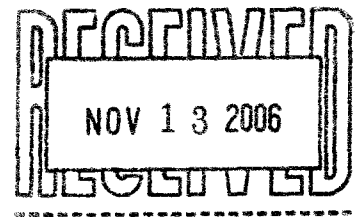


PRIMATE OF AUSTRALIA



26 October 2006

The Most Rev'd Drexel Wellington Gomez
Archbishop, Church in the Province of the West Indies
PO Box N-7107
Nassau
BAHAMAS

Dear Drexel

At its October meeting, the Standing Committee of the General Synod of the Anglican Church of Australia requested me to provide all primates with copies of a report presented to it by a group convened to consider the Windsor Report.

I enclose a copy of that report and of a draft covenant prepared by the group.

The group felt that the Constitution of the Anglican Church of Australia might provide a useful model for a covenant for the Communion, given that it was so long (sixty years) in development and, since its inception, has held Anglicans of a wide diversity of backgrounds and persuasions in some sort of unity.

In addition to modelling itself upon the Australian Constitution, the draft covenant reflects the common themes that have emerged from the discussions of the group. The group felt that the Australian church, at least, would be most likely to adopt a covenant which provided for:

- the holding together of provincial autonomy with a mutually professed provincial preparedness to self-limit and to wait upon one another;
- the conciliar tradition within Anglicanism as expressed through synodical processes and as reflected in limitations upon the exercise of coercive power;
- dispersed authority expressed in autonomous national churches rather than central institutions;
- the development of consultative and advisory roles rather than juridical power within the instruments of communion;
- the need for clarity about the operation of the principles of *adiaphora*, *subsidiarity*, *reception* and *provisionality*, and in particular about the interplay between *adiaphora* and *subsidiarity*;
- the need for mechanisms to allow for appropriate expressions of disagreement and conflict; and

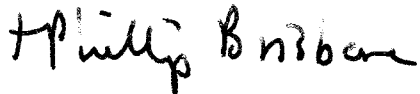
- a focus which is outward and founded in mission.

I have been heartened by the response of Standing Committee to the report and to the draft covenant. An initial air of scepticism gave way during the course of our discussions to a unanimous statement of support for the direction taken in the draft covenant. Indeed, more than one participant commented that a previously-held conviction that no proposed covenant could ever hope to win support across the Australian church had been altered as a result of reading this draft.

Given that the Australian church comprises adherents of the full spectrum of Anglican theological and ecclesiological views, I am hopeful that the degree of unanimity reached here augurs well for the prospects of this draft covenant, and the principles which it reflects, finding broad-based approval around the Communion.

I commend the report and draft covenant to your attention and would be grateful for any comments that you might wish to make in response.

Yours in Christ

A handwritten signature in black ink, reading "Phillip Aspinall". The signature is written in a cursive, slightly slanted style.

The Most Rev'd Dr Phillip Aspinall
Primate of Australia

**Draft submitted by the Anglican Church of Australia
October 2006**

A COVENANT FOR THE ANGLICAN COMMUNION

Preamble: WHEREAS the Lambeth Commission on Communion, in the *Windsor Report* 2004, recommended, and urged the primates to consider, the adoption by the churches of the Communion of a common Anglican Covenant which would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion, and
WHEREAS the Primates in their 2005 Communiqué commended the proposal for an Anglican Covenant as a project that should be given further consideration in the Provinces of the Communion and asked the Archbishop of Canterbury to explore ways of implementing such further consideration, and
WHEREAS the Provinces of the Communion have engaged in further consideration of the proposal for an Anglican Covenant,
The Provinces of the Communion now agree to enter into an Anglican Communion Covenant in the following terms.

PART 1 DEFINITIONS

1. **‘The Anglican Communion’** means the member churches of the Anglican Communion, being those churches party to this covenant
‘instruments of communion’ means the Archbishop of Canterbury, the Lambeth Conference of Bishops, the Anglican Consultative Council and the Primates’ Meeting
‘The Member Churches’ means the member churches of the Anglican Communion, being those churches party to this covenant
‘Member Church’ means a member church of the Anglican Communion, being a church party to this covenant
‘Reception’ means a process of testing whether a controversial development or action, not yet approved by the Anglican Communion but nevertheless arising within a province by legitimate processes, might gradually, over time, come to be accepted as an authentic development consistent with the faith as it has been received by the Anglican Communion.

PART 2 FUNDAMENTAL DECLARATIONS

2. The Anglican Communion, a fellowship of churches, each of which is a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles’ Creed.

3. The Anglican Communion receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.
4. The Anglican Communion will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

PART 3 RULING PRINCIPLES

5. The Member Churches, being the Church of England and churches derived from the Church of England, retain and approve the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but each Member Church has plenary authority at its own discretion, to make statements as to its faith ritual ceremonial or discipline and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by its Constitutions and laws. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in the Anglican Communion, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.
6. Subject to the Fundamental Declarations and the Ruling Principles, Member Churches have plenary authority and power to make canons, ordinances and rules for their own order and good government, and to administer their own affairs.
7. The Member Churches covenant to remain and be in communion with the Church of England in England and with each other, so long as communion is consistent with the Fundamental Declarations contained in this Covenant.

PART 4 THE MISSION OF THE ANGLICAN COMMUNION

8. The Member Churches affirm that they enter into this covenant in order that their common mission, which is the Mission of Christ to proclaim the good news of the Kingdom of God, and in particular to:
 - teach, baptize and nurture new believers;
 - respond to human need by loving service;
 - seek to transform unjust structures of society;
 - strive to safeguard the integrity of creation and sustain and renew the life of the earth;

- worship and celebrate the grace of God; and
 - to live as one, holy, catholic and apostolic church;
- might thereby be enriched and magnified to the Glory of God.
9. The Member Churches acknowledge that their common mission is a mission shared with other churches not party to this covenant.

PART 5 THE GIFT OF COMMUNION

10. The Member Churches acknowledge that their communion is a gift from God.
11. The Member Churches, by entering into this covenant, undertake to be stewards of God's gift of communion to the Anglican Communion.
12. The instruments of communion of the Anglican Communion are charged to support and nurture the Member Churches and the bonds of communion and affection amongst them.
13. The Archbishop of Canterbury enjoys a primacy of honour and is a personal sign of our communion. The Archbishop of Canterbury has the power to invite and to decline to invite the bishops of Member Churches to the Lambeth Conference, but has no further power or jurisdiction in respect to Member Churches, other than the power to advise, consult, mediate, encourage and counsel.
14. The Lambeth Conference of Bishops, called together and presided over by the Archbishop of Canterbury, expressing episcopal collegiality worldwide, gathers for common counsel, consultation and encouragement and to provide pastoral direction to the whole Communion.
15. The Anglican Consultative Council has such membership and functions as are prescribed by its constitution, provided that it holds no power or jurisdiction in respect to Member Churches other than the power to advise, consult, mediate, encourage and counsel.
16. The Primates' Meeting, presided over by the Archbishop of Canterbury, assembles for mutual support and counsel, monitors global developments and exercises collegial responsibility in doctrinal, moral and pastoral matters, provided that it holds no power or jurisdiction in respect to Member Churches other than the power to advise, consult, mediate, encourage and counsel.

PART 6 EXERCISE OF AUTONOMY IN COMMUNION

17. Autonomy, the right of a church to self-government, as expressed in Part 3 of this covenant, is a traditional principle of Anglicanism. The principle of autonomy implies also the principle of subsidiarity, that decisions should be made as close to

the local level as possible. By entering into communion, autonomous churches accept certain constraints upon the operation of the principles of autonomy and subsidiarity.

18. Member Churches, by entering into this covenant, freely undertake, as mutual gift, to self-limit the exercise of autonomy where to do so is in the interests of the Communion.
19. Where a Member Church is uncertain whether the interests of the Communion call for an exercise of self-limitation, that church should seek the advice of other Member Churches and of the instruments of communion.
20. Member Churches and the instruments of communion may give advice about the interests of the Communion, but may not require self-limitation on the part of one or more Member Churches in any situation.
21. A Member Church should not lightly take action contrary to the advice of other Member Churches or the instruments of communion in relation to the interests of the Communion.
22. A Member Church may propose a matter for Reception. The proposal should be preceded by theological debate and discussion within that church. If a determination is made by the Member Church that the matter is one which may properly be pursued under the terms of that church's Constitution and laws, but that its pursuit would be a controversial development within the Anglican Communion, the Member Church should propose a process of Reception and seek the advice of other Member Churches and of the instruments of communion.
23. Member Churches and instruments of communion may advise a Member Church whether a matter is suitable for a process of Reception, however Member Churches and instruments of communion may not require a process of Reception. In giving advice, Member Churches and instruments of Communion should consider whether the development or action:
 - Is one about which the Anglican Communion has not so far clearly expressed its mind.
 - Is one about which the Anglican Communion has previously expressed its mind, but in respect of which at least one Member Church and one of the instruments of communion are in favour of further consideration.
 - Is not explicitly against current Anglican teaching.
 - Is consistent with the Fundamental Declarations contained in this covenant.

- May be seen to preserve the essential principles of existing Anglican teaching.
 - May be seen to bring about a convergence or the uniting of accepted doctrines, ideas or principles.
 - A proposed development or action has been subject to sustained theological debate and discussion at both Provincial and Communion levels.
 - Has been the subject of consultation and advice from throughout the Communion through its instruments of communion.
 - Has been informed by ecumenical consensus, with the initiatives, debate and scrutiny of other churches having been taken into account.
24. A Member Church should not lightly take any action in relation to a matter about which it has been advised by one or more Member Churches or by one or more of the instruments of communion that a process of Reception would be inappropriate.
25. If a Member Church is advised that a process of Reception is appropriate in respect of any proposed development or action, it may take the action proposed, taking into account all recommendations made by other Member Churches or the instruments of communion. The actions should be followed by further consultation, both within the Member Church and within the Communion, to assess the extent to which consensus is or is not emerging in relation to the development or action.

PART 7 DISAGREEMENT AND CONFLICT

26. A Member Church should as far as possible act to promote the bonds of affection and communion of the Anglican Communion and should as far as possible refrain from taking any action which is likely to injure those bonds.
27. Member Churches acknowledge that discord and conflict will arise from time to time within the Anglican Communion and that the expectations of Member Churches, of themselves and of each other, will not always be met.
28. No Member Church or instrument of communion has the power to expel a Member Church from the Anglican Communion.
29. A Member Church may withdraw from the Anglican Communion, provided that no Member Church should withdraw without first seeking the advice of other Member Churches and the instruments of communion. A Member Church should

not withdraw from the Communion against the advice of other Member Churches or of the instruments of communion.

30. A Member Church has, subject to the undertakings made by entering into this covenant, autonomy in respect of its relationships with other Member Churches, and may withdraw from or place constraints upon communion with another Member Church, but a Member Church should not do so without first seeking the advice of other Member Churches and the instruments of communion.
31. The instruments of communion may be asked to mediate in situations of disagreement or conflict between Member Churches.

RESPONSES OF THE WINDSOR REPORT WORKING GROUP TO THE REQUESTS OF STANDING COMMITTEE OF GENERAL SYNOD

SC2006/1/004 (1): *That a group be asked to consider the Windsor report, as requested by the Primates' Meeting of 2005, the reports from the dioceses in response to the Windsor Report, and to evaluate the capacity of the Anglican Church of Australia to make a statement about its commitment to the interdependent life of the Anglican Communion.*

The theological principle of “interdependence” within Anglicanism is derived from an ecclesiology of visible unity and the full communion that expresses it. It also belongs to the area of missiology, as becomes clear in clause B46 of the Windsor Report:

Our communion enables us, in mutual interdependence, to engage in our primary task, which is to take forward God's mission to his needy and much loved world.

In the Windsor Report, the concept of “interdependence” does double service. It bears this ecclesiological and missiological sense, whilst also functioning as a basic principle for decision-making within the Anglican Communion. This basic principle is a paradoxical one, which aims to hold in tension the twin realities of autonomy and co-operation. It is thus variously expressed as “a limited freedom” (WRB74), “autonomy in communion” (WR B75) and “freedom in relation” (WR B80).

Of the 23 dioceses of the Anglican Church of Australia, 18 responded to a request from the Primate to respond to the Windsor Report. Four additional papers were received, either independently, or appended to diocesan responses. The Working Group considers that this significant response rate (78% of dioceses) means that it is possible to begin to make some evaluation of the commitment of the Anglican Church to the concept of the interdependence of the Anglican Communion.

Fifteen of the eighteen respondents were strongly supportive of the Windsor Report's presentation of an understanding of Anglican unity. It is therefore possible to say that an Anglican theology of unity based on imperatives within Scripture (WR A1-5) and on the very nature of the triune God is generally supported by the Anglican Church of Australia.

Two responses questioned the nature of unity as it is expressed in the WR. One suggested that unity ought to encompass a sacramental self-understanding, and another critiqued the reliance on the imminent Trinity as a basic theological model for unity, arguing that “unity” is thereby idealised.

There was also support for the concept of “interdependence” as it is presented in the Windsor Report (fourteen out of eighteen dioceses). One main principle that was strongly expressed, however, is that no attempt should be made to centralise the decision-making processes of the Communion, as this would change what is

central to Anglican ecclesiology, and thus “subvert the genius of Anglicanism.” It is perceived by some that the interplay of the concepts of subsidiarity and *adiaphora* posited in the Windsor Report effectively creates that shift in ecclesiology. The workability of a more centralised model for decision-making was also questioned, as was the mode of classification of a question as ‘*adiaphora*’.

The Windsor Report suggested that the strengthening of the established “instruments of unity” is essential for maintaining interdependence. The response to this suggestion from the dioceses was very mixed, with seven dioceses expressing strong opposition to any strengthening of the instruments of unity, generally because of concerns about a “centralising” shift in Anglican polity which would undermine provincial and diocesan autonomy. However, four dioceses strongly supported some strengthening of the instruments. Another four dioceses supported only cautiously the strengthening of the instruments of unity.

In the light of these responses, the Working Group recognises a substantial degree of support within the Province for Anglican understandings of unity and of “interdependence” as they are expressed in the Windsor Report. The group also recognises a deeply divided response to the Windsor Report’s proposal for the strengthening of the instruments of unity. To a large degree, however, the opposition to this proposal is focussed upon the giving of increased juridical powers, leading to a further centralisation of the Communion, and decreased levels of autonomy for national churches. The responses indicate that support for the strengthening of the instruments might be more broadly based if powers conferred were of an advisory nature only.

Given the substantial degree of support for these expressions of unity and “interdependence”, the Working Group believes that the Anglican Church of Australia has the capacity to make a statement about its commitment to the interdependent life of the Anglican Communion. The making of a covenant might be a means by which such a statement could be made. However, it is the view of the Working Group that the Anglican Church of Australia would be unlikely to make a statement of commitment to an interdependent life of the Communion which did not reflect:

- The holding together of provincial autonomy with a mutually professed provincial preparedness to self-limit and to wait upon one another;
- The conciliar tradition within Anglicanism;
- Dispersion of authority to autonomous churches and away from central institutions;
- The conferral of advisory rather than juridical power upon the instruments of unity;
- The need for clarity about the operation of the principles of *adiaphora*, *subsidiarity*, *reception* and *provisionality*, and in particular about the interplay between *adiaphora* and *subsidiarity*;

- The need for mechanisms to allow for appropriate expressions of disagreement and conflict; and
- A focus which is outward and founded in mission.

SC2006/1/004 (2): *That this group be asked to examine concepts such as “adiaphora,” “subsidiarity,” “reception” and “provisionality,” and request greater refinement of meaning from the Communion where appropriate.*

“adiaphora” and “subsidiarity”

The Windsor Report defines as adiaphora (in Para. 87) “things which do not make a difference, matters regarded as non-essential, issues about which one can disagree without dividing the church.” The Anglican Church has traditionally combined the principles of adiaphora and subsidiarity in order that matters considered adiaphora might be decided as close to the local level as possible (ie: by the affected national church). Prior to the Windsor Report it was generally understood that it would be for the national church to determine whether or not a matter was adiaphora, and therefore whether it could itself decide the matter. The Windsor Report, however, is not entirely clear about the way in which these two principles relate. Para. 94 discusses the relationship between the two principles and poses the question “how does one know, and who decides, where on the sliding scale a particular issue belongs?” No clear guideline for the determination of this question is offered. Two particular statements within the Windsor Report, however, suggest a view that it is appropriate that central bodies, rather than national churches, make determinations about what matters may be termed “adiaphora”. Para. 94 goes on to say:

“In many cases an obvious prima facie case exists of sufficient controversy, both locally and across the Communion, to justify, ..., reference to the wider diocese or province, or even to the whole Communion.”

More significantly, in para. 82, the authors of the Windsor Report suggest that questions such as which matters are likely to be critical to the maintenance of communion, and which likely to harm the common good of the Anglican Communion and of the Church universal, are appropriately to be determined by the instruments of communion. Unfortunately, the Windsor Report is not clear about what is meant by this, and upon what basis the Instruments might be seen to have the authority to make such determinations.

The combined effect of the Windsor Report’s silence about the ability of a national church to make a determination about whether a matter is adiaphora, and the above comments, suggestive of a view that such determinations may in future need to be made in more collegial fashion, if not by a centralised decision-making body, is that there is a lack of clarity about this question.

In order for the Communion to move forward, more clarity about the basis upon which a matter may be declared adiaphora, and by whom, is needed. Clear

markers and thresholds must be provided to enable national churches, and the Communion as a whole, to make judgements about appropriate action or inaction.

“reception” and “provisionality”

The Windsor Report states that “in classical terms, ‘reception’ was the process by which the pronouncements of the Church were tested by how the faithful ‘received’ it. The *consensus fidelium* (‘common mind of the believers’) constituted the ultimate check that a new declaration was in harmony with the faith as it had been received.” (para. 68) “More recently”, the Report goes on, “the doctrine has been used in Anglicanism as a way of testing whether a controversial development, not yet approved by a Universal Council of the Church but nevertheless arising within a province by legitimate processes, might gradually, over time, come to be accepted as an authentic development of the faith.”

The Windsor Report is vulnerable to a charge of weakness in relation to the process of reception. A threefold sequence is proposed:

- (i) theological debate and discussion
- (ii) formal action, and
- (iii) increased consultation to see whether the formal action settles down and makes itself at home.

Beyond these three steps, no additional guidance is offered about the type of matter which might be appropriate for a process of reception, other than that the proposal should concern matters on which the church has not so far made up its mind (thus importing an element of ‘provisionality’). The process cannot be applied “in the case of actions which are explicitly against the current teaching of the Anglican Communion as a whole, and/or of individual provinces” (para. 69).

The report does not give any guidance about how the current teaching of the Anglican Communion is made explicit or about how it might be discerned. In many cases the debate will be precisely about whether an action or proposed action *is* or *is not* against the current teaching of the Communion, and so the guidelines offered by the Windsor Report will be of little practical assistance.

Furthermore, we need a process for discussing issues on which the Church has previously made up its mind, but which we now wish to open up to new debate. We might do this because of current perceptions, insights or pressures from our society, or because some now wonder if we have misunderstood Scripture, and need to review our practice in the light of scripture.

There are those who would still argue, for instance, that the ordination of women is against the current teaching of the Communion. On the other hand there would be those that would argue that the move to ordain women is a legitimate development of tradition and a decision that, within Anglican polity, could be taken appropriately by a national church (Article XXXIV). As John Hind points

out, the church can then find itself speaking with a "divided voice on what we have maintained is an essential principle".¹

So the "thresholds" to a process of reception as articulated in *The Windsor Report* would appear to be of only limited value and a more nuanced theological approach would seem to be suggested. Hind² points to John Henry Newman's *Essay on the Development of Christian Doctrine* as providing a series of "tests" relevant to the process of reception. Newman proposed that legitimate development could be differentiated from corruption by reference to a number of principles:³

1. Preservation of the essential idea of the doctrine or polity from which it developed.
2. The continuity of the principles on which the idea has developed, as opposed to an alteration of principle.
3. The power of assimilation or unitive power of a development.
4. Evidence of anticipation in an earlier period of tradition.
5. A sense of logical sequence, with a development being faithful to its foundational ideas.
6. Addition which is at the same time conservative of what has gone before.
7. An enduring as opposed to a transitory character (chronic endurance)

Newman saw the development of doctrine as a complex and interactive process, in which a "collection of weak evidences" are brought together and or converge to make "strong evidence".⁴ While Hind does not urge Newman's principles as the only ones to be considered, he does point to them as indicating the level of care and reflection called for if a church is considering intentionally embarking on a process of reception.

The following "markers" or "thresholds" might be considered as filling out those already offered in *The Windsor Report*. There is an element of repetition as similar principles are approached in different ways, but the suggestion is that a development might be open to the process of Reception where:

- A development or action is one about which the Anglican Communion has not so far clearly expressed its mind (para 69).

¹ Hind, J., "Communion and Reception" in Avis, P. (Ed.), *Seeking the Truth of Change in the Church* (London: T&T Clark, 2004) 56.

² Ibid. 48.

³ See Gaffney, J., *Conscience, consensus and the Development of Doctrine – Revolutionary Texts by Cardinal Newman* (New York: Doubleday, 1992) 173-198 and Sullivan, E., *Things Old Things New – an Ecumenical Reflection on the Theology of John Henry Newman* (Middlegreen, Slough, UK: St Paul's, 1991) 44-45.

⁴ Sullivan (1991) 34-35.

- A development or action is one about which the Anglican Communion has previously expressed its mind, but in respect of which at least one member Church and one of the instruments of communion are in favour of further consideration.
- A development or action is not explicitly against current Anglican teaching (para 69).
- A development or action is consistent with the Fundamental Declarations.
- A development or action may be seen to preserve the essential principles of existing Anglican teaching.
- A development or action may be seen to bring about a convergence or the uniting of accepted doctrines, ideas or principles.
- A proposed development or action has been subject to sustained theological debate and discussion at both Provincial and Communion level (this reflects Newman's principle of 'chronic endurance')
- A proposed development or action has been the subject of consultation and advice from throughout the Communion through its instruments of communion.
- A proposed development or action has been informed by ecumenical consensus, with the initiatives, debate and scrutiny of other churches being taken into account (para. 80).

The draft covenant prepared by the Working Group adopts these 'thresholds' or 'markers'. The Group, however, recommends that further clarification about the process for reception be requested from the Communion.

SC2006/1/004 (3): *That the group consider the general concept of a covenant for the Communion.*

The case for the adoption of an Anglican Covenant across the Communion was first made in the Windsor Report, and the arguments in support are set out in Para. 119. The proposal was welcomed as part of a set of proposals for the future development of the Instruments of Unity by the Primates at Dromantine, although the meeting recognised that serious questions about the covenant proposal and issues around implementation meant that the process would be long term. The Primates commended the covenant proposal as a project to be given attention in the provinces of the Communion, and asked the Archbishop of Canterbury to explore methods of implementation. More recently, the Archbishop of Canterbury, in his reflection paper, 'The Challenge and Hope of Being an

Anglican Today', has indicated that he considers the idea of covenant to be the best way forward.

The Working Group is supportive of the general concept of a covenant for the Communion. The covenant model could provide a framework for the self-limiting autonomy approach that the Group favours. In initial conversation it appeared that it was unlikely that any particular model could be found which would be likely to win the support of all dioceses, and that it was therefore unlikely that implementation would be successful. However, in further discussion the group became more confident that a way ahead might be found. In considering the general concept of a covenant for the Communion the Group formulated answers to the questions appearing on page 5 of the document, 'Towards an Anglican Covenant: A Consultation Paper on the Covenant Proposal of the Windsor Report'. Those answers are as follows:

- *Should the covenant speak of the communion as it is, or as it wishes to become?*

The covenant should speak of the Communion both as it is and as it wishes to become. The point of having a covenant would be to move the Communion forward toward its goals. In addition, an important function of the covenant would be to enunciate the constraints to which member churches freely accede.

The covenant should be both inward and outward looking in its focus. Most importantly, it should speak of the mission of the Communion. It should also expressly recognise the ecumenical context in which member churches of the Communion are set.

In speaking of intra-Communion relationships, the covenant might use the metaphor of family. The Communion may be likened to a family in which the children have grown up – in which member churches seek to establish their own autonomy within the restrictions of familial relationships. In such a family there needs to be a negotiation of rights and responsibilities so that each family member is able to pursue an independent and mature life, while continuing to respect and support other family members. There must be mechanisms for the appropriate expression of disagreement and conflict as well formal and informal opportunities for fellowship and celebration of family milestones.

- *How far should it speak in aspirational language? Would the use of such language reduce its practical utility?*

The covenant should speak in aspirational language. Its task will be to point us forward. It should establish expectations and use the language of faith. The language of the covenant should be aspirational both about our vocation

of mission and about our relationships with each other. However, the covenant should also be expressed in language which is realistic – it should have its feet firmly on the ground. A criticism of the draft covenant appended to the Windsor Report is that it is not sufficiently realistic. In addition to making provision for disagreements and conflict, the covenant should allow for the fact that its expectations will not always be met.

- *Should it adopt a pattern of affirmations and commitments similar to many ecumenical covenants?*

Yes. The pattern of affirmations and commitments should mirror as closely as possible the Fundamental Declarations and Ruling Principles which appear in the first six sections of the Constitution of the Anglican Church of Australia.

The affirmations and commitments should reflect both the outward and inward focus of the Communion, that is, there should be affirmation of and commitment to the Communion's vocation of mission and its ecumenical context as well as to intra-Communion relations. The affirmations and commitments should make it clear that the Communion is not an end in itself.

- *Should the covenant set out the articles of belief of the Anglican Communion?*

Yes.

- *Should it speak of the relationships between the Provinces, living in autonomy-in-communion, and the processes by which their common life is nourished and sustained?*

Yes. See also the comments made in answer to the third question.

The covenant should not be focussed on establishing a centralised jurisdiction. Rather, in relation to the instruments of community it should use language such as 'consult', 'facilitate', 'advise', 'warn' and 'assist'. Member churches should agree prayerfully and faithfully to pursue the truth together and to mutually self-limit. There should be clear markers and thresholds for significant principles and processes such as *reception*, *adiaphora* and *subsidiarity*.

Central Communion bodies should not have the power to issue sanctions. Currently the Archbishop of Canterbury has the power to exclude bishops from Lambeth and this power should be retained, but not extended. Instead, the covenant should recognise as a fact that if a province chooses to ignore the advice of other provinces, then those other provinces may withdraw their fellowship from that province. Conversely, any province wishing to break fellowship with another province, or with a diocese, should seek advice from other provinces before doing so.

However, just as a sibling remains a family member despite not being on speaking terms with a particular fellow sibling, so provinces may remain part of the Communion, participating in Communion gatherings and events, while not maintaining a direct relationship with another province. For example, one province may determine not to licence clergy from another province with which it is in conflict, and yet the two provinces may nevertheless allow themselves to be represented at wider Communion events, such as the Lambeth Conference. The covenant should have the flexibility to accommodate such disagreement and conflict without it necessarily amounting to a threat to the Communion as a whole.

SC2006/1/004 (4): *That it engage with the draft covenant (The WR Appendix Two) and assess the implications for the implementation of such a covenant within the Anglican Church.*

The Working Group has not engaged with the draft covenant appended to the Windsor Report in any detail. The group does not consider that this particular model is likely to point the way forward for the Communion. The WR draft is legalistic in its tone and the Working Group is of the opinion that it is too centralist, conferring juridical power upon the institutions of the Communion. In addition the draft is essentially inward-focussed, giving insufficient emphasis to the Communion's vocation of mission or its context of ecumenism.

Rather than engage with this particular draft covenant, given the shortcomings which have been noted, the Working Group has prepared a new draft, which reflects the Group's views.

In relation to the implications for the implementation of a covenant, the Working group has addressed the questions posed on p. 2 of 'Towards an Anglican Covenant: A Consultation Paper on the Covenant Proposal of the Windsor Report':

- *Is the concept of an Anglican Covenant still viable?*

The Working Group believes that the concept of an Anglican Covenant is still viable, so long as the draft were to follow a broad approach similar to that found in the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia. To the degree that any of the matters addressed there were deleted, or other matters included, the process of implementation of a covenant would become more difficult.

- *What form of covenant is best suited to the needs of the Communion at the present time?*

See above.

- *Who will be responsible for the preparation of a draft text?*

The Working Group has prepared a draft which reflects the comments made herein, and which it believes may have some prospect of successful implementation, at least in the Anglican Church of Australia. Should GSSC consider the proposal has merit further consultation and refinement would need to occur throughout the Communion.

- *How will the Provinces and Instruments of Communion be participants in the generation of a text?*

The Working Group has submitted its draft to Standing Committee of General Synod for approval. It recommends that if approval is given, the draft be placed on the General Synod web-site for comment. In addition, copies should be distributed to individuals and groups from key dioceses for comment. If response to the draft from around the province is positive, the working Group recommends that the draft be submitted to the 2007 Bishops' Meeting and to the 2007 Primates' Meeting for consideration by other provinces.

- *What method of implementation will be adopted, or how might this method be best discerned?*

A draft covenant would need to be adopted by each national church.

For the purposes of adoption by the Anglican Church of Australia, the Working Group proposes that a report, including the text of the draft covenant, be submitted to General Synod, with a request that General Synod approve the direction of the draft.

There are several ways in which the draft might, should it win general support, be adopted in Australia.

General Synod could authorise the Primate to sign the covenant on behalf of the ACA. This could be done by change to the Constitution or by canon. The former would require majorities in all three Houses and, subsequently, assent by three quarters of the diocesan synods, including all metropolitan sees. A canon, if determined to be one that 'concerns the ceremonial or discipline of this Church' (Constitution, s.28), would require a majority of two-thirds in each House. In addition, it would need to receive the assent of every diocese.

Alternatively, each diocesan synod could, by ordinance, cede power to the Primate to enter into the covenant on its behalf. Again, every diocese would need to agree to do this.

A further possibility would be for General Synod to amend the Constitution so as to include the text of the covenant in Chapter II of the Constitution. Alternatively, General Synod could adopt the covenant by canon. The same formal requirements would be needed as those outlined above for authorisation of the Primate.

The Working Group recognises that each of these procedures is time-consuming, and requires the approval of most, or all, dioceses for successful implementation. The Working Group believes that there is nevertheless scope for the success of one or more of these procedures. However, the Working Group would also wish to explore the powers of General Synod pursuant to s. 26 of the Constitution, *inter alia*, to “make resolutions”, to “declare its view on any matter affecting this Church” and to “take such steps as may be necessary or expedient in the furtherance of union with other Christian communions”. Arguably, the General Synod could, pursuant to such powers, authorise the adoption of a covenant by virtue of a vote garnering a simple majority of 51%.

- What sort of timetable is desirable for the covenant project?

Progress towards the acceptance of a draft covenant, and implementation thereof, needs to be made as soon as possible.

The Working Group believes that if there were some degree of enthusiasm for its draft covenant from General Synod, from the 2007 Primates’ Meeting and from the Archbishop of Canterbury, then it could be possible for implementation to be completed by 2010-11. In the absence of overt support for a draft this process could take considerably longer.

SC2006/1/004 (5): *That the group reflect theologically on the importance of interdependence, with respect to the election and confirmation of bishops, allowing issues of vocation and justice also to be considered.*

See the discussion in response to SC2006/1/004 (1).

SC2006/1/006: *That Standing Committee, noting the report from delegates to ACC-13 concerning the proposed Covenant for Communion in Mission: (a) Welcomes the initiative of IASCOME in preparing this proposal in response to the WR, and, (b) Refers the proposed Covenant to the 2006 Bishops’ Conference, the Task Force on Mission, a working group on the WR, and asks them to report to the next meeting of the Standing Committee with a view to the preparation of a report on this matter in time for General Synod in 2007.*

SC2006/1/007: *That Standing Committee*

1. *notes the imminent publication of the IASCOME Report to ACC 13 entitled 'Communion in Mission' to Diocesan Bishops for information, and for distribution and discussion, as appropriate;*
2. *refers this resolution to the Bishops' Meeting, the Task Force on Mission and the WR Working Group, if established, for further discussion and action in relation to:*
 - *providing comments to the Mission and Evangelism desk of the ACO, by agreed mechanisms, with respect to current and future possible role/s of the Mission and Evangelism desk of the ACO, and through any IASCOME II mandate,*
 - *applying the work and initiatives of IASCOME, outlined in the framework above, to mission initiatives, opportunities and challenges presenting within and between Anglican Dioceses of Australia.*

As indicated above, the Working Group has not considered IASCOME's proposed Covenant for Communion in Mission in detail. The view of the Working Group is that, like the draft covenant appended to the Windsor Report, IASCOME's draft covenant has little prospect of successful implementation by the Anglican Church of Australia. The Working Group commends instead its own draft covenant to Standing Committee of General Synod for its consideration.

SUGGESTED AMENDMENTS AND REFINEMENTS

The following suggested amendments and refinements have been included at the request of members of the Working Group.

1. A alternative set of “markers” or “thresholds” to those set out on pp. 5-7 of these Responses:

The following "markers" or "thresholds" might be considered as filling out those already offered in *The Windsor Report*. There is an element of repetition as similar principles are approached in different ways, but the suggestion is that a development might be open to the process of Reception where:

- A development or action is one about which the Anglican Communion has not so far clearly expressed its mind (para 69).
- A development or action is one about which the Anglican Communion has previously expressed its mind, but in respect of which at least one member Church and one of the instruments of communion are in favour of further consideration.
- A development or action is not contrary to the specific instructions or general teaching of the Bible.
- A development or action is not explicitly against current Anglican teaching and interpretation and application of the Bible.
- A development or action is consistent with the Fundamental Declarations and Ruling Principles of the Anglican Church of Australia, and therefore with the worship and doctrine of the Book of Common Prayer, the Ordinal, and the Thirty-nine Articles
- A development or action may be seen to preserve the essential principles of existing Anglican teaching.
- A development or action may be seen to bring about a convergence or the uniting of accepted doctrines, ideas or principles.
- A proposed development or action has been subject to sustained theological debate and discussion at both Provincial and Communion level (this reflects Newman's principle of ‘chronic endurance’)
- A proposed development or action has been the subject of consultation and advice from throughout the Communion through its instruments of communion.

- A proposed development or action has been informed by ecumenical consensus, with the initiatives, debate and scrutiny of other churches being taken into account (para. 80).
- A proposed development corresponds with the following excerpts from the Thirty-nine Articles:
 - i. Holy Scripture containeth all things necessary to salvation: so that whatever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an Article of the Faith, or be thought requisite or necessary to salvation [From Article VI].
 - ii. Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in Holy Scripture: and in our doings, that Will of God is to be followed, which we have expressly declared to us in the Word of God. [From Article XVII].
 - iii. The Church hath power to decree Rites of Ceremonies, and authority in Controversies of Faith: And yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed of necessity for Salvation [From Article XX].
 - iv. General Councils...may err, and sometimes have erred, even in things pertaining unto God [From Article XXI].
 - v. Every one from particular or national Church hath authority to ordain, change, and abolish, ceremonies or rites of the Church ordained only by man's authority, so that all things be done to edifying [From Article XXXIV].

2. Miscellaneous

In the last paragraph on page 8 of our report, the first two sentences should be altered. I take it that 'central communion bodies' refers to the four so called 'instruments of unity'. The ACC has a constitution and, from memory, there is no power to exclude representatives from a province which is part of the ACC structure. There is provision to add provinces. With Lambeth, that is entirely a matter for the Archbishop of Canterbury. No-one has a right to an invitation. I would rather describe the 'power' of Canterbury as 'the ability'. As to the Primates' meeting, this again has no constitution and I believe it is possible for Canterbury not to invite a Primate.

On page 11 there is the suggestion that a covenant could be adopted by resolution. I must say this would cut no ice in Sydney. This is because of the prevailing view that a resolution of a Synod only expresses the view of those members present at the Synod at that time and expressing a view. It has no legal force or effect.

In relation to the covenant, I have difficulty with the definition 'the Anglican Communion' and 'reception'.

With respect to the Anglican Communion the Halsbury description could be usefully employed, that is, 'the Anglican Communion is a fellowship of churches historically associated with the British Isles. I understand that this definition is taken from a report of the 1930 Lambeth Conference. The definition could be filled out a little but, in essence, Halsbury reflects the heart of the organisation.

With reception, I do not agree that a development requires approval by the Anglican Communion. Rather, it is whether the development is consistent with scripture and the recognition of this fact by the Communion.

We need to define which Book of Common Prayer is referred to. Clearly, in our context it is 1662 but this should be made explicit.

The remaining clauses 8-31 raise matters of contention, eg, paragraph 8, paragraph 17 the reception process and the no expulsion provisions.

There is no provision for acceding to the covenant.

While we did discuss sanctions and were generally of the view that no sanctions should be written in, we did recognise that one province might break fellowship with another province. What if a majority of provinces broke fellowship with a particular province? Should that province continue to play a part in Primates' meetings, Lambeth and the ACC while a majority of provinces have broken fellowship with it?

Scottish Episcopal Church

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5 December 2006

Dear Gregory

In the course of the last few months, our College of Bishops has given consideration to the continuing debate following the publication of the Windsor Report and, in particular, to the paper produced in March this year "Towards an Anglican Covenant: Consultation Paper on the Covenant Proposal of the Windsor Report" issued on behalf of the Joint Standing Committee.

In an initial response to the Windsor Report issued by the Bishops in March 2005, it was recognised that, as a Province, the Scottish Episcopal Church would hope to continue to take obligations to other Provinces in the Anglican Communion seriously. The Bishops acknowledged that, as a College, they would not in principle be against certain aspects of this being enshrined in the Church's Canons in the context of some form of covenant being agreed.

In the light of the debate which has ensued since the publication of the Windsor Report, the Bishops recognise the practical difficulty of trying to arrive at a common text for a covenant which would be acceptable to all, or at least a significant majority, of the Provinces of the Anglican Communion. The Scottish Bishops would, therefore, like to suggest that consideration be given to approaching the notion of "covenant" from a different angle.

Hitherto, the working assumption of the Windsor Report and the subsequent debate appears to have been that of that a single, multi-lateral, covenant to which Provinces would be invited to sign up. The concept of "covenant" could, however, be treated as an active verb rather than as a noun. In other words, individual covenants could be offered, on a unilateral basis, by Provinces to the Archbishop of Canterbury. On the basis that a covenant is freely undertaken by the covenantor, the text of such a covenant would be for each individual Province to determine and would articulate how that Province, as a "shoot" of the Anglican Communion, defined its relationship with the "mother plant". This would place each Province in a "covenanting relationship" with the Communion.

The entering into of such a covenant would not be envisaged as a static, one-off, act. Rather, the covenant offered by a Province would then be subject to critical examination and response on the part of the other Provinces. This would allow for mutual accountability and inter-dependence, and such a process might in turn lead to the covenanting Province re-assessing and revising its original covenant. It would, therefore, be a continually evolving process, involving all Provinces, in the context of a covenanting framework.

The principle described above in terms of Provinces covenanting to the Archbishop of Canterbury could, of course, be achieved in a variety of ways. It would not necessarily be the case that the General Synods, or equivalent, of the Provinces would be the bodies to approve such a unilateral covenant. An alternative would be for the College or House of Bishops within a Province to enter into such a covenant. Indeed, it would be possible for individual Diocesan Bishops to offer such a covenant to the Archbishop.

The same principle could equally apply within a Province so that individual congregations could offer their own covenant to a diocese, or dioceses to a Province.

The Bishops are keen that these suggestions are considered as part of the continuing, postWindsor, debate.

With best wishes

Yours sincerely

John Stuart
Secretary General



Response to Consultation Paper, *Towards an Anglican Covenant*

The Standing Committee of Affirming Catholicism

13 December 2006.

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Introduction

Affirming Catholicism recognises the importance of clarifying the theological basis of the bonds of affection which have held Anglican Christians together, and welcomes the drawing out the practical and process implications of such ecclesiological reflection.

1. Given that the Anglican Primates and a significant number of other bodies have asked the permanent bodies of the Communion to move ahead with the production of a Covenant, *Affirming Catholicism* welcomes the paper *Towards an Anglican Covenant* as offering a concise, comprehensive and dispassionate account of the issues involved for the Anglican Communion in developing the sort of Covenant suggested in *The Windsor Report (TWR)*. The issues are clear, well-expressed, to the point, and well-reasoned. *Affirming Catholicism* welcomes the emphasis placed on the idea of making explicit many of the implicit 'bonds of affection' ('unspoken conventions of mutual respect')¹ which have been presupposed through the history of the Anglican Communion, but which have often only been systematized in a piecemeal and often inadequate way. We agree that there is a need for the Communion, as spelt out by the Archbishop of Canterbury, to create 'a set of adequately developed structures which is able to cope with the diversity of views that will inevitably arise in a world of rapid global communication and huge cultural variety'.

