

The Modern Churchpeople's Union

Response to:

Towards an Anglican Covenant *A Consultation Paper on the Covenant Proposal of the Windsor Report*

The Modern Churchpeople's Union (MCU) was founded in 1898. It is an Anglican body committed to the promotion of liberal theology, grounded in scripture, tradition and reason, and to an open approach to developments in contemporary intellectual life.

In the absence of suggested wording of a Covenant this paper addresses the issues in principle and structural terms.

MCU would prefer that there be no Covenant. However, if a Covenant is pursued, MCU would wish to engage in discussion on proposals for its substantive terms.

Contents:

Summary

Covenant and Theology

Jonathan Clatworthy

Covenant and Government

Paul Bagshaw

Conclusion

November 2006

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Summary

The MCU would strongly prefer that there be no Covenant.

Theology

We recognise the depth of theological division within the Anglican Communion and the difficulty of achieving any resolution of present conflicts.

Nonetheless we believe Anglicanism can find sufficient strength to retain its unity by drawing on its traditional, tolerant approach to theological difference and its instinct to include rather than exclude.

We fear that a Covenant will discard this inheritance and be a significant step towards a narrower, more centrally organized, and increasingly exclusive Anglicanism.

Anglican flexibility has been its great strength: it has allowed differences of opinion to be expressed within the church. A Covenant would make theological change and development more difficult. Instead of creating unity a Covenant will tend to make the Communion more rigid and liable to fracture: where unanimity is expected those who in all conscience cannot agree will be obliged to leave.

Governance

The proposed Covenant involves a new development in Anglicanism. It will tend to replace voluntary association and consensual relations with contractual relations regulated by international institutions.

We do not wish to have a Covenant. However, if there is to be one,

- it should be declaratory of Anglicanism, not a test of membership nor a constitution for the Anglican Communion.
- It should have the least possible content; and
- there should be clear criteria to sift out inappropriate material.

Conflict resolution should be by non-binding arbitration. Mechanisms should be developed outside the Covenant.

Consultation on the Covenant proposals should be as extensive as possible. We strongly oppose any proposal for indirect assent to a Covenant.

Unity will not be served by a Covenant. Its primary consequence is likely to be the exclusion or expulsion of those who do not sign unconditionally. In future a Covenant would become a focus for division.

Any gains from a Covenant will be outweighed by losses. **Gains** may include greater clarity of Anglican identity and working relationships and, possibly, improvement in conflict resolution. **Losses** would include:

- The conciliar nature and ideal of Anglican unity would be replaced by a constitutional and contractual ideal.
- Innovation in theology and church order, and contemporary restatements of doctrine will become more difficult.
- The interdependence and autonomy of Churches in the Anglican Communion will be diminished. Legalistic considerations will displace bonds of affection and mutual regard. Power will be centralised and central budgets will grow. Accountability to the local church will shrink.

Conclusion

We believe that the Anglican theological tradition, grounded in Scripture, tradition, reason, and experience, has sufficient strength to enable the Communion to accommodate development whilst remaining united and faithful to the Gospel.

We believe that the conciliar nature of the Anglican Communion should be reinforced. Conciliarity, not a Covenant, should be the basis for mutual recognition and working relationships.

MCU would like to see the Church become more egalitarian, democratic and decentralized, inclusive of all faithful Christians, more open to diversity and change.

Covenant and Theology

Jonathan Clatworthy

The Modern Churchpeople's Union opposes the introduction of a Covenant of the type envisaged in *Towards an Anglican Covenant*.

If the Covenant were so worded that all provinces could sign it, it is difficult to see how it would have any effect at all. We take it, however, that the reasons for proposing it would be those expressed in the Windsor Report and 'Towards an Anglican Covenant', and these anticipate that not all provinces could subscribe. It would therefore have the effect of excluding some. We believe this would be a step on the way to changing Anglicanism from an inclusive, tolerant church into a restrictive and exclusive sect.

Anglican Theology

The Church of England has a distinct theological tradition which we wish to defend. We recognize that some Provinces have been little influenced by it, and we also recognize that there have been changes of theological emphasis over time; but over and above these changes there is a theology which is recognized as distinctively Anglican, has often been able to unite the Evangelical and Catholic wings, and has in general characterized the worldwide Anglican Communion.

The Tudor and Stuart monarchs sought to unite the nation under a common religion. Most of them aimed for a religious settlement which allowed a wide range of belief in order to include as many people as possible. This wide range contrasted with the majority Calvinist tradition, with its stronger commitment to purity in doctrine and lifestyle. Where unanimity of opinion is expected, those who in all conscience cannot agree are obliged to leave. Thus Calvinism has suffered many sectarian splits and competing congregations. Anglicanism, by allowing differences of opinion to be expressed *within* the church, has been better able to retain its unity.

