

Work of the Statute Revision Continues

At its meeting on Thursday, March 19, 2015, the Holy Synod of Bishops of the Orthodox Church in America, determined that the process of revising the Statute of the Orthodox Church in America would continue. The Holy Synod came to this decision with the realization that the proposed Statute was presented to the Church at a busy time of the year and during Great Lent, and recognizing the many commitments of the clergy and laity during this time. The Holy Synod nevertheless expressed its unanimous support for the Statute revision process to go forward, believing the revision of the Statute to be an urgent matter in the life of the Church. Individual members of the Holy Synod presented reviewed texts to Archpriest Alexander Rentel, Secretary of the Statute Revision Task Force, with their comments and criticism on the proposed text.



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The Statute revision process is a three-part process. The first part began in Fall 2013, when the Holy Synod formed the Statute Revision Task Force, which drafted the proposed text. This first part ended in January 2015 when the Task Force completed work on the majority of the articles. In mid-February the Holy Synod blessed the posting of the draft text for review and comment by the Church and opened the second part of this process. Over the course of sixty days, the clergy and laity of the Church have been asked to offer feedback. This second period will continue until April 21, ninety days prior to the beginning of the All-American Council in Atlanta. Finally, the final text of the proposed Statute will be distributed to the Church for another sixty days prior to the beginning of the Council, as required by Article XIII of the current Statute.

During its meeting the Holy Synod also participated in the process of Statute revision by making the following decisions that belong to its competency:

- The title of the Metropolitan would remain as it is currently, “Metropolitan of All American and Canada,” and not the proposed change, “Metropolitan of the United States and Canada.” (See Article IV, Section 1, and Article IV, Section 4)

The Task Force had proposed this change in order to reflect more closely the political reality of the countries where the Orthodox Church in America finds itself, but the Holy Synod decided to maintain the title as was given to Metropolitan Ireney in the *Tomos* of Autocephaly (<http://oca.org/history-archives/tomos-of-autocephaly>).

- The title of the Metropolitan’s diocese was confirmed and will be known as the “Archdiocese of Washington.” (See Article IV, Section 1 of the draft Statute)

In the current Statute, the title of the Metropolitan's diocese is not mentioned. The Task Force thought it best to include it in the Statute so as to enshrine the canonical principle that the primate of the Holy Synod be the bishop of the chief city of the territory (cf. Antioch 9).

- The requirement that a nominee for the Office of the Metropolitan must have at least three years of episcopal ministry in the Orthodoxy Church in America. (See Article IV, Section 4)

In this last decision, the Holy Synod has followed both canonical precedent and the example of other local Orthodox Churches. While no canon within the tradition speaks directly about the election of the first hierarch, or primate of a synod, numerous canons do direct that a man must go through all the ranks of the clergy, in an unhurried manner, proving himself at each step, before advancing to the next (Sardica 10, Primasecunda 17). Likewise, Article IV, Section 17 of the Ustav of the Moscow Patriarchate requires that a candidate be a bishop of the Russian Orthodox Church, have a higher theological education and sufficient experience in diocesan administration and to be distinguished by his adherence to canon law and order, and be at least 40 years old (see here: <http://www.patriarchia.ru/db/text/133121.html>). Article 42 of the Constitution of the Serbian Orthodox Church requires that the candidate for patriarch must be an active diocesan hierarch for five years (<http://www.spc.rs/eng/church>).

Prior to the meeting of the Holy Synod, Archpriest Alexander Rentel participated in three different Town Hall style meetings to present the Statute revision process to clergy and faithful, to answer questions, and to solicit their comments about the draft text of the Statute. On Thursday, March 5, Fr. Alexander traveled to Syracuse, New York, to meet with Upstate New York Deanery of the Diocese of New York and New Jersey. He first met with deanery clergy and then with clergy and faithful in a Town Hall meeting. In a very productive meeting, the deanery clergy presented Fr. Alexander with a number of their concerns regarding specific points in the proposed draft of the Statute. Among other things, the deanery clergy pointed to the following:

- The phrase in Article I, "...freely associate themselves with [the Orthodox Church in America] within the United Mexican States." The deanery clergy offered helpful suggestions that would better express the relationship between the Diocese of Mexico and the Orthodox Church in America, pointing especially the language found in the *Tomos* of Autocephaly found in point 7 of the *Tomos* (<http://oca.org/history-archives/tomos-of-autocephaly>).
- The new draft Article on Church Courts, proposed Article XV. The clergy felt that not enough protection was accorded to the accused in this draft, unlike the current Statute, in Article XI, Section 4.

