

COMMUNION GOVERNANCE

The Role and Future of the Historic Episcopate and the Anglican Communion Covenant

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If an Anglican space traveler making periodic stops on earth were to check on the affairs of the Anglican Communion, he might find himself surprised and confused. On his last visit to earth in 1998, he noted that the Lambeth Conference of Anglican bishops had passed by an overwhelming majority a Resolution on Human Sexuality, stating that:

[This Conference] in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage;

reject[s] homosexual practice as incompatible with Scripture;

[and] cannot advise the legitimising or blessing of same sex unions nor ordaining those involved in same gender unions.¹

Summoned on business in other parts of the solar system with no internet access, the space traveler returns in 2009 and finds to his amazement the following headlines in his inbox:

“Gay Bishop Elected in New Hampshire USA”

“Global South Churches Break Ties with North America”

“Episcopal Church Elects Radical Candidate as Presiding Bishop”

“260 Anglican Bishops Boycott Lambeth, Attend Conference in Jerusalem”

“Episcopal Bishops and Priests Defrocked for ‘Abandoning Communion’”

“Episcopal Congregations Forced Out of Beloved Parish Buildings”

“Dissident Anglicans Form New Church in North America”

“Pope Provides Safe Haven for Dispirited Anglicans”

“Lesbian Elected Bishop in Los Angeles, USA”

¹ See <http://www.lambethconference.org/resolutions/1998/1998-1-10.cfm>. For a commentary on the Resolution, see my article “Return to Lambeth 1.10: An Up-or-Down Choice for the Episcopal Church” (2007) at <http://www.stephenswitness.org/2007/07/return-to-lambeth-110.html>.

Our space traveler, being a rather traditional sort of Anglican, is dumbfounded. “How could this be? I thought the Anglican Church had made up its mind on this matter. What happened in the twelve years I was away?”

The well-publicized crisis in the Anglican Communion has various dimensions. Above all, it is a crisis of truth, the truth of the gospel – that is, of open denial of that truth. The Global Anglican Future Conference (GAFCON) declared that there are three “undeniable facts” underlying this crisis:²

- *The first fact is the acceptance and promotion within the provinces of the Anglican Communion of a different ‘gospel’ (cf. Galatians 1:6-8) which is contrary to the apostolic gospel.*

The second and third facts derive from the first. It is the duty of the church and its bishops to guard the faith against those who would deny it (2 Timothy 1:14).

- *The second fact is the declaration by provincial bodies in the Global South that they are out of communion with bishops and churches that promote this false gospel.*

Anglican bishops and churches have exercised this sad duty one by one, or in larger groupings like GAFCON, but the Communion as a whole has failed to follow through with effective discipline.

- *The third fact is the manifest failure of the Communion Instruments to exercise discipline in the face of overt heterodoxy.*

The method of the present essay is to review the failure of Communion governance, especially since 1998, and to ask whether the problem has to do with the persons in leadership or with the constitutional order itself. I shall argue that *bishops-in-council – the Lambeth Conference and the Primates’ Meeting – who are the guardians of Communion doctrine and discipline, have exercised uneven authority to date but are the proper instrument to restore order to the Communion.* Finally, I ask whether the Anglican Communion Covenant can be an effective part of a reformation of Communion governance.

I describe the performance of the Global South bishops and Primates in Communion governance as a tide which has ebbed and flowed over recent years. In particular, they have risen to the occasion in crises at Lambeth 1998 and again in 2003 with the consecration of Bishop Gene Robinson but then have seen their influence subside after the immediate crisis has passed. I argue that their diminished status may become permanent, with the most recent top-down reordering of Communion structures, unless they stand firm for a conciliar role under an effective Covenant.

² See the GAFCON Statement from 29 June 2008 at http://fca.net/resources/the_jerusalem_declaration1/.

Setting the Scene: The Instruments of Communion

In order to understand the course of recent Anglican events, it is necessary to identify the key players or entities involved. Here is the description of the “Instruments of Communion” found in the latest version of the Covenant (§3.1.4)³:

I. We accord the **Archbishop of Canterbury**, as the bishop of the See of Canterbury with which Anglicans have historically been in communion, a primacy of honour and respect among the college of bishops in the Anglican Communion as first among equals (*primus inter pares*). As a focus and means of unity, the Archbishop gathers and works with the Lambeth Conference and Primates’ Meeting, and presides in the Anglican Consultative Council.

II. The **Lambeth Conference** expresses episcopal collegiality worldwide, and brings together the bishops for common worship, counsel, consultation and encouragement in their ministry of guarding the faith and unity of the Communion and equipping the saints for the work of ministry (Eph 4.12) and mission.

III. The **Anglican Consultative Council** is comprised of lay, clerical and episcopal representatives from our Churches. It facilitates the co-operative work of the Churches of the Anglican Communion, co-ordinates aspects of international Anglican ecumenical and mission work, calls the Churches into mutual responsibility and interdependence, and advises on developing provincial structures.

IV. The **Primates’ Meeting** is convened by the Archbishop of Canterbury for mutual support, prayer and counsel. The authority that primates bring to the meeting arises from their own positions as the senior bishops of their Provinces, and the fact that they are in conversation with their own Houses of Bishops and located within their own synodical structures. In the Primates’ Meeting, the Primates and Moderators are called to work as representatives of their Provinces in collaboration with one another in mission and in doctrinal, moral and pastoral matters that have Communion-wide implications.

It is the responsibility of each Instrument to consult with, respond to, and support each other Instrument and the Churches of the Communion. Each Instrument may initiate and commend a process of discernment and a direction for the Communion and its Churches.

The “four Instruments of Communion” gained quasi-canonical status with the “Virginia Report” of 1996, which was received by the Lambeth Conference in 1998.⁴ The Report itself raised questions about the functioning and inter-relationship of these entities, a view repeated in the 2004 Windsor Report. It is my contention that not only are the lines of authority between Instruments unclear but that they are indeed “instruments” in an ongoing power struggle – one which reflects the division theologically between liberals and traditionalists

³ This “final” version of the Covenant according to the Archbishop of Canterbury (December 2009) is found at <http://www.anglicancommunion.org/commission/covenant/final/commentary.cfm>. It is also sometimes called the Ridley Cambridge Draft (RCD) because the first three sections of that penultimate version remain unchanged; however, important changes were added to the critical fourth section in the December 2009 revision.

⁴ See J. M. Rosenthal and N. Currie, eds., *Being Anglican in the Third Millennium* (Harrisburg, Pa.: Morehouse, 1997) pp. 223-288.

and regionally between England and North America over against the Global South. The outcome of this struggle will affect the future shape of the Communion.

A Decade in Retrospect: A Tale of Two Lambeths

This section of the essay takes the form of a narrative of just over a decade. The bookends of this decade are the Lambeth Conferences of 1998 and 2008, the main councils of bishops of the Communion. A casual observer of Anglican history might be inclined to see the succession of Lambeth Conferences from 1867 to 2008 as a remarkable sign of continuity: the same ten-year intervals; same place, Canterbury; the same host, the Archbishop; the same players, all bishops of the various Provinces of the worldwide Anglican Communion. This view, however, obscures what are in fact striking contrasts between the two most recent assemblies.

- The *plans of the Communion bureaucracy* to accommodate the innovators in the Episcopal Church were overturned at Lambeth 1998, leading to a result – Resolution I.10 – that left the planners speechless.⁵ The plans for a non-confrontational Lambeth 2008, on the other hand, were executed with only token opposition – if one discounts the silence of two hundred absent bishops!⁶
- The *Global South bishops* asserted their will successfully for the first time in Lambeth history in 1998.⁷ In 2008, many Global South bishops were absent and the influence of those who were present did not make a mark.⁸
- Lambeth 1998 will be forever known for *Resolution I.10 on Human Sexuality*; Lambeth 2008 will be known for “*indaba*.”⁹ Resolution I.10, while balancing doctrinal clarity and pastoral sensitivity, was seen by all as “a surprisingly trenchant verdict.”¹⁰ In 2008, Abp. Williams opened the conference by renouncing the issuing of resolutions on grounds that “you’ll find that many of them, on really important subjects, have never been acted upon.”¹¹ Instead, Lambeth 2008 produced a 41-page collation of various views from the small groups and listeners.¹²

⁵ Ruth Gledhill, reporter from the *Times*, speaks of her “Lambeth hell” due to the “sense of control” of news access by the Communion Office (<http://justus.anglican.org/resources/Lambeth1998/articles/980815a.html>). What she fails to mention is that on the day after Resolution I.10 passed, the press officers dropped all pretence of control and simply fielded questions.

⁶ See Ian T. Douglas, “Equipping for God’s Mission: The Missiological Vision of the 2008 Lambeth Conference of Anglican Bishops,” *International Bulletin of Mission Research* 33 (2009) pp. 3-6. Prof. Douglas was a member of the Lambeth Design Group, which planned the 2008 Conference.

⁷ According to Abp. Joseph Adetiloye: “In 1978 I waited at the microphone, and I was the first black African bishop to address the Conference. I told the assembled bishops that I was the first to speak, and it had taken until 1978 to be recognized, but in 1988, the assembly would listen to what the bishops of black Africa were saying. Further, by 1998, what African bishops had to say would chart the course of the communion.” Indeed Adetiloye was the leader of those Global South bishops who insisted on a strong resolution on homosexuality.

⁸ An exception was Abp. Daniel Deng of Sudan, who called for Gene Robinson’s resignation and for the cessation of all homosexual ordinations and lawsuits against traditionalists “with immediate effect” (<http://www.religiousintelligence.com/news/?NewsID=2349>).

⁹ *Indaba* is a kwazulu word for “gathering.”

¹⁰ The same clarity of doctrine can be found in the Jerusalem Declaration from the Global Anglican Future Conference.

¹¹ Presidential Address, 20 July 2008.

¹² Lambeth Indaba, at <http://www.lambethconference.org/reflections/document.cfm>. The only other Lambeth Conference without resolutions was in 1878, which substituted the Recommendations of its Committees.

- Lambeth 1998 made a number of strong appeals to *biblical authority*, defined marriage “in view of the teaching of Scripture,” and rejected homosexual practice as “incompatible with Scripture.”¹³ In 2008, the Lambeth Indaba balanced references to the “reliability of God’s Word” with the “context” and “culture” in which the Word is heard, and admitted only that homosexuality “conflicts with the long tradition of Christian moral teaching,” with no mention of Scripture itself.
- At Lambeth 1998, the driving force behind Resolution I.10 came from *bishops and Primates*, with Abp. George Carey speaking up for it at a critical moment. Lambeth 2008 was dominated by the Abp. Rowan Williams, who led the three-day pre-conference retreat and gave three presidential speeches before, during and after the Conference.
- Lambeth 1998 endorsed earlier Lambeth Resolutions about the “*enhanced role of the Primates*.”¹⁴ Lambeth 2008 expressed “much discomfort” with the role of the Primates, suggesting they should stick to their own provincial business and serve only in supporting the Archbishop of Canterbury.¹⁵

In order to explain the striking differences between Lambeth 1998 and Lambeth 2008, one has to know what transpired between these two plenary meetings, especially in meetings of the Primates and the Anglican Consultative Council, which are the bodies that normally carried forward the decisions and business of the Communion between Lambeth Conferences.

Discipline Falls to the Primates, and Fails

Passage of Resolution I.10 was a hard-fought battle, contested up to the last day by the liberal bishops and Conference organizers but finally commended by Abp. George Carey himself. In the end, it passed with 528 bishops voting Aye. It was probably the first time in the history of the Lambeth Conference that bishops had divided over a major matter of moral doctrine, major in the sense of referring to homosexual practice as “incompatible with Scripture.”¹⁶ For this reason, passage of the Resolution raised the critical question: would the 70 bishops who voted No on the Resolution accept the judgment of the Conference and urge their people to conform to this judgement, or would they invoke regional autonomy and continue on their stated path? The answer came quickly, as many North American bishops returned home and immediately denounced the Resolution and stated that they would not be bound by it.¹⁷

The need for follow-up, for discipline of dissenting churches, was inherent in the language of the Resolution. If the Church called a certain behaviour contrary to God’s will and some of its leaders openly taught and acted to the contrary, the credibility of the church was put on the line. At this point, Abp. Carey disappointed the expectations of many who appreciated his

¹³ Resolutions III.1, III.5 and I.10.

¹⁴ Resolutions III.6.

¹⁵ Lambeth Indaba §151.

¹⁶ Ephraim Radner observes: “For the first time, in a way revealed by the very openness of the dispute, the Anglican Communion as communion became visible.” See “The World is Waiting for Holiness,” in Ephraim Radner and Philip Turner, *The Fate of Communion: The Agony of Anglicanism and the Future of a Global Church* (Grand Rapids, Mich.: Eerdmans, 2006), p. 294.

¹⁷ In December, 1998, the Association of Anglican Congregations in Mission (AACOM) produced a “Petition to the Primates’ Meeting and the Primates of the Anglican Communion for Emergency Intervention in the Province of the Episcopal Church in the United States of America,” including two lengthy appendixes, which documented the widespread rejection of Lambeth I.10.

role at Lambeth by asking for further dialogue rather than for conformity from those who dissented from Resolution I.10. So the burden of discipline shifted to the Primates, most of whom came from the Global South.

By 1998, the role of the Primates as overseers of Communion doctrine and discipline was already in place. Indeed, as noted above, Resolution III.6 of Lambeth 1998 repeated the call of earlier Conferences for the Primates to exercise enhanced responsibility in doctrinal, moral and pastoral matters and further

asks that the Primates' Meeting under the presidency of the Archbishop of Canterbury, include amongst its responsibilities positive encouragement to mission, intervention in cases of exceptional emergency, which are incapable of internal resolution within Provinces, and giving of guidelines on the limits of Anglican diversity, in submission to the sovereign authority of Holy Scripture and in loyalty to our Anglican tradition and formularies... (Resolution III.6)

In light of Resolution I.10, the reference in this Resolution to the sovereign authority of Holy Scripture was a pointed one, as the Global South churches objected to the practice of homosexuality primarily on grounds that it was “incompatible with Scripture.” It seemed to many that the Primates were poised to discipline their dissenting North American brothers, when they convened in Oporto, Portugal, in March 2000. These expectations, however, were blunted by an external event: the irregular consecration by two Global South Primates of John Rodgers and Charles Murphy just two months previous. The new bishops were to serve a separate Anglican body in the USA, thus challenging the territorial authority of the Episcopal Church. Abp. Carey reacted strongly against this action, but even had it not happened, he was inclined to seek peace at Oporto, which led to watering down any specific disciplinary measures. A proposal for alternative episcopal oversight of traditionalist churches in the USA went nowhere, as Presiding Bishop Griswold would not agree to it.

The desire for consensus decisions was to become the pattern of subsequent meetings, and it led to an equivocal Communiqué, posing a moral equivalence between those who understood Lambeth I.10 in terms of a *biblical norm* and those who wish to “listen” to the *experience* of homosexuals, and between those who were breaching the *moral limits* in North America and those who had breached *territorial limits* in consecrating alternative bishops.¹⁸

In the end, the Primates argued that while the acceptance of homosexuality could cause “severely impaired communion” between Provinces, it could not lead to a final expulsion from the Communion.

We believe that the Communion as a whole still rests on the Lambeth Quadrilateral: the Holy Scriptures as the rule and standard of faith; the creeds of the undivided Church; the two Sacraments ordained by Christ himself and the historic episcopate: Only a formal and public repudiation of this would place a diocese or Province outside the Anglican Communion.

The claim that only formal repudiation of “core doctrine” could lead to Communion discipline is reminiscent of the rationale of the Episcopal Church for acquitting of Bishop

¹⁸ The Oporto Communiqué is not available from the Communion website, but can be found at <http://andromeda.rutgers.edu/~lcrew/porto.html>.

Walter Righter in 1996 for ordaining an openly gay man to the priesthood (three of the judges had committed the same offense).¹⁹ Rowan Williams, a drafter of the Oporto Communiqué and soon to be Archbishop of Canterbury, in an article titled “Our Differences Need Not Destroy Us,” concludes his reflection on the Primates’ Meeting thus:

In the last analysis, Anglicanism has always been wary of a central executive power. It has worked on the assumption that a common ecclesial language and theological method take you a long way, and its authority has been a mixture of authoritative texts and a process of rather untidy corporate interpretation of them. The primates’ meeting showed no signs of wanting to become a ruling synod. Its one plea was for more frequent meeting, and this is likely to happen: the present strains on the communion are severe enough for personal contact and consultation to be imperative, so that actions are not taken without awareness of the wider context.²⁰

The Primates did begin to meet more frequently, with another meeting held in Kanuga, North Carolina, one year later, in 2001. This time two Primates, Maurice Sinclair and Drexel Gomez, came armed with a specific proposal for inner-communion discipline titled “To Mend the Net.”²¹ The proposal included a specific role for the Primates to “exercise a form of political authority at an international level.” Abp. Sinclair stated that it was his hope that the Primates would take up the enhanced responsibility granted them at Lambeth 1998 and ask the Archbishop of Canterbury to appoint a working group to see that their proposal was put into effect.

“To Mend the Net” would have been congenial to a majority of the Primates under favorable circumstances, but circumstances were not favorable. First of all, Abp. Carey, entering his final year in office, was in no mood for hard decisions. Secondly, the Lambeth bureaucracy made sure any such decisions would be avoided. By accepting the invitation to come to America, the Primates gave home court advantage to Presiding Bishop Frank Griswold. The meeting was closed to the press and all others, and the agenda was fixed and busy. So the hard work of Abps. Gomez and Sinclair in addressing the ongoing crisis in the Communion came down to this note in the “Primates’ Diary”:

Saturday, 3 March - Theme for the Day Discipleship, Forgiveness and Mission
20:00-21:15 Gathering in the Fireplace lounge. Noting that “our tradition has learned how to handle conflict,” Dr. Carey asked the Archbishop of the West Indies and the Presiding Bishop of the Southern Cone [Abps. Gomez and Sinclair] to speak to the primates about their book, *To Mend the Net*, and invited comments from the Presiding Bishop of the Episcopal Church and other Primates. Dr. Carey reiterated his intention to refer the matter to the Inter-Anglican Theological and Doctrinal Commission.

