



The Anglican Church in Aotearoa, New Zealand and Polynesia

Te Hāhi Mihinare ki Aotearoa ki Niu Tirenī,
ki Ngā Moutere o te Moana Nui a Kiwa

A SUBMISSION ON THE RIDLEY CAMBRIDGE DRAFT

Introduction

The Dioceses of the Anglican Church in the Province of Aotearoa, New Zealand and Polynesia are grateful for a further opportunity to comment on the Ridley Cambridge Draft ("RCD) of the proposed Anglican Covenant. They are also extremely grateful for the committed and sacrificial work of the Covenant Design Group, the members of which have been commissioned to undertake this challenging and at times controversial project on behalf of the Communion.

This submission represents the views of only one constitutional strand (Tikanga) of our Church and does not reflect the views of either indigenous Maori or Polynesia Anglicans within our Province. Unfortunately the time frame was simply too tight to enable these groups to gather and formulate a response. However the Tikanga Māori response to the earlier St Andrews Draft was overwhelmingly against an Anglican Covenant in any form and that Tikanga has verbally confirmed that its position has not changed.

Discussion

The following is an amalgamation of the statements, responses and themes expressed in the various Diocesan and individual responses to the Ridley Cambridge Draft. These ranged from full support of the RCD as it stands, through to total rejection of even the concept of an Anglican Covenant. The most common responses however were that either that Section 4 be omitted without replacement or that it be substantially rewritten with all mention of punitive or disciplinary measures removed.

It appears that a primary concept underpinning the move towards an Anglican Covenant, and the RCD in particular, is to find a way to sustain conversations and to reaffirm and intensify the bonds of affection that hold the Anglican Communion together. Within this Province deep uncertainty has been expressed as to whether any Covenant can achieve these ends, particularly where it implicitly proposes to subjugate those bonds of affection, that is the actual relationships of goodwill and faithful engagement, with a commitment to a document that appears to focus more on enforcing doctrinal agreement and applying discipline where it is absent.

There is concern that the existence of a Covenant which Churches are invited to adopt¹ risks an emergence of two classes of membership of the Communion; those who adopt

¹ Entering the Covenant is described in 4.1.1 as a '*commitment to relationship in submission to God*'. It was suggested that entry for some Churches would be a submission to the Covenant and fear of exclusion from relationship, funding and influence rather than any sense of submission to God.

the Covenant and those who do not. It has never been made clear in any Draft whether adoption of the Covenant can occur at Church level, which in many countries is understood as Parish level, or only at Provincial level. If individual Churches seek to adopt the Covenant but the overall Province does not, then this has the potential for the creation of the very situation which the Covenant seeks to avoid - namely internal strife, conflict and division. In this Province of Aotearoa, New Zealand and Polynesia which covers five nations and three Tikanga the situation could be complicated further. The scenario could arise where one Tikanga (Constitutional Strand) wanted to adopt the Covenant and the other two did not, and as each Tikanga holds a right of legislative veto, adoption of the Covenant might be blocked. Although legislative amendment could be possible in time, the right of Tikanga veto is an important equality mechanism within this Province and it is unlikely that the governing body: the General Synod Te Hinota Whanui, would enforce adoption through creative legislation, rather than consensus.

In this latest Draft, a key tension remains between concepts of '*constitutional accountability*' in the sense of forswearing independent action on matters affecting the unity of the Communion, openness to correction and commitment to a process of the Communion's shared discernment; and '*independence or autonomy*' which in the Anglican context has traditionally involved decision making and freedom in a local context but always with regard to the common good of the Communion. It is the inherent difficulty in resolving this tension that exercises many respondents to the RCD.

A further concern in earlier drafts was the failure to underpin the Covenant text with a theological or scriptural foundation. Although the RCD goes some way to addressing that failure, some respondents felt that it was not enough just to appeal to the authority of scripture without defining the interpretative processes and providing a coherent underlying theological framework.

Differing Viewpoints

The following sections summarise the three primary themes of respondents.

a) Unqualified Support of the Covenant

Two of the seven New Zealand Dioceses support the RCD in its entirety and commends it as it stands. These responses consider an Anglican Covenant to be the only substantial mechanism which attempts to sustain communication and provide a way forward when schisms threaten within the Communion. The RCD is seen as a positive development as it spells out an obligation to consult on issues which have the potential to cause division in both the individual Province and across the Communion. In causes of common concern the RCD recommends a process of testing by debate, reflection, study and seeking a common mind consistent with scripture, common standards of faith and the Canon laws of the Provinces.

