

15 September 2009

ANGLICAN CHURCH OF CANADA COMMENTS
ON
SECTION 4 - THE RIDLEY-CAMBRIDGE DRAFT OF THE COVENANT
FOR THE ANGLICAN COMMUNION

1 The Anglican Communion Working Group (ACWG) is charged by the Council of General Synod with the preparation and presentation of Comments on Drafts of the Covenant for the Anglican Communion to the Council for ratification and transmission to the Anglican Communion Office. The Working Group comprises members from the following : The House of Bishops, the Faith Worship and Ministry Committee of the General Synod, the Partners in Mission and Eco-justice Committee and the members of the Anglican Church of Canada delegation to the Anglican Consultative Council. Following ACC-14 in Jamaica, the ACWG was tasked with reviewing Section 4 of the Ridley- Cambridge draft and preparing comments to assist the Covenant Review group in their work of reviewing and if necessary revising Section 4.

2 The ACWG collected individual comments from members and then met by Conference call on June 30th 2009. The comments were collated and sent, in August, to members of the Council of General Synod and the House of Bishops for their response. The following represents the views of the Anglican Church of Canada with respect to section 4. It is important to reiterate that we remain pleased with the substance and detail of Sections 1-3 and would be gravely concerned if they were to be subjected to any significant amendment.

3 We wish to commend the Covenant Design Group for once more hearing the concerns of the Provinces and for their efforts in revising and drafting Section 4. We had in the past been highly critical of its antecedents in both the Nassau and St Andrew's Drafts. Our comments which follow are, for the most part, designed to provide greater clarity and precision.

AFFIRMATIONS

4 We are pleased to note that the underlying principle of Section 4 is the desire of members of the Communion to walk together even where there may be areas of divergence or even difference, and that any action contemplated to be taken is preceded by thorough consultation and discussion with the leadership of the Provinces involved. We value the way in which the drafters have endeavored to emphasize the relational aspects of communion and wish to acknowledge that. We note that at ACC-14 the phrase was used on several occasions that "The Communion guides, each Church decides" and we are pleased to see this sentiment expressed throughout Section 4. We believe that it might be helpful to all if that phraseology were to occur in the text itself perhaps in an introduction to Section 4.

SUGGESTIONS AND CONCERNS

5 We believe that the final phrase of (4.1.1) "... a readiness to live in an interdependent life, but does not represent submission to any external ecclesiastical jurisdiction." is critical and must remain in that paragraph.

6 We suggest that the word "fundamental" in 4.1.2 has unfortunate connotations in many parts of the Communion and might better be replaced with "foundational".

7 We have some concern with the language in (4.1.3) since we do not believe that "Recognition of, and fidelity to the text of this Covenant" is either helpful or meaningful. We suggest instead "Recognition of and fidelity to our mutual life and ministry as expressed in this Covenant enables mutual recognition".

8 We had much discussion concerning (4.1.5) and believe that it would serve its intended purpose if the paragraph ended after the first sentence. The balance of the paragraph serves rather to confuse than clarify and for that reason we believe its retention to be unhelpful. As currently drafted, the final sentence of Section 4.1.5 provides that adoption of the Covenant "may" be accompanied by a request for recognition by the Instruments of Communion. It is not clear to me what the purpose of that request is to be. Is this meant to apply to existing Provinces adopting the covenant? If so, then the Instruments have a veto as to whether the adopting Church continues in the Communion. What happens if an existing Province adopts the Covenant and doesn't make the request? If it is meant to apply to new applicants, then what happens if some but not all of the Instruments recognize the requestor? This lack of clarity is a good reason for deletion of the whole concept.

9 Our greatest area of concern is focused in 4.2, especially as it relates to any body to whom the Standing Committee may choose to delegate any or all of its responsibility. Any such body must represent the breadth and depth of Anglicanism and be representative of all orders-bishops, clergy and laity. A particular concern for the Anglican Church of Canada relates to the time line to be used. When we are dealing with issues of membership it is important to us that substantial time be taken to consider consequences, overcome immediate reactions and to ensure prayerful, thoughtful and consultative deliberation. Membership is an area in which speed of action is not in the best interests of the body as a whole. Our experience following ACC-13 in Nottingham has been that the intervening four years provided time for deliberation and consultation, which although it may not have changed opinions, provided time for healing and a vastly more welcoming Communion. Perhaps more importantly, the description of Section 4.2 as "Dispute Resolution" is misleading. There is no mechanism in the section for resolution of disputes. It is merely a provision for the Joint Standing Committee to make decisions respecting the compliance with the Covenant by a member Church. That is not a resolution of a dispute. There is no provision for input into the decision making from the Church undergoing scrutiny. There is no provision for review of the decisions made by the Joint Standing Committee. There is no provision for mediation or even discussion with the Church under review.

10. While it is reasonably clear that Section 4.2 does not require a Church to adhere to the recommendation or declaration of the Joint Standing Committee in Sections 4.3.3 , 4.3.4 and 4.3.5, the consequences are not clear. Section 4.2.5 provides that each Church is to decide on its own response. However, the Instruments are to determine their response separately in the same provision and this is where there appears to be some serious issues. The Constitution of the Anglican Consultative Council in Section 3 (a) permits the membership to be altered by the Council with the assent of two-thirds of the Primates. This means that the Primates are, in effect, being given two opportunities to take a position on membership. By way of example, if the Anglican Consultative Council failed to get two-thirds of the Primates to agree to remove a Church from membership, they might still by majority exclude a Primate from Primates' meetings. We do not believe the Primates to have any written constitution nor the Archbishop of Canterbury to have any constitutional written basis on which to make the decision referred to in Section 4.2.5. This could lead to different positions being held by each of the Instruments which would be chaotic. It is our view that the consequences of a Church's position on a recommendation or declaration ought to be left to the already adopted provisions of the constitution of the Anglican Consultative Council and eliminate any reference to the other two Instruments in Section 4.2.5.

11. Although 4.2.2 speaks of both “a question relating to the meaning of the covenant” and a question of compatibility, the following sections do not establish a process for answering a question about the meaning of the covenant. Either those words should be removed from 4.2.2 or the process provisions should be expanded.

12 Section (4.2.3) which addresses “refusal to defer an action” poses for us particular difficulty. We suggest that it might better read:

“(4.2.3) If a Church refuses to defer a controversial action, the Standing Committee examines the consequences for the relationships between churches who are signatories to the Covenant and may recommend action to an Instrument of Communion.”

CONCLUSION

13 It is our hope that the above comments will be of assistance to the Covenant Review Group and look forward to seeing the final text of the Covenant as it begins the consideration/adoption/acceptance process.

The Rt. Rev George Bruce
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Chair of the Anglican Communion Working Group