

## A PROPOSAL FOR AN ANGLICAN COVENANT

Response to an invitation to comment on the Draft Covenant dated February  
2007

The Revd Dr Bruce Kaye

### EXECUTIVE SUMMARY

There are three parts to this response: some introductory matters which set the scene, five key questions are addressed to the draft Covenant text and a revised text is offered.

#### Introductory matters

The process has been very accelerated and seems to be gathering pace at each step. The process has been caught up in the politics of the present crisis in ways which have not been helpful to the orderly development of the strategy.

There remains a very significant question as to whether this covenant strategy is the right way forward. I suggest that it is not and that it will widen the issues in contention and deepen the divisions. Nonetheless the response tries to work with the framework of the current strategy with suggestions that might make it work.

#### Five key questions are addressed to the text

1. Does the document provide a reasonable statement of the fundamental outline of what a covenant might look like? This is one of the tests in the CDG report.

*In general terms yes it does, but it could be re-structured to avoid some current inconsistencies of presentation to make it a more coherent statement.*

2. How far does the actual text of the document hold together as a coherent statement?

*There are some problems with the text from this point of view, but given changes suggested under the previous point they can be successfully dealt with.*

3. How far does the text of the covenant document measure up as an expression of current Anglican faith? This is one of the tests in the CDG report.

*The first four sections come very close to satisfying this question. Some detailed changes are suggested. Sections 5 and 6 are however highly contentious and should be trimmed down in order to make a more generally accepted statement. The actions of the Primates meeting in February 2007 have not helped the process of presenting a generally acceptable text.*

4. How does this document measure up in relation to any discernible ecclesiology drawn from the history of the Anglican tradition?

*The document does not seriously address the provincial character of Anglican ecclesiology, nor of the strong conciliar element in the tradition. The novelty in the Anglican theological tradition of a supra provincial ecclesial structure is underlined.*

5. How far does this covenant document make it easier to see that a covenant is a useful way forward in the present circumstances? This had been the frame of reference in the Windsor Report.

*Without significant changes, especially in sections 5 and 6 it does not advance the likely success of the Windsor strategy.*

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**INTRODUCTORY MATTERS**

Given the constraints of time and opportunity and the framework within which they were working the Covenant Design Group have done outstanding work in producing this text. It is a remarkable achievement.

In order reasonably to understand the text of the draft covenant now before the Anglican Communion it is important to see it in the context of the process which has produced it. That process began in October 2004 with the Windsor Report of the Lambeth Commission and the draft covenant now being considered is dated February 2007. In a matter of merely two years and four months we have gone from a proposal in a report to a text being proposed and in some degree being assumed as the established framework in the Anglican Communion in the action of the meeting of the Primates in February 2007. It is also now said in some quarters as a matter of settled course to be the way in which the Anglican Communion will develop in the future.

This is an extremely short time line in the normal run of history for the Anglican Communion, and indeed for similar cooperative international community groups. Generally speaking the principal decision making bodies in the various provinces have met only once in this period. The general Convention of The Episcopal Church has met once and the General Synod of the Anglican Church of Australia having met just prior to the publication of the Windsor Report will meet in October this year for the first time since the publication of the Windsor Report. These bodies are not simply the decision making bodies for constitutional matters in the provinces, they are the bodies which are charged with making the significant decisions of the provinces in

inter provincial relations. Clearly the institutional arrangements in the Anglican Communion fall into this category. The expulsion of one long standing member would also fall into this category.

### **The Process has been very accelerated**

The first thing to be said about the Covenant process is that it has been more like an express train rushing through the international cyber space rather than any sustained listening process, let alone anything that could be called a process of reception, even though there was a structure established under that name for a short period of time. The timetable for the covenant process was initially set out in The Windsor Report in very general terms. It envisaged the adoption of a simple and short domestic 'communion law' in each province to implement the covenant. The five stages were; approval of a draft by the primates, submission to the churches and ACC for consultation and reception, final approval by primates, legal authorisation by each church and solemn signing by the primates. The Windsor Report timetable did not mention a role for the Lambeth conference, but the Primates in 2005 commended the covenant proposal 'as a project that should be given further consideration in the Provinces of the Communion between now and the Lambeth Conference 2008. In addition, we ask the Archbishop of Canterbury to explore ways of implementing this.'<sup>1</sup> That consultation has taken place to some degree and informed the work of the Covenant Design Group. But the decision making listed in the Windsor Report would inevitably take something like six to nine years, depending on when the decision making bodies of the provinces actually met.

