

Response of the Primates of the Anglican Communion and Members of the Anglican Consultative Council to the Report of the Joint Standing Committee

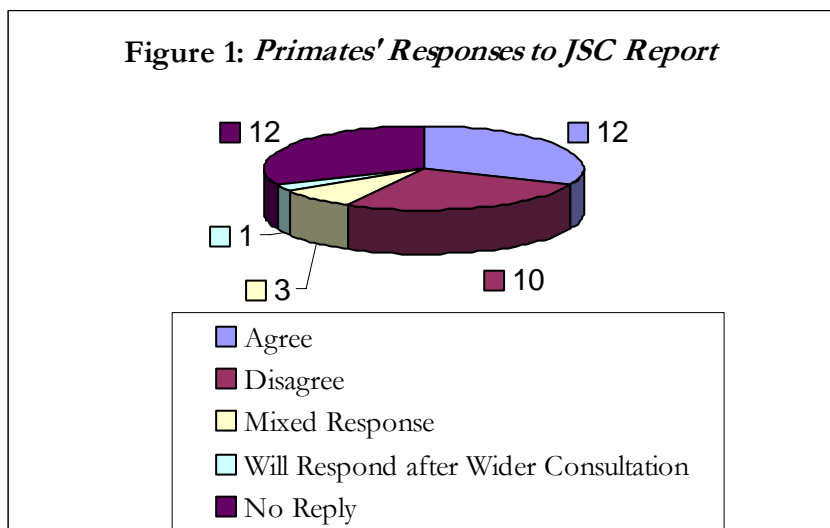
Introduction

1. At the beginning of October the Archbishop of Canterbury wrote to the Primates and Moderators of the Anglican Communion, sending to them the initial response of the Joint Standing Committee of the Primates and the ACC to the recent communiqué of the House of Bishops of the Episcopal Church. In his letter, the Archbishop invited the Primates to consult within their Provinces and asked for a response by 31 October 2007. He also asked that ideally their response should offer some indication of what process of consultation had been possible within that timeframe.
2. The two questions posed in the Archbishop's letter were:
 - a. How far is your Province able to accept the JSC Report assessment that the Episcopal Church's House of Bishops have responded positively to the requests of the Windsor Report and those made by the Primates in their Communiqué at the end of their meeting in Dar es Salaam?
 - b. What proposals do you have for any next steps that should be taken?
3. The Archbishop also wrote in a similar vein to the members of the Anglican Consultative Council. In that letter, the Archbishop asked:
 - a. Each member of the ACC to advise on how they see the situation.
 - b. How each member thinks the issues raised in the report should be assessed and responded to.

Primates' Responses

General Overview

4. To date (6 November 2007), the Archbishop has received 26 responses from Primates, with no reply from 12 Provinces (see Figure 1).



5. Broadly speaking, the replies can be broken down into three categories:
 - a. Provinces that agree with the conclusions of the JSC Report that the Episcopal Church's House of Bishops has provided the necessary clarifications and assurances on the General Convention responses to issues raised in the Windsor Report (12 Provinces).
 - b. Provinces that disagree with the conclusions of the JSC Report, in that the Episcopal Church's House of Bishops has not responded unequivocally to the Primates' requests as laid out in the Dar es Salaam Communiqué (10 Provinces). All of the Provinces that have responded negatively to the conclusions of the JSC Report belong to the Global South alliance. Many of these Primates have commented that apart from a change in the form of words used by the HoB, there does not seem to be any change in direction by the Episcopal Church. There seems to be a distinction between (a) and (b) in that the former have looked for the spirit of the HoB's communiqué (and the JSC's analysis), whilst the latter have looked more closely at their language.
 - c. Provinces where the response to the JSC Report is mixed (2 Provinces):
 - i. There is a wide range of views within the Province, with a marginal preponderance that endorse the conclusions of the JSC Report.
 - ii. The Episcopal Church's House of Bishops response is not wholly satisfactory in regard to issues concerning public rites of blessing for same-sex unions. However, the Province has responded positively to the clarification given in regard to elections to the episcopate and to the Joint Staff Council's conclusions concerning issues of pastoral care.

