



The Modern Churchpeople's Union

## *An Anglican Covenant - St Andrew's Draft*

Briefing Paper for General Synod

February 2008

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This paper addresses issues in two documents:

- The Church of England's *Response to the Draft Anglican Covenant (The Nassau Draft)* published January 2008 on which the scheduled Take Note debate is based.
- The *Draft Anglican Covenant (the St Andrew's Draft) February 2008* which is intended for discussion at the Lambeth Conference.

It would be artificial to discuss issues arising from the first paper without addressing the substance of the draft currently on the table.

Both documents and other background material may be found at <http://www.modchurchunion.org/Covenant.htm>

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### **General**

The suggested wording in the Church of England's *Response* and the wording of *The St Andrew's Draft* represent considerable improvements on earlier drafts.

Amongst other improvements both have more integrated reflection on the biblical context, more positive valuation of scholarly theological approaches, and both redress the imbalance in the descriptions of the Instruments of Communion in the earlier drafts.

MCU still has many concerns about the details. However **the root of our objection to the Draft Covenant is the proposal to embed coercion and the threat of expulsion at the heart of Anglicanism** as the key means of resolving disputes.

Coercion is not appropriate to a voluntary association. The proposed mechanisms (in the *Appendix to the St Andrew's Draft*) would give each Province and Instrument of Communion an effective veto over developments elsewhere. The consequence is likely to be a more centralized, authoritarian and timorous Communion.

The worst consequence may be that, by substituting juridical structures in place of the search for consensus, the likelihood of schism becomes much greater.

## Some questions

- *How will the Covenant attain its stated aim of promoting corporate work? What would this look like? Are there no better ways?*
- *How much are the new structures likely to cost? Where is the money to come from?*
- *How can the issues which divide the Communion – the conflicting interpretations of faithful Christian expression – be resolved by juridical processes working to tight timetables?*
- *How will the Instruments of Communion be changed by the responsibilities for judicial action that is proposed for them?*
- *Does the definitive step of the proposed conflict resolution process – the ‘request’ to act or refrain for acting in certain ways – amount to a ‘direction’ to the Province concerned? And if it does can the Church of England legally sign up to it?*
- *How will the autonomy of each Province be limited by this Covenant?*
- *What will happen in relation to those Provinces which have already intruded into the jurisdictions of other Provinces?*
- *Given the very small number of official responses to the Covenant Design Group will a full consultation be launched so that such major changes to the Anglican Communion are not built on such meagre foundations?*

## The purpose of the Covenant

In an ambiguous paragraph the *Commentary* on the *St Andrew's Draft* states that the purpose of the Covenant is ‘to achieve sufficient accountability among Provinces to be able to work more corporately’. Nowhere is there an argument which shows the linkage between the adoption of a Covenant, let alone this particular Covenant, and the achievement of this goal. It is not clear what more corporate work would look like – unless it means greater centralization.

In fact the effective clauses of this *Draft* (as its predecessors) are concerned with conflict resolution by juridical processes. It is not self-evident how this will foster or even support more corporate work. It would seem more likely to engender suspicion and wariness between members of the Communion.

The goal of greater corporate work ‘will mean creating some structures.’ There is no financial assessment of the cost of these structures, nor who will pay for them.

## The ultimate sanction of expulsion

In almost identical words the *Nassau Draft Covenant (January 2007)* (§6.5) and the *St Andrew's Draft* (§3.2.5e) state that, where a Church does not comply with the will of the majority and after due process has been followed, that Church will have relinquished for themselves ‘the force and meaning of the covenant’s purpose’. They will be expelled and, adding insult to injury, will be told that they are responsible for their own expulsion.

The process by which this might happen is elaborated in the *Appendix* to the *St Andrew's Draft*. It is a juridical process with referrals, time limits, assessors, commissions and appeals which give little weight to discussion and none to the patience required to seek consensus. It is designed to place one party in the wrong with no recognition that all parties may need to modify their ways.

At various stages in the process the offending Church may be given a 'request' by the Archbishop of Canterbury or another Instrument of Communion (in practice the Primates' Meeting). This is not a request but an ultimatum: the offending Church must either comply or be expelled – though there are checks which mean that another Instrument of Communion could halt the whole process.