The March 2006 consultation report for the Joint Standing Committee sets out a more precise phased development; an initial drafting period (1 year), a period of further testing (3-5 years) and an implementation period of 2-3 years. This would be six years at a minimum (ie by 2012) and nine years at the upper end (ie by 2015). The timetable in the Primates meeting communiqué envisages further consultation after Lambeth and a final text for ACC-14. On the current pattern of ACC meetings that would mean 2008, earlier than the earliest date envisaged by the consultation

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<sup>1</sup> Primates' meeting communiqué February 2005, para 9.

document for the Joint Standing Committee. Clearly the timetable is developing and apparently accelerating. But not enough for the Primates meeting since they felt constrained to anticipate the covenant with some compliance action of their own.

The Covenant Design Group envisages a dual track approach. The text of a covenant should be developed which in the appropriate way should go to the Provinces for consideration leading to adoption of a final text through the relevant processes of the Provincial decision making bodies. In the meantime the CDG suggest there should be some general agreement to the outline shape of a covenant. The Primates are asked to agree that this is the fundamental shape to be developed and from that point there should be more consultation with the provinces and other groups in the Anglican Communion. This is an important point when it comes to considering the text of a covenant prepared by the CDG. It is the shape of a covenant which is to be further refined. That may have been what the CDG wanted, but was not what happened at the Primates meeting in February 2007.

The CDG have also set out the principles which influenced their work in developing this text. They have tried to give expression to ‘what may be considered authentic Anglicanism.’ Furthermore the text is ‘meant to be robust enough to express clear commitment in those areas of Anglican faith about which there has been most underlying concern in recent events’ while being faithful to what has been received. Nothing in the covenant can be said to be “new”. Three times the report underlines that the covenant text brings nothing new but rather represents the faith Anglicans have received and expresses a commitment to inter-dependent life.

### **The Process has been caught up in the politics of the present crisis**

The second thing to be said is that the process of covenant formation has itself been enrolled in the political aspects of the conflict over homosexuality in the public life of the church. This became apparent at the meeting of Covenant Design Group when it met in Nassau in January 2007. There was pressure at the meeting for a very rapid adoption of a covenant in order to prevent further “innovations” and that the Primates

were to be the principal interpreters and enforcers of the covenant.<sup>2</sup> In the Communiqué of the Primates' meeting in February 2007 the way forward is said to be the recommendations of the Windsor Report as interpreted by the Primates' Statement at Dromantine.

At the February 2007 meeting of the primates the Covenant proposal had become the basis upon which some extraordinary proposals were made. It appears that the matter is seen to be so urgent that the Primates cannot wait for the covenant to come and so they offer a foretaste of the kind of interpretation and enforcement of any covenant might look like. The establishment of a Pastoral Council and a Primatial Vicar in the life of The Episcopal Church is effectively an attempt to establish within a Province a joint operation of the Primates which would have some decision making powers in relation to the recognition of pastoral care for churches within The Episcopal Church. The Pastoral Council is thus a clear incursion into the life of a province and it carries no real guarantees that the international interventions in the ordered life of The Episcopal Church by some Primates and bishops will cease. It is simply hoped that they will. It looks very like a one way bargain and it was delivered with some clear threats, described as realities.

The point for understanding the covenant, however, is that these arrangements are seen as temporary until the coming of a covenant when other arrangements may become necessary. In other words the interim is justified on the basis that the covenant is coming, one way or another. If it comes and the Episcopal Church does not accept it then presumably that church will be excluded from the Anglican Communion and interventions will be multiplied.

The Primates also demanded assurances from the House of Bishops of The Episcopal Church which under the constitution of that church the house does not have the authority to provide. Furthermore they set a deadline of September 2007 for compliance. This was not related to the covenant, but it implies a role for the Primates meeting which is not supported by any decision of any body which might be imagined to have any authority to make such a decision. One can at least say that it

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<sup>2</sup> See the account in A Katherine Grieb, *Interpreting the Proposed Anglican Covenant through the*

was a very distinct initiative. How far it expresses respect for the polity of The Episcopal Church, or has some reasonable connection with traditional Anglican provincial ecclesiology is very hard to see.

The Primates meeting clearly did not regard this covenant document as setting out the broad outline to be refined later. They took a specific clause in the draft text and used it to give some kind of legitimation for their actions. The Primates communiqué treats the covenant document as a foretaste in fairly precise terms of the covenant which will, on their assumption, come into being and in the process they provide a foretaste of how they might interpret such a covenant.

