

# A Lambeth Commentary

## The Reflections on the St Andrew's Draft for an Anglican Covenant by the bishops gathered at the 2008 Lambeth Conference together with responses from the Covenant Design Group

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## 1. Introduction

In March 2006, the Joint Standing Committee of the Primates' Meeting and of the Anglican Consultative Council (JSC) adopted the paper "*Towards an Anglican Covenant*" commissioned by the Anglican Communion Office. This paper had taken up the proposal voiced in the Windsor Report, and commended by the Primates at their meeting in Dromantine in February 2005, for "An Anglican Covenant", a basic statement of the common faith and mission that holds the Anglican Churches together in the visible community which is the Anglican Communion. It was felt that such a covenant would make explicit the implicit nature of what living in "interdependence" would mean; that it could articulate clearly the basis of the "bonds of affection" that were already acknowledged, and that it could give an account of and force to the work of the Instruments of Communion.

In June 2006, the Archbishop of Canterbury offered his support and personal reflections on aspects of the covenant project in his paper "The Challenge and Hope of Being an Anglican Today". The Covenant Design Group (CDG) was subsequently appointed by the Archbishop of Canterbury, and met first at Nassau in The Bahamas at the invitation of its chair, Archbishop Drexel Gomez of the West Indies. At that meeting, the group drew on the substantial work on covenant that had already been done by other groups and Provinces, including particularly the Anglican Church of Australia, the Global South Working Group and the Inter-Anglican Standing Commission on Mission and Evangelism.

The Nassau draft of the Covenant was received by the JSC and the Primates at their meetings in Dar es Salaam in February 2007, and was subsequently sent out to Provinces and elsewhere for consultation; responses were received and collated in time for the second plenary meeting of the Design Group in early 2008. In the light of comments received, the Nassau draft was substantially revised, and the St Andrew's Draft (named after St Andrew's House, the offices of the Anglican Communion Office) submitted to JSC.

The Joint Standing Committee referred it to Provinces for a second, more formal, round of consultation, together with three questions:

1. Is the Province able to give an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)?
2. Is it possible to give some indication of any synodical process which would have to be undertaken in order to adopt the Covenant in the fullness of time?
3. In considering the St Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?

A response to the St Andrew's Draft, together with answers to these questions, has been requested for March 9th, 2009. The Covenant Design Group will then meet in order to produce a new draft for the Covenant, based upon responses, in preparation for the 14th Meeting of the Anglican Consultative Council, which will take place in Jamaica in May 2009, where a decision will have to be taken about whether the Covenant text is now mature enough to be sent to the Provinces for adoption.

In the meantime, the fourteenth Lambeth Conference took place in Canterbury in late July 2008. The bishops at the Lambeth Conference were not asked to vote upon the idea of a covenant, or to approve the Saint Andrew's Draft. Instead, they were invited to give the proposal intense scrutiny through the indaba processes of the Conference, and to respond as fully as practicable to the text before them.

At the very beginning of the Conference, Archbishop Drexel Gomez addressed the Conference on the Covenant Process up to that point. Over the course of the Conference, members of the Covenant Design Group presented a series of five self-select sessions for the bishops, addressing the Introduction to the Saint Andrew's Text, Section 1, Section 2, Section 3 of the draft, and a final session on the draft Appendix. Towards the end of the Conference, the bishops devoted two whole indaba sessions to the Covenant, both in principle and in detail. In addition, all bishops was invited to complete a short questionnaire, allowing them to give personal responses to the Covenant proposal and the St Andrew's Draft, although this questionnaire was constrained by the limitations placed upon the process of collation and evaluation. Of 670 questionnaires circulated, about 370 were received at the Conference.

Subsequently, the Secretary General wrote to all bishops not present at the Conference to invite them to respond in a similar way. To date, there has been little by way of response to this initiative.

The Commentary that follows attempts to summarize what the Design Group judged to be the most common, representative, and focused questions raised by bishops about the Covenant. The Design Group has then offered, where we were able, our initial responses of our own to these questions. Our responses seek to articulate the Design Group's current understanding of the matters raised by the questions, our sense of where we are likely to head in our next revision in light of these questions, or simply notes that we recognize that the question needs to be dealt with in some fashion in the revision, although we are not yet sure how this will be approached.

The Commentary is intended to fulfil two purposes: first, to inform the Communion of the views of the bishops gathered at the Lambeth Conference with respect to the covenant project, and to the Saint Andrew's Draft; secondly, to assist the Provinces in their own process of evaluation by highlighting some of the most pertinent questions which need to be addressed, and on which the advice of the Provinces is sought. In this way, the Covenant Design Group hopes to use the thinking of the bishops as a resource and stimulus to the evaluation of the Communion at large, and as a catalyst to be able to garner the wisdom of the Communion in the preparation for a third draft of the Covenant.

The Commentary which follows begins with fourteen central questions regarding the nature and character of the Covenant that were culled from the responses of the bishops, and that we feel were both the most frequently and pointedly asked. Because they regard basic issues regarding the purpose, origin, tone, and shape of the Draft Covenant, we have placed them first in order. We have offered a initial response to each question, generally seeking to engage its concerns and explain our thinking in the Draft. Most of these questions and our responses inform subsequent questions raised with respect to the specific sections of the Covenant, in a commentary which follows the text and shape of the Saint Andrew's Draft.

## 2. Frequently Asked Questions

Among the responses of the bishops, a number of questions reoccurred - some were fears about the implications of the covenant for the interdependent life of the Communion, others were more fundamental questions about the nature and role of covenant in the Communion's life. In this section, the Covenant Design Group tries to set out its thinking in relation to the covenant drafting process in response to the questions raised by the bishops at the Lambeth Conference. The questions of the bishops were articulated in part in about three hundred and seventy responses received to the questionnaire and in the accounts of the Indaba discussion.

### 1. The Covenant Concept

Q: Some bishops asked whether the concept of "covenant" was the appropriate model for the Communion at present. Are there better terms; is the very concept of a covenant too contractual to describe communion relationships?

A: Many other suggestions have been put forward as the term to describe this work: declaration, concordat, agreement. The CDG understands the very real concerns that the term covenant has in the context of the histories of Scotland, Aotearoa New Zealand and other parts of the Communion. Nonetheless, the CDG continues to believe that "covenant" is the right term and model. Not only has God revealed himself through covenant, but the biblical covenants are essentially freely-given and solemn expressions of relationship ("I will be your God, and you will be my people"), and are formulated to express deep and abiding commitment to relationship. A covenant may well have contractual elements, but while a contract can be fulfilled or completed, and a declaration become outdated, a covenant is a dynamic concept which speaks of ongoing relationship and of generous attitude.

### 2. What can a covenant achieve?

Q: Some bishops commented that a covenant will be a primary text for the future of Anglicanism, but that a covenant has limits; it should not be seen as a fifth instrument of communion and expectations for a covenant should not be too high. What can a covenant actually be expected to achieve?

A: In response to fears or desires that the covenant would become a 5<sup>th</sup> instrument of communion - this is not the intention of the CDG. The formulae "Focus of Communion" and "Instrument of Communion" are personal and relational in character and are thereby reserved to individuals and groups of persons. It is not appropriate to employ the formulae with respect to a document. However, it is hoped that the covenant will be a unifying force (and thus may in the future become a central text).

Some of the bishops' comments lead us to think that too much confidence is being placed in the covenant as a panacea for all Communion problems. No document could achieve that. The document should foster and deepen relationships, and will inevitably illuminate the quality of relationships.

A covenant certainly has limits as to what it can achieve. This is a function of any foundational document. It cannot interpret itself - interpretation must grow. As a fallible human enterprise, it cannot comprehensively predict the sorts of questions which will arise in the future of the Communion, but it can offer framework guidance and agreed common principles for resolution of differences of opinion in contentious matters.

### 3. Is the Covenant an innovation?

Q. The issue of “innovation” has perplexed some bishops: is the Covenant so new to Anglicanism and its polity as to upset our identity? Does it shift the balance away from the relational “bonds of affection”? Might a covenant even betray the only means by which our new global reach as a Communion can survive, that is, through local flexibility and constant adaptation?

A. The reality of Anglican polity, initially, as the embrace of legal norms of uniformity within a given realm coincides with an important aspect of covenanting. As religious pluralism in Britain and Ireland became both more widespread and finally legally recognized, the voluntary character Anglicanism's ecclesial life – via the repeal of subscription and religious Test Acts and so on – became more evident. Finally, as Anglican Churches grew up outside of Britain, this voluntary accession of churches to a set of common mutual responsibilities took on greater profile: the formation of the American Episcopal Church through a General Convention in the late 18<sup>th</sup> century was an explicit form of covenanting; the work of missionary societies in founding Anglican Churches, organized under missionary bishops or in other ways that eventually evolved, involved various forms of *de facto* covenanting. More recently, covenants of relationship and responsibility, including concrete financial responsibilities, have been set up between Anglican Churches (e.g. TEC and Brazil) and between Anglican Churches and ecumenical partners (e.g. with Lutherans). These covenantal relations have always been subject to the specific laws of each church or group involved, as necessary; but they have also acted to manifest, as it were, the purpose these laws have served, that is, the facilitation of ministry in Christ.

