



CGD/PRO9/01

The Anglican Church in Aotearoa, New Zealand and Polynesia

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

A SUBMISSION ON THE ST ANDREW'S DRAFT

Introduction

The Province of Aotearoa, New Zealand and Polynesia is grateful for a second opportunity to comment on the proposed Anglican Covenant and in particular to address the three questions posed by the Covenant Design Group. The Province had sent an earlier response to the "Nassau" Draft. Although the Lambeth Commentary has since been received, and the Primates' recent Communique is now available, the Province noted that the original request only related to the "St Andrew's Draft". Given the widespread circulation of the Lambeth Commentary and the recent reports from Alexandria, it is somewhat inevitable that the current thinking of our Province has been informed by these subsequent papers.

The Three Questions

The three questions and our summarised replies are as follows:

1. *Is the Province able to give an 'in principle' commitment to the Covenant process at this time (without committing itself to any details of the text)?*

The Maori or Indigenous New Zealand constitutional partner in this Province does not support an Anglican Covenant. The reasons for this can be summarized as follows:

- The principle of provincial autonomy is closely linked to the indigenous view of '*rangatiratanga*' or 'self determination' whereby autonomy is not lightly ceded.
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- The experience of Maori with historical covenants or *kawanata* has been fraught with controversy and breach of the terms of covenants by colonial partners has in the past led to landlessness, voicelessness and contributed to the near annihilation of a people. There is therefore great discomfort with the use of the term 'covenant'.
- Anglican polity has always been one of dispersed authority and not centralised authority.

The Pakeha constitutional partner, those who have no traditional indigenous links to Aotearoa or the Pacific and who are largely represented in the New Zealand Dioceses, are prepared to give an '*in principle*' commitment to the concept of a Covenant. One Diocese writes that they wish to argue vigorously for the principle of the Covenant. It writes;

[Our] Diocese is committed to the mission of the church. And therefore we are committed to unity because the alternative is a barrier to real mission. However we do not believe in a unity based upon something as intangible as "historic loyalties". We believe in a unity that is based upon our orthodox faith that is reflected in our 39 Articles of faith and on the historic creeds of the church. Theology must be the basis of our unity. We believe that the Covenant outlined in the St Andrew's Draft presents this faith clearly and honestly which is why we strongly commit ourselves to the Covenant process.

Most other Dioceses are less enthusiastic but are prepared to give a guarded commitment to 'a' covenant but not necessarily the St Andrew's Draft or indeed any draft where the wording and proposed processes are punitive, exclusive, overly legal or quasi juridical, and divisive. Some of the wording expressed in the St Andrew's Draft was adjudged deeply un-Anglican; particularly the Appendix which was perceived as theological flawed, internally incoherent and practically unworkable.

2) Is it possible to give some indication of any Synodical Process which would have to be undertaken in order to adopt the Covenant?

The means of adoption of any document including a Covenant within our Province, would be determined by the wording. If the wording was in conflict with our Constitution / Te Pouhere, a four year Canonical and Synodical process would need to be undertaken to incorporate the changes. Even following this process there would be no guarantee that the inclusion would be successful as two different General Synods and a majority within each Tikanga would need to consider and accede to the changes.

If the wording did not impact on the Constitution / Te Pouhere, a Canon could be drafted but this could still take a minimum of two years and possibly four years to progress.

The easiest option would be if the Province determined that an Anglican Covenant be adopted by a Standing Resolution of General Synod /te Hinota Whanui.. This would not carry the same weight as a Canon or Constitutional change but it would give the Covenant a formal Provincial status. It also has the advantage of enabling ready adoption or incorporation of the changes and revisions that would almost inevitably arise as the kinks and fishhooks of the Covenant become apparent in its initial implementation.

3) In considering the St Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive change to make the process of Synodical adoption viable?

This question is ambiguous as it is uncertain whether the elements to which it refers are portions of the Draft itself or elements of the Synodical process. We have assumed the former.

The key to viability and adoption is the wording. As stated there is no support for the Appendix and there is considerable unhappiness about the wording of Section Three. Even if redrafted it is unlikely that Tikanga Maori would consent to the adoption of any Covenant that affected its sovereignty and in this Province any one Tikanga can veto a Synodical Provincial adoption. This would not preclude the other two Tikanga partners adopting the Covenant at a Diocesan level.

Conclusion

Despite the concerns expressed Maori Anglicans believe that a longer conversation is needed and they want to part of that conversation. We can say without reservation that every part of the Province of Aotearoa, New Zealand and Polynesia is passionately committed to the Anglican Communion regardless of the outcome of the Covenant process. The concept of whanau, fono and family – of being united in the family of God is the theological underpinning of that commitment. While we consider it inevitable that there will be prodigal sons and daughters and Dioceses who will at times leave the family home, the role of the family is to wait and carry on with the mission and to ensure there is a home and a welcome to which, should they choose, they

can return. A Covenant should model the best parts of family life – it should invite participation, should offer reconciliation and should model relational love in a spirit of generosity and graciousness.

EXECUTIVE SUMMARY

RESPONSE OF THE PROVINCE OF AUSTRALIA TO THE COVENANT DESIGN GROUP'S ST. ANDREW'S DRAFT

The Province of Australia welcomes the Report of the Second Meeting of the Covenant Design Group, including the St. Andrew's Draft Covenant and associated materials. By this response the province offers answers to the three questions asked of provinces by Canon Kenneth Kearon and associated reflections about the St. Andrew's Draft Covenant.

The answers of the Province of Australia are as follows:

- 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)?**
 1. The General Synod of the Anglican Church of Australia (ACA) has committed itself to engaging in the ongoing process of discussion and development of the covenant proposal.
 2. The ACA has not yet formalised in-principle support for an Anglican Communion covenant.
 3. The ACA has not committed itself to the implementation of a final draft of an Anglican Communion covenant.
- 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?**

There are three synodical processes by which the ACA could, in the fullness of time, adopt the Anglican Communion covenant.

(i) Constitutional amendment

The covenant could be adopted by amendment of the Constitution of the ACA ('the constitution'). It is anticipated, however, that any attempt to adopt the covenant through this process would be likely to fail because of the onerous requirements for constitutional amendment.

(ii) Adoption by canon

The covenant could be adopted by canon of the General Synod. However, it is anticipated that an attempt to adopt the covenant by this method would also be likely to fail because of the constitutional requirements for making certain types of canon.

(iii) Adoption by Resolution

The covenant could be adopted by resolution of the General Synod. Unlike adoption by constitutional amendment or by canon, adoption of the covenant by this means would not have the effect of incorporating the text of the covenant into the law of the ACA. However, the prospects of success by this method are greater than those for adoption by either of the methods outlined above.

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. Character of the Covenant Document

Because adoption is most likely to be achieved by means of resolution, the kind of covenant in respect of which synodical adoption is most likely to be viable in Australia is one which is advisory, aspirational and relational in character.

B. The St Andrew's Draft

There are two principal areas in which the ACA considers that further work needs to be done. First, there are problems with a looseness and imprecision of language used in the draft. Secondly, the St. Andrew's draft is too juridical and insufficiently relational in character.

C. Procedures upon the Failure of Mediation

- The moral obligation felt by churches that have adopted the covenant is the best motivation for acting interdependently in relation to their co-covenantors (TWR 51).
- The most appropriate sanction for a failure to observe a commitment to self-limit provincial autonomy is a withholding of invitation to meetings of the Instruments of Unity.
- Any covenantal sanctions should be supported by provisions and measures designed to support and build relationships between signatory churches.

D. Relationship

A covenant for the Anglican Communion is most likely to be successful in achieving its objectives if it is expressed and structured in a relational manner and if it is additionally supported by initiatives to promote relationship between signatory churches. Please refer to the full response for suggestions about possible initiatives.

E. Inter-Anglican Faith and Order Commission

The creation of an Inter-Anglican Faith and Order Commission could be of value.

RESPONSE OF THE PROVINCE OF AUSTRALIA TO THE COVENANT DESIGN GROUP'S ST. ANDREW'S DRAFT

The Province of Australia welcomes the Report of the Second Meeting of the Covenant Design Group, including the St. Andrew's Draft Covenant and associated materials. By this response the province offers answers to the three questions asked of provinces by Canon Kenneth Kearon and associated reflections about the St. Andrew's Draft Covenant.

Canon Kenneth Kearon has asked provinces to provide answers to the following 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?

The answers of the Province of Australia are as follows:

- 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)?**
 4. The General Synod of the Anglican Church of Australia (ACA) has committed itself to engaging in the ongoing process of discussion and development of the covenant proposal.
 5. The ACA has not formalised in-principle support for an Anglican Communion covenant.
 6. The ACA has not committed itself to the implementation of a final draft of an Anglican Communion covenant.
- 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?**

There are three synodical processes by which the ACA could, in the fullness of time, adopt the covenant.

(i) Constitutional amendment

The covenant could be adopted by amendment of the Constitution of the ACA ('the constitution'). By this means the text of the covenant could be incorporated into the constitution, thereby incorporating the covenant into the law of the Church. It is anticipated, however, that any attempt to adopt the covenant through this process would be likely to fail because of the onerous requirements for constitutional amendment. Changes to core provisions of the constitution require, initially, majorities in each of the Houses of Bishops, Clergy and Laity and, subsequently, the assent of three quarters of the diocesan synods, including all of the metropolitan sees (Sydney, Melbourne, Brisbane, Perth and Adelaide). It is thought to be unlikely that the assent of all metropolitan sees would be obtained.

In the history of the Anglican Church of Australia there has never been a successful attempt to amend a core provision of the constitution.

The probable reason for the withholding of assent would be a concern that an incorporation of the text of the covenant into the constitution would involve ceding elements of the power and authority of the Anglican Church of Australia to an international body.

(ii) Adoption by canon

The covenant could be adopted by canon of the General Synod. This is a second means by which the covenant could be incorporated into the law of the ACA. However, it is anticipated that an attempt to adopt the covenant by this method would also be likely to fail because of the constitutional requirements for making certain types of canon. A canon that can be categorised as one “affecting the ritual, ceremonial, or discipline of this Church” is deemed, by sub-s. 30 (a) of the constitution, to affect the order and good government of the church within a diocese. Such a canon requires adoption by an individual diocese before coming into force in that diocese. A strong argument could be made that a canon adopting the covenant should properly be categorised as one “affecting the ritual, ceremonial or discipline of this Church” and that it would therefore need to be adopted by a particular diocese before coming into force in that diocese. The likely result would be that the canon would be adopted by some dioceses and not others. This would lead to an unhelpful situation in which a covenant adopted by the national church would be part of the law of some of the dioceses of that church but not others.

(iii) Adoption by Resolution

The covenant could be adopted by resolution of the General Synod. Unlike adoption by constitutional amendment or by canon, adoption of the covenant by this means would not have the effect of incorporating the text of the covenant into the law of the ACA. While the covenant would bind the Anglican Church of Australia this “binding” begs two questions:

1. There is little point in referring to something as “binding” if there is no authority clearly charged with enforcing the consequence of any breach.
2. Although binding on the national Church, the covenant would not be binding on individual dioceses whose legal ability to act within the framework of the national constitution and the relevant diocesan legislation would be unaffected by a resolution adopting the covenant.

However, the prospects of successful adoption by means of a resolution are greater than those for adoption by either of the methods outlined above.

The eventual text of the covenant will be an important factor in the success of an attempt to adopt the covenant by resolution, as will the success of a province-wide campaign of education and consultation.

The General Synod of the ACA will next meet in late 2010 or early 2011. The following Synod is scheduled for late 2013 or early 2014.

Summary

The means of adoption of the covenant by the ACA would have implications for the status of the covenant within this province. If it were intended that the covenant should have legal force, then it would have to be adopted either by constitutional amendment or by canon. However, successful adoption by either method is unlikely.

Adoption by resolution of the General Synod is the option most likely to win acceptance.

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. Character of the Covenant Document

The comments made in response to Question 2 have implications for the kind of covenant that could be adopted by means of Australian synodical processes. Because of the unlikelihood of success of methods of adoption that would incorporate the covenant into either the Constitution of the national church, or the legal apparatus of individual provinces or dioceses, a covenant which is juridical or legalistic in nature is unlikely to be adopted here.

Because adoption is most likely to be achieved by means of resolution, the effect of which is merely advisory, the kind of covenant in respect of which synodical adoption is most likely to be viable in Australia is one which is advisory, aspirational and relational in character. Such a covenant would be both more appropriate in the circumstances and more likely to attract the degree of popular support needed for the passing of a resolution by the General Synod.

It is difficult at this point to gauge the likely extent of support for an eventual covenant within the Houses of Bishops, Clergy and Laity at a future General Synod. However, it could probably be said with some confidence that a covenant by which this province committed itself to self-limitation of its provincial autonomy would be likely to attract greater support than one that granted authority to an external body or bodies to act as a 'brakes mechanism' upon it and its proposed actions.

B. The St. Andrew's Draft

There are many respects in which the St Andrew's draft is a welcome improvement upon earlier drafts. However, the Province of Australia agrees with the majority of bishops present at the Lambeth Conference that the St Andrew's draft is nevertheless in need of substantial re-working.

There are two principal areas in which further work needs to be done, it is suggested. First, there are problems with a looseness and imprecision of language used in the draft. Some of the language used is inherently ambiguous. Other language used is likely to be capable of being understood in different ways in different parts of the Communion. The draft would benefit from a greater use of defined terms and precise description of concepts and principles.

Attachment 1 to this report is a letter written by Garth Blake SC, Chair of the Professional Standards Commission of the ACA, to the Secretary of the Covenant Design Group, The Rev'd Canon Gregory Cameron. The letter outlines concerns about language used in Sub-section 3.2 and the Procedural Appendix of the St Andrew's Draft. The Province of Australia supports Mr Blake's comments.

Secondly, and following from the comments made above, it can be observed that although the St. Andrew's draft continues a gradual movement away from the kind of juridical model represented by the covenant appended to the 2004 *Windsor Report* (TWR), the St Andrew's draft is still, in places, too juridical and insufficiently relational in character. This is particularly true of Section 3 and the Procedural Appendix.

Most of the principles set out in the draft, up to and including paragraph 3.2.5 (b), would be unproblematic in Australia if further refined and expressed in more relational language. However, paragraphs 3.2.5 (c), (d) and (e), and particularly the latter two, would likely be sticking points in Australia. The concept of mediation, *per se*, is welcome, but more detail is needed about the kind of mediation process envisaged by para. (c). Para. 3.2.5 (d), as currently drafted, contains a piece of argument or commentary, which does not properly belong in the text and both paras. (d) and (e) are unhelpfully ambiguous. Again, the province supports Mr Blake's comments in relation to those paragraphs.

In general, the province is of the view that the appendix in its current form is unhelpful. The juridical procedures set out there tend to have the effect of altering the character of the entire covenant. The tone of the St. Andrew's draft, helpfully established through a consistent pattern of affirmations and commitments, is disrupted by this lengthy, complicated and prescriptive set of procedures. The province understands that it is proposed to dispense with the appendix in future drafts, instead including relevant provisions in the body of the covenant, and supports this approach.

C. Procedures upon the failure of mediation

The Province of Australia supports the use of mediation envisaged by paragraph 3.2.5 (c) of the St. Andrew's draft, although, as mentioned above, further details of the form of mediation intended are required. In addition, it recognises that there is a need for the new draft to make some form of provision for circumstances in which mediation fails and parties remain in conflict.

The Province of Australia makes three observations in this regard:

- Ideally, the covenant should effect a regulation of the interaction and relationship between signatory churches by making provision for a mutual and freely-given commitment by each signatory church to self-limit its autonomy in its dealings with other signatory churches. This 'self-limiting' principle is preferable to attempts to regulate relationships and behaviour by means of enforceable sanctions. The province takes the view that a failure in *koinonia* cannot be resolved by legal measures; rather, what is required is a greater investment in *koinonia*. The moral obligation felt by churches that have adopted the covenant is the best motivation for acting *interdependently* in relation to their co-covenantors (TWR 51).
- The most appropriate sanction for a failure to observe a commitment to self-limit provincial autonomy is a withholding of invitation to meetings of the Instruments of Unity. Invitations to attend the Lambeth Conference, Primates Meetings and meetings of the Anglican Consultative Council are issued by

the instruments themselves and it is not necessary to set out principles for the issuing or withholding of invitations in a covenant document.

- In any event, a covenant document alone, no matter how prescriptive or juridical in nature, is probably incapable of bearing the weight of intra-Communion conflict and disputes. Any covenantal sanctions should be supported by provisions and measures designed to support and build relationships between signatory churches.

These three observations, or principles, are reflected in the draft covenant document prepared by the Province of Australia and circulated widely in 2006.

D. Relationship

This response has referred repeatedly to the need for a relational, rather than juridical, approach. In essence this means an approach in which face-to-face meetings and relationship-building opportunities are encouraged. The Province of Australia is of the view that it is important for the success of the proposed covenant that it be supported by moves to develop a rolling process of conversation across the Communion.

There is already precedent for a relational approach at Communion level. The Indaba Process trialled at the 2008 Lambeth Conference was directed towards allowing bishops the opportunity to engage in conversation at a deep level. The process meant that the often unduly adversarial elements associated with a Westminster-style decision-making process were avoided. A further precedent for the kind of approach envisaged was the gathering of primates endorsed by the Archbishop of Canterbury and held in Coventry prior to the 2007 Primates Meeting.

In Australia we have been trialling methods of encouraging relational processes for approximately a decade with some success. In 2004 the results of several years' work saw the amendment of Standing Orders of General Synod to introduce non-adversarial processes to synod proceedings. Attachment 2 to this report is the material circulated to Synod Representatives prior to the 2004 Synod describing these processes and the philosophy behind them.

An additional element augmenting these processes has been the development of the 'huddle'. Huddles are now used regularly at General Synods, meetings of the Standing Committee of General Synod and at National Bishops Meetings. A huddle is typically suggested by the chair at a point in the synod or meeting process in which an impasse is reached in relation to a particular matter. The chair invites a small group of people having expertise or interest in the matter to meet during a scheduled break and to report to the following session. Almost invariably the group returns with a constructive response to the impasse. The success of these huddles lies in the fact that those called on to participate have come to know each other well in the course of extensive service on these bodies and their various commissions and working groups.

These approaches were used to good effect at the National Bishops Meeting in 2008 when roughly fifty bishops met to discuss approaches to making provision for those who maintain an objection to the consecration of women. Despite the sensitive subject matter the meeting was able to reach unanimous agreement about a set of protocols for this purpose.

Relational approaches could, it is suggested, be used more widely at a Communion level. Primates Meetings could benefit from a more relational, less adversarial, approach. The 2007 Primates Meeting was able to agree on the text of a

Communiqué, but that document arguably created more problems than it solved, leading to Communion-wide concerns that the primates had exceeded their authority and complaints from TEC that the primates had demanded that it act contrary to its polity. The issuing of the Communiqué did little to ease the problems that the primates had attempted to address, but arguably had the unintended effect of escalating the tensions. It was not until members of the Joint Standing Committee of the ACC and Primates were invited to address personally TEC's House of Bishops in Mississippi that some degree of understanding of the intentions of the primates was reached.

Perhaps the Communion could use the primates and their bi-yearly meetings in a more constructive way. Instead of asking the primates to resolve disputes perhaps they could be asked to broker conversations and relationships throughout the Communion. This function might be enhanced by dispensing with the need to produce a final Communiqué document, and focussing on nurturing relationships within and beyond the meeting. More would be needed for such a process to be successful, however. Interim meetings of regional primates, together with ordained and lay people of the region (such as ACC representatives), along the lines of the Archbishop of Canterbury's Coventry Retreat, could go a long way toward building relationships and understanding.

These suggestions would, of course, require substantial resourcing. However, the resources required to deal with the current tensions within the Communion are also considerable.

The importance of relationship was recognised by the Lambeth Commission on Communion:

Communion is, in fact, all about mutual relationships. It is expressed by community, equality, common-life, sharing, interdependence, and mutual affection and respect. ... In communion, each church acknowledges and respects the interdependence and autonomy of the other, putting the needs of the global fellowship before its own. Through such communion, each church is enabled to find completeness through its relations to the others, while fulfilling its own particular calling within its own cultural context. (TWR 49)

The relational nature of communion requires each church to learn more fully what it means to be part of that communion, so that its members may be fulfilled and strengthened in and through their relations with other churches. (TWR 51)

The Province of Australia is in many ways a microcosm of the Anglican Communion. Dioceses, representing the full spectrum of Anglican tradition, enjoy an autonomy which is regulated and measured by a constitution enacted only after decades of consultation and discussion. The Primate chairs the General Synod and its Standing Committee, but otherwise has authority only to lead by invitation and persuasion. Regular meeting to build and nurture relationship is a vital feature of the life of the Anglican Church of Australia, despite the vast distances involved. We are constantly looking at new ways of meeting as we recognise that occasional gathering for 'business' is not sufficient for the kind of relationship-building that is necessary for the national church to maintain itself as a unified body.

We believe that a covenant for the Anglican Communion is most likely to be successful in achieving its objectives if it is expressed and structured in a relational

manner and if it is additionally supported by initiatives to promote relationships between signatory churches.

E. Inter-Anglican Faith and Order Commission

It is further suggested that an Inter-Anglican Faith and Order Commission could be a valuable resource for the Communion. The covenant could make provision for issues arising from disputes, such as those currently concerning human sexuality, to be referred to a Faith and Order Commission for detailed response. The Instruments, also, might find such a body helpful in their task of assisting signatory churches to discern their responsibilities pursuant to the covenant. The Communion has not, for example, had the benefit of a report from a senior, Communion-wide body about the issues raised by the current disputes about human sexuality. How might the current situation be different had such a resource been available?

ATTACHMENT 1

8 May 2008

The Revd Canon Gregory K Cameron
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Dear Gregory

St Andrew's Text for an Anglican Covenant

It was good to meet Archbishop Drexel Gomez, the Revd Dr Katherine Grieb and Dr Eileen Scully of the Covenant Design Group and yourself at the *An Anglican Covenant: Dividing or Reconciling* conference at General Theological Seminary, New York in the United States of America on 10-12 April, 2008.

I think that there are considerable problems with section 3.2 of the St Andrew's Text for an Anglican Covenant. I have highlighted these problems and made some suggestions to overcome them below (using the same Article numbers as in the St Andrew's Text):

- (3.2.1) The expression "to have regard to the common good of the Communion in the exercise of its autonomy" has no clear meaning, and is likely to be seen differently by different Churches. It would be more helpful if this commitment were limited to the affirmations and commitments of the Covenant. Each Church which adopts the Covenant should be prepared to abide by, rather than merely respect, these affirmations and commitments.
- (3.2.2) The scope of the expression "to respect the constitutional autonomy of all of the Churches of the Anglican Communion" is unclear. While one meaning of "respect" is "refrain from interfering with", there are several other meanings such as "to regard or show consideration for". If the intended scope of this expression is that a Church will not engage in activity in the territory of another Church except with consent, then an alternative expression could be "to refrain from undertaking any activity in the territory of another Church without the consent of the responsible body of that Church." If this is not the intended scope of this expression, then an alternative expression should be considered.

- (3.2.3) The grammar of the first sentence could be improved – the words “reflection to ...” are grammatically incorrect. Further, there is not a complete correspondence between the concepts in the first and second sentences. This correspondence could be achieved by the inclusion of the word “listening” in the second sentence.
- (3.2.4) The word “understood” raises the question of “understood by whom.” What is regarded as essential by one Church may be regarded differently by another Church. I doubt that the expression “the canon law of our churches” will be helpful in seeking a common mind about matters of essential concern. While I accept that some principles of canon law are common among member Churches, many would not be.
- (3.2.5) The precondition to action under this Article is proposed or enacted actions that “are deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission.” This expression or abbreviations of it appear in several places in the Procedural Appendix. It is puzzling that the Lambeth Conference is responsible for “guarding the faith and unity of the Communion” (see Article (3.1.4-II)), but a threat to the faith of the Communion does not have any consequence (unless it also constitutes a threat to the unity or mission of the Communion). The expression “unity of the Communion” only appears in Article (3.1.4-II); it is unclear whether the word “unity” in Articles (3.1.3) and (3.1.4-I) has the same meaning. The expression the “mission (of the Communion)” does not otherwise appear in the Covenant. Presumably the mission undertaken by each Church in Article (2.2.2) is the mission of the Communion. In view of the serious consequences that may follow upon a threat to the unity and mission of the Communion, the content of these expressions should be made clear by reference to other provisions of the Covenant.
- (3.2.5.e) There is an ambiguity in the first sentence. Presumably it is intended that the Church is not bound to adopt the course of action specified in the request. As the choice not to adopt “(the course of action contained in) the request” can give rise to consequences, a Church will be “bound” by its decision of non-adoption. The ultimate consequence of non-adoption of such a request of “relinquishment by that Church of the force and meaning of the covenant’s purpose” is bound to create great uncertainty. Would this mean that the Church would no longer be a member of the voluntary association constituted by the member Churches of the Anglican Communion? If so, how would this relinquishment be reflected in the Constitution of Anglican Consultative Council? Would the Archbishop of Canterbury be bound to refuse to invite bishops of that Church to the Lambeth Conference and the Primate of that Church to the Primates Meeting? If not, what would be the effect of such a relinquishment?

The concept of a relinquishment of the force and meaning of the covenant’s purpose should not be used. If the intention is that there be no punitive sanction where a Church “breaches” the Covenant in such a manner as to threaten the unity and mission of the Communion, then I consider that a

different mechanism should be used. Consideration should be given to the ultimate consequence being a declaration by the Anglican Consultative Council that the action of the Church is, or would be, incompatible with the faith, unity and/or mission of the Communion. This mechanism of a declaration of incompatibility is used in the human rights legislation of the United Kingdom, New Zealand and two jurisdictions in Australia. Where such a declaration is made, the law in question is not invalid. Parliament must then determine whether it wishes to amend the law in question.

A declaration of incompatibility by the Anglican Consultative Council would not affect the Church's status as a member of the Anglican Communion. It would give the Church in question the opportunity to reconsider its position. In this way, the autonomy of the Church would be preserved.

Procedural Appendix

I have deep misgivings about the suggested process. Rather than making a detailed critique of the entire Appendix, I will make some general comments (using the same paragraph numbers as in the Procedural Appendix).

- 1.3 No time period should be specified.
3. There is a significant danger of the procedures becoming an instrument of oppression if they can be invoked by member Church X, Y or Z. The procedures should only be able to be invoked by an Instrument of Communion at the request of a Church or on its own initiative. An Instrument of Communion could seek advice such as provided by the Assessors before deciding to invoke the procedures.
4. There is a great danger in conferring a power on the Archbishop of Canterbury to make a request. If there were a successful appeal, the authority of the Archbishop of Canterbury would inevitably be diminished. Further, there are real issues of practicality. The Archbishop of Canterbury would need to observe the principles of procedural fairness and give the Church in question an opportunity to make submissions. It is not realistic to expect that the Archbishop of Canterbury would have the time to make the necessary evaluation.
5. Similar issues of practicality will arise if this power is conferred upon another Instrument of Communion. How could the Primates Meeting (with its large membership), the Lambeth Conference (with hundreds of bishops in attendance) and the Anglican Consultative Council (with a membership of over 70 persons) possibly make such an evaluation?
6. A specially appointed Commission is the only body that can realistically make an evaluation. Having a Commission appointed by the Archbishop of Canterbury would ensure that a body with appropriate expertise could be appointed. A Commission with a small membership would be able to undertake a cost effective evaluation.

7. I doubt the utility of a mediation if there has been an evaluation that there is no threat to the unity or mission of the Communion.
8. If the Commission makes an evaluation that the action of a Church threatens the unity or mission of the Communion, the Anglican Consultative Council would need to observe the principles of procedure fairness and give the Church in question an opportunity to make submissions.

The procedure would be greatly simplified by adopting the following basic structure:

- (1) An Instrument of Communion at the request of a Church or its own initiative refers to a Commission to be appointed by the Archbishop of Canterbury the question of whether the action or proposed action is compatible with the faith, unity and/or mission of the Communion as expressed in the Covenant.
- (2) The Commission after allowing the Church concerned and other Churches the opportunity to make submissions, prepares a report for the Anglican Consultative Council containing a recommendation as to whether the action or proposed action is compatible with the faith, unity and/or mission of the Communion.
- (3) Where the report of the Commission contains such a recommendation, the Anglican Consultative Council, having given the Church in question an opportunity to make submissions, determines whether it should make a declaration that the action or proposed action is incompatible with the faith, unity and/or mission of the Communion. If it was thought that there should be a right of appeal, the Standing Committee could be empowered to make the initial decision with a right of appeal to the Council. The advantage of this course is that the Standing Committee could meet more expeditiously and at less expense than the Council. The disadvantage of this course is that there would inevitably be a question about the representative nature of the Standing Committee to make such a significant decision. This disadvantage can only be overcome by having the decision made by the Council.

If the Covenant Design Group wishes to recommend a structure along these lines, I am willing to draft a procedure for its consideration.

Yours sincerely

GARTH BLAKE S.C.

ATTACHMENT 2

Chapter 2: SUSTAINING THE CONVERSATION

General Synod has been through some big changes in its processes in recent times. These changes have enabled us to deal more creatively and positively with the issues that come before us.

The General Synod often has to deal with matters which are both complex and contentious. That is because at the national level we live with a lot of institutionalised diversity. Also in the General Synod we often face matters which touch on core issues of our identity as Anglicans. For example in the last fifteen years we have experienced conflict on things to do with liturgy and ministerial order.

All this has meant that our processes in the synod are challenged to facilitate candour and respect as together we seek to fulfil our Christian vocation. The last two General Synods have agreed to changes in our processes in three respects:

1. **PROTOCOLS FOR PARTICIPATION** to help us in listening to each other[First agreed to at the 1998 Adelaide Synod]
2. **GROUP DISCUSSION PROCESSES** to clarify important matters before the synod. [First introduced at the Adelaide synod in 1998 and to be incorporated into our Standing Orders at this synod]
3. **WORKING IN STAGES** at successive synods on fundamental issues. [Agreed to at the 2001 synod in Brisbane]

Now for this meeting of the General Synod in 2004 all three of these processes are in place and we include here a description of those arrangements.

1. PROTOCOLS FOR PARTICIPATION

LISTENING

Empathy is important to good listening. Empathy is about rapport and openness between people. When these are absent people are less likely to consider the ideas, commitments, understandings or faith of others. The best way to build empathy is to help other people know that they are understood. There are specific listening activities which are relevant in various situations.

Information - getting a clear picture

Speaker's aim: To get across an idea or point of view with as much clarity and as little confusion as possible.

Listener's aim: To understand an idea or point of view, to check that it has been understood accurately

In this situation listeners may assist communication by -

Asking questions -

- to clarify what is being said
- to enquire about what is being said
- to clarify anxieties, concerns or difficulties
- to explore unstated premises on which thinking is built

Checking - that they have understood accurately what is meant

Summarising - to ensure that they have the overall picture straight

Being aware that a person's history and experience influences how they see things.

Listeners may need to appreciate some of that history to understand the point of view being expressed.

Listeners may assist communication by -

- not ignoring or denying feelings
- listening to non-verbal as well as verbal communication
- checking with the speaker about feelings as well as content even though they may only speak about content
- checking that you have understood accurately

Inflammation - responding to a complaint or an attack on you

Speaker's action: to tell you that you are the problem

Listener's aim: to acknowledge that you understand what's being said and to defuse the strong emotion

This sort of situation most commonly occurs in smaller groups or in one to one conversations, but in a large conference like a synod we all engage in our minds with our own private version of a conversation with the speaker, even though we are simply listening. That initial conversation is important because it is shaping our disposition which will in turn affect later contributions.

In this situation as a listener you have the opportunity to choose the most helpful response when someone is telling you that they are unhappy with you, criticising you, complaining about you or yelling at you. It will assist communication if you

- don't defend yourself at first. That will inflame the speaker further;
- deal first with the speaker's emotions. People shout because they don't think they are being heard. Make sure they know they are, that you are hearing how upset and angry they are;
- acknowledge their side. This doesn't mean you are agreeing with them, only that you are registering their viewpoint.
- draw them out further. Explore gently what more there is behind the emotion. What is at stake for the speaker that generates such strong feelings?
- explore the issue once the heat is gone from the conversation;
- don't rise to the bait and retaliate;
- don't start justifying yourself.,
- don't act defensively; and
- listen carefully until they have calmed down and conversation can occur.

SPEAKING

Good communication relies on you being able to state your case without arousing the defences of the other person. A key to such communication lies in saying how things seem to you, without saying what the other person should or shouldn't do.

Using 'I' statements can be helpful. An 'I' statement says how it is from my point of view, how I see it.

You can waste inordinate amounts of time and energy debating how the other person will or won't respond. Don't bother! You do need to be sure you haven't used language which inflames the situation and causes a negative response. 'I' statements assist you to let the other person know you are feeling strongly about an issue. Others may not perceive how hurt or angry or put out you are, so it's useful to say exactly how you are feeling and what you are thinking, without under or over-stating the case

.

'I' statements are -

- not about being polite, soft or nice. Nor are they about being rude. They are about being clear;
- conversation openers, not conclusions. They help improve relationships rather than allowing deterioration;
- not the answer in a nutshell. That may be an unrealistic expectation;
- not about getting the other person to respond immediately as you want them to. That is also unrealistic;
- unlikely to do any harm;
- a step in the right direction;
- sure to change the current situation in some way; and
- likely to open up possibilities as yet unexamined.

When someone acts in an aggressive or hostile manner, resist the temptation to withdraw rapidly. Resist, too, the temptation to shout back to stop the onslaught. Instead be aware of your own rising anger, and using clear 'I' statements say what you are thinking and how you are feeling.

Affirmation - affirming, acknowledging, exploring the issue

Speaker's aim: to talk openly about the issue, indicating thoughts and feelings

Listener's aim: to acknowledge feelings and understand thoughts and ideas, to feel the persuasion of the speaker's point of view, to stand in the speaker's shoes

In this situation the listener recognises that the speaker is assisted by taking time to hear, feel and understand their point of view. The listener may not necessarily agree with the speaker but endeavours to feel the persuasion of that perspective.

2. GROUP DISCUSSION PROCESSES

The Group Discussions are designed to help individual members of the synod to clarify the issues before us. Sometimes groups may be asked to brainstorm to formulate options on the question which can be used in future work on the question. In this case the Standing Committee will make special preparations for this kind of feedback.

Small groups are **not** for the purpose of proposing amendments to the resolution before the synod. Such amendments can only be made in the normal way in plenary session.

Standing Committee will make arrangements for this process so that the following steps can be taken:

- The mover of the motion will introduce the subject and speak to the motion. They have 15 minutes.
- The seconder will formally second at this stage. They will have an opportunity to speak in the usual way in the plenary debate after the small group process.
- Another speaker from a different perspective will speak. They have 15 minutes.
- The President will invite any question of clarification to which the speakers will respond.
- The Synod breaks into small groups. The small groups will have a note agreed between the two lead speakers of the questions that are at stake in the motion.
- After time for discussion the President will announce that the plenary debate will proceed. Synod then returns to debate the motion in the usual way.

The small groups will contain members from different dioceses in order to assist mutual understanding and engagement.

In order to facilitate this process the Standing Orders have been suspended at the last two synods in the following ways. The Standing Committee will propose at this synod that the Standing Orders be amended.

A Legislation

That in relation to the consideration of legislation declared by the Synod to require group discussion -

- 1 *Standing Order 63(5) be suspended and the following sessional order be agreed to in its place:*

“(5) When a motion that a bill be approved in principle has been moved and spoken to by the mover and seconded,

(a) one member representing points of view different from those of the mover shall be invited by the President to speak;

(b) the President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such questions which may thereupon be answered by the mover or other previous speaker;

(c) further questions may be asked and answered until the President announces that the time for questions has finished;

(d) the Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.”;

- 2 *Standing Order 34(a) be suspended to the extent that the speakers representing different points of view may speak for up to fifteen minutes.*

That the Synod declare the following legislation to require group discussion -

[insert actual short title of the bill]

(1)

(2)

B **Resolutions**

That in relation to the consideration of motions (not being motions relating to legislation) declared by the Synod to require group discussion -

- 1 When the motion has been moved and spoken to by the mover and seconded, one member representing points of view different from those of the mover shall be invited by the President to speak.*
- 2 The President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the motion, and any member may then ask any such questions which may thereupon be answered by the mover or other previous speaker.*
- 3 Further questions may be asked and answered until the President announces that the time for questions has finished.*
- 4 The Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.*
- 5 Standing Order 34(a) shall be suspended to the extent that the speaker representing different points of view may speak for up to fifteen minutes.*

*That the Synod declare the following motions to require group discussion -
[insert actual reference numbers and mover]*

(1)

(2)

3. WORKING IN STAGES

A non-adversarial or problem-solving process may be conceived as involving the following main steps:

- (1) clarifying the issue(s);
- (2) generating options;
- (3) assessing the options;
- (4) deciding;
- (5) implementing; and
- (6) evaluating.

To deliver effective outcomes from this approach we not only need to work with these stages, but we need to participate in the process at the synod in a way which will be creative. This means participating according to a set of fundamental attitudes, which may involve shifts in values and perspectives from those which have sometimes characterised Synods in the past.

From Opponents **To** Partners with common goals and diverse concerns

From Winning and losing **To** Contributing to an acceptable solution/way forward

Each step of this overall process is important.

(1) Clarifying the Issues

- Identifying what is at stake for each participant - what is being threatened?

- What gain is being sought?
- What feelings are evoked?

At root, what is at stake here?

- What is important for each participant?
- What will I be looking for in a solution?
- What criteria will I use to assess options?
- This stage is not about finding solutions or arguing against someone else's thoughts or feelings. It is about hearing and understanding what is at stake.

(2) Generating Options

- Suspending evaluation or assessment of options is important at this stage ;
- lateral thinking is to be encouraged; and
- thinking 'outside the box' is valued.

(3) Assessing the options

- Participants weigh up the various options generated against what each is seeking to gain (identified in step 1);
- each participant is invited to be clear and explicit about the criteria used to assess options;
- the implications of each option are developed and considered; and
- options may be developed, adapted, nuanced.

(4) Deciding

- Taking into account the advantages and disadvantages identified in 3, the best (adapted) option is selected; and
- the aim is for a win-win solution which achieves, as far as possible, the common goals and takes into consideration, as far as possible, the particular concerns of each participant or group.

In the past the General Synod itself has often been seen as coming together to address stage 4 of this process, that is to make decisions, particularly legislative ones. Once again the Adelaide Synod clearly wanted to move beyond that narrow conception of the role of the General Synod.

Taking a wider view of the context within which the General Synod meets, it is appropriate to see the General Synod itself tackle stages 3 and 4 and for preparatory processes leading up to the Synod to tackle stages 1 and 2.

From this perspective the meeting of General Synod itself is seen as one element in a wider process rather than as an isolated event complete in itself. Taking this view, some steps in the non-adversarial process long precede the Synod itself. The effectiveness of the Synod-event is in large part determined by the soundness of this wider process in which it is set.

The following table indicates the way in which this process view has been adapted in stages in the General Synod.

Stage	Purpose	Approach in synod
Stage 1	Clarifying	Process prior to General Synod itself
Stage 2	Generating Options	Processes prior to General Synod itself
Stage 3	Assessing Options	Using groups at General Synod

Stage 4	Deciding	Groups and formal plenary debate
Stage 5	Implementing	
Stage 6	Evaluating	

Taking a longer-term view still, this next table suggests ways in which the General Synod meeting itself could play a greater role in each of the steps in the process.

Stage	This Synod	Interim	Next Synod
Stage 1	Groups to begin clarification		
Stage 2	Groups begin to generate options	Refining options Refining criteria Wide consultation Preliminary assessment of options. One or more options prepared for presentation to the General Synod	
Stage 3			Groups to assess refined option(s)
Stage 4			Plenary debate and decision

The use of small group discussions during the meeting of the General Synod itself could be directed towards the particular purposes of the step being undertaken. Different processes would be required accordingly, eg if generating options (step 2) a report-back mechanism would be necessary and would be prepared beforehand by the Standing Committee.

The best process will depend on the nature of the issue and the maturity of gestation in the life of the Church.

This pattern requires an approach which -

- is set within the broad context of the non-adversarial problem-solving process, (the steps outlined here);
- sees consecutive General Synods as strategic moments for participation in the process, rather than as discrete events; and
- invites Standing Committee (or a sub-group) explicitly to plan a process for dealing with each major issue making best use of

opportunity for systematic consultation between General Synods and at Synods themselves maximum participation focussed on specific outcomes of stages of the process.

A kind of mapping process is envisaged specific to each issue and its maturation.

Examples of issues and stage of gestation	Appropriate outcome to seek at General Synod
New issue	<ul style="list-style-type: none"> • Awareness raising • Identifying stakes • Preliminary generation of options
Options generated	<ul style="list-style-type: none"> • Wide consultation undertaken • Legislative options and decisions • Structural outcomes • Resource allocation decisions



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CDG/PRO9/03

Statement from the Bishop's House on the Anglican Covenant, St. Andrews Draft

Life in Communion and the Communion of Life

At our meeting of the House of Bishops, we, the bishops of the Episcopal Anglican Church of Brazil, wish to say that we are following with great interest the work of the Commission, which is proposing to the Anglican Communion a Covenant whose objective would be to help overcome the current tensions within the church.

We appreciate the effort and sincere concern of this group and we recognize how their work has brought about important reflections on our nature as communion.

However, although acknowledging that commendable effort, we believe that our Communion does not need new instruments of consensus beyond those that historically have been our benchmarks in terms of identity.

We have diligently studied the second draft of the Covenant, known as the St Andrew's Draft, and despite some new insights shown from the first reactions to the proposal coming from various parts of the Communion, according to our view, the proposition is still problematic.

The new proposal focuses on elements that we believe are unnecessary and inapplicable to our Communion. In the manner in which they are presented, they constitute a serious setback in the understanding of what is Communion, prioritising the juridical dimension more and less so the ecclesiological and affective dimensions that have been the historical mark of our mutual interdependence.

The Covenant continues to be a mistaken proposal for the resolution of conflicts through the creation of curial instances absolutely alien to our ethos.

We are fully convinced that the time in which we live is marked by symptoms that value highly the building up of networks and other manifestations of communion in a spontaneous way in the various aspects of human life. Insisting on a formal and juridical Covenant, with the logic of discipline and exercise of power, means to move in the opposite direction, thus returning to the days of Modernity, with its Confessions, Covenants, Diets and other rational instruments of theological consensus.

Acolher é um Ministério



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The nature of the Anglican Communion already has sufficient elements that both characterize and nurture it. This is the richness of our cultural and hermeneutical diversity that always creates the challenge of positive tension for us, which experienced in the exercise of dispersed and shared authority. We can not, however, allow it to be replaced by a legal, circumstantial instrument of political control.

Communion is never created and developed by the letter. The true communion is nurtured by the Spirit. The true communion is life. The paschal mystery that we live in this liturgical season is an unmistakable demonstration of what we need to re-affirm. Faith in the Risen Christ does not presuppose text, but rather an open heart and a humble faith. It was the event of the Resurrection and the affective perception of it that generated a Community, a Communion.

Thus, inspired by this liturgical season and aware of the richness of our Communion, we manifest the conviction that the Covenant is not an essential element to maintain or strengthen our Communion; on the contrary, it risks defacing it. Our history and the instruments we have are already sufficient to build unity from the richness of our diversity, in a continuous process of listening and mutual respect.

Curitiba, 04 April 2008.

The Most Revd. Maurício Andrade, Primate and Brasília

The Rt. Revd Almir dos Santos, Oeste

The Rt. Revd. Pereira Neves, Santa Maria-RS

The Rt.Revd. Orlando Santos de Oliveira, Porto Alegre, RS

The Rt. Revd. Celso Franco, Rio de Janeiro, RJ

The Rt. Revd. Naudal Alves Gomes, Curitiba, PR

The Rt. Revd. Sebastião Armando Gameleira Soares, Recife, PE

The Rt. Revd. Filadelfo de Oliveira Neto, Recife, PE

The Rt. Revd. Saulo Maurício de Barros, Belém, PA

The Rt. Revd. Renato da Cruz Raatz, Pelotas, RS

The Rt. Revd. Roger Bird-São Paulo, SP

The Rt. Revd. Clovis Erly Rodrigues, House of Bishop

The Rt. Revd. Luiz Osório Pires Prado, House of Bishop

The Rt. Revd. Glauco Soares de Lima, House of Bishop



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Bujumbura 6th March 2009

RESPONSE OF THE PROVINCE OF THE ANGLICAN CHURCH OF BURUNDI TO THE PROPOSED ANGLICAN COVENANT

With regard to the request that all Provinces of the Anglican Communion respond by 9th March to the following three questions, the House of Bishops of the Province of the Anglican Church of Burundi submits the following responses to the questions posed:

‘(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?)

The House of Bishops of the Province of the Anglican Church of Burundi is able “in principle” to make a commitment to the Covenant process.

It commends the work of the Covenant Design Group that has produced a draft that

- affirms the theological and doctrinal tenets of Anglicanism
- seeks to provide an Anglican identity based on Common Faith, Common Mission, and Common Life
- provides a framework and motivation for mission through the Five Marks of Mission
- is based on Anglican tradition and inheritance (e.g. the Book of Common Prayer, the Lambeth Quadrilateral, Lambeth resolutions and agreed statements of ecumenical dialogues, and Communion Commission Reports)
- has at its heart a desire to maintain unity among Anglicans, to strengthen the life of the Communion, and to deepen koinonia in Christ
- aims to strengthen a shared commitment to preserve both autonomy and communion
- seeks to promote mutual loyalty and responsibility, greater honesty and transparency, accountability and trust
- suggests a process for resolving differences and promotes reconciliation and accountability

As the Windsor Report says –

“Adoption of a Covenant is a practical need and a theological challenge...A Covenant incarnates communion as a visible foundation around which Anglicans can gather to shape



and protect their distinctive identity and mission, and in so doing also provides an accessible resource for our ecumenical partners in their understanding of Anglicanism.” (Windsor Report p. 49 para. 119)

The Introduction of the St Andrew’s Draft aptly states -

“To covenant together is not intended to change the character of this Anglican expression of Christian faith. Rather, we recognise the importance of renewing our commitment to one another, and our common understanding of the faith as we have received it in a solemn way, so that the “bonds of affection” which hold us together may be affirmed. We do this in order to reflect in our relations with one another God’s own faithfulness in his promises towards us in Christ.” (2 Cor 1.20-22)

This reflects the spirit of the Constitution of the Anglican Church of Burundi that seeks to ensure good relationships at all levels of Church life and includes in that all Provinces of the Anglican Communion and ecumenical partners. (Article 23 i)

(2) Is it possible to give some indication of any Synodical process which would have to be undertaken to adopt the Covenant in the fullness of time?

The Covenant text would be discussed by the Synods (diocesan and Provincial) and finally adopted by the House of Bishops.

(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?’

The House of Bishops is concerned that there remain some important issues that require further clarification and consideration:

- the status, roles, and powers of the Instruments of Communion, and their future definition and development
- the roles and powers of Commissions and Assessors initiated for the resolution of disagreements
- the use of language, phrase, and metaphor e.g. the phrase “episcopally led and synodically governed” (3.1.2); “autonomous in communion”; church; common; interdependence.
- the effective resolution of differences and addressing of conflict and division
- handling the consequences of indiscipline in the Church
- the implications of provinces not ratifying the Covenant
- the danger of an alliance of “non-ratifying” provinces
- the implications of a diocese being able to sign up to the Covenant apart from its Province
- the relationship of dioceses within ACNA to the Covenant
- the need to re-define and amend the Covenant to meet new and future challenges

Conclusion:



The Province of the Anglican Church of Burundi hopes and prays that the Covenant will enable the Anglican Communion to be a living fulfillment of covenantal relationships in its mission and witness.

The Covenant should be an expression of our self understanding. It should be perceived not as an oppressive or exclusive instrument, but as a facilitative tool designed to express the manner in which the life and mission of the Church is to be lived out.

The Covenant should bring the autonomous Provinces into relationships of mutual dependence and accountability. It should challenge our willingness to live an ordered life under the grace of God.

May the Anglican Covenant bring about that “unity of the Spirit through the bond of peace” that the Anglican world needs and seeks.

House of Bishops
Province of the Anglican Church of Burundi
March 2009

**Anglican Church of Canada
Preliminary Response to the St. Andrew's Text for an Anglican Covenant**

On May 24, 2008 the Council of General Synod of the Anglican Church of Canada received the report of the Anglican Communion Working Group and directed that it be forwarded to the Covenant Design Group as a preliminary response to the St. Andrew's Draft Covenant (Draft 2) and forwarded it to the bishops of the Anglican Church of Canada for their use both before and during the Lambeth Conference.

**Anglican Communion Working Group
Report to the Council of General Synod**

The Anglican Communion Working Group met at the Aulneau Centre in Winnipeg, Manitoba, on February 7th and 8th 2008. The following were present for this meeting:

The Rt. Rev'd George Bruce, Bishop of Ontario – Faith Worship and Ministry (Chair)
The Rev'd Maureen Crerar, Diocese of Edmonton – Faith Worship and Ministry
The Very Rev'd Iain Luke, Dean of Athabasca – Faith Worship and Ministry
Ms. Caroline Chum, Diocese of Moosonee – Partners in Mission and Eco-justice
The Ven. Peter Fenty, Diocese of Toronto – Partners in Mission and Eco-justice
Canon Allen Box, Diocese of Ottawa - Anglican Consultative Council
The Rt. Rev'd James Cowan, Bishop of British Columbia – House of Bishops
The Rev'd Colin Johnson, Bishop of Toronto – House of Bishops
Canon Dr. Alyson Barnett Cowan - Staff
Dr. Eileen Scully - Staff (as member of the Covenant Design Group)

Regrets were received from the Rt. Rev'd Sue Moxley (Nova Scotia and Prince Edward Island) and Ms. Suzanne Lawson (Anglican Consultative Council)

PURPOSE

The Anglican Communion Working Group (ACWG) met to review the responses to the Nassau Draft of by the Covenant Design Group (CDG) "An Anglican Covenant" (Draft 1), which had been received from Canadian Dioceses and individuals in order to prepare a detailed response to that document. However, in light of the issuance on February 6th, of the St Andrews Draft (Draft 2), the focus of the working group switched to a detailed examination of that text to determine whether its contents reflected the concerns which had been expressed by the Anglican Church of Canada. Responses were received from eight dioceses (Algoma, Athabasca, British Columbia, Calgary, Kootenay, New Westminster, Ontario and Toronto) and a total of five responses were received from individuals or small groups.

COMMENTS

It continues to remain unclear to the majority of the working group whether the purpose of the document has been adequately explained in the new Covenant text. We believe that

inclusion of the “Introduction” into the body of the Covenant would go a long way to providing this clarification. Nevertheless, as it is currently presented the document seems to have two conflicting purposes. One, which describes the nature of the Communion and our commitment to belonging to it, and another, (found mainly in the draft Appendix) which, delineates a process for resolving disputes where it is suggested that one or more Provinces are deemed to have breached the spirit of the document. We believe that further work is required to clarify this disparity because responses to Draft 2 and subsequent drafts will vary dependent upon which purpose has primacy. We also suggest that the addition of a glossary of terms might help overcome the differing understandings of some terminology used throughout the Communion and in the document e.g. the meaning of episcopacy and what is meant by episcopal authority.

AFFIRMATIONS

The working group congratulates the Covenant Design Group for their most recent efforts and believes that the text of this draft is a great improvement upon its predecessor. We are glad to report that many of the concerns raised by Canadian dioceses have been addressed, in whole or in part, in this revision. As a result, we take heart from the responsiveness of the Covenant Design process.

We note particularly the following areas:

- a The changes incorporated into Draft 2 indicate a serious effort on the part of the CDG to listen to the concerns expressed by the Provinces and are indicative of a desire for conversation and dialogue which form a valuable part of the listening process proposed by Lambeth 98. In both the Communiqué and the commentary, there is clear recognition that this will be a slow and careful process and we are heartened to see that the CDG will meet again following Lambeth to produce a third draft.
- b We believe that Draft 2 has taken into account concerns expressed about the role of the primates meeting and provides a much clearer recognition of the role of laity and of the synodical decision making processes in dioceses and provinces throughout the communion. Efforts have also been made to clarify understanding of autonomy and interdependence
- c fears expressed in some quarters that the covenant could assume the form of a narrow confessional document have been significantly allayed in this draft.
- d Draft 2 makes a serious effort to address the central role of worship and prayer as key in holding us together.
- e Almost all Canadian responses expressed concern over the way “formularies” were addressed in Draft 1. We believe that Draft 2 has made great strides in alleviating these concerns.

- f The St Michael's Report recognized that doctrinal developments occur over time. Draft 2 appears now to contain a similar recognition
- g We are pleased to see an addition to the preamble which recognizes the diversity to be found throughout the Communion
- h We are pleased to see the reworking of the sections dealing with the "Instruments of Communion" as they are now placed in a more coherent fashion and particularly are glad to see the redefinition of the role of the Primates' meeting as a gathering representing representatives of the provinces and not as a self styled "curia"
- i The working group was also pleased that the CDG undertook redrafting of the paragraphs relating to the use of, and interpretation of, scripture. The new draft is much clearer particularly as it relates to the interpretation of scripture.

AREAS OF LACK OF CLARITY

There are still a number of areas where greater clarity is required particularly in the discussion of achieving a "Common Mind". Further elaboration on how this occurs is required. We are glad to see the redrafting of the paragraph relating to the "prophetic voice", but believe this area needs more expansion to address the role the prophetic voice plays in developing doctrine.

The working group also believes that there is a need for further clarification of what in the language of the Covenant is meant by the word "Church". An effort is made in the Commentary to clarify this but it remains unclear whether individual churches, dioceses or provinces are referred to. While this is an ecclesiological question it needs to be answered so that all readers understand the same thing. It also may have impact on who approves the Covenant

AREAS OF OUTSTANDING CONCERN

The working group discussed possible problems that the covenant Draft 2 may cause for interfaith and ecumenical relations and dialogues. Although the draft acknowledges the mission of the Anglican Communion as being part of the Mission of the Christian church as a whole, it is not clear how the Covenant will affect ongoing bilateral and communion wide dialogue with Lutheran, Roman Catholic and Orthodox churches. Similar concerns were expressed with respect to inter-faith dialogue.

The working group also noted the absence of any formula for amending the covenant at a future date. Since in our opinion there is some provisionality in the nature and role of the Instruments of communion, this is an important issue.

Our greatest area of concern was reserved for the appendix. This is a document of great significance and the working group noted that there was a distinct change in tone in the language of the appendix and that while the tentative and provisional nature of the procedures outlined in the appendix is highlighted in both the Communiqué and the Commentary its presence as the only possible option for conflict resolution gives it greater significance than we believe is either intended or warranted. While it is scripturally based (Matthew 18) its tone is unnecessarily legalistic and offers little sense of reconciliation. Since the appendix is an expansion of paragraph 3.2.5.b, “according to such procedures as are appended to this covenant”, the working group believe that to respond adequately to it, a better understanding of the range of options which might be offered is required. In one Canadian Diocesan response, for example, a proposal was made for a Commission of Reconciliation. In these discussions, as in ecumenical conversations, starting from the point of what separates us is usually unhelpful. Any alternative model to that contained in the appendix needs to begin with an explicit recognition of what causes us to rejoice in each other acknowledging that we are all brothers and sisters in Christ. (Philippians 4)

Beyond the unnecessarily antagonistic and legalistic tone of the appendix, we believe that it also opens a Pandora’s box of potential complaints. If it is to continue in its present form there need to be clear limits on what kinds of matters can be dealt with and which bodies can bring them forward. We are also concerned that the appendix casts the Archbishop of Canterbury in a quasi-judicial role and wonder whether there have been consultations with the Church of England as to their views on the imposition on the archbishop of these extra duties?

Respectfully submitted

The Rt. Rev George Bruce
Chair, Anglican Communion Working Group

**Second and Final Repsonse of the Anglican Church of Canada
to the St. Andrew's Draft of a Covenant for the Anglican Communion**

The Council of General Synod of the Anglican Church of Canada endorsed the following report, prepared by the Anglican Communion Working Group, in November 2008. This report, together with the 'Preliminary Response' adopted by the Council in May 2008, constitute the response to the St. Andrew's Draft from the Anglican Church of Canada.

**Anglican Communion Working Group
Report to the Council of General Synod**

The Anglican Communion Working Group met at Queen of the Apostles Retreat Centre in Mississauga, Ontario, on October 26th and 27th, 2008. The following were present for the meeting:

The Rt. Rev'd George Bruce Faith Worship and Ministry (Chair), the Rev'd Maureen Crerar, Faith Worship and Ministry, Ms. Caroline Chum, Partners in Mission and Ecojustice; the Ven. Peter Fenty, Partners in Mission and Ecojustice, the Rt. Rev'd James Cowan, House of Bishops; the Rt. Rev'd Colin Johnson, House of Bishops, the Rev'd Dr. Stephen Andrews, member of the Anglican Consultative Council; the Rt. Rev'd Sue Moxley, member of the Anglican Consultative Council

The Rev'd Canon Alyson Barnett-Cowan, Staff

Regrets were received from the Ven. Iain Luke, Faith Worship and Ministry, who sent written comments.

PURPOSE

The Anglican Communion Working Group met to:

A review "A Lambeth Commentary" on bishops' responses to the St Andrew's Draft of the Covenant for the Anglican Communion and to prepare a further response to this draft for forwarding to the Covenant Design Group; and,

B advise the Council Of General Synod on an appropriate response to the questions posed to the Provinces of the Anglican Communion by the Joint Standing Committee of the Primates and the Anglican Consultative Council.

Task A

The Joint Standing committee of the Primates and the ACC referred the St Andrew's Draft for an Anglican Covenant to Provinces for further comment and requested responses to the following 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?

In response to question 1, the ACWG recommends that the Council of General Synod respond in the affirmative.

In response to question 2, the ACWG has asked the Chancellor of General Synod to advise the Council of General Synod on the necessary synodical process required for approval.

In response to Question 3, the ACWG commends the following comments on the St Andrews’s Draft for an Anglican Covenant as an appropriate response from the Anglican Church of Canada.

COMMENTS

It continues to remain unclear whether the purpose of the document has been adequately explained in the draft text. We continue to believe that the inclusion of the “Introduction” into the body of the Covenant would go a long way to providing clarification. Nevertheless, as it is currently presented the document seems to have two conflicting purposes: one, which describes the nature of the Communion and our commitment to it, and another, (found mainly in the draft Appendix) which, delineates a process for resolving disputes where it is suggested that one or more Provinces are deemed to have breached the spirit of the document. The Lambeth Commentary affirms a covenantal focus which is relational. The text of the Appendix to the St. Andrew’s Draft for an Anglican Covenant is unnecessarily antagonistic and legalistic in tone, rather than relational, and opens a Pandora’s box of potential complaints. We are able to affirm the statement of the CDG in “A Lambeth Commentary”, pages 7 and 8, that the language of the draft covenant “can sound ‘juridical’, and that “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.”

AFFIRMATIONS

We congratulate the Covenant Design Group for their most recent efforts and believe that the text of the St Andrew’s Draft is a great improvement upon its predecessor. We are glad to note that many of the concerns raised by the Anglican Church of Canada have been addressed in whole or in part in the St Andrew’s Draft. As a result, we take heart

from the responsiveness of the Covenant design process, in particular the responsiveness indicated in the document “A Lambeth Commentary”.

We note particularly the following areas:

- a. The changes incorporated into the St Andrew’s Draft indicate a serious effort on the part of the CDG to listen to the concerns expressed by the Provinces and are indicative of a desire for conversation and dialogue which form a valuable part of the listening process proposed by Lambeth 98. In both the Communiqué and the Commentary, there is clear recognition that this will be a slow and careful process and we are especially heartened by the work done by the CDG since the meeting of the Lambeth Conference.
- b. We believe that the St Andrew’s Draft has taken into account concerns expressed about the role of the Primates Meeting. “A Lambeth Commentary” confirms the Canadian response to the Nassau Draft, and may indeed indicate the need for a further reduction in the international role of Primates.
- c. The St Andrew’s Draft provides a much clearer recognition of the role of laity and of synodical decision-making processes in the dioceses and Provinces throughout the Communion. Efforts have also been made to clarify understanding of autonomy and interdependence, though this may be being nuanced in the document “A Lambeth Commentary.” (Question 9, page 10.
- d. Fears expressed in some quarters that the Covenant could assume the form of a narrow confessional document have been significantly allayed in this draft. The intention of the CDG to include an amending formula to the covenant increases the unlikelihood of the document becoming a narrow confessional document.
- e. The St Andrew’s Draft makes a serious effort to address the central role of worship and prayer as key in holding us together. While we affirm this, we note that the central role for both the Communion, and Anglican identity of worship and prayer, with emphasis on the Eucharist as the sacrament of unity in the body of Christ, is given inadequate expression in the Lambeth Commentary and should be enhanced in the Covenant document itself, not relegated to the Appendix alone.
- f. Almost all Canadian responses expressed concern over the way “formularies” were addressed in Nassau Draft. We believe that the St Andrew’s Draft has made great strides in alleviating these concerns and we affirm the expressed intent of the CDG in “A Lambeth Commentary” to do even further work in this area.

- g. The St Michael Report (produced by the Canadian Primate's Theological Commission) recognized that doctrinal developments occur over time. The St Andrew's Draft appears now to contain a similar recognition and while "A Lambeth Commentary" does not explicitly address this question, consideration to the inclusion of a reflection on the development of doctrine is needed.
- h. We are pleased to see an addition to the preamble which recognizes the diversity to be found throughout the Communion.
- i. We are pleased to see the reworking of the sections dealing with the "Instruments of Communion" as they are now placed in a more coherent and chronological fashion and are particularly glad to see the redefinition of the role of the Primates' Meeting as a gathering representing representatives of the Provinces and not as a quasi "curia"
- j. We are also pleased that the CDG undertook redrafting of the paragraphs relating to the use of, and interpretation of, scripture. The new draft is much clearer particularly as it relates to the interpretation of scripture. We affirm the direction of the CDG as contained in "A Lambeth Commentary" in this area.

AREAS OF LACK OF CLARITY

There are still a number of areas where greater clarity is required. "A Lambeth Commentary" takes up an observation of our earlier report that there needs to be clarity around terms that are commonly used in the Communion but are perceived locally in very different ways. These differences in perception can be the source of some difficulty when coming to agreement. To assist the CDG in their efforts we offer the following understandings of those terms from a Canadian perspective, as was requested.

'episcopally led and synodically governed'

Canada was not established as a national Province with the subsequent development of dioceses, but the other way around. Our history mirrors civil federal and provincial structures (established in the same time period). This means that our national Province does not have the same degree of authority as some other national Provinces do in their jurisdictions. Governance of the episcopate occurs within the jurisdiction of the internal ecclesiastical provinces (we have four) and not the national Province. This may be unique to Canada and rather complicates the matter of jurisdiction and authority. Even here, we are aware that governance structures in Canadian society are coming under close scrutiny and that the days of autocratic leadership are largely over. Apart from the chairing of General Synod and the executive oversight of the General Synod Office, the

Primate has no ordinary jurisdiction in any Canadian diocese. The Primate has no national authority apart from the power of suasion.

‘the role of bishops’

Indeed, the balance of power even for diocesan bishops exists in their ability to foster a spirit of collegiality amongst both clergy and lay people. Anglicans in Canada do not share a deference for episcopal authority that they once held or similar to that which is held in other parts of the Communion, but rather respond to an articulation of the gospel that finds resonance with the values and priorities of the people of the diocese. In Canada, bishops are elected by diocesan clergy and laity and are not appointed. Their election must receive concurrence from the bishops of the internal ecclesiastical provinces. Moreover, the Canadian House of Bishops has no canonical status apart from General Synod, a meeting in which they represent one of three orders; otherwise their role is only advisory.

‘common mind’

In our particular context this means “a range of acceptable positions”. These positions are not reached arbitrarily, but through consultation, prayer and testing with clergy and laity. Because of the need to engage the whole people of God in this discernment, we are critical of the assumption that the Primates are uniquely responsible for articulating a ‘common mind’ for the Communion.

‘common standards of faith’

Again, this covers a range of practices that fall within the broadest standards of belief as articulated by the Lambeth Quadrilateral.

‘relinquishment’

There are differing views of relinquishment even within the Canadian Province. If the Covenant is primarily relational rather than juridical, then we do not see this as a disciplinary act declared by one party about another. One perspective is to define relinquishment as a knowing departure and a ‘freely-willed decision’ to opt out.

An alternative view holds that there may be circumstances where relinquishment would have to be seen as a secondary and indirect effect of some other decision. In the case of the United Church of South India, for example, they did not intend to leave the Anglican Communion, but that was seen by others as a necessary (though temporary) consequence of their determination to deal in a new way with the historic episcopate. A Province contemplating a step of similar magnitude might well believe that their actions should not lead to any loosening of relationships, but that decision is not solely up to the initiating Province.

The CDG comments in the current document seem to suggest that the decision to maintain or relinquish relationships will be up to the Provinces, severally, given that there is no agreement on empowering a central body to make that decision, and more importantly that the tenor of the Covenant needs to be relational through and through. If a Province were to take a step which resulted in all or nearly all the other Provinces curtailing their relationships, that would amount to relinquishment from this perspective.

Relinquishment may need to be understood not simply as a "choice to walk apart" made by one party, but rather as a consequence of certain other potential choices that the web of relationship, expressed in a covenant, is unable to bear. And this may be so even when the Province making such a choice does not directly will or desire the consequence; though it is given effect not by a regulatory body, but by the responses of the other signatories, acting severally. The difference (and distance) between these two views needs some further clarity and conversation within the Communion.

‘essential concerns’

At one point in the recent history of the Communion it was said that the only way to leave the Communion was to disavow the Lambeth Quadrilateral. We have some sympathy with this understanding of what is an essential feature of our common life, but we also recognize that what the Church regards as ‘essential’ changes from generation to generation. We are not sure how such definitions can be determined in our context without reference to the Anglican formularies and broad engagement with the Church.

‘wide consultation’

This is not a question so much of what ‘wide’ means, but what does ‘consultation’ entail? Does this mean simply the sharing of information or does it imply the reaching of some consensus before any action is taken? There is a third option demonstrated in the process involved in the consultation and revision of the Covenant. This has been beneficial since it is apparent that the results of consultation have influenced the modification of the proposed Covenant.

‘development of doctrine’

Faith is dynamic; common standards of faith should always be provisional; the Spirit is at work continually transforming us. But we do acknowledge that the goal of our transformation is the unchanging Christ. We need to understand how discernment has happened in the past where doctrinal development has occurred. What is held in common at all times, however, is the conviction that this is a faithful development of the tradition; a development ‘for this time’ or ‘for this body’ (not necessarily universal).

‘prophetic voice’ (our addition to the list)

We note that this phrase, which is used in a compelling way in many parts of the Church, can be claimed by parties that hold apparently contradictory points of view. We do not

deny that the Spirit is always urging us onwards and that the gift of prophecy is an important charism, but we are also mindful that there may be false prophets and prophecies. The question is how we distinguish between them.

AREAS OF OUTSTANDING CONCERN

The St Andrew's Draft (Section 2) acknowledges the mission of the Anglican Communion as being part of the mission of the Christian church as a whole; however, it remains unclear in the text whether or how the Covenant will affect ongoing bilateral and communion wide dialogue with the Lutheran, Roman Catholic and Orthodox churches nor does it address in particular those churches with whom we are in full communion. For example the ACC/ELCIC; the IFI; The Porvoo churches; the old Catholics and the United Churches of India and Pakistan. In Canada we treasure our full communion relationship with the ELCIC as well as the relationships we have with other Christian denominations. This is true also for other Provinces of the Communion. Thus any further revision of the St Andrew's Draft needs to take this into account.

