

**The Anglican Consultative Council and
Membership in the Anglican Communion—
A Forensic Analysis**

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ABSTRACT AND INTRODUCTION

The Anglican Communion is a world-wide association of national or regional Christian churches whose ancestry is linked, in one way or another, to the Church of England, and which hold to some form or another of the faith of that church. A new church body of the “Anglican faith” has been formed which evidently aspires to be recognized as a component of the Anglican Communion, and consequently, interest arises as to how that could happen. The Communion has no constitution or similar instrument, in which we might expect to find the provisions for the embrace of a new member church.

Some commentators have asserted that the Anglican Consultative Council (ACC), a major advisory body within the Anglican Communion, has the power to confer membership in the Communion, through the working of a certain clause in **its** constitution.

In this article, the credibility of that assertion is investigated through forensic analysis of the constitution of the ACC. The author’s conclusion is that the assertion is not credible.

BACKGROUND

The Anglican Communion

The Anglican Communion is a worldwide association of national or regional churches that share in the faith and traditions of the Church of England. The symbolic head of this association is The Archbishop of Canterbury, the principal archbishop of the Church of England.

The Communion has no constitution or equivalent instrument which explicitly defines its structure and governance. Overall, it does not exist as a legal entity.

Membership

Membership in the Communion for a national or regional church is commonly defined as the church being “in full communion with the Archbishop of Canterbury” (or with his see).

Over the history of the Communion, most of the member national/regional churches attained that status by *direct inheritance*. Typically, these churches were originally “outposts” of the Church of England in British colonies. Often in connection with the attainment of independence by these lands, the Church of England outposts became autonomous churches (as happened in the United States by the formation of what is today called The Episcopal Church).

The collection of these now-autonomous churches, together with the Church of England itself, came to be recognized as the Anglican Communion.

Many of these regional churches had operations in several countries, and often, eventually, their operations in certain countries were “spun off” to form new autonomous national churches, which were then recognized as members of the Anglican Communion in their own right.

Provinces

In the overall structure of the Anglican Communion, each member national or regional church constitutes a *province* of the Communion. The name of the province is always exactly the name of the church, such as “The Episcopal Church”; there is no province whose name is “The Province of . . .”. In several cases, however, the name of the **church** is “The Church of the Province of . . .”

Because every province is, first of all, a national or regional **church**, I will generally speak of them here as **churches**. That they each also constitute provinces is of no importance to the issue we discuss here.

Recent developments

In recent years, controversies have arisen in, or regarding, The Episcopal Church (headquartered in the United States), the Anglican Church of Canada, and in fact the Anglican Communion as a whole. These controversies often seemingly revolve around such issues as:

- The ordination of women as priests, or their consecration as bishops.
- The ordination of practicing homosexuals as priests, or their consecration as bishops.
- The conduct of blessings on same-sex unions, or the performance of marriage ceremonies for same-sex couples where such are sanctioned by local law.

One outgrowth of these controversies has been the formation of The Anglican Church in North America. Its apparent mission is to provide an ecclesial structure for those Anglicans disaffected with the practices, policies, and leanings of The Episcopal Church and the Anglican Church of Canada.

It seems likely that it hopes to become a member of the Anglican Communion, perhaps even to supplant The Episcopal Church and/or the Anglican Church of Canada as the recognized components of the Anglican Communion for their respective nations.

Becoming a member of the Anglican Communion

This prospect then brings to the surface the central theme of this article: How does a church become newly recognized as a member of the Anglican Communion?

If the Anglican Communion had a constitution, which it does not, one might expect that it would prescribe the procedures under which an additional national/regional church could become a member of the Communion. But we do not have the benefit of that clarity.

There are those who assert that the “constitution”¹ of The Anglican Consultative Council, a major advisory body of the Anglican Communion, gives that body the prerogative of adding further members to the Anglican Communion.

In this article, I examine, in a forensic vein, the pertinent provisions of the “constitution” of the Anglican Consultative Council with the objective of judging the credibility of that assertion.

CAVEAT

I am not a lawyer, ecclesiastical or otherwise, nor do I claim expertise or even significant experience in the canon law and related doctrines of the Anglican Communion. In this article, I examine the (new) constitution of the Anglican Consultative Council in the same vein that I, as a forensic consulting engineer, would examine a previously-unseen specification, governing a construction project, sent me by a client, asking that I determine what it does and does not prescribe in certain areas.