Fr. Alexander recorded these concerns and any number of other helpful criticism for further consideration by the Commission on Canons and Statutes, which, according to

Article XIII of the current Statute, is the Statutory body charged with preparing the final draft of the proposed Statute for consideration at the All American Council in Atlanta.

On Sunday, March 8, His Beatitude Metropolitan Tikhon and Fr. Alexander participated in a Town Hall Meeting in the Archdiocese of Washington. As in Syracuse, Fr. Alexander discussed the Statute revision process, answered questions on the process, and took notes and received valuable feedback on the draft text. One of the members of the Archdiocese, a lawyer, even presented Fr. Alexander with a completely reviewed text, with his notes and comments and criticisms in the margins. During this Town Hall meeting, among other things, Fr. Alexander's attention was drawn to the following points:

- The need for further clarity on the role of alternate members of the Metropolitan Council. (See Article V, Section 2-3)
- It was pointed out that in the proposed Article III All-American Council, Section 5.h the word "member" is used without any prior definition.

Along with these matters, the conversation in Washington at this gathering covered a wide array of matters regarding the proposed Statute text.

On Monday, March 16, Fr. Alexander participated in a Town Hall meeting in Jersey City, New Jersey, with the New Jersey Deanery of the Diocese of New York and New Jersey. At this meeting especially, the reasonable concern of many clergy was discussed that there is not sufficient time to properly consider and comment on the proposed Statute revision in the sixty days from its posting in February until April 21, when the proposed text must be submitted to the Commission on Canons and Statutes for its final consideration. The members of the deanery asked Fr. Alexander to relay their concerns to the Holy Synod, which he did. As mentioned, the Holy Synod nevertheless decided to go ahead with this process believing that the revised Statute was urgently needed in the life of the Church.

The need for Statute revision is clear. The current Statute was adopted by the Second All-American Council over the course of deliberations from October 19-21, 1971. Subsequently it has been amended many times at different All-American Councils. In the intervening forty years, however the Statute has not undergone a thorough review in order to discover any possible contradictions between the original Statute and any new amendments.

A greater challenge for the Statute revision process becomes apparent when one reads through the Statute and realizes that the Statute as a whole do not comprehensively reflect the life of the Church in America or her task. In other words, the statutory language often presupposes only parochial institutions. Little is said with regard to stavropegial or diocesan institutions, or even monasticism, even though all of these are part of the life of the Orthodox Church in America. Likewise the current Statute does not describe the role of the chancellor or other members of the Chancery office in the

proper administration of the Church. Additionally, the Statute has to be updated to reflect the move towards proportional giving and away from assessments as required by the resolutions adopted at the 16th All-American Council in Seattle in 2011.

Additionally, the Statute lacks specificity not necessarily in terms of details, but in the legal precision of statutory language. In recent years the civil courts, when called upon to adjudicate matters involving religious groups, have begun favoring interpretations based on neutral principles of law and moving away from deference shown to the decisions made by the proper authorities of a hierarchical Church. In terms of the question of property, steps towards resolving certain issues were addressed in the Property Held in Trust Resolution, passed on July 23, 2002, at the 4th Plenary Session of the 13th All-American Council in Orlando, Florida. Nevertheless, this necessary resolution has to be reconciled with the existing Statute. What is further, in light of the tendency of neutral principles of law, similar legal precision needs to be brought to every part of the existing Statute.

Finally, the time seems right for revising the Statute. The Orthodox Church in America is experiencing a moment of stability, and demonstrating a reasonably healthy disposition wherein we can as Church undertake the process of revising our binding document for our internal governance. As a Church, we can give thanks to God that he has granted us this period of relative tranquility, during which we can openly discuss, argue, compromise, carry a point, consider an issue carefully, learn a lesson from our recent challenges, and ultimately come to a better document that can guide the internal life of the Orthodox Church in America.