The goal of covenanted relationships

2. *Affirming Catholicism* welcomes the realism of *TAC* with its recognition of the many difficulties involved in the development and implementation of a Covenant (see e.g. §13): the dangers of centralisation (the creation of an Anglican papacy) and blandness (a vacuous statement) are both acknowledged. Similarly, there is a recognition that a Covenant will not be the panacea to all the problems of cultural and global diversity. Instead the stress is placed on the *goal* (§§8-10) of the covenant to promote unity: it is a means to an end rather than an end in itself. Various models of covenant are briefly discussed (all of which require longer and more detailed theological exposition). Further theological reflection is required on the nature of covenants and how a covenant between autonomous churches might differ from a covenant between God and his people.

Affirming Catholicism recommends that further theological reflection is made on the nature of covenants in general and a covenant between churches in particular.

The importance of communion at a local level

3. The origin of *TWR* in a particular crisis means that the basis for reflection has been a particular conflict which has been characterised by strong emotion and anger from certain protagonists. We believe that this has obscured the substantial degree of unity and communion that already exists across the Anglican Communion through parish level twinning, partnerships and diocesan

¹ Archbishop of Canterbury, Reflections on the Anglican Communion, 27 June 2006.

links. *TWR* contains remarkably little reflection on the experience of communion that already exists through these and other relationships between dioceses and provinces, sometimes of markedly different theological views and opinions or in intensely difficult political situations. To give two examples: a link between the diocese of Salisbury and the Sudan has held fast even through a prolonged period of civil war in the Sudan; and the international Mothers Union has created friendship and cooperation across the Communion in ways which have transcended theological opinions or cultural differences. It is often the experience of unity and dialogue at these local and personal levels that serves to overcome conflict at an institutional level. Mission partners, parish and diocesan links across the world, and formal and informal contacts, therefore need to be taken into consideration before a more formal and binding 'international' covenant is entered into which might have the effect of devaluing these other levels of dialogue and cooperation. A formal Covenant which concentrated attention on high level, centralised structures would inhibit such local links from growing and prospering by isolating whole provinces from one another and have the ultimate effect of diminishing the real, lived experience of communion.

Affirming Catholicism believes that it is important that proper account is given to the local and grass-roots initiatives of inter-Anglican co-operation which might be overlooked through over-emphasis on the centralised decision-making bodies (the "instruments of unity") of the Anglican Communion.

Anglican communion as dialogue and mutual accountability

4. *TWR* presents a model of the church as founded upon unity, and assumes the normal state of the church is established on the basis of harmonious *koinonia* justified through the doctrine of the Trinity (§5). The "grace-given and grace-full mission from God, and communion with God, determine our relationship with one another. Communion with God and one another in Christ is thus both a gift and a divine expectation. All that we say in this report is intended both to celebrate that gift and to answer that expectation." It may be, however, that despite this ideal to which churches might strive, in any given period local churches are in fact characterized by conflict, struggle and disunity. The patristic experience, as well as the Reformation, provide often painful evidence that it is often only through conflict that truth is glimpsed. Instruments that promote debate, conversation and serious discussion about difference might be ruled out if an overly prescriptive covenant is accepted as the principle for unity. Those with different ideas about the nature of the church and the interpretation of Scripture might simply be excluded from debate, which (ironically, given the aims of the covenant) would promote schism and disunity. There are different stories to be told within the Anglican Communion, which embraces a family of languages and ideas about what it is to be the church. On the one hand, a "process" covenant which commits provinces to engage in shared dialogue on the basis of a basic degree of shared identity (as in the Chicago-Lambeth Quadrilateral) might strengthen the bonds of affection which already exist through the current Instruments of Unity. On the other hand, more rigid concepts of covenant may simply stifle discussion and debate thereby creating yet more division and disunity between those ruled out of discussion. A Covenant, especially where this implies legal instruments including the adoption

of some form of inter-provincial canon law, may not be the best way forward in the promotion of unity.

Affirming Catholicism recommends that an effective covenant is likely to be one which promotes debate and dialogue through exchange and interchange rather than one which takes a more juridical approach.

5. TAC suggests a timetable and programme of implementation (between six and nine years). Naturally, even after this time, there is no guarantee that the Covenant would be accepted and it might prove to be an immense and expensive waste of time. As the Archbishop of Canterbury has observed, acceptance or non-acceptance might lead to different categories of membership of the Anglican Communion. We therefore welcome the call for transparency and dialogue in the drafting and implementation of a Covenant (§22). We also recognise that the structures of the different provincial churches vary and therefore urge that proper attention should be given to the principle of synodality and lay representation both in the process of consulting on the possible contents of a Covenant as well as in drawing up the Covenant itself. The principle of synodality is an important part of our Anglican heritage. We believe therefore that it is vital to reconsider the appropriateness and representative character of the existing structures of Anglicanism (especially those identified in *TWR* as the Instruments of Unity). Further thought should be given to the relationships between the episcopal and primatial bodies which have developed since 1867 and the role and authority of the laity which has been central to Anglican polity from the beginnings of the Reformation. Indeed a Covenant might work better if it is a process signed up to by the participants in reformed instruments of unity rather than a novel confession of faith, an extra layer of canon law, or a new international body.

Affirming Catholicism recommends a thoroughgoing debate about the appropriateness and effectiveness of the current Instruments of Unity in promoting unity among the whole people of God and furthering God's mission in the world.

6. While recognising that some action needs to be taken in the present circumstances if the Anglican Communion is going to survive in anything like its present form, *Affirming Catholicism* would counsel extreme caution and care in introducing a specifically *Anglican* Covenant, particularly one which had a confessional component. It is crucial to note that in their own self-definitions most Anglican churches (including the Church of England) have usually resisted attempts to define Anglicanism, preferring instead to see themselves simply as part of the one holy catholic and apostolic church, albeit purified of the worst abuses at the Reformation² and holding to the one ancient faith, rather than a specific confession. Lambeth 1930 saw the ideal of the Anglican Communion as the "catholic Church in its entirety". It can also be shown that even the most modest definitions of Anglicanism (including the 1888 Chicago-Lambeth Quadrilateral) have sometimes served to exclude creative ecumenism and to

² For the Church of England, see, for instance, the preface to the Declaration of Assent (in *Common Worship*, p. xi).

destabilise the Communion (as with the Church of South India scheme). Defining something that has hitherto deliberately resisted definition may serve simply to create more division than doing nothing – particularly if the definition entails member churches having to ‘sign up’ to specific dogmatic statements crafted in response to current debates. It is vital that any Covenant drafting and implementation group aims for a Covenant which would promote the widest possible unity based on the historic formularies of faith. The recommendation by *TWR* of legal instruments granted to the Communion by the national churches also needs to be treated with the uttermost caution, since these will normally work to exclude churches, and it might make the Anglican Communion into a church rather than simply a communion of *churches*. This may well promote formal schism, rather than a more informal (though admittedly impaired) unity.

Affirming Catholicism recommends that an Anglican Covenant focuses on the widest possible sense of catholicity and does not promote a sense of denominationalism and exclusiveness. In particular it should avoid introducing any confessional element into the Anglican way and instead should focus on creating inclusive processes which bolster communion by promoting dialogue and mutual engagement.

Anglican Covenant: avoiding denominationalism and promoting ecumenism

7. Furthermore, *Affirming Catholicism* also considers that it is crucial to ensure that ecumenical discussions and agreements are not hindered by an increased stress on denominationalism. Partly because of the provenance of *TWR* most of the authorities cited are internally Anglican and are given a quasi-legal status, with little awareness of the wider historical and Christian tradition. To stress the *Anglicanness* of the Anglican Communion might be detrimental to ecumenical development: many of the agreements that have been enacted in recent years between churches (e.g. the Porvoo Agreement and the coming together of the Episcopal Church and the Evangelical Lutheran Church of the USA) might not have been possible if a global Anglican Covenant had been in existence. In both *TWR* and the many responses there is a remarkable absence of serious ecclesiological thought, particularly on the nature of catholicity, the role of ecumenical partners, and the relationships between the local and universal.

Affirming Catholicism recommends the widest degree of ecumenical participation in the drafting and implementation of a Covenant, which it understands as part of the wider mission of God through the whole catholic church and not simply through the Anglican Communion.

8. *Affirming Catholicism* notes that the historical origins of Anglicanism lie in ‘provincial autonomy’ and the unilateral actions of the English national church. This is undoubtedly part of the ‘Anglican’ heritage. Attention to such an ecclesiology (which is shared with other churches which developed out of the European Reformation) must be incorporated in any Covenant. The chief requirement of any workable Covenant will be that it offers sufficient diversity to allow for local adaptation and disagreement. It might thus be best designed negatively, as a document which defines the limits of disagreement and the means for conflict resolution rather than seeking to confer a degree of

homogeneity on Anglicanism through positive content (e.g. new articles of religion). Besides, as many Lambeth Conferences have stressed, contextuality is such a cherished principle among Anglicans that no Covenant could be seen as anything other than provisional and limited.

Affirming Catholicism recommends that any Covenant should allow as much diversity as possible and should be regarded as a modest and pragmatic settlement focussing on the process of dialogue rather than as a timeless confession of "Anglicanism".

9. *Affirming Catholicism* notes that a 'mere provincial Anglicanism is no religion wherewith to convert the world' (J. N. Figgis). This leads to a more difficult and fundamental question: the church ideal of the English reformers (and for many of the churches throughout the Anglican Communion) was to create a unitary national church. There was a sense that the Church of England was simply the catholic church of the land. While other churches in the Anglican Communion have witnessed to catholicity in very different ways, sometimes as very small churches alongside much larger denominations, questions need to be raised about how best the Christian presence is expressed in an often hostile global environment. Bolstering small and often isolated churches with a new sense of Anglican identity may set them apart from their shared mission with other Christian bodies. Energy expended on affirming Anglicanness and the consolidation of the Anglican Communion as a kind of global 'catholic church' (rather than a loose federation) may be better expended on new and creative dialogues with other partners in God's mission in the promotion of a wider vision of catholicity. It may sometimes be better for "Anglicanism" to disappear for the sake of the wider mission of God.

Affirming Catholicism believes that an Anglican Covenant, if it further demarcates Anglicans from other Christians at the expense of ecumenical dialogue, may be detrimental to God's mission.

The Standing Committee of Affirming Catholicism, 15 December 2006

This response is made by the Standing Committee of Affirming Catholicism

The Rev'd Canon Nerissa Jones, MBE *Chair of Trustees*

The Rev'd Dr Barry Norris, *Chair of the Executive Committee*

Mr Robin Welton, *Treasurer*

The Rev'd Richard Jenkins, *Director*

Mrs Lisa Martell, *Administrator*

The paper is the result of a working group, which was chaired by The Rev'd Dr Mark Chapman, *Vice-Principal of Ripon College, Cuddesdon*.

ACT OF INAUGURATION JOINTLY DECLARED BY COVENANTING MEMBER CHURCHES OF THE ANGLICAN COMMUNION

1. **Preamble** (Revelation 2-3, Ephesians 4:1-16)

We, the Churches of the Anglican Communion, under the Lordship of Jesus Christ, in order to maintain the unity in the Spirit in the bond of peace, and to grow up together as a worldwide Communion to the full stature of Christ, solemnly establish this Covenant, entered on our behalf by designated signatories and to which we shall adhere as authorised by communion laws enacted for these purposes and to an agreed standard by each of our member Churches.

2. **Our Confession** (1 Timothy 3:15-16)

Each member Church, and the Communion as a whole:

- (a) is part of the one, holy, catholic, and apostolic Church, worshipping the one true God, Father, Son, and Holy Spirit;
- (b) professes the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation;
- (c) led by the Holy Spirit, has borne witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, the 1662 book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons;
- (d) affirms our loyalty to this inheritance of faith as our inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to our societies and nations.

3. **Our Commitment to Confession of the Faith** (2 Timothy 3:10-4:5; John 8:32, 10:10, 14:15-17)

Each Church shall:

- (a) uphold and act in continuity and compatibly with the catholic and apostolic faith, order and tradition, and biblical moral values and vision of humanity received by and developed in the fellowship of member Churches;
- (b) primarily through its bishops and synods, ensure that biblical texts are handled faithfully, respectfully and coherently, building on our best scholarship believing that scriptural revelation must continue to illuminate, challenge and transform cultures, structures and ways of thinking;
- (c) commit itself to a common pilgrimage with other members of the Communion to discern truth, that peoples from all nations may truly be free and receive the new and abundant life in the Lord Jesus Christ.

4. **Our Anglican Heritage** (Ephesians 2:11-3:20)

Communion is a gift of God: that His people from east and west, north and south, may together declare his glory and be a sign of God's Kingdom. We gratefully acknowledge God's gracious providence extended to us down the ages, our origins in the undivided Church, the benefits we have received through the Reformation, and our growth through the various mission initiatives.

As the Communion develops into a family of worldwide autonomous churches, we also face challenges and opportunities for mission at local, regional, and international levels. We cherish our faith and mission heritage as offering us unique opportunities for mission collaboration, for discovery of the life of the whole gospel and for reconciliation with sister Churches throughout the world. It is with all the saints that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

5. Our Instruments of Unity (1 Peter 4:7-11, 5:1-11)

We recognize that from 1867, the Lambeth Conference has served as an instrument in guarding the faith and unity of the Communion. From the late 1940s, the Archbishop of Canterbury's office is enhanced due to his historic role. With the birth of the worldwide Communion in the last decades in the twentieth century, the Primates' Meeting and the Anglican Consultative Council began to serve as collegial vehicles for common life and discernment. We recognize the central role of bishops as custodian of faith, leader in mission, and as visible sign of unity. In particular, the Primates' Meeting should exemplify this role and responsibility. The Archbishop of Canterbury together with the Primates should work in full collaboration in all decisions that have Communion-wide implications.

6. Unity of the Communion (1 Corinthians 12, 2 Corinthians 13:5-10)

Each autonomous Church has the right to order and regulate its own affairs through its own system of government and law. At the same time, in essential matters of common concern, each Church shall in the exercise of its autonomy have regard to the common good of the Communion.

Where there is an issue threatening the unity of the Communion, we will adhere to the counsel and direction of the Instruments of Unity. Failing to do so will lead to the necessary steps including exclusion from the worldwide communion.

7. Our Declaration (Jude 24)

With joy and with firm resolve, we declare our Churches to be partners in this Anglican Covenant, releasing ourselves for fruitful service and binding ourselves more closely in the truth and love of Christ, to whom with the Father and the Holy Spirit be glory for ever. Amen.

Responding to the Idea of a Covenant for the Anglican Communion
By the Inter-Anglican Standing Commission on Ecumenical Relations
December 8, 2006

- 1) IASCER welcomes in principle the idea of a covenant for the Anglican Communion, recognising its potential fruitfulness within our ecumenical life. In particular, we note that our ability to understand, enunciate and live out a coherent Anglican identity (allowing for appropriate diversity with appropriate unity) is important not only for us but for the conduct of ecumenical relations. In this respect, IASCER's lens is ecclesiological.
- 2) IASCER is eager to make a contribution to the process of developing a covenant. In addition to some general comments, our contribution has two particular dimensions:
 - Consideration of resources offered by our ecumenical life
 - Consideration of potential implications for our ecumenical life.
- 3) IASCER recommends ecumenical participation in the covenant design process.

General Comments

- 4) The foundation of our communion is God's gift of communion in which, through the sacrificial death and victorious resurrection of Jesus Christ, humanity is redeemed and incorporated into the life of the Holy Trinity. In the church as eucharistic communion we are nourished and sustained in this life. This communion is one which transcends time and unites us with the saints and martyrs of every age. Communion is thus not something that we can construct or govern; it is something that we receive with gratitude and are called to live out in grace. IASCER hopes that a covenant will be grounded in trinitarian theology and will **portray** the Anglican Communion as a communion of churches whose life together is rooted in eucharistic communion as part of the one Church of God. There is an overwhelming imperative for Christians to live together in unity.
- 5) Different models of covenant are being advanced within the Communion. IASCER suggests a differentiated commentary that addresses the breadth of possible forms of covenant and the ecumenical implications of each.
- 6) IASCER recommends that particular attention should be given to the exercise of mutual accountability, consultation and restraint, as characteristics of life in communion.
- 7) Common principles of canon law, as articulated by the Legal Advisors' Network project, are an important foundation for a covenant. They make explicit what already exists among the churches of the Anglican Communion. While noting that canon law must be read theologically and used under grace, IASCER commends this work to the Covenant Design Group. An examination of forms of assent in use in the various Provinces of the Communion might also be beneficial.

- 8) IASCER welcomes the work in progress by the Inter-Anglican Theological and Doctrinal Commission on the biblical treatment of covenant. Scriptural resources need careful consideration: the principle of covenant should be applied alongside, rather than governing, other biblical paradigms for unity and common life.
- 9) IASCER agrees with the IATDC that there is a need for some agreed way to discern how any covenant should be interpreted and applied, but is not convinced that the Doctrine Commission's suggested method (**i.e. the establishment of a body of theologians to clarify disputed doctrinal matters**) is necessarily the right mechanism.

Ecumenical Resources for the Covenant

- 10) IASCER notes that Anglicans have a variety of 'covenant' agreements with ecumenical partners, sometimes with people with whom we are not 'in communion'. How much more, then, should living in covenant characterize relationships within a communion family.
- 11) IASCER notes that 'to covenant' with someone carries different connotations to having a covenant with someone, and suggests to the Covenant Design Group that it could profitably explore working with the concept as a verb. The distinction between 'covenant' and 'concordat' might also be examined.
- 12) Most ecumenical 'covenants' have a declarative statement followed by a commitment section. IASCER recommends an analysis of how, and to what, Anglicans have committed themselves to in ecumenical covenants, particularly doctrinally, be undertaken to assist the Covenant Design Group. Resources on which to draw include regional bilateral agreements, diocesan covenants with ecumenical partners (particularly with Roman Catholics in the USA), agreements by which the Anglican Communion entered into communion with other churches, and documents which established the United Churches of South Asia. The Rule of Benedict may also be useful to consider.
- 13) A covenant might provide a way to discern and define together what matters are communion-breaking, and what matters should not be. IASCER commends the Agreed Statement of the International Anglican – Orthodox Theological Dialogue on 'Heresy, Schism and the Church' as a useful contribution in this area.

Ecumenical Implications of the Covenant

- 14) IASCER also has some concerns:
 - a) Some forms of covenant being advocated might turn the Anglican Communion into a confessional ecclesial community. This would have a major impact across the breadth of our ecumenical life, with potentially negative consequences for many of our oldest relationships.
 - b) The word 'covenant' could be used to mean too much and thus lose its real substance. A covenant cannot be so general as to have no reality; there must be more than a commitment to listen to one another
 - c) The concept of covenant will be heard differently by different ecumenical partners

- d) The covenant should not enshrine a particular moment in Anglican history, but enable the Anglican Communion in the future to enter into communion with other churches.

15) IASCEC sees considerable potential value for our ecumenical life:

- a) A covenant could be helpful for our ecumenical partners in understanding what the Anglican Communion is.
- b) Expressed in a positive manner (rather than as a dispute resolution mechanism) it can assist Anglicans to live more fully in the Gospel as a eucharistic communion
- c) It can hold us to mutual accountability
- d) It can strengthen our mission

Responding to a proposal of a covenant

1. A theology for the life of a covenanted community

- 1.1 Everything about being Christian – worship, prayer, mission, fellowship, holiness, works of mercy and justice – is rooted in the basic belief that the one God who made the world has acted in sovereign love to call out a people for himself, a people through whom he is already at work to anticipate his final purpose of reconciling all things to himself, things in heaven and things on earth (Ephesians 1.10). This is what the creator God has done, climactically and decisively, in and through Jesus Christ, and is now implementing through the Holy Spirit. But this notion of God calling a people to be his own, a people through whom he will advance his ultimate purposes for the world, did not begin with Jesus. Jesus himself speaks of the time being fulfilled, and his message and ministry look back, as does the whole of earliest Christianity, to the purposes of God in, through and for his people Israel.

The Gospels tell the story of Jesus as the story of how God's purposes for Israel and the world reach their intended goal. Paul writes of the gospel of Jesus being 'promised beforehand through God's prophets in the holy scriptures', and argues that what has been accomplished in Jesus Christ is what God always had in mind when he called Abraham (Galatians 3; Romans 4).

The earliest Christian writers, in their different ways, all bear witness to this belief: that those who follow Jesus, those who trust in his saving death and believe in his resurrection, are carrying forward the purposes for which God called Abraham and his family long before. And those purposes are not for God's people only: they are for the whole world. God calls a people so that through this people – or, better, through the unique work of Jesus Christ which is put into effect in and through this people in the power of the Spirit – the whole world may be reconciled to its creator.

- 1.2 A key term which emerges from much Jewish and Christian writings and which brings into sharp focus this whole understanding of God and God's purposes is *covenant*. The word has various uses in today's world (in relation, for instance, to financial matters, or to marriage), but its widespread biblical use goes way beyond such analogies.

God established a covenant (*berit*) with Abraham (Genesis 15), and the writer(s) or at least redactor(s) of Genesis, in the way they tell that story, indicate clearly enough that God's call of Abraham, and the covenant established with him, was intended to be the means whereby God would address the problem of the human race and so of the entire created order. Genesis 12, 15 and the whole story address the problem set out in Genesis 3-11: the problem, that is, of human rebellion and death and the consequent apparent thwarting of the creator's plan for his human creatures and the whole of creation (Genesis 1-2). And these texts claim – this claim is echoed right across the Old Testament – that God has in

principle solved that problem with the establishment of this covenant. Already the story offers itself as the story of God's uncaused, gracious and generous *love*: God is under no obligation to rescue humans, and the world, from their plight, but chooses to do so and takes the initiative to bring it about. As the story develops throughout the Old Testament this *covenant love* is referred to in various terms, e.g. *hesed*.

- 1.3 The covenant with Abraham is then dramatically developed as God fulfils a promise made in Genesis 15, namely that he would rescue Abraham's family from slavery in Egypt. The story of the Exodus, with God bringing the Israelites through the Red Sea and pointing them towards their promised land, reaches a climax when they arrive at Mount Sinai and are given the Law (*Torah*) as the covenant charter, prefaced by God's declaration that Israel is to be his holy people, a nation of priests chosen out of and on behalf of the whole world (Exodus 19).

The Law is meant to sustain Israel as the *covenant community*, the people who are bound to the creator God as in a solemn marriage vow (as in Hosea), and to one another as God's people, and through whom God's purposes are to be extended in the world.

This vocation and intention is sorely tested as Israel repeatedly rebels against God, and the covenant is repeatedly renewed (Deuteronomy 31; Joshua 9, 24; 2 Kings 11.17; some have suggested that the Psalms provide evidence of frequent, perhaps annual, 'covenant renewal').

The prophets regularly call Israel back to the obligations of the covenant, obligations both to God and to one another. But Israel, the bearer of God's covenant promises which ultimately embrace the whole world, proves unfaithful, and is driven into exile – which the prophets interpret in terms of the covenant, understanding exile as covenantal punishment for covenantal disobedience. This is the more striking in that the covenant always envisaged Israel's being given the promised land, and the land being blessed when Israel is obedient to the covenant (see Deuteronomy, and e.g. Psalm 67).

- 1.4 It is at this point that there emerges the promise of a *new covenant*, through which (this is the point) God will at last do in and through Israel what the earlier covenants intended but did not bring about. Jeremiah 31 (similarly, Ezekiel 36) speaks both of the forgiveness of the sins which had brought the earlier plans to ruin and also of a new knowledge of God which will come to characterise God's people.

It is this ancient promise which the earliest Christians saw as having been fulfilled in Jesus. Jesus himself, indeed, spoke at the Last Supper of his forthcoming death as establishing the new, sin-forgiving covenant, and of the bread and the wine as somehow symbolizing that event, with that significance – and thus also effectively symbolizing the way in which his followers could find new life, together as a community and as individuals, through feeding on him and his saving death.

From that moment on, believing in Jesus, following him, seeking to live out his accomplishment through mission in God's world (bringing it to new fruitfulness and justice, as Israel's obedience was to bring blessing to the land), take place within what can with deep appropriateness be described as the *new covenant community*, constituted and reconstituted as such again and again not least precisely through sharing (*koinonia*, 'communion' or 'fellowship') at his table.

According to Paul, all those who believe in Jesus belong at this table, no matter what their personal, moral, ethnic or other background, and are thereby to be renewed in faith and holiness and energised for God's mission in the world. Baptism, the sign of entry into the renewed covenant, marks out not just individuals but the whole community of the baptized. To live as God's covenant people is thus the basic call of Christians, of the church of God. To speak of being in covenant with God and with one another is nothing new for Christians. Indeed, not to do so – even by implication – is to call into question the classic model of Christian faith and life.

1.4.1 [We recognise that this early Christian understanding of the new covenant community raises sharply the question of the relationship between the emerging Christian family – most of whom, in the early period, were of course themselves Jewish – and the continuing community of those Jews who did not recognise Jesus as Messiah and Lord; and, today, the question of the relationship between Christians and Jews. This is not the place to discuss this complex issue, but it would be inappropriate not to mention it.]

- 1.5 There are indications that the earliest Christians drew on existing models within Judaism of what a 'new covenant community' might look like. In a way markedly similar to what we find in the Dead Sea Scrolls, the early Jerusalem Church held their possessions in common, and those in any individual family who were in need were the responsibility of all (hence the problems about widows in e.g. Acts 6 and 1 Timothy).

Though a strict sharing of everything was not followed in the Pauline churches, we should not underplay the practical meaning of *agape*, 'love', in Paul, but rather give it its full meaning of mutual practical support (e.g. 1 Thessalonians 4.9-12).

Paul chooses a special term ('*koinonia*') that has both commercial and social implications to describe his covenant friendship with the Philippians. They were in 'partnership' together for the spreading of the gospel and the mission of the church to the Gentiles in God's name. Although Paul and the Philippians are in different locations doing different tasks, they are nevertheless partners 'in Christ', sharing the risks as well as celebrating the successes of the gospel. The point is that Christians are to think of themselves as *a single family*, in a world where 'family' means a good deal more in terms of mutual obligations and expectations than in many parts of today's Western world at least.

The community of the new covenant thus quickly came to see itself – and to be seen by the watching, puzzled and often hostile world – as marked out from all other social, cultural and religious groupings, with the marking-out being primarily its devotion and loyalty to Jesus as Lord and its belief that the one God of Abraham had, by raising Jesus from the dead, fulfilled his ancient promises and launched the final stage of his world-transforming purpose.

The new covenant community thus exists to set forward the mission of God in the power of the Spirit, and is therefore called to a shared, common life of holiness and reconciliation. The message of forgiveness and healing for the world must be enacted and embodied by the community that bears the message.

- 1.6 From the beginning, this vocation constituted a severe challenge for Jesus' followers, and there never was a time when they met it perfectly. The early church proceeded by a series of puzzles, mistakes, infidelities, quarrels, disputes, personality clashes and a host of other unfortunate events as well as by faithful witness, martyrdom, generous love, notable holiness (remarked on with great surprise by some pagan observers, who didn't know such lifestyles were possible), and a genuine openness and obedience to God's often surprising and dangerous call.

Since (in other words) being an early Christian seems to have been no less challenging and often perplexing than being a modern one, it is no surprise that the early Christians quickly developed a sense of how God guided his people and enabled them to discern the way forward both in new mission initiatives and in matters of dispute within their common life. Central to it all was the sense of the presence of the risen Jesus Christ in their midst ('where two or three are gathered in his name', as Jesus himself puts it in Matthew 18), so that the covenant community is not a mere human institution following an agenda but a fellowship of disciples together seeking to know, listen to, worship, love and serve their Lord.

In particular, the community we see in Acts, the Epistles and the writings of the second century was constantly concerned to invoke, celebrate and be deeply sensitive to the leading and guiding of the Holy Spirit. Repeatedly this involved fresh searchings of scripture (for the earliest Christians, the Old Testament; for the next generation, the apostolic traditions as well) and serious prayer and fasting, waiting for a common mind to emerge.

- 1.7 In and through it all the *unity* of the church – unity both within local churches and between different churches – emerges as a vital strand, not least as persecution mounts and the church finds itself under dire threat. Indeed, the *koinonia* of the new covenant community, as the people who give allegiance to Jesus as 'Lord' in a world where there were many 'Lords', notably the Roman emperor, meant that from the beginning there was a necessary (and dangerous) political implication to the founding and maintaining of a trans-ethnic and trans-national covenant community. All kinds of attempts were made to fracture this unity, and many early writers

devote attention to maintaining it, to guarding it, and to re-establishing it when broken.

It is at that point (for instance) that Paul works out his position about 'things indifferent' (those aspects of common life about which the community should be able to tolerate different practice), as well as his position about those things (e.g. incest) which the community should not tolerate at any price (1 Corinthians 5, 8). The vital unity of the covenant community needs the careful and prayerful use of quite sophisticated tools of discernment, tools that were already developed in the earliest church and are needed still.

- 1.8 It is this complex yet essentially simple vision of the people of God which is invoked when the church today thinks of itself as a 'covenant community'. That is not to say that all uses of the word 'covenant' in today's discussions necessarily imply that the 'covenants' we enter into (for instance, those between different Christian denominations) are somehow the *same* as the fundamental biblical covenant between God and his people. But the use of the word in today's church carries, and honours, the memory of the biblical covenant(s). It seeks to invoke and be faithful to the themes we have explored above: the sovereign call of God to belong to him and to work in the power of his Spirit for his purposes in the world, and the consequent call to the unity, reconciliation, and holiness which serve that mission.
- 1.9 There is no sense, of course, that introducing the notion of 'covenant' into talk of mutual relationships between Christians implies the establishment of a *further* 'new covenant' over and above *the* 'new covenant' inaugurated by Jesus Christ. Rather, all use of covenantal language in relation to the church today must be seen as a proposal for a specific kind of recommitment within that same covenant, in particular situations and in relation to particular communities. And, once we start talking of being in covenant with one another, we are immediately reminded of our participation in the covenant which God has made with us in Jesus Christ. The horizontal relationship with one another is dependent, theologically and practically, on the vertical relationship with the creating, loving and reconciling God we know in Jesus and by the Spirit.
- 1.10 The notion of 'covenant' has not been prominent to date within Anglican traditions of polity and organisation ('covenantal' language has, of course, been familiar from teachings on, for instance, baptism and marriage). But the picture of the church developed by the sixteenth-century Reformers, by great theoreticians like Hooker (who explored the notion of 'contract'), and by many subsequent writers, sets out models of church life for which 'covenant', with the biblical overtones explored briefly above, may serve as a convenient, accurate and evocative shorthand.

Recent discussions of Anglican identity, addressing the uncertainty as to how Anglicans are bound together around the world, have explored the notion of 'bonds of affection', the powerful though elusive ties that hold us together in friendship and fellowship. This kind of *relational* bonding, we

believe, remains central to any appropriate understanding of our shared communion.

- 1.11 It is out of that relational understanding of worldwide Anglicanism that the proposal for a 'covenant' has now grown, and it is in that sense that the proposal is to be understood. The IATDC, the Windsor Report, and the Primates, have all suggested that we seek to work towards a more explicit 'Anglican Covenant', not in order to bind us to new, strange and unhelpful obligations, but rather to set us free both from disputes which become damaging and dishonouring and from the distraction which comes about when, lacking an agreed method, we flail around in awkward attempts to resolve them.

This is not seeking to introduce an alien notion into an Anglicanism which has never thought like this before. Rather, it seeks to draw from the deep scriptural roots in which Anglicanism has always rejoiced, and from the more recent awareness of 'bonds of affection', a more explicit awareness of those covenantal beliefs and practices which resonate deeply with many aspects of Anglican tradition and which urgently need to be refreshed and clarified if the church is to serve God's mission in coming generations. To the suggestion that such a new move appears to be restrictive or cumbersome, there is an easy reply. When the ground is soft and easy, we can walk on it with light or flimsy shoes. When it gets stony, muddy or steep we put on walking boots, not because we don't want to be free to walk but because we do.

2. Reflections on some models of covenants for today

- 2.1 Since the idea of 'covenant' has a long and powerful biblical tradition, it is filled with possibilities for the ordering of our life together as Anglican Christians. Discussions about entering into a possible covenant by member churches of the Anglican Communion raise urgent questions about how we can move forward together and what we ought to do. What sort of covenant might help to order our life together in fruitful ways? Because it is used primarily to define the relationship between God and Israel, the term 'covenant' has an overwhelmingly positive sense in scripture, as we have seen. At the same time, the term 'covenant' is ambiguous enough to require further clarification. Several models of covenant have been proposed and it is useful to tease out their strengths and weaknesses on the way to framing the covenant that will be most useful.
- 2.2 A 'largely descriptive' (WR62:118) covenant that simply reiterates 'existing principles' carefully worded to avoid any controversy or mention of the issues dividing us will probably not be of much use for overcoming those divisions. On the other hand, an overly specific and detailed covenant tied entirely to the present controversies may not be of much help in the future for the next set of issues that arises.

A covenant that consists merely of conforming constitutions and canon law throughout the Anglican Communion, helpful as that would be, would not pick up on the inter-personal and relational issues so prominent within the biblical examples of covenant. Nor would it address the 'bonds of affection' that commit us to discovering together the truth to which the Spirit of God is leading us.

Any 'workable' covenant must reflect carefully negotiated 'content' as well as 'form' or 'methodology'. It should clarify and simplify, reflecting both 'narrative' and 'visionary' aspects of covenant. Narrative aspects of covenant recall the context and circumstances leading to the present moment, while visionary aspects of covenant point to the goals and future directions towards which we move in hope.

A biblical example of a 'covenant' that combines narrative and visionary components is the Book of Deuteronomy. It has the typical 'shape' of a covenant in two parts: recitals (statements of past history, the present situation and the desired future) and commitments (binding agreements between the partners to the covenants).

- 2.3 A covenant for the Anglican Communion should reflect the memory of Anglican historical traditions and also summarise our present understanding of 'the Anglican way'. In addition, it should provide a way forward, a way of re-committing to the whole project of an Anglican Communion understood as God's gift and God's commandment: a vocation to be realised rather than a fact already achieved. The covenant as a vision for mission both stresses the importance of the work to be done and binds its members to one another for greater effectiveness in accomplishing it.
- 2.4 Most importantly the covenant envisioned for the Anglican Communion is not static. Instead, it is a dynamic process like a marriage covenant. Just as the marriage partnership grows as it is tested by unforeseen circumstances and new situations, so the provinces of the Communion can expect to change and grow in ways they might never have expected. In a marriage, the partners grow together, walking alongside one another into the unknown future. So also in the Church 'we walk by faith and not by sight'.
- 2.5 Two possible models of covenant have received considerable attention, both as to tone and content: The covenant draft included in Appendix Two of TWR has been described as 'juridical' in style: a 'set of house rules' designed to prevent misconduct and/or to specify procedures for dealing with it. By contrast the draft covenant produced by IASCOME is considered to be 'motivational' in form, providing a 'vision for Anglican faithfulness' to God's mission in relational terms quite apart from a juridical context.

Each of these has both strengths and weaknesses as suggested above. A covenant that is entirely 'motivational' may lack the ability to require serious commitments and thus achieve too little. On the other hand, a

'juridical' covenant may achieve too much, actually provoking the schism it intends to prevent, by its judgements separating 'the wheat and the tares' prematurely, which for now should be left to grow together (Matthew 13). A serious question has framed our preliminary discussions of these matters: would a covenant create more divisions or fewer divisions among us?

3. The issue of persistent conflict in relation to a covenant and its operation

- 3.1 The power of the gospel as it intersects with new cultural and linguistic situations, unanticipated circumstances, and the complexities of an incarnated Christian existence produces both surprises and conflicts on a regular basis. Because the gospel has been both relational and incarnational from the start, it is entirely predictable that from the start Christians have been arguing about what it meant in the new cultural contexts in which they found themselves.

The gospel was proclaimed to Gentiles as well as to Jews; it travelled from Jerusalem, Judaea, and Samaria to the ends of the earth; it became written as well as oral; it was translated into a variety of languages; it travelled by land and sea accompanying monastics and pilgrims, monarchs and military operations, explorations and empires.

Moreover, the gospel continues to expand and develop, assuming ever new forms as it intersects with new questions and new cultural contexts. There never has been a time when the church did not experience conflicting interpretations of the gospel and the need to renegotiate its life together by some form of covenant renewal or ecclesiastical settlement.

- 3.2 Over time, the Church has learned that not all conflicts are on the same level of importance. Some differences of opinion are minor or matters of temporary or local significance. Other have lasting effects, involve large numbers of people, affect multiple situations, and treat issues of great weight and substance.

The principle of 'subsidiarity' suggests that disputes of local importance can most efficiently be decided at the local level; on the other hand 'what pertains to all ought to be decided by all'. In discerning whether a conflict should be addressed at the local level, the universal level, or at some level in-between, the three criteria of 'intensity, extent and substance', as proposed in our report of 2003 commend themselves.

If a conflict has become intense, it is less likely to be resolved easily at the local level; if its scope is extensive, involving many people in multiple locations, a universal solution is probably required; if the matter is substantial rather than trivial or peripheral, a larger structural resolution seems indicated.

- 3.3 These observations suggest an important corollary to the concept of covenant-making: any covenant requires an instrument to interpret it. There is no such thing as a self-interpreting covenant any more than there are self-interpreting scriptures. A covenant implies an interpretive body to decide on what level of polity it is best addressed and whether or to what extent it has been breached.

This result is more than a curiosity in a tradition such as Anglicanism where authority is dispersed rather than centralised in a pope and/or magisterium. The subtle interplay between persuasion and coercion characteristic of the Anglican way complicates any simplistic attempt to resolve conflicts by appealing them to one figure or body. Nevertheless, issues of intensity, extent, and substance require a solution in a way that will be satisfactory to the great majority. Otherwise resentment grows and mistrust materialises in ways harmful to the spread of the gospel, the mission of the church to anticipate the reign of God.

4. Staging a covenantal response to conflict

- 4.1 The proposal for a covenant from the Windsor Report is an attempt to find a way for Anglicans to walk together with love and openness. As a pilgrim community Anglicans have often explored institutional possibilities. Just as Paul had his 'ways' in order to serve the churches (1 Corinthians 4.17), so Anglicans have sought to find 'ways' of serving the gospel. By stepping out in faith Paul began his mission to the gentiles, and in a further step went to Macedonia (Acts 16.9). Some centuries later, Theodore (Archbishop of Canterbury 668-690) sought to reform and renew the life of the church through the instrument of synods. The church has regularly approached new situations by living faithfully one step at a time.
- 4.2 The present proposals for a covenant will inevitably take time to emerge, since the covenant is recognised as a significant institutional development. These proposals are an attempt to discern the will of God for the life of the Anglican churches around the world.
- 4.3 Anglicans now face the challenge of dealing with an acute conflict. Some churches in the Communion have acted in a way which other churches find contrary to Christian belief and practice. This is a conflict over an element of the faith within the church. For the Anglican Communion this is complicated by the fact that the conflict is among churches within the Communion as well as within individual churches. It is not just a question of how to deal with an individual person within a parish. It involves relations between institutions, between churches with their constitutions and organisations; their polities, by which they have agreed to walk together in obedience to the will of God.
- 4.4 In order to maintain unity and meet new challenges, Anglicans have in the past developed new institutional arrangements, such as the informal gathering of bishops at Lambeth. We have created Networks to listen to

each other and Commissions to serve the churches of the Communion in various aspects of their life and mission. Just as the Lambeth Conference has evolved its modes of operating, so perceptions of the role of the Lambeth Conference have changed over the years. The development of appropriate institutions is part of a pilgrimage of discernment as Anglican churches seek to walk together with love and openness in the service of Christ.

- 4.5 The present crisis is now urgent, substantial and a source of conflict and pain for many Anglicans across the world. Responding to conflict is never easy. We recoil from the hurt it brings and shudder at the implications of failure which it seems to have for our fellowship and witness to the love of Christ. But conflict should prompt us to greater contact not less, to more intense commitment to love each other and to understand the forces at play in our own faltering pilgrimage.
- 4.6 Love binds us together and provides the basis for honesty with each other especially where there is profound disagreement and division. In such a situation Anglicans will again return to the scriptures. There are many examples of conflict in the churches of the New Testament. Matthew reports on a way of dealing with conflict in stages (Matthew 18.15). Paul often had to deal with conflict. Acts 15 reports conflict in the early church over the circumcision of gentile Christians. This conflict did not lead the protagonists to distance themselves from each other. On the contrary they came together openly to lay before each other their differences. They testified to their experience of the Holy Spirit in the life of the church and by the same Spirit sought to live together in openness and love.
- 4.7 Lobby groups are a natural form of persuasion in any large community. However, this process is open to corruption when persuasion and influence are exercised in private. Such a tendency can have the effect of corroding the trust and openness which is vital to our walking together. It may be that there should be some code of ethics among us in regard to private lobbying activities. Such a code would inform our common understanding and fellowship.
- 4.8 The faith which we bring as Anglicans to any encounter will include our essential commitment to listen to scripture together, to be aware that in our pilgrimage we walk by faith a step at a time in humility. We will be aware that our tradition of dispersed authority emphasises the priority of loving persuasion and we will be conscious that we are part of the One Holy Catholic Church of Christ and stand in the shadow of the saints of God who have gone before us. We live out the catholic faith in engagement with each other in the wider fellowship of Anglican churches. The test in what we do will be that given by Jesus himself; 'by this everyone will know that you are my disciples, if you have love for one another' (John 13.35).

