

## **Response by the Drafting Group**

### **Church in Wales**

#### **To “An Anglican Covenant”**

**Covenant Design Group, February 2007**

#### **Introductory Remarks**

Our primary concern for the Anglican Communion is reconciliation. Whether the proposed Covenant is a means towards reconciliation or an expression of reconciliation is presently unclear. Our common ground as a Communion is spiritual; inasmuch as we are human, some conflict is inevitable. Nevertheless in common we have the love of the Lord. Our passion throughout discussion was a burning concern for holiness, prayer, reconciliation and repentance; we prayed for the grace to walk in other shoes. Law and covenant at best serves these spiritual concerns.

The form of our response is as a commentary on the text of the Covenant as published by the Anglican Communion office in February 2007.

#### **Preamble**

- The Biblical texts cited embody the idea of unity, grace and peace, but there is a lack of clarity about why these particular texts were chosen and about the hermeneutical links with the succeeding remarks.
- The emphasis on mission is welcome (which makes the omission of John 17 from the cited texts all the more surprising). The Church discovers its identity in sustained and deepening engagement in mission.

#### **The Life we share**

- The notion of ‘member’ church is not helpful. Preferable is the notion of the participation of constituent churches.

- The Thirty-nine Articles and 1662 Prayer Book are not currently authoritative documents for every member of the Anglican Communion. This section could be better framed around the Chicago-Lambeth Quadrilateral.
- Given the weight laid on the episcopacy later in the document, it is a curious omission in this section.
- We need to see the Church as much in terms of *becoming* as *being*. The life of the communion is dynamic; we are being carried and embraced into the Trinitarian God in whose image we are created.
- The idea of ‘proclaiming afresh’ raises questions about the extent to which inherited traditions of understanding and practice are negotiable. The current focus in the Anglican Communion is on sexuality, but it could be any one of a number of issues over which Anglicans disagree (pluralism could be another).
- Perhaps we need to get away from ideas of negotiation altogether and think of ‘interchange’ instead. We need to become in heart and mind as *the other* is in our disagreements. We seem in far too much of a hurry to reach agreement before we have reached that depth of understanding in which healing and forgiveness can be effected. The Covenant, if undertaken too hastily, would be a politically expedient but short-termed solution and without the prior work of reconciliation would be unlikely to hold.
- The idea of a covenant is opposed to that of a contract. God’s relation with his people is one of grace. The possibility of expulsion destroys the notion of covenant, for although a covenant in the Bible set high standards that had to be kept by the people of Israel, nevertheless the fundamental impetus was one of inclusion. Our concern is that the final section of the draft covenant moves towards contract, and the breaking of relationships.

### **Our Commitment to Confession of the Faith**

- We have here the elements of a Confessional church. The present tensions indicate the difficulty of defining what we mean by core doctrine. To what extent do we allow space for development? We also recognise that we can make errors and here it is important not to have such an authoritarian structure that closes any openness or reflections from those who are not part of the structure. We may need the ‘best scholarship’, but we also need the insights of the poor, powerless and marginalised.
- There was disagreement over the phrase ‘moral values’ – whether bringing to the life of the Church the worst of voluntarism – theologically (the prior importance of the will over the heart) and politically (a ‘one-size-fits-all approach to ethics). On the other hand it gives shape and content to the (otherwise vague) ‘biblically derived... vision of humanity’

- Scripture as interpreted and applied by the church can be a source of illumination, challenge and transformation to human cultures and systems. However the church has also shown itself to be blind to aspects of human culture and how this can illuminate our reading of Scripture. The Reformation heritage is that the Biblical text belongs to the people alongside the Episcopal responsibility as guardians of the faith.
- People do tend to read ‘in their own image’. There is a real danger with ‘synodical teaching’ which has shown an increasing tendency to be policy-driven. If this happens we have not only an increasingly secular style of doctrinal decision-making and with it a top-down model of collective authority, but we also risk obscuring the light and freedom of individual conscience.
- The primacy of Scripture is evident but this is the living word of God and not the dead letter of the law and needs to be read within the ongoing and transformative power of the Spirit. Christians belong *to* one another *in* Christ and we explore the word together.
- The point about pilgrimage is well made; this pilgrimage is shared with others beyond the Anglican Communion and this wider perspective is important. Luke 15 suggests some interesting directions, but we are not to be diverted...
- It is clear that we do want to be definite about revelation in Scripture and in Christ and not fall into relativism, but to do this without becoming *Confessio Anglicana*.