Contrasting accounts of knowledge

These two ways of handling disagreement reflect contrasting epistemologies. Medieval theologians responded in two ways to the fact that human reason cannot produce knowledge with certainty. One, characterized by Aquinas, Hooker and the Anglican tradition, accepted that our sources of information vary, but none produces certainty. Hooker's view was that we are guided not just by Scripture but by reason and

tradition. The interplay between the three allows for new insights, so the church 'has authority to establish that for an order at one time, which at another it may abolish, and in both do well'. The open-ended and inclusive character of his theology is unaffected if experience is added to the list as a source of knowledge. Even if, as some have recently argued, Hooker's real views have been misinterpreted, it remains the case that his influence has been valued throughout the bulk of Anglican history, as promoting a inclusive Church, willing to accept uncertainty and live with difference.

The other epistemology, characterized by William of Ockham and popular during the Reformation, denied that reason and tradition have any part to play in matters of faith, and argued instead that divine revelation should be accepted without question. By repudiating reason, they claimed that the truths of revelation are known with greater certainty than human reason can achieve. Descartes later adapted this theory, replacing revelation with reason as the means to certainty.

Philosophers now describe these two epistemologies as, respectively, coherentism and foundationalism. Foundationalists expect to commence with self-evident and certain starting-points, from which all else is deduced with certainty. Coherentism is characterized as a web of knowledge, in which there is no single starting-point and no absolute certainty, but the web is secure to the extent that the parts cohere with each other. Philosophers describe these two epistemologies as contrasting options: the choice between them is either/or, not shades of grey.

Today, although western Protestant theological traditions, and church doctrines, vary widely - so that many Calvinist churches are tolerant of disagreement, while many Anglican churches are not - the underlying contrast between the two epistemologies remains, and is reflected in the uncomprehending astonishment of liberals and conservatives at each other's views.

Foundationalist theology

In a strictly foundationalist theology, religious truth is to be accepted from divine revelation, primarily given in Scripture. Once accepted, it is known with certainty. The only role for human reason, if any, is to deduce one certainty from another. Disagreements between believers are not expected, as God's word cannot be inconsistent. When a revelation is known with certainty, a person who disagrees must certainly be wrong.

As revelation is complete, and inherited from the past, there can be no new revelation. There is no value in creative thinking, or in seeking new information from

other sources. Thus, for example, psychological research into homosexual orientation cannot add to, or subtract from, divine revelation about homosexuality.

From this perspective, the teaching role of the church is to provide information about the content of revelation. As the only source of information is divine revelation, teaching is hierarchical. For a church to grant a leadership post to a person who disagrees with one element of revelation - for example, an unrepentant homosexual - is to undermine the very purpose of the church. If some members openly disagree with some elements of the teaching, the logical response is to define the true church so as to exclude the dissidents.

Coherentist theology

In coherentist theology, religious truth comes from a wide range of sources, including Scripture. However no single source of knowledge bears the stamp of certainty. The role for human reason is wide. Rational deduction, empirical observation, critical analysis, intuition, the emotions and creative leaps of the imagination all play their part in learning about our relationship with God, as they do about other matters.

Because of this diversity, it is expected that one person's idea of religious truth will differ from another's. Disagreements are not a symptom of failure, but a potential source of new insight. The search for truth is a community activity. Because truth is acquired through the interactions of a wide range of sources, new sources and new combinations make possible new insights which are not part of the inherited tradition, but enable the tradition to develop. There is a legitimate role for creativity.

Because we do not know where new insights may be available, any source may turn out to be fruitful. It is entirely proper, therefore, to use the insights of modern psychologists (for example) to shed light on current debates within the Church, even if the psychologists in question are atheists.

From this perspective, the church's teaching role is open-ended. Everybody has something to learn and something to contribute. Truth emerges not by putting up barriers against error, but by knocking them down. If church leaders disagree with each other on significant issues there is a shared understanding of public reason upon which disagreements can be explored within the church.

Anglican coherentism

Although no theological tradition has been entirely consistent in maintaining either of these traditions, many describe themselves in terms of one and against the other.

Anglicanism has been characterized by coherentism and therefore inclusiveness. It has often witnessed major disagreements, without splitting - for example, over slavery, evolution, biblical criticism, women in the ordained ministry, remarriage after divorce, capital punishment and contraception. In every one of these issues the majority Anglican view changed, despite the fact that opponents of change had the lion's share of the biblical texts on their side. These changes took time. The time was made available because the church permitted its bishops, clergy and laity to disagree in public with the inherited position, and debate each issue on its merits.

The proposed Covenant and foundationalism

Today, very few philosophers defend foundationalism. Self-evident first principles rarely turn out on inspection to be self-evident; they are only 'first', foundational, by the say-so of adherents; and precious little can be deduced from them with any semblance of certainty. It would be very odd for Anglicanism, which so successfully resisted foundationalism during its years of popularity, to become more foundationalist today. The history of Anglicanism witnesses to an ecclesiology which allows doctrines to change, but in an informal, gradual and consensual way which retains the Church's unity.

We believe that the reasons for a Covenant, as expressed in the Windsor Report and 'The Challenge and Hope of Being an Anglican Today', are based on a foundationalist epistemology which would undermine this tradition.

Doctrines as static

A good illustration is where the Windsor Report (127) defends its claim that 'The Communion has... made its collective position clear on the issue of ordaining those who are involved in same gender unions' by citing the Lambeth Conference 1998, Resolution 1.10. This statement presupposes three views about Anglican doctrines: that they are established by central hierarchies, are irreversible and are universally applicable.