5. Bringing theology to bear in situations of conflict

- 5.1 The covenanting process is about how the churches of the Anglican Communion relate to each other in their common vocation. Conflict often arises because of different theological perceptions on matters in the life of the Communion. This is true whether or not the issue at stake in a conflict is located in the ethical part of the theological spectrum. The life of the Anglican Communion would be enhanced by the contribution of a serious theological consideration of the subject of any conflict of sufficient 'intensity, extent and substance'. A body which was able to provide such a contribution would greatly assist in clarifying the theological issues at stake.
- 5.2 Such a body would be concerned with doctrine because it would address matters of truth about the faith we share. It would therefore be made up of the best of our theologians, people whose competence and wisdom as theologians was recognised and respected by all. The body should have the power to co-opt consultants to advise them on any specific aspects of any question they were considering.
- 5.3 The task of this body would be to clarify the issues at stake, to identify the agreements and disagreements and to shape a view of these things in the light of the Anglican heritage of scriptural faith.
- 5.4 It should report publicly and its report should go to the Archbishop of Canterbury, the Anglican Consultative Council, the Primates Meeting and the Lambeth Conference. The effect of such a sequence of reports would be to introduce into the sensibilities of the common life of the Anglican Communion a growing corpus of wisdom on the nature of Anglican faith in relation to matters drawn out of the actual life of the churches. That wisdom would be available to any of the institutions of the Communion.
- 5.5 Such a body could be created very quickly. In the present circumstances this would greatly encourage many that there is a forum which directly addresses the issue in conflict at a significant level of recognition in the Communion.

6. The covenant proposal and the vocation of Anglicans to communion in a fallen world

- 6.1 The communion that Anglicans share is a precious gift. The present crisis in the Anglican Communion constitutes an opportunity to re-commit ourselves to one another in renewed obedience to God's call. A covenant which expressed that commitment would not be something entirely *de novo* but rather a development of the 'bonds of affection' which bind us to one another. In making such a covenant at the present time we would be acknowledging that in specific situations, especially situations of conflict, threat or opportunity, God calls his people to discern his will afresh and to re-commit themselves to him and to one another. There is much we can

learn here from the annual Methodist Covenant Service as it has been incorporated into the Church of North India.

- 6.2 In a situation of conflict the discernment of God's will for his people is not an easy task. It demands fresh study of scripture, the careful presentation of arguments, patient listening to one another and preparedness to wait in uncertainty and hope until a clearer understanding of the truth emerges.

All of this will, for God's people, be grounded in love for one another, trust that we are together committed to seeking God's way, and hope that the Holy Spirit will indeed lead us into all truth (John 16.13). This need for patience with some person, or with an entire body, that expresses contrary views is expressed very clearly by Augustine, when he says,

Let him, again, who says, when he reads my book, 'Certainly I understand what is said, but it is not true', assert, if he pleases, his own opinion, and refute mine if he is able. And if he do this with charity and truth, and take the pains to make it known to me (if I am still alive), I shall then receive the most abundant fruit of this my labour. ... Yet, for my part, 'I meditate in the law of the Lord' (Psalm 1:2) ... hoping by the mercy of God that he will make me hold steadfastly all truths of which I feel certain; 'but if in anything I be otherwise minded, that he will himself reveal even this to me' (Philippians 3:15), whether through secret inspiration and admonition, or through his own plain utterances, or through the reasonings of my brethren. This I pray for ... (*De Trinitate* 1.1.5, translated by A W Haddan, revised by W G T Shedd, ed. P Schaff, Nicene and Post-Nicene Fathers Series, vol. III, Edinburgh: T and T Clark/Grand Rapids: Eerdmans, reprinted, 1993).

Augustine speaks of a commitment to truth that entails dialogue with the other – who is my sister or my brother in Christ. He speaks of an increasing understanding of truth within the Body of Christ and of the human grasp on truth as corporate and fallible. Within the communion of the Church he looks to the other as someone through whom he may grow in knowledge of Father, Son and Holy Spirit.

- 6.3 In the same Spirit, Anglicans, bound together in communion, need each other in order to grow in faith, knowledge and love (cf. 2 Peter 1.5-7). We are committed to encouraging one another and to learning from one another's experience of discipleship in particular situations. Since we are weak, fallible and living in a fallen world, there is always the need for humility and mutual forgiveness.

Anglicans, like all Christians, have to face honestly the ways in which hurt has been given within the Body of Christ, for example, through colonialism, patriarchy and other mechanisms of exclusion. We know that truly to discover the mind of Christ we have to go by the way of self-emptying, humility and obedience which is also the way of the cross (Philippians 2.5-11). A re-affirmation of our commitment to one another in

covenant would thereby become a re-commitment in hope of the reconciliation of all things in Christ, who has established our peace by the blood of his cross (Colossians 1.20).



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'Towards an Anglican Covenant': A Response from InclusiveChurch

By Rev. Canon Vincent Strudwick

In spite of the dismay and anxiety we experience at the continuing discord within the Anglican Communion, 'InclusiveChurch' is conscious that throughout the Communion congregations are loyally going about their business week by week, passionately and profoundly committed to the Gospel as they have received and understand it.

From the very beginnings of the Church of England in the 16th Century, this understanding has contained what Richard Hooker called 'a harmonious dissimilitude' which from time to time has erupted in conflict,, eventually overcome by bonds of affection and a desire to search together for the truth of God.

The serious conflict we are now experiencing threatens to tear us apart from these historic roots of inclusiveness and from each other. By its very nature 'InclusiveChurch' wishes the Communion to stay together, but not by sacrificing the 'harmonious dissimilitude' which is our heritage.

It is our understanding that what has held the Communion together is an unwritten Covenant; that we shall be led to truth and unity in response to God's promises, drawing on the richness of our diversity in the fellowship.

If the proposed Covenant is indeed a written version of this, an aspirational call to renew our commitment to explore the truth together while we engage in the task of ministry and mission as we discern to be appropriate in our several Provinces, then InclusiveChurch is supportive. If however, the form of the Covenant that emerges is in fact a Contract, in the shape of a Confessional Statement which is designed to divide us and exclude those who cannot toe the line, then InclusiveChurch wishes to register its opposition.

We understand the Proposal document to be ambivalent in this respect. It is the Covenant Drafting Group that will decide what kind of Covenant we shall be offered. It is to this group therefore that we address this paper, setting out our position and our reasoning.

1 The Formation of the Church of England

The Church of England did not come sailing down the Thames in 1534 fully formed, nor has it been 'fully formed' at any time since that. During the whole of the 'long Reformation' we see a Church containing great diversity, occasionally putting down markers and guidelines, but essentially during the reign of Elizabeth 1, attempting to gather everybody 'in'.

A Puritan Divine complained of this, saying that the Church of England was like an 'Inn to which all are welcome' pleading that it should become more like its Calvinist cousins on the Continent, with a recognisable Confessional position.

Richard Hooker, writing to refute such Calvinist attacks, published the first volumes of his monumental work 'Of the Laws of Ecclesiastical Polity' in 1593, and here as previously in sermons and debates, he seeks to counter the basis on which this confessional theology and practice is based. He challenges the view that a straight following of Biblical precedent is a sufficient way to run life in Society or the Church. The sufficiency and perfection of Scripture, he argues, is a matter of the perfect capacity to do what it is meant to do; and that is not to provide a template for everyday living in every generation.

Rather, in what Hooker calls 'the change of times' we come to a view of how to understand and exercise our discipleship by reference to Scripture, enlightened by how others have interpreted it 'in the tradition', and guided by the 'light of natural understanding wit and Reason, which is from God.' In making a judgement on this basis, we do not always have certainty, and then we take the course 'where greatest probability leadeth'

Here is a fundamental theological principle, and it lies at the heart of how we regard change. Much was said then about the danger of slavishly following the fashion of the times, what Hooker calls 'the looseness and slackness of men' but he counters that there are 'new grown occasions' where what has previously been normative, has to be re-thought.

While Hooker is not to be regarded as an unchallenged authority, he has been significant in creating the ethos of the Church of England from his reception into the life of the Church in the 17th century until the present day, and it is both to his theological method, and to that ethos, that InclusiveChurch appeals.

2 The Accidental Communion

The formation of the 'Anglican Communion' was an accidental outcome of British enterprise. The proliferation of plantations, colonies and trading posts was succeeded by Imperialist dreams, and Church of England missionaries were followed eventually by Bishops and the Book of Common Prayer.

Outward conformity to Episcopal governance and the Prayer Book concealed a great variety of understanding of Scripture and of Doctrine, which in different cultures and the changing times, have had different outcomes in the way the Gospel is understood and practised. There was no Communion ecclesiology and it was this very diversity which gave rise to a move towards some coherence, and the first Lambeth Conference in 1867.

However, in spite of the Windsor Report's attempt to codify and sanctify subsequent Conference and other statements and decisions, the Communion as it has been, is best described by Professor Sir Henry Chadwick. In 1993 he described it as 'a fairly loose federation of kindred spirits, often grateful for mutual fellowship, but with each Province preserving the right to make its own decisions.' We note though, that the process of decision making varies enormously, and

in some Provinces, it is 'hierarchical' while in others democratic. The theological and ecclesiological divisions in the Communion, both in its history and today, are not solely marked by Provincial boundaries, but 'fault lines' run within Provinces.

With the strengthening of local difference in the post colonial era, and in spite of attempts to provide better structures for communication and mutual support, local Provincial decisions have reflected the variety of theological principles and ecclesial decision making processes, in different parts of the Communion.

In the last twenty years, these have given rise to confrontation and division, which the Covenant seeks to address.

InclusiveChurch fears that a 'Confessional Covenant' will reflect a methodology and ethos alien to the tradition of the Church of England, and to many faithful members in a variety of Provinces throughout the Communion. Such a 'Covenant' would not be 'In Place of Strife' but would intensify it, as Churches within Provinces sought different governance, and proliferated 'party'.

3 What then is the point of any Covenant ?

InclusiveChurch believes that a Covenant which explicitly affirms our historic relationship, the dignity of our difference, and the commitment to work together, within our several Provinces on an agenda for unity and truth, would serve the cause of the Communion, and our mission in the world-wide Church.

In the Proposal Document, among the differing understandings of 'Covenant' is the concept that a Covenant is between God and his Church. God's promise has been made that we shall be led into all truth, and the promise has an eschatological goal.

Those who respond in obedience must surely attempt to do so in unity because we need each other and our conflicting views in this tremendous task. The starting point for those who enter the process should not be the requirement to accept doctrinal opinion, sacramental devotion, or ministerial practice which may be present in this or that Province. Rather, that believing that we hold the essentials of the faith together, we covenant within the Communion to continue to work in matters of important difference, with the charity and respect that our historic relationship has bequeathed.

4 The process

The process of agreeing a Covenant is in many ways as important as the end result. Through the process, a real opportunity exists for greater understanding to develop between provinces, dioceses and individual Anglicans. The discussions and debates involved in agreeing a final version will touch on many areas of our common life, and these discussions have the potential to open up new areas of relationship and understanding across the Communion. Now more than ever, this chance for growth should not be missed.

We understand that a Covenant Working Party has been appointed consisting of 8 members under the chairmanship of the Archbishop of the West Indies. We look forward to learning the make up of the Working Party but hope that it reflects faithfully the range of views on the final document.

It is essential that the deliberations of the Working Party are seen to be open, accessible and consultative. We welcome the suggestion that a wider "Correspondence Group" should receive and be invited to comment on all papers. We believe that all meetings of the Working Party

should be equally open and accessible, that minutes should be available on the internet, and that comments and views of ordinary Anglicans as well as the Correspondence Group should be taken into account.

InclusiveChurch is deeply committed to dialogue across and beyond the boundaries of geography, theology and ecclesiology. We believe that the Covenant proposals offer a chance for structured and creative dialogue to take place and hope that the development of the proposals will make the most of this chance.

In his book 'Christian Believing' (1976) Maurice Wiles, Regius Professor at Christ Church Oxford, and sometime Chairman of the Church of England Doctrine Commission, wrote this: What is important for the Christian community at large is not that it gets its beliefs absolutely clear and definite; it cannot hope to do that if they are really beliefs about God. It is rather that people within the community go on working at the intellectual problems, questioning, testing, developing and seeking the practical application of the traditions that we have inherited from the past'

As we have received it, that is our heritage. It is how we have 'made Church' together. If we cannot continue to do it without a 'Covenant', then let us have a Covenant, but an inclusive Covenant that commits us to that working relationship, and not to any set of doctrinal or ecclesial opinion.

It should be a commitment to continue to participate in the Instruments of Unity of the Communion, and to continue to admit to sacramental and full participative fellowship, members of all the Provinces who sign the Covenant

It is this commitment to engage, that will save the Communion from becoming just 'a federation with a history' and transform it into a dynamic model of Church, distinguished by its inclusiveness.

VS 20.11.06

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The Modern Churchpeople's Union

Response to:

Towards an Anglican Covenant ***A Consultation Paper on the Covenant*** ***Proposal of the Windsor Report***

The Modern Churchpeople's Union (MCU) was founded in 1898. It is an Anglican body committed to the promotion of liberal theology, grounded in scripture, tradition and reason, and to an open approach to developments in contemporary intellectual life.

In the absence of suggested wording of a Covenant this paper addresses the issues in principle and structural terms.

MCU would prefer that there be no Covenant. However, if a Covenant is pursued, MCU would wish to engage in discussion on proposals for its substantive terms.

Contents:

Summary

Covenant and Theology

Jonathan Clatworthy

Covenant and Government

Paul Bagshaw

Conclusion

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Summary

The MCU would strongly prefer that there be no Covenant.

Theology

We recognise the depth of theological division within the Anglican Communion and the difficulty of achieving any resolution of present conflicts.

Nonetheless we believe Anglicanism can find sufficient strength to retain its unity by drawing on its traditional, tolerant approach to theological difference and its instinct to include rather than exclude.

We fear that a Covenant will discard this inheritance and be a significant step towards a narrower, more centrally organized, and increasingly exclusive Anglicanism.

Anglican flexibility has been its great strength: it has allowed differences of opinion to be expressed within the church. A Covenant would make theological change and development more difficult. Instead of creating unity a Covenant will tend to make the Communion more rigid and liable to fracture: where unanimity is expected those who in all conscience cannot agree will be obliged to leave.

Governance

The proposed Covenant involves a new development in Anglicanism. It will tend to replace voluntary association and consensual relations with contractual relations regulated by international institutions.

We do not wish to have a Covenant. However, if there is to be one,

- it should be declaratory of Anglicanism, not a test of membership nor a constitution for the Anglican Communion.
- It should have the least possible content; and
- there should be clear criteria to sift out inappropriate material.

Conflict resolution should be by non-binding arbitration. Mechanisms should be developed outside the Covenant.

Consultation on the Covenant proposals should be as extensive as possible. We strongly oppose any proposal for indirect assent to a Covenant.

Unity will not be served by a Covenant. Its primary consequence is likely to be the exclusion or expulsion of those who do not sign unconditionally. In future a Covenant would become a focus for division.

Any gains from a Covenant will be outweighed by losses. **Gains** may include greater clarity of Anglican identity and working relationships and, possibly, improvement in conflict resolution. **Losses** would include:

- The conciliar nature and ideal of Anglican unity would be replaced by a constitutional and contractual ideal.
- Innovation in theology and church order, and contemporary restatements of doctrine will become more difficult.
- The interdependence and autonomy of Churches in the Anglican Communion will be diminished. Legalistic considerations will displace bonds of affection and mutual regard. Power will be centralised and central budgets will grow. Accountability to the local church will shrink.

Conclusion

We believe that the Anglican theological tradition, grounded in Scripture, tradition, reason, and experience, has sufficient strength to enable the Communion to accommodate development whilst remaining united and faithful to the Gospel.

We believe that the conciliar nature of the Anglican Communion should be reinforced. Conciliarity, not a Covenant, should be the basis for mutual recognition and working relationships.

MCU would like to see the Church become more egalitarian, democratic and decentralized, inclusive of all faithful Christians, more open to diversity and change.

Covenant and Theology

Jonathan Clatworthy

The Modern Churchpeople's Union opposes the introduction of a Covenant of the type envisaged in *Towards an Anglican Covenant*.

If the Covenant were so worded that all provinces could sign it, it is difficult to see how it would have any effect at all. We take it, however, that the reasons for proposing it would be those expressed in the Windsor Report and 'Towards an Anglican Covenant', and these anticipate that not all provinces could subscribe. It would therefore have the effect of excluding some. We believe this would be a step on the way to changing Anglicanism from an inclusive, tolerant church into a restrictive and exclusive sect.

Anglican Theology

The Church of England has a distinct theological tradition which we wish to defend. We recognize that some Provinces have been little influenced by it, and we also recognize that there have been changes of theological emphasis over time; but over and above these changes there is a theology which is recognized as distinctively Anglican, has often been able to unite the Evangelical and Catholic wings, and has in general characterized the worldwide Anglican Communion.

The Tudor and Stuart monarchs sought to unite the nation under a common religion. Most of them aimed for a religious settlement which allowed a wide range of belief in order to include as many people as possible. This wide range contrasted with the majority Calvinist tradition, with its stronger commitment to purity in doctrine and lifestyle. Where unanimity of opinion is expected, those who in all conscience cannot agree are obliged to leave. Thus Calvinism has suffered many sectarian splits and competing congregations. Anglicanism, by allowing differences of opinion to be expressed *within* the church, has been better able to retain its unity.

Contrasting accounts of knowledge

These two ways of handling disagreement reflect contrasting epistemologies. Medieval theologians responded in two ways to the fact that human reason cannot produce knowledge with certainty. One, characterized by Aquinas, Hooker and the Anglican

tradition, accepted that our sources of information vary, but none produces certainty. Hooker's view was that we are guided not just by Scripture but by reason and tradition. The interplay between the three allows for new insights, so the church 'has authority to establish that for an order at one time, which at another it may abolish, and in both do well'. The open-ended and inclusive character of his theology is unaffected if experience is added to the list as a source of knowledge. Even if, as some have recently argued, Hooker's real views have been misinterpreted, it remains the case that his influence has been valued throughout the bulk of Anglican history, as promoting a inclusive Church, willing to accept uncertainty and live with difference.

The other epistemology, characterized by William of Ockham and popular during the Reformation, denied that reason and tradition have any part to play in matters of faith, and argued instead that divine revelation should be accepted without question. By repudiating reason, they claimed that the truths of revelation are known with greater certainty than human reason can achieve. Descartes later adapted this theory, replacing revelation with reason as the means to certainty.

Philosophers now describe these two epistemologies as, respectively, coherentism and foundationalism. Foundationalists expect to commence with self-evident and certain starting-points, from which all else is deduced with certainty. Coherentism is characterized as a web of knowledge, in which there is no single starting-point and no absolute certainty, but the web is secure to the extent that the parts cohere with each other. Philosophers describe these two epistemologies as contrasting options: the choice between them is either/or, not shades of grey.

Today, although western Protestant theological traditions, and church doctrines, vary widely - so that many Calvinist churches are tolerant of disagreement, while many Anglican churches are not - the underlying contrast between the two epistemologies remains, and is reflected in the uncomprehending astonishment of liberals and conservatives at each other's views.

Foundationalist theology

In a strictly foundationalist theology, religious truth is to be accepted from divine revelation, primarily given in Scripture. Once accepted, it is known with certainty. The only role for human reason, if any, is to deduce one certainty from another. Disagreements between believers are not expected, as God's word cannot be inconsistent. When a revelation is known with certainty, a person who disagrees must certainly be wrong.

As revelation is complete, and inherited from the past, there can be no new revelation. There is no value in creative thinking, or in seeking new information from other sources. Thus, for example, psychological research into homosexual orientation cannot add to, or subtract from, divine revelation about homosexuality.

From this perspective, the teaching role of the church is to provide information about the content of revelation. As the only source of information is divine revelation, teaching is hierarchical. For a church to grant a leadership post to a person who disagrees with one element of revelation - for example, an unrepentant homosexual - is to undermine the very purpose of the church. If some members openly disagree with some elements of the teaching, the logical response is to define the true church so as to exclude the dissidents.

Coherentist theology

In coherentist theology, religious truth comes from a wide range of sources, including Scripture. However no single source of knowledge bears the stamp of certainty. The role for human reason is wide. Rational deduction, empirical observation, critical analysis, intuition, the emotions and creative leaps of the imagination all play their part in learning about our relationship with God, as they do about other matters.

Because of this diversity, it is expected that one person's idea of religious truth will differ from another's. Disagreements are not a symptom of failure, but a potential source of new insight. The search for truth is a community activity. Because truth is acquired through the interactions of a wide range of sources, new sources and new combinations make possible new insights which are not part of the inherited tradition, but enable the tradition to develop. There is a legitimate role for creativity.

Because we do not know where new insights may be available, any source may turn out to be fruitful. It is entirely proper, therefore, to use the insights of modern psychologists (for example) to shed light on current debates within the Church, even if the psychologists in question are atheists.

From this perspective, the church's teaching role is open-ended. Everybody has something to learn and something to contribute. Truth emerges not by putting up barriers against error, but by knocking them down. If church leaders disagree with each other on significant issues there is a shared understanding of public reason upon which disagreements can be explored within the church.

Anglican coherentism

Although no theological tradition has been entirely consistent in maintaining either of these traditions, many describe themselves in terms of one and against the other. Anglicanism has been characterized by coherentism and therefore inclusiveness. It has often witnessed major disagreements, without splitting - for example, over slavery, evolution, biblical criticism, women in the ordained ministry, remarriage after divorce, capital punishment and contraception. In every one of these issues the majority Anglican view changed, despite the fact that opponents of change had the lion's share of the biblical texts on their side. These changes took time. The time was made available because the church permitted its bishops, clergy and laity to disagree in public with the inherited position, and debate each issue on its merits.

The proposed Covenant and foundationalism

Today, very few philosophers defend foundationalism. Self-evident first principles rarely turn out on inspection to be self-evident; they are only 'first', foundational, by the say-so of adherents; and precious little can be deduced from them with any semblance of certainty. It would be very odd for Anglicanism, which so successfully resisted foundationalism during its years of popularity, to become more foundationalist today. The history of Anglicanism witnesses to an ecclesiology which allows doctrines to change, but in an informal, gradual and consensual way which retains the Church's unity.

We believe that the reasons for a Covenant, as expressed in the Windsor Report and 'The Challenge and Hope of Being an Anglican Today', are based on a foundationalist epistemology which would undermine this tradition.

Doctrines as static

A good illustration is where the Windsor Report (127) defends its claim that 'The Communion has... made its collective position clear on the issue of ordaining those who are involved in same gender unions' by citing the Lambeth Conference 1998, Resolution 1.10. This statement presupposes three views about Anglican doctrines: that they are established by central hierarchies, are irreversible and are universally applicable.

(a) *that they are established by central hierarchies.* In fact it is not the case either that Lambeth Conference resolutions are binding on the Communion, or that Anglicans in practice accept its judgments. The claim that the Communion has made its position

clear is perhaps best interpreted as an aspiration - which might be achieved by a Covenant.

(b) *that they are irreversible*. Here and elsewhere the Windsor Report claims that the question of the morality of homosexuality has been settled as far as Anglicanism is concerned, and strongly implies that it cannot be reopened (e.g. 69). To attribute such authority to a document less than ten years old is striking. If a document of 1998 can settle a matter once and for all, it seems strange not to allow that a document of 2008 or 2018 may do so too. Historically, many Lambeth Conference resolutions have been overturned at subsequent conferences; for example, contraception was repeatedly condemned in early Lambeth Conferences, but was later accepted. Part of the case for a Covenant is that it should become harder to overturn formal resolutions. We do not think it should.

(c) *that they apply universally*. The Windsor Report and successive Primates' Meetings have treated the New Westminster same-sex blessings, and the consecration of an openly gay bishop, as universally significant, even though each of these innovations applied to only one diocese. For a Nigerian or a Texan to insist that they cannot tolerate a gay bishop in New Hampshire is, clearly, to appeal to a universal principle of non-disagreement; that is to say, it presupposes a sectarian Calvinist, rather than Anglican, view of the Church. To the extent that the proposed Covenant will be designed to discourage disagreements of this type, it will formally establish a Calvinist, and foundationalist, ecclesiology in the Anglican Communion.

Innovations as problematic

We understand that the purpose behind the proposed Covenant will be to protect the Anglican Communion against threats of division like the one currently focused on homosexuality and the interpretation of Scripture. Anglican provinces would commit themselves to consultation with the Communion as a whole before introducing significant innovations. We believe that the Covenant would have the reverse effect. By replacing the informal, gradual and consensual method of doctrinal change with a formal and centralized method, it would make changes more difficult and more divisive.

It would also contain the following weaknesses.

a) Such a policy can only succeed if there is a clear definition of which innovations would be subject to regulation. We do not believe any definition would suffice to resolve disagreements, as there will always be room for debate about how to

categorize a particular issue. Once the Covenant is signed, therefore, there will be persistent pressure to make it all-encompassing.

b) Many significant innovations are not at the time recognized as such, or do not follow established procedures. At one place the Windsor Report, arguing that not all differences of opinion can be tolerated within the Church, offers a telling example: 'We would not say "some of us are racists, some of us are not, so let's celebrate our diversity"' (89). Those familiar with the history of racism would have sought an illustration elsewhere. At the end of the nineteenth century, racist theory was widely accepted, especially in England. It was propounded by the leading scientists of the day, and was used to justify imperialist aggression. The fact that Anglicans are today so overwhelmingly opposed to racism that the Windsor Report can cite it for this purpose, indicates not that opposition to racism is a permanent feature of Anglicanism but that the majority view can change, without any formal structure for permitting change, and without the Church's hierarchy in any sense supervising it. A Covenant would not have made it easier for English Anglicanism to renounce its racism, but it may well have made it harder.

c) The main purpose of the proposed Covenant would be to avoid conflict by restricting innovation. This presupposes that the absence of innovation will reduce conflict.

We suggest that the reverse is often the case, and the current debate about homosexual bishops is a case in point. Innovations are frequent, but only cause conflict if they are opposed. The consecration of the first slave-owning bishop, and the first divorced and remarried bishop, could equally have generated debate across the Communion, but did not. The intensity of the current dispute was generated by two contrasting reactions to the growing acceptance of homosexuality. One was to welcome it; the other was to oppose it, and isolate homosexuality as the defining issue for Evangelicals. Both were innovations. It may be argued that one innovated more than the other, but any response to the changing social norms would have been to some extent an innovation.

d) A Covenant of the type envisaged would give too much power to the opponents of change. Much would depend on which issues would require Communion-wide consultation, but we anticipate that if it were to make any difference at all, it would give encouragement to single-issue campaigning groups determined to block innovations. For example the Windsor Report, discussing the difference between *adiaphora*, 'things indifferent', and essentials, asks:

If [an issue] is indeed 'adiaphora', is it something that, nevertheless, a sufficient number of other Christians will find scandalous and offensive, either in

the sense that they will be led into acting against their own consciences or that they will be forced, for conscience's sake, to break fellowship with those who go ahead? If the answer to the latter question is 'yes', the biblical guidelines insist that those who have no scruples about the proposed action should nevertheless refrain from going ahead. (93)

If this criterion is formally accepted by a Covenant, one wonders how the Communion will establish what constitutes a sufficient number of the scandalized and offended. In practice access to financial resources and the mass media will be influential. This criterion will therefore play into the hands of well-organized campaigning groups, who will only need to insist - as is happening now - that their conscience demands that they split the Communion unless they get their own way.

Until now this has not been the case. A few examples may illustrate how changes take place.

(i) When the Lambeth Conference finally accepted the legitimacy of contraception, overturning successive previous resolutions, opponents of contraception could have declared that their view was the traditional Anglicanism, and insisted on expelling supporters of contraception. They did not.

(ii) The Church of England approved of capital punishment for centuries; it is explicitly endorsed by the 37th Article of Religion. The Homicide Act of 1957, retaining capital punishment for the worst forms of murder, was strongly supported by Archbishop Fisher speaking 'in the name of God and society', yet only eight years later capital punishment was abolished, with Archbishop Ramsey and sixteen bishops voting in favour and none against.

(iii) The most decisive change in Church of England attitudes to homosexuality came about in the 1960s when the bishops, led by Archbishop Michael Ramsey, led the way in urging the total decriminalisation of all forms of homosexual behaviour. No bishop voted against any of the Bills between 1965 and 1967, even though only twelve years earlier Archbishop Fisher had described sodomy as 'a crime in a class by itself'.

What is distinctive about the current debate is not that allowing homosexuals to be made bishops could possibly be a more significant issue, but that the opposition is better organized and more willing to issue threats to split the Communion. A Covenant which formalized their right to prevent innovation would therefore be a step in the wrong direction.

Foundationalism and support for the Covenant

We therefore believe that the support for a Covenant is motivated by a foundationalist concept of ecclesiastical authority, which expects it to be hierarchical, centralized, and with a sense of timeless and universal certainties.

We are not arguing that opponents of homosexual bishops and same-sex blessing services individually adhere strictly to foundationalist theologies, still less that they do so intentionally. However we do believe that the reasons for their objections are necessarily foundationalist. It is their foundationalist interpretation of Christian theology which generates their unwillingness to live with differences of opinion.

An alternative vision for the Church

We would like to see the Church move in the opposite direction. We would like it to become more egalitarian, democratic and decentralized, and more willing to accept diversity and change. Innovations should characteristically be local and reversible.

We suggest, therefore, that rather than establishing a Covenant which would hinder innovation, we should seek a different vision for the Church, with a more creative account of the relationship between tradition and innovation. One of the Church's roles is to teach and recommend the faith, as inherited through the Christian tradition, with its roots in Scripture. Another of its roles is to relate the tradition to our ever-changing society, articulate new issues and seek new insights. A third role is to assess new theories and insights, judge which ones are worthy of affirmation, and allow these to influence and reinvigorate the tradition.

Tradition and innovation

This will mean expecting Christians to accept a tension between traditional doctrines and the variety of alternative theories in vogue at any one time. Differences of opinion will always be with us, but other institutions manage them better.

For example, in order to provide children with a wide education, schools simplify and select the information they provide. Children are taught traditional accounts of each subject, without being expected to know about contemporary disagreements between professional researchers. Researchers, on the other hand, are aware of specialist debates within their field, including new theories which may challenge traditional opinion. At any one stage what a school teacher is telling pupils, as undisputed fact, may already have been challenged by the latest research. Educational institutions live

with this tension by distinguishing between different roles and recognizing the limits to knowledge.

Similarly, the latest findings in medical research do not correspond with what doctors are offering patients at any one time. Doctors expect to give, and patients to receive, remedies which are well tried and tested. On the other hand research findings are welcomed because in time they may make new treatments possible.

Many modern institutions experience similar tensions between theoretical disagreements and the inherited tradition. What makes the tension a positive one is that the theoretical ideas, when tested and accepted, provide new insights which enable the institution to develop creatively.

Churches experience the same tensions, but differ in that their leadership characteristically interprets them negatively. Although church leaders have long complained about the growing gap between academic theology and the teaching characteristic of local churches, in practice the gap is retained by the underlying foundationalist commitment to the idea that all truth is inherited from the past.

In other aspects of life Christians are familiar with creative tension between tradition and innovation, and we believe there is no difficulty in principle with accepting it in the case of religion too. It may also help the Church to rediscover the Apostles' excitement with the newness of God's activity in the world.

Covenant and Government

Paul Bagshaw

The limits of a Covenant

The *Windsor Report* described the paramount model of the Anglican community as the 'voluntary association of churches bound together in their love of the Lord of the Church, in their discipleship and in their common inheritance'.¹ Yet the tendency of the Covenant proposal is to replace voluntary association and consensual relations with contractual relations regulated by international institutions.

This tendency is implicit in the perceived weaknesses of the present arrangements of the Communion which the Covenant is designed to amend. The Archbishop of Canterbury suggested that the Covenant would be a way to redress the 'lack of adequately developed structures' capable of addressing modern diversity and communications.² The Covenant would seem intended to redress the lack of an agreed confession of faith, foundation document or legally enforceable concordat between covenanting parties. New structures would follow on agreement to a Covenant as would other factors, not least requests for funding.

Despite the acknowledgement that a Covenant would be 'unable to resolve our current difficulties' (§8)³; and despite the Archbishop's view that relying on 'social and legal considerations' to resolve religious disputes is 'highly risky'⁴ a Covenant is presented as the way out of Anglicanism's current disorder.

But the internecine divisions which currently mar our Communion were not caused by a lack of a foundation document nor by the absence of formal agreement between partners. As Jonathan Clatworthy's paper describes, our conflicts reflect deeply held and incommensurable convictions as to theology, the proper expression of discipleship, and the acceptable bounds of faithful Christianity. As the politics of religion have created the crisis so only religious politics can resolve it. A Covenant may represent the terms of a settlement between contending groups but cannot itself resolve a fundamental dispute.

1 WR §120.

2 The Challenge and Hope of Being an Anglican Today: A Reflection for the Bishops, Clergy and Faithful of the Anglican Communion, 27th June 2006.

3 Unreferenced paragraph numbers refer to Towards an Anglican Covenant; paragraph numbers marked WR refer to the Windsor Report.

4 The Challenge and Hope of Being an Anglican Today: A Reflection for the Bishops, Clergy and Faithful of the Anglican Communion, 27th June 2006.

The goals and benefits of a Covenant

Towards an Anglican Covenant indicates that the Covenant is intended:

to 'clarify the identity and mission of the Churches of, or in association with, the Anglican Communion.' which appears to be equated with 'our ecclesiological identity,' §6⁵

to provide 'a fundamental basis of trust, co-operation and action in relationship with one another and in relation to the whole Communion.' §6

to constitute 'an agreed framework for common discernment, and the prevention and resolution of conflict.' §10.

This latter objective would seem to carry the implication of significantly greater change than any other.

Consequential benefits are said to include:

Assisting the Anglican Communion in self-understanding. §6

Assisting the Anglican Communion in ecumenical relationships. §6

'to develop a disciplined and fulfilling life in communion.' §6⁶

to 'assist the process of reconciliation post-Windsor.' healing and strengthening the damaged bonds of affection. §8.

to be used as an educational tool §9.

The *Windsor Report* adds that the relationships with the Anglican Communion established in a Covenant may assist churches in their relations with their States. WR §119 point 5.

The number of goals and benefits set out in both *Towards an Anglican Covenant* and the *Windsor Report* suggests a lack of precision as to what a Covenant may achieve and also a desire to present the principle of a Covenant in overly-rosy terms without giving consideration to any potential detrimental consequences.

The alternative: a renewed conciliar Anglicanism

The MCU would prefer that there be no Covenant and that other means of enhancing the conciliar nature of the Anglican Communion should be pursued in preference.

⁵ 'A Covenant incarnates communion as a visible foundation around which Anglicans can gather to shape and protect their distinctive identity and mission' WR §119 point 3.

⁶ This seems particularly imprecise. In fact it is not clear the extent to which the substance of §6 (a brief summary of comments from a previous round of consultation) is endorsed by the consultation paper.

Anglican churches were once 'bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference.'⁷ This conciliarity has been much eroded. It may be argued that it has already been lost, and that loss itself necessitates such developments as the proposed Covenant. Yet, if so, this has not been a matter of historical necessity but of an accumulation of decisions. It would be possible, if there were the political will, to create new patterns of conciliar unity appropriate to the changed circumstances of the twenty-first century.

A wide and generous Covenant (§§ 17-20)

However, recognising that a Covenant is perceived by some to be a way forward, the MCU would seek the least possible content. The more that an agreement states the narrower it draws its boundaries: less is more encompassing.

The optimistic presentation of *Towards an Anglican Covenant* excluded any discussion as to the proper and practical limits of the content and consequences of a Covenant. Accordingly we propose that there should be explicit tests for what should and should not be included in any Covenant. These tests should be deliberately constructed to winnow out everything except that which is essential.

We suggest that each clause or, at least, each section should be included only if it can be justified on the grounds that it,

- serves to enhance unity significantly beyond the present arrangements; and
- incorporates the widest number of people; and
- reinforces interdependence and mutual regard; and
- entails the absolute minimum of intrusion into existing jurisdictions; and
- that it facilitates and does not stifle development; and
- that, in its absence, the Covenant would not succeed.

However we also anticipate that the consultation process and subsequent responses to the Covenant are likely to generate a great range of suggestions and divergent clarifications, explanations and interpretations.

⁷ Resolutions of the Lambeth Conference 1930, London, SPCK, p. 53.

Therefore we suggest that, alongside a minimal Covenant, the development of more discursive material should be encouraged. Some of this material could be official (that is, endorsed by official Anglican bodies) but it would not acquire the status of a test of membership as if it were itself part of the Covenant.

On the other hand we fear that a Covenant could be drawn up in a manner which creates a form of unity by the exclusion of dissentient voices and difficult issues. This would be an unacceptably and unnecessarily high price for unity and would result in a narrow and diminished church.

In particular the MCU would oppose to any attempt to specify a test of faith more precisely than is set out in existing Anglican formulae such as the Lambeth-Chicago Quadrilateral. We would oppose any attempt to specify theological method or modes of scriptural interpretation, or to exclude any method, or to specify or exclude any particular conclusion from theology or exegesis. We would regard any attempt, directly or indirectly, to exclude any person from membership or to marginalize any group, on the grounds of their sexuality as utterly abominable.

Possible elements of the Covenant:

Declaratory:

A statement of the Anglican Communion as part of God's universal Church.

A statement that we work together in the discernment of truth and the continual creation of unity, recognising that this is (in this world) a continuous pilgrimage in which each may learn from the other.

Affirmatory:

A statement that signatories share (and recognise in one another) a common ground of faith in Scripture, the Creeds and dominical sacraments; in episcopal church order; witnessed to by traditional Anglican formulae; and

that they are open to the continuing revelation and discernment of God's action in new circumstances.

A presumption [and therefore not a requirement] of mutual respect and hospitality

A presumption of mutual recognition of orders, and

an expectation of the respect of visitors for the rules of the host body.

Aspirational:

A commitment to faithful discipleship in every culture and community, including a willingness to explore new expressions of faith in new circumstances.

A commitment to resolve conflicts amicably, within received tradition and open to the guidance of the Holy Spirit.

Procedural:

A statement of the standing and authority of the Covenant.

A means of amending the Covenant.

The prevention and resolution of disputes

Of particular concern is the proposal that conflict-resolution mechanisms be part of the Covenant. This proposal has the potential to bite far more deeply into the autonomy of provinces and national churches than any other.

Consequently MCU would urge that any conflict resolution mechanism should be developed outside the Covenant.

If new conflict resolution mechanisms are necessary we would strongly endorse non-binding arbitration.

In binding arbitration the decision of the arbitrator is (subject to any appeal process) definitive and enforceable. Responsibility for the decision lies with the arbitrator. The procedure involves consideration of the facts and arguments in the particular case, the judicious application of rules and precedent, and coming to a reasoned decision with an eye to any wider implications. Arbitration may allocate responsibility and reparation between the parties. Nonetheless (though it need not) the approach creates the probability of winners and losers and it is generally in the interests of the parties to present their strongest and most extreme case. Although a decision may be as impersonal and objective as possible the process tends to sharpen conflict between the parties and to leave a residue of resentment. The capacity for enforcement can only be at the cost of a party's autonomy and the only available sanction is exclusion from the Communion with lesser penalties derived from expulsion.

Non-binding arbitration rests on the assent of all parties. Implementation of a decision is the responsibility of the parties themselves and therefore they have to accept joint responsibility for the decision. Facts and arguments, rules and precedent, as well as consideration of wider implications, continue to be the considerations by which a decision is reached. But, while each party presents their strongest case, there is no pressure to make an extreme case nor to characterise the outcome in terms of victory

and defeat. A decision, however reasoned, may be messier and more subject to political processes but (when successful) the consequences are the restoration of relationships, a reduction in conflict, and the strengthening of Communion.

Non-binding arbitration, entered into willingly by the parties, entails no reduction of or intrusion into their autonomous jurisdictions.

It may be objected that this would not be sufficient to meet the present dispute. We suggest that in a church of which membership is voluntary, no conflict resolution mechanism is ultimately sufficient, whatever its powers, without the assent of the people it encompasses. Where there is a refusal to agree, where groups no longer regard one another as full members of the same body, where people cease to listen and disagree respectfully together, communion has already been ruptured irrespective of the constitutional position.

Similarly, despite the optimism of *Towards an Anglican Covenant* and the *Windsor Report* it is hard to see how any dispute could be prevented by the presence of a Covenant. At best the instruments consequent on agreeing a Covenant may include a relatively rapid procedure to respond to a breach of its terms. However the history of ecclesiastical conflict of the past two centuries suggests that a new disagreement is unlikely to be met adequately by structures designed to address an earlier dispute.

Consulting on the Covenant (§§21-26)

Consultation and accountability

We would wish to see discussion of the detail of proposed changes being made as extensive as possible.