### **Is a Covenant the right way forward?**

The proposal for a covenant came from the Windsor Report as a way of dealing with the conflict between some provinces over the place to be accorded to homosexuality in the public life of the church. One can understand that those involved should think that holding the ring and defining the parameters would be an appropriate way of dealing with such a conflict. The text of the draft covenant itself suggests a different first step which has in fact not been taken at the Communion level in the present instance, namely to spend time listening to one another and to study with one another. If one were to view recent events as a case of institutional conflict and applied some sensible conflict resolution principles to it, then a very different path would have been taken. Not only so a different result would have been opened up, namely a higher degree of mutual understanding between the provinces and of respect for the way in which they have approached the task of living and witnessing faithfully in their context.

The difficulty with the current procedure is that it will widen the range of differences on the table beyond the actual presenting issue. Furthermore it is likely to include, and the draft covenant does include, material which itself will be the basis of division between the provinces. Thus the path of covenant, far from settling the issue, will likely expand and deepen the conflict and diminish the possibility of serious

engagement, mutual understanding and respect. Instead we will have decision making and judgement primarily in political terms and too quickly reached on the basis of numbers. It is possible that these will not be the outcome of pursuing the covenant strategy and that a text could be formulated which will avoid these untoward consequences. That is most unlikely and the present text will need significant surgery if it is to be so.

This response is written in the spirit of trying to be as helpful as possible in relation to this process while believing that this is the wrong track and that we are going to create more difficulties than we expect and that in any case the spirit of our Anglican tradition points, insofar as it points at all, in another direction. One is tempted to resort to the words of the large signs on motorway slip roads – wrong way, go back! Or one might recall the story in the ancient Acts of Peter. The church had encouraged Peter to leave the city of Rome because of the persecution breaking out there so that ‘thou mayest yet be able to serve the Lord. And he obeyed the brethren’s voice and went forth alone’... ‘And as he went out of the gate he saw the Lord entering into Rome; and when he saw him, he said, “Lord, whither (goest thou) here?” And the Lord said unto him, “I am coming to Rome to be crucified.” And Peter said to him, “Lord, art thou being crucified again?” He said to him, “Yes, Peter, I am being crucified again.” And Peter came to himself’

## **HOW TO INTERPRET THE COVENANT DOCUMENT**

There are a number of other interpretative questions that might be considered relevant.

6. Does the document provide a reasonable statement of the fundamental outline of what a covenant might look like? This is one of the tests in the CDG report.
7. How far does the actual text of the document hold together as a coherent statement?
8. How far does the text of the covenant document measure up as an expression of current Anglican faith? This is one of the tests in the CDG report.
9. How does this document measure up in relation to any discernible ecclesiology drawn from the history of the Anglican tradition?

10. How far does this covenant document make it easier to see that a covenant is a useful way forward in the present circumstances? This had been the frame of reference in the Windsor Report.

#### **FIVE PRESENTING QUESTIONS**

**1. Does the document provide a reasonable statement of the fundamental outline of what a covenant might look like? This is one of the tests in the CDG report.**

Any answer to this question must to some extent beg the question of what a covenant should look like. This one looks like a mixture of the elements one would find in a contract or in some articles of an association. In general terms they are probably reasonable enough in that they contain recitals and commitments. There is a preamble which says what the document is and sets the scene for what follows. The recitals and commitments seem to address three issues; the faith we hold and live by (sections 2 and 3), mission and relations with other churches (section 4), our unity and common life (sections 4 and 5). The first and last of these seem to me to be clear enough. Section 3 seems to be trying to address mission and relations with other churches in that mission. It presumably is the latter consideration that prompts the reference to the historical tradition of Anglicanism. I think it would be better to capture the affirmations in this section in section 2 and the commitments in the present section 3. This re-ordering would make the mission character of the church part of the material on confessing the faith. As it stand it looks as if mission is something separate from the business of living the christian life. The separation also seems to suggest that there is truth, or the truth of the gospel, and then there is a separate thing called action or mission. I think that is an unfortunate and misleading separation.

I also think that the document as a whole should have its main divisions in relation to the issues it addresses. In the present text section 2 is recital and section 3 is commitments. Section 4 is both recitals and commitments, Section 5 is recitals and section 6 commitments. It would make a more coherent and accessible document if it

had simply a preamble and two sections each with recitals and commitments. This would produce a document something like:

Preamble

The faith we receive and confess

Recitals: Section 2 with some of section 4 incorporated

Commitments: Section 3 with some of section 4 incorporated

Our Common Life

Recitals: Section 5

Commitments: Section 6

This structure to the document would be a better outline for a covenant in that it would be more accessible and have a clear balanced structure of recitals and commitments.

