

A Response to The Draft Anglican Covenant

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1) Introduction

Stripped of its rhetoric, and set in the context of the Communiqué issued after the Primates' Meeting of February 2007 in Dar es Salaam¹, one aspect of the Draft Anglican Covenant stand out.

The Draft Covenant proposes to restructure the Anglican Communion. It proposes to grant powers to the Primates which would, over time, transmute the Communion from an association of autonomous Provinces into a single juridical body.

This paper is primarily concerned with the proposal to reallocate power and its possible and probable consequences. These proposed changes would have deep ramifications for the ecclesiology and character of the Anglican Communion and we deplore any attempt to curtail debate on the issues. In our judgement, these proposed changes would constitute a distortion of Anglicanism and would not be a legitimate development. We believe that the proposal has no good or adequate justification. Nor do we see any beneficial consequences. However we also believe that there are deep and rich resources within Anglicanism which can offer alternative ways forward for the Anglican Communion.

Accordingly this paper urges the rejection of this Draft Anglican Covenant and the proposals contained in it.

2) The status of the proposal

2.1 The Windsor process

The Draft Covenant was one outcome of the Windsor Report and part of what has become called the 'Windsor process' intended to find a way to resolve the growing conflict between ECUSA / TEC and some of the more conservative parts of the Anglican Communion.

However the advisory character of this process has been lost. The critical Resolution 1.10 of the Lambeth Conference 1998 has been transmuted by asseveration from having the moral authority of a resolution of the bishops in council, into 'the standard of teaching on matters of sexual morality for the Communion'². In the same way, and given weight by the Archbishop of Canterbury and the Primates' Communiqué, the Windsor process has acquired a prescriptive quality. This is an unjustified claim which exceeds its constitutional character as the outworking of recommendations of a report of an *ad hoc* working group.

No Resolution of a Lambeth Conference and no recommendation from an advisory group, howsoever eminent, can be of more than persuasive authority.

2.2 From admonition and counsel to imposition

The Report of the Covenant Design Group³ recommended that the Primates' meeting should take strong action to adopt the Draft Covenant in its 'fundamental shape' and with 'an appropriate measure of consent to this text and express an intention to pursue its fine-tuning

¹ *The Communiqué of the Primates' Meeting in Dar es Salaam* 19th February 2007.

<http://www.aco.org/primates/downloads/index.cfm>

² As stated, for example, in a Pastoral Letter sent by Archbishop Williams to the Primates of the Anglican Communion, released 5 March 2007, <http://www.archbishopofcanterbury.org/releases/070305.htm>.

³ *The Report of the Covenant Design Group* meeting in Nassau 15th-18th January 2007.

http://www.aco.org/commission/d_covenant/index.cfm

and adoption'. The Primates were asked to 'recognise the general substance of the preliminary draft' as 'a concise expression of what may be considered as authentic Anglicanism'⁴. All of this, the Design Group declared, was urgent: there was an 'urgent need to re-establish trust' in the Anglican Communion, and the life of the Communion 'would suffer irreparably if some measure of mutual and common commitment to the Gospel was not reasserted in a short time frame.'⁵ No evidence or justification was offered for this assertion.

The Report of the Covenant Design Group recognised that formal assent had to be given through the consultative and constitutional processes of the Provinces. Unlike previous papers concerned with the covenant proposal the Covenant Design Group offered no timetable for adoption of the Covenant. Instead it set out a 'dual track approach': first to obtain the endorsement of the Primates and the Lambeth Conference 2008 and then to seek the formal assent of each Province. Provincial autonomy is thus regarded not as the nature of Anglicanism but as an intermediate step on the way to transferring power to the Primates.

The tone of the Report of the Covenant Design Group held an audible shift from a voice of persuasion to a voice of imposition. This was echoed by the Primates' Communiqué of 2007 which outlined a move to resolve the current conflict by attempting to impose a solution on TEC which intruded on its proper autonomy and failed to pay regard to TEC's legal processes⁶.

Even if the great majority of the Primates believed that the Draft Covenant and all that it entails is the right way forwards, to attempt to bulldoze the Communion into compliance is an abuse of power.

2.3 The Primates' initial response

The Primates, however, did not entirely follow the urging of the Covenant Design Group. They stated that a Covenant 'may' benefit the Communion 'in the longer term' by leading to the required trust. They also saw value in specifying what was meant by the 'bonds of affection' of Anglicanism and in the commitment of each Province to these bonds⁷. But they did not see it as urgent, nor did they endorse any specific aspect of the Draft Covenant nor its 'fundamental shape' or central themes. However they did adopt the 'dual track approach'. They commended the Report of the Covenant Design Group for study, seeking responses before the Lambeth 2008 Conference, and proposed that, after further consultation, a final draft be brought to the meeting of ACC-14 before a definitive text was sent to the Provinces for acceptance or rejection⁸.

This is not an enthusiastic acceptance of the Report of the Covenant Design Group. One reason might be that the Primates were, on the whole, impatient of the time it would take to ratify the Covenant, even on an accelerated track, and perhaps anxious about the possibility that the Covenant would not in the end be ratified. Katherine Grieb observed that, at least in

⁴ *The Report of the Covenant Design Group* paras. 10, 11, 12.