We also note that there is no reference to the impact of the Covenant in interfaith contexts especially in parts of the world where Christians are in the minority.

We are pleased to note that the Covenant Design Group in its next revision of the text will address the methodology for amending the Covenant if and as it is required. However, if as is suggested in "A Lambeth Commentary" (page 14), the Covenant addresses ways in which our present reality calls us to intensify our relationships within the Body of Christ, then what it says will be significant but not exhaustive for future generations. Thus the need for amendment would likely only apply to the processes or procedures for implementation which may change as a result of experience. This should reduce the complexity of any task of amending

We continue to have great concerns around the content and tone of the Appendix as it was originally proposed and are pleased to note that the bishops at Lambeth affirm that same concern. The suggestion by the CDG of deleting the appendix and replacing it with a new Section 4 may be of some benefit although, we note, that in our own context if the procedures for administering the Covenant were in an appendix, which seem to be the suggested contents of section 4, they would be easier to amend. In most Canadian dioceses regulations to Canons, for example, can be amended by a Diocesan Executive Council or similar body, without requiring a full Synod to approve.

We can support the suggestions for topics to be included in section 4 but we have great reservations about the hurried timeline that will be given for review of the revised St Andrews Draft as a final version of the Covenant text, particularly if the ACC meeting is to consider approving the text for distribution to Provinces to begin their approval process. It must be understood that in some Provinces the synodical decision making processes are different from others and providing a revised St Andrew's Draft barely weeks prior to the ACC meeting in May 2009 will not provide sufficient time for consultation and advice. Finally, we suggest that if the procedures were included in an

Appendix it could be designated as a working document, for a period of perhaps a decade and then reviewed as to its effectiveness.

As noted earlier, we continue to believe that the Introduction to the St Andrew's Draft must be an integral part of the Covenant document and find the argument contained in "A Lambeth Commentary" for not doing so to be unconvincing. We concur with the CDG in that the Covenant needs to be grounded in theological understandings of covenant and find the conclusion that the Introduction does not carry the weight of the remainder of the document to be baffling.

With respect to the proposed Anglican Communion Covenant Commission, we have many questions. What is its composition? What would its duties be? What does "administering the Covenant" mean? What is the relationship with the Pastoral Forum proposed at Lambeth and the Council of Advice suggested by the Windsor Report? Where do the funds for this body come from? And finally, why do we need it? It seems to us that the task of administering the Covenant would fit well within the Anglican Consultative Council and its bodies.

CONCLUSION

We are appreciative of the open and transparent functioning of the CDG and have trust that comments from Provinces are being heard. We, along with the Bishops as noted in "A Lambeth Commentary", are satisfied that sections 1, 2 and most of section 3 are satisfactory to the Anglican church of Canada. We acknowledge that some minor amendment to those sections may be required to provide greater clarity, but would have great concern if these sections underwent any significant amendment. We would have great concern if the existing Appendix or proposed section 4 did not undergo substantial amendment and with a significant period of consultation.

A DRAFT COVENANT FOR THE ANGLICAN COMMUNION

NOTE FROM THE HOUSE OF BISHOPS

1. The General Synod considered Anglican Communion matters in debates last February and again in July. Since then, proposals for a Covenant for the Communion have been discussed at the Lambeth Conference.
2. A document (*'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'*) was issued in October. The Reflections document can be consulted on the Anglican Communion website and Synod members can obtain copies on request from the Synod office at Church House.
3. All Provinces of the Anglican Communion have been asked by 9 March to provide answers to the following 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 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?'
4. The Covenant Design Group is due to meet shortly thereafter to produce a further draft of the Covenant in time for consideration by the Anglican Consultative Council in Jamaica in May 2009.
5. It will then be for the ACC to consider what should happen next. It is possible that it will be able to sign off a Covenant which could then formally be put to Provinces for ratification, if possible before the ACC meets in 2012. The responses from provinces will, however, cast further light on whether that timescale is achievable.
6. Attached to this note is a draft Church of England response to the three questions. The first two sections are largely factual in nature and reflect input from the Legal Adviser and the Secretary General. For the third we are indebted to the House of Bishops' Theological Group, the Faith and Order Advisory Group and particularly to the Bishops of Rochester, Guildford and

Gloucester and to Dr Martin Davie. They have marshalled some complex material against tight deadlines and we are grateful to them.

7. An earlier draft of this material was considered at the House's meeting in December. Some changes have been made to reflect points made in that discussion. Similarly we shall wish to take account of points made during the General Synod debate in February before approving the final version of the response and authorising its submission to the Anglican Communion Office.
8. The Bishop of Rochester will introduce a debate in February inviting the Synod to take note of this report.

+ROWAN CANTUAR

+SENTAMU EBOR

(on behalf of the House of Bishops)
January 2009

A COVENANT FOR THE ANGLICAN COMMUNION
– COMMENTS FROM THE CHURCH OF ENGLAND

1. On 12 March the Secretary General of the Anglican Communion wrote to Primates and Provincial Secretaries asking three questions on behalf of the Joint Standing Committee of the Primates of the Anglican Communion and the Anglican Consultative Council. The following answers, which have been agreed by the Archbishops of Canterbury and York, take account of a series of discussions about the Covenant process, including in the General Synod – most recently in [February 2009] – the House of Bishops, its Theological Group and the Faith and Order Advisory Group. In addition, they also reflect the discussions about the Covenant that took place at the 2008 Lambeth Conference.

Question 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. The relevant national bodies of the Church of England have taken a close and continuing interest in the proposal for a Covenant for the Anglican Communion since the idea featured among the recommendations of the Lambeth Commission – *the Windsor Report* – in October 2004.

3. In February 2005 the General Synod debated a document from the House of Bishops on the Windsor Report which, among other things, stated that: “the House supports the drawing up of an Anglican Covenant.” At the end of the debate the Synod passed a motion, moved by the Bishop of Durham on behalf of the House, to:

- “
- (a) welcome the report from the House (GS 1570) accepting the principles set out in the Windsor Report;
 - (b) urge the Primates of the Anglican Communion to take action, in the light of the Windsor Report’s recommendations, to secure unity within the constraints of truth and charity and to seek reconciliation within the Communion; and
 - (c) assure the Archbishop of Canterbury of its prayerful support at the forthcoming Primates’ Meeting.”

4. The General Synod returned to the subject in July 2007 following an address on behalf of the Covenant Design Group from Archbishop Gomez. The Synod then approved a motion, moved on behalf of the House of Bishops by the Bishop of Chichester, to:

- “
- (a) affirm its willingness to engage positively with the unanimous recommendation of the Primates in February 2007 for a process designed to produce a Covenant for the Anglican Communion;
 - (b) note that such a process will only be concluded when a definitive text has been duly considered through the Synodical processes of the Provinces of the Communion; and
 - (c) invite the Presidents, having consulted the House of Bishops and the Archbishops’ Council, to agree the terms of a considered response to the draft from the Covenant Design Group for submission to the Anglican Communion Office by the end of the year.”

5. The Church of England's response was duly submitted in December 2007 and taken note of by the Synod on 13 February 2008. By the time Synod met, members had also received a copy of a revised draft of the Covenant – *the St Andrew's text*.

6. The Synod had the opportunity in July 2008, just before the Lambeth Conference, to consider Anglican Communion matters more generally in the light of a motion from the Guildford Diocesan Synod asking for a note to be prepared clarifying the relative responsibilities of certain Church of England and Anglican Communion bodies.

7. Since then the House of Bishops, supported by its Theological Group and by the Faith and Order Advisory Group, has considered the matter further, taking account of the document recording the reflections of the bishops gathered at the Lambeth Conference. The General Synod also debated the matter further [earlier this month].

8. Those discussions have been consistent with what the General Synod has said on previous occasions on behalf of the Church of England, namely to affirm its willingness to engage positively with a process designed to produce a Covenant for the Anglican Communion and its wish for steps that will secure unity within the constraints of truth and charity and seek reconciliation within the Communion.

Question 2: Is it possible to give some indication of any Synodical process which would have to be undertaken to adopt the Covenant in the fullness of time?

9. The decision whether the Church of England should enter a Covenant together with other Churches of the Anglican Communion would be for the General Synod to take. It is not envisaged that any such decision would require, or be given, legislative authority by means of a Measure or Canon: a resolution of the Synod would suffice.

10. Once the Synod had considered and passed the necessary resolution the expectation is, given the significance of the decision, that it would be invited by the Archbishop of Canterbury or York to solemnly affirm and proclaim the resolution as an 'Act of Synod'. Once each Archbishop had then ratified and confirmed the Act of Synod for their respective provinces it would come into effect forthwith (or otherwise in accordance with its terms) and would represent "the will or opinion of the Church of England as expressed by the whole body of the Synod".

11. The process that the General Synod would have to follow before being able to pass the necessary resolution giving its approval to the Church of England's participation in the proposed Covenant would depend on whether Articles 7 and 8 of the Synod's Constitution applied. This is a matter that could only be finally determined once the final form of the Covenant was known.

12. Given the terms of Articles 7 and 8 it seems highly probable, however, that both would be engaged. Article 7 applies where the Synod makes "provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof." An Act of Synod would constitute 'provision' for this purpose. The expression "*touching [the] doctrinal formulae of the Church of England*" has a wide meaning, not confined to provision that is intended to alter specific doctrinal formulae of the Church of England. It is capable of applying to the Covenant if its final form contains affirmations and commitments of the kind contained in the drafts prepared to date.

13. Article 8 applies to, among other things, any "scheme for a constitutional union or a permanent and substantial change of relationship between the Church of England

and another Christian body, being a body of substantial number of whose members reside in Great Britain.” Since the Covenant would appear to involve a substantial change of relationship between the Church of England and the Church in Wales and the Scottish Episcopal Church (in their capacities as member Churches of the Communion), Article 8 is very likely to be engaged. Moreover, even if the decision to enter into the Covenant did not involve such a change it would be open to the Archbishops to direct that Article 8 should apply to it, on the basis that it was a scheme that affects the Church of England and another Christian body.

14. The synodical procedures to be followed in the case of business under Articles 7 and 8 are more extensive than in relation to normal business. The requirements of each article are as follows.

15. Under Article 7 General Synod cannot give final approval to the business in question until it has been referred to, and approved by, the House of Bishops (which has power to amend it). The business must then be submitted to the Synod in the terms approved by the House of Bishops and not otherwise. In addition, the House of Laity and either of the two Houses of Convocation may request a reference of the relevant business to them. If such a reference is called for, either Convocation may decide that it be considered by its two constituent Houses separately rather than by the Convocation as a whole.

16. Where such a reference is sought the consent of that body is then normally required before the General Synod can make a final approval. The exception is that where, following a reference, only one of the four Houses of Convocations declines to give approval there is provision for a second reference (to the Convocations only) and, in the case of a second objection by one House only, for that effectively to be set aside if, on a further reference to the House of Bishops and the House of Clergy sitting separately, both Houses approve the business by a two-thirds majority.

17. The special requirements in relation to Article 8 business are that any such matter may not be submitted to the General Synod for final approval unless first referred to the 44 diocesan synods of the Church of England and approved by a majority of them.

18. It is possible for the Synod to agree, in the course of the debate on final approval of any Article 7 or 8 business, that the debate be adjourned to allow the business to be reconsidered by the House of Bishops. In that event, following reconsideration by the House the business must be returned to the Synod, in the form approved by the House, which then resumes its final approval debate.

19. Article 7 business does not, as such, require any special majority at final approval. Nor does a scheme falling within Article 8 necessarily require a special majority (in contrast with legislation under Article 8, for which a two-thirds majority is required). It is, however, open to the Synod, by resolution, to provide that final approval of any such scheme shall require such special majority of the Synod and/or its three Houses as the Synod may determine. In the absence of such a resolution final approval would be a simple majority, whether of the Synod as a whole or (if 25 members so requested) in each of the three Houses of Bishops, Clergy and Laity.

20. The General Synod meets twice a year in February and July. In addition it has a short inaugural group of sessions every five years, the next of which will be in November 2010. Meetings of the Convocations and of the House of Laity usually take place at the beginning of Synod meetings in February and July. It is possible for Article 7 references and final approval to occur at the same group of sessions.

21. A reference under Article 8 to the diocesan synods does, however, take some time. Diocesan synods have to be allowed at least six months to reply. In practice the period of time required between the reference of the business by the General Synod to diocesan synods and a final approval debate would be at least a year.

22. What all this means is that from the moment that a Covenant was sent to provinces for adoption the Church of England would probably need at least 18 months to 2 years to come to a final decision.

Question 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?'

I. Introductory Comments

23. The St Andrew's draft is consistent with, and can be regarded as a development of, the earlier evolution of the structures of the Anglican Communion which the Church of England has welcomed. There is nothing in it contrary to Church of England faith and order and the Church of England has given a positive reception so far to the Windsor and Covenant processes. Approval of the Covenant would therefore be in keeping with the precedents set by synodical support for previous ecumenical agreements and covenants. We note also the apparent increased support for the Covenant within the Anglican Communion and particularly among the bishops of the Anglican Communion present at the Lambeth Conference.¹

24. There are a number of points, not all of which have the same weight, on which the St. Andrew's draft is capable of further improvement and if these points were to be addressed this would tip the balance of opinion in the Church of England still further in favour of the Covenant.

25. The remainder of this paper offers a brief discussion in support of the principle of the covenant and then discusses where each of the main sections of the St Andrew's would be acceptable to the Church of England and where it could be improved. The paper also notes two broader areas where further work, though not essential, would be desirable.

II. Innovation and the Instruments of Communion

26. Concerns have been raised that the Covenant is an innovation and also that sufficient "covenant structure" already exists within the Anglican Communion. The proposed covenant needs to be set in the context of the growth of the Anglican Communion, the evolution of its current Instruments, and the evidence of a growing need for revision of the structures of communion.

27. The Lambeth Conference was the first "innovation", and from 1897 it was supported by a "Lambeth Continuation Committee" which was made up of bishops and latterly of Primates. In 1948 an Advisory Council on Missionary Strategy, membership of which was not necessarily episcopal, was established and in 1968 it merged with the Continuation Committee to form the Anglican Consultative Council.

¹ See Lambeth Indaba Reflections, 136-144 at www.lambethconference.org/relections/document.cfm

In 1978, however, the Continuation Committee was revived in the form of the Primates' Meeting in order to assist the Archbishop of Canterbury, the Primates and the Lambeth Conference in carrying out their roles. The Covenant can therefore reasonably be understood as a further attempt to articulate the relationships of mutual responsibility within the Anglican Communion. Although it has been articulated in response to a crisis, that crisis itself shows that the current structures are not sufficient and further institutional developments are required.

28. We would also suggest that the Covenant process itself indicates that development of the current Instruments of Communion is called for in order that they can properly support the unity and effective working of the Anglican Communion. This applies particularly to the Anglican Consultative Council which we do not believe is, in its present form, capable of fulfilling the responsibility being given to it. We believe there is also a case for clarifying the status and membership of the Lambeth Conference in a covenantal Communion.

29. It is important that any such development of the Instruments of Communion, and any structures that are put in place to support the working of the Covenant, should reflect the key Anglican ecclesiological principle noted in the paper on Anglican governance from Dr Colin Podmore² that oversight should be exercised by the bishops, but that they should exercise this oversight synodally, that is to say, along with other bishops, and in consultation with other clergy and with the laity.

III. The Introduction to the St Andrew's Draft

30. The expansion of the Introduction in the St Andrew's draft to provide a stronger theological rationale for the covenant is an encouraging development and, as it draws significantly on the Church of England's response to the Nassau draft, the contents of the Introduction should not cause difficulties for the Church of England. However, the status of the Introduction needs to be clear.

31. It is now proposed by the Covenant Design Group (CDG) that "the Introduction will always be published along with the Covenant itself" (which is a welcome proposal) but it is also stated that the Introduction does not carry the weight of the Covenant itself. This gives rise to a danger that there will not be an agreed theological interpretation of what it means to enter into covenant with one another. Clarification of the relationship between the Introduction and the main text would therefore be helpful.

IV: Section One: Our Inheritance of Faith

32. The Church of England would have no difficulty agreeing to the affirmations of this opening section of the draft, which are consistent with Church of England teachings and largely based on the Declaration of Assent in Canon C.15. However, we suggest that this section needs to recognise the different ways in which the *Thirty Nine Articles* the *Book of Common Prayer* and the *Ordinal* have shaped and continue to shape the lives of the different Provinces.

² Colin Podmore, *The Governance of the Church of England and the Anglican Communion*, GS Misc 910

33. In section 1.2 where the text briefly touches on how the Anglican inheritance of faith is worked out in various cultural contexts the material would be strengthened by a discussion of what is meant by the terms ‘tradition’ and ‘reason’ and how they relate to the normative authority of Scripture for Christian faith and life as expressed in the historic formularies. In this connection reference could usefully be made to the material on this subject in the reports of the successive Lambeth Conferences (for example 1948 and 1988), in the *Virginia Report* of the Inter-Anglican Theological and Doctrinal Commission (IATDC)³ and in the ARCIC II report *The Gift of Authority*.⁴

V. Section Two: The Life We Share with Others: Our Anglican Vocation

34. The emphasis on mission in this section has been well received and what is said in is in line with the commitment of the Church of England to sharing in God’s worldwide mission and making mission central to the life of the Communion. However, more work could still be done to strengthen the place of mission in the St Andrew’s Draft.

35. This section would, for example, benefit from clearer recognition of the need to find a balance between the diversity that arises due to the context of mission with the one-ness that is rooted in our trans-cultural proclamation of “one Lord, one faith, one baptism, one God and Father of us all, who is above all and through all and in all” (Ephesians 4:4-6). It could also be further strengthened ecclesiologically by reference to ecumenical texts on the Church alluded to in this section (2.1.1) where the Church is described as ‘a sign of God’s Reign’.

VI. Section Three: Our Unity and Common life

36. The affirmations in the first part of this section are all consonant with the existing faith and order of the Church of England and the commitments in the second part are in accordance with the Church of England’s support for the ecclesiological principles contained in the *Windsor Report*.

37. However, there are four issues in relation to this section that need further consideration by the CDG.

38. First, the CDG needs to look again at its use of the phrase ‘episcopally led and synodically governed’ (3.1.2) since this is a phrase that sits uneasily with the material that follows on the role of the episcopate and is now widely regarded as misleading given that leadership is exercised by those who are not bishops and Anglican churches are governed by their bishops and not simply by their synods. The use of the term ‘bishop in synod’ would be preferable as a short hand for the key element of Anglican ecclesiology noted earlier that oversight should be exercised by the bishops, but should be exercised synodally, that is to say, in consultation with the other clergy and with the laity.

39. Secondly, at the heart of this section, and of the Covenant as a whole, lies the commitment in 3.2.4:

³ www.lambethconference.org/1998/documents/report-1.pdf

⁴ *The Gift of Authority*, CTS/Church Publishing Incorporated, 1999

...to seek with other Churches, through the Communion's shared councils, a common mind about matters understood to be of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches.

40. In the St Andrew's draft the precise meanings of the terms such as 'common mind' and 'essential concern' that are used in this commitment are left undefined and, as the CDG itself recognises in its *Lambeth Commentary*,⁵ it is important that they are given a clear definition if they are to give practical shape to the life of the Communion. In defining the meaning of these terms it would be helpful if reference was made to the extensive discussion of the meaning of life in communion contained in the IATDC's Kuala Lumpur Report *Communion, Conflict and Hope*⁶ and if reference was also made to the key issue of the triangulation of authority, adiaphora and subsidiarity as discussed in Section B of the *Windsor Report*.⁷

41. Thirdly, in view of the central importance of liturgy in the life of the Church, some attention should be given to the issue of who should have the responsibility for determining whether proposed liturgical developments are consonant with the Anglican understanding of the Christian faith.

42. Fourthly, as already noted, there is a major concern about whether the Instruments of Communion, as currently constituted, can bear the weight put on them in this section and in the appendix to the St Andrew's draft. It has been questioned, for example, whether the ACC is the right body to give approval to the final shape of the Covenant. In this context, a fuller exploration of the ecclesiological rationale for the Instruments and some discussion of how they might develop in future would be beneficial. While it is not the task of the Covenant Design Group to write a constitution for the Anglican Communion, the lack of any articulated understanding of, and reflection on, the inter-relationship of the Instruments is a very serious lacuna and will effect both confidence in and the effectiveness of an Anglican Covenant.

43. Work is most urgently required on the role of the Archbishop of Canterbury and the Primates Meeting *vis à vis* the Anglican Consultative Council. The *Lambeth Reflections* express disquiet about both the ACC and the Primates Meeting. There is a lack of knowledge and some mistrust of the ACC and its apparent authority, but also calls for it to be reconstituted in relation to the Primates; equally the enhanced role of the Primates Meeting is viewed with some suspicion, not least as the role of the Primates varies from Province to Province.⁸

44. Any discussion about the relationship between them will need to bear in mind the basic ecclesiological principle of the bishop in synod noted earlier in this paper. Specifically, this means that there needs to be acknowledgement of the distinctive responsibility of the episcopate in general, and of the Primates as the senior bishops of the Communion, for worship, doctrine and morals, but also acknowledgement of the

⁵ www.anglicancommunion.org/commission/covenant/docs/a_lambeth_commentary.pdf

⁶ www.anglicancommunion.org/ministry/theological/iatdc/docs/communion_conflict_&_hope.pdf

⁷ *The Windsor Report*, Anglican Communion Office, 2004

⁸ See *Lambeth Indaba Reflections*, 150 & 151 at www.lambethconference.org/reflections/document.cfm

need for them to exercise this responsibility along with the other bishops and in consultation with representatives of the clergy and the laity.

45. In addition, consideration needs to be given to the distinctive primatial role of the Archbishop of Canterbury, which, while it does involve speaking with the other Primates, does not simply mean acting as a spokesman for the Primates Meeting and to the relationship between the Anglican Communion Office and the office of the Archbishop of Canterbury at Lambeth.

46. Where the St Andrew's Draft expresses the interdependency of each church and what happens when one church deems another, by its action or proposed action, to be threatening the unity of the communion, the lack of clarity about the relationship between the four Instruments leads to a confusing text (3.2). There is also some inconsistency between this section and the Appendix (1.4) where the ACC is given a function of pronouncing relinquishment of the Covenant. The ACC cannot have both an *initiator* role in complaint as an Instrument and the quasi-judicial role of *pronouncement* of relinquishment.

VII. Draft Appendix

47. The major development between the Nassau and St Andrew's Drafts is the proposed draft appendix in the latter exploring the procedural implications of entering a covenant and complaints about breaches of the covenant. The legalistic tone of the Appendix has been frequently criticised and at the Lambeth Conference it was described as 'too punitive'.⁹ The CDG has signalled that the current draft appendix will be subject to further revision (and perhaps incorporation as a fourth section of the covenant) in the next draft.

48. It is clear that the Covenant must have procedural implications if it is to have any effect at all and that the Church of England has always acknowledged the need for discipline within the life of the Church as expressed, for example, in canon law, in Article XXVI and XXXIII and in the opening rubric to the Service of Holy Communion in the *Book of Common Prayer* concerning admission to Communion. . The Covenant will therefore need to address matters of dispute resolution and breach of the covenant and to do so in clear processes consonant with natural justice.

49. It will, however, also need to seek to set in place structures that foster mutual trust and accountability. The Archbishop of Canterbury has spoken of the "palpable obligations and privileges of mutual accountability" and the procedural implications of the Covenant could helpfully be defined in these terms. The CDG's proposal to follow the lead of the Archbishop by describing "relinquishment" of the Covenant in terms of the working out of the "relational consequences" of particular actions is a positive sign of likely developments from the existing St Andrew's Draft.

50. The text also needs to explain how it is possible to join and remain within the Covenant before discussing how in certain circumstances a Province might depart from it. In particular, processes for joining the Covenant should be defined in such a way that (as proposed in the *Windsor Report*) each signatory church is committed to

⁹ *Lambeth Indaba Reflections* , 144

establishing its own provincial system of self-regulation in relation to its covenant commitments. This would encourage signatories to consider relationships with the wider Communion in provincial discussions, much as we already seek to foster and deepen relationships with our ecumenical partners.

51. Concern has also been expressed about whether the Anglican Consultative Council, as presently constituted, is capable of carrying out the role given to it in the appendix and whether a judgement about breaches of the Covenant needs to be based not simply on a refusal to accede to a request from an Instrument of Communion, but a refusal to accede to such a request that amounts to a breach of the fundamental principles of Anglican faith, order and morals as set out earlier in the Covenant.

52. A further matter which has not received sufficient attention, but which was noted obliquely at the Lambeth Conference, is the role in this respect of the Archbishop of Canterbury as Primate of All England.¹⁰ Should the Church of England *not* accept the Covenant or relinquish the Covenant, or were the Church of England to be deemed to have relinquished the Covenant, where would this place the Archbishop of Canterbury?

VIII. The signatories of the Covenant

53. An issue that was raised in the Church of England response to the Nassau draft of the Anglican Covenant and that still merits discussion is the issue of the proper understanding of what is meant by the local church. Are the churches of the Anglican Communion, properly so called, the thirty eight national bodies that belong to the Communion or are they the dioceses of the Communion gathered round their diocesan bishops?

54 This issue raises in turn the two further issues of whether the appropriate signatories of the Covenant are the Provinces or the dioceses and whether (and, if so, in what circumstances) it might be permissible for an individual diocese to become part of the Covenant even if its Province decided not to. As far as the Church of England is concerned an individual diocese has no power to issue a statement that purports to declare the doctrine of the Church and could not sign the Covenant. As noted in paragraph 17 above, however, dioceses would have a key part in the decision making process since the General Synod could not give final approval to the Church of England as a whole signing the Covenant without the agreement of a majority of the dioceses at meetings of their diocesan synods.

IX. Ecumenical implications

55. Overall there is greater ecumenical depth and breadth to the St Andrew's draft and (on the whole) consistency in the use of 'church(es)' and 'Church'. There is, however, still no explicit commitment to consider the impact of actions on other churches not party to the covenant and in particular on the Anglican Communion's ecumenical partners. This is an important omission and needs to be rectified.

¹⁰ *Lambeth Indaba Reflections*, 140

X. Conclusion

56. The Church of England has already committed itself to engage positively with the covenant process flowing from the Windsor Report. We believe that the central role of the Covenant is to help us to understand the gift of communion in terms of both the freedoms and the responsibilities that this gift brings to us (cf. Question 6 part 2, in *A Lambeth Commentary*). We are called into communion with one another and this means mutual accountability – not only within the Anglican Communion, but also with our ecumenical partners. Part of the gift of communion is to recognise and be challenged by the way in which the Christ is revealed to us through the stranger. We hope and pray that the Covenant may make this possible.

+ Michael Roffen

+ Christopher Guildford

香港聖公會教省辦事處

The Provincial Office

HONG KONG SHENG KUNG HUI

(Hong Kong Anglican Church)



27th February 2009

The Revd Canon Kenneth Kearon
Secretary General of the Anglican Communion
St Andrew's House
16 Tavistock Crescent
London
W11 1AP
UK

REGISTERED

Dear Kenneth,

Thank you for your letter of 1st September 2008, regarding the responses from the Provinces with respect to the St Andrew's Draft for the Anglican Covenant.

After consulting widely with the bishops, clergy and laity of the Hong Kong Sheng Kung Hui in the dioceses and at provincial level, and then engaging in serious study and discussion in the Standing Committee of the General Synod, the Committee has resolved to express our support in principle for the progress revealed in the content of the St Andrew's Draft and our commitment to the continuing process towards realization of a Covenant acceptable to the Anglican Communion at large.

We look forward to further reflection, discussion and sharing when the final draft is made available to the Churches of the Communion following the forthcoming ACC meeting and assure you that, as refinement of the draft Covenant proceeds, all those concerned in this task continue to be remembered through the prayers we offer in support of our Anglican family and our hope that the will of God be fulfilled on earth through our worldwide ministries and witnesses.

Yours in Christ

Andrew Chan (The Very Reverend)
Hon. Secretary
Standing Committee
4th General Synod

THE ANGLICAN COVENANT

A Response from the Church of the Province of the Indian Ocean.

To the Most Revd Rowan Williams, Archbishop of Canterbury

Six of the seven dioceses of the Province of the Indian Ocean, because of their geographical location, permanently face the risks of being hit and destroyed by cyclones. It is a fact that because of its comprehensive nature, the Anglican Communion, like our islands is always at risk of being hit and potentially threatened to be destroyed.

Let us now reflect on how we, here, islanders in this part of the world, have been able to face and challenge those realities and embrace the new learnings that have emerged from them while confronting them with vigor, wisdom and a renewed sense of hope.

In the 1960's, one of those islands, Mauritius, of which I am a native, experienced a moment of great distress when it was brought to its knees after the passage of "Carol", one of the worse cyclones ever recorded.

Severe gusts of wind crushed down our most essential infrastructures and thousands of Mauritians became homeless overnight. It was unthinkable that, as a nation, we would grow out of this experience stronger and capable of giving ourselves new life and hope and meaning. To-day, as one of the leading African nations, we have been able to overcome risky situations by our constant willingness to construct our lives on new foundations. These foundations have been built and secured because we have been willing to challenge those unfortunate realities. We would not have escaped destruction if we had unintelligently ignored them. So, with a sense of pride and patriotic zeal, we seriously set ourselves to start anew, by accepting what we had learned from those realities.

We find ourselves to-day in a period of the history of our Communion where dark clouds, like the ones prevailing under cyclonic conditions, are brooding over the Church.

But, there is a way by which we can face up to the storm. As we go through the "eye of the storm", period of calm, reflection and consolidation, we have to learn to welcome the stranger in our midst. A time when we learn to talk not to each other but with each other.

There is now an urgency for all the stake holders of this Communion to deal with the stranger that is within ourselves. This will sustain us in the next step which requires us to embrace the stranger in the other. The stranger is Christ incarnate in the knitting of the "Communion" tapestry.

Christ will meet us on our way to "Emmaus" – Transformation is then experienced.

This way of doing the “Emmaus Theology” will help us to look beyond our structures which at times limit the scope of collaborative unity. The structural nature of our polity at Provincial level tends to affirm one’s own identity and prevents the whole from being prominent over the part. It is imperative to shift from a particular “structural mode” to an all-embracing “relational one”. We are called, as Richard Hooker reminds us, “to hold together each to serve each other’s good, and all to prefer the good of the whole before whatsoever their own particular”.

The challenge now is to discover what is needed to foster such a mentality in the Communion. In his second letter to the Corinthians, the Apostle Paul lays emphasis upon the fact that we are earthen vessels which contain a treasure.

The “Communion” is another jar of clay which holds a treasure which shows that the all surpassing power is from God. We cannot afford to-day to supersede this power on our own. This is a time where we are hard-pressed, perplexed, struck down, but are we not imbued with the life of Jesus that gives life to our mortal bodies? Life is at work with us so there is a need to bring restoration and renewal. With an urge to be more relational, yet structural, and to be faithful to the spirit of the “Windsor Report”, we have to mould ourselves as “ambassadors of reconciliation” if we wish to bring the Good News of God to the “*agora*”, to the alienated world, to the alienated Church.

So, we bishops, clergy and people of the Church of the Province of the Indian Ocean are firmly convinced that the proposal Anglican Covenant is crucial to maintain a world wide communion of churches. It will help us as a “communion” to engage in a process of mutual consultation leading to a consensus on the basics of faith and practice necessary to maintain communion. It is a tool to discourage those churches who make radical innovations in a unilateral fashion.

The covenant, as we assess it, is that it is a comprehensive strategy which places on local churches the charge to decide whether they shall or shall not be a component of the Communion. The instruments of Unity and the actual distinctness of the Anglican Faith and practice such as the Lambeth quadrilateral have been unable by themselves to hold the Communion together. So, our distinctness as Anglicans needs a consensus of faith and a new agreement which will act as a tool of authority as we face theological disputes and in the exercise of holding together the various provinces.

We cannot afford today to sacrifice global communion to favour the decisions of local provinces. This leads to an intensification of the momentum towards schism.

As we see it today, we note that some established provinces of the west are deeply penetrated by the philosophy of pluralism and the theory that generates it.

But as we analyse it closely, we have difficulty to understand the scope of tolerance that it conveys. Rejecting the Covenant becomes therefore an expression of exclusion that puts at stake the authentic expression of Apostolic Faith. The Anglican Covenant enables us to build up a consensus and a confidence about the essentials of Christian faith, an imperative for the life and order of worldwide church.

Without this consensus in faith and practice that the covenant represents, we shall continue to be challenged by western imperialism.

The adoption of and Anglican Covenant gives us an opportunity to renew our commitment to the basics of apostolic faith and to develop a suitably Christian and Anglican process for engaging and settling debates about the common boundaries of faith and practice.

Tolerance within a framework is possible when church life is justly determined on mutually agreed principles. This will help us to discourage unilateral imposition and diminish the extension of a western cultural hegemony.

So, as the past is our teacher, the Mauritian Experience of “Cyclone Carol” is one of transformation. The shattered houses made of wood and corrugated iron sheets have been replaced by concrete buildings.

Therefore, the Covenant is a concrete way by which we can consolidate our life as a Communion.



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27 January 2009

CHURCH OF IRELAND

Anglican Covenant Response

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)?*

The Church of Ireland is willing in principle to continue its existing commitment to the Covenant process. This process in itself, irrespective of any outcome, has a real value of its own. As this first question clarifies, we are not committing ourselves to the details of any specific text at this stage. We believe that a Covenant could assist the Anglican Communion in so far as it would set forth, in a relatively formal way, what we understand the nature of our common faith and identity as Anglicans to be; it would be an attempt to make explicit what until now has been implicit for Anglicans and could also assist us in our ecumenical dialogue.

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?*

Presuming that the Covenant would not give rise to doctrinal change, we envisage that it should be brought before the General Synod for ratification or adoption by resolution; this would be a one-year process. As we do not view the Covenant in juridical terms, we anticipate that it would not be incorporated or enacted into the formal legislation or formularies of the Church of Ireland. Further, as each Church of the Communion may wish to place somewhat different emphases in different parts of the Covenant, a general assent appears to us as a more suitable approach. The General Synod, in our polity, is the body with relevant competence to give such assent; it would not be for individual dioceses in the Church of Ireland to consider the Covenant ratification or adoption, as the process involves the Church of Ireland as a whole.

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?*

We feel that the purpose of the Covenant is intended as a positive statement of our common Anglican faith and identity. In relation to the Appendix, in so far as procedures for dealing with differences are included in the Covenant, we believe that these should focus on conciliation but that they will also need to allow for effective mediation. We have reservations about an overly juridical approach at Communion level; we feel that this could even preclude synodical ratification by the Church of Ireland. Areas of conflict between provinces will best be dealt with as individual instances require; we are wary about devising general rules in the midst of a particular but undoubtedly very serious crisis. While the Covenant should indicate that there would be consequences following any breach of its commitments, it should provide for the principles of conciliation as opposed to setting out further procedural details. Such details should then, naturally, be in the spirit of the Covenant.

日本聖公会 北海道教区

DIOCESE OF HOKKAIDO, NIPPON SEI KO KAI

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The Rev. Canon Gregory Cameron
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Anglican Communion Office
16 Tavistock Crescent
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United Kingdom

March 5, 2009

Re. Responses to the St. Andrew's Draft

Dear Gregory,

Greetings from Japan.

We are very much grateful to the Covenant Design Group for all the difficult task and thank God for their work.

In February, 2009, we, the House of Bishops of the Nippon Sei Ko Kai, have met and discussed the questions asked by the Rev. Canon Kenneth Kearon on the St. Andrew's Draft.

Before answering the three questions, we would like to make some general comments.

Some of us are still hesitant to use the word "covenant" because of its legalistic tone. It seems to imply the provinces should be legally bound with each other if we adopt this covenant. We are afraid that this kind of covenant would change the nature of our relationship in the Anglican Communion from of unity in diversity into of the uniformity and exclusion. In that sense, we would like the whole Appendix be changed.

The St. Andrew's Draft states that we are to live in mutual affection, commitment and service (3.1.2), and we

wonder how this might be applied and realized in the particular issue such as of human-sexuality as culture in one context is totally different from others. How could we create the common ground to listen to each other in those cases as we value and respect highly the diversity and autonomy of each province? We would like to see more in the draft the import of effort in mutual understanding among the provinces of Communion which all differ in many ways from each other.

Now having said these, we would like to answer the three questions proposed by the Rev. Canon Kearon.

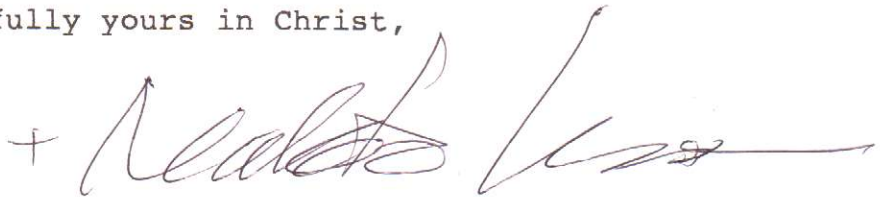
1. We have no reason why we should not commit ourselves in the Covenant process at this time as long as it is described in the St. Andrew's draft.

2. In our case, we do not think the whole content of the Covenant should be presented and discussed at the General Synod. What we, the Nippon Sei Ko Kai, would do in order to adopt the Covenant is that 1)the House of Bishops adopts it, then 2)the House of Bishops asks the Synod to approve the decision of the House of Bishops to adopt the Covenant, and 3)the General Synod approves it.

3. Please see what we have mentioned above.

Please be assured of our prayer for you always.

Faithfully yours in Christ,

A handwritten signature in dark ink, appearing to read 'Nathaniel M. Uematsu', preceded by a small cross symbol.

The Most Rev. Nathaniel M. Uematsu

Primate of Nippon Sei Ko Kai & Bishop of Hokkaido

To Whom It May Concern:

At your request, we as the House of Bishop of the Anglican Church of Korea are writing a formal response to the proposed Anglican Covenant based on the discussion we had in June, 2008. The June gathering was rather an informal one to study and discuss on the Covenant before Lambeth with no intent to produce anything official regarding the subject. However, the following summarizes what we all three Korean bishops have recently agreed to be a formal response from us to the Anglican Covenant:

1. Even though we are sympathetic to the good will and sincerity contained in the proposed Anglican Covenant, the House of Bishop of the ACK don't see much of necessity of such codified "covenant" to bind the Anglican Communion. The Chicago-Lambeth Quadrilateral has been the guidelines for Anglican churches to recognize the communion that existed among Christians. When compared to the rather inclusive nature of the quadrilateral, the proposed Anglican Covenant seems far more exclusive with the danger of quickly finalizing any chance of schism. We Korean bishops believe that the Chicago-Lambeth Quadrilateral can still serve as the basis not only for ecumenical relations but also for the relations among Anglican churches.

2. We are concerned about what impacts the proposed Anglican Covenant would make upon the nature of the communion the Anglican churches have historically shared. While the House of Bishop of the ACK respects the Archbishop of Canterbury and the other three "instruments of unity" as the symbols and practical vessels for the unity of our dear communion, we wonder what have shaped the mind of the Covenant drafters in the name of the instruments of unity. the Covenant seems proposing a rather Roman Catholic type of church to the Anglican Communion by turning those four "instruments" into the upper parts of hierarchical structure.

3. While the idea of a structure that would bind and control the member churches of the communion seemingly moving in different directions is attractive, we Korean bishops wonder if violates the very principle of Anglican Reformation: that churches can and must express their faith and mission in their own context and locality. If such a strict process as the Anglican Covenant suggests had existed earlier, the ordination of women would have remained unresolved. The Anglican Church of Korea has committed to the ministry of peace and reunification with North Korea, often facing opposition from other politically conservative Christians. Some Korean Anglicans attempt to create an Asian understanding of the Scriptures in inter-faith dialogues. What would happen to all these efforts valuable to Korean Anglican understanding of mission in our context if any other church questions or challenges them?

4. As the House of Bishop of the ACK as a church inherited from the Catholic wing in Anglicanism, we feel uncomfortable with the fact that the drafters of the Covenant ignore the place of worship and liturgy in defining Anglican unity. It is worth noting that the vast majority of voices in favor of the Covenant are from the rather extreme evangelical wing of Anglicanism. We Korean bishops believe that Christian unity is more

celebrated in baptism and the eucharist, and that defining unity in the sacramental spirituality rather than anything is more Anglican.

5. As Asian church leaders, we would like to point out that the Covenant does not liberate us Asian Anglicans from domination by the English or Western church. We see some Asian churches attempting to define Anglican unity even among Asians by simply repeating its colonial assumptions enshrining a specific period of the English history.

Again, we have no doubt about love and sincerity of the Covenant drafters toward our dear communion. However, we simply believe that no document or set of legal principles can ever faithfully accomplish true Christian unity. Positively moving toward common mission in Christ in the world is rather more crucial to the unity of the Anglican Communion.

Yours in Christ,

The Most Rev. Solomon Yoon, Primate and Bishop of Busan

The Rt. Rev. Michael Kwon, Bishop of Daejeon

The Rt. Rev. Paul Kim, Bishop of Seoul

RESPONSE OF THE CHURCH OF NIGERIA TO THE ST. ANDREW'S DRAFT OF AN ANGLICAN COVENANT

The propriety or intended function of a covenant, at this time, in the life of the Communion, had earlier been strongly questioned.

It is observed that, though the clamour for a covenant arose in the wake of the present unhappy brokenness in the Communion, based on the issue of unfaithfulness to biblical interpretation, yet its aim is neither a recipe to the present crisis nor can it bring about the reconciliation and restoration we were yearning for but which have eluded the Communion for some time now. In its present state, the covenant is out to forge a post-modern Anglican Communion, whose trappings will be accommodative of all shades of religious opinions and practices.

The purpose or call for a covenant, therefore, at this time, raises serious questions that cannot easily be glossed over. Added to this is the fact that, in its present state, the draft covenant in its language, style and presentation, raises serious issues of faith and practice for biblically faithful children of God.

Signing in to the covenant requires some consideration on the following:

- (i) We are strongly convinced that the current rift in the Communion would not have arisen if the instrument of Communion had been either administratively or collegially effective in mutually galvanizing the cherished fellowship in the Communion. Here we pick on the Primates Meeting, where every Province of the Communion is represented. If the common opinion and consultations that take place in respect of faith, order and mission, as they affect each member Province or general life of the Communion at the Primates Meeting are mutually respected, the weight of our current challenges would have been without hazard. Therefore for an effective Communion Covenant, we advise the review of the role of the Primates Meeting, to secure the sinews and ligaments of the Communion.
- (ii) The office of the Archbishop of Canterbury, commonly looked up to as the point of convergence for all the Communion, should be clarified, to enable it nip in the bud, in a collegial manner, an untoward activity in the life of the Communion.
As head of the Communion and Chair at the Primates Meeting, fellow Primates could be given a role to play in his coming to an office which he would administer in collaboration with them.
The Archbishop of Canterbury, because of historical reasons shall be accorded a place of honour and be made to play the role the British Monarch plays in the Commonwealth of nations.
The role presently associated with the Archbishop of Canterbury should now devolve to the Chairman of the Primates Meeting who shall be elected from among the Primates and made to hold office for a period of time. The ten yearly gathering of bishops shall also be made to rotate among member Provinces of the Communion.
- (iii) We feel strongly uneasy about the way the draft covenant wants us to understand or endorse the clause on our interdependent life in the Communion (3.2; 3.2.3.). To affirm the clauses in this section would mean accepting an indefinite period or process of patience and listening while the issues perniciously dividing us continue to take root without genuine efforts made at repentance, reconciliation and restoration, which alone can bring the Communion back to good health.

CONCLUSION:

While awaiting further developments on the covenant from the design group, the Church of Nigeria reaffirms its commitment to initiatives that would enhance the unity of the Communion. It is hoped that the final outcome of the Covenant will reflect orthodox biblical teachings and our cherished Anglican heritage.

**The St Andrews Draft Anglican Covenant:
A Response from the Faith and Order Board
of the Scottish Episcopal Church**

1. We would again like to express our thanks to the Covenant Drafting Group for the work they have undertaken on behalf of our Communion. In particular, we are grateful to see comments from our previous submission reflected in the commentary on that draft, for example in the discussion of the terms ‘covenant’ and ‘concordat’; and we are heartened by the sense of dialogue which has thereby been affirmed. In this present response we would like to continue that dialogue, both through our responding to the three questions to which we have been asked to reply, and through our reporting to the Covenant Drafting Group comments which have been passed to us through the Province-wide discussions that have recently taken place concerning the St Andrews Draft Covenant.

2. ***Question 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)?***

At the 2008 General Synod of the Scottish Episcopal Church, members considered the motion ‘That this Synod affirm an “in principle” commitment to the Covenant process at this time (without committing itself to the details of any text)’. Following debate, the motion was amended to ‘That this Synod affirm an “in principle” commitment to participate actively in discussions regarding the future shape of the Anglican Communion at this time (without necessarily committing itself to the concept of a Covenant)’. This motion was passed by a significant majority.

3. ***Question 2: Is it possible to give some indication of any Synodical process which would have to be undertaken to adopt the Covenant in the fulness of time?***

The mechanism for the formal adoption of the Covenant would need to be debated, in particular the ways in which it would relate (or not) to the Code of Canons. A decision regarding the particular process to be followed for the adoption of the Covenant would be made by our Faith and Order Board, once the final version of the Covenant were made available. If the Board were to recommend that the appropriate process to follow would be one akin to the adoption of a new Canon of the Church, the process would take a full one year period. Such a process would take a minimum of twelve months involving two readings of the Covenant at successive meetings of General Synod. During this period, the proposal to adopt the Covenant (and any necessary canonical amendments) would be passed to the dioceses for discussion and comment. These comments would be considered by General Synod at second reading stage. Acceptance of the proposal to adopt the Covenant would require a two-thirds majority in each of the three Houses of Synod (Bishops, Clergy and Laity). Since General Synod takes place in June each year, any proposals for adoption would need to be available by not later than April. If received later than that, they could not be considered for a first reading at General Synod until the June of the following year (with a second reading at General Synod

the year after that). Depending on the content of the Covenant and the implications for our Canons, a period of drafting the necessary canonical amendments might be needed before the twelve month period referred to above could be commenced.

4. ***Question 3: In considering the St Andrews draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?***

We do not believe this to be the case. As a general principle, however, the more a proposed Covenant moves into considerations of proscription and sanction, the harder it will be to reconcile it with existing canonical structures (and, possibly, with the requirements of the Office of the Scottish Charity Regulator, for which the Code of Canons is the Constitution of the Scottish Episcopal Church).

5. Further to the responses above, we would like to commend to the attention of the Covenant Design Group the following points, each of which was raised by a number of respondents in our recent Province-wide discussions of the St Andrews Draft Covenant.

- There remains a deep unhappiness in many quarters concerning the use of ‘Covenant’ terminology, which is felt to be theologically inappropriate. In Scripture a Covenant classically refers to a relationship between God and humankind: it is one-sided, and is an expression of Grace rather than of a quasi-legal understanding which appears to be characteristic of the draft Anglican Covenants.
- The increased powers given to the Instruments of Communion raise very significant questions concerning their representative nature, and the manner of their appointment.
- We continue to doubt whether expressions such as ‘common mind’ and ‘matters understood to be of essential concern’ (section 3.2.4) are meaningful without significant further elaboration.
- There are practical doubts over whether a Covenant can in any case be a practical means of addressing the issues which our Communion is currently facing. We note with sadness that ‘cross-border’ incursions on episcopal jurisdiction have not stopped at the present time, despite the call for a moratorium.
- There appears to be an urgency about prosecuting arrangements for a Covenant, in the hope that it will be able to solve the problems it is addressing; and this urgency can only be deleterious to a genuine consultative process.

6. There remains a very deep desire to remain part of the Anglican Communion, of which the Scottish Episcopal Church often considers itself to be a ‘founder member’, and to which we feel ourselves bound by the warmest ties of friendship and affection. It is our hope and our prayer that those ties may persist and be deepened through the current conversations around the possible adoption of an Anglican Covenant.

DRAFT SCHEDULE
(as revised by the Province of the Anglican Church in South East Asia)
**FRAMEWORK PROCEDURES FOR THE RESOLUTION OF
COVENANT DISAGREEMENTS**

1. General Principles

- 1.1 All processes for the resolution of covenant disagreements which threaten the unity of the Communion and the effectiveness or credibility of its mission shall be characterised by the Christian virtues of charity, humility, patience and gentleness and the canonical principles of fairness, transparency, and reasoned decision-making.
- 1.2 No process shall affect the autonomy of any Church of the Communion. The term “Church” and all terms in this Schedule take their meaning from the Covenant itself.
- 1.3 No process shall exceed two years as from the date upon which a Church consults under Paragraph 3 of this Schedule. **[Note: a period of 5 years is seen as inordinately long. Covenant disagreements which threaten the unity of the Communion and the effectiveness or credibility of its mission need to be addressed and resolved as swiftly as possible.]**
- 1.4 Any matter involving relinquishment by a Church of the force and meaning of the Covenant purposes must be decided solely by that Church or by the Primates’ Meeting in accordance with Paragraph 5 of this Schedule. **[Note: It was felt that the Primates’ Meeting was the Instrument of Communion most appropriate to provide a final decision on any covenant disagreements which threaten the unity of the Communion and the effectiveness or credibility of its mission. Primates are the servants and spokespersons of the episcopates and dioceses of their respective Provinces. Therefore the Primates would have an intrinsic authority arising from the authority of their own episcopal colleges. The Anglican Consultative Council, not being a faith and order and/or synodical body, should not have the role suggested in the existing draft Framework Procedures. As a result of proposed amendments, Paragraph 8 is now re-numbered as Paragraph 5.]**
- 1.5 Each Communion body or instrument involved in the following procedures shall make its own rules, in consultation with the other Instruments of Communion, for the transaction of its business in accordance with the Covenant, the Framework Procedures and the Christian virtues and canonical principles set out in Paragraph 1.1 of this Schedule.

2. The Principle of Informal Conversation

- 2.1 If a Church (X) proposes to act or acts in any way that another Church (Y) or an Instrument of Communion (Z) claims to threaten the unity of the Communion and the effectiveness or credibility of its mission, then X Church,

Y Church and Z instrument shall engage in informal conversation, as an act of communion, to try to resolve the matter.

3. The Principle of Consultation

- 3.1 If informal conversation fails in the view of X, Y or Z, or if X Church itself considers that an action or proposed action might threaten Communion unity and mission, then X Church must consult the Archbishop of Canterbury on the matter.
- 3.2 Within one month of being consulted, the Archbishop of Canterbury must either (a) seek to resolve the matter personally through pastoral guidance or (b) refer the matter to the Covenant Commission [to be established], appointed as appropriate by the Primates' Meeting. At the same time, the Archbishop of Canterbury shall inform the Primates of the matter. **[Note: The provision for assessors is vague and would give rise to unnecessary questions as to qualifications and suitability. It would also unduly prolong and complicate the process. It was felt that the Covenant should give rise to the establishment of a permanent special commission to be called the Covenant Commission that would be responsible for giving effect to the operational provisions of the Covenant. The nature and composition of the Covenant Commission shall be decided upon by the Primates' Meeting.]**
- 3.3 If after one month of its issue, the pastoral guidance of the Archbishop is unsuccessful as determined by the Archbishop, the Archbishop shall as soon as practically possible refer the matter to the Covenant Commission who shall act in accordance with Paragraphs 3.4 and 4.
- 3.4 Having considered the matter referred to pursuant to Paragraph 3.3, the Covenant Commission shall recommend to the Archbishop, within one month of receiving the referral, one of the following routes:
 - (a) if it is clear in the opinion of the Covenant Commission that the matter involves a threat to the unity or mission of the Communion and/or is otherwise incompatible with the Covenant and that time may be of the essence, a request from the Archbishop of Canterbury; or
 - (b) if it is unclear in the opinion of the Covenant Commission whether the matter involves a threat to the unity or mission of the Communion and/or is otherwise incompatible with the Covenant, if time is not of the essence, and if the case would benefit from rigorous theological study, to undertake the said theological study.

[Note: It was felt that by minimising the possible options, any potential disagreement could be resolved as swiftly as possible. Presently there are too many levels of reference and determination so that the whole process can be cumbersome and time-consuming. For this reason, the provision for mediation have been excluded in this proposed revised Framework.]

- 3.5. In the case of Section 3.4(a), the Archbishop of Canterbury, shall within one month of its receipt of the opinion of the Covenant Commission, issue a request to any Church involved.

4. Evaluation by the Covenant Commission

- 4.1 When the Archbishop of Canterbury refers the matter to the Covenant Commission and the Covenant Commission decides that the case would benefit from rigorous theological study, the Covenant Commission shall engage in study of the issues involved in the matter, bringing in expertise as needed, and shall evaluate the compatibility with the Covenant of the act or proposed act of any Church involved. **[Note: As with paragraph 3.4(a) and (b), we believe that compatibility with the Covenant should be the determining factor, and not whether an act or proposed act is acceptable, which renders the determination to be subjective.]**
- 4.2 Within six months of the referral, the Covenant Commission shall submit its evaluation to the Archbishop of Canterbury. Having considered the evaluation, the Archbishop of Canterbury shall then consider whether or not to issue a request to any Church involved. Should he consider it unnecessary to issue a request to any Church involved, the matter shall be considered closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant unless any Church involved appeals against the decision of the Archbishop of Canterbury not to issue a request to any Church involved within six months from the date of such decision.
- 4.3 When the Archbishop of Canterbury makes a request to a Church, that Church must within six months of receiving it (a) accept the request or (b) reject the request. The absence of a response will be considered as a rejection.
- 4.4. If a Church accepts the request, the Archbishop of Canterbury to whom the evaluation is submitted shall certify as soon as is convenient that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.
- 4.5 If a Church rejects the request, that Church may within the same period of six months referred to in Paragraph 4.3 appeal against it to the Primates' Meeting. **[Note: It was felt that the reason for appeal given in the old text is limited and would be inconsistent with the reasons for any rejection of the appeal provided in the old Paragraph 8.2. For this reason, the reasons for any appeal should be left open.]**
- 4.6 If a Church explicitly rejects the request or is deemed to have rejected the request by virtue of its non-response, the Archbishop of Canterbury shall send the request and rejection of the request; or in the event of a Church appealing under Paragraphs 4.2 or 4.5, the Archbishop of Canterbury shall give information of the events leading to the appeal; within three months to the Primates' Meeting which shall process the matter in accordance with Paragraph 5.

5. Appeal against or Rejection of a Request from the Archbishop of Canterbury

- 5.1 Within three months of the receipt of the request and rejection of the request under Paragraph 4.6 or an appeal by any Church involved, the Primates' Meeting shall decide whether:
- 5.1.1 in the case where the Archbishop of Canterbury had decided not to issue any request to any Church, whether the Archbishop of Canterbury was correct in so doing; or
 - 5.1.2 in the case of a request and a rejection of the request, whether the rejection of the request involves a threat to the unity and mission of the Communion and/or is otherwise incompatible with the Covenant.
- 5.2. If the Primates' Meeting decides that the decision by the Archbishop of Canterbury not to issue any request to any Church was correct, or that the rejection of the request does not involve a threat to the unity and mission of the Communion and/or is not incompatible with the Covenant, the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.
- 5.3 If, pursuant to Paragraph 5.1.1, the Primates' Meeting decides that the decision by the Archbishop of Canterbury not to issue any request to any Church was incorrect, it shall advise the Archbishop of Canterbury to issue a request at his earliest possible opportunity but not exceeding a period of three months. Any response or non-response to such a request shall be dealt with in accordance with Paragraph 4.3.
- 5.4 If, pursuant to paragraph 5.1.2, the Primates' Meeting decides that the rejection of the request involves a threat to the unity and mission of the Communion and/or is incompatible with the Covenant, then during the course of that meeting of the Primates' Meeting either (a) the Church involved may declare voluntarily that it relinquishes the force and meaning of the purposes of the Covenant, or (b) the Primates' Meeting shall determine that the Church involved may be understood to have relinquished the force and meaning of the purposes of the Covenant.
- 5.5 If a declaration or determination of relinquishment is issued, the Anglican Consultative Council shall give effect to the relinquishment.
- 5.6 The Primates' Meeting shall thereafter as soon as is reasonably practicable initiate a process of restoration with the Church involved in consultation with all the Churches of the Communion and the other Instruments of Communion.

Submitted by:
Most Rev Dr John Chew
Primate of South East Asia
3 March 2009

**Response from the Episcopal Church of the Sudan on the
St Andrew's Draft for an Anglican Covenant
By the Most Rev Dr Daniel Deng Bul
Archbishop and Primate of the Episcopal Church of the Sudan &
Bishop of the Diocese of Juba**

Introduction

This is a response to the letter of Canon Kenneth Kearon, Secretary General of the Anglican Communion asking Anglican Provinces to make their response to the St Andrew's Draft for an Anglican Covenant.

In Canon Kearon's letter dated 1st September 2009, you asked us to respond to three questions. Find below is our response.

Our response

1. The Province of the Episcopal Church of the Sudan is able to make a commitment to the Covenant process. We can not at this stage make a commitment to the details of the text as what has been circulated is still in draft form.
2. We would need to bring this issue our Synod which happens once in 5 years or to the Provincial Standing Committee with ratification at the Provincial Synod.
3. Our comment on the present text is that it has a lot of legalistic and complicated processes that is too long, complicated and expensive to implement.

THE CHURCH OF THE PROVINCE OF UGANDA

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DATE:

5th September 2008

The Revd Canon Gregory Cameron
Deputy Secretary General
Anglican Communion Office
16 Tavistock Crescent
London W11 1AP
United Kingdom

Dear Canon Cameron,

Praise the living Lord!

This letter is in response to Canon Kenneth Kearon's letter of 1st September requesting input from the Provinces on the St. Andrew's Draft of the proposed Anglican Covenant.

You have asked us three questions:

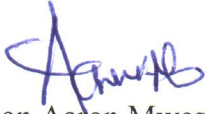
1. Is the Province able to give an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)?
2. Is it possible to give some indication of any synodical process which would have to be undertaken in order to adopt the Covenant in the fullness 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?

Archbishop Henry Luke Orombi convened a meeting of theologians in the first quarter of 2008 to discuss the St. Andrew's Draft of the proposed Anglican Covenant. They presented their report to the House of Bishops on 6th May 2008 and it was adopted by the Bishops at that time. I am enclosing a copy of this report for consideration by the Covenant Design Group.

The Church of Uganda, "in principle," agrees to the need for a Covenant and will participate as much as possible in the Covenant process.

In terms of the “synodical process” for the Church of Uganda to adopt the Covenant, it would likely involve a change in our Constitution. Such a change requires a mandate from the Provincial Assembly to consider such a change. Language is then drafted to amend the Constitution and submitted to each Diocesan Synod for approval. It is then ratified by the Provincial Assembly at their next meeting. This would be a full two-year process. Our Provincial Assembly meets every two years, in the even years of the decade.

Yours, in Christ,



Rev. Canon Aaron Mwesigye
PROVINCIAL SECRETARY.

xc: Archbishop Henry Luke Orombi

Church of Uganda

Statement on the St Andrews Draft Anglican Covenant

Introduction

Writing to the believers, Simon Peter stated, "Therefore I intend to keep on reminding you of these things, though you know them already and are established in the truth that has come to you. I think it right, as long as I am in this body, to refresh your memory..." (2 Peter 1:12-13). As members of God's family in Christ Jesus, we shall not tire in pouring and sharing our hearts out on what we consider to be our common classical Anglican heritage of biblical, historical and reformed formularies of faith and ecclesiology.

As pointed out in various other circulated documents¹, we are fully aware that the 'torn fabric at the deepest level' of the Anglican Communion is still a living reality. Unless the primary reason for the current crisis and division in the Communion is properly addressed, and the broken and impaired communion restored, the common life of the Anglican Communion cannot be expected to continue normally. Let us face it – it is not possible to refer to the Anglican Communion in the present state as one, holy, catholic and apostolic church. The suggested idea of an Anglican Communion Covenant remains one of the key paths towards the 'healing' and 'restoration' of a Communion whose 'fabric has been torn at the deepest level'. Healing and restoration must also start at the deepest level and we warn that stitching the surface will be futile and counter-productive.

Specific Comments

1. The heritage of the Holy Scriptures in the Church of Uganda

We have noted with great concern that the St. Andrews Draft has omitted the scriptural references that introduced the major sections of the Covenant in Draft one. The story of the Church of Uganda is one of obedience to the preaching and teaching of the gospel, according to the Bible. When the early missionaries announced the gospel of Jesus Christ to our fore fathers and mothers, they responded to the word of salvation. They acknowledged that Jesus is Lord and Saviour and for that reason gladly obeyed His word in Scripture. The transforming effect of the Bible on Ugandans generated so much conviction and confidence that even ordinary believers were martyred in the defense of the message of salvation through Jesus Christ that it brought. The adherents of the East African Revival, that broke out in the late 1920s and early 1930s (a movement that has shaped the ethos of our Church), were simple people who learned to take God at His Word. For the Church in Uganda, to compromise God's call of obedience to the Scriptures would be the undoing of more than 125 years of Christianity through which African customs, belief, life, and society have been transformed for the better. While it needs to be acknowledged that these scriptural references are not exhaustive, they should be included and expanded to indicate that our covenant is biblically based. It is improper to relegate scriptural references to the appendix or footnotes.

¹ Church of Uganda: Position Paper on Scripture, Authority, and Human Sexuality: May 2005; Statement from the Global South Primates Steering Committee, London, March 13-15, 2008.

2. Human Sexuality as the context of the Covenant

It is imperative to mention in the preamble that 'human sexuality' is the presenting issue of this covenant. It forms the context of the covenant and we need to face up to this reality. A negative statement in the preamble to indicate that the biblical norms of human sexuality have been violated needs to be included. Also in the section on 'Our Commitment to Confession and Faith', the church must commit itself to "upholding the vision of humanity as male and female and our Lord's teaching on the unchangeable standard of marriage of one man to one woman (or abstinence). This is the presenting issue and must be firmly stated.

3. The historic Anglican Formularies

We subscribe to the historic Anglican Formularies whose authority – under that of the Holy Scriptures - Anglican Christians have accepted. These historic formularies include the Thirty-Nine Articles of Religion, The Book of Common Prayer (1662) and The Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons (commonly called The Ordinal). These are too important to be relegated to a footnote in section 1.1.2 (note 4). We suggest that this note be moved to the main text of the Covenant and their role in our Common Catholicity, Apostolicity and Confession of Faith clarified.

4. Concept of Episcopal leadership and synodical governance

The concept of the churches in the communion being individually episcopally led and synodically governed has been emphasized on several occasions without being clarified. We suggest that this be elucidated in the Covenant. The Covenant needs to put in checks and balances between episcopal leadership and synodical governance. The episcopacy has for long been understood as institutional rather than being missional. This needs to be corrected and clarified in the Covenant. The episcopate should submit and be answerable to some authority within its locality.

5. The Place of the Archbishop of Canterbury and Lambeth

This Covenant needs to address the issue of the place of the Archbishop of Canterbury and Lambeth. It is no longer possible in the present state, to continue to take the Archbishop of Canterbury as an instrument of unity in the Anglican Communion. It is hereby suggested that the headship of the Anglican Communion be separated from the headship of the Church of England. The current state is source of conflict of interest since the Archbishop of Canterbury is one accountable to the State (The United Kingdom) and the Anglican Communion. Besides, the appointment process of the Archbishop of Canterbury continues to be a function of the civic authorities in England and this can no longer be allowed to continue. The sum of all this has in a way contributed to the current theological impasse in the Anglican Communion. The Church of Uganda recommends a head of the Anglican Communion who is one among equals – the Primates will have responsibility to choose among themselves one to chair their sessions when they meet. We take the view that the Lambeth Conference is a conference of Bishops. If this understanding is correct then it is not necessary to locate permanently the conference of Bishops in England. This conference should be rotated in the various member provinces of the communion.

6. Enforcement Clause

It is sad to note that the enforcement clause that was in Draft One has been edited out in the St. Andrews Draft. It should be possible by the articles or provisions of this Covenant for an erring church to permanently put itself out of the Communion. We recommend the wording of such a clause as follows:

We acknowledge that in the most extreme circumstances, where member churches choose not to fulfill the substance of the covenant as understood by the Councils of the Instruments of Communion, we will consider that such churches will have relinquished membership in the Anglican Communion.

True repentance of erring people should be seen before they are re-admitted to the communion. Pastoral concern will continue even to those outside the communion.

7. Primates Vs Anglican Consultative Council (ACC)

The St. Andrews Draft has given the ACC the final say in matters of discipline and this is not right. The Primates should have an enhanced role in matters of the communion including disciplining or erring members of the communion. The Primates and not the ACC should have the final say. The ACC should be more of a mission body – mobilizing people for mission rather than being judicial.

In his instruction to Timothy, St. Paul wrote: 'Pay close attention to yourself and to your teaching; continue in these things, for in doing this you will save both yourself and your hearers' (1Timothy 4:16).

END

*Adopted by the House of Bishops, Church of Uganda
6th May 2008*

1 ***I. Introduction***

2 The Episcopal Church (TEC) appreciates the work of the Covenant Design Group
3 (CDG) in offering the St. Andrew's Draft. We extend our thanks for the process of
4 consultation. It is clearly evident to us that the CDG valued our contributions to
5 the Nassau Draft. The Episcopal Church remains committed to the Communion-
6 wide process of conversation toward an Anglican Covenant. At the same time,
7 TEC wants to emphasize that matters of moral authority and interdependence
8 amongst the churches result from mutuality, not from regulation. The relational
9 voice found in "A Lambeth Commentary" changes the tone of conversation and is
10 very helpful.

11 The 2006 General Convention passed resolution *A166: Anglican Covenant*
12 *Development Process* which "[s]upports the process of the development of an
13 Anglican Covenant, directs International Concerns Committee (INC) of the
14 Executive Council to follow the development process and report to Council"
15 (found in the Appendix to this document). The Episcopal Church invited church-
16 wide contributions to its response to the first post-Windsor draft, now called the
17 Nassau Draft and, through a committee appointed by the presiding officers of
18 Executive Council, wrote the response requested of each Province to the CDG.

19 Following the publication of the St. Andrew's Draft in February 2008, the
20 Anglican Covenant task force published that same month a short study document
21 to assist bishops in considering the St. Andrew's Draft (c.f., Appendix). Executive
22 Council approved this study guide and it was distributed to the bishops and made
23 publicly available. That study guide is attached at the end of this response.

24 The President of the House of Deputies, Dr. Bonnie Anderson, in a letter of 21
25 April 2008, requested that the diocesan deputations to General Convention meet,
26 including other diocesan leadership as might be useful, and review the St.
27 Andrew's Draft. These meetings were intended to inform their bishop(s) as to
28 their thoughts on the Anglican Covenant in preparation for discussions thereof at
29 Lambeth Conference 2008. It was also seen that the deputations' responses
30 would be of help to the Anglican Covenant task force as it prepared Executive
31 Council's response to the St. Andrew's draft.

32 The task force received thirty-one responses from deputations, some of which
33 had conversations with their bishops. None of the responses were from dioceses
34 belonging to the Network of Anglican Communion Parishes and Dioceses, also
35 known as the Anglican Communion Network.

36 This document, "A Response from the Executive Council of The Episcopal Church
37 to the Saint Andrew's Draft" serves as the response of The Episcopal Church to
38 the continued work of forming an Anglican covenant. This document draws on
39 responses from these deputations, taking into consideration the work of "A
40 Lambeth Commentary."

The Joint Standing Committee of the Primates and the Anglican Consultative Council has invited all the Provinces to answer three questions posed by them and to provide a formal evaluation of the St. Andrew's Draft by March 9, 2009.

We underscore that this response is a provincial response. The covenant can only be embraced on the provincial level, that is, The Episcopal Church, and not on a diocesan level.