¹⁹ See my analysis in “The Righter Trial and Christian Doctrine,” *Churchman* 110 (1996) pp. 198-216; “The Righter Trial and Church Discipline,” *Churchman* 110 (1996) pp. 295-324.

²⁰ See <http://www.trushare.com/60MAY00/my00rowa.htm>. As I shall argue in a later section on primacy, it appears Abp. Williams changed his mind on central executive authority between 2002 and 2007.

²¹ *To Mend the Net: Anglican Faith and Order for Renewed Mission*, eds. Drexel W. Gomez and Maurice W. Sinclair (Carrollton, Tx.: Ekklesia Society, 2001). The Proposal is found on pages 9-23.

“To Mend the Net” was ignored by the Inter-Anglican Theological and Doctrinal Commission and was never again considered by the Primates.²² Meanwhile the final “Pastoral Letter and Call to Prayer” from Kanuga was tame even compared to the Oporto Communiqué. At the next annual meeting in Canterbury in 2002, the sexuality issue disappeared from the agenda altogether.

The Primates met again in May 2003 in Gramado, Brazil, and although they mentioned the “duty laid upon us by the Lambeth Conference 1998 to monitor ongoing discussion of [human sexuality],” there was little sense of urgency to address the matter further.

The question of public rites for the blessing of same sex unions is still a cause of potentially divisive controversy. The Archbishop of *Canterbury spoke for us all* when he said that it is through liturgy that we express what we believe, and that there is no theological consensus about same sex unions. Therefore, we as a body cannot support the authorisation of such rites.²³

It is one thing “not to support” same-sex activity; it is another to exercise concrete discipline. In the five intervening years since Lambeth 1998, the overwhelming consensus on the issue had not led to any concrete action because that would require unanimity of the Primates, and that unanimity was impossible because the violators were members in good standing.

The Storm Surge over Gene

The soothing zephyr from Gramado was transformed into a roaring hurricane in August 2003 with the election of V. Gene Robinson, an openly practicing homosexual, as bishop of New Hampshire, USA, coupled with the performance of an authorized same-sex rite in the Diocese of New Westminster, Canada, in May 2003. News of Robinson’s election, along with photos of him and his partner, spread across the globe within hours, and the Primates of the Global South demanded an emergency meeting. This time the meeting, held in London in October 2003, was not stage-managed by the Communion office; indeed the Secretary General was pointedly not invited. This time the outraged Primates demanded action.

In the 16 October Statement, the Primates refer to their “enhanced responsibility” in upholding the centrality of Scripture and the unity of the Communion, and they go on to assert that the actions in Canada and USA “do not represent the mind of the Communion as a whole, and these decisions jeopardize our sacramental fellowship with each other.”²⁴ The concrete action taken by the Primates was to ask the Archbishop of Canterbury to appoint a commission to report within twelve months “on the way in which the dangers we have identified at this meeting will have to be addressed.” Abp. Williams apparently convinced the Primates that he and they had no legal authority to discipline the Episcopal Church and Diocese of New Westminster, but many returned home with the conviction that he had promised them swift and decisive action.

²² In the Commission’s final report (2008), “To Mend the Net” is not even mentioned. See *Communion, Conflict and Hope: The Kuala Lumpur Report of the Third Inter-Anglican Theological and Doctrinal Commission* (London: Anglican Communion Office, 2008) at

http://www.aco.org/ministry/theological/iatdc/docs/communion_conflict_&_hope.pdf.

²³ The Gramado Primates Communiqué is found at

<http://www.anglicancommunion.org/acns/news.cfm/2003/5/12/ACNS3439>.

²⁴ The 16 October 2003 Primates’ Statement is found at

<http://www.anglicancommunion.org/acns/news.cfm/2003/10/16/ACNS3633>.

The Report of the Lambeth Commission (“The Windsor Report”) was delivered on time one year later.²⁵ It was circulated to the Primates and simultaneously received by the Primates’ Standing Committee, one of the few times that Committee has actually met.²⁶ This Committee then appointed, along with the Archbishop of Canterbury, a “Reception Reference Group,” headed by the Primate of Hong Kong, to solicit responses from the wider Communion to be assessed and presented at their upcoming meeting in February 2005. Hence the “Windsor process” at its inception was under the direct authority of the Primates, something that would change over the next five years.

The next regular Primates’ Meeting was held at the Dromantine Conference Centre in Northern Ireland in February 2005. Unlike former meetings, this one focused on the crisis caused by the Episcopal Church and Anglican Church of Canada. In the Dromantine Communiqué the Primates assume their authority in certain areas:

- they receive the Windsor Report but do not thereby submit to its recommendations;
- they endorse the Report’s idea of “autonomy-in-communion”;
- they welcome the idea of a Covenant and call for further study, but argue that the Lambeth Quadrilateral “has already been effectively operating as a form of covenant”;
- they endorse the “universal nature of the ministry of a bishop within Anglican polity”;
- and
- they express reservations about Report’s idea of a “Council of Advice” under the Archbishop of Canterbury noting that:

While we welcome the ministry of the Archbishop of Canterbury as that of one who can speak to us as *primus inter pares* about the realities we face as a Communion, we are cautious of any development which would seem to imply the creation of an international jurisdiction which could override our proper provincial autonomy.²⁷

In the most striking resolution (§14), the Primates “request that the Episcopal Church (USA) and the Anglican Church of Canada voluntarily withdraw their members from the Anglican Consultative Council for the period leading up to the next Lambeth Conference.” They follow this up by encouraging the Anglican Consultative Council to invite representatives of the North American churches to present the theological rationale for their actions at the upcoming ACC-13 meeting in June 2005. One might ask, should these churches not have made this presentation to the Primates themselves? The likely answer is that they wanted a rapid response and did not anticipate another Primates’ Meeting for a year (actually it was two years before they met again). It is also possible that they were anticipating a major reform of the Instruments to emerge from ACC-13 (see below). In any case, the Anglican Consultative Council endorsed the decisions at Dromantine, including the request that the North Americans absent themselves from the ACC and its committees (Resolution 10). The Primates’ tide was cresting.

²⁵ The Windsor Report is found at <http://www.anglicancommunion.org/windsor2004/index.cfm>.

²⁶ There are no readily available minutes of any other Primates’ Standing Committee meetings, nor even notice when they met, if ever.

²⁷ The Dromantine Communiqué is found at http://www.anglicancommunion.org/communion/primates/resources/downloads/communique%20_english.pdf.

Dar Es Salaam and After: The Tide Turns Again

If Lambeth I.10 was the high-water mark of doctrinal clarity on the issue of human sexuality, then the Primates' Communiqué from Dar es Salaam on 19 February 2007 was the high-water mark for attempted Communion discipline of the North Americans.²⁸ As at Dromantine, the Primates overturned the prepared agenda in order to give full time and attention to the crisis threatening the Communion. They rejected an initial report of the Joint Standing Committee through Abp. Williams claiming that the Episcopal Church had satisfied the minimum requirements of the Windsor Report and Dromantine Communiqué.

At the heart of the Dar Communiqué is a clear statement that “the Episcopal Church has departed from the standard of teaching on human sexuality accepted by the Communion in the 1998 Lambeth Resolution I.10.” In other words, the Primates are claiming the moral authority to exercise discipline. They follow this statement with a series of concrete demands, a deadline for response (30 September 2007), and a threat, albeit veiled, of excommunication if the demands are not met. Of particular interest is the way this statement is addressed from bishops of the Communion to bishops of the Episcopal Church. The Primates are holding the bishops of a member church accountable for its departure from the faith.

At Dar the unanimity rule worked against a milquetoast statement, as several of the Global South Primates insisted on specific language that would lead to disciplinary consequences. This approach was not the outcome Rowan Williams desired and had planned for, and his subsequent actions undid the Dar es Salaam resolutions and undermined the authority of the Primates Meeting itself:

1. he exercised his “gathering authority” to issue invitations to Lambeth 2008 to all Episcopal bishops (except Gene Robinson) in May 2007, before the House of Bishops had responded to the Primates;
2. he denied by word and deed that September 30 was a real deadline;
3. he attended the House of Bishops meeting in New Orleans in September 2007 on his own authority and summoned the Joint Standing Committee to issue a statement absolving the Episcopal Church; and
4. most significantly, he refused to reconvene the Primates' Meeting to assess the Episcopal Church response, as was anticipated in the Communiqué, and instead issued an Advent Letter that gave the Episcopal Church a weak pass.²⁹

The message from Canterbury to his fellow Primates was clear: “Your power has been enhanced too much. No more Dars!” This unilateral usurpation of power had immediate consequences: the announcement of the Global Anglican Future Conference in December 2007 and the absence of 260 bishops from Lambeth in August 2008.

Abp. Williams did call a Primates' Meeting in February 2009 (back to the two-year cycle, it seems), but it is clear from the Communiqué that it was a chastened gathering:

²⁸ The Dar es Salaam Communiqué is found at

http://www.anglicancommunion.org/communion/primates/resources/downloads/communique2007_english.pdf.

²⁹ The Advent letter is found at <http://www.anglicancommunion.org/acns/news.cfm/2007/12/14/ACNS4354>.

Abp. Williams's principal rationale for moving on was the fatalistic admission that “the exchange between TEC and the wider Communion has now been continuing for some four years, and it would be unrealistic and ungrateful to expect more from TEC in terms of clarification.”

Successive Lambeth Conferences have urged the primates to assume an enhanced responsibility for the life of the Communion, but we are aware that the role of the Primates' Meeting has occasioned some debate. The role of primate arises from the position he or she holds as the senior bishop in each Province. As such we believe that when the Archbishop of Canterbury calls us together "for leisurely thought, prayer and deep consultation", it is intended that we act as "the channels through which the voice of member churches [are] heard and real interchange of heart [can] take place. (§6)

Together we share responsibility with the other Instruments of Communion for discerning what is best for the well-being of the Communion. We are conscious that the attitudes and deliberations of the primates have sometimes inadvertently given rise to disappointment and even disillusion. We acknowledge that we still struggle to get the balance right in our deliberations.... (§7)³⁰

Clearly these words were directed not at the Primates of the Episcopal Church and the Anglican Church of Canada. It was a rebuke to Primates like Peter Akinola of Nigeria for having over-stepped their authority at the previous meeting.³¹ The other "channels," a.k.a. the Archbishop of Canterbury and the Anglican Consultative Council, were back in control, even of the Primates' Meeting. When a lesbian was elected bishop in Los Angeles in December 2009, no special Primates' Meeting was called (the next being scheduled for 2011); instead, the Standing Committee issued an appeal "strongly supporting" Resolution 14.39 of ACC-14 (not the Primates) calling for "gracious restraint" with regard to the moratoria on homosexual ordinations and same-sex blessings, while knowing full well that the appeal would be spurned. The tempest stirred up by Gene Robinson had been politely restored to the teapot.³²

The Communion Today: Sick Head and Faint Heart

Power struggles are nothing new to humankind or to the Church. Even in the most orderly society, human beings vie to control the structures and processes of government. In the case of the Anglican Communion, however, the ebb and flow of power documented above was at least in part constitutional.

The Communion, less than 150 years old, has been characterized by formal autonomy of its member Provinces and informal deference to its historic See and chief Primate in Canterbury. It has also been characterized by an informal toleration of theological diversity alongside formal acknowledgement of orthodox formularies: the Thirty-Nine Articles, the Book of Common Prayer and Ordinal, and the Lambeth Quadrilateral. Under this arrangement, the Communion has muddled through tensions between Evangelicals and Anglo-Catholics, and traditionalists and modernists. One may question whether this version of the *via media* is in accordance with God's high calling for the church, but it may seem preferable to the monolithic model of Rome or the fissiparous model of Evangelical-Pentecostal sectarianism.

³⁰ The Alexandria Communiqué, titled "Deeper Communion, Gracious Restraint," is found at <http://www.anglicancommunion.org/communion/primates/resources/downloads/Pastoral%20Letter.pdf>.

³¹ A comment from the JSC Minutes in November 2008 strikes a similar tone: "Resistance comes when one Instrument is seen to dominate, and endeavours to set the pace. Respect is needed for the various and diverse roles. Some instruments have simply been ignored. The Joint Standing Committee is the bridge between the Primates and the ACC."

³² "Gracious Restraint" has become an official watchword each time the Episcopal Church violates a moratorium.

The old model has broken down. The “Model A” has become a clunker, and the issue of homosexuality is the spanner in the engine. Homosexuality is not the main issue in itself, although the notoriety of choosing a gay and lesbian bishop in a global culture where homosexuality is taboo for many sparked the fire. The acceptance and promotion of homosexuality reveals a radical turn of theological liberalism that has cut loose from biblical and traditional orthodoxy in a way that simply cannot be papered over. When Resolution I.10 stated that the church, “in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage,” it was stating the obvious for most Christians throughout history and throughout the world today.³³

The theological radicals in North America have not only breached the farthest bounds of Christian orthodoxy, they have also introduced a neo-Marxist philosophy of power into church politics. Rowan Williams seems to hold out hope for some ideological convergence in the church culture wars. More likely, Richard Neuhaus’ law will apply: “where orthodoxy is optional, orthodoxy will sooner or later be proscribed.” That law is already far advanced in North America, where in many dioceses it is politically incorrect and professionally suicidal to hold the doctrine of Lambeth I.10.

It may be said of the Anglican Communion today: “The whole head is sick, the whole heart is faint” (Isaiah 1:5). As a result, many commentators on Anglican affairs, including the Archbishop of Canterbury himself, have warned of the possible demise of the Communion as a functioning entity.³⁴ In my opinion, there is no solution to this state of affairs other than a reclaiming of Anglican essentials, starting with the truth of the Gospel and the authority of Scripture. And it remains the case that where the true Gospel is preached, God will add to the numbers of the Church, while the enemies of the gospel will eventually stumble and fall. However, Anglicans cannot be complacent in assuming that the Communion will survive, and the current crisis serves not only to chasten but perhaps reform how we live together. If we need a renewal of the heart, we also need a reform of the head.

Models of Governance

In classical political theory, there are only so many models of governance: rule by one, rule by the few, and rule by the many. Aristotle commended a mixed polity as the most feasible of regimes, but a mixed regime is not the same as a mixed-up regime; it must have a coherent rationale, as one finds, for instance, in the U.S. Constitution, as expounded in the *Federalist Papers*. Similarly, the Bible showcases various political orders, from loose confederation (Judges) to monarchy (Samuel and Kings), from communalism (Acts) to delegated authority (Pastoral Epistles). The church throughout history has also lived and prospered with various ecclesiastical polities and has intersected with various secular regimes as well.

Furthermore, most models of governance are confined to people living in a confined territory, and classical theorists were doubtful about how far genuine political rule could extend beyond the city or nation. The Church, however, is by its mission charter a worldwide institution, stretching to the ends of the earth. The Anglican Communion as a fruit of British imperial expansion reflects that global character better than many other church bodies.

³³ The Lambeth Conference in 1920 spoke of chastity before and after marriage as the “unchangeable Christian standard” (Resolution 66).

³⁴ In his closing Presidential Address at ACC-14, Rowan Williams described the meeting as a “glorious failure”; see <http://www.religiousintelligence.co.uk/news/?NewsID=4427>.

I maintain that there are three basic options for Communion governance: a **loose association of purely autonomous Provinces**, an **executive bureaucracy**, and a **conciliar communion of churches**. In each of these models, bishops and archbishops play a leading role, but they do so in various ways.

First Model: Pure Autonomy

I shall not dwell long on the first model, though it should not be dismissed out of hand, as it is the default model if the others fail. The rationale for autonomous Anglican provinces is already well-established and enshrined in their constitutions. According to the principle of subsidiarity, much of the everyday life of the member churches of the Anglican Communion is governed locally, not even by the Primate or diocesan bishop but rather by parish clergy and lay leaders. It is not too hard to imagine that some Provinces might find it easier to “vote present” in Communion affairs and get on with life, especially if the Communion continues to be contentious and dysfunctional.

There may be a particular temptation to Provinces of the Fellowship of Confessing Anglicans (FCA) to sit loosely to “Anglicanism,” as it is often described in western handbooks. Let me make a few observations from East Africa.³⁵ The first missionaries to East Africa were not even Anglicans (e.g., the Moravian Krapf in Kenya, and the Presbyterian Mackay in Uganda). The name for the Anglican church is “the Church of Uganda” and in the vernacular Protestant or Evangelical, and the Church is usually perceived as the counterpart and competitor with the Roman Catholic Church, not some sort of bridge church between Protestants and Catholics. The East African Revival reflected the ecumenical Protestant character of its roots in England, especially the emphasis on being “born again,” although the Anglicans in Africa were more successful than their British and American counterparts in channeling the energy of the movement within the Anglican churches. More recently, Anglicans have been challenged by Pentecostals and have responded by adopting elements of free worship. In the decade of controversy over homosexuality, the position of the Anglican has been similar to that of the other “born again” churches.³⁶

This is not to say that East African Anglicans do not value their missionary heritage from England through the Church Missionary Society; however, the CMS has never been seen as coterminous with the Church of England or the Communion bureaucracy. The stature of bishops in the Church and the formal and “established” character of the Anglican Church (especially in Uganda) have been seen as a distinctive over against the Pentecostals. The new connections with conservative churches in the USA and UK have also strengthened the global vision of the church. At the same time, most of the FCA Provinces, except Nigeria, have meager administrative and financial resources to operate a secretariat with an international arm. It seems therefore possible that these churches may withdraw from many official Communion functions and focus on local or regional associations like CAPA (the Council of Anglican Provinces of Africa) or identify with Evangelical initiatives like the Lausanne movement.³⁷

³⁵ See Kevin Ward, *A History of Global Anglicanism* (Cambridge: Cambridge University Press, 2006) pp. 162-179, on East Africa; and pp. 296-318 more broadly on the Communion.