This would, of course, imply additional time and expense. Nonetheless the strength of the Covenant will depend on the depth of its roots: the value and utility of a Covenant will be directly proportional to the difficulty of obtaining agreement. At the very least Provinces and national Churches should be encouraged to consult each Diocese and interested voluntary bodies.

Where a significant change in the constitution and practice of a Province is intended or implied; or previous rights and powers are to be relinquished; or a Church is asked to give up some of its jurisdiction and become subordinate to new structures in new ways; then it is essential that the whole of that body make the decision corporately through its legislative structures. To fail to do so, or to seek to pass responsibility to

the Primates alone, would be a breach of their duties as guardians of the Anglican tradition in each place.

The proposal that Primates should be given the authority to sign on behalf of their constituency (§ 25(a)) can only stem from a belief that assent would be significantly more attainable than would be the case if each legislature had to be persuaded separately⁸. Similarly the proposal that the ACC adopts the Covenant (§ 25(b)) would be to misuse a consultative body to impose regulation on its members. Neither is desirable.

Both proposals for indirect adoption of the Covenant ignore the differing decision making processes presently embodied in the Communion's differing legal structures. They attempt to side-step potential difficulties within a Province without resolving them. Indirect assent will reduce the accountability of the instruments of unity to the people the Covenant is intended to unify. It will distance the Covenant from the ordinary life of Anglican communities and, to the extent that its effects impinge on that ordinary life, the Covenant may well be regarded and resented as an alien imposition.⁹ None of this will build up unity or interdependence; it will reinforce a presumption of hierarchical control over member bodies.

Implications of the Covenant (§§ 27-33)

This is perhaps the most important part of the Covenant proposals. Decisions about the nature of the Covenant, and whether to give it assent, will rest not on its words but on its perceived implications. Yet this is the weakest aspect of the consultation document.

(§§ 27-30 are not implications but assertions about the nature of the Covenant.)

§ 31 makes clear that the primary consequence of the Covenant will be the exclusion or expulsion of those who do not sign the Covenant unconditionally.

§ 32 seems to refer to a transitional period the conclusion of which will be that a Province will either have signed the Covenant or will have left the Communion. If § 28 is taken at face value it implies that negotiation will no longer be possible and only time will change the mind of a cautious Province.

⁸ The Commission considers that a brief law would be preferable to and more feasible than incorporation by each church of an elaborate and all-embracing canon defining inter-Anglican relations, which the Commission rejected in the light of the lengthy and almost impossible difficulty of steering such a canon unscathed through the legislative processes of forty-four churches, as well as the possibility of unilateral alteration of such a law.' WR §117.

⁹ We note the parallel with secular international treaties which (in the UK and elsewhere) may be agreed by the executive with little scrutiny by the legislature whose assent may not be required.

§ 33 is muddled: for one group of Provinces to grow closer together, and away from another group, then the present arrangements will inevitably wither. If a Province were to remain in the Anglican Communion without signing up to the Covenant they would inevitably be marginalized. It is difficult to see why a Church would remain within the association on diminishing terms.

We recognise that, at least since the different responses to the creation of the Church of South India in 1947 and magnified by the uneven progress of the ordination and consecration of women, mutual recognition and interchangeability of ministry through the Anglican Communion has been partial. But the Covenant proposal will change the character of both communion and its impairment.

Impaired communion is currently a matter of autonomous jurisdictions making separate decisions about the recognizability of one another's orders. With a Covenant as the unifying factor, communion will be impaired because of a failure to assent to a written document, or an unwillingness to be bound by its instruments. Impairment thus becomes a global decision, made by legal or hierarchical processes, which will, presumably, bind all those who have signed to be in the same impaired relationship to those who have not. It will be tidier. But, as Jonathan Clatworthy argues, innovation will be stifled. A Covenant will not allow for the progressive recognition of orders (as happened with the Church of South India) nor for progressive development of church order (as in the ordination of women). In effect the threat of impairment will progressively turn all those who remain within the Covenant from interdependent, autonomous bodies into a single, centrally governed Church.

Further implications of the Covenant for the character of the unity of the Anglican Communion, the autonomy of its members, its tests of affiliation, who bears the (financial and other) costs of change, how future alterations to the character of the Communion are to be initiated, approved and implemented, and how agreement to a Covenant will dispose the course of the future development of Anglicanism, are not touched upon in *Towards an Anglican Covenant*. Yet these are the most important aspects of the proposal.

*Gains and losses*¹⁰

It would seem that the character of unity envisaged in and encouraged by the Covenant is primarily constitutional and contractual.

¹⁰ The Consultation paper states that 'We do not underestimate the cost that being in covenant may exact on the churches of the Communion.' but does not specify what those costs are nor who would bear them. §15. Some negative impacts identified by some respondents to the consultation are set out in §5 but are not given consideration elsewhere in the paper (for example, in the section on implications §§27-33).

Unity, to the degree that the Covenant was determinative of membership, would be grounded more in an agreed document and less in working relationships, mutual regard or shared history. The Covenant, as a set of statements (and, possibly, rules), would offer an impersonal focus of unity and would constitute a new test of membership of the Anglican Communion (from which may be derived a test of ordination or acceptance into church membership). The Covenant would be subject to interpretation by lawyers rather than by bishops or synods.

Furthermore the logic of a Covenant as a document to which all participants must give their assent is that unity is attained by the exclusion or expulsion of dissentients. Whilst this has a long pedigree in ecclesiastical history it is a myopic approach to unity: whilst one body draws itself closer together the whole body of Christ is further divided.

Gains

The primary gain from a Covenant would be a greater degree of clarity and precision of the bases of agreement and of working conventions between partners: the 'house rules' of the Anglican Communion. It would give an additional foundation to formal discussions with ecumenical collaborators.

It is, however, easy to overstate this gain. No Covenant will be sufficient for long. It will require 'interpretation' and 'clarification' as it is implemented in differing contexts, as it is perceived and applied differently, and as unforeseen disputes arise. The result will be further levels of debate and the multiplication of documents which will inevitably detract from the initial sense of clarity and precision.

Second, there may also be a gain in the development of a process of conflict resolution. However, unless this is by non-binding arbitration, this gain would be offset by a commensurate loss of interdependence and autonomy. Because ecclesiastical divisions are both inter- and intra-Provincial a conflict resolution mechanism may well seek to inhibit members' internal disciplinary mechanisms on key issues and thus curtail a Province's previous jurisdictional autonomy. Non-binding arbitration may be undertaken with no loss of autonomy and serve to build up mutual regard and interdependence.

Losses

The conciliar nature of Anglicanism would be lost. A Covenant would consolidate the end of the conciliar ideal and establish a contract as the ideal of Anglican unity.¹¹

There would be a loss to the capacity to innovate in theology or church order, and greater difficulty in restating the faith in contemporary terms.

There would be a loss to interdependence to the extent that members come to rely on their standing in relation to the Covenant rather than on personal relationships. There would be a loss to jurisdictional autonomy: Provinces and national Churches would be asked to cede to an international body certain authority they can currently exercise (for example, the right to make certain theological statements, or developments in church order).¹²

Furthermore secular courts may claim jurisdiction to interpret the Covenant if a dispute were brought before them (in the manner in which they may adjudicate contracts, disputed constitutions of voluntary associations and other bodies, and may have power to determine the interpretation of international law).

The tests of the 'unity, stability and growth of the Communion' (§11)

The implementation of a Covenant may reasonably be expected to promote the unity of the Anglican Communion but only if unity is construed in constitutional and juridical terms. It may do so at the cost of excluding or marginalizing many who had previously regarded themselves as, and been regarded as, full members.

Whether a Covenant would promote bonds of affection depends less on the Covenant itself than on the manner in which it was implemented and on the international mechanisms it would entail. The tendency inherent in a Covenant would be to replace affection by legal or bureaucratic rulings as the unifying bonds.

A Covenant may well contribute to the stability of the Communion. To do so it would have to have sufficient flexibility to allow adaptation and change, local initiative and distinctiveness. Yet until there is some suggested wording, and a description of the

11 The theological and historical connotations of Covenant (§§13-15) will remain important. However its implementation will inevitably take on the character of the civil law understanding of Covenant as a mutually binding commitment – or contract (§16).

12 This would be the obverse of the suggestion that a Covenant may help support a Church in dispute with the secular state authorities (WR §119 point 5). Some governments would be all the more convinced that an Anglican Church was little or no more than an arm of a foreign international organization.

instruments intended to enforce agreement, there is insufficient evidence to make a judgement.

It is very hard to see how the Covenant can influence the growth of the Communion. At best it is conceivable that a smaller Communion may compensate for the loss of numbers and diversity by building stronger internal structures.

Other consequences

The background and tendency of the Covenant proposals is the rejection of conciliar mechanism and their replacement by juridical structures in the unsubstantiated hope that formal agreement and new instruments of government will be sufficient to sustain 'bonds of affection'.

Present disputes in the Anglican Communion have strained amicable relationships between member Churches to, and perhaps beyond, breaking point. Those same disputes would have applied the same strains to constitutional relationships: the canons and constitution of ECUSA have not prevented such disputes within its ranks but have provided a focus for them. In fact constitutional arrangements risk encouraging more strident conflict by placing powerful levers in the hands of those who believe that their grasp of Christian faith and discipleship is such that they cannot remain in communion with others with whom they disagree. The consequence will be not only legal disputes within the Church but also increasing recourse to the secular courts.

In the presence of divisive disputes a formal constitutional structure may seem to have much to offer. However it will be at the cost of the interdependence and autonomy of member churches. Over time power will almost certainly be transferred upwards: examples of organizations which voluntarily devolve power and decision making to smaller bodies are exceedingly rare. Powers acquired for one purpose are retained and adapted to meet other occasions. Budgets continue to grow. The greater the scope of the church organization the more power is effectively placed in the hands of church bureaucrats and (given the probable character of the Covenant) ecclesiastical lawyers. In all these ways power seeps from the local to the international church and accountability is attenuated.

Conclusion

The MCU would strongly prefer that there be no Anglican Covenant.

We would like to see the Church become more egalitarian, more democratic and less hierarchical. We would like to see it open to and accepting of difference and innovation.

If there is to be a Covenant it should draw from the deep Anglican well of Scripture, tradition, reason, and experience as sources of our knowledge of God. It should facilitate a pilgrim Church open to God's action in the world. It should state the absolute minimum necessary.

However we believe that a Covenant would take the Anglican Communion further from much of its rich inheritance. Once signed, there would be an inexorable tendency for a Covenant to grow, for its instruments to accumulate power, to acquire the staff and funds to implement its responsibilities, and to extend its influence into more and more aspects the Communion's life.

Over time the Anglican Communion would be likely to become narrower in its interpretation of Scripture and adherence to tradition; it may become less flexible and less open to developments informed by reason and experience. A Covenant would slowly but irreversibly be set the Communion on a path towards greater legalism, centralisation and hierarchy. We fear that what will be lost will greatly outweigh anything that might be gained.

The MCU continues to work for an Anglicanism which is open and inclusive of all faithful Christians, including those with whom we would disagree. No individual, organization or church body has an exclusive or exhaustive grasp of God's truth. We would wish to see a reinvigoration of democratic consultative and conciliar processes as the foundation and expression of the bonds of affection which, however untidily, continue to hold the Anglican Communion together.

The Modern Churchpeople's Union
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Baby's First Steps

Can the Covenant Proposal ever walk?

Canon Gregory K Cameron

Deputy Secretary General of the Anglican Communion

Secretary of the Covenant Design Group

There was a moment in May 2003 when the Anglican Communion Office staff came out of a very difficult session of the Primates' Meeting in Gramado in Brazil. 'That was pretty tough going, wasn't it?' I said to a colleague, who replied:, 'You haven't seen anything yet; just you wait until after New Hampshire!'. At that stage, New Hampshire meant nothing to me except that it was a state where an early primary for the presidential election takes place. "What's going to happen in New Hampshire?" I asked, and he said 'Well, the bishop they are going to elect is in an open gay relationship'. The rest is history...

That event during the summer changed the face of Anglicanism. The Primates, in May 2003, had taken a decision that they were meeting a little too often and decided that they would extend the gap between Primates Meetings' from one year to two years. They found themselves meeting six months later! At that point, October 2003, they decided that they would appoint the Lambeth Commission on Communion. I was appointed as Secretary to that commission, and, although my initial appointment was as director of Ecumenical Affairs, my work became increasingly less ecumenical affairs, and more in looking after what has been called the Windsor-Lambeth process.

Koinonia Ecclesiology

However, it is important not to forget the ecumenical context. Let us not pretend that the debates going on within Anglicanism are about an Anglican problem. Issues of human sexuality are indeed an ecumenical problem and each church is facing the same tensions, both over the relationship of the local church to the universal, as well as over the ethical issues that we are facing. Many of those churches are looking at how the Anglican Communion is solving its tensions, as mirrors or templates for the way in which they themselves will have to address those questions in due course.

It is the ecumenical world above all others that has developed that *koinonia* theology of the Church which has been so present in discourse in the Christian world during the 20th century. Two of the reasons why *koinonia* ecclesiology has become so prominent are because it offers some very distinct insights.

First, it offers an egalitarian model of the Church as opposed to a hierarchical one. Secondly, it offers a porous model of the Church rather than one which is strictly demarcated. 'Egalitarian' in the sense that a *koinonia* ecclesiology sees all members of the Church living in relationship with one another, rather than being subject to a particular structure or hierarchy: 'porous' because it allows the whole of the people of God, even across the different denominations, to be drawn together to a greater or lesser degree into the life which is at the core of the Church. Those two aspects of equality and porosity are ones which we need to hold on to very strongly.

There is a third personal reason which commends a *koinonia* ecclesiology: it reflects most clearly my own experience of Christian discipleship. It is that sense of encounter with Christ that we discover in another disciple, in another Christian, which is so profoundly important to my own experience of being a disciple. The tremendous experience for me which flowed from being appointed Director of Ecumenical Relations for the Anglican Communion was that suddenly I was able to meet with the whole *oikumene* of God's Church: I was able to meet with Anglican Christians from the USA, from New Zealand, from Singapore, from South Africa; I was able to meet with Christians from the huge diversity of the Christian families across the globe, from the Oriental Orthodox to the Pentecostals. Indeed, one of the deepest ironies for me is that having been appointed to a post whose brief is to build *koinonia* and to deepen fellowship, I find that my own Communion is beginning to squabble and endanger that *koinonia* we have with one another.

This reminds us that if we adopt a *koinonia* ecclesiology, the biggest criticism that can be offered of it is the failure of the Church to live by it. One significant criticism of the Windsor Report is that the Windsor Report is too idealistic in the presentation that it makes of our life together. Simon Goldhill's book, *Love, Sex and Tragedy: Why we should study the Classics*, has a chapter that looks at the classical history of Christianity with a very sharp gaze, and observes just how violent and quarrelsome early Christianity was. We're apt to forget that. We're apt to idealise the past and see the controversies of the present time as recent expressions of church life, when the truth is that as Christians we have a woeful record of failing to live up to the standards of *koinonia* which is the will of the Lord for the Church.

The Crisis of Anglicanism in the 21st Century

When we come to describe the current crisis, it was Archbishop Rowan Williams who, speaking to the Anglican delegates gathered at the World Council of Churches in Porto Alegre about 12 months ago, said that the difficulty about the current crisis in the Anglican Communion is that as Anglicans we are failing to recognise the patterns of obedience to Christ in one another; there are patterns of obedience to Christ which are fundamental to Christian discipleship and that those patterns are no longer recognisable across the Communion. In the USA or the Global North the pattern of obedience is deeply committed to questions of justice and inclusion, and which can find a pattern of obedience based on strict faithfulness to Scripture just too limiting and too prejudiced. In the Global South the pattern of obedience is based on faithful adherence to Scripture, and there are many who see the discipleship of the churches of the Global North as one which is abandoning the standards of faith by which they live. The real challenge in the 21st century for Anglicans is whether we can recover a sense of recognising those patterns of obedience in each other once more.

Are we committed to learning how Christ is speaking to the different parts of our Church, and allowing Christ to speak to us through them? There are three hallmarks of the life of *koinonia* which need to be commended to the Church today. First of all - humility, which is an attitude of being ready to see Christ at work in the other, rather than in oneself. Secondly, generosity, which is giving the best interpretation to what others are seeking to articulate, rather than the worst. Thirdly, hospitality, which is ensuring that the Christian community that we build is one in which people feel safe to express what God has laid on their heart, rather than what they think they need to

say in order to qualify for membership. Humility, generosity, hospitality. These are fundamental to the experience of *koinonia*. These are fundamental to the worship that I experience as an Anglican travelling across the globe. They are fundamental to the success of meetings like this. It is only if we can meet in the expectation that we are ready to learn, to listen to what others are going to say to us, where we create a community where people are free to speak their mind, where we are as generous as possible in listening to what others have to say, that a meeting like this could be successful even if members of other groups like *Fulcrum* are here!

One of the fundamental things about *koinonia*, which was one of the fundamental insights of the Windsor Report, is that if this is true of the individual level of Christian discipleship, it should be true as well at the level of the way in which one church relates to another. What can be said of the way in which two Christians walk together should be true of the way in which two churches relate to one another as well. When the Lambeth Commission on Communion met, it recognised this as one of the fundamental problems in the life of the Communion today – that there was fundamentally a breakdown of trust, that the churches of the Global South no longer trusted the churches of the North in their discipleship, and that the churches of the North were becoming increasingly distrustful of the agenda and of the gospel values of the Global South.

Finding a Way Forward

How did the Lambeth Commission on Communion seek to change that? If you ask a group of Christians for the solution to any problem, they tend to put forward a solution which is a mirror of their own discipleship. Say to the Anglican Communion Legal Advisors' Network 'How do we solve the tensions in the Anglican Communion?' and they reply 'What you need is an international code of canon law.' Ask the Inter-Anglican Theological and Doctrinal Commission the same question and they say, as they said in their meeting in September 2006, 'We need an Inter-Anglican Doctrinal Tribunal that will solve the tensions by offering an authoritative doctrinal assessment of any development.' As a canon lawyer myself I'm afraid I find all too appealing the idea of an international body of Anglican canon law.

It was an idea that the Lambeth Commission played with a great deal, to the extent that they commissioned some of the canonists within their membership to develop the shape of what an international code of Anglican canon law might look like. This goes alongside a process that the Anglican Communion Legal Advisors' Network is undertaking at the moment, where they are looking at the existing canon law of the 38 provinces and trying to say how Anglican canon law still coheres. They have found a remarkable coherence. The network has found in the order of 600 principles of canon law which are the same across 38 different Provincial bodies of canon law. That those patterns of canon law are so similar should give us a certain level of confidence about Anglican integrity and shared identity,. When the members of the Lambeth Commission came to discuss it, however, they were profoundly uncertain that such an approach was the right one. The feeling was that it was overly juridical, overly codified and not flexible enough to capture something of the life of the Spirit in the Churches. Rather, the Commission turned to the concept of Covenant as one which was far more dynamic, and far more rooted in the Christian tradition than ideas of

juridical codification. And so the idea of an Anglican Covenant was born in the Windsor Report published in October 2004.

The Anglican Covenant

Jewellers assess the quality of a diamond by the four 'C's: by its cut, its carats, its colour and its clarity. I'm not an expert on diamonds but I do want to offer you four 'C's of my own. Four words, each beginning with 'c', although three of them are not being proposed for the Anglican Communion.

1. Contract

How first of all is the idea of a covenant different to that of a contract? What is being proposed for the Anglican Communion is not a contract. This is where I would want to take issue with the sort of definition which says that a covenant is a solemn agreement to perform an action. A contract is when a person makes a solemn agreement with someone else - 'If you do this, I will do that' or 'I will do this, if you will do that'. It's a bilateral agreement to do something, to enact something, to complete something. Then the contract is completed – finished. When we complete the sale of a house, for example, the end of a contract is to finish a relationship, completing the sale of a house, with the parties going their separate ways. I don't think that what the Communion is asking for is a contract, a binding agreement that churches will perform this, or deliver that.

2. Confession

The second 'C' with which to contrast the covenant is a 'Confession'. Christians have already been through that period of history when the Church survived by producing confessions: the Thirty-nine Articles; the Westminster Confession; the Augsburg Confession, and so on. They were very useful and they contributed a great deal to the life of the Church, but the reality is that life in the Church today is far more diverse than it was in the 16th century and, on the whole, laity are far better educated than they were in the 16th century. The idea that a small group of people could write an exhaustive definition of Christianity to which 80 million Anglicans in all corners of the globe are expected to sign up is a very difficult task indeed. Furthermore, the idea of a confession is difficult because Christians never know what the next doctrinal disagreement is going to be about. We could write the fullest confession we could envisage and tomorrow we will find that someone in the Church is offering some new and radical interpretation which we just hadn't thought about.

3. Code

Finally, the proposal is not an attempt to develop a 'Code'. I have already mentioned on the idea of an international Code of Canon Law. I am persuaded that the Anglican Churches would benefit from a clearer understanding of the law which unites them rather than that which divides them. However, the idea of a Code falls prey to many of the ideas expressed in the idea of a confession. It's impossible to cope with all the circumstances that arise.

Some time ago the Cameron family went to stay with another family. In the course of the weekend, the families decided that it would be a pleasurable thing to have a board game. The Cameron family and the Hardman family played *Monopoly*. This might appear to have been fairly straightforward, but then someone landed on the square marked 'Go'. Someone said that if you land on the square marked 'Go', you get £400, not £200. Someone else, during their first time round the board, wanted to buy Leicester Square. "You don't start buying property until the second time round the board," someone objected. It turned out that the Cameron received rules of playing Monopoly were very different to the Hardman received rules of playing Monopoly! The trouble with a code is that codes change to meet specific circumstances, and specific circumstances vary, particularly in a global communion where 44 churches, or 38 churches and 6 extra-provincial jurisdictions, have very different circumstances to address.

4. *Covenant*

So by proposing a covenant, the proposal is not that the Anglican Communion should adopt a contract, a confession or a code. What then is a Covenant about? Other essays in this collection give very powerful expositions, but at the heart of the idea of covenant is the biblical context in which a covenant is a promise to behave in a certain way, a solemn undertaking to by one to adopt a particular attitude towards another. It isn't so much a contract which is an agreement to deliver a specific action, but to have regard to a person in a particular way, to behave consistently towards them in a particular manner. It is quintessentially represented by the Covenant between God and the people of Israel – "I will be your God, and you will be my people."

This, I think, must be at the heart of any future Anglican covenant. The two concepts of communion and covenant must be inextricably linked. It's the way in which the Anglican churches behave with one another: meeting with one another as equals, with hospitality and with generosity, which will enable our Communion to survive and flourish in the 21st century.

This discourse is rather flippantly entitled "*Baby's First Steps*"! What is meant by that? The baby which I think that we're trying to encourage to mature is the baby of global Anglicanism in which the family of 44 churches can live together. The covenant could be the way to enable that living together to flourish.

The Covenant Process

In terms of formal process, the idea of the covenant was proposed in the Windsor Report and accepted by two of the Instruments of Communion at the Primates' Meeting in Dromantine, assuming that the Archbishop of Canterbury gave his assent to the proposal at that point. The thirteenth meeting of the Anglican Consultative Council (ACC-13) at Nottingham also gave its assent, so three Instruments of Communion are now on board. At the meeting of the Joint Standing Committee of the Anglican Consultative Council and the Primates last March the paper '*Towards an Anglican Covenant*' was adopted. The paper asked for two things, firstly for the establishment of a Covenant Design Group which would carry the work of drafting a covenant forward, and secondly that the paper '*Towards an Anglican Covenant*' would itself become a consultation paper for discussion and contribution across the

Communion. A number of responses have already been received, for example, the Affirming Catholicism response and the Inclusive Church response. Many other groups and individuals are making responses to that paper. When the Covenant Design Group first met in Nassau, Bahamas, last week under the chairmanship of Archbishop Drexel Gomez, it already saw tabled in the order of 32 papers and contributions to the discussion. More are welcome.

The Design Group will make an interim report to the Primates at their meeting in Tanzania next month. The good news is that the Group made enough progress to be able to give a positive report to them. I very much hope that the Primates will choose to make that interim report part of the process and consultation that goes on in the Communion. We need a process by which all the Communion is drawn into discussion of the covenant. (Subsequent to the meeting at which this paper was given, the Primates met in Tanzania at the end of February 2007 and did authorize such a process.)

There is a question about who signs a covenant on behalf of the Provinces of the Anglican Communion. Should it be the ACC as the body which is most synodical within the life of the Communion and the only body which has a constitution for its Communion role, within which, already, is something about the terms of membership of the Communion. Should it be the Lambeth Conference, the gathering of the 850 bishops of the Anglican Communion, since those gathered are the chief pastors of their dioceses and therefore in theory most able to speak on behalf of their dioceses? Indeed, it has been argued that it is the Lambeth Conference which is the most representative body of the Communion since there is at least one person from each diocese present.

Is it the Provinces themselves who have to agree to the covenant? Any covenant that is going to work in the life of the Communion must be one in which each of the churches of the Anglican Communion find themselves described. That is probably the essential point. The covenant will only work if, when people read it, they are able to say 'yes, this is a statement about the church to which I belong and to which I wish to continue to belong'. And this is no mean task.

There is an old story about a particular Shaker congregation in North America which was riven with argument. The older people and the young people of the congregation were in bitter dispute because it seems the younger members of the congregation wanted too much riotous dancing in their worship. The older members found this very upsetting. The elders met to try to solve the problem. The solution they came up with was this: At future occasions of worship, the older members of the church should sit around the edge of the church, rather than in the centre. The young people should be allowed to dance in the centre. But as they danced around in the centre of the church, whenever they passed the older members they should stop and bow to them, and the older members in turn would stand and bow respectfully to the younger people. That, I believe, sums up the attitude of *koinonia*. That is the behaviour to which we must be committed in an Anglican covenant.

Ardour and Order

Can the Bonds of Affection survive?

Gregory K Cameron

Deputy Secretary General of the Anglican Communion
Secretary of the Covenant Design Group

In the life of the Anglican Communion today, an approach which expresses “ardour”, a response to the Gospel which tends towards freedom from institutional restraint, is favoured over an approach of “order”, which sees the regulation of the life of the Church as itself a witness to the ordered will of God. There is both an “ardour of the left”, which seeks to loosen the restrictions of canon law to allow a greater “inclusiveness”, and an “ardour of the right”, which is prepared to override traditional understandings of jurisdiction in the defence of “orthodoxy”. The First Epistle to Clement bears witness to an ancient tradition of respect for order in the life of the Church. The “Windsor Lambeth Process” in the Anglican Communion, as developed by the Primates’ Meeting at Dromantine in 2006, and affirmed at their meeting in 2007 at Dar es Salaam, furthers just such an ordered approach to the life of the Communion, by its requests to the North American Churches through due process, by the development of mechanisms to address questions of alternative episcopal oversight, by the Listening Process to address the moral questions under debate, and by the process to draft to adopt an Anglican Covenant. These initiatives are all intended to strengthen “the bonds of affection”, and to secure the future of the Anglican Communion as an international family of Churches.

The English don and children’s book writer, CS Lewis, has never quite achieved status as a magisterial theologian, but he has retained his place as a perennially popular one, and this is probably because of his capacity to find a highly evocative and memorable images and symbolic representations for the points which he wishes to make. In his 1933 work, *The Pilgrim’s Regress*, Lewis seeks to do for the Philosophy of Religion what Bunyan had done centuries before for Christian discipleship, and to write an allegory of a journey through the fields of the philosophy of religion in a way which will entertain and instruct. In the book, the hero, John, has to leave behind the City of Claptrap and navigate his way through a nightmare geographical landscape, populated with the avatars of contemporary philosophies, avoiding on the way the mountainous region of the tableland of High Anglicanism and the steamy marshes of Theosophy as he makes his progress towards the truth. While we may be slightly sceptical about the details of Lewis’ analysis, he does at least provide us with a vivid picture of a fundamental polarity in religious life – the polarity between an emotional and subjective faith, such as may be expressed in Theosophy – the marshland where anything goes; and the arid and sterile casuistry of a ritualistic and formalistic faith, a mountainous tableland where nothing is valued unless it is done “properly”.

Or to put it another way, Lewis offers two extremes of a polarity which may be described as “ardour” and “order” – the over passionate and extravagant relationship of faith which sets store by a vigorous and subjective response to “the Lord’s leading” set over against a disciplined approach to faith founded upon rigid adherence to formal regulations and disciplines.

Or to put it a third way – much beloved in current Anglican discourse – a tension between Truth on the one hand, and Unity on the other. In this form of the discourse,

what matters is the unfettered response to the Truth revealed in the Gospel, an extravagant love for the Lord; while too much concern for holding the Church together in unity is portrayed as compromise and the exaltation of church regulation and procedures over a wholehearted commitment to obey the Lord.

Or perhaps even to offer a fourth scale, especially when seeking to discourse upon “the bonds of affection” – to say that while some seem to prefer the affection, others wish to emphasise the bonds.

The danger inherent in this kind of analysis, particularly in the discourse about Truth and Unity, is that it takes the polarities described, and turns them into a false dichotomy – setting Truth against Unity and Ardour against Order so that they become enemies of one another: the latter more usually depicted as threatening the integrity and force of the former, rather than in seeing the latter as a way in which the former may be channelled to the greatest effect or perceived with the greatest integrity and with the minimum disorganisation in the life of a grace-filled Church.

This scale of tension between experiential faith and unfettered discipleship and a reserved yet marshalled appeal to the order of the church – the one, in Lewis’s allegorical turn of phrase being marsh and the other being mountain – is nevertheless perhaps an appropriate lens through which to look at the life of the Anglican Communion as it is currently being lived out.

From wherever we stand, it becomes quite clear that the apostles of “ardour” have it. This is an age when Anglicans are called to cast order and regulation aside, and revel in a wholehearted commitment to the will of the Lord.

On the one side we have the “ardour” of the left. The “ardour of the left” sees the imperative of the Gospel in the command of Jesus to love; specifically that the fundamental imperative of the Gospel is to reach out in a proclamation of justice and inclusion to all those who have been disadvantaged or oppressed in the past. These apostles have a driving ambition to make the Church as inclusive as possible. It does not matter if the canons of the Church are stretched a little here, expanded and reinterpreted a little there, if there is even occasion for sleight of hand or ambiguity; what matters is that the regulations of the Church are subordinate to the need to respond; clear canonical provisions may be nudged aside or quietly reinterpreted to clear the way for the juggernaut of the self-apparent Gospel values of equality and inclusion.

On the other side, there is an “ardour of the right”, which, faced with the oppression of the saints under the hand of a revisionist and unfaithful tyranny, responds to the clear imperative of the Gospel to offer sustenance and comfort to the righteous, to be generous in the provision of protection and support even if it cuts through whole swathes of ecclesiastical regulation and convention, for such things are of little concern besides the defence of Gospel truth.

Now these polarities may be overly caricaturised, although in our current life the rhetoric is not far behind the parody. There can be little doubt that in the current debate “ardour”, a single-minded commitment to truth, justice and the Gospel – whether of the left or the right – is seen as incarnating the beacon of prophetic witness

while to insist on order is at best a time wasting and unhelpful over-concern with politeness and diplomacy, or at worst the sacrifice of Gospel values to mere accommodation of as many as possible in a lowest common denominator Church which stands for nothing but compromise, even at the cost of accepting bigotry. “Ardour” becomes a sign of bright commitment to the Holy Spirit; “order” is a mere inconvenience, an obstacle erected by the pedantic in the way of divine truth.

Is this necessarily the case? One would certainly not expect an Ecclesiastical Law Society to subscribe to such a vision of ecclesiastical life. Might the apostles of “order” themselves marshal a defence for order in the life of the Church?

In 1627, Cyril Lucar, the Patriarch of Constantinople, arrived at the Court of Saint James’s. He was seeking out the wisest fool in Christendom, King James VI and I, whose fame as scholar and commissioner of the Authorised Version of the Bible had reached the far corners of Europe. The Patriarch had missed King James by two years, and Charles I was now on the throne. Patriarch Cyril nevertheless handed over his gift, an ancient manuscript collection of the Scriptures, known today as the “Codex Alexandrinus”, and kept in the British Library. When Charles’ eager scholars examined the volume, they were astounded; bound in with the New Testament were two further epistles, known from ancient sources, but whose texts were not then available in the West. These were the First and Second Epistles of Clement, the apostolic father who was either second or fourth in succession to Peter as bishop of Rome, according to various traditions.

The First Epistle of Clement, in particular, makes fascinating reading. Although modern scholarship proposes a more diffuse origin for the Epistles, ancient sources ascribed them to this early Bishop, and the First Epistle has striking parallels to some modern situations. I Clement is a letter of admonition written by a local bishop to the congregation of another Church (in this case, Corinth), where a coalition of enthusiastic disciples had just announced a covenant to remove what they saw as a compromised leadership, and to replace them with a leadership more amenable to their theology and priorities.

The author of the epistle emerges as a strong advocate of “order” in the life of the Church, and offers twin arguments that have echoed down through the centuries. Order, Clement propounds, is not mere administrative good manners. It is implicit in the evangelical ordering of the Church precisely because God himself is the God who brought order out of chaos. Drawing on the wisdom of the ancient Judeo-Christian tradition, Clement cites the very order of heaven and earth to make his point. It is inconceivable for him that God who so ordered creation would not have willed such order in the life of the Church.

More - “order” is not a secondary issue: it is itself a witness to the gospel. The way in which the Church ordered its life was precisely at the heart of the witness that it presented to the world. Clement piled up the examples, drawing from the Old and New Testaments, to make his point. If Christians were the bearers of the Gospel, then they should act in the ordered way which love and charity and dignity demanded. Without order, Christians denied the very value of the life in communion into which God called them.

From this perspective, “the bonds of affection” so beloved of Anglican ecclesiologists are not merely affective and emotional, mere “ecclesiastical good manners”: they are the structures of ordered life which actively bear witness to a God of order who has called us into the ordered life of mutual accountability and Communion.

It is this perspective that gives us the clearest grasp on what is happening in Communion life through the so-called “Windsor Lambeth Process”, which flows out of the Windsor Report. The Windsor Report is itself an appeal for the ordered life of the Church.

What the Primates did at their meeting in Dromantine in 2005, and again in 2007 at Dar es Salaam, therefore, was to seek to bring order out of the chaos caused by current tensions in the Anglican Communion, and to adopt and develop four invitations from the Windsor Report in specific ways.

First, faced with the ardour of recent controversial developments in North America, the Primates asked The Episcopal Church (TEC) and the Anglican Church of Canada (ACC) whether they were willing to live by the ordered life of autonomy-in-Communion expounded in the report. And such an answer was not demanded peremptorily, but in an ordered way – allowing the space which these churches needed to address the questions put to them by their proper synodical processes – by General Convention in the case of TEC, and by General Synod in the case of ACC. When the answer from General Convention was heard uncertainly at Dar es Salaam, the primates requested clarifications from the House of Bishops of The Episcopal Church.

Secondly, the disorder occasioned by those primates and bishops from elsewhere in the Communion who had intervened in the life of particular congregations to offer protection against “revisionist” bishops was addressed by inviting a return to the ordered life commended by the Windsor Report, and the proposal to leave it to the North American Provinces themselves to establish properly canonically established procedures for the care of “dissenting” congregations. Acknowledging that this could not happen without there being some sense of security and space for the congregations affected in the current situation, the primates proposed a “Panel of Reference”, a body of learned and experienced pastors and canonists, who could offer as objective an account as possible of any situation referred to it, and to submit advice to the Archbishop of Canterbury on how an ordered response could inform the situation and defuse something of the tensions developing. At Dar es Salaam, they advanced suggestions for a more structured response, inviting The Episcopal Church to liaise with the Communion through a Pastoral Council, but encouraging the bishops of the Church to take the initiative in adopting robust schemes of pastoral care.

Thirdly, the disordered controversy arising out of bitter differences and recrimination on the presenting issue of moral teaching was addressed. What had been proposed in Windsor (§135, 146) was an ordered listening process which built upon the Lambeth Conference resolutions of 1978, 1988 and 1998. The primates at Dromantine requested that the Anglican Consultative Council should initiate such a listening process: something which has now been commissioned, and the first fruits of which are now appearing through the Anglican Communion website.

Finally, and perhaps most importantly, the primates requested that there should be some ordered articulation of the “bonds of affection” themselves: that an Anglican Covenant should be developed, which would set out the classical foundations of Anglican life and the way in which an interdependent life could be sustained and developed. The Covenant Design Group established by the Archbishop of Canterbury at the request of the Primates submitted a report to the Primates at Dar es Salaam which included a draft for discussion in the Communion. This draft proposed commitments articulating the way in which Provinces would relate to one another based upon a common affirmation of the existing and agreed principles of Communion life, centring on the Anglican Inheritance, the Anglican Vocation, and Life in Communion. The sections of the covenant speak of the way in which what has been received by Anglicans can be handed on, of the mission to be undertaken by Anglicans, and of the mechanisms by which Communion life can be sustained. The Provinces have now been invited themselves to comment on how far the draft of the Covenant is an authentic description of the Anglican faith that they profess, with the intention of substantial revision before the Lambeth Conference.

In all these requests, the Primates are not looking for a new form of Anglican life; they were drawing out principles which the Windsor Report had identified as part of the rich resources of Anglican heritage in order to find an ordered response to the arduous challenges thrown up by current debate. Taken together, these initiatives are a clear strategy to affirm the ordered life of the Churches – calling all Anglicans into a sense of mutual responsibility, to an ordered and just administration of questions of jurisdiction, to theological discernment and debate, to inter-dependent life.

The challenge before the Anglican Communion is this: is it an ordered family of Churches? Or is it likely to collapse in the face of rival ardours – an ardour for inclusiveness that despises those who are challenged by the changes proposed; or an ardour for the received faith which despises innovation as a betrayal of the Gospel, and innovators as deserving no respect in our ordered life together.

I believe that these developments are to be welcomed: not as a growth towards some centralising curia and the gathering of ecclesiastical power into the hands of a few selected hierarchs, which no-one seems to desire, but as an ordered response to the challenges we face.

However, in the choices ahead of us, such an assertion is not an opposing assertion of the absolute priority of order over ardour. The truth is that order is but a mechanism through which the ardour of the Holy Spirit may be channelled into the mission of the Church. Ardour without order in the life of the Church would result in chaos; but order without ardour would result in empty formalism. Ultimately, acknowledging “the bonds of affection” is to acknowledge the need for an ordered life as an international family of Churches, that we may grow into the unity of the Spirit in the bond of peace to which God calls us.

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TOWARDS AN ANGLICAN COVENANT

Paul McPartlan

1. 'We know that in everything God works for good with those who love him' (Rom 8:28). The Anglican Communion is currently facing grave issues of structural unity at the same time as it seeks to clarify its teaching on important sacramental and moral issues. The two sets of issues (structural and doctrinal) are intimately related, in that the Church as a pilgrim people is bound to encounter new challenges and unforeseen questions on its journey in history, and therefore must have an adequate mechanism for coping with them and finding acceptable solutions which, far from placing the community under stress actually consolidate its unity. Serious issues will inevitably test the structures, and it would surely be an unlikely luxury to be able to work out the structures prior to addressing any major problems. It is far more likely that problems will precipitate work to establish adequate structures, and St Paul assures us in the quote above that that process and its end-result can be blessed if the work is done in the love that is the gift of the Spirit.
2. This has been the pattern of the life of the Church ever since the earliest centuries, and there are almost countless historical precedents that might be looked to for guidance and help in the present situation. The fourth century was a particularly turbulent period of doctrinal crisis and structural upheaval. Henry Chadwick writes:

'It was the misfortune of the fourth-century Church that it became engrossed in a theological controversy at the same time as it was working out its institutional organisation. The doctrinal disagreements quickly became inextricably associated with matters of order, discipline and authority. Above all, they became bound up with the gradually growing tension between the Greek East and the Latin West.'¹

As indicated above, I would suggest that what was indeed obviously a 'misfortune' from one point of view, can also be seen as perhaps providential from another. By its very name, the Anglican Communion proclaims its awareness that God's gift to us is a participation in the communion life of the Trinity. Now, as well as being a communion in space, as it were, uniting Christians across the world today, the Church is also a communion in time, and tradition is the fellowship of Christians through the ages, by means of which those who face problems today can be helped in charity by those who have gone before us marked with the sign of faith. From the many important legacies of

¹ Henry Chadwick, *The Early Church* (Harmondsworth: Penguin, revised ed., 1993), p.133. Part of this quotation was used in the Report submitted to the Lambeth Commission by an ad hoc subcommission of IARCCUM, 'Ecclesiological Reflections on the Current Situation in the Anglican Communion in the Light of ARCIC' (June 8th, 2004), n.5 (in a section of the report devoted to 'The Church's Life in the 4th Century'). I shall refer to this text as 'IARCCUM Report'.

the 4th century, I would like to consider one particular canon from that century that is playing a prominent role in ecclesial and ecumenical reflection today, and that I would like to suggest can be helpful in the process of preparing an Anglican Covenant.

