited autonomy of local congregations in Reformed ecclesiology. Van Huffel notes, "The local congregation is, however, a complete church, *ecclesia completa*, and is independent of other congregations or churches."[149] van de Broeke on the other hand notes that the local congregations are "considered to be 'church' —but not the complete church."[150] Elsewhere, however, he clarifies that indeed the first section of acts of the Synod of Emden 1571 prohibits lordship and hierarchy, and promotes autonomy and completeness (*ecclesia completa*) of the local church. This, however, should be read alongside the final section of the Dordt Church Order 1619 which provides a buffer and "warning against (Reformed) Independentism."[151] It says that church order can only be adjusted by common consent.

Even then, however, van den Broeke notes that local churches only form associations voluntarily, and there is no central organized supra-local church. This of course does not mean

---

[149] Van Huffel, *The Relevance of Church Polity Principles*, 37.
[150] Van de Broeke, Reformed Church Order, chapter 8, e-book.
[151] Leon van den Broeke, "Serving the Peace? Disorder, Order and Peace in Church Polity," *In Die Skriflig/In Luce Verbi* (Online) 54, no. 1 (n.d.): 2.

that these associations can be formed arbitrarily. Providence plays an important role. Churches, just like individual Christians, form associations with those who by providence are near them geographically. For Bavinck, it is a matter of keeping grace and nature together, or rather, grace restoring nature—for it is God who "determined allotted periods and the boundaries of their dwelling place" (Ac. 17:26)[152]

3.6 Collegiality and Accountability of Ministers in Geneva

Calvin and his associate William Farel radically transformed the religious structural landscape of Geneva. The number of churches in the city was for example reduced from seven to three, but even more radically, the number of clergy in the city was reduced to just about six, down from approximately five hundred priests, monks, friars, and nuns who lived in Geneva before the Reformation.[153] One outstanding element of this restructuring was that he not only championed but also institutionalized a form of church government that promoted both equality, collegiality, and accountability of ministers.

As is clear from the foregoing, Calvin and the other reformers had a strong aversion to the hierarchical Roman Catholic episcopal form of church government. This however did not mean that ministers were left without the accountability which the hierarchy would have provided. Besides preaching, administration of sacraments, and other pastoral duties, pastors were required to regularly meet up in four pastoral institutions which profoundly shaped the religious culture in Geneva—The Congregation, the Ordinary Censure, the Consistory, and the Company of Pastors. The Congregation and the Ordinary Censure were actually constitutional requirements of the Genevan church constitution, *Ecclesiastical Ordinances 1541*.

---

[152] Bavinck, Bolt, and Vriend, *Reformed Dogmatics*, IV:374.

[153] Jeffrey R. Watt, *The Consistory and Social Discipline in Calvin's Geneva*, Changing Perspectives on Early Modern Europe 22 (Rohester, NY, USA: University of Rochester Press, 2020), 3.

3.6.1 The Congregation

Pastors were required to meet in the Congregation every Friday morning, a gathering intended to be a kind of adult Bible study. This was patterned after Huldrych Zwingli's *Prophetzei* in Zurich and involved all the city pastors, theological students, and interested lay people for an in-depth study of the Bible and mutual evaluation of one another's exposition of biblical texts. Different city pastors led this meeting by giving a careful exegesis of the passage chosen for the day, then discussions of interpretation and theology would follow from there. Manetsch explains,

> Calvin argued that institutions like the Congregation were "not only useful but necessary" for a healthy church because they served to monitor the zeal and competence of ministers, taught them how to apply the biblical text to their auditors, and helped maintain the unity of doctrine in the church. It was also valuable for motivating laypeople to study and understand God's Word.

Moreover, Calvin was also acutely aware of the significance of reading and interpreting the Bible in community and in conversation with Christian interpreters both ancient and contemporary. In a letter addressed to Wolfgang Musculus of Bern, Calvin explains the purpose of the Congregation and notes, "the fewer discussions of doctrine we have together, the greater the danger of pernicious opinions," for "solitude leads to great abuse."[154]

3.6.2 The Ordinary Censure

The *Ecclesiastical Ordinances 1541* also established the Ordinary Censure which met four times a year on the Friday before the quarterly communion service. This involved ministers from both the city and countryside meeting in private to address personal grievances against each other, exhorting one another in holiness, and offering fraternal correction on matters of doctrine

[154] Quoted in Scott M. Manetsch, "John Calvin and the Theological Interpretation of Scripture" in *Hearing and Doing the Word: The Drama of Evangelical Hermeneutics,* eds. Daniel J. Treier and Douglas A. Sweeney (Bloomsbury Publishing, 2021).

and personal moral conduct.[155] Though these meetings were strictly confidential, there is some evidence of the sort of issues that were dealt with, which include arrogance, slander, rebellion, coming late to the worship service in the full glare of the congregation, preaching an inflammatory sermon, or teaching questionable doctrine. Bonaventure Bertram, for example, was censured for harboring animosity against Theodore Beza because of a financial disagreement between them; and Jean Ferron was censured for what would today be called sexual harassment—groping a servant girl in his household and speaking salacious words to her.[156]

The Ordinary Censure, therefore, provided a formal structure for mediating conflict and keeping ministers accountable in their private and public lives. Manetsch summarizes,

> The fact that the Ordinary Censure was held shortly before the quarterly celebration of the Lord's Supper was not accidental. These sessions provided a regular venue for Geneva's ministers and professors to redress moral infractions, personal hostilities, and theological differences with colleagues in private, thereby enabling them to approach the Lord's Table with pure consciences and at peace with their brothers. Conflicts and disagreements were inevitable, but the Ordinary Censure was one important way in which Geneva's ministers adjudicated those differences and maintained the unity of the Venerable Company.[157]

3.6.3 The Company of Pastors

Though not enshrined in the *Ecclesiastical Ordinances 1541*, Calvin began to gather together ministers of both the city and countryside; and several professors every Friday after the Congregation for what was really a business meeting in contemporary language. Its duties included the monitoring of public worship in the city, recruiting and examining new pastors, supervising theological education at the Academy, overseeing the work of the deacons and

[155] Manetsch, *Calvin's Company of Pastors*, 127.
[156] Manetsch, 128.
[157] Manetsch, 128.

public benevolence, offering godly advice to the city magistrates, and ultimately serving as an advisory board to foreign churches on doctrinal and practical issues. [158]

The presupposition for forming the Company of Pastors was Calvin's conviction of the equality of all ministers. All ministers possessed equal authority under the Word and there was no hierarchy. The Company of Pastors was democratic, and Genevan pastors were only to submit to the judgment of the majority of their colleagues. The day-to-day business of the Company was directed by "a moderator," one of the pastors chosen by his peers. He was for all intents and purposes a *primus inter pares* with no personal authority over the rest.

A further modification would later be made to the Company of Pastors after Calvin's death to ensure more collegiality. When Calvin died, his associate Theodore Beza succeeded him both as a minister and moderator. However, Beza was very conscious of the danger of having a permanent moderator which he saw as a slippery slope to how the authority of bishops was first introduced and therefore championed for the office of a moderator to be time-limited and rotational. This would "protect the church in the future from ambitious men who might aspire to become perpetual bishops."[159] After several unsuccessful attempts, he was ultimately able to establish a weekly rotational presidency which secured a method of shared leadership that effectively limited his own power.[160]

3.6.4 The Consistory

The Consistory was a kind of church court which Calvin established in Geneva "for the purpose of overseeing public morality and doctrine, and admonishing and disciplining people guilty of flagrant sin." To be sure, consistories existed in other places—Zurich, France, Scotland,

[158] Manetsch, 28.
[159] Manetsch, 63.
[160] Manetsch, 65.

and even the Netherlands though they all differed from each other in composition and scope depending on polity and the relationship with the civil government which sometimes had a stake in church discipline.[161]

In Geneva, the Consistory was composed of the six ministers in the city and the twelve lay elders drawn from the three levels of Geneva's civil authority. They met every Thursday at noon and their work ranged from pastoral advice, personal admonition, public rebuke, temporary suspension from the Lord's Supper, and later on even ex-communication from the church, something that was very unique to Geneva's Consistories.[162] Though the Consistories' discipline would at times be intrusive and heavy-handed, attracting resistance from a section of the society, it was, at its best, an expression of pastoral care and enjoyed much support from the people.[163]

The significance of these Consistories for Calvin cannot be overstated. Despite his stature, both locally and internationally, as a pastor and an academic, he dedicated the better part of at least one day a week to sitting in a Consistory and thus listening to the mundane and at times even petty stories about the ordinary Genevans' quarrels, insults, blasphemies, illicit affairs, marital disputes, and superstitions. Watt remarks, "Far from viewing participation in the Consistory as a burden, Calvin viewed it as a pillar of his ministry."[164]

3.7 Authority and Responsibility in the Reformed Ecclesiology

Who has power in the church is an important question in reformed ecclesiology.[165] James Bannerman in his classic *The Church of Christ* notes that it is "a question of more than ordinary

---

[161] Watt, *The Consistory and Social Discipline in Calvin's Geneva*, 7–8.
[162] Watt, 8.
[163] Watt, 38.
[164] Watt, 220.
[165] Power and authority are used interchangeably though with the understanding that authority is strictly used to describe the use of power. Power refers to capacity while authority is the moral legitimacy of power.

importance and much more than ordinary difficulty."[166] To be sure, the ultimate power belongs unquestionably to Christ who is the head of the Church, and he does not delegate it. The implication, Bannerman says, is that:

> It excludes the possibility of that power becoming an independent despotism or lordship in the hands of the rulers, and of their regarding it as if it were given for their own aggrandizement and exaltation, or to be used for the subjugation, by a spiritual tyranny, of the consciences and understandings of the other members of the Church. Because limited by the authority of Christ, that power can never become independent itself, or make the administrators of it independent. They are, in the strictest sense of the terms, the ministers or servants of Christ.[167]

This is a pervasive concern among the reformed, on the background of the Roman Catholic Church and its bishops and popes.