³⁶ For the most recent statement, see <http://churchofuganda.org/wp-content/uploads/2010/02/COU-official-position-on-the-Anti-Homosexuality-Bill-2009..pdf>

³⁷ An example of this occurred in 2009, when Abp. Henry Orombi chose to honor a commitment to a charismatic SOMA conference rather than attend ACC-14 and later to attend a preparatory meeting for the upcoming Lausanne III conference rather than the Joint Standing Committee in London.

Many might count the Episcopal Church USA among the philosophical autonomists in view of its apologists' insistent boasting about its independent polity.³⁸ The years since Lambeth 1998 have certainly shown that the North Americans have no intention to abide by the will of the larger Communion beyond minimal lip service: expressions of "regret" and porous "moratoria" which expire whenever the next bishop or diocese decides to take "prophetic" action. One might wonder therefore why these churches seem so eager to remain in the Anglican Communion at all. In my view, the reason is this: they do not really think that it is all right for each church and culture to "do its own thing," but rather they believe their postmodern theology and pan-sexual agenda are matters of universal justice and will ultimately prevail in Church and society.³⁹ They have shown great tenacity in their quest for control of the Episcopal Church and have seen success, and they think they can do the same in the Communion as a whole. For the time being, they are playing the autonomy card, while they consolidate their gains in North America. Before long they will become more aggressive in seeking to win over portions of the rest of the Communion, not only among Western churches but in the Global South as well.

They will not voluntarily withdraw from Communion bodies because they realize they already have a leg up in a couple of them. The Archbishop of Canterbury is sympathetic to their views, if not their tactics, and the ACC has proved malleable in response to their political maneuverings. If the Standing Committee becomes the power center of Communion governance, they stand a good chance of gaining a large measure of control of the executive bureaucracy.⁴⁰ If the Communion bodies were somehow to resist this pressure and exercise discipline in such a way that the Episcopal Church had to choose between conforming to its standards and "walking apart," it would separate and take many of its allies with it. The groundwork for an "Episcopal Communion" is already in place, with adequate finances and organization to form an alternative jurisdiction. However, such a division is a last resort, and they see little reason from the past decade to make them think they will have to move to it.

Second Model: The Lambeth Bureaucracy

This brings us to the second model, the executive bureaucracy, which is the most common secular regime today, from totalitarian versions in the former Soviet Union and China to soft-power versions in Europe and North America. In an executive bureaucracy, it is often difficult to discern who exercises the greater power, the chief executive or the bureaucrats, as any viewer of *Yes, Prime Minister* knows. In fact, when running well, the executive and the bureaucracy operate seamlessly.

³⁸ There is an irony here. The Episcopal Church in the USA began, first by necessity and then by conviction, as a mixed polity, with local congregations and dioceses exercising constitutional autonomy over against any central bureaucracy. Some argue that this is still true of the Church's Constitution; see A. S. Haley, "A Documentary History of ECUSA's Constitution" (2009) at <http://accurmudgeon.blogspot.com/2009/10/documentary-history-of-ecusas.html>.

³⁹ Here is another irony: the Episcopal Church uses the notion of "autonomous individualism" to subvert the genuine subsidiarity of church authority. See Philip Turner, "The End of a Church and the Triumph of Denominationalism: On How to Think about What is Happening in the Episcopal Church," in Radner and Turner, *Fate of Communion*, pp. 15-24; and chapter 6 of my *Two Sexes, One Flesh: Why the Church Cannot Bless Same-Sex Marriage* (Solon, Oh.: Latimer Press, 1997).

⁴⁰ Episcopal historian Robert Prichard notes the trend to a more centralized form of governance within the Episcopal Church alongside a deeper involvement in Communion structures. See "The Making and Re-Making of Episcopal Canon Law" (January 2010) at <http://www.anglicancommunioninstitute.com/2010/02/the-making-and-re-making-of-episcopal-canon-law/>. What he sees as paradoxical becomes less so if the Episcopal Church manages to dominate the increasingly centralized structure of the Communion itself.

In the case of the Anglican Communion, the components of the bureaucracy can be specifically named: the office of the Archbishop of Canterbury in conjunction with the “Anglican Communion Office” (ACO) and its Secretary General, who is appointed with his consent.⁴¹ The Archbishop is *ex officio* member of the other three Instruments and of every commission, committee and task force of the Communion machinery.⁴² He “gathers” the Lambeth Conference, “gathers” or “convenes” the Primates’ Meeting, is president of the Anglican Consultative Council and of the Standing Committee as well.

The Archbishop, in collaboration with the Communion Office, holds the main power of appointment over other bodies. He can determine the composition of any official committee and commission and task force, from the Lambeth Commission (Windsor Report) to the Covenant Drafting Group (Ridley Cambridge Draft and when that group’s Report was not to his liking, the Covenant Working Group) to the Inter-Anglican Standing Commission on Unity Faith and Order mentioned below. Canterbury’s appointments are not neutral. As a general rule, he puts liberals in positions of influence and pliable moderates as official heads, with a sprinkling of conservatives but never enough to actually sway the final output of these bodies.

The Secretary General holds his position through one Instrument, the Anglican Consultative Council, but he also serves the Primates’ Meeting and Lambeth Conference, since they have no separate secretariats.⁴³ As Sir Humphrey Appleby would gamely admit, “serving” and “controlling” are not diametrically opposed.⁴⁴ The ACO wields immense influence as the main instrument of finance, administration and communication within the Communion.⁴⁵ The Lambeth Conference and the Primates’ Meetings are financed out of the ACC budget. The ACO staff helps shape the agendas beforehand and draft the Communiqués and send the follow-up communications afterward, and some of the bishops and Primates go home thinking they decided one thing only to find out that this is not what was reported.

One striking feature of the ACO is the lily-white complexion of its staff. This fact is not, in my opinion, a matter of overt racism but rather reflects the old-boy network that requires purebred bureaucrats to come from the Anglo-American stable. The preparation of agenda, the writing of reports, the control of media all require careful oversight by “professionals,” who happen also to be committed to the bureaucratic status quo.

Anyone who has dealt with the Anglican media machine knows that information will be consistently spun to blunt the serious issues facing the church and to marginalize upstarts like

⁴¹ I originally called this “the Lambeth *Establishment*” but reconsidered precisely on the ground that although the role of the Archbishop of Canterbury is established in terms of his historic see, it is not established constitutionally by any Communion law. The role of the Anglican Communion Office is even more tenuous, being established only by its own Constitution, the validity of which is limited to UK charity law! The Covenant Drafts rightly omit any reference to either the Communion office or to the Secretary General.

⁴² *Ex officio* in this case means he has full membership “by virtue of office.” “President” can be a nominal title, whereas a “Chairman” actually conducts the meetings.

⁴³ The Secretary General is sometimes titled “of the Anglican Consultative Council” and sometimes “of the Communion.” The letterhead of the ACO reads simply: “The Anglican Communion.”

⁴⁴ Sir Humphrey to MP Jim Hacker: “Minister, the traditional allocation of executive responsibilities has always been so determined as to liberate the ministerial incumbent from the administrative minutiae by devolving the managerial functions to those whose experience and qualifications have better formed them for the performance of such humble offices, thereby releasing their political overlords for the more onerous duties and profound deliberations which are the inevitable concomitant of their exalted position.”

⁴⁵ Until recently, *Anglican World* gave a glossy face to the work of the Communion bureaucracy.

Abp. Peter Akinola, who take on the bureaucracy head to head.⁴⁶ Take an event like GAFCON 2008. Surely the boycotting of the Lambeth Conference by over 200 bishops from Africa and elsewhere was a topic worthy of reporting and analysis. One will find next to nothing said about this event in any of the official Anglican Communion statements or news reports and only fleeting comments by the Archbishop of Canterbury himself.

One recent example of how the Lambeth bureaucracy works is the formation of the Inter-Anglican Standing Commission on Unity Faith and Order (IASCUFO), a consultative body meant to advise on the very matters of church order and identity that lie at the heart of the current Communion crisis. Indeed, this Commission has been tasked to advise the Standing Committee on how to define legitimate “churches” in the Communion. So how was IASCUFO constituted and appointed? In its pioneer meeting, it was claimed that IASCUFO was “established by the Lambeth Conference, the Primates’ Meeting and the Anglican Consultative Council.”⁴⁷ In fact, this is not true. It was established by the then Joint Standing Committee in November 2008, and its membership was appointed by the Archbishop of Canterbury, with the Primates suggesting names.⁴⁸ The membership of this Commission is diverse theologically, and its Chairman is a moderate Global South Primate. It is highly unlikely that it will deal with the current crisis in a way that will rock the boat.⁴⁹

In addition to structures, many contemporary bureaucracies employ methods of manipulation to maintain power and achieve their ends. In the case of the Lambeth bureaucracy, the official method is called “indaba.” Despite its African etymology with an aura of communal wisdom, indaba is in fact another word for the “Delphi method.” The Delphi method was developed as a means to *manipulate* opinion in the full sense of the word. Several aspects of the Delphi method are easily spotted in the actions of the Lambeth bureaucracy: sequestering participants from any outside contact, circulating surveys in which English-speakers will predominate; enlisting facilitators to “listen” to different views and then summarize them; using “diverse” table groups to keep coalitions from forming; writing up inconclusive composite consensus statements such as the “Lambeth Indaba 1998.”⁵⁰

Indaba, if anything, moves the Lambeth Conference closer to being a three-week tea party. It also allows “official” committees of the bureaucracy to present the party line without any real opportunity to overturn it, thus avoiding the catastrophe of Lambeth 1998 (anyone who was there can confirm that Resolution I.10 was not on the official agenda). Compare, for instance, the outcomes of GAFCON and Lambeth 2008. What did each of them say? Which one bore

⁴⁶ It must be considered a striking fact that Abp. Peter Akinola, Primate of the largest Province of the Communion, has held leadership positions in various Global South networks but has never been appointed to any committee or commission by the Communion bureaucracy.

⁴⁷ The Communiqué is found at <http://www.anglicancommunion.org/acns/news.cfm/2009/12/8/ACNS4675>.

⁴⁸ See the Report of the Joint Standing Committee at

<http://www.anglicancommunion.org/ministry/ecumenical/commissions/iascufo/index.cfm> and the appointment of members by Canterbury and the Secretary General, on recommendation from the Provinces, at

<http://www.anglicancommunion.org/acns/news.cfm/2009/7/1/ACNS4638>.

⁴⁹ I give the following anecdote, with permission, to substantiate this point. During the first meeting in December 2009, Canon Mary Glasspool was elected suffragan bishop of Los Angeles. The Commission responded in its terse Communiqué by noting that Canon Glasspool had not yet been confirmed and affirmed Archbishop Williams’ call for “gracious restraint” on actions contrary to the mind of the Communion. In other words, they rubber-stamped the talking points of the Communion bureaucracy. One of my colleagues from Uganda on the Commission spoke up and said that he thought they should make a stronger objection; he was told by the chairman that that would be unhelpful, and business resumed.

⁵⁰ For a fisking of Abp. Williams’ invitation to Lambeth 2008 in terms of the Delphi method, see <http://babybluecafe.blogspot.com/2008/06/rowan-williams-writes-on-expectations.html>.

clear testimony to the truth of the Gospel? Politicians know that mish-mash is the handmaid of top-down control.

The Role of the ACC in the Lambeth Bureaucracy

It might appear that the existence of four Instruments of Communion would result in the separation of powers and checks and balances. That is not the case. In particular, one needs to look at the role of the Anglican Consultative Council in Communion governance. It has been frequently commented that the ACC and the Primates' Meeting have overlapping roles and that their terms of reference need to be clarified. In terms of power structures, they are quite different. In fact, the ACC works hand in glove with the Lambeth bureaucracy, and its Constitution and By-Laws (now called Memorandum and Articles of Association) give it a secular legal existence and hence a veneer of officialdom that the Primates lack.

It might seem that the ACC, with its greater portion of seats given to large Provinces and its openness to lower clergy and laity, would be a brake on the hierarchy of the Communion. But it is not. Why should this be so? The reason may be found in part in the founding of the ACC in 1968. It involved the merging of an advisory council (actually two) with an "Executive Officer of the Communion" who became the Secretary General of the new Council. The prime movers and funders behind the ACC being North Americans, they set it up as a constitutional body, although its constitutional authority was based on a Lambeth Conference Resolution. Soon thereafter, the ACC became a legal charity and could collect funds and pay staff. Thus, although to some the ACC and its Secretary General may appear to be advantaged over the other Instruments, ecclesiologically they are derivative.

The crisis that followed Gene Robinson's consecration also caused a crisis in Communion governance. The Primates, it seems, were taking "enhanced authority" for the discipline of the Communion, but to do that was to call into question the entrenched power of the Lambeth bureaucracy. The battle was fought out at the ACC-13 meeting in Nottingham in 2005. Colin Podmore describes the situation this way:

Both bodies [ACC and Primates' Meeting] have important roles to play in the life of the Communion, but the lack of structural connection between them has been seen as problematic. At its 2005 meeting the ACC therefore proposed [taking up a recommendation of the 1998 Lambeth Conference] that the two bodies should be integrated, with the members of the Primates' Meeting becoming *ex officio* members of the ACC (bishops being excluded from election or appointment to the other places). It also suggested that the Council might vote 'by orders' in some circumstances. Whether these proposals will be adopted remains to be seen.⁵¹

It might be more accurate to say that certain Primates at ACC-13 sought to gain more control by adding all the Primates to the ACC. There was even a proposal that the ACC be renamed "The Anglican Communion Council." Such a bicameral council would have reflected at a Communion level similar synodical structures in England and other Anglican Provinces.

It is instructive to see how the ecclesiastical politicians flipped this proposed reform. They felt obliged, on the one hand, to propose amending the ACC Constitution to add all the Primates to the Council (Resolution 4e), but they also proposed balancing the additional

⁵¹ Podmore, "The Governance of the Church of England and the Anglican Communion," GS Misc (2009) 4.21 at <http://www.cofe.anglican.org/about/gensynod/agendas/feb09/gsmisc910.pdf>.

Primates with increased representation from lay and clerical orders, which would have increased the membership of ACC from 68 to more than 100. They went on to set four conditions for final approval of Resolution 4e, the most striking of which was that the Standing Committee was given veto power over final amendment, even if approved by 2/3 of the Provinces. So what happened to Resolution 4e? Canon Kearon noted to the Joint Standing Committee in November 2008 that “the issue of the Primates becoming members of the ACC was not meeting with a favourable response,” though he gave no hard data and it seems unlikely that the official Provincial bodies had actually voted against including their Primates on the ACC. More likely, the idea died due to back-channel inertia.⁵²

While dooming the idea of a bicameral Communion Council, the ACC politicians proposed amending the Constitution to add five members of the Primates Standing Committee to the ACC plenary and Standing Committee (Resolution 4b and 4d). Since the ACC Standing Committee had nine members, they retained the balance of power while at the same time making this new body the executive committee of the Communion, now called “The Standing Committee of the Communion,” which is now set to emerge as arbiter of the Covenant. We see here the executive bureaucracy in full battle gear. They take a proposal that was meant to increase the influence of the Primates in Communion governance and to rationalize the operation of the two Instruments, and they turn it on its head. Instead of the Primates as a body governing, or even governing alongside the ACC, an elect few are admitted to the inner circle through the new Standing Committee. If this move were purely a matter of political virtuosity, one might simply tip the hat, but I shall argue it has serious theological implications for the integrity of the Communion.

The Subversion of Truth and Order in Jamaica

Within the past year, two events have displayed the secretive and borderline unethical ways in which the ACC, the Standing Committee and the Lambeth bureaucracy work together to thwart the will of the Primates and the wider Communion.

To any fair observer, the ACC-14 meeting in Jamaica was a debacle. The climax came at the final session, in which a minority of politicians obstructed the clear will of the majority in the Communion to approve the Ridley Cambridge Draft of the Covenant by means of parliamentary tricks and verbal obfuscations and aided by a key intervention of the Archbishop of Canterbury. This session was caught live on TV, which proved a temporary embarrassment.⁵³

It all began with a small bureaucratic matter: the credentialing of a delegate from the Church of Uganda. For various reasons, two of the three regular delegates from Uganda did not attend the meeting. Realizing the problem late in the day, the Archbishop of Uganda asked the Rev. Philip Ashy, a priest of the Church of Uganda who was already present in Jamaica as a press representative, to serve as delegate. The Archbishop’s appointment was turned down by the Joint Standing Committee at its meeting just prior to the larger ACC meeting on this ground:

The Secretary General was asked to contact the Primate concerned [Abp. Orombi] to clarify the issue. The person concerned [Rev. Ashy] withdrew his request for press

⁵² Kearon added in his report that “ACC-14 would have to decide if the question should be taken further.” In fact, the issue never arose again, either at the next Joint Standing Committee Meeting or at ACC-14.

⁵³ For video and transcript, see Anglican TV at <http://www.anglicantv.org/node/224>.

accreditation. However, it became clear that his status in Uganda was as a result of a cross provincial intervention, and such interventions were contrary to the Windsor Report and to repeated requests from successive Primates' Meetings. The Joint Standing Committee decided that this made him ineligible to represent that Province at the ACC, and this was communicated to the Primate of Uganda.⁵⁴

Let's unpack the logic of this little piece of bureaucratic pecksniffery. Here we have the Presiding Bishop of the Episcopal Church, a member in good standing of the Standing Committee, who has consistently rejected the will of the Lambeth Conference on sexuality and brazenly continued lawsuits and depositions against clergy and congregations of her own church, sitting in judgment on a nominee of one of the sovereign Provinces of the Communion. As a result, the second largest church in the Communion was represented by only one lay woman in a debate and vote on an important issue of Communion order, the Covenant. She voted with the vast majority of Global South delegates to approve the full Ridley Cambridge Text, but the motion failed by three votes.

