

## **Second and Final Response of the Anglican Church of Canada to the St. Andrew's Draft of a Covenant for the Anglican Communion**

The Council of General Synod of the Anglican Church of Canada endorsed the following report, prepared by the Anglican Communion Working Group, in November 2008. This report, together with the 'Preliminary Response' adopted by the Council in May 2008, constitute the response to the St. Andrew's Draft from the Anglican Church of Canada.

### **Anglican Communion Working Group Report to the Council of General Synod**

The Anglican Communion Working Group met at Queen of the Apostles Retreat Centre in Mississauga, Ontario, on October 26<sup>th</sup> and 27<sup>th</sup>, 2008. The following were present for the meeting:

The Rt. Rev'd George Bruce Faith Worship and Ministry (Chair), the Rev'd Maureen Crerar, Faith Worship and Ministry, Ms. Caroline Chum, Partners in Mission and Ecojustice; the Ven. Peter Fenty, Partners in Mission and Ecojustice, the Rt. Rev'd James Cowan, House of Bishops; the Rt. Rev'd Colin Johnson, House of Bishops, the Rev'd Dr. Stephen Andrews, member of the Anglican Consultative Council; the Rt. Rev'd Sue Moxley, member of the Anglican Consultative Council; Ms. Suzanne Lawson, member of the Anglican Consultative Council

The Rev'd Canon Alyson Barnett-Cowan, Staff

Regrets were received from the Ven. Iain Luke, Faith Worship and Ministry, who sent written comments.

### **PURPOSE**

The Anglican Communion Working Group met to:

A review "A Lambeth Commentary" on bishops' responses to the St Andrew's Draft of the Covenant for the Anglican Communion and to prepare a further response to this draft for forwarding to the Covenant Design Group; and,

B advise the Council Of General Synod on an appropriate response to the questions posed to the Provinces of the Anglican Communion by the Joint Standing Committee of the Primates and the Anglican Consultative Council.

Task A

The Joint Standing committee of the Primates and the ACC referred the St Andrew's Draft for an Anglican Covenant to Provinces for further comment and requested responses to the following questions.

- 1 Is the Province able to give an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)?

- 2 Is it possible to give some indication of any synodical process which would have to be undertaken in order to adopt the Covenant in the fullness of time?
- 3 In considering the St Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?

In response to question 1, the ACWG recommends that the Council of General Synod respond in the affirmative.

In response to question 2, the ACWG has asked the Chancellor of General Synod to advise the Council of General Synod on the necessary synodical process required for approval.

In response to Question 3, the ACWG commends the following comments on the St Andrews's Draft for an Anglican Covenant as an appropriate response from the Anglican Church of Canada.

### **COMMENTS**

It continues to remain unclear whether the purpose of the document has been adequately explained in the draft text. We continue to believe that the inclusion of the "Introduction" into the body of the Covenant would go a long way to providing clarification. Nevertheless, as it is currently presented the document seems to have two conflicting purposes: one, which describes the nature of the Communion and our commitment to it, and another, (found mainly in the draft Appendix) which, delineates a process for resolving disputes where it is suggested that one or more Provinces are deemed to have breached the spirit of the document. The Lambeth Commentary affirms a covenantal focus which is relational. The text of the Appendix to the St. Andrew's Draft for an Anglican Covenant is unnecessarily antagonistic and legalistic in tone, rather than relational, and opens a Pandora's box of potential complaints. We are able to affirm the statement of the CDG in "A Lambeth Commentary", pages 7 and 8, that the language of the draft covenant "can sound 'juridical', and that "the CDG will look again at the language used in the St. Andrew's Draft in order to find an idiom which reflects more adequately the relational intent of the Covenant."

### **AFFIRMATIONS**

We congratulate the Covenant Design Group for their most recent efforts and believe that the text of the St Andrew's Draft is a great improvement upon its predecessor. We are glad to note that many of the concerns raised by the Anglican Church of Canada have been addressed in whole or in part in the St Andrew's Draft. As a result, we take heart from the responsiveness of the Covenant design process, in particular the responsiveness indicated in the document "A Lambeth Commentary".