II. Concerns of the Task Force with respect to the development of an Anglican covenant

The effort to forge an Anglican Covenant is the results of two strands of recent Anglican Communion history:

(a) Over the last three decades, it has become evident that the Anglican Communion lacks a unified expectation of what could be expected from the churches in the Anglican Communion. Disparities in practice among Anglican Communion churches, e.g. marriage and divorce and the ordination of women, made some ecumenical conversations difficult.

(b) The Windsor Report of 2004 was written in response to the reality that some Provinces had taken offense to the actions of others, primarily those of The Episcopal Church and the Anglican Church of Canada. It sought to recommend ways to repair relationships. Among those was the suggestion that a covenant be developed that would define the basis for, and limitations of, Communion status. The Primates requested that work on a covenant go forward and the Archbishop of Canterbury responded by establishing a Covenant Design Group (CDG) and naming its members and chair. They were charged to produce both a text and a process for perfecting that text.

It is important to note that the driving concerns are both ecumenical and inter-Anglican. The covenant is being proposed as a way to define better just what it means to be part of the Anglican Communion and what others and we can expect. The CDG expressed the hope for a text that was definitive but not regulatory. (In the Lambeth Commentary as offered by the CDG, question 1 on the covenant concept, the CDG affirms, "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 generous attitude.") None the less, from its inception, the Anglican Covenant project has included, in every proposed covenant text beginning with the appendix to the Windsor Report, matters that are juridical, calling for the beginnings of inter-Anglican canon law or, if not that, inter-Anglican processes for negotiations and settlement of disputes and concerns.

The development of the Anglican Covenant draft texts has provided the context for Communion-wide discussions of the theological and ecclesial “markers” of Anglican Communion identity. It has also given rise to difficult questions concerning the autonomy of the churches. The Windsor Report spoke of subsidiarity and the limits of autonomy. Interdependence, a notion that originally arose from the 1963 Anglican Congress vision of “mutual responsibility and interdependence in the body of Christ,” has begun to be used as a call for submission to a “moral authority” on Communion-wide concerns.

The Anglican Covenant idea thus is linked with both the hopes of our ecumenical partners that we might better speak as one and the hopes within the churches of the Anglican Communion that we might speak with authority to one another as Anglicans. The burdens this places on any such text are enormous. Care needs to be taken that our conversations around an Anglican covenant do not draw us necessarily toward a hierarchical model of a church union or even the perception of Anglicanism as a singular global church.

III. Response to the Joint Standing Committee’s 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)?

Yes. TEC, by resolution of the General Convention 2006 A166 cited above, has committed itself to the covenant process.

Furthermore, the October 2007 response of the Executive Council to the Nassau Draft said:

“We are prepared to consider a covenant that says who we are, what we wish to be for the world, and how we will model mutual responsibility and interdependence in the body of Christ. We believe we must be open to God’s doing a new thing among us; therefore, we remain open to explore such new possibilities in our common life while honoring established understandings.”

These commitments stand. At the same time, we want to be clear that it is impossible to commit to an idea of a covenant separate from a specific text. The text is the reality of the covenant; the idea is not. In other words, TEC commits itself to the process but this commitment does not implicitly commit TEC to ultimate approval of a covenant.

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?

115 Yes. The only body that has the authority to respond on behalf of Episcopalians to
 116 the draft of an Anglican Covenant is the triennial meeting of the General
 117 Convention. In order for TEC to engage fully in its expression of synodical
 118 process, the triennial General Convention, the following timeline might be
 119 envisioned.

120 First, General Convention meeting in July 2009 could pass an enabling
 121 resolution, similar to that of GC-2006 A166, that would commit TEC, through its
 122 Executive Council, to continue monitoring and responding to a draft, if advanced,
 123 by the Anglican Consultative council in May 2009. These three years of
 124 discussion would prayerfully engage the faithful in all the dioceses of The
 125 Episcopal Church as to their discernment in respect to the covenant. During the
 126 2009-2012 triennium, TEC would be assisted in its discernment of the Anglican
 127 Covenant by listening to the voices of other provinces of the Anglican
 128 Communion as they discuss and wrestle with the generalities and particularities
 129 of an Anglican covenant.

130 If it is perceived that the Anglican Covenant forwarded by ACC does not require
 131 constitutional changes, the 2012 General Convention could take up the matter
 132 and vote on the covenant. However, if an Anglican covenant suggests
 133 constitutional changes, then final consideration would have to wait for the 2015
 134 General Convention for a final reading and passage.

135 Again, if TEC had to postpone a second vote on a proposed covenant until 2015
 136 because of constitutional changes, the delay would provide a fruitful opportunity
 137 for TEC to hear the voices of other members of the Anglican Communion as they
 138 discuss future drafts.

139 3. In considering the St Andrew's Draft for an Anglican Covenant, are there any
 140 elements which would need extensive change in order to make the process of
 141 synodical adoption viable?

142 While the particularities of the Saint Andrew's draft will be discussed in more
 143 depth in the following section of this document, we would like to note the
 144 following observations raised generally by diocesan deputations.

145 There is some concern about the clarity of the Introduction to the Saint Andrew's
 146 draft covenant. For example, questions arose with respect to how the "covenant
 147 emerges out of communion" and "also serves communion." One deputation
 148 noted, "It places enormous emphasis on the 'communion' or 'unity' of the church
 149 but this goal is attained at the expense of justice and righteousness. This goal is
 150 laudable but it cannot become a false unity that comes at the expense of essential
 151 biblical justice and love."

152 The vast majority of diocesan deputations had significant concern about Section
 153 3.2.5 and following. The concern focused on what was perceived as an embrace of
 154 binding arbitration, mediation and evaluation, as well as "moral authority." This
 155 section was perceived as being overly juridical in its process: e.g., while 3.2.5.e

156 affirms autonomy, it also affirms the force of binding decisions, including “a
 157 relinquishment by that Church of the force and meaning of the covenant’s
 158 purpose....”

159 The inclusion of the appendix, though intended not to be a part of the covenant,
 160 cannot be ignored specifically because it is consistently referred to in 3.2.5.a-e.
 161 Those deputations who did mention the appendix found it to be highly
 162 problematic because of its embrace of juridical process for resolving disputes in
 163 the Anglican Communion.

164

165 ***IV. Discussion of Text***

166 We turn now to a discussion of specific observations and possible changes
 167 recommended by some of the readers. While many of these comments of the text
 168 are critical but hopefully constructive, we begin by observing that we have
 169 significant appreciation for the work that has been done in this draft.

170 Introduction

171 The second paragraph describes our salvation story, setting the idea of covenant
 172 within the context of Noah and David as well as describing Jesus as the new
 173 covenant. Some have raised concerns that the covenant in Jesus Christ is a
 174 different sort than those covenants with Israel described in the Hebrew
 175 Scriptures. The former covenants were not sealed with the blood of an innocent.

176 Paragraph 4 rightly signals our communion as a “special charism” that comes
 177 from God. Missiologically, the last sentence of this paragraph should emphasize
 178 the focus of our participation in *God’s* mission in the world, rather than “our”
 179 mission.

180 Concern was raised that unity not be seen as uniformity as suggested in
 181 paragraph 6 (“through a common voice”). As one deputation stated, “Achieving
 182 unity in diversity is never finished business and it is often messy.” Response to
 183 the needs of people everywhere, through solidarity of prayer and action, joins us
 184 as Anglicans across cultures and nations.

185 The Introduction conveys a solid theology of God’s mission and the Anglican
 186 Communion’s place in it. This Introduction is an aid to understanding the
 187 theological context in which the covenant is proposed. It is not part of the
 188 covenant itself and would not be a determining factor in acceptance or rejection
 189 of a covenant.

190 Preamble

191 Deputations did not engage in much discussion or critique of this part.

192 We have observed and appreciated the new format that begins each section with
 193 affirmations followed by specific commitments. This is a helpful framework that
 194 works for the first two Sections of the draft. The nature of affirmations and
 195 commitments seem to be different in Sections One and Two from those in Section
 196 Three. In particular, we note that the voice changes in the introduction of each
 197 affirmation and commitment in Section Three, which we do not find helpful. We
 198 will discuss this further below.

199 Section One: Our Inheritance of Faith

200 1.1.1: Reference to the Preface to the Declaration of Assent, Canon C15, does not
 201 elucidate the statement. If such a reference is made, then the corresponding text
 202 should be provided. Further, why does the covenant reference only the Preface to
 203 the Declaration of Assent of the Church of England in footnotes 2, 5 and 6? Such
 204 a Preface does not apply to all provinces of the communion and, therefore, should
 205 be eliminated.

206 1.1.2: Again, referencing only the historical formularies of the Church of England
 207 leaves out the other members of the communion. While other members of the
 208 Anglican Communion have declarations of assent, they may not have the same
 209 wording.

210 1.1.5: The CDG, in preparing the Saint Andrew's Draft, recognized the centrality
 211 of liturgy, and this is a welcome inclusion.

212 1.1.6: The CDG also added the importance of ecumenical concerns. The church
 213 participates in God's mission in the apostolic vocation as the whole people of God
 214 and is shared with other churches. This addition opens up the conversation to
 215 include all of the people of God, not just bishops. We suggest that "vocation" be
 216 substituted for the word, "mission," because the focus is on our response and not
 217 on God's action (*missio Dei*).

218 1.2.1: We appreciate that the commitment here is both to the primacy of Scripture
 219 and the valuing of the tradition of the church. We note that adding "reason" after
 220 "Scripture" would bring this into line with Hooker's formularies. Only with the
 221 moderating voice of reason do we arrive at the Anglican ethos of balance between
 222 Scripture and tradition.

223 We recommend, therefore, that the word, "reason," be inserted after the word,
 224 "Scripture." The wording of this statement would be clearer if it read, "to uphold
 225 Scripture, reason and the catholic faith, order and tradition, and act in continuity
 226 with these."

227 1.2.2: Generally, deputations appreciated the change of wording away from
 228 "biblically derived moral values" to "moral reasoning and discipline that is rooted
 229 in and answerable to the teaching of Holy Scripture and the catholic tradition...."
 230 This said, there still remains concern as to who determines what constitutes
 231 "moral reasoning and discipline."

232 1.2.4: Concern was raised as to the presentation that the truth of the biblical text
 233 is revealed “primarily through the teaching and initiative of bishops and synods.”
 234 The reading of scripture in our personal and corporate lives by the whole people
 235 of God (in liturgy) has historically been the way by which Anglicans engage in
 236 biblical interpretation. We suggest “the teaching and initiative of bishops and
 237 synods” be deleted and the words “corporate prayer and individual study
 238 informed by rigorous scholarship” be inserted (*Lex orandi, lex credendi*).

239 1.2.6: Deputations raised the question if it is possible to discern once and for all
 240 God’s Truth? This presupposes that churches in the communion can know fully
 241 what God is doing in Jesus Christ by the power of the Holy Spirit. We recommend
 242 that the words “to discern the Truth” be deleted so that this sentence will read,
 243 “to pursue a common pilgrimage that enables people from all nations to be set
 244 free to receive the new and abundant life in Jesus Christ.”

245 Section Two: The Life We Share with Others: Our Anglican Vocation

246 2.1.1: Comments from some diocesan deputations asked why Ireland was
 247 included in this historical summary. An explanatory footnote would be helpful.
 248 The sentence, “shaped by the Reformation,” should be expanded to include after
 249 this reference, “impelled by the experiences of British and American imperialism
 250 and redeemed by the selfless missionary work of the church.”

251 2.1.3: The sentence should begin, “Our common vocation in God’s mission is
 252 shared....” Once again, this gives primacy to God’s mission, not our mission.

253 2.2.1: “Evangelism” is the process of sharing the Good News of God in Christ;
 254 replace “evangelisation” with “evangelism.” The quotation, “for our blessed but
 255 broken, hurting and fallen world,” comes directly from IASCOME report to ACC
 256 13, “Communion in Mission” and should be noted as such.

257 2.2.2: It is noted that participating in God’s mission is a blessing rather than an
 258 action of the church. We suggest substituting the word “undertakes” with “is
 259 blessed.” We recommend deleting “the Mission of Christ” because it implies that
 260 the five marks of mission are a comprehensive presentation of all that God is
 261 doing in Jesus Christ.

262 Overall, there was vast affirmation by deputations for Section 2 as representing a
 263 covenant for the Anglican Communion. Many deputations wished that the
 264 covenant ended with these missiological affirmations and a few deputations
 265 stated that Section 2 itself was sufficient to stand for the whole covenant. They
 266 referenced the IASCOME’s “A Covenant for Communion in Mission.”

267 Section Three: Our Unity and Common Life

268 By far, most of the responses from deputations (with two exceptions) express
 269 concern and uneasiness with this section. By and large Part 3.2 is the most
 270 problematic section. Recommendations from the deputations as to how to handle

271 Section 3 fall under three categories: a) delete the entire section; b) stop at the
 272 end of 3.2.5 without adding any of the “a-e”; c) maintain it all but excise any
 273 reference to an appendix schedule. One or two deputations state that they do not
 274 like that any one instrument of communion could initiate proceedings. One
 275 deputation says, “We are trying to fix a mystery, treating it like a problem when
 276 in actuality it is revelation.”

277 3.1.1: “Ministry” should be added to “Baptism and Eucharist,” as the primary
 278 marks of faith and order as affirmed by the Ecumenical Movement (as per the
 279 Lima text of 1982). “The body of Jesus Christ, the Church” clarifies the language
 280 so that it is clear the document is not referring to the “Church of Christ,” a
 281 specific denomination here in the United States.

282 3.1.2: Add to the second sentence “therefore described as autonomous-in
 283 communion” the words “as is described in the Windsor Report.” Several
 284 deputations’ comments note that the Instruments of Communion do not
 285 necessarily give us “a common mind.” As one deputation recommends, the
 286 sentence would be clearer if it read, “to affirm our common life facilitated by
 287 instruments of communion which our Churches establish in order to develop a
 288 common mind.”

289 3.1.3: Here is an excellent place to make clear the primacy of the baptized and a
 290 theology of Baptism. A deputation offered this constructive rewrite of all of 3.1.3:
 291 “... the primacy of Baptism for participation in God’s mission and the central role
 292 of bishops as guardians and teachers of faith, leaders in mission, and as a visible
 293 sign of unity. The historic threefold ordained ministry of bishops, priests and
 294 deacons called to serve the Church of God, as they call all the baptized into the
 295 mission and ministry of Christ. These ministries are exercised personally,
 296 collegially and within and for the Eucharistic community.”

297 3.1.4: Many deputations note that Anglicans come together in God’s mission in
 298 many important ways beyond the four Instruments of Communion. We suggest
 299 that this statement emphasize first the participation of all God’s people, the
 300 baptized, in God’s mission, through such entities as companion diocese
 301 relationships, Mother’s Union, missionaries, relief and development agencies and
 302 even Anglican congresses. With respect to the Instruments of Communion we
 303 believe: 1) the description of the Archbishop of Canterbury is accurate; 2) the
 304 Lambeth Conference does not “guard the faith and unity of the Communion” —
 305 we suggest that the words “expresses episcopal collegiality worldwide, gathers the
 306 bishops for common counsel, consultation and encouragement and equips
 307 bishops as leaders in God’s mission” be substituted; 3) the ACC represents the
 308 Provinces of the Anglican Communion and not the provincial synods and 4) the
 309 description of the Primates’ Meeting is accurate.

310 3.2.1: We are called to support all the agencies of the Anglican Communion and
 311 not simply the Instruments of Communion. We suggest adding the words “the
 312 Anglican Communion Office” before the words “the Instruments of Communion.”

313 3.2.2: This point would present a good opportunity to reference “Mutual
 314 Responsibility and Interdependence in the Body of Christ” (Anglican Congress
 315 1963) rather than simply the Dar es Salaam Communiqué of February 2007. We
 316 recommend changing the sentence to read, “while upholding mutual
 317 responsibility and interdependence amongst the Churches” and footnote MRI.
 318 We further recommend the sentence end here.

319 3.2.3: There is appreciation for the need to consult widely in our discernment in
 320 the leading of the Holy Spirit in our various contexts; yet concern is raised as to
 321 how that might be “tested by shared discernment.” We thus recommend that the
 322 post colon clause, “all therefore...” be deleted.

323 3.2.4: Our churches have canon laws; there is not one set of canon law for the
 324 whole Anglican Communion. We recommend that the final clause read, “canon
 325 laws.”

326 3.2.5: Many deputations (those who fall under Group B as above) suggest that
 327 the document end with “credibility of its service to God’s mission” and delete the
 328 rest.

329 The few deputations that retain 3.2.5 collectively want to delete the two
 330 references that say, “according to such procedures as appended to this covenant”
 331 and excise the appendix.

332 They further have the following suggestions:

333 • 3.2.5.b: excise this statement or change to “accept the legitimate concern of the
 334 Instruments of Communion.”

335 • 3.2.5.c: End with the word, “conflict.”

336 • 3.2.5.d: “moral authority” is nebulous in its use. End this sentence with the
 337 word, “articulated” — the instruments do not sustain our life, nor they do not
 338 create communion. They are “bodies by which our common life is articulated.”

339 • 3.2.5.e: If this paragraph is not excised entirely, the first sentence should be
 340 eliminated. Neither the Primates’ Meeting nor the most recent Lambeth
 341 Conference has passed resolutions. The Instruments of Communion can invite
 342 churches voluntarily not to participate with respect to their own body. Questions
 343 to the church’s participation in each particular instrument are left up to the
 344 policies and procedures of each instrument. We suggest the following rewrite,
 345 “Should a church not accept the particular course of action suggested by an
 346 Instrument of Communion, that decision may be understood by the church itself,
 347 or by other members of the Communion as a relinquishment by that church of
 348 the force and meaning of the covenant.”

349 3.2.6: What is the “highest degree of communion” other than table fellowship,
350 which is both more inclusive and embodied than what this document would
351 suggest.

352 Declaration

353 Members of The Episcopal Church will recognize use of the Easter blessing from
354 1979 Book of Common Prayer at the end of this document as most fitting because
355 it looks to new hope in the resurrected body of Christ.

356
357 ***V. Summation***

358 The Saint Andrew’s Draft is a substantial development to the literature of the
359 Anglican Communion and deserves education and prayerful response from all
360 members of the Anglican Communion. For this reason, we believe that it is
361 important to have the full triennium period to digest fully the document following
362 the meeting of the Anglican Consultative Council meeting in May 2009.

363 TEC is committed to a continuation of a covenant process but withholds
364 commitment to the final document until it is perfected and received by the
365 Anglican Consultative Council. As a final question, TEC asks, “How does the
366 covenant help us look like Christ?” How does a covenant reflect the idea that
367 communion is founded on the mutual recognition that each church sees in the
368 other evidence of our communion in Christ?

369

370

Appendix A

370

371

372 General Convention 2006 A166

373 *Resolved*, That the 75th General Convention of The Episcopal Church, as a
374 demonstration of our commitment to mutual responsibility and interdependence
375 in the Anglican Communion, support the process of the development of an
376 Anglican Covenant that underscores our unity in faith, order, and common life in
377 the service of God's mission; and be it further

378 *Resolved*, That the 75th General Convention direct the International Concerns
379 Standing Committee of the Executive Council and The Episcopal Church's
380 members of the Anglican Consultative Council to follow the development
381 processes of an Anglican Covenant in the Communion, and report regularly to the
382 Executive Council as well as to the 76th General Convention; and be it further

383 *Resolved*, That the 75th General Convention report these actions supporting the
384 Anglican Covenant development process, noting such missiological and
385 theological resources as the Standing Commission on World Mission and the
386 House of Bishops' Theology Committee to the Archbishop of Canterbury, the
387 Joint Standing Committee of the Anglican Consultative Council and the Primates,
388 and the Secretary General of the Anglican Communion; and that the Presiding
389 Bishop of the Episcopal Church report the same to the Primates of the churches
390 of the Anglican Communion.

391 [http://gc2006.org/legislation/view_leg_detail.aspx?id=207&type=CURRENT]

392

Appendix B

**Study Resource for Considering the
Draft Anglican Covenant (known as the St. Andrew's Draft)**

The Executive Council is charged by General Convention to follow and respond to the development of a draft Anglican Covenant. The International Concerns Committee (INC) #021 Task Force of Executive Council facilitates and coordinates this process. The INC #021 Task Force thus has prepared this resource to assist the Bishops and their dioceses to consider the new draft of the Proposed Anglican Covenant (known as the St. Andrew's Draft) in preparation for discussion at the 2008 Lambeth Conference.

This resource offers three levels of engagement with the St. Andrew's Draft Covenant, each digging deeper into the text and issues raised by the draft. This resource is offered for your use in your diocese and does not presuppose that your diocese need make any formal response to the INC #021 Task Force. It is thus an offering from the Executive Council to assist you in your ministry.

I. First Level of Engagement with the Text

Read the Saint Andrew's Draft Covenant in its entirety: Introduction, Covenant, and Appendix.¹ After reading, consider the following initial questions:

- What in the document did you find compelling? What resonated with you and why?
- What in the document caused you the most concern and why?
- What in the document surprised you the most and why?

II. Second Level of Engagement with the Text

This level offers a brief introduction to each major section of the Draft Covenant and then poses more in-depth questions for discussion:

Section 1: The document begins with four affirmations based on the Chicago-Lambeth Quadrilateral and then makes two affirmations based on liturgy and ecumenism.

- Do you find these affirmations a sufficient statement that describes the inheritance of our faith?

Section 1.2: This section describes how the above historical affirmations are lived out in various contexts. It also speaks about the nature of authority at various levels.

¹http://www.anglicancommunion.org/commission/covenant/docs/st_andrews_documents_2008.pdf

- 426 • Does this section appropriately describe how you understand a) the
- 427 authority of the Bible, and b) the exercise of episcopate in The Episcopal
- 428 Church?

429 *Section 2:* This section focuses on our vocation in the world as Anglicans in

430 service to the mission of God.

- 431 • Is this description of the history of the Anglican Communion faithful to
- 432 your understanding of God's mission in the world?

433 *Section 2.2:* This section describes our vocation as Anglicans in service to God's

434 mission in the world through the five marks of mission.

- 435 • How does your diocese live into the five marks of mission and are they
- 436 essential elements of our Anglican vocation?

437 *Section 3:* This section describes some of the elements of our common life

438 together in baptism, Eucharist and ministry and moves to elaborate more recent

439 understandings of our life in the Anglican Communion. It identifies ways by

440 which the Anglican Communion comes together and then describes the four

441 Instruments of Communion in their appropriate historical development.

- 442 • What meaning and impact do the four Instruments of Communion have
- 443 for you in your diocese?

444 *Section 3.2:* Here the covenant focuses on challenges to the Anglican

445 Communion. The voice changes from descriptive of our common life to

446 proscriptive direction of how to proceed when our common life is threatened.

- 447 • Do you think it is necessary to articulate processes when communion is
- 448 threatened and, if so, do you find these processes of consultation and
- 449 conversation as outlined in 3.2 useful?

450 *Appendix:* Section 3.2.5 b & c of the Draft Covenant assume a schedule of

451 procedures that are intended to accompany the Covenant. The Appendix provides

452 a draft framework outlining procedures for the resolution of disagreement.

- 453 • Should our possible agreement to a Covenant be contingent on
- 454 subscribing to a set of procedures for addressing disagreements in the
- 455 Anglican Communion. If so, is this draft framework (the Appendix)
- 456 helpful?

- 457 • Do you see an emerging set of canons for the Anglican Communion in
- 458 this Appendix? If so, is this beneficial or not to the Anglican
- 459 Communion at this time?

460 **III. Third Level of Engagement with the Text**

461 To enter into a deeper conversation with this text of the Anglican Covenant and

462 earlier drafts,

- 463 1) Read the first draft of the Anglican Covenant (“Nassau draft”)²
464 2) Read the response to the Nassau Draft from the Episcopal Church as
465 prepared by the INC #021 Task Force and agreed to by the Executive
466 Council in October 2007.³
467 3) Reread the St. Andrews’s Draft Covenant and then:
468 • Compare and contrast the first and second versions of the draft
469 Covenant in light of the recommendations from Executive Council.
470

²http://www.anglicancommunion.org/commission/covenant/docs/Draft_Covenant_Text_20070504.pdf

³ http://www.episcopalchurch.org/79901_91392_ENG_HTM.htm

A Provincial Response from the Church in Wales
To the Saint Andrews Draft of the Anglican Covenant

Question One. *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)?*

The Church in Wales is able to affirm its commitment to the process of the Covenant, without committing itself to the details of any text. However, it would be fair to say that the response across the Province is varied and complex. Some find the very concept of a Covenant difficult, whilst others have concerns about its nature (and in particular the danger of it being punitive rather than relational). Others recognise the need for a Covenant although it would only be fair to point out that the earlier version of the Covenant was only noted by the Governing Body.

It is also our view that:

- The covenant process ought to be dynamic. It should allow for the possibility of movement and development in matters of doctrine, and should be a process which allows for an understanding of the truth as continually moving and evolving in the ongoing story of salvation and which at the same time remains faithful to the tradition received. In its perception of the truth every generation will inevitably create new boundaries. This could be described as the dynamic praxis which directs Anglican life. It should always be mindful of the role of the Holy Spirit, the needs of the human person, the evolving nature of context and of the historical process all of which should inform the way we think about specific moral issues.
- Retaining and reinforcing the ‘Via Media’ aspect of Anglican identity is of great significance. The challenge consists in our being able to steer a middle way between Anglicanism on the one hand developing a Curia and on the other hand accepting what might be called Confessionalism. We need to hold things in tension while allowing flexibility.
- Much Anglican theology in recent years in the West has stressed the meeting of the claims of the modern world by an Anglicanism that combines order and freedom. This must not be lost. This is at the heart of an Anglican ‘Via Media’. This should not impair our local autonomy but should permit a process of addressing issues that affect the wider Communion in a relational and mediatory way and which always seeks the good of the province or diocese. The ‘Via Media’ approach was

criticised by Newman as lacking the ability to develop.¹ In some ways we are a provisional church as we await not only unification into the 'great church' inclusive of all Christians, but also the fulfilment of all things in Christ (*eschaton*).

Authority: This is a subject which recurred in the context of all three of the questions put to us but which is particularly relevant to our answer to question one

- **Authority in the Instruments of Communion.** The Anglican concept of authority is a dispersed one focused through conciliarity. The post-Reformation conciliar model which includes theologians, laity, clergy and bishops is essential to the exercise of authority. The existing Instruments of Communion, and any which might be developed in the future (e.g. Canon Law), should be set within this conciliar model. The proper exercising and distribution of authority across the various Instruments of Communion is essential to maintaining a *Via Media* Church.² A developed ACC would be the best expression of such a model. It would represent the Communion in the three houses of bishops, clergy and laity and its authority would be focused through the Office of the Archbishop of Canterbury. The primates, with the Archbishop of Canterbury, would provide checks and balances to authority from within this conciliar model. Building on the work of reconciliation undertaken in the preceding months, a relational and theological approach to Canon Law would help to facilitate an international Anglican Canon Law which would ultimately be accepted by individual provinces. The first 'building block' in the form of a common 'ius communio' already exists and is mirrored in the good practice described in many provincial constitutions.
- **Authority as involved with Relationships.** The exercising of authority should be modelled on participatory and egalitarian principles (team-building is again important here) while recognising that many provinces may find this particular model of authority challenging. This is one area where making allowances for contextual difference is crucial. For this to be possible, a considerable amount of work will need to be done beforehand (i.e. during the 'moratorium' period) in the sphere of relationship building, forgiveness and reconciliation before this is possible, especially if we are to avoid the kind of vagueness and ambiguity which trigger further conflicts in the future. We already have

¹ Morris, Jeremy. N. (Fall 2003). "Newman and Maurice on the Via Media of the Anglican Church: Contrasts and Affinities". *Anglican Theological Review*.

² Catholic Christianity is described in the scriptures, defined in theology and creeds, mediated in word and sacrament, and verified in the life of the faithful (the consensus fidelium). The 1948 Lambeth Committee Report on the Anglican Communion argues that dispersed authority is the result of this process of mediation. Episcopal authority is part of this process, and once divorced from this process it is in danger of being separate from the life of the church. There must therefore be a close relationship between pastoral care and episcopal authority.

an example of this kind of ambiguity in the premature attempt at Windsor to reconcile autonomy and communion ('autonomy-in-communion') which so far has not been very successful. We want to be a Communion and not simply a Federation. Authority, properly exercised, reinforces good relationships through reconciliation and restoration both of which require the establishment of certain boundaries ('checks and balances'). The Covenant should therefore provide for disciplinary measures which are relational and potentially restorative rather than punitive. A basic canonical principle is the restoration of the individual and group.

- **Authority and Contextuality** The exercising of authority should take account of contextuality. The increased moral ambiguity of the western world produces disagreement as to how to respond to this and, further, produces complexity as people divide into groups about how to respond. Such complexity must be recognised as needing an adequate response. Simplistic notions of authority fail to answer this point. Instead, the development of participation is crucial.
- **Authority and the challenge of GAFCON.** This body is led by a Council of Primates but will this promote or hinder the re-building of good relationships within GAFCON itself (which has disagreements of its own) or within the Anglican Communion? Does such a hierarchical model promote trust? Mutual accountability should temper the need for a 'top down' hierarchical model. Submitting to one another is not about passive acquiescence but is part of an active taking of responsibility for the good of the whole Communion and for the good of those with whom we disagree, without patronising them.

Question Two *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?*

If the Covenant is to be accepted by the Church in Wales, then it has to be by Bill procedure through the Governing Body, its supreme legislative authority. The Constitution of the Church in Wales recognises that it is part of the Anglican Communion which it defines as "a family of churches, within the Catholic Church of Christ, maintaining apostolic doctrine and order and in full communion with one another and with the See of Canterbury"³. Nevertheless it is an autonomous church and for there to be any major changes to its self understanding, it requires a two thirds majority in each of its three houses of bishops, clergy and laity. Before this process takes place, it may also decide to refer the matter for consultation to the dioceses.

³ Volume 2 of *The Book of Common Prayer* (1984), page 692.

Question 3 *In considering the St.Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive changes in order to make the process of synodical adoption viable?*

The Indaba Reflections Group summarises the concerns which would be shared by many in the Church in Wales:

"In particular:

- *The biblical and theological bases of the Covenant need to be clarified and developed in a more profound way.*
- *The proposed Covenant is formulaic rather than relational, and could thereby prove punitive, restrictive and limiting, rather than facilitating unity.*
- *The Instruments of Communion could become micro-managers.*
- *There is concern that this Covenant process could prove expensive to implement and concern as to who would pay for it.*
- *There is concern that the Province rather than the Diocese might become the local church. There is also some uncertainty as to how Provinces might relate to the Communion.*
- *Our modality is historically the "bishop-in-synod" rather than "episcopally led and synodically governed".*
- *The broad sweep of the text reads as a very Western document.*
- *The position of the United Churches is not addressed.*
- *What happens if the Church of England is the offending church?*
- *The appendix is particularly seen as over-detailed and an instrument of punitive measures.*
- *There is a danger that we are simply papering-over the problems, whereas healing needs to take place first.*
- *The Instruments of Communion need time to evolve before we can be sure what form a Covenant should take.*

*Suggestions: The Covenant could be a more generous document, couched as an invitation. It should be an instrument of listening before anything else. We need to steward ourselves to give attention to the "bonds" as well as the "affection". We ought to ask "What can we do for the Communion?" not vice versa."*⁴

There is also a very difficult Constitutional issue which the Church in Wales would face – its willingness to surrender its autonomy to an outside body. In recent years, it has revised its Constitution over the election of bishops so that the final say should the Electoral College fail to elect to a particular See, would lie with its Bench of Bishops and not the Archbishop of Canterbury as hitherto. It is also about to revise its disciplinary procedures so that there can be no appeal to anyone outside its own structures. The question then arises as to whether it would be willing to surrender its autonomy in matters of faith,

⁴ *Lambeth Indaba Capturing Conversations and Reflections from the Lambeth Conference 2008, paragraphs 140 and 141.*

doctrine or morals at a time when it has made itself more autonomous in other areas? (We are not talking here about revising the apostolic and Nicene creeds.) The Provincial Secretary of the Church of England, William Fittall, put his finger on the dilemma for his church at the 2007 Synod of that church. He was talking about the Nassau draft of the Covenant but the point holds good for any Covenant and applies to the Church in Wales as well since the latter would be delegating its decision-making powers to an outside body, be it Primates, the ACC or the Archbishop of Canterbury. In other words, it would be giving others “the ability to give direction about the course of action that the Church in Wales should take”. The present appendix gives that power to others and could prove problematic.

THE CHURCH OF THE PROVINCE OF WEST AFRICA

(Anglican Communion)

From:
The Most Revd. Dr. Justice O. Akrofi
Archbishop & Primate

Telephone: 233 21 662 292 / 663 595
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Bishops court,
P.O. Box 8,
Accra,
Ghana,
West Africa.

Our Ref:.....

Your Ref:.....

Date: 1ST MARCH 2009

LAMBETH COMMENTARY

RESPONSE OF THE CHURCH OF THE PROVINCE OF WEST AFRICA

1. Its self-description as a Commentary must be taken seriously i.e. it must be read alongside a substantive text. As it stands, it is a sensitive attempt to respond to questions of siblings in the family (p.3 para. 5). The responses are reasonable and acceptable.
2. Important as our roots are, especially the inherited Anglican instruments, the Covenant is an attempt to hold the family together in a given crisis. So the Covenant paper has its own identity and place, and is consistent with Article XXIV, the option for the vernacular paradigm. This requires us to move beyond traditional formularies to explore the image of covenant which is, after all, biblical.
3. It might be helpful near the beginning to locate the Covenant theme in "Common faith and mission and **worship**". The first two are mentioned in paragraph 1. The worship is missing. Of all the Reformation traditions, Anglicanism was essentially a liturgical renewal. Hence the prominence of BCP in our life together. In a sense the Covenant is our covenanting to worship together. Our interest in worship also puts the emphasis on shared spirituality. It is not about religious camps (politics). It is about obedience to the will of God.
4. Mission may be beefed up. From our perspective, the Church is mission in the sense of defining herself by mission. Many remain at the contours of mission i.e. proclamation, making disciples and obedience to will of God in social, economic and political spheres. When we speak of beefing it up at the beginning, we were thinking of change, transformation and renewal. Covenant is an aid to joining God's project of change, transformation and renewal.
5. Covenant is a project of communion – community and communicating. That perspective should help move the task from political parties to deeper identity search.
6. No text will satisfy all wings of a communion. So it needs to be said that Provinces are required to **translate** the end product of CDG to their Provinces.
7. There may be some difficulty in our Province. The document has to go to Provincial Synod. It has been a job getting the Province together for financial and political reasons. One would also like to see Diocesan Synods take ownership of it as well. What this means for time table, we are not sure.

Justice O. Akrofi
JUSTICE O. AKROFI

PR08-20

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THE SYNOD OF THE CHURCH OF NORTH INDIA

CNI BHAWAN, POST BOX NO. 311, 16, PANDIT PANT MARG, NEW DELHI-110 001 (INDIA)

CNI:SYN:GS:ANGLICAN COMMUNION:O-2/2008 -171
6TH MARCH, 2008

**All CNI Diocesan Bishops
CHURCH OF NORTH INDIA**

Dear Bishops,

Warm Greetings to you from the Synod of the Church of North India.

I am forwarding herewith an extract from the Minutes of the 81st Meeting of the Executive Committee of the Synod of the Church of North India held on 19th and 20th February 2008 regarding the Autonomy of the Church of North India.

This is for your information and future reference.

Yours in His Mission


**Rev Dr Enos Das Pradhan
GENERAL SECRETARY**

CC> The Secretary and Members of the Theological Commission
The Secretary General, Anglican Consultative Council.

Encl: as above

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q). **Recommendations from the Council of Bishops regarding Anglican Covenant (Ref. EC: 80: 2007- 123 (H),**

The recommendation made by the Council of Bishops at their meeting held from 5th to 7th August 2007 at Simla to sign the proposed Anglican Covenant forwarded by the Anglican Communion was referred to the CNI Theological Commission. It was noted that the Theological Commission met on 26th and 27th September 2007 and discussed this matter at length and made the following recommendation:

(TC: 07: 19c)

The reference made by the 80th meeting of the Executive Committee vide minute no. EC: 80: 2007- 123H regarding the signing of the Anglican Covenant was taken up for discussion. It was noted that the Council of Bishops at their meeting held in Simla from 5th to 7th August 2007 has recommended signing the proposed Anglican Covenant without compromising the autonomy of the Church of North India. The General Secretary who was present at the meeting of the Theological Commission drew the attention of the Commission that in the year 2005 when the Windsor Report was produced by the Anglican Communion the Executive Committee had commissioned a group led by Bishop Joel V Mal to study this document and on the report submitted by this group the 75th meeting of the Executive Committee vide minute no. EC: 75: 2005-147 has categorically stated that the Church of North India cannot sign the Anglican Covenant as this will lead to compromise the autonomy of the Church of North India. The Theological Commission after a long deliberation over the matter and in the light of clause 4, Chapter IV of Part I of the Constitution which speaks about the autonomous character of the Church of North India which is free from any control legal or otherwise of any church or society external signing of any covenant with the external body amounts to compromise the autonomy of the Church. It was made clear that signing the Anglican Covenant by the Church of North India would bind the Church to affirm the four instruments of unity of the Anglican Communion. It was further reiterated that the CNI will maintain its autonomy while continuing to be in fellowship, communion, and hold membership in numerous ecumenical bodies which have historic and theological links with the Church of North India, and that these links include our international partners in mission".

After some discussion the Executive Committee received the recommendation of the CNI Theological Commission and unanimously decided to endorse the stand in relation to maintaining the autonomy of the Church of North India.


certified to be true copy

AN ANGLICAN COVENANT

*Comments on the St. Andrew's Draft Covenant submitted by the House of Bishops
on behalf of the Church in the Province of the West Indies*

1. General

We commend the Covenant Design Group for the production of the St. Andrew's Draft and the Lambeth Commentary on the St. Andrew's Draft for an Anglican Covenant.

2. Answers to the 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)?

In our response to the Nassau Draft issued by the Covenant Design Group, our Provincial Synod gave its support, in principle, for an Anglican Covenant. In the light of that decision, the Church in the Province of the West Indies places itself in the company of those member churches who recognize the need for a mechanism that will hold us all mutually accountable. We believe that an Anglican Covenant would provide our Communion with the best way forward if we wish to maintain both Communion and Catholic identity. The Covenant is the only option if we wish to remain a communion rather than a federation of churches.

(2) "Is it possible to give some indication of any Synodical process which would have to be undertaken to adopt the Covenant in the fullness of time?"

The formal adoption of an Anglican Covenant requires the approval of the Provincial Synod which meets in regular session, every three years. The final Covenant text will be reviewed in the first instance. The Bishops will advise the Provincial Standing Committee for presentation to the Provincial Synod.

(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?"

There is only one issue which would need extensive change and that is the Appendix to the St. Andrew's Draft. We welcome the information provided in the Lambeth Commentary in respect of the Covenant Design Group's intention to replace the Appendix with a new section four. We fully support that approach.

In addition, we draw attention to the following issues which in our opinion, require further consideration:-

1. The Introduction

The St. Andrew's Draft offers an improvement on the Nassau Draft. In the light of the importance of the theological framework for our common affirmations and commitments, we feel that the Covenant Design Group should give some

consideration to the provision of a closer relationship between the Introduction and the propositions of the Covenant. The Lambeth Commentary states that the Covenant Design Group will publish the Introduction alongside the Covenant, but the Introduction does not carry the weight of the Covenant itself. Some consideration should be given to convert the Introduction to the Preamble.

2. Section One: Our Inheritance of Faith

While we welcome the overall content of this section, we are concerned over the mention of the historic formularies of the Church of England. These historic formularies are no longer in use in the Province of the West Indies.

Section Two: The Life we Share with Others: Our Anglican Vocation

There are two concerns related to this section:

- (a) A stronger affirmation of evangelism in mission.
- (b) The inclusion of worship in the 'marks' of mission.

Section Three: Our Unity and Common Life

We concur with the Windsor Continuation Group's report "There is currently a lack of clarity about the role of each of the Instruments and their relation to one another." We note that the Covenant Design Group in the Lambeth Commentary promised to revisit the following statistical data and comments from the bishops at Lambeth about the Instruments themselves."

Some concern was expressed over the use of "episcopally led and synodically governed." In our province, we have used "The Bishop in Synod" as a standard designation.

Conclusion

Our strong support for an Anglican Covenant flows from our love for our communion and the noble heritage God has entrusted to us. We believe that the final text should have the following characteristics:-

- Faithfulness to our Anglican heritage
- Clarity of expression
- Transparency in all its proposals
- Mutual accountability – mutual subjection
- Consequences following breach of covenant including 'diminished status' within the communion fellowship
- Promotion of trust between the member churches



*Liberal
theology in
a changing
world*

Who steers the ship?

The poverty of the
Draft Anglican Covenant

Paul Bagshaw

An MCU *Forewords* publication
The Modern Churchpeople's Union

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Who Steers the Ship?

The Poverty of the Draft Anglican Covenant

Introduction¹

We trained hard . . . but it seemed that every time we were beginning to form up into teams we would be reorganised. I was to learn later in life that we tend to meet any new situation by reorganising; and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralisation.²

In the context of rapid change both inside and outside the Anglican Communion two questions intersect, and perhaps collide:

1. *How does the Communion weigh and determine the authenticity of developments in the expression of Christian faith?*
2. *How may divided Anglicanism cohere in a single, diverse, global communion?*

Or, put another way, *how may the church as a whole best order and equip itself for mission in a rapidly changing world?*

None of this is new. These questions, or questions very like them, are the stuff of all churches. In a turbulent world the mission of the Church is always unfinished and no answer can be perfect, final or definitive. No matter how fierce the conflict, the best possible answers are merely those that are good enough for the time being. The ever-changing world continually throws up challenges and opportunities which the Church has not previously met and to which there is never a single or uncontested response. The Church lives and thrives in dynamic engagement with the world around it.

As in all churches conflict is normal in the Anglican Communion although, at least through the last century, the equable and hospitable character of Anglicanism has largely predominated. Answers to questions of faith and order have come in the forms of personal relationships, agreed documents, the resolutions of meetings, further commissions and reflection, continued public debate and organisational change. When conflict has grown sharpest it has generally been cast in a negative form: it has been a struggle to exclude an answer or set of answers from Anglicanism (as opposed to an attempt to impose one single acceptable answer). By seeking to close down certain solutions, or by keeping possibilities open, belligerents have sought to set the tone and tenor of the Communion, to predispose Anglicanism in one direction or another.

Church conflicts may focus on a particular issue; what is always at stake is the capacity to determine the theological identity of the Church.

This paper argues that the Covenant as proposed is no answer to the present hard questions of the discernment of authentic innovation, nor to the tensions of autonomy and interdependence, nor to the challenges of mission. It argues that the Covenant is deeply misconceived and will impoverish the Communion.

The Covenant is too weak to bind the Communion together and too strong to enable development. It seeks to create an explicit and forceful bond between Communion members and thus to set contractual obligations in the place of affection willingly given. It will change the character of Anglican unity, but it will not change anyone's mind about what constitutes authentic development. Instead of peace between Anglicans it will offer mechanisms to magnify disputes and deepen division. The only prospect of unity the Covenant offers is institutionally created schism.

The Covenant will change the nature of Anglicanism by centralising power and authority, by promoting uniformity, by transforming the present Instruments of Unity into instruments of the Covenant, and by marginalising the laity. The result will be a more bureaucratic, rigid and ossified church unfit to address the mission challenges of a rapidly changing world.

The Challenge: authentic faith amidst bewildering change

A world breaking and re-forming

The *occasions* of the present conflict in the Anglican Communion were the authorisation of services for the blessing of same-sex unions in The Anglican Church in Canada in 2002, and the election and subsequent consecration of Gene Robinson, a gay man living with a partner, as Bishop of New Hampshire in 2003.

The *causes* of the present conflict are much deeper, more complex and more extensive. They lie in rapid global political, social, economic and intellectual changes which are disassembling older structures and creating new ones – including churches. Centrifugal and centripetal forces are tearing the world apart and making a new world whose future shape and character is impossible to judge. We can see the signs of the times in the storm clouds; we cannot tell what the world will be like when the storm has subsided.

Centrifugal forces include the economic dominance of the West and the aggressive dismantling of economic and political isolation, the nullification of restrictive sexual mores in the name of human rights, the celebration of individual

greed, easier physical mobility, increasing inequality of wealth, and the rhetoric of democracy contraposed to a reality of violent repression. National identity, distinctiveness and sovereignty have all been diminished as a consequence. Increasing inequalities of wealth across the world are replicated by increasing inequality within nations with resultant social stress. Intellectually, postmodern thinkers deconstruct meta-narratives (whether secular or religious). They assert the positive value of difference and diversity whilst denying that there can be any possibility of objective criteria to judge between them. 'Things fall apart; the centre cannot hold' (W.B. Yeats, 1920).

Yet, at the same time, everything flows together. Globalisation of the economy means that the same brands of goods may be found in almost every town across the globe. Global economic and financial institutions and more uniform standards of legal protection enable this ubiquity. Science, technology, electronic and physical communications presume a universal intellectual framework, an interchangeable physical infrastructure and, increasingly, a universal language. Although many people still suffer, these factors have enabled an ever greater understanding of the physical world, the realisation of previously undreamt human capacities, and have delivered health and wealth to many. Centripetal forces are building new patterns of community.

Not that the Church needs external causes to create division. From earliest days the Church has been divided as faithful Christians have struggled with the most appropriate ways in which to enact their discipleship – and have seen other Christians acting in ways that seem to counter or negate their chosen path. Conflict between faithful companions is endemic to the Church. It is at least arguable that the capacity to retain fundamental differences within Christianity as a whole has been one significant reason for its longevity, though the cost has been progressive schism and division.

The causes of change are *mediated* through a variety of routes. New communication technology means no-one can escape. Western firms dominate the message and, outside Asia, the means of its dissemination. Film, television and the internet push western moral values and social presuppositions into homes in every culture in the world. The internet and easier, cheaper physical communication mean that real communities of interest or shared outlook can now be built as easily, and in some ways more easily, than communities based on geography, tradition or faith.

Intellectually, universities have become global institutions with an increasingly shared ethos, standards, and personnel. The trap is circular: education is the primary route to participation in the global economy therefore global economic demands must determine the forms of education.

Reaction against globalisation is also global. Conservative and traditionalist leaders have reacted defensively, seeking to protect people against the pernicious effects of globalisation while (in many cases) themselves benefiting from it economically. Violent reaction is also a global phenomenon.

Changes in the secular world are *channelled* along pre-existing fault-lines in the Church.

The Church is inevitably and simultaneously embedded in its culture while also remaining distinct within it. What happens in the wider world powerfully shapes the Church while, at the same time, the Church draws on its own resources to offer a critique of the secular and a challenge to its values.

In the sixteenth century the Church of England embodied the fault-lines then found across Christianity. In its colonial expansion it bequeathed its tensions and divisions to the Anglican Communion. Conflict between Anglo-Catholic, Evangelical and Liberal sub-traditions have been tangible since the Oxford Movement of the 1840s and were exported around the world with nineteenth century missionary organisations. Anglo-Catholics and Evangelicals, though deeply opposed on many issues, periodically made common cause against Liberals. Liberals, in varying degrees, welcomed secular changes into the church whilst Anglo-Catholics and Evangelicals, to varying extents and with differing emphases, asserted that the priority was to judge the world by the canons of Christian faith.

Decolonisation has exposed another pre-existing fault-line in the Anglican Communion: the relationship between the British and the North American churches on the one hand and, on the other, the churches of the third world or global south. With this shift also comes a shift of ethos. The social, cultural, economic and intellectual assumptions which underpin theological, missiological and ecclesiological discussion are no longer English or American but are increasingly African and, to some degree, South Asian. To date, this shift has not been matched by a transfer of power or resources within the Anglican Communion.

The structure of ecclesiastical conflicts

In practice, while each conflict in the church has been historically distinctive, they share common structural characteristics.

First, conflict tends to be complex and extensive reflecting incommensurable differences at the level of basic presuppositions. These differences have deep historic roots and are reflected in almost every aspect of the expression and embodiment of faith.

Second, because of this complexity, the occasion of conflict is often a relatively small matter, perhaps the actions or teaching of a particular individual. Conflicts take the form of synecdoche in which small matters encapsulate and represent much greater underlying differences.

Third, whatever the occasion and focus of a conflict, the issue is always greater. A struggle about a matter of Christian belief or practice quickly becomes a struggle for the soul of the church and then, equally quickly, becomes a struggle to gain the right to determine how the church decides. Nothing is minor or *adiaphora* when the identity of the church is at stake.

Fourth, most church members do not engage in conflict. Consequently the leaders of the contending groups have to work hard to keep supporters on side and engaged in battle. They do so by increasingly strident rhetoric. They declare the conflict vital to the authenticity of the church as a whole while denying the possibility of middle ground or conciliation. The occasion of conflict becomes a shibboleth by which to divide friends from enemies amongst people who would otherwise be indistinguishable. Ever-present incommensurable aspects of Christianity are highlighted while shared discipleship and good working relationships are minimised. Thus disputes quickly become critical conflicts of self-fulfilling and self-perpetuating seriousness. On the other hand, those seeking a resolution to conflict have the majority with them although, for the most part, the majority remain silent, dispersed and disengaged.

Fifth, those seeking to resolve the crisis perceive that they cannot find a way forward by dealing with the occasion of conflict head-on. Because the issues are too great and inherently intractable they seek to move sideways and often propose organisational change. This has the immediate effect of transposing the conflict into new terms, away from its ostensible focus and onto the ultimate goal: the right and capacity to determine how the church makes decisions. Organisational change embodies shifts in ecclesial power and ‘to the victor belong the spoils of the enemy’ (W.L. Marcy, 1860).

The Covenant: gaining control of the bridge

In the midst of global political, economic and intellectual turbulence the senior officers of the Communion find themselves at loggerheads about the direction in which they should be sailing, some threatening mutiny. The Covenant purports to decide how to decide whose hand shall steer the ship.

The *Windsor Report* (2004; §§117-120 and Appendix Two) included a proposal for a Covenant:

which would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion. (§118)

Two further Covenants have since been officially proposed: the *Nassau* draft (January 2007; slightly amended April 2007) and the *St Andrew's* draft (February 2008). All have evoked support and criticism of principle, detail and implementation.

These proposed Covenants are primarily intended to transfer decision-making power from the Provinces to the international institutions of the Anglican Communion. They would incidentally also transfer power from the laity to the bishops. They are intended to transfer power from the British and North American churches to the

churches of the global south. However this transfer would only be secured once The Episcopal Church (USA) and The Anglican Church of Canada were expelled. They are intended to transfer power to the most conservative church leaders, to those least open to innovation, those who see least good in God's changing world.

The Covenants do not propose to deal with the occasion of conflict and offer no solution to differing evaluations of homosexuality.

All three Covenants propose to establish a constitution for the Anglican Church which would centralise governance and reduce provincial autonomy in the key areas of spiritual jurisdiction: doctrine, worship and the discipline of clergy. The *Nassau* and *St Andrew's* drafts would create juridical mechanisms to determine contested issues and would assign power of enforcement to the global structures of the Communion. The *Nassau* and *St Andrew's* drafts would subordinate the present Instruments of Unity to the single constitutional framework, reflected in a change of terminology from the *Windsor Report's* 'Instruments of Unity' to 'Instruments of Communion'.

Significantly each draft has based the efficacy of the Covenant on a different idea. The *Windsor Report* relied on common canon law and an Anglican Communion Officer based in each Province; the *Nassau* draft proposed the common mind of the church as the criterion by which to test membership of the Communion; the *St Andrew's* draft rests on adjudication of threats to the unity and mission of the Communion. This suggests that the goal, the power to expel a member from the Communion, is more important than the principle on which the power is based.

The whole Communion undertakes its mission in the midst of centripetal and centrifugal forces which are reshaping global society and the Church with it. When everything is dark, unpredictable and uncertain, the desire for safety and assurance is entirely understandable. When church leaders are frustrated because they have no power to discipline the North American churches it is reasonable that they look for ways to acquire that power.

The *Nassau* and *St Andrew's* drafts meet both objectives. Both attempt to change the Communion from a small flotilla of boats, each under its own captain, to a single, larger ship which an Admiral may command from one united bridge. Both offer ways to curtail the diversity of Anglican practice and to narrow the range of its mission. Yet the winds which trouble the church will not stop because of organisational change and the deep differences inherent in the church will not be ameliorated by more centralised mechanisms. The mission of the church will still be as varied and as novel as the circumstances in which the church is present.

The *St Andrew's* draft

An Anglican Constitution: power to the centre

For the Anglican Communion to become a ship with a unified command and a single direction its senior officers must first gain control of all its parts.

In place of the present uneven and constitutionally messy web of relationships between Provinces the Covenant would become the controlling document to which all other structures of relationship would be subordinate. The terms of the constitution are set out in the *St Andrew's* draft on a clear pattern of statements of affirmation followed by consequent commitments. The authors have done the Communion good service in articulating the shared inheritance of faith, the life and mission of communion in a succinct and clear fashion.

If the enforcement mechanisms of the *St Andrew's* draft (§3.2.5) are removed it may be possible for all present members of the Communion to sign the Covenant and to do so with goodwill, fully committed to abiding by it.

Yet even without powers of enforcement a Covenant would change the Anglican Communion. The Covenant would remain a voluntary agreement freely entered into by autonomous bodies but 'bonds of affection' would be replaced by bonds of written agreement. Anglicans would no longer comprise those in communion with the See of Canterbury but would become those who were signatories to the Covenant. The Covenant would become a confessional statement requiring progressively more extensive interpretation of its terms as new issues arose.

Even without enforcement powers the Covenant would become the focus of future disagreements. Contending groups would see the possibility of altering the Covenant as an effective means to change the culture or priorities of the Communion and also as a potent symbol of shifts of power. Once signed, the Covenant's internal momentum would almost certainly drive it towards becoming an enforceable contract of association.

But in fact the power of enforcement is critical to the Covenant. Without it the transfer of power from the north to the south would not happen. Without it many conservatives would conclude that the Communion actively refuses to assert orthodoxy over perceived heterodoxy.

Centralisation and conformity

An intention and consequence of the Covenant is the transfer of power from the Provinces to the central organisations of the Communion. The key power, before expulsion, is the capacity to delay, restrict and prevent change.

Centralisation will occur in a variety of ways. It will happen quietly through bureaucratic processes as officers of the Instruments of Unity gather information and make arrangements to run the mechanisms envisaged in the *St Andrew's* draft.

It will happen as Provinces, anxious not to be the subject of a complaint, informally consult the central Instruments of Unity. Multilateral channels will no doubt remain, but will be less used for the more important communications.

Centralisation will come about because the majority of future debates, and maybe all of them, will not conform exactly to the presumptions on which the Covenant has been drafted. Therefore the central organs of Anglicanism will amend the rules to encompass each new issue they face. (They are given the power to do in the *St Andrew's Appendix* §1.5.) Each change will gather a little more power to the centre. In all organisations, once power is taken to the centre it is almost never returned to the periphery; once a question is determined at the centre it cannot subsequently be decided locally.

There is nothing in the *St Andrew's* draft Covenant to prevent or balance this centralisation of power. There is no discussion of subsidiarity³. No principles have been adduced by which to evaluate the proper allocation of power within the Communion. There is no accountability to member Provinces for actions taken under the rules of the Covenant. There is no means of amending the Covenant (a significant weakness in a constitution). The frequent assertion in the draft Covenant that Provinces are autonomous is simply denied by the proposed transfer of power to the global Instruments of Unity entailed in §3.2.5.

Conformity

Greater *conformity* between Provinces is also built into the Covenant.

Each draft Covenant implicitly assumes that all signatories are equal under the Covenant. Yet in practice Provinces differ from one another in almost every imaginable aspect. The number of their members varies widely. They differ in their dominant theological tradition, their wealth, organisational strength and self-confidence, in the place accorded to the laity and their culture of ecclesial authority. Different Provinces have different relationships with their nation states (so, for example, a more close knit Communion may aid the Episcopal Church of Sudan and cause considerable difficulties to the Hong Kong Sheng Kung Hui). Provinces differ in their dominant language and the number of languages used. There are wide variations in worshippers' vulnerability to persecution, their educational expectations, ease of communication and travel, and in much else. Their differences mean each Province experiences the centripetal and centrifugal forces of globalisation in different ways. What is a priority in one place may be irrelevant elsewhere. What fosters mission in one place may detract from it in another.

In relation to the Covenant proposals this inequality may be expressed in a variety of ways. Smaller, more focused and more coherent Provinces may find it relatively easy to instigate action against another under the arrangements set out in the *Appendix* to the *St Andrew's* draft. Provinces with more complex or more inclusive decision-making processes may find it more difficult. Weak and divided Provinces may find it impossible. Stronger Provinces may be able to exercise more political

influence at various stages of the process or, causing equal resentment, may be perceived to have such influence.

Once the mechanisms of the Covenant creak into gear the Provinces' differential features will create inequities and misunderstandings. The bureaucratic solution will not be to accommodate the centre to the Provinces but to seek to make the Provinces more like one another.

The first place the Covenant will impinge upon will be the internal constitutional relationships between the constituent bodies of a Province. In the *St Andrew's Draft*, signatories would commit themselves

to act with diligence, care and caution in respect to actions, either proposed or enacted, at a provincial or local level, which, in its own view or the expressed view of any Province or in the view of any one of the Instruments of Communion, are deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission . . . (§3.2.5, emphasis added)

This clause would make a provincial governing body responsible for the actions of dioceses or national churches which make up that Province. Yet some provincial constitutions accord considerable autonomy to their constituent bodies. It is far from inconceivable that a Province will find itself held responsible for matters over which it has had no control and against which its central organs may have protested. Such constitutions would soon become intolerable to other Provinces and the Instruments of Unity will find themselves recommending changes, strongly.

Inevitably, if the Covenant is implemented, the global Instruments of Unity, and their permanent staff in particular, will be drawn in the direction of policing the Communion. The *St Andrew's* draft envisages that the Archbishop of Canterbury is consulted as to the advisability of certain courses of action even in the absence of a complaint. His officers, because they have an understanding of what is happening in the various parts of the Communion, will find themselves issuing informal warnings about the potential of a course of action to lead to intervention, if only out of institutional anxiety and self-protection. The capacity to instigate action against a Province (*Appendix* §2.1) where there is a perceived threat to unity and mission will quickly shade into a duty to act pre-emptively if a matter might be a possible cause of concern.

Even if no formal complaint is ever made the possibility of action will have a chilling effect on innovation in the Communion. Provincial and local church authorities will be more cautious, self-censorship will be normal, and individuals or groups who venture into uncertain territory will find themselves disavowed more quickly. The fire of faith will find itself dampened down and enthusiasm will be constrained by ecclesiastical health and safety instructions.

There is no counter-weight to these institutional processes of constraint and control in the draft Covenant. Nothing in it is designed to facilitate the fresh expression of faith in each generation and place, nor to articulate the Gospel in terms appropriate to new situations or modes of thought. Conservative attitudes to the expression of faith

are proper and necessary but the consequence can only be ossification and decay unless there is also the capacity for renewal and restatement.

There is one important caveat. The Anglican Communion is too big and its central structures too small and ill-funded for these changes to be rapid. Nonetheless pressure towards increased centralisation, greater conformity, institutional anxiety and potentially intrusive scrutiny is built into the Covenant as presently drafted.

Juridical dispute resolution

In substance, though not in name, both the Nassau and the St Andrew's drafts propose an international ecclesiastical court for the resolution of disputes. Those who control the court govern the whole ship.

The gravest power that these draft Covenants have accorded themselves is the power to exclude a member from the Anglican Communion. This proposal, novel to Anglicanism, was first propounded in *To Mend the Net: Anglican Faith and Order for Renewed Mission* by Drexel Gomez and Maurice Sinclair (2000). Under Archbishop Gomez's chairmanship the power to exclude has been a central element in the deliberations of the Covenant Design Group. It would give the Covenant teeth, be a symbol of Anglican virility on the stage of the world's Christian churches, and would deliver the means to expel TEC and The Anglican Church of Canada from the Anglican fellowship.

Even if never used the presence of this power and the consequent changes in the structures of the Anglican Communion will change the ethos of Anglicanism. However, it is highly likely that, once in place, the disciplinary mechanisms will be evoked and, once begun, there is always the possibility that an action will eventuate in the expulsion of a Province.

The lessons of history

Historical experience strongly suggests that ecclesiastical courts simply do not work. In nineteenth century England a large number of cases were launched on liturgical grounds and a handful on doctrinal grounds. Three doctrinal cases led to the expulsion of eccentric individuals from the Church of England; five clergy were imprisoned for continuing to use liturgical practices the courts had declared illegal. To that extent the courts showed that they had teeth and would use them.

But the courts did not work because they were being used as weapons in the struggle for the soul of the church. The courts were asked to make definitive judgements which would prevent change in the church or would declare certain doctrines or practices unacceptable. It was this larger, critical, policy dimension of court action that failed.

They did not work because court cases were gambles. In effect the promoter of a case bet that the court would side with them and would rule, definitively and forcefully, that a particular doctrine or practice was intolerable within the broad

spectrum of the Church of England. But the courts were unpredictable. The promoter who lost a case found that they had lost a lot more: what they had wanted expunged from the church was sometimes ruled to be legal. As a tool of policy legal action could be wholly counterproductive.

Cases were brought to court as synecdoches, encapsulating much greater issues, in the hope that judgement would both effect and symbolise the ascendancy of one sub-tradition within the Church of England and the occlusion of another. But the courts dealt in the law, not literary forms, and all that was decided was the detail of that particular case. It proved almost impossible to establish broader precedent and (particularly in the area of liturgy) one case merely led to others.

Court cases did not work because faith is not subordinate to legal rulings. To determine a symbolic case does not determine the substance of the conflict. No-one changed their opinion on the basis of a court judgement. Win or lose, promoters did not cede to the courts authority over own opinion. On the contrary, when a case was lost, promoters blamed the court for coming to the wrong opinion.

Cases did not work because they were attempts to draw lines in the sand. Time and tide erased the lines: practices and beliefs which once caused scandalous division later vanished from sight or became accepted as normal. It is impossible to comprehend the intensity of yesterday's fire by picking over the charred historical remains. Occasionally, later, a promoter would acknowledge their regret at taking the case in the first place.

Finally, whatever the outcome of the case, many of the individuals involved, including some of the promoters, were personally scarred by the experience. Public opinion was scandalised by the sight of Christians taking one another to court to determine not whether they believed but the way in which they believed. Battle-lines within the church grew more deeply entrenched and the great majority who were not personally engaged in the conflict were embarrassed and, at times, their adherence weakened.

It is entirely predictable that an international court for the adjudication of Anglican theology and practice would share all these weakness and on a much bigger scale.

The St Andrew's proposals

The *St Andrew's* draft is more subtle than its predecessor. The *Nassau* draft proposed that the Primates' Meeting would make a positive affirmation of Anglican orthodoxy, 'the common mind' of the Church §6(3), and then adjudge whether a Province adhered to that orthodoxy. The concentration of global juridical power in a group of 38 people and the idea of a 'common mind' in the context of significant conflict were strongly criticised.

The *St Andrew's* draft distributes responsibility for its juridical-bureaucratic processes across all the existing Instruments of Unity. Instead of seeking to determine the core of belief and practice it seeks to determine the boundary of what is acceptable

in the case at issue. It proposes one ground for complaint: that a church has acted, or intends to act, in ways which are

deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission. (§3.2.5)

It then describes bureaucratic-juridical mechanisms to determine whether the perceived threat is real (*Appendix*). On the basis of that determination the ACC would then decide whether a Province had stepped beyond the tolerable limits of membership of the Communion as defined by the terms of the Covenant.

In fact the difference between the *Nassau* draft and the *St Andrew's* draft is more apparent than real. The idea of the 'common mind' of the church remains in the *St Andrew's* draft and signatories commit themselves to seek it (§§3.1.2; 3.2.4). The Primates' Meeting retains considerable powers of determination, though no longer exclusively.

The key difference between whether the core or the boundary of Anglicanism should be the test of continued membership of the Communion is also more apparent than real. Any determination that a Province's actions 'threaten the unity of the Communion and the effectiveness or credibility of its mission' would have to state the grounds on which the decision was based. This would include a detailed delineation of the boundary which no Anglican Province could properly cross. The nineteenth century English ecclesiastical courts made comparable judgements and found, to their considerable irritation, that this distinction was too subtle for most commentators (and some lawyers). Their judgements were consistently read as determining aspects of the positive teaching of the Church of England no matter how strongly they protested that this was neither their intention or their role. A statement of the boundary of Anglican unity would inevitably be read as a statement of the 'common mind' of the Church.

The mechanisms for conflict resolution proposed in the *Appendix* to the *St Andrew's* draft are more complex and more nuanced than that of the *Nassau* draft. They begin with informal conversation and formal consultation. The routes then available are either a formal Request from the Archbishop of Canterbury (Route 1), or deliberation by another Instrument of Unity – in practice the Primates' Meeting⁴ (Route 2), or theological examination by a Commission specially appointed by the Archbishop of Canterbury (Route 3), or mediation (Route 4).

Most of these elements are unexceptional in ecclesiastical court structures. Conversation, consultation and mediation are necessary in a community of autonomous Provinces.

Nonetheless the whole process is deeply flawed. It is fundamentally tainted by the capacity of the Archbishop of Canterbury and the Primates' Meeting to issue instructions to Provinces (a 'Request' with sanctions for non-compliance is an instruction whatever its title). It is tainted by the final power to expel a Province. Force, or the threat of force, is the tool of power politics. It is wholly inappropriate to the search for God's truth, for the discernment of faithful discipleship in the midst of global turmoil, or as a response to forms of mission which are novel and potentially disturbing.

In practice it is this final power of expulsion which will determine all the steps which lead up to it.

A central difficulty is the tiny number of people who comprise the international structures of the Anglican Communion, almost all of whom will be, or be perceived to be, partisan. Inevitably church leaders will have been involved during their careers in areas of contention in their writing, in pastoral judgements, or as belligerents in earlier ecclesiastical conflicts. Almost by definition there is no-one with the necessary knowledge and judgement to assess complex issues of theology, mission and church order who has not previously made pronouncements on the matter. A basic tenet of natural justice, the impartiality of judges, can hardly be met.

This small pool of church leaders also determines the concentration of power which would be enacted by the Covenant. The *Nassau* draft was criticised for concentrating power in the Primates' Meeting. The *St Andrew's* draft provides only a small disguise to mask the same concentration of power. Following the failure of informal conversations the draft grants the Archbishop of Canterbury extensive powers to control the early stages of potential dispute. He is involved, formally or in person, in every step of the process (in his own right as an Instrument of Unity, as a member of the Joint Standing Committee of the Anglican Consultative Council and the Primates, as head of the Primates' Meeting, as convenor of the Lambeth Conference, and as President of the Anglican Consultative Council and ex-officio member of all its committees). His role is replete with conflicts of interest.

In Route 2, with little practical difference from the *Nassau* draft, the Primates are given powers to determine whether an issue is threatening the mission and unity of the Communion. If so they may issue instruction and send the matter to the ACC for final deliberation.

The *St Andrew's* draft does not disperse power, it doubles the locations where power is concentrated.

Fundamental conceptual errors

In the context of a potentially divisive dispute the disciplinary processes of the *St Andrew's Appendix* presume an accuser and a defendant. This is a basic conceptual error. A threat to unity requires two parties: a church which acts, or considers acting, in a novel manner in mission, liturgy or church order, and a church which is sufficiently offended to judge that it probably cannot remain in communion with the innovating church. Both action and reaction are necessary to create a divide. There may be a general presumption against innovation (despite the recognition of the beneficent effects of what were once innovations §3.2.3), but there can be no presumption that just one side is causing the threatened division. Yet the *St Andrew's* draft is unevenly directed at the innovating church: it alone bears the onus of proof, it alone is made vulnerable to instruction, and it alone risks expulsion.

