

Anglican Society President's Message

THE PROPOSED ANGLICAN COVENANT: QUESTIONS AND REFLECTIONS

It is sometimes said that of the three foci of the English Reformation, doctrine, discipline, and worship, the least developed was that of discipline, whereas the other two terms were quite visible in such writings as the Book of Common Prayer and the Books of Homilies. Archbishop Cranmer had sponsored a publication known as "The Reformation of Ecclesiastical Laws" which was designed to provide a system of order and discipline in place of the medieval canon law, but it was never implemented. In the pre-1979 tradition of the American Prayer Book, the Office of Institution of a new incumbent provided that such a person be presented ceremonially with a Bible, a Prayer Book, and a copy of the Canons of the General and Diocesan Conventions, but that symbolism has now been lost with the 1979 Book. The Church of England decided to "walk alone" apart from the canonical discipline of the great church of the western world at the time of the Reformation. Hence it is that Anglicans have understandably shied away from the massive Code of Canon Law in the Roman Church, which in its latest revision contains some 1752 canons. In more recent times, however, and in the light of more recent events, many Anglicans have come to feel that this was perhaps an over-reaction and that it is now time to redress the balance.

For these reasons, therefore, it is not surprising that the idea of an "Anglican Covenant" has begun to find favor in some quarters, and especially at least since the time of the Windsor Report a couple of years ago. This concept appeared again in a more developed version as commended by the meeting of the Anglican primates this past February, although it is still a work in progress, "on the way," so to speak. Thus far, very few persons seem to be opposed to the concept itself, especially if it is merely a codification of what Anglicans already believe and practice, but before it can be reasonably proposed and debated and ultimately voted, there do seem to be some questions to be asked and clarifications needed concerning its name, content, and method of implementation. One preliminary text has been proposed, but is it really a mere statement of what we already believe and do as Anglicans or does it go beyond?

And so questions need to be asked. Are we agreed as to why we would call it a "covenant"? Is this to give it a biblical sanction in order to satisfy certain third-world Anglican primates of a more biblicistic inclination, or is there to be a deeper agreed theological rationale based on particular passages of Holy Scripture? Biblical scholars disagree about the biblical meaning of the term, but its use in the Bible does seem to imply that God is always one of the two parties involved, whereas the parties now would be the several Anglican provinces with each other. Biblical use also seems to point to an historical foundation in time past, whereas the usage now under consideration seems more akin to the modern meaning of "contract law" and thus of something that can be broken by mutual consent or even unilateral action. American Episcopalians will also be

familiar with the term “covenant” in connection with our modern liturgical rites for marriage and for Baptism, although the majority of the Anglican Communion who follow the 1662 English Prayer Book will not have these usages readily to hand. Historians of American religion will know the term from its use in Puritan New England. More recently, the term is also widely used for ecumenical agreements between parishes and dioceses in the U.S.A., as well as in contexts like marriage itself, that often promise more permanence than they can deliver. Or is “covenant” thought to be a softer and more acceptable word than “law,” or would the word “agreement” be better? If a given church can enter a covenant at will, and leave it at will, the process does begin to sound more and more like a “contract.”

I suggest that we would not want to enter such a contract without some open discussion of what it means, and without some written theological agreement as to how we understand it, and, at least for the Episcopal Church in the USA, without some widespread ecumenical input or consultation. Given Anglicanism’s long record of ecumenical commitment, at least within the Episcopal Church, one would think that an early step along this road would be to seek the advice of our ecumenical partners before jumping in. Surely, advice should be sought from the Lutherans, with whom we are already in full communion; from the great Church of Rome which is perhaps our closest ecumenical friend in the USA; and from the Old Catholics under the Archbishopric of Utrecht, the one catholic communion that seems the most similar to us and is much more friendly to us than Canterbury has become in recent years. Even if such a recent international Anglican document as the Windsor Report seems remarkably lacking in ecumenical consultation, certainly our own ecumenical sensibility would tend to warn us not to make such major changes to our polity without first getting the opinion of our ecumenical partners concerning the demands for covenant that are being made by far-away Anglican primates.