In short, although the term “covenant” has been explicitly used only in some of these cases, the actual practice of voluntarily pledging oneself to others in ecclesial relationships of mutual responsibility before God is one of long-standing within Anglicanism, and bears the marks of the New Testament's own understanding of Christian calling among the diverse members of the Body of Christ. A significant question is whether, in its current proposal, a covenant can sustain and bless the ministries of the rapidly growing Communion's Churches as they witness to Christ in a fast changing world.

While each Church can only assume mutual responsibilities in the service of Christ according to the processes their local canons permit, the actual assumption of such responsibilities contradicts no Anglican polity as it stands, nor do the consequences that might derive from relinquishing such responsibilities. This underscores one of the fundamental elements of a covenant, an element that will never be overturned, in Anglicanism or

elsewhere: will. There is no covenant where there is no willingness; and willingness, with all that this entails in a common relationship of commitment, remains the purview of each Church, just as it does of each Christian.

#### 4. A Response to Crisis?

Q. Several bishops worried that the current Covenant process was being driven by “crisis”, and was therefore being shaped by the negative pressures of conflict such as fear and anxiety. Might this not only constrict the vision of the Covenant’s purpose, but actually rob it of an energetic spirit of positive mission?

A. This concern is one that has been felt by the Design Group from the beginning of our work. And it is especially acute because we believe strongly that the Covenant represents a calling by God to our Communion that is filled with the hope of renewed life and of an expanded outreach of engagement with the world on behalf of Christ’s Gospel. We believe, however, that we need not shy away from admitting the conflicts that have occasioned this promise. After all, God’s own covenants with creation and with Israel and even with humanity renewed in Christ all came within contexts of failure, difficulty, and the desperate cries of the oppressed, the exiled, and the fallen. This mercy extended by God is one that the Church itself reflects in its renewed coming together in peace after anxiety and even dissension, just as Paul and the leaders of Jerusalem covenanted for witness in the face of initial disputes (cf. Gal. 2:9). It is in just such a context that a covenant represents grace.

Though prodded by crisis, covenanting can be driven by hope rather than by fear. This perspective was illuminated for the bishops during the Lambeth Conference in the address by Rabbi Jonathan Sacks. Rabbi Sacks contrasted a forward looking “covenant of faith”, “made by people who share dreams, aspirations and ideals”, with an adversary driven and overly defensive “covenant of fate.”

The depth of the current crisis in our Communion was brought home to many bishops at the recent Lambeth Conference. But although this crisis has occasioned our movement towards an explicit covenant, we believe that it has uncovered a gift that was already in place in our midst and that requires renewal rather than invention. Much of our common life and witness has been upheld by a variety of covenants in the past, some formal and explicit – as among missionary societies and dioceses -- others unspoken but nonetheless solid and binding, as in the responsibilities for mutual care that has sustained our various Churches through difficult times around the world, from Sudan to New Orleans. It is the task of an Anglican Covenant to make explicit what has in fact been a long-standing gift in our midst.

## 5. Designed to exclude?

Q: Is the covenant an instrument of exclusion? There was a significant worry expressed by some bishops that the covenant was intended to be “punitive” with an orientation towards excluding those with whom there was disagreement.

A: The Windsor Report promoted the idea of covenant as being a way of restoring trust. Our work has been to design a covenant which is relational, that is, to speak of how relationships in the Communion are nourished and sustained. The intention is to unite the Churches of the Communion in the common proclamation of the Good News of Jesus Christ, and not to introduce exclusion. Nevertheless, to speak of sustaining relationships in communion has to acknowledge also the reality of threats to those relationships, the consequences that actions have for relationships, and even their possible breakdown. The covenant is designed to prevent “breakdown”, by expressing clearly the expectations of our relationships in communion.

## 6. Is the covenant legalistic?

Q: Is the covenant too “juridical”? Bishops expressed a concern that the covenant could become a legal straightjacket which was too procedural and legalistic in outlook.

A: The CDG shares the preference of the bishops expressed at Lambeth for a relational covenant. In Christ's Church, we are redeemed by grace, held together by God's love and called to unity in the life of faith. The draft covenant was composed with the intention of avoiding excessive legalism. Nevertheless, clarity of expression, purpose and intent may need a tenor of language which can sound “juridical”. The CDG will look again at the language used in the St Andrew's Draft in order to find an idiom which reflects more adequately the relational intent of the covenant. In fact, Anglicans are familiar with processes and concepts which are “juridical” in our common life at diocesan and provincial level; what is new is that the CDG has tried to utilise such concepts at a new level of communion life. The covenant seeks to set out the mutual responsibilities that one Church of the Anglican Communion has for another, but the means and the language must serve the building up of relationship and the liberation of our common life from the severity of the distrust and breakdown which is one of its current characteristics.

Q. How can the Covenant express the grace of God that actively draws people into relationship, rather than only guarding and fencing in existing relationships? Worries over the “juridical” or declarative tone of the draft derive, for many bishops, from a deeper concern over whether the Covenant is too oriented towards maintenance and focussed on institutional preservation.

A. It is perhaps a mark of our Churches' anxieties that a call to responsibility is so easily heard as a burden rather than as a gift. Yet when Jesus tells his disciples that there is “no greater love than this, that we lay down our lives for our friends” (cf. Jn. 15:13), he is opening up a vision of responsibility towards

another that goes so deep as to breach the inner heart of God's own life. The enunciation of mutual responsibilities, and their deliberate assumption by our Churches, is the form of love within the Body of Christ (Eph. 4:1-2, 11-5:2). As such, it is pure gift, and represents the place of "light" and "life" for which our hearts yearn.

It is this end offered to our yearning that Archbishop Williams referred to when he spoke of the Covenant as an "intensification" of love, not as its desiccation; for who would not wish to love more deeply? Furthermore, in a world that is thirsting for signs of such love that go beyond the empty gestures of otherwise contradicted religious sloganeering, the assumed responsibilities of a covenant represent the testimony of a sure faith, one put into action through the palpable obligations and privileges of mutual accountability. It is, of course, the role of those who covenant to communicate this joy of having found a place to serve one another; but to assume the role at all is to put on hope as a garment for all to see.

## 7. Would a covenant restrict the life of the Communion?

Q. Since a covenant, especially one that takes seriously the consequences of its assumption by Churches, would bind its members in a defined way, does this mean that the diversity intrinsic to the remarkable missionary expansion of Anglicanism will be inappropriately fettered? Some bishops have seen a Covenant as demanding uniformity of "confession" especially, such that one of the historical gifts of Anglican comprehensiveness will be necessarily lost.

A. One of the challenges of the Christian Church, and not just of Anglicanism, has always been the work of allowing the message of God's saving work in Christ to go out to all the nations in a way that is both understood yet also consistent and common. The resolution of this challenge has been expressed in different ways: "translation" of the Gospel, the Gospel's "enculturation" and so on. On the one hand, there is "one faith" in "one Lord" (Eph. 4:5), through "one mind" in the service of the one Gospel (Phil. 1:27). On the other hand, this faith and Gospel, understood as one, is to be communicated in the tongues of all the world so as to be understood and shared by all (Acts 2:11).

The Covenant's purpose is not to constrain the languages, the cultures, and the forms in which this Gospel is expressed. Rather it seeks to articulate the way that the Churches of the Anglican Communion share together the faith "once delivered" (Jude 3) so that each Church separately and in their common mission can prove faithful "stewards" (1 Cor. 4:2) of what has been entrusted to each and all. It is only by clarifying this together that the "manifold" character of diverse gifts can also rightly be lived out in a properly mutual way of service (Eph. 4:1-12, 1 Pet. 4:10). The traditional notion that diversity flourishes where unity of faith is established derives from this economy of grace.

In this light, the Covenant's broad commitments in teaching and witness, as well as its particular commitments in mutual ordering of our Churches seeks to



provide the foundation of expected responsibilities in the Gospel that can engender trust and thereby a true freedom that exists for the service of one another (Gal. 5:13-15). The history of Anglicanism bears this out: its creativity has arisen within the context of accepted common teaching, prayer, and discipline of a fundamental kind, something that, in turn, has enriched the understanding of that foundation over and over again in different contexts.

8. Don't we have a sufficient covenant expressed in other existing statements?

Q. Is a formal Anglican Covenant of the type envisaged in the current draft superfluous, thereby distracting from more basic formal bonds by which our mutual recognition and common life is already framed? Why, for instance, is not the Baptismal Covenant, or Eucharistic fellowship, or even the Lambeth Quadrilateral sufficient as a basis for our common life as a Communion?