5. The Provinces where a response has not yet been received can be categorised as follows:
 - a. **CAPA Provinces** (3) – the Archbishop of Central Africa retired in September, and the primacy is vacant at present. The (retired) Archbishop of Central Africa was a signatory of the recent CAPA communiqué, as were the Provincial representatives from the two remaining CAPA Provinces where a reply has not yet been received (the Archbishop of Sudan is currently in hospital, and is due to retire at the end of this year).
 - b. **South and Central American Provinces** (2)
 - c. **United Churches** (3)
 - d. **Other Provinces** (4) although the Primate of one of these is on the JSC.

6. Many of the Primates have consulted widely, with their House of Bishops or at General Synod. A number intend to do so at the next meeting of their House of Bishops. A few have commented that in the time available, they were not able to consult as widely as they would have wished.

Detailed Comments

7. Many of the responses received so far raise specific points in reaction to the JSC's conclusion on particular issues raised in the report. The report acknowledges that the House of Bishops has 'laboured long and strenuously to come to a conclusion, and to offer its response to the requests of the Windsor Report, as reiterated in the Communiqué of the Primates Meeting in Dar es Salaam in February of this year'. Many of the positive responses acknowledge the work

done by the House of Bishops to come to a common mind, reflecting their wish to maintain unity with other Provinces of the Anglican Communion:

- a. “We are mindful that these steps of humility and for some compromise, may come at a considerable internal cost so pray that God will equip them with tolerance, forgiveness of those who think differently, and grace during the days ahead.”
- b. “We felt the American bishops have tried hard to maintain unity in the Anglican Communion. We should appreciate their attitude in this matter and to encourage them to create the ‘third space’ rather than taking sides.”
- c. “We believe that the process to make such response has required of the TEC bishops a great deal of self-examination and evaluation on what and how they have to respond to the God’s call to His mission and evangelism in their context. We know that many TEC bishops have experienced much frustration and humiliation in order to produce such response. But as a result, this response clearly indicates that the TEC’s desire to remain in the Anglican Communion and to maintain good relationship with every Province of the Anglican Communion.”
- d. “[We] would wish to commend the House of Bishops in America for their response and the gracious tone in which it is offered. We consider that all requirement made of them have been met and look forward to the whole Communion now moving forward in a spirit of generosity ...”
- e. “The Episcopal Church has borne unprecedented scrutiny into its affairs, often with scant regard either for its legitimate internal polity or for the principle ... of local jurisdiction and non-interference, and in the face of all this has had the courage to take hard decisions.”

PART ONE of the JSC Report

8. In their communiqué, the Episcopal Church’s House of Bishops addressed both the specific questions of the Windsor Report and also matters of related concern raised in the Communiqué of the Primates from their meeting in Dar es Salaam. PART ONE of the JSC Report covers the response of the Episcopal Church to the requests made in the Windsor Report, on which the Primates, at their meeting in Dar es Salaam, had asked for clarity – that is, that the House of Bishops of the Episcopal Church:

- a. make an unequivocal common covenant that the bishops will not authorise any Rite of Blessing of same-sex unions in their dioceses or through General Convention (cf TWR, §143, 144); and
- b. confirm that the passing of Resolution B033 of the 75th General Convention means that a candidate for episcopal orders living in a same-sex union shall not receive the necessary consent (cf TWR, §134);
unless some new consensus on these matters emerges across the Communion (cf TWR, §134).

9. The JSC Report concludes that ‘by their answers to these two questions, we believe that the Episcopal Church has clarified all outstanding questions relating to their response to the questions directed explicitly to them in the Windsor Report, and on which clarifications were sought by 30 September 2007, and given the necessary assurances sought of them.

- **Public Rites of Blessing for Same-Sex Unions**

10. Many Provinces make specific comments in regard to the Episcopal Church's response to the question concerning the Public Rites of Blessing for same-sex unions.