## **2. How far does the actual text of the document hold together as a coherent statement?**

The comments on the previous question show in which direction a re-shaping of the text would make it more coherent.

## **3. How far does the text of the covenant document measure up as an expression of current Anglican faith? That is one of the tests in the CDG report.**

There is a certain difficulty in trying to be clear about what exactly is current Anglican faith. At one important level this is what is at issue in the present conflicts. I have some views about what ought to be regarded as current Anglican faith, even on some of the issues in current dispute. A covenant document of this kind must however restrict itself to those things which the churches in the Anglican Communion have institutionally committed themselves to in their basic constitutions of polity. Most churches have clear public constitutions, even though they exist on different legal bases in different places. That is in large measure due to the local legal and social context. The Church of England is somewhat different in that it probably does not have a constitution in this sense. That is part of its hang over from a history of

establishment entanglement with the English nation. Where there are constitutions what the church is fundamentally committed to is reasonably identifiable. Even a preliminary review of those constitutions reveals some differences of emphasis on what would generally be called key issues. For example the definition of the role and authority of bishops in the constitution of the Anglican Church of Nigeria is significantly different from that in The Episcopal Church or The Anglican Church of Australia or a number of others. However these differences are not so great that they could not be regarded as reasonable “local adaptations” of episcopacy.

This situation means that the identification of current Anglican faith must be approached with considerable circumspection and care.

Having said that section 2 seems to me to be remarkably on target. I offer some detailed comments below to qualify this, but in general this is a very fair set of statements. Furthermore it would not be difficult to incorporate the affirmations in section 4 into this section of the document. Paras 2(5) and (6) would need some adjustment to encompass para 4(1) but that would not be too difficult a piece of re-drafting.

In Section 3 contains material which is most unlikely to gain wide acceptance as a statement of current Anglican faith, not least because it enters into more precise statements than is generally done in the constitutions or the traditional formularies.

3(1) speaks of moral values as ‘biblically derived’. This may not intend to point to a particular method of doing theology or approaching the articulation of christian guidance for faithful living by Anglicans, but it appears to do so. Moral values are not simply derived as some direct application of biblical material. That method does not work with many of the moral challenges facing Anglicans today. Furthermore to act in ‘continuity and consistency... with the vision of humanity received by and developed in the communion of member churches’ simply asked too much of any faithful Anglican seeking to live out their life in the situation in which God has placed them. Desmond Tutu pointed out on a number of occasions that the African vision of the human condition was societal first and then individual, whereas the western vision was individual first and then societal. Whether or not he is correct in that precise

formulation it remains the case that in different cultural context the human condition is differently experienced in ways which influence the precise way in which faithfulness to the gospel and to the scriptures is to be worked out. A particular meaning of continuity might appropriately be asked of Anglicans, but not consistency as to the precise forms of the vision of humanity. Consistency as to values may be defensible, but there would certainly be some differences as to the level of particularity that could be expressed in such consistency.

Not surprisingly it is the affirmations in section 5 on Our Common Life that are most likely to be contentious. They refer to relatively speaking quite recent institutional innovations and they more manifestly affect the operation of the institutions of the church. This section contains two key matters, episcopacy and the four so called 'Instruments of unity', though one, the Archbishop of Canterbury, has now been named a focus of unity. It is strange to find a re-affirmation of episcopacy at this point. If this is about our common life where is the reference to the conciliar elements in Anglican polity. Even if this section is regarded as referring only to the institutions of the Anglican Communion, the question remains. The language of 5(1) however points to the provincial level of church life. The three orders of ministry have been affirmed in 2(5) as part of the heritage of Anglican faith. Why repeat the point here?

The extra details given in 5(1) are reasonably contentious and could not be regarded as a simple statement of Anglican faith.

Episcopacy is locally adapted in all sorts of ways, not just in the methods of its administration. Those adaptations are not just to the nations. The text seems to imply that nations are called into the church.

Bishops as leaders of mission has been part of the approach in some provinces. Missionary bishops were appointed by the General convention of ECUSA for work in the expanding west of the USA and they have recently been appointed in significant numbers in Nigeria by the Synod of bishops of that church for work in evangelistic contexts. Some of the Tractarians in the nineteenth century were attracted to the idea of missionary bishops, perhaps under the influence of the American practice and the writings of Bishop Doane. But beyond that the tradition of episcopacy has been much

more intra ecclesial in character. One may wish it to be otherwise, but the current practice in general is not that bishops are leaders in mission.