(a) *that they are established by central hierarchies.* In fact it is not the case either that Lambeth Conference resolutions are binding on the Communion, or that Anglicans in practice accept its judgments. The claim that the Communion has made its position clear is perhaps best interpreted as an aspiration - which might be achieved by a Covenant.

(b) *that they are irreversible.* Here and elsewhere the Windsor Report claims that the question of the morality of homosexuality has been settled as far as Anglicanism is concerned, and strongly implies that it cannot be reopened (e.g. 69). To attribute

such authority to a document less than ten years old is striking. If a document of 1998 can settle a matter once and for all, it seems strange not to allow that a document of 2008 or 2018 may do so too. Historically, many Lambeth Conference resolutions have been overturned at subsequent conferences; for example, contraception was repeatedly condemned in early Lambeth Conferences, but was later accepted. Part of the case for a Covenant is that it should become harder to overturn formal resolutions. We do not think it should.

(c) *that they apply universally.* The Windsor Report and successive Primates' Meetings have treated the New Westminster same-sex blessings, and the consecration of an openly gay bishop, as universally significant, even though each of these innovations applied to only one diocese. For a Nigerian or a Texan to insist that they cannot tolerate a gay bishop in New Hampshire is, clearly, to appeal to a universal principle of non-disagreement; that is to say, it presupposes a sectarian Calvinist, rather than Anglican, view of the Church. To the extent that the proposed Covenant will be designed to discourage disagreements of this type, it will formally establish a Calvinist, and foundationalist, ecclesiology in the Anglican Communion.

Innovations as problematic

We understand that the purpose behind the proposed Covenant will be to protect the Anglican Communion against threats of division like the one currently focused on homosexuality and the interpretation of Scripture. Anglican provinces would commit themselves to consultation with the Communion as a whole before introducing significant innovations. We believe that the Covenant would have the reverse effect. By replacing the informal, gradual and consensual method of doctrinal change with a formal and centralized method, it would make changes more difficult and more divisive.

It would also contain the following weaknesses.

a) Such a policy can only succeed if there is a clear definition of which innovations would be subject to regulation. We do not believe any definition would suffice to resolve disagreements, as there will always be room for debate about how to categorize a particular issue. Once the Covenant is signed, therefore, there will be persistent pressure to make it all-encompassing.

b) Many significant innovations are not at the time recognized as such, or do not follow established procedures. At one place the Windsor Report, arguing that not all differences of opinion can be tolerated within the Church, offers a telling example: 'We would not say "some of us are racists, some of us are not, so let's celebrate our diversity"' (89). Those familiar with the history of racism would have sought an

illustration elsewhere. At the end of the nineteenth century, racist theory was widely accepted, especially in England. It was propounded by the leading scientists of the day, and was used to justify imperialist aggression. The fact that Anglicans are today so overwhelmingly opposed to racism that the Windsor Report can cite it for this purpose, indicates not that opposition to racism is a permanent feature of Anglicanism but that the majority view can change, without any formal structure for permitting change, and without the Church's hierarchy in any sense supervising it. A Covenant would not have made it easier for English Anglicanism to renounce its racism, but it may well have made it harder.

c) The main purpose of the proposed Covenant would be to avoid conflict by restricting innovation. This presupposes that the absence of innovation will reduce conflict.

We suggest that the reverse is often the case, and the current debate about homosexual bishops is a case in point. Innovations are frequent, but only cause conflict if they are opposed. The consecration of the first slave-owning bishop, and the first divorced and remarried bishop, could equally have generated debate across the Communion, but did not. The intensity of the current dispute was generated by two contrasting reactions to the growing acceptance of homosexuality. One was to welcome it; the other was to oppose it, and isolate homosexuality as the defining issue for Evangelicals. Both were innovations. It may be argued that one innovated more than the other, but any response to the changing social norms would have been to some extent an innovation.

d) A Covenant of the type envisaged would give too much power to the opponents of change. Much would depend on which issues would require Communion-wide consultation, but we anticipate that if it were to make any difference at all, it would give encouragement to single-issue campaigning groups determined to block innovations. For example the Windsor Report, discussing the difference between *adiaphora*, 'things indifferent', and essentials, asks:

If [an issue] is indeed 'adiaphora', is it something that, nevertheless, a sufficient number of other Christians will find scandalous and offensive, either in the sense that they will be led into acting against their own consciences or that they will be forced, for conscience's sake, to break fellowship with those who go ahead? If the answer to the latter question is 'yes', the biblical guidelines insist that those who have no scruples about the proposed action should nevertheless refrain from going ahead. (93)

If this criterion is formally accepted by a Covenant, one wonders how the Communion will establish what constitutes a sufficient number of the scandalized and offended. In practice access to financial resources and the mass media will be influential. This

criterion will therefore play into the hands of well-organized campaigning groups, who will only need to insist - as is happening now - that their conscience demands that they split the Communion unless they get their own way.

Until now this has not been the case. A few examples may illustrate how changes take place.