Another equally revealing minute from the Joint Standing Committee involves the appointment of the "Resolutions Committee" of the upcoming meeting:

Canon Kearon [the Secretary General] reported that Dr. Tony Fitchett had been asked to serve as Chair, and Mr. John Stuart, Mrs. Philippa Aimable and Revd Ashish Amos had been proposed to serve on the Committee; and this was accepted. In the absence of Mr. Amos, the Revd Professor Ian Douglas's name was proposed and accepted. Bishop Cameron would staff the committee.

So the key Committee that would vet the Resolutions concerning the Covenant included an Anglo (New Zealand) layman as chairman and an openly pro-gay scholar from the Episcopal Church, who was later elected to the Standing Committee itself!⁵⁵

The final Resolution that emerged from the long, bloody Covenant debate is equally revealing in terms of where the center of power is meant to reside. According to Resolution 14.11, the Anglican Consultative Council:

...

- c. asks the **Archbishop of Canterbury**, in consultation with the **Secretary General**, to appoint a **small working group** to consider and consult with the Provinces on Section 4 and its possible revision, and to report to the next meeting of the **Standing Committee**;
- d. asks the **Standing Committee**, at that meeting, to approve a final form of Section 4;
- e. asks the **Secretary General** to send the Ridley Cambridge Draft, at that time, only to the **member Churches of the Anglican Consultative Council** for consideration and decision on acceptance or adoption by them as The Anglican Consultative Council Covenant;
- f. asks those member Churches to report to **ACC-15** on the progress made in the process of response to, and acceptance or adoption of the Covenant.⁵⁶

⁵⁴ Minutes of "The Joint Standing Committee of the Primates of the Anglican Communion and the Anglican Consultative Council" (29 Apr-1 May 2009) sec. 5c. Private correspondence.

⁵⁵ JSC Minutes, sec. 17c. Douglas was subsequently elected Bishop of Connecticut, which may affect his representative status on the ACC and Standing Committee.

Where do the Primates figure in this matter? It is clear that the approval of the Communion's future constitution did not really require their input, much less authorization, except as they were represented in the Standing Committee.

The Secret Constitution and the New Standing Committee

It began to come to light in late 2009 that the Anglican Consultative Council had a new Constitution, or rather "Memorandum and Articles of Association."⁵⁷ This change, it seems, was necessitated by UK law under which the ACC was registered as a "company limited by guarantee." Curiously, this fact was never announced officially, and the old Constitution remains on the website as of this writing.⁵⁸ The important question is what changes might have been made to the document in the process of transfer. The answer to that is as follows:⁵⁹

1. There is a new purpose given to ACC "to establish, authorize, sponsor, or otherwise endorse (as the case may require) such Commissions, Networks or similar bodies as shall advance the Council's Object" (Memorandum §4.5). This purpose gives the bureaucracy the authority to appoint all the committees of the Communion. The Primates, on the other hand, have neither the authority nor the machinery to shape the advisory bodies of the Communion.
2. The most important change in the new Articles of Association is the establishment of "The Standing Committee of the Council."⁶⁰ This Committee is also given standing in UK law as the "Trustee-Members" of the ACC and is legally accountable for the Council's governance and administration of its secretariat.

The main point to be made here is that a major change in the constitutional documents of the Communion was effected without any official notification of the fact.⁶¹ This secrecy is characteristic of most top-level Anglican bodies. They often meet in closed session and do not make available their reports and minutes, apart from cursory resolutions. For example, when the Standing Committee approved the "final" Covenant Draft in December 2009, there is no record of any of its deliberations, nor is there any record of whether they made any amendments to the draft from the Covenant Working Group.⁶²

⁵⁶ See Resolutions at <http://www.anglicancommunion.org/communion/acc/meetings/acc14/resolutions.cfm>. Emphasis added.

⁵⁷ Initial discussion appeared on a conservative blog at <http://www.standfirminfaith.com/?/sf/page/25177>; this caused "The Episcopal Café," a liberal blog, to solicit a partial reply from Canon Kearon at http://www.episcopalcafe.com/lead/anglican_communion/anglican_constitution_is_what.html.

⁵⁸ The JSC meeting before ACC-14 was informed that "the new Constitution was now in effect," but this news was not passed on at the wider ACC meeting. For the old constitution, see <http://www.anglicancommunion.org/communion/acc/resources/docs/constitution.cfm#s3>. As of this writing, it is not yet clear whether the Memorandum and Articles have been approved by the Charity Commission. If it has not been approved, this would justify retaining the old Constitution on the Communion website, but it would not justify the failure to publicize the draft document or even the existence of a new constitution.

⁵⁹ I have had private access to the new Memorandum and Articles of Association.

⁶⁰ The Standing Committee is not referred to in the Articles as the Standing Committee "of the Anglican Communion," although the Secretary General is named "Secretary General of the Anglican Communion" (§9.1).

⁶¹ It appears that the Primates were informed at their meeting in February 2009, but there is no official acknowledgement or comment in their *Communiqué*.

⁶² The only report at all from the Standing Committee was a boilerplate reaction to the Glasspool election about "gracious restraint"; see <http://www.anglicancommunion.org/acns/news.cfm/2009/12/18/ACNS4676>. The official approval of the Covenant draft was conveyed in a YouTube video of the Archbishop of Canterbury and a cover letter from the Secretary General. That the "official" take on the Standing Committee meeting was not shared by all its members is clear from the Resignation Letter of Bp. Mounseer Anis of 30 January 2010 from the Committee. See

Primacy and Communion

The preceding narrative may suggest that the rise of the Lambeth bureaucracy is a matter of cloak-and-dagger politics. This is not the case. There is also a theologico-political argument in favor of centralization in terms of the primacy of the See of Canterbury and its occupant.

Colin Podmore has given a helpful history of primacy in the Church of England and the Anglican Communion.⁶³ Primacy is related to the establishment of metropolitan sees in the early church. The Church of Rome established sees in both Canterbury and York, with Canterbury being given priority over “all England.” As Primates, the Archbishops of Canterbury and York exercise the role of president in their respective convocations, with Canterbury presiding over the General Synod. As metropolitans, they have the prerogative to conduct visitation within a diocese with or without the bishop’s permission.

Until the mid-19th century, the Archbishop of Canterbury exercised a similar role toward the colonial churches, except for the churches in USA and Scotland. However in the 20th century, most of these churches became independent “Provinces,” which were at the same time national and regional churches. These churches were headed by Archbishops, Presiding Bishops or Moderators, who came to be designated Primates alongside the Archbishop of Canterbury.

In a parallel development, the role of the See of Canterbury and the Archbishop of Canterbury was clarified to be a “primacy of honor,” not a “primacy of jurisdiction” among the Provinces and Primates of the Communion.⁶⁴ It is in these terms – of honor, not jurisdiction – that membership in the Anglican Communion is defined as “being in communion with the See of Canterbury,” that the Archbishop “convenes” and “presides” in various Communion bodies, and that he is seen as the “focus of unity” and *primus inter pares* (first among equals) among the bishops and Primates. He is fundamentally a bishop among bishops at the Lambeth Conference, a metropolitan bishop among other metropolitans in the Primates’ Meeting.

There have been several suggestions recently arguing for an enhanced authority for the See of Canterbury and its occupant. I shall call this idea “primusy,” i.e., that there is a substantial difference between the Archbishop vis a vis the other bishops and metropolitans of the Communion and that being “*primus*” gives him the political authority to act in a way different from his equals, his “*pares*.”

The Lambeth Commission, appointed by the Archbishop of Canterbury, made what may be considered the most comprehensive case for “primusy.” It is therefore worth quoting the relevant section of the Windsor Report *in extenso*:

108. The role of the Archbishop of Canterbury in relation to each of the other Instruments of Unity is pivotal. The Archbishop convenes both the Lambeth Conference and the Primates’ Meeting, and is *ex officio* the President of the Anglican

<http://www.dioceseofegypt.org/english/sites/default/files/Bishop%20Mouneer%27s%20Resignation%20from%20the%20ACC.pdf>.

⁶³ Podmore, “Primacy in the Anglican Tradition,” in idem, *Aspects of Anglican Identity* (London: Church Publishing House, 2005) p. 59.

⁶⁴ Podmore, “Primacy,” p. 67, quotes the 1908 Lambeth Conference committee to the effect that “no supremacy of the See of Canterbury over Primatial and Metropolitan Sees outside England is either practicable or desirable.”

Consultative Council. This places the Archbishop at the centre of each of the Instruments, and as the one factor common to all. If the Archbishop is to be enabled to play a critical role at the heart of the Communion, there are obvious implications for those who establish priorities in terms of the international ministry of the Archbishop of Canterbury. He must be free to exercise his role fully in each of the Instruments of Unity.

109. The Commission believes therefore that the historic position of the Archbishopric of Canterbury must not be regarded as a figurehead, but as the central focus of both unity and mission within the Communion. This office has a very significant teaching role. As *the* significant focus of unity, mission and teaching, the Communion looks to the office of the Archbishop to articulate the mind of the Communion especially in areas of controversy. The Communion should be able to look to the holder of this office to speak directly to any provincial situation on behalf of the Communion where this is deemed advisable. Such action should not be viewed as outside interference in the exercise of autonomy by any province. It is, in the view of the Commission, important to accept that the Archbishop of Canterbury is acting within the historic significance of his position when he speaks as a brother to the members of all member churches of the Anglican Communion, and as one who participates fully in their life and witness.

110. Furthermore, it has been noted that the Archbishop of Canterbury convenes the Lambeth Conference and the Primates' Meeting, and they are both dependent for their existence on his behest. We recommend that this dependence on the See of Canterbury remain, and indeed, that it be enhanced. At present, there is some lack of clarity about the level of discretion that the Archbishop has with respect to invitations to the Lambeth Conference and to the Primates' Meeting. This Commission is of the opinion that the Archbishop has the right to call or not to call to these gatherings whomsoever he believes is appropriate, in order to safeguard, and take counsel for, the well-being of the Anglican Communion.

The Commission believes that in the exercise of this right the Archbishop of Canterbury should invite participants to the Lambeth Conference on restricted terms at his sole discretion if circumstances exist where full voting membership of the Conference is perceived to be an undesirable status, or would militate against the greater unity of the Communion.

The proposal for enhancing the role of Canterbury in the context of the crisis surrounding the Gene Robinson consecration is ironic, in my view, because it was the very lack of leadership by the Archbishop of Canterbury among the Primates following Lambeth 1998 that brought the crisis to a head. To its credit, the Windsor Report at least tries to make a political case for the Archbishop of Canterbury exercising a distinct role among the churches and bishops of the Communion. The proposal, however, raised immediate alarm concerning "the danger of creeping centralisation."⁶⁵ This concern was taken up by the Primates at Dromantine who stated in their Communiqué (§10):

⁶⁵ Windsor Reception Report, sec. 2. This Report is found at <http://www.anglicancommunion.org/commission/process/reception/docs/analysis.pdf>.

While we welcome the ministry of the Archbishop of Canterbury as that of one who can speak to us as *primus inter pares* about the realities we face as a Communion, we are cautious of any development which would seem to imply the creation of an international jurisdiction which could override our proper provincial autonomy.

In 2008, Rowan Williams himself sought to make a case for this new model in an essay called “Rome, Constantinople and Canterbury: Mother Churches?”⁶⁶ In his typically oblique way, he constructs a dialectic between the autocephalous churches of Orthodoxy and the centralized model of Rome. Williams claims that “the pendulum has swung too far” against centralization and calls for a rethinking of the notion of a “mother church” or a “primatial church,” and as the title of the essay makes clear, he is not thinking of all metropolitan sees as primatial in this sense. He concludes that Rome, Orthodoxy and Anglicanism are all deficient in their ways of thinking about primacy:

Roman Catholics are still labouring to discover how to disentangle the missionary apostolic charism of the See of Peter from juridical anomalies and bureaucratic distortion. Orthodox have often “frozen” the concept of primacy in an antiquarian defence of the “pentarchy” as the structure of the church, thus allowing non-theological power struggles rooted in nationalism and ethnocentrism to flourish with damaging effect. Anglicans have failed to think through primacy with any theological seriousness and so have become habituated to a not very coherent or effective international structure that lacks canonical seriousness and produces insupportable pluralism in more than one area of the church’s practice. All need to rethink primacy in relation to mission and in relation to what episcopal fellowship really means.

Whatever the merits of this analysis, one can see that Abp. Williams concludes that the existing model of Anglican governance is “not very coherent.” Given this judgment, one can understand the justification for his unilateral actions in overturning the Primates’ decisions at Dar es Salaam and his dominance of the Lambeth Conference in 2008.

The centralization of Communion governance is often justified in terms of the “gathering power” of the Archbishop of Canterbury. The historical basis of this power is questionable: Abp. Longley first invited the bishops *as host*, which made particular sense as all but a few bishops were under his jurisdiction. Later, the Archbishop’s role of hosting the Conference became formalized (1897), but hosting, in my view, is an act related to honour not power. Nevertheless, Rowan Williams’s actions vis a vis the Primates far exceed the role of a host. In 2007, he overturned the decision of Dromantine meeting by inviting Presiding Bishop Schori to Dar es Salaam, and following Dar he overturned the Primates’ resolutions by inviting all the bishops in North America to Lambeth 2008 (except for Gene Robinson).

Granting Canterbury unlimited authority in convening the Primates’ Meeting is equally problematic, yet this is exactly what happened in 2007 when the Primates required a response from the Episcopal Church to them and the Archbishop chose to receive the response himself.⁶⁷ Again, in 2009, he chose to bring the Covenant Draft to ACC-14 and then the

⁶⁶ Rowan Williams, “Rome, Constantinople, and Canterbury: Mother Churches?” Message from the Archbishop to a conference on primacy, sponsored by the Fellowship of St. Alban and St. Sergius at St. Vladimir’s Seminary, New York (5 June 2008).

⁶⁷ Decisions like this one are explained in terms of unbudgeted expense. In the age of global communications technology, is hard to believe that the Primates could not be gathered by means of video-conferencing or at least by a conference call. In any case, it is clear that it is the bureaucracy that calls the shots in such decisions.

Standing Committee without reference to the Primates, and when the draft was approved, the Provinces were directed to send their approvals to ACC-15 rather than to the Primates. It is hard to miss the signal: the Primates are better heard through their Standing Committee representatives than in plenary session.

The Windsor Continuation Group in its post-Lambeth reflection captures the new model of “personal primacy” (a.k.a. “primus”):

The fact that resolution crafting was not part of the processes of the Lambeth Conference 2008 put massive weight upon the role of the Archbishop of Canterbury as *primus inter pares* to articulate what was happening within the Communion, as marked by his three presidential addresses. His ministry to the Communion through these words have highlighted the extent to which there is scope for the ministry of a personal primacy at the level of the worldwide Communion. (§62)⁶⁸

No doubt there was a massive weight on the Archbishop at Lambeth 2008, but it was self-imposed, at the expense of the many bishops who did not attend and even of those who did! The Windsor Continuation Group wants to have it both ways with a “personal” and a “collegial and communal” primacy, but its concrete recommendations tilt in one direction only:

Exploration should be given to the idea of refocusing the position of the Secretary General of the Anglican Communion as the executive officer of the communion, who works alongside the Archbishop in carrying through the recommendations of the Instruments of Communion efficiently and rapidly; and to the formation of a small Executive Committee which could work with the Archbishop in responding to emerging situations. (cf. §63-65)

This description of the role of “refocusing” the Communion bureaucracy is exactly what has happened in the last few years, as has been documented in previous sections

The Global Anglican Future Conference came into being in part as a reaction to the actions of Canterbury in the previous year. The primary concern of the Conference participants was doctrinal, and they wanted to refocus not on personal primacy but confessional loyalty:

We, together with many other faithful Anglicans throughout the world, believe the doctrinal foundation of Anglicanism, which defines our core identity as Anglicans, is expressed in these words: *The doctrine of the Church is grounded in the Holy Scriptures and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures. In particular, such doctrine is to be found in the Thirty-nine Articles of Religion, the Book of Common Prayer and the Ordinal.* We intend to remain faithful to this standard, and we call on others in the Communion to reaffirm and return to it. While acknowledging the nature of Canterbury as an historic see, we do not accept that Anglican identity is determined necessarily through recognition by the Archbishop of Canterbury. Building on the above doctrinal foundation of Anglican identity, we hereby publish the Jerusalem Declaration as the basis of our fellowship.

⁶⁸ “The Windsor Continuation Report to the Archbishop of Canterbury” (17 December 2008) is found at http://www.anglicancommunion.org/commission/windsor_continuation/WCG_Report.cfm.

There is an irony here. The Archbishop of Canterbury is a learned man, and the See of Canterbury is a “bully pulpit” for him to teach and defend the faith. It is the failure of Canterbury to address squarely the false gospel and the practices contrary to Scripture which has led to the mistaken conclusion that the Communion needs a centralized control.⁶⁹ Is there any question that if George Carey or Rowan Williams had “opposed the Episcopal Church to its face” as Paul opposed Peter (Galatians 2:11), the Communion would be in a different place, broken ecclesiastically perhaps but with its spiritual integrity intact.

The burden of this section has been to suggest that there is emerging in the Communion a new paradigm of centralization under Canterbury and his executive circle. This new paradigm corresponds with and gives rationale to certain changes in the structures of the Communion by giving an enhanced role to the Archbishop and to the ACC Secretariat and its Standing Committee, both of which are now designated “of the Anglican Communion.” This paradigm necessarily involves demotion of conciliar bodies like the Primates.