We note particularly the following areas:

- a. The changes incorporated into the St Andrew's Draft indicate a serious effort on the part of the CDG to listen to the concerns expressed by the Provinces and are indicative of a desire for conversation and dialogue which form a valuable part of the listening process proposed by Lambeth 98. In both the Communiqué and the Commentary, there is clear recognition that this will be a slow and careful process and we are especially heartened by the work done by the CDG since the meeting of the Lambeth Conference.
- b. We believe that the St Andrew's Draft has taken into account concerns expressed about the role of the Primates Meeting. "A Lambeth Commentary" confirms the Canadian response to the Nassau Draft, and may indeed indicate the need for a further reduction in the international role of Primates.
- c. The St Andrew's Draft provides a much clearer recognition of the role of laity and of synodical decision-making processes in the dioceses and Provinces throughout the Communion. Efforts have also been made to clarify understanding of autonomy and interdependence, though this may be being nuanced in the document "A Lambeth Commentary." (Question 9, page 10).
- d. Fears expressed in some quarters that the Covenant could assume the form of a narrow confessional document have been significantly allayed in this draft. The intention of the CDG to include an amending formula to the covenant increases the unlikelihood of the document becoming a narrow confessional document.
- e. The St Andrew's Draft makes a serious effort to address the central role of worship and prayer as key in holding us together. While we affirm this, we note that the central role for both the Communion, and Anglican identity of worship and prayer, with emphasis on the Eucharist as the sacrament of unity in the body of Christ, is given inadequate expression in the Lambeth Commentary and should be enhanced in the Covenant document itself, not relegated to the Appendix alone.
- f. Almost all Canadian responses expressed concern over the way "formularies" were addressed in Nassau Draft. We believe that the St Andrew's Draft has made great strides in alleviating these concerns and we affirm the expressed intent of the CDG in "A Lambeth Commentary" to do even further work in this area.
- g. The St Michael Report (produced by the Canadian Primate's Theological Commission) recognized that doctrinal developments occur over time. The

St Andrew's Draft appears now to contain a similar recognition and while "A Lambeth Commentary" does not explicitly address this question, consideration to the inclusion of a reflection on the development of doctrine is needed.

- h We are pleased to see an addition to the preamble which recognizes the diversity to be found throughout the Communion.
- i We are pleased to see the reworking of the sections dealing with the "Instruments of Communion" as they are now placed in a more coherent and chronological fashion and are particularly glad to see the redefinition of the role of the Primates' Meeting as a gathering representing representatives of the Provinces and not as a quasi "curia"
- j. We are also pleased that the CDG undertook redrafting of the paragraphs relating to the use of, and interpretation of, scripture. The new draft is much clearer particularly as it relates to the interpretation of scripture. We affirm the direction of the CDG as contained in "A Lambeth Commentary" in this area.

#### **AREAS OF LACK OF CLARITY**

There are still a number of areas where greater clarity is required. "A Lambeth Commentary" takes up an observation of our earlier report that there needs to be clarity around terms that are commonly used in the Communion but are perceived locally in very different ways. These differences in perception can be the source of some difficulty when coming to agreement. To assist the CDG in their efforts we offer the following understandings of those terms from a Canadian perspective, as was requested.

#### **'episcopally led and synodically governed'**

Canada was not established as a national Province with the subsequent development of dioceses, but the other way around. Our history mirrors civil federal and provincial structures (established in the same time period). This means that our national Province does not have the same degree of authority as some other national Provinces do in their jurisdictions. Governance of the episcopate occurs within the jurisdiction of the internal ecclesiastical provinces (we have four) and not the national Province. This may be unique to Canada and rather complicates the matter of jurisdiction and authority. Even here, we are aware that governance structures in Canadian society are coming under close scrutiny and that the days of autocratic leadership are largely over. Apart from the chairing of General Synod and the executive oversight of the General Synod Office, the Primate has no ordinary jurisdiction in any Canadian diocese. The Primate has no national authority apart from the power of suasion.