- a. "It appears to be the view of a significant number of Synod members that the Joint Standing Committee's assessment of the House of Bishops' response as it relates to consecrations is more acceptable than the response as it relates to the blessing of same-sex unions. The concerns about the latter appear to spring both from the language used by the House of Bishops and from reports that individual bishops may be prepared to authorise or to turn a blind eye to blessings of same-sex unions within their own dioceses."
- b. "In their response the Episcopal Church has continued to use the language of 'pledge not to authorise ...' with reference to Rites of Blessing for same-sex unions There has been and still is no indication of willingness to exercise a moratorium." ...
 "On the issue of Rites of Blessing for same-sex unions the impression given is that the 'local option' for use of such rites still remains." ...
 "It is therefore apparent that the Episcopal Church has simply rephrased its position but not actually responded fully to the requirements of the Windsor Report paragraphs 143/144."
- c. "**Part 1** (*of the Report*) deals with the responses requested of the Bishops of The Episcopal Church by the Primates at Dar es Salaam. The request of the Primates was that specific and unequivocal responses be received on two issues before 30 September 2007. These responses have now been issued, the Joint Standing Committee (JSC) has concluded that the assurances requested have been fully expressed and I agree that this is the case."
- d. "The statement of the House of Bishops in New Orleans did not meet the request of the Windsor Report that the 'Bishops must declare a moratorium on all such public rites'. It also failed to meet the request of the Primates at Dar es Salaam that the Bishops should 'make an unequivocal common covenant that the Bishops will not authorise any rites of blessing for same-sex unions in their Diocese.'"
- e. "While we disagree with decisions of the Episcopal Church in the United States of America regarding ... and the blessing of same-sex unions, in fidelity to the history and traditions of the Anglican Church and its synodical structure we cannot concern ourselves with the legitimate decisions pertaining to another diocese or province."
- f. "The report itself seems to be a determined effort to find a way for the full inclusion of the Episcopal Church with no attempt at discipline or change from their prior position." ...
 "Our view has been further corroborated by dissenting statements made by some members of the Joint Standing Committee and numerous declarations made by bishops of the Episcopal Church including Bishop Gene Robinson who on 9 October truthfully explained the situation ...in an open letter."
- g. "After ceaseless, protracted and seemingly wasteful efforts in clarifying and specifying the real issues, to say that the TEC HoB have adequately responded to the Primates is most infuriating and unhelpful What is required of the TEC HoB is to 'unequivocally' confirm that they will not publicly bless same-sex blessings and even as pastoral measure (as it was raised during our discussions at Dar es Salaam)."

- h. “Instead of committing to end the practice of blessing same-sex unions, the House of Bishops has acknowledged that these blessings occur and will continue unabated with the full consent and sometimes personal participation of diocesan bishops.”
- i. “The JSC accepted the HoB addition of the proviso ‘or until General Convention takes further action’ despite the fact that the Constitution of the Episcopal Church clearly states that the passage of any measures requires consent of both houses voting separately. The House of Bishops, voting as a House, can exercise a veto on any measure.” ...

“The HoB response failed to remove the ambiguity between the refusal to authorise public rites of blessings and the acceptance of local pastoral provisions. The Bishops failed to move beyond the position they enunciated in 2005 and have therefore failed to provide the moratorium sought by the Primates and the Windsor Report.”

- **Elections to the Episcopate**

- 11. Again, more specific comments are made in regard to elections to the episcopate:
 - a. “It appears to be the view of a significant number of Synod members that the Joint Standing Committee’s assessment of the House of Bishops’ response as it relates to consecrations is more acceptable than the response as it relates to the blessing of same-sex unions.”
 - b. “On the issue of Resolution B033 regarding the exercise of restraint ‘by not consenting to the consecration of any candidate to the episcopate whose manner of life presents a challenge to the wider Church and will lead to further strains on communion’ we feel that the clarification given, that non-celibate gay and lesbian persons are included in that resolution, brings a positive response to the request of the Primates at Dar es Salaam.”
 - c. “The House of Bishops clarified Resolution B033 of the General Convention 2006 in such a way that ‘non-celibate gay and lesbian persons are included in the restraint’. But in the same response we find them saying ‘We proclaim the Gospel that in Christ all God’s children, including gay and lesbian persons are full and equal participants in the life of Christ’s Church.’ What does this mean? This statement **contradicts** their explanation of B033 which put a restraint on electing and consecrating non-celibate gay and lesbian persons to the Episcopate Order, as it restricts them from full participation in the church.” ...

