



# The Modern Churchpeople's Union

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## *An Anglican Covenant*

### *St Andrew's Draft and other developments*

Briefing Paper for General Synod Members

February 2009

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This paper primarily addresses issues in two documents:

- The *Draft Anglican Covenant (the St Andrew's Draft) February 2008*.<sup>1</sup>
- *GS 1716 Note from the House of Bishops*.

It takes into account statements made at the Primates' Meeting, February 2009, and the *Report of the Windsor Continuation Group to the Primates' Meeting*, 17 December 2008.

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#### **General**

MCU has consistently opposed the Anglican Covenant and has sought to do so in a considered and reasoned way. Previous papers may be found at <http://www.modchurchunion.org/Covenant.htm>.

We have previously welcomed the significant improvement in the wording of *The St Andrew's Draft* over earlier drafts. We now welcome the statements of the spokesperson for the recent Primates' Meeting in Egypt, Archbishop Phillip Aspinall, that the next draft of the Covenant would be relational, focused more on *koinonia* and 'not hitting people over the head with sticks.'<sup>2</sup>

This shift in tone and substance removes one of the central objections of the MCU to the Covenant. However we also note that Aspinall's comments have been contested by Ephraim Radnor, a member of the Covenant Design Group, and we wait for the actual wording.

General Synod is thus being asked to 'Take Note' of a document which will be re-written. The next draft is anticipated after March 9th, the deadline for Provincial responses.

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<sup>1</sup> <http://www.anglicancommunion.org/commission/covenant/index.cfm>

<sup>2</sup> Press conference, 3/2/09, <http://www.anglicancommunion.org/acns/news.cfm/2009/2/3/ACNS4567>

If the coercive elements of past Covenants do not appear in the next draft, which seems probable, it will be because it is anticipated that equivalent, and more effective, powers are to be given to the Instruments of Communion.

If this happens the Covenant will become a broad framework document, containing no powers in itself, but being the linch-pin which holds Provinces and Instruments of Communion together.

### Constitutional change

GS1716 says

'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 [*sic*] both confidence in and the effectiveness of an Anglican Covenant.' (Annex 1, para. 42)

In fact the Covenant is primarily a constitutional document. The Anglican Communion will be constituted by those who sign the Covenant. The fundamental intent of the Covenant is to reconstitute relationships between Provinces.

At the centre of the Anglican Communion the Windsor Continuation Group identified an 'ecclesial deficit'. They defined it as an inability to uphold structures which can make decisions which carry force in the life of the Churches of the Communion, or even give any definitive guidance to them.<sup>3</sup>

The programme for constitutional change intended to address this 'ecclesial deficit' can be summarised as:

<i>Goal</i>	<b>To give decisions and recommendations of the central agencies of the Communion authority and force</b>
<i>Principles</i>	<b>Change the relationships between Provinces.</b> Instead of a network of autonomous Provinces choosing to share ecclesial life together there will be central decision making bodies, of which the Provinces will be part. 'The need for a shift of focus in the life of the communion from autonomy of provinces with communion added on, to communion as the primary reality with autonomy and accountability understood within that framework.' <sup>4</sup>
	<b>Create a constitution for all the international organs of the Anglican Communion.</b> 'A set or [of] recommendations about the instruments of communion and how they should work. All four; the Archbishop of Canterbury, the Primates Meeting, The Anglican Consultative Council and the Lambeth Conference need some looking at as to whether their present structures of working are adequate to the situation.' <sup>5</sup>
	<b>Concentrate decision making in international bodies.</b> Subsidiarity (in the Windsor report but missing from the <i>Nassau</i> and <i>St Andrews'</i> drafts) will need to be revisited. <sup>6</sup>
	<b>Resolve ambiguity about the nature and expression of episcopacy'<sup>7</sup></b>

<sup>3</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, Mustang Island, 17th December 2008 §50, 51. [http://www.anglicancommunion.org/commission/windsor\\_continuation/WCG\\_Report.cfm](http://www.anglicancommunion.org/commission/windsor_continuation/WCG_Report.cfm). This is a continuation of the programme outlined in the group's *Preliminary Observations* given at the Lambeth Conference <http://www.lambethconference.org/daily/news.cfm/2008/7/28/ACNS4480>.

<sup>4</sup> The Archbishop of Canterbury, final press briefing after the Primates' meeting, 5/2/09. <http://www.anglicancommunion.org/acns/news.cfm/2009/2/5/ACNS4577>

<sup>5</sup> The Archbishop of Canterbury, final press briefing after the Primates' meeting, 5/2/09.

<sup>6</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, §50.

<sup>7</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, §§60, 61.