The claim here that the episcopate is a visible sign of unity has, especially in the present context, become more manifestly an aspirational claim rather than a universal and visible reality. It also confuses the history of the meaning of that description of episcopacy. The bishop holds a representative position for the local church, the dioceses of which he or she is the bishop. In that role the bishop is the interconnecting point with other dioceses and also an instrument of connection within the diocese between the disparate parishes which make up the diocese. The bishop is thus an instrument of catholicity within the life of the church. The world has got smaller since the form of this understanding was developed and accepted within the christian tradition, but the point remains, that the bishop is a focus of unity in the practice and tradition of catholicity in the church and it presupposes the notion of a territorial diocese. It is this notion of the bishop as focus of unity in the church that makes episcopal “interventions” such an affront.

It would be better to elaborate modestly the statement in section 2 and drop this section 5(1) altogether. If we want to include an affirmation of the ordered ministry at this point then it would need to include all the orders of ministry, not just bishops. Not matter what formulation of the theological significance of episcopacy was preferred there hardly seems to be a case for including only episcopacy in such an affirmation. The theology of the episcopate has been notoriously controverted and Anglicans have lived with a wide spectrum of views. The less said the better if one is looking to gain widespread support for the text.

This section of the covenant is really about the new organisational arrangements which have recently emerged in the Anglican Communion. It would be much clearer if the recitals dealt with them, rather than confusing the text with extraneous material that does not advance the subject matter of the section.

Section 5(2) and its elaborations in 5(3-6) and the commitments that are attached to them are really the critical point of this document from the point of the view of the present disputes between Anglicans. This section seeks to affirm the developments

that have taken place in recent years in the organisational arrangements in the Anglican Communion.

The office of archbishop of Canterbury has of course been around for a very long time, but the role of the office in a world wide communion of Anglican churches is a much more recent development. It has been quite natural that the office should have developed in some way as Anglicans spread around the world from England. For centuries the Archbishop had been the Primate of the Church of England and churches which emerged from that church naturally turned to the Archbishop of Canterbury for residual connections and reference. That is how the Lambeth Conference first occurred and it is reflected in the actions the Archbishop was asked to perform by churches around the world during the nineteenth and twentieth centuries. There is no reason to think that that development has come to an end. As ever, the question is what direction any future developments might appropriately take and on what grounds might they be considered appropriate. What really are the grounds on which the Archbishop of Canterbury should have the prerogative of deciding who is invited to the Lambeth Conference, or that he should be the president of the ACC, or chair the Primates meeting? Are they hallowed tradition and respect, or just nostalgia. Do they serve some significant set of values embedded in the tradition? Are they to be justified on the ground of effectiveness, something along the lines of a constitutional monarchy? While the actions of incumbents remain reasonably uncontroversial these questions will probably not arise. But when those actions do become controversial to a sufficient degree then these questions will most certainly arise. In the meantime it would be a mistake to think that they do not lie just below the surface in contemporary Anglicanism. From this point of view the change of name from instrument of unity to focus of unity was a good idea, whether or not it was prompted by such considerations.

The Lambeth Conference began life in 1867. From time to time, and more often in recent decades it has functioned as a ten yearly public forum for Anglicanism. It has not always had that role. The Primates meeting is of even more recent innovation and has changed its stated purpose and activity. Leisurely counsel and advice might have been the note early, but in more recent times it has taken to arbitrating on some very important issues. Whether it will prove to be successful or acceptable in taking this

sort of role is yet to be seen. The Anglican Consultative Council is the only one in this group which has a constitution approved by the provinces in any kind of constitutional or conciliar way.

A tradition like Anglicanism inevitably develops institutions to deal with issues raised by the passing of time, for continuity, and for confronting responsibilities in the present in decision making. Anglicans generally have created various forms of conciliar institutions for this purpose. Synods and councils of various kinds and with varying points of emphasis, and balances of power between different groups within the church. In general, however, they have been pre-eminently conciliar in character and that has reflected the responsibility of the whole people of God for the life of the church.

These conciliar institutions are not the only institutions that Anglicans have created to sustain the life of the church. There are a multitude of such institutions; religious orders, societies of every kind of description, publishing companies, educational institutions. The list could go on endlessly. Many if not most of these institutions are independent of the conciliar structures. This pattern is similar to what we find in most modern nations. The government exists to provide internal law and order and external security shaped by notions of justice, and public infrastructure that will enable social life to flourish. Alongside government structures are a myriad of other institutions which enable that social life to flourish. No one would pretend for an instance that government was the whole story in a modern nation. No one should pretend that the conciliar structures in the church are the whole story. Quite properly there are questions as to the role and purpose of the conciliar structures. Those questions are not always clearly articulated until there is some crisis or challenge.