### **The Life we share with others**

- We do have a tremendous story worth celebrating of growth into a global communion, but this leads inevitably to tensions between Provinces. The growth of the Communion raises huge questions, for example:
  - Theological education has been traditionally dominated by western modes and categories of thinking; this is now being (rightly) challenged.
  - Finance – what role does it play in inter-Provincial relationships? The role that it currently plays is not necessarily desirable.
- We are called to adopt an attitude of taking responsibility for others – not in a patronising way but with generosity and humility; thus ‘we declare His glory’ and become ever more confident of our shared life within the dynamic of the love of God.
- We fear that an over-structuralised Communion will lead to a loss of the present Anglican engagement with local issues and prompting of the Holy Spirit. Unless there is a generous approach to boundaries ‘creative dissent’ is in danger of being stifled by the call to conformity.
- It is valuable to recognise the diversity that is a reality in the Anglican Church.

- There is a lack of attention to the importance of being a worshipping, holy and reconciling community; we cannot have a polity in a spiritual vacuum.

### **Our unity and common life**

- The idea of bishops as a *visible sign of unity* needs some unpacking. We understand the Anglican tradition as one of emphasising the ‘bishop in synod’. There is an over-heavy emphasis on the episcopate in this section, which tends to overlook the synodical polity of the post reformation church with its lay involvement. While the ordinal confers the task of preserving unity on the bishop, the task of mission involves the whole people of God. This balance is not adequately evident in the Covenant.
- In the light of the Primates not being in communion with one another at Dromantine and Tanzania, this section appears either idealised or aspirational.
- The question of the theological basis for our unity is one we recognised and moved on; it is immense and beyond our immediate terms of reference. In brief our physical unity derives from and depends on our spiritual unity.
- Contextuality is a key concept, but it lacks precise discussion in the document. Every church exists in and relates to a number of contexts – the local/international, global, familial, ecumenical, inter-faith, historical... It becomes problematic when one or more is emphasised to the detriment of others.
- The four Instruments of Communion are said *to serve to discern our common mind*. Does this mean a majority opinion or do we truly want to discern this through a synodical process? The principle of ‘guarding faith and unity’ implies a change in the authority of the Lambeth Conference or at least in an ability to declare definitive Anglican teaching that is more than morally binding. This would go hand in hand with the development of canon law. Although this passage denies the creation of a juridical central legislative or executive authority, the Covenant itself goes on to recommend that the Primates meeting essentially exercises that function rather than the Anglican Consultative Council. The Anglican Consultative Council (henceforth A.C.C.) is the only Instrument of Communion to have a clear constitutional basis and representation from all orders of ministry. We reject the implied move from an episcopally-led and synodically-governed church to a developing Magisterium that seeks to exercise its ‘inherent’ powers that existed in a pre-reformation church.
- Somewhere we need something about the fallibility of the Instruments of Communion. William Chillingworth (1602-44): *Good sir, you must... be so acute as to distinguish between ‘infallible in fundamentals’, and being ‘an infallible guide in fundamentals’. That there shall be always ‘a church infallible in fundamentals’ we easily grant; for it comes to no more but this, ‘that there shall always be a church’. But that there shall be always such a church,*

*which is an infallible guide in fundamentals, this we deny.* (In Evans and Wright, ed. *The Anglican Tradition: A Handbook of Sources* SPCK 1998, p. 210)