The second principle following from this is that Christ exercises his authority, which is present and continuing, ultimately through the Word and the Sacraments. Bavinck writes, "The administration of the Word and Sacrament is the only form of church government, the sum of all ecclesiastical power, the totality of the power of the keys."[168] The Reformed have therefore always spoken of the church as the *creatura verbi* —a creation of the Word. The implication of this is that "every office in the Church of Christ is a ministry, without legislative, judiciary, and executive power of its own but able only to administer the things contained and implied in the word of Christ."[169] Said differently, the authority of the church officers goes only as far as the Word of God goes, and they themselves are subject to that authority.

This also has implications for how church officers exercise their authority. If authority is derived and not personal, then force or coercion cannot be used. Bannerman in true reformed

---

[166] Bannerman, *The Church of Christ, 2.6*.
[167] Ibid.,
[168] Bavinck, Bolt, and Vriend, *Reformed Dogmatics*, IV:408.
[169] Bavinck, Bolt, and Vriend, IV:408.

spirit notes that the only way ecclesiastical authority is exercised is by winning through teaching and persuasion of the conscience of the people. He writes,

> … there are means of a most indispensable kind to be employed in the way of explanation and instruction, counsel and persuasion, to secure the convictions and concurrence of the private members of the Church, in whatever act or declaration the rulers, in the exercise of their judicial, or legislative, or administrative functions, may find it necessary for them to perform or to adopt. Without the use of such means to carry the conscience and understanding of the members of the Church along with them in all that they do and declare, the office-bearers are not at liberty to use or enforce their peculiar power at all.

The third principle in the exercise of power is that Christ has endowed both the ordinary members and the officers of his church with authority. Drawing from the Heidelberg Catechism question 55[170], Bavinck notes that all believers have not only a gift but an office. He says, "Not only in the church as an organism but also in the church as an institution, they have a calling and a task laid on them by the Lord … Antecedent to the special office of overseer and caretaker of the poor, therefore, is the universal office of believers."[171] The idea here is that of the priesthood of all Christians. For Calvin, every Christian in the church has the responsibility for public edification, according to their measure of grace, as long as it is done decently and in order.[172] Moreover, even ministers are only legitimately called by the consent and approbation of the vote of the people.[173]

The fourth principle is that of elder rule, that Christ has provided for a specific exercise of authority by representative organs—the elders. These elders provide leadership in plurality primarily through the consistories/presbyterate and the classis/presbyteries. According to

---

[170] What do you understand by the communion of saints? A. First, that believers, all and everyone, as members of Christ have communion with him and share in all his treasures and gifts. Second, that everyone is duty-bound to use his gifts readily and cheerfully for the benefit and well-being of the other members.

[171] Bavinck, Bolt, and Vriend, *Reformed Dogmatics*, IV:375.

[172] Calvin and Murray, *Institutes of the Christian Religion,* 4.1.12.

[173] Calvin and Murray, *Institutes*, 4.3.15.

Bannerman, it is this principle that distinguishes the Presbyterial-Reformed model from the episcopal and congregational models. For the Episcopalians—thinking primarily of the Roman Catholics and High Church Anglicans—church officers are the primary and proper subjects of church authority. For the Congregationalists, who he calls the independents, the authority of the church rests in the whole congregation. Church officers are then just "the organs or instruments of the whole body, for administering its power and discharging its functions."[174] For Bannerman, it is the Presbyterial position that offers a middle ground between these two extremes laying authority on both the whole congregation and on the church officers—the elders— as having special authority.

In the Netherlands Reformed context, Janssen notes four things about this expression of authority through consistories and classis: First, they are gathered offices which deliberate as they are led by the Word. Second, deliberation is done in the council. No one individual can act instead of the gathered offices. "It is in the council where the Spirit blows freely". Third, they are composed of elders and so anti-clerical. "The elder is an office that lives and works among the people of God, and so gives voice to those shaped by the Word in the midst of everyday life." Fourth, they are local, which ensures accountability as the office bearers live and work together.[175]

3.8 Conclusion

Reformed ecclesiology might be radically different, and even antithetical to the episcopal form of church government, but there are principles to learn. The Reformers, particularly Calvin and his successors, developed a polity that would protect the church from the power play that

[174] Bannerman, *The Church of Christ*, 267.
[175] Janssen, *Who Says?*, 31–32.

existed in the episcopal Roman Catholic Church. Successive generations of Reformed/Presbyterial churches since have continued, at least in form though not always in substance, the polity for which he was the chief architect.

However, no polity is full-proof against the abuse of power. Koffeman must be right when he asserts that there is no strong correlation between polity systems and the role of power. He says, "It is too simple to see the episcopal system as necessarily providing the bishops with huge power… It is also a popular misunderstanding that the allocation of formal powers to certain bodies in the church would itself increase the risk of power abuse."[176] A copy-paste approach of the Reformed ecclesiology discussed in this chapter will therefore not provide the solution to the power abuse issues in the Anglican Church of Kenya. However, dialogue and learning are possible and this is what the next chapter will explore.

[176] Koffeman, *In Order to Serve*, 67.

CHAPTER FOUR

Towards the Meaning and Theological Implications of the Oath

4.1 Introduction

This Chapter is a discussion of the oath of canonical obedience in light of its history, contemporary applicability in the Anglican Church of Kenya, and insights from the Reformed tradition. As has been shown in chapter II, the meaning and significance of the oath of canonical obedience in the Anglican Church of Kenya is not clear. Clergy compliance with the bishop's directions is achieved in other ways that do not raise an issue with the oath of canonical obedience.

At the outset, it is important to raise two presuppositions that will guide this chapter. First, it really is not honoring to God to freely break or take lightly an oath taken before God and God's people on the day one is ordained. As was pointed out in Chapter 2 with Richard Baxter, even if it is argued that the obligation to take the oath might be problematic to an evangelical theology of ministry, once taken, and all clergy do, flippantly disregarding the oath does not square well with an evangelical conscience. The default posture of every clergy, therefore, should be to obey not only this oath but all canon law.

Second, the notion of obedience only finds its true place and becomes a constructive element in any relationship—say the family where children are to obey parents— only when the relationship is working properly and trust is cultivated on both sides. Obedience, where there is mistrust, is fodder for abuse and chaos. However, an important solution to the breach of trust between bishops and clergy in Kenya will stem from fidelity to the oath of canonical obedience. This oath, at its basic, recognizes and undergirds the fact that ministry is not exercised in

isolation or under one's own authority, but within a framework of relationships which need to work properly.

4.2 Towards a Meaning of the Oath

The leading Anglican scholar on ecclesiastical law, Professor Norman Doe, notes that the precise meaning of the formulae of the oath is unclear and the Lambeth Conference has never defined the meaning of the doctrine.[177] In his seminal critical study of the Church of England's canon law in comparison to the Roman Catholic canon law, he raises four critical observations about the scope and terms of the oath, two of which are worth pointing out. First, the oath is merely a promise to fulfill a pre-existing canonical (and I think moral and biblical) obligation to obey episcopal directions. It is therefore superfluous and can be dispensed with without altering the law in any substantial way. If it is of any value at all, he notes, it is purely symbolic.[178]

Second, though reasonable in theory that episcopal commands should only be obeyed if they are lawful, the underlying concept is imprecise. There are many things on which the law is silent—whether a bishop's direction or a clergy's conduct—so that no one can say for sure whether they are 'lawful' or not. Indeed, the question can even be asked as to what qualifies as law—Are occasional diocesan policies and guidelines regarded as law, for example? He also points out:

> Problems arise when the law is silent on either the bishop's direction or the minister's conduct. It is arguable that when ministerial conduct is not prohibited by law (expressly or impliedly), but is conduct which nevertheless the bishop forbids, then the minister cannot be prohibited from that conduct by his bishop. There seems to be no authority on this problem. Equally, when the episcopal direction is not prohibited by law (when there is no law which says that a bishop cannot direct) it is arguable that the bishop's direction will be lawful. The scant authority that exists would suggest otherwise, however.[179]

---

[177] Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective*, 152.

[178] Norman Doe, *The Legal Framework of the Church of England: A Critical Study in a Comparative Context* (Oxford: New York: Clarendon Press ; Oxford University Press, 1996), 213.

[179] Doe, 214.

Indeed, this goes to the very heart of the problem, especially in Kenya where it is heightened by the huge power distance between bishops and clergy.