Can executive bureaucracy be an authentic form of Communion governance? Certainly: the Pope and Roman Catholic curia have functioned successfully for half a millennium. But the Vatican, unlike Lambeth, makes no pretense that its worldwide churches are autonomous or that there is no central authority in its ecclesiastical governance. Equally important, the Roman bureaucracy has resisted letting the forces of *aggiornamento* spin out of control. The current Lambeth bureaucracy, by contrast, has been protecting its liberal constituencies over the past decade and has done so at a high cost: alienation of a huge bloc of churches and, more importantly, undermining of its very identity as a Christian body. Finally, for all the mystery of insider Vatican politics, Rome has found a way to elect pontiffs who are non-Italian and represent genuinely global concerns, whereas the Lambeth bureaucracy is still legally politically and ideologically tied to the 21st century United Kingdom.⁷⁰ I strongly suspect that Rome and the Orthodox would be much more favorable to dealing ecumenically with a Communion whose doctrine, discipline and governance are clear to all rather than the present muddle.

Third Model: The Conciliar Authority of Bishops

The third model, the model of ecclesiastical governance which I think best reflects the role of the historic episcopate in Anglicanism, is rule by bishops in council. “Conciliarity” or “conciliarism” can mean a variety of things. Conciliarity does not mean absolute authority of bishops either independently or collegially. Bishops are responsible to the whole church through their diocesan synods of clergy and laity, and Primates are responsible to their provincial synods.⁷¹ Nevertheless, the tradition of the church has always granted bishops a special role in matters of doctrine and discipline. In terms of ecclesiology, the idea of the church being guided in matters of doctrine and discipline by bishops begins with the Council

⁶⁹ In the case of Rowan Williams, the failure may be not only a matter of character but conviction. See my “Look Not to Cantuar: A Friendly Rejoinder to Michael Poon” (2006) at http://www.globalsouthanglican.org/index.php/weblog/printing/look_not_to_cantuar/.

⁶⁹ “Lambeth Speaks Plainly,” pp. 33-34.

⁷⁰ This link becomes increasingly problematic as the British government (both parties) becomes hostile to Christianity.

⁷¹ The phrase “episcopally led and synodically governed” is imprecise but does make the point that the church is the Body of Christ, in which every member plays a part (1 Corinthians 12:27-28).

of Jerusalem in Acts 15 and proceeds to the ecumenical councils of the undivided church. The ecumenical councils, convened to clarify the doctrines of the Trinity and Christology, naturally also addressed matters of church discipline. Abp. Peter L'Huillier describes the work of the Nicene Council thus:

The fathers of Nicea took advantage of their meeting to discuss a number of points concerning church discipline. Their intention was not to introduce a new law but to recall rules sometimes neglected, indeed contested, to resolve problems arising out of concrete situations. They also confirmed rather than created a form of coordination in the organization of the Church by sanctioning the metropolitan system.⁷²

The Great Schism in 1054 and the rise of papalism in the late Middle Ages introduced an alternative form of church order among Roman Catholics, although recollections of conciliar governance surfaced briefly at the Council of Constance (1414-1418).⁷³ The Reformers, including Thomas Cranmer, held out some hope for a (Protestant) general council, but dominance of the state church model seems to have prevented its implementation.

The advent of the Anglican Communion in the mid-19th century necessitated a rethinking of authority in Anglicanism. Several promoters of the first Lambeth Conference hoped to convene a council of bishops that would deal with specific concerns for doctrine and discipline raised by Bishop Colenso's attack on biblical authority. While Archbishop Longley certainly accepted that bishops were the proper invitees, he steered the meeting clear of being considered a council by declaring it a "conference" only, with no authority over the autonomous churches, especially the Church of England. Hence as Paul Valliere notes, "the Lambeth Conference is a living monument to Anglican ambivalence about conciliarism. The gatherings at Lambeth look like episcopal councils, yet they are not. In fact, they were purposely designed not to be councils."⁷⁴

Lambeth 1930 and Anglican Identity

There were periodic attempts by Anglicans to identify the Anglican Communion as conciliar in character, the most important of these being the Resolutions and Report on Anglican identity at the Lambeth Conference in 1930.⁷⁵ Lambeth 1930 is best known for its adoption of the definition of the Communion as "a fellowship, within the One Holy Catholic and Apostolic Church, of those duly constituted Dioceses, Provinces or Regional Churches in communion with the See of Canterbury" (Resolution 49). The Resolution goes on, significantly, to define the marks of Anglican churches in this way:

- (a) they uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorized in their several Churches;

⁷² *The Church of the Ancient Councils: The Disciplinary Work of the First Four Ecumenical Councils* (Crestwood, N.Y.: SVS Press, 1996) p. 30.

⁷³ Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300-1870* (Oxford: Oxford University Press, 2003) chap. 2.

⁷⁴ Paul Valliere, *Called Together: A Conciliarist Solution for the Anglican Communion* (in press, used with permission) chap. 3

⁷⁵ For Resolutions 48-50, see *Resolutions of the Twelve Lambeth Conferences 1867-1988*, ed. Roger Coleman (Toronto: Anglican Book Centre, 1992), pp. 83-84. Unfortunately the Report is not easily available. See *The Lambeth Conferences 1867-1930* (London: S.P.C.K., 1948) pp. 245-253. This volume includes the full Reports from Lambeth 1920 and 1930.

- (b) they are particular or national Churches, and, as such, promote within each of their territories a national expression of Christian faith, life and worship; and
- (c) they are bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the Bishops in conference.

Resolution 49 was accompanied by a Committee Report on “The Anglican Communion,” and in Resolution 48 the Conference “commends to the faithful those sections of the Report...which deal with the ideal and future of the Anglican Communion.” The Report lays out a paradigm of Communion governance, summarized in Resolution 49c above, which is worth quoting at some length.

1. The Anglican Communion has frequently been discussed at meetings of the Lambeth Conference, but we believe that to-day it has become a subject of quite paramount importance, and raises far-reaching questions of principle which demand consideration. This is partly due to its expansion. Our Communion has come to occupy a large place in the thought of the Christian world, and provokes questionings as a world-wide institution. But the development has not only been in numbers. Flourishing young Churches are now in existence, conscious of themselves, and conscious of the world outside them, where half a century ago there were but struggling Missions or possibly no Christian work at all.

2. For their sake, then, as for our own, the time has come for us to make some explicit statement of the ideal before us and of the future to which we look forward.

Our ideal is nothing less than the Catholic Church in its entirety. Viewed in its widest relations, the Anglican Communion is seen as in some sense an incident in the history of the Church Universal. It has arisen out of the situation caused by the divisions of Christendom. It has indeed been clearly blessed of God, as we thankfully acknowledge; but in its present character we believe that it is transitional, and we forecast the day when the racial and historical connections which at present characterize it will be transcended, and the life of our Communion will be merged in a larger fellowship of the Catholic Church.

3. That principle is clear to us. There are two prevailing types of ecclesiastical organization: that of centralized government, and that of regional autonomy within one fellowship. Of the former, the Church of Rome is the great historical example. The latter type, which we share with the Orthodox Churches of the East and others, was that upon which the Church of the first centuries was developing until the claims of the Roman Church and other tendencies confused the issue. The Provinces and Patriarchates of the first four centuries were bound together by no administrative bond: the real nexus was a common life resting upon a common faith, common Sacraments, and a common allegiance to the Unseen Head.

4. The Anglican Communion is constituted on this principle. It is a fellowship of Churches historically associated with the British Isles. While these Churches preserve apostolic doctrine and order they are independent in their self-government, and are growing up freely on their own soil and in their own environment as integral parts of the Church Universal. It is after this fashion that the characteristic endowment of each

family of the human race may be consecrated, and so make its special contribution to the Kingdom of God.

5. The bond which holds us together is spiritual. We desire emphatically to point out that the term “Anglican” is no longer used in the sense it originally bore. The phrase “*Ecclesia Anglicana*” in Magna Carta has a purely local connotation. Now its sense is ecclesiastical and doctrinal, and the Anglican Communion includes not merely those who are racially connected with England, but many others whose faith has been grounded in the doctrines and ideals for which the Church of England has always stood.

6. What are its doctrines? We hold the Catholic faith in its entirety: that is to say, the truth of Christ, contained in the Holy Scripture; stated in the Apostles’ and Nicene Creeds; expressed in the Sacraments of the Gospel and the rites of the Primitive Church as set forth in the Book of Common Prayer with its various local adaptations; and safeguarded by the historic threefold Order of the Ministry.

And what are these ideals? They are the ideals of the Church of Christ. Prominent among them are an open Bible, a pastoral Priesthood, a common worship, and a fearless love of truth. Without comparing ourselves with others, we acknowledge thankfully as the fruits of these ideals within our Communion, the sanctity of mystics, the learning of scholars, the courage of missionaries, the uprightness of civil administrators, and the devotion of many servants of God in Church and State.

7. While, however, we hold the Catholic Faith, we hold it in freedom. Every Church in our Communion is free to build up its life upon the provisions of its own constitution. Local Churches (to quote the words of Bishop Creighton) “have no power to change the Creeds of the Universal Church or its early organization. But they have the right to determine the best methods of setting forth to their people the contents of the Christian faith. They may regulate rites, ceremonies, usages, observances and discipline for that purpose, according to their own wisdom and experience and the needs of the people.” (Creighton, *Church and Nation*, p. 212. See also Article XXXIV.)

This attempt to describe the essence of the Anglican Communion governance makes the following important points.

- a. The Anglican Communion sees itself as part of the wider catholic, apostolic and missionary church, which has arisen out of the historical accidents of the divisions within Christendom but which is ecumenical in its hope of final reunion.
- b. The Communion’s identity as “Anglican” is an accident of its derivation from the British Isles, but the flourishing young churches of the Communion have now become autonomous. This statement, in my view, demystifies the idea of churches being “in communion with the See of Canterbury.” It is the historical connection, the “jurisdiction of honor,” that binds the churches of the Communion together with Canterbury.

- c. Of the two available paradigms – Rome and Orthodoxy – the Communion is likened to the latter, which is seen to be the more ancient, as “the first four centuries were bound together by no administrative bond.”
- d. Conciliarity, in the sense of this paradigm, is not inconsistent with regional autonomy in matters of governance, because the churches are bound together spiritually by a common faith and practice.

This all sounds good in the ideal, but what about the realities of the history of the church “by schisms rent asunder, by heresies distressed”? The Report does not sidestep this awful possibility. It goes on to say:

8. This freedom naturally and necessarily carries with it the risk of divergence to the point even of disruption. In case any such risk should actually arise, it is clear that the Lambeth Conference as such could not take any disciplinary action. Formal action would belong to the several Churches of the Anglican Communion individually; but the advice of the Lambeth Conference, sought before action is taken by the constituent Churches, would carry very great moral weight. And we believe in the Holy Spirit. We trust in His power working in every part of His Church to hold us together.

Here we come to a conundrum. In hard cases, how does the Communion exercise discipline of autonomous members? The Report’s answer is, “Province by Province,” with the advice and counsel of the Lambeth Conference. Roger Beckwith observes that this is exactly what many churches of the Communion have done with regard to the Episcopal Church and Anglican Church of Canada.⁷⁶ In the light of the moral guidance of the Lambeth Conference in 1998 and the continued rejection of that guidance in North America, other churches have announced a state of broken or impaired communion, and some bishops and archbishops have refused to share in the Lord’s Supper with bishops from North America.

Beckwith’s interpretation of Lambeth 1930 leads him to conclude that one must choose between models of governance:

As the Lambeth committee pointed out, when a church is organized on a national or regional basis, either each of those national or regional churches is ultimately subject to a central international authority or else they each make their own decisions. In the former case you have a church like the Church of Rome, in the latter case a church like the Eastern Orthodox Church or the Anglican Communion. You cannot have it both ways.⁷⁷

So what differentiates conciliarism as a form of governance from a confederation of purely autonomous Provinces? The answer, it seems to me, is that conciliar governance involves *common consent to an agreed upon deposit of faith and worship and mutual submission of elders in the Spirit*. The common faith of the church involves a “concordant” reading of Scripture – “the rule of faith” – epitomized in the ecumenical creeds and historic

⁷⁶ Roger T. Beckwith, “The Limits of Anglican Diversity,” *Churchman* (2003) pp. 347-362.

⁷⁷ Beckwith, “Limits,” pp. 359-360.

confessions.⁷⁸ The ecumenical Creeds carry the weight of the ages and the authority of the undivided church; the confessions reflect the more particular reading of that deposit within a particular historic tradition.

In the case of the Anglican Communion, the common deposit of faith is summarized in the Lambeth Quadrilateral (looking outward to other traditions) and the Thirty-Nine Articles and Book of Common Prayer (looking inward to those in our own tradition). Likewise, a formulary such as the Articles carries the weight of having stood the test of time in an historical tradition. Occasions arise, however, where the church must address new issues either with a one-off injunction like Lambeth Resolution I.10 on Human Sexuality or with a new statement of faith, like the Jerusalem Declaration. And all are to be continually tested for their conformity to the Scripture (Acts 17:11).⁷⁹

For Anglicans the mutual submission of elders is summarized in the idea of the historic episcopate (looking outward) and the Ordinal (looking inward to our churches). One can argue that the prime locus of authority in doctrine and discipline is the parish priest, as the ordination service requires him to confess that “Holy Scriptures contain all Doctrine required as necessary for eternal salvation through faith in Jesus Christ” and that he will “be ready, with all faithful diligence, to banish and drive away from the Church all erroneous and strange doctrines contrary to God’s Word.” The bishop, having warned the ordinand that there are fearful eternal consequences for failure to uphold his ministry, then lays on hands and says: “Take thou authority to preach the Word of God and to minister the Sacraments in the Congregation, where thou shalt be lawfully appointed thereunto.” At the consecration of a bishop, the same vows are repeated but not the charge of taking authority, which suggests that the office and work of a bishop are not fundamentally different from those of a priest.⁸⁰

In terms of actual practice within the various churches of the Communion, one can see common principles and patterns of governance in the various constitutions and canons: a common deposit of faith, usually in terms of the Scripture, Creeds, Articles and Prayer Book, and synodical government, usually with a distinction between bishops, other clergy, and laity. Finally, one finds a “focus of unity” in the diocesan bishops representing the local church and in the Primate representing the Province.

Finally, conciliar action takes place through and in submission to the Holy Spirit, as was the case of the first council which declared that “it seemed good to the Holy Spirit and us” (Acts 15:28). In an important reflection on “the sanctified character of common decision-making,” Ephraim Radner writes:

So, an authoritative council will be truthful; but not all truthful councils will have authority. The working of the Holy Spirit in and through a council is thus the mark of its authority, and this mark is thereby and by definition bound up with the pneumatic holiness of a council’s character. Communion, in this light, goes far beyond adhering

⁷⁸ See Ephraim Radner, “Wheels within Wheels: The Promise and Scandal of Anglican Particularism,” Inaugural Lecture at Wycliffe College, Toronto, October 9 and 10, 2007 at http://www.wycliffecollege.ca/news_details.php?nid=138.

⁷⁹ For the role of the Articles in shaping the biblical ethos of Anglicanism, see Ashley Null, “The Thirty-Nine Articles and Reformation Anglicanism,” The Janani Luwum Lecture at Uganda Christian University (2006).

⁸⁰ See John P. Richardson, “Just where is the Church?” at <http://ugleyvicar.blogspot.com/2009/01/just-where-is-church.html>.

to structures of mutual counsel; it is founded on the character of that counsel even more.⁸¹

Radner sees the witness of the non-Western Anglican churches as the like source of emerging conciliar authority in the Communion. It seems to me that this was the very hope held out at the Global Anglican Future Conference, an assembly of primarily non-Western leaders who felt called to form a counter-council to that sponsored by the Lambeth bureaucracy and to believe that through worship, preaching and fellowship, it might serve as a “movement of the Spirit” renewing the Anglican Communion.⁸²

The Role of the Primates in Conciliar Governance

The mandate for conciliar governance derives from the nature of the ordained ministry and the historic episcopate in particular. It is not the authority of power that is the prime concern here but the authority of truth, the faithful transmission of the truth of the apostolic gospel through the Scripture and the offices of the Church. And in this regard, the role of the Primates as guardians of this truth is central.

Two current interpreters of Anglican ecclesiology share my contention that the Primates are the proper body to deal with matters of doctrine and discipline. In a discussion paper for the Windsor Continuation Group, Dame Mary Tanner summarized the recent development in thinking about “The Instruments of Anglican Unity and Communion.”⁸³ Almost simultaneously, Colin Podmore produced a study paper for the General Synod of the Church of England on “The Governance of the Church of England and the Anglican Communion.”⁸⁴

Both of them begin with a question posed by Owen Chadwick about the first Lambeth Conference:

Why should [Abp. Longley] invite a lot of bishops from across the seas to come and meet at Lambeth? Why did he not invite representative priests or lay people? The answer lies in the Acts of the Apostles and then in early Christian history. In Acts 15 there is the description of a meeting of the apostles and apostolic men to settle a difficulty which plagued the Church. From the third century if not before, at least from the earliest time of which we have a sight into the workings of church order, the bishops met with apostolic authority to settle disputes in the Church.⁸⁵

Clearly, despite the intentional degrading of the first meeting to “conference” status, there is a sense that since 1867 the Lambeth Conference has functioned as a council of bishops.⁸⁶ Not only did the bishops set a precedent for regular decennial meetings, they also saw a need to

⁸¹ Radner, “The World is Waiting for Holiness,” in *Fate of Communion*, pp. 281-282.

⁸² The delegates from North America also had a witness to bear. Many of them were in the process of losing their churches or ministries because of their conscientious stand for the biblical faith.