3. The quotation from Henry Chadwick valuably highlights the fact that already in the fourth century, long before the famous events of 1054, there were tensions between the Greek East and the Latin West precisely with regard to the structure of the Church and the manner of resolving doctrinal and disciplinary disputes. One of the most hopeful ecclesial events of recent times has been the resumption of formal dialogue between the Roman Catholic Church and the Orthodox Church, aimed at the restoration of full communion. The first meeting of the reconstituted international commission for theological dialogue between the two churches was held at Belgrade in September 2006, and was swiftly followed by Pope Benedict's highly successful visit to Turkey, and in particular to the Ecumenical Patriarchate of Constantinople. The dialogue has reached the crucial stage of considering the interrelated topics of authority, conciliarity and primacy in the Church. It would surely be helpful for the Anglican Communion, which has been in fruitful dialogue for decades with both of these churches individually, to bear the Roman Catholic-Orthodox (RC-O) dialogue in mind as it (the Anglican Communion) moves towards an internal covenant that will adequately accommodate considerations of authority, conciliarity and primacy in the polity of the Communion. Two particular reasons stand out:
 - a) First, the RC-O dialogue is naturally seeking to draw on the period of the undivided Church in its reflections. That period belongs to the heritage of us all, including Anglicans, and offers principles that have stood the test of time subsequently. Principles that come to prominence in the dialogue because of their relevance for today, may well be relevant also for the Anglican Covenant.
 - b) Second, the more there are common threads running through the decisions that Catholics, Orthodox and Anglicans make both individually and together in this privileged ecumenical time, the more we shall implicitly be weaving the fabric of ever-greater unity.
4. It is not at all surprising that the Anglican Communion, which because of a variety of factors has seen a rapidly increasing number of provinces in the past century, should be grappling with the crucial issue of how to coordinate the life of such a diverse and burgeoning family of Christians. The Communion has progressively provided itself with four instruments of unity, namely the Archbishop of Canterbury, the Lambeth Conference, the Anglican Consultative Council, and the Primates' Meeting. A clear recognition that the Christian Church needs both primacy and conciliarity in its structures of authority is evident in the list of these instruments, yet these instruments as presently constituted have not proved sufficient to deal with the present crisis. Precisely because these instruments already embody recognition of the crucial principles of primacy and conciliarity, the way forward lies not in abandoning them for other instruments, but in developing them to serve more adequately. The lack of an explicit body of canon law specifically pertaining to the Communion as such has also been keenly felt. *The Windsor Report* (TWR) strongly supported moves towards furnishing the Communion at least with a body of canonical principles (TWR, n.114), and such a *corpus* would indeed seem

to have a vital role to play as an additional instrument of unity. However, TWR's most prominent proposals focus upon the Archbishop of Canterbury himself and aim at strengthening his primatial role (TWR, nn.105-112). Given the origins of the Church of England and hence of the Anglican Communion, it is natural that there should be an instinctive caution with regard to a primacy pertaining to the Communion as a whole, yet the need for a stronger focal primacy has become plain.

5. *Mutatis mutandis*, there is great caution regarding universal primacy among the Orthodox Churches, yet a constructive dialogue on primacy, including universal primacy, has begun among Orthodox and Roman Catholics. The latter, of course, are known for a universal primacy so strong that it has risked eclipsing conciliarity. After the definitions of papal primacy and infallibility at Vatican I (1869-70), it gradually became widely presumed that the era of councils was now over. Pope John XXIII caused a major stir by the very fact of summoning another council. At its heart, appropriately, was a definition of the collegiality and collegial responsibility of the bishops:

‘The order of bishops is the successor of the college of the apostles in their role as teachers and pastors, and in it the apostolic college is perpetuated. Together with their head, the Supreme Pontiff, and never apart from him, they have supreme and full authority over the universal Church.’²

The most significant thing about Vatican II (1962-65) was that it actually happened. The conciliar experience ‘reopened the chapter in the Church’s book of conciliar life’.³

6. The third agreed statement of the international Roman Catholic-Orthodox dialogue stated that it was in the perspective of ‘communion among local churches that the question could be addressed of primacy in the Church in general and in particular, the primacy of the bishop of Rome’. Moreover, it invoked a fourth century canon, namely Apostolic Canon 34, to indicate a way forward: ‘according to canon 34 of the Apostolic Canons, belonging to the canonical tradition of our churches, the first among the bishops only takes a decision in agreement with the other bishops and the latter take no important decision without the agreement of the first’.⁴ This canon would likewise, I presume, be counted as belonging to the canonical tradition of the Anglican Communion. It may be of great benefit to the Communion at this time, as it is certainly offering assistance in the context of RC-O dialogue. It is also perhaps worth mentioning that, although the Orthodox do not favour the concept of Canon *Law*, an awareness of the *Canons* is crucial

² Vatican II, Dogmatic Constitution on the Church, *Lumen Gentium*, n.22.

³ Yves Congar, ‘A Last Look at the Council’ in Alberic Stacpoole (ed.), *Vatican II by those who were there* (London: Geoffrey Chapman, 1986), pp.337-58, here at p.341.

⁴ ‘The Sacrament of Order in the Sacramental Structure of the Church with Particular Reference to the Importance of Apostolic Succession for the Sanctification and Unity of the People of God’ (1988), in John Borelli & John H. Erickson (eds.), *The Quest for Unity: Orthodox and Catholics in Dialogue* (Crestwood/Washington DC: St Vladimir’s Seminary Press/United States Catholic Conference, 1996), nn.55, 53, respectively (on p.142).

to Orthodox ecclesial life. Canons do not have to be viewed purely as matters of *law*.

7. The value of Apostolic Canon 34 for RC-O dialogue has been strongly advocated by Metropolitan John Zizioulas of Pergamon, the Orthodox Co-President of the international RC-O dialogue (the Catholic Co-President being Cardinal Walter Kasper). Recently, Metropolitan John went so far as to state: ‘This canon can be the golden rule of the theology of primacy.’⁵ The full version of the canon is as follows:

‘The bishops of every nation (region = ἔθνος) ought to know who is the first one (πρῶτος) among them, and to esteem him as their head, and not to do any great thing without his consent; but every one to manage the affairs that belong to his own diocese and the territory subject to it. But let him (i.e. the first one) not do anything without the consent of all the other (bishops); for it is by this means that there will be unanimity, and God will be glorified through Christ in the Holy Spirit.’⁶

Zizioulas regards the Trinitarian doxology at the end of the canon as highly significant. It indicates that this manner of relating between what he calls the ‘one’ and the ‘many’ has its prototype in God, and is the pattern that the earthly Church must necessarily adopt if it is truly participating in the life of God. In other words, communion is not a vague or formless reality. It has a definite *shape*, namely that of the one and the many. This fact is of great importance for the shaping and structure of a Trinitarian, communal Church. In the Trinity, the Father is the *one*, the central, anchoring Person, of whom the Son is begotten and from whom the Spirit proceeds. There are no Son and Spirit without the Father, but equally there is no Father without the Son and the Spirit. There is full reciprocity between the one and the many. This pattern then applies to *Christology*, to the *Eucharist*, and to the *Church*, which regularly *receives communion* in the celebration of the Eucharist.⁷ Zizioulas continues: ‘the one-and-the-many idea which runs through the entire doctrine of the Church leads directly to the ministry of primacy’. Primacy is the reflection of the ‘one’ in the structure and life of the Church. He adds: ‘It also indicates the conditions which are necessary for primacy to be ecclesiologically justifiable and

⁵ Ioannis Zizioulas, ‘Recent Discussions on Primacy in Orthodox Ecclesiology’, in Cardinal Walter Kasper (ed.), *The Petrine Ministry* (Mahwah NJ: Newman Press, 2006), pp.231-46, here at p. 243.

⁶ John D. Zizioulas, *Being as Communion* (London: Darton, Longman & Todd, 1985), pp.135-36, n.24. There was a reference to this canon in IARCCUM Report, n.8.

⁷ Cf Metropolitan John (Zizioulas) of Pergamon, ‘Primacy in the Church: An Orthodox Approach’, in James F. Puglisi (ed.), *Petrine Ministry and the Unity of the Church* (Collegeville: Liturgical Press, 1999), pp.115-25, here at pp.118-19. Also, *Being as Communion*, pp.135-37. On Zizioulas, see Paul McPartlan, *The Eucharist Makes the Church: Henri de Lubac and John Zizioulas in Dialogue* (1993; new ed., Fairfax VA: Eastern Christian Publications, 2006), esp. pp.203-211.

sound.’⁸ It is important to note that, although Canon 34 originally applies at the *regional* level, Zizioulas sees in it a principle that must logically apply at *all* levels in the Church, *local* (the bishop in his local church), *regional* (e.g. the primate or patriarch among the bishops of an area), and *universal* (the universal primate among the primates or patriarchs). ‘A universal *primus* exercising his primacy in such a way is not only “useful” to the Church but an ecclesiological necessity in a unified Church.’⁹

8. The Russian Orthodox, Nicolas Lossky, indicates that Zizioulas speaks ‘for all of us [Orthodox]’ with regard to the ecclesiology of communion, and he also highlights the original use of Canon 34 to refer to primacy at *all* levels in the Church by Father Alexander Schmemmann.¹⁰ Two nuanced quotations from Schmemmann may serve to indicate the kind of (universal) primacy he would see as required by the Church. ‘[P]rimacy in the Church is not “supreme power”, this notion being incompatible with the nature of the Church as Body of Christ. But neither is primacy a mere “chairmanship” if one understands this term in its modern, parliamentary and democratic connotations.’¹¹

‘Primacy *is* power, but as power it is not different from the power of a bishop in each church. It is not a *higher power* but indeed the same power, only expressed, manifested, realized by one. The primate *can* speak for all because the Church is one and because the power he exercises is the power of each bishop and of all bishops. And he *must* speak for all because this very unity and agreement require, in order to be efficient, a special organ of expression, a mouth, a voice. Primacy is thus a necessity because therein is the expression and manifestation of the unity of the churches as being the unity of *the* Church. And it is important to remember that the primate, as we know him from our canonical tradition, is always the bishop of a local church and not a “bishop at large”, and that primacy belongs to him precisely because of his status in his own church.’¹²

⁸ *Ibid.*, p.121.

⁹ *Ibid.*, p.125. Cf also Metropolitan John of Pergamon, ‘The Church as Communion: A Presentation on the World Conference Theme’, in Thomas F. Best and Gunther Gassmann (eds.), *On the way to Fuller Koinonia* (Faith and Order Paper no.166; Geneva: WCC, 1994), pp.103-111, here at p.108; on pp.106-107, Zizioulas says that ‘the careful balance between the “one” and the “many” in the structure of the community is to be discovered behind all canonical provisions in the early church’.

¹⁰ Nicolas Lossky, ‘Conciliarity-Primacy in a Russian Orthodox Perspective’, in Puglisi (ed.), *Petrine Ministry*, pp.127-135, here at p. 131.

¹¹ Alexander Schmemmann, ‘The Idea Of Primacy In Orthodox Ecclesiology’, in John Meyendorff (ed.), *The Primacy of Peter* (Crestwood: St Vladimir’s Seminary Press, 1992; first edition published in 1963), pp.145-71, here at p.164; see p.161 for Apostolic Canon 34.

¹² *Ibid.*, p.165; cf Metropolitan John, ‘The Church as Communion’, p.108.

9. I would respectfully propose that Schmemmann's description of primacy (which it is fascinating to compare with the formulation of Vatican I) may be useful to the Anglican Communion at the present time on several counts.
 - a) First, it offers a frank, confident and unapologetic case for a real primacy, not just at the regional level, but also at the universal level. Schmemmann's words resonate at many points with the needs, desires and priorities of the Anglican Communion at this time. They also, I suggest, prompt a query about something stated in TWR. 'Like the other Instruments of Unity, ... the Primates' Meeting has refused to acknowledge anything more than a consultative and advisory authority' (TWR, n.104). By its phrasing, this statement presumably includes reference to the authority of the Archbishop of Canterbury also. Schmemmann's primate has more than just a 'consultative and advisory authority', and his primacy certainly goes beyond what is often presumed to apply in Orthodoxy, namely a 'primacy of honour' (the phrase which is applied in TWR, Appendix Two, Art.24, to the position of the Archbishop of Canterbury).¹³
 - b) Second, Schmemmann emphasises, as does Zizioulas even more strongly, that primacy and synodality (or conciliarity) go *together* and are not alternatives. There is no synod without a primate, and no primate without a synod; that is the point of Canon 34.¹⁴ *The Windsor Report* is rather tentative in its promotion of the idea of a real primacy for the Archbishop of Canterbury in the Communion as a whole, as if there is a weakness humanly and perhaps even theologically in the fact that, unlike the other instruments of unity, 'he alone is an individual, and not conciliar in nature'. He will thus need to be 'supported by appropriate mechanisms to ensure that he does not feel exposed and left to act entirely alone' (TWR, nn.111-112). What seems to be absent here is the fundamental perception of the ontological interdependence of the one and the many that Schmemmann and Zizioulas take for granted. Their primate *is* 'conciliar in nature'.
 - c) Third, Schmemmann, and Zizioulas after him, are highly critical of the distortion of Orthodox ecclesiology by religious nationalism and autocephaly. 'All these "autocephalies" are absolutely equal among themselves, and this equality excludes any universal centre or primacy.' The result, they say, is a Church 'naturalised' and 'reduced', conformed to the world and not to Christ.¹⁵ This criticism mirrors the concern that *The Windsor Report* expresses regarding an excessive provincial autonomy which tends towards independence and resists the 'mutual interdependence' that ought to characterise a communion life rooted in God (e.g. TWR, nn.46, 49, 51, 66, 72-86). Schmemmann and Zizioulas indicate that universal primacy, rightly understood, is a proper and ancient institution to counter such a distortion.

¹³ Cf Zizioulas, 'Recent Discussions', p.253: 'There seems, in fact, not to exist, even in the Orthodox Church, "a simple primacy of honour"'.

¹⁴ Cf Schmemmann, 'The Idea of Primacy', pp.160-61; also Zizioulas, 'Recent Discussions', pp.237, 243.

¹⁵ Schmemmann, 'The Idea of Primacy', pp.166-67; cf Zizioulas, 'Recent Discussions', p.241.

- d) Before moving on, it is important to clarify that the Archbishop of Canterbury is not, of course, the universal primate that both Schmemmann and Zizioulas have in mind in their writings on this subject. The universal primate they are considering is the Bishop of Rome. Both Anglicans and Roman Catholics have likewise agreed that '[t]he only see which makes any claim to universal primacy and which has exercised and still exercises such *episcopate* is the see of Rome',¹⁶ and that 'a universal primacy will be needed in a reunited Church and should appropriately be the primacy of the bishop of Rome'.¹⁷ I do not for one moment wish to call into question these affirmations of ARCIC, rather the opposite. My application here of the thought of Schmemmann and Zizioulas regarding universal primacy to the position of the Archbishop of Canterbury is by analogy. The Archbishop's position is one that falls somewhere in between the original regional level of Canon 34 (the level of the provinces with their primates) and the universal level to which Schmemmann and Zizioulas extend the principle of the canon, with the universal primacy of Rome in view. It is precisely the *principle* of the canon that I am applying to the Archbishop's role, with the idea that, if Orthodox, Catholics and Anglicans all allow their structures to be shaped by the same principle (of the one and the many), then there will be an increasing 'family resemblance' between them, and it ought eventually to be easier to align and integrate those structures in one overall visible communion (cf above, 3(b)).
10. The idea of the 'interdependence' of churches in the Anglican Communion is of huge importance, and there is benefit in unpacking it both theologically and practically. Appendix Two of *The Windsor Report* ('Proposal for the Anglican Covenant') helpfully relates interdependence to the mystery of the Body of Christ and speaks of 'mutual reciprocity' between member churches (Art. 4). It then goes deeper still, and explores the dynamics of life in communion by saying that each church 'is constituted in, exists in and receives fulness of life in its relations to the other member churches' (Art. 7.2); each church is 'completed in, through and by its relations with other member churches' (Art. 8.1). The mystery being evoked in these descriptions of relationship is nothing less than the mystery of the Trinity itself, in which the communion life of the Body of Christ is ultimately rooted. The Appendix correctly applies to the member churches of the Communion the pattern of relations that exists between the divine Persons. We may go further, and aptly speak of a *perichoresis* or 'mutual interiority' between the churches, and indeed between each member church and the Communion as a whole.¹⁸ What this ultimately means is that the bonds of communion that unite the member churches with one another and with the Archbishop of Canterbury as primate of the Communion are not *external* bonds, added to the autonomous lives of the respective churches *from outside*, but rather *internal* bonds that go to, and spring from, the heart of each autonomous

¹⁶ ARCIC, *Authority in the Church I* (1976), n.23.

¹⁷ ARCIC, *Authority in the Church II* (1981), n.9.

¹⁸ Cf Congregation for the Doctrine of the Faith (CDF), *Letter to the Bishops of the Catholic Church on Some Aspects of the Church Considered as Communion* (1992), n.13.

church itself, and form part of its own internal integrity.¹⁹ These bonds form part of the very *constitution* and self-definition of each member church. Two particular consequences may immediately be identified:

- a) The constitutions and canons of the member churches ought to reflect the fact that Communion membership is part of their self-definition, and should not give the impression that those churches are fully constituted prior to or aside from communion with the other churches and with the primate of the Communion. In other words, member churches should not be defined purely in themselves, e.g. by their adherence to preaching the word, celebrating the sacraments, professing the creed, being in apostolic succession and committed to mission, etc., and then just ‘happen’, as it were, also to be members of the Communion. That would reduce the Communion simply to a society. In short, the Covenant needs to be *internalised* by each member church, and taken into its heart.
 - b) TWR states that the instruments of unity exercise no jurisdiction *over* the autonomous member churches (Art. 24). However, it must be clarified that that does not mean they have no authority with regard to member churches. This is a delicate but vital point. The idea of ‘jurisdiction over’ corresponds to the idea that bonds of communion (with other churches and likewise with the instruments of unity, including the primate of the Communion) are *external* to member churches. Problematically, our Western minds immediately think of the word ‘over’ as the sequel to that of ‘authority’. All authority is presumed to be authority *over*, and not to be serious unless it is *juridical*. Thus, if ‘jurisdiction over’ member churches is eschewed by the instruments of unity (as arguably it should be),²⁰ the danger is that those instruments are not regarded as having any *real* authority. It is therefore extremely important that learning about ‘authority in communion’ (i.e. as pertaining to the instruments of unity) accompanies the process of learning about ‘autonomy in communion’, the concept that TWR wishes to promote (e.g. Art. 21). ‘Authority in communion’ is the authority that an instrument has *within* the Communion precisely because of the internal dynamics of the life of communion; if anything it is *weightier* than mere ‘jurisdiction over’. Appreciation of that fact needs to be nurtured.
11. The above reflections resonate in many ways with the valuable reflections contained in the consultation paper of the Joint Standing Committee, *Towards an Anglican Covenant* (hereafter, JSC), and in the IATDC text, *Responding to a proposal of a covenant* (hereafter, IATDC). Both texts look to what a growing communion realistically needs in terms of structures to manage the conflicts and even crises that will inevitably arise on its journey as a pilgrim people (JSC, nn.10-11; IATDC, 3.1, 4.1, 4.5). Both texts see the covenant as part of an organic development of the Communion as it seeks now to

¹⁹ Cf *ibid.*, n.13, where, from a Roman Catholic standpoint, the CDF states: ‘The ministry of the successor of Peter is a necessary expression of that fundamental *mutual interiority* between universal Church and particular Church’ (*ibid.*, n.13).

²⁰ Cf Schmemann, ‘The Idea of Primacy’, pp.165-68; Zizioulas, ‘Primacy in the Church’, p.124.

articulate, heal, strengthen and develop the very ‘bonds of affection’ that already unite it (JSC, nn.1, 6-7; IATDC, 1.11, 6.1). As I have above, JSC emphasises the *educational* value of a covenant (nn.9, 17). I would add the following specific comments:

- a) JSC asks whether the covenant might be short, like the Bonn Agreement or the Lambeth-Chicago Quadrilateral (n.17). I would remark that the Bonn Agreement as stated falls short of what is required here, and that the recent crisis itself shows the inadequacy of the Quadrilateral as a covenantal formula in itself. The covenant must essentially include a mechanism for dealing with problems, a strong and satisfactory account of the *process* that will be followed. Appendix Two of TWR (Arts. 23-27, but note my reservations above - in 9(a) & 10(b) - about Art.24) seems to tackle this aspect well.
 - b) The somewhat delicate issue of the status and authority of the Lambeth Conference is indicated in both texts (JSC, n.17; IATDC, 4.4). Whether the Lambeth Conference can and should continue to be simply an ‘informal gathering of bishops’ (IATDC, 4.4) is a moot point. TWR, Appendix Two, Art.24, says something stronger, namely that the Lambeth Conference expresses ‘episcopal collegiality worldwide’ and that it gathers for ‘common counsel, consultation and encouragement and to provide direction to the whole Communion’. Episcopal collegiality was understood by Vatican II to entail leadership of the Church (see above, n.5), and the history of the early Church shows the vital role of discernment and leadership played both by regional councils (cf provincial synods) and by ecumenical councils. Obviously, the Lambeth Conference is not an ‘ecumenical council’ (cf the caveats expressed above, in 9(d)). Nevertheless, it is an extremely significant gathering of, in principle, all the bishops of the Communion, with their primates and the focal primate, the Archbishop of Canterbury. It was natural in the early Church for bishops to gather to resolve together issues of major importance, and for them to make binding decisions in council. Does the status of the Lambeth Conference now need clarification and perhaps enhancement?
 - c) Neither JSC nor IATDC particularly highlights the specific value of the Primates’ Meeting as an instrument of unity, but, ecclesiologically speaking, the recent development of this instrument would seem to be an extremely positive move, very much in accord with the principle of Apostolic Canon 34. It might be worthwhile to bear that principle in mind as the relationship of the primates to the Archbishop of Canterbury is further articulated.
 - d) I would prefer the image of ‘concentric circles’ to that of ‘two tiers’ used by JSC to describe what might prove to be different degrees of commitment to an eventual covenant (JSC, nn.32-33). Visually, the first image permits the Archbishop of Canterbury to be at the centre of the structure of communion, which is entirely appropriate.
12. In conclusion, I would emphasise my desire to advocate the use of common principles by Catholics, Orthodox and Anglicans at this important time of ecclesiological discussion and decision in various contexts, drawn from the common tradition which we are privileged to share. In so doing, by the grace of God, may we prepare the way for the eventual restoration of full communion between us all.

A Covenant for the Anglican Communion – A Response

1. In Our experience

My support for an Anglican Covenant is not only based on the belief that ‘covenant’ is at the heart of our faith, besides being part of the wisdom of the Windsor Report, but also from our own experience in the Diocese of Wellington where we use a form of Covenant agreement for all who hold a bishop’s licence: lay and ordained. This covenant is three-way between bishop, parish or other mission unit and the ordained or lay licenced minister. The diocesan experience we have had helps shape my thoughts as to what a covenant might be like. Also, this year at the diocesan synod we commended a Covenant for the Anglican Communion to the three Archbishops of our church for their consideration.¹

When we developed a diocesan covenant eight years ago it was for the purpose of better nurturing the ‘working friendship’ between the bishop, the licenced person and the parish, with each party having responsibilities and obligations towards the other. The traditional bishop’s Letter of Offer had in this writer’s view, become mired in legal minutia and while it is important to uphold the relevant canons we felt a more relational platform needed to be put in place as an instrument of commitment if we were to be a mission-focused church. Since 1998 all licences have been issued when a covenant is signed.

After eight years all those licenced [but for one priest] have covenants. An effort has been made to keep the document uncomplicated with language that is easily understood so that each party understands the responsibility they have. For those licenced prior to the introduction of the covenant agreement, entering into one has been voluntary.

There have been no complaints. More importantly, there exists a strong sense of unity and good will across what is a diverse diocese. We are in a ‘working friendship’².

Our experience indicates that a covenant can work in a diocese. It suggests to me and others that it could well be effective on the wider international stage.

And what of the one priest licenced prior to 1998 who is yet to sign a covenant?

¹ Synod Motion: That this Synod expresses to the Archbishops of Aotearoa, Polynesia and New Zealand: [a] Its preference to remain in full Communion with the Archbishop of Canterbury, [b] Its support for the concept of the Covenant as proposed by the Archbishop of Canterbury, [c] Its preference to participate as a full constituent member of the Communion under the proposed Covenant, [d] Its prayerful support for Archbishop Rowan and for all who are working for the unity of the Communion,

² “A Working Friendship” – an exhibition of collaborative art by Brueghel the senior and Reubens, displayed at the Paul Getty Art Museum, Los Angeles, 2006.

He is treated the same as everyone else and has indicated he will 'sign on'. For the present he represents what the consultation paper "Towards an Anglican Covenant" refers to as a 'second tier'.

2. Comments on the Questions Raised

With reference to "Towards an Anglican Covenant" and addressing paragraph 19, I offer the following:

2.1 A Covenant should relate to where we find ourselves in the present, and what we wish to become. Addressing the here and now affirms our awareness of who we are today and what we face not only in terms of internal issues but also what we are doing about addressing the world from the point of view of the five marks of mission. Our own covenant structure is helpful in the way it addresses this.

2.2 At the same time and aware that we walk the way of Christ who is ahead of us beckoning us ever forward and nearer into the divine presence, we are required to look forward. In doing so we are also acknowledging the church as a living, dynamic body. To look ahead is a hope-ful exercise, so a covenant that looks ahead could be an instrument of hope and would therefore be transformational.

2.3 It would be right for the covenant to be both aspirational and practical, in that it is incarnationally rooted in the present reality with certain aims³ that we should be endeavouring to achieve within the Communion regarding relationships, as well as the all-important primary focus of being a missional church, i.e. "To be and make disciples of Jesus Christ in authentic community for the good of the world"⁴.

The covenant should also present a forward-looking, hope-ful view with language that encourages the people of the Communion into the possibility of transforming attitudes and lives.

2.4 A global covenant containing both affirmations and commitments sounds worthwhile. To affirm our instruments of unity for instance, would underscore what we can hold to together. Affirmation is also related to renewal and is therefore desirable.

From our own experience, a covenant containing commitments brings clarity to the situation and focuses on the do-able. Inclusion of the articles of belief of the Anglican Communion would be beneficial from a commitment point of view.

³ RE Aim, old saying: They who have no aim miss the target every time.

⁴ Brian McLaren "A Generous Orthodoxy"

2.5 Should it speak of relationships between neighbours? Definitely. The Anglican Communion is about relationships between provinces, dioceses, communities of faith and individuals. A Covenant can speak to that and show the way by treating “respect” as a verb rather than a theory.

2.6 The Communion has a number of illustrations of good relationships. For example we are encouraged to pray for each other, we are encouraged to consider giving aid where needed and we have the gift of Companion Links between Dioceses.

The Church of Aotearoa, New Zealand and Polynesia shows how three different cultural strands [Tikanga] can commit to each other within one church. True there is no covenant as such but the constitution is in some ways not a dissimilar instrument. This three Tikanga church illustrates how well diversity in unity can work.

2.7 With regard to Paragraph 20 it seems to me that the Archbishop of Canterbury needs to be involved in the development of the covenant. Indeed, the developmental work of the Covenant would go on around him so that our prayer for him would extend to that which will become an important part of his ministry. It is also a way of emphasizing the ABC as a symbol of unity.

2.8 I would also favour a small representative group to do the drafting. The suggested CDG is the preferred option.

Such a group could of course develop the text via the internet as well as meeting from time to time. As well, it could invite electronic responses from Provinces at various stages, thus involving them as participants in the process. Momentum could be maintained by the setting of deadlines.

As well, the Communion would be asked to pray for the work-in-progress and the CDG as well as Archbishop Rowan.

2.9 The point is taken that progress need not be rushed, but not so slow that it ends up on an ecclesiastical siding somewhere or worse, that people grow tired of the process. So we would need to progress the matter with care, with the CDG offering a draft text for a conversation with the Primates, then an electronic draft for Provinces to respond to in 2007 so that an improved draft could be available for Lambeth in 2008.

.....

A Covenant for the Communion will provide a sound platform on which to build relationships not just for our own benefit but for the furthering of the mission of the church. At the same time it could provide a way of bringing people closer together committed to walking the way of Christ.

RESPONSE to the Anglican Covenant Design Group

December 2006

I am grateful for the invitation to respond to some of the current thinking on the Windsor Report proposal for an Anglican Covenant, and in particular the papers from the Joint Standing Committee and the Inter-Anglican Theological and Doctrinal Commission. I write in a personal capacity, but I believe in tune with the Response to the Windsor Report made by the Trustees of USPG in January 2005.

The IATDC Study of Communion said in October 2006 *"A covenant, which rehearses the theological tradition from which Anglicanism has developed, and establishes clear commitments for the way it can maintain its cohesiveness, seems the most likely way to secure its communion for the foreseeable future"*. The problem is not so much the general content of such a Covenant - where the actual process of formulating and agreeing it could itself be a relationship-building exercise - but rather the nature of the 'clear commitments' which it might contain, the authority which will be afforded them, what processes may be set up to police them, how these will be used, and how they might be abused.

It is therefore important to begin with some honesty about whose agenda is running this exercise. Is it, as some are open enough to admit, primarily to bring into line rogue elements in ECUSA and Canada? Such a Covenant would fail to honour the kind of understandings the Communion has reached on other issues, such as the Ordination of Women. It would fail to recognise the compromises already reached on issues like Polygamy and Divorce, which have been accepted even in those parts of the Communion who have been most forceful in rejecting a similar attitude to Scriptural authority on other issues. It would also not best serve us if, as some predict, the next divisive issue will be Lay Presidency. So it is essential not to set up a Covenant which will increase division now and store up more problems for the future. In the words of one of my Trustees, "Any covenant worthy of the name should provide a framework in which difficult issues can be worked through, rather than providing slogans to shout at each other. If a Covenant encourages a deeper sense of theological seriousness, all well and good".

One general agreement since the Windsor Report has been opposition to any increase in centralised authority within the Anglican Communion, and that needs to be applied not just to the office of Archbishop of Canterbury and the other Instruments but also to attempts to enforce further doctrinal compliance over and above what is already agreed, such as the Lambeth Quadrilateral. This leads me to three major points.

Firstly, there is much more holding the Communion together than its formal Instruments of Unity. Mission Agencies like USPG sustain a whole range of relationships and mutual sharing of resources - and our experience is that the kind of issues which apparently are a source of division within the Instruments do not have the same profile within the partnerships we share. The IADTC

Communion Study is therefore right when it says “ *‘thick’ ecclesiology, concrete experience of the reconciling and healing work of God in Christ, should take priority over ‘thin’, abstract and idealised descriptions of the church. Communion ‘from below’, is real communion – arguably the most vital aspect of koinonia with God and neighbour.*”

Secondly, within the more formal structures, there is the fundamental issue of the appropriate claim to “autonomy”. Part IV of the Windsor Report acknowledges the proper autonomy of each church, but calls upon each church to exercise this with a right concern for each other and for the common good. Whilst it has been unfortunate that some in ECUSA have defended their recent actions on the basis of a more political than theological claim to such autonomy, the Windsor call for churches to “*place the interests and needs of the community of member churches before its own*” needs to be addressed to the whole Communion and not just North America. In the debate since Windsor there has been much reference to not exercising autonomy in a way that would be unacceptable to other parts of the Communion, but nothing directly about respecting other parts of the Communion in their exercise of autonomy or about the seriousness of breaking communion. This also applies, of course, to the increasing intervention of some Provinces into the rightful business of others.

Thirdly, there is the related issue of the limits of diversity. Again, the Windsor Report rightly celebrated Anglican diversity as “*a desirable dimension of the catholicity of the church, a feature of the historic development of Anglicanism, and inherent to the particularity of each member church*”. In particular, the Report’s emphasis on reason and interpretation is to be seen as a welcome rejection of the kind of Scriptural Fundamentalism which threatens such diversity in current debates. It was, for example, disturbing to see the language of Scriptural “inerrancy” in the statement from the Kigali meeting earlier this year: this has never been the currency of Anglicanism.

On the question of the limits of diversity, Paragraph 30 of the Joint Standing Committee report is right to draw a parallel with the Ordination of Women. Here is an issue that touches on the very nature of ordained ministry, both within our own Communion and in relation to other Communions, and which is considered by some to be of the same moral order as discrimination on the basis of race. Yet, thanks to the Virginia Report and other initiatives, opposing views are held together within Anglican diversity, and Article 12 of the Windsor Report Covenant is able to neatly side- step it as a minor matter for each Church’s own rules.

The implication of all this for establishing the limits of diversity is surely that when a serious difference emerges it rests on both sides to argue their case with the tools which Anglican theologising provides. Any Covenant must set out that shared responsibility, and not simply become a tool for one side to berate the other.

So, if we are to have a Covenant, the two crucial issues remain these. Firstly, it must embody Anglicanism at its theological best and not its political worst. The IATDC Communion Study seems to me to go a long way in setting down what that entails, not least in the right valuing and but also proper use of Scripture. This would also suggest that these same values need to characterise the process by which the content of any Covenant is agreed, with good time given to study, consultation and prayer, rather than a rush to find a quick and easy solution.

Secondly, it must not be the means whereby one part of the Communion, geographically or theologically, is enabled to dominate another. I have written elsewhere about how the exercise of power has disfigured recent debates in the Communion. There is the inheritance of colonial power, and still a tendency in the Church of England either to retain control or lose interest. There is the emergence of new power blocks in the so-called South, not always accountable, and often liable to repeat the mistakes of an older Christendom. Most of all there is the new imperial power of America, sometimes in the arrogance of the Liberals, but most of all in the dollar-rich intervention of the neo-conservatives all around the world.

A Covenant, should we have one, must not exacerbate that power struggle, either by content which equipped one side to bully the other, or by means of implementation which would demand compliance or require expulsion.

Scripture should teach us that a Covenant is a framework for relationships not an instrument of control. It should be based on grace, not law. It should celebrate what we have in common and maximise our ability to live with our differences. It should recognise the diversity of what we bring and the places where we are set. It should build on our shared inheritance and be open to where the Holy Spirit may lead us in the future. It should provide food for the journey not weapons for a fight. In his introduction to the Windsor Report Archbishop Eames wanted the proposals to be “part of a pilgrimage towards healing and reconciliation”. If the proposal for an Anglican Covenant is taken forward, that must be the test.

Bishop Michael Doe
London

December 11th 2006

A COVENANT FOR THE ANGLICAN COMMUNION

A proposal for use as a discussion starter by Bishop George Bruce
Diocese of Ontario, Canada

One of the elements of the Lambeth Commission on Communion, more commonly known as the Windsor Report, which provoked some controversy was both the discussion surrounding the idea of a Covenant as well as the Appendix containing a draft Covenant for the Anglican Communion. While much else in the report may have been generally acceptable to many of the report's readers, the notion of Covenant seemed to raise many hackles. From my perspective most of the distress seemed to be focused on the example of what a Covenant might look like which was contained in the Appendix. Sadly, most of those objecting did not bother to read the disclaimer that this was a possible way forward and that the printed text was merely offered as an example of what a Covenant might look like. To the best of my knowledge even its author was not totally happy with the text or even that it was included. Chalk one up to the power of the printed word! Nevertheless, the draft Covenant, if not the idea drew fire on many fronts as being too rigid; too much a throw back to the colonial era and so on. Ignored in the debate was the potential value at this time in the life of the Communion of some kind of document that could serve to draw the disparate churches of the Communion closer to God and to each other particularly in times of tension and difficulty.

It makes sense to me, that the starting point in any discussion must be a clear understanding of the terminology that is being used. Too many of the phrases so glibly thrown around in the current debates threatening the Communion mean very different things to different people. No wonder that we find it so difficult to engage in reasoned discourse. Such clarity of understanding must begin with what precisely do we mean by the term "Covenant". Of the various definitions of the word *covenant* to be found in the Oxford English Dictionary I believe two are apposite. First, a solemn agreement and second, an agreement held to be the basis of a relationship of commitment with God. Both definitions are derived from the Old French meaning *agreeing* which in turn is derived from the Latin *convenire* to come together. Perhaps a conflation of both of these definitions into "a solemn agreement held to be the basis of a relationship of commitment by the members of the Anglican Communion with God" is an appropriate direction in which we should all be moving.

In discussion with others, it seems to me that the major difficulty with the style of Covenant being proposed in the Windsor Report is that it in fact has a constitutional or legislative tone rather than a relational one. While I fully appreciate the concerns expressed by canon lawyers throughout the Communion, I, like many, question the need for a legally binding document. On reflection, my personal preference would be for something akin to the structure to be found in the Baptismal Covenant contained in the Book of Alternative Services which consists of two distinct parts. In that covenant we first make a clear and corporate affirmation of what we hold to be true with respect to our imperfect understanding of the nature of God. In the baptismal context this is an affirmation of the statements to be found in the Apostles Creed. Secondly, we indicate the manner in which, as a community of believers, we will seek to live out that affirmation.

I suggest that a similar template could equally be applied to the relationship which ought to exist between the various churches and Provinces of the Anglican Communion. What is

there that we can all affirm in common as members of the Anglican Church world wide (Affirmation of The Lambeth Quadrilateral and perhaps the so called “Instruments of Communion” would be an excellent start) and how do we as a Communion propose to live out those affirmations through the grace of God and to the best of our ability?

Having said this it would be necessary to amplify somewhat each of the points of the Quadrilateral to ensure common understanding of their meaning. As I noted earlier, one of the major difficulties in current debates is the manner in which the various parties engaged in the discourse manipulate language to their own advantage. A clear and accepted understanding of the meaning of the various terms being used would be an immense step forward. For example some of the highly charged debate about the interpretation of scripture could benefit immensely from the discussion of that subject in the Windsor report itself. Clear affirmation of the role and function of the “Instruments of Communion” would hopefully ensure a high degree of commitment to the future of the Communion. For example, I believe that any Covenant, which does not acknowledge the unifying role of the Archbishop of Canterbury, would be self-defeating.

While it may be possible without too much dissension to agree upon what we can affirm, it will more difficult to delineate what as provinces we can agree to do to demonstrate vividly our intention to live out these affirmations in our individual churches. Assuming that this is possible and I believe fervently that with a spirit of generosity it should be achievable it still begs the question of what, as a Communion, we can agree to do in the event of serious disagreements. Can we come to an understanding of which issues are Communion issues and which may be left to individual provinces to work out?

Thus, a further key aspect of any Covenant would have to include some discussion of a mechanism for dealing with areas of Communion life where there is significant divergence. To have in existence such a mechanism in advance would provide an ordered way to move forward through the minefields that the many diverse approaches to issues throw in our path. While this need not necessarily be couched in binding canonical terminology the very fact of its existence and that it had been agreed to by all Provinces would provide it with a moral authority that, perhaps, would be more binding on us all than any legislation we might contemplate.

Offered as a possible starting point for a way forward.

**Seeking The Language of Unity
Covenant in the Anglican Communion**
The Ven. Dr. Richard LeSueur
The Diocese of Calgary

A Discussion Starter
AR/FWM, February 2006

In February 2005 the primates' issued a Communique commending the Windsor Report's "Proposed Anglican Covenant" to the Church and requested that Provinces give it consideration in advance of Lambeth 2008. At fully ten pages in length the 'new' proposed covenant is viewed by many as being overly legislative, contractual and uncharacteristic to the nature of the relationship we have known of being in Communion with one another. However, other voices in the church are also saying that Anglicanism can no longer expect to continue to be guided by covenant given the present climate of distrust and the assertion of greater provincial autonomy. The quest for a new language of unity has begun and the trend seems towards a more contractual form that is explicit and specific about the terms of the relationship. Such a preference for increased specificity also introduces a greater challenge to find the language of a common ground for all.

It is striking to consider, even just at a glance, both the simplicity and brevity of the following statement, which in 1893 stood as sufficient to establish full participation of the Church of England in Canada within an Anglican Communion worldwide.

WE, the Bishops, together with the Delegates from the clergy and laity of the Church of England in the Dominion of Canada, now assembled in the first General Synod, hereby make the following Solemn Declaration:

WE declare this Church to be, and desire that it shall continue, in full communion with the Church of England throughout the world, as an integral portion of the One Body of Christ composed of Churches which, united under the One Divine Head and in the fellowship of the One Holy Catholic and Apostolic Church, hold the Faith revealed in Holy Writ, and defined in the Creeds as maintained by the undivided primitive Church in the undisputed Ecumenical Councils; receive the same Canonical Scriptures of the Old and New Testaments, as containing all things necessary to salvation; teach the same Word of God; partake of the same Divinely ordained Sacraments, through the ministry of the same Apostolic Orders; and worship One God and Father through the same Lord Jesus Christ, by the same Holy and Divine Spirit who is given to them that believe to guide them into all truth.

And we are determined by the help of God to hold and maintain the Doctrine, Sacraments and Discipline of Christ as the Lord hath commanded in his Holy Word, and as the Church of England hath received and set forth the same in 'The Book of Common Prayer and Administration of the Sacraments and Other Rites and Ceremonies of the Church, according to the use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches; and the Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons'; and in the Thirty-Nine Articles of Religion; and to transmit the same unimpaired in our posterity.