### **Unity of the Communion**

- This section marks the move to prescription.
- The process of mutual listening is commended, but what exactly are the structures that exist (or should exist) to enable this process?
- The central question is how disagreements are resolved. They can be settled by any number of means, including that of ‘forgetting over time’.
- The notion of ‘essential concern’ is not clear. Anglicanism has generally held that all that is essential concerning the faith is addressed in the Creeds and that the church is at liberty in matters of rite and ceremonial. The church’s authority in moral questions is balanced by its own tendency to err or to fail to distinguish what is in Scripture from what is of Scripture. In the current debates all sides consider themselves faithful to Scripture.
- Is a *moral authority which commands our respect* sufficiently robust or even precise enough? Yet is anything more robust desirable? We are suspicious of an enhanced juridical authority given to Primates. Within the Anglican Communion as a whole it is only the ACC that approaches a synodical status. We see the ACC as pivotal and the Anglican Communion as primatially-led but synodically-governed by the Primates within the ACC. This we believe to be consonant with Anglican polity.
- We look for greater clarity about the process of how an Anglican Province may be considered to relinquish their place within the Communion and the process of restoration. Who are the ‘we’ in paragraph 6?
- What are the implications for canon law in the various Provinces of the Communion? This is potentially an enormous question that needs unpacking beyond our ability and terms of reference.

### **Concluding Remarks**

- We feared that the Covenant as presented may be seen as an institutional response to spiritual issues. Whilst we have no wish to divorce spirit and institution, whether it is appropriate to seek institutional remedies to spiritual problems is altogether a different question. A call to serious prayer and fasting may precede talk of a covenant.
- The language of the Covenant indicates a change of emphasis from autonomous provincial government with consultation to a global body with central authority for leadership with powers of exclusion. We stress the need to keep the Anglican Consultative Council central, and have serious concerns about the authority of the Primates in the section *Unity of*

*the Communion*. We also feel that the language of this section is prescriptive in a manner that does not help Anglican understandings of authority as synodical. We see the role of bishops as more that of providing an oversight which forms clergy and laity for the needs of the day, and for faithful and costly mission, rather than as being authoritative leaders and teachers who require obedience. *Koinonia* as developed in the Anglican –Roman catholic conversations is hard to reconcile with the proposed model of Primatial authority.

- We prefer to see unity in terms of the Chicago- Lambeth Quadrilateral, without the reference to the Ordinal and the 39 Articles, in the section *The Life We Share*.
- We have reservations about the stress on ‘ biblically derived moral values’ , and the reading of biblical texts through synodical teaching, in the section *Our Commitment to Confession of the Faith*
- Although there are clear pressures to find solutions to evident problems, we are concerned that we seem to be in too much of a hurry. The Windsor report indicated a long process before arriving at a covenant. Are events pushing us too quickly and should we resist?
- A covenant that will actually achieve something will need tightening up and fewer bland sections. But the more teeth that a proposed Covenant has, the less likely it seems that it will meet widespread approval.
- Our concern can be put starkly. The Roman Catholic Church developed an ecclesiology at Vatican I that was a response to cultural, social and political pressures that were seen as threatening the integrity of the church. Both at the time, and subsequently, this ecclesiology was not seen as helpful. Again there are pressures on the Anglican Communion, although these are different from 1870. Again there is an appeal to a particular ecclesiology. It is clear that some structures do need to be put in place, but we doubt if Section 6 of the draft covenant is the most appropriate response.
- Finally it may be worth noting that for the most part there was a spirit of concord in our working group, which we all felt encouraging and enlightening, even though there remain areas of disagreement. This did not undermine our *koinonia*.
- The report to the bishops of the Church in Wales is unanimous.

Derek Belcher;

Lorraine Cavanagh;

Tudor Griffiths;

Peter Sedgwick (Convenor)

June 2007

Two members of the group have added appendices.

### **Appendix 1.**

Our meeting yielded a number of insights into the present conflict situation which has so paralysed and damaged our life of communion. Of these, perhaps the most significant was our shared conviction that repentance and reconciliation leading to a renewed understanding of the real nature of our shared communion need to precede any attempt at covenant making. The covenant events recorded in scripture justify this line of thinking. They are designed to address specific but also ‘timeless’ situations which needed to be healed or changed *prior to* the making or renewing of covenant. All of these had to do with a breaking of faith or trust. As Anglicans, we find ourselves in precisely this situation; one which is characterised by a breaking of faith and trust, first with Jesus Christ whose image in us is defaced by our bitter feuds and, secondly, with one another in our bitterness and animosity, when we are called to serve his world and care for his people in love. The crisis which we face is therefore primarily a spiritual one.

