

**SPECIAL AGENDA III
PRIVATE MEMBERS' MOTIONS**

ANGLICAN CHURCH IN NORTH AMERICA

BACKGROUND NOTE FROM THE SECRETARY GENERAL

Introduction

1. This paper provides information on the Anglican Church in North America. It also offers material on how new provinces are admitted to the Anglican Communion, how the Church of England has entered into communion with churches outside the Anglican Communion and how episcopally ordained ministers of some churches which are not in communion with the Church of England can be permitted to minister in the Church of England.

The Anglican Church in North America

2. The Anglican Church in North America (ACNA) was founded in June 2009 and covers the United States and Canada. On its web site (www.anglicanchurch-na.org) ACNA says that it has 742 parishes and more than 800 clergy, now organised in 28 dioceses, and an estimated 100,000 members.¹ Many of its members and clergy, though not all, previously belonged to churches in communion with the Church of England.

3. ACNA was created by a number of pre-existing groupings and entities, both Evangelical and Catholic. These include:

- five North American groupings under the oversight of Anglican provinces in Africa and South America: The Anglican Mission in the Americas (Rwanda), The Convocation of Anglicans in North America (Nigeria), The Missionary Convocation of Kenya, The Missionary Convocation of the Southern Cone, The Missionary Convocation of Uganda.
- five networks (including some former congregations and members of TEC): The American Anglican Council, The Anglican Coalition in Canada, The Anglican Communion Network, The Anglican Network in Canada, Forward in Faith – North America.
- the Reformed Episcopal Church (founded in 1873).

4. In addition four of the ACNA dioceses trace their present position to decisions taken by the Fort Worth, Pittsburgh, Quincy and San Joaquin diocesan conventions of the Episcopal Church (TEC) to withdraw from that church. Legal issues surrounding those decisions and their consequences in terms of the ownership of church buildings and other assets are the subject of continuing litigation.

5. The Constitution of the Anglican Church in North America consists of a Preamble and 15 Articles and its 37 Canons are arranged under five Titles. They can be found on its web site. They provide for a Provincial Assembly, a Provincial College of Bishops and an Archbishop (currently the Rt Revd Robert Duncan, Bishop of Pittsburgh). ACNA's governing body is a Provincial Council made up of bishops, clergy and laity.

6. In Article I of its Constitution, ACNA declares that it is '*part of the One, Holy, Catholic, and Apostolic Church of Christ*'. It identifies seven elements that it believes are 'characteristic of the Anglican Way, and essential for membership' (see **annex 1**).

¹ http://acnaassembly.org/media/ACNA_-_Who_we_are_-_June_09_-_fact_sheet.pdf

7. Article I also states ‘*We seek to be and remain in full communion with all Anglican Churches, Dioceses and provinces that hold and maintain the Historic Faith, Doctrine, Sacraments and Discipline of the One, Holy, Catholic and Apostolic Church.*’ To date the Church of Nigeria, the House of Bishops of the Church of Uganda and the Synod of the Diocese of Sydney have declared themselves to be in full communion with ACNA.

8. The Canons, though not the Constitution of ACNA, touch on two issues – women’s ministry and human sexuality – that have been the focus of controversy. Although a number of dioceses within ACNA permit the ordination of female priests and deacons, Title III Canon 8 of its Canons lays down that bishops must be male. On the subject of human sexuality, Title II Canon 8 declares:

‘In view of the teaching of Holy Scripture, the Lambeth Conference of 1998 and the Jerusalem Declaration, this Church upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage, and cannot legitimize or bless same sex unions or ordain persons who engage in homosexual behavior. Sexual intercourse should take place only between a man and a woman who are married to each other.’

The Anglican Communion

9. The Anglican Communion has no legal personality and no codified set of rules as to membership. It is, however, one of the roles of the Anglican Consultative Council (ACC) ‘*to advise on inter-Anglican, provincial, and diocesan relationships, including the division of provinces, the formation of new provinces and of regional councils, and the problems of extra-provincial dioceses*’ (ACC Constitution, clause 2(c)).

10. A church can be added to the ACC Schedule of Membership only by a decision of the Standing Committee of the Communion with the assent of two-thirds of the Primates of the churches already listed in the schedule (ACC Constitution, clause 3(a)). Once it has become a member of the ACC a church would expect its primate to be invited to the Primates Meetings and its bishops to the Lambeth Conference, though both invitations are for the Archbishop of Canterbury to determine. The Anglican Communion Office website lists 44 churches as being part of the Anglican family. Of these 39 are members of the ACC. The five others are small, extra-provincial dioceses.

