

Covenant Working Party Commentary on Revisions to Section 4

The Ridley Cambridge Draft of the Anglican Communion Covenant was considered at ACC-14 in May 2009. Resolution 14.11 included a request to the Archbishop of Canterbury, in consultation with the Secretary General, to appoint a small working group to consider and consult with the Provinces on Section 4 and its possible revision, and to report to the next meeting of the Standing Committee.

The following members were subsequently appointed to the Covenant Working Group

The Most Revd Dr John Neill (Chair) (The Church of Ireland)

The Most Revd Dr John Chew (Church of the Province of South East Asia)

Dr Eileen Scully (Anglican Church of Canada)

The Rt Revd Dr Gregory Cameron (The Church in Wales)

Staff

The Revd Canon Dr Alyson Barnett-Cowan (ACO)

The Revd Canon Joanna Udal (Lambeth Palace)

Mr Neil Vigers (ACO)

The consultation with the Provinces of the Anglican Communion resulted in seventeen responses. These were circulated to members of the Working Group as they were received, and collated into a composite document prior to the meeting of the Working Group.

Principles

The guiding principle has been that of minimal revision. However, several areas of Section 4 have required clearer definition and a change of tone in language. In faithfulness to the provincial responses these changes have been incorporated, but with the definite intention to remain consistent with the work that had already achieved a wide measure of support. This support came across clearly in the majority of the responses received.

The Covenant Working Group gave serious attention to all the Provincial responses submitted, and reviewed them in detail. Where a point seemed to be particularly strongly and well made, or if it was made by a range of responses, the Group gave full consideration to how the text could be amended to meet that point. Not all points have been incorporated by changes in the text. The Covenant Working Group has set out its reasoning in this commentary.

Section 4.1

One of the key questions that arose at ACC-14 was the definition of ‘the Churches of the Communion’. The Working Group has drafted a new clause 4.1.1 to address this question.

In response to the question ‘who is being invited to adopt the Anglican Communion Covenant?’, the Working Group reaffirmed the principles set out in the Lambeth Commentary of September 2008, in its definition of “Churches of the Communion” as those for whom adoption is intended.

“In Anglican ecclesiology, there is a creative tension between the understanding of “local Church”, which is that portion of God’s people gathered around their bishop, usually in the form of a territorial diocese, and “Church” as a term or description for a national or regional ecclesial community, which is bound together by a national character, and/or common liturgical life, governance and canon law. Traditionally, Anglicans have asserted the ecclesial character of the national Church as the privileged unit of ecclesiastical life. The Church of England’s very existence was predicated upon such an assumption at the time of the Reformation. Recognised in most cases as “Provinces”, these national or regional Churches are the historical bodies through which the life of the Anglican Communion has been expressed, and they are the primary parties for whom the covenant has been designed. If, however, the canons and constitutions of a Province permit, there is no reason why a diocesan synod should not commit itself to the covenant, thus strengthening its commitment to the interdependent life of the Communion.”¹

The Group recognise that any ecclesial body may express commitment to the Covenant. Some may find that the affirmations and commitments of the Anglican Communion Covenant contain helpful guides for interdependent life at other levels and in other contexts than those specific to relations amongst the Member Churches of the Anglican Communion. This sort of endorsement is to be encouraged as contributing to the covenantal life of the Communion.

In response to the question, ‘what happens if Churches other than current member Churches of the Anglican Consultative Council wish to adopt the Covenant?’ the Working Group was concerned that due process was needed. The procedures set out in the Constitution of the Anglican Consultative Council for amendment of its Schedule of Membership provide a suitable course of deliberation and consultation with the Anglican Consultative Council and the Primates’ Meeting before an invitation to consider adoption of

¹ *A Lambeth Commentary on the Saint Andrew’s Draft for an Anglican Covenant, question 11, page 11*

the Covenant by any such Church is agreed upon. The Working Group incorporated these principles in Section 4.1.5.

The question has also been raised about the status of Churches of the Anglican Communion who choose not to enter the Anglican Communion Covenant. The working Group considers that it is not appropriate to address this question within the text of the Covenant. Rather, there should be the flexibility for the Instruments of Communion to determine an appropriate response in the evolving situation that would accompany a process of reception and adoption of the Covenant.

Section 4.2

The most difficult part of the Covenant text has related to those sections which deal with any disruption in the life of Communion. There remains in some quarters a lingering feeling that being in communion requires only positive affirmation and encouragement. However, the fact is that not all developments aid and nurture deeper communion. From our recent history it is evident that some developments bring dispute, disruption and tension. The clear majority of responses demonstrated that a section of the Covenant which seeks to provide an ordered way for the Communion to approach disagreement remains a necessary feature of the Covenant.