“The request of the House of Bishops to the Archbishop of Canterbury to explore ways for Gene Robinson to fully participate in Lambeth Conference demonstrates clearly that they see that the manner of life of Gene Robinson, as a non-celibate gay, does not present a challenge to the wider church and will not lead to further strains on the Communion. This again contradicts their clarification of General Convention Resolution B033 that it does indeed refer to ‘non-celibate gay and lesbian persons’.”
 - d. “We welcome the decision of the Episcopal Church in the United States to provisionally refrain from ordaining candidates to Episcopal orders whose manner of life presents a challenge to the wider Anglican Communion. It is our fervent desire that hereafter the Episcopal Church in the United States seeks a real fundamental solution to this issue rather than seeking a conditional decisions based on the unity and cooperation of the Anglican Communion.”
 - e. “Instead of a firm and simple commitment not to consent to the election of non-celibate homosexual bishops, the House of Bishops proclaimed ‘the Gospel that in Christ all God’s children, including gay and lesbian persons, are full and equal

participants in the life of Christ's Church'. Given this 'gospel', the call for restraint in Resolution B033 cannot in any way represent repentance or a moratorium but, at most, a necessary but brief and superficial pause on the path toward giving those who engage in sexual sin full access to ecclesial office."

- f. "The Primates asked for confirmation that 'the passing of Resolution B033 ... means that a candidate for Episcopal orders ... shall not receive the necessary consent'. The HoB responded by stating that B033 does refer to 'non-celibate gay and lesbian persons'. While this provides welcomed clarification, it does not guarantee that the Bishops shall not give the necessary consent as requested by the Primates."
- g. "The conclusion of the JSC Report to the effect that the Episcopal Church and the Communion are on the same page on the two issues relating to sexuality is far too generous. While such a conclusion could possibly be justified in relation to elections to the episcopate, it is impossible to defend in relation to rites of same-sex blessings."

PART TWO of the JSC Report

12. Part Two of the JSC Report covers pastoral issues, and in particular issues regarding pastoral care of parishes and dioceses within the Episcopal Church that have been alienated from the life and structures of the Episcopal Church because of developments within the Church. The JSC believe that the scheme of 'Episcopal Visitors' put forward by the Presiding Bishop offers a viable basis on which to proceed, and that by leaving the ministry flexible for negotiation and development, the Presiding Bishop has opened a way forward. The JSC makes a number of recommendations on the way forward in regard to the provision of pastoral care and oversight for dissenting congregations and parishes:

- a. The JSC recommend that the Archbishop of Canterbury encourage the duly constituted authorities of the Episcopal Church, as a matter of urgency, to consult further on the issue of the provision of pastoral care and oversight for dissenting congregations and parishes in consultation with those who are requesting it.
- b. The JSC asks the Archbishop of Canterbury to find ways to encourage the leadership of the Episcopal Church to draw those seeking alternative patterns of oversight into conversation about the way ahead.
- c. The JSC has also expressed its dismay over the continuing use of the law courts in property disputes and request the Archbishop of Canterbury to use his influence to persuade parties to discontinue actions in law.

13. The following are some of the comments that focus particularly on issues of pastoral care for dissenting dioceses and parishes:

- a. "... the provision of 'Episcopal Visitors' proposed by the Presiding Bishop is a positive step forward that recognises the need for pastoral care."
- b. "**Part 2** addresses 'Pastoral Issues' which also received very considerable attention by the Primates at Dar es Salaam but which did not have applied to them any specific time-frame for response." ...

"It should be noted that many across the Anglican Communion, and not merely within The Episcopal Church, have regarded both the interventions of the Primates and particularly the proposals that include a Pastoral Council, as a challenge to the established historic parameters of ecclesiology generally and of Anglican polity in particular. It is refreshing to see that the Joint Standing Committee has recognised the importance of the

initiatives undertaken, of her own motion, by the Presiding Bishop of TEC and I am entirely content to affirm that recognition.”