#### **'the role of bishops'**

Indeed, the balance of power even for diocesan bishops exists in their ability to foster a spirit of collegiality amongst both clergy and lay people. Anglicans in Canada do not share a deference for episcopal authority that they once held or similar to that which is held in other parts of the Communion, but rather respond to an articulation of the gospel that finds resonance with the values and priorities of the people of the diocese. In Canada, bishops are elected by diocesan clergy and laity and are not appointed. Their election must receive concurrence from the bishops of the internal ecclesiastical provinces. Moreover, the Canadian House of Bishops has no canonical status apart from General Synod, a meeting in which they represent one of three orders; otherwise their role is only advisory.

### **‘common mind’**

In our particular context this means “a range of acceptable positions”. These positions are not reached arbitrarily, but through consultation, prayer and testing with clergy and laity. Because of the need to engage the whole people of God in this discernment, we are critical of the assumption that the Primates are uniquely responsible for articulating a ‘common mind’ for the Communion.

### **‘common standards of faith’**

Again, this covers a range of practices that fall within the broadest standards of belief as articulated by the Lambeth Quadrilateral.

### **‘relinquishment’**

There are differing views of relinquishment even within the Canadian Province. If the Covenant is primarily relational rather than juridical, then we do not see this as a disciplinary act declared by one party about another. One perspective is to define relinquishment as a knowing departure and a ‘freely-willed decision’ to opt out.

An alternative view holds that there may be circumstances where relinquishment would have to be seen as a secondary and indirect effect of some other decision. In the case of the United Church of South India, for example, they did not intend to leave the Anglican Communion, but that was seen by others as a necessary (though temporary) consequence of their determination to deal in a new way with the historic episcopate. A Province contemplating a step of similar magnitude might well believe that their actions should not lead to any loosening of relationships, but that decision is not solely up to the initiating Province.

The CDG comments in the current document seem to suggest that the decision to maintain or relinquish relationships will be up to the Provinces, severally, given that there is no agreement on empowering a central body to make that decision, and more importantly that the tenor of the Covenant needs to be relational through and through. If a

Province were to take a step which resulted in all or nearly all the other Provinces curtailing their relationships, that would amount to relinquishment from this perspective.

Relinquishment may need to be understood not simply as a "choice to walk apart" made by one party, but rather as a consequence of certain other potential choices that the web of relationship, expressed in a covenant, is unable to bear. And this may be so even when the Province making such a choice does not directly will or desire the consequence; though it is given effect not by a regulatory body, but by the responses of the other signatories, acting severally. The difference (and distance) between these two views needs some further clarity and conversation within the Communion.

### **‘essential concerns’**

At one point in the recent history of the Communion it was said that the only way to leave the Communion was to disavow the Lambeth Quadrilateral. We have some sympathy with this understanding of what is an essential feature of our common life, but we also recognize that what the Church regards as ‘essential’ changes from generation to generation. We are not sure how such definitions can be determined in our context without reference to the Anglican formularies and broad engagement with the Church.

### **‘wide consultation’**

This is not a question so much of what ‘wide’ means, but what does ‘consultation’ entail? Does this mean simply the sharing of information or does it imply the reaching of some consensus before any action is taken? There is a third option demonstrated in the process involved in the consultation and revision of the Covenant. This has been beneficial since it is apparent that the results of consultation have influenced the modification of the proposed Covenant.

### **‘development of doctrine’**

Faith is dynamic; common standards of faith should always be provisional; the Spirit is at work continually transforming us. But we do acknowledge that the goal of our transformation is the unchanging Christ. We need to understand how discernment has happened in the past where doctrinal development has occurred. What is held in common at all times, however, is the conviction that this is a faithful development of the tradition; a development ‘for this time’ or ‘for this body’ (not necessarily universal).