The presumption that all members are equal, though they are not, will create procedural anomalies. The capacity to instigate proceedings lies with Provinces and

Instruments of Unity (except the ACC) (§2.1, 2.2). However this is likely to generate almost as many different processes in the preparation for, and instigation of, proceedings as there are Provinces and Instruments. The motivation to act is likely to be strongest in those Provinces whose ethos is relatively conservative, which are most coherent in their ethos (and thus do not have anxieties about internal disagreement), which have the simplest internal decision making mechanisms, and which are the most touchy about other people's behaviour. The alternative is a further reduction of provincial autonomy by the internalisation of common mechanisms – and existing differences between Provinces may well make it almost impossible to agree a single mechanism.

Also implicit in the formulation of the process is the presumption that only innovation on essential matters will be divisive. Secondary matters, *adiaphora*, will no doubt engender debate and differences of opinion but will not be such as to divide the Communion. Yet this distinction is illusory and repeated reports have struggled with its complexities (*Windsor Report* §§37; 87-96). Historically conflicts and division have been occasioned by, for example, the use of icons, the introduction of an organ into a church, or the interpretation of the Old Testament. The courts of the Anglican Church of Canada determined that same-sex blessing were a matter of doctrine, but not of core doctrine and, therefore, should not be a cause of division. The deliberations of the court had no measurable impact on the course of dispute and the blessing of same-sex unions remains an occasion of division. In practice what is divisive is defined by those who are affronted, not by the actions of the innovating church nor by any objective criteria.

The reinvention of Anglican unity

Nor is unity a single cloth or static concept. The Anglican Communion has struggled with the quality of its unity since its inception. Reflecting on the complex and uneven degrees of communion and disunity the Lambeth Commission observed:

there has been little consensus within the Anglican Communion on how precisely to identify, beyond a bare assertion, that such impairment, fracturing, and so forth, has taken place, let alone how such a situation might be remedied. (*Windsor Report* §50)

The proposed Covenant would cut straight through the uncertainty. Adoption of the Covenant will create a new definition of Anglican unity: signatories to the Covenant will be in unity with one another by that fact, irrespective of other differences between them. It may be ecclesiologically desirable to reduce the understanding of unity to a single concept. It may equally be that ambiguity and differing levels of mutual recognition have been vital threads through all that has tied the diverse churches of the Communion together. The clearer, simpler, less ambiguous and more rigid the test of unity the easier it will be to break that unity either voluntarily or by forced expulsion.

The single most glaring misconception of the draft Covenants is the self-contradictory notion that unity can be achieved by dividing the body. The image of cancer has been invoked: that, to save a life, surgery may sometimes be necessary. Yet surgery does not cure cancer; it can merely buy time and relapses are always possible.

Furthermore the pivotal phrase of the *St Andrew's* draft, the accusation that a church may be 'deemed to threaten the unity of *the* Communion and the effectiveness or credibility of *its* mission' (§3.2.5, emphasis added), would seem to imply that the Communion has one single mission not only in theological definition but also in its embodiment.

In fact the expression of mission is highly varied and necessarily specific to its context. Mission in Kano, Singapore, Sydney, Sao Paulo, San Francisco and Glasgow, are unlikely to be conducted in the same manner, on exactly the same presuppositions, with the same priorities, or using the same words. What threatens the effectiveness or credibility of mission in one place may be conducive to mission in another. Again the Covenant presumes a uniformity which is not present in reality.

The tight timescales envisaged in the *St Andrew's Appendix* give the air of a sharp, professional conflict resolution mechanism. It ignores the fact that the most divisive issues refuse to be contained in such artificial boxes. Dispute over the ordination of women, for example, has continued since at least the 1930s and remains unresolved.

Mediation (Route 4) fits somewhat uneasily into the disciplinary processes. Mediation may be important to restore amity and good working relationships and parties may still feel aggrieved if a complaint has been dismissed. However it is quite inappropriate to deem that a church which refuses to enter mediation is thereby guilty of threatening the unity and mission of the Church, given that mediation is only anticipated (in the *St Andrew's* mechanisms) once it has been determined that there is no threat to unity and mission. Enforced mediation, or mediation on pain of expulsion, cannot be expected to work. It is more likely to lead to a search for the minimum action necessary to assuage bruised consciences than to the restoration of fraternal relations.

Final adjudication

At the conclusion of the process there is a deliberate disjunction between what has gone before and the final role of the ACC (*Appendix* §8). The Archbishop of Canterbury (Route 1) or the Primates' Meeting (Routes 2 & 3) will have determined whether an offending church has threatened 'the unity of the Communion and the effectiveness or credibility of its mission'. Similarly, if a church had refused to enter into mediation (Route 4) it would automatically be regarded as having threatened the unity and mission of the Communion. In each case the file would be passed to the ACC to decide whether or not a church had acted in ways that were incompatible with the Covenant (*Appendix* §8.2). The ACC is not a Court of Appeal: it cannot re-hear the issues or determine whether due process has been followed.

However the ACC (which includes the Archbishop of Canterbury and the Standing Committee of the Primates' Meeting) would seem to have little or no room for manoeuvre. Should an offending church refuse to act in conformity with the instruction of the Archbishop of Canterbury or the Primates' Meeting (or, just possibly, the Lambeth Conference) it would thereby be guilty of breaching the Covenant commitments set out, for example, in §§1.2.3; 1.2.6; and 3.2.1. In practice the Archbishop of Canterbury or the Primates would draw up the warrant for execution and the ACC could do little more than sign it.

To leave the writing of procedural rules to each Instrument of Unity (*Appendix §1.5*) avoids addressing publicly a critical issue about the judgement to expel a province. *How will the ACC decide to expel a member Church?* Will it be by a simple majority of those present and voting? Or by a two-thirds majority? Or a majority of its whole membership, present or not? Will those party to earlier stages of the dispute, or to concurrent and related disputes, be eligible to vote? Will the vote be secret? As the ACC is asking a different question from what went before, will the parties be allowed to make new representations? To leave the details of each stage of the disciplinary process to be decided out of public view is to give the Instruments of Unity very considerable power. Details are key to any juridical or conflict resolution process.

Once judgement is made there is no opportunity for review or appeal. There seems to be no recourse for a complaining church whose complaint is dismissed, nor if it is dissatisfied with a judgement of the Archbishop of Canterbury, nor if the Commission of Enquiry comes to conclusions it cannot accept. There is no appeal on the grounds that due process has not been followed, nor that the rules of natural justice have been breached. If these procedural weaknesses are not redressed the consequence will be resentment in churches which complained and the churches complained against.

Both the *Nassau* and the *St Andrew's* drafts envisage that, once a church has been expelled negotiations should begin to re-admit them. It is hard to see this as more than a fig leaf. An expelled church is more likely to harden its stance than to experience a sudden conversion to the majority view of the Communion.

The absent laity

The laity (and, for that matter, any clergy other than bishops) are almost completely absent from the draft Covenant. Lay people appear, formally and solely, in the constitution of the ACC.

This may well reflect a pragmatic judgement of the nature of global politics in the Church. However it also seems to express an ecclesiological principle that the Church is comprised of its bishops and formed through those structures where bishops meet. This is a radical innovation in Anglicanism. The Book of Common Prayer describes the Church as 'the blessed company of all faithful people' and the synodical half of the bishop-in-synod has generally been interpreted as including both clergy and laity.

To reduce the power of the Provinces is also to diminish the role that lay people play in the government of the Church. Yet lay people will ultimately be expected to pay for the expansion of the international Instruments of Unity that the draft Covenant envisages.

Along with the absence of subsidiarity and accountability, any idea of the reception of doctrine is also missing from the draft Covenants. The processes set out in the *Appendix* of the *St Andrew's* draft are governed by archiepiscopal structures and the timetable contains no room for broader deliberation or reception of innovation. To determine contested issues by juridical processes is to exclude the wider views of members of the Church.

The gap between lay members and ecclesiastical decision making will grow wider. A predictable, if unintended, consequence will be that juridical decisions will decide matters globally and determine nothing in worshipping communities, just as the Roman Catholic Church has found with birth control. The Spirit will not be constrained by global decision making.

Predictable, but unintended

The disciplinary processes envisaged in the draft Covenants are likely to have several predictable but unintended consequences. The possibility of a complaint (even if none is ever made) will create additional work for the staff of the Archbishop of Canterbury, as informal enquiries are made. There will be a need for additional staff, more travel, and bigger budgets.

The inequity in the Covenant between the innovating and the offended churches is likely to lead to the submission of counter-complaints. Few disputes are likely to be restricted to two Provinces alone and the opportunities for international ecclesiastical power-play will be multiplied. Provinces will line up with one another as joint complainants and defendants, or a number of cross-cutting complaints may be launched simultaneously. If there is more than one complaint at a time the tight deadlines envisaged in the *St Andrew's* draft will put severe strain on the Instruments of Unity and their officers. Again additional funding will need to be identified. The *St Andrew's* draft is audibly silent about the cost of its proposals and who would pay.

If enquiry and adjudication are public, and even more if they are not, they will attract considerable media interest. Debate will be amplified by internet chatter and, if nineteenth century experience is anything to go by, most public comment will be ill-informed, partisan, and simplistic. Complex issues will be reduced to personalities or sound-bites. Together, the fact of the dispute, procedural weakness, perceived political influence and media debate will combine to be itself a threat to the effectiveness or credibility of the Communion's mission.

Finally, far from concluding debate, dispute is likely to be heightened. The tensions between Provinces run within Provinces as well. No-one will change their views as a result of these global processes. The church which 'loses' will feel aggrieved and see no reason to accept the innovation it objected to, nor will one church

halt their proposed innovation for ever because another church objects. A process that has run its course and come to an organisational conclusion, but which leaves the issue still festering, will satisfy no-one. It will make subsequent attempts to resolve the matter much more difficult.

Conclusion

The Anglican Communion is neither a ship nor a flotilla. It is better envisaged as a complex living entity, growing, flowering, dormant and dying in the different soils in which it is set. Planted and fed by God, the Church lives, thrives and withers within the turbulent ecology of political, economic, intellectual and cultural change. As a living entity the Anglican Communion requires structures which will facilitate mission and evoke holiness in a wide range of ever-changing contexts. It does not need a rigid and ossifying constitution.

The *St Andrew's* draft Covenant would establish a single international jurisdiction superior to the present structure of autonomous and inter-linked provincial legislatures. It dictates that questions of authentic development and the coherence of the Anglican Communion should be determined by juridical-bureaucratic structures. The text of the Covenant would become the sole basis of adjudication of authentic development. To be a signatory to the Covenant would become the sole test of membership.

The draft Covenant will not deal with the substantive issue of whether people who are homosexual should have full standing as members of the Church. Instead it would transfer power to those who are offended by the stand that TEC and the Anglican Church of Canada have taken on the question. The expulsion of both churches would retrospectively legitimate the intrusions of other Provinces into their jurisdictions. Their expulsion, and the pervasive threat of further disciplinary action, would predispose the theological and cultural ethos of the Anglican Communion in conservative directions for generations to come. The draft Covenant offers nothing to balance this trend: it lacks any notion of subsidiarity, accountability or the reception of innovation by the whole Church. Decision-making power would steadily leach from across the Communion into larger, more rigid, more powerful and ever more expensive global institutions.

None of this will equip the Church for mission. On the contrary, the *St Andrew's* draft Covenant offers a structure with brakes and no engine. Its proposed conflict resolution mechanisms would provide the means to amplify local disputes into global conflicts. The unity it offers is based on the threat of division. The presumption of uniformity will create new strains between and within member Provinces. New structures will lead to a generation of institutional introspection. Archiepiscopal control will be strengthened while the laity will be further marginalised. To hand

power to those whose instinct is to resist change would militate against developing flexibility and the imaginative steps necessary to enable the Church to respond to the centrifugal and centripetal forces which are re-making human society across the globe.

The *St Andrew's* draft Covenant primarily reflects institutional insecurity and a lack of confidence amongst the Communion's leadership. To adopt it would preclude more nuanced ways by which Anglican Provinces might realise their distinctive and shared identity, each following their own course, faithfully and interdependently. Implementation would discard much of Anglicanism's conciliar tradition which holds the potential of more supple and subtle ways to address questions of Anglican coherence and authentic expressions of faith. The Anglican Communion will be the poorer if it adopts this Covenant.

There is no end to conflict, no means of knowing what the future holds, only the assurance of unanticipated challenges to come. God has poured blessings on the Anglican Communion in generous measure, packed down and running over. A Church structured in such a way that no group or individual can finally capture the right and capacity to determine how it makes decisions is a Church capable of holding within it almost all the major strands of Christianity. Instead of being a weakness this wide embrace may prove to be a providential strength in uncertain times.

There are no solutions, no definitive answers, to questions of faithful discipleship. Answers are made in our practice: they lie in the ceaseless unfinished pursuance of God's work, undertaken in fear and trembling by all faithful people, in their rich variety, struggling to discover ways forward in disagreement and together. The best possible answers to questions of faith and order are those which enable the living Church to flourish, for the time being, in all its glorious God-given diversity.

The Covenant will not do.

Notes

¹Official papers relating to the *Windsor Report* and processes which followed the Report, including the Covenant, can be found at <http://www.aco.org/commission/>.

²Origin unknown. Though modern it has been conventionally and erroneously attributed to the Roman General Petronius (c. 60 BC).

³Notwithstanding its significance in the *Windsor Report* (§§38, 94, 95) and *The Virginia Report* Chapter 4 and Final Reflections (1998).

⁴The ACC is ruled out because of its role as final arbiter, and the infrequency of the Lambeth Conference effectively excludes it in the great majority of circumstances.

Who Steers the Ship?

The Poverty of the Draft Anglican Covenant

Paul Bagshaw

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Statement for the Covenant Design Committee

I am Mark Hollingsworth, Bishop of the Diocese of Ohio in the Province of The Episcopal Church.

Every election year, the State of Ohio becomes what is known as a “battleground state.” Because of its great political diversity, it is very much up for grabs for political candidates, especially presidential nominees. The Diocese of Ohio reflects the same broad diversity of political conviction in the breadth of theology and ecclesiology held by its congregations and communicants. In this way we are very much a microcosm of the larger Church. Yet, in the midst of our great differences and differentness, the vast majority of our members are finding ways to live together as one Church. One congregation receives Designated Episcopal Pastoral Oversight from a neighboring bishop, and remains an active part of the ministry and mission of the diocese. Many parishes serve together in common mission projects as a way to learn how to make room for one another. Together we are finding a unity by accommodation, rather than by assimilation.

At the same time, there are some who have chosen to leave the Diocese and affiliate with other provinces of the Communion. In large part that is a direct result of the interference and many incursions of bishops and archbishops from foreign jurisdictions which have driven deep wedges in our community of faith. The damage to Christ’s body that this constitutes is immeasurable.

The vast majority of us, however, have come to the shared conviction that we are each members of the Diocese of Ohio and The Episcopal Church at God’s invitation. It is an invitation that may have been delivered by a friend, a family member, a neighbor, or a co-worker, but it was without question God’s invitation. Each of us, regardless of her perspective or conviction on any of the issues that challenge us, is there as legitimately as the next. And we are subsequently becoming aware that, given what an odd lot we are, it is not *agreement* that God is offering us. If our agreeing with one another were the divine intention, God would doubtless have started with a more likely group. Rather it is a unity in diversity that God has called us together to explore, a unity more challenging than any we have yet achieved, one we are coming to imagine may resemble the very heart of God.

So why is God offering us this deep and difficult unity? We live in a world that is spinning into ever-increasing polarization, desperate to learn how to live with great differences. If, as the Churches of the Anglican Communion, we cannot learn how to live with the differences God has called together in the body of Christ, then we have no witness to make, nothing to offer the world that yearns for direction and help.

During the months that preceded this conference, I met with groups of lay and ordained leaders across our diocese to discuss with them the St. Andrew’s Draft Covenant. These included members of the Standing Committee, the Diocesan Council, the Episcopal Church Women, the Deputies to the General Convention, and others. Each group reflected the broad diversity of theology and ecclesiology that we have come to recognize as that which God has brought together in us as a diocese. And each group asked me to express to you a similar message, that a

covenant which protects the rich diversity that constitutes the Anglican Communion and humbly offers to the world a model for how people can live together with great differences is something they would embrace.

They believe, however, that the St. Andrew's Draft Covenant will serve only to institutionalize our *inability* to live with one another and with the very differences God has brought together among and through us. It is, to their eye and mine, a pre-modern solution to a post-modern situation, an *either/or* proposition when a *both/and* is needed, designed not to help us make room for one another, but to distance us from each other and refuse the very gifts of differentness God is giving us in bringing us together as Anglicans. In this way, and especially through the proposed processes for consultation articulated in Section 3.2.5.a-e and in the Appendix, Sections 3 through 8, the St. Andrew's Draft takes on the substance and effect of an anti-covenant, defining not how we become one but how we become separate.

Likewise does the Windsor Continuation Group's proposal to ban the blessing of same-sex relationships and the ordination of homosexuals in committed relationships seek to legislate a restrictive solution that will, by definition, excise a considerable number of Christians whose place in the Diocese of Ohio and The Episcopal Church has proved to be an essential blessing to God's mission and our ministry. The consequence will surely be that our diocese and the General Convention of The Episcopal Church will find it impossible to accede to that demand of communion.

We in the Anglican Communion may indeed have irreconcilable differences. But irreconcilable differences are nothing to be afraid of; irreconcilable is generally what differences are. God calls *people* to be reconciled, not their differences. God calls us to be reconciled precisely in spite of and because of our differences.

Let us have a covenant, but let it be a covenant, like those in Holy Scripture, that will show the world not how people separate themselves from one another, but how people with great differences come together in communion with God and each other. Let it be a covenant that will show the world how a diverse people can find a holy unity, and by that unity with God and one another grow into godliness, into the full stature of Christ, in whom all are reconciled and redeemed. This is an opportunity and a responsibility we dare not drop.

Submitted in the name of Christ on July 28, 2008

The Incorporated Synod of the
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1600-01(Bishop)

February 13, 2008

The Most Reverend Drexel Wellington Gomez
Primate of the Church in the Province of the West Indies
PO Box N-7107 , Nassau ,
BAHAMAS

Your Grace,

I am writing to you as the Chair of the Anglican Communion Working Group of the Anglican Church of Canada. We have been charged with reviewing and offering a response to the various drafts of the Covenant for the Anglican Communion. We met recently for two days in Winnipeg Manitoba to review the St Andrews Draft (Draft 2). We found many of the changes in this draft to be helpful.

During our discussions, particularly when we were looking at paragraph 3.2.5 and the draft Appendix, a number of questions arose. Both the Communique and the Commentary make very clear the tentative and provisional nature of the appendix and so we wondered whether the CDG in its deliberations had considered any other possible procedures for dispute resolution and if so could they be made available for review. We ask this because the legalistic nature of the language in the appendix is very different from the collegial style found in the Covenant text itself and appears to us to run counter to the tone set by the Covenant. One of our dioceses has mooted the possibility of the formation of a Commission of Reconciliation as an alternative way of proceeding.

Thank you for undertaking this difficult task on behalf of us all.

Yours in Christ,

The Rt Rev George Bruce
Bishop of Ontario

cc The Revd Canon Gregory Cameron

The Saint Andrew's Covenant: A Preliminary Analysis

Great hope may be derived from the intention of the St. Andrew's Covenant (hereafter referred to as "the Covenant"). As in the history of the Church throughout the ages, the Church of Jesus Christ has grown in her knowledge of God and correspondingly of herself, so it is now. In my view, the Anglican Communion has the opportunity with this Covenant to grow in maturity as a church, both reaching out in charity across the boundaries of the national churches and working together to strengthen the unity of the church's understanding of her faith and practice.

From the initial period of the Ecumenical Councils and the Canonization of the Holy Scriptures, through the Christian Roman Empire and the profound piety of the monastic movement, through the establishment of Christian schools and universities, the Church's eventual reformation, and the subsequent period of Christian missionary activity and the establishment of national churches, the Holy Ghost has led the Body of Christ deeper and more fully into the Truth and Charity which is the Life of the Triune God.

So too now, the Anglican Communion finds itself at a watershed which may move the church towards a more profound unity and common life, if the terms of this covenant that would bind its adherents in a commitment of the bonds of affection is finally formalized.

And within our particular development of the historic Christian Church, we should remember that from the beginning of the church's life, in imitation of her Lord, each successive age could not have realized its calling apart from the witness of Christian martyrs. The church's life in her spiritual depth is unthinkable apart from the actual sacrifice of love. Even now there is the call of great sacrifice within the Bride of Christ herself, a call to persevering patience amidst the conflict between those who feel they follow a prophetic demand to change some aspects of the moral theology of the church and those who believe that they are themselves the guardians of a moral theology which cannot be compromised. The Covenant is an attempt to live out this charity, living faithfully by the formative principles of Christianity, and in confident hope that the Spirit will indeed cleanse the thoughts of our hearts through understanding, prayer, and action.

I believe this moment in the life of the Anglican Communion offers the hope of continuity within the growth of the Body of Christ in space and time.¹ Our age is no different from any other in the challenges of faith and

¹ The "Introduction to the Anglican Covenant" itself speaks of this place and identity of the Anglican Communion in the history of the Christian Church (paragraph 4).

practice which have come to be both within and without the church. And yet it is because of lessons already learned that we may proceed now with hope. By reason of this Covenant, we can proceed as a church, by means of: a) a common understanding of the first principles of our faith; b) a firm hope, following our faith, which expects the Holy Spirit to lead us into all truth as He has done in the past; and c) a commitment to charity to live in the truth of Christ, in repentance, obedience, and joy.

I offer this analysis and these few suggestions in the hope of contributing to the process of crafting this Covenant.

The categories of my analysis are these: (1) first principles: the Anglican *esse*; (2) autonomy and communion; (3) interdependence: a common mind and heart; (4) theological and ecclesiastical presuppositions.

1. First Principles and the Anglican *Esse*

The Covenant begins with a definitively catholic Christian identity. Its authority stems from the canonical Holy Scriptures, the Apostles' and Nicene Creeds, and the ancient sacred order of Bishops. In this way the Covenant binds its intention: (a) to the revelation of God in Scripture – received and confirmed by its canonization in the church, (b) to the theological understanding of that self-same Scripture articulated in the Creeds, and (c) to the proclamation, discipline, and defense of the gospel, vouchsafed to the church as a whole by her Bishops through the centuries.

These first principles, therefore, form the foundation of the Covenant. It is a necessary beginning, if the Church be truly faithful to the Lord Jesus Christ who speaks at the center of the biblical revelation, and whose own identity is given a definitive understanding in the Creeds and in the teaching of the Apostles and their successors. Indeed, it is with the definitive understanding of Jesus Christ that the doctrine of the Trinity comes fully into view, and we find ourselves humbly grateful to acknowledge and participate in the life of the Father and the Son and the Holy Ghost. It is this participation (*koinonia*)² that brings the life of God in all its fullness to the church.

All the precious doctrines of faith and of practice in the Church grow out of this beginning. To depart from these first principles, or to revise them so as to alter their form and content, would be for the church to move away

² I John 1: 3, Matthew 28: 18-20, and the "Introduction," (paragraph 1).

from her authority as the inheritor of the truth and love of the one Lord and Savior Jesus Christ, leaving the church an unstable foundation destined to erode beneath the changing tides of worldly opinion and ideology. To keep these first principles assures the church that she is built upon the stability of eternal truth, spoken to her by the eternal Word Himself, and remembered and understood through the abiding presence and teaching of the Holy Ghost. Only with Jesus Christ as the head corner stone, and with the teaching of the Prophets and the Apostles preserved in Holy Scripture, does the church remain a living structure, able to affirm and profess her Creeds as the true and life-giving knowledge of the Triune God, Whom the church seeks by the living reality of faith.

On the firm foundation of these first principles, the Anglican Communion takes her place in the historic Christian Church through her distinctive formularies. The 1662 Book of Common Prayer, the 1662 Ordinal, and the Thirty-nine Articles of the Christian Religion embody what the Covenant refers to as a “significant witness” to the Communion’s catholicity. In this way these formularies form the Anglican *esse*, binding her to other Christian catholic churches *and* distinguishing her from the same churches. The Covenant’s declaration that the Anglican formularies are a “significant witness” means that Anglicanism bears witness through the continuity of this particular *signum* – this articulated symbol of the Christian faith - which by virtue of her place in history renders the Anglican *signum* both catholic and reformed. Here Anglicanism takes her distinctive place in the growth of the Body of Christ, offering to the world a fruitful perspective on the rich and sometimes difficult history of the Holy Spirit’s witness to Jesus, the one Lord and Savior. Moreover, this Anglican *esse*, this *signum*, abides as the root and genesis of subsequent prayer book revision and catechetical exposition. The articulation of this “significant witness” within the Covenant shows that as the national churches themselves seek to reaffirm their unanimity of mind, they will need to embrace the distinctive formularies of Anglicanism more and more as a standard and guide for all subsequent doctrinal discussion, debate, forbearance, and mutual love.³

It must be acknowledged, therefore, that for any of the signers of this covenant to take a stand outside of these historic formularies (which are based themselves on the first principles of the Christian faith), would be to jeopardize the very understanding by which a common mind may be formed and by which mutual charity may be experienced. The crafters of the

³ The “Introduction,” (paragraph 5): “... we recognize the importance of renewing our commitment to one another, and our common understanding of the faith as we have received it in a solemn way, so that the ‘bonds of affection’ which hold us together may be affirmed.”

Covenant have exercised great wisdom in recognizing the “significant witness” of the historic Prayer Book, Ordinal, and Articles. I believe their significance in the body of the Covenant itself should be increased to conform to the acknowledgement of their profound importance in the “Introduction.”

2. Autonomy and Communion

As the “Commentary” states, the section of the Covenant which attempts to draw together both the autonomy of the national churches and their interdependence is perhaps the most difficult.⁴ The Covenant has adopted the text on this subject (3.1.2) from the primates’ statement of Dar es Salaam.⁵ The intention in the Covenant is to recognize and respect the local construction and administration of ecclesial law and governance while proclaiming the “mutual affection, commitment and service” called forth and enabled by the Holy Spirit. The Covenant intends that in order to realize the calling and power of the Holy Spirit in the common mind and life of the national churches, the national churches should look to the work of the Instruments of Communion. What the Covenant seeks here is an inherent authoritative voice, reflective of the diversity of the national churches, which will work towards unanimity of thought and action.

While the voice of the primates must always be heard and reflected upon in order to discern the voice of the Holy Spirit, we must remember that the Instruments of Communion, whether taken together or in their several parts, cannot be used by their constituents in such a way that contradicts the *first principles* on which the Covenant is founded. In this way it should be stated and recognized that the Instruments of Communion depend themselves for their authority upon the very principles on which the Covenant is based.

Furthermore, with respect to the idea of “autonomy in communion,” it should be acknowledged and emphasized first of all that, theologically speaking, no absolute autonomy exists within the Christian church. The church is the Bride of Christ, his own mystical Body, in whom all churches find their alpha and omega, and whose authority and saving mercy cannot be diminished or contravened. Second, because the Constitutions and Canons of a given church constitute the mind of that church, even the several sets of Constitutions and Canons that exist in their several churches throughout the

⁴ “Commentary to the St Andrew’s Draft,”; “The Commitments in 3.2”.

⁵ “Commentary,” clause 3.2.2.

Anglican Communion cannot be said to be autonomous, given that their authority of faith and practice, church order, and sacramental life all depend upon the veracity and supremacy of Holy Scripture.⁶ The fact that “Each church, episcopally led and synodically governed, orders and regulates its own affairs”⁷ can only mean that with respect to rites and ceremonies and local jurisdiction each church is free to make its own way, but with respect to doctrines of faith and moral practice, each church remains bound to the teaching and moral life articulated in the Holy Scripture and vouchsafed to us in the Creeds and the historic formularies⁸. Indeed, unless we maintain the identity of our Catholic tradition articulated in the Creeds and the historic formularies, we cannot be said in any meaningful way to share in one *communion*. It is only when our various Constitutions and Canons embody and employ our catholic identity that we may be said to participate in one *koinonia* with the Father and the Son and the Holy Ghost.

I would suggest, therefore, that the committee dispense with the notion of autonomy and replace it with *relative autonomy* by which the Covenant can bring the relations of the national churches and their governmental integrity into explicit agreement with their catholic identity in its Anglican ethos. In this way the actual governance of the several national churches in their rites and ceremonies and jurisdiction are affirmed while the bond of the national churches within the life giving Word of the Lord Jesus Christ is left supreme.

3. Interdependence: a common mind and heart

The Covenant intends for the national churches of the Anglican Communion to adhere to the Covenant in a spirit of conscious and mutual self- submission, manifesting diligent patience and steadfast co-operation.⁹ What is of the utmost importance here is the *cultivation* of trust and mutual submission by the recognition once again of the first principles of the Covenant. Holy Scripture, the Creeds, the historic formularies of the Anglican branch of the Church Catholic, and the sacred order of Bishops who defend these, are the objective standards of the church’s mind. The Covenant and the Instruments of the Communion that will be responsible for

⁶ See p. V of the “Preface” to the Book of Common Prayer of PECUSA, 1789, where it is declared that in the worship of Christ “different forms and usages may without offense be allowed, provided the substance of the Faith be kept entire.”

⁷ St Andrews Covenant 3.1.2.

⁸ I take up the historic formularies here simply because the Creeds do not themselves articulate anything about the Lord’s Supper (or other sacraments besides Baptism) or Holy Orders in the Church.

⁹ Ephesians 5:21: “submitting yourselves one to another in the fear of Christ.”

implementing the provisions of the Covenant have these first principles as the bedrock on which mutual trust can be built. If this be so, then the good will to follow the guidance of the Instruments of Communion may be strong. The bonds of affection, the actual exercise of charity, shall then be able to accept, respectfully, the labor and forbearance and perseverance needed to address the difficulties that face the church. Without the first principles as the theological, ecclesiastical, and pastoral ground of the church's judgment and action, the bonds of affection, mutual respect, and hope itself will be impossible to achieve.

It follows, therefore, that with such a commitment of trust, there must be a thorough understanding of the Covenant on the part of all the churches. How the Covenant itself depends upon the formative principles of Christianity, and how the Covenant depends upon the same formative principles for its distinctive identity as Anglican, both catholic and reformed, is the necessary foundation for the building of our particular branch of the Church Catholic in truth and love.

Furthermore, in order for such a perspective on the first principles of the Covenant to establish trust throughout the national churches, each national church will need to understand and affirm the necessity of those principles not only in relation to other churches but in relation to itself, its own provinces, dioceses, seminaries, parishes, clergy and laity. The meaning and establishment of the Covenant in a common mind and common heart of the church of Jesus Christ requires this fullness of understanding and commitment of good will in its every part, in all the church's institutions, and through successive generations, if it is to bind us, not merely as an institution, but as the Body of Christ. It is in this way that a common mind and a common heart become reality.

4. Theological and Ecclesiastical Presuppositions

Finally, I would propose that the entire enterprise of the Covenant has been forged rightly, and with every intention of goodness, through the spiritual energy of the theological virtues of faith, hope, and charity. The first principles have to do with what we believe to be true about the Lord Jesus Christ and his church. Our life together as Anglicans, lived in the relations of the national churches and in relation to other Christian churches and committed to mission in and for the whole world, issues from the hope of the power of the gospel of the same Lord. And our unity and commitment

to make our way together on our spiritual journey stems from the binding motion of charity, which is nothing other than the very being of God.

These same theological virtues are implicit in the structure of this Covenant: “Our inheritance of Faith;” “The Life we share with Others: our Anglican Vocation;” and “Our Unity and Common Life.” It seems to have been so crafted in these virtues, not so much by design of the document itself, but by the design of him whose grace has enlivened the Christian church to believe in and to hope for and to love each inkling of his presence and every operation of his tender mercy.

Overall, I find this an immensely hopeful document, the kind of thing that the Anglican Communion truly needs, and which is almost at hand. My analysis has really only touched on two points having to do with the first part of the Covenant and with the second and third combined. I hope this preliminary analysis contributes to the process. If faith, hope, and charity are indeed the formative virtues in the formalization of this effort, then our communion shall reap the benefits of a decisive moment in the history of Anglicanism and of the entire Christian Church. All of which we ask through Jesus Christ our Lord.

Respectfully submitted,

The Rev’d Michael L. Carreker, Ph.D

The Diocese of Georgia,

The Episcopal Church, USA

From: BCF3@aol.com [mailto:BCF3@aol.com]
Sent: 31 July 2008 07:15
To: Gregory Cameron
Cc: johnchew@anglican.org.sg
Subject: Ratification of Anglican Covenant

Dear Gregory,

Bruce MacPherson tells me that this concern should be directed to you (and John Chew, whom I have already apprized of it).

If the Anglican Covenant is to be ratified at the level of Provinces only there will be perhaps as many as thirty to forty Dioceses of The Episcopal Church that will be disenfranchised. There is no question whatsoever that the TEC General Convention will reject the proposed Covenant as decisively as the House of Bishops did the Communique from Dar last year.

We must ensure that ratification takes place (at least additionally) at the DIOCESAN level. Last October Archbishop Rowan wrote the following to me:

"I would repeat what I've said several times before - that any diocese compliant with Windsor remains clearly in communion with Canterbury and the mainstream of the Communion, whatever may be the longer-term result for others in TEC. The organ of union with the wider Church is the bishop and the diocese rather than the Provincial structure as such....

"I should feel a great deal happier, I must say, if those who are most eloquent for a traditionalist view in the US showed a fuller understanding of the need to regard the bishop and the diocese as the primary locus of ecclesial identity rather than the abstract reality of the 'national church.'" The Communion Partners Bishops believe this understanding is critical in moving forward.

Warmest regards in our Lord,

The Right Rev. John W. Howe
Episcopal Bishop of Central Florida
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A Confessional Communion?

I'd like to begin what I have to say with a few comments of detail about this St Andrews Draft Covenant, and then offer some reflections about the project to establish a covenant as a whole.

Scripture First, I welcome the way that Scripture is used in this document. The Commentary which follows the Draft Covenant notes that the initial draft had been criticised for its rather sideways use of scripture. The Church in Wales response was one of the provincial responses which made this point. There is a much better and clearer engagement with scripture in this draft as a result of that critique.

It was some years ago now that James Barr made a good comment about the use of scripture in official church documents. I seldom used to find myself agreeing with James Barr, but he had a point on this. He noticed how the Bible is often brought in at the beginning of a church report to provide a bit of window dressing or garnish, like the sprig of parsley next to the paté on your plate. But it then gets thrown away. The report moves on regardless of whatever the scriptural passages prefacing it might have said. That is a trap which the St Andrews Draft Covenant avoids.

In 1.1.2 the Draft Covenant says some important and good things about the place of Scripture in the life of the church. And in 1.2.4 it says some important things about theological method in the use of Scripture.

Trinity Secondly I was pleased to see what it said about the life of God the Holy Trinity. Or, more accurately, I was pleased by what it *didn't* say.

For most of Christian history the Holy Trinity has been a sublime mystery – ‘the Father incomprehensible, the Son incomprehensible and the Holy Spirit incomprehensible’ as the Athanasian Creed puts it. But suddenly in recent years we seem to have discovered we were wrong. Not only is the Holy Trinity comprehensible, but so transparently comprehensible that the life of the Trinity can be a model for the life of the church. And when speaking on the subject if you can use the word *perichoresis* you can sound profound and if you can refer to a ‘dance’ you can also be trendy and contemporary!

Some presentations of this subject have almost seemed to say: ‘Hey, if the Father the Son and the Holy Spirit can manage to rub along together somehow, well shucks folks, surely we should be able to as well’.

That’s another trap this draft Covenant avoids.

Success

The *third* preliminary point I’d like to make is to draw attention to something which the draft Covenant refers to in 2.1.1. And that is that the problems we are discussing today are essentially problems generated by *success*.

If the Church of England had remained a national church rooted in England, with smaller sisters in Wales and Ireland and a slightly awkward cousin in Scotland, then we wouldn’t be here today. It is the huge growth of Anglicanism in diverse cultures and following the colours of diverse missionary endeavours which has made the unity of the whole thing problematic. But if I were asked whether I would rather be part of an insular but stable church or of a vibrant growing world-wide communion – I’d far rather be part of the latter, for all its problems. And I would guess that would be true for most of us, too.

Covenant

Now, to considering the Draft Covenant itself.

Teeth

One way to come at this would be to treat it like a horse and look at its teeth first. This are located in 3.2.5 and particularly the rather wobbly molar represented by 3.2.5e. Plenty of people have taken a good look at that and at the phrase ‘Any such request [from an Instrument of Communion to take action] would not be binding on a Church unless recognised as such by that Church’. One slightly acid commentator headlined this as ‘Making heterodoxy safe for future generations’. The fear he was expressing was that particular provinces could redefine their faith and practice and could rebut any questioning of such moves simply by declaring that they do not recognise a request (from whichever Instrument it might come) as binding on themselves.

Some have been concerned that too much power is vested in the Archbishop of Canterbury by the processes described in the Draft Procedural Appendix (that is a question of confidence – how much can one person be expected to carry that weight of responsibility?). Others have been worried by the overarching power apparently given to the ACC in section 8 of the Draft Procedural Appendix (that’s a question of

power – some people perceive the ACC as the most responsive of all the Instruments to white Western liberalism).

We have heard today that the Primates are deeply committed to a model of autonomy-in-communion. It is small wonder. After all, no Vicar likes any colleague telling him what to do in his parish, either. The Anglican Communion has developed a structure rather like the Spar retailing enterprise: a kind of franchise where shopkeepers own their own business, but have the benefit of a recognisable brand name on their shop front and a lot of freedom in running their outlet. They would not want to become merely managers of a store which is just part of a chain, taking orders from people higher up the structure. Would it be too cynical to see primatial embrace of autonomy-in-communion as less a theological commitment, and more a very understandable human preference for freedom of action?

The difficulty is that someone, somewhere, has to exercise some authority. It reminds me of something I heard the late Bp Stephen Neill once say, about drafting the constitution of a new Province (as I recall, one of the E African provinces), ‘We gave them an almost perfect constitution: the Bishops have virtually unlimited authority – and practically no power at all!’

Purpose But I’ve been billed on the programme as considering ‘a confessional Communion?’ so I’d better do something to justify my billing. And rather than look at details I would like to consider a criticism made on the conservative American ‘Stand Firm’ website by Matt Kennedy soon after the draft was released:

The fundamental weakness of the Covenant, as many have pointed out, has been the decision not to push for an agreement on theological foundations as either a part of the Covenant document itself or as a necessary corollary to it. As it stands the Covenant is simply a way of relating. It is a structure founded on a process that exists for the sake of the structure. There is no “there” there. The established, structured, process is its own reason for being.

There seems to be an odd implicit trust on the part of the design team that so long as various provinces of the Communion remain tied together structurally and abide by a certain process of relating to one another when disputes arise, that the basic health of the body will be retained, as if "community" is an end in itself.

Descriptive
or
Prescriptive

I mention this comment because it echoes concerns which I articulated in a piece I wrote initially to try to sort my own thoughts out, but which I discovered recently has made its way onto the Anglican Communion website. I feel that I know now how Jude must have felt when they decided to canonise his epistle. Who'd have thought it?

A key question about the concept of a covenant concerns what it is intended to achieve:

[Is it] intended as *descriptive*: is it a kind of umbrella which comfortably covers everything currently called 'Anglican' without excluding anyone who wants to be 'in'? Or is it intended to be *prescriptive*: is it meant to offer a kind of identification guide which enables the observer to tell whether a particular manifestation of faith or life can or cannot be called 'Anglican'?

Some people have criticized the whole notion of a Covenant as something alien to the hospitable spirit of Anglicanism. The Inter-Anglican Theological and Doctrinal Commission had this to say:

[A Covenant is proposed] not in order to bind us to *new, strange and unhelpful obligations*, but rather to set us free both from disputes which become damaging and dishonouring and from the distraction which comes about when, lacking *an agreed method*, we flail around in awkward attempts to resolve them. This is not seeking to introduce *an alien notion into an Anglicanism which has never thought like this before*. (IATDC Response 1.10-11)

The IATDC goes on to say that a merely descriptive Covenant will not meet the needs of the Communion (2.2). But this Commission goes on to call for a covenant which focuses on process and is essentially a means of maintaining relationships.

I would agree with Stephen Noll of the Uganda Christian University, who wrote in his response to the working papers on an Anglican Covenant:

Of course, a covenant is relational by definition, but relations are based on convictions . . . Any covenant that promotes "relationships" apart from obligations of faithfulness to the authority of Scripture and to classic doctrine will be sentimental and ineffective.

Continental Drift In other words, Anglicanism as it has become is an archipelago of islands which a kind of continental drift is inexorably moving farther apart. Trying to build a rope bridge from one island to the next is not going to create a united block of land. 'Listening' and 'dialogue' will not and cannot reverse the drifting apart of disparate forms of Anglicanism, because there is radical disagreement about the nature of authority, the sources of doctrine, the shape of the gospel and a hundred and one other things. This is not some silly misunderstanding brought about by a failure to listen to one another. These divergences go deep – deep enough to represent a continental drift which pulls us apart.

Archbishop Barry has already referred to this aspect of matters in his introductory address to us. He has suggested that the drift is not as serious as some of us imagine it to be: after all, as he reassured us, the group which reported to the Primates on The Episcopal Church's compliance with Windsor gave that church a 'pass'. The trouble is that many people around the Communion regarded that group as a generous marker. The fear which numerous people now harbour is that the interminable commissions, reports and conferences of the past few years are not preparations for action but substitutes for it, or even that they have become a ploy to *prevent* it.

How then do we address the continental drift? What drives it? How could a covenant make any difference?

A Covenant which challenges rather than embraces modernity Once again I'd like to quote Stephen Noll. In an address given in January 2006 under the title 'The Global Anglican Communion – A Blueprint', Professor Noll spoke about the Reformation and about the birth of the Church of England as a distinct Christian voice. He noted the way in which the English reformers 'identified their own day as a God-appointed time to reiterate the biblical faith in contemporary terms'. He went on:

We are at another historic moment when the Church must articulate its faith in the light of modern and postmodern developments both outside itself and within. But, I would also argue, because the rot of modernity has eaten its way into the infrastructure of Anglicanism, especially in the West, we cannot reconstruct authentic Anglican doctrine unless we go back to the sources, namely to the Thirty-Nine Articles and Book of Common Prayer.

I find that Stephen Noll has been thinking along similar lines to the ones I outlined in my assessment of the Church in Wales submission on the Draft Covenant, only he has thought a great deal more and to rather better effect. So I lean on him substantially to fill out the outline thoughts I put forward in my ‘assessment’.

Building
blocks of a
Covenant

What then would be the building blocks of a Covenant which meets the challenge of our theological continental drift?

For one thing, it cannot simply be a superficial agreement to agree to disagree and celebrate our diversity. That has always struck me as a classic symptom of the weakness of Anglicanism – Anglican apologists can sometimes sound like the captain of a ship which has lost power, drifting on whatever currents push it along, running aground on a random section of coast and then proclaiming to the crew that this is precisely where they always intended to be, and it is in fact the best bit of coast anyway!

1. A
commitment
to the
primary
authority of
scripture

The first such block must be *a commitment to scripture*. Here the St Andrews Draft Covenant (1.1.2) draws helpfully from the Chicago-Lambeth Quadrilateral, to speak of ‘the faith uniquely revealed in the Holy Scriptures of the Old and New Testaments as containing all things necessary for salvation [a reference back to Article VI] and as being the rule and ultimate standard of faith’.

Here the draft Covenant also follows declarations of Lambeth 1998. In Resolution III.1, the Conference “reaffirms the primary authority of the Scriptures, according to their testimony and supported by our own historic formularies.” In Resolution III.5, “The Authority of the Holy Scriptures,” it likewise “affirms that our creator God, transcendent as well as immanent, communicates with us authoritatively through the Holy Scriptures of the Old and New Testaments; and in agreement with the Lambeth Quadrilateral, and in solidarity with the Lambeth Conference of 1888, affirms that these Holy Scriptures contain ‘all things necessary to salvation’ and are for us the ‘rule and ultimate standard’ of faith and practice.”

This has to mean something. It means, surely, that our view of God and the world will be different from what it would be if we did not acknowledge ‘the primary authority of the Scriptures’.

2. The place of the historic formularies The *second building block* of a Covenant based on conviction rather than relationship will be the historic formularies. Here the St Andrews Draft Covenant mentions, in the same paragraph as the Scriptures, that the faith revealed in the Scriptures ‘is set forth in the catholic creeds . . . to which the historic formularies of the Church of England bear significant witness’. And a footnote specifies that the ‘historic formularies’ are the 39 Articles of Religion, the 1662 *Book of Common Prayer*, and the Ordering of Bishops, Priests and Deacons.

This, too, is welcome. To me, at any rate, though not I suspect, to everyone. This is where perhaps the spectre of ‘confessionalism’ raises its head. So let’s spend a moment thinking about this point.

The 39 Articles have never had quite the status of a confession in the sense that some continental Protestant churches have Confessions. This has been clear well before our current debates got under way. A great Welsh Anglican of the previous century, W H Griffith Thomas, in his magisterial exposition of the 39 Articles (*The Principles of Theology*, edited posthumously in 1930) pointed out that one of the virtues of the Anglican reformers was that unlike Aquinas or Calvin they did not attempt to set out a ‘cast-iron system which cannot expand’ but rather a series of points to allow for growth in thought and experience (*Principles*, p.xxiv).

Stephen Noll made a similar point in his 2006 paper:

If the Articles were included in a Global Anglican Covenant, would that make the Communion “confessional”? I guess that all depends on how one defines confessional. My own view is that the Articles, under the Scriptures, should be the touchstone of Communion doctrine and discipline, but that individual Provinces might administer this doctrine and discipline differently. At the same time, I think there is an urgent need for a “conversation” with the Articles, as they are clearly dated and deficient in some respects. Article XXXV itself provides a method for this conversation by approving “homilies” based on the Articles. The example of Vatican II and the papal encyclicals of John Paul II may provide a model for formulating authentic contemporary statements of Anglican doctrine.

We have already heard today the anxiety expressed that a ‘confessional’ church would lose the living engagement with the contemporary world which is a hallmark of

Anglicanism, perhaps of liberal Anglicanism in particular. But why should that be? Stephen Noll's brief sketch draws a picture of a church which is well aware of its own context – indeed contexts - and the need to debate with the currents of thought around it.. A Communion which takes the 39 Articles as a touchstone of doctrine and discipline, and which remains in conversation with them through a series of contemporary studies parallel to the original *Book of Homilies* sounds like a church which knows where it is going. And it's going in the right direction.

Some people might object that there are some parts of the Communion which have never given this kind of status to the Articles. My response to that would take me to another story about a bishop –this time Bishop John Richards, formerly of St Davids. If you never knew John Richards, you have to imagine a kind of human terrier, not large in stature, but always ready for a scrap. Once, while Vicar of Skewen, he had taken a funeral and the widow said to him at the end, 'That was a wonderful service Vicar, thank you. But I think you have to know that my husband did not believe in God.' To which John Richards replied 'Well, he does now!'.

Have those provinces never previously acknowledged the Articles? Perhaps, but once they sign this Covenant we can say 'They do now'!

3. Vision of the Christian life The third building block of a worthwhile Covenant is some coherent vision of Christian life. In the St Andrews Draft Covenant, this vision is articulated under four headings. They are helpful headings, though I might have shuffled them around and put them in a different order.

a. *Apostolic mission* I would put the one which comes last, first: apostolic mission (1.1.6). It is quite odd when you think about it that the Lambeth Quadrilateral says nothing about mission as a distinctive of the church. Yes, Christ ordained two sacraments, but he also gave a Great Commission (Matthew 28.18-20).

Logically, one should surely specify the role of the church in proclaiming the good news of Jesus as its *first* task. This is how Luke portrays it in his summary description of the earliest community. First he describes the people receiving the apostles' word, then baptism, then the cluster of activity which sustains the life of the church: apostolic teaching, fellowship, breaking of bread and prayer (Acts 2.41-2). At least mission has been acknowledged in this Draft, which is to be welcomed, but it would do better at the head of this list.

If I were being asked to be really radical, I'd split the references to sacraments. Rather than treating them as a locus in themselves, we could place them under the headings of 'mission' and 'worship' respectively. The reference to baptism properly belongs here (i.e. with Acts 2.41 rather than Acts 2.42). This would help us re-envision baptism as essentially an act connected with the gospel, rather than a cultural rite of passage.

*b. Historic
episcopate*

The second heading of the Christian life is that which connects the church with its apostolicity through time and its catholicity across distance; 'the historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of his Church' (1.1.4).

There is a bit of a tension here between this clause and 1.1.6, which speaks of sharing apostolic mission with other Churches and traditions. We do have to find a way of speaking about our Bishops which does not unchurch non-episcopal churches. If the Chicago-Lambeth Quadrilateral was intended to have an ecumenical thrust, then Oliver O'Donovan's comment is justified that this clause on episcopacy is a 'bullying' gesture towards non-episcopal churches.

We also need to do a lot of thinking about the Lambeth Conference (why in England?) the Primates' meeting (should it have more power?) and the Archbishop of Canterbury (why does the Primate of All England still have to be the *primus inter pares* of the entire Communion?). Fortunately, I haven't the time or the expertise to say much about any of that, except to give you another provocative piece from Stephen Noll:

In my opinion, the theologico-political position of the Archbishop of Canterbury presents an insuperable obstacle to a fully empowered Global Anglican Communion. This obstacle could be obviated in one of two ways: either by internationalizing the See of Canterbury or by making it a titular office. In one way or another, the office of Presiding Primate must be opened to bishops from all regions of the world. The Roman Catholics can do it; why can't we? Is the Anglican Communion so stuck in its ways that it cannot see the need for genuine diversity in its leadership?

c. *Common Prayer* The *third heading* under which the Christian life might be articulated in any Covenant would concern worship. And here I would also place the reference to the Eucharist, as Acts 2.42 does.

There would be a lot to be said for provinces collaborating on their liturgical revisions, rather than every man doing what is right in his own eyes. The RCL is a good step in the right direction. But the ideal of Common Prayer was a bedrock of the identity of Anglicanism. Greater collaboration and co-operation in liturgical formulation might help us work our way back towards something valuable which we have lost.

This connects with something we were thinking about earlier: the hospitable and open nature of Anglicanism. One of the things which enabled theological variety to flourish within the Church of England in particular was the Prayer Book. Parishes might be High or Low in their approach to worship, Evangelical or Broad Church in their theology. But a common liturgy provided a shared loyalty which kept disparate groups together. Like so many things (as Joni Mitchell put it) ‘Don’t it always seem to go that you don’t know what you’ve got till it’s gone’. The Prayer Book was rather like the tree in the parable of the mustard seed, which provided a nesting-place for a variety of birds (Matthew 13.32). We have chopped down the tree and we wonder why the birds have flown off in different directions.

Conclusion What I have wanted to argue is that we need *content* in a Covenant and not merely *process*, a solid centre and not just rope bridges to connect the archipelago. We have the resources to articulate such doctrine and hold fast to such content. The St Andrews Draft goes quite a way towards presenting that vision – so two cheers for it.

But what if some couldn’t sign up to such a covenant? Well, look at it the other way. What use is a Covenant to which anyone, no matter what their beliefs or practices, could sign up? An Anglicanism which can mean *anything* in fact would mean *nothing*.

Revd Dr William Strange

Given at St Michael’s College, Llandaff
15th March 2008

**The Covenant as Catechetical Ecclesiology:
A Response to the St. Andrew's Draft for An Anglican Covenant[1]
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The history of schism is the history of the churches failing to be the Church. This is a central thesis informing the following response to the St. Andrew's Draft of an Anglican Covenant, which has been adapted from a series of posts on the author's blog, *Communion in Conflict*.^[2]

On the Introduction to the Text

The Introduction raises four significant concerns. First, the foundational assumptions of the particular form of Communion Ecclesiology expressed in Paragraphs 1 and 2 of the Introduction may be inadequate to the task of addressing the myriad challenges that face a church when in significant conflict. The value of the truth that "in the communion of the Church we share in the divine life"^[3] is difficult to assess when the very communion of any particular local church (or communion of churches) is at stake.^[4] The Covenant Design Group should therefore evaluate whether this form of Communion Ecclesiology can actually bear the weight of the challenges of a church in conflict and adjust its ecclesiological framework accordingly.^[5]

Second, Paragraph 3 of the Introduction to the text points to a foundational truth that ought to be made more explicit throughout the text of any Covenant itself: The edification of the Church equips the Church for carrying out its mission more effectively in the world.^[6] To this end, concrete suggestions will be made in an Appendix entitled "Proposed Revisions and Additions to the St. Andrew's Draft" (Appendix 1) and referenced throughout this response.

Third, (and perhaps most importantly) the Covenant should avoid any language that papers over the Anglican Communion's own complicity in the sin of schism, which is precisely what statements such as the following do:

4. In the providence of God, which holds sway even over our divisions caused by sin, various families of churches have grown up within the universal Church in the course of history. Among these families is the Anglican Communion, which provides us a special charism and identity among the many followers and servants of Jesus.

The tone of this statement is much too sanguine and complacent about the very problem the proposed Covenant is trying to address: Schism. True, God's grace intervenes when we sin. It is

God's *modus operandi* to redeem in Christ what is fallen, which is why Anglicans can claim any Spirit-given "charism" whatsoever. Further, while it is also true that "various families of churches have grown up within the universal Church in the course of history," and that "the providence of God...holds sway even over our divisions caused by sin," the way these two statements are juxtaposed lends an air of "*O felix culpa!*"—"O happy mistake!"—to the schism that the Anglican Communion itself is guilty of—and not just the foundational schism of Henry VIII, but *all* of the schisms that Anglican churches have been party to over the course of their histories.

The net result is that the theological rationale for the Covenant process provided here and elsewhere in the Introduction is missing the proper penitential posture for our own schismatic sins against the unity of the Body of Christ, and thus lacks a certain integrity.[7] The Anglican Communion is unlikely to achieve (or, rather, to be graced with) internal unity without walking the way of the cross of penitence. This observation raises the question of whether the Covenant process itself is trying to avoid some painful realities about the effects of schism. If part of the vocation of the Church is, as Ephesians counsels, to speak the truth in love, the Covenant process cannot attain its ends while avoiding a frank admission of the painful truth of Anglicanism's own complicity and collusion in past and present schisms.

The omission of such an explicit recognition of the Communion's own history of schism is perhaps the most troubling aspect of the Covenant process. Thus, any final Covenant should adopt a tone of humility that recognizes that the Covenant is addressed by schismatics to other schismatics, with the hope of serving the fuller visible communion of the whole Church. The Covenant must maintain a penitential tone throughout and avoid any tendency to regard the churches in communion with Canterbury as somehow less schismatic than those that are not.[8]

On the positive side, the following statement from paragraph 5 summarizes nicely what is assumed throughout this response as the central purpose of a Covenant:

[W]e recognise the importance of renewing our commitment to one another, and our common understanding of the faith as we have received it in a solemn way, so that the "bonds of affection" which hold us together may be affirmed. We do this in order to reflect in our relations with one another God's own faithfulness in his promises towards us in Christ. (2 Cor 1.20-22)

Yet this cogent statement of the Covenant's central purpose raises a fourth concern, namely that it is not clear how such a renewal can be effectively catechized or enforced by means of the Covenant itself. This lack of a clear connection between the purpose of the proposed Covenant as articulated above and its catechetical (and possibly disciplinary) implementation is a significant barrier to the success of the entire project. To this end, this response will make frequent reference to "the central purpose of a Covenant," taking the statement from paragraph 5 above as its

touchstone.

In addition to the central purpose of a Covenant to renew and strengthen our commitment to each other is the “for the sake of which” we commit to each other in the first place: Mission. The following words from paragraph 6 articulate well and with humility what the “special charism” of Anglicanism from an ecumenical perspective might include:

We give ourselves as servants of a greater unity among the divided Christians of the world. May the Lord help us to “preach not ourselves, but Jesus Christ as Lord, and ourselves as your servants for Jesus’ sake” (2 Cor. 4:5).

The Introduction rightly recognizes that our life together must always be oriented to mission, without which any church cannot be what God in Christ calls the Church to be. Thus, while *commitment* may be the Covenant’s central *purpose*, frequent mention will be made in this response to “the mission that the Covenant supports,” meaning the mission of the whole Church.

On Section One: Our Inheritance of Faith

For the central purpose of a Covenant, 1.1.1 through 1.1.4 appear to be rather axiomatic, while 1.1.5, on common prayer, gets at the heart of what holds the Anglican Communion together, and 1.1.6 gives a much-needed acknowledgment of the Covenant’s ecumenical context. The overall function of 1.1, however, is unclear. Is the Covenant Design Group worried that statements that appear axiomatic to (at least some) contemporary readers may at some later date prove disputable? Is 1.1 therefore somehow intended to be prophylactic? If 1.1 is intended to function as an adequate expression of an Anglican understanding of the content of the apostolic faith and mission that the Covenant supports, it would be helpful to make this explicit, at least in a Commentary.

As for the section on the commitments, 1.2.1 is such an amorphous statement that it is unclear what it really accomplishes. It appears likely that one church could accuse another church of violating 1.2.1 for just about any reason. Does 1.2.1 do anything more than add fuel to the fire? How is it a constructive contribution to a Covenant? Likewise, 1.2.2 begs the question of how any of these standards are determined or upheld. Since there is no structure within Anglicanism currently for determining with any authority what is “rooted in and answerable to the teaching of Holy Scripture...” or what constitutes “holiness,” what function does 1.2.2 fulfill? None of this is to say that 1.2.1 and 1.2.2 ought to be deleted, but that their intended constructive function needs to be made somehow more explicit. A suggestion to this end is provided in Appendix 1.

1.2.3, on the other hand, has a clearly articulated intended constructive function, with one exception: 1.2.3 should not mention here “existing canonical disciplines” because this is far too

vague and strikes an ominous note discordant with the overall irenic and harmonious tone of 1.2.3. Perhaps this notion could be explicated in a Commentary as a gloss on 1.2.3, but the phrase itself should not by any means make it into the final text of the Covenant.[9]

The double-edged nature of the ambiguous statements found in 1.2.4 and 1.2.5 smacks of a text politically cobbled together in order to address (though unlikely to satisfy) the anxieties of liberals and conservatives alike. Do they therefore constructively address the problem the Covenant is intended to remedy?

1.2.6, on the other hand, gets at the heart of the purpose of a Covenant in committing the churches to “pursue a common pilgrimage with other Churches of the Communion to discern the Truth.”

Looking at 1.2 holistically, a reordering of the commitments might draw out the constructive purpose of the more ambiguous ones. This is attempted in Appendix 1.

On Section Two: The Life We Share with Others: Our Anglican Vocation

The affirmations of 2.1.1 and 2.1.2 are unnecessary to the central purpose of a Covenant, though they do elucidate the mission of the Church that the Covenant is intended to support. Overall, there is nothing theologically objectionable in these affirmations.[10] In 2.1.3 however, the phrase “all the saints” in the last line should be replaced by either an ecclesiological less ambiguous phrase such as “all the baptised” or (as suggested in Appendix 1) a more *fully* ambiguous phrase such as “all Christians.”

On its own, section 2.2 appears somewhat thin, though it does put some flesh on the commitments in section 1.2. If it can be made clearer that the function of 2.2 is to elucidate the mission of the Church that the Covenant is intended to support, its placement would make more sense.

These somewhat ambivalent assertions above concerning the purpose and usefulness of Section Two as a whole raise the question of whether our “Anglican Vocation” is so well integrated as to require little mention in the text, or so badly integrated as to lack much specificity. A more positive assessment is that the “Anglican Vocation” is in the final analysis coterminous with the “Christian Vocation.” That is, there is nothing an Anglican should do that is different or unique, vocationally speaking, compared to any other Christian. Here, a distinction may be drawn between our *unique* Anglican charism and our *common* Christian vocation: The Anglican *charism* may be to model for a fragmented Church how to maintain communion in the midst of conflict and how to create space for the discernment of God’s will in the power of the Holy Spirit so that the mission given by Christ to the Church might be more faithfully carried out, but this

modus operandi is distinct from that *vocation* which pertains to the mission work of the Church at all times and in all places—and under all circumstances. Perhaps the point is that the mission of the Church must be carried out even when the Church is in conflict. If so, how might this point be included in the text itself? Again, concrete suggestions may be found in Appendix 1.

On Section Three: Our Unity and Common Life

Section 3.1.1 and the first clause of 3.1.2 are central to the purpose of an Anglican Covenant. The Draft gets into hot water, however, when it begins to employ the phrase “a common mind” as an end goal of conflict resolution, and thus this phrase detracts from the purpose of an Anglican Covenant during those times in which “a common mind” eludes the Communion. While a Covenant might be seen as creating the conditions under which “a common mind” might be sought, putting this forward as an explicit goal may be setting the Communion up for failure. For if the Communion is unable to come to “a common mind” even under the guidance of a Covenant, the value of the Covenant itself may be called into question. If, however, the purpose of the Covenant is to reinforce mutual commitment *whether or not* the Communion has “a common mind,” then any reference to this goal must be explicitly within the context of what the parties to the Covenant are committed to do “in the meantime.” To this end, substitute language is suggested in Appendix 1.

If the goal of the Instruments of Communion is a catechetical and missional one: to teach and equip us for living together as we proclaim the Gospel, even in the midst of our disagreements about the very content of the Gospel and how that Gospel is to be lived out (i.e., our conflicts over faith and morals), then the Covenant is a worthwhile project. Indeed, a Covenant may be essential to the Anglican Communion’s practice of being the Church.[11] A more theologically and ecclesologically adequate description of the goal of the Instruments of Communion, therefore, is that they are to equip the churches to maintain communion even in the midst of conflict as those Churches seek the Mind of Christ, which is the only sort of “common mind” worth having and the only sort of “common mind” Scripture enjoins us to pursue (Cf. Philippians 2:1-11).

Although 3.1.3 is an adequate expression of one traditional self-understanding by the Church of the role of bishops, as the current crisis in the Anglican Communion demonstrates, bishops are not, contrary to the bald assertion in 3.1.3, “a visible sign of unity.” It would be wonderful were they visible signs of unity, but bishops historically have been catalysts of and lightning rods for conflict, whether they initiated the conflict or not. The Covenant should reflect a thoroughly unsentimental, realistic, and historically-based view of the episcopate as it has been experienced in the fragmented churches.[12] That these fragmented churches themselves have often referred rhetorically to the episcopate as “a visible sign of unity” is no reason to continue to parrot a traditional assertion that is in dire need of further critical assessment. There may be a long tradition of the bishop as “a visible sign of unity,” but there is an equally long tradition of bishops

who have been visible signs of disunity, on both the left and the right of the theological spectrum.

Under 3.1.4, the description of the Archbishop of Canterbury's role should explicitly include the word "mission," as the other three Instruments do.[13]

The language of "the common good" in 3.2.1 is vague and possibly misplaced. An appeal to "the common good" is unlikely to forestall or resolve any conflict, and thus has no purpose in an Anglican Covenant. If 3.2.1 is to be retained in any constructive form, "common good" might better be replaced by the slightly more concrete (if still difficult to measure) term "edification."

An Anglican Covenant would be unnecessary if the balancing act called for in 3.2.2 could be fulfilled by a simple commitment. It thus has no purpose in an Anglican Covenant if the commitment cannot be articulated more concretely.

3.2.3, by contrast, is at the heart of the purpose for an Anglican Covenant in its very concrete commitment:

to spend time with openness and patience in matters of theological debate and reflection to listen, pray and study with one another in order to discern the will of God. Such prayer, study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. Some issues, which are perceived as controversial or new when they arise, may well evoke a deeper understanding of the implications of God's revelation to us; others may prove to be distractions or even obstacles to the faith: all therefore need to be tested by shared discernment in the life of the Church.

The main thrust of 3.2.3 should not only be retained in the final draft, but its implications should be drawn out in greater detail, either in the text of the Covenant itself or in a Commentary or study guide. To this end, the text following the first sentence might fit better in a Commentary, as it merely expands upon the concrete commitment so succinctly stated in the first sentence.[14]

The commitment in 3.2.4 to seek "a common mind" is deeply problematic for the reasons outlined at the beginning of this section. Further, the introduction of the idea that "a common mind" should be sought "about matters understood to be of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches" poses several problems specifically related to the questions of what is "essential," what is "consistent," and what is "common."

Since "essential" gets us into a potentially fruitless debate over what is and is not "adiaphora," it would be better simply to say that the aim of the shared discernment of the Anglican

Communion is to seek together with other churches the Mind of Christ on matters of concern that arise in its common life. The term “consistent” opens an entirely different can of worms. It begs the question of whether it is possible to be “consistent” in the first place when it comes to reconciling various interpretations of “the Scriptures, common (!) standards of faith, and the canon law of our churches.” The term “common” also begs the question as to the exact nature, content, and interpretation of the “standards of faith.” In short, the language here obscures rather than clarifies the main thrust of the concern, which is that whatever we are to do, we are to do it *together*, both internally and ecumenically.

If 3.2.4 is to be retained in the next draft, it might better be re-written as “to seek with other churches, through the Communion’s shared councils, the Mind of Christ in all things,” with the implicit understanding that this undertaking would utilize all the resources historically available to the Communion (Scripture, Reason, and Tradition—including canon law and discerned common experience). In seeking the Mind of Christ, however, canon law might at times be more of a hindrance than it is a help. At the very least, 3.2.4 does not appear to be the proper place to mention canon law.

3.2.5 places the burden squarely on those who challenge the *status quo*, which is almost by definition a “threat” to “the unity of the Communion.” (The only thing that doesn’t make change automatically a threat to unity is that it must be judged “in the view” of some group to be so; thus, nothing is a threat until there has been a reaction against it.) Further, “effectiveness” and “credibility” are very difficult criteria by which to measure the impact of any “threat” to unity. This section has a defensive, reactionary tone that is in danger of undercutting the earlier emphasis on “common discernment” as “an essential feature of the Church.” The overall tone is one of suspicion rather than hope, of fear rather than confidence. It is almost as if 3.2.5 is recommending that we become slaves of other peoples’ prejudices (and our *own*) rather than seeking our freedom in common discernment. Compared to other parts of the St. Andrew’s Draft, this part of 3.2.5 is entirely too negative.

As for 3.2.5.a through 3.2.5.e, there is nothing remarkable about the processes in a-d; these commitments merely enshrine business as usual. The phrase “according to such procedures as are appended to this covenant” in 3.2.5.b and 3.2.5.c, however, reference something extraneous to the Covenant text itself; this introduction raises concerns addressed in the next section of this response. Further, 3.2.5.e introduces something entirely new, in that if, at the end of the rather lengthy processes laid out in the Design Group’s Appendix, there is no satisfactory resolution, it contemplates the “relinquishment...of the force and meaning of the covenant’s purpose,” at least until an offending Church should “re-establish their covenant relationship with other member Churches.” An initial and necessarily tentative attempt at a more adequate formulation is included in Appendix 1.

3.2.5.e raises the question: What exactly *is* “the force and meaning of the covenant’s purpose?” It would appear that 3.2.6 provides the answer: “to have in mind that our bonds of affection and the love of Christ compel us always to seek the highest possible degree of communion.” But this way of formulating the Covenant’s “purpose” begs the question of what exactly the highest possible degree of communion in any given circumstance is. The Covenant Design Group should critically assess whether “degrees of communion” is a theologically adequate concept for the purposes of a Covenant. From the perspective of this response, the “force and meaning of the covenant’s purpose” is to define, as clearly as possible, what the responsibilities of communion entail. 3.2.6 should therefore not be about “seeking” but about “maintaining,” and should make clear that the proper maintenance of communion is accomplished through following, with God’s help, the commitments enumerated in the Covenant itself. 3.2.6 as currently worded in fact *weakens* the Covenant’s stated central purpose as expressed in Paragraph 5 of the Introduction.