A. The current draft clearly sees all of these instances – each proposed by some bishops as better alternatives to a new covenant – as essential. In fact, each appears as a part of the current draft. But none alone expresses the fullness of the “bonds of communion” that have not only existed in the past but that so many yearn to see strengthened in the future among the Churches of the Anglican Communion. This is so because each alone does not articulate the expectations for mutual responsibility that permit the Church as a whole, and certainly the Churches of the Anglican Communion in particular to carry through the specific calling of its mission. Thus, although Paul can rightly say that no one can call Jesus Lord except by the Holy Spirit (1 Cor. 12:3ff.), he must go on to spell out the particular responsibilities of spiritual life as each member of the Body works and lives with others. So too, the faith which baptism represents must take the form of particular tasks, forms of behaviour, and mutual submission (Rom. 12-15).

In short, it is precisely in the particularity of our callings that we are brought into a relationship of “obligation” one to another, one that goes beyond simply a basis for mutual recognition, and reaches out into agreements and duties. Thus Paul can describe the various ministries each is called to within the framework of mutual covenant and “debt” (Gal. 2:9; Rom. 15:27). Our baptism, as it were, orders the direction of our ministries, while our covenant shapes their specific form within the Church. The Eucharist, on the other hand, represents the divine gift of this calling; but – as we have seen and as Paul himself describes it in 1 Cor. 11 – it is obscured when the mutual obligations by which we live together are slighted or ignored. Not only is the content of our faith the basis of our Communion, but the concrete instances by which we remain faithful one to another within that faith manifests its meaning. This content and these promises, therefore, are at the centre of our Covenant, even while they are founded on a number of other more widely common elements, like Baptism and Eucharist.

## 9. Does the Covenant represent “centralisation”?

Q: Does the covenant attempt to “centralise” the Communion? Bishops expressed a concern that the model of interdependence offered in the draft for the covenant seemed to undermine provincial autonomy and the diverse polities of the Churches of the Communion, and replaced it with a centralised authority.

A: The bishops at the Lambeth Conference clearly asserted an understanding of the life of the Anglican Communion as a family of autonomous Churches and not as a single global Church. The Anglican Communion has always understood itself as a family of Churches belonging to the One Holy Catholic and Apostolic Church, but not having a universal identity other than in the one universal Church of Christ.

The language of autonomy needs to be handled with care. There is a sense in which any Church, in acknowledging the Lordship of Christ, the Head of the Church, is not free to exercise a sovereign will over its life - to be Church it must seek to submit to Christ and to be faithful to him. Nevertheless, the Anglican Communion is best understood as a family of self-governing Churches, drawn into Communion not only by the human elements of shared history and patterns of worship, life and mission, but by the supernatural grace of God.

The CDG agrees with this model. The Churches of the Communion should remain able to order their own life, polity and discipline according to the demands of their own mission context. The covenant should not therefore impose a central authority which can override such autonomy. However, we should not use a juridical category of “autonomy” to override the theological and relational category of “communion”. In order to be fully recognisable to one another as faithful to God’s call, and by that faithfulness enabled to live out fully the Communion into which God has brought us, it should be possible to identify certain fundamental elements of faith, order and discipline held in common which are central to mutual recognition. This is the concept which the Windsor Report articulated as “autonomy-in-communion”. The Lambeth Conference in 1920 put it: “The Churches represented in [the Communion] are indeed independent, but independent with the Christian freedom which recognises the restraints of truth and love. They are not free to deny the truth. They are not free to ignore the fellowship.”

## 10. The Instruments of Communion

Q: Bishops indicated that there needed to be greater clarity in the covenant over the role of the Instruments of Communion. What was the relationship between the Instruments? What is the status of Lambeth Conference Resolutions? Are the instruments more than consultative?

A: The Anglican Communion is a family of autonomous Churches brought into communion by God in Christ. This finds expression, in their ecclesial life, through the mutual recognition of the common ties of history, liturgy and a shared faith and order and by a partnership in mission. The CDG therefore

understands the Instruments of Communion as the bodies by which our common life is articulated and sustained, enabling the Churches to take counsel together, and to discern the responsibilities and obligations of interdependence. The Instruments do not have binding authority within the Provinces, but they articulate the voice of the wider communion. A decision or resolution by any of the Instruments does not have canonical force within any Province unless such a decision is reflected in the Province's own legislation, but they carry the authority of the body which speaks - a moral authority. Such a decision can identify dangers to Communion and the limits of what can be contained within the fellowship without damage to our common life. We recognise that there is more work to be done in discerning the relationship of the Instruments (see Commentary for Section 3).

## 11. "The Churches of the Communion"

Q: Bishops asked how the term "Churches of the Communion" should be understood in the draft covenant. If the diocese was the local Church, could a diocese sign up for the covenant?

A: In Anglican ecclesiology, there is a creative tension between the understanding of "local Church", which is that portion of God's people gathered around their bishop, usually in the form of a territorial diocese, and "Church" as a term or description for a national or regional ecclesial community, which is bound together by a national character, and/or common liturgical life, governance and canon law. Traditionally, Anglicans have asserted the ecclesial character of the national Church as the privileged unit of ecclesiastical life. The Church of England's very existence was predicated upon such an assumption at the time of the Reformation. Recognised in most cases as "Provinces", these national or regional Churches are the historical bodies through which the life of the Anglican Communion has been expressed, and they are the primary parties for whom the covenant has been designed. If, however, the canons and constitutions of a Province permit, there is no reason why a diocesan synod should not commit itself to the covenant, thus strengthening its commitment to the interdependent life of the Communion.

## 12. What if a Church does not sign the covenant?

Q. What can be said of those Provinces who do not choose, because they are unwilling, to sign the Covenant? Will this mean that they are no longer in communion with those who do sign?

A. The Covenant entails a number of mutual commitments and responsibilities, the fulfilment of which both indicates and bears fruit in a greater love. But the Covenant itself cannot exhaust the love of God in Christ, certainly, nor the love between Christians and Christian churches. Those who do not sign the Anglican Covenant are choosing not to make the mutual commitment to some or all of the responsibilities the Covenant entails, but they have not thereby rejected all commitments and all relationships in the Lord.

It is important to recognize that “communion in Christ” is not equivalent to the communion embodied among Churches bound together in covenant: the latter includes the former, but it does not exhaust it; the latter seeks to “intensify” a particular way of living out the Christian life of the Church that can indeed be a model for others, but that is nonetheless, even in its integrity, avowedly imperfect and incomplete within the Church catholic.

Thus, Anglican Churches that participate in a Covenant can indeed, if they choose to, remain in communion with Churches who have chosen not to covenant. They will live out this communion – likewise imperfect and incomplete in another sense – as they choose and are able. They may, in fact, choose to do so in part for the purpose of acting as a means of reconciliation between the covenanting Churches of the Communion and those who have chosen not to join in covenant with them. Whatever the case, their communion will be real; it will, however, be *different* than the communion given in covenant, for it will be lived out within the contours of a different set of responsibilities that, in their particularity, cannot reproduce the particularities of the covenanted Communion.

### 13. Does the Covenant have “teeth”?

Q: Should a Covenant have “sanctions”? This question was raised in different forms, and from different perspectives, by numerous bishops. Many were adamant that the Covenant needed “teeth” in order to be effective; others worried, by contrast, that such “policing” would subvert the true character of a Christian covenant for the sake of communion.

A: The language of “teeth” and “police” and even “sanction” risks distorting the Covenant’s overall purpose. A better way of approaching this matter is through the language of “consequences” that devolve from assumed “responsibilities”, whether fulfilled or unfulfilled: covenantal responsibilities fulfilled lead to a deeper common life in Christ - an intensification; responsibilities left unfulfilled have as a consequence a thinning out of such common life, perhaps even a dissolving of it. But in either case, it is a matter of organic outcome, rather than juridical impositions, however these results are formally embodied or stated.

Within the scriptures, the divine covenants are always linked to consequences in their fulfilment or breaking (cf. Deut. 27-28). Even the covenant of baptism, though a gift from God, can be broken, and with it comes a radical loss (Heb. 6:4-8). In the service of the Gospel, Peter’s reneging of the agreement made at Jerusalem with Paul results in a public confrontation and shaming (Gal. 2:11), while the Corinthians’ fulfilment of their pledge will result in an overflowing gift of grace (2 Cor. 8-9). It is simply the case that those who choose to keep the promises they have made in love for one another in Christ take hold of the gifts of that deeper love, while those who choose to let go of these promises take hold of its lack or diminution, and live with its stunted fruit. Even this result is one that stands open to the hope for transformation and renewal of relationship (1 Cor. 5:4-5).

The language of “sanction” does not adequately describe this reality of covenantal consequence, making it appear as an external law imposed upon us. Still, we should not mitigate the substance of this language: commitments are valued because of their fruit, and the declaration of such an outcome represents not only an honest appraisal of what is at stake in a commitment to another, but also points to the promise of its fulfilment. A covenant without consequences is, by definition, not a covenant at all, but an empty word. It is because our words matter, however, that we can testify to the power of God’s faithfulness before the world (Mt. 5:37; 23:22).