The development of institutional arrangements amongst the Anglican provinces around the world is part of this process. Because the idea of supra provincial organisations is a novelty in Anglicanism that process is in its very nature a series of experiments. There have been past experiments which have not been proceeded with. A communion wide theological seminary, regional officers of the Communion, an international archive of resources on Anglican identity are just some that come to mind. The current “instruments” are experiments in the same sequence. They are a

little different in that they are predominantly episcopal and not conciliar. They appear as if they are conciliar or have conciliar credentials, but in reality they have been episcopally led experiments. That in itself is not necessarily a bad thing. On the contrary one might reasonably expect the bishops in the church to be active in seeing the wider issues of relationships. However, if such experiments are to become part of the fixed structure of the judicature, they will need to win conciliar support. But they remain experiments and they may prove to require significant re-arrangements.

The covenant is also an experiment. This section of the covenant has the effect of instantiating the present institutional experiments in more or less their present form. This section of the covenant undertakes to give more precise and different roles, however discreetly and indirectly, to these arrangements, especially to the Primates meeting. This seems to me to be a very significant mistake. It would be much better to leave the process of experimentation more open and to facilitate the continuing testing of the current experiments and the emergence of others. For these reason I think sections 5 (3)-(6) should be deleted from the text.

This would leave 5(2) as the affirmation of this section of the covenant. Within that section I would urge some changes in the text set out below in a separate edited version of the text in order to clarify the meaning and at one point slightly modify it.

In many respects the commitments in Section 6 of the draft covenant are the crux of the proposal to have a covenant at all. The present crisis has been dealt with on the basis of seeking to sustain the general life of the Communion within some boundaries. In order to do that some degree of constraint has been regarded as necessary. Here in this section is where the constraint is located. The essential elements of this constraint are that the Primates should operate as a kind of executive group on disputes and disagreement and in consultation with the ACC, the Lambeth Conference and the Archbishop of Canterbury they will seek to identify a common mind. This will occur when there are matters of “serious dispute among churches that cannot be resolved by mutual admonition”. Where a church does not comply with the conclusion reached in this way they shall be expelled or suspended. The language in this section is clearly softened and phrased in ways which suggest that there is no great change to the current autonomy and fellowship pattern at the present time. So a church which does not

respond positively to “the substance of the covenant as understood by the councils of the Instruments of Communion” will be regarded by the signed up members of the covenant to have “relinquished for themselves the force and meaning of the covenant”.

It is difficult to know how to respond to these words without some kind of rue smile. It is language worthy of the Orwellian world of 1984. It is at best disingenuous and to any ordinary reader looks plainly deceptive if not deceitful. The plain truth is that these sections mean that a persistently dissident church on an issue decided upon by the Primates in consultation will be expelled from the covenant. One can understand why the plain words might not be used for they draw attention directly to the extraordinary step which is being proposed here. The actions of the Primates in February 2007 only serve to confirm that this is the sort of thing that they at least have in mind.

The document moves from the moral authority of the present instruments in 6(4) to a juridical move in 6(6) for which the Primates meeting is the agent, an agent which is given no more guidelines or framework than what might emerge from consultation with the ACC, the Lambeth Conference and the Archbishop of Canterbury.

Sections (1) – (4) might just be acceptable, with some qualifications for what passes as Anglicanism today. Sections 6(5) and (6) a clear innovations and are cast in terms which are quite beyond the range of where institution creation in Anglicanism has reached.

#### **4. How does this document measure up in relation to any discernible ecclesiology drawn from the history of the Anglican tradition?**

The real problem facing world wide Anglicanism is that it is now encountering an unprecedented challenge to its life and character. It has been shaped within a tradition which from very earliest times saw itself as part of the wider christian community, but in its institutionality regarded the province as the extent of the jurisdictional order of a church. In doing so Anglicans have regularly claimed that this was in line with the

pattern of the early church. The provincial conception set the framework of catholicity and order. It provided for the ordination of bishops and their discipline. It thus provided for the provision of word and sacraments through an ordered and disciplined ministry of bishops priest and deacons. Perhaps that is the core role of the conciliar judicature of the church. That arrangement might have worked while the tradition operated in a more limited location. As Anglicans spread around the world they formed naturally into provinces. This consolidation of the provincial element in the tradition has created an unprecedented challenge in Anglican ecclesiology: how to give a reasoned account from the tradition for particular proposals for supra provincial institutions. It may be that there is no justification for such developments. It may be that the modes of operation for catholicity in inter provincial relation will be different from what is found within the provinces. All that may be so. What is certainly true is the goal of such supra provincial experiments is not the “highest degree of communion possible” but rather the appropriate form of communion for this particular set of circumstances.