⁸³ Dr. Tanner’s unpublished paper was written in January 2009, with an update in October 2009. Her conclusion is revealing: “It is hard to see how the current instruments of communion might be strengthened unless there is a common understanding among Anglicans of some of these major ecclesiological issues – issues that have been asked again and again but no common mind formed in response to them” (§50).

⁸⁴ Colin Podmore, “The Governance of the Church of England and the Anglican Communion,” General Synod Miscellaneous Paper 910 (January 2009) at

<http://www.cofe.anglican.org/about/gensynod/agendas/feb09/gsmisc910.pdf>.

⁸⁵ “Introduction,” to *Resolutions of the Twelve Lambeth Conferences*, p. i.

⁸⁶ Radner, “Wheels within Wheels,” p. 19: “It was almost as if the Lambeth conferences were kicking against the pricks. ‘No, we are not a council,’ they said, stamping a bit their foot. (And the foot-stamping still goes on.)”

extend their oversight between Conferences: hence various attempts at interim bodies, including the Anglican Consultative Council. Tanner cites approvingly Abp. Donald Coggan's attempt to ground Anglican authority in the Primates: "Abp. Coggan seemed explicitly to see that the establishment of the Primates' Meeting was part of a solution to the question of authority in the Anglican Communion."⁸⁷ The bishops at Lambeth agreed with him:

The Conference advised member Churches not to take action regarding issues which are of concern to the whole Anglican Communion without consultation with a Lambeth Conference and requests the primates to initiate a study of the nature of authority within the Anglican Communion. (Lambeth 1978, Resolution 11)

Podmore argues that the Primates' Meeting was the true descendent of the "continuation committee" of 1897. He adds that Coggan's comment that the Primates should meet for "leisurely thought, prayer and deep consultation" should not overshadow his belief that a Primates' Meeting could speak with authority in matters of doctrine and discipline: "Thus Archbishop Coggan explicitly saw the establishment of the Primates' Meeting as part of a solution in the question of authority in the Anglican Communion."⁸⁸

Both Tanner and Podmore cite the role of bishops in Anglican governance as presented in "The Virginia Report" (1997), which states:

The Primates' Meeting provides the opportunities for mutual counsel and pastoral care and support of one another and of the Archbishop of Canterbury. Their meetings have an inherent authority by virtue of the role they have as chief pastors.⁸⁹

The *inherent* authority of the episcopacy, Tanner notes, arises again in the Windsor Report, which grounds the *enhanced* role of the Primates in the

theology of wider apostolic and episcopal leadership, which is expressed in the New Testament by the apostles themselves (Paul writing with authority to various churches including some he had not himself founded), by such writers as Ignatius of Antioch, Irenaeus and Cyprian, and in subsequent centuries by the recognition of the role of the great sees of Antioch, Alexandria, Constantinople, Rome and Jerusalem.⁹⁰

In reviewing even more recent documents like the 2008 Lambeth Indaba and the Draft Covenant (St. Andrew's version) on the Instruments of Communion, Tanner observes:

These reflections from Lambeth reveal once more the lack of a common understanding about the instruments of communion, especially about the ACC and the Primates' Meeting, as well as the different "weight" they carry. Underlying some of this seems to be different perceptions of the role of episcopacy and what weight "apostolic authority to govern," as Owen Chadwick identified, has and how this is exercised in and among the Instruments of Communion.⁹¹

⁸⁷ Tanner, "Instruments," §29.

⁸⁸ Podmore, "Governance," §4.17.

⁸⁹ "Virginia Report," §6.32.

⁹⁰ Windsor Report, §65, as noted by Tanner, "Instruments," §38.

⁹¹ Tanner, "Instruments," §48.

Podmore agrees with Tanner that “within the Communion there are different views as to the respective roles of the Primates’ Meeting and the Anglican Consultative Council, which reflect the differing ecclesiologies of the Communion’s member churches.”⁹² But he is quite clear which view he and the Church of England hold:

The Anglican Consultative Council is a consultative and co-ordinating body with specific financial and practical responsibilities. Because there is no guarantee that its decisions are supported by its episcopal members (and in any case, unlike the primates, they are not the holders of offices that confer a responsibility to speak on behalf of the episcopates of their own churches), its statements cannot be held – from the perspective of the Church of England’s ecclesiology – to have comparable authority with those of the other two bodies.⁹³

The Primates’ Meeting, by contrast, is an episcopal body and its members are by definition those who pre-eminently speak on behalf of their own churches. As the Virginia Report put it, “Their meetings have an inherent authority by virtue of the office which they hold as chief pastors.” However, for the Church of England teaching authority belongs first and foremost to the bishops collectively rather than to the archbishops individually. According to this understanding, the primary teaching authority in the Communion must rest with the Lambeth Conference as a whole, the role of the Primates’ Meeting being one of interpretation and application, and of acting between meetings of the Conference on behalf of the bishops of the Communion.⁹⁴

One of the most common claims for the ACC is that it alone represents the laity among the Instruments of Communion. While technically true, this claim is misleading in suggesting that the ACC is a more representative body. It is not really clear that laymen are more representative of the church at the Communion level than a Primate, who in a real sense is the “focus of unity” for a Province. If one accepted the need for lay representation at the Primates level, then presumably the Archbishop of Canterbury should take along a lay companion to ecumenical gatherings.

If the ACC were indeed only an advisory body, focusing on mission, communication and international networking, then the mix of lay and clergy would be a virtue indeed. The problem comes when this same mix is asked to make determinations of doctrine and discipline, which are the solemn obligations of the ordained. One wonders why, for instance, the ACC was given the responsibility of approving the Ridley Cambridge Draft of the Covenant, apart from the apparent serendipity that the draft was published one month after the Primates’ Meeting in February and six weeks before the ACC-14 meeting in May 2009? For that matter, by what authority did the new Standing Committee of ACC approve the December 2009 draft and call it final – even if there were five Primates on the Committee? Had they conferred with their colleagues before approving the draft? How could they have? The Archbishop of Canterbury, with his hand-picked working group, had processed section 4 and presented it to the newly constituted Standing Committee, which approved it, apparently without any changes.

⁹² “Governance,” §4.32.

⁹³ “Governance,” §4.34.

⁹⁴ “Governance,” 4.25.

The resignation letter of Bp. Mouneer Anis from the (Joint) Standing Committee adds a third voice to those of Podmore and Tanner, this one from the trenches, in defending the authority of the Primates' Meeting in the Communion. This voice is remarkable because Bp. Mouneer was given a place at the center of bureaucratic power and was seen as a moderate conservative who might have been thought to oppose the strong actions of the Primates in 2005-2007. To the contrary, he makes clear in his letter that it is precisely the marginalizing of the Primates by the Lambeth bureaucracy, indeed the Standing Committee itself, that proved the last straw:

I would like to assure you that my resignation from the SCAC will not stop my commitment to the Primates' Meetings...

...However, I have come to the sad conclusion that there is no desire within the ACC and the SCAC to follow through on the recommendations of the other Instruments of Communion to sort out the problems which face the Anglican Communion and which are tearing its fabric apart. Moreover, the SCAC...has continually questioned the authority of the other Instruments of Communion, especially the Primates' Meeting and the Lambeth Conference.

The current SCAC provides no effective challenge to the ongoing revisions of TEC nor does it apply the recommendations of the Windsor Report and the Primates Meetings in Dromantine and Dar es Salaam.

Clearly Bp. Mouneer sees the battle joined between the conciliar forces of the Primates and the Lambeth Conference and those of the Anglican Consultative Council and the Standing Committee. What he is too polite to criticise is the role of Canterbury in this situation.

Conciliarity and Excommunication

The ultimate trial of governance and discipline arises when it becomes necessary to remove or exclude an offending ruler from office or to withhold or renounce recognition of a regime. In democratic polities, this power of removal is often placed with the legislature and judiciary. However, in international affairs, heads of government singly or the United Nations collectively grant or withhold recognition of sovereignty.

In the church, the ultimate disciplinary sanction is excommunication, applied to individuals, to bishops and to entire church bodies. The Great Schism between East and West involved mutual excommunication. Similarly, the Roman Church excommunicated the Head of the Church of England in 1570. Within Anglicanism, excommunication is provided for in the Prayer Book rubric in the case of individuals, to be pronounced by the priest with appeal to the bishop; in the case of clergy, it is found in canon law of each church, often including a church court.⁹⁵ However, the Communion itself has no canon law and little or no precedent to follow. As noted above, the 1930 Lambeth Report pondered the (remote) possibility that a Province might cross the bounds of Anglican orthodoxy, and action would be required of each member Province, with the advice and counsel of the Lambeth Conference.

⁹⁵ The use of the "abandonment of communion" canon by the Episcopal Church to defrock bishops without a trial is a stunning example of that Church's arrogant abuse of power. For an analysis of the abuse of this canon, see <http://accurmudgeon.blogspot.com/2008/04/history-of-abandonment-of-communion.html>.

According to Colin Podmore, the question of intervention in the polity of an Anglican Province has arisen only recently and as a matter of urgency. At the time of genocide in 1994, when four bishops in the Church of Rwanda absconded from their posts, Abp. Carey sought to exercise his personal influence to get them to resign office, and failing that he requested the ACC to declare those sees vacant, presumably using their power of including churches on its Schedule of Membership (ACC-10, Resolution 15.3).⁹⁶ The ad hoc nature of this action caused Lambeth 1998 to look into the question of who acts in the case of exceptional breaches by churches of the Communion, and the answer was “the Primates, under the presidency of the Archbishop of Canterbury ... in sensitive consultation with the relevant Provinces and with the Anglican Consultative Council” (Resolution III.6).

As Podmore notes, the bishops at Lambeth were not simply looking retrospectively to Rwanda but prospectively toward the issue of homosexuality that roiled the Conference and even toward the ultimate question of whether the Communion itself might splinter and lose its ecumenical integrity. The bishops stated:

The measure to which the Communion can be faithful to its *koinonia* will determine whether local churches can claim to incarnate the universal Church in their own life. It will also determine its capacity to retain its own integrity as a tradition, as well as its ability to walk together with other Christian communions on the shared pilgrimage towards visible unity and the reign of God.⁹⁷

Who should discipline? Lambeth 1998 placed the responsibility *on* the Primates *through* the Archbishop of Canterbury and *in consultation with* the ACC. This understanding was implicit in the reactions to Lambeth Resolution I.10 and later to the election and consecration of Gene Robinson. Abps. Sinclair and Gomez fleshed out the rationale in their “To Mend the Net” proposal by rooting the authority of discipline explicitly in “the enhanced responsibility of the Primates.” In the eight-step process of “To Mend the Net,” the Primates’ Meeting is given the role of exercising inner discipline, until they reach the ultimate consequence of excommunication.⁹⁸

- In step 6, **the Primates** “recommend to the Archbishop of Canterbury that he offer observer status” in Primates’ Meetings and Lambeth Conference to non-cooperating Provinces or dioceses.”
- In step 7, **the Primates** “recommend to the Archbishop of Canterbury that he authorizes and supports appropriate means of evangelization, pastoral care and episcopal oversight,” a.k.a. parallel jurisdictions.
- In step 8, **the Primates** should “advise the Archbishop of Canterbury how to establish a [new] jurisdiction,” along with “the simultaneous recommendation that communion be suspended with the intransigent body.”

Clearly “To Mend the Net” assumes that the Primates are the rightful adjudicators of communion discipline. There is no mention in the proposal of a role for the Anglican Consultative Council or the Joint Standing Committee. However, the proposal also assumes that the formal authority to excommunicate rests with the whole council of bishops exercised through the “gathering authority” of the Archbishop of Canterbury:

⁹⁶ See Podmore, “Primacy,” pp. 72-78.

⁹⁷ Podmore, “Primacy,” pp. 74-75, quoting the Report of Section III. The phrase “walk together,” which here refers to ecumenical relations recurs in the WR concerning churches within the Communion.

⁹⁸ “To Mend the Net,” pp. 20-22.

The Archbishop of Canterbury, in consultation with the Primates and Bishops [Lambeth Conference], has authority to call together the Bishops of the Communion, to withhold this invitation in specific cases and in extreme circumstances to suspend communion with a given Province or diocese.⁹⁹

The question of excommunication begs a prior question of *recognition*: on what basis is a Province or diocese recognized as a legitimate member of the Communion in the first place? Here there is considerable confusion in Anglican ecclesiology.

- Membership in the Communion is defined as those churches which are in communion with the See of Canterbury (Lambeth 1930).
- The Anglican Consultative Council maintains a membership list of legitimate Provinces of the Communion. (ACC Constitution)
- The Primates severally, through their Provincial synods and houses of Bishops, assume that they have authority to declare their Provinces in a state of impaired or broken communion with another Province or diocese and to recognize an alternate jurisdiction.

While there may be considerable overlap in these criteria, it is by no means clear that any one of them takes precedence absolutely. If it seems inadequate for the Archbishop of Canterbury unilaterally to determine the membership of the Lambeth Conference, it is equally anomalous that membership should be determined by the Anglican Consultative Council. And clearly unilateral recognition by a Province is a stop-gap measure, as the current case of the Anglican Church in North America (ACNA) reveals.¹⁰⁰

The idea of a membership “schedule” kept by the ACC secretariat makes sense as a way of documenting the extent and size of the various Provinces, as well as apportioning representation on the Council. It is not clear, however, why such a list needs to be enshrined in the Constitution and whether listing is the *means* or the *result* of recognition by the Communion. Why should the ACC, which is constitutionally a coordinating body, be the Instrument to determine which Provinces are recognized and which derecognized? Under the old Constitution (art. 3a), it is not quite clear that it does: “With the assent of two-thirds of the Primates of the Anglican Communion, the council *may* alter or add to the schedule” (emphasis added). Why “may” and not “shall”? Was it envisioned that the Council might override the will of Canterbury and the Primates (of course this Constitution was devised before the Primates were organized in a meeting)? In any case, the new Articles of Association (§2.2) retain the same language as above with one significant change: *the new Standing Committee determines who stays and who goes.*¹⁰¹

So let’s see how this works politically. What happens if two-thirds of the Primates were to determine that a particular Province had “walked apart” and an alternate jurisdiction was needed to provide for the pastoral needs of the region (“To Mend the Net,” steps 7 and 8) and they notify the ACC to alter the Schedule accordingly. Then suppose the Standing Committee votes not to do so. Given the politics of the Communion (the ACC-14 meeting in Jamaica

⁹⁹ “To Mend the Net,” pp. 13-14.

¹⁰⁰ The FCA Primates recognized the ACNA upon its official establishment in June 2009, and other Provinces are considering recognition as well. Yet it is the hope of ACNA to be recognized by the whole Communion.

¹⁰¹ This article contains the curious provision that the “two-thirds” assent is counting those Primates who do not withhold consent in writing by a given date.

being a prime example), this is not a fantastical scenario. Let's extend the case study one step further. The conflict between the Primates and the Standing Committee becomes so severe that the Lambeth Conference at its next meeting resolves that the offending church be excluded. The Standing Committee could still say: thank you very much for your opinion, but we shall keep our Schedule as is.

This hypothetical case begs an ecclesiological question: which body is properly constituted to oversee discipline? The burden of this essay is to argue that it is the role of the bishops, congregated at Lambeth or represented by the Primates in council, to recognize, to discipline and in extreme cases to excommunicate a member church.

The Place of the Covenant in Communion Governance

Historically, conciliarism has often linked to the rise of constitutional government in the West. Of course, the idea of a covenant as a foundational document, solemnly affirmed by the elders and the people of God, is found in the Bible itself:

Then he said to Moses, "Come up to the LORD, you and Aaron, Nadab and Abihu, and seventy of the elders of Israel. You are to worship at a distance, but Moses alone is to approach the LORD; the others must not come near. And the people may not come up with him." When Moses went and told the people all the LORD's words and laws, they responded with one voice, "Everything the LORD has said we will do." Moses then wrote down everything the LORD had said. (Exodus 24:1-4)

Then Joshua built on Mount Ebal an altar to the LORD, the God of Israel, as Moses the servant of the LORD had commanded the Israelites. He built it according to what is written in the Book of the Law of Moses – an altar of uncut stones, on which no iron tool had been used. On it they offered to the LORD burnt offerings and sacrificed fellowship offerings. There, in the presence of the Israelites, Joshua copied on stones the law of Moses, which he had written. All Israel, aliens and citizens alike, with their elders, officials and judges, were standing on both sides of the ark of the covenant of the LORD, facing those who carried it – the priests, who were Levites. Half of the people stood in front of Mount Gerizim and half of them in front of Mount Ebal, as Moses the servant of the LORD had formerly commanded when he gave instructions to bless the people of Israel. Afterward, Joshua read all the words of the law – the blessings and the curses – just as it is written in the Book of the Law. There was not a word of all that Moses had commanded that Joshua did not read to the whole assembly of Israel, including the women and children, and the aliens who lived among them. (Joshua 8:30-35)

Since its early years, the Anglican Communion has been defined in terms of the Lambeth Quadrilateral. The 1930 Report spoke of the "ideals of the Church of Christ" such as "an open Bible, a pastoral Priesthood, a common worship, and a fearless love of truth." However, in the troubles that followed the 1998 Lambeth Conference, it became obvious that these minimal identity markers were not enough. One of the most striking recommendations of the Windsor Report was to establish an Anglican Communion Covenant:

§118. This Commission recommends, therefore, and urges the primates to consider, the adoption by the churches of the Communion of a common Anglican Covenant which would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion.

The Report goes on immediately to recommend the following process of adoption:

- discussion and approval of a first draft by the **Primates**
- submission to the member churches and the Anglican Consultative Council for consultation and reception
- final approval by the **Primates**
- legal authorization by each church for signing, and
- a solemn signing by the **Primates** in a liturgical context.

