



MCU welcomes aspects of the Church of England Response to the Draft Covenant

The MCU believes there should be no Anglican Covenant.

However, if there is to be one we believe it should be designed to protect the diversity of views which has characterized Anglicanism through the greater part of its history, not restrict it. On this basis in May 2007 we submitted a response to the Draft Covenant¹ describing what we considered to be its weaknesses.

We believe that the Church of England Response² makes a number of improvements to the wording of the draft covenant. We particularly value

- the avoidance of language suggesting ethical rules can be simply read off biblical texts (15),
- the description of bishops as guardians, rather than custodians, of the faith (23)
- an improved description of the Instruments of Communion (22-28) and in particular a more balanced description of the ACC (28)
- recognition of ecumenical considerations (31)
- the new section on Theological Method (29)
- restrictions on intrusion by one Church into the jurisdiction of another (34). However our welcome is reduced by the suggestion that intrusion might be authorised. This begs many questions around the conditions of such licence and what jurisdiction would be claimed in order to give such authorisation.
- the explicit statement that the Church of England cannot be subordinated to the Primates' directions within its present legal framework (33)

MCU concerns with the Draft Covenant

However we do not believe this Response addresses our concerns, which in May 2007 we summarized as follows:

- This Draft Covenant would transform the Windsor process from admonition and counsel into an unprecedented and unjustifiable ecclesiastical coup d'état;

¹ A Response to *The Draft Anglican Covenant* by the Revds. Jonathan Clatworthy, Paul Bagshaw and the Rt. Revd. Dr. John Saxbee, Bishop of Lincoln, on behalf of the Modern Churchpeople's Union, May 2007, <http://www.modchurchunion.org/Publications/Papers/Covenant/Covenant.htm>

² Church of England Response to the Draft Anglican Covenant, n.d. [January 2008] <http://www.cofe.anglican.org/news/pr0108.html>. Numbers in brackets refer to paragraphs in the Response.

- its central proposal is to transfer power from the presently autonomous Provinces to a Meeting of the 38 Primates. The ambiguity of the text leaves open the possibility that this power would be unlimited, unaccountable, and irreversible;
- the consequences of this development for Anglican theology and polity, and for ecumenical agreements, would be extensive and have scarcely been explored;
- the proposed innovation in granting juridical power to the Primates' Meeting would be a distortion and not a legitimate development in Anglican ecclesiology;
- the consultative processes and timetable are wholly inadequate and in particular they completely marginalise the voice of the laity;
- the proposals have not been adequately justified in their own terms (the creation of trust) nor in the wider terms of better ordering and facilitating the mission of the Church.

In particular the Response appears to seek to reinforce the centralising tendency of the Draft Anglican Covenant (e.g. 33) and to reassert the power of the Instruments of Communion to limit or prescribe the actions of individual provinces (35) notwithstanding the Church of England's assertion of its autonomy (34).

We note that many of the concerns of the MCU have also been expressed in the published responses to the Draft Anglican Communion by The Episcopal Church³, The Scottish Episcopal Church⁴, The Anglican Church of Canada⁵, the Anglican Church in Aotearoa, New Zealand and Polynesia⁶ and, by implication, in the response of the Church of Ireland⁷.

Outstanding questions in relation to the Draft Covenant and the Church of England's Response

A number of basic questions remain unaddressed in both the Draft Covenant and in the revised wording suggested in the Church of England's response. These include:

- Who are members of the Anglican Communion?
(This question is prompted by discussion of the possibility that Dioceses, rather than Provinces, may be the constituent members of the Communion in paragraph (5) of the Response of the Church of England.)
- Will the inevitable tendency of Covenant agreement be towards global uniformity? For example, will the status of women become consistent across the Communion? How will innovation in theology, liturgy, social practice and ethical reflection be fostered? Will Provinces be able to derogate from particular decisions of the Primates? What place is envisaged for the reception of decisions by the whole Church, clergy and laity alike? What will 'autonomy' come to mean?
- What organization will be necessary to implement the Covenant? What will it cost? Who will pay? How will costs be controlled?
- What will be the place of the laity in the polity and government of a communion held together by a Covenant as currently envisaged?

