

**Litigating the Schism and Reforming the Canon:
Orthodoxy, Property & the Modern Social Gospel of the
Episcopal Church**

Bernie D. Jones,*
Associate Professor, Suffolk University Law School

Abstract:

This article examines the rise of property litigation in the Episcopal Church context and exposes the limitations of the modern social gospel. The Episcopal Church, USA of the last forty years has become more liberal over time, through support for the Civil Rights Movement, women's ordination and most critically, the ordination of gays. These latter movements, and especially gay rights, have led to dissenters from liberalism seeking to leave the Episcopal Church and gain instead alliances with Anglicans overseas. The vehicle for removal has been litigation in civil courts determining whether the dissenters can leave and take church property. Differences about theology motivate these disputes about property. This article argues that the current mode of property disputes results in inefficiency and exposes the limitations of using civil courts to resolve what should be resolved instead "in-house," within the institutions that already exist, the Episcopal Church's ecclesiastical courts. It lays the foundation for understanding the current theological disputes that gave rise to the property disputes and contextualizes the basis for the disputes as laying in Episcopal Church history, its theology and governance. The article then explains the means by which the civil courts resolve the disputes and consider the connection between theology and property as developed by the national church in opposing dissenters who attempt to leave with property. It demonstrates that the Episcopal Church canons might be reformed to create an ecclesiastical property court for resolving these disputes.

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Bernie D. Jones, Associate Professor, Suffolk University Law School; 120 Tremont Street, Boston,
Mass., 02108; 617 573 8169; bjones@suffolk.edu.