¹ I use the quotations here since, as of today, strictly speaking, the governing document of the Anglican Consultative Council, now a corporation, is not a constitution but rather is its Articles of Association (as will be further discussed shortly).

THE ANGLICAN CONSULTATIVE COUNCIL

Background

The Anglican Consultative Council (ACC) was created in 1968 by the Lambeth Conference, the oldest of the deliberative bodies of the Anglican Communion, itself convened every ten years by the Archbishop of Canterbury. The ACC generally meets every three years.

The members of the ACC (its *member-churches*) are member churches of the Anglican Communion—customarily all of them, although (as we will see in detail later) that conceivably might not always be so. Each member-church of the ACC is entitled to appoint a certain number of individuals as *members* of the ACC. Additional (individual) members may also be appointed in certain ways (the details of which are beyond the scope of this article).

As suggested by its title, the accepted task of the ACC is to provide recommendations for action by, most prominently, The Archbishop of Canterbury.

Status as an entity and constitution

Prior to July, 2010, the ACC was a quasi-legal entity as a registered English charity. (It needed that formality since one of its collateral duties is to administer certain charitable trusts). It had a constitution, which was developed within the ACC itself.

In July, 2010, the ACC became a formal legal entity, a *UK registered company* (a special form of what we would call in the U.S. a *non-profit corporation*). In connection with that change, it adopted *Articles of Association* (as required for any such entity), superseding its Constitution, which document however is often spoken of as the (new) *Constitution* of the ACC.

Other than in the cover page used for the promulgation of the Articles, the term Constitution does not appear therein except in two places, one of them perhaps an editorial inadvertence, and the other apparently referring to the previous Constitution.

As a premise of this article is preciseness of language, I will consistently refer herein to the July, 2010 instrument as the Articles of Association (“Articles”).

Stated objects of the ACC

Under the Articles, the Objects of the AAC are stated as:

The Council's objects ("the Objects") are specifically restricted to the following: to advance the Christian religion and in particular to promote the unity and purposes of the Churches of the Anglican Communion in mission, evangelism, ecumenical relations, communication, administration and finance.

Powers of the ACC

Within the Articles, 30 specific powers of the AAC are enumerated. Except for those relating to the fiduciary responsibilities of the ACC, the descriptions of these powers revolve around the verbs "advise", "encourage", "facilitate", "review", and the like.

Nowhere among these enumerated powers is there anything that even remotely sounds like "determine the membership of the Anglican Communion", "admit churches to membership in the Anglican Communion", or "determine the eligibility for membership of the Anglican Communion".

I do not here look into the matter of how the AAC gets its powers. Rather, I look into how "what the AAC believes its powers are" is reflected by provisions in The Articles for exercising them. I proceed on the assumption that The Articles do not explicitly provide for the exercise of powers not legitimately held by the ACC.

CAN THE AAC DETERMINE "ADMISSION" TO MEMBERSHIP IN THE ANGLICAN COMMUNION?

The assertion

Especially in the context of the formation of The Anglican Church in North America, there has arisen interest in how such a newly-formed "regional" church, espousing an Anglican identity, might become a recognized member of the Anglican Communion.²

Prior to the change in the status of the AAC, and the adoption of its new so-called "Constitution" (The Articles), some commentators have opined that the constitution of the AAC gave it the power to confer membership in the Anglican Communion, and in fact established

² This is often cast as, "become a new province of the Anglican Communion", a locution I believe obscures the actual issue, which is the recognition of a national or regional church as a part of the Anglican Communion.

certain administrative procedures involved in doing such. That assertion evidently continues under present circumstances.

Analysis of the credibility of that assertion is the major thrust of this article.

Context

I will here only examine the pertinent provisions of the Articles, not those of the (prior) Constitution. Both instruments are, however, similar in the areas of importance to the issue here.

Key clauses

I will cite here for reference verbatim certain clauses of the Articles that seem pertinent to the issue. I will identify each one with a reference letter (applicable only here), as well as citing (in square brackets) its identification in the Articles proper.