This theological problem has been bubbling away for a hundred years and has become more intense in the last forty years. Anglicans have made attempts to experiment with new institutional arrangements, but it has been exceptionally difficult to deploy resources out of the tradition to shape or legitimate these experiments. That is not to say that such a task cannot be done. It is rather to say that it has not yet been done with any generally recognised success. The report of the first Inter Anglican Theological and Doctrinal Commission, *For the Sake of the Kingdom*, pointed clearly to the issues, but subsequent reports have not taken the argument seriously enough and in any case have not been asked to do so. Rather they have been asked to deal with issues which appeared to be relevant to solving the immediate problem of sustaining relations over disputes to do with the ordination of women.

The problem with this section of the covenant is that it is trying to deal with a problem by means for which there is little theological rationale within the tradition.

**5. How far does this covenant document make it easier to see that a covenant is a useful way forward in the present circumstances?**

The Windsor Report recommended ‘consideration of how to make the principles of inter-Anglican relations more effective at the local ecclesial level. This has been a persistent problem in Anglicanism contributing directly to the current crisis’ (117). They suggest a communion law in each province to enable the implementation of the covenant proposal which they think ‘would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion. Such a covenant they suggest could deal with common identity, relationships of communion, commitments of communion, exercise of autonomy in communion and the management of communion affairs, including disputes.(118) Most of the covenant would be ‘largely descriptive of existing principles’ and thus should be readily acceptable.

The present draft covenant in section 1 – 4 seem to do well in relation to this ambition of the Windsor Report. Section 5 extends the range somewhat but could be modified to come within the parameters set out by the Windsor Report. Section 6 however is far more than descriptive and in sections 6(5) and (6) clearly goes far beyond anything at present in place.

If one were pursuing a covenant strategy then the Windsor ambition of keeping it simple and restricted to a statement of what is already accepted is moving in the right direction and the present text could be made more in tune with that ambition by some editorial changes. In that spirit I would suggest the following particular changes:

**1. Preamble**

Last line. Add after Communion ‘of churches’. The sentence as it stands seems to suggest some kind of world body that could exist apart from the churches which constitute it.

**2. The Life we share...**

The title is ambiguous. What is the Communion as a whole, if it is not the member churches? This is a covenant for the member churches. Delete the phrase 'and the Communion as a whole'.

(4) It is hard to know what this sentence refers to. Is it a reference to the commitment of all the members of the church to the mission of God, or is it a reference to relations with the wider catholic church of the creeds.

(5) The documents referred to here are historically located. Some parts are more relevant than others today. The phrasing seems to imply more than is the sort of claim found in provincial constitutions. Would it be better to say something like, 'we retain and approve of as central to our heritage the following documents...'

3. title. Better to use a participle indicating action, ie 'Our Commitment to Confessing the Faith'. This form would also avoid the suggestion of a confession in the tradition of continental protestant churches.

4 (5), 4. Structures of society is very limited. 'Patterns of behaviour' would capture structures and other things which corrode social life.

I have attached to this document a revision of the draft covenant document which tries to incorporate the material discussed in this response. With this document is a document with the 'Track changes tool' active so that changes to the original can be seen.

Bruce Kaye

The feast of Barnabas, son of consolation

June 11 2007

Watsons Bay, NSW

AUSTRALIA

AN EDITED VERSION OF

## **An Anglican Covenant**

**Draft prepared by the Covenant Design Group, January  
2007**

### **1 Preamble**

We, the Churches of the Anglican Communion, under the Lordship of Jesus Christ, solemnly covenant together in these articles, in order to proclaim more effectively in our different contexts the Grace of God revealed in the Gospel, to offer God's love in responding to the needs of the world, to maintain the unity in the Spirit in the bond of peace, and to grow up together as a worldwide Communion of churches to the full stature of Christ.

### **2 The Faith we Receive and Confess**

#### **Each member Church affirms:**

- (1) that it is part of the one, holy, catholic, and apostolic Church, worshipping the one true God, Father, Son, and Holy Spirit;
- (2) that it professes the faith which is uniquely revealed in the Holy Scriptures as containing all things necessary for salvation and as being the rule and ultimate standard of faith, and which is set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation;
- (3) that it holds and duly administers the two sacraments ordained by Christ himself – Baptism and the Supper of the Lord – ministered with the unfailing use of Christ's words of institution, and of the elements ordained by him;
- (4) the apostolic mission of the whole people of God;
- (5) that, **we retain and approve as central to our heritage the** historic formularies, the Thirty-nine Articles of Religion, the 1662 Book of Common Prayer, and the Ordering of Bishops, Priests, and Deacons 1;
- (6) the retention of the three orders of ministry, bishops, priests and deacons and the office of bishop as a focus of unity and catholicity in the church.