11. In its report to the Archbishop of Canterbury in December 2008 the Windsor Continuation Group considered the issue of ACNA, which was then still in the process of formation. It cautioned against a premature recognition of ACNA as a new province of the Anglican Communion and suggested instead that there should be discussion about whether it should be accorded some form of provisional status pending ‘the conclusion of the Covenant process or the achievement of long term reconciliation within the Communion.’ The relevant paragraphs from the report are at annex 2.

Being in communion

12. In Anglican theology the term ‘communion’ is used in three ways:

- First and most fundamentally, it refers to the relationship with God and with other people which exists within the body of Christ and in which all baptized Christians share – both those still living in this world and the faithful departed. This is the ‘communion of saints’ referred to in the Apostles Creed.²

² See *The Windsor Report*, London: ACO, 2004, p.35. and *Church as Communion*, London: CTS/CHP, 1991, p.13.

- Secondly, it refers to the relationship that members of a particular church have with God and with each other as it is expressed in various ways within the life of that church and particularly though the sharing of Holy Communion.
- Thirdly, it refers to a relationship between particular churches in which the unity of all Christians with God and with each other is made visible in certain ways. Because this is a relationship between churches it is called ‘ecclesial communion’.

13. Where there is recognition of a common faith and a common baptism, communion in the first sense may be said to exist between the Church of England and another church simply by virtue of their members all sharing in the ‘communion of saints’. Ecclesial communion, however, involves at the very least a mutual recognition and interchangeability both of members and of ministers, and the sharing in the sacraments which that makes possible.

14. Over the years there have been various attempts by Anglican theologians to categorize the degrees of communion that exist between different churches by using terms such as ‘full communion’, ‘inter-communion’ and ‘impaired communion.’ The meanings ascribed to these terms have shifted and there is no universally accepted authoritative statement.³

15. English ecclesiastical law simply uses the term ‘in communion’ without qualification. A list of churches in communion with the Church of England – and, therefore, necessarily with the See of Canterbury – is appended to the Canons of the Church of England.⁴ The list consists of five categories:

- (a) all member churches and extra-provincial dioceses of the Anglican Communion (including the united churches of South Asia)
- (b) the Old Catholic Churches of the Union of Utrecht
- (c) the Philippine Independent Church
- (d) the Mar Thoma Syrian Church of Malabar and
- (e) the Nordic and Baltic Lutheran Churches that have approved the Porvoo Declaration.

16. It should be noted that the Church of England is in communion with churches that are not in communion with each other (for example, the Anglican Church in Aotearoa, New Zealand and Polynesia and the Church of Norway are not in communion with each other).

Who decides?

17. In practice the final decision about whether or not a church is in communion with the Church of England belongs to the Archbishops of Canterbury and York, since they have power legally to determine any questions relating to the interchangeability of ministers of the kind referred to in paragraph 13 above. Section 6(2) of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 provides that:

‘If any question arises whether, for the purposes of this Measure, a Church is in Communion with the Church of England or whether the Orders of any Church are recognised and accepted by the Church of England, it shall be determined by the Archbishops of Canterbury and York, whose decision shall be conclusive.’

³ For a recent attempt at definitions with reference to the Anglican Communion as a whole, see *The Principles of Canon Law Common to the Churches of the Anglican Communion* (London: Anglican Communion Office, 2008), p. 91.

⁴ *The Canons of the Church of England* (6th edn, London: Church House Publishing, 2000), pp. 207-209: <http://www.cofe.anglican.org/about/churchlawlegis/canons/supplementary.pdf>

18. Section 54(5) of the Church Representation Rules makes provision substantially to the same effect for the purposes of the Rules. Neither of these provisions includes any stipulation about the basis on which the Archbishops should make their decision.

19. Most churches of the Anglican Communion were formerly dioceses or provinces within the Church of England or the Episcopal Church (USA); when their independence was recognized the existing relationship of communion continued and no fresh decision was needed. In the case of other churches (including united churches that incorporated former Anglican dioceses), the Archbishops' decisions have always been informed by the mind of the Church of England, as expressed by the synods of the Church. Before 1970, the establishment of new relationships of communion with other churches was agreed by the Convocations of Canterbury and York.⁵ In 1970, the Convocations' role in this regard passed to the General Synod.