On the Commentary and the Appendix[15]

It is unclear what status the Commentary and Appendix might play in any final form of the Covenant. It has been suggested throughout this response that a larger and authoritative Commentary (perhaps issued conjointly by the four Instruments of Communion) might play an important catechetical role. The current Commentary appears merely to elucidate the Covenant design process. The Appendix, on the other hand, gives some sense of how a Covenant might be employed not as a catechetical tool, but a disciplinary one, and to the extent that it does, it perhaps detracts from the central purpose of the Covenant itself. Is the Appendix part of the Covenant? Is it necessary that there even be an Appendix? Similar concerns have been raised elsewhere in this regard.[16] For now, perhaps the most constructive point would be to warn the Covenant Design Group that taking on responsibility for explicitly stating how a Covenant might serve a disciplinary purpose might well delay or even derail the Covenant design process itself. Such questions might best be postponed until such time as a greater consensus emerges on the final text of the Covenant. At this stage, the Appendix appears premature at best and self-sabotaging at worst.

Conclusion: Concerns with the Text as a Whole

The Covenant Design Group should be concerned that throughout the text of the draft, it is possible to detect what might best be termed “escape clauses.” A Covenant with escape clauses, however, is not a Covenant.[17] Further, a Covenant with escape clauses can never prevent schism nor protect against schism, because the escape clauses themselves may be cited as justification for not fulfilling or living into the Covenant’s very purpose.

No matter how many covenants a church enters into, the sad truth is that there will always be Christians who are unwilling or unable to live into the essential feature of shared discernment

that is necessary if the Church is to avoid schism. That is, schism is always avoidable in theory, but in practice it is inevitable. The same is true of marriage: One cannot compel someone to stay in relationship, and thus while divorce is always avoidable in theory, all too often in practice it reaches the point of inevitability. In each case, the reason for this is our hardness of heart toward each other. The best one can hope for, then, is to become healthy enough so that one does not become unwilling or unable to live into the “essential feature” of the covenantal relationship, which in the Church is commitment to shared discernment over time. That is, just as spouses must do, Christians must intentionally open themselves daily to soft-heartedness toward each other, even as they maintain with integrity their commitments to truth and justice as they understand them under the guidance of Scripture, reason, and the apostolic tradition of the Church. Within the Church, the responsibility is each individual’s personally to model how to be in communion when the Church is in conflict. Like the marriage liturgy and the pastoral preparation required before that liturgy may be celebrated, the best thing a Covenant can do is make explicit what the responsibilities of communion entail and outline how they might be put into action, particularly in times of stress and conflict. Such a function is primarily *catechetical*.^[18]

Like the marriage covenant, the one thing a Covenant can never do is *enforce* responsibility. Church discipline only works when people first recognize that they have a responsibility to commitment. But if people absolve themselves of this responsibility, there is no discipline in the world that can prevent schism, just as there is no pastoral response in the world that can force alienated spouses to reconcile. The best one can hope for is to catechize the parties to a Covenant, by means of the Covenant itself and teaching tools designed to integrate its truths within the context of communal and individual Christian discipleship, so that the process of absolving oneself of responsibility may be recognized and named by all the other parties of the Covenant, of whatever theological or political stripe, as contradictory to authentic Christian community.^[19] This is a noble goal, consonant with upholding the truth of the Gospel and fulfilling its demands of justice; it integrates Christ’s call to unity with the Christian vocation to truthful and just witness.^[20]

Clearly, such a goal cannot be accomplished without the continual grace of God and an unambiguous understanding by all parties of what the purpose of the Covenant is (Commitment) and why such a purpose is important in the first place (mission). The Covenant Design Group has made extraordinary progress in this direction. But to accomplish its task fully and courageously, it must take a prenuptial contract and transform it into a marriage covenant. This is no small task, but if done with care and skill, the final product will be attractive not only for the dynamic, mission-oriented stability it offers to the covenanting parties, but for what it gives to God: glory, honor, and fidelity to Christ’s prayer that we may all be one.

Appendix 1: Proposed Revisions and Additions to the St. Andrew's Draft

NB: Additions are underlined; deletions are in ~~strike through~~; original footnotes in the Draft text do not appear here because they are unaffected by the following proposals.

Footnotes to the proposed language are not intended for inclusion in the text of the Covenant.

Proposal A. Change 1.1.3 to read:

(1.1.3) that central to its full sacramental life, it holds and duly administers the two sacraments ordained by Christ himself – Baptism and the Supper of the Lord – ministered with the unfailing use of Christ's words of institution, and of the elements ordained by him;

Explanation: The addition of "full sacramental life" makes it clear that the Anglican Communion as a whole does not restrict its understanding of the sacraments to Baptism and the Lord's Supper alone. The two Dominical Sacraments are "central" but not necessarily exclusive of an understanding of confirmation, ordination, matrimony, reconciliation, and unction as sacraments. At the same time, the additional language is restrained so as not to enforce a more "catholic" sacramental theology on those within the Communion with a more "reformed" understanding.

Proposal B. To section 1.1, add:

(1.1.7) that its participation and effectiveness in carrying out the apostolic mission of the whole people of God has, however, been limited by its past and present collusion in schismatic actions, and that continual repentance and openness to reconciliation within and among all churches are necessary in order to maintain the credibility of its own continued sharing in that apostolic mission in the world. We regret and repent of our part in schisms past and present, and hereby indicate our willingness to enter into or continue dialogue with all churches on the shape of mutual repentance necessary for reconciliation and fuller visible communion.[21]

Explanation: The above paragraph indicates clearly that this Covenant is addressed in humility by schismatics to schismatics, both within and beyond the Anglican Communion, and thus eliminates any attitude of superiority or any implication that the churches in communion with Canterbury are to be regarded as somehow less schismatic than those that are not. Further, an explicit statement of repentance opens up possibilities for new directions in ecumenical dialogue, including with recently alienated ecclesial communities.

Proposal C. The following section replaces in toto 1.2 in the St. Andrew's Draft and is re-numbered accordingly:

(1.2) In living out this inheritance of faith together in varying contexts, each Church of the Communion commits itself:

~~(1.2.3)~~ (1.2.1) to ~~seek in all things to~~ uphold in all things^[22] the solemn obligation to sustain Eucharistic communion, ~~in accordance with existing canonical disciplines~~ as we strive under God for the fuller realisation of the Communion of all Christians;

~~(1.2.6)~~ (1.2.2) to pursue a common pilgrimage with other churches of the Communion, and when possible, other churches and traditions beyond this Covenant, to discern the Truth, that peoples from all nations may truly be set free to receive the new and abundant life in the Lord Jesus Christ.

(1.2.3) to engage in mutual discipleship, including commitments to:

~~(1.2.1)~~ (1.2.3.a) uphold and act in continuity and consonance with Scripture and the catholic and apostolic faith, order and tradition;

~~(1.2.2)~~ (1.2.3.b) uphold and proclaim a pattern of Christian theological and moral reasoning and discipline that is rooted in and answerable to the teaching of Holy Scripture and the catholic tradition and that reflects the renewal of humanity and the whole created order through the death and resurrection of Christ and the holiness that in consequence God gives to, and requires from, his people;

~~(1.2.4)~~ (1.2.3.c) ensure that biblical texts are handled faithfully, respectfully, comprehensively and coherently, primarily through the teaching and initiative of bishops and synods, and building on habits and disciplines of Bible study across the Church and on rigorous scholarship, believing that scriptural revelation continues to illuminate and transform individuals, cultures and societies;

~~(1.2.5)~~ (1.2.3.d) nurture and respond to prophetic and faithful leadership in ministry and mission to equip God's people to be courageous witnesses to the power of the Gospel in the world.

(1.2.4.e) maintain a spirit of penitence and humility when we fail to live into these commitments, recognizing that it is by God's grace alone that we are given the strength to sustain Eucharistic communion and a common pilgrimage in the midst of conflict.

Explanation: By reordering the commitments, it is made clear that the five sub-commitments are part of the practice of mutual discipleship, and are specifically for the sake of the first two, namely sustaining Eucharistic communion and pursuing a common pilgrimage, so that no party may claim to be living into any of the latter five if that party is not concretely connecting its expression of the latter five to the first two. Further, the addition of 1.2.4.e continues the penitential tone of the Covenant as a whole.

Proposal D. To section 2.1, add a new 2.1.2, reading

(2.1.2) that we have neglected this gift of communion, even in our legitimate concern to uphold the truth and obligation to justice that the Gospel teaches and requires of us.

Explanation: This affirmation continues the penitential tone begun in Section One and carried throughout.

Proposal E. Re-number 2.1.2 to 2.1.3 and 2.1.3 to 2.1.4, changing the latter to read:

~~(2.1.2)~~ (2.1.3) the ongoing mission work of the Communion. As the Communion continues to develop into a worldwide family of interdependent churches, we embrace challenges and opportunities for mission at local, regional, and international levels. In this, we cherish our faith and mission heritage as offering Anglicans distinctive opportunities for mission collaboration.

~~(2.1.3)~~ (2.1.4) that our common mission is a mission shared with other churches and traditions beyond this covenant. We embrace opportunities for the discovery of the life of the whole gospel and for reconciliation and shared mission with the Church throughout the world. It is with all ~~the~~ saints Christians^[23] that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

Explanation: Removing "all the saints" and substituting a broader term strengthens the ecumenical intent of this statement.

Proposal F. Change 2.2.2. to read:

(2.2.2) In this mission, which is the mission of Christ, each Church undertakes to live into this Covenant in ways that will assist each other:

Explanation: The additional language makes it clear that the function of 2.2 is to elucidate the mission of the Church that the Covenant is intended to support, and that living into the Covenant reciprocally supports mission.

Proposal G. To section 2.2, add

(2.2.3) to live out this mission of the whole Church at all times, in all places, and under all circumstances, even and especially when in conflict.

Explanation: This commitment makes more explicit that the function of 2.2 is to commit concretely to the mission of the whole Church whether any particular churches are in conflict or not.

Proposal H. Change 3.1.1 to read:

(3.1.1) that by our participation in Baptism and Eucharist, we are incorporated into the one body of the Church of Jesus Christ, and called by Christ to pursue all things that make for peace and build up our common life. This call to edification equips the Church for carrying out its mission more effectively in the world.

Explanation: While the additional sentence may be better-suited to a Commentary, it makes explicit the concern of Paragraph 3 of the Introduction, introducing it into the text of the Covenant itself.

Proposal I. Change 3.1.2 to read:

(3.1.2) its resolve to live in a Communion of Churches. Each Church, episcopally led and synodically governed, orders and regulates its own affairs and its local responsibility for mission through its own system of government and law and is therefore described as autonomous-in-communion. Churches of the Anglican Communion are not bound together by a central legislative, executive or judicial authority. Trusting in the Holy Spirit, who calls and enables us to live in mutual affection, commitment and service, we seek to affirm our common life through those Instruments of Communion by which our Churches are enabled to ~~develop a common mind~~ seek more fully the Mind of Christ;

Explanation: The substitute language “seek more fully the Mind of Christ” replaces “develop a common mind” in order to provide a more Scriptural and theologically adequate description of the goal of discernment in communion.

Proposal J. Change 3.1.3 to read:

(3.1.3) the central role of bishops as guardians and teachers of faith, and leaders in mission, ~~and as a visible sign of unity,~~ representing the universal Church to the local, and the local Church to the universal. This ministry is exercised personally, collegially and within and for the eucharistic

community. We receive and maintain the historic threefold ministry of bishops, priests and deacons, ordained for service in the Church of God, as they call all the baptised into the mission of Christ;

Explanation: Although a bishop is called to be “a visible sign of unity,” the historical reality, including the reality that has led to the proposal of an Anglican Covenant, is counterfactual. By excising this language, the role of the bishop is described less in ideal terms and more in practical terms.

Proposal K. Change 3.1.4 I. to read:

I. The Archbishop of Canterbury, with whose See Anglicans have historically been in communion, is accorded a primacy of honour and respect as first amongst equals (*primus inter pares*). As a focus and means of unity, he ~~gathers~~ serves the apostolic mission of the whole Church through his ministry ecumenically, and within the Communion by gathering the Lambeth Conference and Primates’ Meeting, and ~~presides~~ presiding in the Anglican Consultative Council;

Explanation: The phrase “the apostolic mission of the whole Church” indicates that the Archbishop of Canterbury’s role is not merely for the sake of the Anglican Communion alone, but also has an essential ecumenical dimension, which connects the mission that the Anglican Communion undertakes to the mission of the whole Church.

Proposal L. Change 3.2.1 to read:

(3.2.1) to have regard to the ~~common good~~ edification of the Communion in the exercise of its autonomy, and to support the work of the Instruments of Communion with the spiritual and material resources available to it;

Explanation: “Edification” is slightly more concrete and perhaps more measurable than “common good.” It is also a more theological and Scriptural category, while “common good” is more of a philosophical category.

Proposal M. Change 3.2.2 to read:

(3.2.2) to take such actions as are necessary in order to show due respect to the constitutional autonomy of all of the Churches of the Anglican Communion and to uphold by strict adherence to this Covenant the interdependent life and mutual accountability of the Churches, and the responsibility of each to the Communion as a whole.

Explanation: While the intention of 3.2.2 is a good one, in its current form it is too abstract. This revision, while not fully solving the difficulty, points to concrete actions that the Churches may choose to undertake. In its current form, it is more likely to be used as an accusation by one Province against another, rather than pointing concretely to the need of any Province to abide by the commitment.

Proposal N: Change 3.2.3 to read:

(3.2.3) to spend time with openness and patience in matters of theological debate and reflection to listen, pray and study with one another in order to discern the will of God. Such prayer, study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. ~~Some issues, which are perceived as controversial or new when they arise, may well evoke a deeper understanding of the implications of God's revelation to us; others may prove to be distractions or even obstacles to the faith: all therefore need to be~~ Any issues that may arise, therefore, must be tested by shared discernment in the life of the Church.

Explanation: This is an edited version of 3.2.3, the deleted text being better suited to a Commentary. In fact, only the first sentence is strictly necessary, as the following two are also a gloss on it; they are retained here because 3.2.3 is so central to the purpose of a Covenant and they are helpful in underscoring this point.

Proposal O: Change 3.2.4 to read:

(3.2.4) to seek with other churches, through the Communion's shared councils, ~~a common mind about matters understood to be of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches.~~ the Mind of Christ in all things.

Explanation: The excised language detracted rather than elucidated the main thrust of this commitment, which is that the Mind of Christ is best sought through the shared councils of the Communion. By not capitalizing "churches," this further indicates a possible ecumenical scope, as other churches not of the Anglican Communion may be invited to share in the Communion's councils. This construal may be noted explicitly in a separate Commentary on the Covenant.

Proposal P: Change 3.2.5 to read:

(3.2.5) to work at all times for the unity of the churches by ~~act with diligence, care and caution in respect to actions, either proposed or enacted, at a provincial or local level, which, in its own view~~

~~or the expressed view of any Province or in the view of any one of the Instruments of Communion, are deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission, and to consenting~~ to the following principles and procedural elements:

Explanation: The excised language was alien to the prior tone of the Covenant and constituted a possible “escape clause.” This revision deletes any “prenuptial” language and replaces it so that it focuses solely on the covenantal concern for unity.

Proposal Q: Change 3.2.5.b and 3.2.5.c by deleting:

- (3.2.5.b) to accept the legitimacy of processes for communion-wide evaluation which any of the Instruments of Communion may commission, ~~according to such procedures— as are appended to this covenant;~~
- (3.2.5.c) to be ready to participate in mediated conversation between parties, which may be in conflict, ~~according to such procedures as are appended to this covenant;~~

Explanation: The text of the Covenant should not refer to anything extraneous to the Covenant itself as binding on its signatories. Should procedures be enacted, this must be done separately so as not to detract from the central purpose of the Covenant itself. While additional procedures may in fact support the purpose of the Covenant, it is inappropriate to bundle those procedures with the Covenant, as such a bundling may exceed the remit of the Covenant Design Group.

Proposal R: Change 3.2.5.e to read:

(3.2.5.e) Any such request would not be binding on a Church unless recognised as such by that Church. However, commitment to this Covenant entails an acknowledgement that in the most extreme circumstances, where a Church chooses not to adopt the request of the Instruments of Communion, that decision may be understood by the Church itself, or by the resolution of the Instruments of Communion, ~~as a relinquishment by that Church of the force and meaning of the covenant’s purpose, until they re-establish their covenant relationship with other member Churches~~ as requiring a mutual recognition and acknowledgment of faults that seeks each other’s forgiveness as God in Christ has forgiven us.

Explanation: The excised language contradicts the central purpose of a Covenant as mutual commitment and introduces a prenuptial-style “escape clause” in place of a covenantal re-commitment. The substitute language is adapted from the fourth petition of the Prayers in the Marriage liturgy of the 1979 U.S. Book of Common Prayer (Cf. page 429). This proposal hardly cuts the Gordian Knot of discipline and schism, no more than the fourth petition in the Marriage liturgy

solves the problem of separation and divorce, but it points positively toward reconciliation rather than focusing on a nebulous ecclesial status (“a relinquishment”) external to the committed covenantal relationship envisioned in the rest of the text. Further, it carries forward a penitential tone appropriate to the Covenant as a whole and de-focuses on the rejecting Church as the “identified patient” who alone is saddled with the “problem,” recognizing that there is a mutual responsibility for recognizing faults and seeking forgiveness.

Proposal S: Change 3.2.6 to read:

(3.2.6) to have in mind that our bonds of affection and the love of Christ compel us always to ~~seek~~ maintain through faithful adherence to the commitments of this Covenant the highest possible degree of communion.

Explanation: By referring specifically to the commitments of the Covenant, the Covenant defines the common boundaries of communion within which the “highest possible degree of communion” may be maintained.

Appendix 2: An Executive Summary Covenant as Catechetical Tool[24]

The following partial “executive summary” style text is intended to function analogously to the Chicago-Lambeth Quadrilateral: as a *brief*, digestible statement that may be memorized or used as a teaching tool in other ways. It is offered here as an example of how the Covenant might be distilled so that its main purposes are taught more effectively throughout the Communion.

[The original placement of text lifted from the St. Andrew’s Draft may be found in brackets.]

(1.0) By our participation in Baptism and Eucharist, we are incorporated into the one Body of the Church of Jesus Christ, and called by Christ to pursue all things that make for peace and build up our common life. [3.1.1]

(2.0) Therefore, each church of the Communion commits itself: [1.2b and parallels]

(2.1) to live in a Communion of churches; [3.1.2]

(2.2) to seek in all things to uphold the solemn obligation to sustain Eucharistic communion as we strive under God for the fuller realisation of the Communion of all Christians; [1.2.3]

(2.3) to pursue a common pilgrimage with other churches of the Communion to discern the Truth. [1.2.6]

(2.4) to spend time with openness and patience in matters of theological debate and reflection to listen, pray and study with one another in order to discern the will of God. [See footnote below][3.2.3]

(2.5) to seek with other churches, through the Communion’s shared councils, the Mind of Christ in all things. [3.2.4]

(2.6) to have in mind that our bonds of affection and the love of Christ compel us always to maintain through faithful adherence to the commitments of this Covenant the highest possible degree of communion. [3.2.6]

[Footnote to 2.4.] Such prayer, study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. Any issues that may arise, therefore, must be tested by shared discernment in the life of the Church. [3.2.3]

[1] This response is intended to be read alongside the text of the Draft itself as a commentary; I thus refrain from quoting many sections, instead referencing them merely by paragraph number. The Draft text may be found online at http://www.aco.org/commission/covenant/docs/st_andrews_documents_2008.pdf.

[2] Cf. <http://communioninconflict.blogspot.com/search/label/Anglican%20Covenant> for these posts in their original form; to read the whole series in order, start from the bottom. It should be noted that this response differs in some significant ways from the original posts, as I have had leisure to reflect upon how I might best present something constructive to the Covenant Design Group. Rather than criticizing the Covenant project itself, as many others have, I have done my best in this response to focus on what might improve the text that has been presented to the Communion, operating on the assumption that the Covenant process and its work products are the primary mode of constructive theology available at present.

[3] The Introduction quotes from the 2007 Cyprus Statement of the International Commission for Anglican Orthodox Theological Dialogue, *The Church and the Triune God*, par. 1-2.

[4] From the perspective of this response, while the baptized do indeed share in the divine life through communion in the One Holy Catholic and Apostolic Church, that communion may (arguably) be limited by the form (i.e., polity, health, conflict) taken by the local church through which the baptized participate in the Church universal. Thus, it is important not to make too facile an analogy between the universal Church and its often conflicted expression in a local church. Throughout this response and the proposals appended to it, this distinction between the universal Church and local church(es) will be maintained, and denoted primarily through capitalization, except where “Church” is used as a proper noun (e.g., Church[es] of the Anglican Communion).

[5] To this end, I offer my own theses on what I have termed “Conflict Ecclesiology,” found online (in the right-hand sidebar) at <http://conflictecclesiology.blogspot.com/>. I do not assume that any one framework is adequate on its own, but rather that employing a variety of frameworks may be a more realistic and constructive methodological approach than relying solely or even primarily on Communion Ecclesiology. My primary concern with Communion Ecclesiology, true and beautiful as it may be, is its lack of constructive solutions for churches that fail to live into its idealized framework, and in this regard, I am unconvinced as to its utility in addressing *any* church conflict, present or future.

[6] Cf. <http://communioninconflict.blogspot.com/2007/02/edification-defined-little-exegetical.html> for my working definition of “edification.”

[7] This is true, for instance, of Paragraphs 7 and 8 of the Introduction, as well. Paragraph 7 glosses over the schismatic shadow side of our Anglican history, while Paragraph 8 neglects to mention the fact that in order for God “to redeem our struggles and weakness, and renew and enrich our common life,” repentance is essential.

[8] For example, any Covenant may wish to make an explicit statement of regret for past and current acts of schism perpetrated by Anglican churches, including those acts that made the Church of England an entity separate from Roman jurisdiction. At the same time, it should make clear, either in the text or in a Commentary on it, that the subjection of the present-day Anglican Communion to Roman jurisdiction would not “heal” that schism, as a mutual repentance on the part of Rome and Canterbury would be necessary. The Covenant, or a Commentary on it, should indicate a willingness to enter into mutual dialogue on the shape of this repentance with the Church of Rome. The same should be indicated regarding the other ecclesial communities that have separated from and/or from which Anglican churches have separated themselves throughout history, for example the Methodists.

[9] In such a Commentary, I hope that the point would be made that any “canonical disciplines” must have as their sole purpose to support Christians and Christian communities in upholding this “solemn obligation.” Otherwise, “canonical disciplines” could be read as a sort of “escape clause” for breaking the solemn obligation of sustaining Eucharistic communion.

[10] On a relatively minor note, I recommend changing “His” to “God’s” in the Draft text here, and elsewhere avoiding *any* pronouns in reference to the Trinity or any of the Persons, except perhaps when referring specifically to the Second Person as incarnate in Jesus Christ. Such word edits are not detailed in Appendix 1.

[11] This is particularly true if unity can come to be regarded by all Anglicans as belonging (alongside other attributes such as truthful and just witness), to the being (*esse*) of the Church, and not merely as an “optional extra” or “adornment” contributing to its wellbeing (*bene esse*). Many of the negative assessments of the Covenant process have treated unity as belonging to the *bene esse* of the Church, while justice belongs to its *esse*. Such a view is a distortion of the necessary coinherence or *perichoresis* of unity and justice in the Church’s being, just as any view that would relegate justice to the *bene esse* of the Church while regarding unity as belonging to the *esse* of the Church would be a distortion in the opposite direction. As with many theological debates, the solution is not either-or but both/and.

[12] In this regard, a future Draft may wish to affirm not that bishops *are* “a visible sign of unity,” but that they are *called to be* a visible sign of unity. Such an affirmation might be coupled with a recognition that historically, bishops have failed in this regard, which would add to the penitential tone of the Covenant. Since, however, bishops are not always themselves to be blamed for the disunity they engender (or at least not *entirely* to be blamed), the revision proposed in Appendix 1 simply excises the problematic language.

[13] I owe this suggestion to The Reverend Canon Gregory Cameron, Deputy Secretary General of the Anglican Communion, who pointed out in an aside during his keynote address at a conference that the Archbishop of Canterbury was the only one of the four Instruments of Communion whose purpose according to the St. Andrew’s Draft apparently had nothing explicitly to do with mission! That conference was “An Anglican Covenant: Divisive or Reconciling?” at the Desmond Tutu Center, General Theological Seminary, New York City, 10-12 April, 2008. Canon Cameron’s address, *Boundaries Old and Boundaries New: Views from the Edge of the Anglican Communion* may be found online at <http://www.gts.edu/tcarchiveANGCOVT.asp>.

[14] As note 4 above points toward, however, a distinction must be made between the capacity of a local church (given the limits of its particular form) for participating constructively and truthfully in discernment in the midst of its conflicts and the “essential feature” of the universal Church in undertaking discernment ecumenically, which may itself be limited by its existentially fragmented context, as manifested in the local churches. In other words, there is no guarantee that a local church will “be led by the Spirit into all truth” apart from its ontological grounding in the universal Church—to assume otherwise verges on the hubristic. The crucial implication of 3.2.3, however, is that further fragmentation at the local level does nothing to assist the universal Church in fulfilling its call to that “essential feature” of discernment, and thus, in order for a local church to participate more effectively in the mission of the universal Church, it must take steps to ensure that it participates faithfully and with steadfast commitment in the shared discernment of the *whole* Church.

[15] The Commentary and Appendix may be found online, on pages 11-16 and 17-20, respectively, at: http://www.aco.org/commission/covenant/docs/st_andrews_documents_2008.pdf

[16] Cf. <http://communioninconflict.blogspot.com/2008/04/brief-commentary-on-commentary-and.html>.

[17] At best, a covenant with “escape clauses” is akin to a prenuptial agreement. A statement by the General Convention Deputation of the Episcopal Diocese of New York makes the same point in its response, found online at <http://jintoku.blogspot.com/2008/06/on-saint-andrews-draft.html>, viz.: “This draft continues in the mode of a pre-nuptial agreement rather than a covenant of irrevocable commitment.”

[18] To this end, I have included Appendix 2 as an example of how an “executive summary” of the Covenant may be used as a catechetical tool.

[19] Properly catechized by means of a Covenant, this “naming” becomes an effective disciplinary mechanism for enforcing the central purpose of the Covenant itself precisely because it allows parties of differing theological

perspective to maintain the boundaries of communion together rather than in an adversarial manner. Admittedly, such discipline is much more difficult than one that is imposed by mechanisms within the Covenant itself, but from the perspective of this response, any such mechanisms would in practice simply end up contradicting the central purpose of the Covenant. It therefore makes more sense to frame the Covenant as a catechetical tool rather than as a disciplinary tool, as discipline without a firm catechetical foundation will inevitably lack effective (i.e., reformative *and* unitive) force.

[20] The quandary, from one point of view, is in how to remain committed to each other in the midst of conflict without compromising one's own deeply held theological commitments. This quandary is resolved, at least in part, by recalling that one's theological commitments are for the sake of the mission of the Church, which participates in the eschatological reality of salvation through communion with each other through Christ in the here-and-now of the Church's life. Rather than relativizing theological commitments, this perspective puts them in service of communion, which even in conflict is the context for shared discernment and effective witness as the Church lives ever more deeply into its mission in the world. In simple terms, it is through not giving up on each other that we bear witness to each other and to the world at large that God in Christ never gives up on us.

[21] For consistency's sake, "Churches" in the previous paragraph, 1.1.6, should be changed to "churches," the capital being reserved for proper nouns or the One Holy Catholic and Apostolic Church of the Nicene Creed.

[22] The phrase "in all things" might be expressed better by replacing it with an allusion to the Eucharistic prayers, e.g., "always and everywhere," and/or by adding "under all circumstances," to convey an intent analogous to the marriage vow "for better for worse."

[23] Or, "Christians" might be replaced with the more specific term "the baptised."

[24] The original text was posted as "A Radically Redacted Anglican Covenant" online at <http://communioninconflict.blogspot.com/2008/05/postscript-radically-redacted-anglican.html>.

December 13, 2007

The Most Rev'd. Drexel W. Gomez
Archbishop, Church in the Province of the West Indies
Bishop of Nassau & The Bahamas & The Turks & Caicos Islands
Primate of the West Indies
PO Box N-7107
Nassau
BAHAMAS

Most Reverend Sir,

I am writing you on behalf of the faculty of the Trinity Episcopal School for Ministry located in Ambridge, Pennsylvania. First of all, we want to thank you for the excellent work you and your committee did in the draft of "An Anglican Covenant". We are in hearty agreement with its general tone and position and with the importance it holds for the unity and continued faithfulness of our Anglican Communion.

We do have one request which would allow us to embrace it and to work for its acceptance in Evangelical circles here in North America and throughout the Communion. In section 2, entitled "The life we share: Common Catholicity, Apostolicity and Confession of Faith" subsection 5 reads as follows: "that, led by the Holy Spirit it has borne witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, the 1662 Book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons[5]". We would ask that you and the committee change the tense of the verb so that it reads "bears witness". It would then read : "that, led by the Holy Spirit, it bears witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, the 1662 Book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons[5]".

Our reasons for asking this are the following: 1. It allows us to affirm, without asking for subscription, our Anglican Reformation heritage, which otherwise is not clearly affirmed in the Covenant. 2. It is more accurate of the historic present, since a large number of our Provinces do continue to require some form of recognition of the 39 Articles and the 1662 Book of Common Prayer in their constitutions and ordination commitments. Lastly 3, we do not see that this requires every Province to include the Formularies in their constitutions and ordination commitments since by being part of the Anglican Communion they do share in this general affirmation of the Formularies. If you and the

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Committee do not agree with this 3rd point then we would ask you to make the change we request and to remove “Each member Church” from the earlier line in the 2nd Section which reads “Each member Church and the Communion as a whole affirms:” so that it would simply read: “The Communion as a whole, affirms: “. Perhaps another way to address that concern would be to add some appropriate remark to the footnote 5 that is already included, that would convey the thought of our 3rd reason.

As a theological faculty of the Evangelical Anglican tradition which includes students the various streams of the Anglican Communion and which also is in wide contact with other Anglican Seminaries and Provinces around the Communion we would very much like to be able in good conscience to embrace the draft of the Covenant so changed and to work for its acceptance. The entire faculty unanimously makes this request.

We treasure your thoughts and response concerning this matter.

Sincerely in Christ,

+John H. Rodgers Jr. ThD
Interim Dean and President

DRAFT

A SELF-DEFINING MOMENT FOR THE ANGLICAN COMMUNION

A Comment on the St. Andrew's Draft of the Anglican Covenant

The Rev. Dr. Philip Turner

I

A second iteration of a draft covenant for the Anglican Communion (the St. Andrew's Draft) is now circulating; and it is likely that some version thereof will be presented to the Bishops of the Communion when they meet in Canterbury this summer. At some point after this gathering, a covenant proposal will be circulated among the provinces of the Communion for ratification. There is no doubt that most (though perhaps not all) of the member provinces of the Communion will ratify a covenant within the next few years. The question is really not so much ratification of the Covenant, but (1) the sort of covenant that will be ratified; (2) the way in which the provinces of the Communion comport themselves during the period leading up to ratification; and (3) how the Communion might best respond to a situation in which a province rejects the covenant but there are dioceses and parishes within that province that do not.

The ratification process promises to be stressful. Already one can see forces at work that pull in opposing directions. It is important to identify what these opposing forces are. However, the basic concern of this essay is not a lack of awareness on the part of Anglicans of the political and ideological forces at work among them. It is the possibility that, as a result of attempts at too easy a reconciliation of these forces, the ensuing draft will obscure the vision of *communion* from which the proposal originated in the first place. To be specific, as one reads through the responses to the drafts of the covenant, one cannot miss the fact that the differences between them stem in large measure from two very different visions of what the purpose of the covenant is. Both seek to sustain and strengthen the communion (*koinonia*) that binds together the various Anglican provinces. Each, however, conceives the nature and purpose of the Anglican Communion in a different way.

One I will call the *confessional stance* and the other the *pluralist stance*. For those who take their stand with the first, communion requires agreement about the fundamentals of Christian faith and life. Communion grows from and expresses a shared faith and form of life. For those whose stance is pluralist, communion grows from and is expressed in common forms of worship and service. It can subsist in the midst of quite different expressions of belief and moral practice. It can be expressed most effectively

not through common confession and moral practice but through common worship, hospitality, mutual aid, and partnership in mission.

One can see the influence of these two emphases at various places in the St. Andrew's Draft itself. This draft makes a significant addition to the one written in Nassau. The Nassau Draft at 2.2 says that each member church of the Communion affirms that it professes the faith "which is uniquely revealed in the Holy Scriptures as containing all things necessary for salvation and as being the rule and ultimate standard of faith, and which is set forth in the catholic creeds..." The Saint Andrew's Draft goes on to add, "and to which the historic formularies of the Church of England bear significant witness..." Behind this addition stands a concern for unity in doctrine and moral practice that can be seen, for example, in the submission of the Global South to the Covenant Design Group. (www//aco.org/commission/covenant/responses/index.cfm) One can also find examples in various private submissions and/or commentaries—balanced and thoughtful examples of which are Stephen Noll's response to the Nassau Draft (www//aco.org/commission/covenant/responses/index.cfm) and Michael Poon, "An Anglican Covenant: the Saint Andrew's Draft" ([www// globalsouthanglican.org](http://www//globalsouthanglican.org)).

The pluralist concern for allowing wide ranges of theological difference can also be seen at various places in the Saint Andrew's Draft. For example, in the *General Comments* that introduce the draft, the Covenant Design Group notes that, in response to the Nassau Draft, some wondered why the Lambeth Quadrilateral is not sufficient to define Anglican belief and practice. (The implication being why do we need the restrictions contained in "formularies"?) The same *General Comments* suggest that others worried about ways in which a covenant might infringe upon the autonomy of the various provinces—implying not only that autonomy must be protected from overly centralized juridical structures but also that the creativity, diversity, and flexibility that some claim come from a plurality of belief and practice might be reduced or eliminated. Examples of these concerns can be found in various responses to the Nassau Draft. See e.g., the responses by Affirming Catholicism, the Scottish Episcopal Church, the Anglican Church of Canada, and the Executive Council of The Episcopal Church (TEC). (www//aco.org/commission/covenant/responses/index.cfm)

II

How is one to assess the value of and reconcile the differences between these two stances? Both in fact can be found in the body of the *Windsor Report* (WR) whose authors made the original suggestion for the Communion to adopt a covenant. WR, however, gives expression to a vision of communion that these stances, both individually and collectively, miss. The authors of WR anchor their understanding of communion in Ephesians and First Corinthians wherein the *koinonia* of Christians within the Body of Christ is understood as an expression of the Trinitarian life of God and as an aspect of the larger plan of God to unite all things in heaven and earth in his Son. In choosing this theological starting point the authors of WR seek both to provide scriptural warrant for their position and to align their work with the primary ecumenical documents that have been produced by Anglicans and their Roman Catholic and Orthodox brothers and sisters.

(See e.g., *Anglican-Roman Catholic International Commission: The Final Report and The Cyprus Statement of the International Commission for Anglican Orthodox Theological Dialogue*) What they have to say about communion to be sure addresses present attempts by Anglicans to understand their identity, but it also addresses the wider question of Christian unity and the place of the churches within the providence of God.

For these reasons, the unity of the church and its place within divine providence stand at the base of everything WR has to say about Anglicanism and its present trials. For these reasons also the report gives a clear indication of the relative weighting within a larger frame of reference of the two stances identified above. Section B#49 of WR gives due weight to the confessional stance. It reads in part, “Communion...subsists in visible unity, common confession of the apostolic faith, common belief in scripture and the creeds, common baptism and shared eucharist, and a mutually recognized ministry.” The same paragraph goes on to say, however, “In communion, each church acknowledges and respects the interdependence and autonomy of the other.”

Here we have a nice balance between the two concerns identified above. However, the sentence that speaks of interdependence and autonomy goes on to say that in respecting the interdependence of each other, each church puts “the needs of the global fellowship before its own.” Or, as stated in B#51, “...The divine foundation of communion should oblige each church to avoid unilateral action on contentious issues which may result in broken communion.” In this way, the way of waiting upon one another, each church “is enabled to find completeness through its relations to the others, while fulfilling its own particular calling within its own cultural context.” (WR, B#49)

Given the theological foundation of WR, based as it is in the importance of unity within divine providence, the admonition to place the needs the global fellowship before one’s own follows as the strict implication of a basic premise. However, the logic of the conclusion resolves the tension between the two stances only in a formal sense. How does one determine whether or not an action on the part of an individual province that is a cause of scandal for some is not in the end a course of action that is in fact for the good of all? This is precisely the claim of many within TEC, including its Presiding Bishop, who argue vigorously that the consecration of Gene Robinson, though a scandal to some, is in the long run for the good of all.

WR has a way to resolve this sort of issue whereas the two stances identified above do not. That way is a form of conciliarism that operates at all levels and in all dimensions of the life of the Communion. WR insists that differences such as the Robinson affair are to be sorted out over time through the practice of “mutual subjection” within the body of Christ. Forbearance and restraint (rather than juridical structure) provide a space in time for the resolution of disputes that might fracture the peace and unity of the church. (WR, B#66, #67, #69, #76, #80) Forbearance and restraint in the face of potentially divisive issues in fact mark the Anglican way of being a catholic expression of Christian belief and practice. WR notes, “The Anglican Communion does not have a pope, nor any system which corresponds to the authority structure of the Roman Catholic Church.” (A#42) It goes on to contrast this more centralized means of

dispute resolution with a conciliar process of discernment over time that seeks a common understanding of Holy Scripture—one that issues from testing by the historic episcopate, the Instruments of Unity, and the synodical and common life of the church. (B#70)

A process like this cannot work if time is not provided to reach a common mind. Mutual subjection whereby people refrain from actions that will rupture communion clearly lies at the center of the way in which this form of conciliarism either works or does not work.

III

How do the two stances appear when viewed with the conciliar practice of mutual subjection in mind? For those who hold the pluralist stance the issue is not forbearance but tolerance, charity, and mutual hospitality. A plurality of belief and practice contribute to the richness of the church's life and witness. It is not mutual subjection that is called for when the peace of the church is threatened. Tolerance of difference rather than forbearance and patience for people holding this view become the paramount virtues that sustain and enrich communion in times of stress.

Critics of the pluralist stance are right to object that there are versions of Christian belief and practice that so distort its witness that tolerance of difference serves not to protect communion but to destroy it at its foundation. For those who have a more confessional stance, mutual subjection requires at a minimum restraint in respect to theological innovation and openness to correction. Michael Poon, in his response to the Saint Andrew's Draft, has given eloquent expression to this concern. Commenting on the procedures for the resolution of covenant disagreements found Appendix Two, Fr. Poon asks the question "on what basis can the Anglican Consultative Council (or, one might add, any of the other Instruments of Communion) pass a judgment that rejection on the part of a province of a request to cease and desist is compatible with the covenant without some "prior understanding of what are essential and what are matters of indifference."

He goes on to note, "At present the communion exposes itself to increasing onslaughts of doctrinal and ecclesiastical controversies." He rightly suggests that these controversies will soon focus not on differing accounts of sexual morality or polity but upon what Anglicans have claimed as the center of their communion, namely, the form and content of worship. Fr. Poon rightly points out that the "shared pattern of common prayer" Anglicans claim must be expressed "in concrete forms such as Prayer Books, catechisms, and standards for Christian formation and ministerial formation." Nevertheless, the Anglican Communion has "no agreed framework for prayer book revisions (with clear rubrics on matters of faith and order)..." or for the various catechisms in use across the communion. And so he concludes, "We may fast (be) approaching the day when we do *not* find in our churches "shared patterns of common prayer and liturgy (sic.) form to sustain and nourish our faith and life together."

[\(www.globalsouthanglican.org/index.php/weblog/perinting/a_response_to_an_anglican_covenant_the_saint_andrews_draft/\)](http://www.globalsouthanglican.org/index.php/weblog/perinting/a_response_to_an_anglican_covenant_the_saint_andrews_draft/)

Fr. Poon's concern is well founded. At the present moment, TEC has trial liturgies in circulation that are barely, if at all, Trinitarian; and its bishops (either willingly or by benign neglect) are allowing presbyters in many dioceses to invite people to communicate who neither are baptized nor have they declared an intention to be baptized. The justification for these changes is the same as that which obtains in the case of blessing unions between persons of the same gender—they serve the cause of “radical inclusion.” Fr. Poon is rightly concerned that innovations such as these strike at the heart of what it means to be a communion. Indeed, they do! More important, however, is the fact that they strike at the heart of what it means to be a Christian.

Fr. Poon's concern shows the strength of the confessional stance. Theological difference cannot be presumed to lie in the bin reserved for *adiaphora*. More will be said of this at a later point. His suggested solution, however, shows a weakness in the confessional stance. He is quite right to warn that an act of covenanting is intelligible only within in “wider ecclesial reality” which he understands to be a community of faith that is “submissive to a godly order.” Fr. Poon believes, however, that the “wider ecclesial reality” requires the bishops of the communion, before discussing what to do about severe conflict, to agree on a framework of faith and come to a common mind on how this framework is to be expressed at a parish level in catechisms, prayer books, and theological education. He would prefer to table discussion of the Appendix entitled “Framework Procedures for the Resolution of Covenant Disagreements” for the foreseeable future; that is until there is sufficient doctrinal agreement to make these procedures intelligible and practicable.

Given the obvious need for more doctrinal content in the Communion's self-definition, what possibly could be wrong with this position? It is surely correct to hold that there are theological statements and moral practices that cannot be tolerated without compromising Christian witness. It is surely right to hold that the Communion would be strengthened at all levels of its life if its member provinces were of a common mind in respect to common worship, Christian instruction, and the formation of its clergy.

However, getting all these matters nailed down in a quasi confessional form before the Communion has adequate means of adjudicating communion threatening disputes misses the proper relationship between confessional agreement, its contextual expression, mutual subjection, and ecclesiastical discipline (the latter being a notoriously weak spot in both the Virginia and the Windsor Reports). The Saint Andrew's Draft is quite clear that the Anglican Communion has moral and doctrinal standards. Thus it insists that each church of the Communion, reliant on the Holy Spirit, “professes the faith that is uniquely revealed in the Holy Scriptures of the Old and New Testaments as containing all things necessary for salvation and as being the rule and ultimate standard of faith, and which is set forth in the catholic creeds, and to which the historic formularies of the Church of England bear significant witness.” (1.1.2)

The previous sentence commits the Anglican Communion to a considerable amount of doctrinal content, but Fr. Poon and many others would like an even more fulsome account than this of common belief and practice. However, even if such were to be forthcoming, it would still require “contextualization” in the various provinces. Further, the manner in which belief and practice are contextualized will inevitably and properly raise questions about whether or not these adaptations are, as it were, “Christianly apt.” In short, given the cultural and national mosaic that now comprises the Anglican Communion, even within an agreed framework of belief and practice, each province would be faced with the question of whether they “recognize” a common faith and practice in the adaptations of their fellow communion partners. Even the most detailed confession would require its adaptation to be recognized as an adequate expression of Christian belief and practice. Indeed, the more detailed the confession, the more frequently the question of recognition on the part of other provinces would arise.

IV

It is for this reason that WR (and I believe the Saint Andrew’s Draft) suggest that within the boundaries of a conciliar life rooted in scriptural witness, creedal confession, common worship, shared ministry, mutual aid, and common hospitality the practice of mutual subjection is of capital importance for maintaining both the truth of the church’s witness and the unity of its life. Truth and unity are often opposed as competing values, the advocates of one accusing the advocates of the other of betraying the center of Christian belief, life, and witness. However, WR and the Saint Andrew’s Draft are based on an argument for the primacy of charity in the struggle on the part of Christians to maintain both truth and unity. It is only within a circle inscribed by the virtues of charity, lowliness, meekness, patience, forbearance, kindness, tenderheartedness, and forgiveness (Eph. 4) that truth can be established and unity maintained.

Thus, WR is on the one hand saying to the pluralists you cannot have communion that amounts to anything if you are proclaiming a different gospel and living lives that are scandalous to most of your brothers and sisters. On the other hand, it is saying to those who take a confessional stance, no matter how detailed an account you may give of right belief and practice you will still have to contend with how these matters are “contextualized” in the various times and places the church exists. You will inevitably encounter serious disagreement about the adequacy of one or another instantiation of Christian belief and practice; and unless a space in time is provided to reconcile these differences, neither truth nor unity will be served. It is this space that is marked out by mutual subjection expressed as charity, restraint, and forbearance within a conciliar form of polity. It is also this space that is marked out and guarded by the structure provided by a covenant.

V

It is for these reasons that the Saint Andrew’s Draft should not be evaluated or amended apart from careful linkage both to its “Introduction” and appended “Commentary” The “Introduction” (like WR) roots the enterprise of drawing up a

covenant firmly in the soil of a particular form of conciliar ecclesiology. This form of ecclesiology joins unity and truth as essential and inseparable elements of the life of the church. It joins them also as necessary forms of witness to and participation in the life of God. The calling of the church is to unity and truth, and apart from them the church cannot make in an adequate fashion the witness to the world it is called upon to make. Further, the “Introduction” makes clear (#3) that “the manifold wisdom of God” that calls for the unity of all things in Christ is manifest concretely in the “faithfulness, honesty, gentleness, humility, patience, forgiveness, and love...” that God wills take form in the common life of the church. In similar manner (again like WR) the “Commentary” makes clear that the proposed covenant is intended to provide a structure that will serve this very purpose, namely, provision of a space in which the peace, unity, and faithful witness of the church can be sustained and protected in the midst of the conflicts history inevitably engenders.

VI

Both the pluralist and confessional stances deserve some attention when the final version of the covenant is proposed. Both have something important to say. Both, however, have shortcomings; and neither will adequately sustain communion if not placed within a space in time marked out by mutual subjection out of reverence for Christ. If, however, these two positions are bracketed by mutual subjection over time within a conciliar polity then certain comments on the Saint Andrew’s Draft come immediately to mind as worthy of examination in light of the ecclesiology that stands behind the covenant proposal.

1. The Preamble speaks of offering God’s love in responding to the needs of the world. It speaks also of maintaining the unity of the Spirit in the bond of peace and of growing up together into the full stature of Christ. If mutual subjection out of reverence for Christ actually lies at the foundation of the covenant, the preamble ought to speak directly of reconciliation as fundamental to God’s relation to the world and our relation one to another. A covenant based on an ecclesiology of a sort both WR and the Saint Andrew’s Draft envision is surely based in reconciliation. A statement should be made to that effect. If it is not the Trinitarian foundation of the conciliar life of the Communion will float free of the death and resurrection of Christ by which we are drawn into the mystery of divine life.
2. Section 1.1.5 speaks of *shared patterns* of common prayer and liturgy and Section 1.2.2 speaks of upholding and proclaiming “a *pattern* of Christian theological and moral reasoning and discipline that is rooted in and answerable to the teaching of Holy Scripture and tradition...” Pluralists will respond positively to the very open ended notion of “pattern” while those of a more confessional frame of mind will rightly say the notion of pattern, as frequently used, is in fact without theological content. As noted, Fr. Poon has warned that it is just here, in conflicts over the theological and moral content of these patterns, future threats to the unity of the Communion will arise. His warning ought not to be ignored given the fact that the liturgies now being tested and adopted within the Anglican Communion are moving in a centrifugal direction. Thus, it is all the more serious that “Pattern” as

- used here bears all the marks of what Americans call a “fudge” word. Whether intentionally or not, it serves to cover over disagreements. In noting that there are common patterns of worship and theological reflection, it should be noted as well that the whole point of a covenant built upon mutual subjection within a conciliar polity is to provide space and time to resolve the disagreements talk of patterns more often than not serves to cover over. The St. Andrew’s Draft can be improved at this point by pointing out certain necessary aspects of the common pattern and certain necessary aspects of catechetical instruction. Thus, for example, it should be made clear, particularly in light of the more controversial of pluralist claims, that the common pattern of Anglican worship and catechesis requires worship of the Father, through the Son, and in the Spirit, belief that in the Eucharist Christians participate in the Lord’s death until he comes, and commitment to proclaiming Christ as the way to the Father. If the common pattern of worship and instruction is not given basic theological content such as this, it will in fact serve as an endless source of conflict rather than a statement of common commitment.
3. Pursuant to this last point, I note that in section 2.2 the call to evangelization and sharing God’s healing and reconciling mission is described in terms that will be understood almost entirely in terms of a social gospel. The relation of this section to the covenant as a whole would be helped by reference to commitment to being a light to the nations by means both of proclamation and the character of the Churches’ common life of peace, truth and unity. A reconciling mission apart from the proclamation of reconciliation and a reconciled body of fellow believers rings false to everyone.
 4. I note also that in 3.1.2 the Holy Spirit is said to call and enable us to live in mutual affection, commitment and service. This is a summary of the pluralist position. Might one add, so as more adequately to include the confessional concern, “calls and enables us to share common belief and moral practice and to live in mutual...”? This summary would nicely pose the tension that mutual subjection serves to resolve.
 5. 3.2.5 of the Saint Andrew’s Draft addresses the issue of action that might threaten the unity of the Communion and in doing so urges “diligence, care and caution.” These words echo the unsatisfactory response of the American House of Bishops to WR and the following Communiqué. In this response the American Bishops promised “extreme restraint” in respect to such action. There is not much difference between “diligence, care and caution” on the one hand and “extreme restraint” on the other. Here it seems to me the covenant ought to call specifically for mutual subjection that entails not taking such an action until such time as the larger body has recognized it as one in keeping with faithful Christian belief and practice. At this point it seems to me, the draft has failed to incorporate adequately its fundamental principle, and in so doing placed the entire covenant proposal in jeopardy.

VII

The above notes are intended to indicate points in the St. Andrew's Draft that do not sufficiently reflect the ecclesiology that stands behind it. In addition, however, there remains a question of how a Church is to comport itself if another calls an action on its part into question. There remains also the question of how the other Churches of the Communion are to relate to that Church while the dispute is being sorted out. The "Commentary" provided by the authors of the St. Andrew's Draft directly addresses such a possibility by suggesting a "Framework of Procedures for the Resolution of Covenant Disagreements". The problem arises because the procedures suggested can take up to five years before the dispute must be resolved. It may well be the case that Anglican Polity can only operate properly within extended periods of time. Nevertheless, one must ask how peace, unity, and truth are to be maintained during the course of this five-year period? If no agreement about these matters is contained in the draft, the Communion can expect two sorts of action—both of which subvert communion. On the basis of present experience, the Communion can expect the offending Church to continue with the disputed action, claiming that there is no definitive opinion as yet in respect to what they are doing. Further, on the basis of present experience, one can expect those provinces that have been offended, in a series of *ad hoc* actions, to announce either broken or impaired communion with the offending Church. The result will be a patchwork of differing sorts of Church relations within a body claiming to be a communion of churches.

The only way to prevent this sort of disorder is to include in the covenant statements to this effect.

- (1) Any Church whose actions in the view of the Instruments of Communion threaten the peace and unity of the Communion should refrain from those actions during the time the Communion is seeking a common mind on the matter in question.
- (2) Those churches scandalized by the action of the Church in question should refrain from a unilateral response to the disputed action.
- (3) If a Church should persist with the disputed action during the period of assessment, it should consider itself having renounced the force and meaning of the covenant and so understand by the terms of the covenant its participation in the councils of the communion is suspended until the Instruments of Communion indicate that full participation is again welcome.

(The following note does not concern the contents of the covenant per se. It concerns the way in which a church that persists in a disputed action should view the suspension of its participation in the affairs of the Communion. The ancient ethic of civil disobedience can serve as a guide on this matter. According to the ethic of civil disobedience, the civil character of such action depends upon several things.

1. *The action is undertaken for the good of the whole and not for personal gain or out of personal interest.*
2. *One signals that the action is an action for the common good and not an action of revolution or rebellion by insisting upon and accepting willingly the discipline of*

- the governing body of the whole. Only in this way does one make clear that one remains loyal to the body and that the action is undertaken for the good of all.*
3. *One weighs the overall consequences of such an action and refrains if such action places the safety of the body as a whole in serious danger.)*

VIII

There is a structural issue related closely to the question of how the Churches comport themselves during the period in which a resolution is sought for a disputed issue. The matter concerns who has responsibility for making a final determination in the process. As it now stands, final determinations are to be made by the Anglican Consultative Council (8.1). There are several problems connected with this provision. The first is circumstantial. The Anglican Consultative Council is at present widely perceived as a body whose impartiality is very much in question, in no small measure because so much of its budget is provided by sources from within TEC, and because its past two General Secretaries have been widely perceived as partisan. This is a problem that can be resolved if it is admitted to be a problem. A more substantial issue concerns the fact that The Meeting of Primates (not the Anglican Consultative Council) was given “an enhanced responsibility” by the Lambeth Conference of Bishops to address internal matters in the various provinces that lie beyond the ability of the province itself to sort out. (See The Lambeth Conference of Bishops, 1998: Resolution III.6) Further, the Primates, simply by virtue of their Episcopal office, have particular responsibility for the right ordering of the churches. There is also the practical matter of an expeditious resolution of an issue that could fracture the Communion. The ACC meets relatively infrequently, and it is a large, unwieldy body that might easily become highly “politicized”. Would it not, therefore, be both wise and expedient for the Archbishop of Canterbury, who is the focus of unity for the Communion, to assemble a standing committee made up of representatives chosen by and from within the Meeting of Primates and the Anglican Consultative Council. This group, under the Chair of the Archbishop, would then make a determination that might (should it prove necessary) be later affirmed or rejected by either the Anglican Consultative Council or the Lambeth Conference of Bishops (depending upon which is the first to meet.)

There is also a structural issue that will almost certainly arise at the time for ratification of the covenant. What is to be done if a given province refuses to ratify the covenant and yet there are dioceses and parishes within that province that wish to declare their allegiance to it? Given the central place of the diocese in the life and mission of the Anglican Communion, some provision needs to be made that takes into account such an eventuality, and makes it clear that refusal of the covenant by a province will not exclude from the common life of the communion dioceses that wish to be a part of it.

This observation prompts another. In order to avoid confusion, I need to be clear about a further matter. There is little evidence that the covenant design group actually contains any real confessionalists, to use my term of art. Rather, it is more likely that the

group is made up of a combination of pluralists and conciliarists (to coin another term). There is a real danger that some kind of compromise will be struck between these parties that ends up subverting the purpose of the covenant as such—a purpose I have argued entails mutual subjection in Christ of a sort consistent with WR.

The point is this. A covenant that cannot allow the conciliarity of communion to remain an Anglican reality is not a covenant but an agreement to disagree. This possibility means that a choice will need to be made as to whether one wants such a covenant at all, or whether a province prefers to stand aside, making allowance for those dioceses and units within it that wish to live by the obligations and hopes of a covenant.

My argument is that the confessionalists are right to be concerned about the limits of diversity and autonomy within the catholic reality of Anglican Christianity. Nevertheless, they are wrong to hold that a confession is the way to address their concern, and even more so in believing that a confession can be agreed upon. One need only look at other ecclesial bodies that rely on confessions as a guarantee of truth and unity to see their ineffectiveness.

In short, the authors of the St. Andrew's Draft are right in proposing that conciliarity and a covenant that supports this sort of ecclesiology is the best way to move forward as a communion. Those who prefer the path of autonomy or federal agreements designed to allow each to have his or her way must be allowed to choose that course, but it would be fatal for the communion as a whole to follow such a path.

IX

A final comment about the significance of the covenant and the process of its adoption is in order. For many, if not most, the covenant will be viewed simply as a means of dispute settlement. It certainly is that, and for this reason the Appendix containing procedures for dispute settlement is an essential part of the document. Failure to include such a procedure renders the covenant ineffective from the outset. However, to focus primary attention on the settlement of disputes is to miss the significance of the process and its outcome. The basic issue before the Communion as it struggles to adopt a covenant is that of the identity of the Anglican Communion as an expression of catholic Christianity. How is it that Anglicans propose to negotiate the passage of time in a way that both remains faithful to the apostolic witness and bears witness to the Christian Gospel in ways suitably adapted to time and place? The St Andrew's Draft makes clear that the Anglican way is not that of the Roman Catholic Church with its focus on papal authority and a uniform juridical system. As articulated in the draft, the Anglican way is also not the way of the Orthodox Churches with their focus not on pervasive synodality but upon ecumenical councils (which now seem impossible to assemble). I have indicated as well that it ought not to be the way adopted by the confessional churches of the Reformation.

The way proposed by the St. Andrew's Draft and WR is that of common belief and practice expressed in common worship, common ministry, mutual support, and open

hospitality, all sustained by the practice of mutual subjection expressed by forbearance and restraint over time within a conciliar polity. This way is the way that indeed pervades the witness of the New Testament, but it is a way that cannot prevail through time unless commonly understood and commonly supported.

I have written this response in large measure to make this final point. I can only hope and pray that in the midst of the push and pull of politics and ideological difference it will not be forgotten that Anglicans are in this debate giving identity to themselves. In its “Introduction” (#4), the St Andrew’s Draft mentions a special Anglican “charism among the followers and servants of Jesus”, but does not actually say what that is. Taken as a whole, however, the draft in fact puts that charism on display and in so doing asks that we take notice of it, cherish it, and offer it to the Christian churches for testing.

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8 May 2008

The Revd Canon Gregory K Cameron
Secretary
Covenant Design Group
St Andrew's House
16 Tavistock Crescent
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Dear Gregory

St Andrew's Text for an Anglican Covenant

It was good to meet Archbishop Drexel Gomez, the Revd Dr Katherine Grieb and Dr Eileen Scully of the Covenant Design Group and yourself at the *An Anglican Covenant: Dividing or Reconciling* conference at General Theological Seminary, New York in the United States of America on 10-12 April, 2008.

I think that there are considerable problems with section 3.2 of the St Andrew's Text for an Anglican Covenant. I have highlighted these problems and made some suggestions to overcome them below (using the same Article numbers as in the St Andrew's Text):

- (3.2.1) The expression "to have regard to the common good of the Communion in the exercise of its autonomy" has no clear meaning, and is likely to be seen differently by different Churches. It would be more helpful if this commitment were limited to the affirmations and commitments of the Covenant. Each Church which adopts the Covenant should be prepared to abide by, rather than merely respect, these affirmations and commitments.
- (3.2.2) The scope of the expression "to respect the constitutional autonomy of all of the Churches of the Anglican Communion" is unclear. While one meaning of "respect" is "refrain from interfering with", there are several other meanings such as "to regard or show consideration for". If the intended scope of this expression is that a Church will not engage in activity in the territory of another Church except with consent, then an alternative expression could be "to refrain from undertaking any activity in the territory of another Church without the consent of the responsible body of that Church." If this is not the intended scope of this expression, then an alternative expression should be considered.
- (3.2.3) The grammar of the first sentence could be improved – the words "reflection to ..." are grammatically incorrect. Further, there is not a complete correspondence between the concepts in the first and second sentences. This

correspondence could be achieved by the inclusion of the word "listening" in the second sentence.

- (3.2.4) The word "understood" raises the question of "understood by whom." What is regarded as essential by one Church may be regarded differently by another Church. I doubt that the expression "the canon law of our churches" will be helpful in seeking a common mind about matters of essential concern. While I accept that some principles of canon law are common among member Churches, many would not be.
- (3.2.5) The precondition to action under this Article is proposed or enacted actions that "are deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission." This expression or abbreviations of it appear in several places in the Procedural Appendix. It is puzzling that the Lambeth Conference is responsible for "guarding the faith and unity of the Communion" (see Article (3.1.4-II)), but a threat to the faith of the Communion does not have any consequence (unless it also constitutes a threat to the unity or mission of the Communion). The expression "unity of the Communion" only appears in Article (3.1.4-II); it is unclear whether the word "unity" in Articles (3.1.3) and (3.1.4-I) has the same meaning. The expression the "mission (of the Communion)" does not otherwise appear in the Covenant. Presumably the mission undertaken by each Church in Article (2.2.2) is the mission of the Communion. In view of the serious consequences that may follow upon a threat to the unity and mission of the Communion, the content of these expressions should be made clear by reference to other provisions of the Covenant.
- (3.2.5.e) There is an ambiguity in the first sentence. Presumably it is intended that the Church is not bound to adopt the course of action specified in the request. As the choice not to adopt "(the course of action contained in) the request" can give rise to consequences, a Church will be "bound" by its decision of non-adoption. The ultimate consequence of non-adoption of such a request of "relinquishment by that Church of the force and meaning of the covenant's purpose" is bound to create great uncertainty. Would this mean that the Church would no longer be a member of the voluntary association constituted by the member Churches of the Anglican Communion? If so, how would this relinquishment be reflected in the Constitution of Anglican Consultative Council? Would the Archbishop of Canterbury be bound to refuse to invite bishops of that Church to the Lambeth Conference and the Primate of that Church to the Primates Meeting? If not, what would be the effect of such a relinquishment?

The concept of a relinquishment of the force and meaning of the covenant's purpose should not be used. If the intention is that there be no punitive sanction where a Church "breaches" the Covenant in such a manner as to threaten the unity and mission of the Communion, then I consider that a

different mechanism should be used. Consideration should be given to the ultimate consequence being a declaration by the Anglican Consultative Council that the action of the Church is, or would be, incompatible with the faith, unity and/or mission of the Communion. This mechanism of a declaration of incompatibility is used in the human rights legislation of the United Kingdom, New Zealand and two jurisdictions in Australia. Where such a declaration is made, the law in question is not invalid. Parliament must then determine whether it wishes to amend the law in question.

A declaration of incompatibility by the Anglican Consultative Council would not affect the Church's status as a member of the Anglican Communion. It would give the Church in question the opportunity to reconsider its position. In this way, the autonomy of the Church would be preserved.

Procedural Appendix

I have deep misgivings about the suggested process. Rather than making a detailed critique of the entire Appendix, I will make some general comments (using the same paragraph numbers as in the Procedural Appendix).

- 1.3 No time period should be specified.
3. There is a significant danger of the procedures becoming an instrument of oppression if they can be invoked by member Church X, Y or Z. The procedures should only be able to be invoked by an Instrument of Communion at the request of a Church or on its own initiative. An Instrument of Communion could seek advice such as provided by the Assessors before deciding to invoke the procedures.
4. There is a great danger in conferring a power on the Archbishop of Canterbury to make a request. If there were a successful appeal, the authority of the Archbishop of Canterbury would inevitably be diminished. Further, there are real issues of practicality. The Archbishop of Canterbury would need to observe the principles of procedural fairness and give the Church in question an opportunity to make submissions. It is not realistic to expect that the Archbishop of Canterbury would have the time to make the necessary evaluation.
5. Similar issues of practicality will arise if this power is conferred upon another Instrument of Communion. How could the Primates Meeting (with its large membership), the Lambeth Conference (with hundreds of bishops in attendance) and the Anglican Consultative Council (with a membership of over 70 persons) possibly make such an evaluation?
6. A specially appointed Commission is the only body that can realistically make an evaluation. Having a Commission appointed by the Archbishop of Canterbury would ensure that a body with appropriate expertise could be appointed. A

Commission with a small membership would be able to undertake a cost effective evaluation.

7. I doubt the utility of a mediation if there has been an evaluation that there is no threat to the unity or mission of the Communion.
8. If the Commission makes an evaluation that the action of a Church threatens the unity or mission of the Communion, the Anglican Consultative Council would need to observe the principles of procedure fairness and give the Church in question an opportunity to make submissions.

The procedure would be greatly simplified by adopting the following basic structure:

- (1) An Instrument of Communion at the request of a Church or its own initiative refers to a Commission to be appointed by the Archbishop of Canterbury the question of whether the action or proposed action is compatible with the faith, unity and/or mission of the Communion as expressed in the Covenant.
- (2) The Commission after allowing the Church concerned and other Churches the opportunity to make submissions, prepares a report for the Anglican Consultative Council containing a recommendation as to whether the action or proposed action is compatible with the faith, unity and/or mission of the Communion.
- (3) Where the report of the Commission contains such a recommendation, the Anglican Consultative Council, having given the Church in question an opportunity to make submissions, determines whether it should make a declaration that the action or proposed action is incompatible with the faith, unity and/or mission of the Communion. If it was thought that there should be a right of appeal, the Standing Committee could be empowered to make the initial decision with a right of appeal to the Council. The advantage of this course is that the Standing Committee could meet more expeditiously and at less expense than the Council. The disadvantage of this course is that there would inevitably be a question about the representative nature of the Standing Committee to make such a significant decision. This disadvantage can only be overcome by having the decision made by the Council.

If the Covenant Design Group wishes to recommend a structure along these lines, I am willing to draft a procedure for its consideration.

Yours sincerely



GARTH BLAKE S.C.

A comparison between the St Andrew's Draft of the Anglican Covenant and the Nassau and Church of England versions.

Introduction

The purpose of this paper is to compare the new St Andrew's draft of the Anglican Covenant with the earlier Nassau text and the version submitted by the Archbishops of Canterbury and York on behalf of the Church of England.

At first sight the new numbering system adopted by the St Andrew's text makes it look a very different text from the Nassau draft on which the Church of England material was based. However, the St Andrew's draft is in reality substantially the same as the Nassau draft in both content and order, a fact which makes comparing the Nassau, St Andrew's and Church of England texts a fairly straightforward exercise as the sections of these three texts can be set alongside each other in a synoptic fashion.

What I shall do in this paper is set down the three versions of the Covenant text, section by section, following the order of the Nassau draft, with the Nassau text first, then the Church of England text and finally the new St Andrew's draft. In the St Andrew's text, material from the Nassau text will be in ordinary type, material taken from the Church of England version will be in bold and the new material from the Covenant Design Group (CDG) will be in italics. I will then comment on the differences between the texts. The commentary will be in Arial.

The paper concludes with two appendixes and a summary. The first appendix contains the draft appendix from the St Andrew's text setting out proposed procedures for handling disputes within the Anglican Communion and a brief commentary on these proposals. The second appendix contains some comments from Dr Ephraim Radner, a member of the CDG explaining why emphasis is now being given to the ACC rather than the Primates Meeting. Finally, the summary attempts to give a brief initial assessment of the St Andrew's text and the issues that it raises.

1. Introduction

Nassau Text

An Introduction to a Draft Text for an Anglican Covenant

God has called us into communion in Jesus Christ (1 Cor. 1:9; 1 Jn. 1:3). This call is established in God's purposes for creation (Eph. 1:10; 3:9ff.), which have been furthered in God's covenants with Israel and its representatives such as Abraham and most fully in the life, death, and resurrection of Christ Jesus. We humbly recognize that this calling and gift of communion grants us responsibilities for our common life before God.

Through God's grace we have been given the Communion of Anglican churches through which to respond to God's larger calling in Christ (Acts 2:42). This Communion provides us with a special charism and identity among the many followers and servants of Jesus. Recognizing the wonder, beauty and challenge of

maintaining communion in this family of churches, and the need for mutual commitment and discipline as a witness to God's promise in a world and time of instability, conflict, and fragmentation, we covenant together as churches of this Anglican Communion to be faithful to God's promises through the historic faith we confess, the way we live together and the focus of our mission.

Our faith embodies a coherent testimony to what we have received from God's Word and the Church's long-standing witness; our life together reflects the blessings of God in growing our Communion into a truly global body; and the mission we pursue aims at serving the great promises of God in Christ that embrace the world and its peoples, carried out in shared responsibility and stewardship of resources, and in interdependence among ourselves and with the wider Church.