## 14. Covenant Amendment and Implementation

Q: How could the covenant be amended?

A: If a covenant is demonstrative of a living relationship, that living relationship will grow and change. Although the present draft has sought to identify the existing bonds of affection within the Communion, and to give expression to them, they will inevitably grow and change over time. The Covenant should not be seen as a text engraved in stone, definitive for all time, but as an articulation of living ecclesial relationships in Christ. The covenant should therefore have mechanisms for change, amendment and growth. The CDG is exploring how this can be done, although it may bring with it the requirement for extra complexity in the text.

## 3. Commentary of the St Andrew’s Draft

### (a) Overview

The Covenant Design Group has sought to take account of all the various responses to the St. Andrew’s Draft given by the bishops at the Lambeth Conference. These responses came in various forms: about 370 individual questionnaires and written comments; reporting from the Indaba discussions relating to the Covenant; transcriptions of the self-select group meetings devoted to the Covenant (which drew from 30 to 70 participants). All this material was carefully examined by the Design Group, although the formats of the responses differed and therefore registered thoughts and reactions in varying ways.

Most quantifiable were the questionnaires, which asked for responses to various parts of the Covenant Draft using a scale of four degrees. The results of the questionnaire were tabulated according to Province and numerically by individual bishops. These can be viewed in the Appendix to our Commentary. Individual comments attached to the questionnaires were also the most extensive and were ordered towards particular questions on the sections of the Draft. The Indaba Group responses were provided according to the formats of the recorders, and sometimes included verbatim remarks as well as summarized views. Finally, the self-select groups had very clear verbatim responses, but of course only represented the views of those who chose to attend and speak.

It should be noted that we are presenting, in this Commentary, questions or concerns that some bishops at Lambeth raised; but we are not collating the results of all responses (other than the Questionnaire), and are therefore not presenting the many positive comments regarding the Draft Covenant that were also given. Indeed, an examination of the Questionnaire data will provide the most quantifiable summary of all reactions (although even in this case, reactions of only somewhat over half of the bishops in attendance at the Conference). This summary shows that 2/3 of the Provinces represented at the Conference were positive about the Covenant concept, and 1/3 less so; about the same proportion obtains with respect to the Draft itself. With respect to the Draft in particular, there was an overwhelming majority of Provinces and bishops who were positive about Sections One and Two, with Section Three receiving an over 2/3 provincial positive rating (less so when individual bishops are counted). The breakdown of these broad figures, furthermore, provides important insights into the distribution of responses within the Communion.

The Commentary is ordered, and can be summarized, as follows:

1. We first treat certain questions raised about the Draft's Introduction, Section One, and Section Two. These questions were culled from all three sources: the individual questionnaire comments, indaba reports, and the self-select groups. We treat these three sections together because, by and large, they received the most overwhelming support from the bishops, and therefore provided the fewest concerns. A review of this material shows that bishops participating in such exercises were generally either "very content" or "reasonably content" with the first two sections of the St. Andrew's Draft and its Introduction. Relatively few questions were raised about the contents of these parts of the Draft, however it is the view of the CDG that a good number of the concerns voiced represent some solid questions that the CDG is taking under advisement. In addition to those substantial questions received, several very helpful suggestions were offered for the re-drafting process under the categories of style, language, formatting and the need for additional clarity about terms. For example, more care needs to be taken with gender inclusive language.

Our responses seek to clarify the formal character of the Introduction, and to acknowledge refinements that need still to be achieved with respect to the paragraphs relating to the classic formularies, theological discernment and teaching, our historic origins, the character of our historic failures, the place of the Holy Spirit, and the marks of Mission.

2. We devote the next section of the Commentary to Section Three of the Draft. Although this section received a positive reaction from a small majority of the bishops, it also received the majority of the questions raised.

Our Commentary begins with some reflections on the history of the use of the term "interdependence" within Anglicanism, and then proposes that two different biblical models of interdependence may be at play in the different reactions to this section. The Design Group believes that it is helpful to bear in mind how the unspoken application of these models may affect our responses. The Draft itself attempts to work with both models in synthesis, though this may not always been successful.

Specific areas of concern with this section are then addressed. These include: matters of language, style, and presentation; the four Instruments of Communion; models for dispute resolution that some bishops proposed be considered, and finally how to conceive of consequences that might arise from a breach of covenant.

3. We have devoted a final section to the draft Appendix of the Saint Andrew's text. The Appendix deals with Communion procedures in response to conflict or Covenant breach. There was no specific questionnaire question related to the Appendix. However, many individual comments, indaba discussions, and self-select group discussions touched upon the Appendix in particular. So, although we do not have any data ranking the bishops' and Provinces' overall reaction to the Appendix, the number of individual comments makes clear that it is viewed by many as an important topic that demands our reconsideration.

Our Commentary first summarizes the overall tenor of written responses that deal with the Appendix. It then identifies six specific questions that were frequently raised, and provides the Design Group's response, which consists mostly of noting possible directions in which we may move in the next revision. One option we are considering involves removing the Appendix altogether: instead, we would reframe Section Three in terms of broader principles of order, and add a new Section Four that would not only include, in a simpler form, some of the material the Appendix covers, but place it within the context of a wider set of procedural commitments necessary for the Covenant's functioning and the Communion's common life. In any case, the major challenge of balancing procedures that can be both effective and consistent with the positive purposes of Communion life and mission remains one the Design Group must meet.

Although the feedback from bishops at the Lambeth Conference has been incomplete, at the least numerically, it has nonetheless been extensive and substantive, and marks an important stage in our common search to strengthen faithfully our life in Christ's communion. When the Design Group meets again in the Spring of 2009 to revise the St Andrew's Draft, the material drawn from these responses, as well as from provincial and individual responses from around the Communion, will inform our work in a crucial way. We hope that those bishops not able to respond yet will take the opportunity to contribute.

#### (b) Introduction to the St Andrew's Draft

Q: Is the Introduction to be considered an integral part of the Covenant itself? Is the content of the Introduction as it stands adequately reflective of the best Anglican thinking about the concept of covenant for the purposes of this Anglican Covenant?

A: It is the view of the Covenant Design Group that the Covenant needs to be grounded in theological understandings of covenant and in particular the theological basis on which we are invited into this particular covenanting relationship in the Anglican Communion. It is intended that the Introduction will always be published along with the Covenant itself and act as an interpretative theological framework. However, the discursive content and the role of the Introduction are of a different nature than the propositional statements of the Covenant which present themselves for adoption by

Provinces and as such the Introduction does not carry the weight of that to which formal agreement is being invited.

(c) Section 1

Q: What is meant by “historic formularies of the Church of England”?

A: There are certain texts, of varying degrees of authority, which were crucial in the formation of Anglican identity from its early days. However, not all of these (notably the 1662 Prayer Book) have played a direct role in the development of the ecclesial life of all the Provinces. Although we wish to emphasise the value of our common traditions and to pay careful attention to the historical roots of the Anglican family, we recognise that Provinces relate to these formularies and traditions in different ways, and will attend to this question in the next process of drafting.

With respect to theological discernment and teaching, the CDG agree with the comments of bishops that further clarity is needed on:

- the teaching role of bishops and synods;
- the role of the laity in relation to scholarship and bible study;
- the role of reason in relation to Scripture and Tradition
- the need to recognise up front that the mission into which we are invited is God’s mission, empowered in us by the Holy Spirit.

The Covenant Design Group is committed to further work to refine this section in light of comments received.

(d) Section 2

Q: Why are the references to Britain and Ireland important? Is not our inheritance from both ‘catholic’ and ‘reformed’ traditions also important?

A: To speak of the inheritances of the Anglican tradition is to speak both with broad brush strokes and with specificity, of that inheritance from the apostles through ancient common traditions both in early Christianity and in specific places, which were indeed shaped by particular movements, notably the Reformation. The various originating streams that have fed Anglicanism are included within this section. We will need to acknowledge the contribution of other Christian traditions, particularly in the life of the United Churches.

Q: Where is the Holy Spirit?

A: We recognise that, though implicit in the Covenant Design Group’s thinking throughout the document, the role of the Holy Spirit needs to be brought to the fore in explicit ways. The Holy Spirit works in us, guiding our discernment, study, teaching and our use of reason. The Holy Spirit animates and informs conscience and empowers witness. The Holy Spirit not only requires holiness of us, but makes holiness possible through its renewing and transforming power.



Q: Do we not need to be careful to avoid triumphalism when speaking of our missionary expansion? Post-colonial insights have revealed to us the underside of growth and mission work, which despite good intentions has been at times coloured by sinful assumptions of superiority and inferiority of peoples, races and cultures.