For this reason, it is logical to suppose that a covenant will only hold if our spiritual health is restored. This health depends on our ability to rediscover the true nature of communion which is a distinctive Anglican hospitality towards one another. Far from being a sign of weakness, hospitality calls for courage and faith as we pray for the grace which enables the will to ‘hear’, and so experience, the pain felt by those with whom we disagree, and to seek forgiveness for our part in it. In so doing, we honour the particular integrity of others and take responsibility for their flourishing in our life together. It is therefore important that the hospitality which is hinted at in the preamble be preserved at all costs, since it is only this which will prevent the further politicisation of the Anglican life of communion in which, at present, all are losers and to which nobody truly belongs in the deepest sense.

To think of covenant making requires, therefore, that we first think of what it means to be a holy people. This is something which is implicitly stated in the draft itself, so that it requires that we pay attention to how holiness is ultimately to be defined and to what practical measures will be needed to ensure that we remain holy, even in our disagreements. This confirms the fact that those who shape canon law, and/or put in place the structures needed to maintain a healthy life together, also need to work from a deeper understanding of the spiritual significance of the life of communion. For this to be possible, we shall all need to work with them in exploring more deeply how we are to think of holiness as it pertains to reconciliation; what this entails for opposing members of the Communion; what, in the spirit

of responsibility towards one another, it requires of us; how we are to think of truth and of how grace shapes and reveals truth (wisdom) ‘afresh’ in every generation; and lastly, what will give us the confidence to continue to embrace one another when the one truth of Jesus Christ’s love for all of his people appears to resonate so differently between the members of a single communion.

Lorraine Cavanagh

## **Appendix 2: Doctrinal and Canonical Development**

**A basic fault line in the Covenant is definitive or core doctrine.** The Catholic creeds and the Chicago/Lambeth Quadrilateral are sufficient for some with the 39 articles of religion as either historical statements or principles of Belief. <sup>i</sup> This ignores a classical Anglicanism based on ecumenical councils. In issues of ‘moral law’ Hooker, like Aquinas offers a new perspective in relation to innate behaviour and intention. <sup>ii</sup>

**The process for an Anglican *ius commune*** engages in **general** and **specific** issues of authority. <sup>iii</sup> A reassessment of nature of Law permits doctrinal development and legitimate boundaries for dissent. A parallel may be drawn between a Roman Catholic Definitive and Non Definitive Doctrine. This recognises that we can live together with our differences where validation is developed retrospectively through the *census fidelium* and the *doctrine of reception* that charitably accepts differences. What are these sources for development?

### **Sources of Canonical Development**

All authority is derived from God, the Holy Trinity, <sup>iv</sup> and uniquely encountered in Jesus Christ. <sup>v</sup> Anglican authority is dispersed and facilitated, through synodical government and the voices within the Anglican Communion. <sup>vi</sup> The Lambeth Conference statement on same sex relationships has persuasive moral authority as seen in ‘Some issues in human sexuality.’ <sup>vii</sup> David Tustin explores the tensions/ anomalies in this approach, in relation to the dialogues between Anglicans and Lutherans. <sup>viii</sup> He argues for the legitimate right for tailor-made solutions to each local context, whilst keeping an eye on ‘basic general principles.’

### **Legitimate Development**

The nature of development, like the Reformation, is that it does not initially obtain universal consensus. Like Aquinas, Hooker saw an interlinking relationship between Natural and Divine law. <sup>ix</sup> Moore presents us with a way at challenging the present understanding of

Natural and Divine Law.<sup>x</sup> Within first and second order issues of doctrine, ethical issues are seen as related to a cultural context. We must therefore question the *Kuala Lumpur Statement* which views sexuality as a first order principle. Orthodoxy must engage in a broad river approach. Baum proposes a five point approach to legitimate development where there is a creative cognitive dissonance between doctrine and love. His approach uses an interactive scriptural authority interpreted by the Summary of the Law, Beatitudes and the creeds.<sup>xi</sup> A legitimate development is taken, when a member Church of the Communion abides by Official (Definitive) forms of Anglican teaching and exercises their own canonical norms for doctrinal development. This should not invalidate either their Sacramental orders or inclusion in the Anglican Communion.<sup>xii</sup> Historically this is evidenced in both the Ordination of women to both the Presbyterate and Episcopate and continuing invitations to the Lambeth Conference by the Archbishop of Canterbury.