⁵ *The Report of the Covenant Design Group* para. 8.

⁶ *A Communication to The Episcopal Church from the March 2007 Meeting of the House of Bishops*, Episcopal News Service http://www.episcopalchurch.org/3577_84148_ENG_HTM.htm

⁷ *The Communiqué of the Primates' Meeting in Dar es Salaam* 19th February 2007, para. 29.

⁸ *The Communiqué of the Primates' Meeting in Dar es Salaam*, paras. 15, 16.

relation to TEC, ‘The Primates have given the clearest possible signal that they themselves cannot wait for the Proposed Anglican Covenant’⁹.

3) Continuity and innovation

3.1 *The innovative nature of the Covenant*

Two alternative arguments for easier acceptance of the Covenant have been propounded: either that it contains nothing new or that it does contain something new, but it is no more than a small step in the direction in which Anglicanism is already travelling.

We believe, to the contrary, that the Draft Covenant entails changes to the Anglican Communion which are fundamental and extensive.

The statement that ‘nothing which is commended in the draft text of the Covenant can be said to be “new”;¹⁰ is not borne out by content of the Draft Covenant. Much of the Draft is written in terms scoured from historic formulae which reflect and have shaped the development of the Anglican Communion. But these traditional phrases have in fact been used to disguise a proposal for a fundamental shift in the polity and relationships of the Communion. To describe what is proposed as ‘a concise expression of what may be considered as authentic Anglicanism’ and as ‘not the invention of a new way of being Anglican’¹¹ is, at the least, to be economical with the truth. There is no point or purpose to a Covenant that is not intended to make changes.

Outside the formal consultation papers it has been argued that the transfer of powers to the Primates is not in itself new but would be a formal recognition or articulation of what has been happening in Anglicanism over the last decade¹². Or, as Archbishop Gomez has argued, the proposals are innovative but they reflect and embody the coming of age of ‘the Global South’ whose voice has grown increasingly strong in Anglicanism since the first Anglican Encounter in the South in 1994. In his view the ACC has become seen as a drag on mission whilst the Primates’ Meeting has, with the support of Lambeth Conferences, emerged as the Council most adapted to the new global reality of Anglicanism¹³.

Even if these interpretations were correct they are not sufficient. To minimise the degree of novelty is to seek to spin the Covenant proposals to minimise opposition to its proposals.

If the shift from the present polity to a new one appears to be a small step to those deeply engaged in the process it may only indicate how distant those leaders are from followers for whom their proposals would indicate a major innovation.

Furthermore, to argue that a set of conditions is already the case does not of itself justify translating contingent reality into juridical form. This is not a neutral act. It would inaugurate

⁹ Katherine Grieb, *Interpreting the Proposed Anglican Covenant through the Communiqué*, http://www.ecusa.anglican.org/3577_83906_ENG_HTM.htm

¹⁰ *The Report of the Covenant Design Group*, para. 13.

¹¹ *The Report of the Covenant Design Group*, paras. 12, 14.

¹² Ephraim Radner, *Making Promises: the Proposed Anglican Covenant in the life of communion*, <http://www.anglicancommunioninstitute.org/articles/2006/Covenant.html>

¹³ Archbishop Drexel Gomez, *On being Anglican in the 21st Century*, http://www.globalsouthanglican.org/index.php/comments/on_being_anglican_in_the_21st_century_abp_drexel_gomez/

a new legal reality which in turn would enable developments which are not at present possible. It would preclude other possible futures without debate.

3.2 The reception of innovation

In our view the Draft Covenant itself is an innovation and so too is the Anglican polity it envisages. The Draft proposes a step-change in the structures of Anglicanism and not merely a natural development. It proposes changes at the heart of the Anglican Communion which, over time, are likely to extend into every corner of the Church. At the very least the likely consequences of the proposals should be clearly described, and a careful assessment should be made of the impact they are likely to have for the life of the Communion.

We believe that any such change should be subject to a rigorous and lengthy process of testing, discernment and reception.

The Windsor Report recognised the need for all members of the Anglican Communion to ‘own’ any new Covenant (para. 118). The discussion document *Towards an Anglican Covenant* (paras. 23-25) envisaged a 6-9 year timetable for consultation¹⁴. The absence of a timetable in the Report of the Covenant Design Group, and its dual track approach of seeking urgent assent by the Primates with longer term consideration by others, would tend to minimise the value of reception through the councils and synods of the whole church.

We are particularly concerned that the voice of the laity should be heard in this process.

3.2 The justification of innovation

We recognise that the Anglican Communion is a dynamic network which is in continual change. Nonetheless we believe that deliberate innovation should be subject to a process of reception appropriate to its impact on the Church.

Innovation should be judged by its capacity to order and enable the mission of the Church to meet the challenges of the twenty-first century. Innovation should not be inconsistent with Scripture, should be in loyal continuation with the (Christian and Anglican) traditions which we have received, and should be in accord with the ecclesiology of the Church. Authentic continuity is necessary but not sufficient: innovation should also be judged by its capacity to enable the Church to thrive. Innovation should, in the best prayerful judgement of the Church as a whole and as tested in practice, serve to build up the body of the Church, to further its mission, deepen its holiness, enhance its witness, and nourish the vitality by which it preserves, teaches and lives out the faith.