A: The Covenant Design Group acknowledges that this is an important corrective. Beyond recognising human fragility and failures we are also aware of how we have been learning from the lessons of the past with respect to cultural and other diversities and that this has fed the life of the Anglican Communion and its Provinces. For example, the Communion now celebrates the riches inherent in authentic indigenised expressions of the Gospel and seeks to find better ways to pay attention to these, precisely as gifts. This journey has also made us more keenly aware of how the Scriptures are interpreted differently in various cultural contexts, and attentive to readings 'from below' the dominant cultures within societies.

Q: Are the Five Marks of Mission adequate to say what we want to say about mission?

A: While some have suggested additions to the Five Marks of Mission, it is the view of the Covenant Design Group that it is important to cite them in the form in which they have been received by the Instruments of Communion. However, the sections leading into and out from this citation might say more about the role of worship in the life we share and the vital relationship between our worship and our witness in the world in mission and ministry, justice and peace-making.

### (e) Preliminary Comments on Section 3

Section 3 of the Saint Andrew's Draft addresses questions of the interdependence of the Anglican Communion. Some of the bishops at Lambeth wondered how the term "interdependence" would be understood and applied in the covenant. What exactly does the word mean?

#### *The Development of the Concept of Interdependence*

The use of the word 'interdependence' came to the fore of Anglican ecclesiology at the 1963 Anglican Congress held in Toronto, where the principles of 'Mutual Responsibility and Interdependence in the Body of Christ' (MRI) among the Churches of the Communion were affirmed. At that time, there was a broad sense that churches around the world were facing a potential crisis of survival, due to a lack of resources, planning and vision. This was seen as a challenge to all Churches of the Communion, and a new commitment to the sharing of gifts - spiritual, human, and material - was engaged as the faithful response to the moment. Out of these commitments grew many of the official Communion ministries we see today, and even at that time it was understood that new forms of polity might be needed.

"Interdependence" became a word commonly used since Toronto 1963 to indicate the inextricable responsibilities in mission and ministry that Communion Churches share, ones that bind one church to another in the Body of Christ. It soon came to be

referred to as a "principle" of Anglicanism itself (cf. the "Ten Principles of Partnership" from 1993), and figured prominently in the *Virginia Report* as a central feature of Anglican identity. Finally, in the Windsor Report, as in previous Anglican documents, interdependence was contrasted with "autonomy" and "independence", and was instead linked with "mutual accountability" and the need to order one's ecclesial life according to the needs of other Churches for the sake of a common witness.

Much of this thinking goes back to 1 Corinthians 12 and Romans 12, where the character of the Body of Christ is described in terms of many "members" who are in fact "members of one another" (Rom 12:5). Because of this, each member must honour the other, and care especially for those who are weak or in need. This is linked with the call to "wait for one another" (1 Cor 11:33), "pleasing the other for his or her good" despite whatever "reproaches this might bring" (Rom. 15:1-3).

Within the context of the Covenant, "interdependence" describes not only the general and concrete responsibilities of bearing one another's burdens in terms of particular needs (Gal 6:2), but also points to the deferring of potential difficult decision-making to the common discernment of the larger body of the Communion so that no one Church becomes a stumbling block to others (cf. Matt 18:6ff.).

*Two Biblical Metaphors used frequently by the Bishops at Lambeth*

The Covenant Design Group noted the recurring use of two biblical metaphors in the comments of the bishops in Lambeth: that of the body and its parts, and that of family or community relations. Because we sense that these metaphors are widely used throughout the Anglican Communion, it seems useful to comment on how alternative interpretations of these metaphors may affect any reading of the draft covenant.

The Anglican Communion is seriously divided at present, so much so that even the common metaphors we use in the Communion to describe our situation are read differently by different ones of us. Awareness of these root metaphors underlying our thinking and of differences in emphasis, interpretation and application may facilitate conversation with those who understand interdependence differently than we do.

Many of us, for example, are persuaded that the biblical analogy of the body and its parts is helpful to interpret our present situation, but we use it in different ways, as did the early Christian writers of the New Testament. For some of us, Paul's language (1 Cor 12:12-26) is persuasive: the body is one with many different members, all of which are baptized into Christ, made to drink of the same Spirit. Difference is vital: "If the whole body were an eye, where would the hearing be?" So "the eye cannot say to the hand, 'I have no need of you.'" Indeed God has so arranged the body that the members humans think are "inferior" are given greater honour. "If one member suffers, all suffer; if one is honoured, all rejoice." Those who hold this view have the burden of making certain that their actions do not cause suffering in another part of the body. In particular, they may need to hear the critique voiced in Matt 23:4 of those who lay heavy burdens on others without lifting a finger to help them.

For others of us, Matthew's language (18:6-9) about the body is more persuasive than Paul's: the one who causes offence (puts a stumbling block in the way of other

disciples) would be better off drowned in the sea with a great millstone around his or her neck. "Stumbling blocks are bound to occur, but woe to the one by whom they come." So the hand or foot that causes the body to stumble is to be cut off and thrown away. It is better for the body to go on without that part than to be thrown into the hell of fire. Those who hold this view have the burden of showing that the offending member is so gangrenous as to justify such radical surgery and that the disagreement cannot be resolved in a less drastic way. They may need to be reminded of Matthew's parable of the wheat and the weeds (13:24-30) where the Church is advised to wait and let God do the weeding on the day of judgment.

The metaphor of the family or the local community has also formed our thinking on this matter, again with different interpretations. Some of us are persuaded by family systems theories and traditional local indigenous models of conflict resolution that place the stress on remaining in conversation until disagreements are worked out. Those who hold this model are attracted to the Johannine theology of abiding in the vine (15:1-11) and forgiving the brother or sister 70x7 times (Matthew 18:21-22). They remind us that Jesus ate with tax collectors and sinners precisely because they were the ones who needed him (Mark 2:15-27).

For others of us, the very act of remaining in conversation with a corrupt system jeopardizes the integrity and holiness of the Church. As Paul suggests (in 1 Cor 5:6-8), a little leaven will leaven the whole lump. The Church is to clean out the old leaven and live with the unleavened bread of sincerity and truth. So also the Seer in Revelation warns the Church in Babylonian captivity to "Come out of her, my people, so that you do not take part in her sins" (Rev. 18:4).

The Covenant Design Group recognises tensions in the emphasis, interpretation and application of these root metaphors and is concerned to draft a covenant that neither ignores them nor collapses one into the other, but rather holds them in creative tension.

## (f) Section 3 Commentary

A slight majority of the bishops who filled out the questionnaires at Lambeth were content with Section III, but a large minority were not. In response to the question: "Does Section 3 offer an appropriate vision of our interdependence?", the figures in the Cooper Tables were as follows. The total number of bishops at Lambeth who filled out the questionnaires at Lambeth expressed as percentage: 15% very content, 42% reasonably content, 26% some concerns, 17% serious reservations. The total number Provinces represented by the bishops at Lambeth who filled out the questionnaires (at Lambeth) expressed as percentage: very content 20%; reasonably content 51%; some concerns 18%; serious reservations 11%.

### *1. Language, Style and Presentation*

(a) Some bishops commented that the language of Section III should be more:

- inclusive (especially gender)
- accessible - as in the form of single-line principles
- relational (and represent more of a "relational framework")
- in keeping with a "theology of abiding" (John 15)

The first two of these points are stylistic, the second two involve more substantive changes of content. We note all of these for consideration at the next revision of this section.

(b) Some bishops commented that Section III should reference generosity, hospitality, graciousness, and the role of the Holy Spirit in our life of unity.

The CDG will consider these at the next revision. Our goal will be to seek a balance between the "relational framework" implied by these terms and the habits and disciplines that are inherent in interdependence (such as responsibility and accountability).

(c) Some bishops commented that there was a lack of clarity in relation to the terms:

- `episcopally led and synodically governed`
- the role of bishops
- `common mind`
- `common standards`
- `relinquishment`
- `essential concerns`
- `wide consultation`

The use of the formula `episcopally led and synodically governed` reflects the Windsor Report and earlier usage. Some bishops expressed concern that this formula pitted the two elements against one another, and failed to acknowledge adequately the role of "bishop-in-synod". Our recommendation is to keep the formula, as it reflects well the principle and practice that governance is vested constitutionally in synods (and their equivalents) while the bishops have oversight of initiatives (typically doctrinal) presented for synodical decision. The dispersed authority between episcopacy and synodical structures within each Province means that the balance between bishops and synod varies within each Province depending on the subject-matter, and varies between the Provinces depending on their polity.

The role of bishop: it was suggested that we note the role of bishop as pastor, sign of hope, prophet, and leader in mission, as well as servant, and that we also appreciate that the bishop has a wider function than the local ecclesial community. The Inter-Anglican Theological and Doctrinal Commission has produced a document on bishops "The Anglican Way: the Role of Bishop in the Nurture and Maintenance of Communion", and the 1988 Lambeth Conference discussed the Nine Marks of the Episcopate. We will consult these and amend the next draft appropriately.