(i) When the Lambeth Conference finally accepted the legitimacy of contraception, overturning successive previous resolutions, opponents of contraception could have declared that their view was the traditional Anglicanism, and insisted on expelling supporters of contraception. They did not.

(ii) The Church of England approved of capital punishment for centuries; it is explicitly endorsed by the 37th Article of Religion. The Homicide Act of 1957, retaining capital punishment for the worst forms of murder, was strongly supported by Archbishop Fisher speaking 'in the name of God and society', yet only eight years later capital punishment was abolished, with Archbishop Ramsey and sixteen bishops voting in favour and none against.

(iii) The most decisive change in Church of England attitudes to homosexuality came about in the 1960s when the bishops, led by Archbishop Michael Ramsey, led the way in urging the total decriminalisation of all forms of homosexual behaviour. No bishop voted against any of the Bills between 1965 and 1967, even though only twelve years earlier Archbishop Fisher had described sodomy as 'a crime in a class by itself'.

What is distinctive about the current debate is not that allowing homosexuals to be made bishops could possibly be a more significant issue, but that the opposition is better organized and more willing to issue threats to split the Communion. A Covenant which formalized their right to prevent innovation would therefore be a step in the wrong direction.

Foundationalism and support for the Covenant

We therefore believe that the support for a Covenant is motivated by a foundationalist concept of ecclesiastical authority, which expects it to be hierarchical, centralized, and with a sense of timeless and universal certainties.

We are not arguing that opponents of homosexual bishops and same-sex blessing services individually adhere strictly to foundationalist theologies, still less that they do so intentionally. However we do believe that the reasons for their objections are necessarily foundationalist. It is their foundationalist interpretation of Christian theology which generates their unwillingness to live with differences of opinion.

An alternative vision for the Church

We would like to see the Church move in the opposite direction. We would like it to become more egalitarian, democratic and decentralized, and more willing to accept diversity and change. Innovations should characteristically be local and reversible.

We suggest, therefore, that rather than establishing a Covenant which would hinder innovation, we should seek a different vision for the Church, with a more creative account of the relationship between tradition and innovation. One of the Church's roles is to teach and recommend the faith, as inherited through the Christian tradition, with its roots in Scripture. Another of its roles is to relate the tradition to our ever-changing society, articulate new issues and seek new insights. A third role is to assess new theories and insights, judge which ones are worthy of affirmation, and allow these to influence and reinvigorate the tradition.

Tradition and innovation

This will mean expecting Christians to accept a tension between traditional doctrines and the variety of alternative theories in vogue at any one time. Differences of opinion will always be with us, but other institutions manage them better.

For example, in order to provide children with a wide education, schools simplify and select the information they provide. Children are taught traditional accounts of each subject, without being expected to know about contemporary disagreements between professional researchers. Researchers, on the other hand, are aware of specialist debates within their field, including new theories which may challenge traditional opinion. At any one stage what a school teacher is telling pupils, as undisputed fact, may already have been challenged by the latest research. Educational institutions live with this tension by distinguishing between different roles and recognizing the limits to knowledge.

Similarly, the latest findings in medical research do not correspond with what doctors are offering patients at any one time. Doctors expect to give, and patients to receive, remedies which are well tried and tested. On the other hand research findings are welcomed because in time they may make new treatments possible.

Many modern institutions experience similar tensions between theoretical disagreements and the inherited tradition. What makes the tension a positive one is that the theoretical ideas, when tested and accepted, provide new insights which enable the institution to develop creatively.

Churches experience the same tensions, but differ in that their leadership characteristically interprets them negatively. Although church leaders have long complained about the growing gap between academic theology and the teaching characteristic of local churches, in practice the gap is retained by the underlying foundationalist commitment to the idea that all truth is inherited from the past.

In other aspects of life Christians are familiar with creative tension between tradition and innovation, and we believe there is no difficulty in principle with accepting it in the case of religion too. It may also help the Church to rediscover the Apostles' excitement with the newness of God's activity in the world.

Covenant and Government

Paul Bagshaw

The limits of a Covenant

The *Windsor Report* described the paramount model of the Anglican community as the 'voluntary association of churches bound together in their love of the Lord of the Church, in their discipleship and in their common inheritance'.¹ Yet the tendency of the Covenant proposal is to replace voluntary association and consensual relations with contractual relations regulated by international institutions.

This tendency is implicit in the perceived weaknesses of the present arrangements of the Communion which the Covenant is designed to amend. The Archbishop of Canterbury suggested that the Covenant would be a way to redress the 'lack of adequately developed structures' capable of addressing modern diversity and communications.² The Covenant would seem intended to redress the lack of an agreed confession of faith, foundation document or legally enforceable concordat between covenanting parties. New structures would follow on agreement to a Covenant as would other factors, not least requests for funding.

Despite the acknowledgement that a Covenant would be 'unable to resolve our current difficulties' (§8)³; and despite the Archbishop's view that relying on 'social and legal considerations' to resolve religious disputes is 'highly risky'⁴ a Covenant is presented as the way out of Anglicanism's current disorder.