4.2.1 The Legal Position

Though the popular understanding is that the object of the oath is the bishop, "the scant authority" as Professor Doe calls them shows that this has not always been the understanding. To be sure, as Bellars notes, "The first obvious explanation of 'canonical obedience' is that it means obedience to the Canons."[180] The earliest case concerning canonical obedience referred to after the reformation is Huntley's Case (1626). Huntley refused to obey an archdeacon's instruction and thus was accused of breaking the oath of canonical obedience.[181] In his defense, Huntley pointed out that the instruction was beyond the bounds of canon law, and that his oath of obedience "implied only an obedience to canon law."[182]

This argument, that the oath of canonical obedience simply means a commitment to obey the canons, is pervasive in various such cases. In his eighteenth century *The French Churches Apology for the Church of England*, Brighton remarks:

> Now we have no controversy with Dissenters, about the meaning of this Promise or Oath [of canonical obedience], it is agreed on both sides that Canonical Obedience, in effect, is no more than Obedience to the Orders and Canons of the Church, and does not subject men to any unlimited power, or require by virtue of the Canons: so that if the Canons be lawful, one would think the Oath of Canonical Obedience should be lawful also.[183]

---

[180] A.R. Bellars, "Canonical Obedience," *Theology* 27 (November 1, 1933): 266.

[181] This is curious because the oath of canonical obedience is taken to the bishop, not the archdeacon, except if the archdeacon was seen to be acting in place of the bishop on the matter.

[182] Rupert Bursell, "The Oath of Canonical Obedience," *Ecclesiastical Law Journal* 16, no. 2 (May 2014): 173–74, https://doi.org/10.1017/S0956618X14000076.

[183] Joseph Bingham, *The French Churches Apology for the Church of England: Or the Objections of Dissenters against the Articles, Homilies, Liturgy, and Cannons of the English Church, Considered and Answered upon the Principles of the Church of France.* (London: R. Knaplock, 1706), 228–29, https://catalog.hathitrust.org/Record/008963583.

Though this understanding is held by some people today, it does not sound convincing. Canonical obedience to the bishops cannot just mean "obedience to the canons." It is clearly obedience to the bishop and "canonical" simply works as a qualifier for "obedience", to show that it is not just any kind of obedience—it is canonical obedience.

The main authority that ecclesiastical law scholars most commonly draw on for canonical obedience is the case of *Long v Bishop of Capetown* (1863). Long and his parish had disobeyed the newly arrived bishop of Capetown by declining to attend a diocesan synod the bishop had convened. For Long and the members of his parish, it was unconstitutional and contrary to the customs of the Church of England for such a synod to be held without the authority of the Crown or Parliament. The bishop suspended him for disobedience and revoked his license. Long then appealed to the Privy Council in London, which acted as the final court of appeal in ecclesiastical cases from 1833 to 1965, and the council vindicated him.[184]

Though Long had taken an oath of canonical obedience to the new bishop and accepted to submit to his jurisdiction by accepting office, the bishop had no power at that point to convene a diocesan synod. The legal position of the newly created diocese and the bishop did not confer any powers to the bishop to convene a synod and require attendance. The bishop was therefore operating outside the law. Thus the courts declared: "The oath of canonical obedience does not mean that the Clergyman will obey all the commands of the Bishop against which there is no law, but that he will obey all such commands as the Bishop by law is authorized to impose."[185]

---

[184] Mark Hill QC, "Religious Autonomy and Judicial Deference: Should State Courts Adjudicate Upon Matters of Religious Doctrine?" in *Law and Religion in Africa: The Quest for the Common Good in Pluralistic Societies,* eds. Pieter Coertzen, M. Christiaan Green, and Len Hansen (Stellenbosh: AFRICAN SUN MeDIA, 2015), 376–77.

[185] Robert Phillimore, Walter George Frank Phillimore, and Charles Fuhr Jemmett, *The Ecclesiastical Law of the Church of England* (London, Sweet and Maxwell, 1895), 103–4, http://archive.org/details/ecclesiasticalla01phil.

Bursell points out that this case not only provides good authority, but it also states the law, and is—and can be used—as a legal precedent (contrary to Bray who claims that precedence does not apply in ecclesiastical law).[186] He also points out that many legal writers over the centuries have accepted the authority of *Long v Bishop of Capetown* without criticism. David Parrot, for example, holds it as the standard meaning— the duty only extends to the obedience of an episcopal direction which is expressly authorized in law. He then adds, "This is not a very broad interpretation of the spirit of the oaths, but it represents the legal position."[187]

As a preliminary conclusion, therefore, though the language of the oath of canonical obedience might need revision to make it clearer, the basic requirement of the oath is simply obedience to the bishop when the bishop gives a direction he is by the canons authorized to give. This interpretation has recently been affirmed by the Faith and Order Commission of the Church of England: "it is a symbolic way of expressing loyalty to the historic and corporate teaching of the Church of England – loyalty to the inheritance of faith."[188] In an earlier document, the Faith and Order Commission also clarified that the oath "does not mean a blanket agreement to follow every episcopal instruction, but to obey those instructions which the bishop is authorized to give under canon law."[189]

To be sure, the oath is made to an individual—the bishop. But the oath is not attached to the bishop as a person *per se*, but their office as the one responsible for administering the laws of the church. Thus, the phrasing of the oath states that it is canonical obedience to the "bishop of X

---

[186] Bursell, "The Oath of Canonical Obedience," 184.

[187] David Parrott, *Your Church and the Law: A Simple Explanation and Guide* (Norwich: Canterbury Press, 2008), 88–89.

[188] The Faith and Order Commission of the Church of England, *To Proclaim Afresh: Declaration and Oaths for Church of England Ministers* (London: Church House Publishing, 2022), 22.

[189] The Faith and Order Commission, *Five Guiding Principles: A Resource for Study.* (London: Church House Publishing, 2018), 19, http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=2283755.

diocese," not to the person, "bishop NN."[190] And the oath does not need to be repeated every time a new bishop comes to office.

It is however important to go beyond this legal position when parsing out the oath in the Anglican Church of Kenya. For one, the place that canon law holds in England is not the same as it does in Kenya. In England, canon law is considered part of the law of the land—the secular English legal system—conferring public law rights and duties.[191] This means that, at least in theory, judicial intervention to ensure compliance is possible. Second, how the English and Kenyans view legal obligations are culturally very different. An appeal to legal obligations does not carry the same conscientious weight among Kenyans as it does in England. Third, an oath made before God and his people is more than just a legal concept. The implication is that compliance should come from a sense of God-given duty, and not just because the law requires it.

4.2.2 The Biblical Case

There is no doubt that the notion of obedience is a biblical category. As Bray notes, Christians are called to various human relationships that require obedience. The so-called household code in the Pauline epistles is a significant example. In the letter to the Ephesians, children are to obey their parents (Eph. 6:1), wives are to submit to their own husbands (Eph. 5:22), and slaves are to obey their masters (Eph. 6:5). Beyond the household code, the element of obedience is found in other relationships: citizens are to submit to the governing authorities (Rom. 13:1-7; Tit. 3:1; 1 Pet. 2:13-14) and church members are to obey their leaders and submit to their authority (Heb. 13:17; 1 Cor. 16:16; 1 Thes. 5:12-13).

---

[190] The Faith and Order Commission of the Church of England, *To Proclaim Afresh: Declaration and Oaths for Church of England Ministers*, 22.

[191] Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective*, 13–14.

Two important observations stand out from these patterns. First, obedience in all these cases is never absolute for the authority of those to be obeyed is only derived. A clear example is the apostles who, in Acts 5, declare that they would rather obey God than men—the rulers (Ac. 5:29). But this pattern is seen in other relationships as well. The household code in Ephesians is for example introduced by the phrase, Ὑποτασσόμενοι ἀλλήλοις ἐν φόβῳ Χριστοῦ, translated in the ESV as 'submitting to one another out of reverence for Christ (Eph. 5:21). The submission is qualified by the fact that it is out of reverence for Christ. The connotation must be that the ultimate authority to which this submission is required is Christ. This is made explicit when Paul tells women to submit to their husbands *as to the Lord* (5:22), children to obey their parents *in the Lord* (6:1) and slaves to obey their earthly masters *as to Christ* (6:5).[192] The principle, as John Stott points out, is that behind the husband, the parent and the master, is the Lord himself who has given them the authority.[193]

The second key observation is that in all the relationships requiring an element of obedience, there is a corresponding obligation from the subjects of that obedience to match the obedience with sacrificial, responsible care and solicitude. Husbands are to love their wives in a Christlike self-sacrificing manner (Eph. 5:25), fathers are not to exasperate their children (Eph. 6:4), and masters are to treat the slaves with Christian graciousness— not to burden or mistreat them (Eph. 6:5-9). Indeed as has increasingly been pointed out by some scholars, the 'surprise' in these instructions is not the obedience or submission required from those deemed "inferior", but the matching obligations required of those who are "superior." These would have been very counter-cultural in the first-century context.

---

[192] Though the institution and even language of slavery is unacceptable today, this relationship between master and slave is usually likened to that of employer and employee and is used as such in this Thesis.

[193] John R. W Stott, *The Message of Ephesians: God's New Society* (Leicester u.a.: Inter-Varsity Pr., 1986), 219, in Accordance.