- c. “As to the proposal on the Pastoral Council and Pastoral Scheme requested by the Primates in their communiqué, we understand fully that those requests would jeopardise the status of TEC’s autonomy, and therefore we would like to endorse the TEC’s idea of alternative pastoral oversight by other bishops under the supervision of the Presiding Bishop.”
- d. “The House of Bishops came up with another internal plan that allows the Presiding Bishop to appoint Episcopal visitors for Dioceses that ‘request’ alternative oversight. This is completely different from the Pastoral scheme recommended by Dar es Salaam.”
- e. “The grossly inadequate and knowingly unacceptable proposal for Episcopal Visitors appointed by the Presiding Bishop after the presentations by Bishop MacPherson and Bishop Duncan and the specific request for the joint-appointing of a Primatial Pastoral Council and Pastoral Scheme at Dar es Salaam cannot but be received as frustrating and not willing to come to terms with the Primates’ concern about the unacceptable pressures imposed on the orthodox bishops and dioceses/parishes to fall in line with with ECUSA’s unilateral innovative policies against discrimination against the gay and same-sex in matters of ordination/consecration and union blessing.”
- f. “The Presiding Bishop, in particular, is to be commended for her self-denial in the generosity of the provisions proposed for the ministry of Episcopal Visitors.”
- g. “The Presiding Bishop’s plan that was endorsed by the Bishops fails to provide adequately for what we described in Dar es Salaam as ‘the faithful’. It doesn’t make sense to leave all control in the hands of offending bishops. Oversight for parishes and dioceses within the Episcopal Church that wish to remain faithful to God’s Word and Communion teaching, the plan authored by the Presiding Bishop and affirmed by the House of Bishops not only bears no resemblance to the Pastoral Scheme we drafted in Tanzania but, worse, it demonstrates an utter disregard for the needs and concerns of those orthodox parishes and dioceses we sought to help.”
- h. “The House of Bishops and the Executive Committee of the Episcopal Church rejected outright the Primates’ proposal for a Pastoral Scheme/Pastoral Council. The alternative offered by the HoB, namely, the Presiding Bishop’s scheme for Episcopal Visitors is not likely to succeed because it places ultimate responsibility on the local diocesan bishop to determine the nature and scope of the proposed oversight.”

Other Issues in Relation to Pastoral Care

14. **Proposal for a Communion-Wide Consultation** – Two Provinces give their support to the recommendation for a Communion-wide consultation with respect to the pastoral needs of those seeking alternative oversight, as well as the pastoral needs of gay and lesbian persons in the Episcopal Church (USA) and in other Provinces. One of these Provinces qualifies its support by insisting that the Episcopal Church must not be allowed to fully dictate the terms and conditions of the consultation. Another Province comments that in the JSC Report the acceptance by the bishops of TEC of a role for ‘communion wide consultation with respect to those seeking alternative oversight, as well as the pastoral needs of gay and lesbian persons in this and other Provinces’ is interpreted in terms only of the situation in TEC, although this must apply, in principle, wherever divisive issues arise in any Province. The implications of such a generalised acceptance of the potential for extra-Provincial interventions within any Province are clear, and furthermore, it is not clear that such a development has been considered or accepted

by any Province, nor could it be demonstrated, without wide-ranging consultation, that such a development commands acceptance and support.

15. **Lawsuits** – One Primate has commented that the HoB did not address the issue fully in regard to the suspension of all legal actions, whilst another states that there is no evidence that the Episcopal Church is putting an end to lawsuits or property disputes.

16. **Interventions** – Three Primates oppose the interventions that have taken place. One of these considers that the ordination of missionary Bishops to minister within the United States to be illegal, regardless of the reasons put forward. The principal comment is that the actions of ‘uninvited bishops’ undermine the possibility of reconciliation. Another Primate comments that ‘there seems much less enthusiasm, on the part of the JSC or the Primates, to press for the need for a moratorium on interventions, less still to insist on withdrawal by those dioceses that have and continue to intervene. In this respect, the balance both of the Report of the JSC and of the Primates’ Meeting seems deeply compromised’.