The remainder is susceptible to definition and the CDG will explore the possibility of including a brief definitions section in any commentary to the covenant. It would be helpful if Provinces suggested definitions for these key terms as they are able.

## *2. Instruments of Communion:*

Some bishops thought that:

- The instruments need to be strengthened (undefined)
- Other organisation models should be explored
- The authority of the instruments should be clarified
- The relative status of the instruments should be clarified
- There should be a Pan-Anglican Congress

These need to be addressed in conjunction with the work of the Windsor Continuation Group. In *Preliminary Observations Part Two, A Presentation at the Lambeth Conference*, the Group says: `There is currently a lack of clarity about the role of each of the instruments and their relation to one another`. The Group goes on to describe the four instruments as understood in the Windsor Report and other documents, concluding that: `In considering the future development of the Instruments of Communion it is vital to take account of their ecclesiological significance as well as whether they are fit to respond effectively to the demands of global leadership. There needs to be a process of communionwide reflection which leads towards a common understanding`. It will be important for the Covenant Design Group and the Windsor Continuation Group to work together to clarify for the Communion these roles and relationships.

In addition, we will revisit the following statistical data and comments from the bishops at Lambeth about the Instruments themselves:

### *Archbishop of Canterbury:*

The bishops who filled out the questionnaires at Lambeth were very pleased with the performance of the Archbishop of Canterbury. In response to the question: `How well do you feel the Archbishop of Canterbury has served our common life so far?`, the figures were as follows: Of the total number of bishops at Lambeth who filled out the questionnaires at Lambeth (expressed as percentage), 79.5% were very or reasonably content. 17% have some concerns and 3.5% had serious reservations. The total number Provinces represented by the bishops at Lambeth who filled out the questionnaires (at Lambeth) (expressed as percentage) 52% were very content, 33% reasonably content, 13.5% some concerns, 1.5% serious reservations.

Some bishops thought that:

- Being in communion with the See of Canterbury is one of the essential elements of belonging to the Anglican Communion.
- The office should not be burdened further, creating inappropriate and unbearable expectations.
- Some wondered whether the Archbishop is the only one able to convene the Primates Meeting.
- There were questions about the process of selection of the Archbishop.

*Lambeth Conference*

The bishops who filled out the questionnaires at Lambeth expressed strong confidence in the Lambeth Conference. In response to the question: 'How well has the Lambeth Conference served our common life so far?', the figures were as follows. Of the total number of bishops at Lambeth who filled out the questionnaires at Lambeth (expressed as percentage), 28% were very content and 46.5% reasonably content. 22.5% have some concerns and 3% had serious reservations. The total number of Provinces represented by the bishops at Lambeth who filled out the questionnaires (at Lambeth) (expressed as percentage) 38% were very content, 44% reasonably content, 13% some concerns, 5% serious reservations.

Some bishops thought that:

- The Conference should meet more frequently for a shorter time, such as a meeting every five years.
- Appointment of a fund-raiser would be useful.
- One of the roles of the Conference should be to allow the bishops to exercise a collegial teaching ministry.
- Further development of diocesan partnerships to sustain relationships between conferences was valuable.

*Anglican Consultative Council:*

The bishops who filled out the questionnaires at Lambeth expressed some confidence in the ACC. In response to the question: 'How well has the ACC served our common life so far?', the figure were as follows. Of the total number of bishops at Lambeth who filled out the questionnaires at Lambeth (expressed as percentage), 16% were very content and 49% reasonably content. 29% have some concerns and 6% had serious reservations. The total number of Provinces represented by the bishops at Lambeth who filled out the questionnaires (at Lambeth) (expressed as percentage) 23% were very content, 49% reasonably content, 24% some concerns, 4% serious reservations.

Some bishops thought that:

- The Communion as a whole needed more information about the Council, its members and its role.
- The Council exercises too much authority (but others wanted it to have more authority)
- There should be a two-tier council: a primates tier, and clergy and laity tier with younger representation
- There was a need to enhance the participation of the clergy and laity at decision-making at the Communion level.

*Primates Meeting:*

The bishops who filled out the questionnaires at Lambeth indicated concerns about the Primates Meeting. In response to the question: 'How well has the Primates Meeting served our common life so far?', the figures were as follows. Of the total number of bishops at Lambeth who filled out the questionnaires at Lambeth (expressed as percentage), 9.5% were very content and 29% content. 33% have some

concerns and 28.5% had serious reservations. The total number of Provinces represented by the bishops at Lambeth who filled out the questionnaires (at Lambeth) (expressed as percentage) 15.5% were very content, 35% reasonably content, 30.5% some concerns, 19% serious reservations.

Some bishops were uncomfortable about:

- The present role of the Meeting.
- Its exercising too much authority.

Others believed:

- The Meeting was the only body that can bear the weight of our current challenges.
- Perhaps its key role is to support the Archbishop of Canterbury.
- The Primates should not exercise collectively any more authority than they have in their Provinces.

#### *The Covenant and Centralisation in the Communion:*

The bishops who filled out the questionnaire at Lambeth were moderately content with the role of the covenant with supporting interdependence without promoting too much centralisation. In response to the question 'How successful is the St Andrews draft in promoting our interdependent life without rendering Anglican polity too centralised?', the figures in were as follows. The total number of bishops at Lambeth who filled out the questionnaires at Lambeth expressed as percentage: 12.5% very content, 43% reasonably content, 28.5% some concerns, 16% serious reservations. The total number of Provinces represented by the bishops at Lambeth who filled out the questionnaires (at Lambeth) expressed as percentage: very content 18%; reasonably content 48.5%; some concerns 22%; serious reservations 11.5%.

#### *3. Dispute Resolution Models for Further Study:*

Some bishops suggested exploration of other models for dispute resolution, namely:

- Professionals involved in arbitration, mediation and reconciliation
- Diplomacy (and its principles)
- Chinese community centres
- Truth and Reconciliation Commission (South Africa)
- The three *Tikanga* in Aotearoa, Polynesia, and New Zealand
- The handling of the Dutch Reformed Church in South Africa

The systems of alternative dispute resolution all have positive elements; they also have their critics. The Anglican Communion has a lot to learn from such alternative models. It may be that the Communion can commit to a long term study of alternative dispute resolution practices.

#### *4. Consequences of Covenant Breach:*

Some bishops considered that it is uncertain what happens:

- To ensure that a Church fulfils its responsibility to comply with the covenant

- If the Church of England breaks the covenant
- If some Provinces do not adopt the covenant
- When a relinquishment occurs
- (e) When breaches of covenant are of different degrees of gravity
- (f) If one bishop is in breach, does the whole Province fall? Could a Province formally disassociate from the action of one of its bishops? Or is the Province responsible to ensure compliance?
- (g) If a Church wants to embark on a proposed but contentious development

At the next revision we are to explore the shortening of Section III and the creation of a Section IV. The intention is for Section III to follow the pattern of Sections I and II, describing (first) affirmations and (then) commitments in aspirational language. The next version of Section III (April 2009) will probably consist of the affirmation and commitments contained in the St Andrew's Draft, somewhat reworked, minus Section III.2.5.e. The current Section III.2.6 would then become Section III.2.5. As stated earlier, the next version of Section III will strive to use inclusive language and be formulated in single-line statements. For example, it might include the following principles (in the commitments); each Church commits itself:

- To have regard for the wider Communion family
- To respect the autonomy of each other Church
- To consult widely before acting in matters understood to be of essential concern.
- To seek a common mind
- To remain in dialogue even if the discussion becomes difficult
- To follow the agreed processes for dispute resolution
- To seek and maintain the highest degree of communion possible.

Section IV could be entitled "Participation in Covenant Life". It might deal with such matters as:

- how to associate with the covenant
- how to disassociate from the covenant
- how to call a covenanting Church to account within the covenant framework
- how to resolve conflicts
- how to restore a Church to the covenant
- how to amend the covenant
- how to ensure the vitality and organic development of the covenant
- how to seek and maintain the highest degree of communion possible.

The Covenant Design Group is exploring the possibility of recommending an Anglican Communion Covenant Commission whose tasks might include: administering the covenant (in conjunction with the Instruments of Communion as they evolve); educating churches about the covenant; encouraging covenantal life; exploring possibilities for revision of the covenant; and facilitating healing processes as necessary.