### **‘prophetic voice’** (our addition to the list)

We note that this phrase, which is used in a compelling way in many parts of the Church, can be claimed by parties that hold apparently contradictory points of view. We do not deny that the Spirit is always urging us onwards and that the gift of prophecy is an important charism, but we are also mindful that there may be false prophets and prophecies. The question is how we distinguish between them.

## **AREAS OF OUTSTANDING CONCERN**

The St Andrew's Draft (Section 2) acknowledges the mission of the Anglican Communion as being part of the mission of the Christian church as a whole; however, it remains unclear in the text whether or how the Covenant will affect ongoing bilateral and communion wide dialogue with the Lutheran, Roman Catholic and Orthodox churches nor does it address in particular those churches with whom we are in full communion. For example the ACC/ELCIC; the IFI; The Porvoo churches; the old Catholics and the United Churches of India and Pakistan. In Canada we treasure our full communion relationship with the ELCIC as well as the relationships we have with other Christian denominations. This is true also for other Provinces of the Communion. Thus any further revision of the St Andrew's Draft needs to take this into account.

We also note that there is no reference to the impact of the Covenant in interfaith contexts especially in parts of the world where Christians are in the minority.

We are pleased to note that the Covenant Design Group in its next revision of the text will address the methodology for amending the Covenant if and as it is required. However, if as is suggested in "A Lambeth Commentary" (page 14), the Covenant addresses ways in which our present reality calls us to intensify our relationships within the Body of Christ, then what it says will be significant but not exhaustive for future generations. Thus the need for amendment would likely only apply to the processes or procedures for implementation which may change as a result of experience. This should reduce the complexity of any task of amending

We continue to have great concerns around the content and tone of the Appendix as it was originally proposed and are pleased to note that the bishops at Lambeth affirm that same concern. The suggestion by the CDG of deleting the appendix and replacing it with a new Section 4 may be of some benefit although, we note, that in our own context if the procedures for administering the Covenant were in an appendix, which seem to be the suggested contents of section 4, they would be easier to amend. In most Canadian dioceses regulations to Canons, for example, can be amended by a Diocesan Executive Council or similar body, without requiring a full Synod to approve.

We can support the suggestions for topics to be included in section 4 but we have great reservations about the hurried timeline that will be given for review of the revised St Andrews Draft as a final version of the Covenant text, particularly if the ACC meeting is to consider approving the text for distribution to Provinces to begin their approval process. It must be understood that in some Provinces the synodical decision making processes are different from others and providing a revised St Andrew's Draft barely weeks prior to the ACC meeting in May 2009 will not provide sufficient time for consultation and advice. Finally, we suggest that if the procedures were included in an Appendix it could be designated as a working document, for a period of perhaps a decade and then reviewed as to its effectiveness.

As noted earlier, we continue to believe that the Introduction to the St Andrew's Draft must be an integral part of the Covenant document and find the argument contained in "A Lambeth Commentary" for not doing so to be unconvincing. We concur with the CDG in that the Covenant needs to be grounded in theological understandings of covenant and find the conclusion that the Introduction does not carry the weight of the remainder of the document to be baffling.

With respect to the proposed Anglican Communion Covenant Commission, we have many questions. What is its composition? What would its duties be? What does "administering the Covenant" mean? What is the relationship with the Pastoral Forum proposed at Lambeth and the Council of Advice suggested by the Windsor Report? Where do the funds for this body come from? And finally, why do we need it? It seems to us that the task of administering the Covenant would fit well within the Anglican Consultative Council and its bodies.

### **CONCLUSION**

We are appreciative of the open and transparent functioning of the CDG and have trust that comments from Provinces are being heard. We, along with the Bishops as noted in "A Lambeth Commentary", are satisfied that sections 1, 2 and most of section 3 are satisfactory to the Anglican church of Canada. We acknowledge that some minor amendment to those sections may be required to provide greater clarity, but would have great concern if these sections underwent any significant amendment. We would have great concern if the existing Appendix or proposed section 4 did not undergo substantial amendment and with a significant period of consultation.