Persons with such concerns will no doubt wonder how the proposed covenant sets with traditional Anglican ecclesiology, and they will be reassured by its incorporation of the four points of the Chicago-Lambeth Quadrilateral, but they may be left wondering why this covenant incorporates no mention of the classical Anglican triad of Scripture, Tradition, Reason. Is it possible, that this triad would be less popular in the biblically-oriented world of the global south, since, after giving first place to the Bible, this triad then goes on to emphasize the need for an historical interpretation of Scripture under the light of Reason? For whatever reasons, the rapidly growing global south of Anglicanism has become suspicious of the Episcopal Church and of North Americans generally, and it does seem obvious that if we want to stay together as a worldwide communion of churches, linked together in faith and mission, then we are probably all going to need to be bound together by some sort of written agreement about who we are and how we understand the Bible and why we are Anglicans, whereby we can trust one another and produce a more credible Christian witness. To ask the hard questions about this proposal,

I submit, is not at all the same as to dismiss it.

Next within the covenant's text, is the affirmation of four "Instruments of Communion" (formerly called Instruments of Unity), this formula itself being quite a neologism in Anglican ecclesiology and its name rather a mixed metaphor from the world of liturgy. The covenant stipulates that all churches of the Anglican Communion would have to submit to these instruments, agreeing that they carry a "moral authority which commands respect" and that they are authorized to judge the "common mind" of the Anglican Communion. The "common mind" of Anglicanism is itself a neologism for Anglicans, used here emphatically with reference to the Lambeth 1998 resolution 1.10 about human sexuality, but hardly at all with reference to all the many other resolutions of all the other Lambeth Conferences about all manner and sort of other topics. Archbishop Rowan Williams, much earlier, has already pre-judged the issue by declaring unilaterally that 1998 Lambeth 1.10 (voted only by bishops) represents the "common mind" of the Anglican Communion, but such a declaration does leave us wondering which other Lambeth resolutions would next be singled out as representing the "common mind" of Anglicanism? Would acceptance of the covenant carry with it an agreement that the primates, or perhaps only the Primate of All England, has the authority to specify which Lambeth resolutions represent our common mind? Do we have evidence of any widespread acceptance or even use of this phrase under the previous archbishops?

In the new (1983) Code of Canon Law of the Roman Catholic Church it is noteworthy that there is frequent reference to someone called "the lawgiver," and when I was invited to write an Anglican critique of that new code for the periodical called "The Jurist," I wondered who that "lawgiver" might be? God, the Holy Spirit, Moses?¹ Once I studied the text carefully I realized that "the lawgiver" is none other than the Pope, and I can only conclude that, for the Anglican Communion under the proposed Anglican Covenant, it certainly looks like OUR lawgiver will become the Archbishop of Canterbury.

Of these four Instruments of Communion, of course the first, the Archbishop of Canterbury, is the one "instrument" that goes back, if not to the time of the Bible, at least to the Anglo-Saxon period of British history, and thus has some venerable antiquity about it, but in a very real sense it seems like he would now become the primary giver of our laws, much like the Pope is defined in the new Roman Code. The other three instruments are much more recent: the Lambeth Conference, originating in 1867; the Anglican Consultative Council, which originated in 1969, and the meetings of primates, which originated only in 1979. Our General Convention has never endorsed these last

¹J. Robert Wright. "The 1983 Code of Canon Law: An Anglican Evaluation." *The Jurist* 46 (1986) 394-418.

two bodies, but rather it seems they have been slowly imposed upon us. Yet now with the covenant we would have to agree, not merely to their existence but to their authority over us, and thus a rather different kind of Anglicanism would be created. Maybe all this would be a good development, but surely it ought to be named for what it is, and openly debated, before we merely accede to it.

The covenant draft says that these Instruments of Communion would have “no juridical or executive authority” in any Anglican province, and yet clearly the covenant considers them as authorized to direct the common life and doctrine of the Anglican Communion, and it even states that “where member churches choose not to fulfil the substance of the covenant as understood by the Instruments of Comunion, such churches will have relinquished for themselves the force and meaning of the covenant’s purpose” and thus they will have broken the covenant. It is further stipulated that if our own House of Bishops can not see its way clear to “make an unequivocal common covenant by September 30, 2007 [not to authorize] any rites of blessing for same sex couples in their dioceses or by General Convention,” then “the relationship between the Episcopal Church and the Anglican Communion as a whole will at best be damaged, and this will have consequences for the full participation of the Episcopal Church in the life of the Communion.” In retrospect, we should recall that the Lambeth Conference of 1998 (resolution 3.6) stipulated that the collective responsibilities of the primates should *not* be such as to interfere with the juridical authority of the several provinces. It looks, however, like that is exactly what would happen, and is already happening, with the proposed covenant that has been presented to us from the primates themselves. Is it really desirable that global Anglican decisions, and appointments, should now be made from the top down, from the archbishop and a staff called the “Anglican Communion Office” shaped more or less on the model of the Pope, the curia, and the College of Cardinals, rather than upon some democratic principle of representation by those duly chosen from the rank and file?