In 1893 such wording was sufficient to establish full participation in the Communion because Anglicanism extended a roominess of acceptance and fellowship predicated on mutual trust and common affection. The substrata of commonality was a colonial self-understanding and a sameness rooted in language and practice. The global reality was supple and broad enough to allow divergent views to find a home under a protective roof. Guided by the wisdom of Isaiah, "Come let us reason together though our sins be like scarlet," it was a church that was covenantal and mission-driven. Richard Hooker, Anglicanism's chief apologist envisioned the church to be like an inn where all are received joyously; existing as "an integrated life of relationships which are continually being transformed by the abiding Spirit of Christ's authority who enables its structure to become a supple and enduring framework holding the Communion together at a greater depth." (Laws of Ecclesiastical Polit I.1.2)

In the wake of the new realities of the Communion that were made manifest, for instance, in the behaviour and demands leading up to Nottingham last summer, the elasticity of an earlier implied covenant seems no longer adequate to either define nor persuade the civil functioning, trust and fellowship of the global church. Harold T. Lewis in his essay, Covenant, Contract and Communion: Reflections on a Post-Windsor Anglicanism, notes that the Anglican Communion, "has ceased to be guided by covenant. Instead, it is beginning to be guided by contract, which understands the church to be rigid. In an assiduous and tenacious reverence for and reliance on laws - biblical, constitutional, canonical - *Ecclesia Anglicana* is exhibiting an unprecedented sense of distrust among the provinces that make up the Anglican mosaic today." (ATR /87:4, pg.604)

One can lament the loss of what we have known. Covenant has been the core experience of the Judeo-Christian tradition. It is the language of relationship at the heart of our faith. A "contract " is not synonymous (as some dictionaries suggest) with the nature of "covenant." Harold T. Lewis observes that in a legal contract, "the only pertinent relationship between the parties has to do with the specific matter outlined in the contract itself." He illustrates that a mortgage specifies everything in black and white. There is no love between the bank and us. The obligation of the parties is limited to what appears in the text and all must be spelled out.

A treaty is no more helpful as an instrument in that the emphasis falls on the existence of sovereign states electing to establish terms of trade or peace through a formal written agreement.

The church may yearn for the simplicity and underpinnings of all that covenant implies but in the present climate the formality and extensiveness of the "Proposed Anglican Covenant" may in fact be the necessary shape of the kind of agreement that will enable the reaffirmation of a globally diverse and yet common Christian enterprise.

Let me illustrate. Three years ago a relationship was struck between the parish where I serve and a number of other public agencies in the dream of creating a cooperative centre of community care. No formal agreements were written. Minutes of meetings were circulated. The delight of mutual participation in a great vision bound us together. And then last autumn an issue relating to the proportioning of costs suddenly revealed significant differences that erupted into a recoiling into the protection of self-interests. Attempts were made at resolving the differences but the good-will of the relationship had significantly deteriorated. There was fear among all that the whole enterprise might dissolve. But at another level one could see that important positions, previously taken for granted, were being asserted. After a month and a half of little contact we again met recently, though this time with lawyers present. We decided that we did not want to encounter any more surprises which might destroy our collective intent. It was time to write some things down clearly, with all contingencies considered in advance, so that the creative freedom we have known could be restored without suspicion. The conversation occurred. Each expressed again their individual hopes and their reasons for wanting to participate in the whole. The lawyers listened, asked the questions to clarify various aspects, and then went off to write between themselves whatever was necessary to allow us to move ahead with confidence and hope. The whole experience I recognize was in fact a necessary stage not merely to formalize a relationship but for putting in place the conditions for the ministry of each and the potential created by the collective whole to flourish again.

The Anglican Communion has recoiled, in some measure, into assertions of provincial certitude that appear at times to be more about the right to self-determination and the claim on influence than solely about theology. Great pain has been caused and a climate of distrust and suspicion has led to polarities

and the soliciting of alliances. Gail Ramshaw in a chapter on “Covenant” in her book, Treasures Old and New: Images in the Lectionary, notes that the covenants of Josiah and Nehemiah were mainly political attempts to employ religious language so as to consolidate power. (pg.104) Indeed, one must be introspective about the motives by which new definitions of covenant are written and for whom.

A process has begun towards the writing of a new covenant - not like the old one. The cost to the Body of the church has already been great. However, the promise of forming a new covenant is that it might establish a greater and lasting intimacy. Having considered a number of the recent ecumenical agreements where great care has been taken in the fashioning of those documents one might note that they are sometimes entitled ‘covenants.’ Nevertheless, they are carefully worded statements that put into black and white the necessary affirmations and clarifications to ensure a mutual certainty that releases the freedom to collectively serve side by side in the name of Christ. I have come to the conclusion that the “Proposed Anglican Covenant” is likely not far from what is needed for us to enter the future as a Communion. The theologians and chancellors will assist the church in refining the language of what will be a more detailed and negotiated nuptial.

COVENANT

The Japanese theologian, Kosuke Koyama, once posed the question that he thought was the most crucial in our current world, "How do we live together?" This may indeed be an apposite question for the Anglican Communion at present. The proposed covenant may be seen as a means of addressing this question and of helping us as Anglicans to remain in "the bonds of affection."

Therefore a suggested purpose for the covenant could be to help us live together and our attitude to "consider others better than ourselves" (Phil 2:3). This could shape how we frame the covenant document.

I have been grateful to read the documentation provided by the ACO, ("Towards an Anglican covenant" JSC and "Responding to a Proposal of Covenant") as well as several articles on the Global South and Fulcrum websites.

A lot has been written and the thorny issues such as type, time frame, composition, how is it embodied etc have all been alluded to with some suggestions made. I would like to make a few brief points as a lay-woman from outside the British context (I come from Aotearoa/NZ) with experience in East Africa and who works for CMS here in UK.

1. The covenant needs to be developed and expressed in terms of mission – yes, we want to be able to live together and get our own house in order first, but we live for others. In other words, we exist as a Communion to point others to Christ and to engage in mission for the sake of Christ. If the covenant can be framed in a missional context, using dynamic language drawn from a holistic understanding of mission, I believe people will understand its intent and subscribe to its purpose.
2. This has implications for the language and framework of the covenant. I think the language should be simple and clear – eg active rather than passive verbs. I prefer motivational and aspirational language rather than juridical and canonical. This could be seen as more heavy verbiage from the West.
3. Covenant is about relationship – this is referred to in both documents. Therefore it should be framed using relational language and concepts. It should also be dynamic in nature and

- intent. This is in keeping with mission and relationship as the backdrop and purpose. A relational approach allows for difference while an attitude of humility can help to bring some agreement and compromise, if necessary.
4. I would keep it short and not too detailed. There is enormous diversity within the Communion and not everyone is going to understand it in the same way. Too much detail will exacerbate that.
 5. Please invite a variety of people to the drafting group (I am sure you will) but the small group that produced the working paper was noticeably male and British. I know the reasons for that – presumably timescale and expense – but noticeable all the same. It would be good to hear some different (and fresh?) voices.
 6. Please do not make the time scale so long – I groaned when I saw the proposed time scale (JSC, pp6-7) which, if one adds it up consecutively, comes to 7-9 years. Another lengthy, long-winded process which could just bog people down. Could we not produce something that communicates energy and lightness of touch? Of course consultation is needed but the energy and goodwill will be lost over such a long period, I think. I suspect some diocese may think that they have more pressing issues on their agenda and we do not wish to alienate them.
 7. I hope that it will be drawn up in all the major languages of the Communion and communicated in the appropriate language.
 8. Finally, I am sure we are all familiar with the language of the centre and periphery. Is Britain at the centre or periphery of the Communion? Do we even know that there is a majority in favour of creating a covenant within the Communion? These are important questions when we consider how the covenant will be drawn up, who will draw it up, where this will be done and how it will be communicated. For example, maybe it would be more appropriate to work on and develop the covenant in a non-British context.

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 1.12.06

From: The Principal

Email: mpercy@ripon-cuddesdon.ac.uk

7th December, 2006.

Revd Canon Dr. Gregory Cameron,
Deputy Secretary General,
The Anglican Communion Office,
St. Andrew's House,
16, Tavistock Crescent,
London
W11 1AP

Dear Dr. Cameron,

Thank you for your kind letter of November 17th, inviting me to respond to the invitation of Archbishop Drexel Gomez to comment on the proposals for the Anglican Covenant (envisaged by the Windsor Report). I am grateful for the opportunity to respond to the document, and trust that my reflections may be of some help to Anglican Communion Office, Joint Standing Committee (JSC) and the Anglican Theological and Doctrinal Commission. In writing a brief response, I would want to signal from the outset that I am sensitive to the contexts in which the perceived need for a Covenant has arisen, and am broadly supportive of the paper 'Towards an Anglican Covenant', drafted by the JSC. My comments are therefore more of the 'extended reflections' type that you invite, and I have numbered these below.

1. In common with other respondents, I suspect, I am more uneasy about the potential *use* of the Covenant than the actuality of the drafted text. Documents of this kind invariably contain the (potentially problematic) capacity to occlude their movement from textuality to instrumentality. And instruments, to be useful, require functions and authoritatively licensed users. So in one sense, I am not clear what the Covenant adds to the current instruments of unity within the worldwide Communion. I can see that it signals an intensification of the need to be in broad agreement on certain issues; to act with restraint, with provinces thinking more about the 'catholic' implications of their preferred local practice; and to strengthen the role of the Primates in the expression and delimitation of a common mind and shared practices.
2. Correspondingly, the question necessarily arises: who, or what bodies, will use the Covenant, and against what or whom, and how? Most of the dis-ease about the Covenant, I suspect, lies here – and not with the text itself. I think that the Communion will need to be reassured that the Covenant is not a specifically targeted text that is directed against apparent pain or problems (i.e., is neither palliative nor punitive), but is rather a document that arises naturally and organically out of our common life, and expresses our desire to clarify and deepen our bonds of affection. Put more sharply, it will serve the Communion better if

can be seen to express the shared wisdom that we seek, as well as being a celebration of our unity, diversity and collective witness to Jesus Christ and the gospel, rather than a text that is imposed unilaterally.

3. Closely linked to this observation, and underpinning my first two observations, I see our ecclesiology not only in terms of shared and agreed propositions, but also as a shared set of acquired skills and practices. We are formed not only by what we say, but by the manner and modes of our expression. In this regard, the censure of Bishop James Pike (forty years ago, in 1966) merits repetition:

‘When Episcopalians are questioned about the supposed orthodoxy or heterodoxy of one of their number, their most likely response is to ask whether or not [this person] wishes – sincerely and responsibly – to join them in a celebration of God’s being and goodness in the prayers and worship of the Prayer Book. Assuming [this person’s] integrity, they would not be likely to press the question beyond that point’. (S. Bayne, *Theological Freedom and Responsibility*, 1987, p. 21).

4. All of us in the Communion, I am sure, would accept the precedence and priority that can be placed upon urgent matters in relation to identity and decisiveness. However, our ‘common’ life and prayer together is also an expression of our commitment to patience; and an understanding that the relationship between practice and belief is a complex one within the Communion. As Stephen Sykes (amongst others) has pointed out, it is inconceivable that there has ever been complete agreement on the identity of Christianity. Part of the genius of our faith lies in its contestability. Moreover, conflicts can only really be made explicit and *managed* through processes of theological reflection – but, I should add, not necessarily resolved. So I would want to ask at this point: is it envisaged that the Covenant helps us to manage and reflect upon our difficulties, or to resolve them? The former produces clarity and charity, but not necessarily at the expense of diversity. The latter, it seems to me, could be a rather ambitious enterprise for any denomination to contemplate – but equally not impossible. Clearly, doctrinal discussions do reach a point of *consensus* when they become decisions. Although at this point, I would add that there is more to be said for the Anglican virtue of un-decidability than any of the JSC document seems to acknowledge.
5. This takes me back, neatly enough, to the questions around the use of the Covenant, rather than being concerned with the text itself. Indeed, I think a debate on the minutiae of the text, although clearly important, is only one of half the equation that needs to be considered. The fundamental question remains, namely how do we go about making decisions in relation to practice in such a way as to maintain the continuity of Christianity? Our ‘problem’, apparently, is that our identity partly resides in the celebration of breadth, and in a diversity of practice. And occasionally in a lack of clarity about how some local practices might impinge upon our collective catholic identity. I remain convinced, here, that we need to continue to carefully distinguish between essential practices (say

in regard to doctrine, unity, etc) and contextualised practices that are essentially secondary issues.

6. It seems to me that the promise and anticipation of the Covenant, in many ways, has already achieved some clarity in regard to the issues it seeks to address. There is more evidence – across the Communion – of patience, restraint and the practice of shared wisdom in the wake of the issues and circumstances that have prompted the Covenant document. This suggests that the very possibility of the Covenant (rather than its actuality) has already achieved much. Whilst a few perceive the document as a threat, and a few perceive it to be inadequate, the majority have already come to see that its gradual formulation is an opportunity to rediscover consensus in the midst of diversity, and rediscover the discipline (and therefore some limits) of what is entailed in journeying together within the Anglican tradition.
7. However, this same observation also prompts me to urge the JSC and Primates towards continued patience, and to plea for pausing, reflection and space before committing ourselves to any kind of premature foreclosure. If the mere *possibility* of the Covenant has already helped us move to a place of deeper collective self-discipline and critical self-reflection, then there is a powerful argument for *prolonging* this period, where a greater degree of wisdom and charity has already been found, even amidst some considerable tensions. I am reminded of Wittgenstein's metaphor of the rope, where he draws our attention to how its strength depends on the tiny individual fibres that overlap and interlace. Our Communion – a rich tapestry of threads and colours – is, I believe, rediscovering its strength and identity through these testing times. So I would hope that the Covenant document, when it eventually and ultimately comes into being, would be able to find a more reassuring and celebratory rhetorical cadence than it has at present – one that focussed less on the fear of unravelling, and more on the deeper reality of our becoming.

I hope that these reflections are helpful to the Archbishop, the JSC and to your office. My thoughts and prayers will continue to be with you as you work on the document, and on its implementation and implications.

Grace, mercy and peace be with, in the name of the Lord Jesus.

With warmest good wishes.

Yours sincerely,

Revd Canon Prof. Martyn Percy,
Principal Ripon College Cuddesdon

REFLECTIONS ON RESPONSES TO THE WINDSOR REPORT COVENANT PROPOSAL

Norman Doe

1. A *critical dialogue* between (i) the reactions experienced by those responding to the covenant proposal and (ii) the resources of theology (in scripture, tradition and reason), could help Anglicans inform, through a practical theological framework, the formal covenant debate in the Communion. An evaluation of responses necessitates:

(a) a systematic presentation of the responses around nine key issues in three basic categories: foundational ideas of a covenant (nature, employment, purposes); the structure and substance of a covenant (form, subjects, content); and the implementation of a covenant (process, adoption, effects);

(b) a choice of theological resources to be deployed for the evaluation, such as scripture, reason and tradition, as the classical criteria in Anglicanism; and:

(c) a balanced statement of the arguments for and against (including the host of theological ideas emerging in them, from ecclesiology to spirituality).

2. The *problem* posed by the responses is the great divergence of opinion within them. Approximately one third favours the covenant principle and *Windsor* draft, a third supports the principle but not the draft, and a third rejects both principle and draft. Though many agree (eg) about the nature of a covenant, within these three groups respondents are divided as to:

(a) whether a covenant accords with the spirit of Anglicanism

(b) its capacity to achieve unity, reconciliation, order and stability

(c) its form (whether it should be descriptive or prescriptive or both)

(d) its subject-matter (whether it should treat (eg) *adiaphora*, scriptural interpretation)

(e) its content (some welcome the draft, but others feel (eg) that: its commitments are unworkable; its understanding of autonomy-in-communion is incorrect; and giving in contentious communion issues a pastoral ministry to Canterbury and a jurisdiction to the Instruments of Unity is too curial); and:

(f) mode of adoption and a disciplinary mechanism to enforce the covenant (many feel the use of law ensures commitment, but for others a covenant should not bind).

The debate should address the extent of agreement/disagreement as to nine key issues.

3. *Analysis* of the proposal and responses indicates the role of theology in propositions advanced in them:

(a) Most have a distinctive theological content (eg): covenanted relations accord with communion as familial; the proper objects of a covenant are unity, reconciliation and mission; covenanting is vocational; communion relations are spiritual and cannot be documented or regulated; or, a covenant will inhibit the work of the Holy Spirit.

(b) Many propositions are juridical (eg): a covenant is not a contract; and some political (eg): no jurisdiction should be vested in the Instruments of Unity.

(c) Some mix theology and law (eg): autonomy-in-communion involves churches having to regard the global community; a covenant will translate the bonds of affection into law; or, covenantal promises are binding.

(d) Others are purely practical (eg): a covenant should be rejected because it is a quick-fix or will take too long to implement.

The debate needs to identify which issues are theological and which juridical.

4. **Reflection** upon the proposal and responses when placed against scripture, tradition and reason tests further the theological value of the propositions in them.

(a) Several responses appeal to scriptural models, fewer to sacramental models, and none (so neglecting the wider ecumenical benefit) to the models afforded by agreements of comparable international ecclesial communities.

(b) The nature, use, objects, prescriptive form, subject-matter, and process of the *Windsor* covenant, accord *generally* with scriptural, sacramental and ecumenical covenants, and the extensively-used agreements of comparable global ecclesial communities.

(c) However, *broadly*, content, juridical adoption, and effects (on membership, discipline, changeability) do not resonate in salvific or sacramental covenants, but do feature in agreements of other global church bodies.

(d) But there are similarities: sacramental covenants (eg) have juridical effects, and ecumenical covenants are increasingly incorporated in Anglican laws.

(e) More particularly, therefore (eg), that: a covenant may enable suspension of church membership is consistent with comparable international agreements; a covenanted Communion should consist of classes of membership contradicts baptismal and marriage covenants; and, a covenant destroys autonomy is not the experience of ecumenical or comparable instruments.

5. In terms of *praxis*, placing responses against the criteria of scripture, tradition (the covenant concept in sacramental theology) and reason (the experiences of other comparable international ecclesial communities) provides something of a road-map (of issues and possible models) for the formal debate. While the proposal and responses indicate *what* is valued, these criteria offer some ideas about *why* propositions in them might be valued. It is perhaps ironic that, whereas the old covenant (law) was not abrogated but fulfilled by the new covenant (grace), the Anglican Communion today debates whether its old tacit covenant of bonds of affection should be fulfilled but not abrogated by a new covenant in law.

From Waterloo to Windsor:
the Proposed Anglican Covenant
in Light of Anglican-Lutheran Co-operation in Canada

Alan T Perry
Cardiff University
15 August 2006

Introduction

In July 2001, meeting simultaneously in different venues in Waterloo, Ontario, the General Synod of the Anglican Church of Canada and the National Convention of the Evangelical Lutheran Church in Canada each adopted a resolution giving effect to an agreement known as the Waterloo Declaration, creating a relationship of Full Communion between the two churches.¹ In October 2004, the Lambeth Commission on Communion issued a report, the *Windsor Report*, which included a proposal for a covenant to be adopted by the member churches of the Anglican Communion.² This essay will explore the proposed Anglican Covenant in light of the Waterloo Declaration.

The Waterloo Declaration

The Waterloo Declaration consists of three parts: an extensive Preface; a Joint Declaration; and a Conclusion. The Preface rehearses at some length the history of dialogue between the Anglican and Lutheran Churches, both internationally and in Canada, culminating with an agreement for interim eucharistic sharing begun in 1989³ and renewed in 1995⁴ as a step toward full communion. The Preface also provides a definition of full communion, which involves maintenance of autonomy by each partner church, formal mutual recognition of each other as authentic churches with valid orders, and, most interestingly, a series of freedoms. These freedoms include: “transferability of members;

¹ *Called to Full Communion (The Waterloo Declaration)*. Waterloo, Ontario: National Convention of the Evangelical Lutheran Church in Canada and the General Synod of the Anglican Church of Canada, 2001. Cited hereafter as *Waterloo Declaration*.

² The Lambeth Commission on Communion, *The Windsor Report 2004*, London: Anglican Communion Office, 2004, pp. 65ff. Cited hereafter as *Windsor Report*.

³ *Waterloo Declaration*, Paragraph 5.

⁴ *Waterloo Declaration*, Paragraph 6.

mutual recognition and interchangeability of ministries; freedom to use each other's liturgies; freedom to participate in each other's ordinations and installations of clergy, including bishops; and structures for consultation to express, strengthen, and enable our common life, witness, and service, to the glory of God and the salvation of the world."⁵

The Joint Declaration section of the text begins with a series of affirmations regarding the full authenticity of both churches, using phrases developed at the Reformation and contained in the Augsburg Confession and the Thirty-Nine Articles of Religion.⁶ It goes on to affirm the authenticity of faith⁷ and validity of the episcopacy of both churches,⁸ and of the other ordained ministries.⁹ Significantly, the Evangelical Lutheran Church in Canada agrees to understand episcopal installation as ordination for life, notwithstanding its continued practice of election to a term in office.¹⁰ This was obviously a matter of concern for Anglicans in the negotiations. The Joint Declaration contains a statement that declares the two churches "to be in full communion"¹¹ and then includes a series of commitments to exercise the above-enumerated freedoms, "to work towards a common understanding of diaconal ministry,"¹² another Anglican concern, and to develop the relationship

⁵ *Waterloo Declaration*, Paragraph 7.

⁶ *Waterloo Declaration*, Paragraph A1.

⁷ *Waterloo Declaration*, Paragraph A2.

⁸ *Waterloo Declaration*, Paragraphs A3-A4.

⁹ *Waterloo Declaration*, Paragraph A5.

¹⁰ *Waterloo Declaration*, Paragraph A6c.

¹¹ *Waterloo Declaration*, Paragraph B.

¹² *Waterloo Declaration*, Paragraph C3.

through “consultation and collaboration”¹³ and development of structures for implementation of the Declaration.¹⁴ The final commitment made by the two churches is “to continue to work together for the full visible unity of the Church of God.”¹⁵

The Waterloo Declaration concludes with an expression of thanksgiving to God for what has been achieved and an engagement to undertake the mission that has been enabled by the new relationship between the two churches.¹⁶

A few points concerning the Waterloo Declaration should be noted. First, although it uses the language of doctrine, the Declaration does not specify in detail any doctrinal position for either of the two partner churches. It is not a confessional document in nature, nor does it require propositional assent of the partners. The Declaration indicates at least one area of ongoing discussion - the nature of the diaconate - the absence of agreement on which does not preclude entering into a relationship of Full Communion. A second point is the relatively short length of the Declaration. Much more could be said about commonalities between the two churches, but the authors of the Declaration seem to have opted to say less, rather than more, about the beliefs and practices of the two churches, focusing instead on a detailed history of collaboration between the two churches, both internationally and domestically. The third point is related to that history of collaboration, for the Declaration is the product of many years of dialogue, discussion, co-operation

¹³ *Waterloo Declaration*, Paragraph C5.

¹⁴ *Waterloo Declaration*, Paragraphs C4-C7

¹⁵ *Waterloo Declaration*, Paragraph C8.

¹⁶ *Waterloo Declaration*, Conclusion.

and negotiation. It is both the end of a process of growing together and the beginning of a new process of growth in partnership.

The Proposed Anglican Covenant

The proposed Anglican Covenant was offered by the Lambeth Commission on Communion as a discussion document,¹⁷ a model of the sort of agreement that might bring canonical clarity to the nature of the Anglican Communion, given tension between the principle of provincial autonomy, on the one hand, and communion on the other.¹⁸

It is important to note that the Anglican Covenant is not offered as a fully-formed document for adoption by the Provinces. *The Windsor Report* warns that “this is only a preliminary draft and discussion document, and at this stage it would be premature for any church to adopt it.”¹⁹ Notwithstanding this warning, at least one church has already indicated a willingness to adopt the draft covenant in its current form.²⁰

Following a brief Preamble, The Anglican Covenant consists of five Parts, containing a series of twenty-seven Articles. The first Part, labelled “Common Identity” rehearses aspects of the similarities among the Provinces of the Anglican Communion, including faith, sacraments, ministry

¹⁷ *Windsor Report*, p. 48.

¹⁸ See *Windsor Report* pp. 34-38.

¹⁹ *Windsor Report*, p. 48.

²⁰ “Communiqué from the Episcopal Synod of the Church of Nigeria (Anglican Communion)” *Anglican Communion News Service* bulletin 4162, 4 July 2006.

and mission, understanding and autonomous polity.²¹

The second Part of the Covenant outlines the nature of Communion, as a “gift of God, who is a communion of three persons.”²² Communion is seen as a process toward an eschatological reality which will “never [be] perfected until God’s Kingdom is all in all.”²³ It is described as a “pilgrimage towards truth” undertaken by the member churches in light of “the mutual acknowledgement ... of their common identity.”²⁴

The third Part of the Covenant lists a series of commitments which flow from the mutual responsibility inherent in the nature of Communion²⁵. These commitments include, working for the common good of the Anglican Communion “in all essential matters of common concern,”²⁶ maintaining the “faith, order and tradition, and moral values and vision of humanity received by and developed in the fellowship of member churches,”²⁷ continuing the administration of the Dominical sacraments and welcoming participation therein by members of the other member churches,²⁸

²¹ *Windsor Report*, pp. 65f.

²² Article 6(1), *Windsor Report*, p. 66.

²³ Article 8(1), *Windsor Report*, p. 66.

²⁴ Article 8(1-2), *Windsor Report*, p. 66.

²⁵ “Communion involves responsibilities so that each church may be more fully completed in, through and by its relations with other member churches, having regard for their common good.” Article 8(3), *Windsor Report*, p. 66.

²⁶ Article 9(2), *Windsor Report*, p. 67.

²⁷ Article 10(1), *Windsor Report*, P. 67.

²⁸ Article 11, *Windsor Report*, p. 67.

maintaining “the historic threefold ministry of bishops, priests and deacons” and recognising the orders of the other member churches,²⁹ and otherwise co-operating in the work, prayer, liturgical celebrations and mission of the other member churches and their members.³⁰

Part IV of the Covenant defines the autonomy of the Provinces, reflecting the tension between the legitimate exercise of autonomy³¹ and the “fiduciary duty” of each member “to exercise its autonomy in communion.”³² Autonomy serves the need of each member church for “the greatest possible liberty to order its life and affairs, appropriate to its Christian people in their geographical, cultural and historical context” and is to be respected by the member churches.³³

The fifth Part of the Covenant establishes procedures for “management of communion issues”, in effect constituting a dispute-settling mechanism.³⁴ “Communion issues” are defined as “those essential matters of common concern to the member churches of the Communion”.³⁵ The determination of whether a given matter is a communion issue is left to the Instruments of Unity.³⁶ The Instruments of Unity are described, their collective role being “to discern our common mind in

²⁹ Article 12, *Windsor Report*, p. 67.

³⁰ *Windsor Report*, pp. 67f.

³¹ Article 19, *Windsor Report*, p. 69.

³² Article 21(1), *Windsor Report*, p. 69.

³³ Article 22, *Windsor Report*, p. 69.

³⁴ *Windsor Report*, pp. 70f.

³⁵ Article 23(1), *Windsor Report*, p. 70.

³⁶ Article 23(3), *Windsor Report*, p. 70.

communion issues.”³⁷ A new position is mandated for every member church for an Anglican Communion Liaison Officer, whose role is “to defend the bonds of communion expressed in this Covenant”³⁸ and a process is established for that Officer to submit “any contentious communion issue” to the Archbishop of Canterbury for guidance or for referral to the other Instruments of Unity.³⁹ Finally, the Archbishop of Canterbury is given the authority to interpret the Covenant, subject to approval by the Joint Standing Committee of the Primates’ Meeting and Anglican Consultative Council.⁴⁰

As noted above, the proposed Anglican Covenant is more of a discussion paper than a concrete proposal. As such, any analysis of the Covenant is inevitably hypothetical. Although there has been substantial support for the idea of some form of Covenant in the Communion,⁴¹ any covenant ultimately adopted might be very different from the proposal in the *Windsor Report*. Any Covenant which might be arrived at will necessarily be the product of a process of discussion, debate and negotiation. The proposal now before the Communion is in fact not the Covenant as published, but the idea of a Covenant which might look something like that contained in the *Windsor Report*. With that caveat, a few comments are in order.

³⁷ Article 24, *Windsor Report*, p. 70.

³⁸ Article 25, *Windsor Report*, p. 70.

³⁹ Article 26, *Windsor Report*, p. 70.

⁴⁰ Article 27, *Windsor Report*, p. 71.

⁴¹ Joint Standing Committee, *Towards an Anglican Covenant: A Consultation Paper on the Covenant Proposal of the Windsor Report*, London: Anglican Communion Office, March 2006, p. 1. Cited hereafter as *Towards an Anglican Covenant*.

The proposed Covenant emerges from a period of heated dispute over the formal approval for a rite to bless same-sex unions in one diocese in the Communion and the election and subsequent consecration of an openly gay man as bishop in another.⁴² Thus, although a Covenant can be described as serving a variety of purposes,⁴³ the original purpose is clearly to “assist the process of reconciliation post-Windsor.”⁴⁴ The extensive discussion of the common identity of the member churches⁴⁵ is analogous to a marriage counsellor encouraging a couple in conflict to list the various positive qualities of each others’ characters and areas of commonality in their relationship. The mere process of producing such a list may help the couple, or the member churches of the Communion, to recall what brings them together in the first place, and to become more open to resuming dialogue.

Waterloo and Windsor

The Waterloo Declaration is a bilateral agreement between two similar denominational churches of different heritages which occupy the same territory, and thus substantially share the same geographical, cultural and historical contexts. The proposed Anglican Covenant, and indeed any Anglican Covenant, would be a multi-lateral agreement between churches which share the same heritage but which occupy different territories and thus find themselves in very different geographical, cultural and even historical contexts. Whilst it would be equally true to say that a Canadian Anglican is in a relationship with a Canadian Lutheran and in a relationship with a Nigerian Anglican, the points of contact and the nature of the two relationships are very different,

⁴² Described as “surface symptoms” of illness in *Windsor Report*, pp. 16ff.

⁴³ *Towards an Anglican Covenant*, p. 3.

⁴⁴ *ibid.* See *Windsor Report*, pp. 118ff.

⁴⁵ Anglican Covenant, Part I, *Windsor Report*, pp. 65f.

even setting aside any consideration of tensions in the latter relationship.

Where Waterloo speaks of acquiring and exercising new freedoms, as a result of removing barriers to co-operation, Windsor speaks of exercising restraint in the use of autonomy. Thus the proposed Covenant is much more detailed in respect to the commitments of relationship and the necessary restraints on the exercise of autonomy than the Waterloo Declaration. The commitments in Waterloo are to worship, work and meet together in order that a relationship may flourish. The commitments in Windsor are to maintain and uphold the faith, continue to administer the sacraments, maintain the three-fold orders of ministry and to avoid causing disunity. The concern in Waterloo is to foster a new relationship; the concern in Windsor is to re-establish an old one, or to prevent it from disintegrating. Where Windsor contains a process for “Management of Communion Issues”, described above as a dispute-settling mechanism, Waterloo makes no such provision.

If it is true that “canon law is applied ecclesiology”⁴⁶ then it is essential to understand the ecclesiological assumptions underlying any Covenant. And here we may have a clue as to the fundamental issues at stake in the Communion. The Windsor Report correctly notes that the presenting issues of disagreement about sexuality are in fact “surface symptoms” of a deeper disagreement.⁴⁷ But perhaps even the six “deeper symptoms” of theological development, ecclesiastical procedures, adiaphora, subsidiarity, trust and authority identified by the Windsor

⁴⁶ Robert Ombres, “Why then the law?” *New Blackfriars* 1974, p. 296 at 302.

⁴⁷ *Windsor Report*, pp. 16ff.

Commission⁴⁸ are not yet at the base of the current conflict. It is tempting to see the current conflict as a conflict between scriptural authority and cultural context, or between two competing methods of scriptural interpretation, or even between authority and autonomy. In fact, the fundamental dispute is a conflict between two different ecclesiologies, one of which prefers centralised authority, usually in the service of conformity, and the other of which favours decentralised authority, usually in the service of diversity. These two ecclesiologies have long cohabited in Anglicanism.

Formally, Anglicanism values diversity and includes provincial autonomy as a necessary servant of that diversity, to the extent that diversity arises from geographical and cultural context. Thus, for example, it is possible for Anglicanism to allow for a limited acceptance of polygamy in provinces where that is culturally appropriate, without encouraging it in provinces where it is not already culturally entrenched, as “[t]his Conference upholds monogamy as God’s plan, and as the ideal relationship of love between husband and wife.”⁴⁹ But diversity arises not only as a result of cultural and geographical context, but also from theological, liturgical and perhaps even psychosocial preferences. These sources of diversity cut across provincial lines. Furthermore, at least some provinces, Canada notably among them, are multicultural in nature. Thus, as the Archbishop of Canterbury has recently noted, “[t]he divisions don’t run just between national bodies at a distance, they are at work in each locality....”⁵⁰ At times of dispute, particularly when the limits of diversity or autonomy are being tested, there is a temptation to seek to invoke a centralised authority, such

⁴⁸ *Windsor Report*, pp. 20ff.

⁴⁹ Resolution 26, Lambeth Conference 1988, in Roger Coleman, ed., *Resolutions of the twelve Lambeth Conferences 1867-1988*. Toronto: Anglican Book Centre, 1992, pp. 211f.

⁵⁰ Rowan Williams, “The Challenge and Hope of Being an Anglican Today: A Reflection for the Bishops, Clergy and Faithful of the Anglican Communion.” 2006.

as the authority of scripture, or of the Lambeth Conference, or of the Archbishop of Canterbury to resolve the dispute. However, as Archbishop Williams has noted , “the idea of an Archbishop of Canterbury resolving any of this is misplaced, however tempting for many.”⁵¹

Toward a Covenant

If an Anglican Covenant is to be adopted, then a number of steps must occur first. The first step is to consider the matter of instrument choice. The Windsor Commission has advanced an argument that a Covenant of some kind is desirable, but the debate on whether such a Covenant is in fact the correct instrument in the current climate is ongoing. The question to be addressed is what is hoped to be achieved. The authors of “Towards an Anglican Covenant” caution that “[t]he formulation and adoption of a covenant [will be] unable to resolve our current difficulties...”⁵² Similarly, Bagshaw warns that “law cannot create a unity or coherence which does not otherwise exist. On the contrary, the use of legal processes as weapons is likely to further entrench and polarize conflict.”⁵³ Thus, the second question to be addressed, given that a Covenant is desirable, is whether, in the current climate of mistrust and even open hostility, the time is opportune for the formulation of such a Covenant. It may be that, in the absence of a prior cessation of hostilities there will be a misplaced hope that the Covenant can resolve the dispute. Another danger is that the Covenant will reflect the context of dispute more than the hope for a fruitful partnership in the future. This is clear in the current draft proposal, and all the more so when it is compared with the Waterloo Declaration.

⁵¹ *ibid.*

⁵² *Towards an Anglican Covenant*, p. 3.

⁵³ Paul Bagshaw, “Doctrine, Law and Law Courts”, *Theology* CVIII number 845 p. 347 at 352.

A fundamental issue that must be tackled is a clear agreement on the ecclesiological foundations of the Anglican Communion, and which will underpin any Covenant that is negotiated. There will be a temptation to see the Covenant as a step toward a universal Code of Canon Law, along the lines of either the Latin or Eastern Catholic Codes, but both of these models are foreign to authentic Anglican ecclesiology. Rather than a universal species of law, the model called for in pursuit of a Covenant is in fact more akin to international law. The development of an international, multi-lateral and decentralised species of canon law, rather than the more familiar universal and centralised form, would be a significant step in the relations of the Anglican Communion, and ultimately perhaps an equally significant step in ecumenical relations. If this is the correct model, it would be salutary to include experts in international law in its development.

A fourth question that must be addressed is whether to opt to attempt to say rather less or more in the Covenant. As the authors of “Towards an Anglican Covenant” have warned, “[i]f the covenant were too detailed, it might prove too restrictive or inflexible to address unforeseen future challenges; if it were too general, it might commit the Communion to little or nothing: in either case, it would be inadequate.”⁵⁴ However, alongside the Archbishop of Canterbury’s suggestion that “[i]t is necessarily an ‘opt-in’ matter”⁵⁵ there is also a danger that erring on the side of saying too much will increase the likelihood that some provinces will be unable, or unwilling, to “opt in.” In the context of the current conflict, or in an immediate post-conflict context, this is a danger that should be avoided. If the development of an Anglican Covenant is truly seen as a first step in the development

⁵⁴ *Towards an Anglican Covenant*, p. 2.

⁵⁵ Williams

of a new species of canon law,⁵⁶ then perhaps first steps can afford to be modest in their ambitions, erring on the side of saying too little for the sake of including all members of the Communion. In this way the Covenant itself could function as a visible and effective, albeit modest, incarnation of the “fifth instrument of unity.”

Archbishop Williams notes that, contrary to issuing decrees, “[t]he Archbishop of Canterbury presides and convenes in the Communion....”⁵⁷ If it is the role of the Archbishop as an Instrument of Unity to convene, an important role of the other Instruments of Unity is to gather in response to that convening.⁵⁸ Thus, the proposed Covenant includes a requirement that no bishop shall “unreasonably refuse any invitation to attend meetings of the Instruments of Unity.”⁵⁹ The temptation for one of the Instruments of Unity to marginalise, disinvite or exclude some participants, a temptation to which the Primates’ Meeting succumbed in 2005,⁶⁰ is for that Instrument to become one of disunity. Thus, if the Covenant is to be an effective force for unity, it must make itself as inviting as necessary for all provinces to become signatories. The Waterloo Declaration in its brevity says what needs to be said to remove barriers to co-operation, and not much more, creating maximum freedom to allow the relationship of Full Communion to flourish. This may be a salutary

⁵⁶ Future historians might see the Constitution of the Anglican Consultative Council as the first step, making the Covenant the second. For the Constitution, see *Handbook of the General Synod of the Anglican Church of Canada* 14th Edition. Toronto: Anglican Book Centre, 2005, pp. 160-165.

⁵⁷ Williams

⁵⁸ Former Canadian Primate, Archbishop Michael Peers, was fond of quoting Archbishop Desmond Tutu that the nature of the Anglican Communion is that “we meet.” Archbishop Peers once reported that he had made this quote in the presence of Archbishop Tutu, who claimed never to have said it, though he wished he had.

⁵⁹ Article 13(2)(d), *Windsor Report*, p. 67.

⁶⁰ See “The Anglican Communion Primates’ Meeting Communiqué, February 2005” paragraph 14.

model for an Anglican Covenant.

The fifth question to be addressed is whether, and if so to what extent, a dispute-settling mechanism is desirable in a Covenant. It would be foolishly naïve to suggest that there will be no conflict in the Communion once the present conflict is settled. All relationships involve conflict. But, as Bagshaw suggests, “the use of legal processes as weapons is likely to further entrench and polarize conflict.”⁶¹

The question is whether inclusion of a dispute-settling mechanism would constitute provision of weapons with which to carry out conflict between provinces, or to be used for the internationalisation of intra-provincial conflicts, particularly in a province with a litigious culture. If such an eventuality is to be avoided, great care will have to be taken in including any form of dispute-settling mechanism.

Sixth, if some form of dispute-settling mechanism is to be included in a Covenant, care will have to be taken not to undermine the roles of the Instruments of Unity by involving them too closely in the mechanism. The Instruments of Unity must remain free to convene and to gather, and thus continue to be forces that draw the Communion together. Perhaps this can best be accomplished by attending to the usual question of separation of powers in governance, and establishing a fully independent body rather than the Council of Advice as currently envisioned.⁶²

Seventh, defining “communion issues” is likely to be the matter of great contention, given the

⁶¹ Bagshaw, p. 352.

⁶² See Articles 24 and 27, *Windsor Report*, pp. 70f.

necessary absence of guidelines for deciding whether a given matter of controversy is actually a “communion issue.” Obviously the mere assertion that one Province has said or done something that offends another or, just as likely, the assertion by a minority within a Province that it feels aggrieved by a decision taken by that Province, is not enough to determine that the matter is truly a communion issue. In the end, it is likely to be similar to Canadian courts’ definition of pornography, as illustrated by the oft-quoted maxim that “we can’t define it precisely, but we know it when we see it.” Whilst it is salutary to remind autonomous churches in communion that “what touches all should be approved by all”⁶³ there will need to be substantial agreement on what truly does “touch all”.

Finally, it must be noted that the task of formulating an Anglican Covenant is substantial, and will require time to do well. “Towards an Anglican Covenant” suggests a timeline of five to eight years for implementation.⁶⁴ This may be rather optimistic, not least because it will allow for only one consultation of the Lambeth Conference, and that only early in the process. For the Anglican Church of Canada, and perhaps for other member churches, even the process of approval of a Covenant is likely to take an absolute minimum of three or four years, to allow two meetings on its three-year cycle for the General Synod to consult with the dioceses and internal provinces. Implementation of the Covenant might take a further two cycles of meetings. Again, with respect to the Waterloo Declaration, it is worth noting that there is related legislation awaiting second reading in 2007, fully six years after the Waterloo Declaration was adopted by the two churches.⁶⁵

⁶³ Article 20(3), *Windsor Report*, p. 69.