With respect to relinquishment - we wish to re-conceive this issue in terms of `relational consequences`, namely those consequences which might affect elements of ecclesial relationships within the Communion. Such relational consequences will depend on a number of factors, for example, the gravity of the issue and the response of the Church(es) involved. These relational consequences might include:

- a determination that no action may be necessary
- a request to enter a process of informal dispute resolution (such as mediation, arbitration and reconciliation)
- a request for self-restraint or remedial action or renunciation of the action
- an offer to register a conscientious objection
- warnings about the effects of a covenant breach
- a request to examine conscience about participation in roles formally representing the Anglican Communion
- a request to resign from roles formally representing the Anglican Communion
- non-invitation to the Lambeth Conference
- a request not to attend a particular meeting of an Instrument of Communion
- suspension (or termination) of voting rights in the Instruments of Communion \*
- suspension (or termination) of participation at meetings of the Instruments of Communion \*
- removal from the ACC Schedule of Membership \*
- removal of signatory Church from covenant list \*
- declaration that the actions of the Church(es) involved are/would be incompatible with the faith, unity and/or mission of the Communion \*
- a recommendation to other Provinces of the Communion about their relationships with the Church to which the consequence applies
- a request to the Provinces to respond individually to the situation of the non-complying Church(es)
- breaking of ecclesial communion and a walking apart

Some of these relational consequences are already possible within the current structures and practices of the Communion (though not necessarily formulated or regularised). Others would require a significant modification of existing Communion structures and practices - these are identified with an asterisk

The Covenant Design Group expects to work closely with the Windsor Continuation Group in our further reflection on these matters. At the next revision the Covenant Design Group will seek to identify ways in which the appropriate Instrument(s) of Communion which will oversee these relational consequences. We will study further the Archbishop of Canterbury's presidential addresses on relational consequences and other documents touching this issue.

(g) The Draft Appendix

The draft Appendix had been proposed more tentatively by the Design Group than the main body of the St Andrew's draft Covenant. Although the questionnaire did not explicitly ask about this draft Appendix, many bishops expressed strong reservations in the comments section of the questionnaire. A number pointed out that its tone, variously described as legalistic, punitive and threatening, was out of step with the rest of the document and insufficiently theological or pastoral. It came across as a tool to discipline, producing winners and losers, rather than leaving freedom to grow and innovate. It undermined trust and debased the notion of "Covenant".

Others dismissed its proposed process as too long, clumsy and time-consuming, too confusing and too expensive. Some felt it should be removed altogether, proposing alternatives such as a process modelled on a rule of life and a panel of international conflict resolution experts appointed by the ACC. Others were open to a modified version, concluding, sometimes reluctantly, that a Covenant without clear procedures would be ineffective. The Appendix should however be recrafted in a different spirit and with "a more human face", with greater emphasis on building the common life of the Communion. Some questioned whether the ACC should be final arbiter, suggesting that the role of bishops in faith and order matters pointed towards greater involvement by the Primates and the Archbishop of Canterbury.

These observations were also expressed in Indaba group discussions, with the final Reflections Document indicating concerns that the proposed Covenant would prove punitive and restrictive rather than relational. In indaba and self-select sessions, the bishops agonised over the incorporation of clear and fair procedures, given qualms about an overly juridical Covenant. Suggestions which emerged included the possibility of varying consequences depending on the degree of threat to the Communion and the need for greater clarity on possible consequences of the Covenant for individual dioceses. Related ecclesiological concerns were raised, such as the meaning of the term "Churches" (See FAQ 11, page 11). Some concluded that a greatly simplified version was needed, noting that the Appendix was a similar length to the rest of the Covenant.

#### (h) Questions Arising from the Bishops' Responses to the Draft Appendix

Various questions have been formulated by the Design Group on the basis of the bishops' responses to the draft Appendix. They are set out below, together with comments from the Design Group to aid their consideration. Aspects of these questions have been addressed in earlier parts of this document. Further responses to these questions in submissions from the Provinces would be welcomed by the Design Group.

Why, given negative reactions to the draft Appendix, might one be needed at all?

- A process with underlying principles, meeting requirements of fairness, transparency and efficiency, needs to be articulated clearly if a Covenant is to be effective

- This need not be in an appendix if it is incorporated in its revised form in the proposed new Section 4 on “Participation in Covenant Life” (cf. page 24)

How might our understanding of Covenant set a tone for the Appendix (or its equivalent) that is more relational and not overly juridical?

- The emphasis on common inheritance and shared endeavour in mission, set out in Sections 1 and 2, could be more explicitly reflected in principles and procedures for Covenant life.
- There should be an active pastoral and relational dimension, especially in the initial stages of a dispute
- Section 4 (replacing the Appendix) could include the functioning of the Covenant beyond procedures for crisis/conflict situations, such as the processes for joining the covenanted life of the Communion and for disassociating from it, as well as for amending the Covenant.
- The emphasis could be more obviously on accepted consequences for actions.
- Some of the tone setting could be more explicitly articulated in earlier sections, such as a revised Section 3.

How might the Appendix (or its equivalent) contribute to building trust and strengthening the bonds of affection, while also being effective when there is a serious breakdown of trust?

- Section 4 (replacing the appendix) could underline the commitment to listen to others and understand the background to issues that threaten the unity of the Communion and the credibility of its mission
- The qualities listed in Clause 1.1 of the current draft of the Appendix (charity, humility etc) should be retained in a revised version
- The obligation to seek forgiveness and make amends, as well as to offer forgiveness should feature
- Existing relations, such as diocesan links and partnerships with mission agencies, should be referred to as possible resources in working through contentious issues
- Terms of reference for settling disputes should be clear and shared, including appropriate respecting of confidentiality and restraint in the use of the media and litigation
- Reference should be made to the imperative to pray for and with those with whom there are disagreements and to the importance of sustaining Eucharistic Communion
- An early warning system could be encouraged, with an accompanying obligation on Provinces and Churches to share potentially controversial areas of exploration, so that issues are considered thoroughly before they become critical, referring them as appropriate to Commissions responsible for faith and order issues (as has happened with IASCER and IATDC).
- While careful scrutiny should be expected, areas of exploration should not automatically be presumed to be a threat to the life of the Communion if properly tested: rather, in order to live out the Gospel afresh in each

generation, fresh thinking that is compatible with Anglican inheritance of faith as set out in the Covenant should be responsibly encouraged. This could be reflected in principles and procedures.

How might the Appendix (or its equivalent) take better account of ecclesiological considerations, such as the relevance of the Covenant both at diocesan and provincial levels, an appropriately Anglican use of the word “Churches”, the role of bishops in faith and order matters and the Christian obligation of mutual submission by virtue of membership of the universal Church?

- i. Relevance of the Covenant at diocesan as well as provincial levels
  - If the constitution of a Province or extra-provincial Church permits, a diocesan Synod can commit itself to the Covenant (FAQ 11, page 11)
- ii. Use of the word “Churches”
  - For Anglicans there is a tension between the local Church as God’s people gathered around the bishop and the description of a national or regional ecclesial community, normally a Province, as a Church. (FAQ 11 page 11)
- iii. Role of bishops in faith and order
  - Acknowledged Anglican perspectives on the distinctive responsibilities of the bishop could be explicitly recognised, appealing, for example, to statements by IATDC and the 1988 Lambeth Conference. This might best be incorporated into earlier sections. (cf page 20)
  - Major disputes could require the guidance of bishops with relevant experience of other parts of the Communion as an integral part of the discernment process, perhaps drawing on companion diocese arrangements.
  - Other expertise required for faith and order and missiological issues could also be mentioned in procedures and principles, including the use of Commissions with faith and order responsibilities.
- iv. Membership of the universal Church
  - “The local Church alone is never the entire Church” (Archbishop Rowan Williams, First Presidential address at 2008 Lambeth Conference). This perspective, with its implicit acknowledgement of mutual obligation across the universal Church, intensified within a Communion of Churches, may be best incorporated in Section 3, as part of the theological underpinning for interdependent Communion life. It can also be found in the theological Introduction to the St Andrew’s draft.

Can a simplified, more realistic and less expensive process be set out than that offered in the Appendix?

- A simplified process is attractive, but might mean greater responsibility for a single Instrument of Communion, say, the Archbishop of Canterbury, which may make it less acceptable for both ecclesiological and practical reasons

- One over-riding principle, to ensure due process, might be to differentiate between those engaged in pastorally and those in more judicial stages in addressing a problem, perhaps suggesting the use of pastoral visitors
- Simplification might be aided if there was clarity about who is finally authorised to decide if the force of the Covenant has been relinquished.
- There is a trade-off between simplicity, which can be vague, and the kind of clarity and detail about the functioning of the Covenant that would enable it to operate satisfactorily in the life of the Communion.

How might the Appendix (or its equivalent) incorporate procedures that are robust enough to be effective, while allowing for continuing evolution in the functioning of the Instruments of Communion?