Church leaders too are warned against lording over the congregation (1 Pet. 5:3) and to remember that they will give an account (Heb. 13:17). Paul himself models this explicitly. There is no doubt as to his apostolic authority and does indeed demand obedience on the basis of it. He is the father in Christ, and for the rebellious Corinthians, could even come wielding a 'rod." (1 Cor. 4:14-21). In 2 Corinthians, however, he invites the Corinthians to regard him and his colleagues as "your slaves for Jesus sake" (2 Cor. 4:5). The point is indispensable, which Brays puts succinctly — "the true sign of the 'superior' is consistent self-sacrifice in the face of failure, disappointment and even rebellion on the part of those in an 'inferior' position."[194]

To be sure, none of these relationships quite compares with that of bishops and clergy. Though bishops are commonly addressed as "father in God", bishops are never necessarily the spiritual fathers of the clergy in the same way Paul would have thought of himself when he addressed himself as a "father in Christ" to his converts. Perhaps the closest biblical model is that of the master and slave. As demonstrated in chapter II, clergy view their relationship with bishops as that of an employer and employee. Indeed, the historical placing of the oath of canonical obedience as originating from the oath of vassalage taken by a vassal to his feudal lord is an indication that the bishop-clergy relationship was seen as that of a master and slave in that historical epoch.

If that be the case, Ephesians 6:5-9 (or Col.3:22-4:1) is very instructive. Obedience to the employer is to be with a reverent acknowledgment of the Lord Jesus whose authority the employer represents. Employees should thus obey their employers "with fear and trembling, with a sincere heart, as you would Christ" (Eph. 6:5). The obedience is also to be marked by integrity and conscientiousness — "not by the way of eye-service, as people-pleasers, but as bondservants

[194] Bray and Latimer Trust, *The Oath of Canonical Obedience*, 6.

of Christ, doing the will of God from the heart" (Eph. 6:6). The impulse and incentive for obedience is the Lord's authority, not necessarily the employer.[195]

As has already been hinted out, it is the instructions to the masters that is groundbreaking, especially against the background of the first century AD. John Stott outlines three principles from it. First, employers, in this case, bishops, are to reciprocate the obedience of the employees— τὰ αὐτὰ ποιεῖτε πρὸς αὐτούς, which is translated in the ESV as "do the same to them" (Eph. 6:9). Stott paraphrases: "That is, if you hope to receive respect, show it; if you hope to receive service, give it. It is an application of the golden rule."[196] Paul here topples the hierarchical relationship between master and slave, employer and employee, and calls them to a mutual Christian comradery. Second, he warns against highhandedness in the exercise of power, ἀπειλήν (threatening) — the use of threats to wield power over the powerless. Third, employers are reminded that they share with the employees a master in heaven who does not show favoritism. The employer and employee are equal before God, and this has implications for how they relate to each other. These instructions have very clear applications to the power dynamics between clergy and bishops in the Anglican Church of Kenya.

4.3 Theological Implications

4.3.1 Collegiality

It is doubtful however that Paul would have regarded the relationship between ecclesiastical officers as that between a master and a slave, employer and an employee. Ministry relationships in the New Testament seem to be quite voluntary including Paul's own

[195] It is worth pointing out that blind obedience is not necessarily the case here and that contemporary trends in human resource management has revolutionalized the relationship between employers and employees for the good. Biblical obedience to employers is not necessarily inconsistent with these trends and Christians should seek to learn from them as elements of common grace and wisdom.

[196] Stott, *The Message of Ephesians*, 254.

relationships with his associates. Though Paul does give instructions to his associates, these associates worked alongside him and other apostles, rather than in subjection to him in the way slaves would be to their master. As Bray notes, it appears that if one of Paul's associates was not prepared to do what he commanded on some matters then he would simply go off and work independently.[197] An example is that of his disagreement with Barnabas which is told without any indication that Barnabas would have been deemed guilty of disobedience or insubordination (Acts 15:39-40).

The focus of obedience in the New Testament is therefore not a person but doctrine. There is no doubt that Barnabus would have been sanctioned or even expelled if he preached a false gospel, like Hymenaeus and Alexander were in 1 Timothy 1:20. Loyalty was not to personalities but to the gospel. Bray remarks,

> They were prepared to tolerate freelance evangelism, and Paul appears to have resisted pressures to rein in some of the more unruly ones (Philippians 1:15-18), but in the realm of doctrine neither he nor his colleagues were prepared to countenance any kind of compromise or opposition.[198]

This is very instructive to the matter of canonical obedience. In the Church of England, it is possible that some clergy would find relationships with their bishops strained because many bishops in the Church of England no longer hold to doctrine as the church has received it, especially on matters of human sexuality. This is however not the case in Kenya. Indeed, as shown in Chapter II, there are hardly any conflicts that arise from doctrinal differences. Most conflicts are comparable to the disagreement between Paul and Barnabus.

What we find in the New Testament, is that ecclesiastical officers related collegially. There is no doubt that some of them were more prominent and wielded more authority. Peter is

---

[197] Bray and Latimer Trust, *The Oath of Canonical Obedience*, 7.
[198] Bray and Latimer Trust, 8.

clearly prominent which the Roman Catholic theology use to argue for his being the first pope. For his leadership, James too is viewed by evangelical episcopalians as a prototype bishop, besides Timothy and Titus who have bishop-like responsibilities. However, they seemed to have worked in a collegial, conciliar way rather than in a strictly hierarchical pattern. Commenting on Acts 15, the gathering that resolved the question around gentile mission, Paul Valliere remarks,

> Peter presents crucial experiential testimony at the Jerusalem gathering, but his witness is not self-validating. The most one can say is that Peter gave strong leadership on the issue, but as we have seen, Luke does not glorify leaders as such. The commanding figure of Peter exits the Acts of the Apostles not as a mystic, a prophet or a plenipotentiary leader, but as a councillor – one voice among others – and as a brother. "My brothers" (*andres adelphoi*) are his opening words at the council; "My brothers" are the opening words of James' reply (Acts 15:7, 13).[199]

The picture presented here, notwithstanding the prominence and even "superiority" of some, is that of brothers in Christ sitting together, taking counsel together to reach consensus.

4.3.2 Obedience vs Collegiality

This pattern of collegiality did indeed persist even when the monarchial episcopate as we know it was fully developed in the early centuries. In Chapter I, the obligation of obedience to the bishops by the clergy was traced to these early days. It must be noted however that this obligation of obedience was expected in a framework of church authority and governance that was crucially marked by collegiality. Not only were bishops not expected to act in ways that went against the consensus of the church as a whole, but there was also a collegial relationship between bishops and clergy.

As pointed out in Chapter I, Ignatius of Antioch was very insistent on the obedience of the clergy to the bishops. However, as James Ussher points out, he was also very keen on the

[199] Paul Valliere, *Conciliarism: A History of Decision-Making in the Church* (Cambridge ; New York: Cambridge University Press, 2012), 45.

'harmonious consent' of a bishop's leadership with the clergy.[200] As was pointed out, Ignatius celebrates the fact that the council of clergy in the Ephesian church is attuned to the bishop as strings to a lyre. The clergy need to obey the bishop, for sure, but it is in the context of a collegial relationship between the bishop and the clergy.

James Ussher sees this pattern as the standard pattern of church government in the early church. He, for example, points out that bishops used to be consecrated by the clergy, and even notes that Paul's record of Timothy being laid hands on by the presbyters was not an ordination to the presbyterate but a consecration to the episcopate by his fellow presbyters.[201] This pattern of collegial authority is affirmed even in the fourth Council of Carthage, which stated that "the bishop might hear no man's cause without the presence of the clergy; and that otherwise, the bishop's sentence should be void, unless it were confirmed by the presence of the clergy."[202]

For Ussher, who was himself a convinced episcopalian and even became an archbishop, it is to be regretted that clergy had come to lose their rights to lead the church.[203] Even the conventional title of "rector," according to Ussher, "professeth that every pastor hath a right to rule the church… and to administer the discipline of Christ."[204] Clergy are no just messengers, servants, assistants, or representatives of the bishops, which is what the title "vicar" connotes, so that they are subservient to the bishops; they are his partners with whom he should work in

---

[200] James Ussher and Richard Snoddy, *James Ussher and a Reformed Episcopal Church: Sermons and Treatises on Ecclesiology* (Moscow, Idaho: The Davenant Press, 2018), 150.

[201] Ussher and Snoddy, 150.

[202] Ussher and Snoddy, 151.

[203] It is important to note that Ussher did not publish this work during his lifetime, and was thus published posthumously. He however discussed these ideas during the intense debates on ecclesiology in the seventeenth century. Ussher and Snoddy, xxxv-xxxvii.

[204] Ussher and Snoddy, *James Ussher and a Reformed Episcopal Church*, 151.

collegiality. Or as Blair puts it, "a bishop is not a master to be served, dispatching orders from the comfort of the See House, but rather a fellow worker in the harvest."[205]

4.3.3 Parity and Conciliarity

The Anglican Church of Kenya can learn from the Reformed ecclesiological principles of the parity of ministers and conciliarity. As the seventeenth century Anglican, James Ussher, and the twenty-first century Roman Catholic, Lawrence Porter, rightly lament, the subservience of the clergy to bishops is a distortion of the episcopal form of church government. The difference between clergy and bishops is really one of order and sphere, not degree. The bishop is simply a clergy with more responsibilities.[206] Thus, Bradshaw quotes the popular phrase: "Every bishop is a presbyter, but every presbyter is not a bishop: for he is bishop who is first among the presbyters." [207] The parity of ministers is something that Anglicans can learn from the Reformed.