³ A Response from the Executive Council of The Episcopal Church to The Draft Anglican Covenant, October 28, 2007, http://www.episcopalchurch.org/79901_91392_ENG_HTM.htm

⁴ The Faith and Order Board of the Scottish Episcopal Church has issued the following response to the draft Anglican Covenant published at the Anglican Primates Meeting at Dar es Salaam in February 2007, n.d. [January 2008], http://www.scotland.anglican.org/index.php/news/entry/sec_response_to_draft_anglican_covenant/#When:11:44:00Z

⁵ A preliminary response to the Draft Covenant by the Anglican Church of Canada, November 19 2007, <http://www.anglican.ca/faith/identity/wrrg-response.htm>

⁶ A Submission On The Draft Covenant, n.d. [January 2008], <http://www.duomo.ac.nz/acnz/?p=1005>

⁷ The Church of Ireland response to the Draft Anglican Covenant, November 2007, <http://www.ireland.anglican.org/index.php?do=news&newsid=2042>

- What will the relationship between a Primate and their Province be, in practice and in theory? How will that relationship alter if the Primates are granted greater juridical powers?
(These questions are prompted by the apparent contradiction between the assent given to the Draft Covenant process by the Primates' meeting in Dar es Salaam in February 2007 and the subsequent rejection or strong qualification of the Draft Covenant by some of those Provinces which have published responses to date.)
- Under what conditions could intrusion by one Church into the jurisdiction of another be licensed? Will the assent of the Church intruded upon be required? By what authority will an Instrument of Communion permit such disruption of communion which amounts to schismatic action?
- If the Primates become the final court of arbitration in the Anglican Communion, how will its jurisdiction be defined? Will their jurisdiction be defined in practice by those who are in dispute with other members of the Communion, or will the boundaries of their jurisdiction be determined separate from specific disputes?
- Will the Primates claim jurisdiction over ethical and liturgical as well as doctrinal issues? If so, what commitment will they make to ensure that their judgements are informed by and in keeping with current theological scholarship? Will their judgements be reviewed regularly in the light of new research?
- How will determinations of the Primates interact with local legislative systems?
- If the Covenant is to be juridically enforceable in any degree, what mechanisms will be established to adjudicate on the interpretation of its clauses?
- How is the Covenant to be amended over time?

Transcending the old ways of fighting or leaving

We share the stated commitment of the published responses to continue to seek means by which the differences and divisions which scar our communion may be resolved. We do not need a Covenant to achieve this goal. However, if a Covenant is deemed desirable, MCU would greatly prefer a brief document on the lines proposed by the Church of Ireland.

In May 2007 MCU asserted that

- Anglicanism has a rich storehouse of dispersed authority, of hospitality, mutual respect and trusting co-operation, of valuing difference and openness to new developments, of the honest and open search for truth, all of which can provide an alternative to the Draft Anglican Covenant as grounds for hope for the future.

We reassert this conviction in the belief that alternatives to the Draft Covenant are both possible and desirable. The emphasis on discursive methods of working out differences whilst remaining together is clearly expressed in the response of The Anglican Church in Aotearoa, New Zealand and Polynesia. Their submission finishes,

we endorse the words of one of our Archbishops, Archbishop Moxon, when he said:
“Perhaps the challenge is to transcend the old ways of fighting or leaving, to find a new way of discovering what integrity we can trust in each other by virtue of the fruits of our baptism and by how much we may be prepared to live respectfully with what diversity God has given us. It is crucial that we use a Gospel based process of discernment, rather than the litigation, trench warfare and the labelling judgements of the world. We will need to look significantly different from the ways of the world in the way we process what happens from now on to have anything different to say to the world.”

Jonathan Clatworthy and Paul Bagshaw

January 2008