Our prayer is that God will redeem our struggles and weakness, and renew and enrich our common life so that the Anglican Communion may be used to witness effectively in all the world to the new life and hope found in Christ

Church of England text

An Introduction to a Draft Text for an Anglican Covenant

'This life is revealed, and we have seen it and testify to it, and declare to you the eternal life that was with the Father and was revealed to us – we declare to you what we have seen and heard so that you also may have fellowship with us; and truly our fellowship is with the Father and with his Son Jesus Christ (1 John 1:2-3).

By this we know that we abide in him and he in us, because he has given us of his Spirit' (1 John 4:13).

What is the life revealed to us? St John makes it clear that the fellowship or communion (*koinonia*) of life in the Church reflects the communion that is the divine life itself, the life of the Trinity. This is not the revelation of a reality remote from us, for in the communion of the Church we share in the divine life. The communion manifested in the life of the Church has the Trinitarian fellowship as its basis, model and ultimate goal. Conversely, the communion of the Persons of the Holy Trinity creates, structures and expounds the mystery of the communion experienced in the Church. It is within and by the Church that we come to know the Trinity and by the Trinity we come to understand the Church because 'the Church is full of Trinity.'¹

The Holy Scriptures tell us that in seeking communion with humankind despite our rebellion and sin, God made covenants with Noah, Abraham, Israel and David. His aim was to bless all nations as they responded to his invitation to live in communion with him, so that he might restore his image in them.

In Jesus there is now another covenant: "this is my blood of the covenant, poured out for many for the forgiveness of sins" (Matt 26:28). In this covenant we find a renewed communion with God as we share with others the forgiveness of sins through Jesus.

¹ *The Church of the Triune God* Paragraphs 1- 3

We discover our communion with others in mission through Christ, and our mission is to spread the communion of Christ, ultimately with the whole of creation.

Those who are in communion with God through Jesus Christ form one universal Church which is called to be: 'through the work of the Spirit, an anticipatory sign of God's healing and restorative future for the world. Those who, despite their own sinfulness, are saved by grace through their faith in God's gospel (Eph. 2:1-10) are to live as a united family across traditional ethnic and other boundaries (2:11-12), and so are to reveal the wisdom of the one true God to the hostile and divisive powers of the world (3:9-10) as they explore and celebrate the love of God made known through Christ's dwelling in their hearts (3:14-21). The redeemed unity which is God's will for the whole creation is to be lived out within the life of the Church as, through its various God-given ministries, it is built up as the Body of Christ and grows to maturity not least through speaking the truth in love (1:10, 22-23; 4:1-16).'

²

In the providence of God, which operates in spite of the divisions caused by sin, various families of churches have grown up within the universal Church during the course of its history. Among these families is the Anglican Communion, which provides us our special charism and identity among the many followers and servants of Jesus. Three important characteristics of this special charism and identity are a distinctive Anglican theological method, distinctive Anglican patterns of leadership and decision-making and a distinctive Anglican liturgical tradition.

Theological Method

Anglican theological method is rooted in the teaching of Holy Scripture, 'the fountain and well of truth,'³ containing all things necessary to salvation and constituting the rule and ultimate standard of faith, and recognizes the need for a communal reading of Scripture that is informed by biblical scholarship

It gives due weight to the witness to divine truth borne by the created order and the Catholic tradition (with particular importance being attached to the Catholic Creeds, the teaching of the Fathers of the first five centuries and the three 'historic formularies' – the Thirty Nine Articles, the Book of Common Prayer and the Ordinal - that emerged out of the English Reformation).

It involves the use of reason, renewed by the Holy Spirit. 'In vain were it to speak any thing of God, but that by reason men are able to judge of that they hear, and by discourse to discern how consonant it is to truth.'

⁴

Finally, it accepts the obligation to proclaim the Apostolic faith afresh in each generation. This involves fidelity to the witness of Scripture, the created order, and the Catholic tradition in the context of the different cultures, societies and situations in which Anglicans are called to live, serve, worship and evangelise. Learning to proclaim the Apostolic faith afresh involves a process of study and debate within the Church because it means the emergence of new ideas and approaches, some of which, even though perceived as controversial when they arise, will lead to a deeper

² *Windsor Report* Paragraph 2

³ Thomas Cranmer *A Fruitful Exhortation to the Reading and Knowledge of Holy Scripture*.

⁴ Richard Hooker *Laws of Ecclesiastical Polity* III.VIII.11

understanding of the implications of God's revelation to us, others of which will ultimately prove to be distractions or even obstacles to the faith and all of which need to be tested by a process of shared discernment in the life of the Church.

Patterns of leadership and decision-making

This process of shared discernment in the life of the Church takes place within the framework provided by distinctive Anglican patterns of leadership and decision-making.

In accordance with the tradition of the Church going back to Apostolic times, the bishops of Anglican Communion are called to lead their churches in mission. They have a responsibility for teaching the Apostolic faith, acting as the chief ministers of the sacraments, exercising pastoral oversight and symbolizing and maintaining the unity of the Church. Their ministry is exercised in a personal, collegial and communal way.⁵

The collegial and communal aspects of episcopal ministry are exercised in consultation with other bishops and with representatives of the other clergy and of the laity. This consultation takes place through the various synodical structures that exist within the churches of the Anglican Communion and by means of the four 'Instruments of Communion.' These are the instruments of unity and means of communion which link the churches together in order that their common life may be built up and their common mission exercised more effectively. These Instruments of Communion are:

I. The Archbishop of Canterbury, who, as the Bishop of the See of Canterbury presides in the Anglican Communion as whole, is a locus and means of unity. He exercises a ministry of primacy that involves teaching, the gathering of his fellow bishops to take counsel together, and determining which churches belong to the Anglican Communion. He is the host of the Lambeth Conference and the Primates' Meeting and President of the Anglican Consultative Council.

II. The Lambeth Conference which, under the presidency of the Archbishop of Canterbury, expresses worldwide episcopal collegiality by gathering the bishops of the Anglican Communion for common counsel, consultation and encouragement and serves as an instrument in guarding the faith and unity of the Communion.

III. The Primates' Meeting, hosted by the Archbishop of Canterbury, which assembles the presiding bishops of the Communion for mutual support and counsel and acts as the executive committee of the Lambeth Conference. It monitors global developments and works in full collaboration in doctrinal, moral and pastoral matters that have Communion-wide implications.

IV. The Anglican Consultative Council, which is a body consisting of bishops, clergy and laity from the churches of the Communion. It has a responsibility for fostering mutual responsibility and interdependence within the life of the Communion.

⁵ See *Baptism Eucharist and Ministry*, Ministry III. B.26

The Anglican liturgical tradition

Alongside a distinctive Anglican theological method and distinctive Anglican patterns of leadership and decision making, a third key feature of Anglican identity is a distinctive Anglican liturgical tradition.

This tradition, which can be traced back to the work of Archbishop Thomas Cranmer in the sixteenth century, is a tradition of worship in the vernacular that is rooted in Scripture and also draws on liturgical material from the Patristic, Medieval and Reformation periods. The Book of Common Prayer and the Ordinal attached to it have particular importance within this tradition and are among the three ‘historic formulae,’ which are seen as giving classic expression to the faith which Anglicans share.

The fact that these two liturgical texts are included among the historic formulae reflects the Anglican acceptance of the ancient principle *lex orandi, lex credendi* (the law of praying is the law of believing), in the sense that for Anglicans what is contained in their liturgies has a central role in articulating and defining their common faith and practice.

A shared liturgical tradition has been one of the key factors that has created a sense of common identity amongst Anglican Christians and it has thus played a central role in helping to create and sustain the unity of the Anglican Communion

Recognizing the duty and challenge of maintaining communion in the Anglican family of churches, and the need for mutual commitment and discipline as a witness to God’s promise in a world and time of instability, conflict, and fragmentation, we covenant together as churches of this Anglican Communion to be faithful to God’s promises through the historic faith we confess, the way we live together and the focus of our mission.

Our faith embodies a coherent testimony to what we have received from God’s Word and the Church’s long-standing witness; our life together reflects the blessings of God in growing our Communion into a truly global body; and the mission we pursue aims at serving the great promises of God in Christ that embrace the world and its peoples, carried out in shared responsibility and stewardship of resources, and in interdependence among ourselves and with the wider Church.

Our prayer is that God will redeem our struggles and weakness, and renew and enrich our common life so that the Anglican Communion may be used to witness effectively in all the world to the new life and hope found in Christ.

The St Andrew’s Draft

“This life is revealed, and we have seen it and testify to it, and declare to you the eternal life that was with the Father and was revealed to us – we declare to you what we have seen and heard so that you also may have communion with us; and truly our communion is with the Father and with his Son Jesus Christ” (I John 1.2-3)

1. God has called us into communion in Jesus Christ (1 Cor. 1:9). *This communion has been “revealed to us” by the Son as being the very divine life of God the Trinity. What is the life revealed to us? St John makes it clear that the communion of life in the Church reflects the communion which is the divine life itself, the life of the Trinity. This life is not a reality remote from us, but one that has been “seen” and “testified to” by the Apostles and their followers: “for in the communion of the Church we share in the divine life” (The Church and the Triune God [1] par. 1-2). This life of the One God, Father, Son, and Holy Spirit, shapes and displays itself through the very existence and ordering of the Church.*

2. *Our divine calling into communion is established in God’s purposes for the whole of creation (Eph. 1:10; 3:9ff.). It is extended to all humankind, so that, in our sharing of God’s life as Father, Son, and Holy Spirit, God might restore in us his own image. Through time, according to the Scriptures, God has furthered this calling through covenants made with Noah, Abraham, Israel, and David. The prophet Jeremiah looked forward to a new covenant not written on tablets of stone but upon the heart (Jer.31.31-34) In God’s Son Christ Jesus, a new covenant is given us, established in his “blood ... poured out for the many for the forgiveness of sins” (Mt. 26:28), secured through his resurrection from the dead (Eph. 1:19-23), and sealed with the gift of the Holy Spirit poured into our hearts (Rom. 5:5). Into this covenant of death to sin and of new life in Christ we are baptized, and empowered to share God’s communion in Christ with all people, to the very ends of the earth and of creation.*

3. *We humbly recognize that this calling and gift of communion entails responsibilities for our common life before God as we seek, through his grace, to be faithful in our service of his purposes for the world. Joined to one universal Body, who is Christ the Lord, spread throughout the earth, we serve his Gospel even as we are enabled to be made one across the dividing walls of human sin and estrangement (Eph. 2:22-12). The forms of this life in the Church, caught up in the mystery of divine communion, reveal to the hostile and divisive power of the world the “manifold wisdom of God” (Eph. 3:9-10): faithfulness, honesty, gentleness, humility, patience, forgiveness, and love itself, lived out among the Church’s people and through its ministries, contribute to building up the body of Christ as it grows to maturity (Eph. 4:1-16; Col. 3:8-17). (See The Windsor Report, par. 2).*

4. **In the providence of God, which holds sway even over our divisions caused by sin, various families of churches have grown up within the universal Church in the course of history. Among these families is the Anglican Communion, which provides us a special charism and identity among the many followers and servants of Jesus.** Recognizing the wonder, beauty and challenge of maintaining communion in this family of churches, and the need for mutual commitment and discipline as a witness to God’s promise in a world and time of instability, conflict, and fragmentation, we covenant together as churches of this Anglican Communion to be faithful to God’s promises through the historic faith we confess, the way we live together and the focus of our mission.

5. *To covenant together is not intended to change the character of this Anglican expression of Christian faith. Rather, we recognise the importance of renewing our commitment to one another, and our common understanding of the faith as we have received it in a solemn way, so that the “bonds of affection” which hold us together*

may be affirmed. We do this in order to reflect in our relations with one another God's own faithfulness in his promises towards us in Christ. (2 Cor 1.20-22)

6, We are a people who live, learn, and pray by and with the Scriptures as God's Word. We seek to adore God in thanks and praise and to make intercession for the needs of people everywhere through a common voice, made one across cultures and languages. We are privileged to share in the mission of the apostles to bring the Gospel of Christ to all nations and peoples, not in word only but in deeds of compassion and justice that witness to God's character and the triumph of Christ over sin and death. We give ourselves as servants of a greater unity among the divided Christians of the world. May the Lord help us to "preach not ourselves, but Jesus Christ as Lord, and ourselves as your servants for Jesus' sake" (2 Cor. 4:5).

7. Our faith embodies a coherent testimony to what we have received from God's Word and the Church's long-standing witness; our life together reflects the blessings of God in growing our Communion into a truly global family; and the mission we pursue aims at serving the great promises of God in Christ that embrace the world and its peoples, carried out in shared responsibility and stewardship of resources, and in interdependence among ourselves and with the wider Church.

8. Our prayer is that God will redeem our struggles and weakness, and renew and enrich our common life so that the Anglican Communion may be used to witness effectively in all the world, working with all Christians of good will, to the new life and hope found in Christ Jesus.

1. The Cyprus Statement of the International Commission for Anglican Orthodox Theological Dialogue, 2007.

Commentary

The St Andrew's draft has accepted the idea of an extended introduction and it has used some of the material from the Anglican-Orthodox dialogue contained in the Church of England draft. What it has not done is include the introduction as part of the main text of the covenant or include the material from the Church of England draft on the Anglican theological method, the Anglican pattern of leadership and decision-making or the Anglican liturgical tradition.

2. Preamble

Nassau Text

1. Preamble

(Psalm 127.1-2, Ezekiel 37.1-14, Mark 1.1, John 10.10; Romans 5.1-5, Ephesians 4:1-16, Revelation 2-3)

We, the Churches of the Anglican Communion, under the Lordship of Jesus Christ, solemnly covenant together in these articles, in order to proclaim more effectively in our different contexts the Grace of God revealed in the Gospel, to offer God's love in responding to the needs of the world, to maintain the unity of the Spirit in the bond of

peace, and to grow up together as a worldwide Communion to the full stature of Christ.

Church of England Text

1. Preamble

We, the Churches of the Anglican Communion, under the Lordship of Jesus Christ, covenant together in these articles, in order to proclaim more effectively in our different contexts the Grace of God revealed in the Gospel, to offer God's love in responding to the needs of the world, to maintain the unity of the Spirit in the bond of peace, and, together with all God's people, to grow up to the full stature of Christ.'

The St Andrew's Draft

Preamble

We, the Churches of the Anglican Communion, under the Lordship of Jesus Christ, *solemnly covenant together in these following affirmations and commitments. As people of God, drawn from "every nation, tribe, people and language"*^[1], *we do this* in order to proclaim more effectively in our different contexts the Grace of God revealed in the gospel, to offer God's love in responding to the needs of the world, to maintain the unity of the Spirit in the bond of peace, **and together with all God's people to grow up together to the full stature of Christ.**

Commentary

The St Andrew's draft seeks to tie in the preamble explicitly to the affirmations and commitments that follow. It also uses Rev 7:9 in order to highlight the idea of God's people coming from different social and cultural contexts and takes on board the point made by the Church of England about not identifying the churches of the Anglican Communion with the people of God as a whole.

In the Church of England's comments on the Nassau text it was noted that work needed to be done on what is meant by the term 'church' in Anglican ecclesiology. Does it mean the 38 national or regional churches that currently make up the Anglican Communion or should it properly refer to the dioceses as the fundamental units of Anglican ecclesiology? This issue is not addressed in the new draft but still requires attention, not least because of its implications for the issue of whether a diocese could belong to the Communion even if a national church did not.

3. The life we share

The Nassau text

2 The Life We Share: Common Catholicity, Apostolicity and Confession of Faith (*Deuteronomy 6.4-7, Leviticus 19.9-10, Amos 5.14-15, 24; Matthew 25, 28.16-20, 1 Corinthians 15.3-11, Philippians 2.1-11, 1 Timothy 3:15-16, Hebrews 13.1-17*)

Each member Church, and the Communion as a whole, affirms:

(1) that it is part of the one, holy, catholic, and apostolic Church, worshipping the one true God, Father, Son, and Holy Spirit [1];

(2) that it professes the faith which is uniquely revealed in the Holy Scriptures as containing all things necessary for salvation and as being the rule and ultimate standard of faith [2], and which is set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation [3];

(3) that it holds and duly administers the two sacraments ordained by Christ himself – Baptism and the Supper of the Lord – ministered with the unfailing use of Christ's words of institution, and of the elements ordained by him [4];

(4) that it participates in the apostolic mission of the whole people of God;

(5) that, led by the Holy Spirit, it has borne witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, the 1662 Book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons [5];

(6) our loyalty to this inheritance of faith as our inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to our societies and nations [6].

¹ Cf. The Preface to the Declaration of Assent, Canon C15 of the Church of England.

² Cf. The Lambeth Quadrilateral of 1888

³ Cf. The Preface to the Declaration of Assent, Canon C15 of the Church of England.

⁴ cf. The Chicago-Lambeth Quadrilateral 1886/1888, The Preface to the Declaration of Assent, Canon C15 of the Church of England.

⁵ This is not meant to exclude other Books of Common Prayer and Ordinals duly authorised for use throughout the Anglican Communion, but acknowledges the foundational nature of the Book of Common Prayer 1662 in the life of the Communion.

⁶ Cf. The Preface to the Declaration of Assent, Canon C15 of the Church of England.

The Church of England text

2 The Life We Share: Common Catholicity, Apostolicity and Confession of Faith

We recognise in one another:

(1) The one, holy, catholic, and apostolic Church, worshipping the one true God, Father, Son, and Holy Spirit and participating in the apostolic mission of the whole people of God;

(2) Profession of the faith that is uniquely revealed in the Holy Scriptures (which contain all things necessary for salvation and are the rule and ultimate standard of

faith), which is set forth in the catholic creeds, and to which the historic Anglican formularies bear witness.

(3) Loyalty to this inheritance of faith as their inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to their societies and nations;

(4) Due administration of the sacraments of Baptism and the Supper of the Lord ordained by Christ himself, ministered with the unfailing use of Christ's words of institution, and of the elements ordained by him.

The St Andrew's draft

1.1 Each Church of the Communion affirms:

(1.1.1) its communion in the one, holy, catholic, and apostolic Church, worshipping the one true God, Father, Son, and Holy Spirit[2];

(1.1.2) that, reliant on the Holy Spirit, it professes the faith which is uniquely revealed in the Holy Scriptures of the Old and New Testaments as containing all things necessary for salvation and as being the rule and ultimate standard of faith[3], and which is set forth in the catholic creeds, **and to which the historic formularies of the Church of England[4] bear significant witness**, which faith the Church is called upon to proclaim afresh in each generation[5];

(1.1.3) that it holds and duly administers the two sacraments ordained by Christ himself – Baptism and the Supper of the Lord – ministered with the unfailing use of Christ's words of institution, and of the elements ordained by him[6];

(1.1.4) that it upholds the historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of his Church[7];

(1.1.5) that our shared patterns of common prayer and liturgy form, sustain and nourish our worship of God and our faith and life together;

(1.1.6) that it participates in the apostolic mission of the whole people of God, and that this mission is shared with other Churches and traditions beyond this Covenant.

Commentary

The St Andrew's text has retained the idea of the churches of the Communion making affirmations about themselves rather than following the Church of England's suggested formula of mutual recognition. Sections 1.1.1-1.1.3 are largely drawn from the Nassau text with the exception of the omission of the biblical texts at the beginning (which are also omitted in all subsequent sections), a reference to the Church of England formularies in 1.1.2 adapted from the Church of England text and a quotation from the Declaration of Assent in the same section. Sections 1.1.4-1.1.6, which refer to the historic

episcopate, the importance of liturgy and participation in mission are new, with 1.1.4 using the language of the Lambeth Quadrilateral.

It is unclear why the drafters preferred to talk about the 'Church of England formularies' rather than 'the historic Anglican formularies' or what the significance is of their use of the adjective 'significant' to qualify the term 'witness.'

In 1.1.3 the drafters decided to stick with the language of the Lambeth Quadrilateral and not to take on board the Church of England query about whether this implied a particular view of sacramental theology that not all Anglicans would accept.

3. Our Commitment to the Confession of the Faith

The Nassau Text

3 Our Commitment to Confession of the Faith

(Deuteronomy 30.11-14, Psalm 126, Mark 10.26-27, Luke 1.37, 46-55, John 8: 32, 14:15-17, 1 Corinthians 11.23-26, 2 Timothy 3:10-4:5;)

In seeking to be faithful to God in their various contexts, each Church commits itself to:

- (1) uphold and act in continuity and consistency with the catholic and apostolic faith, order and tradition, biblically derived moral values and the vision of humanity received by and developed in the communion of member Churches;
- (2) seek in all things to uphold the solemn obligation to sustain Eucharistic communion, welcoming members of all other member churches to join in its own celebration, and encouraging its members to participate in the Eucharist in a member church in accordance with the canonical discipline of that host church;
- (3) ensure that biblical texts are handled faithfully, respectfully, comprehensively and coherently, primarily through the teaching and initiative of bishops and synods, and building on the best scholarship, believing that scriptural revelation must continue to illuminate, challenge and transform cultures, structures and ways of thinking;
- (4) nurture and respond to prophetic and faithful leadership and ministry to assist our Churches as courageous witnesses to the transformative power of the Gospel in the world.
- (5) pursue a common pilgrimage with other members of the Communion to discern truth, that peoples from all nations may truly be free and receive the new and abundant life in the Lord Jesus Christ.

The Church of England text

3 Our Commitment to Confession of the Faith

In seeking to be faithful to God in our various contexts, we commit ourselves to:

- (1) uphold and act in continuity and consistency with the catholic and apostolic faith, order and tradition;
- (2) uphold and proclaim a pattern of Christian moral reasoning and discipline that is rooted in, and answerable to, the teaching of Holy Scripture and the Catholic tradition, and that reflects the renewal of humanity and the whole created order through the death and resurrection of Christ and the holiness that in consequence God gives to, and requires from, His people;
- (3) seek in all things to uphold the Christian obligation to sustain Eucharistic communion, welcoming members of all other member churches to join in our own celebrations, and encouraging our members to participate in the Eucharist in another member church in accordance with the canonical discipline of that host church;
- (4) ensure that biblical texts are handled faithfully, respectfully, comprehensively and coherently, primarily through the teaching and initiative of bishops and synods, and building on the best scholarship, in the belief that scriptural revelation must continue to illuminate, challenge and transform cultures, structures and ways of thinking;
- (5) nurture and respond to prophetic and faithful leadership and ministry to assist our churches as courageous witnesses to the transformative power of the Gospel in the world.
- (6) pursue a common pilgrimage with other members of the Communion to discern truth, so that people from all nations may truly be free and receive the new and abundant life that Christ offers .

The St Andrew's draft

1.2 In *living out this* inheritance of faith together in varying contexts, each Church *of the Communion* commits itself:

- (1.2.1) **to uphold and act in continuity and consonance with Scripture and the catholic and apostolic faith, order and tradition;**
- (1.2.2) **to uphold and proclaim a pattern of Christian theological and moral reasoning and discipline that is rooted in and answerable to the teaching of Holy Scripture and the catholic tradition and that reflects the renewal of humanity and the whole created order through the death and resurrection of Christ and the holiness that in consequence God gives to, and requires from, his people;**
- (1.2.3) to seek in all things to uphold the solemn obligation to sustain Eucharistic communion, in accordance *with existing canonical disciplines as we strive under God for the fuller realisation of the Communion of all Christians;*
- (1.2.4) to ensure that biblical texts are handled faithfully, respectfully, comprehensively and coherently, primarily through the teaching and initiative of

bishops and synods, *and building on habits and disciplines of Bible study across the Church and on rigorous scholarship*, believing that scriptural revelation *continues* to illuminate and transform individuals, cultures and societies;

(1.2.5) nurture and respond to prophetic and faithful leadership in ministry and mission *to equip God's people to be* courageous witnesses to the power of the Gospel in the world.

(1.2.6) pursue a common pilgrimage with other *Churches* of the Communion to discern *the Truth*, that peoples from all nations may truly be set free to receive the new and abundant life in the Lord Jesus Christ.

Commentary

In 1.2 'living out this inheritance of faith' replaces 'seeking to be faithful to' and it is made clear that the churches committing themselves are churches of the Anglican Communion.

1.2.1-1.2.2 are drawn from the Church of England text with the addition of a reference to 'Scripture' in 1.2.1.

1.2.4 makes reference to varying approaches to Bible study across the Communion and substitutes 'rigorous scholarship' for 'the best scholarship' in the Nassau text.

1.2.3 simplifies the Nassau and Church of England texts by referring to 'existing canonical disciplines' and links the obligation to sustain Eucharistic communion with the ecumenical quest.

In 1.2.4 'equip' replaces 'assist' and 'transformative' is omitted.

In 1.2.6 'truth' becomes 'the Truth' (presumably referring to Christ as in Jn 14:6) and the language from the Nassau text about 'new and abundant life in the Lord Jesus Christ' is preferred to the Church of England's suggestion of 'the new and abundant life that Christ offers'

4. The life we share with others

The Nassau text

4 The Life We Share with Others: Our Anglican Vocation
(*Jeremiah 31.31-34, Ezekiel. 36.22-28, Matthew 28.16-20, John 17.20-24, 2 Corinthians 8-9, Ephesians 2:11-3:21, James 1.22-27*)

(1) We affirm that Communion is a gift of God: that His people from east and west, north and south, may together declare his glory and be a sign of God's Kingdom. We gratefully acknowledge God's gracious providence extended to us down the ages, our origins in the undivided Church, the rich history of the Church in Britain and Ireland shaped particularly by the Reformation, and our growth into a global communion through the various mission initiatives.

(2) As the Communion continues to develop into a worldwide family of interdependent churches, we also face challenges and opportunities for mission at local, regional, and international levels. We cherish our faith and mission heritage as offering us unique opportunities for mission collaboration, for discovery of the life of the whole gospel and for reconciliation and shared mission with the Church throughout the world.

(3) The member Churches acknowledge that their common mission is a mission shared with other churches and traditions not party to this covenant. It is with all the saints that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

(4) We commit ourselves to answering God's call to share in his healing and reconciling mission for our blessed but broken and hurting world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

(5) In this mission, which is the Mission of Christ [7], we commit ourselves

1. to proclaim the Good News of the Kingdom of God
2. to teach, baptize and nurture new believers;
3. to respond to human need by loving service;
4. to seek to transform unjust structures of society; and
5. to strive to safeguard the integrity of creation and to sustain and renew the life of the earth.

⁷ Cf. The five Marks of Mission as set out in the MISSIO Report of 1999, building on work at ACC-6 and ACC-8.

The Church of England text

4 The Life We Share with Others: Our Anglican Vocation

(1) We affirm that Communion is a gift of God: that His people from east and west, north and south, may together declare his glory and be a sign of God's Kingdom. We gratefully acknowledge God's gracious providence extended to us down the ages, our origins in the Church of the Apostles, the ancient common traditions, the rich history of the Church in Britain and Ireland shaped by the Reformation, and our growth into a global communion through the missionary work of the Church.

(2) As the Communion continues to develop into a worldwide family of interdependent churches, we also face challenges and opportunities for mission at local, regional, and international levels. We cherish the fact that our faith and mission heritage offers us unique opportunities for discovery of the life that the whole gospel offers and for reconciliation and collaboration in mission with the Church throughout the world as we seek to bear witness to the transforming power of God's coming kingdom.

(3) We acknowledge that our common mission is shared with other churches and traditions. It is only with all the saints that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

(4) We commit ourselves to answering God's call to share in his healing and reconciling mission for our blessed but broken and hurting world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

(5) In this mission, which is the Mission of Christ, we commit ourselves, in accordance with the 'Five Marks of Mission'

1. to proclaim the Good News of the Kingdom of God
2. to teach, baptize and nurture believers;
3. to respond to human need by loving service;
4. to seek to transform unjust structures of society; and
5. to strive to safeguard the integrity of creation and to sustain and renew the life of the earth.

The St Andrew's Draft

Section Two: The Life We Share with Others: Our Anglican Vocation

2.1 Each Church of the Communion affirms:

(2.1.1) that communion is a gift of God: that His people from east and west, north and south, may together declare his glory and be a sign of God's *Reign*. We gratefully acknowledge God's gracious providence extended to us down the ages, **our origins in the Church of the Apostles, the ancient common traditions, the rich history of the Church in Britain and Ireland shaped by the Reformation, and our growth into a global communion through the expanding missionary work of the Church.**

(2.1.2) *the ongoing mission work of the Communion.* As the Communion continues to develop into a worldwide family of interdependent churches, we *embrace* challenges and opportunities for mission at local, regional, and international levels. *In this*, we cherish our faith and mission heritage as offering Anglicans *distinctive* opportunities for mission collaboration.

(2.1.3) that our common mission is a mission shared with other churches and traditions *beyond this covenant*. *We embrace opportunities for the discovery of the life of the whole gospel and for reconciliation and shared mission with the Church throughout the world.* It is with all the saints that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

2.2 In recognition of these affirmations, each Church of the Communion commits itself:

(2.2.1) to answer God's call to evangelisation and to share in his healing and reconciling mission for our blessed but broken, hurting and fallen world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

(2.2.2) In this mission, which is the Mission of Christ^[8], each Church undertakes:

- (2.2.2.a) to proclaim the Good News of the Kingdom of God;
- (2.2.2.b) to teach, baptize and nurture new believers;
- (2.2.2.c) to respond to human need by loving service;
- (2.2.2.d) to seek to transform unjust structures of society; and
- (2.2.2.e) to strive to safeguard the integrity of creation and to sustain and renew the life of the earth.

Commentary

The St Andrew's draft divides section 4 of the Nassau and Church of England texts into two, 2.1 and 2.2.

2.1 corresponds to subsections 1-3 of the Nassau and Church of England texts. It has a new subheading that is not in these texts.

In 2.1.1 the word 'reign' replaces the word 'kingdom' in the other two texts. In the second sentence the suggestions made in the Church of England text have been adopted.

In 2.1.2 there is a new introductory sub- heading and four changes in the remainder of the text. The more positive 'embrace' replaces 'face', 'in this' is added at the start of the second sentence, 'distinctive' replaces 'unique.'

In 2.1.3 'beyond this covenant' replaces 'not party to this covenant' in the Nassau text and the suggestion in the Church of England text of simply saying 'other churches and traditions.' The material in the second sentence of this subsection has been moved from its place at the end of the previous subsection in the Nassau and Church of England texts. The Church of England's suggestion of adding 'only' before 'with all the saints' in the last sentence has not been adopted.

2.2 has a new subheading, but the rest of the text follows the Nassau text. The Church of England suggestion of omitting the word 'new' in the second of the marks of mission has not been adopted.

5 Our Unity and Common life

The Nassau Text

5 Our Unity and Common Life

(Numbers 11.16-20, Luke 22.14-27, Acts 2.43-47, 4.32-35, 1 Corinthians 11.23-26, 1 Peter 4:7-11, 5:1-11)

(1) We affirm the historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the

unity of his Church [8] and the central role of bishops as custodians of faith, leaders in mission, and as a visible sign of unity.

(2) We affirm the place of four Instruments of Communion which serve to discern our common mind in communion issues, and to foster our interdependence and mutual accountability in Christ. While each member Church orders and regulates its own affairs through its own system of government and law and is therefore described as autonomous, each church recognises that the member churches of the Anglican Communion are bound together, not juridically by a central legislative or executive authority, but by the Holy Spirit who calls and enables us to live in mutual loyalty and service.

I. Of these four Instruments of Communion, the Archbishop of Canterbury, with whose See Anglicans have historically been in communion, is accorded a primacy of honour and respect as first amongst equals (*primus inter pares*). He calls the Lambeth Conference, and Primates' Meeting, and is President of the Anglican Consultative Council.

II. The Lambeth Conference, under the presidency of the Archbishop of Canterbury, expressing episcopal collegiality worldwide, gathers the bishops for common counsel, consultation and encouragement and serves as an instrument in guarding the faith and unity of the Communion.

III. The Primates' Meeting, presided over by the Archbishop of Canterbury, assembles for mutual support and counsel, monitors global developments and works in full collaboration in doctrinal, moral and pastoral matters that have Communion-wide implications.

IV. The Anglican Consultative Council is a body representative of bishops, clergy and laity of the churches, which co-ordinates aspects of international Anglican ecumenical and mission work.

⁸ Cf. The Chicago-Lambeth Quadrilateral 1886/1888

The Church of England text

5 Our Unity and Common Life

(1) We affirm the potential importance of the structures of the Anglican Communion in assisting in the discernment, articulation and exercise of our shared faith and common mission.

(2) The historic episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of his Church and exercised in a personal, collegial and communal manner.

(3) The ministry of bishops within the whole Church as guardians of faith, leaders in mission, and as a visible sign of unity.

(4) The place of the four ‘Instruments of Communion,’ as instruments of unity and means of communion which serve to discern our common mind in Communion issues, and to foster our interdependence and mutual accountability in Christ.

(5) Each of our churches orders and regulates its own affairs through its own system of government and law and is in that sense autonomous. However we recognise that we are bound together, not juridically by a central legislative or executive authority, but by the Holy Spirit who calls and enables us to preach and live out the gospel in mutual loyalty and service.

The St Andrew’s Draft

3.1 Each Church of the Communion affirms:

(3.1.1) that by our participation in Baptism and Eucharist, we are incorporated into the one body of the Church of Jesus Christ, and called by Christ to pursue all things that make for peace and build up our common life;

*(3.1.2) its resolve to live in a Communion of Churches. Each Church, episcopally led and synodically governed, orders and regulates its own affairs and its local responsibility for mission through its own system of government and law and is therefore described as *autonomous-in-communion*[9]. Churches of the Anglican Communion are not bound together by a central legislative, executive or judicial authority. *Trusting in the Holy Spirit, who calls and enables us to live in mutual affection, commitment and service, we seek to affirm our common life through those Instruments of Communion by which our Churches are enabled to develop a common mind;**

*(3.1.3) the central role of bishops as **guardians** and teachers of faith, leaders in mission, and as a visible sign of unity, representing the universal Church to the local, and the local Church to the universal. This ministry is exercised personally, collegially and within and for the eucharistic community. We receive and maintain the historic threefold ministry of bishops, priests and deacons, ordained for service in the Church of God, as they call all the baptised into the mission of Christ;*

(3.1.4) the importance of instruments in the Anglican Communion to assist in the discernment, articulation and exercise of our shared faith and common life and mission. In addition to the many and varied links which sustain our life together, we acknowledge four particular Instruments which co-operate in the service of Communion:

The Archbishop of Canterbury, with whose See Anglicans have historically been in communion, is accorded a primacy of honour and respect as first amongst equals (*primus inter pares*). As a focus and means of unity, he gathers the Lambeth Conference and Primates’ Meeting, and *presides* in the Anglican Consultative Council;

The Lambeth Conference, expressing episcopal collegiality worldwide, gathers the bishops for common counsel, consultation and encouragement and serves as an

instrument in guarding the faith and unity of the Communion *and equipping the saints for the work of ministry and mission*^[10];

The Anglican Consultative Council is comprised of laity, clergy and bishops representative of our Provincial synods. *It facilitates the co-operative work of the Churches of the Anglican Communion, co-ordinates aspects of international Anglican ecumenical and mission work, calls the Churches into mutual responsibility and interdependence, and advises on developing provincial structures*^[11];

The Primates' Meeting is called by the Archbishop of Canterbury for mutual support, prayer and counsel. The Primates *and Moderators are called to work as representative of their Provinces in collaboration with one another in mission* and in doctrinal, moral and pastoral matters that have communion-wide implications.

Commentary

This section of the St Andrew's draft includes a lot of new material. As can be seen above, there is a new section heading, 3.1.1 on sacramental participation in the body of Christ and the opening of 3.1.4 on the importance of the Instruments of Communion are almost entirely new, while 3.1.3 on the episcopate greatly extends the second half of section 5 (1) of the Nassau and Church of England texts. 3.1.3 also follows the Church of England suggestion of describing bishops as 'guardians' rather than 'custodians' of the faith.

3.1.2 has a new opening, adds the description of Anglican churches as 'episcopally led and synodically governed', replaces the description of the churches as 'autonomous' with a reference to their being 'autonomous in communion' taken from paragraph 75 of the Windsor Report and adds a new last sentence which links the churches' trust in the Holy Spirit to their commitment to the Instruments of Communion.

The St Andrew's draft follows the Nassau text rather than the Church of England text in including the description of the Instruments of Communion in the main text rather than in the Introduction. It changes the order of the Instruments to reflect the order in which they developed and it offers an expanded description of them that draws on a variety of Communion documents including the ACC constitution and the account of the Primates given in the *Windsor Report* as well as making reference to Eph 4.12.

6 Unity of the Communion

The Nassau Text

6 Unity of the Communion

(*Nehemiah 2.17,18, Mt. 18.15-18, 1 Corinthians 12, 2 Corinthians 4.1-18, 13: 5-10, Galatians 6.1-10*)

Each Church commits itself

(1) in essential matters of common concern, to have regard to the common good of the Communion in the exercise of its autonomy, and to support the work of the Instruments of Communion with the spiritual and material resources available to it.

(2) to spend time with openness and patience in matters of theological debate and discernment to listen and to study with one another in order to comprehend the will of God. Such study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. Some issues, which are perceived as controversial or new when they arise, may well evoke a deeper understanding of the implications of God's revelation to us; others may prove to be distractions or even obstacles to the faith: all therefore need to be tested by shared discernment in the life of the Church.

(3) to seek with other members, through the Church's shared councils, a common mind about matters of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches.

(4) to heed the counsel of our Instruments of Communion in matters which threaten the unity of the Communion and the effectiveness of our mission. While the Instruments of Communion have no juridical or executive authority in our Provinces, we recognise them as those bodies by which our common life in Christ is articulated and sustained, and which therefore carry a moral authority which commands our respect.

(5) to seek the guidance of the Instruments of Communion, where there are matters in serious dispute among churches that cannot be resolved by mutual admonition and counsel:

1. by submitting the matter to the Primates Meeting
2. if the Primates believe that the matter is not one for which a common mind has been articulated, they will seek it with the other instruments and their councils
3. finally, on this basis, the Primates will offer guidance and direction.

(6) We acknowledge that in the most extreme circumstances, where member churches choose not to fulfil the substance of the covenant as understood by the Councils of the Instruments of Communion, we will consider that such churches will have relinquished for themselves the force and meaning of the covenant's purpose, and a process of restoration and renewal will be required to re-establish their covenant relationship with other member churches.

The Church of England Text

We commit ourselves

(1) in essential matters of common concern, to have regard to the common good of the Communion in the exercise of our autonomy, and to support the work of the Instruments of Communion with our spiritual and material resources available to it;

(2) to spend time with openness and patience in matters of theological debate and discernment to listen and to study with one another in order to comprehend the will of God;

(3) to seek with other members, through the Church's shared councils, a common mind about matters of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches;

(4) to heed the counsel of our Instruments of Communion in matters which threaten the unity of the Communion, our fellowship with other churches and the effectiveness of our mission. While the Instruments of Communion have no juridical or executive authority in our Provinces, we recognise them as those bodies by which our common life in Christ is articulated and sustained, and which therefore carry a spiritual, pastoral and doctrinal authority which commands our respect;

(5) to submit matters in serious dispute that cannot be resolved by mutual admonition and counsel to the Primates so that (in accordance with the responsibilities given to them by the Lambeth Conferences of 1988 and 1998) they can offer guidance on how they may be resolved, either on the basis of the existing position of the Communion, or after the development of a common mind through consultation with the local churches of the Communion and their bishops and with the other Instruments of Communion.

(6) to refrain from intervening in the life of other Anglican churches (sc provinces) except in extraordinary circumstances where such intervention has been specifically authorised by the relevant Instruments of Communion.

(7) Acknowledging the need for the exercise of discipline within the life of the Church in order to preserve its holiness and the effectiveness of its mission and to ensure that those who have erred are brought to repentance, healing and restoration (Mt 18:15-20, 1 Cor 5:1-5, 2 Cor 2:5-11, 1 Tim 1:20), we commit ourselves to accept the patterns of discipline involved in being part of the Anglican Covenant. In the most extreme circumstances, where member churches choose not to fulfil the substance of the covenant as understood by the Instruments of Communion, we will consider such churches to have relinquished for themselves the force and meaning of the covenant's purpose, and we accept that a process of restoration and renewal will be required to re-establish their covenant relationship with other member churches.

The St Andrew's Draft

3.2 Acknowledging our interdependent life, each Church of the Communion commits itself:

(3.2.1) to have regard to the common good of the Communion in the exercise of its autonomy, and to support the work of the Instruments of Communion with the spiritual and material resources available to it;

(3.2.2) to respect the constitutional autonomy of all of the Churches of the Anglican Communion, while upholding the interdependent life and mutual responsibility of the Churches, and the responsibility of each to the Communion as a whole[12];

(3.2.3) to spend time with openness and patience in matters of theological debate and reflection to listen, pray and study with one another in order to discern the will of God. Such prayer, study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. Some issues, which are perceived as controversial or new when they arise, may well evoke a deeper understanding of the implications of God's revelation to us; others may prove to be distractions or even obstacles to the faith: all therefore need to be tested by shared discernment in the life of the Church.

(3.2.4) to seek with other Churches, through the Communion's shared councils, a common mind about matters understood to be of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches.

(3.2.5) to act with diligence, care and caution in respect to actions, either proposed or enacted, at a provincial or local level, which, in its own view or the expressed view of any Province or in the view of any one of the Instruments of Communion, are deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission, and to consent to the following principles and procedural elements:

(3.2.5.a) to undertake wide consultation with the other churches of the Anglican Communion and with the Instruments and Commissions of the Communion;

(3.2.5.b) to accept the legitimacy of processes for communion-wide evaluation which any of the Instruments of Communion may commission, according to such procedures as are appended to this covenant;

(3.2.5.c) to be ready to participate in mediated conversation between parties, which may be in conflict, according to such procedures as are appended to this covenant;

(3.2.5.d) to be willing to receive from the Instruments of Communion a request to adopt a particular course of action in respect of the matter under dispute. While the Instruments of Communion have no legislative, executive or judicial authority in our Provinces, except where provided in their own laws, we recognise them as those bodies by which our common life in Christ is articulated and sustained, and which therefore carry a moral authority which commands our respect.

(3.2.5.e) Any such request would not be binding on a Church unless recognised as such by that Church. However, commitment to this covenant entails an acknowledgement that in the most extreme circumstances, where a Church chooses not to adopt the request of the Instruments of Communion, that decision may be understood by the Church itself, or by the resolution of the Instruments of Communion, as a relinquishment by that Church of the force and meaning of the covenant's purpose, until they re-establish their covenant relationship with other member Churches.

(3.2.6) to have in mind that our bonds of affection and the love of Christ compel us always to seek the highest possible degree of communion.

Commentary

As in the previous section, this section of the St Andrew's text has lots of new material. That in 3.2.2 comes from the schedule to the Primates' Dar es Salaam Communiqué while the remainder seems too have come from the CDG itself.

There are three significant changes to the Nassau text.

- All specific reference to the role of the Primates has gone.
- A set of procedures by which all the Instruments of Communion would be involved in responding to controversial actions by particular churches is suggested instead. This idea is explored further in the draft appendix to the St Andrew's statement which is included as Appendix 1 I this report.
- Churches would be judged to have relinquished the 'force and meaning of the covenant's purpose' not by failing 'to fulfil the substance of the covenant' (as in the Nassau text) but by refusing a request for action by the Instruments of Communion. This means in effect that what would exclude a church from the Communion would not be doctrinal or moral offences, but solely the ecclesiological offence of refusing to obey the Instruments of Communion.

The suggestions made by the Church of England that:

- the Instruments of Communion should be concerned with matters which threatened the fellowship of the Anglican Communion with other churches
- the Instruments of Communion should be said to have 'spiritual, pastoral and doctrinal authority'
- there should be material relating to interventions in the life of other Anglican churches and to the need for the exercise of discipline in the life of the Church.

have not been adopted.

7. Declaration

The Nassau Text

7 Our Declaration

(Psalms 46, 72.18,19, 150, Acts10.34-44, 2 Corinthians 13.13, Jude 24-25)

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

The Church of England Text

7 Our Declaration

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

The St Andrew's Draft

Our Declaration

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

“Now may the God of Peace, who brought again from the dead our Lord Jesus, the great shepherd of the sheep, by the blood of the eternal covenant, make you complete in everything good so that you may do his will, working among us that which is pleasing in his sight, through Jesus Christ, to whom be the glory forever and ever. Amen.” (Hebrews 13.20, 21)

Comment

Like the Preamble the declaration section of the St Andrew's draft is unnumbered. In terms of its content, the first sentence follows the Nassau text exactly, not adopting the Church of England's suggested expansion of 'fruitful service' into 'fruitful service in the proclamation of the gospel.' The second sentence, which is entirely new, is a quotation from Hebrews 13, the significance of which is presumably seen to lie in the combination of a reference to the eternal covenant with the idea of God being at work among his people to make them 'complete in everything good.'

Appendix I – Proposed procedure for resolving disputes.

An Anglican Covenant - Draft Appendix

Framework Procedures for the Resolution of Covenant Disagreements

1. General Principles

1.1. All processes for the resolution of covenant disagreements which threaten the unity of the Communion and the effectiveness or credibility of its mission shall be characterised by the Christian virtues of charity, humility, patience and gentleness and the canonical principles of fairness, transparency, and reasoned decision-making.

1.2. No process shall affect the autonomy of any Church of the Communion. The term “Church” and all terms in this Appendix take their meaning from the Covenant itself.

1.3. No process shall exceed five years as from the date upon which a Church consults under Paragraph 3 of this Appendix.

1.4. Any matter involving relinquishment by a Church of the force and meaning of the Covenant purposes must be decided solely by that Church or by the Anglican Consultative Council in accordance with Paragraph 8 of this Appendix.

1.5. Each Communion body or instrument involved in the following procedures shall make its own rules, in consultation with the other Instruments of Communion, for the transaction of its business in accordance with the Covenant, the Framework Procedures and the Christian virtues and canonical principles set out in Paragraph 1.1 of this Appendix.

2. The Principle of Informal Conversation

2.1. If a Church (X) proposes to act or acts in any way that another Church (Y) or an Instrument of Communion (Z) claims to threaten the unity of the Communion and the effectiveness or credibility of its mission, then X Church, Y Church and Z instrument shall engage in informal conversation, as an act of communion, to try to resolve the matter.

2.2. The Anglican Consultative Council shall be disqualified from making a claim under 2.1, on the basis that it may later make a decision as to the relinquishment on the force and meaning of the Covenant purpose under paragraph 8, but it shall not be disqualified from entering into informal conversation under 2.1..

[ie 2.2 is about natural justice and keeps ACC in reserve for Paragraph 8]

3. The Principle of Consultation

3.1. If informal conversation fails in the view of X, Y or Z, or if X Church itself considers that an action or proposed action might threaten Communion unity and mission, then X Church must consult the Archbishop of Canterbury on the matter.

3.2. Within one month of being consulted, the Archbishop of Canterbury must either (a) seek to resolve the matter personally through pastoral guidance or (b) refer the matter to three Assessors, appointed as appropriate by the Archbishop.

3.3. If after one month of its issue, the pastoral guidance of the Archbishop is unsuccessful as determined by the Archbishop, the Archbishop shall as soon as practically possible refer the matter to the Assessors who shall act in accordance with Paragraph 3.4.

3.4. Having considered whether the matter involves a threat to the unity and mission of the Communion according to Article 3.2.5 of the Covenant, the Assessors shall recommend to the Archbishop, within one month of receiving the referral, one of the following routes:

- (a) if it is clear in the opinion of the Assessors that the matter involves a threat to the unity or mission of the Communion and that time may be of the essence, a request from the Archbishop of Canterbury;
- (b) if it is unclear in the opinion of the Assessors whether the matter involves a threat to the unity or mission of the Communion and time is of the essence, referral to another Instrument of Communion;
- (c) if it is unclear in the opinion of the Assessors whether the matter involves a threat to the unity or mission of the Communion, if time is not of the essence, and if the case would benefit from rigorous theological study, referral to a Commission for evaluation; or
- (d) if it is clear that the matter does not involve threat to the unity or mission of the Communion, mediation.

3.5. The Archbishop of Canterbury, having considered the Assessors' recommendation, and within one month of its receipt, shall either: (a) as an Instrument of Communion, issue a request to any Church involved; (b) refer the matter to another Instrument of Communion; (c) refer the matter to a Commission of the Communion for evaluation; or (d) send the matter for mediation.

4. Route 1: A Request of the Archbishop of Canterbury

4.1. When the Archbishop of Canterbury makes a request to a Church, that Church must within six months of receiving it (a) accept the request or (b) reject the request. The absence of a response will be considered as a rejection.

4.2. If a Church rejects the request, that Church may within three months of receiving the request appeal against it to the Joint Standing Committee of the Anglican Consultative Council and the Primates. The Church may appeal when it considers that there has been no threat to the unity or mission of the Communion.

4.3. On appeal, and within three months, the Joint Standing Committee must decide whether there has been a threat to the unity or mission of the Communion.

4.4. If the appeal is successful, the Joint Standing Committee shall certify immediately that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

4.5. If the appeal is lost, the Archbishop shall submit the request, rejection and appeal decision to the Anglican Consultative Council which shall deal with the matter in accordance with Paragraph 8.

5. Route 2: A Referral to another Instrument of Communion

5.1. When the Archbishop of Canterbury refers the matter to another Instrument of Communion, that Instrument must within one year of receiving the referral decide

whether there has been a threat to the unity or mission of the Communion. Having considered the matter, the Instrument shall make a request to any Church involved.

5.2. A Church shall within six months of receiving the request either (a) accept the request or (b) reject the request. The absence of a response will be considered as a rejection.

5.3. If a Church accepts the request, the Instrument of Communion to which referral is made shall as soon as is convenient certify that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

5.4. If a Church rejects the request, the Instrument of Communion to which the referral is made shall at its next meeting submit the request and rejection to the Anglican Consultative Council which shall deal with the matter in accordance with Paragraph 8.

6. Route 3: An Evaluation by a Commission

6.1. When the Archbishop of Canterbury decides to refer the matter to a Commission in the Communion, he shall choose which Commission in consultation with the Secretary General of the Anglican Communion.

[NOTE: This is without prejudice to the entitlement of any other Instrument of Communion requesting the Archbishop to set up Commissions or to any other Instrument of Communion likewise setting up such Commissions.]

6.2. The Commission shall engage in study of the issues involved in the matter, bringing in expertise as needed, and shall evaluate the acceptability of the act or proposed act of any Church involved.

6.3. Within eighteen months of the referral, the Commission shall submit its evaluation to an Instrument of Communion other than the Anglican Consultative Council as determined by the Archbishop of Canterbury. Having considered the evaluation, the Instrument shall issue a request to any Church involved.

6.4. If a Church accepts the request, the Instrument of Communion to which the evaluation is submitted shall certify as soon as is convenient that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

6.5. If a Church rejects the request, the Instrument of Communion to which the evaluation is submitted shall send the request and rejection to the Anglican Consultative Council which shall process the matter in accordance with Paragraph 8.

7. Route 4: Mediation

7.1. When the Archbishop of Canterbury decides on mediation, the Assessors shall work with the parties to set up a mediation process.

7.2. The parties shall appoint an independent third party who shall assist the parties involved to achieve a mutually acceptable resolution of the points of disagreement.

7.3. The mediator shall participate actively in the mediation, offering suggestions for resolution, trying to reconcile opposing assertions, and appeasing feelings of resentment between the parties.

7.4. The mediator has no decision-making authority and cannot compel the parties to accept a settlement.

7.5. On each anniversary of the establishment of the mediation, the Assessors shall report on the process to the Archbishop of Canterbury. Within three years of the establishment of the mediation, the Archbishop of Canterbury together with the Joint Standing Committee of the Anglican Consultative Council and Primates' Meeting shall certify the conclusion of the mediation process.

7.6. If a party refuses to enter mediation, it will be presumed to have threatened the unity of the Communion and the effectiveness or credibility of its mission, under Article 3.2.5 of the Covenant, and the matter shall be dealt with at the next meeting of the Anglican Consultative Council in accordance with Paragraph 8.

8. Rejection of a Request from an Instrument of Communion

8.1. If a Church rejects a request of an Instrument of Communion, that Instrument shall send the request and rejection to the Anglican Consultative Council.

8.2. At its next meeting, the Council shall decide whether the rejection of the request is compatible with the Covenant.

8.3. If the Council decides that the rejection of the request is compatible with the Covenant, the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

8.4. If the Council decides that the rejection is incompatible with the Covenant, then during the course of that meeting of the Council either (a) the Church involved may declare voluntarily that it relinquishes the force and meaning of the purposes of the Covenant, or (b) the Council shall resolve whether the Church involved may be understood to have relinquished the force and meaning of the purposes of the Covenant.

8.5. If a declaration or resolution of relinquishment is issued, the Anglican Consultative Council must as soon as is practicable initiate a process of restoration with the Church involved in consultation with all the Churches of the Communion and the other Instruments of Communion.

Commentary

This section of the St Andrew's material is an attempt to flesh out in more detail the basic suggestions for dealing with disputes within the Communion set out in section 3.2.5 of the St Andrew's text. Although the suggestions are fairly detailed, what is being proposed in them is quite straightforward..

What is being suggested is that if there is a matter under dispute that cannot be resolved by informal conversation between the parties involved the matter will be referred to the Archbishop of Canterbury who will either seek to resolve it personally or refer it on to three Assessors appointed by him. Depending on their judgement of the importance and urgency of the issue they will make a recommendation to the Archbishop who will decide whether he should deal with it, or whether it should be dealt with by another Instrument of Communion, by a Commission of the Communion, or by mediation. In the first three cases a request for a certain line of action to be taken will eventually be issued and refusal to accede to a request will lead to a referral to the ACC (subject to a possible appeal to the Joint Standing Committee and the Primates in the case of a request from the Archbishop of Canterbury) which will decide whether this refusal is compatible with the Covenant. Referral to the ACC would also follow if a church refused to enter mediation.

If the ACC decides that a church has acted in a way that is incompatible with the Covenant either it or the ACC may decide that it has 'relinquished the force and meaning of the purposes of the Covenant.' If this happens, the ACC must initiate a process of restoration as soon as possible.

Unlike the suggestions in the Nassau text, this proposed procedure gives the Archbishop of Canterbury and the ACC rather than the Primates the key roles in handling disputes within the Communion.

It should be noted that the commentary on the St Andrew's draft issued by the CDG describes it as 'a tentative draft' that 'will need much scrutiny and careful analysis.'

Appendix 2 Comments from Dr Ephraim Radner

These comments were posted on Kendall Harmon's blog *Titus One Nine*. They explain why the St Andrew's draft no longer gives a central role to the Primates Meeting.

'Several quick comments from one who was a part of the Design Group:

1. The articulation of a procedural "framework" was necessary, for a host of reasons, including legality, prudence, justice, and efficacy. As #23 notes, this had as its consequence a number of elements, including enumerated detail ("prolixity" is not exactly a fair charge, I think, given the nature of these kinds of outlines which, in other contexts, tend to be far more, not less, extended). It must be said that responses from the Communion on this section in the first draft were uniformly concerned about the vagueness of what had earlier been proposed, a vagueness that might move against the reasons listed above for change. And this concern was voiced by parties of both "liberal" and "conservative" character. It should be said, however, that the movement towards such concrete outlines is surely not going to be welcomed by many for whom the very idea of covenantal discipline is repugnant.
2. The shift away from making the Primates' Meeting a gateway of evaluative articulation for the Communion was motivated by several reasons. It is not clear that this is a role the Primates themselves wish to assume; it quite evident that this is a role

that the Primates' Meeting has currently shown itself incapable of performing (being at present divided amongst itself in rather spectacular ways, and seemingly unable to speak decisively into its own midst); it is not clear that there is sufficient distance from or lack of implication within, among the Primates, the very disputes that might be at issue. Certainly, there is room in the present outline for the Primates' Meeting to exercise self-discipline, to initiate procedures, and to provide clear evaluations and directives.

3. The ACC as a last evaluative body regarding covenantal faithfulness might suggest itself for some legal reasons, among others, given that they are the only Instrument of Communion constitutionally charged with membership decisions (although not currently this particular one). The relationship of Provinces to the ACC is already defined, in this regard, and this definition may provide some useful foundation for the implementation of these suggested procedural endpoints. It needs to be said, however, that there is probably no uniform sense within the Communion or even within the Covenant Design Group about this conclusion. The notion of erecting a final "tribunal", separate from the current Instruments or structures of the Communion is one that has long been resisted in the Communion (dating from the first Lambeth Conference, in fact). But short of that, it is not clear what the alternatives are, and none were suggested within the responses we received.

4. It should be noted that there are several means available, in the face of dispute or the threat of danger (in terms of teaching and/or unity), to move more quickly, indeed even bypassing the various procedural options outlined in the appendix. The suggested framework is deliberately not "one-size-fits-all", provides the Instruments of Communion (apart from the ACC) with direct engagement within matters that concern the Communion's integrity of life, and quite explicitly requires a range of disciplined decisions by all. The fact that individual churches might choose to ignore their commitments, or choose to contravene them, or choose to reject counsel, admonishment, and even common judgment is simply a part of what it means to be a free partner within a Covenant that involves multiple parties (i.e. the Church of Christ!). As #16 has rightly pointed out, within Anglicanism, both in its history and in its self-articulated self-ordering, the acknowledgement of such freedom and its rejectionary capacities gives rise to a particular way of ordering a response to this on the ground. Other Christian traditions have indeed chosen to order things differently and on the basis of differing kinds of acknowledgement concerning the nature of the Church's powers and choices, through transnational centralized authorities, congregationally-located authority, the comings and goings within the porousness of federation, and so on. Are these alternatives better or worse in the light of the Church's larger history? It is an interesting moment for all of us as we ponder just such fundamental questions. We believe, however, that the current draft at least points in the direction that is congruent with our long-standing commitments as Anglican Christians.

5. Readers should remember that this is second draft of what will prove to be at least 4 versions (the fourth, we hope, being the final one). It is to go to the bishops at the Lambeth Conference, where it will receive quite explicit and concrete comment and response, which will inform the 3rd draft later this year. It should by now be clear where the direction of the Covenant is oriented, including its basic form and the basic hopes and theology that structure its content. But of all the sections, surely the last must continue to be amended and refined on the basis of the wisdom of the

Communion itself. This is not the last version, and the constructive responses of all are in fact being and will continue to be carefully received, assessed and used.'

Summary Comments

A comparison of the three texts makes it clear that the CDG has taken an evolutionary rather than a revolutionary approach to its task. What we have been given is not something entirely new but a revision of the Nassau text, which adopts some of the suggestions made in the Church of England response and which also introduces material from a variety of other Anglican sources.

For the most part the revision is fairly conservative. However, there are major changes in section 3.2 and the draft appendix with the disappearance of the role of the Primates in the affairs of the communion as envisaged in the *Windsor Report* and the Nassau and Church of England texts and its replacement by an enhanced role for the Archbishop of Canterbury and the ACC within a detailed procedure for handling disputes within the Communion.

A number of issues are raised by the proposals in the St Andrew's draft which will require careful consideration.

- There is the practical issue of whether the Archbishop of Canterbury and his staff and/or the ACCs presently constituted have the capacity to handle the disputes procedure envisaged in the draft appendix.
- There is the political issue of whether an enhanced role for the ACC will be acceptable to those large numbers of conservatives within the Communion who regard the ACC with profound distrust.
- There is the ecclesiological issue of whether the final authority in the Communion should lie with the ACC as a synodical body consisting of bishops, clergy and laity from around the Communion or with the Primates meeting as the gathering of the senior bishops of the Communion.
- The fact that the draft appendix sees refusing requests for action made to them as the sole reason for churches being excluded from the Communion raises the unresolved issue of whether the current disputes within the Communion are primarily ecclesiological or doctrinal and moral in nature. That is to say, are the difficulties with TEC and the Anglican Church in Canada primarily due to their having broken the unwritten rules of the Communion or because they have departed from the witness of Scripture and the Catholic Tradition in key areas of faith and morals?
- The St Andrew's draft declines to adopt the suggestion in the Church of England response that there should be reference to the need for **'the exercise of discipline within the life of the Church in order to preserve its holiness and the effectiveness of its mission and to ensure that those who have erred are brought to repentance, healing and restoration'** and there is no alternative reference to the principle of discipline. This is a potentially significant omission because there are many in the

Communion who would argue that the proper exercise of Godly discipline is essential to the well being of the Church and that this point needs to be clearly established in text of any Anglican covenant.

- Finally, there is no reference to the question of intervention across provincial boundaries. Arguably this subject needs to be dealt with by the Covenant so that disputes about the legitimacy or otherwise of such interventions do not continue to cause the sort of damage to the life of the Communion that we have seen over the past few years.

M B Davie 8.2.08

THE ECUMENICAL BURDEN OF A COVENANTED FUTURE:
Why the Hope for the Anglican Communion Rests on an Embrace of its Ecumenical Charism
~ A Submission to the Covenant Design Group ~

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I. INTRODUCTION

The Windsor Process, initiated by *The Windsor Report* (henceforth TWR), and the subsequent Covenant Process that was recommended by TWR (§118-120¹), have drawn a vast and varied set of responses from around the Anglican Communion², and each response carries within it an implied interpretation of the purpose and nature of the Covenant – and thereby the Communion – itself. This paper works under the assumption articulated by Archbishop Rowan Williams at the end of the 2008 Lambeth Conference: not only do “we need to develop covenantal commitments,” and not only is “a Covenant is needed,” but our only future is a “covenanted future.” Such a future is one that “has the potential to make us *more* of a church; more of a ‘catholic’ church in the proper sense, a church, that is, which understands its ministry and service and sacraments as united and interdependent throughout the world.”³

Viewed from the gifted place of hope, the Covenant Process is an opportunity for the Communion to have the conversation about its own ecclesiological self-understanding that has been necessary since at least as early as the first Lambeth Conference of 1867. While it has been

¹ *The Lambeth Commission on Communion: The Windsor Report 2004* (Morehouse Publishing/Anglican Consultative Council, 2004), 48-50. Appendix Two of TWR presents a possible draft, which the Commission was at pains to emphasize “is only a preliminary draft and discussions document” (§118).

² In this paper, when I used the terms “Anglican,” “Anglicanism” and “Anglican Communion,” I assume what the drafters of TWR assume, which is the definition set forth in Resolution 49 of the 1930 Lambeth Conference, later incorporated into the Preamble of the Constitution of The Episcopal Church (and other Provinces), which states:

The Conference approves the following statement of nature and status of the Anglican Communion, as that term is used in its Resolutions:

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

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

The Conference makes this statement praying for and eagerly awaiting the time when the Churches of the present Anglican Communion will enter into communion with other parts of the Catholic Church not definable as Anglican in the above sense, as a step towards the ultimate reunion of all Christendom in one visibly united fellowship.

³ The Archbishop of Canterbury, The Most Rev'd Dr Rowan Williams, “Concluding Presidential Address to the Lambeth Conference 2008,” 3 August 2008, <http://www.anglicancommunion.org/acns/news.cfm/2008/8/3/ACNS4511>.

an incredibly painful, some might even say disorienting process, thus far, there are few who would argue that the admittedly ambiguous nature of Anglican ecclesiology – and therefore of Anglicanism itself – cannot continue without a serious and substantive reflection on its self-understanding sometime in the near future. If not now, it is increasingly clear that there will not be another ‘when.’ The consent to the election and then the consecration of Gene Robinson to the episcopacy in The Episcopal Church (TEC) and the authorization of rite of blessing for same sex unions in the Diocese of New Westminster in the Anglican Church of Canada were simply the occasions that highlighted the long-prescient problem within Anglicanism’s self-understanding: namely, that it lacks what Archbishop Williams has described as

a set of adequately developed structures which is able to cope with the diversity of views that will inevitably arise in a world of rapid global communication and huge cultural variety. The tacit conventions between us need spelling out – not for the sake of some central mechanism of control but so that we have ways of being sure we’re still talking the same language, aware of belonging to the one, holy, catholic and apostolic Church of Christ. It is becoming urgent to work at what adequate structures for decision-making might look like.”⁴

The problem is not simply, as some have claimed, over whether the Holy Scriptures are “the revealed Word of God,”⁵ “containing all things necessary to salvation”⁶ and as “the rule and ultimate standard of faith.”⁷ The problem includes the interpretation of Scripture, but interpretation simply leads in the direction of the more substantive problem that now looms over the Communion, and to which Archbishop Williams refers. That foundational problem is the lack of structures that allow for the exercise of authority within the Communion, that are able to determine the limits of diversity for the sake of unity in faith and order, and that allow for a clear and unified witness to the Gospel revealed in Jesus Christ. There are some who have forcefully argued as of late that the divergence of opinion in this particular matter has exposed contradictory theological and ecclesiological positions that are at such fundamental odds with each other, that and more calls for “listening” or “reception” or “dialogue” will simply spell the end of the Communion if there is not clarity about how the present theological incoherence can be resolved.

The focus on this submission and proposal will be very narrow but assumes much of what some of the other submissions⁸ to the CDG have highlighted as it concerns the second draft of the Anglican Covenant (henceforth referred to as the St Andrew’s Text). By way of affirmation, I am most notably encouraged by the way in which ecumenical concerns and considerations have come to the fore much more significantly in the St Andrew’s Text than in

⁴ The Most Rev’d Dr Rowan Williams, “The Challenge and Hope of Being Anglican Today,” 27 June 2006.

⁵ From the version of what is known as “The Chicago-Lambeth Quadrilateral,” adopted by the House of Bishops of The Episcopal Church in 1886 (quoted in *The Book of Common Prayer* (1979) The Episcopal Church (Church Publishing: New York, 1990), 876 (this will be cited in the future simply as BCP; other Prayer Books will be noted specifically).

⁶ Article VI “Of the Sufficiency of the Holy Scriptures for Salvation” of the Articles of Religion (quoted in BCP 877) and used in Resolution 11 of the Lambeth Conference of 1888, which is what is now known as “The Chicago-Lambeth Quadrilateral.”

⁷ Resolution 11, Lambeth Conference of 1888, quoted in *Resolutions of the Twelve Lambeth Conferences 1867-1988*, Roger Coleman ed., (Anglican Book Centre: Toronto, 1992), 13.

⁸ E.g. The Rev’d Dr Philip Turner, “A Self-Defining Moment for the Anglican Communion: A Comment on the St Andrew’s Text of the Anglican Covenant,” 1 May 2008, <http://anglicancommunioninstitute.com/content/view/139/2/>.

the first draft.⁹ The explicit use of the Anglican-Orthodox statement on ecclesiology, *The Church of the Triune God* (Cyprus, 2007) is an obvious example among many of this new ecumenical sensitivity. Closely related is the shift to a conscious and linguistically-careful recognition of the Communion's participatory action in the wider Church Catholic. This is important because, among other reasons, it acknowledges the simple fact that the actions of part of one Christian communion will affect not only others in their ecclesial community, but Christians in other fellowships as well.¹⁰

This emphasis on ecumenism points to a fact that must be considered at the onset of this discussion: the centrality of ecumenism to the irreducible core of the Anglican Communion. The Chicago-Lambeth Quadrilateral (1868, 1888) is a landmark text in the history of ecumenism for a number of reasons, not least being the early date of its arrival. One of the central assertions that it makes, implicit as it may be, is that the Anglican Communion is a provisional reality, a claim that is neither an accident nor an anomaly. This fact is distinctive among Christian bodies, not simply among those who consider themselves "catholic" in some form, but among Protestant bodies as well. This claim to provisionality, in fact, has been intimated toward and reiterated in various forms from that point on, both in official documents and in the writings of major Anglican theologians and historians, such as Archbishop Michael Ramsey and Stephen Neil.¹¹

⁹ My thanks to Mr Christopher Wells (University of Notre Dame) for his permission to make use of his comments in "The ecumenical mind of the Covenant Design Group: Notes on the St. Andrew's draft," published 6 March 2008, <http://covenant-communication.com/?p=615>.