But Anglicans can also learn the principle of conciliarity. Prelacy—the authoritative personal rule by one man— is a distortion. It is in the council where the Spirit blows freely is a principle that Anglicans need to reclaim. To be sure, though a recent Anglican development, synodical governance is already in place in the Anglican Church of Kenya. As Bray notes, "the universal principle is that bishops, clergy and laity should all be represented and have an equal say in the government of the church."[208] The theological significance of these synods and even

---

[205] Peter Blair, *Biblical Bishops: James Ussher's Defence and Reform of Anglican Polity.* (London: Latimer Trust, 2022), 62.

[206] Anglicans, including crammer and Hooker, affirm the historical understanding that the words bishop and presbyter are used interchangeably in the New Testament. Biblical appeals to episcopacy as we know it today always point to bishop-like functions in the New Testament i.e James, Timothy and Titus, rather than an established office of a bishop distinct from that of the presbyter.

[207] Timothy Bradshaw and Latimer House, *The Olive Branch: An Evangelical Anglican Doctrine of the Church* (Carlisle: Paternoster Press for Latimer House, 1992), 175. Anglicans, particularly evangelical Anglicans, do not accept the view that bishops are the successors of the apostles; the local ministry of the word is.

[208] Gerald Lewis Bray, *Anglicanism: A Reformed Catholic Tradition* (Bellingham, WA: Lexham Press, 2021), 156.

parish councils need to be underscored and structural reforms made to make them more than just contingent, or a tool of the establishment as expressed in chapter II.

4.4.4 Autonomy and Mutual Accountability

The commitment to mutual accountability found in Reformed ecclesiology is also urgent in the Anglican Church of Kenya. To be sure, the oath of canonical obedience is an instrument of discipline. Understand as simply obedience to the bishop, it only envisions vertical hierarchical accountability which can breed tyranny on the one hand, but the hide and seek games spoken of in chapter II. As also demonstrated in chapter II, the greater danger is actually that bishops on their part do not have any accountability. The guise is that every church is autonomous.

Reformed ecclesiology provides for the autonomy of local churches yet still encourages interdependence at the supra-local level in ecclesiastical councils: classis and synods. Calvin, as seen in Chapter III, defended the autonomy of congregations and ministers, but also built institutions of mutual accountability for ministers. Autonomy and binding institutions of mutual accountability are therefore not mutually exclusive.

Rooting for a pan-Anglican council, Valliere makes this point that a council cannot violate the autonomy of churches if autonomy simply means the regular government of churches. A council, he argues, "would safeguard healthy ecclesiastical autonomy by keeping … churches mindful of the difference between autonomy and autarky, between Christian self-rule and unchristian self-sufficiency."[209] Self-sufficiency, which he defines as doing everything by oneself and for oneself, is exactly what many people, bishops, in this case, protect when they defend autonomy.

[209] Valliere, *Conciliarism*, 239.

Once again the structures for interdependence exist. Councils exist at the local congregation, and synods at both the diocesan and national levels. Moreover, bishops too take an oath of canonical obedience to the archbishop. Surely this should mean that they cannot work in autarky if they indeed take their oaths seriously. The call must be that bishops, just as clergy, are held accountable to their oaths of obedience. This is a commitment to obey the canons, personalized in the archbishop and by extension the decisions of the synods.

4.4.5 Centrism vs Federalism

Another consideration that needs making is the question of the priority of parishes/local congregations *vis a vis* the role of the diocese or province (national church). There is a general disagreement within Anglicanism as to what the role of the diocese is, in relation to local congregations. This then impacts how much congregations and clergy feel obliged to obey the bishops and comply with the diocesan guidelines and policies.

The mainstream idea, which is what Paul Avis in his *Anglican Understanding of the Church* presents, is that dioceses, with bishops as leaders, are indeed the local church.[210] This vision of the church is one of centrism. On the other hand, some believe that it is the local congregations, led by clergy, that are truly the local church. This view, common among conservative evangelicals in the Church of England, is usually called "Sydney ecclesiology" or "Knox-Robinson" ecclesiology following from its most known promoters, Donald Robinson and Broughton Knox.[211] The Knox-Robinson view stresses the completeness of the local church and the parishes. Denominational structures like dioceses and the province are not the church, but

[210] Paul Avis, *The Anglican Understanding of the Church: An Introduction.* (New York: SPCK, 2013), 86.

[211] Michael P. Jensen, *Sydney Anglicanism: An Apology* (Wipf & Stock, an Imprint of Wipf and Stock Publishers, 2012), *Chapter 6, Kindle Edition*.

service structures to assist congregations which are the real churches.[212] It is a vision of federalism.

This theological conviction about the nature of the church is significant, and indeed matches that of Dutch ecclesiology which puts a huge emphasis on the doctrine of the completeness of local churches (*ecclesia complete*) and even calls it the golden rule, *canon aureus*. It says nothing however about the ministry of the church. To be sure, Donald Robinson was himself an archbishop and saw no inconsistencies between his theological position and being head of a province. It, therefore, does not necessarily follow that because the local church is fully church in itself, the only ministry to it is from within, and the church and its presbyters are unaccountable outside the church. What it does, however, is to point where the priority should be—the local congregations.

This is instructive because, in many dioceses, so much effort and resources are spent on building and maintaining diocesan structures and ministry, to the neglect of parish and local church ministry. As pointed out in Chapter II, diocesan financial obligations are a key element of conflict—the minister cannot be paid, but diocesan remittances have to be made. In the national church, it is the dioceses that should matter most, and in every diocese, it is the parishes that should matter most.[213] This view also sharpens the roles of bishops as pastors to pastors. The pastors shepherd the congregations, and the bishop shepherds the pastors.

4.4.6 Authority and Trust

Last, it is important to consider what is probably the most fundamental principle of reformed ecclesiology—that God alone is the final and absolute authority. It is God in Christ that

[212] Jensen, *Sydney Anglicanism*, Chapter 6, Kindle Edition.
[213] Jensen, Sydney Anglicanism, Chapter 6, Kindle Edition.

rules the church, presently, and he has not delegated that authority. All human authorities are to be seen as a gift graciously given and instituted by God without diminishing his own authority. When we, therefore, speak of human authority as final, say the common assertion that bishops have the final authority, this earthly final authority is always only a relative final authority.[214] Absolute authority belongs to God alone.

The implication of this is that the obligation to obey human authority must also always be "*prima facie* (at first glance) and never *ultima facie* (as a final consideration) …always relative, never absolute."[215] It is Christian duty to avoid 'blind' obedience, or unquestioning loyalty to other humans, which is what cultivates cultures where obedience and loyalty are turned to sinful purposes. However, this recognition should not necessarily translate into a complete distrust of all human authority. Mark Dever counsels,

> It has been said that trust must be earned. I understand what is meant. But that attitude is at best only half true. The kind of trust that we are called to give to our fellow imperfect humans in this life, be they family or friends, employers or government officials, or even leaders in the church, can never finally be earned. It must be given as a gift—a gift in faith, more in trust of the God who gives than of those whom we see as God's gifts to us. It is a serious spiritual deficiency in a church either to have leaders who are untrustworthy or members who are incapable of trusting.

An awareness of the fallenness of human authority and the potential for the abuse of power might be a healthy thing, but it must not hinder the God-given duty to obey and submit to divinely instituted authority. Abraham Kuyper strongly remarks that "no one on earth can claim authority over his fellow-men, unless it be laid upon him 'by the grace of God; and therefore, the ultimate duty of obedience, is imposed upon us not by man, but by God himself."[216]

---

[214] Oliver O'Donovan, *Resurrection and Moral Order: An Outline of Evangelical Ethics*, 2nd ed. (Grand Rapids, MI: Eerdmans, 1994), 124–27.

[215] Jonathan Leeman, *Don't Fire Your Church Members: The Case for Congregationalism* (Nashville, TN: B&H Publishing Group, 2016), Chapter 1, e-book.

[216] Abraham Kuyper, *Lectures on Calvinism* (Cosimo, Inc., 2009), 83.

The reformed have also always recognized that authority is not one kind of thing. There is a danger in lumping all authority into one thing and projecting that onto the bishop. As shown in Chapter II, most bishops spend most of their time and exercise their authority notably through managerial and administrative duties. To be sure, the church needs administrative/organizational leaders, entrepreneurial creators of strategy, and managers of church resources. It is doubtful this is what biblical oversight envisages; especially when pastoral matters are neglected.

The principle of varieties of authority is seen most succinctly in Abraham Kuyper's doctrine of sphere sovereignty. For Kuyper, God has established a multiplicity of authority structures, called spheres, whose authority derive directly from Him and not another authority structure, say the state. In principle, each of these authority structures is autonomous and neither should seek to override another.[217] Each sphere is only responsible to God though this does not mean they cannot work together.