17. **The Listening Process** – Two Primates support the JSC’s recommendation to intensify the process of mutual listening.

Proposals for Next Steps

18. **The Lambeth Conference**

- a. One Primate commented that the Conference should not just be a gathering for sharing experiences but should meet as a council, in the ‘conciliar tradition’ to openly and honestly discuss and decide what holds us together as the Anglican Communion. Furthermore if the Bishop of New Hampshire is to participate in any way, all canonically consecrated bishops without exception should so be invited as well.
- b. Another suggested that the Lambeth Conference be postponed, because of the current situation in the Anglican Communion, and a fear that the Conference will be overshadowed by human sexuality issues.

19. **The Anglican Covenant**

- a. This is the only concrete step to define and affirm Anglican identity observed one Primate.
- b. Another Primate comments that issues surrounding extra-Provincial interventions is important ‘not just because it impacts upon the management of the current controversies, but also because the succession of Communion-wide initiatives such as envisaged in Windsor to define an Anglican Covenant and consolidate the influence of the Primates’ Meetings is steadily erecting, by precedent, a ramshackle superstructure at odds with Anglican polity and unauthorised by any representative forum. This cannot be a helpful way to proceed. It requires, in particular, an examination of the authority (and only thereafter the power) of Anglican consultative structures.

20. **Primates’ Meeting** - Three Primates requested a Meeting of the Primates to at least attempt to settle this crisis, since it is the Primates’ Meeting which has so far played such a crucial and important leadership role in the process.

21. **Consultation Group** – One Province suggests that a representative group comprising the leadership from the four Instruments of Communion convenes to explore ways and means

of resolving the present difficulties associated with full Windsor compliance across the Communion.

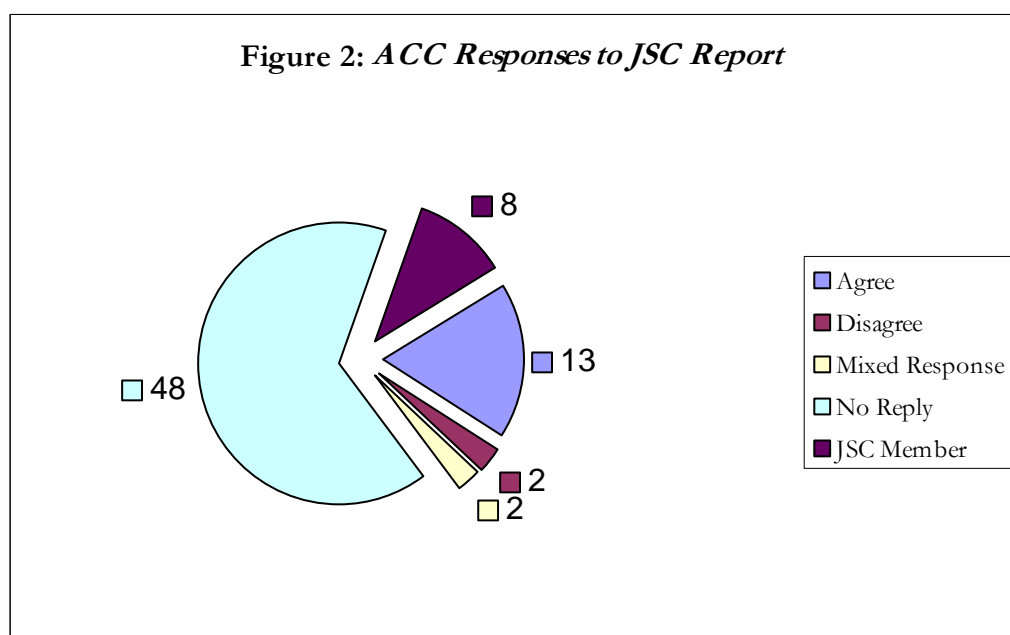
ACC Responses

General Overview

22. Of the approximately 75 ACC members (with existing vacancies in some Provinces and new members being elected to the Council to replace members whose term comes to an end just before the next full meeting, membership numbers will change), 64% of the membership has not replied to the Archbishop's letter of early October. Of the 36% who have replied, the percentage of those agreeing with the findings of the JSC Report is 18%, whilst only 3% have written to say that the Episcopal Church's House of Bishops have not gone far enough in offering the clarifications requested by the Primates' Communiqué from Dar es Salaam. 11% of the membership (eight members) are members of the JSC – one member has replied formally to the Archbishop's letter, of course supporting the conclusions of the JSC Report. (See Figure 2 below for a breakdown of responses.)