What is noteworthy in this proposal is the role of the Primates in the initial consideration, in the ongoing discussion and in the final approval of the Covenant. A survey of the Primates' Meetings since 2004 will indicate that while the Primates have been consulted, they are hardly the leaders in the Covenant process. Much more significant has been the role of the Archbishop of Canterbury, who appointed the Covenant Design Group (CDG) and then reappointed a Covenant Working Group (CWG), the Anglican Consultative Council, which approved three parts of the Ridley Cambridge Draft and rejected the fourth part; and the Standing Committee, which approved the fourth part and circulated the "final draft" to the Provinces. The sidelining of the Primates is part of the pattern outlined in our earlier narrative of ebb and flow, or rather of flow and ebb.

It is not my intention here to review the content of the Covenant drafts. I have argued elsewhere that the first two parts of the Ridley Cambridge Draft, those dealing with the doctrinal foundation - "inheritance of faith" and the call to mission - "The Life We Share" - though weak in places, are adequate expressions of orthodox Anglican identity. In particular, I argued that the first part was consistent with many clauses of the Jerusalem Declaration, the quasi-covenantal document adopted by the Global Anglican Future Conference in June 2008.¹⁰² The focus of this paper is on those elements of the Covenant draft that reflect an understanding of Communion governance; these parts are found in the third and fourth sections of the Draft.

Ecclesiological Principles of the Covenant

The third section of the Covenant (the latest draft is unchanged from the Ridley Cambridge draft) sets out the general principles of the church's identity and governance - "Our Unity and Common Life." I believe that the terms of this identity are consonant with what I have described as a polity in which bishops are the chief officers and bishops in council the chief organ of rule. According to this section,

Each church affirms:

(§3.1.2) its resolve to live in a Communion of Churches. Each Church, with its bishops in synod, orders and regulates its own affairs and its local responsibility for mission through its own system of government and law and is therefore described as living "in communion with autonomy and accountability". Trusting in the Holy Spirit, who calls and enables us to dwell in a shared life of common worship and prayer for one another, in mutual affection, commitment and service, we seek to affirm our common life through those Instruments of Communion by which our Churches are

¹⁰² See my "The Ridley Cambridge Draft: An Appreciation" at <http://www.stephenswitness.org/2009/04/ridley-cambridge-draft-appreciation.html>.

enabled to be conformed together to the mind of Christ. Churches of the Anglican Communion are bound together “not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference” and of the other instruments of Communion.

The import of this section is to describe normal diocesan and provincial governance in terms of “bishops in synod.” These assemblies necessarily include representatives of the lay and clergy orders, but they are constituted by the bishops (the second “St. Andrew’s Draft” used the catch phrase “episcopally led and synodically governed”), who normally would be represented in a separate house of bishops. When it comes to Communion governance, the text makes the following points:

- the primary bond of Anglican Christians is spiritual, “trusting in the Holy Spirit...in a shared life” of worship, service and affection;
- their common life will be expressed through “Instruments” of governance;
- the Communion is not governed “by a central legislative and executive authority”;
- the Communion is governed by “the common counsel of bishops in conference”;
- and by the other instruments of Communion.¹⁰³

This statement is quite compatible with the teaching of Lambeth 1930 on the polity of Anglicanism: no central authority like Rome, but a conciliar association of Provinces, with regional autonomy and with the Lambeth conference of bishops constituting the primary oversight body, assisted by other Instruments.

The rationale for giving priority to bishops is explained further in the next section:

(§3.1.3) the central role of bishops as guardians and teachers of faith, as leaders in mission, and as a visible sign of unity, representing the universal Church to the local, and the local Church to the universal and the local Churches to one another. This ministry is exercised personally, collegially and within and for the eucharistic community. We receive and maintain the historic threefold ministry of bishops, priests and deacons, ordained for service in the Church of God, as they call all the baptised into the mission of Christ.

This statement is again consistent with the Prayer Book understanding of ordination and the primary role of priests and bishops as guardians and teachers of the faith: the priests in the local church, the bishops in the diocese and higher structures. The text then extends the polity to the widest level of the Communion of churches:

(§3.1.4) the importance of instruments in the Anglican Communion to assist in the discernment, articulation and exercise of our shared faith and common life and mission. The life of communion includes an ongoing engagement with the diverse expressions of apostolic authority, from synods and episcopal councils to local witness, in a way which continually interprets and articulates the common faith of the Church’s members (*consensus fidelium*). In addition to the many and varied links

¹⁰³ The capitalization of “Instruments” of Communion in the penultimate sentence of §3.1.2 strikes me as a mistake in the Ridley Draft. The general intent is not to make the “Four Instruments” sacrosanct; hence the lower capitalization of “instruments” in the final sentence. Similarly, in §3.1.4, the more specific “life of *Communion*” (St. Andrew’s) is changed to the more general “life of *communion*” (Ridley Cambridge).

which sustain our life together, we acknowledge four particular Instruments at the level of the Anglican Communion which express this co-operative service in the life of communion.

Having established the foundational authority of bishops in Communion governance, the Covenant notes the role of “instruments” and “diverse expressions of apostolic authority” to assist in this role. It seems reasonable to think that the ACC would be a prime example of an assisting instrument in this regard.

Having set out the general principles of Anglican ecclesiology, the next section focuses on the distinctive roles of the four Instruments of Communion. Here is a précis of their respective roles (§3.1.4):

The **Archbishop of Canterbury** is noted for the historic place of his See in the Communion and is granted a “primacy of honour and respect among the college of bishops.” In this role he “gathers and works with the Lambeth Conference and Primates’ Meeting,” and “presides in the Anglican Consultative Council.” While the Covenant does not define the exact nature of Canterbury’s “gathering” role, it does seem clear that his primacy is exercised above all with fellow bishops of the Lambeth Conference and the Primates’ Meeting.

The **Lambeth Conference** is noted as the Anglican expression of “episcopal collegiality worldwide,” and therefore refers back to bishops’ primary calling of “guarding the faith and unity of the Communion,” i.e., doctrine and discipline.

The **Anglican Consultative Council** is noted for its diversity of lay, clerical and episcopal representatives. Whereas each of the other Instruments has an inherent authority, no such claim is made for the ACC: it “facilitates,” “co-ordinates,” “calls” and “advises” on various matters of mission and ecumenism, including developing provincial structures.

Like the ACC, the role of the **Primates’ Meeting** appears to be discretionary. Nevertheless, the Draft does speak of the Primates’ authority, which “arises from their own positions as the senior bishops of their Provinces, and the fact that they are in conversation with their own Houses of Bishops and located within their own synodical structures.” As bishops representing the wider church, they also have special responsibility “in mission and in doctrinal, moral and pastoral matters that have Communion-wide implications.”

This section concludes with a general statement of mutuality among the Instruments:

It is the responsibility of each Instrument to consult with, respond to, and support each other Instrument and the Churches of the Communion. Each Instrument may initiate and commend a process of discernment and a direction for the Communion and its Churches.

The vision of the church in this section is that of the Body of Christ, “supported and held together by its ligaments and sinews, grows as God causes it to grow” (Colossians 2:19). It includes the orders of bishops, clergy and laity, the subsidiarity of diocesan and provincial structures and distinct but complementary roles of the Instruments of Communion.

Membership in the Covenant and Communion

The question of membership in the Covenant raises one of the most serious ecclesiological questions about the whole “Windsor process” of the last five years. What does it mean to say we are an Anglican *Communion*? Who is in communion with whom? And what role does the Covenant play in defining that communion? To be brutally honest, the Anglican Communion is broken today, not just broken in terms of the machinery of governance but in its confused spiritual identity. This is most obvious in the case of the Episcopal Church:

- where the Presiding Bishop and a majority of the House of Bishops openly advocate an understanding of Christian moral teaching which the wider Communion has called “incompatible with Scripture”;
- where bishops and clergy, parishes, and dioceses reject the official policies of the national church, withhold funds, and have attempted to distance themselves from the official hierarchy;
- where entire dioceses have seceded from the national church, along with bishops, clergy and parishes, and these parishes have been sued for their property, and the clergy defrocked by the clear design of the national hierarchy – acting, I might add, in express repudiation of the instructions of Primates of the Communion;
- where entire Provinces of the Communion have ceased to recognize the Episcopal Church and have declared themselves in communion with an alternative jurisdiction, the Anglican Church in North America.

Anyone, including the Archbishop of Canterbury, who refuses to face the reality of broken communion is in a state of denial. If the Covenant is to have any coherence and effectiveness as an instrument of governance, it must not only bind churches together but also prune back branches that reject the essentials of the faith and as a last resort splice on new branches in their place. It must not only strengthen bonds of spiritual affection, which are more than sentimental, but also break chains of disaffection, i.e., expose the very real barriers to our common life as Christians and Anglicans.

In contrast with “To Mend the Net,” the strategy of the Covenant in dealing with the presenting problem is an indirect one: rather than disciplining members or as a last resort excommunicating them, it seeks to have them self-select their Communion status. The primary “membership scanner” is found in the provisions of adoption (§4.1).

(§4.1.1) Each Church adopting this Covenant affirms that it enters into the Covenant as a commitment to relationship in submission to God. Each Church freely offers this commitment to other Churches in order to live more fully into the ecclesial communion and interdependence which is foundational to the Churches of the Anglican Communion

Let me note first the solemn vow implied in the phrase “in submission to God.” Adopting the Covenant, like marriage, is not to be entered into casually or cynically. Some have speculated that the Episcopal Church, for instance, might affirm with crossed fingers the “faith, mission and interdependence” expected of members (§4.1.2), as happened at the Primates’ Meetings in 2003 and 2007. But a similar problem confronts the churches of the Fellowship of Confessing Anglicans. The churches might be prepared to adopt the Covenant and pledge to live in ecclesial communion with other covenanting churches. But the entry criteria do not really say that. Subsection §4.1.1 goes on to say:

...The Anglican Communion is a fellowship, within the One, Holy, Catholic and Apostolic Church, of national or regional Churches, in which each recognises in the others the bonds of a common loyalty to Christ expressed through a common faith and order, a shared inheritance in worship, life and mission, and a readiness to live in an interdependent life.

So in order to adopt the Covenant, it appears that a church not only has to pledge to “live into ecclesial communion and interdependence” with covenanting churches but with *all* churches which are formally on the membership schedule of the ACC. How then could churches who are in a state of broken or impaired communion with the North American churches adopt the Covenant?

Rowan Williams has tried to overcome the dissonance of having some churches in and others out of Covenant membership by speaking of two tracks of membership.¹⁰⁴ In fact, this view probably entails three rather than two tracks:

1. those who are official members of the Communion and adopt the Covenant;
2. those who are official members of the Communion and do not adopt the Covenant;
3. those who eventually are invited to adopt the Covenant but are not official Communion members (see next section on “Affirming, Not Adopting”).

In terms of governance, this arrangement is incoherent, creating two kinds of citizenship in one polity. In terms of power structures, it leaves control in the hands of the “official” members of both citizenships, with only minor restrictions on those who remain outside the Covenant and only vague hopes for those are outside the official Communion. Covenant meetings and matters would be reduced to the same “tea party” status that is now envisioned for the Primates’ Meeting. Bp. Mouneer has put his finger on the fatal flaw in calling for the resignation of the Standing Committee and ACC members once the Covenant is adopted by a majority of Provinces.

The fundamental problem of the two-track idea is that one of the tracks is going in the wrong direction altogether! Many Anglicans simply do not accept Rowan Williams’s belief or hope that there is some Omega point where those who have openly turned against the clear teaching of Scripture on sexuality and marriage – not to mention other equally important Christian teachings and practices – will find some mystic harmony with those who consider such teaching and practice to be heresy and sin.

Affirming, Not Adopting

So how does one opt in to the Covenant? The normal process of *adoption* is as follows:

(§4.1.4) Every Church of the Anglican Communion, as recognised in accordance with the Constitution of the Anglican Consultative Council, is invited to adopt this Covenant in its life according to its own constitutional procedures.

The path is straightforward for those churches that are on the ACC membership schedule: they vote in their assemblies to do so and they’re in (§4.1.6). The Draft has no explanation as

¹⁰⁴ See “Communion, Covenant and Our Anglican Future” at <http://www.archbishopofcanterbury.org/2502>.

to how a church can officially opt out. In fact, since rejection carries no penalties, a non-adopting church may be considered a candidate for future adoption – in perpetuity!¹⁰⁵

A second problem with the provisions for adoption concerns the status of dissenting minorities. Because the Covenant accepts the autonomy of the existing churches of the Communion, whether or not they adopt the Covenant, there is no provision for those clergy, parishes or dioceses within a Province that dissent from its decision to opt in or opt out of the Covenant. What are conscientious objectors to do?

In the case of revisionists in Covenant-adopting Provinces, if they follow the pattern of the Episcopal Church over the past thirty years, they will simply ignore the stipulations of the Covenant, do their own thing, and challenge the authorities to do something about it. It is possible that some Provinces might have the canons and the will to discipline dissidents, but where the Province is a mixed body, such as the Church of England, it is hard to see that this will happen. Such “civil disobedience” will cause havoc within the Province and undermine the credibility of the Covenant.

In the case of conservatives in non-adopting Provinces, the advice as of December 2009 is that they are free to “affirm” but not adopt the Covenant. This latest offer is a step-down from the provision in the Ridley Cambridge Draft (§4.1.5), which allowed “other churches” to adopt the Covenant voluntarily, even while not promising them recognition or membership. Here is a comparison of the two texts:

“Final” Draft (December 2009)

(4.1.5) The Instruments of Communion may invite other Churches to adopt the Covenant using the same procedures as set out by the Anglican Consultative Council for the amendment of its schedule of membership. Adoption of this Covenant does not confer any right of recognition by, or membership of, the Instruments of Communion, which shall be decided by those Instruments themselves.

Ridley Cambridge Draft (March 2009)

(4.1.5) It shall be open to other Churches to adopt the Covenant. Adoption of this Covenant does not bring any right of recognition by, or membership of, the Instruments of Communion. Such recognition and membership are dependent on the satisfaction of those conditions set out by each of the Instruments. However, adoption of the Covenant by a Church may be accompanied by a formal request to the Instruments for recognition and membership to be acted upon according to each Instrument’s procedures.

This subsection of the Ridley Draft was seen by many on both sides of the aisle as a key provision in section 4, and it was the main source of dispute at the Jamaica ACC meeting. The idea that some entities in a Province could take on the yoke of the Covenant while others refuse it is certainly problematic in terms of governance, but at least it gave dissenters a legitimate claim to be in full communion with the orthodox churches of the Communion. The current offer of “affirming,” however, seems little more than a fig leaf and has no constitutional significance. Rowan Williams comforts dissenters, saying:

¹⁰⁵ §4.2.7 limits participation in decision-making to those who have adopted the Covenant, or *who are still in the process of adoption*” (emphasis added), but there is no time limit on how long the process of adoption might take. The Episcopal Church USA has already said it could not make a decision before 2015, and it seems possible that it could continue delaying a final decision for years beyond that.

Beyond that, what's going to happen? It's hard to say as yet, but the Covenant text itself does make it clear that at some point it'll be open to other bodies, other Ecclesial bodies as they're called, other Churches and communities to adopt this Covenant, and be considered for incorporation into the Anglican Communion. Meanwhile, it's open to anybody that wishes to affirm the principles of the Covenant - to say that this is what they wish to live with.¹⁰⁶

Given the fact that the ACC membership schedule is set out along territorial lines and that the two-track idea would keep any heretical bodies on the list, it is hard to see how dissenting dioceses or groupings like ACNA would ever receive more than "associate" status in the Communion.¹⁰⁷ In effect, §4.1.5 is saying that there is only one membership track in the Anglican Communion, and that is formal recognition according to the procedures of the ACC, with one Province per territory. To return to the railway analogy, this allows cars to sit uncoupled on the track, blocking the way of any other bodies that would wish to adopt the Covenant and accept its doctrinal, missional and ecclesial foundations. The narrative of the past decade makes it hard to think that a derailment will happen, unless there is a restructuring of the Instruments under the Covenant.

The Role of the Standing Committee in the Covenant

A major shift in Communion governance happened between 2007 and 2009 during the Covenant drafting process: *the role of the Primates in overseeing the Covenant was replaced by that of the Standing Committee*. This shift accompanied the ebbing of primatial authority documented during this same period. Four years ago, I participated as an advisor on a Global South Steering Committee working on a draft Covenant for the wider Communion. Let me quote one section of that draft:

We recognize the central role of bishops as custodians of the faith, leaders in mission, and as visible signs of unity. In particular, the **Primates' Meeting** should exemplify this role and responsibility. The **Archbishop of Canterbury, together with the Primates**, should work in full collaboration in all decisions that have Communion-wide implications.¹⁰⁸

The work of the Global South Steering Committee was preempted when the Archbishop of Canterbury appointed Abps. Drexel Gomez and John Chew to a new Covenant Drafting Committee. Nevertheless the principle of episcopal governance remained in the CDG's first "Nassau" draft (§6):

Each Church commits itself

- (5) to seek the guidance of the Instruments of Communion in matters in serious dispute among churches that cannot be resolved by mutual admonition and counsel:
1. by submitting the matter to the **Primates' Meeting**

¹⁰⁶ See his introductory remarks to the December draft at <http://www.archbishopofcanterbury.org/2686>.

¹⁰⁷ The present strategy appears to be to have the Inter-Anglican Standing Commission on Unity Faith and Order "make a study of the definition and recognition of 'Anglican Churches' and develop guidelines for bishops in the Communion." See <http://www.anglicancommunion.org/acns/news.cfm/2009/12/8/ACNS4675>. The Standing Committee presumably will use this study to make its rules.

¹⁰⁸ Private copy.