Though the church is one sphere according to this framework, I think the principle of sphere sovereignty can be extrapolated to apply to the authority structures within the church. God has established various authority structures within the church: bishops in the dioceses, and clergy in the local churches in this case. Both of them will be answerable to God in how they used their authority in their different spheres; and thus none of them should attempt to undermine the authority of the other but rather work together in harmony.

Jonathan Leeman, drawing from O'Donovan also speaks of two kinds of authority: natural authority and authority of truth (moral authority). The difference, he says, lies with who or what possesses the power of sanction. He says,

> A president, parent of small children, or school principal possesses natural authority or authority of command. The office holder has the unilateral ability to enforce a command. On the other hand, a doctor, counselor, parent of older children, husband, or pastor (I will

[217] Kuyper, 96.

> contend) possesses the authority of truth or counsel. The power of enforcement does not reside in them; it resides in the truth itself and the consequences that follow any refusal to heed the truth.[218]

As he later argues, this theory has biblical backing. The Bible gives parents "the rod," governments "the sword," and the church as a whole "the keys" for ex-communication. No such tools of enforcement are given to husbands and pastors. Husbands and pastors exercise authority by seeking to win over the other person. They are positionally equal, and so they must work hard in persuading, teaching, and explaining while maintaining the posture of humility, patience, tenderness, and affability.[219]

To be sure, Anglicans do not take the congregationalist view that ultimate authority lies with the whole congregation as the final authority. However, as has been argued, this authority does not also lie with bishops working independently. The implication for the oath of canonical obedience is that bishops must be very reluctant to enforce this obligation. Forced obedience is not appropriate, for they simply have an authority of counsel. However, bishops must make it easy for clergy to obey them by their conduct, integrity, and ministry; and when there is disobedience, the reaction must be that of patient, forgiving, prayerful, and forbearing persuasion to win the conscience of the clergy.

4.6.7 Marriage Vow as an Illustration

Marriage vows can illustrate, albeit imperfectly, how the oath of canonical obedience might be understood. Not least because the marriage vow is the only other vow Christians take today. Traditional marriage vows, drawing from the submission requirement for wives in Ephesians 5, expect the wife to pledge obedience to their husbands on the wedding day. Though

---

[218] Leeman, *Don't Fire Your Church Members,* Chapter 1, e-book.
[219] Leeman, *Don't Fire Your Church Members,* Chapter 5, e-book

fiercely criticized today, those who affirm this traditional teaching on marriage insist that submission does not mean subservience. Wives are positionally equal to their husbands—in dignity and value as those created in the image of God. However, wives and husbands have different roles, roles which require the wife to submit to the husband; and the husband to love and lead his wife in a self-sacrificial manner. What binds these obligations, is both their obligation to submit to Christ.

The oath of canonical obedience gives value to the significant relationship between bishops and clergy. Indeed Anglican ministry cannot happen but through these relationships. In like manner to the marriage relationship, clergy are called to obey their bishops, not because they are superior, but because their role is that of guarding the faith and overseeing the implementation of the canons. Both have intrinsic value and responsibility to Christ to whom they will both give an account, but they have different roles. The obedience, just like the wives' submission, is not absolute. The leadership of the bishop, just like the husband's leadership, must be self-sacrificial. The goal is healthy, mutually beneficial relationships that bring joy to each one's roles and synergy for the sake of the gospel.

The relationship between bishops and clergy is not similar to that of elders and the congregation, but it is possible to extrapolate. In which case, Hebrews 13:17 should ring true: "Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage to you."

4.5 Conclusion

The legal understanding of the oath of canonical obedience to the bishops is fairly straightforward—to obey the bishop on those instructions he is authorized to give by the canons.

It is primarily a commitment to the canons, made personal and specific through an oath. The language and structure of the oath needs to be revised to make this clearer. However, the legal understanding is only one side of it. The oath, being a vow taken before God and his people, also raises theological implications around the concept of obedience and the relationships between clergy and bishops.

A conversation between the historical synopsis (Chapter I) and the Reformed tradition (Chapter III), has been used to address the concerns raised in Chapter II. For the Anglican Church of Kenya to practice the oath of canonical obedience healthily, stronger systems of collegiality, conciliarity, and mutual accountability in the leadership structures have been established or affirmed. The bishops, for example, must take their oaths of canonical obedience seriously, because this ensures that the person to whom canonical obedience is due is also bound by the same rules. The next chapter will outline the recommendations and practical implications arising from this discussion.

CHAPTER FIVE

Conclusion and Recommendations

5.1 Introduction

This chapter highlights the conclusions that have been drawn in answering the initial research questions over the last four chapters. Chapter I explored the historical, cultural, and ecclesiastical context from which the oath of canonical obedience as we know it today arose. Chapter II discussed the problems and challenges surrounding the application of the oath of canonical obedience and the relationships between bishops and clergy in the Anglican Church of Kenya. Chapter III retrieved the principles of power and accountability from the Reformed/Presbyterial tradition; and Chapter IV sought to define the oath of canonical obedience and raised the theological implications arising from it in the context of a conversation between the historical synopsis of the oath and the principles of power and accountability in the Reformed tradition.

5.2 Research Questions and Findings

This Thesis aimed to answer four questions which have been answered along the intercultural theology presupposition that not only is theology contextual, but that Christians from different historical, geographical, and denominational persuasions can learn from each other. This Thesis has therefore interacted with theology from different geographical places: Kenya, Europe, England, Sydney, and the United States of America; different historical epochs: the early church, the middle ages, the reformation era, and contemporary theology; and different faith traditions: Anglican, Reformed and Roman Catholicism.[220]

The questions are:

[220] I have also interacted with other polities: congregationalism and Presbyterianism.

i. **What is the history and historical significance of the Oath of Canonical Obedience in the official Anglican ecclesiastical structure?**

The Oath of Obedience to the bishop is an ancient, pre-Reformation oath (though the earliest known example in print, in the original Latin, is from 1713). In its structured legal form, its origins probably stretch back to feudal society when vassals owed obedience to their lords through an oath. of the manor, or to the Lord Bishop. In the Anglican church, the oath's significance can be traced to the political situation in sixteenth-century England. The oath played a role in securing prelatical episcopacy, which in turn protected the English monarchy.

ii. **What are the contemporary problems and challenges in the practice and application of the Oath of Canonical Obedience in the Anglican Church of Kenya today?**

Through an analysis of interviews with clergy and two court cases where clergy have successfully sued their bishops in secular courts, it is established that the relationship between bishops and clergy in the Anglican Church of Kenya is largely unhealthy. Bishops are very powerful and work without any accountability or plurality. Constitutional parameters for accountability are also defied with impunity. The oath of canonical obedience is, in this context, generally understood as strict obedience to the bishops in all things which militates against proper adult relationships of trust and mutual respect. But the oath is not even needed anyway, because absolute obedience to the bishops is ensured through coercion and the huge power distance.

iii. **What does the Reformed/Presbyterian tradition envision about the authority and accountability of ecclesiastical officers?**

The Reformed tradition, as a reaction to the hierarchical Roman Catholicism, insisted on the autonomy of churches, equality of ministers, collegiality, and mutual accountability. Calvin, for example, contextualized the biblical teaching on offices to come up with four offices. Authority in entirety was not on just laid one office as it is in the Episcopal tradition. Moreover, he also established various institutions for the pastoral care of clergy—providing ongoing equipping and mutual accountability. More significantly, there was an underpinning robust theological presupposition about ecclesiastical authority, namely, that only God in Christ had absolute and final authority in the church, an authority he does not delegate. He presently rules over the church, and church officers are therefore merely his servants.

iv. What is the meaning of the oath and what theological implications are raised for its contemporary application through a conversation between the theology of power and accountability in the Reformed/Presbyterial tradition (iii above) and the historical significance of the oath in the Anglican tradition (ii above)?

The oath simply means that those who take it are committing themselves to obey the bishops when the bishops give instructions which they are by canon law authorized to give. It does not call for uncritical obedience but simply symbolizes that ministry is done in a context of relationships; and within a framework of a tradition handed down over the centuries and stipulated in canon law. The oath is made to the office of the bishop as the one chief guardian of this tradition. Stronger systems of collegiality, a right understanding of autonomy, and structures for mutual accountability need to be put in place to protect against the misuse of power.

5.3 Practical Implications and Recommendations

The objective of this Thesis is to examine the Anglican tradition of the ¨Oath of Canonical Obedience to the bishops¨ in the Anglican Church of Kenya so as to properly

understand it and appropriate it in how episcopal authority is exercised and enforced in the Anglican Church of Kenya. From the foregoing, several practical implications can be drawn:

i. **Clarity:** There is an urgent need for the synod of Anglican Church of Kenya to officially clarify what exactly it understands the oath to mean and what its limits are. It is concerning that there is no clarity nor consensus among clergy yet they take the oath. Those to be ordained also need to be fully informed about the implications of what they will swear. An oath taken before God and his people during one's ordination is not something that should be taken casually.

ii. **Autonomy and Federalism**: The liberties guaranteed by the oath need to be emphasized more. The oath only requires "canonical" obedience in all things "lawful." Matters that are not canonical are in the arena of liberty according to this oath. That means that the clergy needs to enjoy greater freedom in their ministry as the direct pastors of the congregations without bishops micro-managing them. Of course, this freedom needs to be enjoyed in collegiality with the local elders in the congregation so that it is the local congregation being given more priority. The danger is usually that one ends up with just an equally domineering presbyter without close episcopal oversight—a monarchial presbyter.