Sidebar Query about a possible loophole, as to whether it was intentionally left or unintentionally overlooked: Is this prohibition also intended to apply to House Blessings, as in the Orthodox Church (blessing the home rather than the couple who live within it), or to priests on their own, as is allowed in the Roman Church and within catholic tradition, where the office of a *priest* is to bless? This permission was classically expressed in Catholic ordination rites for centuries where one reads “The office of the priest is to offer sacrifice, to bless, to govern, to preach, and to baptize,.” and even now under “Sacramentals” in the new Roman Code of Canon Law one finds, at Canon 1169.2, that “Blessings may be imparted by any priest....” So is the proposed covenant saying that priests may give such blessings, but that bishops may not authorize them?

Another Sidebar Query about the meaning of the common English language that is used on both sides of the Atlantic but at times with different meanings: Does the demand that our bishops not “authorize” the blessing of same sex couples mean what most

Americans would think the word “authorize” means, in the direct or positive sense, or is the word also intended to convey, in a sense in which I have heard it used in England, the implication that our bishops would be expected, in a negative sense, to actively prosecute or discipline anyone who proceeds in spite of such a prohibition? I suspect the latter meaning is also intended, but not specified as such in the text that has been released.

Major Query: Is this demand upon our bishops really a backhanded threat to use, or misuse, the authority of the archbishop to decide whom he may invite to the next Lambeth Conference, which is itself a novelty in Anglicanism existing only since 1867? It may be true that many Anglican bishops from far away places long to be invited to take tea with the Queen in Buckingham Palace gardens, but it does seem that the planning as well as the outcome of the Lambeth Conferences is largely controlled by the English anyway and therefore one wonders whether the American and “colonial” bishops are really needed—or wanted at such a gathering. Have not Archbishop Akinola and others already described it as largely “a social event of great expense”? Over the longer run of history, though, back for hundreds of years, one doesn’t find the Anglican Communion organized by Lambeth Conferences, and so it is natural for us to ask: how did all this come about and who proposed it in the first place? More to the point, how exactly does a church become a member of the Anglican Communion, or get out of it, or at least sit more lightly to it? Does Archbishop Williams really want the membership determined by some legal process or checklist, and will there be any other test-question for entry other than 1998 Lambeth 1.10? Why not require subscription to all the other resolutions of all the other Lambeth Conferences, or, even more importantly, to the Nicene Creed and the Chalcedonian definition, and even conduct seminars for would-be primates and new bishops from all over the world to learn the history and meaning of these basic documents of the Church Catholic? Otherwise, does the Episcopal Church really want to stay inside such a “communion,” where the Lambeth resolution on sex is the primary test of membership? Historical perspectives are important and to the fore as the question is pondered.

Clearly there were Anglicans before 1867,² but when did there become an “Anglican Communion” and when and how did we acknowledge membership within it? The latter two of these questions were easily answered by our decision to incorporate a statement of our membership within our official formularies. This occurred at the 1967 General Convention where we added a specific reference in the preamble of our written Constitution, from which I quote: “The Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church (which name is hereby recognized as also designating the Church), is a constituent member of the Anglican

²See J. Robert Wright. "Anglicanism, Ecclesia Anglicana, and Anglican: An Essay on Terminology" in *The Study of Anglicanism*, ed. Stephen Sykes and John Booty, pp. 424-429. (London and Philadelphia, SPCK/Fortress, 1988, and subsequent editions).

Communion, a Fellowship within the One, Holy, Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces, and regional Churches in Communion with the See of Canterbury, upholding and propagating the historic Faith and Order as set forth in the Book of Common Prayer....” We merely voted to do this, and there were no test-questions. Before the year 1967 our official Constitution had no Preamble at all, and thus had no reference to anything called “the Anglican Communion.”