¹⁰ See "Ecclesiological Reflections on the Current Situation in the Anglican Communion in Light of ARCIC: Report of the ad hoc sub-commission of IARCCUM presented to the Most Reverend and Right Honorable Archbishop of Canterbury, Rowan Williams and to the President of the Pontifical Council for Promoting Christian Unity, Cardinal Walter Kasper," 8 June 2004, §2, <http://www.anglicancommunion.org/ministry/ecumenical/dialogues/catholic/iarccum/docs/2004report.cfm>. For example, in §44: "We have tried to show how the decision of the Episcopal Church USA to proceed with the recent consecration despite sustained strong opposition from large segments of the Anglican Communion calls into question significant portions of our agreed statements on authority and ecclesiology: the nature of ecclesial communion; the mutual interdependence of churches; the role of episcopal and collegial authority in maintaining the unity of the communion; the process of discernment in the communion."

See also this comment in the observations presented by the Windsor Continuation Group to the 2008 Lambeth Conference: "Some partners are beginning to raise questions about the identity of their Anglican partner. In the light of the ecumenical movement, there can no longer be tensions in one Communion that do not have wider repercussions across the whole Christian family" (§1.f),

http://www.anglicancommunion.org/commission/windsor_continuation/docs/WCG%20Observations%20080724.pdf.

¹¹ E.g. Stephen Neil in *Anglicanism*, 4th ed. (Oxford: New York, 1977), 406: "Christian Churches, like Christian individuals, if they desire to follow their Master, must be prepared to die for His sake; but it may be incumbent on them, as on their Master, at certain moments to say, 'My time is not yet come.'...Churches cannot enter into union with one another except by dying to their existence as separate Churches; they ought not to do so, unless they are assured that God himself is calling them to death with a view to a better resurrection. It should be our prayer that Anglicanism "will not unduly or selfishly cling to their Anglican life in separation."

Also, Michael Ramsey, *The Gospel and the Catholic Church*, first U.S. edition (Cowley: Cambridge, MA, 1990), 222, 223: "Hence the movement towards reunion consists not only or even primarily in the discussions between churches or in their schemes of readjustment, imperative as these may be. It consists rather in the growth within every part of the Church of the trust of the Body and the Passion, no less than the "outward marks" which express those truths."

"No "unchurching," and no denials of the experience of any Christians need accompany the firmest insistence upon Episcopacy, so long as the insistence is made in terms of the universal Church. The truth manifested in Congregational fellowship, in Presbyterian order, in every section of Christendom will be preserved as parts, but

By “provisional reality,” I mean simply to say that Anglicanism has been unambiguous not only that the Communion is not constitutive of the “one, holy catholic and apostolic church” named in the Nicene Creed but that, if the Communion is faithful to its calling in God’s Providence, it will one day cease to exist as a distinct, ecclesial community when the gift of “home reunion” has been fully received. The fact that the Communion is a “fellowship” within that larger Church Catholic is made patently clear in the St Andrew’s Text by distinguishing it from the churches of the Anglican Communion by the use of the uppercase “Church” (a practice which I also will follow in this essay).¹² It is this very tension that the Quadrilateral expresses, being both an attempt at self-definition and a proposal of “mere Catholicism” to stand as the basic center and foundation upon which any possibility of true unity in the Faith can rest.

One significant problem that I think bears mention at the onset, since it is related to the discussion which follows, is the development in the St Andrew’s Text where “final determinations are to be made by the Anglican Consultative Council (8.1)”¹³ and not the Primates’ Meeting, as Resolution III.6 of Lambeth 1998 and the TWR (§A1.5) have encouraged.¹⁴ The consistent direction of the central documents in the Communion over the past 20 years – e.g. the *The Virginia Report* (TVR), *The Windsor Report*, the latest document from the Inter Anglican Theological and Doctrinal Commission (IATDC), *Communion, Conflict, and Hope* (2008) – has been to see the role of the episcopacy as a ministry fundamentally of teaching and guarding. While the desire for a more democratic style of relating may have been the impetus for this switch, such a move confuses the roles of the various orders of the ministry and places the bishops in an equal position with the other Orders and the laity, at least as it concerns doctrinal matters of faith and order, so as to profoundly obscure their particular episcopal charism: “to be one with the apostles in proclaiming Christ’s resurrection and interpreting the Gospel” and “to guard the faith, unity, and discipline of the Church.”¹⁵

The purpose of this paper is to offer first, a theological rationale and second, three distinct proposals for how the ecumenical aspect of the Covenant can be strengthened even more, with particular attention given to the notion of primacy. And I trust that the merits of each will be considered on their own. The documents of the Anglican-Roman Catholic International Commission (ARCIC) will serve as my main interlocutor, with the voices of the resolutions of the Lambeth Conferences and other major Communion documents harmonizing and providing counterpoint. The question and nature of primacy was not avoided in ARCIC; in fact, it was considered straight away in their second document, *Authority in the Church* and it is an issue with which the Communion must find clarity as it looks forward to a covenanted future. Any

only as parts of the whole. The Episcopate expresses another factor in the truth, namely the one historic family wherein all sections, including those now possessing Episcopacy, shall be made full. No Christian shall deny his Christian experience, but all Christians shall grow more fully into the one experience in all its parts.”

¹² See Note 2 on Resolution 49 of the Lambeth Conference of 1930 and the subsequent adoption of the same language into the Preamble of the Constitution of The Episcopal Church (TEC).

¹³ The Rev’d Dr Philip Turner, “A Self-Defining Moment for the Anglican Communion: A Comment on the St Andrew’s Text of the Anglican Covenant,” 1 May 2008, <http://anglicancommunioninstitute.com/content/view/139/2/>.

¹⁴ See also TWR §104, 106. This shift in the St Andrew’s text is found in the “Draft Procedural Appendix for the Anglican Covenant,” in §4.5, 5.4, 6.5, 7.6 and 8.1-5.

¹⁵ From “The Examination” in the service for the Ordination of a Bishop, *The Book of Common Prayer* (TEC) (Church Publishing: New York, 1979), 517.

self-conscious notion of the Communion's ecumenical vocation, and thus her provisionality within the providence of God, demands that the principles of theology within the ecumenical dispute¹⁶ and the ecumenical relationships themselves be central to the Anglican consciousness and thus to any Anglican Covenant. The Covenant's purpose must be clear: the basic self-preservation of Anglicanism as some kind of good *qua* good must be rejected outright. As Stephen Neil astutely notes, "The Anglican Churches has been the first in the world to consider soberly and seriously the possibility of their own demise."¹⁷ The very notion of a denomination or separated ecclesial communities, seen through the ecumenical lens of the Gospel's demands, requires that it "must be prepared to lose its individual life in a larger whole." The assumption of this proposal is that "God has entrusted to us in our Communion not only the Catholic faith, but a special service to render to the whole Church."¹⁸ Anglicanism has a great many charisms, one of them being this very tension between a self-conscious Catholic identity always informed by a profound sense of the need for reform, married to a realistic acknowledgment that the movement of the Spirit will one day correspond to a church that is "not longer in any strict sense of the term Anglican."¹⁹ These charisms and others must be preserved and nurtured, but never for her own sake: always for the good of the Gospel and the whole Catholic Church. Provisionality presumes not only that the various churches have charisms peculiar to their expression of the Christian Gospel, but that each particular church is also in want and is in need of the charisms of their brethren if they are to receive the fullness of catholicity.²⁰ Thus, at this critical juncture in the life of the Anglican Communion, we must carefully consider where we lack and are in need and what gifts we might re-receive from our separated brethren.

¹⁶ This language comes from the title to section II in Joseph Cardinal Ratzinger, *Principles of Catholic Theology: Building Stones for a Fundamental Theology*, translated by Sister Mary Frances McCarthy, S.N.D. (Ignatius Press: San Francisco, 1987).

¹⁷ Neil, *Anglicanism*, 404.

¹⁸ The Report of the Lambeth Conference 1948, quoted in Neil, *Anglicanism*, 405.

¹⁹ Neil, *Anglicanism*, 404.

²⁰ E.g., from *Unitatis redintegratio*: "On the other hand, Catholics must gladly acknowledge and esteem the truly Christian endowments from our common heritage which are to be found among our separated brethren. It is right and salutary to recognize the riches of Christ and virtuous works in the lives of others who are bearing witness to Christ, sometimes even to the shedding of their blood. For God is always wonderful in His works and worthy of all praise.

Nor should we forget that anything wrought by the grace of the Holy Spirit in the hearts of our separated brethren can be a help to our own edification. Whatever is truly Christian is never contrary to what genuinely belongs to the faith; indeed, it can always bring a deeper realization of the mystery of Christ and the Church.

Nevertheless, the divisions among Christians prevent the Church from attaining the fullness of catholicity proper to her, in those of her sons who, though attached to her by Baptism, are yet separated from full communion with her. Furthermore, the Church herself finds it more difficult to express in actual life her full catholicity in all her bearings" (§4.8-4.10). Austin Flannery, O.P., gen ed., *Vatican Council II: Volume I – The Conciliar and Post-Conciliar Documents*, new revised ed (Costello Publishing Company/Dominican Publications: Northport, NY/Dublin, Ireland, 1998), 380. All subsequent citations from Vatican II documents will be from Flannery and will be cited simply by paragraph number.

II. THE CONTRIBUTION OF ARCIC TO AN ECUMENICAL THEOLOGY OF AUTHORITY AND PRIMACY

While it could be considered an improper insertion of a seemingly random set of documents into the present conversations around Anglican identity, the strong influence of the ARCIC corpus, particularly the way it holds together the necessity of primacy within a communion ecclesiology, can be seen throughout much of TWR. Probably the most influential submission to the 2003 Windsor Commission was a document produced by a sub-committee of the International Anglican-Roman Catholic Commission on Unity and Mission (IARCCUM), which was established in 2001 in response to the meeting of Anglican and Roman Catholic bishops at Mississauga, Canada, called in May 2000 by then Archbishop of Canterbury, Dr George Carey, and the then-President of the Pontifical Council for Promoting Christian Unity, Cardinal Edward Cassidy. The purpose was clear: to “seek a way forward in the continuing relationship between the Anglican Communion and the Catholic Church.”²¹ The report from the sub-committee to the Windsor Commission, entitled “Ecclesiological Reflections on the Current Situation in the Anglican Communion in Light of ARCIC,”²² came at the request of Archbishop Rowan Williams, in consultation with Cardinal Walter Kasper of the Pontifical Council for Promoting Christian Unity. The purpose and intent of the report is laid out in its Introduction:

It is a significant confirmation of the progress we have made, and of the importance of our common commitment to the goal of full ecclesial communion, that the appearance of a fresh obstacle to achieving that goal has led to a common initiative to address that difficulty.²³

It is not going too far to say that this kind of constructive contribution is unique in the history of ecumenism: in response to a major crisis in one ecclesial community, their major ecumenical partners join with them to pray and consider how the theological contributions of their bi-lateral dialogue over the last thirty years could contribute to the preservation of unity and truth in the community in crisis. Such a response also makes an incredibly important theological and ecclesiological point that must remain in the foreground of any useful Covenant: “what one communion does has consequences for the other.”²⁴ The basic historical fact that it was from the Roman Catholic Church that the Church of England separated itself *in toto* seems to have had a serious impact on the serious commitment the Communion has exhibited in the way in which ARCIC has proceeded. And from the perspective of the Catholic Church, it was in *Unitatis reditengratorum* (The Decree on Ecumenism) at the Second Vatican Council that the Anglican Communion was singled out as “occupying a special place” among churches and ecclesial communities that have roots in the reformations of the sixteenth century, due precisely to the fact that in the Communion, “Catholic traditions and institutions in part continue to exist” (§13.3). It is on this “presumption” that the Roman Catholic Church has “proceeded to maintain relations at

²¹ *Growing Together in Unity and Mission: Building on 40 years of Anglican-Roman Catholic Dialogue*, An Agreed Statement by the International Anglican-Roman Catholic Commission for Unity and Mission, Preface.

²² “Ecclesiological Reflections on the Current Situation in the Anglican Communion in Light of ARCIC: Report of the ad hoc sub-commission of IARCCUM presented to the Most Reverend and Right Honorable Archbishop of Canterbury, Rowan Williams and to the President of the Pontifical Council for Promoting Christian Unity, Cardinal Walter Kasper,” June 8th, 2004, cited at <http://www.anglicancommunion.org/ministry/ecumenical/dialogues/catholic/iarccum/docs/2004report.cfm>

²³ “Ecclesiological Reflections,” §2.

²⁴ “Ecclesiological Reflections,” §2.

the highest level possible.”²⁵ Thus the historical facts that led to the existence of two separate ecclesial communities, the importance of ARCIC’s theological work, and the way the Roman Catholic Church’s commitment to the Anglican Communion evidenced in the submission of the IARCCUM sub-group to the Windsor Commission all point to why the ARCIC corpus should be a matter of careful consideration for the Communion – and the Covenant Design Group in particular – as it approaches the end of the Covenant process.

The first document to examine notions of primacy, and in particular the primacy of the bishop of Rome, was *Authority in the Church I* (1976; henceforth *Authority I*), and the subsequent Elucidation document (1981). This was the first of what would be three documents on authority (the others coming first in 1981 as part of ARCIC I and second in 1998 in ARCIC II). The question of ordained ministry more generally was the second topic treated by ARCIC in 1973, but that discussion was limited purposefully in order that still vexing questions – particularly the judgment about Anglican orders in the papal bull *Apostolicae curae*²⁶ and “the question of primacy,”²⁷ – could be considered more substantively.

In the Preface to *Authority I*, “the problem of papal primacy” is set out as the precise issue around which “our historical divisions found their unhappy origin.” And yet, an incredibly bold claim is made at the same time: “Communion with the see of Rome,” write the co-chairs, “would bring to the Churches of the Anglican Communion not only a wider *koinonia* but also a strengthening of the power to realise its traditional ideal of diversity in unity.” While a seemingly-radical statement, it sets out the assumption that is assumed by much of the official documents and statements by the Communion with regards to the Petrine ministry: while communion with a historic see, particularly the See of Rome, is understood to not be antithetical to Christ’s desire for the Church, such “communion” does not imply a universal jurisdiction that in any way impedes upon the ministry of a local bishop nor any power with regard to the constitution of the Deposit of Faith that is ever severed from the function of a synod or council. We also do well to remember from the outset that *Authority I*, as part of *The Final Report* of ARCIC I, was received by the Lambeth Conference in 1988, whose Resolution 8.1 states that the *Report* is “consonant in substance with the faith of Anglicans and believes that this agreement offers a sufficient basis for taking the next step forward towards the reconciliation of our Churches grounded in agreement in faith.”²⁸ The document begins with a robust, theological grounding of the notion of authority in the Christian Church, and it is to this that I turn first.

²⁵ Representatives from the Pontifical Council for Promoting Christian Unity cited in “Ecclesiological Reflections,” §48.

²⁶ Promulgated by Pope Leo XIII, 18 September 1896.

²⁷ §17, quoted in *The Final Report*, The Anglican-Roman Catholic International Commission [ARCIC I], Windsor, September 1981 (Forward Movement/U.S. Catholic Conference, 1982), 50. All subsequent quotations from the ARCIC I documents with be parenthetical by paragraph. It is instructive that just two years after the document on ministry was published, then Archbishop of Canterbury, Dr Donald Coggan, wrote Pope Paul VI to inform him “of the slow but steady growth of a consensus of opinion within the Anglican Communion that there are no fundamental objections in principle to the ordination of women to the priesthood” (9 June 1975). While the development was seen as a possible and serious impediment to organic unity, nonetheless it was an example of the new kind of relationship that was developing between the two communions.

²⁸ Quoted in *Resolutions*, 202.

The argument that is put forth in *Authority I* has its source in the very heart of the Christian faith, which is “the confession of Christ as Lord” (§1). Authority begins in Jesus the Word, to whom “God has given all authority in heaven and on earth” (§1). Thus, from the beginning, it is implicit that any authority in the Church begins as a participation in the person of Jesus Christ. “The authentic foundation of the faith” is found in Sacred Scripture and it is “through these written words [that] the authority of the Word of God is conveyed” (§2). The work of God the Holy Spirit is “to maintain the people of God in obedience to the Father’s will” and to safeguard “their faithfulness to the revelation of Jesus Christ and [equip] them for their mission in the world” (§3). The scriptural theology must be noted: Scripture is an authoritative revelation not just of Truth or of God, but specifically of the Second Person of the Trinity, Christ the Word. Thus, to submit to the authority of Scripture is to submit to Christ Himself, the One in whom all authority rests.²⁹

In addition to the Holy Spirit’s work in inspiring Sacred Scripture, the Spirit also works to give “to some individuals and communities special gifts for the benefit of the Church, which entitle them to speak and be heard (e.g. Eph 4:11, 12; 1 Cor 12:4-11).” (§5). This authority is related to what is described in Acts 2: “the apostles’ doctrine, the fellowship, the breaking of bread and the prayers” (§5) and is understood to be a ministry exercised primarily by the bishop. The basic purpose of such authority speaks to the very essence of the Church: the preservation and promotion of “the integrity of the *koinonia* in order to further the Church’s response to the Lordship of Christ and its commitment to mission” (ibid.). And so it should not be a surprise that the bishops “can require the compliance necessary to maintain faith and charity in its daily life” (ibid.). In this, the bishop does not act alone but as a part of all those entrusted with such a ministry. The *Elucidation* goes on to say that there are times when it is incumbent upon the bishop,

to declare a person to be in error in respect of doctrine or conduct, even to the point of exclusion from eucharistic communion, he is acting for the sake of the integrity of the community’s faith and life (§5).

Put in other words, when bishops make such a judgment, they are enumerating diversity’s limits in a particular arena. There is agreement that the ministry of oversight, exercised first by the bishop and then by those under the direction of the bishop, is a service that “is intrinsic to the Church’s structure according to the mandate given by Christ and recognised by the community” (*Authority I* §5).³⁰

This penultimate point – the bishop exercising his authority as one member of the college of bishops – highlights a tension that will run throughout all of the ARCIC documents as they consider authority: the relationship of the local church (i.e. a local community under the authority of one bishop [see §8]) to the universal. This can be seen in the way that *koinonia* is

²⁹ This theological insight is very pertinent to the reference in the introduction to some Anglicans who see the present crisis as fundamentally one over the authority of Scripture. The fact that Scripture requires interpretation means that judgments about what interpretations falls within the acceptable limits of diversity must come through the judgment of the Church, ultimately through the episcopate. Thus, the “authority of Scripture” arguments turn into a red herring. There are not many who simply want to jettison Scripture or say that it simply has no authority. But it is up to the Church’s teaching ministry to guide the Church in the ways in which Scripture’s authority has a direct bearing on the way Christians live their lives and thereby express in their bodies such that the Scriptures, and the Word Himself, are the final authority in the life of the Christian and in the Church’s communal life.

³⁰ The basis of this overview in *Authority I* comes in large part from *Lumen gentium*, §24-28.

extrapolated: “*koinonia* is realised not only in the local Christian communities, but also in the communion of these communities with one another” (§8). The proclamation of the Gospel, then, is not simply an action of the local church “but of all the churches together” (ibid.). The episcopacy expresses this in many ways, not least of which is our common belief that several bishops (traditionally at least three) participate in the ordination of a bishop. The common proclamation of the Gospel has involved from the earliest parts of the Church’s life the necessity for council among the Church’s leaders, as the Council of Jerusalem in Acts 15 demonstrates (§9).

An episcopal ministry of oversight that was beyond the bounds of a single diocese was a practice that developed quite early in the life of the Church and it is something with which the Church of England and other parts of the communion are quite familiar (see Section III for a discussion of the canons related to the Archbishop of Canterbury):

Early in the history of the Church a function of oversight of the other bishops of their regions was assigned to bishops of prominent sees. Concern to keep the churches faithful to the will of Christ was among the considerations which contributed to this development (§10).

Such a reality is also an expression of the interplay between the local and the universal because the responsibility received at ordination is at once for the local church and at the same time “in living awareness and practical service of the other churches” (§10). The purpose of this overseeing bishop is the same as that of the local bishop:

The bishop of a principal see should seek the fulfilment of this will of Christ in the churches of his region. It is his duty to assist the bishops to promote in their churches right teaching, holiness of life, brotherly unity and the Church’s mission to the world.

When he perceives a serious deficiency in the life or mission of one of the churches he is bound, if necessary, to call the local bishop’s attention to it and to offer assistance (§11).

While a rather massive historical leap, it is on this assumption, explains the document, that some type of universal ministry can be considered:

It is within the context of this historical development that the see of Rome, whose prominence was associated with the death there of Peter and Paul, eventually became the principal centre in matters concerning the Church universal” (§12).³¹

Communion with the bishop of Rome is not meant to be a stifling of the distinctive, local features in regional churches. Rather, “the purpose of this episcopal function of the bishop of Rome is to promote Christian fellowship in faithfulness to the teaching of the apostles” (ibid.).

³¹ This mention of the deaths of Peter and Paul in Rome in conjunction with the primacy of the See of Rome is a direct reference to *Adversus haereses* (c. 175-185 A.D.) by St Irenaeus of Lyons, the earliest extant record of patristic support for a primatial ministry exercised by the Bishop of Rome. His argument is quite straightforward: we are to embrace “that tradition derived from the apostles, of the very great, the very ancient, and universally known church founded and organized at Rome by the two most glorious apostles, Peter and Paul; as also [by pointing out] that faith preached to men, which comes down to our time by means of the successions of bishops. For it is a matter of necessity that every church should agree with this church, on account of its pre-eminent authority, that is, the faithful everywhere, inasmuch as the apostolical tradition has been preserved continuously by those [faithful men] who exist everywhere,” cited in *Adversus haereses* 3.3.1-2 in Alexander Roberts and James Donaldson, eds., *Translations of the Writings of the Fathers*, vol. 9 (Edinburgh: T & T Clark, 1880); <http://www.earlychristianwritings.com/text/irenaeus-fragments.html>. He implies an oral apostolic tradition of the preeminence of Rome, based upon the martyrdoms of St’s Peter and Paul in the ancient city. He also makes it clear that this is not the only basis for this preeminence. The consistent and faithful preservation of the apostolic faith by the local church in Rome was also an important factor in such a development.

Such a belief is not tied necessarily to particular ecclesial structures, as the history of the Catholic Church has shown. At its core, such a ministry of “primacy, rightly understood, implies that the bishop of Rome exercises his oversight in order to guard and promote the faithfulness of all the churches to Christ and one another” and not to imply “submission to an authority which would stifle the distinctive features of the local churches” (ibid.). At its best, the purpose of a universal, episcopal primate is to be a sign and preservation of catholicity, pointing and exhibiting the unity of the local churches in the one Church, bound together in the one Faith in the one Lord.

The language used in the document’s brief discussion of the First and Second Vatican Councils as it pertains to the Bishop of Rome, it should be noted, is a clear weakness and an example of where attempts at a charitable reading of historical circumstances led to a profound mischaracterization:

On the basis of this analogy the First Vatican Council affirmed that this service was necessary to the unity of the whole Church. Far from overriding the authority of the bishops in their own dioceses, this service was explicitly intended to support them in their ministry of oversight” (§12).

Such a characterization by the authors of the document puts them in a very small minority of theological readings of the relevant texts, particularly this section from *Pastor aeternus* (1869). This particular document, promulgated at the First Vatican Council, was a cause of intense concern among other ecclesial communities, Anglicans not least among them³²:

We teach and define as a divinely revealed dogma that when the Roman Pontiff speaks *ex cathedra*, that is, when, in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole church, he possesses, by the divine assistance promised to him in blessed Peter, that infallibility which the divine Redeemer willed his Church to enjoy in defining doctrine concerning faith or morals. Therefore, *such definitions of the Roman Pontiff are of themselves, and not by the consent of the Church, irreformable* (emphasis added).³³

Authority I goes on to claim that Vatican II brought more nuance to the matter and “placed this service in the wider context of the shared responsibility of all the bishops” (§12), while still quoting verbatim from *Pastor* concerning infallibility.³⁴ The difficulty of discussing this matter is due in large part to the recent history of the exercise of the prerogative as defined by Vatican I regarding *ex cathedra* statements, the second and last being the declaration of the dogma of the Assumption by Pope Pius XII in 1950, just twenty-six years before the publication of the document. The deficiency of ARCIC’s methodology of coming together to re-read and re-receive the past is seen most clearly in matters such as these where the history is quite recent. In

³² E.g. Recommendation 1 from the 1878 Lambeth Conference: “No bishop or other clergyman of any other Church should exercise his functions within that diocese without the consent of the bishop thereof.” Quoted in Coleman, *Resolutions*, 4.

³³ *Pastor aeternus*, (18 July 1870) Chapter 4 – “On the infallible teaching authority of the Roman pontiff, quoted in *Decrees of the Ecumenical Councils: Volume II-Trent to Vatican II*, edited by Norman P. Tanner, S.J. (Sheed & Ward/Georgetown University Press: London/Washington DC, 1990), 816.

³⁴ *Lumen Gentium* §25.3, quoted in Austin Flannery, O.P., gen ed., *Vatican Council II: Volume I – The Conciliar and Post-Conciliar Documents*, new revised ed (Costello Publishing Company/Dominican Publications: Northport, NY/Dublin, Ireland, 1998), 380. All subsequent citations from Vatican II documents will be from Flannery and will be cited simply by paragraph number.

fact, the ARCIC members are engaging in a practice that is not foreign at all to Roman Catholic theologians where the need to clarify and re-interpret authoritative statements of the past comes very close to articulating a different position all together.

Nonetheless, the document provides an overview, albeit a brief one, of the historical development of the papacy through at least the beginning of the Middle Ages:

Among the complex historical factors which contributed to the recognition of conciliar decisions considerable weight attached to their confirmation by the principal sees, and in particular by the see of Rome. At an early period other *local churches actively sought the support and approbation of the church in Rome*; and in course of time *the agreement of the Roman see was regarded as necessary to the general acceptance of synodal decisions* in major matters of more than regional concern, and also, eventually, to their canonical validity. By their agreement or disagreement the local church of Rome and its bishop fulfilled their responsibility towards other local churches and their bishops for maintaining the whole church in the truth. In addition *the bishop of Rome was also led to intervene in controversies relating to matters of faith in most cases in response to appeals made to him*, but sometimes on his own initiative (§17, emphasis added).

Here we see an inkling of the development that has become a sticking point for both Anglicans and Orthodox Christians: the intervention of the Bishop of Rome at his own initiative in the matters of the local church. Nonetheless, it must be acknowledged that the theological rationale for the ministry of primates and metropolitans generally opens the door for a universal ministry with a similar focus and, it would seem, the need for similar canonical authority:

The bishop of a principal see should seek the fulfilment of this will of Christ in the churches of his region. It is his duty to assist the bishops to promote in their churches right teaching, holiness of life, brotherly unity and the Church's mission to the world (§11).

And so it is not surprising, then, that they would conclude that one of the first and intrinsic ministries of the bishop of Rome was to “promote Christian fellowship in faithfulness to the teaching of the apostles” and to “guard and promote the faithfulness of all the churches to Christ and one another” (§12) by serving as the arbiter in theological disputes.

The tension noted earlier is seen also in the discussion of the conciliar tradition of authoritative expression and that of the primatial. Article XIX indelicately rejects any possibility of the infallibility of a synod or council, even in matters of faith. But this is held up alongside an explicit embrace of much of what was articulated in the so-called “ecumenical councils,” most notably what is known as the Nicene Creed, which the Quadrilateral assumes to be so basic to the Church’s faith that it, along with the other catholic creeds, is a precondition for any “home reunion.” “Creeds, conciliar definitions, and other statements of belief are indispensable,” the document acknowledges, but we must remember that they “are always instrumental to the truth which they are intended to convey” (§14). Even when the teachings of a council are understood universally to express the apostolic faith, the pressure of history and culture demand that the Gospel be “translated” such that “the hearers in their situation may understand and respond to them.” But such inculturation has clear boundaries: consonance “with the apostolic witness recorded in the Scriptures; for in this witness the preaching and teaching of ministers, and statements of local and universal councils, have to find their ground and consistency” (§15). An authoritative statement is not free from the need for clarification and restatement, provided that

such work “always builds upon, and does not contradict, the truth intended by the original definition” (ibid.). The ministry of the bishop has a unique responsibility in “defending and interpreting the apostolic faith” (§20). And it is on this basis that the argument is made that the primacy of a bishop

implies that, after consulting his fellow bishops, he may speak in their name and express their mind. The recognition of his position by the faithful creates an expectation that on occasion he will take an initiative in speaking for the Church. Primatial statements are only one way by which the Holy Spirit keeps the people of God faithful to the truth of the gospel (ibid.).

And so primacy is understood as an intrinsic part of the catholic vision of Christianity, whose purpose is to preserve the faithfulness of the Church to its inheritance.

The Scriptural witness as it concerns the Petrine ministry was considered in detail in *Authority II* (1981). There is agreement that the New Testament “attributes to Peter a special position among the twelve” (§3). But such a ministry always falls within the wider apostolic ministry, such as in the witness of Matthew’s Gospel where the ministry of “binding and loosing” is first directed toward Peter (16:19) and then to all the apostles (18:18) (§4). His special position is held in tension with the examples of his dramatic failures, which roots him in the fallen creation that strives to incorporate with the initiatives of divine grace. The interpretation of the Petrine texts were varied in the early Church, and it was clearly a development that lead to a more harmonious reading of the texts as pointing to a distinct, Petrine ministry (§6). In short, the New Testament does not provide an explicit articulation of a peculiar Petrine ministry, nor does it contain an “explicit record of a transmission of Peter’s leadership” (§6). Nonetheless, it is possible to think that a primacy of the bishop of Rome is not contrary to the New Testament and is part of God’s purpose regarding the Church’s unity and catholicity, while admitting that the New Testament texts offer no sufficient basis for this (§8).

On the basis of the previously articulated concept of primacy in general, they again reiterate their presumption “that a universal primacy will be needed in a reunited Church and should appropriately be the primacy of the bishop of Rome” and not contrary to Scripture.³⁵

The issue of jurisdiction is given an interesting and creative walk-through in the second section of *Authority II*. The working definition for jurisdiction is “the authority or power (*potestas*) necessary for the exercise of an office” (§16). The jurisdiction of a diocesan bishop differs from an metropolitan, not because there are degrees of *episcopate* but because it corresponds to the function of the office in which the bishop sits. A similar parallel is drawn here as in the first *Authority* statement: as the metropolitan or primate exercises their jurisdiction in a way that preserves the unity and faith of a particular region of the church, so within the universal *koinonia* and the collegiality of the bishops, the universal primate exercises the jurisdiction necessary for the fulfilment of his functions, the chief of which is to serve the faith and unity of the whole Church (§16).

The unspoken challenge to the complete and outright rejection of universal jurisdiction by some Anglicans is that this very principle is at work in the ministry of the metropolitan or primate in most provinces in the Anglican Communion.³⁶ If the ministry of a universal primate is dismissed

³⁵ See *Authority I*, §23.

³⁶ It is very important to note, however, that the polity of the various provinces in the Communion differs considerably in this very matter. In The Episcopal Church, for instance, there is no archbishop or metropolitan, and

based on an *a priori* rejection of any episcopal ministry that stands over the ministry of the diocesan bishop, than the unbroken witness of the metropolitan powers of the archbishops of Canterbury and York, and subsequently in most provinces of the Anglican Communion, stand as a looming challenge. The question that remains is what authority is inherently part of the ministry of a universal primate.

The language of Vatican I is “universal, ordinary and immediate,” language that has been of great concern to many (§18), as was expressed in *Authority I* (see §24d). Thus the primacy question is, What is intrinsic to the ministry of the universal primate? Only then can the question of his *potestas* be considered. The service of the unity and faith of the whole Church is one way that *Authority II* summarized this ministry. Then Joseph Cardinal Ratzinger, in *The Principles of Catholic Theology*, summarized the Papal ministry in this way that sounds quite similar:

When the Patriarch Athenagoras, on July 25, 1967, on the occasion of the Pope’s visit to Phanar, designated him as the successor of St. Peter, as the most esteemed among us, as one who preside in charity, this great Church leader was expressing the essential content of the doctrine of primacy as it was known in the first millennium.³⁷

Both agree that the nature of the exercise of the office cannot be “in isolation but in collegial association with this brother bishops (see *Authority I*, §21, 23)” (§19). And the diocesan bishop, as was also stated in *Authority I*, has responsibility “for the universal Church” (ibid.). It is very important, however, to remember that “the universal primate is not the source from which diocesan bishops derive their authority” (§19). And yet, given the concept of primacy,

the universal primate has the right in special cases to intervene in the affairs of a diocese and to receive appeals from the decision of a diocesan bishop. It is because the universal primate, in collegial association with his fellow bishops, has the task of safeguarding the faith and unity of the universal Church that the diocesan bishop is subject to his authority (§20).

This is the precise point at which the practical concerns of this primate’s ministry raise to the fore in the minds of many Anglicans. What kinds of checks are in place to ward off the misuse of such extraordinary *potestas*? Such a question is very difficult to answer, and it is for this very reason that Anglicans and other Christians outside the Roman Catholic Church must engage vigorously about this matter.

One of the concluding paragraphs of *Authority I* expresses precisely the crux of the argument of ARCIC and of the posture I trust the Communion will continue to hold:

The Commission does not therefore say that what has evolved historically or what is currently practiced by the Roman see is necessarily normative: it maintains only that visible unity requires the realization of a “general pattern of the complementary primatial and conciliar aspects of episcopate” in the service of the universal “*koinonia* of the churches” (§23).

The conclusion of the third *Authority* document (1998) focused on universal primacy as “a gift to be shared.” Such a gift “could be offered and received even before our churches are in full

thus no bishop who has any type of jurisdiction in another diocese. The presiding bishop in the TEC, however, now uses the title “primate” though having no jurisdiction anywhere in TEC. For an in depth discussion of this matter in TEC from the perspective of canon law, see “Is The Episcopal Church Hierarchical?”, Mark McCall, http://anglicancommunioninstitute.com/wp-content/uploads/2008/09/is_the_episcopal_church_hierdoc.pdf.

³⁷ Ratzinger, *Principles*, 199 (emphasis added).

communion” (§60).³⁸ A ministry styled, in Pope John Paul II’s quotation in *Ut unum sint* from Gregory the Great, as the *servus servorum Dei* (§88), who will “help to uphold the legitimate diversity of traditions, strengthening and safeguarding them in fidelity to the Gospel” (ibid.).

What is envisioned is something that makes demands of both communions:

that Anglicans be open to and desire a recovery and re-reception under certain clear conditions of the exercise of universal primacy by the Bishop of Rome;

that Roman Catholics be open to and desire a re-reception of the exercise of primacy by the Bishop of Rome and the offering of such a ministry to the whole Church of God (§62).

Is this even possible, and it is even Anglican? To this question we now turn.

III. AU CONTRAIRE? WHY A UNIVERSAL PRIMACY IS NOT NECESSARILY UN- ANGLICAN

There is an important historical question as to whether “the rejection of the jurisdiction of the Bishop of Rome has been a distinguishing feature of Anglicanism,” In other words, is “being out of communion with the Roman see...an accidental and contingent fact of history” or is it “the very substance of being an Anglican”?³⁹ The response of the Scottish Episcopal Church to the *Authority* documents in ARCIC I summarizes quite well the approach which I hope to enjoin on the Covenant drafters:

As Anglicans seek no longer to justify our existence in separation from the Pope, but rather to understand what the Papacy means in the life of the Roman Catholic Church and how the ministry of the Pope could strengthen the life and witness of the Anglican Churches, we ask the Roman Catholic Church to be willing to aid us patiently in this process of reappraisal of an office we have lived without for so long, and which has developed considerably during that period. We also ask the Roman Catholic Church to foster the ecumenical vocation of the Bishop of Rome that the universal pastorate of the Pope may be to become an experienced reality within the Anglican Communion on our way to the fullness of unity, and without the precondition of subscription to Roman Catholic formulations of Papal authority in their entirety.⁴⁰

But the question remains: can such a perspective truly be called Anglican?

I believe it fair to say that the following statement in the final section of the *Elucidation on Authority I* (1981) would receive little objection, even in the present climate: “Anglicanism has never rejected the principle and practice of primacy” (§8.6). Rather, “much Anglican objection has been directed against the *manner of the exercise* and *particular claims of the Roman primacy* rather than against universal primacy as such” (§8.5, emphasis added). But we

³⁸ “The Gift of Authority III,” Anglican Roman Catholic International Commission, 1998, http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_12051999_gift-of-authority_en.html.

³⁹ *Emmaus* (The Anglican-Roman Catholic International Commission 5.iii), 64.

⁴⁰ “Response of the Scottish Episcopal Church,” pp 10, quoted in *Emmaus* (The Anglican-Roman Catholic International Commission 5.iii), 64-5.

should not pretend as though Anglican attitudes have always been warm to the papacy.⁴¹ They most certainly have not if, in fact, there is even something that might formally be called “the Anglican perspective on the Papacy.” Former Archbishop of Canterbury William Sancroft (1677-1690) wrote that, “the bishops of this church [*ecclesia anglicana*] are really and sincerely *irreconcilable* enemies to the errors, superstitions, idolatries and tyrannies of the Church of Rome.”⁴² But the evidence is certainly more mixed and nuanced than any quote or reference could imply. William Laud (1633-1645) could affirm that the Roman Catholic Church and the Church of England “are but two distinct members of that Catholic Church which is spread over the face of the earth.” “The Roman Patriarch, by ecclesiastical constitutions, might perhaps have a primacy of order; but for principality of power, the patriarchs were as even, as equal, as the Apostles were before them.”⁴³ He continues that “a ‘primacy of order’ was never denied [to St Peter] by the Protestants;” but on the other hand, a “‘universal supremacy of power’ was never granted him by the primitive Christians.... ‘Christ promised the key to S. Peter’ ...but so did He to all the rest of the apostles; and so their successors as much as to his. So it is *tibi et illis*, not *tibi non illis*.”⁴⁴ He raises the question of *potestas* as was seen earlier in the ARCIC discussions, which poses the question again to the wider church: what *potestas* is necessary to the execution of the office of the universal primate? Laud is a helpful representative of a good deal of Anglican consideration on the Papacy: while primacy is a given within the received catholic ecclesiology, the concern is that the shape of such a primacy neither subvert the rightful authority of the diocesan bishop nor subsume the essentially conciliar nature of an ecclesiology with the local bishop at the center.

The tenor of the Anglican consideration of the Papacy was distinct from that of the Continental reformers, as was much of Anglican theology. Just as one must be very careful not to overlay the continental Reformation debates about Scripture and salvation onto the sixteenth century situation in England, so too general “Protestant” perspectives on the Papacy cannot be assumed to characterize the reformed church in England. As Bishop John Hind writes, “this was no mere controversy between *sola Scriptura* on the one hand and Scripture and Tradition on the other, still less a simply dispute over the interpretation of Scriptural texts.” The tone of Anglican reflections on the papacy had an “appeal to the early Fathers” front and center.⁴⁵ John Bramhall (1594-1663), archbishop of Armagh, provides a lengthy but instructive example of this in his appeal to Cyprian of Carthage, which I will quote at length:

...we dare not rob the rest of the Apostles to clothe St. Peter. We say clearly with St. Cyprian,... ‘The rest of the Apostles were given the same thing that Peter was, endowed with an equal fellowship both of honour and power; but the beginning cometh from unity,

⁴¹ Much of the citations about early Anglican views of the papacy were first brought to my attention in Bishop John Hind’s essay “Primacy and Unity: An Anglican Contribution to a Patient and Fraternal Dialogue” in James F. Puglisi, ed., *Petrine Ministry and the Unity of the Church: “Towards a Patient and Fraternal Dialogue, A Symposium Celebrating the 100th Anniversary of the Foundation of the Society of the Atonement*, Rome, December 4-6, 1997 (Liturgical Press/Michael Glazier Book: Collegeville, MN, 1999), 35-57.

⁴² E. Cardwell, *Documentary Annals of the Reformed Church of England* (Oxford University Press: Oxford, 1844) II, 375-76, quoted in N. Sykes, *Old Priest and New Presbyter: Episcopacy and Presbyterianism since the Reformation with especial Relation to the Church of England and Scotland* (Cambridge University Press: Cambridge, 1957), 177.

⁴³ William Laud, *The Works*, II: *Conference with Fisher*, Library of Anglo-Catholic Theology (John Henry Parker: Oxford, 1849), 346; 186.

⁴⁴ *Ibid.*, 208.

⁴⁵ *Petrine*, 40.

the primacy given to Peter, to signify one Church and one Chair.’ It is well known that St. Cyprian made all the Bishoprics in the world to be but one mass, ‘*Episcopatus unus est Episcoporum multorum concordie numerositate diffusus*’; ‘whereof every Bishop had an entire part,’ – ‘*cujus a singulis in solidum pars tenetur*.’ All that he attributeth to St. Peter is this ‘beginning of unity,’ this primacy of order, this pre-eminence to be the chief of Bishops, to be Bishop of ‘the principle Church from whence Sacerdotal unity did spring.’ ... This primacy neither the ancients nor we do deny to St. Peter—of order, of place, of pre-eminence. *If this ‘first movership’ would serve his turn, this controversy were at an end for our parts.* They thirst after a visible monarchy upon earth, an absolute ecclesiastical sovereignty, a power to make canons, to abolish canons, to dispense with canons, to impose pensions, to dispose dignitaries, to decide controversies by a single authority. This was what made the breach, not the innocent primacy of St. Peter.⁴⁶

What Archbishop Bramhall’s rather lengthy quote points to is the way in which the exercise of the primacy of the Archbishop of Canterbury in the Church of England overlaps considerably with the way in which Anglicans who are open to a universal primacy have tended to summarize how the Petrine ministry should be shaped. In fact, I think it is safe to say in a generalized way that office of the Archbishop of Canterbury as the *primus inter pares* within the Anglican Communion functions in large part in the way in which Anglicans would sketch the role of a universal primate.

The opinions of particular Anglicans is instructive (as much as it is *ad hoc*), but this does little to answer the question as to what Anglicans as a Communion have said about universal primacy. *The Virginia Report* (TVR) offered the Communion in 1997 a sustained exploration of the notion of “communion” as grounded in God the Holy Trinity, something that would be taken up later in *Church of the Triune God*. TVR confronted the issue of the ordination of women to the presbyterate and the episcopate and in the Introduction framed the question in this way: “How [can] Anglicans remain together in the highest degree of communion possible while endeavoring to come to a common mind on a matter which touches the fundamental unity of the Communion.” The *Final Report* of ARCIC I had direct bearing on the intentions of the Committee, as it was Lambeth 1988 which both instructed the creation of a committee to explore “the meaning and nature of communion; with particular reference to the doctrine of the Trinity, the unity and order of the Church, and the unity and community of humanity”⁴⁷ (Resolution 18) and encouraged ARCIC,

to explore the basis in Scripture and tradition of the concept of a universal primacy, in conjunction with collegiality, as an instrument of unity, the character of such a primacy in practice, and to draw upon the experience of other Christian Churches in exercising primacy, collegiality and conciliarity.⁴⁸

The Committee set both of these as the framework for the *Report*. The importance of this fact is that the question of universal primacy was of central concern to the Lambeth Conference and to the Committee as it set about its task of considering both the ordination of women and the more general question of the limits of diversity within the life of the Communion.

⁴⁶ J. Bramhall, *Schism Guarded*, section I, chapter i, quoted in P. E. More and F. L. Cross, eds., *Anglicanism. The Thought and Practice of the Church of England, Illustrated from the Religious Literature of the Seventeenth Century* (SPCK: London, 1962), 66, no. 28.

⁴⁷ Resolution 18, Lambeth Conference 1988, 207.

⁴⁸ Resolution 8, Lambeth Conference 1988, 203.

The Church has a life that can be viewed from many levels and the universal perspective is essential.

The universal doctrine of the Church is important especially when particular practices or theories are locally developed which lead to disputes. In some cases it may be possible and necessary for the universal Church to say with firmness that a particular local practice or theory is incompatible with Christian faith (§4.25).

The episcopacy is obviously a major piece of the universal ministry of the Church, as a bishop is ordained both for a diocese and as a sign of the Church's catholicity throughout the world. The Report begins its discussion of episcopal ministry in this way:

A ministry of oversight (*episcopate*) of interdependence, accountability and discernment is essential *at all levels of the Church's mission and ministry*, and for the sake of the Church's wellbeing, must be exercised at every level in a way that is personal, collegial and communal (§5.5).

After discussing the way in which *episcopate* functions for the life of the Church within the context of the Church's common life and in relationship to local councils and synods (cf. "The churches of the Anglican Communion may be said to be episcopally led and synodically governed"; §5.11), the Report moves on to the issue of primacy:

Primacy and collegiality are complementary elements within the exercise of episcopate. One cannot be exercised without reference to the other in critical and creative balance. Further, both in turn must be open to the Christian community in a way that is both transparent and accountable, and in the decision-making of the Church, upholds a reception process in which critique, affirmation and rejection are possible (§5.13).

Here are raised some of the questions left unanswered in the *Authority* documents. And it is these same questions which reverberate in the minds of nearly all non-Roman Catholic Christians with a concern for the visible unity of Christians. Many could agree: "The role of primacy is to foster the communion by helping the bishops in their task of apostolic leadership both in their local church and in the Church universal" (§5.14). But was kind of allowance, and therefore accountability, is accounted for in light of the destructive potential of sin within the context of a universal primacy?

There is a clear concern for the proper expression of autonomy in each particular diocese. At the same time, however, it is understood that there are times of need when the exercise of the ministry of primacy (in the Anglican Communion by the primate of a province⁴⁹) might be necessary for the unity of the Church. The Report goes on to quote from *Authority I* on the limits of primacy:

Primacy fulfils its purpose by helping the churches to listen to one another, to grow in love and unity, and to strive together towards the fullness of Christian life and witness; it respects and promotes Christian freedom and spontaneity; it does not seek uniformity where diversity is legitimate, or centralise administration to the detriment of local churches (*Authority I*, §21).

⁴⁹ We must be clear, however, that not all the provinces in the Anglican Communion are structured in the same way. In The Episcopal Church USA, for example, the presiding bishop is the primate but is not an archbishop and does not have archiepiscopal or metropolitan powers. Thus, the presiding bishop cannot interfere in the life of any TEC diocese without the express permission of the diocesan bishop.

Again, the question is raised: how can a universal primacy be construed that has both that which is intrinsic to primacy and also the necessary relationship to the conciliar life of the Church?

At the end of the decade one question for Anglicans is whether their bonds of interdependence are strong enough to hold them together embracing tension and conflict while answers are sought to seemingly intractable problems. In particular the call for more effective structures of communion at a world level will need to be faced at Lambeth 1998 for the strengthening of the Anglican Communion and its unity into the next millennium. A further question concerns the wider ecumenical community. *Is there a need for a universal primacy exercised collegially and respecting the role of the laity in decision-making within the Church?* This question was referred to the Anglican-Roman Catholic International Commission (ARCIC) by Lambeth 1988 and is also raised by the Bishop of Rome's invitation in *Ut Unum Sint* (§3.54).

It is the very lack of any specific action on the part of the Communion that this proposal seeks to address.

In *The Gospel and the Catholic Church*, former Archbishop of Canterbury Michael Ramsey considers the papacy within the concept of theological development. “The canon of Scripture is itself a development,” he reminds, but one which within itself contains “a special authority to control and to check the whole field of development in life and doctrine.”⁵⁰ Thus, we see one way of restating Article XX on the authority of Scripture. A papacy which functions in a similar way to Scripture (“checking the whole field of development in life and doctrine”), “depresses the due working of the other functions of the one Body,” he contends. But a papacy which grows “out of a primacy given by our Lord to S. Peter and symbolizing the unity of the Church,” “which expresses the general mind of the Church in doctrine, and which focuses the organic unity of all the Bishops and of the whole Church, might well claim to be a legitimate development in and through the Gospel.”⁵¹ He cites favorably the before-quoted section from St. Irenaeus regarding Rome’s special authority on account of “its contacts with other Churches and with their traditions” which “made it a trustworthy teacher of the truth.”⁵² In spite of the moments within the history of the Papacy when it conspicuously caused scandal to the Christian cause, and in spite of the developments within the last 500 years, this “cannot justify a wholesale refusal to consider the Petrine claims.” In fact, he uses the title connected to his own office – *primus inter pares*—as the framework for the “organ of unity and authority” that would be needed in a united Church in God’s providential future.⁵³ A summary of what Ramsey thinks can be assumed about the Petrine office are as follows (quoting from a paper from Dr B.J. Kidd contributed to what is known as the Malines Conversations):

1. That the Roman Church was founded by S. Peter and S. Paul the two chief apostles, of the circumcision and of the Gentiles, and is thus the only See in Christendom known to have *two* apostles for its founders.
2. That the Roman See is the only known Apostolic See in the West.
3. That the Bishop of Rome is the Patriarch of the West; or as Augustine said of Pope Innocent I, ‘president of the Western Church’ (*Contra Iul. Pelag.* I, 13).

⁵⁰ Ramsey, *Gospel*, 64.

⁵¹ *Ibid.*, 64, 65.

⁵² *Ibid.*, 163.

⁵³ *Ibid.*, 227.

4. That he has a primacy among all the bishop of Christendom; so that, without communion with him, that is no prospect of a reunited Christendom.
5. That to the Roman See the Churches of the English owe their Christianity through ‘Gregory our father’ (Council of Clovesho, A.D. 747, c.xvii)...who sent up baptism’ (*Anglo-Saxon Chronicle*, Ano 565).⁵⁴

Ramsey’s conclusion is probably his most instructive and most important contribution to this conversation.

The relationship between the Pope and the bishops is one that is nearly impossible to define, and will continue to be so if it is simply discussed and debated. Such understanding can only come, Ramsey writes,

by the recovery everywhere of the Body’s organic life, with its Bishops, presbyters and people. In this Body Peter will find his due place, and ultimate reunion is hastened not by the pursuit of ‘the Papal controversy’ but by the quiet broth of the organic life of every part of Christendom.⁵⁵

I will return to this insight at a later point, but I think it is important to note that it is through experience, he argues, that the right exercise of the Petrine office will be discovered. The present reality of the lack of communion between the Bishops of the Anglican Communion and the Bishop of Rome, particularly in light of *Pastor aeternus* at Vatican I and the reaffirmation of its basic principles in *Lumen gentium* at Vatican II, means that the only way forward on this will be a renunciation of some of these claims on the part of the Roman Catholic Church (which, for the sake of argument, it should be assumed is not possible) or a movement on the part of Anglicans to formally embrace one or more aspects of the Petrine ministry to the extent that it depends upon and expresses “the organic unity of the Body” of Christ.⁵⁶ Such a movement on the part of the Anglican Communion, which would be a profound act of humility, cannot but be exactly the kind of thing Pope John Paul II had in mind in *Ut unum sint* when he made the following proposal:

Could not the real but imperfect communion existing between us persuade Church leaders and their theologians to engage with me in a patient and fraternal dialogue on this subject, a dialogue in which, leaving useless controversies behind, we could listen to one another, keeping before us only the will of Christ for his Church and allowing ourselves to be deeply moved by his plea “that they may all be one ... so that the world may believe that you have sent me” (Jn 17:21)?⁵⁷

Has the Anglican Communion responded in good faith to this call *as a Communion*?

In 1989, then Archbishop of Canterbury, Robert Runcie, gave an address in the Church of Saint Andrew and Saint Gregory on the Caelian Hill, “the church on the site of the monastery from which Pope Gregory the Great had dispatched Augustine to Canterbury,” just after Pope John Paul II had preached at vespers. Runcie declared that Anglicans

⁵⁴ Ibid., 228.

⁵⁵ Ibid., 228.

⁵⁶ Ibid., 228.

⁵⁷ John Paul II, *Ut unum sint*, Encyclical Letter on Commitment to Ecumenism (St Paul’s Books and Media: Boston, 1999), §96.

are also discovering the need of wider bonds of affection. Gregory's example of a primacy for the sake of unity and mission – which we also see embodied in the ministry of his successor, John Paul II – which begins to find a place in Anglican thinking.

I tried to give voice to this at the last Lambeth Conference [1988] where I spoke of the need for a personal focus of unity. Within the Anglican Communion *my own office is in part a response to this need*. But for the universal Church I renew the plea I made at the Lambeth Conference: could not all Christians come to reconsider the kind of primacy the bishop of Rome exercised within the early Church, a 'presiding in love' for the sake of the unity of the Churches in the diversity of their mission?⁵⁸

It is difficult to imagine that Archbishop Runcie did not have in mind the passage from Ratzinger's *Principles of Catholic Theology* on the Petrine ministry as it functioned in the first millennium that has already been quoted. This quote from Runcie embodies in as clear a way as any document cited so far the ecumenical provisionality that I have attempted to argue is part of the very fabric of Anglicanism.

Paul Avis offers an incredibly helpful discussion of the relationship between conciliarity, collegiality and primacy as it concerns the two communions in *Beyond the Reformation*.⁵⁹ His way of distinguishing between Anglican and Roman Catholic understandings of primacy, particularly in a post-Vatican I world, are to characterize the latter's understanding as *monarchical* rather than *primatial*, and quotes Rahner as an example: "The fundamental structure of the Church...demands a bipolar unity of a monarchical and a Conciliar element, inseparably linked to each other."⁶⁰ We must remember that the development of expressions of authority within Anglicanism as it developed into a communion, demarcated by the first Lambeth Conference in 1867, is quite close in proximity to the development of *Pastor aeternus*, promulgated in 1870. Thus Avis' claim "that way that Anglican principles and structures of conciliarity have developed has been influenced by reaction to papal claims and to the way that authority has been exercised concretely in the Roman Catholic Church."⁶¹ And while he notes that the history of Anglicanism "from Jewel to Gore have excoriated the papacy for abuses of power and distortions of authority, they have nevertheless tended to leave the door open to a reformed, constitutional papacy."⁶² In unison with the *Elucidation to Authority I*, Avis maintains: "it can confidently be said that Anglicanism as a whole has never excluded the possibility of accepting a universal ministry of the Bishop of Rome." The ministry as expounded by Vatican I, however, is deeply problematic to Anglicans and the interpretation offered by Avis is worth quoting at length:

As far as Anglicans are concerned, papal universal jurisdiction, which is claimed by Vatican I to be fully episcopal, makes the pope bishop of the whole Church and therefore of every diocese (Williams 1997); it puts two bishops into each diocese (cf. Wright 1988). Although this interpretation of what was defined by Vatican I and re-

⁵⁸ *One in Hope* (CHP/CTS: London, 1989) 21, cited in Stephen Platten, *Augustine's Legacy: Authority and Leadership in the Anglican Communion* (Darton, Longman, Todd: London, 1997), 117.

⁵⁹ Paul Avis, *Beyond the Reformation? Authority, Primacy and Unity in the Conciliar Tradition* (T&T Clark: London, 2006).

⁶⁰ Karl Rahner, *Theological Investigations*, VI (Darton, Longman & Todd: London, 1969), 340, quoted in Avis, *Reformation*, 173.

⁶¹ Avis, *Reformation*, 174.

⁶² *Ibid.*, 174.

affirmed by Vatican II is unpalatable to many Roman Catholics and notwithstanding the fact that considerable energy has been expended by Roman Catholic scholars in arguing that it is not the correct interpretation (Pottmeyer 1998), Anglicans do tend to read it this way and can point to canonical texts, as well as to current practice in the Roman Catholic Church, in their support. Anglicans could say that the Church's centre is everywhere, because each local church is fully the Church of Christ; but the truth is that the unity of the Church demands a visible, physical symbol and Anglicans increasingly recognize this.⁶³

The issue of ordinary and universal jurisdiction, taking into account the various ways this could be construed, is problematic first because it both places two bishops in one diocese, and in fact makes every bishop a suffragan to the Bishop of Rome. And yet, Avis does not clarify how the same critique cannot be made of the ministry of metropolitans and primates in the Anglican Communion.

As has been alluded to many times so far, primacy is part of the fabric of Anglicanism, even at the universal level: in addition to being the Primate of All England⁶⁴, the Archbishop of Canterbury "has a presidential role as the one who calls together the Lambeth Conference and the Primates' Meeting and who presides at the Anglican Consultative Council." The 1998

⁶³ Ibid., 175.

⁶⁴ See Canon C17, "Of Archbishops" from the Canons of the Church of England, p120, <http://www.cofe.anglican.org/about/churchlawlegis/canons/complete.pdf>:

1. By virtue of their respective offices, the Archbishop of Canterbury is styled Primate of All England and Metropolitan, and the Archbishop of York Primate of England and Metropolitan.
2. The archbishop has throughout his province at all times metropolitical jurisdiction, as superintendent of all ecclesiastical matters therein, to correct and supply the defects of other bishops, and, during the time of his metropolitical visitation, jurisdiction as Ordinary, except in places and over persons exempt by law or custom.
3. Such jurisdiction is exercised by the archbishop himself, or by a vicargeneral, official, or other commissary to whom authority in that behalf shall have been formally committed by the archbishop concerned.
4. The archbishop is, within his province, the principal minister, and to him belongs the right of confirming the election of every person to a bishopric, of being the chief consecrator at the consecration of every bishop, of receiving such appeals in his provincial court as may be provided by law, of holding metropolitical visitations at times or places limited by law or custom, and of presiding in the Convocation of the province either in person or by such deputy as he may lawfully appoint. In the province of Canterbury, the Bishop of London or, in his absence, the Bishop of Winchester, has the right to be so appointed; and in their absence the archbishop shall appoint some other diocesan bishop of the province. The two archbishops are joint presidents of the General Synod.
5. By ancient custom, no Act is held to be an Act of the Convocation of the province unless it shall have received the assent of the archbishop.
6. By statute law it belongs to the archbishop to give permission to officiate within his province to any minister who has been ordained priest or deacon by an overseas bishop within the meaning of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, or a bishop in a Church not in communion with the Church of England whose orders are recognized or accepted by the Church of England, and thereupon such minister shall possess all such rights and advantages and be subject to all such duties and liabilities as he would have possessed and been subject to if he had been ordained by the bishop of a diocese in the province of Canterbury or York.
7. By the laws of this realm the Archbishop of Canterbury is empowered to grant such licences or dispensations as are therein set forth and provided, and such licences or dispensations, being confirmed by the authority of the Queen's Majesty, have force and authority not only within the province of Canterbury but throughout all England.

Lambeth Conference cautiously suggested there may be circumstances when the Archbishop of Canterbury ought to

exercise an extra-ordinary ministry of episcopate (pastoral oversight), support and reconciliation with regard to the internal affairs of a Province other than his own for the sake of maintaining communion within the said Province and between the said Province and the rest of the Anglican Communion.⁶⁵

And TWR described his office as “the pivotal instrument and focus of unity” (§99). Thus, not only is Anglicanism familiar with a certain expression of universal primacy as part of its very identity, “it seems to feel the need of it more and more,”⁶⁶ as TWR also recommends:

The Commission believes therefore that the historic position of the Archbishopric of Canterbury must not be regarded as a figurehead, but as the central focus of both unity and mission within the Communion. This office has a very significant teaching role. As *the* significant focus of unity, mission and teaching, the Communion looks to the office of the Archbishop to articulate the mind of the Communion especially in areas of controversy. The Communion should be able to look to the holder of this office to speak directly to any provincial situation on behalf of the Communion where this is deemed advisable. Such action should not be viewed as outside interference in the exercise of autonomy by any province. It is, in the view of the Commission, important to accept that the Archbishop of Canterbury is acting within the historic significance of his position when he speaks as a brother to the members of all member churches of the Anglican Communion, and as one who participates fully in their life and witness (§109).

Furthermore, it has been noted that the Archbishop of Canterbury convenes the Lambeth Conference and the Primates’ Meeting, and they are both dependent for their existence on his behest. *We recommend that this dependence on the See of Canterbury remain, and indeed, that it be enhanced* (§110; emphasis added).

While the particular way in which the Papacy is presently exercised is unacceptable to the Communion, in light of the above it is clear that Anglicans do not even, necessarily, “exclude the possibility of any jurisdiction pertaining to that role.” Bishop Michael Nazir-Ali has suggested that some form of “appellate jurisdiction” is something with which Anglicans could live.⁶⁷

Such a perusal of various Anglican sources could continue *ad nauseam*, but I believe it is most instructive to end this discussion by way of one of the most recent results of the Anglican Communion’s commitment to bi-lateral dialogue, this time with the Orthodox Churches, *The Church of the Triune God*. This document is the second statement produced by the International Commission for Anglican – Orthodox Theological Dialogue, the first being “The Dublin Agreed Statement” in 1984. This former document does mention the Bishop of Rome, but simply in a descriptive manner as it seeks to distinguish the various ways in which primacy is understood in the various churches. The five, principle sees, in the following hierarchy are noted: Rome, Constantinople, Alexandria, Antioch and Jerusalem, per canon 2 of the Council of

⁶⁵ Lambeth Conference 1998, Resolution IV.13.b, <http://www.lambethconference.org/resolutions/1998/1998-4-13.cfm>

⁶⁶ Ibid., 176. Avis points to C. Podmore’s work “Primacy in the Anglican Tradition,” in C. Podmore, ed., *Community, Unity and Communion* (Church House Publishing: London, 1998) and *Aspects of Anglican Identity* (Church House Publishing: London, 2005).

⁶⁷ Cited in Avis, *Reformation*, 178.

Constantinople (381) and canon 28 of the Council of Chalcedon.⁶⁸ The practice of seniority and primacy is explicated in the two churches. They note together the “seniority on the universal level” of “the Pope within the Roman Catholic Church (and throughout the whole Christian world prior to the schism). The purpose of patriarchs, archbishops, metropolitans, and presiding bishops is “to strengthen unity and to give brotherly help to the bishops of the local churches in the exercise of their common ministry which exists to safeguard scriptural truth whenever it is threatened, to promote right teaching and living, and to further the Church’s mission to the world.”⁶⁹ This occurs in two, principle ways:

- (i) He encourages Christian fellowship and collaboration by initiating procedures which will lead to the summoning of a council or synod, and presiding over it.
- (ii) In certain situation, when appeals are made to him from the decisions of a diocesan bishop or a group of bishops, he initiates procedures whereby these decisions may be reviewed.”⁷⁰

But, they note, “the bishop who has seniority does not have the right to intervene arbitrarily in the affairs of a diocese other than his own.”⁷¹ The two churches recognize that the ministry and authority of the Ecumenical Patriarch and the Archbishop of Canterbury, while not identical, is similar in that their seniority “makes no claim to a primacy or of universal jurisdiction.”⁷² The concerns about Roman primacy, particularly in light of the dogmatic teachings of the First Vatican Council, is that “the primacy of the Pope is closely like to his infallibility” and both Anglicans and Orthodox “consider that infallibility is not the property of any particular person within the Church.”⁷³

The most recent document, *The Church of the Triune God*⁷⁴, affords a bit more clarity on the shape of the Papal ministry. The theological concept and reality of “reception” forms a substantial section of the document and it is within this context that the ministry of the Bishop of Rome is raised. In defining reception from a classical perspective, the document explores how the reality of reception is entire pneumatological, as it is clearly an activity of the Spirit who leads the Church into all truth (Jn 16:13), in harmony with the way the discussion was begin in ARCIC in *Authority I*. “Since reception takes place in the Spirit, it always happens in and through an event of communion.”⁷⁵ Reception must not happen simply at the universal level, but must be “realized in the ecclesial community. Reception must take place within the concrete community of the Church.”⁷⁶ The function of *episcopos* has at its heart “the ministry of memory (*anamnesis*),” as the principle celebrant at the Eucharist, in a ministry that “ensures that the transmission of the Gospel is inseparable from the actualization of the Gospel.” The single bishop of a diocese or local church “guarantees that what is received is essentially what previous communities since the time of the apostles...have received.” Thus, in the classical model, “the

⁶⁸ *The Dublin Report*, Anglican-Orthodox Dialogue (SPCK: London, 1984) §22.

⁶⁹ *Dublin*, §25.

⁷⁰ *Dublin*, §25.

⁷¹ *Dublin*, §25.

⁷² *Dublin*, §28.

⁷³ *Dublin*, §29.

⁷⁴ *The Church of the Triune God*, The Cyprus Statement agreed by the International Commission for Anglican – Orthodox Theological Dialogue 2006 (The Anglican Communion Office: London, 2006).

⁷⁵ *Church of the Triune God*, §IX.12.

⁷⁶ *Triune*, §IX.13.

episcopal office is essential to the process of reception.”⁷⁷ But reception must also occur at the universal level:

for universal communion as ministry of universal reception is essential. This ministry should be episcopal in nature. It should be exercised by the head of a local church, to ensure that the universal catholicity does not ignore the catholicity of the local church. In every case the consensus of the whole community should be obtained. This should be transmitted through the local bishops rather than through individuals, so that the personal, communal, and collegial aspects of reception are held together. Granted these conditions, this ministry should be sought in the Bishop of Rome.⁷⁸

This survey has admittedly *ad hoc* in its scope. Nonetheless, the range of sources, the importance of the voices involved, and the centrality of recent Communion documents in this discussion all point in a similar direction. A summary of the Anglican position as it concerns a universal primacy is as follows:

- First, “Being out of communion with the Roman see” is not part of the substance of the Anglican Communion, but rather “an accidental and contingent fact of history.”⁷⁹
- Second, Primacy is part of the fabric of Anglicanism, and this derives from the very nature of the episcopacy. The ministry of the bishop is both local and universal, pointing and exhibiting the unity of the local churches in the one Church. We need to look no further than the canonical authority given to the Archbishops of Canterbury and York in the present canons of the Church of England, whose origins are directly from her pre-Reformation history.
- Third, primacy always functions in a complementary way with conciliarism and cannot be exercised apart from it.
- Fourth, primacy at the level of a nation or province provokes the question: why not a primacy at the universal level? The concern about universal primacy comes from two sources: historical examples of the abuse of such primacy (either in the conduct of the person who held the office or in the use of the *potestas* endowed upon the office, such as in the dogmatizing of the two Marian dogmas), and the possibility of further abuse.
- Fifth, Anglicans would be willing to re-receive such a ministry, granted the proper conditions and the appropriate constitutional boundaries.

It is from here that I turn to the first two proposals that I make to the Covenant Design Group.

IV. TWO COVENANT PROPOSALS IMPLIED BY A UNIVERSAL PRIMACY

Proposal #1

- 1) **That any Church of the Communion – in the event that they propose to act, or undertake an action, that another Church of the Communion claims to threaten the unity of the Communion or the effectiveness of its mission and said proposal or action has been formally brought into the process for the resolution of covenant disagreements – may make a formal request to the Bishop of Rome to issue a**

⁷⁷ *Triune*, §IX.13.ii.

⁷⁸ *Triune*, §IX.13.iv.

⁷⁹ *Emmaus* (The Anglican-Roman Catholic International Commission 5.iii), 64.

judgment as to whether the act or proposed action of said Church is in conformity with the Faith of the one, holy Catholic, and Apostolic Church. The Instrument of Communion tasked with resolving covenant disagreements would understand such a judgment to hold moral authority within the context of their ministry of reconciliation.

This proposed paragraph would be inserted between §6.1 and §6.4 in the “Draft Procedural Appendix for an Anglican Covenant.”

Proposal #2

- 2) **To seek the affirmation of the universal ministry of the Bishop of Rome, in conjunction with the approval of the bishops in the Anglican Communion, when the Anglican Communion, on the initiative of one or more member provinces, considers moving into a process of "reception" about a matter of faith and morals, to ensure that catholicity has been preserved and to guarantee “that what is received is essentially what previous communities since the time of the apostles...have received.”⁸⁰**

This proposed paragraph would be inserted after §3.2.5b in the “St Andrew’s Text.”