But the internecine divisions which currently mar our Communion were not caused by a lack of a foundation document nor by the absence of formal agreement between partners. As Jonathan Clatworthy's paper describes, our conflicts reflect deeply held and incommensurable convictions as to theology, the proper expression of discipleship, and the acceptable bounds of faithful Christianity. As the politics of religion have created the crisis so only religious politics can resolve it. A Covenant may represent the terms of a settlement between contending groups but cannot itself resolve a fundamental dispute.

1 WR §120.

2 The Challenge and Hope of Being an Anglican Today: A Reflection for the Bishops, Clergy and Faithful of the Anglican Communion, 27th June 2006.

3 Unreferenced paragraph numbers refer to *Towards an Anglican Covenant*; paragraph numbers marked WR refer to the *Windsor Report*.

4 The Challenge and Hope of Being an Anglican Today: A Reflection for the Bishops, Clergy and Faithful of the Anglican Communion, 27th June 2006.

The goals and benefits of a Covenant

Towards an Anglican Covenant indicates that the Covenant is intended:

to 'clarify the identity and mission of the Churches of, or in association with, the Anglican Communion.' which appears to be equated with 'our ecclesiological identity,' §6⁵

to provide 'a fundamental basis of trust, co-operation and action in relationship with one another and in relation to the whole Communion.' §6

to constitute 'an agreed framework for common discernment, and the prevention and resolution of conflict.' §10.

This latter objective would seem to carry the implication of significantly greater change than any other.

Consequential benefits are said to include:

Assisting the Anglican Communion in self-understanding. §6

Assisting the Anglican Communion in ecumenical relationships. §6

'to develop a disciplined and fulfilling life in communion.' §6⁶

to 'assist the process of reconciliation post-Windsor.' healing and strengthening the damaged bonds of affection. §8.

to be used as an educational tool §9.

The *Windsor Report* adds that the relationships with the Anglican Communion established in a Covenant may assist churches in their relations with their States. WR §119 point 5.

The number of goals and benefits set out in both *Towards an Anglican Covenant* and the *Windsor Report* suggests a lack of precision as to what a Covenant may achieve and also a desire to present the principle of a Covenant in overly-rosy terms without giving consideration to any potential detrimental consequences.

The alternative: a renewed conciliar Anglicanism

The MCU would prefer that there be no Covenant and that other means of enhancing the conciliar nature of the Anglican Communion should be pursued in preference.

⁵ 'A Covenant incarnates communion as a visible foundation around which Anglicans can gather to shape and protect their distinctive identity and mission' WR §119 point 3.

⁶ This seems particularly imprecise. In fact it is not clear the extent to which the substance of §6 (a brief summary of comments from a previous round of consultation) is endorsed by the consultation paper.

Anglican churches were once 'bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference.'⁷ This conciliarity has been much eroded. It may be argued that it has already been lost, and that loss itself necessitates such developments as the proposed Covenant. Yet, if so, this has not been a matter of historical necessity but of an accumulation of decisions. It would be possible, if there were the political will, to create new patterns of conciliar unity appropriate to the changed circumstances of the twenty-first century.

A wide and generous Covenant (§§ 17-20)

However, recognising that a Covenant is perceived by some to be a way forward, the MCU would seek the least possible content. The more that an agreement states the narrower it draws its boundaries: less is more encompassing.

The optimistic presentation of *Towards an Anglican Covenant* excluded any discussion as to the proper and practical limits of the content and consequences of a Covenant. Accordingly we propose that there should be explicit tests for what should and should not be included in any Covenant. These tests should be deliberately constructed to winnow out everything except that which is essential.

We suggest that each clause or, at least, each section should be included only if it can be justified on the grounds that it,

- serves to enhance unity significantly beyond the present arrangements; and
- incorporates the widest number of people; and
- reinforces interdependence and mutual regard; and
- entails the absolute minimum of intrusion into existing jurisdictions; and
- that it facilitates and does not stifle development; and
- that, in its absence, the Covenant would not succeed.

However we also anticipate that the consultation process and subsequent responses to the Covenant are likely to generate a great range of suggestions and divergent clarifications, explanations and interpretations.

Therefore we suggest that, alongside a minimal Covenant, the development of more discursive material should be encouraged. Some of this material could be official (that

⁷ Resolutions of the Lambeth Conference 1930, London, SPCK, p. 53.

is, endorsed by official Anglican bodies) but it would not acquire the status of a test of membership as if it were itself part of the Covenant.

On the other hand we fear that a Covenant could be drawn up in a manner which creates a form of unity by the exclusion of dissentient voices and difficult issues. This would be an unacceptably and unnecessarily high price for unity and would result in a narrow and diminished church.

In particular the MCU would oppose to any attempt to specify a test of faith more precisely than is set out in existing Anglican formulae such as the Lambeth-Chicago Quadrilateral. We would oppose any attempt to specify theological method or modes of scriptural interpretation, or to exclude any method, or to specify or exclude any particular conclusion from theology or exegesis. We would regard any attempt, directly or indirectly, to exclude any person from membership or to marginalize any group, on the grounds of their sexuality as utterly abominable.

