



Review of the Work of The Archbishop of Canterbury's Panel of Reference

At their meeting in Dromantine in February 2005, the Primates accepted that in the Anglican Communion there was a pressing need to address those situations of serious conflict in the Anglican Communion, where parishes were “in serious theological dispute with their diocesan bishop or dioceses in dispute with their Provinces”.¹ The desire of the Primates was to find a way to support the integrity and legitimate needs of such groups, by setting up a Panel which could “supervise the adequacy of pastoral provisions made by any churches”² in line with the request of the Lambeth 2003 Primates’ Meeting that “the provinces concerned ... make adequate provision for episcopal oversight of dissenting minorities within their own area of pastoral care in consultation with the Archbishop of Canterbury on behalf of the Primates.”³

The Panel of Reference has always had therefore a very limited primary brief – “to supervise the adequacy of pastoral provisions made by any churches” for a dissenting group within its diocesan or provincial life. When the Archbishop of Canterbury issued the mandate of the Panel in May 2005, he added to this brief, allowing that the Panel might be called upon to mediate in other situations, but specifically mandating the Panel to respond in two ways:

1. At my request, to enquire into, consider and report on situations drawn to my attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities
2. With my consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned.

Meetings

The Panel of Reference works largely by email, but has held three plenary meetings in London at the Anglican Communion Office, July 2005, May 2006 and May 2007.

When the Panel held its first meeting in July 2005, it formally accepted its mandate to look into situations where the adequacy of pastoral provision might be disputed, undertaking to report on those situations, and, with the explicit consent of the Archbishop of Canterbury in each case, to make recommendations on how any particular situation, and the provisions proposed in those situations, might be developed to accommodate the integrity and legitimate needs of those appealing to the Archbishop for the Panel’s intervention.

¹ Dromantine Communiqué, paragraph 15.

² *ibid*

³ Porto Alegre Pastoral Letter.

It also recognised that there was often an urgent pastoral need to seek to encourage both parties to engage in a Christian and conciliatory way with one another in the spirit of the Gospel.

Nevertheless, it is worth saying clearly here what the Panel is not empowered to do – since it has been criticised by some for not doing it: The Panel is not empowered to invent any new schemes of alternative ecclesiastical or jurisdictional structures, nor empowered to arbitrate nor to offer any ruling within any particular situation. It can only ask: what are the legitimate needs in this situation? What pastoral provisions would be adequate to meet those needs?

Given its very specific role, the purely advisory nature of the Panel's work, and the difficult and sensitive material with which the Panel would have to deal, the Panel decided at its first meeting that it could not consider references whilst parties were engaged in other legal or disciplinary proceedings; the danger of trying to compete with, second-guess or even be used as a tool in legal processes being all too evident.

On 24th October 2005, the Archbishop of Canterbury made three references to the Panel:

1. The appeal of six parishes in the Diocese of New Westminster represented by an organisation called “The Anglican Network in Canada”, alleging that the pastoral provisions proposed by the Bishop of New Westminster for those parishes was not adequate, given the serious theological dispute that they had with him.
2. The appeal of the Diocese of Fort Worth in the Episcopal Church (USA) alleging that the Canons of the Episcopal Church could be used against the Diocese in such a way that their legitimate theological opinions (against the ordination of women to the priesthood and episcopate) could be overridden.
3. The appeal of six parishes in the Diocese of Connecticut for adequate alternative episcopal oversight in a situation of serious theological dispute with their bishop.

New Westminster

Lambeth Palace released the report of the Panel on 13th October 2006, just short of twelve months after receiving the reference from the Archbishop of Canterbury. It recommended the appointment of the local regional Primate to shared episcopal oversight in the Diocese of New Westminster, with certain safeguards in order to offer adequate protection on the specific concerns of the six parishes.

It had proved to be a long and arduous process. In the first place, there had been a lack of clarity from very early on concerning the identity of those making the complaint. The Panel's procedures explicitly stated that where a reference was made on the basis of a parish being in dispute with its bishop, the complaint was to be made “in the name and over the signature of those authorised by the congregation”. This information was not provided to the Panel until 15th March 2006, and only then could the work of the Panel fully proceed. A draft report was prepared within two months - by the end of May 2006. During its second meeting that month, the Panel received a request to receive the representatives of the Parish so that they could give evidence directly. The Panel decided that it would be wrong to hear the representatives of one

side without giving equal opportunity of access to the other, and consequently two of the Panel's members travelled to New Westminster in late July to discuss the draft report, and to hear further from the parties directly. It was submitted to the Archbishop of Canterbury one month later at the beginning of September 2006.

Fort Worth

The Report of the Panel was released by Lambeth Palace on Monday, 7th January, 2007. The report recommended a clarification of the canon law of the Episcopal Church in line with the opinion offered by the then Presiding Bishop Frank Griswold that the provisions for the ordination of women did not in fact require any bishop to ordain women to the priesthood, or any parish to receive the ministry of ordained women, but to ensure that no woman was denied the opportunity to explore vocation to priesthood nor any parish denied the opportunity to receive the ministry of a female incumbent. It further proposed that while the ordination remained in an open process of reception within the Communion, it would not be appropriate to offer objections to the confirmation of an episcopal candidate, based upon the fact that his theological views precluded the ordination of women.