Given the depth and extent of the changes envisaged, those who propose the Draft Covenant should show how their proposals meet these criteria. They should also show both that implementation of their proposals would be better than smaller modifications of the *status quo*, and that this particular change is the best of all reasonable options.

¹⁴ *Towards an Anglican Covenant A Consultation Paper on the Covenant Proposal of the Windsor Report*, March 2006, <http://www.anglicancommunion.org/commission/covenant/docs/Covenant%20Report.pdf>.

4) The central proposal: Section (6) Unity of the Communion

4.1 The key to the Covenant

The overall import of Section 6 is clear: if the present members of the Communion were to commit themselves to this Covenant each would see a diminution of its autonomy in favour of control by the Primates, and each would be asked to pay for the privilege (§6.1).

Yet, despite its significance, Section 6 is characterised by silences, ambiguities and evasions. Almost every section of the Draft Covenant – and this section critically – begs questions of definition, interpretation, implication, and implementation.

In the absence of clarification, and of a much fuller statement of the implications and application of the Covenant, it would be entirely inappropriate for anyone to sign. To sign without this clarification would be to hand a blank cheque to the Primates (and thence to their advisors and lawyers) to determine the future of the Anglican Communion.

Section 6 of the Draft Covenant is its operative section. It describes the key innovations to which the signatories are asked to commit themselves and indicates structures that would follow adoption of the Covenant. §§1-5 and 7 of the Draft should be read through the lens of this section.

4.2 Study and debate

Tensions are immediately evident. The emphasis on ‘openness and patience in matters of theological debate’ and the necessity of ‘study and debate’ (§6.2) is to be welcomed. Yet it is contradicted by the actions of those (including some Primates and some concerned with the drafting of the Covenant) who chose to establish and support groups of churches within the Anglican Communion designed to corral together those who think one way and to keep them away from others. The value of open debate is in tension with the precipitate actions of the Primates, set out in the Communiqué from Dar es Salaam, setting unprecedented conditions for TEC.

Similarly the requirement that novel and controversial matters be ‘tested by shared discernment in the life of the Church’ is to be welcomed. Yet even while the listening process¹⁵ continues the whole idea of according gay and lesbian people standing as full members of the Church is rejected by some¹⁶. Some, at least, of the Communion are evidently unwilling to tolerate the present extent of diversity in the Communion and have been keen to foreclose discussion.

¹⁵ <http://www.aco.org/listening/index.cfm>

¹⁶ The summary of the response from The Church of Nigeria to the listening process includes:

In Nigerian traditional culture homosexuality is seen as taboo. Homosexuals are thought of as threatening the divinely ordained order of the community. The Western idea of human rights is subservient to the service of the common good. The so called ‘right’ to homosexual orientation threatens the order of society because the continuation of the race is threatened by gay practice. Children are treasured as fruits of marriage and any union, as a gay union, that prevents the propagation of the community's growth is a personal shame to be openly censured.

<http://www.aco.org/listening/reports/nigeria.cfm>

4.3 *The Provinces and centralised authority*

The most critical paragraph §6.3¹⁷ is also the vaguest. Whilst its import is clear – to create greater conformity and to reduce diversity – almost every phrase cries out for elaboration.

The terms ‘to seek’ (§6.3 and §6.5) and ‘to heed’ (§.4) place duties on signatories which are not adequately specified. At a minimum no party would be obligated to do more than to ask a question and listen to the answer. Yet it would also seem that any signatory affronted by something it considered ‘essential’ (for which no test has been adduced¹⁸) could instigate a complaint. Read in this minimal manner this clause would focus the institutions of the Anglican Communion on complaints and disputes and not on the building up of the body.

Yet §6.3 is probably intended to be read in a maximalist manner placing a positive duty on each signatory to co-ordinate its ‘formal teaching’¹⁹ with the ‘common mind’ as determined by the Primates (§6.5). In place of present diversity and voluntary co-operation an active programme of developing and enforcing uniformity is envisaged.

4.4 *A common mind?*

But the central concept of a ‘common mind’ (§6.3; §6.5.2) is delusory. What is held in common is taken as read and is not a matter for discernment. Where something is a matter of dispute then, self-evidently, there is no common mind.

A ‘common mind’ is thus a euphemism for a majority opinion. In practice, in this Draft Covenant, the ‘common mind’ of the Church is to be determined by and equated with the majority opinion of the Primates (§6.5). But before any Covenant can reasonably be signed there needs to be much tighter specification of what a ‘common mind’ might mean and greater transparency as to how it might be attained. This would include, for example, specifying how a majority is to be determined, what would constitute a sufficient majority²⁰, in what form the common mind should be expressed, what legal authority it would have, and who would be responsible for subsequent interpretation and implementation²¹.

If, as has been suggested, the Primates are to be their own ‘interpreters and enforcers’²² then, first, this would represent a dangerous and unaccountable concentration of power over the Church and, second, it would mean that the common mind of the Church would be no more or less than whatever the Primates said it was.