Possible elements of the Covenant:

Declaratory:

A statement of the Anglican Communion as part of God's universal Church.

A statement that we work together in the discernment of truth and the continual creation of unity, recognising that this is (in this world) a continuous pilgrimage in which each may learn from the other.

Affirmatory:

A statement that signatories share (and recognise in one another) a common ground of faith in Scripture, the Creeds and dominical sacraments; in episcopal church order; witnessed to by traditional Anglican formulae; and

that they are open to the continuing revelation and discernment of God's action in new circumstances.

A presumption [and therefore not a requirement] of mutual respect and hospitality

A presumption of mutual recognition of orders, and

an expectation of the respect of visitors for the rules of the host body.

Aspirational:

A commitment to faithful discipleship in every culture and community, including a willingness to explore new expressions of faith in new circumstances.

A commitment to resolve conflicts amicably, within received tradition and open to the guidance of the Holy Spirit.

Procedural:

A statement of the standing and authority of the Covenant.

A means of amending the Covenant.

The prevention and resolution of disputes

Of particular concern is the proposal that conflict-resolution mechanisms be part of the Covenant. This proposal has the potential to bite far more deeply into the autonomy of provinces and national churches than any other.

Consequently MCU would urge that any conflict resolution mechanism should be developed outside the Covenant.

If new conflict resolution mechanisms are necessary we would strongly endorse non-binding arbitration.

In binding arbitration the decision of the arbitrator is (subject to any appeal process) definitive and enforceable. Responsibility for the decision lies with the arbitrator. The procedure involves consideration of the facts and arguments in the particular case, the judicious application of rules and precedent, and coming to a reasoned decision with an eye to any wider implications. Arbitration may allocate responsibility and reparation between the parties. Nonetheless (though it need not) the approach creates the probability of winners and losers and it is generally in the interests of the parties to present their strongest and most extreme case. Although a decision may be as impersonal and objective as possible the process tends to sharpen conflict between the parties and to leave a residue of resentment. The capacity for enforcement can only be at the cost of a party's autonomy and the only available sanction is exclusion from the Communion with lesser penalties derived from expulsion.

Non-binding arbitration rests on the assent of all parties. Implementation of a decision is the responsibility of the parties themselves and therefore they have to accept joint responsibility for the decision. Facts and arguments, rules and precedent, as well as consideration of wider implications, continue to be the considerations by which a decision is reached. But, while each party presents their strongest case, there is no pressure to make an extreme case nor to characterise the outcome in terms of victory and defeat. A decision, however reasoned, may be messier and more subject to political processes but (when successful) the consequences are the restoration of relationships, a reduction in conflict, and the strengthening of Communion.

Non-binding arbitration, entered into willingly by the parties, entails no reduction of or intrusion into their autonomous jurisdictions.

It may be objected that this would not be sufficient to meet the present dispute. We suggest that in a church of which membership is voluntary, no conflict resolution mechanism is ultimately sufficient, whatever its powers, without the assent of the people it encompasses. Where there is a refusal to agree, where groups no longer regard one another as full members of the same body, where people cease to listen and disagree respectfully together, communion has already been ruptured irrespective of the constitutional position.

Similarly, despite the optimism of *Towards an Anglican Covenant* and the *Windsor Report* it is hard to see how any dispute could be prevented by the presence of a Covenant. At best the instruments consequent on agreeing a Covenant may include a relatively rapid procedure to respond to a breach of its terms. However the history of ecclesiastical conflict of the past two centuries suggests that a new disagreement is unlikely to be met adequately by structures designed to address an earlier dispute.

Consulting on the Covenant (§§21-26)

Consultation and accountability

We would wish to see discussion of the detail of proposed changes being made as extensive as possible.

This would, of course, imply additional time and expense. Nonetheless the strength of the Covenant will depend on the depth of its roots: the value and utility of a Covenant will be directly proportional to the difficulty of obtaining agreement. At the very least Provinces and national Churches should be encouraged to consult each Diocese and interested voluntary bodies.

Where a significant change in the constitution and practice of a Province is intended or implied; or previous rights and powers are to be relinquished; or a Church is asked to give up some of its jurisdiction and become subordinate to new structures in new ways; then it is essential that the whole of that body make the decision corporately through its legislative structures. To fail to do so, or to seek to pass responsibility to the Primates alone, would be a breach of their duties as guardians of the Anglican tradition in each place.

The proposal that Primates should be given the authority to sign on behalf of their constituency (§ 25(a)) can only stem from a belief that assent would be significantly

more attainable than would be the case if each legislature had to be persuaded separately⁸. Similarly the proposal that the ACC adopts the Covenant (§ 25(b)) would be to misuse a consultative body to impose regulation on its members. Neither is desirable.

Both proposals for indirect adoption of the Covenant ignore the differing decision making processes presently embodied in the Communion's differing legal structures. They attempt to side-step potential difficulties within a Province without resolving them. Indirect assent will reduce the accountability of the instruments of unity to the people the Covenant is intended to unify. It will distance the Covenant from the ordinary life of Anglican communities and, to the extent that its effects impinge on that ordinary life, the Covenant may well be regarded and resented as an alien imposition.⁹ None of this will build up unity or interdependence; it will reinforce a presumption of hierarchical control over member bodies.