One writer considers that the consequences of having no covenant or of the acceptance of a Covenant without a judicial element carried two dangers:

- a) The relational consequences for our membership of the world wide Anglican Communion and as a consequence the diminishing ability of our Province to contribute to the witness of the whole Church; and
- b) The relational consequences within each Diocese or Province if the autonomy of local dioceses allowed them to take 'controversial actions' on any issue without Communion consultation

B) No Support for the Covenant

As with earlier submissions, a number of respondents in the New Zealand Dioceses consider that the Covenant is a reactionary response to poor individual behaviour rather than a carefully discerned manifestation of God's will and direction at this time. It is believed that a Covenant will not achieve unity, will exclude rather than include, will judge one part of the Church with the expectations of other parts of the Church, will stifle change and innovation and will curtail the ability of Provinces to respond to their own mission context. Local expressions of mission or missional engagement tend to be deeply rooted in Provincial reflection on Anglican scriptural tradition in light of contemporary circumstances. It is feared that '*adoption*' of the Covenant will commit a Province to a document that is not scripture, creed, nor formulary and yet might impinge on that local mission. This could arise where Provinces, who have not done or do not intend to do the work on particular issues such as the importance of indigenous ministry, may be

able to inhibit the mission of other Provinces that as a result of their local and pastoral involvement with those issues have proceeded in good faith to explore and come to a place where they want to respond.²

In a similar vein some respondents felt that the Communion has committed a vast amount of time and resources into the search for covenantal wording that would be acceptable to the whole Church and yet it has not addressed the insurmountable problem of the complete intransigence of some Dioceses to any process that would accept certain '*debated categories*'³ of people as full members of the Church. These categories might be episcopally ordained women⁴ or people of differing sexual orientation. It is feared that those opposed will not proceed on any Covenant, regardless of wording, which remotely allows for inclusion of such groups. This type of response could lead to theological retrenchment. If a policing group were to insist on inclusion of '*a debated category*', the concern is that dissenting groups will either disobey the finding of the policing group or argue that the decision is an innovation that should not be accepted across the Communion. Further faction is likely to be the result.

Despite the continual reassurance by the Covenant Design Group that the Covenant acknowledges the autonomy of Churches and leaves Canons and Constitutions untouched (which is inevitable given any change can only be at a Provincial level) most respondents remained concerned about Provincial autonomy.⁵ They reiterated the previous response from this Province that had an earlier Covenant been in place, it is unlikely that the ordination of women, the Constitutional Changes which enabled this Church to act more justly to our indigenous partner, and the Shared Primacy, may not have been accomplished.

c) "Omit / Rewrite Section 4"

This Province welcomed the decision to remove the Appendix of the St Andrew's Draft and in the Preamble of the RCD, the Covenant Design Group describe how the earlier disciplinary Sections (primarily Section 6 of the Nassau Draft) were '*an attempt to describe how the Communion was living out its life at the time, rather than to invent new ways forward.*'⁶ While the punitive and complex juridical language of the Appendix appears to have been subsumed in a more sanitized form into Section 4, some say the underlying intent is unchanged.

Section 4 has caused the greatest concern in the responses and apart from two Dioceses, even those who were guardedly open to the covenantal concept, had significant misgivings about this addition. The wording has been described as a lawyer's dream as it is often ambiguous and confused. It mixes voluntary terms such as '*invitation*' (4.1.4) with mandatory terms such as '*must be maintained*' (4.1.4).

The issue of the identity of the body/instrument issuing the invitation to adopt the Covenant has not been made clear and respondents questioned whether it would be the Archbishop of Canterbury or one other of the Instruments of Unity? This led to some debate regarding their independence. Many respondents felt that whilst each Instrument will inevitably be informed by any Covenant, as they seek to maintain a climate of appropriate unity in appropriate diversity, each should continue to have the right to issue invitations, and to host meetings of their respective constituents and of covenanting and non covenanting Churches as they discern what is best for the Anglican Communion as a whole.⁷

Section 4 outlines the procedure to be followed when a Province or Church acts in a way which is controversial and potentially divisive and yet the language is internally inconsistent. In 4.2.2 it states that if a question should arise (there is no guidance as to the origin of '*the question*' whether it can come from an individual or a Church or a Province, nor the type of action which could legitimately trigger concern) then a Church could be asked to '*defer action*', the assumption being

² One writer opined that it would be perilously slow if we were to wait for a consensus to develop across an international communion which is located in a multiplicity of different local contexts.