The Covenant Working Group has taken very seriously the representations of a number of Provinces that this section should avoid a punitive or juridic tone, that it should emphasise relational and communion aspects, and defer to the dispersed model of authority, which places emphasis on the autonomy of the Churches as final arbiters of maintaining the Communion which their relations constitute. In particular, the Covenant Working Group has taken very seriously the concern that relational and conciliatory approaches should figure highly, but also acknowledges the point made, amongst others, by the Inter-Anglican Theological and Doctrinal Commission in their report "Communion, Conflict and Hope", that mutual accountability is a fundamental Communion value which should draw the Churches into a common life. The links between the processes in Section 4 and the principles of interdependence in Section 3 are therefore made explicit (4.2.3), and the Standing Committee is called upon to "make every effort to facilitate agreement" (4.2.4).

The question 'who should be responsible for the maintenance of the Covenant?' proved to be one of the enduring problems with which the Covenant Design Group worked. The Nassau Draft sought to reflect the actual working of the Communion at the time, and gave the central role in discernment to the Primates' Meeting. In response to extensive criticism, the Anglican Consultative Council was placed in this role in the St Andrew's Draft. This also met with considerable criticism. However, the Covenant Design Group did not see its role as inventing new structures for the Communion, but rather explicating and strengthening existing structures. Hence, in the Ridley Cambridge April Draft, the Joint Standing Committee was placed in this role. Current responses have also questioned this, wondering

whether the Covenant exalts the Joint Standing Committee into a fifth instrument of Communion.

In the meantime, the Joint Standing Committee as such has ceased to exist. By the constitutional changes which became active at ACC-14, following approval by two thirds of the Provinces, the Joint Standing Committee of the Anglican Consultative Council and the Primates' Meeting has developed into "The Standing Committee of the Anglican Communion", in which membership is constituted by elections from the Anglican Consultative Council and the Primates' Meeting.

The Ridley Cambridge November Text continues to accord the Standing Committee with the crucial role of monitoring the functioning of the Covenant. The Covenant Working Group considers that the Standing Committee with membership from all four Instruments of Communion, combining bishops, clergy and laity, is best placed for this role. What is made explicit in the current draft is that the Standing Committee derives its authority from its responsibility to the two Instruments of Communion which elect its membership, and on whose behalf it acts. It provides a co-ordinating function for matters to do with Covenant maintenance, supported by relevant expertise (cf 4.2.2) and in close communication with both the Anglican Consultative Council and the Primates' Meeting, on whose advice it acts. (cf 4.2.6 and 4.2.7)

A further question has concerned the "relational consequences" which may follow a declaration of "incompatibility with the covenant". A reality which has to be acknowledged is that if there is autonomy of governance in the Churches of the Anglican Communion, then a necessary corollary of this is that the autonomy of a Church's relationships of Communion also cannot be constrained. What the covenant seeks to do is to find an ecclesial framework by which a common response to tensions can be discerned and articulated. This contrasts with the present situation where no agreed mechanisms for action exist, and this lack has seriously threatened the integrity of the Communion. What the relational consequences might be were explored by the Covenant Design Group in their meeting in Singapore in September 2008, and were set out in the Lambeth Commentary at page 25. There they were deliberately listed in a range from the lightest "no action", to the most serious "breaking of ecclesial communion and walking apart".

The Covenant Working Group note that since Anglican Churches value autonomy over a central jurisdiction, the Communion can only ever guide - it must be left to the Churches to decide. (cf Ridley Cambridge Commentary, note on Section 3, page 3) However, in the face of certain fears being expressed by some Provinces that chaos could result as each Church decides to act in a different way, Churches are now invited to accept or reject specific recommendations from the Standing Committee.

The Covenant Working Group accepts the argument that it is only appropriate for the representatives of Churches which are participating in the life of the covenant to determine

questions relating to the maintenance of the covenant (April text, 4.2.7; November text, 4.2.8)

4.3.1 – Withdrawing from the Covenant

There may be circumstances in which it might be appropriate for a Church to withdraw from the Covenant for a period of time in order for it to resolve a particular issue in its own life. For example, a Church entering into an ecumenical agreement which includes living with bearable anomalies in order to move toward the goal of full visible unity, may wish to withdraw until such time as the anomalies have been resolved (cf Lambeth 1998 Resolution IV.1). In such circumstances the Standing Committee may wish to give advice as to whether such withdrawal is appropriate or not.

The United Churches of South Asia

As full members of the Anglican Communion, the four United Churches in South Asia (the Church of South India, the Church of North India, the Church of Pakistan and the Church of Bangladesh) would be invited to adopt and to enter into the proposed Anglican Communion Covenant and fully participate in covenantal communion life and relationship when it is in effect. Given the diversity of their traditions there may be particular challenges regarding their capacity to adopt the Covenant.

So far, only the Church of North India has made response on Section IV of the Ridley Cambridge Draft of the Anglican Covenant to the Anglican Covenant Working Group. The response as to whether it would be constitutionally and legally possible for the Church of North India to sign onto the proposed Anglican Covenant was somewhat unclear. It is highly desirable for the structures of the Anglican Communion to engage as fully as possible with the four United Churches to ascertain the best way to enable their participation in the Covenant.