Implications of the Covenant (§§ 27-33)

This is perhaps the most important part of the Covenant proposals. Decisions about the nature of the Covenant, and whether to give it assent, will rest not on its words but on its perceived implications. Yet this is the weakest aspect of the consultation document.

(§§ 27-30 are not implications but assertions about the nature of the Covenant.)

§ 31 makes clear that the primary consequence of the Covenant will be the exclusion or expulsion of those who do not sign the Covenant unconditionally.

§ 32 seems to refer to a transitional period the conclusion of which will be that a Province will either have signed the Covenant or will have left the Communion. If § 28 is taken at face value it implies that negotiation will no longer be possible and only time will change the mind of a cautious Province.

§ 33 is muddled: for one group of Provinces to grow closer together, and away from another group, then the present arrangements will inevitably wither. If a Province were to remain in the Anglican Communion without signing up to the Covenant they

⁸ The Commission considers that a brief law would be preferable to and more feasible than incorporation by each church of an elaborate and all-embracing canon defining inter-Anglican relations, which the Commission rejected in the light of the lengthy and almost impossible difficulty of steering such a canon unscathed through the legislative processes of forty-four churches, as well as the possibility of unilateral alteration of such a law.' WR §117.

⁹ We note the parallel with secular international treaties which (in the UK and elsewhere) may be agreed by the executive with little scrutiny by the legislature whose assent may not be required.

would inevitably be marginalized. It is difficult to see why a Church would remain within the association on diminishing terms.

We recognise that, at least since the different responses to the creation of the Church of South India in 1947 and magnified by the uneven progress of the ordination and consecration of women, mutual recognition and interchangeability of ministry through the Anglican Communion has been partial. But the Covenant proposal will change the character of both communion and its impairment.

Impaired communion is currently a matter of autonomous jurisdictions making separate decisions about the recognizability of one another's orders. With a Covenant as the unifying factor, communion will be impaired because of a failure to assent to a written document, or an unwillingness to be bound by its instruments. Impairment thus becomes a global decision, made by legal or hierarchical processes, which will, presumably, bind all those who have signed to be in the same impaired relationship to those who have not. It will be tidier. But, as Jonathan Clatworthy argues, innovation will be stifled. A Covenant will not allow for the progressive recognition of orders (as happened with the Church of South India) nor for progressive development of church order (as in the ordination of women). In effect the threat of impairment will progressively turn all those who remain within the Covenant from interdependent, autonomous bodies into a single, centrally governed Church.

Further implications of the Covenant for the character of the unity of the Anglican Communion, the autonomy of its members, its tests of affiliation, who bears the (financial and other) costs of change, how future alterations to the character of the Communion are to be initiated, approved and implemented, and how agreement to a Covenant will dispose the course of the future development of Anglicanism, are not touched upon in *Towards an Anglican Covenant*. Yet these are the most important aspects of the proposal.

*Gains and losses*¹⁰

It would seem that the character of unity envisaged in and encouraged by the Covenant is primarily constitutional and contractual.

Unity, to the degree that the Covenant was determinative of membership, would be grounded more in an agreed document and less in working relationships, mutual regard or shared history. The Covenant, as a set of statements (and, possibly, rules), would offer an impersonal focus of unity and would constitute a new test of

¹⁰ The Consultation paper states that 'We do not underestimate the cost that being in covenant may exact on the churches of the Communion.' but does not specify what those costs are nor who would bear them. §15. Some negative impacts identified by some respondents to the consultation are set out in §5 but are not given consideration elsewhere in the paper (for example, in the section on implications §§27-33).

membership of the Anglican Communion (from which may be derived a test of ordination or acceptance into church membership). The Covenant would be subject to interpretation by lawyers rather than by bishops or synods.

Furthermore the logic of a Covenant as a document to which all participants must give their assent is that unity is attained by the exclusion or expulsion of dissentients. Whilst this has a long pedigree in ecclesiastical history it is a myopic approach to unity: whilst one body draws itself closer together the whole body of Christ is further divided.

Gains

The primary gain from a Covenant would be a greater degree of clarity and precision of the bases of agreement and of working conventions between partners: the 'house rules' of the Anglican Communion. It would give an additional foundation to formal discussions with ecumenical collaborators.

It is, however, easy to overstate this gain. No Covenant will be sufficient for long. It will require 'interpretation' and 'clarification' as it is implemented in differing contexts, as it is perceived and applied differently, and as unforeseen disputes arise. The result will be further levels of debate and the multiplication of documents which will inevitably detract from the initial sense of clarity and precision.

Second, there may also be a gain in the development of a process of conflict resolution. However, unless this is by non-binding arbitration, this gain would be offset by a commensurate loss of interdependence and autonomy. Because ecclesiastical divisions are both inter- and intra-Provincial a conflict resolution mechanism may well seek to inhibit members' internal disciplinary mechanisms on key issues and thus curtail a Province's previous jurisdictional autonomy. Non-binding arbitration may be undertaken with no loss of autonomy and serve to build up mutual regard and interdependence.