Once this mechanism is created it will be used. Whatever the outcome the very public harm, bad feeling and residual bitterness will infect the whole Communion. Disputes will not be resolved; they may well be intensified.

Furthermore, as at present, disputes are likely to cut across Provinces as well as to exist between Provinces. It is not clear how offending actions within parts of a Province, especially one which has a federal structure and weak central control, could be addressed by these mechanisms.

### **The powers of the Instruments of Communion**

The *Commentary* on the *St Andrew's Draft* states that

The draft stresses that there is no intention to erect a centralised jurisdiction and that the Instruments of Communion cannot dictate with juridical force on the internal affairs of any Province.

Nonetheless the actual proposal comes very close. It would create a jurisdiction dispersed across the Instruments of Communion (rather than centralised in the Primates' Meeting). It would enable the Instruments of Communion to 'request' a course of action where the request had the force of an ultimatum: a Province which said no or refused to answer could be expelled (*Text* §3.2.5.e; *Appendix* §8.4).

Every one of the Instruments of Unity is involved in this judicial process. It will inevitably distort the way in which they currently act. The possibility of acting in a judicial capacity (even if rarely) must constrain the way they ordinarily work and tend to harm their collaborative and consultative roles.

### **Autonomy**

The *St Andrew's Draft* emphasises Provincial autonomy and this is to be welcomed. However any one Province may instigate juridical processes by claiming that an action – or even the proposal to act in a certain way – in another Province is a threat to unity. This is likely to intrude on a Province's autonomy first by self-censorship and second by giving each Province the formal means to interfere in the decisions and the decision making of other Provinces.

The Church of England's *Response* pointed out that

it would be unlawful for the General Synod to delegate its decision making powers to the Primates, and that this therefore means that it could not sign up to a Covenant which purported to give the Primates of the Communion the ability to give 'direction' about the course of action that the Church of England should take. (§33)

The word 'request' cannot disguise the fact that the *St Andrew's Draft* proposes steps that would amount to the possibility that an Instrument of Communion, including the Archbishop of Canterbury, could issue what would amount to a direction to the English Church. (The substance of the proposal, not its terminology, is the test.) Therefore it may not be possible for the Church of England to assent to the Covenant as at present conceived.

### **Intrusion**

The Church of England's *Response* included a provision to licence the intrusion of one Province into the jurisdiction of another (§34). MCU welcomes the absence of this power from the *St Andrew's Draft*.

However the presence of this recommendation in the *Response* suggests a disturbing willingness of the Church of England to sanction what would amount to schismatic steps in relation to other members of the Communion.

At first glance it would seem that those Provinces which have intruded into the jurisdiction of other Provinces have acted in ways which could be claimed to be a threat to the unity of the Communion.

### **Consultation**

The *Commentary* reveals that the Design Group received just 13 responses from a possible 34 provinces and national churches and 10 other church bodies. The submissions of five of the 13 (Scotland, Ireland, New Zealand, Canada and USA) expressed varying degrees of unhappiness with the *Draft Anglican Covenant* both in its content and its general approach. It is not clear that their concerns, apart from those of style, have been met in the present *Draft*.

The thin base of consultation greatly reduces the status of the *St Andrew's Draft*. The *Commentary* suggests that lack of translations, other priorities and insufficient resources may be responsible for the paucity of response.

At the least this indicates that more money and, in particular, more time should have been given to the process which may lead to significant change in relationships within the Anglican Communion.

### **Conclusion**

MCU opposes the *St Andrew's Draft Covenant* on the grounds that:

- It would centralize decision-making.
- It would diminish the traditional autonomy of Anglican Provinces.

- As just one Anglican Province could object to developments elsewhere change could only be made at the speed of the slowest.
- The threat of expulsion will impoverish Anglican church life.
- The short timescales envisaged in the resolution of disputes are likely to stunt discussion and suppress the search for consensus.
- The character of the international 'Instruments of Communion' which currently bind the Communion together would be changed to their detriment as they take on semi-judicial roles.
- The quasi-judicial approach to disputes amongst faithful Christians is likely to magnify the arguments and the hurt that accompanies them.

Overall MCU believes these proposals would lead to a more authoritarian and less adventurous Communion. Churches would become increasingly out of date as the pace will be set by the most conservative. The juridical structures proposed for conflict resolution are likely to leave the Church less able to face the challenges of the modern world.

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