¹⁷ §6 “Each Church commits itself ... (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.”

¹⁸ The conclusion of the Primate’s Theological Commission of the Anglican Church of Canada on the Blessing of Same-Sex Unions (the St. Michael Report) that homosexuality is a matter of doctrine, but not core (credal) doctrine and therefore not a matter over which communion should be impaired or severed. Others would disagree indicating one difficulty with determining what is ‘essential’. See <http://www.anglican.ca/primate/ptc/smr.htm>.

¹⁹ *The Communiqué of the Primates’ Meeting in Dar es Salaam* 19th February 2007, para. 11, but not in the Draft Covenant itself.

²⁰ Would each Primate have one vote, or would votes be weighted according to nominal membership? Would 50%+1 constitute sufficient majority to determine the common mind, or 100%, or something in between?

²¹ Would there perhaps need to be an international body for interpretation of statutes and an international ecclesiastical court? How would their judgements be enforced?

²² Katherine Grieb, *Interpreting the Proposed Anglican Covenant through the Communiqué*.

In effect the capacity to determine the ‘common mind’ of the church creates a novel jurisdiction. Both the process and the limits of this jurisdiction need to be specified. Without adequate clarification and agreement as to what would constitute ‘a common mind’ there can be no clarity about the relationship between the Primates and the Provinces. To sign the Covenant in its present terms would be to hand to the Primates powers limited only by the boundaries of the Church.

In the absence of further clarification the duty to seek a common mind would seem likely to alter the practice of the Church in a number of ways. First there would be an increased probability (simply because the means would be available) that one Province would concern itself with affairs in another, and that they would intervene earlier, which might well mean exacerbating issues that would have been better left to blow themselves out. Second, there would be a natural tendency to seek a sharply defined solution to a theological or practical problem when diversity, provisionality and the recognition of complexity may be both possible and desirable. Third, the whole programme of determining a common mind through the Primates’ Meeting is to reach for a single authoritative structure to replace the present dispersed authority.

4.5 Standards of faith

It is not clear what ‘common standards of faith’ (§6.3) might comprise that are not already set out in the existing formulae of the Anglican Communion. At its strongest this phrase might imply a duty to compile one prayer book across the Communion, for example, or that no Province could refer to any theological standard which was not held in equal regard by all others.

Equally important is the characterisation of the relationship between the ‘common standards’ and contemporary church life and teaching. §2.6 of the Draft Covenant refers to the ‘loyalty’ to an inheritance of faith in statements culled from a number of accepted Anglican formulae. ‘Loyalty’ is a commendably elastic term. Yet the mechanisms of §6 would seem to imply (though it doesn’t state) a presumption of a much more stringent relationship between the inheritance of faith and its contemporary expression.

In the Preface to its Declaration of Assent²³ the Church of England sets out the position of the Church as a whole as professing ‘the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds’. Its historic formularies ‘the Thirty-nine Articles of Religion, the Book of Common Prayer, and the Ordering of Bishops, Priests and Deacons’ have ‘borne witness’ to ‘Christian truth’. The individual making the declaration is asked whether they will ‘affirm your loyalty to this inheritance of faith as your inspiration and guidance under God’. They reply that they ‘do so affirm and accordingly declare my belief in the faith’ set out in the terms of the Preface.

This formula makes a clear affirmation of faith, it demands of its ordained members a faithful loyalty to that inheritance of Christian truth, and it refuses to make heavier or narrower demands on individuals as to the manner of their loyal interpretation of that inheritance. We would commend the Church of England’s Preface and Declaration of Assent to the Communion as a basis for relationship between Provinces.

²³ Church of England, Canon C15.

4.6 Canon law

The reference to ‘the canon law’ seems to entail a co-ordination of canon law across the Communion. To date voluntary and informal communication has kept the differing jurisdictions very roughly in step with one another, though studies which show the similarities of canon law across the Communion also show the differences²⁴. To replace this voluntary approach with centralised ‘guidance and direction’ (§6.5.3) would be to destroy the definition of autonomy set out in §5 para. 2²⁵.

This step is key to the whole Covenant project. Power can only be exercised over member churches if the international structures have the legal capacity, directly or indirectly, to amend the canons of each Province. If the Covenant is to have any consequences it must override Provincial autonomy. By this step the levers of power over the local church will be placed in the hands of the Primates²⁶.

4.7 The Instruments of Communion

§5 describes the present international structures of Anglicanism in language which avoids evaluation and which does not weigh the interrelationship between the Instruments of Communion.

One consequence, and perhaps a purpose²⁷, of granting final authority to the Primates’ Meeting would be to re-orientate the Anglican Consultative Council and the Anglican Communion Office. At present the ACC is the one international instrument with a written constitution, a representative structure, and lay members. §6.5 would reduce the role of the ACC to offering the Primates advice, should the Primates ask. Thus organizations developed to serve the whole Communion would, in this dispensation, serve a committee, a curia, of 38 people.

The Draft does not address the role the Lambeth Conference would have in its proposed scheme. Yet even if the Conference were to work closely with the Primates’ Meeting, in practice ‘the historic episcopate, locally adapted’ (§5 para. 1; cf. also §4 para. 2) would be wholly subordinated to powers concentrated in the hands of the Primates.