⁶⁴ *Towards an Anglican Covenant*, pp. 6f.

⁶⁵ See *Handbook*, p. 158.

Conclusion

At its best, the Anglican Communion is a glorious project: a world-wide family of churches each of which seeks faithfully to incarnate the Gospel with attention both to its own particular context and to the wider Communion.⁶⁶ In recent times, the Communion has not been at its best, marked by disagreement, mistrust and even open hostility. If an Anglican Covenant is to be adopted, it will be important to attend to the balance between setting forth the vision of the Communion at its best and enshrining mechanisms to protect the Communion from itself at its worst. In the current climate, there is a very real danger that the latter could overshadow the former. If so, then an important opportunity risks being lost. An Anglican Covenant could be, and should be, a new and fresh instrument of unity, even a new species of international canon law, inspiring the member churches with a vision of the Communion at its best and calling them to continue to strive toward the perfect unity in respectful and creative diversity, not only of the Anglican Communion, but of the whole church, an eschatological reality which will be fully revealed when “God’s Kingdom is all in all.”⁶⁷

⁶⁶ For a vision of this family of churches, see Williams, under the heading of “The Anglican Identity.”

⁶⁷ Article 8(1), *Windsor Report*, p. 66.

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**Reflections on
Towards an Anglican Covenant (JSC March 2006)
and
Responding to a Proposal of Covenant (IATDC 2006)**

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Epiphany, 2007**

The following reflections engage with the proposals of *Toward an Anglican Covenant* and *Responding to a Proposal of Covenant* in response to an invitation from Archbishop Drexel Gomez to contribute to the Covenant Design Group in January of 2007. I am grateful for the invitation. I write from the context of the Anglican Church of Canada and my comments have been shaped by conversations formal and informal in both local and national settings as Canadian Anglicans have over the past two years been involved in thinking about and responding to *The Windsor Report*.

At this point of writing, I am involved in planning and preparations for our next triennial meeting of General Synod, the highest governance body of the Anglican Church of Canada. My reflections here are shaped by the experience of these Synods and of national-level work within a church that lives out its communion in Christ across and within multiple diversities, in a way as a microcosm of the realities of the Anglican Communion. Like the Communion in miniature, we too face the challenges and gifts of the vast geographical and cultural spread of the church. In our case we face these in most situations not just nationally but within dioceses. From our journey together in history we have learned lessons that shape our current commitments. We are committed to nurturing the relationships in which we live out this *koinonia* across multiple diversities and seek face to face meeting and worship as often as we are able. These experiences are affirming, educational, challenging and transformative, and from them we learn that communion is a gift that needs careful nurture through and in *real relationships*. Attention to transparency and the enabling of full participation within processes of governance including laity and the ordained at the service of mission and ministry are of high importance to us. There are, I believe, lessons from our Canadian context (from which we continue to learn) to be brought to this current conversation. We are very aware of having a fragile gift that needs to be shared.

I write as a theologically educated lay person, whose first question to the proposal of a Covenant is “how does this serve the ministry and mission of the people of God in the world?” I believe at this still early juncture the best way to conceive of a Covenant is as that which enables mutual conversation – one whose aim is to build the body of Christ, strengthening us in mutual affection and in *discernment together* of God’s call. As such I welcome the efforts in the Covenant discussions that seek to deepen that conversation. I welcome the notion of a *covenanting process* that would help to keep us in mutual conversation.

The Windsor Report itself recognizes that no Anglican Covenant will resolve present or anticipated (or heretofore undreamt of) disputes. Therefore, it seems to me that the most important questions that need to be asked in the next stages of our conversation are those that will help us to build clarity about that which is needed, that which is desirable. What it is we want and need in such a Covenant, why do we want and need it, and to what purpose is it to be intended? Clearly we cannot, in a Covenant look for the embodiment of any quick ‘fix’ to problems. Might we rather through it grow a tool to help us strengthen and nurture communion from which deepened relationships of trust and mutuality of respect might allow more fruitful approaches to disputed questions in the future? One might ask how does a Covenant do any differently that which the existing structures of the Anglican Communion and agreements such as the Chicago-Lambeth Quadrilateral offer already.

At the same time, I am also deeply aware of the relative youth and experimental character of the worldwide Anglican Communion on the one hand, and, on the other, of the need for the body of Christ ever to be thinking the faith anew in new contexts. The Quadrilateral and the Structures of the Anglican Communion, to my mind, work quite well for us when we employ them properly. That’s not to say that I stand against any new development! The theological task of rethinking older formularies and agreements is necessarily incumbent upon us in every age and I welcome work on a proposed Covenant as a part of that sort of faithful conversation. This is a part of creating new roadsigns and maps, not rearranging the landscape. My conservatism with respect to the Quadrilateral – and Anglican tradition generally! – is about my desire to protect the task of *authentic* development.

In the pages that follow, I shall address questions of *Process*, of *Expectations and Motivations*, of proposed *Content*, of *Tone and Style* as relating to *Function and Purpose*. Finally and briefly I take up the question of dispute settling mechanisms.

Process

1. Timing issues

It is not unusual for one to feel in a double bind around this question of a Covenant. Many are arguing publicly that, particularly based on the model presented in Windsor, such a proposal ought not to go on, yet the process is already underway, so the awkward question can become: how to contribute to it?

Towards an Anglican Covenant (TAC) expresses an obvious contradiction. It recognizes in paragraph 2 that there is no consensus on whether or not the Windsor-articulated proposal for a Covenant ought to proceed, with a full one-third of respondents to the Reception Reference Group clearly not in favour, and for reasons well discussed in TAC. Yet, paragraph 3 begins, “the proposal for an Anglican Covenant now has to be carried forward.” The weight in this judgement falls squarely with the fact that the Primates at Dromantine said they would welcome “the concept of a covenant.” Not all Provinces have yet made their formal responses to *The*

Windsor Report. The Anglican Church of Canada will bring a draft Response to our General Synod not until June 2007. This is not a sign of dragging of the feet or of avoidance, but rather much the opposite: it is evidence of the seriousness with which we have been taking the responsibility to engage with Windsor, through thorough study of the Report at all levels of our Church, thereby assuring a full, reasoned, careful and faithful response. It is also evidence of the importance of our Synodical processes – critical for us in the understanding of Anglicanism – of consultation, debate and ownership by the General Synod (laity and clergy and bishops) of decisions.

And so concerns about the rapid development of Covenant proposals are based not, as some might caricature, a reactivity to the notion of a Covenant in and of itself, but in real concerns about the processes by which these developments are occurring and might occur in the future. These are concerns that reflect central notions of authority and the participatory nature of the church in decision-making that are at the heart of Anglicanism as we have received and enfolded it.

2. Processes of Theological Conversations

Do we have clear enough agreement at present within the Communion on what truly are the ecclesiological foundations of the Anglican Communion? I note that this hints at the principal mandate of the IATDC for this part of its life – to explore the meaning of communion in the context of the diversities of the Anglican Communion. This work is ongoing, and I would suggest that any development of a covenant for the Anglican Communion would need to build on the findings of the IATDC in its Communion study. In other words, as a matter of process it is not adequate simply to have IATDC work on the theological notion of covenant (as one particular piece of its work given to it recently) without taking into account the far more substantial and foundational work that they are seeking to articulate in terms of Anglican ecclesiology. Having said that, it is also clear that events of the past few years and the perceived necessity by IATDC to respond to particular issues and events have derailed it somewhat from that foundational work. This has been further complicated by an imposed 3 year hiatus. They are slated to meet in September of 2007, and it is hoped at that time to bring to completion a certain phase in what is called ‘The Communion Study’. Whether or not the most substantial work on ecclesiological questions will be completed by that time remains to be seen – I suspect it will need to be carried on beyond 2007 in a next mandated group.

I would like to see emphasized the critical importance of IATDC’s work on theology of Communion as a place where the ecclesiology of the Communion can be worked out – where issues of theological conflict (models of ecclesiology, authority, autonomy-in-relationship) can be brought to light, explored and explained. With clarified views of the different ways in which, for example, synodality and authority function within the Provinces, we might be better equipped to understand how different models of covenant and covenanting processes might function.

It must, further, be recognized that the work of *The Virginia Report* is incomplete, though it has been taken in some quarters as something ‘done’ and treated as ‘received’ by the church (i.e. quoted as a substantial authoritative statement on the nature of the Communion and of the church by *The Windsor Report*). I say “incomplete” because of the ways in which its language (for example around “instruments of unity”) and concepts have been adopted in decision-making, while the process of discussion and study of and response to *Virginia* was pre-empted by the events of 2002 onwards and the creation of the Lambeth Commission. The process of study, critique, ‘reception’ of *Virginia* is incomplete: only one side of the conversation has been heard. In some very real ways, we need to go back to *Virginia* to re-engage the conversation, especially as it is not at all the case that all Provinces have wholly accepted *Virginia*’s assumptions and conclusions.

3. A Participatory Process at Every Stage

It is not enough, in my opinion, to have a process whereby a drafting group sends a text to the Primates then to the Provinces for consultation and adoption. A much wider process of participation needs to go into the stages of discernment regarding what it is that we are doing and why (i.e. the present discussions about whether the covenant ought to be motivational or more legalistic). It could be that some of that participation by Provinces in conceptualizing covenant will come as more Provinces submit their responses to the *Windsor Report* and also respond through various channels to the work of the Covenant Drafting Group. However, I think it incumbent upon the Drafting Group to solicit broad participation at the earliest stages. It is not enough for Provincial Synods to be on the receiving ends of a ‘fait accompli’ – as already noted by *Towards an Anglican Covenant*. I agree with *Toward an Anglican Covenant* that it has to be something “owned” by the whole Communion, not something to which some can opt in or out of in part. Wholeness in option presumes wholeness of participation in the creation of the object of that option!

An international conversation about what we want in a covenant (the ‘conceptualizing’ work) that is characterized by reasonableness (well prepared research and discussion), tolerance (habits of mutual respect) and openness, (transparency) will not only serve task of creating a covenant, but could help existing relationships. In a process of covenanting to be in a conversation, a process of discerning the nature of an Anglican covenant we might aspire to live the mutuality and interdependence within the process of the work itself. A process that is covenanted to these values (mutuality, interdependence, reasonableness, tolerance, openness) has, I believe, a fair chance of creating an expression of covenant that will help further to engage the Communion according to these values.

It needs to be said that this process has to involve the laity. Theologically articulate laity abound in the Anglican Communion, and it is of critical importance that those whose baptismal vocation is focussed in the worldly mission of Christ contribute to the process. The gifts of all orders of ministry – the whole *laos* -- each serve the common purpose of God’s work in Christ transforming the world and each has distinct perspectives to be brought to bear from the

particularity of one's principal vocational location, whether episcopal, presbyteral, diaconal, or lay vocations (and keeping in mind the multiplicity of particular locations of each, especially lay, vocation!)

Synodality is a key concept that has evolved within Anglicanism as ways of involving laity, clergy and bishops in the councils of the church. *The Windsor Report* speaks of the work of synods as expressive of the unity in diversity that is our life in communion, but holds up the Lambeth conference as the greatest expression of this synodality. In truth, of the so-called "instruments of unity" only the Anglican Consultative Council reflects that synodality that reflects all orders of ministry as well as diversity across language and culture. Therefore, the role of the Anglican Consultative Council is of critical importance within the consultative processes, just as engagement of whole Provincial decision-making processes is preferable to assent by primates only.

4. An Educational Process

It is good to hear from the Joint Standing Committee the affirmation of an educational process to be a part of the covenant process. It is unclear, though, whether the educational process intended is something to occur along with implementation processes ("now that it's done we're going to educate you about what this Covenant means") or in the process of discerning together what sort of Covenant we need (i.e. "let's learn together about what it means to be Anglican Christians covenanting together for mission in God's world today") or something else entirely.

I would suggest that some remedial education about the nature of the Anglican Communion, its structures, history, affirmations and ways of being is needed by all of us. When a community experiences conflict, it is altogether part and parcel of human inclination to want to create *things* to solve the problems. In social-psychological terms this is a way of externalizing personal conflicts. Where solutions are best found in interpersonal encounter (the mucky stuff of working out confrontation, better mutual understanding and where necessary confession and forgiveness), it is the case that humans sometimes prefer to build a new tool, or mechanism, or committee, to deal with what ought better to be dealt with within existing structures and with the tools of that society.

I participated in the drafting of the Anglican Church of Canada's Preliminary Response to *The Virginia Report (2001)*. During that time of broad consultation across our church, I heard repeatedly the observation that, rather than rush to create new structures in the Communion, we actually quite simply need to use the existing structures. Respondents affirmed that the structures of the Communion are adequate to the challenges of our day, so long as we actually use them properly, fully participating, with transparency and trust.

One might ask further: Why does it seem to some that the *Lambeth Quadrilateral* is not enough to articulate what binds us in common Anglican identity and commitment? Do we take it with full seriousness and hold each other mutually accountable to it? Why does it seem that the

Anglican Communion structures are not enough? Are we actually using them to their full potential, allowing for truly open, responsible participation? (To even ponder shutting down some from participation in conversation, or disinvitation, is effectively to say we can't live up to the demands and promises of the structures we've put in place.)

In the end, I would hope that the whole of the Covenant process would be self-consciously educational. That is to say that it be conducted within a spiritual commitment to a discernment process, learning from one another, being learners together, learning from our common heritage and from the insights that come from the challenges of facing the world, and each other, in response to God's call.

5. How long a process? Why so Long?

The Windsor Report called for "a long-term process, in an educative context, be considered for real debate and agreement on its adoption as a solemn witness to communion." Given all that has been said above, it should be obvious that I champion the notion of things taking as long as they need to take in order that timelines serve the processes of consultation, education, participation, and Provincial processes of decision-making and ratification, and not the other way around.

Recent planning conversations speak of five to eight years. But is even this useful, allowing only for one (2008) meeting of Lambeth and an inadequacy of Anglican Consultative Council meetings? If first participation in conceptualising, then drafting and then implementation are expected of Provinces, how many General Synods of the Anglican Church of Canada (meeting every 3 years) will we need?

If in the first place the value is on participatory, transparent process first in conceptualising (figuring out what it is that we need and want and how best to do that) and then in drafting, it of course remains to be seen what 'it' is that we are looking at. The most important assertion I wish to make here is that the timelines ought to serve the process of discernment and conceptualizing, and that this process ought to respect the timelines of the Provinces allowing for their full participation at all stages. The most important timelines, and those to be respected, then, are those governing the proper processes of the Provinces in their own constitutional lives.

There are those of course who feel that the calls for patience are ploys to avoid further conflict or the facing of difficult decisions. However, it would seem that those most pressing for something soon are also those holding out hopes for something definitive to come to judgement on those with whom they disagree.

Expectations, Motivations and Assumptions: what are we hoping to achieve by this?

There are, of course, competing expectations and assumptions surrounding the notion of covenant. On the one hand is the experience that we are falling apart and need a set of propositions to define what holds us together and sets out clearly who is 'in' and who has 'left' the playing field of the Anglican faith. On the other hand are the experiences of those, like the Bishop of Pretoria, who can say:

"Mysteriously the centre is holding. The Anglican Communion is still One Body of Christ, confessing One Faith and believes in One baptism despite many sceptics and the prophets of doom's speculation of schism. The challenges facing the Anglican Church worldwide makes it both difficult and exciting to be a spiritual leader of an Anglican Church today. Challenging because the issues that we are faced with are complex, since they are doctrinal but also deal with human rights. Exciting, because it has created a space for debate between people who would not otherwise have engaged with each other. There are many questions but few answers."

(The Journal of T.Z.A.B.A., Nov. 2006 issue, p. 20)

One voice asks for a tool for the settlement of disputed questions, another for a mechanism for growing relationship to help us in discovering who we are.

This is enough evidence to be able to state with boldness that we should not have excess expectations of what a Covenant will be able to achieve.

Beneath some of these obvious issues are other assumptions that need to be named and explored in any Covenant process. With the help of Dr. Walter Deller, Principal of the College of Emmanuel and St. Chad in Saskatoon, Saskatchewan (Canada), I name two of these, both assumptions of The Windsor Report.

"... one of the foundational assumptions of the (Lambeth) Commission and its report the idea that 'diversity' is both a cause and a manifestation of 'illness' in the Communion. This is in part because 'unity' is given such paramount value in the language and overall approach of the report."

... But neither can we pretend that organizations, movements, institutions, bodies—whatever language with which we might choose to describe ourselves—can exist with infinite diversity. While I might disagree profoundly with some of my...Christian friends about where the boundaries are, I can't wander along blithely assuming that the whole question of boundaries is a non-issue. Like it or not, this seems to me to be one of the fundamental paradoxes of Christianity.

... What I want to suggest here is that this state of conflict over diversity and boundaries is not a mark of illness at all in Anglicanism, but a sign that we are actually still

somewhere in touch with the very foundations and crucial matters that shape our faith. Christians are a healthy body if they are debating about who can be included and whether we're porous enough. The sign that we're getting sick is actually the desire to foreclose or terminate the debate, or to conduct the debate in such a simplistic way that we forget that something important and essential to our very identity as followers of Jesus Christ might be at stake. (Walter Deller, "Scripture, Diversity, Synodality in the Anglican Communion—Should Canadian Anglicans Walk the Way of Windsor?" A Lecture on *The Windsor Report* Given to a Gathering in the Diocese of Rupert's Land, May 26, 2005)

I have done work in the past several years relating to issues of clergy and lay leadership "wellness." One of the most difficult challenges it seems is to engage people in conversation not about the pathology – symptoms of unhealth, un-wellness, sickness – (which is often treated in a highly individualistic way) but to elicit imaginative visions of what church leadership and congregational health might look like. I would commend an exercise in seeking visions of "health" for the Communion as a perhaps helpful imaginative exercise for the Covenant Drafting Group. This would then be followed by an exploration of the metaphor of sickness. My sense is that a vision distinct from the treatment of Windsor would emerge.

A second set of assumptions involve the dominant metaphor for church living at the heart of Windsor. The Windsor Report draws predominantly on the metaphor from Ephesians of Christ the head of the church (the body) and from Corinthians for the image of apostolic leadership as that of discipline and punishing an unruly church. Deller comments further:

"But even in the New Testament, even in Ephesians, there are other metaphors for understanding the life of the church that might lead us to very different analyses of the situation of the Anglican Communion and recommendations about its life together. ...For instance, Ephesians 2:13-22, which also speaks of reconciliation and conflict draws on two totally different metaphors, that of a large and capacious building or home for an extended household and that of citizenship. "So then you are no longer strangers and aliens, but you are citizens with the saints and also members of the household of God, built upon the foundation of the apostles and prophets, with Christ Jesus himself as the cornerstone. In him the whole structure is joined together and grows into a holy temple in the Lord; in whom you also are built together spiritually into a dwelling place for God." (Eph. 2:19-22) To imagine Christ not as a 'head', but as 'foundation' or 'keystone' of a building that is being built up together is a very different metaphor system in which Christ is not some sort of central 'director' but rather functions as a point of 'stability' over and around which a huge variety of potential forms and shapes of house and household can be elaborated. And to imagine members of the Anglican Communion as citizens (even in the Graeco-Roman sense let alone in a contemporary democratic sense) might lead to a very different analysis of the institutions of the Communion and participation and autonomy."

The IATDC paper on Covenant also provides further scriptural metaphors and images that can be of assistance to the Covenant Drafting Group.

A more difficult challenge is posed by the fact that we need to examine closely any assumptions that we might have about assumed fundamental agreements, especially as mentioned earlier, with respect to ecclesiology. The Anglican Communion is something that just ‘grew’, not haphazardly by any stretch of the imagination, but nor was it was planted in so many different places with a single mapped out ecclesiology. Diverse ecclesiological assumptions are held across the Communion, and if we are to live with those diversities we are going to need to face them squarely, and not, for example, fall into the situation where one particular ecclesiology dominates the creation of a covenant in such a way that does not allow space for other emphases. Just how the two dominant ecclesiologies can be reconciled is something that remains to be seen. I borrow a caricature from Alan Perry, a priest of the Diocese of Montreal in the Anglican Church of Canada, who has written, as part of his graduate work in Canon Law studies at Cardiff, *“From Waterloo to Windsor.”* He writes: there is the tendency which prefers centralized authority usually in the service of conformity, and the other of which favours decentralized authority, usually in the service of diversity. Caricatures to be sure, but a helpful way of laying bare some of the truly conflicting ecclesiologies that have been at work in Anglicanism for quite some time.

The IATDC paper does a fine job of laying out a variety of models of covenant, biblical and worldly. There are of course the covenants between God and God’s people; the covenant of the new blood that brings us to reconciliation; the baptismal covenant in our liturgical traditions that call us to new life. Whatever assumptions are operating about what it is that we *need* for our life together that we don’t already have (or that we need to articulate anew) will shape what sort of covenant is envisioned.

I hold up another model of covenant that is gaining in use in the Anglican Church of Canada: covenants in ministry. Several of our dioceses have developed covenants for mission and ministry to help to shape the life, work and witness of the Anglican Church in that place. Developed in open, participatory and transparent processes in the best of examples, these invite commitments by bishop, clergy and people in mutuality to serving mission of church in concrete ways identified for those particular places. While these might be considered “motivational” and therefore lacking the “teeth” looked for by some who are calling for an Anglican Covenant (they assume that those who are so committed to the doctrine, discipline and worship of the Anglican Church of Canada within that diocese are the ones to whom the covenant for mission is directed and are not concerned to set the parameters of who is in and who is out), they have the effect of focussing commitment to common life, witness and service, and include ways for mutual accountability to be explored. The assumption here – one from which I think the Communion-level conversations could learn – is the presumption of ‘membership’ by the most basic of traditional Anglican standards; the pre-eminence of the call to mission and service, which then also becomes the place where we hold each other accountable.

If it is true, and I believe it is, that no Covenant will resolve our most heated disputes, the question remains then what the presumed need for a Covenant is, honestly. My own hope is for the response to the need that we do have, in this relative youth of the Anglican Communion, better to think out our faith together amid the complexities and diversities and needs of the world.

The Covenant cannot be about resolving dispute simply because there is at this time no agreement on the diagnosis of the roots of the disputes. Leaving these expectations aside however can be freeing, if we welcome the gifts and the truly difficult challenges of what it means to covenant to be in discernment and learning together. Discerning together what ought to be our responses to God's call to mission and service in our own places, and discerning together the face of common response across the globe. Rather than the language of conflict management or dispute resolution, a covenant in mission could usefully employ the language of reconciliation and mission. If taken seriously, this assumption is not that a Covenant would be 'merely' motivational or aspirational, but truly involve the real, risky stuff of commitment to life together: face to face meeting, truth-telling, transparency, openness, discernment together, bringing the dynamics and insights of one church in its local integrity into honest engagement with the dynamics and insights of another church in its own local integrity. This is not running away from a hard-hitting Covenant, but a high challenge.

I end with another citation from Alan Perry:

“At its best, the Anglican Communion is a glorious project: a world-wide family of churches each of which seeks faithfully to incarnate the Gospel with attention both to its own particular context and to the wider Communion. In recent times, the Communion has not been at its best, marked by disagreement, mistrust and even open hostility. If an Anglican Covenant is to be adopted, it will be important to attend to the balance between setting forth the vision of the Communion at its best and enshrining mechanisms to protect the Communion from itself at its worst.” *From Windsor to Waterloo* p. 16

Models for Content

The communion of the Trinity is a *personal*. Because our human, Christian communion is a participation in the communion of the Trinity it too is fundamentally a *personal* communion. Communion is not an abstract, but a relationship amongst real people -- a dynamic. Whatever a covenant might hope to achieve, it needs to recognize and serve that dynamism. The genius of the Chicago-Lambeth Quadrilateral is located in its brevity and in its ability, within that brevity, to get to the core that remains, or that is the still point, around which growth, dynamism, local cultural adaptation and particularity of interpretation all can travel.

Historically and recently, attempts have been made by various Anglican groups to identify definitively the fundamentals or essentials of faith – such as the Essentials Montreal Declaration

of 1995. The problem with essentialist movements is that (like the publication of *The Fundamentals* in 1905, from which “fundamentalism” got its name) in seeking to define doctrine, they tend to confuse normative and classic expressions of faith with actually more recent and particular interpretations, all in the name of eschewing “modernism” or some other perceived contemporary error. The particularly Anglican genius of the Quadrilateral rests in its comfort with simply letting the classic and normative statements just be for themselves: “The Holy Scriptures, as containing all things necessary to salvation; The Creeds... as sufficient statement of Christian faith; the dominical sacraments of baptism and holy communion; the historic episcopate, locally adapted” stand on their own, and in humility recognize that to say more is to impose a particular interpretation that *may not in all times and places be right*. There is more at work here than Anglican reticence, but an important principle, allowing for the dynamism of “local adaptation” and interpretation in the service of the Gospel. It avoids not only ethical specifics but any more doctrinal specifics than are contained within that to which it points.

And that I think is part of the staying power of the Quadrilateral: that it points beyond itself. To understand ‘it’, one must look to that to which it points: the Scriptures, the sacramental life of real worshipping communities, the exercise of ministry, the creeds – and one does not simply *assent* to these things but accepts – or not- the invitation to enter into them, to live within them. It in itself does not attempt to define something anew, or to create a new creed or confession of faith: it points to the lasting things within the dynamism of Christian living. It does not give us the executive summary of “all things necessary”, but insists that we use our minds and hearts to learn the witness of those texts and realities to which it points. This makes it lasting.

I would hope that the Covenant Drafting Group might consider this model in its thinking about possible “contents”. No covenant is going to resolve current disputes, but it might be able to point us beyond our current disputes to those lasting things in our life together that continue to feed and to shape us in faithfulness. It might also teach us the habit and disciplines of discerning and learning together.

The other genius of the Quadrilateral is of course that it was intended as a tool for recognizing others – here, these are the elements that need to be present for us to recognize the Church of Christ in another tradition. This model shifts the question somewhat (helpfully, I hope) from that which seeks to establish boundaries around who is “in” and who is “out”, to that which asks “what do we need to see in order to recognize each other as brother and sister within Christ’s body?” (as in communion with one another). Far from institutional navel-gazing, it’s actually about pulling us outside of ourselves and, paradoxically, finding ourselves in the process.

Another familiar tool for recognition of communion, also developed as the fruit of commitment to the ecumenical endeavour is the Waterloo Declaration (2001) of Full Communion between the Anglican Church of Canada and the Evangelical Lutheran Church in Canada. The full text deserves close study by the Covenant Drafting Group. I can only provide a brief overview of key methodological issues here.

Waterloo describes the ways by which we have come to recognizing each other as church, describing those elements of our lives that evidence our living as Christ's church. It asserts that we have come to the point through decades of intentional dialogue, tough theological work and sharing in ministry where we see, in the life of the other so much the church of Christ that we that we are compelled to be in a relationship of full communion with her. It is strong on the nature of communion as *gift* that has been discerned, and now, once recognized, must be engaged as we commit to further life together for the furtherance of Christ's mission. "The Waterloo Declaration in its brevity says what needs to be said to remove barriers to cooperation, and not much more, creating maximum freedom to allow the relationship of Full Communion to flourish." (Alan Perry, *From Waterloo to Windsor* p. 13, included as an Appendix to my own writing here).

Perry continues:

Where Waterloo speaks of acquiring and exercising new freedoms, as a result of removing barriers to cooperation, Windsor speaks of exercising restraint in the use of autonomy. Thus the proposed Covenant is much more detailed in respect to the commitments of relationship and the necessary restraints on the exercise of autonomy than the Waterloo Declaration. The commitments in Waterloo are to worship, work and meet together in order that a relationship may flourish. The commitments in Windsor are to maintain and uphold the faith, continue to administer the sacraments, maintain the three-fold orders of ministry and to avoid causing disunity. The concern in Waterloo is to foster a new relationship; the concern in Windsor is to re-establish an old one, or to prevent it from disintegrating. Where Windsor contains a process for "Management of Communion Issues", described above as dispute-settling mechanism, Waterloo makes no such provision. (p. 13)

Like the Chicago-Lambeth Quadrilateral, Waterloo is a type of covenant that aims toward new relationships in the future, but with a decidedly missiological commitment. I agree with Perry's assessment of the Windsor-proposed model of a covenant, and therefore it is my hope that any Anglican Covenant could be 1. Realistic about the past (not simply be about romantically clinging to some sort of notion of communion that has not ever truly existed); 2. Not fixated on controlling disintegration. It is my belief that only pointing beyond itself to those things lasting in evidence in our Anglican witness to the Christian faith – along the lines of Chicago-Lambeth – can the contents of a Covenant be lasting.

Tone, Style, Function, Purpose

Much has been said of late pondering what sort of 'style' and language ought best to express a covenant. Ought it to be aspirational or confessional, motivational or contractual? (Deller comments that it is interesting to note that when Jesus Christ says "this is the blood of the new

covenant” about himself and the eucharist, it is none of these things exactly!) The deficiencies of each of these options have been explored. Whatever expectations and aspirations are commonly decided upon it is important that there is a consistency between form, tone and style and purpose. Beyond the obvious, there are a few other contextual influences of which I trust the Drafting Group will be aware.

Situations of conflict have a way of shaping the language chosen for discourse. One of the challenges is to not have these particulars overtake the tone and process – so we don’t end up with a covenant that is all about the language of conflict, or that serves only an immediate context of conflict between some parts of the Communion.

I have stated earlier my interest in seeing attention paid to a living out, modelling if you will, of covenanting together to a process of creating a covenant. That is, by committing to work on this common project with seriousness and full, transparent participation, risking trust and honesty, we might work out in the process that to which we aspire. IASCEC recently has suggested that the Drafting Group would do well to explore the use of covenant as a verb. This is an idea worth pursuing. There is, IASCEC has suggested in their response to *Toward an Anglican Covenant*, a difference between signing on to a covenant and to action of covenanting with someone. I would suggest that these are not polarized notions but can be brought together within a single covenant document if the style and tone, as well as content, are such that they are inviting of participation.

If, for example, a covenant is developed from within a process of high participation in consultation, I have high hopes that what would emerge is a document – and a process -- truly ‘owned’ by Provinces in such a way that to ‘sign on’ is to be highly cognizant of the *presence* of others in what the symbol of covenant means. The more participatory the process, the less likelihood of something being developed that will behave like a so-called objective ‘test’ of orthodoxy, in which ‘signing on’ is compliance rather than commitment to real mission and real Communion relationships – a real sense of *covenanting together* for something greater than we are.

The language of a covenant must be that which invites conversation. The Archbishop of Canterbury some 15 years ago wrote on the integrity of theological language. Whilst a covenant will be more than *theological* language, still I believe his insights are helpful. The discourse that conceals its true agenda is without integrity, he argues (with further explanations about the meaning of integrity in relation to personhood).

“Why is it so important that speech should not conceal its purposes? Discourse that conceals is discourse that (consciously or not) sets out to foreclose the possibility of genuine response. By operating on two levels, one acknowledged and one not, it presents to the hearer a set of positions and arguments other than those that are finally determinative of its working. Thus the repudiation or refutation of the surface position leaves the body of the discourse untouched, since it will not engage the essential agenda. A two-level discourse is one which steps back from the risks of conversation – above all

from those two essential features of conversation, the recognition of an ‘unfinished’ quality in what has been said on either side, and the possibility of correction. (pp. 3-4)

“Having integrity, then, is being able to speak in a way which allows of answers. Honest discourse permits response and continuation; it invites collaboration by showing that it does not claim to be, in and of itself, final. It does not seek to prescribe the tone, the direction, or even the vocabulary of a response. And it does all this by showing in its own working a critical self-perception, displaying the axioms to which it believes itself accountable; that is to say, it makes it clear that it accepts, even within its own terms of reference, that there are ways in which it may be questioned and criticized. (p. 5)

Indeed, Rowan Williams is here speaking of the activity of theological discourse (whether spoken or written, say in articles or books). I would argue, though, that these insights have bearing on the covenant *process* of theological engagement and in the outcome. Whatever is developed cannot intend to be any last word about anything. It must be language that engages us, that *expects an answer*. The better it is, the more that *answer* will be in the form of commitment to engagement in common mission.

Dispute-settling mechanism

Toward an Anglican Covenant is clear in saying that the creation and adoption of a covenant will not be able to solve current disputes – or, I would add, future, even unforeseen disputes. So, what is it that we need? Similarly, IATDC has offered helpful theological underpinnings to a notion of covenant in its various biblical and ecclesial expressions, but then stops short of any precise formulation, reflecting, I believe, the impossibility of a Covenant to be a dispute-settling mechanism. Instead, the document from September 2006 (*Responding to a Proposal of Covenant*) proposes another body, specifically a theological body, to clarify and decide on contentious theological issues at the heart of disputes.

On the one hand, I think it is laudable and indeed highly responsible to encourage Communion-level hard theological work, particularly that sort that aims to clarify and deepen understanding of just what the theological issues are at stake in a situation of conflict. It is too easy sometimes, as Windsor itself suggests, to be fooled into thinking that a presenting issue is the only theological issue at stake. On the matter of human sexuality, Windsor quite rightly explains that these are only the superficial issues, underneath which are issues of authority, including biblical authority, the relationships between Gospel and culture, ecclesiology and the basics of theological anthropology.

However, it seems that we already have the structures in place for such detailed and hard theological work, within the IATDC itself. In *Responding to a Proposal of Covenant*, then, something else is being asked for, and at the level of an authority that can make decision with some sort of weight and consequence not already within the power of IATDC (*or any other body*

of the Communion). Conceivably, the theological commission of the Anglican Communion is in a position to work theologically on disputed questions and to offer opinion and even a consensus decision. This in turn would then be reported through the usual channels in the Communion and if so desired by the Provinces picked up, discussed, weighed, judged and acted upon by the Provinces within their own lives. But it is not clear to me how the sort of authority that is being asked for would work outside of this present reality.

Of further consideration are questions of how such a body would be created and agreed upon, how a mandate of “conflict resolution” might unhelpfully push certain assumptions into the theological conversation processes, and how appeals or requests for assistance would be offered to such a body.

Can we, as a Communion reach agreement on who the “best” theologians are? How would the interests and methodologies of all of the schools of theological expression currently held in Anglicanism, let alone the interests of Provinces be represented? Rather than a smallish body, we could be looking at something triple the size of the IATDC. Second, when the expressed task of a body is to resolve a conflict, that in itself begs questions about what are discerned to be conflicts necessitating “resolution.” Who discerns what issues need to be raised to this level? Who decides what a “Communion-level issue” is? At its best, a well formed theological body might have as its mandate the discernment of the nature of communion in the Anglican Communion and the provision of helpful parameters for a wider discernment of what are Communion-breaking and Communion-building actions and decisions. That, in effect, takes us back to the present and ongoing mandate of the IATDC.

By way of Conclusion

There is much made in *Windsor* and subsequent commentaries on the need to discern the mind of the Communion. This notion is applied in particular with respect to discerning whether a new doctrinal assertion is to be recognized, whether it is of such a gravitas as requires agreement in the whole Communion, or whether it can be tolerated as local development. It is hoped by some that the Covenant process will help to clarify how the “mind” of the Communion can be discerned and decided.

A Covenant process that is open, transparent, and participatory, engaging Provinces as early as possible in the process, and with respect for the Provinces’ own timetables and decision-making processes will be an experiment to be sure. But it will be the sort of experiment that will come closer to actually reading the “mind” of the Communion than any lesser or more centralized process will allow. Furthermore, sometimes it is only in committing to pastoral attentiveness and mission that we discover what our “mind” is. In the context of the Anglican Communion at present, it seems that the ministry of self-giving pastoral attentiveness to each other in humility and the mission of self-giving service to the world that God loves, ought to be the marks of a covenant process, underpinning the “Whys” and “Wherefores” of this project. To the extent that these commitments are made real, our communion will be uncovered in the fullness of the reality that it truly is.

RESPONSE TO WORKING PAPERS ON AN ANGLICAN COMMUNION COVENANT

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I have been asked to give a Response to the Working Papers produced by the Joint Standing Committee of the Anglican Consultative Council and Primates and of the Inter-Anglican Theological and Doctrinal Commission. These papers have to do with the idea of an Anglican Communion Covenant, most recently mooted in the Windsor Report and taken up by various parties in the Communion.

This is a subject which I myself addressed in a paper titled “The Global Anglican Covenant: A Blueprint” (posted at

>>http://www.globalsouthanglican.org/index.php/weblog/printing/the_anglican_communion_in_crisis/ << My comments on and critique of the two papers mentioned above will be best illuminated by understanding the positive proposals that I have made for an Anglican Communion Covenant. Let me summarize them in the section below.

Constructive Propositions

The idea of an Anglican Covenant is not new but is implicit in the classic formularies: the Articles of Religion (Thirty-Nine Articles) and the Book of Common Prayer. Furthermore, the Lambeth Quadrilateral lays out a framework for Anglican identity which can be fleshed out in a contemporary Covenant. My proposals follow this framework.

Scripture

The oft-repeated contention of those who uphold Lambeth Resolution 1.10, including the large majority of Global South Christians, is that homosexual practice is “contrary to Scripture” and that adherence to the authority of Scripture *ex animo* is the first principle of Anglican and Christian identity. I believe this is true. Hence the issue must be front-and-centre of an adequate Anglican Communion Covenant.

1. The Covenant should include a section in which the Church affirms the Gospel of Jesus Christ as revealed through the testimony of the prophets and apostles.
2. In this context, the Covenant should state that the Holy Scriptures of the Old and New Testaments are the Word of God written and contain all things necessary for salvation.
3. Finally, the Covenant should affirm that Scripture is to be interpreted in its plain and canonical sense, in consonance with the received reading of the historic Church.

Doctrine

The deviation of the North American churches has not only been in violation of the consistent and express teaching of Scripture but of a doctrinal essential, involving God’s ordering of the sexes and his provision of holy matrimony for human flourishing. The refusal of these churches reveals a much larger problem of whether Anglicans hold certain essential doctrines

to be true for their life and mission. This affirmation of historic and ecumenical Christian doctrine must undergird an effective Covenant.

1. The Covenant should affirm that the Church holds and teaches true doctrine in essential matters of salvation and in indifferent matters where specific, culturally conditioned judgements and applications are made.
2. The Covenant should affirm the catholic creeds, the Articles of Religion and the 1662 Book of Common Prayer as the doctrinal norm according to which further doctrinal developments are to be measured.

Mission Mandate

The mandate to preach the gospel to the ends of the earth has not been central in previous formularies, and the spread of Anglican missions has often been in spite of official structures of power. I propose to consider mission as a prior necessity to the sacraments. In New Testament terms, one first hears and believes the Gospel and then is baptized and admitted into the fellowship of the church (Acts 2:38-41; Romans 10:14).

1. The Covenant should state that in accordance with Christ's Great Commission, the Church is bound to preach the Gospel to the ends of the earth and to plant and nurture, through the sacraments, churches in every place to witness to the Gospel.

Episcopal Governance

Episcopal oversight is rooted in the apostolic witness and the historic church, including all Anglican bodies. The Covenant should establish bishops as the primary teachers and guardians of the Church's faith and unity. It should refine the role of the "Instruments of Unity" in the following ways:

1. That the Lambeth Conference of bishops be the final arbiter of Communion doctrine* and mission.
2. That the Primates' Council be given enhanced authority in matters of inner-Communion discipline, with the power to approve appointments of the Archbishop of Canterbury and the General Secretary of the Communion.**
3. That the Anglican Consultative Council and its Office serve the Primates' Council in advancing Communion policy and mission.
4. That the Archbishop of Canterbury, as focus of unity, preside over the Primates' Council and Lambeth Conference and represent the Communion in ecumenical settings.

**The Conference would designate some Resolutions as authoritative teachings, which should be accepted by all member Provinces as part of the Covenant obligation.*

***I propose that the Primates function both as individuals and also as part of regional convocations, such as Africa, Asia and Australia, North and South America, and Europe.*

As should be clear, my proposals are not comprehensive, nor do I offer a particular text. But I do think the areas mentioned should be discernible in a Covenant and must be addressed clearly and forthrightly.

Evaluation of Discussion Papers

In the light of the following positive proposals, I here offer a brief critique of the working papers of the Joint Standing Committee of the ACC and Primates and the Inter-Anglican

Commission on Theology and Doctrine. I intend to focus only on those parts of the papers which take the Covenant idea in a different direction from what I have proposed above. I do not wish to get involved in those sections that describe the general idea of a covenant nor with the details of the process of approval.