### **Legitimate Dissent**

I argue for legitimate dissent in worldwide Anglicanism, when we are mindful of both Official teaching and due canonical process of law making. In the RC 1983 Code of Canon Law there are levels of *public dissent*, to non-definitive doctrine where there are persuasive or sufficient reasons (*ratio*).<sup>xiii</sup> The Anglican principle of *gravamina* reflects this.<sup>xiv</sup> A fuller development of this area is given in *A Canonical Understanding of Dissent*.<sup>xv</sup> Any doctrinal and canonical process of discernment must have a right of dissent. Discernment of boundaries can only be through consultation and synodical expression through a developed ACC.

Derek Belcher

June 2007

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<sup>i</sup> Sixtus B. 'Authority to Teach in Classical Anglicanism' *Ecclesiology Vol. 3 Number 3* (2007) p.296-322.

<sup>ii</sup> Hooker *Laws of Ecclesiastical Polity Vol.3* (Via media edition 2004)p 492-49. His discourse on justification, behaviour is assessed in term of intentions. 'God, in that which is done, respecteth specially the mind and intention of the doer.

<sup>iii</sup> Paul Avis, *Authority, Leadership and Conflict in the Church* (1992) p.7.

<sup>iv</sup> Lambeth Conference, *Report, Part II*, (1948) p.84.

<sup>v</sup> Rayner K. 'By What Authority? A Reply', *Theology*, January 1987. p.8

<sup>vi</sup> First, the episcopate and synodical government of clergy and laity. Here the individual autonomy of member

churches of the Anglican Communion are bound together by their commitment to the Lambeth Quadrilateral.(

*Lambeth Conference of 1888, Resolution II*) Secondly, by many voices of authority from each member of the

Anglican Communion.( S. Sykes *Authority in the Church of England*, in R. Jeffrey (ed) *By What Authority* (London& Oxford, Mowbray 1987) ). The 1948 Lambeth Conference saw

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Definitive or Official teaching as distributed between Scripture, Tradition (Ancient Teaching); 1662 BCP, the witness of the Saints and the Consensus Fidelium and the Lambeth Quadrilateral. Non Definitive Doctrine is of a persuasive authority mediated through Lambeth Conferences, Synodical Government and the work of Doctrine Commissions.

<sup>vii</sup> *Lambeth Conference 1998- Resolution calling homosexual sex "incompatible with Scripture."*; *Some issues in*

*human sexuality guide to the debate* (CIO 2003).

<sup>viii</sup> David Tustin *Anglicans and Lutherans move from Dialogue to Shared Mission*, Martin Memorial Lectures May 2001, College of Emmanuel & St. Chad, Saskatoon.

<sup>ix</sup> 9Hooke R., *Laws of Ecclesiastical Polity, I. 12. 1* (Via Media edition 2004). "When supernatural duties are necessarily exacted, natural are not rejected as needless."

<sup>x</sup> Gareth Moore OP *A Question of Truth, Christianity and Homosexuality* (Continuum 2003)

<sup>xi</sup> See Michael Ingham, Conference Address *Reclaiming Christian Orthodoxy* (Accessed 2007 [www.lgcm.org.uk/Halfway To Lambeth/Speeches/Ingham.htm](http://www.lgcm.org.uk/Halfway%20To%20Lambeth/Speeches/Ingham.htm)).

<sup>xii</sup> *39 Articles of Religion*. (BCP 1662), Article 26.

<sup>xiii</sup> Sullivan F.A SJ 'The Response due to Non-Definitive exercise of Magisterium, Canon 752' *23 Studia*

*Canonica* (1989) 267.; Doe N. 'Obedience to Doctrine in Canon Law: The Legal Duty of Intellectual Assent'

*Denning Law Journal*; Shafer I.H. *Dissent and Dialogue in the Church* (Association for the Rights of Catholics in the Church Web Site, 1996).

<sup>xiv</sup> Church of England: Canon H1 s3, s4. *gravamina* -serious argument.

<sup>xv</sup> Derek Belcher *A Canonical Understanding of Dissent*, A short unpublished paper outlining some comparisons between the Roman Catholic Church and The Church of England.(2004).