4.8 The absent laity

Apart from a brief, factual, mention in §5 para. 6 the laity are invisible in this Draft Covenant. If the Draft’s processes were to be implemented the voice of the laity would be utterly

²⁴ Cf. Norman Doe, *Canon law in the Anglican Communion: a worldwide perspective* (Oxford : Oxford University Press, 1998).

²⁵ Some States may regard the loss of autonomy as provocative: the Anglican Church in such a place may find itself undermined locally by its (perceived) submission to a foreign jurisdiction. The suggestion that Anglicans may find themselves strengthened by a Covenant (Windsor Report §119 (5)) will need to be assessed in each separate case.

²⁶ The extent to which levers pulled at an international level will effect changes in the local church can only be known when tried. However one probable consequence of the transfer of ultimate power from Province to Primates would be to slow down local decision making.

²⁷ Archbishop Drexel Gomez has said

... the Anglican Communion Office, in its political shape, arose in an attempt to take account of the “revelations” of the church’s missionary thrust, and to help bring this reality to the table. This was a logical step, bound to the needs of new organization and coordination of councils and mission that simply had not existed before the 1970’s. But the Office’s limitations, in the rapidly unveiling world of Anglican realities, were defined by its principal funders (mostly American). And these limitations, seen by many as a drag on actual mission, have been reflected in the ACC struggles of the past few years.

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peripheral and rendered inaudible. This is a contradiction of an ecclesiology in which the Church is ‘the blessed company of all faithful people’²⁸. To marginalise the laity in decision making would be to hobble the body of Christ, to undermine the faithful work of the people of God, and to diminish the quality of ecclesial life.

More prosaically the structures of the Communion rest on the shoulders of the laity. From local missions to international gatherings the Church relies on the finance overwhelmingly provided by lay people. If they are to be asked to pay for new or greatly expanded distant international structures they must first be persuaded of their value.

4.9 Subsidiarity and the allocation of power

There is no reference in the Draft Covenant to subsidiarity. §6 is concerned to find ways by which to concentrate power and to extend the power of the international institutions of Anglicanism into the legal structures of each Province. No thought appears to have been given to the proper limits of such power, nor to which matters may properly be debated and decided at a local level (nor to how such a decision might be made). Nor has consideration been given to the proper ‘loyalty’ to the local expression of the inheritance of faith.

The Covenant has grown out of one historically specific conflict yet adoption of it will set the character of the Communion for generations to come. If it is to be adopted it must be clear, robust, subtle and sufficiently flexible to address other present issues (lay presidency, for example, or polygamy) and to address unforeseen disputes.

Diversity is given no value in this Draft and its whole drift is towards conformity. In this it contains a potential threat to every member: a scheme devised with a view to expunging one local expression of faith may, in different hands at a different time, be turned against others. Powers granted to a group for one purpose may later be used for other purposes and against other groups. It is therefore in the interests of each group to constrain carefully the power they share with others.

4.10 Centralisation

§6.4 is disingenuous. It acknowledges that, at present, the Instruments of Communion have no power and only ‘moral authority’. Yet the following paragraph commits signatories to submit to the adjudication of the Primates’ Meeting. Adoption of this Covenant would steadily erode local autonomy. It is a one-way ratchet. Over time more and more matters would flow to the Primates for decision, more and more matters would be sent down to Provinces for incorporation in their canon law. There is no intimation in this Draft as to whether or how matters could be re-opened for debate.

4.11 The capacity for development

This Draft does not contain any mechanism by which innovation could occur and be received into the body of the Church²⁹. Instead it would hand all power to the most conservative and obdurate. Perhaps ‘the point of a covenant is to prevent any significant change from occurring in the Church’s doctrine and practice’³⁰. However, a mechanism which is

²⁸ *Book of Common Prayer* (1662).

²⁹ Many years ago John Sentamu described the Church of England as having the engine of a motor mower and the brakes of a juggernaut. The Draft Covenant would embed this disparity into the global church with perhaps even greater force.

³⁰ Katherine Grieb, *Interpreting the Proposed Anglican Covenant through the Communiqué*.

concerned only with preventing change rapidly rusts and becomes unusable, or is simply ignored and rendered otiose.

To be robust the Covenant must hold the means for undoing past decisions. Had there been no such capacity in place since the first Lambeth Conference divorcees could never be remarried in Church (Resolution 4, 1888); the Church would continue to warn ‘against the use of unnatural means for the avoidance of conception’ (Resolution 66, 1920), and women could never have been ordained (Resolutions 113-116, 1948). Nor, for that matter, could this present Draft Covenant have been countenanced:

The Anglican Communion is a fellowship, within the one Holy Catholic and Apostolic Church, of those duly constituted dioceses, provinces or regional Churches in communion with the See of Canterbury, which have the following characteristics in common:

- a) they uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorised in their several Churches;
- b) they are particular or national Churches, and, as such, promote within each of their territories a national expression of Christian faith, life and worship; and
- c) they are bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference.³¹

Traditional Anglicanism recognises that Councils may err³², has been prepared to admit its own error and, when appropriate, has repealed previous resolutions. This capacity should be retained in any new structure.