- It may help to concentrate on principles, rather than step-by-step process, though concerns for fairness, transparency and efficiency may mean that a shared understanding of detailed procedures is inescapable. Moreover, leaving procedures too open may make the Covenant ill-equipped to cope with unexpected crises.
- One possible scenario is for principles to include the need for any judgement on a potential breach of Covenant to require the recognition of both the Primates' Meeting and the ACC, combined with some kind of monitoring by the Joint Standing Committee of the Primates and ACC or some other body formed specifically for this purpose.
- It might also help to envisage certain kinds of suspension or provisional withdrawal pending a decision from the second Instrument of Communion (e.g. suspension of involvement in representative functions), keeping this in dynamic tension with the need for face-to-face encounter in addressing contentious issues.
- Another principle might incorporate differentiated consequences in varying situations, according to the degree of threat to the Communion (See commentary on Section 3).
- A Covenant Commission could perhaps be established (cf page 24), whose mandate might include facilitating the vitality of the covenanted life of the Communion, both by encouraging Churches to enter more fully into the covenanted life of the Communion and by overseeing and advising on the mechanics of the Covenant's operation as the Instruments of the Communion evolve. This might only entail an advisory and administrative role if a potential breach of Covenant was being considered by the Instruments of Communion.

#### 4. The Archbishop of Canterbury

In the course of the Lambeth Conference, the Archbishop of Canterbury offered three presidential addresses, reflecting on the life of the Anglican Communion, and of the Conference. In the course of these addresses, the Archbishop's comments on the Covenant are quite extensive.

In his first Presidential Address, the Archbishop spoke quite a bit about the Covenant.

"It's my conviction that the option to which we are being led is one whose keywords are of council and covenant. It is the vision of an Anglicanism whose diversity is limited not by centralised control but by consent – consent based on a serious *common* assessment of the implications of local change. How do we genuinely think *together* about diverse local challenges? If we can find ways of answering this, we shall have discovered an Anglicanism in which prayerful consultation is routine and accepted and understood as part of what is entailed in belonging to a fellowship that is more than local. The entire Church is present in every local church assembled around the Lord's table. Yet the local church alone is never the entire Church. We are called to see this not as a circle to be squared but as an invitation to be more and more lovingly engaged with each other.

Someone once said about our Communion, in relation to its internal strains and differences, 'What an astonishing number of possibilities God has given you for loving strangers and enemies!' Can we echo that? If so, by God's grace, we have it in us to be a Church that can manage to respond generously and flexibly to diverse cultural situations while holding fast to the knowledge that we also free from what can be the suffocating pressure of local demands and priorities because we are attentive and obedient to the liberating gift of God in Jesus and in the Scripture and tradition which bear witness to him. Already our Bible Study Groups are bringing this into focus. And I want to say very clearly that the case for an Anglican Covenant is essentially about what we need in order to give this vision some clearer definition.

The one thing this is not is a short cut of any sort. It implies, of course, some obvious and simple things – being clear (to take an obvious example) about how we recognise and accept each other's ministries in the conviction that we are ordaining men and women to one ministry in one Body. But it means also a deeper seriousness about how we consult each other – consult in a way that allows others to feel they have been heard and taken seriously, and so in a way that can live with restraint and patience. And that is a hard lesson to learn, and one that still leaves open what is to happen if such consultation doesn't result in agreement about processes. There will undoubtedly, in our time together, be some tough questions about how far we really want to go in promising mutual listening and restraint for the sake of each other.

That's why a Covenant should not be thought of as a means for excluding the difficult or rebellious but as an intensification – for those who so choose – of relations that already exist. And those who in conscience could not make those intensified commitments are not thereby shut off from all fellowship; it is just that they have chosen not to seek that kind of unity, for reasons that may be utterly serious and prayerful. Whatever the popular perception, the options before us are not irreparable schism or forced assimilation. We need to think through what all this involves in the conviction that *all* our existing bonds of friendship and fellowship are valuable and channels of grace, even if some want to give such bonds a more formal and demanding shape."

In his second Presidential Address, he added:

"Some have expressed unhappiness about the 'legalism' implied in a covenant. But we should be clear that *good* law is about guaranteeing consistence and fairness in a community; and also that in a community like the Anglican family, it can only work when there is free acceptance. Properly understood, a covenant is an expression of *mutual generosity* — indeed, 'generous love', to borrow the title of the excellent document on Inter-Faith issues which was discussed yesterday. And we might recall that powerful formulation from Rabbi Jonathan Sacks — 'Covenant is the redemption of solitude'.

Mutual generosity : part of what this means is finding out what the other person or group really means and really needs. The process of this last ten days has been designed to help us to find out something of this — so that when we *do* address divisive issues, we have created enough of a community for an intelligent generosity to be born. It is by no means a full agreement, but it will, I hope, have strengthened the sense that we have at least a common language, born out of the conviction that Jesus Christ remains the one unique centre."

...

"At the moment, we seem often to be threatening death to each other, not offering life. What some see as confused or reckless innovation in some Provinces is felt as a body-blow to the integrity of mission and a matter of literal physical risk to Christians. The reaction to this is in turn felt as an annihilating judgement on a whole local church, undermining its legitimacy and pouring scorn on its witness. We need to speak life to each other; and that means change. I've made no secret of what I think that change should be — a Covenant that recognizes the need to grow towards each other (and also recognizes that not all may choose that way). I find it hard at present to see another way forward that would avoid further disintegration. But whatever your views on this, at least ask the question : 'Having heard the other person, the other group, as fully and fairly as I can, what generous initiative can I take to break through into a new and transformed relation of communion in Christ?'"

In his third Presidential Address, he adds:

"this is emphatically not about forcing others to conform ; it is an agreement to identify those elements in each other's lives that build trust and allow us to see each other as standing in the same Way and the same Truth, moving together in one direction and so able to enrich and support each other as fully as we can. What I am saying, in effect, is that every association of Christian individuals and groups makes some sort of 'covenant' for the sake of mutual recognition, mutual gratitude and mutual learning."

and

"I hope that, if part of the message of Lambeth '08 is that we need to develop covenantal commitments, and that one aspect of this may be what you could

call covenanted restraint, this will be seen in the context of a unity not enforced but given in Christ. To embrace deeper and more solid ways of recognizing and trusting each other can be a grace not a burden; and when trust is deepened, more responsible and prayerful discussions can follow. As has been said, there will be those for whom 'covenanted restraint' is conscientiously hard, even impossible. And to my mind this simply means there are steps they cannot take towards a deeper unity — or rather that they conceive such a deeper unity in other ways; their questions must still be valued by us, even if the answers are not the same.

And even here — what if we let the language of covenant develop in different ways? Dioceses and Provinces may enter formal engagements. But is there anything to stop an individual bishop — whether or not committed to a Covenant for the Communion — making a particular covenant with a bishop elsewhere in the world, for prayer and support? It is a development of what I sketched in one of the retreat addresses, the idea that a shared rule of life might be adopted by bishops who have drawn close to each other in these days; and I know from what some of you have said to me that this appealed to many."

...

"We have quite a strong degree of support for a Pastoral Forum to support minorities, a strong consensus on the need to examine how the Instruments of Communion will best work, and a recognition — though still with many questions — that a Covenant is needed."

## 5. Next Steps

The Covenant Design Group hopes that this Lambeth Commentary will stand alongside the Saint Andrew's Draft as a critique and as a stimulus for study and response. We are grateful to the bishops at the Lambeth Conference for the honesty and wisdom of their responses, and the opportunity that it has given us to address some commonly voiced concerns.

Official Provincial responses are now invited by the deadline of March 9th 2009. The Saint Andrew's Draft and this commentary will also be sent to the ecumenical partners of the Anglican Communion, inviting their reflections and responses. Anglican Commissions, institutions, societies and individuals are also invited to respond to

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## Notes on the Lambeth Questionnaire and Analysis

On two occasions during the second week of the Lambeth Conference, bishops were invited to discuss the concept of an Anglican covenant and the St. Andrew's Draft in particular. Indaba group leader handed out questionnaires to each bishop in their groups. After these questionnaires were returned, they were collected. Responses to the questions were tabulated numerically, and hand written comments were transcribed and in some cases translated into English and transcribed. The Responses were organised at first according to Province and then gathered into Communion-wide totals.

This preliminary work was done by Eileen Scully, a member of the Covenant Design Group, and forwarded to Steven Cooper, a member of staff at Lambeth Palace, who worked the raw numerical data into percentiles and produced the graph and pie charts contained within material submitted to the Covenant Design Group.

Both the initial raw numerical report, transcriptions of all written comments, along with Indaba Group Reports, minutes of Self-Select sessions and the *these charts* formed the substantial basis of the Covenant Design Group's deliberations toward the present *Lambeth Commentary* at its meeting in Singapore, September 22-26 2008.

It is hoped to be able to publish the statistical materials, and the tables prepared by Steven Cooper on the Anglican Communion website in the near future.

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Dr Victor Atta Baffoe (West Africa)

Archbishop John Chew (South East Asia)

Dr Katherine Grieb (The Episcopal Church)

Bishop Santosh Marray (Indian Ocean)

Archbishop John Neill (Ireland)

Chancellor Rubie Nottage (West Indies) - *unable to be present at this meeting*

Dr Ephraim Radner (The Episcopal Church)

Dr Eileen Scully (Canada)

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