20. Resolutions for the establishment of communion were passed as follows:

- 1932: with the Old Catholic Churches under the 1931 Bonn Agreement;
- from 1950: movement towards communion with the Church of South India. The General Synod described the relationship as one of 'communion' in 1972.
- 1963: with the Philippine Independent Church, the Spanish Episcopal Reformed Church and the Lusitanian Church on the basis of concordats based on the Bonn Agreement;
- 1972: with the Churches of North India and Pakistan;
- 1974: with the Mar Thoma Syrian Church of Malabar.
- in 1995 the Synod gave final approval to the Porvoo Declaration, the Archbishops having indicated that they would take such approval as their basis for determining for the purposes of the 1967 Measure that the Church of England was in communion with those Nordic and Baltic Lutheran churches that also approved the Declaration.

21. In all these cases the decision was based on careful investigation and consideration of the church or churches concerned. Where necessary, dialogue took place and agreed statements were drawn up. The General Synod looked to the House of Bishops for guidance. If Synod were to pass Lorna Ashworth's private member's motion it would be initiating, not concluding, a process leading to its consideration of a formal resolution for the establishment of communion with ACNA.

Ministry in the Church of England

22. Under the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, clergy of overseas churches wishing to exercise ordained ministry within the Church of England need the written permission of the relevant Archbishop. Each case is considered on its merits.

23. Most applications under the 1967 Measure are made by from clergy from churches with which the Church of England is in communion. However, the 1967 Measure also applies to the episcopally ordained clergy of churches which are not in communion with the Church of England but whose orders are recognized and accepted by the Church of England; and the Archbishops accordingly entertain applications for permissions from such clergy as well. As matters stand, therefore, the ability of any clergy from ACNA who come to this country and wish to make an application to exercise ordained ministry in the Church of England would turn, not on the relationship of ACNA with the Church of England (or the Anglican Communion), but on whether they had been ordained in a church whose orders were recognised and accepted by the Church of England.

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12 January 2010

⁵ See H. Riley and R. J. Graham (eds), *Acts of the Convocations of Canterbury and York 1921-1970* (London: SPCK, 1971).

Extract from ACNA Constitution

- ‘ 1 We confess the canonical books of the Old and New Testaments to be the inspired Word of God, containing all things necessary for salvation, and to be the final authority and unchangeable standard for Christian faith and life.
2. We confess Baptism and the Lord’s Supper to be Sacraments instituted by Christ Himself in the Gospel, and thus to be ministered with unfailing use of His words of institution and of the elements ordained by Him.
3. We confess the godly historic Episcopate as an inherent part of the apostolic faith and practice, and therefore as integral to the fullness and unity of the Body of Christ.
4. We confess as proved by most certain warrants of Holy Scripture the historic faith of the undivided church as declared in the three Catholic creeds: the Apostles’, the Nicene and the Athanasian.
5. Concerning the seven Councils of the undivided Church, we affirm the teaching of the first four Councils, and the Christological clarifications of the fifth, sixth and seventh Councils, in so far as they are agreeable to the Holy Scriptures.
6. We receive the Book of Common Prayer as set forth by the Church of England in 1662, together with the Ordinal attached to the same, as a standard for Anglican doctrine and discipline, and, with the Books which preceded it, as the standard for the Anglican tradition of worship.
7. We receive the Thirty Nine Articles of Religion of 1571, taken in their literal and grammatical sense, as expressing the Anglican response to certain doctrinal issues controverted at that time, and as expressing fundamental principles of authentic Anglican belief.’

Extract from the Windsor Continuation Group Report

92. The advent of the ACNA is a serious and unprecedented development in the life of the Communion. It is proposed that eight different organisations - and different types of organisations - shall come together to create "a network based Province" encompassing a variety of geographical and non-geographical associations. Its existence is predicated on the assumption that the current Anglican presences in North America - The Episcopal Church and Anglican Church of Canada - are no longer adequate to represent their understanding of faithful biblical Anglicanism, and this new association is intended to make such provision. Within ACNA are entities not formally part of the Anglican Communion or whose status within the Communion is disputed - the Reformed Episcopal Church, the Convocation of Anglicans in North America, the Anglican Mission in America and the Anglican Coalition in Canada - together with associations such as Forward in Faith in America and the American Anglican Council.

93. It is unclear to what extent this new body is seeking recognition within the Anglican Communion. On one level, the leaders of ACNA state that they seek a place within the Communion, but at the same time say that the approval of the Instruments of Communion or recognition by the Archbishop of Canterbury are unnecessary for them to proceed with the formation of the Province. They have sought recognition, however, from the Primates' Council of Gafcon. On the other hand, they include participants who clearly hold to their identity as Anglicans, and indeed, have only taken the steps they have because they believe that this is the only way to be faithful to the Anglicanism which they inherited.