As it stands the Draft Anglican Covenant contains no means by which it may itself be reviewed or repealed.

4.12 The threat of expulsion

Finally, §6.6 is dishonourable. It is of the essence of a voluntary association that a member may walk away of their own volition. If, however, a member is to be expelled then responsibility for expulsion lies with those who decide and implement that decision. The majority may feel that a member has, by their words and actions, occasioned such a decision but to attribute blame to the Church which is expelled is irresponsible self-deception. To embed a denial of responsibility for schismatic actions in the heart of Anglicanism is to compromise the moral integrity of the whole Communion.

5) The Church of England³³

As with other Provincial legislatures, if the General Synod signs the Covenant it will subordinate its authority to that of the Primates’ Meeting.

5.1 The Process of adoption of a Covenant

Should a Covenant be brought to General Synod in its present form it is likely to be subject to Section 8 of the Constitution of the General Synod as ‘providing for’ ... ‘a scheme for constitutional union or a permanent and substantial change of relationship between the

³¹ Resolution 49, 1930. <http://www.lambethconference.org/resolutions/1930/1930-49.cfm>.

³² Article XXI.

³³ The MCU is largely focused in the Church of England although its membership includes people in other Anglican Provinces and other denominations.

Church of England and another Christian body'³⁴. This Section requires approval by a majority of Diocesan Synods before General Synod may grant final approval.

Should the Draft Covenant be passed by the Synod it is highly probable that it would also require Parliamentary approval. At this stage (without a final text or any indication of the character of debate in Diocesan and General Synods) it is impossible to predict what the response of parliamentarians would be.

5.2 Possible implications for the Church of England

Before General Synod takes such a step it should first explore the implications for its own governance of the Church of England and also for the relationship of Church and State. It is probable that the proposed change in the status of the Church of England in relation to the Anglican Communion will have implications for existing legislation and for the Established nature of the Church of England.

6) Theology

Nothing in this Draft Covenant impinges explicitly on the substance and practice of theology amongst Anglicans. Nonetheless we are concerned that conservative theological presuppositions which have driven the disputes over the place of homosexuality in the Church are discordant with classical Anglicanism. Furthermore there are indications that the adoption of this Covenant might itself engender a narrowing of perspective and a limiting of theological adventure.

6.1 The devaluation of diversity

Concern about the implications for theology comes in part from silences in the Draft Covenant. There is no explicit welcome for a diversity of theological or spiritual approaches.

In §3.1³⁵ of the Draft Covenant the definite article seems to govern the whole sentence. *The* 'catholic and apostolic faith, order and tradition' makes sense at a broad level of generality. This may be appropriate for a Covenant. However, without further elaboration, the sentence might seem to deny that *the* tradition also contains an innumerable array of traditions when 'faith, order and tradition' are described with greater care.

Whilst this point may be explained by the necessary brevity of a Covenant the certainty of *the* 'biblically derived values' and '*the* vision of humanity' (§3.1) cannot be substantiated theologically, historically or in terms of present disputes. In terms of definiteness more is being demanded here than can possibly be delivered.

6.2 Classical Anglican theology

Classical Anglican theological method has accepted that there is no single infallible source of truth in matters of religion. Instead we rest on the three-legged stool of Scripture, reason and

³⁴ *Synodical Government Measure 1969, Schedule 2, Constitution of the General Synod*. It may be argued that the purpose of this clause was to address formal ecumenical relationships and would not apply to the Anglican Communion of which the Church of England is already a part. However if the Anglican Communion is to be given juridical form it would constitute 'another Christian body'.

³⁵ §3 "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;" (*emphasis added*).

tradition: truth emerges as each source is balanced against the others in a continuing and continually refreshed search.

This balancing of sources has allowed historical circumstances to produce new insights. It permits established doctrines to be properly challenged in the light of new information or new understandings of our relationship with God as has happened on a great many occasions. The insight that slavery is against the will of God, for example, had to be asserted over a long period against those who argued from the Bible for the retention of slaves.

We acknowledge that this open, questioning theology is not the sole authentic tradition of Anglican theology. It was accepted since the seventeenth century as the central thread of Anglican theology until, in the nineteenth century, the Oxford Movement made it one perspective amongst others. Nonetheless this balanced, measured tradition has helped the Church maintain its orthodoxy and continuity, has helped keep its schools of theology together in one community, and has also assisted the Church to respond faithfully to internal and external change.

6.3 Foundationalism

By contrast foundationalist theology is grounded in the conviction that religious truths are revealed without the mediation of human reason, and that these truths are absolute, ahistorical and incontrovertible. Because such truths are accorded priority over human reason it can seem as though they may be known with certainty. This is more characteristic of sectarian Calvinism than of Anglicanism.

The most common form of foundationalism perceives divine certainties to be found verbatim in the uninterpreted Bible. As little positive role is assigned to human reason, discussion of the interpretation of the Bible is constrained and all attempts to modify or reinterpret established doctrines are in principle rejected. Because certainty is claimed, there is no incentive to listen respectfully to the views of those who disagree (except, perhaps, the better to persuade them of their error). Where it is asserted that the truths already believed are complete, the possibility of new insights is denied.