That said, local churches and their ministers need more autonomy. A vivid way this can be achieved in the Anglican Church of Kenya is to make the default understanding of local church ministers to be a "Rector" rather than a "vicar." Vicar has the connotation of a representative or agent of a bishop, while the rector position is more substantive. The bishop and the diocese will then take the posture of support structure

and oversight of the ministry in the local church. This must be why bishops are called servants of servants.

iii. **Character:** There is a need to ensure that those being called towards episcopal ministry are suitably discerned and equipped. In one sense, it is not a surprise that the Anglican Church of Kenya faces the crisis described in this Thesis when lots of the episcopal elections are dogged with allegations of bribery, manipulation, and political maneuverings. As has been pointed out, it is almost always the case that an episcopal election in the Anglican Church of Kenya will end up in heated dispute and progress to secular courts. It is urgent that the procedure for electing bishops is revised and a process put forward for assessing the capability and suitability of potential candidates.

iv. **Collegiality:** There is a need to develop a culture of collegiality between bishops but also between bishops and clergy. As was pointed out, autonomy must not mean autarky. Diocesan bishops need to work for greater transparency in their leadership and be willing to work much more closely with other bishops at regional levels in discipline, and in sharing resources across boundaries. A smaller group of bishops within a geographical area will be much more feasible in developing this kind of endeavor. An example of bishops working in collegiality would be to have a permanent joint disciplinary tribunal at the regional level. Tribunals appointed by a bishop within a diocese to handle a specific disciplinary matter are hardly expected to be fair and objective. Tribunals need to be permanent and constitute people who are not directly under the bishop's authority and payroll.

Regional bishops should also be set up in a way that they are also meant to receive complaints and grievances against one of their colleagues and determine it, and even

recommend discipline. In the current setup, there is nowhere a clergy can go if they have grievances against their bishop. Such clergy should be able to write to the regional board of bishops who will have the constitutional or canonical jurisprudence to hear such matters.

Mutual accountability with the clergy can also be encouraged by having bishops reaffirm their oath of canonical obedience to the archbishop whenever they receive an oath of canonical obedience from a clergy. It brings to focus the interconnectedness of relationships of accountability envisaged by the oath.

v. **Differentiation:** Bishops need to be freed from busyness to enable them more direct engagement in mission, pastoral care of the clergy, and teaching. The only way to achieve this is to differentiate between bishops' roles between the administrative vs pastoral categories and then delegate appropriately or have two bishops in every diocese. Having more bishops with reduced power is consistent with James Ussher's sixteenth-century proposal. One bishop or a bishop's delegate could handle all the administrative duties; while the other bishop or a bishop's delegate handles the pastoral work—selections for ordinations, training, appointments, discipline, and pastoral care. The oath of obedience will then be put in the appropriate context of a pastoral relationship. What the Anglican Church of Kenya needs is not more dioceses, but more duly elected bishops in every diocese with substantive roles. A plurality of leadership is significant.

vi. **Appraisals:** Because it is an inherent weakness of the episcopal form of government to slide towards abuse of power, bishops need to be regularly equipped to be aware of their use of power and regular appraisals of this aspect of their ministry need to take

place. This will increasingly inculcate a culture of vulnerability among the bishops which is needed for them to carefully execute their calling to be the servants of servants.

vii. **Conciliarity:** The Anglican Church of Kenya needs to work out the implication of "synodically governed, episcopally led." Rather than just having diocesan synods which are difficult and expensive to bring together, the Anglican Church of Kenya needs to introduce deanery synods and/or archdeaconry synods. The point is that synods should be able to meet regularly enough to have any direct influence on how the church is run on a day-to-day basis. The diocesan synod which meets once every two years is not sufficient for true conciliarity. Moreover, the clergy chapter should also be legally founded and supported so that it is more than just a fellowship. This can be an avenue of mutual encouragement and mutual accountability.

5.4 Limitations and Possibilities for Future Research

This Thesis examines the oath of canonical obedience in the context of the relationship between clergy and bishops in the Anglican Church of Kenya. It is, as far as I am aware, the first of such an endeavor at least in the Anglican Church of Kenya. And, indeed, research on the oath is very scanty even beyond the Anglican Church of Kenya. I am however aware that there are various limitations of this Thesis:

- The scope of this Thesis is limited to the Anglican Church of Kenya yet the Oath of Canonical obedience is a tradition that is practiced globally in the Anglican Communion. Though I have interacted with material from the Church of England, it would be great if other Anglican Churches particularly in the Global South would be studied. Culturally, England is very different from Kenya.

- The high regard for the Reformed tradition expressed in this work is also not shared by many Anglicans, nor is the privileging of the Reformation origins of the Anglican denomination.
- Though this work explores the relationship between clergy and bishops, I regrettably was not able to secure interviews with bishops to get the other view. The only bishop I interviewed is not only retired but also a non-Kenyan. It would be important in future research to hear from the bishops.
- I admit that though this Thesis deals with an issue of canon law, I do not have the legal expertise and only approached the subject as a theologian. This means that my engagement with the legal aspects would have been shallow or non-existent. My attempt to interview a diocesan chancellor did not succeed. Legal expertise would probably have also helped me understand the case studies better.
- Because of the scope of this Master Thesis, I did not also interact with the laity in the churches. These would have provided a helpful third-person point of view, especially because I am a clergy myself and hence a conflict of interest.
- Because so much depends on the bishops, and bishops are very different, it is worth saying that there might be a great variation to the pattern laid out in this work. It does not seem to me to be the case, but that can only be said with finality if a bigger sample size of the dioceses were studied.
- The pragmatic implications suggested need to be discussed more carefully and tried to ascertain their viability.

Notwithstanding these limitations, the thesis has accomplished its objective of examining the oath of canonical obedience, understanding it in context, and then —with insights from the

Reformed tradition—providing implications for its application in the episcopal arrangement of the Anglican Church of Kenya.

5.5 Concluding Remarks

Correctly understood, the oath of canonical obedience should not support deference but should rather militate against it. It only requires obedience to the bishop in those directions which the bishop is authorized to give by canon law. The focus of authority to which the oath points is not an individual, but canon law which binds both bishops and clergy. The problem in the Anglican Church of Kenya is therefore one of unchecked power and lack of accountability. The ecclesiastical principles of autonomy, mutual accountability, collegiality, and differentiation can be used to build a healthier leadership culture. When this is done, and the oath rightly understood, bishops and clergy will again be able to enjoy greater cooperation in the ministry to which God has called them—striving side by side for the sake of the gospel.

Bibliography of Works Cited

Abbott, William M. “James Ussher and ‘Ussherian’ Episcopacy, 1640-1656: The Primate and His Reduction Manuscript.” *Albion: A Quarterly Journal Concerned with British Studies* 22, no. 2 (1990): 237–59. https://doi.org/10.2307/4049599.

Akin, Daniel L., James Leo Garrett Jr, Robert L. Reymond, and Paul F. M. Zahl. *Perspectives on Church Government: Five Views of Church Polity*. B&H Publishing Group, 2004.

Anglican church of Kenya. “Provincial Constitution 2010,” n.d.

Avis, Paul. *Anglicanism and the Christian Church: Theological Resources in Historical Perspective*. Bloomsbury Publishing, 2002.

———. *The Anglican Understanding of the Church: An Introduction.* New York: SPCK, 2013. http://qut.eblib.com.au/patron/FullRecord.aspx?p=1184938.

Bannerman, James. *The Church of Christ: A Treatise on the Nature, Powers, Ordinances, Discipline, and Government of the Christian Church*. T. T. Clark, 1868.

Bavinck, Herman, John Bolt, and John Vriend. *Reformed Dogmatics*. Vol. IV. Grand Rapids, MI: Baker Academic, 2003.

Baxter, Richard. *The Practical Works of the Rev. Richard Baxter: With a Life of the Author, and a Critical Examination of His Writings*. J. Duncan, 1830.

Bellars, A.R. “Canonical Obedience.” *Theology* 27 (November 1, 1933): 264–74.

Bingham, Joseph. *The French Churches Apology for the Church of England: Or the Objections of Dissenters against the Articles, Homilies, Liturgy, and Cannons of the English Church, Considered and Answered upon the Principles of the Church of France.* London: R. Knaplock, 1706. https://catalog.hathitrust.org/Record/008963583.

Blair, Peter. *Biblical Bishops: James Ussher’s Defence and Reform of Anglican Polity.* London: Latimer Trust, 2022.

Bradshaw, Timothy and Latimer House. *The Olive Branch: An Evangelical Anglican Doctrine of the Church*. Carlisle: Paternoster Press for Latimer House, 1992.

Bray, Gerald, ed. *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum*. Woodbridge: Boydell Press, 2000.

Bray, Gerald Lewis. *Anglicanism: A Reformed Catholic Tradition*. Bellingham, WA: Lexham Press, 2021.

Bray, Gerald Lewis and Latimer Trust. *The Oath of Canonical Obedience*. London: The Latimer Trust, 2004.

