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**ACNA**

**The Constitution and Canons of the Anglican Church in North America :  
A Conservative Evangelical View**

By Robin G. Jordan

*(ACNA, formerly Common Cause, is the new body established in North America in response to the liberalism of the US and Canadian episcopal churches.)*

On December 5, 2008 the Common Cause Partnership Leadership Council adopted a provisional constitution and canons for a new ecclesiastical structure, which these documents name as the Anglican Church in North America (ACNA). The two documents were, upon their adoption, unveiled with great fanfare. Before then they had been kept under close wraps and had not been made available for public examination and comment. The documents were poorly drafted but their content was more disturbing. They created an ecclesiastical structure in which authority was highly centralized with a Provincial Council dominated by bishops and clergy governing the new church. They undid more than two centuries of hard-won lay involvement in the governance of the church and the nomination and election of bishops.

The two documents were the first of three drafts of the ACNA constitution and canons. On April 3, 2009 the CCP Leadership Council released several proposed amendments to the provisional constitution with a complete set of canons. Interested parties were given seventeen days to study the proposed changes to the provisional constitution and the proposed code of canons, to make comments, and to offer suggestions. On April 25, 2009 the provisional Provincial Council adopted the finalized draft of the constitution and code of canons and commended its ratification at an inaugural meeting of the Provincial Assembly in Bedford, Texas on June 22-25, 2009.

The provisions of the finalized draft of the two documents are even more troubling for conservative evangelical Anglicans in North America as well as other supporters of the “third province” movement in Canada and the United States. In this article I briefly examine some of the more troublesome provisions of the finalized draft of the ACNA constitution and canons.

Article I of the constitution identifies as characteristic of “the Anglican Way” and essential for membership the doctrinal position that the historic episcopate is “an inherent part of the apostolic faith and practice.” It goes on to assert that this doctrinal position is of “the doctrine, discipline and worship of Christ” as the Anglican Way has received it. In other words, the historic episcopate constitutes a part of the essence of the apostolic doctrine and practice—an indispensable element of that doctrine and practice. This doctrinal position is historically associated with the Roman Catholic Church, the Oxford Movement, and Anglo-Catholicism.

The English Reformers, on the other hand, found no evidence in the Holy Scriptures that God had ordained any one form or order of church government. They concluded, however, that while episcopacy was not divinely ordained, it was in the words of Bishop John Jewel “ancient and allowable.”

Title III, Canon 8, Section 2 establishes the Catholic doctrinal position on apostolic succession as the ACNA position: “By the tradition of Christ’s One, Holy, Catholic and Apostolic Church, Bishops . . . are successors of the Apostles through the grace of the Holy Spirit given to them,” a reference to the Catholic belief that the consecrating bishops in the historic apostolic succession pass onto a new bishop a special grace that sets him apart as a bishop in that succession when they

lay hands on him at his consecration.

To the English Reformers the one necessary mark of the Church was its continuance in apostolic and scriptural teaching, not the institution of episcopacy. What mattered most was the succession of the word, not a succession of persons. A bishop was a successor to the apostles in so far as he taught what they had taught. He had no other grounds to claim to be a successor of the apostles. The authority of a bishop was derived from his adoption of apostolic doctrine. If a bishop did not teach what the apostles taught, the bishop had no authority.

These provisions trouble some North American Anglicans because they conflict with the vision of a new orthodox Anglican province that lies behind their support of the ACNA. In that vision of the new province all three orthodox theological streams—Anglo-Catholic, charismatic, and evangelical are free to flourish. No one school of thought is dominant with the other two schools of thought deferring to its views. They particularly trouble conservative evangelicals like myself because, under the provisions of the ACNA canons and guidelines for recognition as a diocese, applicants for membership in an ACNA congregation must subscribe to these provisions, as must groups of congregations applying for diocese status. So must candidates for ordination and licensees for ministry in the ACNA. Nominees for the office of bishop in the ACNA must “fully embrace” them, and entities desiring to become partners in ministry with the ACNA must subscribe to them “without reservation.” Clergy who hold and teach the views of the English Reformers and classical evangelical Anglicanism may arguably be subject to disciplinary action.

In the finalized draft of the constitution the affirmation of the GAFCON Statement and the Jerusalem Declaration was moved from Article I, which defines Anglican orthodoxy, to the Preface where such an affirmation may be regarded as non-binding. The explanation for this change given to Stephen Noll was the GAFCON Statement and the Jerusalem Declaration were of recent origin and the seven points of the Common Cause Theological Statement were of great antiquity. The latter includes statements implying the existence of other authorities beside the Anglican formularies for Anglicans as well as the decidedly partisan doctrinal position on the historic episcopate discussed above.

The provisions of the ACNA constitution and canons create a Provincial Assembly but vest no real powers in the Assembly. The Assembly may deliberate upon matters relating to the faith and mission of the church, receive reports from the Provincial Council, make recommendations, and ratify the constitutional amendments and canons that the Provincial Council adopts. In the first draft of the constitution the Assembly was empowered to elect the Council but the second draft took away that power from the Assembly.

Under the provisions of the ACNA canons dioceses that were under the jurisdiction and oversight of a global south Province at the time of the organization of the ACNA may continue under the constitution and canons of the parent Province.

Despite a constitutional provision reserving all residual powers to the dioceses, the canons arrogate to the province powers that the constitution does not delegate to the province or prohibit to the dioceses and which dioceses have historically exercised in North America. At a time when conservative bishops are fighting to preserve the autonomy of the diocese in The Episcopal Church, the ACNA constitution and canons greatly weaken diocesan autonomy in the ACNA.

North American Anglicanism has a two hundred and twenty-five year odd tradition of dioceses electing their own bishops. The origins of this practice can be traced to the early Church. The practice was preserved in the Church of England in the ancient custom of the canons of the cathedral chapter electing the new bishop of a vacant see. The ACNA canons delegate the election

of the bishop of a newly recognized diocese to the bishops of the province. The canons commend this particular mode of episcopal election to the existing judicatories that presently elect their own bishops. It is borrowed from one of the African Provinces and reflects the influence of the Roman Catholic Church upon the modes of episcopal election in these churches: The diocese may nominate candidates for the office of diocesan or auxiliary bishop but an extra-diocesan body appoints or elects the bishop and confirms the new bishop's appointment or election, in the case of Roman Catholic bishops, the Holy See, and in the case of African bishops, the House of Bishops and Primate of the Province.

Under the constitution the bishops of the province elect the Archbishop of the province without any clerical or lay involvement, another departure from historical North American Anglican practice. The constitution gives the Archbishop very limited powers and functions. It does not vest metropolitan authority in the Archbishop. The canons, however, arrogate to the Archbishop powers and functions the constitution does not give him. They require canonical obedience to the Archbishop from the other bishops although he is only a titular Archbishop and they are equal to him in rank.

The constitution seems at first glance to protect the right of local congregations to own and dispose of local church property. At the same time it preserves the right of dioceses that hold such property in trust to continue to do so. The canons permit dioceses to take local church property in trust with the written consent of the local congregation.

In light of the conditions in the Anglican Church in Canada and The Episcopal Church that created a need for a third North American province and growing litigation over property, the direction the ACNA has taken is surprising. The response of the ACNA leadership to calls for changes in the two documents is to urge ratification, arguing that they can, if needed, be amended later.

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