We believe that there is an incommensurability of foundationalist and non-foundationalist theological approaches³⁶. The debate about homosexuality is one example in which the differences between Anglican and foundationalist responses to disagreement may be expressed. Nonetheless we also believe that Anglicanism is a broad church capable of containing people who espouse these differing theological presuppositions and who work out their implications in different ways. To abandon this position would be to invite disruption rather than debate and would limit theological thinking instead of encouraging theological development.

7) Polity

7.1 Theology and power

Anglican theology is embodied in the structures of the Church. Classical Anglican theological method is expressed in the present polity of the Anglican Communion. It is marked by a willingness to look for a *via media* between its differing poles, an acceptance that

³⁶ See, The Modern Churchpeople's Union, *Response to: Towards an Anglican Covenant, A Consultation Paper on the Covenant Proposal of the Windsor Report*, November 2006.
<http://www.modchurchunion.org/Publications/Papers/Covenant/Summary%20response.htm>

authority is properly dispersed both in geography and through the structures of the Church, by an ability to live with difference and provisionality, and by a recognition that no group and no sub-tradition has an exclusive monopoly on interpreting the will of God.

Theology is enabled by the Church. At its most formal the Church commissions and requires the contributions of theologians to its governance, its conversation with other churches, and its engagement with its society. Less formally, theology is the articulation of the response of the soul to God. Theology draws on patterns of intellectual training, structures of governance, participation in prayer and worship, expectations of discipleship all bound up together. The manner of theology helps shape the Church; the life of the Church helps shape theology.

In our view the Windsor Report and the Draft Covenant is deeply stained by the assumptions of foundationalist theology. Developments which embody the foundationalist assumptions cannot, therefore, successfully defend Anglican theology nor claim to be its authentic successor.

On the contrary: foundationalism allied to power threatens utterly to destroy the rich Anglican theological heritage. An attempt to superimpose a centralised, hierarchical, authoritarian structure over Anglicanism is an attempt to embody foundationalist presuppositions in the polity of the Church. If it succeeds it will reconstruct Anglicanism in its own image and replace the rainbow of loyal local expressions of faith with a monochromatic application of centrally determined proclamations. The phrase ‘the common mind’ will not mean the mind of the church, it will come to mean the way church members must think.

7.2 Theology and unity

Foundationalism is an inherently fissiparous creed. There are no human grounds by which to determine disputes where more than one group claims to know the word of God. Disputes over the ordination of women, for example, cannot be resolved by debate if those for and against both ground their position in the claim that they alone express the will of God as revealed in the Bible. The only option remaining is to separate, each side condemning the other as heterodox.

But the body of Christ is comprised of the whole people of God, and the Spirit of God is not constrained by the human mind. The Anglican Communion has, to date, respected and valued such differences – and throughout its history has argued and disputed a number of issues which have seemed at the time to be fundamental to the faith – and has found ways to move forward together with friendship and open-handed hospitality.

Division does not inevitably stem from disputation. Division occurs where groups refuse to listen and cease to talk to one another. Foundationalism, grounded in an *a priori* conviction of the rectitude of the speaker, is inherently predisposed against listening to alternative views.

If there is to be an Anglican Covenant, therefore, we believe it should cherish classical Anglican theological method and its expression in Anglican polity, re-articulating it in new conditions. An Anglican Covenant should protect traditional Anglican inclusiveness by affirming open and respectful debate. It should reject all attempts to foreclose debate or suppress open, honest and informed seeking after truth, whether on homosexuality or on any other issue. It should refuse to impose hierarchically determined conclusions on genuine differences of opinion. We suggest that the greatest protection for inclusivity may be found in faithful listening to the voice of God echoed in the voices of God’s faithful people.

8) Ecumenism

Apart from a bland reference to ‘mission shared with other churches’ in §4 para. 3 the Draft Covenant makes no mention of the ecumenical consequences of its proposals.

If, as we believe, adoption of this Draft Covenant would effectively create a new form of Anglicanism then each existing ecumenical agreement will need to be revisited.

In some places member Churches of the Anglican Communion have local formal ecumenical relationships. The Draft Covenant is silent on the issue of where decision making would lie in relation to ecumenism. Yet if decision making were to become more centralised in the Anglican Communion then Provincial ecumenical arrangements will become less tenable.

9) Trust

The several hopes for the Covenant³⁷ have been reduced to one hope: that it will restore trust amongst members of the Communion.

But this Covenant is the mirror image of trust: it is an attempt to create structures of power which have no need for trust but which instead will crystallise distrust in juridical form. It will replace relationships of trust by relationships of constitutions and law. The Draft Covenant is not the beginning of a new dawn of trust and mutual respect but a monument to the depth of conflict and the breakdown of relationships.

In 2007 the most senior leaders of the Anglican Communion would not all sit at the Lord’s table together. No document can establish trust amongst those who refuse to sit down and communicate together. Nor, if this Draft Covenant is adopted, will the Primates sit together because they trust one another or because, for all their differences, they respect one another as faithful servants of Christ. They will sit and eat together because each is satisfied that the others have met conditions set out in prior agreement.