Broeke, Leon van den. “Serving the Peace? Disorder, Order and Peace in Church Polity.” *In Die Skriflig/In Luce Verbi(Online)* 54, no. 1 (December 21, 2020).

Bucer, Martin. *Concerning the True Care of Souls*. Translated by Peter Beale. Edinburgh: The Banner of Truth Trust, 2009.

Bursell, Rupert. “The Oath of Canonical Obedience.” *Ecclesiastical Law Journal* 16, no. 2 (May 2014): 168–86. https://doi.org/10.1017/S0956618X14000076.

Calvin, John, and John Murray. *Institutes of the Christian Religion*. Translated by Henry Beveridge. 1st edition. Fig, 2012.

“Cause 190,192 & 193 of 2015 - Kenya Law.” Accessed July 8, 2022. http://kenyalaw.org/caselaw/cases/view/127235.

“Cause 1210 of 2015 - Kenya Law.” Accessed July 8, 2022. http://kenyalaw.org/caselaw/cases/view/228570/.

Chapman, Mark D. *Anglicanism: A Very Short Introduction*. Oxford ; New York: Oxford University Press, 2006.

Church of England. “Abuse of Faith:The Independent Peter Ball Review,” 2015.

Coertzen, Pieter, M. Christiaan Green, and Len Hansen. *Law and Religion in Africa: The Quest for the Common Good in Pluralistic Societies*. AFRICAN SUN MeDIA, 2015.

Collinson, Patrick. *The Reformation*. Hachette UK, 2013.

Conger, George. “Priest Suspended for Failure to Marry within Six Months.” *Anglican Ink* (blog), January 17, 2022. https://anglican.ink/2022/01/17/priest-suspended-for-failure-to-marry-within-six-months/.

Doe, Norman. *Canon Law in the Anglican Communion: A Worldwide Perspective*. Oxford: Clarendon Press, 1998.

———. *Church Laws and Ecumenism: A New Path for Christian Unity*. Routledge, 2020.

———. *The Legal Framework of the Church of England: A Critical Study in a Comparative Context*. Oxford : New York: Clarendon Press ; Oxford University Press, 1996.

Gatiss, Lee. “Evangelicals and Their Bishops: The Role of Bishops and How We Should Relate to Them.” Bishop of Maidstone, 2020.

Harmes, Marcus. “The Universality of Discipline: Restoration of the English Episcopacy 1660-1688.” *Renaissance and Reformation* 33, no. 1 (Winter 2010).

Hofstede, Geert H., Gert Jan Hofstede, and Michael Minkov. *Cultures and Organizations: Software of the Mind: Intercultural Cooperation and Its Importance for Survival*. 3rd ed. New York: McGraw-Hill, 2010.

Holmes, Michael W., ed. *The Apostolic Fathers: Greek Texts and English Translations*. 3rd edition. Grand Rapids, Mich: Baker Academic, 2007.

Honeysett, Marcus. *Powerful Leaders?: When Church Leadership Goes Wrong and How to Prevent It*. London: Inter-Varsity Press, 2022.

Janssen, Allan J., and Leon Van den Broeke. *A Collegial Bishop Revisited: Classis and Presbytery at Issue*. Kampen, NL: Summum Academic Publications, 2020.

Janssen, Allan J., and Leo Koffeman. *Protestant Church Polity in Changing Contexts I*. LIT Verlag Münster, 2014.

Jensen, Michael P. *Sydney Anglicanism: An Apology*. Wipf & Stock, an Imprint of Wipf and Stock Publishers, 2012.

King, Peter. "The Episcopate during the Civil Wars, 1642-1649." *The English Historical Review* 83, no. 328 (1968): 523–37.

Koffeman, Leo J. *In Order to Serve: Church Polity in Ecumenical Contexts*. LIT Verlag Münster, 2014.

Kuyper, Abraham. *Lectures on Calvinism*. Cosimo, Inc., 2009.

Leeman, Jonathan. *Don't Fire Your Church Members: The Case for Congregationalism*. Nashville, TN: B&H Publishing Group, 2016.

Longenecker, Richard N., ed. *Community Formation in the Early Church and the Church Today*. Peabody, Mass: Hendrickson Publishers, 2002.

Manetsch, Scott M. *Calvin's Company of Pastors: Pastoral Care and the Emerging Reformed Church, 1536-1609*. Oxford ; New York: Oxford University Press, 2013.

Manji, Ambreena. "The BBI Judgment and Project Kenya." *The Elephant*. May 24, 2021. https://www.theelephant.info/features/2021/05/24/the-bbi-judgment-and-project-kenya/.

Masika, Clause. "ACK Bishop Charged with Caressing Woman's Breast, Attempting to Kiss." *The Star*. January 11, 2022. https://www.the-star.co.ke/news/2022-01-11-ack-bishop-waweru-charged-with-attempting-to-kiss-woman-touching-breasts/.

McKnight, Scot, and Laura Barringer. *A Church Called Tov: Forming a Goodness Culture That Resists Abuses of Power and Promotes Healing*. Tyndale House Publishers, Inc., 2020.

Null, Ashley, and John Yates, eds. *Reformation Anglicanism: A Vision for Today's Global Communion*. The Reformation Anglicanism Essential Library, volume 1. Wheaton, Illinois: Crossway, 2017.

O'Donovan, Oliver. *Resurrection and Moral Order: An Outline of Evangelical Ethics*. 2nd ed. Grand Rapids, MI: Eerdmans, 1994.

Olubayi, Olubayi. “The Emerging National Culture of Kenya: Decolonizing Modernity.” *Journal of Global Initiatives* 2, no. 2 (2007): 222–37.

Osanjo, Tom. “ACK Power Wrangles Put Church in the Spotlight Again.” *Nation*. June 28, 2020. https://nation.africa/kenya/news/ack-power-wrangles-put-church-in-the-spotlight-again-1248996?view=htmlamp.

Parrott, David. *Your Church and the Law: A Simple Explanation and Guide*. Norwich: Canterburyb Press, 2008. https://www.scribd.com/book/367617707/Your-Church-and-the-Law-A-Simple-Explanation-and-Guide.

Paul, Ian. “Bishops Should Throw Away Their Mitres.” *Psephizo* (blog), August 5, 2020. https://www.psephizo.com/life-ministry/bishops-should-throw-away-their-mitres/.

Pederson, Randall J. *Unity in Diversity: English Puritans and the Puritan Reformation, 1603-1689*. BRILL, 2014. https://doi.org/10.1163/9789004278516.

Pennington, Kenneth, Melodie H. Eichbauer, and James A. Brundage, eds. *Law as Profession and Practice in Medieval Europe: Essays in Honor of James A. Brundage*. Farnham, Surrey, England ; Burlington, VT: Ashgate Pub, 2011.

Phillimore, Robert, Walter George Frank Phillimore, and Charles Fuhr Jemmett. *The Ecclesiastical Law of the Church of England*. London, Sweet and Maxwell, 1895. http://archive.org/details/ecclesiasticalla01phil.

Porter, Lawrence B. *The Assault on Priesthood: A Biblical and Theological Rejoinder*. Eugene, OR: Wipf & Stock, an Imprint of Wipf and Stock Publishers, 2014.

Schrader, Charles E. “The Historical Development of the Papal Monarchy.” *The Catholic Historical Review* 22, no. 3 (1936): 259–82.

Solt, Leo F. *Church and State in Early Modern England, 1509-1640*. Oxford University Press, 1990.

Stott, John R. W. *The Message of Ephesians: God’s New Society*. Leicester u.a.: Inter-Varsity Pr., 1986.

Summers, Kirk, and Scott M Manetsch. *Theodore Beza at 500: New Perspectives on an Old Reformer*. Refo500 Academic Studies, volume 74. Göttingen: Vandenhoeck & Ruprecht, 2021.

THE FAITH AND ORDER COMMISSION. *FIVE GUIDING PRINCIPLES: A Resource for Study.* Place of publication not identified: CHURCH House Publishing, 2018.

The Faith and Order Commission of the Church of England. *To Proclaim Afresh: Declaration and Oaths for Church of England Ministers*. London: Church House Publishing, 2022.

Treier, Daniel J., and Douglas A. Sweeney. *Hearing and Doing the Word: The Drama of Evangelical Hermeneutics*. Bloomsbury Publishing, 2021.

Ussher, James, and Richard Snoddy. *James Ussher and a Reformed Episcopal Church: Sermons and Treatises on Ecclesiology*. Moscow, Idaho: The Davenant Press, 2018.

Valliere, Paul. *Conciliarism: A History of Decision-Making in the Church*. Cambridge ; New York: Cambridge University Press, 2012.

Ward, Kevin. *A History of Global Anglicanism*. Cambridge, UK ; New York: Cambridge University Press, 2006.

Watt, Jeffrey R. *The Consistory and Social Discipline in Calvin's Geneva*. Changing Perspectives on Early Modern Europe 22. Rochester, NY, USA: University of Rochester Press, 2020.

Whitgift, John, and John Ayre. *The Works of John Whitgift... Edited for the Parker Society*. Cambridge [Eng.] Printed at the University Press, 1851. http://archive.org/details/worksofjohnwhitg00whituoft.

Zahl, Paul F. M. *The Protestant Face of Anglicanism*. Grand Rapids, MI. : W.B. Eerdmans, 1998.