<i>Mechanism</i>	Provinces will be asked to make <b>voluntary submission to the Covenant</b> and thence to constitutional revision. No Province will be instructed or directed to take any step at all. Therefore few legal problems are anticipated in any jurisdiction. Each Province will voluntarily chose to enter into a revised relationship with other Provinces, determined in accordance with their own internal decision making structures.
	Each Province will be invited to <b>internalise global jurisdiction</b> over it by progressively adopting common canon law and appointing compliance officers. These proposals were key aspects of the <i>draft Covenant</i> in the Windsor Report. <sup>8</sup>
<i>Interim measures</i>	The Windsor Continuation Group will maintain an overview of all developments and, in close liaison with the Archbishop of Canterbury, will be the key co-ordinating body
	Pastoral arrangements and structures for mediation are needed now to address areas of particular tension within the Anglican Communion. <sup>9</sup>
	Advisory commissions can continue and supplement the constitutional work. In particular <ul style="list-style-type: none"> <li>• A hermeneutics project – <i>The Bible in the Church</i>.</li> <li>• <i>IASCUF</i>O (The Inter-Anglican Standing Commission for Unity, Faith and Order) is asked to prepare an urgent statement on the Instruments of Communion for consultation, if possible in time for incorporation into subsequent drafts of the Covenant.<sup>10</sup></li> <li>• The <i>Principles of Canon Law Project</i> to further the creation of a common canon law across the Communion.</li> </ul>

The overall goal is clear. The teeth may, possibly, have been drawn from the Covenant but only to be fitted in elsewhere. The dominant term (from the Windsor Report onwards) is the *forceful* application of centrally made decisions.

## GS 1716

In addition to its comments on the *St Andrew's* draft Covenant GS 1716 raises a number of important constitutional questions (§§42-45).

MCU welcomes recognition of the need to proceed under the terms of Section 7 and 8 business (§11-22). Whether an Act of Synod will be sufficient will depend on the exact terms of the Covenant and its implications (§§9-10).

MCU shares the concern for clearer definition of certain key concepts including ‘tradition’ and ‘reason’ and how they relate to the normative authority of Scripture for Christian faith and life as expressed in the historic formularies.’ and also the ‘balance between the diversity that arises due to the context of mission with the one-ness’ of the faith. The critical phrases ‘common mind’ and ‘essential concern’ also need explication (§§34, 35, 39-40).

The strictures against the phrase ‘episcopally led and synodically governed’ and GS 1716’s preferred phrase ‘bishop in synod’ (§38) need much more debate, not least in the light of GS Misc 910<sup>11</sup> which appears to attribute almost all authority, and thus almost all power, to diocesan bishops. A different tone is set by the Windsor Continuation Group:

But the ministry of bishops is never to be exercised apart from, but in, with and among the faithful. ARCIC documents talk about episcopal ministry as enabling the

<sup>8</sup> The Windsor Report, §113. [http://www.anglicancommunion.org/windsor2004/section\\_c/p9.cfm](http://www.anglicancommunion.org/windsor2004/section_c/p9.cfm); and Appendix 2 Article 25, <http://www.anglicancommunion.org/windsor2004/appendix/p2.5.cfm>

<sup>9</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, §81-91.

<sup>10</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, §76.

<sup>11</sup> The Governance of the Church of England and the Anglican Communion, Colin Podmore.

symphony of the whole church, always helping to draw out and discover the *sensus fidelium*.<sup>12</sup>

Episcopacy is described as exercised in personal, collegial and communal ways. In particular 'The collegiality of a bishop is exercised from among his or her clergy, and in conjunction with the whole *laos* or people of God in that place.'<sup>13</sup> What is at stake is the precise and practical meaning of the term 'conjunction'.

In the context of extensive constitutional change it will be important to consider again the ecclesiological principles which guide the Anglican Communion and, in particular, the place of the laity in the governance of the church. In this context the ACC should be strengthened rather than dismissed as ineffective and insufficiently authoritative.

§41 raises the question of responsibility for liturgical development. While exceptional developments, specifically the authorisation of rites for blessing same-sex unions, have contributed to division, it is not clear whether the authors would seek some central government of mainstream liturgical development: perhaps an international Liturgical Office.

The draft *Appendix* of the *St Andrew's* draft (§§47-51) has been extensively criticised and it is known that, if it remains part of the Covenant, it will be extensively revised.

§52 raises the question of the implications for the Covenant should the Church of England not be part of the Covenant. Equally important are two further questions: *Would the Anglican Communion be willing to accept as its leader any person appointed by the British Prime Minister? What would be the consequences should a woman be appointed?*

If dioceses, as opposed to Provinces, were signatories to the Covenant the consequence would be global confusion and the shattering of provincial structures of communion (§§53, 54).

MCU welcomes the call for greater consideration of the ecumenical implications of the Covenant (§55).

### **A pragmatic consideration**

No financial estimates have been made public. While it is impossible to say exactly how much implementation will cost until the final proposal is known, *What might the financial implications be? Where is the money to come from?*

### **Conclusion**

MCU remains opposed to the Covenant precisely because it is intended to concentrate decision making in the hands of global structures and to reduce the traditional autonomy of Anglican Provinces. We oppose the prospect of a centralised, curial government for Anglicanism which will rely on quasi-judicial processes for dispute resolution. We fear it will embody and evoke conformity over diversity, control over innovation, as international bureaucracy replaces the prompting of the Holy Spirit.

Paul Bagshaw, 8/2/09

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<sup>12</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, §61.

<sup>13</sup> The Windsor Continuation Group Report to the Archbishop of Canterbury, §63.