At the Lambeth Conference in 1998, the Communion’s bishops declared that it “welcomes warmly the invitation of Pope John Paul II in his Encyclical Letter *Ut unum sint* (1995) to consider the ministry of unity of the Bishop of Rome in the service of the unity of the Universal Church.”⁸¹ The two, radical steps outlined in these two proposals would have an incredible effect on both communions and in numerous ways. Because Anglicans are not yet at the point of full, organic unity with the bishop of Rome and hence the Catholic Church, the adoption of one or both of these proposal is not the end of the conversation among Anglicans about how the Pope should function with regard to the Communion. This is simply the first step. And while I will write more of this in the coming pages, I think that in light of history and the present theological climate any initiation action on the part of the Communion cannot be staid until a “perfect solution” has been achieved in ARCIC or other such body. In fact, I think it is very likely that the solution(s) that leads to full, organic unity will not come without sacrificial acts of humility on the part of both communions. Instead, in beginning with these proposal, Anglicans would accede to the Pope the ministry of love and unity that Christians from a very early time have understood to be his: that of adjudicating theological dispute. In short, Anglicans would seek to invite the Bishop of Rome to exercise the ministry once understood during the first millennium: that is the *primus inter pares*.

No Christian communion that has retained the three-fold order of ministry has made anything resembling a formal rejection of the fact that the bishop of Rome should exercise this very function. But, it has been a very long time since any Christians not in communion with the Pope have asked or allowed him to exercise this ministry. The Bishop of Rome presently exercises as much theological control as he ever has in the Church’s history. Given the way the Catholic Church has developed, particularly in the post-Reformation era and most especially in the wake of Vatican I, the Pope never really functions in the way he did in the first millennium.

⁸⁰ This language comes directly from *The Church of the Triune God*, §IX.13.iv.

⁸¹ Resolution IV.23.e, <http://www.lambethconference.org/resolutions/1998/1998-4-23.cfm>.

Setting aside the situation of the uniate Churches, local synods are not settling doctrinal disputes on their own. The Pope, with much help from the Magisterium, is both preemptive and responsive to various issues as they arise. The point is that, at present, there is very little autonomy among local and national churches within the Roman Catholic Church that looks anything like the autonomy experienced in the Anglican Communion. The present organization of the Catholic Church means that it is nearly impossible for there to be a situation where a local church or churches would appeal to the Bishop of Rome to adjudicate because Rome would be likely already intervened, as the Congregation for the Doctrine of the Faith did recently on the invalidity of particular Baptismal formulae.⁸²

In making this move, the Anglican Communion would be making a historic step in the conversation begun in earnest in John Paul II historic request in *Ut unum sint*:

I am convinced that I have a particular responsibility...in acknowledging the ecumenical aspirations of the majority of the Christian Communities and in heeding the request made of me to find a way of exercising the primacy which, while in no way renouncing what is essential to its missions, is nonetheless open to a new situation.⁸³

This would be, by far, the most substantial and creative response to the Pope's call, a response that seeks the ministry of the Bishop of Rome in its more primitive form. To make such a request would mean that Anglicans would allow the Pope to exercise this part of his ministry which has lain dormant for nearly a millennia. To make such a request would be for the Anglican Communion to simply put action behind what it has affirmed many times: that a universal primacy is necessary for the unity and catholicity of the Church that is proper to her. Such a perspective on the part of the Anglican Communion would provide an incredibly creative response to what has become known as the "Ratzinger Proposal," which the then-cardinal outlined in his monograph *Principles of Catholic Theology*.⁸⁴

In the second of three parts, which he dedicates to the question of the formal principles of Christianity within the context of ecumenical dispute, Joseph Ratzinger spends a good deal of time considering the Churches of the East. He begins with a most practical question: what are the "maximum demands" that must be articulated at the onset? The question that looms here is, of course, the question of Petrine primacy, particularly in light of *Pastor aeternus* in 1870. It is quite clear that Romans Catholics would not and cannot "simply declare the doctrine of primacy

⁸² On February 29, 2008, the Congregation for the Doctrine of the Faith issued a brief response to two questions: First question: Whether the Baptism conferred with the formulas "I baptize you in the name of the Creator, and of the Redeemer, and of the Sanctifier" and "I baptize you in the name of the Creator, and of the Liberator, and of the Sustainer" is valid? Second question: Whether the persons baptized with those formulas have to be baptized *in forma absoluta*? The answer the first question was "no," and the second "yes." See <http://www.zenit.org/article-21925?l=english>.

The *Virginia Report* references the matter of the baptismal formula in this way: "The universal doctrine of the Church is important especially when particular practices or theories are locally developed which lead to disputes. In some cases it may be possible and necessary for the universal Church to say with firmness that a particular local practice or theory is incompatible with Christian faith. This was said, for example, to those churches in South Africa which practiced and justified racial discrimination at the eucharist. Similarly if a church were to develop a different baptismal formula than that delivered in Scripture and used throughout the world, a comparable situation would arise. The Chicago Lambeth Quadrilateral is a list of norms and practices which must characterise the Church at all times everywhere" (§4.25).

⁸³ *Ut unum sint*, §95

⁸⁴ See op. cit. (note 16).

null and void” for the sake of unity with the East. Nor, on the other hand – and this is supremely significant – is it possible for them “to regard as the only possible form and, consequently, as binding on all Christians the form this primacy has taken in the nineteenth and twentieth centuries.”⁸⁵ Ratzinger points to the symbolic gesture undertaken by Pope Paul VI when he knelt before the representative of the Ecumenical Patriarch. It is precisely this kind of act that has the ability “to point the way out of the historical impasse.” His proposal is this:

Rome must not require more from the East with respect to the doctrine of primacy than had been formulated and was lived in the first millennium. When the Patriarch Athenagoras, on July 25, 1967, on the occasion of the Pope’s visit to Phanar, designated him as the successor of St. Peter, as the most esteemed among us, as one who preside in charity, this great Church leader was expressing the essential content of the doctrine of primacy as it was known in the first millennium. Rome need not ask for more. Reunion could take place in this contact if, on the other hand, the East would cease to oppose as heretical the developments that took place in the West in the second millennium and would accept the Catholic Church as legitimate and orthodox in the form she had acquired in the course of that development, while on the other hand, the West would recognize the Church of the East as orthodox and legitimate in the form she has always had.⁸⁶

The whole scheme is rather amazing, I think, given the entrenched history of nearly a millennium in separation from one another. There are a few points that I think important to highlight.

First, Ratzinger says “Rome *must* not require” and not “Rome *should* not require.” At the time of authorship, he was the Prefect of the Congregation for the Doctrine of the Faith, the oldest Curial office and the one who task it is “to promote and safeguard the doctrine on faith and morals in the whole Catholic world.”⁸⁷ Thus, it is safe to assume this to be the state of play in the Catholic Church, most especially since Ratzinger is now Pope Benedict XVI. The theological implication is that it would be improper at the minimum, and certainly a profound breach of charity, were the Roman Catholic Church not to require any more than what was believed at the point of separation. Second, he articulates “the essential content of the doctrine of primacy as it was known in the first millennium”: the Bishop of Rome as “the successor of Peter, as the most esteemed among us, [and] as one who preside in charity.” Even if the legacy of ARCIC were not in our hands, I would find it difficult to imagine the vast majority of the Anglican episcopacy would not be willing to accept such a definition of Petrine primacy and willingly embrace communion thereto. It is, in fact, a succinct summary of the way in which Anglicans understand the nature of the Archbishop of Canterbury’s primacy (except, of course, as successor of Peter) within the Anglican Communion: not one of jurisdiction or dogmatic power, but as the *primus inter pares*, the most esteemed one who presides in love. Third and finally, what Rome asks of the East in Ratzinger’s scheme is not an embrace of the doctrine of primacy that developed after 1054. Rather, it is a request for the basic acknowledgment that the post-1054 vision of the Petrine ministry is within the realm of legitimate possibility, while at the same time not subscribing to it themselves. This, for Anglicans, would be much harder, for it makes possible the scenario that occurred with the proclamation of both Marian dogmas – the

⁸⁵ Ratzinger, *Principles*, 198.

⁸⁶ Ratzinger, *Principles*, 199.

⁸⁷ John Paul II, The Apostolic Constitution *Pastor bonus*, 28 June 1988, §48.

insistence upon the faithful of beliefs that Anglicans as a Communion have not understood to have direct warrant in Scripture. But it would seem safe to assume that Ratzinger implies here that the East would not have to ascribe to the dogma of the Immaculate Conception, but simply acknowledge that such a belief – the result of the post-1054 vision of the Papacy – is not *de facto* heretical.

Ratzinger is, large part, proposing the methodology that has characterized ARCIC from its inception: re-reception. ARCIC first described their methodology in *The Gift of Authority* (1999) where they explain that re-reception is the process whereby separated churches seek to re-receive “some element of the apostolic Tradition” which may have been “forgotten, neglected or abused” (§3). Articulated in such a manner, such creative theological work opens the way for significant progress and sidesteps the working assumption and ultimate goal (conscious or not) that often lurks in the back of each tradition’s collective mind: convince the dialogue partner of the rightness of their own position. Thus, within the scheme of the Papacy, both Anglicans and Catholics would re-receive an understanding of the Papacy that was widespread for much of the first millennium and is still affirmed by the Orthodox Churches. This is very much in the vein of what the Bishop of Rochester, Michael Nazir-Ali, in considering how “the service of love of the Bishop of Rome can be received again,” suggested that Anglicans may very well be willing to acknowledge: a Primate not only “who gathered the Church in different ways for consultation and decision,” but who could see one “function for the primate as a court of appeal.”⁸⁸

Such a radical act of humility on the part of the Anglican Communion would quite likely have a profound impact on the ministry of the papacy itself. One wonders if the Pope would temper the tendency to over-emphasize the jurisdictional side of his ministry in favor of the matyriological ministry of love that John Paul II highlighted so beautifully and profoundly in *Ut unum sint*. Given the important steps made in *The Church of the Triune God* with the Orthodox Churches, this step on the part of the Anglican Communion may nudge the Orthodox to exercise a similar, limited, ministry, in the face of the many disputes that infect their the relationships of the autocephalous churches. The fact is that both for Anglicans and for the Orthodox, we say one thing about the Pope and do something quite different. Both communions believe in good faith that the developments in the Papacy in the second millennium, particularly as they are articulated at Vatican I and II are beyond what Christ intended for His Church. What is unclear is how both churches will engage the question beyond negative pronouncements and veiled intimations.

The trajectory of all of the ARCIC texts, plus the responses by successive Lambeth Conferences, buttressed by *Ut unum sint* points, in my mind, to the undeniable fact that one of the Churches must undertake a truly profound act of humility and charity if the stated goal of full, organic communion is to be realized. Bruce Marshall, in a recent paper⁸⁹ on the future of ecumenism, argues that public acts of penitence must be undertaken by churches as a means of demonstrating their sincere desire to obey the Lord’s command for there to be no division among us. This would be a profound act of humility and charity on our part that is simply making clear

⁸⁸ Michael Nazir-Ali, “A Pope for all Christians,” *The Tablet*, 6 December 2006, <http://www.thetablet.co.uk/articles/6539/>

⁸⁹ Bruce D. Marshall, “The Future of Ecumenism,” 30 January 2008, Albert Outler Conference, Perkins School of Theology, Southern Methodist University, Dallas, Texas (as yet unpublished).

a reality that is very early in the Church's history and is an active response to Pope John Paul II's call in *Ut unum sint* to help his office reconsider how the ministry of the papacy could be reconsidered for the sake of the unity of the Church.⁹⁰

The Anglican Communion has said repeatedly and consistently that it believes that a ministry of universal primacy is important, and maybe even necessary, for the life of the Church, the articulation of her faith, and the preservation of her catholicity. In the Preface to Authority I, the bishop co-chairs write the following:

The prospect [of common recognition of Roman primacy] should be met with faith, not fear. Communion with the see of Rome would bring to the churches of the Anglican Communion not only a wide *koinonia* but also a strengthening of the power of realize its traditional ideal of diversity in unity.

One way for Anglicans to go about responding faithfully to such a statement is to answer the following question: Is the fullness of the historic episcopate, put forth in the Quadrilateral as a necessary marker for Mere Catholicism, not lacking if cut off entirely from the Bishop of Rome? To put it differently, if the Quadrilateral's task is not just to define the basics of Anglicanism but to put forward a vision of Catholic Christianity that is a challenge to the one defined in *Pastor aeternus*, must it not one day include the ministry of the Bishop of Rome if its task of "home reunion" is to be brought about in grace? I believe it must.

These two proposals are by no means a cohesive plan for full communion with the Roman Catholic Church. Theologically, the move would not be overly radical. But the Anglican Communion is at the biggest crossroads it has ever faced, and I think we would be foolish to not see in this moment not only an opportunity to clarify that the way in which we relate to one another must make provision to the adjudication of theological conflict, but an opportunity to move one step closer to our closest ecumenical partner and make the first gesture of humility. The Roman Catholic Church made a simple but important statement in the Decree on Ecumenism: "the Church must always be open to continual reformation" (§6.3). The Anglican Communion must be willing to say the same thing.

Anglicans are not the only Christians who are concerned with the relationship of the Bishop of Rome to all the Christians with whom he is not in communion. In the Princeton Proposal for Christian Unity, published under the title *In One Body Through the Cross*, the ecumenical group of authors propose the following:

In the present situation, the Roman Catholic Church has a special ecumenical place and must play a unique role. Including approximately half the Christians in the world, *it is an essential agent in any comprehensive realization of church unity*. While the papacy is undoubtedly a continuing stumbling block for many, *the bishop of Rome is also the only historically plausible candidate to exercise an effective worldwide ministry of unity*. This privileged role creates a great burden of responsibility. The bishop of Rome and the

⁹⁰ "Could not the real but imperfect communion existing between us persuade Church leaders and their theologians to engage with me in a patient and fraternal dialogue on this subject, a dialogue in which, leaving useless controversies behind, we could listen to one another, keeping before us only the will of Christ for his Church and allowing ourselves to be deeply moved by his plea "that they may all be one ... so that the world may believe that you have sent me" (*Jn 17:21*)?", §96.

magisterium of the Roman Catholic Church must teach in a fashion capable of shaping the minds of the faithful beyond those currently in communion with Rome.⁹¹

The question is not necessarily if all Anglicans are ready for such a move, but whether the other forces of strain at play at the present time simply make the nature of these first two proposals untenable. I hope they do not, but I recognize that many in the Communion will see these proposals as non-starters, at least right now. And so this leads me to my third proposal.

V. THE THIRD COVENANT PROPOSAL – FORMAL ECUMENICAL CONSULTATION

In light of the arguments made thus far, as well as the acknowledgment at the end of Section IV, I put forward the following third proposal as a first step in cementing ecumenical charism of the Anglican Communion within the context of the Covenant.

Proposal #3

That any Church of the Communion – in the event that they propose to act, or undertake an action, that another Church of the Communion claims to threaten the unity of the Communion or the effectiveness of its mission and said proposal or action has been formally brought into the process for the resolution of covenant disagreements, a formal request is to be made both to all the churches and ecclesial communities with which the Anglican Communion, by means of the Anglican Consultative Council, is in formal, bi-lateral dialogue – necessarily including the Roman Catholic Church⁹² – and those churches with whom the Communion has agreements of full communion, to make a formal response within three months to the following two questions:

- a. Would the reception by the Anglican Communion of the act or proposed action of said Church in the Communion which has been formally brought into process for the resolution of covenant disagreements constitute an impediment to the full communion agreement already in place or the stated desire for full organic communion between our churches?**
- b. Do you understand the act or proposed action of a Church of the Communion which has been formally brought into process for the resolution of covenant disagreements to be essentially what previous communities since the time of the apostles have received?**⁹³

This proposal would seem to fit best somewhere in section §3.2.5, except that that the way in which each are laid out each bullet point must be some action in which the Provinces/Dioceses commit themselves to participate. Thus, within the St Andrew's Text, this would seem best to fit as a subsection of §4.1 in the "Draft Procedural Appendix for an Anglican Covenant."

⁹¹ Carl E. Braaten & Robert W. Jenson, eds., *In One Body Through the Cross: Princeton Proposal for Christian Unity* (Eerdmans: Grand Rapids, 2003), 54-55, §65.

⁹² While the historical argument made above would imply that the request be made specifically to the Bishop of Rome, such a request would likely be made to the Cardinal President of the Pontifical Council for Promoting Christian Unity and possibly the Prefect of the Congregation for the Doctrine of the Faith.

⁹³ This language comes directly from *The Church of the Triune God*, §IX.13.ii.

The general thrust of the proposal requires little explanation in light of the arguments put forward in this paper. However, I think it is important to be clear as to why both questions are vital. In the opening paragraph in the section on the Windsor Process in the Reflection paper published by the 2008 Lambeth Conference, the following sentence can be found: “Some wondered whether the Pastoral Forum should have members from outside the Communion.”⁹⁴ The history of ARCIC would lead one to think that at least one Roman Catholic on the Pastoral Forum, would be an acknowledgment of their commitment to the Anglican Communion through this period of difficulty. But more than that is needed. Format engagement with our full communion and ecumenical partners over controverted matters within the Communion is absolutely necessary to its future. There is lip service given to the fact that the actions of one church cannot but affect the life of others. The IARCCUM sub-committee’s submission to the Windsor Commission summarizes this brilliantly:

When such decisions are made by one part of the Anglican Communion with little attentiveness to the ecumenical relationships of their Communion with other churches and Christian bodies, is there not an undermining of the movement towards restoration of full communion to which the churches are committed, and does not there occur by default a serious diminishment of what our relations and our dialogue have already achieved?⁹⁵

The second question is related to the first, in the sense that it is a very different way of asking the question of whether a particular action would affect our ecumenical relationship or full communion agreement, but is distinct enough that it is worth considering in its own right. The language, as the footnote explains, comes from *The Church of the Triune God* in the section on the concept of reception. Development in matters of faith and order is only life-giving and fruitful to the spreading of the Gospel when its essence is “what previous communities since the time of the apostles have received.” To ask our ecumenical and full communion partners to think in this way about the possible actions of the Communion is, in itself, an apprehension of the Church’s catholicity and cannot help but promote the kind of theological exchange that buttresses the Church’s evangelical witness.

VI. CONCLUSION

Near the conclusion of Archbishop Rowan William’s pastoral letter to the Anglican Communion from June, 2006, he writes: “If we are to continue to be any sort of ‘Catholic’ church, if we believe that we are answerable to something more than our immediate environment and its priorities and are held in unity by something more than just the consensus of the moment, we have some very hard work to do to embody this more clearly.”⁹⁶ In the midst of the Communion’s profound struggles, the Archbishop sets before it the goal of deep catholicity with regard to the way in which we are ordered and achieve reconciliation in response to conflict over matters of faith and order. He is even more explicit later in the letter:

But what our Communion lacks is a set of adequately developed structures which is able to cope with the diversity of views that will inevitably arise in a world of rapid global

⁹⁴ “Lambeth Indaba: Capturing Conversations and Reflections from the Lambeth Conference 2008- Equipping Bishops for Mission and Strengthening Anglican Identity,” 3 August 2008, §146, <http://www.lambethconference.org/reflections/document.cfm>.

⁹⁵ “Ecclesiological Reflections,” taken from the boxed summary below §41, pp 19.

⁹⁶ The Most Rev’d Dr Rowan Williams, “The Challenge and Hope of Being Anglican Today,” 27 June 2006.

communication and huge cultural variety. The tacit conventions between us need spelling out – not for the sake of some central mechanism of control *but so that we have ways of being sure we're still talking the same language, aware of belonging to the one, holy, catholic and apostolic Church of Christ*. It is becoming urgent to work at what adequate structures for decision-making might look like.”⁹⁷

Such a consideration, however, can never be separated from the ecumenical hue in light of the Gospel's demands.

No doubt keeping Archbishop Williams' words in mind, Cardinal Walter Kasper put the following question to the Anglican Communion quite literally as the Archbishop was in his second official meeting with Pope Benedict XVI:

Does it [i.e. the Anglican Communion] belong more to the churches of the first millennium -Catholic and Orthodox - or does it belong more to the Protestant churches of the 16th century? At the moment it is somewhere in between, but it must clarify its identity now and that will not be possible without certain difficult decisions.⁹⁸

The profound identity crisis is not merely existential, but tangible and threatening to devastate the Communion into a surfeit of little pieces. And it looks increasingly like this may occur more on account of simple inertia than through diabolical schemes hatched in dim rooms. As Oliver O'Donovan writes,

The church's old habits of negotiating stubborn oppositions by synthesizing them within a central, undogmatic stream of opinion—let us follow the convention and call the paradigm “liberal” without prejudice to any person or group claiming that title as their own—seem to have fallen away. When from as early as Queen Victoria's day British prime ministers preferred liberal bishops, it was because they seemed to be able to stop the church from falling apart....The historically centripetal middle had become a new centrifugal pole.⁹⁹

The next few steps taken by the Communion are steps of life and death.

The questions that face the Communion are so numerous and so multifaceted that one easily can sink into despair when trying to chart it all out. But the fact remains that Anglicans do not have a *de facto* rejection of the Petrine ministry and are at the same time profoundly in need of something new in the exercise of authority. The fact that the present exercise of the Papacy would not be palatable to Anglicans should not be a deterrent. The only way – may I repeat, the *only* way – Anglicans will ever receive the Petrine ministry is if they choose purposefully to do so. It can and will never be forced upon them unwillingly. And so if the ball is in the Anglican court, the way Anglicans receive the Petrine ministry are also up to them. The opportunities for Anglicans at this juncture is enormous. No one with any sense of history can deny that the threat is catastrophic, which means that the solution will be complex and multifaceted. Here and now is when the Anglican Communion has the chance to, in one act, perform three extraordinary feats:

⁹⁷ Williams, “Challenge” (emphasis added).

⁹⁸ Anna Arco, “Williams faces historic choice, says Vatican cardinal,” *The Catholic Herald* (on-line edition), 6 May 2008, accessed at <http://www.catholicherald.co.uk/articles/a0000273.shtml>.

⁹⁹ Oliver O'Donovan, *Church in Crisis: The Gay Controversy and the Anglican Communion* (Cascade Books: Eugene, OR, 2008), 4.

- a) to challenge the Roman Catholic Church's present exercise of the Petrine ministry by proposing to embrace a clearly historic function for the Bishop of Rome – that ministry of faith and charity expressed in the resolution of theological disputes at the request of the local church in question;
- b) to make a radical, and yet exceedingly humble, gesture to arguably the Communion's most important ecumenical partner, placing them in a position where the next move is suddenly in their court, and putting our ecumenical relationship in a completely new light; and
- c) to embrace the peculiar ecumenical charism that the Communion first embraced in the Quadrilateral by both acknowledging its need for the charisms present in another ecclesial communities, while simultaneously challenging that community to re-receive a part of its own history and take seriously its acknowledgment that the Church must always be open to continual reformation.¹⁰⁰

I am under no delusions that the Covenant, if it is to be embraced by a vast majority of the Communion, must be radical. And while I believe firmly that the Communion should seriously consider the first two proposals I have outlined, I realize that the forces pressing in on it may simply make such a consideration impossible at this juncture. Nonetheless, a first step is the third proposal that I have laid out on the formal engagement with all our full-communication partners and those with whom we are in formal bi-lateral dialogues, necessarily including the Roman Catholic Church. I trust that the Covenant Design Group will receive all three in the spirit in which they are offered, that of humility, prayerfulness, and ultimately hope grounded in the sure and certain promises of our Lord to His Church.

¹⁰⁰ From *Unitatis redintegratio*: "Every renewal of the Church is essentially grounded in an increase of fidelity to her own calling. Undoubtedly this is the basis of the movement toward unity.

"Christ summons the Church to continual reformation as she sojourns here on earth. The Church is always in need of this, in so far as she is an institution of men here on earth. Thus if, in various times and circumstances, there have been deficiencies in moral conduct or in church discipline, or even in the way that church teaching has been formulated-to be carefully distinguished from the deposit of faith itself-these can and should be set right at the opportune moment.

"Church renewal has therefore notable ecumenical importance. Already in various spheres of the Church's life, this renewal is taking place" (§6.1-3).



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The Rev. Canon Gregory Cameron
The Covenant Design Group
covenant@anglicancommunion.org

Dear Canon Cameron,

We are grateful that the Covenant Design Group has invited responses from the worldwide Anglican Communion to the St. Andrew's Draft of the proposed Anglican Covenant.

Members of the Deputation to the General Convention of The Episcopal Church and the Bishop of the Diocese of Utah have previously issued two lengthy statements, one on March 14, 2007, in response to the Primates' Communique from Tanzania, and the second on June 4, 2007, to answer questions about the Covenant posed by the Executive Council of The Episcopal Church to assist in formulating its response to the Nassau Draft. These earlier statements are attached in this email correspondence along with our response to the St. Andrew's Draft.

In this season of Pentecost we send you our greetings and assure you of our prayers as you undertake the important work of collecting, reviewing, and considering responses from across the Communion. May God bless you richly in your task and bless us all with the gifts of ever-deepening witness to the power of the Holy Spirit's work among us.

Faithfully in Christ,

(The Rt. Rev.) Carolyn Tanner Irish, Tenth Bishop of Utah

and the Deputation to General Convention from the Diocese of Utah



A Response to the St. Andrew's Draft of the Anglican Covenant

by the Bishop and General Convention Deputation of the Episcopal Diocese of Utah

June 20, 2008

Introduction

The Deputation to the General Convention of The Episcopal Church from the Diocese of Utah, and the Bishop of Utah, have met together to formulate a response to the St. Andrew's Draft (SAD) of the proposed Anglican Covenant.

We are mindful of the resolution from our General Convention 2006, A166 (see text at the end of this document), in which our Province of the Anglican Communion committed itself to ongoing work toward an Anglican Covenant. In that spirit we have considered the SAD, and in our discussions have found ourselves to be "covenant minimalists" at best.

By "covenant minimalists" we mean that we would happily accept Section 2 of the SAD as the entire text of any proposed covenant. This section is an excellent summary of gospel imperatives, our purpose in the AC, and our mission as members of the Body of Christ. We believe such a summary covenant would cohere with the substance of A166.

While there is much to be commended in the entire SAD, we are unanimous that the overall direction of the SAD document and its proposals are not acceptable to us.

Our reasons for opposing a covenant

The reasons we cannot endorse the general premise and direction of the proposed covenant are as follows.

1. The proposed Anglican Covenant has arisen not from a desire to strengthen our bonds of affection, but to provide a more legal framework for the discipline of member provinces. This genesis alone, seemingly punitive and reactionary, is not a firm basis for a long-lasting outcome for good in the Anglican Communion.

Explanation: There is no question that the current crisis in the AC has arisen from the consecration of The Rt. Rev. V. Gene Robinson as Bishop of New Hampshire in 2003. (Bishop Robinson is by no

means the first bishop of the Anglican Communion who is gay, but he is the first to enter into his ordination vows publicly and honestly saying who he is.) That action was taken lawfully and in accord with the canons of The Episcopal Church. Until that time no process or organization was in place to adjudicate any member province's actions. Many voices immediately demanded sanctions against The Episcopal Church. Strong responses from some, but not all, provinces in the AC, fueled by the speed of the Internet and heightened by its ability to amplify voices beyond their ordinary influence, created a climate of fear and condemnation.

The Windsor Report sought to provide a way forward to address the worldwide concerns. Its text, and subsequently the Nassau and St. Andrew's drafts of a proposed Anglican Covenant, reveal that the desire of disaffected members of the AC is not to enter into learning and dialogue about the issues of human sexuality, but rather to discipline member provinces whose actions other provinces may find unfathomable or, in the words of some, unscriptural.

2. The proposed Anglican Covenant lays out a structure and a process for the adjudication of Anglican disputes which is new to our experience of being a worldwide Anglican Communion. Rather than the bonds of affection, the SAD calls for a more centralized authority in the AC with the ability to define full membership and "correct" biblical interpretation.

Explanation: The SAD says, "At a time of fragmentation, a covenant is a basis for mutual trust and reduced anxiety. Habits of civility and mutuality of respect have taken us a long way in the past. We are now in a place where our structures must provide a framework for the context of our ministry" (page 2, top). We strongly disagree with the proposal for new structures. We are saddened that greater calls for "civility and mutuality of respect" did not come sooner. Yes, the context of our ministry is worldwide, but the structures which have served us well must not so quickly be superseded. The flexibility and growth of the AC across the centuries is directly attributable to our traditional structures and their local adaptations. Changing them in the wake of one particular issue and crisis is ill-advised and does not bode well for the stability of the Communion as it inevitably addresses other crises in the future.

The Instruments of Communion, that arose independently and for different purposes, have now become—even before the communion-wide discussion and acceptance, if any, of the Windsor Report—seemingly official bodies of the AC. A glance at www.anglicancommunion.org will confirm that these Instruments have already become quasi-official in assuming greater authority. A new structure for the AC is emerging without provincial buy-in. Indeed, some of the Instruments have already assumed authority they do not yet have (for example, in Lambeth Conference resolutions that some claim have Communion-wide priority, and in the Primates' Communiqué from Tanzania, in which the Primates collectively spoke, in our opinion, beyond their authority) relying on the "emergency" in the AC for justification.

The addition of the Appendix to the SAD, and the fact that it now forms a substantial portion of the overall text, makes it clear that the Covenant is at least as much, if not more, about the means of dissolving communion rather than promoting it. Far from reflecting the traditional emphasis of the AC on finding ways to be together, the document leans toward disciplinary action, defining the roles of judge and jury and significantly changing Anglican polity.

This Covenant is being proposed by many who want a way to say "You are wrong. We therefore have no need of you. This Body *can*—even *should*—exist without one or more of its members."

Nothing could be more unbiblical. We fear the medicine to the perceived illness of the Body will be worse than the present dis-ease.

3. The St. Andrew's Covenant still does not appear to understand that the polity of The Episcopal Church, and even that of other provinces, does not allow for some of the provisions it proposes. As the canons of The Episcopal Church stand, there is no legitimate authority which can supersede the General Convention. Also, the House of Bishops cannot act for the entire Episcopal Church.

Explanation: Unlike some Anglican provinces whose bishops, or single bishops, have the authority to speak and act for the whole, The Episcopal Church's General Convention is the only authority which may do so with binding force. The General Convention is composed of the House of Bishops and the House of Deputies (equal numbers of laity and priests/deacons), and the two houses must concur in every decision.

The Episcopal Church holds, through its baptismal covenant and its catechism (*Book of Common Prayer* 1979, pp. 302 and 855), that the ministry of the Church is four-fold: lay persons, bishops, priests, and deacons. Bishops are indeed "guardians and teachers of faith, leaders in mission, and...visible sign(s) of unity" (SAD 3.1.3), but the work of the laity, priesthood, and diaconate is essential as well to the transmission of doctrine and the development and implementation of discipline.

We strongly resist, therefore, the increasing role the SAD proposes for bishops and synods of bishops both in the Primates' Meetings and in the Lambeth Conference, as well as their suggested greater presence on the Anglican Consultative Council.

4. The proposed new structures of authority to not comply with the Anglican Consultative Council's Resolution 1331, which calls for gender equality in all Church bodies.

Explanation: The SAD would create authoritative structures in which women are and will likely remain into the future in the great minority. The Primates have one woman among them. The Lambeth Conference around twenty, the ACC a quarter of its number, and only if they are chosen by member provinces. Many provinces still do not call women into lay and ordained leadership, which excludes women even from having access to global roles. The exclusion of the voices of women in all but very small numbers is simply unacceptable in this day when the Anglican Communion supports the empowerment of women.

5. Much of the world's response to actions taken by The Episcopal Church stems from a more conservative, even fundamentalist, approach to the reading of Holy Scripture. This is not historically the only Anglican approach, and we resist covenant language that could reduce "catholic tradition" to one hermeneutical model.

Explanation: We are heartened to see the SAD expand its discussion of the authority of the Church to include the creeds, historic formularies of the Church, and the newness of Christian expression for each generation-- in addition to the witness of the Holy Scripture (Sect. One). We know, however, that many provinces of the AC do not have a tradition of reading Holy Scripture with the aid of modern biblical criticism.

The catholic tradition was largely responsible for the “invention” of modern biblical criticism, both in England and on the Continent. Many Anglican seminaries throughout the world have historically welcomed and taught critical methods. We support the use of the term “catholic tradition,” if by that term the authors mean the breadth of that tradition, not its more recent, restrictive use to describe what some are naming “Anglican orthodoxy.”

We are concerned that key terms in the covenant, most especially “catholic tradition,” remain undefined, therefore open to wide interpretation and the possibility of becoming the ground for further dissension.

6. Some provinces of the Anglican Communion have shown no willingness to undertake the listening process called for in the Windsor Report. We cannot commit ourselves to a covenant proposal knowing that other provinces have not taken action to approach the issue of human sexuality in a respectful, serious way.

Explanation: Many provinces in the AC have yet even to begin serious study and discussion of human sexuality. Some of the provinces which decry The Episcopal Church’s failure to keep this or that provision of the Windsor Report (which we hold to be a discussion document at this time, not an agreed-upon course of action), are not themselves willing to study difficult issues beyond searching the Scriptures for the Bible’s last word. Our decades of study and prayer have convinced us that the Bible is not the only word on this subject, and that it must be considered alongside many ways of hearing God’s word to us in our generation. The SAD will not create a climate in which rigorous, open, biblical, traditional, and scientific study and dialogue on human sexuality—or any other difficult topic—can take place across the Communion. Rather, it may truncate such study and conversation by the premature wielding of a club of authority should any province reach beyond another’s comfort zone. No listening process can flourish in a climate of fear.

7. We do not support the creation of a covenant whose provisions are unlikely to be followed by Anglican conservatives around the globe. Actions of some primates and provinces have not convinced us that they are willing to be guided by authority beyond themselves, despite their repeated calls for disciplinary action against “wayward” provinces.

Explanation: We in The Episcopal Church have suffered the repeated and unwelcome visitations of bishops and even primates of other provinces without the consent of our own bishops, action that is contrary to the canons of every province in the AC.

The Primate of the Southern Cone has repeatedly defended his uncanonical transfer of the now former bishop and many churches of the Diocese of San Joaquin to his province, causing great distress to those persons formerly in his flock who wished to remain in The Episcopal Church. He has attached a diocese in Brazil, Recife, to his own province despite the prohibitions in his own provincial canons to extending the province beyond contiguous boundaries.

Other provinces and bishops have set up missions and have ordained clergy in our dioceses without the permission of our bishops. They have claimed ownership of Episcopal Church properties.

Most egregiously, some primates, bishops, and priests have refused to receive communion with the Primate and other members of The Episcopal Church with whom they disagree, a clear sign that the listening process cannot possibly succeed if reconciliation at the Table of the Lord is not even possible.

The refusal of some to attend the upcoming Lambeth Conference further demonstrates the unwillingness of some even to being in the same room or in dialogue with those they have already judged to be in error. The creation of the GAFCON conference, the frequent references to the Communion's already-broken state, the "mutinous" talk of establishing a second Anglican Communion—all these speak louder to us than words calling for a covenant.

Far more dangerous to the health of the Anglican Communion than the consecration of Gene Robinson are the actions of some so-called "orthodox" provinces and bishops whose uncanonical, illegal, and uncharitable moves have damaged the very fabric they seek to protect.

In short, we do not trust that, were The Episcopal Church to enter into covenant with the wider Communion, many other provinces would see themselves equally bound by its provisions. We perceive the provisions of the proposed covenant to be aimed in one direction: against progressive provinces who have interpreted the SAD directive "to seek to transform unjust structures of society" (2.2.2.d) in a way deemed unacceptable.

(Note: The paragraphs in this section were written just prior to June 19, 2008, when the GAFCON document *The Way, the Truth, and the Life: Theological Resources for a Global Anglican Future*, was published in Jerusalem. This document does nothing to allay our fears that the train of "orthodox" schism has already left the station and that the most conservative members of the Communion do not seek to be bound by a covenant.)

Conclusion

Talk of any covenant is premature when members of the communion are actively seeking division. The Anglican Covenant will neither repair the breach nor promote respectful, serious study of difficult issues.

For all these reasons we cannot accept the proposals of the St. Andrew's Draft. We do not believe that the solution to the fragmentation—even schism—of the Communion is in the restraint of law and the proposal of discipline, no matter how well couched in cooperative words the solution may be.

We ask, therefore, that the Anglican Communion take its time in evaluating our way forward. The covenant seems like too quick a fix, unseemly and even dangerous at this time. We commit ourselves to prayer, fellowship at the Lord's Table, listening, and service.

Signed:

The Tenth Bishop of Utah

The Right Reverend Carolyn Tanner Irish, D.D.

The Deputies to General Convention, 2009

The Rev. Canon Mary June Nestler

The Rev. Canon Dr. Pablo Ramos

The Rev. Canon Dr. David E. Bailey

The Rev. Lee Shaw

Mr. Stephen F. Hutchinson, Esq.

Ms. Toni Marie Sutliff, Esq.

Ms. Barbara Losse

Ms. Nancy Appleby

The Alternate Deputies to General Convention, 2009

223 The Rev. Susan Wiltsey Smith Mr. Russell C. Babcock
224 The Rev. Steve Keplinger Col. Jay P. Stretch
225 The Rev. R. Michael Mayor Mr. Matthew T. Seddon
226 (vacant) Ms. Kathryn B. Horvat
227 **Text of Resolution A166** (referred to in this document on line 7), GC 2006:
228

229 *Resolved*, the House of Deputies concurring, that the 75th General Convention of the Episcopal Church,
230 as a demonstration of our commitment to mutual responsibility and interdependence in the Anglican
231 Communion, support the process of the development of an Anglican Covenant that underscores our
232 unity in faith, order, and common life in the service of God's mission; and be it further
233

234 *Resolved*, that the 75th General Convention direct the International Concerns Standing Committee of
235 the Executive Council and the Episcopal Church's members of the Anglican Consultative Council to
236 follow the development processes of an Anglican Covenant in the Communion, and report regularly to
237 the Executive Council as well as to the 76th General Convention; and be it further
238

239 *Resolved*, that the 75th General Convention report these actions supporting the Anglican Covenant
240 development process, noting such missiological and theological resources as the Standing Commission
241 on World Mission and the House of Bishops' Theology Committee to the Archbishop of Canterbury,
242 the Joint Standing Committee of the Anglican Consultative Council and the Primates, and the
243 Secretary General of the Anglican Communion; and that the Presiding Bishop of the Episcopal Church
244 report the same to the Primates of the churches of the Anglican Communion.

**A Response to the Anglican Covenant, St Andrew's Draft
from the General Convention Deputation of the Diocese of Northern Indiana**

Précis

We, the lay and clerical deputies of the Diocese of Northern Indiana, gratefully endorse the “St. Andrew’s Draft” of the evolving Anglican Covenant. In our response, we note several positive features that build on the strengths of the first draft:

- A vision of Christian communion rooted in the holy and undivided Trinity as the ground and shape of the one Church’s existence and order.
- An extraordinary and courageous ecumenical self-consciousness.
- A distinctly Anglican contribution to ecumenical ecclesiology.
- A persistent call to understand provincial autonomy in the context of deferential love toward the whole Body of Christ.
- A helpful move toward a stronger definition of the nature of Anglican unity.

Looking ahead to future revisions, we recommend that the Covenant Design Group consider:

- Citing *Windsor Report* §82 at 3.1.2 (in addition to the citation of *Windsor Report* §76), for its memorable statement that communion is “the fundamental limit to autonomy.”
- Granting a final adjudicatory role to the Joint Standing Committee of ACC and Primates at Appendix §8. The JSC is a much smaller group than either the Primates’ Meeting or the ACC, and possesses the strengths of each Instrument of Communion.

Our Understanding of the Context of This Response

1. The lay and clergy Deputies from Northern Indiana welcome the opportunity to offer a response to the most recent draft of the evolving Anglican Covenant. In this time of high anxiety in the Anglican Communion, some fresh articulation of the bonds of our common life and witness seems both necessary and urgent. We cannot at this moment afford the luxury of relying on the sort of habitual and innate affection that may have served us well in the past, but no longer does so. This is a season for careful collective discernment of “the Spirit’s tether”¹ as the churches of our Communion move forward together. As privileged North American Anglicans, any response to the present crisis that does not call on an abundant measure of charity and patience—perhaps a greater measure than we even know we possess—would be profoundly impoverished.

2. We are aware that many within our own Episcopal Church find the very notion of an Anglican Covenant, as well as the particular draft currently under consideration, threatening to our cherished autonomy. We are likewise aware that many of the faithful in other Anglican provinces are similarly dismayed by the prospect of expectations of mutual accountability that are more formally defined than what we have come to know as

normative in the past. We are not naïve about the possibility that some of our Anglican brothers and sisters will find it agonizingly difficult, if not impossible, to live according to the principle that “communion is the fundamental limit to autonomy.”ⁱⁱ In our general endorsement of the St Andrew’s Draft, it is certainly not our intention to surrender to the specter of further schism within the Anglican fellowship. Rather, it is our hope that, in making this response, we will, in our own small way, move the process forward toward a positive outcome.

Scriptural Ecclesiology of Communion, Ecumenically Wrought

3. In the St Andrew’s Draft, the Covenant Design Group (CDG) offers a vision of Christian communion rooted in the holy and undivided Trinity as the ground and shape of the one Church’s existence and order. In this way, the Draft sustains an extraordinary and courageous ecumenical self-consciousness, as may be seen in the consistency of distinction between “Church,” referring to the One Holy Catholic and Apostolic Church of the creeds, and “churches” (sometimes “Churches”), referring to Anglican and other members of the body. In this same spirit, the Draft initially articulates a trinitarian ecclesiology with reference to the Anglican-Orthodox “Cyprus Statement” of 2007 (§1 of the introduction); and at many points, texts of ARCIC might also have been cited, including the three agreed texts on authority (1976, 1981, 1998) and 1990’s *Church as Communion*, to say nothing of the influence of ARCIC on *The Windsor Report*.ⁱⁱⁱ

4. The eight paragraphs of introduction capably articulate the scriptural terms of communion, especially as found in I and II Corinthians and Ephesians, as is typical in ecumenical literature. God’s mission is universal, seeking the restoration of a fallen creation, and takes a particular form in Jesus Christ, in whose person the Church is formed as a covenanted community of reconciliation—marked by faithfulness, honesty, gentleness, humility, patience, forgiveness, and love—for the sake of the world (§§1-3). Within the context of this larger, providential history, “which holds sway even over our divisions caused by sin,” the Anglican Communion finds itself as a family of churches called to “mutual commitment and discipline as a witness to God’s promise in a world and time of instability, conflict, and fragmentation” (§4).

5. We note here a distinctively Anglican contribution to ecumenical ecclesiology. In 1886, the American House of Bishops adopted a statement (now part of the Historical Documents section of our Prayer Book) that formed the basis of what would later become the Chicago-Lambeth Quadrilateral, the classic articulation of an Anglican ecumenical stance. The statement acknowledged that, for the greater good of the larger Church’s unity, “this Church is ready in the spirit of love and humility to forego all preferences of her own.”^{iv} Such an embrace of provisionality—forbearance on the part of the *local* for the sake of the welfare of the *global*—became a hallmark of many Anglican writings of the 20th century,^v in the service of the conviction that the visible brokenness of the Body of Christ must never be permanently institutionalized. In this tradition, many have concluded that Anglicans in particular may be called by God to take the lead in straining

toward a time when we surrender our particularity, so that the Holy Spirit may “reveal [our] unity”^{vi} as part of a larger, catholic whole.

6. If this much can be said of Anglicanism *in toto*, then much more may it be said of its “constituent members.”^{vii} Consequently, we are encouraged to find in both the introduction and the text proper of the St Andrew’s Draft a persistent call to understand provincial autonomy never as existing in a vacuum, but always in the context of deferential love toward the whole—at once, the Anglican Communion and the larger Church. This is both admirable and practical in approaching and working through our difficulties as a Communion.

7. This thread of the Covenant Draft performs a serendipitous teaching function for the benefit of all Anglicans in that it shines a light on the cutting edge of our Communion’s evolving ecclesiology. In managing the tension between unity and diversity, we are called at this time in our history to a clearer articulation of the elements of unity between the various provinces of the Communion. In view of present difficulties, we affirm the appropriateness of a more concrete definition of the “bonds of affection” that have historically held us together. The St Andrew’s Draft moves us helpfully in the direction of such a stronger definition of the nature of our unity. Moreover, it is consistent with the trajectory of Anglican thinking going back over a half century to the notion of Mutual Responsibility and Interdependence, articulated at the third Anglican Congress in 1963, and taken up at the Lambeth Conference in 1968, at successive meetings of the Anglican Consultative Council, and by the Mission Issues and Strategy Advising Group (MISAG) in 1993.^{viii}

More Particular Textual Observations

8. Section 1.1 sets out clearly the trinitarian faith shared by all churches of the Anglican Communion, along with the common marks we share. Section 1.2 provides a useful outline of the elements of our common commitment, consistent with these marks.

9. 1.2.2 presents an apt revision of the earlier phrase, “biblically derived moral values.” We commend also the statement in Section 1.2.3 about the joys and obligations of our eucharistic life as Anglicans, placed within a larger ecumenical context. Sections 1.2.5 and 1.2.6 state well the connections of ministry and mission for the churches of the Communion and our common journey to God.

10. In the Episcopal Church during the last few decades, the notion of stewardship, in both its theological and spiritual dimensions, has received increasing attention and emphasis, and has been fruitfully developed in a number of contexts. From this perspective, we agree that “communion is a gift of God” (2.1.1), an affirmation that underlies any concept of stewardship, not the least with a view to “reconciliation and shared mission with the Church throughout the world” (2.1.3).

11. Section 3 takes the next logical step and develops what might be called an ecclesiology of stewardship. The CDG breaks open in 3.1.1 that which we are stewards *of*, namely, the Paschal Mystery, incarnated sacramentally in Baptism and Eucharist and manifested concretely in the life and mission of the Church. This underscores yet again the fundamental Anglican understanding that we, as a global communion and still moreso as constituent parts thereof, hold the gospel and the faith of the Church in trust; it is not our own, but that which has been handed on,^{ix} which we in turn have a duty to deliver intact to those who follow us. This rubric of stewardship is a source of energy that can help the several churches of our Communion, including our own Episcopal Church, resist the devolution of healthy autonomy into unhealthy insularity and provincialism. It enables us to realize more fully that we *possess* the gospel only inasmuch as we do so *for* one another and for the life of the world. We exercise the diverse gifts of the Spirit responsibly only when we do so for the edification of the whole.^x

12. Any understanding of provincial autonomy must be situated in this context of stewardship—shared trust. 3.1.2 appropriately cites *Windsor Report* §76, which argues persuasively to this end. The drafters might also have cited *Windsor Report* §82 for its memorable statement, already noted above, that communion is “the fundamental limit to autonomy.”

13. This serves as a theological basis for the trajectory of Section 3.2, which presents the necessity of the Church taking counsel (see esp. 3.2.3 and 3.2.4), a part of her orderly life that the Draft Appendix further navigates by proposing a framework for conversation, consultation, resolution, reconciliation, and restoration when disagreements threaten the unity of the Communion. It is difficult to see how some such framework can be avoided, given that Anglicans presently lack “a common mind about matters understood to be of essential concern” (3.2.4), and we commend the CDG for the restrained charity informing their present proposals.

14. In its commentary on the present Draft, the CDG notes that the “procedural appendix will need much scrutiny and careful analysis,” and to this end “particularly welcomes comments and response on this appendix, while at [the same time] recognizing its provisional nature in the St Andrew’s Draft.” In this regard, we note the change from a special role for the Primates as final arbiter, as presented in the first draft, to the Anglican Consultative Council (ACC) as final arbiter in this draft (see §8 of the Appendix). We believe that some compromise between these should be struck, to wit, that the Joint Standing Committee of ACC and Primates play this final, adjudicatory role. The Joint Standing Committee is a much smaller group than either the Primates’ Meeting or the ACC, and combines admirably the strengths of each Instrument of Communion.

Concluding Comments

15. Many, particularly within the Episcopal Church, have already argued that the very idea of an Anglican Covenant, and all the more the St Andrew’s Draft, is inherently alien to the Anglican tradition and ethos. We do not share this perception. We have tried to

note several points in the documents of Anglican history which reveal a developmental arc that would lead us to this place even absent the present crisis. The formal embrace of an Anglican Covenant is an organic and natural next step in the growth to maturity of a Christian tradition that we believe God yet wills to use as a vehicle of great blessing on behalf of “all who profess and call themselves Christians.”^{xi}

ⁱ From the hymn text “Draw us in the Spirit’s tether” by Percy Dearmer.

ⁱⁱ *Windsor Report* 82.

ⁱⁱⁱ See esp. the submission to the Lambeth Commission by the ad hoc sub-commission of IARCCUM, “Ecclesiological Reflections on the Current Situation in the Anglican Communion in the Light of ARCIC” (available on the Anglican Communion website).

^{iv} BCP, p. 876.

^v See e.g. the ecclesiological writings of scholar-bishop Michael Ramsey, and again, Stephen Neill, appropriated by the current occupant of the See of Canterbury (e.g. in his contributions to *Glory Descending: Michael Ramsey and His Writings*, ed. Douglas Dales, John Habgood, Geoffrey Rowell, and Rowan Williams [Norwich: Canterbury Press; Grand Rapids, Mich.: Eerdmans Publishing Company, 2005]). Alongside the Quadrilateral, the statement of the 1920 Lambeth Conference that the growth of the Anglican Communion “presents an example on a small scale of the problems which attach to the unity of a universal Church. As the years go on, its ideals must become less Anglican and more Catholic” casts a long shadow in this literature (quoting from the “Report of the Whole Committee on some important results of the extension and development of the Anglican Communion”).

^{vi} Eucharistic Prayer D, BCP 1979.

^{vii} Among which the Episcopal Church numbers itself in the Preamble to its constitution.

^{viii} This is the apparent allusion of 3.2.2 of the Draft. Cf. the 2006 report of the Special Commission on the Episcopal Church and the Anglican Communion, *One Baptism, One Hope in God’s Call*, §32.

^{ix} An expression that gives the sense of the Greek *paradosis*, which is usually rendered “tradition.”

^x This lies at the core of what it means to be Catholic, from the Greek *kata holos*, “according to the entirety.”

^{xi} 1928 BCP, p. 18.

Suggestions for the revision of the St. Andrew's Draft of the proposed Anglican Covenant

Anglican Communion Institute (ACI)

Having received and reflected upon the summaries of the 2008 Lambeth Conference offered by, especially, the Archbishop of Canterbury as he sought to articulate a “consensus” vision from the gathered bishops for the Anglican Communion, ACI offers some suggestions on revising the Draft at the Covenant Design Group’s upcoming meetings. Bearing in mind concerns from some bishops not present at Lambeth, the recommendations of the Windsor Continuation Group, and the clear sense that the faith and witness of the Anglican churches of our Communion require the common commitments that a strong and clear Covenant would provide, we propose the following revisions of the current St. Andrew’s Draft *in light of the Lambeth Conference* itself:

1. Regarding the authority of Scripture:

The authority of Scripture, is an Anglican fundamental, and distinguishes the special witness of our tradition from at least the 14th century. As a fundamental in this regard it even surfaced clearly in the Lambeth Reflections and deserves greater and primary emphasis in the Covenant.

We suggest breaking up 1.1.2 of the current draft into three separate paragraphs, dealing with Scripture, the Creeds, and the historic Formularies respectively. Regarding the first paragraph on Scripture, we recommend adding the following descriptions of Scripture’s nature to our common commitments: that it is the “Word of God”; that “nothing be ordained” by the Church “against” “God’s Word written” or taught in a way that is “repugnant” to it (Articles 20 and 34).

2. Regarding the “procedural” directions to be adopted in the face of Communion-conflict (3.2.5.c-e) we recommend the following:

- a. Take up the Continuation Group’s proposal for a Faith and Order group for the Communion;
- b. Be explicit in describing its composition, of perhaps 10 persons, as necessarily including bishops, clergy, and laity, with the Chair of the Joint Standing Committee of Primates and ACC acting as Chair *ex officio*, and members selected for a period of 10 years by a process of the Lambeth Conference or initially some other representative means.
- d. Concerns regarding a province’s violation of the Covenant should be lodged with the Archbishop of Canterbury, who will refer the matter *pro forma* to the Faith and Order Commission. In the meantime, he may choose to address the matter himself pastorally if

that seems feasible and desirable, and the Commission may later, in light of this, choose to table the referral.

e. The Commission will recommend a judgment to the Primates, who will provide a “provisional”, but authoritative decision; if the matter remains an issue, the Lambeth Conference will provide a final decision, without appeal.

f. The Faith and Order Commission and the Primates Meeting will provide a decision that includes i. a determination of the concern’s relation to the Covenant; ii. a recommended course of response that will either drop the matter, direct mediation, or request a change of teaching or discipline on the part of one of the respondents, with a time table.

g. The Pastoral Forum will be charged with implementing these decisions in a way that betokens Christian faithfulness and charity, while also seeking to understand and respect the laws and canons governing each local church involved.

h. 3.2.5.e must be explicated so as to specify that a failure to heed the directives of the Communion’s recommending bodies will result in a loss of participation in the Communion’s covenantal relationships and of membership in the Communion’s common bodies of counsel, until such time as a petition and process for re-establishing such a covenantal relationship is completed.

i. There be a time limit for this procedure that will not exceed two years.

3. Regarding the Instruments of Communion:

a. The descriptions of the Instruments (3.1.4) should be refashioned to include the duties described above, and in conformance with the positive recommendations of the Windsor Continuation Group.

b. In particular, and following recommendations of other reports, including the Windsor Report, the Lambeth Conference should be recognized as acting in an official “conciliar” role for the Anglican Communion on those matters that the bishops in conference themselves signal as bearing the full weight of their authority in prayer, counsel, and consent.

4. Regarding the Covenant’s adoption process we recommend the following:

a. The Covenant should be adopted, as currently envisaged, by individual provinces according to their particular processes. In addition, the Covenant must include the provision that individual Anglican dioceses may also adopt the Covenant separately when their province or national church chooses not to.

c. Individual dioceses who accept the Covenant apart from their provinces or national churches, or congregations whose bishops are not a part of the Covenant, are free to seek

informal partnerships with other Covenanted Communion bodies, and, if there is no change in status in the meantime, are free to petition the next Lambeth Conference for recognition of their partnerships as formal covenanting dioceses or provinces. Matters relating to property, however, are to be resolved solely within the negotiations and parameters of local law, seeking where possible to mediating counsel of the Pastoral Forum.

c. We urge an expeditious timetable for adoption: that the Final Draft be considered at the 2009 ACC and Primates' meeting, and forwarded to Provinces, for adoption over the next 2 years, serially as necessary, with final ceremony in 2011 or 2012.

In the midst of Covenant discussions, with whatever details of interest may emerge, we encourage our bishops and leaders, including the Covenant Design Group, to continue to acknowledge the seriousness of the situation in the Communion on all sides and also to further a positive way to keep matters from deteriorating further.

We give thanks for the example our bishops have given us of prayerfulness and attentiveness to the Lord during these last weeks. We ask His continued guidance of their ministries and protection of their persons and of their flocks. We yearn for the renewal of our common calling as we seek together to follow "the Way, the Truth, and the Life", who is Jesus, the Christ.

for the Anglican Communion Institute

The Rev. Dr. Christopher Seitz (Wycliffe College, Toronto)

The Very Rev. Dr. Philip Turner (Dean Emeritus, Berkeley Divinity School at Yale, Seminary of the Southwest)

Dr. Andrew Goddard (Trinity College, Bristol)

August 10, 2008

The Rev'd Canon Gregory Cameron
St. Andrew's House
16 Tavistock Crescent
London, UK W11 1AP

Student Body
Wycliffe College, University of Toronto
5 Hoskin Avenue
Toronto, ON M5S 1H7

Dear Rev'd Canon Gregory Cameron:

We wish to affirm and commend the work of the Covenant Design Group in developing a Covenant Agreement that seeks to provide a way forward for our life together in Christ.

We understand that this document is future-oriented and that it is not meant to address current Communion issues. Further, we recognize that the Covenant is to be a response, or an “expression of communion,” to what has already been given through what God has done in Jesus Christ; it is not simply an agreement between individuals. As such, we realize that the Covenant can only create a framework for establishing definitions of what it means to be in relationship; by living these definitions out faithfully, trust can be established and subsequent relationships can be achieved then deepened. We want to acknowledge and affirm that the document has been left intentionally vague concerning specific propositional statements of content in order to leave time and space for God to work rather than to engage in a humanly derived effort to set right our own ailing Church. Although content has been left vague we appreciate the more juridical nature of the appendix which clarifies how we are called to respond to God's gift of covenant in our relationships with one another; it provides a foundation for natural justice that gives equal voice to the diverse members of the Communion. Thus, we recognize in the document a firm commitment to a structure that limits our absolute autonomy by calling us to interrelationship and to mutual accountability in which we are, by the Spirit, conformed into Christ's image.

Finally, we want to affirm this as a positive way forward and as a necessary way of articulating and beginning to live out our calling to both Truth and unity. We recognize that you have been asked to undertake a task with the goal to develop a Covenant Agreement; not to decide whether or not a Covenant Agreement is suitable for addressing our life together. It is with this understanding that we seek to provide feedback to the St. Andrew's Draft of this Covenant. Please see our recommendations attached.

Sincerely,

Michael Caines, President, Wycliffe Student Body
Katie Silcox, Vice President Theology, Wycliffe Student Body

The Wycliffe Students' Suggestions for Revision of the St Andrew's Text of the Anglican Covenant Agreement:

Introduction

St Andrew's Text

2. Our divine calling into communion is established in God's purposes for the whole of creation (Eph. 1:10; 3:9ff.). It is extended to all humankind, so that, in our sharing of God's life as Father, Son, and Holy Spirit, God might restore in us his own image. Through time, according to the Scriptures, God has furthered this calling through covenants made with Noah, Abraham, Israel, and David. The prophet Jeremiah looked forward to a new covenant not written on tablets of stone but upon the heart (Jer.31.31-34) In God's Son Christ Jesus, a new covenant is given us, established in his "blood ... poured out for the many for the forgiveness of sins" (Mt. 26:28), secured through his resurrection from the dead (Eph. 1:19-23), and sealed with the gift of the Holy Spirit poured into our hearts (Rom. 5:5). Into this covenant of death to sin and of new life in Christ we are baptized, and empowered to share God's communion in Christ with all people, to the very ends of the earth and of creation.

Suggested revision and reasoning:

This is a very strong statement of Christian truth. In addition, it would be appropriate to expand on Christ's role in re-establishing communion since sin inhibits a direct imaging of the Trinity in our community. Christ is essential for bridging this gap. We suggest the following be added before the last sentence:

2. Through Christ's covenant faithfulness the communion that Adam's sin had obscured is restored as God faithfully conforms the Church to Christ's kenotic image: "for just as by the one man's disobedience the many were made sinners, so by the one man's obedience the many will be made righteous" (Rom. 5:19).

Suggested appendix:

Christ's restoration of our communion with God and neighbour affirms that the very commitments and affirmations called for by this document should be recognized and undertaken as a spiritual imitation of His mission for us.

St. Andrew's Text

4. In the providence of God, which holds sway even over our divisions caused by sin, various families of churches have grown up within the universal Church in the course of history. Among these families is the Anglican Communion, which provides us a special charism and identity among the many followers and servants of Jesus. Recognizing the wonder, beauty and challenge of maintaining communion in this family of churches, and the need for mutual commitment and discipline as a witness to God's promise in a world and time of instability, conflict and

fragmentation, we covenant together as churches of this Anglican Communion to be faithful to God's promises through the historic faith we confess, the way we live together and the focus of our mission.

Suggested Revision and Reasoning:

This statement calls for mutual accountability and discipline as necessary elements to maintaining the bounds of life together in communion and faith. We believe that it is important to affirm this statement; however, it need also to expand on the idea that this relationship is both a part of the historic faith of the people of God, and the mission and vocation mentioned in this and other paragraphs. We suggest the following revisions:

4. ... Recognizing the wonder, beauty and challenge of maintaining communion in this family of churches, and the need for mutual commitment and discipline as a witness to God's promise in a world and time of instability, conflict and fragmentation, we covenant together as churches of this Anglican communion to be faithful to God's promises through the historic faith that we confess and have communally received from the prophets and apostles, through the way we live together, and through the focus of our mission.

SECTION ONE: Our Inheritance of Faith

St. Andrew's Text and suggestion revision and reasoning:

1.1 Each Church of the Communion affirms:

This is a minor editorial detail, however, we feel an important one: In the title above, the word "Church" is capitalized, however, in the *Introduction*, section 4 "... we covenant together as churches of this Anglican Communion" the word "church" is in lower case. While normally such minor detail could be ignored, the lower case and capitalization of this word have theological significance and should therefore be used consistently throughout the document to ensure the theological meaning of the word is clearly understood.

St. Andrew's Text

1.1.4 That it upholds the historic episcopate locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the unity of his Church.

Suggested Revision and Reasoning:

While this statement does affirm the historic role of the episcopate as articulated in the Chicago-Lambeth Quadrilateral (CLQ) of 1886/88, it is not clear from either this document or the text of the CLQ, as to how this role fits into the role of the Primates. We therefore suggest that in the appendix, a section be added that clearly articulates the origin of the authority of the Primates, their scope of authority and decision making, and discussion of these items in distinction and relation to that of the episcopacy.

One of the current challenges brought forth by scholars in the Roman Catholic Church is

a failure to clarify the ministry of bishops at the Second Vatican Council. This lack of coherent theology of the episcopacy has led to failure to articulate the witness of the faithful (the apostolic faith that resides in the church - communal worship, sacramental practice, and the ministerial outreach to the poor and marginalized - the local) to the universal (the apostolic office of bishop who ensures the integrity of the apostolic faith – thus its teaching and its concomitant obligations to attend to the apostolic witness of the community they serve), and vice versa (these discussions have taken place in the context of the work of J-M. Tillard especially). Although the Anglican Communion maintains a distinctive structure in relation to that of the Roman Catholic Church, insight that illuminates challenges and opportunities in episcopal ordering of a catholic nature shed light on our current challenges and could prove a valuable resource in mitigating similar challenges.

It would seem prudent to proactively engage the task of clarifying the interrelationships between the ministries of both bishops and primates. We therefore suggest clarification of the historic role of the episcopacy and its relation to the role of the primates in an appendix.

St Andrew's Text

1.2 In living out this inheritance of faith together in varying contexts, each Church of the Communion commits itself:

(1.2.1) to uphold and act in continuity and consonance with Scripture and the catholic and apostolic faith, order and tradition

Suggested Revision and Reasoning:

While the use of the term “catholic” should be understood to refer to Scripture and faith received and discerned by the whole Church across time and space, this is often not clear to readers. We want to affirm and strengthen the concept of reception and discernment of God’s Word across time and space in the structural ‘arena’ of the Church. We therefore suggest:

(1.2.1) to uphold and act in continuity and consonance with Scripture as received and discerned in the catholic and apostolic faith, order and tradition

St. Andrew's Text

(1.2.2) to uphold and proclaim a pattern of Christian theological and moral reasoning and discipline that is rooted and answerable to the teaching of Holy Scripture ...

Suggested Revision and Reasoning:

The statement needs to be more explicit in the audience it is addressing; its audience should include the faculty, staff and students of Anglican seminaries throughout the world. Seminary is about much more than learned facts and academic study; and the seminary that employs those who do not receive, hear and confess the historic faith of the Church cannot adequately prepare and form the faith of our future Church and seminary leaders. We therefore suggest:

(1.2.2) to uphold and proclaim a pattern of Christian theological and moral reasoning as well as discipline in both parish life and seminary formation that is rooted and answerable to the teaching of Holy Scripture ...

In addition to the alteration of this statement, we would suggest a footnote to this statement that includes a ‘thicker’ description of the role of faculty and staff in the formation of Anglican theological students and clarification of the basic expectations of Anglican postulants/ordained persons graduating from the colleges’ respective programs. We are aware of a Communion wide study of theological education currently underway and would suggest that results from the report be incorporated into this section of the Covenant (see ***Suggested Revision and Reasoning*** for section 1.2.5 below).

St. Andrew’s Text

(1.2.5) nurture and respond to prophetic and faithful leadership in ministry and mission to equip God’s people to be courageous witnesses to the power of the Gospel in the world.

Suggested Revision and Reasoning:

This sentence says too little. It is unclear whether it is the same people who nurture and respond to prophetic leadership that are equipped by this leadership for courageous witness. It goes without saying that such leadership should be nurtured, but if those doing the responding are the same as those being equipped, the practical problem becomes how such leadership is to be recognized and responded to. What is the character of a faithful prophet? The prophetic office of Jesus and of the Old Testament prophets is one of obedience to the Word of God and radical sacrifice on behalf of God’s people. Therefore we suggest:

(1.2.5) To nurture and respond to prophetic leadership that faithfully and apostolically conforms to Christ’s pattern - in radical sacrifice on behalf of God’s people and in obedience to the Word of God – so that we may be made courageous witnesses to the power of the Gospel in the world.

SECTION TWO: The Life we Share with Others: Our Anglican Vocation

St Andrew's Text

(2.2.1) to answer God's call to evangelization and to share in his healing and reconciling mission for our blessed but broken, hurting and fallen world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

Suggested Revision and Reasoning:

Our suggestions for Section 2 express a desire to see more references to the Mission of Christ as stated in (2.2.2). This could clarify that our activity is not an addition to, but a participation in Christ's work. Corresponding to this is a need for a few more references to the sin for which Christ's mission was initiated, and the repentance he made possible. So we suggest:

(2.2.1) to answer God's call to evangelization and to share Christ's own healing and reconciling mission for our blessed but sinful, hurting and fallen world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

St Andrew's Text

(2.2.2) In this mission, which is the Mission of Christ, each Church undertakes:

We suggest:

(2.2.2) In this mission, which is the Mission of Christ, each Church undertakes along with him:

St Andrew's Text

(2.2.2.a) to proclaim the Good News of the Kingdom of God

We suggest:

(2.2.2.a) to call to repentance and to proclaim the Good News of the Kingdom of God (Matt. 3:2).

SECTION 3: Our Unity and Common Life

3.1 Each Church of the Communion affirms:

3.1.2 ... Churches of the Anglican Communion are not bound together by a central legislative, executive or judicial authority. Trusting in the Holy Spirit, who calls and enables us to live in mutual affection, commitment and service, we seek to affirm our common life through those

instruments of Communion by which our Churches are enabled to develop a common mind

Suggested Revision and Reasoning:

Our suggestions for this paragraph express a desire to further emphasize our submission to the Spirit's work in conforming our faith community and our individual lives to Christ's image; this requires language that affirms the Spirit's work in calling us to accountability both to God and to one another. We therefore suggest the following:

3.1.2 ... Churches of the Anglican Communion are not bound together by a central legislative, executive or judicial authority. However, we are bound to a unified social order of mutual submission as we discern Scriptural truth across time; it is in this relationship that we are conformed to Christ's image. Trusting in the Holy Spirit, who calls and enables us to live in relationships of mutual accountability and affection, trust, commitment and service, we seek to affirm our common life through those instruments of Communion by which our Churches are enabled to develop a common mind.

St Andrew's Text:

3.2.2 to respect the constitutional autonomy of all of the Churches of the Anglican Communion, while upholding the interdependent life and mutual responsibility of the Churches and the responsibility of each to the Communion as a whole. Footnote cf. the Schedule to the Dar es Salaam Communiqué of the Primates' Meeting 2007

Suggested Revision and Reasoning:

This issue is essential to the challenges we face in developing relationships of trust. While those familiar with the details of Communion polity or academic jargon may easily access the Dar documents through the footnote provided, the relevant sections need to be included in the appendix to this document, given their importance in articulating these matters.

St. Andrew's Text:

(3.2.6) to have in mind that our bonds of affection and the love of Christ compel us always to seek the highest possible degree of communion.

Suggested Revision and Reasoning:

This revision is suggested simply to make consistent and explicit, our bonds of both affection and accountability.

(3.2.6) to have in mind that our bonds of affection and accountability, and the love of Christ compel us always to seek the highest possible degree of communion.