2. if the **Primates** believe that the matter is not one for which a common mind has been articulated, they will seek it with the other instruments and their councils
3. finally, on this basis, the **Primates** will offer guidance and direction.¹⁰⁹

With the second St. Andrew's draft, the Primates, while still tasked with "doctrinal, moral and pastoral matters that have communion-wide implications," were no longer specified as the Instrument of oversight. Instead, in the case of controversial actions, each church is supposed "to undertake wide consultation with the other churches of the Anglican Communion and with the Instruments and Commissions of the Communion" (§3.2.5a).¹¹⁰

Having moved backward into vagueness, the Covenant Drafting Group next moved forward into specificity in the Ridley Cambridge Draft, giving the Joint Standing Committee of the Anglican Consultative Council and of the Primates' Meeting, "or any body that succeeds it" the authority to adjudicate disputes under the Covenant (§4.2.1). By the time the "final" draft was published, the co-opting of the Joint Standing Committee by "The Standing Committee of the Anglican Communion" was a *fait accompli*.¹¹¹

Under the secret Constitution, the Standing Committee is the gatekeeper of membership in the Communion.¹¹² And to let everyone know who is in charge, the Standing Committee has already decided, according to the Secretary General, that no other churches than those in the current Schedule will be invited to adopt the Covenant before ACC-15 in 2012.¹¹³ The Standing Committee is also the gatekeeper when it comes to staying in the Covenant, which is a kind of mirror image of admission.

(§4.2.2) **The Standing Committee of the Anglican Communion**, responsible to the Anglican Consultative Council and the Primates' Meeting, shall monitor the functioning of the Covenant in the life of the Anglican Communion on behalf of the Instruments. In this regard, the Standing Committee shall be supported by such other committees or commissions as may be mandated to assist in carrying out this function and to advise it on questions relating to the Covenant.

(§4.2.4) Where a shared mind has not been reached the matter shall be referred to **the Standing Committee**. **The Standing Committee** shall make every effort to facilitate agreement, and may take advice from such bodies as it deems appropriate to determine a view on the nature of the matter at question and those relational consequences which may result. Where appropriate, **the Standing Committee** shall

¹⁰⁹ Emphasis added. The Nassau draft is found at

http://www.aco.org/commission/covenant/report/draft_text.cfm.

¹¹⁰ The St. Andrew's Draft is found at http://www.aco.org/commission/covenant/st_andrews/draft_text.cfm.

¹¹¹ Ephraim Radner, a member of the original CDG, acknowledges that he was not aware at the time that the Ridley Cambridge language about "any body that succeeds it" was anticipating the new "Standing Committee of the Anglican Communion," which was already in the text of the new ACC Constitution and then added to the December 2009 draft. See <http://www.kendallharmon.net/t19/index.php/t19/article/28071/> (comment #10).

¹¹² Article 2.2 reads: "with the assent of two-thirds of the Primates of the Anglican Communion (which shall be deemed to have been received if not withheld in writing within four months from the date of notification) the Standing Committee may alter or add to the Schedule."

¹¹³ For Canon Kearon's letter, see

http://www.anglicancommunion.org/commission/covenant/docs/letter_from_the_secretary_general.pdf. There are no supporting minutes of the Standing Committee to confirm this statement.

refer the question to both the Anglican Consultative Council and the Primates' Meeting **for advice**.

(§4.2.5) **The Standing Committee** may request a Church to defer a controversial action. If a Church declines to defer such action, **the Standing Committee** may recommend to any Instrument of Communion relational consequences which may specify a provisional limitation of participation in, or suspension from, that Instrument until the completion of the process set out below.

(§4.2.6) On the basis of **advice** received from the Anglican Consultative Council and the Primates' Meeting, **the Standing Committee** may make a declaration that an action or decision is or would be "incompatible with the Covenant."

Note that in all these cases, the Standing Committee exercises the active role in administering Covenant discipline, and the Anglican Consultative Council and Primates' Meeting are merely advisory.¹¹⁴ Yet at the end of the whole process, the Standing Committee can at most only propose "relational consequences" for offenders to the Instruments, which can in turn presumably refuse them invitation to the various governing bodies of the Communion.

What remains uncertain in this elaborate process is whether it applies only among those churches that have adopted the Covenant. Are Primates and Provinces free to break communion with non-Covenanting churches as so many did with the Episcopal Church after 2003, or would they be bound by the decisions of the Standing Committee? Would their breaking of communion be seen itself as a breach of the Covenant?¹¹⁵

Moving on from maintaining the Covenant to amending it, we again find the Standing Committee assumes the major role:

(§4.4.2) Any covenanting Church or Instrument of Communion may submit a proposal to amend the Covenant to the Instruments of Communion **through the Standing Committee**. **The Standing Committee** shall send the proposal to the Anglican Consultative Council, the Primates' Meeting, the covenanting Churches and any other body as it may consider appropriate for advice. **The Standing Committee** shall make a recommendation on the proposal in the light of advice offered, and submit the proposal with any revisions to the covenanting Churches. The amendment is operative when ratified by three quarters of such Churches. The Standing Committee shall adopt a procedure for promulgation of the amendment.

So it is theoretically possible for a proposed amendment to make it through *against* the recommendation of the Standing Committee, but most likely any such amendment would suffer the same fate of the proposal to ACC-13 to add all the Primates to the Council.

¹¹⁴ In "The Anglican Communion Covenant: Where Do We Go from Here?" which follows Bp. Mouneer's resignation from the Standing Committee, the Anglican Communion Institute scholars argue that the Standing Committee's "role is that of coordination and recommendation, all the while responsible to the two Instruments of Communion [ACC and Primates' Meeting]." This servant role hardly seems obvious, given the Standing Committee's "crucial role in monitoring the functioning of the Covenant," as the Covenant Working Party put it. The ACI essay can be found at <http://www.anglicancommunioninstitute.com/2010/01/the-anglican-communion-covenant-where-do-we-go-from-here/>.

¹¹⁵ See earlier comment on §4.1.1. The CWG Commentary on sec. 4 states: "In the face of certain fears being expressed by some Provinces that chaos could result as each Church decides to act in a different way, Churches are now invited to accept or reject specific recommendations from the Standing Committee."

There remains one final hedge in the Covenant on political paralysis caused by the diverse members of the Standing Committee:

(§4.2.8) Participation in the decision making of the Standing Committee or of the Instruments of Communion in respect to section 4.2 shall be limited to those members of the Instruments of Communion who are representatives of those churches who have adopted the Covenant, or who are still in the process of adoption.

This restriction poses an apparent threat to those who refuse to adopt: they will be excluded from the “decision-making” moments in Communion governance. But the exclusion in §4.2.8 is quite limited.

1. The clause only applies to inner Covenant matters. Non-Covenanters would fully participate in all other matters of Communion policy and practice.
2. Exclusion from “decision-making” probably means “voice but no vote.” Hence Standing Committee members like Katherine Schori or Ian Douglas would likely be present and vocal at any meeting where such matters were raised, and out of a false deference some orthodox members would be reluctant to make hard decisions in their presence.
3. The clause only covers discipline *among Covenant members*. It would seem that Bp. Schori would have voice and vote on any matter concerning her church so long as they do *not* sign on to the Covenant.
4. Finally, it provides no time limit for those who might claim to be “in the process of reception.” The Episcopal Church has already stated that it can take no final action until 2015, and it could certainly delay further if it wished.

The idea that non-Covenanting churches might operate by a different set of rules while remaining active in the Communion councils exposes the difficulty of Rowan Williams’s “two-track” idea. Bp. Mounier is clearly not buying. He argues that as soon as a majority of Provinces adopt the Covenant,

the current ACC and SCAC [Standing Committee of the Anglican Communion] should resign. It is incomprehensible to think of dioceses or provinces that have not committed themselves to covenantal relationship to participate in the decision making processes that affect the life of those dioceses or provinces that have adopted and signed the Covenant. A new Anglican Consultative Council and SCAC, or at the very least an ad hoc Standing Committee must be formed.¹¹⁶

In a similar vein, the Anglican Communion Institute scholars argue:

But since there is no body currently recognized, either by the Instruments or the Churches of the Communion, as authorized to exercise the responsibilities of the Standing Committee of the Anglican Communion in coordinating the implementation of the Covenant, we think it is necessary and appropriate for the covenanting Churches themselves to fulfill this task by convening a provisional committee drawn from the Primates and ACC representatives of Churches that

¹¹⁶ Letter of 30 January 2010, sec. 2D.

adopt the Covenant to coordinate the implementation of the Covenant within the Churches and dioceses wishing to participate.¹¹⁷

I agree wholeheartedly with the desire of Bp. Mouneer and the ACI to place authority in the hands of the Covenant-affirming churches, but I see nothing in the status quo that would cause the ACC and SCAC to resign, and I think it is utterly at odds with Canterbury's vision and practice to think that the Episcopal Church and other non-signers will be excluded from the governing bodies of the Communion. If "churches" themselves take authority to reconstitute the governing bodies of the Communion, then why not do it right and replace the role of the ersatz Standing Committee in section 4 with that of the (covenanting) Primates and Lambeth Conference?

In conclusion, we have already had occasion to note the metamorphosis of the former Joint Standing Committee into "The Standing Committee of the Anglican Communion." As it turns out, this Committee, while appearing to represent the other Instruments of Communion and serve them, will actually be their master. It will become, under the Covenant, the *Instrument of Instruments, the Fifth Instrument*, one is tempted to say the "fifth column" of Communion governance.

Even if the politicized nature of this new Standing Committee were not suspect – and it is! – it is not the proper "instrument" to give oversight, particularly final oversight in matters of doctrine and discipline. That should be the role of the bishops of the Church: the Lambeth Conference and the Primates Meeting.

Conclusion: Covenantal Communion and the Restoration of the Historic Episcopate

There are many fine points about Anglican Communion governance that can be argued.¹¹⁸ There are many pluses and minuses in the various proposals that have come forth over the past decade in response to the crisis in the Communion. There are many pros and cons in the various drafts of the Anglican Communion Covenant. **The conclusion of this essay is that the one matter of principle that cannot be abandoned without abandoning our particular catholic and Anglican heritage is the responsibility of the ordained and bishops in council in particular, to rule and adjudicate matters of Communion doctrine and discipline.** If this is true, then the Lambeth Conference and the Primates' Meeting (with the Archbishop of Canterbury presiding as *primus inter pares*) must be seen as the primary organs to deal with articulation of the faith, as happened at Lambeth 1998, and with breaches of the faith, as has not happened since then.

In my opinion, the takeover of the bishops' role – that of the Lambeth Conference and the Primates' Meeting – by the new Standing Committee of the Anglican Communion is an

¹¹⁷ "Where Do We Go from Here?" (boldface in original). I note that ACI speaks of covenanting "Churches and dioceses," which is a throwback to Ridley Cambridge Draft §4.1.5, where "other churches" could adopt the Covenant. At best, they are anticipating a situation, sometime after 2012, in which these other churches are granted some kind of status under the Covenant.

¹¹⁸ I have omitted, for instance, the entire subject of a Communion canon law. See the work of Norman Doe, John Rees and the Anglican Communion Legal Advisors' Network as epitomized in *The Principles of Canon Law Common to the Churches of the Anglican Communion* (Anglican Communion Office, 2008).

unacceptable development in Communion governance.¹¹⁹ I believe that bishops and churches of the Communion should refuse to sign on to a Covenant that enshrines a fundamental error of governance. It is not only wrong in principle, it is also fatal to the actual enforcement of discipline in the Communion, as can be seen from the ebbing of episcopal authority in the years since Lambeth 1998.

I believe the Anglican Communion Covenant is a positive development in the history of Anglicanism. In a sense the Covenant has emerged from a theological identity crisis just as the first Lambeth did. As the GAFCON Statement forcefully points out, this crisis is more than just about church politics. It is about Gospel truth. The problem with the Covenant proposal and process, from its first appearance in the Windsor Report to the “final” draft, is that it skirts the crisis of truth in the Communion. I believe the Covenant is adequate in what it affirms – “Our inheritance of faith” – though I think that affirmation could be strengthened in a number of ways. However, the “two-track” idea is going in precisely the wrong direction, building into the governance an impossible paradox: that a portion of the Communion agrees to abide by a certain doctrine and discipline and another portion does not. The end result of such a polity will be another decade of chaos.

There must be only one track: those who adopt the Covenant are members of the Communion; those who do not adopt it are not. Bp. Mouneer Anis is right: when a sufficient number of Provinces have adopted the Covenant, the ACC and its Standing Committee should stand down and be constituted solely from Covenant-keeping Provinces.

This paper is not intended to give a precise proposal for how these two imperatives – the restoration of episcopal governance and the consolidation of the Communion under the Covenant – be incorporated into the Covenant text. It does strike me, however, that two simple but critical amendments could be made to the latest draft to put the Covenant process on the right track:

1. Replace references to “The Standing Committee” in section 4 with “Primates of churches that have adopted the Covenant.”¹²⁰
2. Change the wording of section 4.1.4 to read: “Every Church of the Anglican Communion is **expected** [instead of “invited”] to enter into this Covenant according to its own constitutional procedures.”¹²¹

These changes are minimal but crucial. Some will say: “Sign on to the Covenant now and perfect it later.”¹²² I myself made such an argument after the Ridley Cambridge Draft was published.¹²³ The utter manipulation of the ACC Meeting in Jamaica, the revelations of the

¹¹⁹ Cf. the rationale in the Commentary on the “final” draft: “The Covenant Working Group considers that the Standing Committee with membership from all four Instruments of Communion, combining bishops, clergy and laity is best placed for this role.”

¹²⁰ It would be consistent with the conclusions of this essay to provide a role for the Lambeth Conference as a final court of appeal, but this could be added by amendment later.

¹²¹ In addition to inserting the key word “expected,” this proposal drops the reference to the Constitution of the ACC. The ACC Memorandum and Articles and its Standing Committee are internal to that Instrument, and its membership schedule will be merely a listing of those churches that have been recognized under the Covenant.

¹²² This seems to be the advice of Bp. Mouneer in his resignation letter and the ACI in their response to his letter, “Where Do We Go from Here?”

¹²³ “The Ridley Cambridge Draft: An Appreciation” at <http://www.stephenswitness.org/2009/04/ridley-cambridge-draft-appreciation.html>.

secret ACC Constitution, and the make-over of the Standing Committee have convinced me that I was wrong. Those who would buy into the Covenant hoping to change it from within, I fear, are like “the young lady from Niger, who smiled as she rode on a tiger.”¹²⁴

The autonomy of the Anglican Provinces actually offers an alternative to the “sign now, change later” position. Since the Provinces of the Communion have the final say to adopt a Covenant, they also have the final authority over what text to adopt. There is nothing sacrosanct about the covenant drafting process set up by the Archbishop of Canterbury, especially given its final outworking. **The “final” Covenant draft is not final.** The Archbishop of Canterbury has endorsed it; the Standing Committee has endorsed it – without any independent authorization by the Primates’ Meeting or the ACC.¹²⁵ But Canterbury and the Standing Committee have no authority to *command* the Provinces to adopt it as it stands.

Adoption of the Covenant is necessarily a political process itself and as such may result in an amended version. There is a relevant analogy in the adoption of the U.S. Constitution. The draft of the Constitution was approved by the Convention of 1787. However, it became clear as ratification was taken to each state legislature that the Constitution would not pass without certain guarantees of personal and states’ rights. Therefore the supporters of the new Constitution agreed to add the first ten amendments, the so-called Bill of Rights – as part of the overall adoption of the Constitution.¹²⁶

I see no reason why a Province or a group of Provinces and their Primates should not exercise their autonomy by adopting an amended form of the Covenant. I think that a large number of Anglican bishops and churches would have no problem with the gist of the changes I have suggested. If enough Provinces and Primates adopted an alternative text, there is no reason it could not supplant the present version within the wider Communion. The Global South Provinces and Primates, or the FCA Provinces and Primates alone, could take the lead in this matter and render a great service in restoring the proper relationship of authorities within the Communion and the integrity and effectiveness of the Covenant.

Would the Archbishop of Canterbury accede to a revision of the text he has endorsed? Would he accept enhancing once again the Primates and Lambeth Conference as his peers in council? It is not for me to say, but I think the Covenant text points in the right direction: “It is the responsibility of each Instrument to consult with, respond to, and support each other Instrument and the Churches of the Communion” (§3.1.4).

¹²⁴ “They returned from the ride, with the lady inside, And the smile on the face of the tiger.”

¹²⁵ True, ACC Resolution 14.11 gives a green light to the Standing Committee to revise and circulate the Covenant to the Provinces. And true, the Communion Office solicited responses from around the Communion (see <http://www.anglicancommunion.org/commission/covenant/responses/index.cfm>). But like the indaba method, such a process hardly gives a balanced view. Western churches, for instance, submitted roughly 46 pages of comments, whereas GAFCON churches submitted 3 pages and all Global South churches 13 pages (I have omitted Brazil and Southern Africa from both tallies).

¹²⁶ Agreement to amend the new Constitution immediately upon ratification was the result of the “Massachusetts Compromise” of 1788. While the U.S. Constitution aims at a far stronger union than the Anglican Communion Covenant, there is clear provision for a kind of autonomy or “states’ rights.” The Tenth Amendment reads: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

This essay is addressed to the third fact raised by the GAFCON Statement: the “manifest failure” of the Communion authorities in the face of this crisis. In particular, I have argued that bishops of the church, taken collectively – who constitute the “historic episcopate” memorialized in the Lambeth Quadrilateral – have failed so far to exercise discipline. This failure of Communion governance, however, contains within it the seed of its own rejuvenation, because the bishops have it in their power to reverse the course of the last twelve years and to do what is right. The Primates in particular have the authority to constitute a legitimate college to defend the faith once for all delivered to the saints.

What will our Anglican space traveller find when he returns in 2018? I honestly don’t know. But I think if enough conscientious Anglicans stand up for the truth now – above all, for the truth of the Gospel, but also for the historic order of bishops in our tradition – he may be pleasantly surprised to find the Communion reformed and renewed.

25 February 2010