- A. [2.1] **Member-Churches** means the churches in communion with the Archbishop of Canterbury whose names are listed in the Schedule to these Articles (also in some cases referred to in these Articles as Provinces or Churches).
- B. [7.2] The Member-Churches of the Council shall be those bodies listed in the Schedule to these Articles[,] each of which shall be entitled to send the specified number of Members to the Plenary Sessions of the Council mentioned in Article 16 below; with the assent of two-thirds of the Primates of the Anglican Communion³ (which shall be deemed to have been received if not withheld in writing within four months from the date of notification) the Standing Committee may alter or add to the Schedule.

Comments on the cited clauses

Clause A

Member-Churches could perhaps be taken to mean either:

1. Churches that are the members of the Anglican Communion
2. Churches that are the members of the ACC

³ The *Primates of the Anglican Communion* are the chief bishops (often, but not always, styled "archbishop") of the member churches of the Communion.

At the present time, and probably at any time, this is a distinction without a difference: all churches that are members of the Anglican Communion are Member-Churches of the ACC, and there are no Member-Churches of the ACC that are not member-churches of the Anglican Communion. I do not envision any contrary situation.

Nevertheless, it is important to be certain which is meant, as it may influence the interpretation of other provisions.

In this regard, the introduction to The Schedule is instructive:

The Member-Churches of the Council, and the entitlement of each to appoint Members for the purposes of the Memorandum and Articles shall be as follows:

I believe that this, as well as the use of the term elsewhere in the text of the Articles, makes it clear that meaning (2) is intended.

Note especially that the Schedule is nowhere represented as defining the member-churches of the Anglican Communion.

The phrase "in communion with the Archbishop of Canterbury" could be taken to have two meanings:

1. As restrictive: only churches that are in communion with the Archbishop of Canterbury could be included on the list.
2. As definitive: any church that is on the list is, as a result, declared to be in communion with the Archbishop of Canterbury.

Normal grammatical interpretation would be meaning (1). In any case, this would be a peculiar place (in a section on the definition of terms) to establish a concept so profound as reflected by definition (2).

Clause B:

This clause could perhaps be taken as having two meanings:

1. (a) The ACC may (with the assent of two-thirds of the primates) change the numbers of (individual) members allocated to the various Member-Churches. (b) The ACC could add to the Schedule churches, currently in communion with the Archbishop of Canterbury, that were nevertheless not previously Member-Churches of the ACC. (The latter aspect would presumably come into play when a new church had freshly come into communion with the Archbishop of Canterbury, though whatever process.)

2. (a) The ACC may (with the assent of two-thirds of the primates) change the numbers of (individual) members allocated to the various Member-Churches. (b) The ACC could add to the Schedule churches that were previously not in communion with the Archbishop of Canterbury, **conferring on them thereby** the properties of being in communion with the Archbishop of Canterbury and thus in turn of being members of the Anglican Communion.

It is difficult for me to believe that meaning (2) is the manifest meaning, or the intent, of the clause. The recognition of a state of communion with the Archbishop of Canterbury, and the consequent attainment of membership in the Anglican Communion, **even if conferring such were a power of the ACC**, is far too important a matter to be formally executed by amendment of the Schedule of Members **of the ACC**. (It of course could, and presumably should, be recognized there once it had happened.)

It would be as if the admission of a new state to the United States would be done by the House of Representatives, by its amending the list of the number of Representatives allocated to each state, to include a new entry.

And, as I pointed out above, the very introduction to The Schedule comports unambiguously with meaning (1).

Thus I conclude that meaning (1) of this clause is the correct one.

THE ASSERTION—MY CONCLUSION

The assertion that the ACC has the power to confer on a national or regional church the state of being in communion with the Archbishop of Canterbury, and to thus make it a member of the Anglican Communion, relies on interpretation (2) of the clause I identify as (B).

Thus I believe that the assertion is not credible.

SO THEN WHAT?

That being the case, how in fact can a church, not currently a member of the Anglican Communion, be recognized as having come into communion with the Archbishop of Canterbury? It would seem that this would happen when both the church and the Archbishop of Canterbury concur that they are in communion.

I would assume that, before the Archbishop of Canterbury would consider concurring in such a declaration of mutual communion, he or she would seek the advice of (among other bodies) the ACC.

Further implications of this matter are beyond the scope of this article.

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