This reference had also been subject to severe delays in process. It had taken until the end of April 2006 to secure specific answers from the Presiding Bishop to the material presented on behalf of the diocese, and a further four months to prepare a draft report. The consultation process then required further conversation with the Presiding Bishop and with the Bishop of Fort Worth, and that the new Presiding Bishop be fully informed before the report could be released. This concluded a process lasting some fifteen months.

Connecticut

Work proceeded on this reference from the time of its referral until 9th January 2006, when the Panel was informed that the matter was now subject to a federal law suit pursued by representatives of the parishes. The Panel therefore surrendered the reference back to the Archbishop of Canterbury in accordance with its published procedures, and Lambeth Palace relayed this fact to the person with whom it had been corresponding on the matter, and proposed that the reference could only continue when the matter of the federal law suit had either been discontinued or had been resolved. It subsequently transpired that there was some dispute as to the identity of the official spokespersons on behalf of the parishes. The matter has not been referred back to the Panel for any further consideration.

Further Work

In May 2006, the Panel of Reference held its second plenary meeting. It had become quite clear from the first three references that processes were unwieldy and difficult. This partly arose from the deeply conflicted and confrontational nature of the situations which the Panel was asked to address, and partly from the difficulty, even with present-day means of communication, of garnering responses and contributions from the members of the Panel and from the parties to a reference, given that they are widely dispersed around the world, and particularly from the limited amount of staff support that could be given to the Panel from ACO. The Panel refined its working procedures in the light of experience, and carried forward work on the remaining two references.

In addition, the Archbishop of Canterbury offered at that meeting, on 11th May, two further references; from Lake Malawi and from the Diocese of Florida.

Lake Malawi

The situation here arose from the contested decision of the House of Bishops of Central Africa not to confirm the election of a candidate as bishop of the diocese. After some initial work by the Panel, the Archbishop of Canterbury asked for suspension of work on the reference, on the grounds that other initiatives were moving forward to settle the situation by pastoral or internal mechanisms in the Province of Central Africa. The Panel has not therefore proceeded with its deliberations on this reference.

Florida

A reference was made by the Archbishop in May 2006, which combined two requests from the Diocese of Florida. In the first place, the Parish of the Redeemer in Jacksonville asked the Archbishop to refer its situation to the Panel. They had sought to transfer their jurisdiction to the Anglican Church of Uganda, and the diocese was now moving to recover the church property which it believed was the legitimate property of the diocese. For its part, the Diocese was asking for a reference to the Panel since it believed that the intervention of the Diocese of Madi West Nile in the Province of Uganda was a breach of the undertaking by the Primate of Uganda at Dromantine not to support or to initiate cross-boundary interventions.

In spite of the fact that the situation was subject to civil proceedings, the Panel decided to accept the Archbishop's Reference and in late September 2006, two members of the Panel paid a visit to North Florida to meet the parties associated with the case.

They submitted a draft report in October, but it has proved a difficult and intractable process to arrive at a settled text and resolutions. The situation itself is one in which two apparently irreconcilable accounts of the events surrounding the dispute are held by the parties. It is also unclear whether the Parish has irrevocably removed itself from the jurisdiction of the Bishop of Florida. The Panel published its report on 27 February 2007, recommending a form of extended episcopal ministry. Since then a civil action in relation to ownership of church property has been resolved in favour of the diocese, and the parish appears to have decided that it cannot in conscience continue in communion with the Diocese or The Episcopal Church.

Reflections on the Panel's Work.

The Panel has now been operating for close to two years. In that time, it has received five references, of which three have remained within the Panel's brief, and two were recalled by the Archbishop. All three reports have been published, and no further references from the Archbishop of Canterbury have yet been received.

It is important to note that reports are actually only the tip of an iceberg of extensive work, in which the chief priorities of the Panel members have been to be as thorough as possible, to be fair, and to ensure the opportunity of hearing both parties. In this work, we have been supported by staff in the Anglican Communion Office (Gregory Cameron, Terrie Robinson, Christine Codner), who have had to take on servicing the Panel in addition to their other, already onerous, duties. We are also grateful to have

had the assistance of Dr Brian Hanson, and the legal advice of Canon John Rees. The Panel does not have the resources to take on a high level of independent research, and has to rely largely on the submissions made to it.

Even so, it is clear that the Panel could do with far greater resourcing if it is to develop and improve its work. References are time-consuming and complicated; the members are scattered across different time-zones, and the parties often highly committed to their own wide-ranging responsibilities. The situations which have to be addressed are often politicised and subject to the attention of the media. In all these circumstances, I believe that the Panel has been faithful in discharging the duties assigned to it, in spite of criticism which is often based on a misapprehension of its purpose, or a lack of comprehension about both the situations it addresses and the constraints under which it works.

Its members and staff remain dedicated and ready to use their best efforts to continue to serve the Communion in the context of some of the most difficult situations it has ever had to face.

+Peter Carnley
Chairman
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