Joint Standing Committee Paper

Secs. 4-6 lay out “challenges and opportunities” of the Covenant. It abjures the understanding of the Anglican Communion as “a narrowly confessional family.” I find this language most unhelpful. Everyone seems to agree that some sort of statement of beliefs, i.e., confession, is necessary, and narrowness is usually in the eye of the beholder. So the question is, how is this statement of common beliefs to be defined in a proper Covenant? My proposal is that Holy Scripture, plainly and canonically interpreted, along with the classic Anglican formularies, should be the touchstone. These essentials are neither too narrow nor too wide to be a reed bent to any passing wind of doctrine. I agree with the positive comment (**sec. 6**) that “a well-written and concise covenant would clarify the identity and mission of the Churches” of the Communion.

My differences with the emphases in the paper become most clear in **secs. 7-10**, which outline “relational,” “educational,” and “institutional” goals of the Covenant. These goals are too vague and process-oriented to be the heart of the Covenant. In my view, the goals or topics should be similar to those of the Lambeth Quadrilateral, focusing on the authority of Scripture and the historic formularies, the mission and sacraments, and the role of bishops in governance.

Sec. 17 mentions the “lapidary nature of the Lambeth Quadrilateral.” I do not think it is as lapidary as they imply, but I do think that the Covenant will need to flesh in more precisely certain matters of biblical authority and interpretation and the role of the Articles in Anglican doctrine.

Sec. 19 asks: “Should the Covenant set out the articles of belief of the Anglican Communion?” By all means! These should not be a question but the starting point and first principles of any Covenant. However, the Covenant should not try to write a new theological statement but begin from already universally established standards like the Articles and the 1662 Book of Common Prayer.

Inter-Anglican Theological and Doctrinal Commission Paper

My engagement with this paper begins at **sec. 1.10**. I contend that the notion of a covenant is implicit in Cranmer’s formulation of the Articles and the Book of Common Prayer, which was supposed to be accompanied by a revision of the canon law, which project, unfortunately, was cut short by bloody Mary. When Anglican churches were formed overseas, they usually adopted the two basic formularies, even when they were translated into the vernacular. Hence there is a theological uniformity in the Communion that transcends churchmanship issues. The undermining of the Articles and the revisions of the Prayer Book, especially in the West, have been a major source of the theological chaos that has ensued.

Secs. 1.10-11 propose that the distinctive Anglican covenant should be “relational” (see similar comment in JSC sec. 8). Of course, a covenant is relational by definition, but relations are based on convictions, and in this regard I do not know what kind of “new, strange, unhelpful obligations” the Commission fears in this regard. Any covenant that promotes “relationships” apart from obligations of faithfulness to the authority of Scripture and to

classic doctrine will be sentimental and ineffective. I agree that there are “deep scriptural roots” in the Anglican understanding of authority. The problem is that one group of Anglicans has chosen to reject those roots.

I agree with **sec. 2.2** that a “descriptive” covenant will not suffice. If I may point a finger, the IATDC paper itself, following the Windsor Report, is descriptive and process-oriented, rather than tackling the content of the Covenant. While narrative and visionary elements may preface or conclude a covenant, the heart of a covenant is rule-oriented (the authors fail to note the dominant motif of law in the book of Deuteronomy). The idea that a Covenant should merely retain “the memory of Anglican historical traditions” is not enough and recalls the relegation of classic formularies in the 1979 Episcopal Prayer Book to a “Historical Document” section, a kind of Anglican geniza of musty old texts.

It may be true as noted that of the two models offered, one (Windsor Report) is juridical, i.e., process-oriented, and the other is motivational (IASCOME). I am proposing a third model, which is *constitutional*, focussing on the first principles of our identity and polity. What is needed is a theological covenant, *norma normans*, based explicitly on the authority of Scripture.

From the end of sec. 2.3 through the rest of the paper, the dominant concern seems to be how to avoid conflict in the Communion. Let me affirm that a Covenant should indeed serve to avoid conflict ahead of time or to resolve it once it occurs. If we are all working from the same page, then reasonable differences can be ironed out by patient dialogue and negotiation. Many matters that are *adiaphora* can be judged and applied to new situations.

However, that is not the current state of the Anglican Communion. The Windsor Report and the two documents at hand treat the crisis of the Communion as a problem that can be resolved by a little more talking, a little more listening, in order to reach some mystical consensus. In my opinion, this is a false analysis of the context of our current situation. We are dealing today with one party which has deliberately departed from the historic faith of the church and from the express moral norms of Scripture. The other party, as best it can, has responded with calls to repentance, and when those have gone unheeded members have broken relations and offered shelter to the refugees of the errant church.

The current crisis has provoked the call for a Covenant, but the crisis cannot be resolved by the Covenant. Put another way, a Covenant based on biblical fidelity and historic orthodoxy cannot be negotiated by a party that has explicitly rejected that authority. To insist that those who have caused the crisis be equal partners in the formation of the Covenant is to kill it in the cradle.

The very biblical examples given of conflict resolution in **sec. 4.6** tell against inclusion of those who have broken biblical and Communion norms. Matthew 18:15-18 suggests a careful process of inner church discipline, beginning with private exhortation and ending with public excommunication. The Windsor Report documents that the first stage of this process has already happened, and still the North American churches have not repented. Acts 15 points to God’s opening up missional doorways unforeseen by the Church in Jerusalem, but the apostles were also clear that such new ventures do not nullify universal biblical moral norms (Acts 15:29).

I am by training a Scripture scholar and I have been writing on the subject of hermeneutics and biblical theology for 15 years in the context of the current sexuality crisis. No progress has come from “listening” and “conversation” with the biblical texts. Prof. Robert Gagnon has written the definitive book on *The Bible and Homosexuality* (2002), which to my knowledge has never been remotely engaged, much less rebutted (see www.robagnon.net). So I find calls for continued listening collectively to Scripture to be inappropriate given the determination of the sexual liberals to go their own way.

To conclude, those who have brought this crisis on the Communion have already “walked apart.” Any attempt to include them in a Covenant will be an exercise of unreality. A Covenant that could square the circle and overturn the consistent biblical teaching that sexual activity is to be confined to heterosexual monogamous marriage will be a Covenant that cannot serve the need of the Anglican Communion to take the Gospel to the ends of the earth in the 21st century. As **sec. 6.3** says, Anglicans from many diverse backgrounds do indeed need to be bound together in the Spirit, but such unity of the Spirit requires discernment of the Spirit, and the past decade has made apparent that one group of Anglicans according to the flesh are no longer enjoying koinonia with the rest of the Communion. We must face this truth, or we shall see the Communion dwindle to insignificance under the judgement of God.

8 December 2006

A PROPOSAL FOR AN ANGLICAN COVENANT

Response to an invitation to comment on the Draft Covenant dated February

2007

The Revd Dr Bruce Kaye

EXECUTIVE SUMMARY

There are three parts to this response: some introductory matters which set the scene, five key questions are addressed to the draft Covenant text and a revised text is offered.

Introductory matters

The process has been very accelerated and seems to be gathering pace at each step. The process has been caught up in the politics of the present crisis in ways which have not been helpful to the orderly development of the strategy.

There remains a very significant question as to whether this covenant strategy is the right way forward. I suggest that it is not and that it will widen the issues in contention and deepen the divisions. Nonetheless the response tries to work with the framework of the current strategy with suggestions that might make it work.

Five key questions are addressed to the text

1. Does the document provide a reasonable statement of the fundamental outline of what a covenant might look like? This is one of the tests in the CDG report.

In general terms yes it does, but it could be re-structured to avoid some current inconsistencies of presentation to make it a more coherent statement.

2. How far does the actual text of the document hold together as a coherent statement?

There are some problems with the text from this point of view, but given changes suggested under the previous point they can be successfully dealt with.

3. How far does the text of the covenant document measure up as an expression of current Anglican faith? This is one of the tests in the CDG report.

The first four sections come very close to satisfying this question. Some detailed changes are suggested. Sections 5 and 6 are however highly contentious and should be trimmed down in order to make a more generally accepted statement. The actions of the Primates meeting in February 2007 have not helped the process of presenting a generally acceptable text.

4. How does this document measure up in relation to any discernible ecclesiology drawn from the history of the Anglican tradition?

The document does not seriously address the provincial character of Anglican ecclesiology, nor of the strong conciliar element in the tradition. The novelty in the Anglican theological tradition of a supra provincial ecclesial structure is underlined.

5. How far does this covenant document make it easier to see that a covenant is a useful way forward in the present circumstances? This had been the frame of reference in the Windsor Report.

Without significant changes, especially in sections 5 and 6 it does not advance the likely success of the Windsor strategy.

A PROPOSAL FOR AN ANGLICAN COVENANT

**Response to an invitation to comment on the Draft Covenant dated February
2007**

The Revd Dr Bruce Kaye

INTRODUCTORY MATTERS

Given the constraints of time and opportunity and the framework within which they were working the Covenant Design Group have done outstanding work in producing this text. It is a remarkable achievement.

In order reasonably to understand the text of the draft covenant now before the Anglican Communion it is important to see it in the context of the process which has produced it. That process began in October 2004 with the Windsor Report of the Lambeth Commission and the draft covenant now being considered is dated February 2007. In a matter of merely two years and four months we have gone from a proposal in a report to a text being proposed and in some degree being assumed as the established framework in the Anglican Communion in the action of the meeting of the Primates in February 2007. It is also now said in some quarters as a matter of settled course to be the way in which the Anglican Communion will develop in the future.

This is an extremely short time line in the normal run of history for the Anglican Communion, and indeed for similar cooperative international community groups. Generally speaking the principal decision making bodies in the various provinces have met only once in this period. The general Convention of The Episcopal Church has met once and the General Synod of the Anglican Church of Australia having met just prior to the publication of the Windsor Report will meet in October this year for the first time since the publication of the Windsor Report. These bodies are not simply the decision making bodies for constitutional matters in the provinces, they are the bodies which are charged with making the significant decisions of the provinces in

inter provincial relations. Clearly the institutional arrangements in the Anglican Communion fall into this category. The expulsion of one long standing member would also fall into this category.

The Process has been very accelerated

The first thing to be said about the Covenant process is that it has been more like an express train rushing through the international cyber space rather than any sustained listening process, let alone anything that could be called a process of reception, even though there was a structure established under that name for a short period of time. The timetable for the covenant process was initially set out in The Windsor Report in very general terms. It envisaged the adoption of a simple and short domestic 'communion law' in each province to implement the covenant. The five stages were; approval of a draft by the primates, submission to the churches and ACC for consultation and reception, final approval by primates, legal authorisation by each church and solemn signing by the primates. The Windsor Report timetable did not mention a role for the Lambeth conference, but the Primates in 2005 commended the covenant proposal 'as a project that should be given further consideration in the Provinces of the Communion between now and the Lambeth Conference 2008. In addition, we ask the Archbishop of Canterbury to explore ways of implementing this.'¹ That consultation has taken place to some degree and informed the work of the Covenant Design Group. But the decision making listed in the Windsor Report would inevitably take something like six to nine years, depending on when the decision making bodies of the provinces actually met.

The March 2006 consultation report for the Joint Standing Committee sets out a more precise phased development; an initial drafting period (1 year), a period of further testing (3-5 years) and an implementation period of 2-3 years. This would be six years at a minimum (ie by 2012) and nine years at the upper end (ie by 2015). The timetable in the Primates meeting communiqué envisages further consultation after Lambeth and a final text for ACC-14. On the current pattern of ACC meetings that would mean 2008, earlier than the earliest date envisaged by the consultation

¹ Primates' meeting communiqué February 2005, para 9.

document for the Joint Standing Committee. Clearly the timetable is developing and apparently accelerating. But not enough for the Primates meeting since they felt constrained to anticipate the covenant with some compliance action of their own.

The Covenant Design Group envisages a dual track approach. The text of a covenant should be developed which in the appropriate way should go to the Provinces for consideration leading to adoption of a final text through the relevant processes of the Provincial decision making bodies. In the meantime the CDG suggest there should be some general agreement to the outline shape of a covenant. The Primates are asked to agree that this is the fundamental shape to be developed and from that point there should be more consultation with the provinces and other groups in the Anglican Communion. This is an important point when it comes to considering the text of a covenant prepared by the CDG. It is the shape of a covenant which is to be further refined. That may have been what the CDG wanted, but was not what happened at the Primates meeting in February 2007.

The CDG have also set out the principles which influenced their work in developing this text. They have tried to give expression to ‘what may be considered authentic Anglicanism.’ Furthermore the text is ‘meant to be robust enough to express clear commitment in those areas of Anglican faith about which there has been most underlying concern in recent events’ while being faithful to what has been received. Nothing in the covenant can be said to be “new”. Three times the report underlines that the covenant text brings nothing new but rather represents the faith Anglicans have received and expresses a commitment to inter-dependent life.

The Process has been caught up in the politics of the present crisis

The second thing to be said is that the process of covenant formation has itself been enrolled in the political aspects of the conflict over homosexuality in the public life of the church. This became apparent at the meeting of Covenant Design Group when it met in Nassau in January 2007. There was pressure at the meeting for a very rapid adoption of a covenant in order to prevent further “innovations” and that the Primates

were to be the principal interpreters and enforcers of the covenant.² In the Communiqué of the Primates' meeting in February 2007 the way forward is said to be the recommendations of the Windsor Report as interpreted by the Primates' Statement at Dromantine.

At the February 2007 meeting of the primates the Covenant proposal had become the basis upon which some extraordinary proposals were made. It appears that the matter is seen to be so urgent that the Primates cannot wait for the covenant to come and so they offer a foretaste of the kind of interpretation and enforcement of any covenant might look like. The establishment of a Pastoral Council and a Primatial Vicar in the life of The Episcopal Church is effectively an attempt to establish within a Province a joint operation of the Primates which would have some decision making powers in relation to the recognition of pastoral care for churches within The Episcopal Church. The Pastoral Council is thus a clear incursion into the life of a province and it carries no real guarantees that the international interventions in the ordered life of The Episcopal Church by some Primates and bishops will cease. It is simply hoped that they will. It looks very like a one way bargain and it was delivered with some clear threats, described as realities.

The point for understanding the covenant, however, is that these arrangements are seen as temporary until the coming of a covenant when other arrangements may become necessary. In other words the interim is justified on the basis that the covenant is coming, one way or another. If it comes and the Episcopal Church does not accept it then presumably that church will be excluded from the Anglican Communion and interventions will be multiplied.

The Primates also demanded assurances from the House of Bishops of The Episcopal Church which under the constitution of that church the house does not have the authority to provide. Furthermore they set a deadline of September 2007 for compliance. This was not related to the covenant, but it implies a role for the Primates meeting which is not supported by any decision of any body which might be imagined to have any authority to make such a decision. One can at least say that it

² See the account in A Katherine Grieb, *Interpreting the Proposed Anglican Covenant through the*

was a very distinct initiative. How far it expresses respect for the polity of The Episcopal Church, or has some reasonable connection with traditional Anglican provincial ecclesiology is very hard to see.

The Primates meeting clearly did not regard this covenant document as setting out the broad outline to be refined later. They took a specific clause in the draft text and used it to give some kind of legitimation for their actions. The Primates communiqué treats the covenant document as a foretaste in fairly precise terms of the covenant which will, on their assumption, come into being and in the process they provide a foretaste of how they might interpret such a covenant.

Is a Covenant the right way forward?

The proposal for a covenant came from the Windsor Report as a way of dealing with the conflict between some provinces over the place to be accorded to homosexuality in the public life of the church. One can understand that those involved should think that holding the ring and defining the parameters would be an appropriate way of dealing with such a conflict. The text of the draft covenant itself suggests a different first step which has in fact not been taken at the Communion level in the present instance, namely to spend time listening to one another and to study with one another. If one were to view recent events as a case of institutional conflict and applied some sensible conflict resolution principles to it, then a very different path would have been taken. Not only so a different result would have been opened up, namely a higher degree of mutual understanding between the provinces and of respect for the way in which they have approached the task of living and witnessing faithfully in their context.

The difficulty with the current procedure is that it will widen the range of differences on the table beyond the actual presenting issue. Furthermore it is likely to include, and the draft covenant does include, material which itself will be the basis of division between the provinces. Thus the path of covenant, far from settling the issue, will likely expand and deepen the conflict and diminish the possibility of serious

engagement, mutual understanding and respect. Instead we will have decision making and judgement primarily in political terms and too quickly reached on the basis of numbers. It is possible that these will not be the outcome of pursuing the covenant strategy and that a text could be formulated which will avoid these untoward consequences. That is most unlikely and the present text will need significant surgery if it is to be so.

This response is written in the spirit of trying to be as helpful as possible in relation to this process while believing that this is the wrong track and that we are going to create more difficulties than we expect and that in any case the spirit of our Anglican tradition points, insofar as it points at all, in another direction. One is tempted to resort to the words of the large signs on motorway slip roads – wrong way, go back! Or one might recall the story in the ancient Acts of Peter. The church had encouraged Peter to leave the city of Rome because of the persecution breaking out there so that ‘thou mayest yet be able to serve the Lord. And he obeyed the brethren’s voice and went forth alone’... ‘And as he went out of the gate he saw the Lord entering into Rome; and when he saw him, he said, “Lord, whither (goest thou) here?” And the Lord said unto him, “I am coming to Rome to be crucified.” And Peter said to him, “Lord, art thou being crucified again?” He said to him, “Yes, Peter, I am being crucified again.” And Peter came to himself’

HOW TO INTERPRET THE COVENANT DOCUMENT

There are a number of other interpretative questions that might be considered relevant.

6. Does the document provide a reasonable statement of the fundamental outline of what a covenant might look like? This is one of the tests in the CDG report.
7. How far does the actual text of the document hold together as a coherent statement?
8. How far does the text of the covenant document measure up as an expression of current Anglican faith? This is one of the tests in the CDG report.
9. How does this document measure up in relation to any discernible ecclesiology drawn from the history of the Anglican tradition?

10. How far does this covenant document make it easier to see that a covenant is a useful way forward in the present circumstances? This had been the frame of reference in the Windsor Report.

FIVE PRESENTING QUESTIONS

- 1. Does the document provide a reasonable statement of the fundamental outline of what a covenant might look like? This is one of the tests in the CDG report.**

Any answer to this question must to some extent beg the question of what a covenant should look like. This one looks like a mixture of the elements one would find in a contract or in some articles of an association. In general terms they are probably reasonable enough in that they contain recitals and commitments. There is a preamble which says what the document is and sets the scene for what follows. The recitals and commitments seem to address three issues; the faith we hold and live by (sections 2 and 3), mission and relations with other churches (section 4), our unity and common life (sections 4 and 5). The first and last of these seem to me to be clear enough. Section 3 seems to be trying to address mission and relations with other churches in that mission. It presumably is the latter consideration that prompts the reference to the historical tradition of Anglicanism. I think it would be better to capture the affirmations in this section in section 2 and the commitments in the present section 3. This re-ordering would make the mission character of the church part of the material on confessing the faith. As it stand it looks as if mission is something separate from the business of living the christian life. The separation also seems to suggest that there is truth, or the truth of the gospel, and then there is a separate thing called action or mission. I think that is an unfortunate and misleading separation.

I also think that the document as a whole should have its main divisions in relation to the issues it addresses. In the present text section 2 is recital and section 3 is commitments. Section 4 is both recitals and commitments, Section 5 is recitals and section 6 commitments. It would make a more coherent and accessible document if it

had simply a preamble and two sections each with recitals and commitments. This would produce a document something like:

Preamble

The faith we receive and confess

Recitals: Section 2 with some of section 4 incorporated

Commitments: Section 3 with some of section 4 incorporated

Our Common Life

Recitals: Section 5

Commitments: Section 6

This structure to the document would be a better outline for a covenant in that it would be more accessible and have a clear balanced structure of recitals and commitments.

2. How far does the actual text of the document hold together as a coherent statement?

The comments on the previous question show in which direction a re-shaping of the text would make it more coherent.

3. How far does the text of the covenant document measure up as an expression of current Anglican faith? That is one of the tests in the CDG report.

There is a certain difficulty in trying to be clear about what exactly is current Anglican faith. At one important level this is what is at issue in the present conflicts. I have some views about what ought to be regarded as current Anglican faith, even on some of the issues in current dispute. A covenant document of this kind must however restrict itself to those things which the churches in the Anglican Communion have institutionally committed themselves to in their basic constitutions of polity. Most churches have clear public constitutions, even though they exist on different legal bases in different places. That is in large measure due to the local legal and social context. The Church of England is somewhat different in that it probably does not have a constitution in this sense. That is part of its hang over from a history of

establishment entanglement with the English nation. Where there are constitutions what the church is fundamentally committed to is reasonably identifiable. Even a preliminary review of those constitutions reveals some differences of emphasis on what would generally be called key issues. For example the definition of the role and authority of bishops in the constitution of the Anglican Church of Nigeria is significantly different from that in The Episcopal Church or The Anglican Church of Australia or a number of others. However these differences are not so great that they could not be regarded as reasonable “local adaptations” of episcopacy.

This situation means that the identification of current Anglican faith must be approached with considerable circumspection and care.

Having said that section 2 seems to me to be remarkably on target. I offer some detailed comments below to qualify this, but in general this is a very fair set of statements. Furthermore it would not be difficult to incorporate the affirmations in section 4 into this section of the document. Paras 2(5) and (6) would need some adjustment to encompass para 4(1) but that would not be too difficult a piece of re-drafting.

In Section 3 contains material which is most unlikely to gain wide acceptance as a statement of current Anglican faith, not least because it enters into more precise statements than is generally done in the constitutions or the traditional formularies.

3(1) speaks of moral values as ‘biblically derived’. This may not intend to point to a particular method of doing theology or approaching the articulation of christian guidance for faithful living by Anglicans, but it appears to do so. Moral values are not simply derived as some direct application of biblical material. That method does not work with many of the moral challenges facing Anglicans today. Furthermore to act in ‘continuity and consistency... with the vision of humanity received by and developed in the communion of member churches’ simply asked too much of any faithful Anglican seeking to live out their life in the situation in which God has placed them. Desmond Tutu pointed out on a number of occasions that the African vision of the human condition was societal first and then individual, whereas the western vision was individual first and then societal. Whether or not he is correct in that precise

formulation it remains the case that in different cultural context the human condition is differently experienced in ways which influence the precise way in which faithfulness to the gospel and to the scriptures is to be worked out. A particular meaning of continuity might appropriately be asked of Anglicans, but not consistency as to the precise forms of the vision of humanity. Consistency as to values may be defensible, but there would certainly be some differences as to the level of particularity that could be expressed in such consistency.

Not surprisingly it is the affirmations in section 5 on Our Common Life that are most likely to be contentious. They refer to relatively speaking quite recent institutional innovations and they more manifestly affect the operation of the institutions of the church. This section contains two key matters, episcopacy and the four so called 'Instruments of unity', though one, the Archbishop of Canterbury, has now been named a focus of unity. It is strange to find a re-affirmation of episcopacy at this point. If this is about our common life where is the reference to the conciliar elements in Anglican polity. Even if this section is regarded as referring only to the institutions of the Anglican Communion, the question remains. The language of 5(1) however points to the provincial level of church life. The three orders of ministry have been affirmed in 2(5) as part of the heritage of Anglican faith. Why repeat the point here?

The extra details given in 5(1) are reasonably contentious and could not be regarded as a simple statement of Anglican faith.

Episcopacy is locally adapted in all sorts of ways, not just in the methods of its administration. Those adaptations are not just to the nations. The text seems to imply that nations are called into the church.

Bishops as leaders of mission has been part of the approach in some provinces. Missionary bishops were appointed by the General convention of ECUSA for work in the expanding west of the USA and they have recently been appointed in significant numbers in Nigeria by the Synod of bishops of that church for work in evangelistic contexts. Some of the Tractarians in the nineteenth century were attracted to the idea of missionary bishops, perhaps under the influence of the American practice and the writings of Bishop Doane. But beyond that the tradition of episcopacy has been much

more intra ecclesial in character. One may wish it to be otherwise, but the current practice in general is not that bishops are leaders in mission.

The claim here that the episcopate is a visible sign of unity has, especially in the present context, become more manifestly an aspirational claim rather than a universal and visible reality. It also confuses the history of the meaning of that description of episcopacy. The bishop holds a representative position for the local church, the dioceses of which he or she is the bishop. In that role the bishop is the interconnecting point with other dioceses and also an instrument of connection within the diocese between the disparate parishes which make up the diocese. The bishop is thus an instrument of catholicity within the life of the church. The world has got smaller since the form of this understanding was developed and accepted within the christian tradition, but the point remains, that the bishop is a focus of unity in the practice and tradition of catholicity in the church and it presupposes the notion of a territorial diocese. It is this notion of the bishop as focus of unity in the church that makes episcopal “interventions” such an affront.

It would be better to elaborate modestly the statement in section 2 and drop this section 5(1) altogether. If we want to include an affirmation of the ordered ministry at this point then it would need to include all the orders of ministry, not just bishops. Not matter what formulation of the theological significance of episcopacy was preferred there hardly seems to be a case for including only episcopacy in such an affirmation. The theology of the episcopate has been notoriously controverted and Anglicans have lived with a wide spectrum of views. The less said the better if one is looking to gain widespread support for the text.

This section of the covenant is really about the new organisational arrangements which have recently emerged in the Anglican Communion. It would be much clearer if the recitals dealt with them, rather than confusing the text with extraneous material that does not advance the subject matter of the section.

Section 5(2) and its elaborations in 5(3-6) and the commitments that are attached to them are really the critical point of this document from the point of the view of the present disputes between Anglicans. This section seeks to affirm the developments

that have taken place in recent years in the organisational arrangements in the Anglican Communion.

The office of archbishop of Canterbury has of course been around for a very long time, but the role of the office in a world wide communion of Anglican churches is a much more recent development. It has been quite natural that the office should have developed in some way as Anglicans spread around the world from England. For centuries the Archbishop had been the Primate of the Church of England and churches which emerged from that church naturally turned to the Archbishop of Canterbury for residual connections and reference. That is how the Lambeth Conference first occurred and it is reflected in the actions the Archbishop was asked to perform by churches around the world during the nineteenth and twentieth centuries. There is no reason to think that that development has come to an end. As ever, the question is what direction any future developments might appropriately take and on what grounds might they be considered appropriate. What really are the grounds on which the Archbishop of Canterbury should have the prerogative of deciding who is invited to the Lambeth Conference, or that he should be the president of the ACC, or chair the Primates meeting? Are they hallowed tradition and respect, or just nostalgia. Do they serve some significant set of values embedded in the tradition? Are they to be justified on the ground of effectiveness, something along the lines of a constitutional monarchy? While the actions of incumbents remain reasonably uncontroversial these questions will probably not arise. But when those actions do become controversial to a sufficient degree then these questions will most certainly arise. In the meantime it would be a mistake to think that they do not lie just below the surface in contemporary Anglicanism. From this point of view the change of name from instrument of unity to focus of unity was a good idea, whether or not it was prompted by such considerations.

The Lambeth Conference began life in 1867. From time to time, and more often in recent decades it has functioned as a ten yearly public forum for Anglicanism. It has not always had that role. The Primates meeting is of even more recent innovation and has changed its stated purpose and activity. Leisurely counsel and advice might have been the note early, but in more recent times it has taken to arbitrating on some very important issues. Whether it will prove to be successful or acceptable in taking this

sort of role is yet to be seen. The Anglican Consultative Council is the only one in this group which has a constitution approved by the provinces in any kind of constitutional or conciliar way.

A tradition like Anglicanism inevitably develops institutions to deal with issues raised by the passing of time, for continuity, and for confronting responsibilities in the present in decision making. Anglicans generally have created various forms of conciliar institutions for this purpose. Synods and councils of various kinds and with varying points of emphasis, and balances of power between different groups within the church. In general, however, they have been pre-eminently conciliar in character and that has reflected the responsibility of the whole people of God for the life of the church.

These conciliar institutions are not the only institutions that Anglicans have created to sustain the life of the church. There are a multitude of such institutions; religious orders, societies of every kind of description, publishing companies, educational institutions. The list could go on endlessly. Many if not most of these institutions are independent of the conciliar structures. This pattern is similar to what we find in most modern nations. The government exists to provide internal law and order and external security shaped by notions of justice, and public infrastructure that will enable social life to flourish. Alongside government structures are a myriad of other institutions which enable that social life to flourish. No one would pretend for an instance that government was the whole story in a modern nation. No one should pretend that the conciliar structures in the church are the whole story. Quite properly there are questions as to the role and purpose of the conciliar strutters. Those questions are not always clearly articulated until there is some crisis or challenge.

The development of institutional arrangements amongst the Anglican provinces around the world is part of this process. Because the idea of supra provincial organisations is a novelty in Anglicanism that process is in its very nature a series of experiments. There have been past experiments which have not been proceeded with. A communion wide theological seminary, regional officers of the Communion, an international archive of resources on Anglican identity are just some that come to mind. The current “instruments” are experiments in the same sequence. They are a

little different in that they are predominantly episcopal and not conciliar. They appear as if they are conciliar or have conciliar credentials, but in reality they have been episcopally led experiments. That in itself is not necessarily a bad thing. On the contrary one might reasonably expect the bishops in the church to be active in seeing the wider issues of relationships. However, if such experiments are to become part of the fixed structure of the judicature, they will need to win conciliar support. But they remain experiments and they may prove to require significant re-arrangements.

The covenant is also an experiment. This section of the covenant has the effect of instantiating the present institutional experiments in more or less their present form. This section of the covenant undertakes to give more precise and different roles, however discreetly and indirectly, to these arrangements, especially to the Primates meeting. This seems to me to be a very significant mistake. It would be much better to leave the process of experimentation more open and to facilitate the continuing testing of the current experiments and the emergence of others. For these reason I think sections 5 (3)-(6) should be deleted from the text.

This would leave 5(2) as the affirmation of this section of the covenant. Within that section I would urge some changes in the text set out below in a separate edited version of the text in order to clarify the meaning and at one point slightly modify it.

In many respects the commitments in Section 6 of the draft covenant are the crux of the proposal to have a covenant at all. The present crisis has been dealt with on the basis of seeking to sustain the general life of the Communion within some boundaries. In order to do that some degree of constraint has been regarded as necessary. Here in this section is where the constraint is located. The essential elements of this constraint are that the Primates should operate as a kind of executive group on disputes and disagreement and in consultation with the ACC, the Lambeth Conference and the Archbishop of Canterbury they will seek to identify a common mind. This will occur when there are matters of “serious dispute among churches that cannot be resolved by mutual admonition”. Where a church does not comply with the conclusion reached in this way they shall be expelled or suspended. The language in this section is clearly softened and phrased in ways which suggest that there is no great change to the current autonomy and fellowship pattern at the present time. So a church which does not

respond positively to “the substance of the covenant as understood by the councils of the Instruments of Communion” will be regarded by the signed up members of the covenant to have “relinquished for themselves the force and meaning of the covenant”.

It is difficult to know how to respond to these words without some kind of rue smile. It is language worthy of the Orwellian world of 1984. It is at best disingenuous and to any ordinary reader looks plainly deceptive if not deceitful. The plain truth is that these sections mean that a persistently dissident church on an issue decided upon by the Primates in consultation will be expelled from the covenant. One can understand why the plain words might not be used for they draw attention directly to the extraordinary step which is being proposed here. The actions of the Primates in February 2007 only serve to confirm that this is the sort of thing that they at least have in mind.

The document moves from the moral authority of the present instruments in 6(4) to a juridical move in 6(6) for which the Primates meeting is the agent, an agent which is given no more guidelines or framework than what might emerge from consultation with the ACC, the Lambeth Conference and the Archbishop of Canterbury.

Sections (1) – (4) might just be acceptable, with some qualifications for what passes as Anglicanism today. Sections 6(5) and (6) a clear innovations and are cast in terms which are quite beyond the range of where institution creation in Anglicanism has reached.

4. How does this document measure up in relation to any discernible ecclesiology drawn from the history of the Anglican tradition?

The real problem facing world wide Anglicanism is that it is now encountering an unprecedented challenge to its life and character. It has been shaped within a tradition which from very earliest times saw itself as part of the wider christian community, but in its institutionality regarded the province as the extent of the jurisdictional order of a church. In doing so Anglicans have regularly claimed that this was in line with the

pattern of the early church. The provincial conception set the framework of catholicity and order. It provided for the ordination of bishops and their discipline. It thus provided for the provision of word and sacraments through an ordered and disciplined ministry of bishops priest and deacons. Perhaps that is the core role of the conciliar judicature of the church. That arrangement might have worked while the tradition operated in a more limited location. As Anglicans spread around the world they formed naturally into provinces. This consolidation of the provincial element in the tradition has created an unprecedented challenge in Anglican ecclesiology: how to give a reasoned account from the tradition for particular proposals for supra provincial institutions. It may be that there is no justification for such developments. It may be that the modes of operation for catholicity in inter provincial relation will be different from what is found within the provinces. All that may be so. What is certainly true is the goal of such supra provincial experiments is not the “highest degree of communion possible” but rather the appropriate form of communion for this particular set of circumstances.

This theological problem has been bubbling away for a hundred years and has become more intense in the last forty years. Anglicans have made attempts to experiment with new institutional arrangements, but it has been exceptionally difficult to deploy resources out of the tradition to shape or legitimate these experiments. That is not to say that such a task cannot be done. It is rather to say that it has not yet been done with any generally recognised success. The report of the first Inter Anglican Theological and Doctrinal Commission, *For the Sake of the Kingdom*, pointed clearly to the issues, but subsequent reports have not taken the argument seriously enough and in any case have not been asked to do so. Rather they have been asked to deal with issues which appeared to be relevant to solving the immediate problem of sustaining relations over disputes to do with the ordination of women.

The problem with this section of the covenant is that it is trying to deal with a problem by means for which there is little theological rationale within the tradition.

5. How far does this covenant document make it easier to see that a covenant is a useful way forward in the present circumstances?

The Windsor Report recommended ‘consideration of how to make the principles of inter-Anglican relations more effective at the local ecclesial level. This has been a persistent problem in Anglicanism contributing directly to the current crisis’ (117). They suggest a communion law in each province to enable the implementation of the covenant proposal which they think ‘would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion. Such a covenant they suggest could deal with common identity, relationships of communion, commitments of communion, exercise of autonomy in communion and the management of communion affairs, including disputes.(118) Most of the covenant would be ‘largely descriptive of existing principles’ and thus should be readily acceptable.

The present draft covenant in section 1 – 4 seem to do well in relation to this ambition of the Windsor Report. Section 5 extends the range somewhat but could be modified to come within the parameters set out by the Windsor Report. Section 6 however is far more than descriptive and in sections 6(5) and (6) clearly goes far beyond anything at present in place.

If one were pursuing a covenant strategy then the Windsor ambition of keeping it simple and restricted to a statement of what is already accepted is moving in the right direction and the present text could be made more in tune with that ambition by some editorial changes. In that spirit I would suggest the following particular changes:

1. Preamble

Last line. Add after Communion ‘of churches’. The sentence as it stands seems to suggest some kind of world body that could exist apart from the churches which constitute it.

2. The Life we share...

The title is ambiguous. What is the Communion as a whole, if it is not the member churches? This is a covenant for the member churches. Delete the phrase 'and the Communion as a whole'.

(4) It is hard to know what this sentence refers to. Is it a reference to the commitment of all the members of the church to the mission of God, or is it a reference to relations with the wider catholic church of the creeds.

(5) The documents referred to here are historically located. Some parts are more relevant than others today. The phrasing seems to imply more than is the sort of claim found in provincial constitutions. Would it be better to say something like, 'we retain and approve of as central to our heritage the following documents...'

3. title. Better to use a participle indicating action, ie 'Our Commitment to Confessing the Faith'. This form would also avoid the suggestion of a confession in the tradition of continental protestant churches.

4 (5), 4. Structures of society is very limited. 'Patterns of behaviour' would capture structures and other things which corrode social life.

I have attached to this document a revision of the draft covenant document which tries to incorporate the material discussed in this response. With this document is a document with the 'Track changes tool' active so that changes to the original can be seen.

Bruce Kaye

The feast of Barnabas, son of consolation
June 11 2007

Watsons Bay, NSW
AUSTRALIA

AN EDITED VERSION OF

An Anglican Covenant

**Draft prepared by the Covenant Design Group, January
2007**

1 Preamble

We, the Churches of the Anglican Communion, under the Lordship of Jesus Christ, solemnly covenant together in these articles, in order to proclaim more effectively in our different contexts the Grace of God revealed in the Gospel, to offer God's love in responding to the needs of the world, to maintain the unity in the Spirit in the bond of peace, and to grow up together as a worldwide Communion of churches to the full stature of Christ.

2 The Faith we Receive and Confess

Each member Church affirms:

- (1) that it is part of the one, holy, catholic, and apostolic Church, worshipping the one true God, Father, Son, and Holy Spirit;
- (2) that it professes the faith which is uniquely revealed in the Holy Scriptures as containing all things necessary for salvation and as being the rule and ultimate standard of faith, and which is set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation;
- (3) that it holds and duly administers the two sacraments ordained by Christ himself – Baptism and the Supper of the Lord – ministered with the unfailing use of Christ's words of institution, and of the elements ordained by him;
- (4) the apostolic mission of the whole people of God;
- (5) that, **we retain and approve as central to our heritage the** historic formularies, the Thirty-nine Articles of Religion, the 1662 Book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons 1;
- (6) the retention of the three orders of ministry, bishops, priests and deacons and the office of bishop as a focus of unity and catholicity in the church.

(7) our loyalty to this inheritance of faith as our inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to our societies and nations.

(8) that communion is a gift of God: that His people from east and west, north and south, may together declare his glory and be a sign of God's Kingdom. We gratefully acknowledge God's gracious providence extended to us down the ages, our origins in the undivided Church, the rich history of the Church in the British Isles shaped particularly by the Reformation, and our growth into a global communion through the various mission initiatives.

(9) As the Communion continues to develop into a worldwide family of interdependent churches, we also face challenges and opportunities for mission at local, regional, and international levels. We cherish our faith and mission heritage as offering us unique opportunities for mission collaboration, for discovery of the life of the whole gospel and for reconciliation and shared mission with the Church throughout the world.

(10) The member Churches acknowledge that their common mission is a mission shared with other churches and traditions not party to this covenant. It is with all the saints that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

¹ This is not meant to exclude other Books of Common Prayer and Ordinals duly authorised for use throughout the Anglican Communion, but acknowledges the foundational nature of the Book of Common Prayer 1662 in the life of the Communion.

In seeking to be faithful to God in their various contexts, each Church commits itself to:

(1) uphold and act in continuity and consistency with the catholic and apostolic faith, order and tradition, biblically derived moral values and the vision of humanity received by and developed in the communion of member Churches;

(2) seek in all things to uphold the solemn obligation to sustain Eucharistic communion, welcoming members of all other member churches to join in its own celebration, and encouraging its members to participate in the Eucharist in a member church in accordance with the canonical discipline of that host church;

(3) To live faithfully according to the teaching of the scriptures in the context in which God has placed us.

(4) nurture and respond to prophetic and faithful ministry to assist our Churches as courageous witnesses to the transformative power of the Gospel in the world.

(5) pursue a common pilgrimage with other members of the Communion to discern truth, that peoples from all nations may truly be free and receive the new and abundant life in the Lord Jesus Christ.

(6) to answering God's call to share in his healing and reconciling mission for our blessed but broken and hurting world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

(7) In this mission, which is the Mission of Christ, **we commit ourselves**

1. to proclaim the Good News of the Kingdom of God
2. to teach, baptize and nurture new believers;
3. to respond to human need by loving service;
4. to seek to transform unjust patterns of behaviour in society and
5. to strive to safeguard the integrity of creation and to sustain and renew the life of the earth.

3 Our Common Life

(1) **We affirm** the role of four Instruments of Communion in serving to discern our common mind in communion issues, and to foster our interdependence and mutual accountability in Christ. While each member Church orders and regulates its own affairs through its own system of government and law and is therefore described as autonomous, each church recognises that the member churches of the Anglican Communion are bound together, not juridically by a central legislative or executive authority, but by the Holy Spirit who calls and enables us to live in mutual loyalty and service.

Each Church commits itself

(1) in essential matters of common concern, to have regard to the common good of the Communion in the exercise of its autonomy, and to support the work of the Communion with the spiritual and material resources available to it.

(2) to spend time with openness and patience in matters of theological debate and discernment to listen and to study with one another in order to comprehend the will of God. Such study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. Some issues, which are perceived as controversial or new when they arise, may well evoke a deeper understanding of the implications of God's revelation to us; others may

prove to be distractions or even obstacles to the faith: all therefore need to be tested by shared discernment in the life of the Churches.

(3) to seek with other members, through the Church's shared councils, a common mind about matters of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches.

(4) to heed the counsel of the Instruments of Communion in matters which threaten the unity of the Communion and the effectiveness of our mission. While the Instruments of Communion have no juridical or executive authority in our Provinces, we recognise them as those bodies by which our common life in Christ is articulated and sustained, and which therefore carry a moral authority which commands our respect.

4 Our Declaration

With joy and with firm resolve, we declare our Churches to be partners in this Anglican Covenant, releasing ourselves for fruitful service and binding ourselves more closely in the truth and love of Christ, to whom with the Father and the Holy Spirit be glory for ever. Amen.