Losses

The conciliar nature of Anglicanism would be lost. A Covenant would consolidate the end of the conciliar ideal and establish a contract as the ideal of Anglican unity.¹¹

There would be a loss to the capacity to innovate in theology or church order, and greater difficulty in restating the faith in contemporary terms.

¹¹ The theological and historical connotations of Covenant (§§13-15) will remain important. However its implementation will inevitably take on the character of the civil law understanding of Covenant as a mutually binding commitment – or contract (§16).

There would be a loss to interdependence to the extent that members come to rely on their standing in relation to the Covenant rather than on personal relationships. There would be a loss to jurisdictional autonomy: Provinces and national Churches would be asked to cede to an international body certain authority they can currently exercise (for example, the right to make certain theological statements, or developments in church order).¹²

Furthermore secular courts may claim jurisdiction to interpret the Covenant if a dispute were brought before them (in the manner in which they may adjudicate contracts, disputed constitutions of voluntary associations and other bodies, and may have power to determine the interpretation of international law).

The tests of the 'unity, stability and growth of the Communion' (§11)

The implementation of a Covenant may reasonably be expected to promote the unity of the Anglican Communion but only if unity is construed in constitutional and juridical terms. It may do so at the cost of excluding or marginalizing many who had previously regarded themselves as, and been regarded as, full members.

Whether a Covenant would promote bonds of affection depends less on the Covenant itself than on the manner in which it was implemented and on the international mechanisms it would entail. The tendency inherent in a Covenant would be to replace affection by legal or bureaucratic rulings as the unifying bonds.

A Covenant may well contribute to the stability of the Communion. To do so it would have to have sufficient flexibility to allow adaptation and change, local initiative and distinctiveness. Yet until there is some suggested wording, and a description of the instruments intended to enforce agreement, there is insufficient evidence to make a judgement.

It is very hard to see how the Covenant can influence the growth of the Communion. At best it is conceivable that a smaller Communion may compensate for the loss of numbers and diversity by building stronger internal structures.

Other consequences

The background and tendency of the Covenant proposals is the rejection of conciliar mechanism and their replacement by juridical structures in the unsubstantiated hope

¹² This would be the obverse of the suggestion that a Covenant may help support a Church in dispute with the secular state authorities (WR §119 point 5). Some governments would be all the more convinced that an Anglican Church was little or no more than an arm of a foreign international organization.

that formal agreement and new instruments of government will be sufficient to sustain 'bonds of affection'.

Present disputes in the Anglican Communion have strained amicable relationships between member Churches to, and perhaps beyond, breaking point. Those same disputes would have applied the same strains to constitutional relationships: the canons and constitution of ECUSA have not prevented such disputes within its ranks but have provided a focus for them. In fact constitutional arrangements risk encouraging more strident conflict by placing powerful levers in the hands of those who believe that their grasp of Christian faith and discipleship is such that they cannot remain in communion with others with whom they disagree. The consequence will be not only legal disputes within the Church but also increasing recourse to the secular courts.

In the presence of divisive disputes a formal constitutional structure may seem to have much to offer. However it will be at the cost of the interdependence and autonomy of member churches. Over time power will almost certainly be transferred upwards: examples of organizations which voluntarily devolve power and decision making to smaller bodies are exceedingly rare. Powers acquired for one purpose are retained and adapted to meet other occasions. Budgets continue to grow. The greater the scope of the church organization the more power is effectively placed in the hands of church bureaucrats and (given the probable character of the Covenant) ecclesiastical lawyers. In all these ways power seeps from the local to the international church and accountability is attenuated.

Conclusion

The MCU would strongly prefer that there be no Anglican Covenant.

We would like to see the Church become more egalitarian, more democratic and less hierarchical. We would like to see it open to and accepting of difference and innovation.

If there is to be a Covenant it should draw from the deep Anglican well of Scripture, tradition, reason, and experience as sources of our knowledge of God. It should facilitate a pilgrim Church open to God's action in the world. It should state the absolute minimum necessary.

However we believe that a Covenant would take the Anglican Communion further from much of its rich inheritance. Once signed, there would be an inexorable tendency for a Covenant to grow, for its instruments to accumulate power, to acquire the staff and funds to implement its responsibilities, and to extend its influence into more and more aspects the Communion's life.

Over time the Anglican Communion would be likely to become narrower in its interpretation of Scripture and adherence to tradition; it may become less flexible and less open to developments informed by reason and experience. A Covenant would slowly but irreversibly be set the Communion on a path towards greater legalism, centralisation and hierarchy. We fear that what will be lost will greatly outweigh anything that might be gained.

The MCU continues to work for an Anglicanism which is open and inclusive of all faithful Christians, including those with whom we would disagree. No individual, organization or church body has an exclusive or exhaustive grasp of God's truth. We would wish to see a reinvigoration of democratic consultative and conciliar processes as the foundation and expression of the bonds of affection which, however untidily, continue to hold the Anglican Communion together.

The Modern Churchpeople's Union
November 2006