(7) our loyalty to this inheritance of faith as our inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to our societies and nations.

(8) that communion is a gift of God: that His people from east and west, north and south, may together declare his glory and be a sign of God's Kingdom. We gratefully acknowledge God's gracious providence extended to us down the ages, our origins in the undivided Church, the rich history of the Church in the British Isles shaped particularly by the Reformation, and our growth into a global communion through the various mission initiatives.

(9) As the Communion continues to develop into a worldwide family of interdependent churches, we also face challenges and opportunities for mission at local, regional, and international levels. We cherish our faith and mission heritage as offering us unique opportunities for mission collaboration, for discovery of the life of the whole gospel and for reconciliation and shared mission with the Church throughout the world.

(10)The member Churches acknowledge that their common mission is a mission shared with other churches and traditions not party to this covenant. It is with all the saints that we will comprehend the fuller dimensions of Christ's redemptive and immeasurable love.

<sup>1</sup> This is not meant to exclude other Books of Common Prayer and Ordinals duly authorised for use throughout the Anglican Communion, but acknowledges the foundational nature of the Book of Common Prayer 1662 in the life of the Communion.

**In seeking to be faithful to God in their various contexts, each Church commits itself to:**

(1) uphold and act in continuity and consistency with the catholic and apostolic faith, order and tradition, biblically derived moral values and the vision of humanity received by and developed in the communion of member Churches;

(2) seek in all things to uphold the solemn obligation to sustain Eucharistic communion, welcoming members of all other member churches to join in its own celebration, and encouraging its members to participate in the Eucharist in a member church in accordance with the canonical discipline of that host church;

(3) To live faithfully according to the teaching of the scriptures in the context in which God has placed us.

(4) nurture and respond to prophetic and faithful ministry to assist our Churches as courageous witnesses to the transformative power of the Gospel in the world.

(5) pursue a common pilgrimage with other members of the Communion to discern truth, that peoples from all nations may truly be free and receive the new and abundant life in the Lord Jesus Christ.

(6) to answering God's call to share in his healing and reconciling mission for our blessed but broken and hurting world, and, with mutual accountability, to share our God-given spiritual and material resources in this task.

(7) In this mission, which is the Mission of Christ, **we commit ourselves**

1. to proclaim the Good News of the Kingdom of God
2. to teach, baptize and nurture new believers;
3. to respond to human need by loving service;
4. to seek to transform unjust patterns of behaviour in society and
5. to strive to safeguard the integrity of creation and to sustain and renew the life of the earth.

### 3 Our Common Life

(1) **We affirm** the role of four Instruments of Communion in serving to discern our common mind in communion issues, and to foster our interdependence and mutual accountability in Christ. While each member Church orders and regulates its own affairs through its own system of government and law and is therefore described as autonomous, each church recognises that the member churches of the Anglican Communion are bound together, not juridically by a central legislative or executive authority, but by the Holy Spirit who calls and enables us to live in mutual loyalty and service.

#### **Each Church commits itself**

(1) in essential matters of common concern, to have regard to the common good of the Communion in the exercise of its autonomy, and to support the work of the Communion with the spiritual and material resources available to it.

(2) to spend time with openness and patience in matters of theological debate and discernment to listen and to study with one another in order to comprehend the will of God. Such study and debate is an essential feature of the life of the Church as it seeks to be led by the Spirit into all truth and to proclaim the Gospel afresh in each generation. Some issues, which are perceived as controversial or new when they arise, may well evoke a deeper understanding of the implications of God's revelation to us; others may

prove to be distractions or even obstacles to the faith: all therefore need to be tested by shared discernment in the life of the Churches.

(3) to seek with other members, through the Church's shared councils, a common mind about matters of essential concern, consistent with the Scriptures, common standards of faith, and the canon law of our churches.

(4) to heed the counsel of the Instruments of Communion in matters which threaten the unity of the Communion and the effectiveness of our mission. While the Instruments of Communion have no juridical or executive authority in our Provinces, we recognise them as those bodies by which our common life in Christ is articulated and sustained, and which therefore carry a moral authority which commands our respect.

#### **4 Our Declaration**

With joy and with firm resolve, we declare our Churches to be partners in this Anglican Covenant, releasing ourselves for fruitful service and binding ourselves more closely in the truth and love of Christ, to whom with the Father and the Holy Spirit be glory for ever. Amen.