Nor is there any reason to believe that trust between the Primates and the rest of the Communion will be enhanced should they take unaccountable power into their own hands. On the contrary, it is almost certain that the Primates would become the focus for all the disputes and fractures in the Communion and the focus for all lobbying and bitterness.

10) Hope for the future

We do not believe that this Draft Covenant is an appropriate foundation for the future of Anglicanism.

We see hope for the future in a reassertion of classical Anglican theological method and its expression in the collegial polity of the Anglican Communion comprised of autonomous and mutually accountable Churches. We recognise that, as a result of global changes and the challenge from conservative Anglicans, this tradition will need to be re-articulated in new circumstances.

³⁷ See, for example, *Towards an Anglican Covenant, A Consultation Paper on the Covenant Proposal of the Windsor Report* §§6, 8-10.

In particular we would affirm as giving hope for the future:

- Provincial autonomy should be retained and the Anglican Communion should remain composed of self-governing Churches voluntarily associating closely with one another. One consequence of this re-affirmation would be the recognition that intrusion into the jurisdiction of other members of the Communion would constitute an act of schism.
- Participation of autonomous Provinces in the international structures of Anglicanism, in voluntary discussion and informal co-ordination of liturgical development and canon law should continue to thrive. The nature of voluntary association is that some bodies will find themselves in close harmony with one another whilst other groups will find themselves to be more peripheral. Over time the strength of these linkages will change. Members of a voluntary association may choose to leave at any time, but there should be no threat of expulsion.
- There may be a greater need for clarity as to what matters are appropriately discussed at a local, and what at an international level. In this regard the achievements of the Anglican Consultative Council are to be celebrated, not diminished.
- Where disputes range internationally the Instruments of Communion should sometimes (where appropriate to the issue under debate) be able to establish clear and careful consultative processes, publicly seeking, receiving and sharing advice. Timetables, once established, should be maintained and the processes should be as transparent as possible. At no time should there be an attempt to use power or the threat of sanctions to pre-empt the course of debate.
- Lay people are constitutive of the whole body of the Church. Processes of debate and reception should include and involve lay people fully, both informally and formally, at every level of the synods and councils of the Church. To some greater degree the international institutions of Anglicanism should be made more accountable to the laity.
- At all levels the Church should encourage a rigorous and lengthy process of testing, discernment and reception of perceived developments in faith and order. This cannot be done in the abstract and member Churches must be able to test innovations in practice as part of their autonomous loyalty to the inheritance of faith. Similarly past decisions must always be liable to be re-opened when information, circumstances, and understandings change.
- Church leaders have a particular responsibility for setting the tenor of debate especially when it becomes most passionate. Classical Anglicanism has developed strengths in the honest, open search for truth that should be cherished. Central to this approach are the affirmations that no-one has absolute certainty, no truth is so well established as to be beyond all question, and that all disputants may learn from those with whom they disagree.
- Church leaders (whilst themselves disputants) also need the strength and the support to prevent debate being foreclosed. Openness, patience, study and considered reflection require formal encouragement. These qualities may also, at times, require protection: contemporary communications are highly effective in whipping up storms but inimical to reflection over an extended period. Yet there is no place for short-circuiting the search for truth.

- Debate should be characterised by a presumption of the good faith of all participants. There should be an acceptance that authority, wisdom and spiritual discernment are dispersed both in geography and through the Church. Church leaders should seek a *via media* wherever possible, recognising that any answer to theological debate is provisional and that, in this world, no group or no sub-tradition can legitimately claim an exclusive monopoly on interpreting the will of God.

We see most hope for the future in the evident fact that God made us all different and in the reassertion of this diversity as a positive theological quality. Classical Anglicanism has developed in a manner which respects difference, and Anglican polity has developed in a way which is capable of holding together divergent theological traditions.

We believe this rich and orthodox legacy should be reasserted and shaped for the present and future needs of the Church. We do not expect or want everyone to agree within narrow bands but to nurture and encourage the search for truth wherever it may lead. We value and would promote mutual respect and hospitality which stretches across all our differences.

Conclusion

We oppose the Draft Anglican Covenant on the grounds that

- it would transform the Windsor process from admonition and counsel into an unprecedented and unjustifiable ecclesiastical coup d'état;
- its central proposal is to transfer power from the presently autonomous Provinces to a Meeting of the 38 Primates. The ambiguity of the text leaves open the possibility that this power would be unlimited, unaccountable, and irreversible;
- the consequences of this development for Anglican theology and polity, and for ecumenical agreements, would be extensive and have scarcely been explored;
- the proposed innovation in granting juridical power to the Primates' Meeting would be a distortion and not a legitimate development in Anglican ecclesiology;
- the consultative processes and timetable are wholly inadequate and in particular they completely marginalise the voice of the laity;
- the proposals have not been adequately justified in their own terms (the creation of trust) nor in the wider terms of better ordering and facilitating the mission of the Church;
- and yet Anglicanism has a rich storehouse of dispersed authority, of hospitality, mutual respect and trusting co-operation, of valuing difference and openness to new developments, of the honest and open search for truth, all of which can provide an alternative to the Draft Anglican Covenant as grounds for hope for the future.