³ The term is coined for ease of reference only

⁴ An interesting test case would be if a question was raised suggesting that the failure of a Church / Province to episcopally ordain women was '*a controversial action*'.

⁵ They remain unconvinced by the statement in 4.1.1. that adoption of the Covenant did not represent submission to any external ecclesiastical jurisdiction.

⁶ Report of the CDG on the Ridley Cambridge Report, April 2009, pg 4.

⁷ Their unique ministries are expressed in 3.1.4.

that action has occurred and will continue. In 4.2.3 the type of triggering action is escalated to ‘*controversial action*’ although at no point is either the term ‘action’ or the term ‘controversial’ defined.⁸

The Joint Standing Committee of the Anglican Consultative Council and the Primate’s Meeting (“JSC”) is the final arbiter on deciding whether to request a covenanting Church to ‘*defer action*’ and it is this body which will decide on punishment if the covenanting Church does not defer as demanded. Possible punishment will consist of either limitation, or suspension of involvement in the structures or instruments of the Communion.⁹

The creation of this hierarchical, ‘magisterium’ or central committee was described by one writer as by far the greatest and most far reaching innovation the Communion has contemplated since the Anglican Church in its current form was established. The JSC is seen as unrepresentative of this three House Communion, too weighted to Episcopal and Archiepiscopal influence and with little or no accountability other than to itself. Its role is viewed by some respondents as in direct conflict with the current model of Provincial independence through Synodical /Provincial autonomous governance within the umbrella of all four of the instruments of unity.¹⁰

Section 4.3 was also a source of concern. The sub section states that if a Church decides to ‘*withdraw*’ from the Covenant, even if there has been no ‘*action*’ nor ‘*controversial action*’ then 4.2 is ‘triggered’. The concept that a Church might do nothing wrong and yet be automatically subjected to the disciplinary processes of section 4 and be treated in the same way as a Church who has ‘acted controversially’ goes against the traditional (and in our Province what is described as very Anglican) sense of fairness.¹¹

In Section 4.4.2 it was noted that any subsequent amendment of the Covenant would be operational once ratified by three quarters of the ‘bodies’ comprising the JSC, ACC, Primate’s Meeting and ‘any other body’ as it may consider appropriate. With respect this would become fraught with potential for challenge. It would be far more practical to use the same benchmark for adoption of the Covenant which on page 7 of the Preamble is ‘the consent of three quarters of the covenanting Churches.’

Conclusion

The difficulties with the language and the punitive nature of Section 4 led many respondents to request that it either be re-written without any juridical or disciplinary language, or simply removed altogether. Either of these options would better fit the stated intention that the Covenant be aspirational and relational and would remove Provincial fears of being thrust into the Covenant simply to stay in relationship, or to avert criticism.

As stated there is no consensus across this Province about the Covenant and that is probably reflective of the Communion as a whole. There is however consensus that this Province has great love and genuine bonds of affection for the Communion and it wants to remain part of the conversation and to keep talking and keep talking regardless of the differences that are held, until a way ahead is found. That is the prayer shared by us all.

⁸ The wording of the sub clauses jump quickly from a ‘*question*’, to an ‘*action*’, to a ‘*controversial action*’ to an outcome without any reference to mediation or reconciliation.

⁹ While the JSC can make a request that a Church defer action on a controversial issue, until the commitments of Section 3 have been fulfilled, there is no obligation on the constituent Church to follow this course. Potentially any constituent Church can in the end act against the recommendations of the JSC and yet expect to remain a member of the Communion.

¹⁰ A particular irony would arise if the Primate of a ‘non covenanting’ Church remained a member of the Primate’s Meeting and thus part of an Instrument of Communion. Another potentially concerning scenario would arise if an ‘*other Church*’ (not defined - 4.1.5) in a particular geographical area was recognised as a ‘*covenanting Church*’ while the local Anglican Church or Province, which had not adopted the Covenant was therefore ‘*non covenanting*’. The long history and tradition of Communion, bonds of affection and relationship of the latter Church would become subservient or of secondary importance, due to the act of adoption, to the covenantal ‘*other Church*’. A further difficulty could arise if a ‘*covenanting other Church*’ in time did something which was incompatible with the Covenant. It appears that under 4.2.7, unless they were members of the Instruments of Communion, they could not participate in the Section 4 processes, not even to defend the action.

¹¹ Others worried that should an impoverished or under resourced, Covenanting Church act in a way that gives rise to ‘a question’, it would be forced into complex, protracted and potentially expensive processes to defend their position. The removal of section 4 was seen as a way to ally that fear.