94. There will undoubtedly be Primates and Provinces, such as those involved with Gafcon, which will wish to give recognition to the new body. Equally, there will be primates and Provinces for whom even consideration of the request would be untoward, and involve the accommodation of schism.

95. If indeed it is the desire of the "province-in-formation" to seek formal membership of the Anglican Communion, the WCG foresees formidable problems in the way ahead. They believe that such a proposal should only be entertained through the official channels which exist, namely according to the principles which were established and set out by ACC-9. Any move to recognise the new Province outside of these formal channels would further undermine our common life in Communion.

96. For such an approach to be successful, there would be very significant obstacles to be overcome. In the first place, the Communion would have to decide whether it could live with a parallel non-geographical Province based on theological ideology. This would be a significant change in the Catholic ecclesiological tradition upheld by the Communion throughout its history.

97. In the second place, the new Province-in-formation would have to reassure the Instruments of Communion that it does have the "ecclesial density" appropriate to the life of a Province: that is, a Province is more than a loose confederation. Does the new Province-in-formation have a unified jurisdiction, a common canon law, and shared norms of worship and liturgy?

98. Thirdly, if it can be successfully argued that a new Province can be formed on doctrinal and ideological lines, what reassurances can be given about its relationship to the existing jurisdictions in North America, particularly in the life of those dioceses where bishops and synods have expressed their solidarity with the standards commended in the Windsor Report. TWR set its face against the concept of parallel jurisdictions; it would be especially tragic if a generous

accommodation of the new entity were to be seen as *carte blanche* for the new Province to establish a presence in localities where no cogent theological basis for differentiation could be advanced.

99. In reflecting upon the emerging situation, WCG is mindful of three of the principles articulated by the Primates at their Dar es Salaam Meeting in 2007: to encourage healing and reconciliation within The Episcopal Church, between The Episcopal Church and congregations alienated from it, and between The Episcopal Church and the rest of the Anglican Communion; to respect the proper constitutional autonomy of all of the Churches of the Anglican Communion, while upholding the interdependent life and mutual responsibility of the Churches, and the responsibility of each to the Communion as a whole; to respond pastorally and provide for those groups alienated by recent developments in the Episcopal Church. and believe that these principles should continue to guide the thinking of the Instruments.

100. One way forward - although initially dismissed by some of the parties concerned - would be for ACNA to seek for some clear provisional recognition which seeks to keep it in relation to the Communion, but which acknowledges its provisional and anomalous nature. WCG has explored on previous occasions the idea of "escrow" - the creation of a body which could take on the oversight of these groups on behalf of the Communion, but which recognises the provisionality of such bodies. The group wonders whether there is any mileage in the model of extra-Provincial jurisdictions? In at least one case, such jurisdictions have been recognised as provisional - e.g. in Sri Lanka. Such a provision is fraught with difficulties. Such a scheme could not guarantee any particular outcome, the nature of which would be dependent on many factors, including the progress of the Covenant process. The provision would have to be hedged around with all sorts of restrictions, to avoid such a scheme becoming a haven for discontented groups, and institutionalising schism in the life of the Communion. Who would be the metropolitical authority? If all other obstacles were overcome, the WCG would favour a Metropolitical Council similar to that which operates for Cuba rather than linking the new entity to the Archbishop of Canterbury. Recommendation:

101. The WCG therefore recommends that the Archbishop of Canterbury, in consultation with the Primates, establish at the earliest opportunity a professionally mediated conversation at which all the significant parties could be gathered. The aim would be to find a provisional holding arrangement which will enable dialogue to take place and which will be revisited on the conclusion of the Covenant Process, or the achievement of long term reconciliation in the Communion. Such a conversation would have to proceed on the basis of a number of principles:

- There must be an ordered approach to the new proposal within, or part of a natural development of, current rules.
- It is not for individual groups to claim the terms on which they will relate to the Communion.
- The leadership of the Communion needs to stand together, and find an approach to which they are all committed.
- Any scheme developed would rely on an undertaking from the present partners to ACNA that they would not seek to recruit and expand their membership by means of proselytisation. WCG believes that the advent of schemes such as the Communion Partners Fellowship and the Episcopal Visitors scheme instituted by the Presiding Bishop in the United States should be sufficient to provide for the care of those alienated within the Episcopal Church from recent developments.

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