But it also needs to be recalled that historically the term “Anglican Communion” itself is one that just happened to be tossed out on the waters, and not a term, not an institution, that came about at first by any direct act or intention of any group of Anglican Churches, nor by any deliberative process. Thus, before the year 1967 we did not, formally or legally or constitutionally, agree that it was necessary to be in communion with the see of Canterbury, whatever that has come to mean, in order to be a member of the Anglican Communion. In fact, the very term “Anglican Communion,” it has now been shown, was first coined not by someone from England but by an American from the state of Maine, and the story of its origin has recently been told by a British scholar of highly respected credentials, Dr. Colin Podmore. His research has moved back the genesis or first use of this term “Anglican Communion” from 1851 to 1847, where it was first used in the writing of an American, Horatio Southgate, who was sent as missionary bishop from the American Church to the dominions of the Sultan of Turkey and much later became rector of the Church of the Advent in Boston! Dr. Podmore’s investigations have thus exposed the entirely occasional and non-binding nature of its origins.³ Indeed, no less than Archbishop Robin Eames of Ireland once remarked that, if there was never any procedure for entering the Anglican Communion, nor terms of membership, then it would seem that there need be no procedure or rules for the reverse!

Does all this mean, therefore, that I advocate withdrawal from the Anglican Communion or rejection of the proposed Anglican Covenant? No not at all, but it does mean, I suggest, that the ball is as much in our court as it is in the global south, and that we from the Episcopal Church have some hard questions to ask and answer, not just of ourselves but of those who would impose these innovations upon us. Why not come together from around the world and seek to agree as to what the terms of Anglican membership should be, positive affirmations of doctrine and mission based upon Scripture and theology rather than just a few negative prohibitions about sexual conduct? Innovations are not necessarily bad, but when they are as poorly thought out as those that have been recently proposed, then I think we have a right to ask some hard questions before we vote. For me, I actually think it would be good for us to have some sort of international, written, Anglican, covenant or constitution or code of canon law, I rejoice that some process of this sort is already under way, and I think it could effectively serve

³Colin Podmore, *Aspects of Anglican Identity*. London: Church House Publishing, 2005, pp 36-38.

our mission under the Gospel. But such a code or covenant would need to be carefully prepared, and agreed to be fair to all, including laity both men and women, and developed through a rational and democratic process, and not merely – as has been said – dictated at 11 o'clock on the last night (February 18) by a “bunch of angry primates with Bibles in their hands meeting behind closed doors in Tanzania.”

So what should we now do, what can we do, in the near future? For one, I have proposed my willingness to conduct and teach a seminar on the proposed covenant next year, much as I did on the Windsor Report a year ago, that will allow students to explore it further and also to prepare and circulate papers giving voice to their reflections about it.

I close with some sober words from Archbishop Williams, a threat which he says is not a threat, and then with some words to the wise from our Presiding Bishop. Speaking of the “inevitable consequences” should we refuse to comply blindly with the demands of his fellow primates, especially those of the global south, Archbishop Williams has remarked: “This is not, I must stress, threatening penalties, but stating what will unavoidably flow from more assertions of unqualified autonomy. To repeat a point I’ve made many times - you may feel imperatively called to prophetic action, but must not then be surprised if the response is incomprehension [or] non-acceptance....” [I seem to recall that Rowan Williams himself, back in his earlier years, was reported as being arrested or jailed for committing one or more acts of civil disobedience by following his own conscience. If that was so, then he must know how threatening such a “non-threat” can be.] And finally some words to the wise from our own Presiding Bishop, returning from Tanzania, who has suggested that this covenant process “can be a ‘container’ in which the Anglican Communion can continue to discuss issues that many Anglicans would rather avoid.” She gave her own view, although not all would agree, that “The Episcopal Church is called to ensure that the conversation about the inclusion of gays and lesbians in the church continues in the [Anglican] Communion.” And she continued, “We’re being asked to pause in the journey. We are not being asked to go back,” she said. And she concluded, “I don’t know if our church is ready to say to the rest of the Communion what’s been asked of us. I don’t know that. I do know that if we’re removed from a place where we can speak to the rest of the Communion, we’re going to lose that advantage of being there at the table to challenge views like that.”

She voted for the draft covenant with obvious reservations, and for me, at this point, as one who is still pondering these questions, I would also vote for the draft covenant with her and find a way to stay at the table.

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