23. One ACC member (listed as 'mixed response') wrote to say that he would not be commenting on the Report for several reasons, one being that it is the Primates who requested a response from TEC at their meeting in Dar es Salaam. (This comment is picked up by the member from another Province, who views the Primates as best able to advise on the adequacy of the HoB's response and the JSC's initial response.) The other response listed as 'mixed' concludes that it would appear that the JSC Report's assessment that the requests of the Windsor Report have been met in regard to ordination to the episcopate, but the response to the issue of Public Rites of Blessing for same-sex unions is less clear cut.

24. One of the reasons behind the higher percentage of positive responses to the JSC Report may be that two Provinces have sent joint responses from their ACC members.



Specific Points

25. A number of specific issues are raised by correspondents some of which mirror comments made by some Primates, and others relate directly to the polity of the Episcopal Church, and also issues of governance within the Anglican Communion.

26. **Lawsuits** It was noted that the JSC report did not address the legal actions against dioceses and parishes over property disputes.

27. **Interventions**

- a. The incursion by un-invited Bishops to other Provinces and Dioceses is a matter of concern and needs to be addressed in an honest way.
- b. One member considers that more importance is being attached to boundaries than warranted. They comment that it is a Christian imperative that the conscience and wishes of those who have appealed for pastoral oversight from outside TEC be heard and understood, and cites Europe as an instance where there is fluidity with regard to oversight and jurisdiction.

28. **Role of Primates within the Anglican Communion**

- a. One correspondent has voiced his disquiet at the role that the Primates' Meeting has taken to itself without endorsement from the wider Communion. Another supports these comments and adds that the process of consultation is in some ways unnecessary, preferring that the Anglican Communion moves forward in the light of the JSC's assessment.
- b. As commented upon previously, two correspondents have commented that any response to the JSC Report should come from the Primates. A third JSC member proposes that another Primates' Meeting should be called to study and review the response of the TEC House of Bishops.
- c. The ACC members from one Province consider it unwise and unacceptable to include the Primates as additional members of the ACC, since this would not only lead to increased unwieldiness, but also risks diluting the effectiveness of the ACC by diverting it from its primary responsibilities.
- d. An ACC member from another Province notes that the Archbishop of Canterbury, Lambeth Conferences, and the Primates may issue individual opinions concerning these matters, but once the decisions or issues are referred to the ACC and a decision is taken by that body, it then has to be respected and accepted by all concerned. All the necessary reports should therefore be referred to the ACC for consideration at its next meeting.

29. **Other Issues Concerning Governance**

- a. One member is concerned that the questions and assurances emerging from the Primates' Meeting were directed to the TEC's House of Bishops whilst decisions for the Church are made by a central decision-making body of democratically elected bishops, priests, deacons, and lay people, and it is thus difficult for the House of Bishops to give assurances for their whole Church.

- b. The member further expresses concern that a new governance model is being developed for the Communion that has no stated organising principle or core values (at least until there is an agreed upon Covenant), and that documents and resolutions are being given status that they did not claim when developed (e.g. LC1998 1.10).
 - c. Another ACC member comments that the JSC Report covers issues relating to TEC as observed and decided by their House of Bishops. However, TEC is said to be synodically governed and episcopally led, and as such it means that the three sections of the Church (the Houses of Bishops, Clergy, and Laity) should be the ones meeting as one body to issue any direction or policy.
30. **Anglican Covenant** - It will be important for all member churches and Provinces to consider and refine the Covenant if at the end of the day it is to be life giving rather than a device used to measure who belongs to the Anglican Communion.

Lambeth Palace
20/11/07