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A Response to the St. Andrew's Draft of the Anglican Covenant

by the Bishop and General Convention Deputation of the Episcopal Diocese of Utah

June 20, 2008

Introduction

The Deputation to the General Convention of The Episcopal Church from the Diocese of Utah, and the Bishop of Utah, have met together to formulate a response to the St. Andrew's Draft (SAD) of the proposed Anglican Covenant.

We are mindful of the resolution from our General Convention 2006, A166 (see text at the end of this document), in which our Province of the Anglican Communion committed itself to ongoing work toward an Anglican Covenant. In that spirit we have considered the SAD, and in our discussions have found ourselves to be "covenant minimalists" at best.

By "covenant minimalists" we mean that we would happily accept Section 2 of the SAD as the entire text of any proposed covenant. This section is an excellent summary of gospel imperatives, our purpose in the AC, and our mission as members of the Body of Christ. We believe such a summary covenant would cohere with the substance of A166.

While there is much to be commended in the entire SAD, we are unanimous that the overall direction of the SAD document and its proposals are not acceptable to us.

Our reasons for opposing a covenant

The reasons we cannot endorse the general premise and direction of the proposed covenant are as follows.

1. The proposed Anglican Covenant has arisen not from a desire to strengthen our bonds of affection, but to provide a more legal framework for the discipline of member provinces. This genesis alone, seemingly punitive and reactionary, is not a firm basis for a long-lasting outcome for good in the Anglican Communion.

Explanation: There is no question that the current crisis in the AC has arisen from the consecration of The Rt. Rev. V. Gene Robinson as Bishop of New Hampshire in 2003. (Bishop Robinson is by no means the first bishop of the Anglican Communion who is gay, but he is the first to enter into his ordination vows publicly and honestly saying who he is.) That action was taken lawfully and in accord with the canons of The Episcopal Church. Until that time no process or organization was in place to adjudicate any member province's actions. Many voices immediately demanded sanctions against The Episcopal Church. Strong responses from some, but not all, provinces in the AC, fueled by the speed of the Internet and heightened by its ability to amplify voices beyond their ordinary influence, created a climate of fear and condemnation.

The Windsor Report sought to provide a way forward to address the worldwide concerns. Its text, and subsequently the Nassau and St. Andrew's drafts of a proposed Anglican Covenant, reveal that the desire of disaffected members of the AC is not to enter into learning and dialogue about the issues of human sexuality, but rather to discipline member provinces whose actions other provinces may find

unfathomable or, in the words of some, unscriptural.

2. The proposed Anglican Covenant lays out a structure and a process for the adjudication of Anglican disputes which is new to our experience of being a worldwide Anglican Communion. Rather than the bonds of affection, the SAD calls for a more centralized authority in the AC with the ability to define full membership and “correct” biblical interpretation.

Explanation: The SAD says, “At a time of fragmentation, a covenant is a basis for mutual trust and reduced anxiety. Habits of civility and mutuality of respect have taken us a long way in the past. We are now in a place where our structures must provide a framework for the context of our ministry” (page 2, top). We strongly disagree with the proposal for new structures. We are saddened that greater calls for “civility and mutuality of respect” did not come sooner. Yes, the context of our ministry is worldwide, but the structures which have served us well must not so quickly be superseded. The flexibility and growth of the AC across the centuries is directly attributable to our traditional structures and their local adaptations. Changing them in the wake of one particular issue and crisis is ill-advised and does not bode well for the stability of the Communion as it inevitably addresses other crises in the future.

The Instruments of Communion, that arose independently and for different purposes, have now become—even before the communion-wide discussion and acceptance, if any, of the Windsor Report—seemingly official bodies of the AC. A glance at www.anglicancommunion.org will confirm that these Instruments have already become quasi-official in assuming greater authority. A new structure for the AC is emerging without provincial buy-in. Indeed, some of the Instruments have already assumed authority they do not yet have (for example, in Lambeth Conference resolutions that some claim have Communion-wide priority, and in the Primates’ Communiqué from Tanzania, in which the Primates collectively spoke, in our opinion, beyond their authority) relying on the “emergency” in the AC for justification.

The addition of the Appendix to the SAD, and the fact that it now forms a substantial portion of the overall text, makes it clear that the Covenant is at least as much, if not more, about the means of dissolving communion rather than promoting it. Far from reflecting the traditional emphasis of the AC on finding ways to be together, the document leans toward disciplinary action, defining the roles of judge and jury and significantly changing Anglican polity.

This Covenant is being proposed by many who want a way to say “You are wrong. We therefore have no need of you. This Body *can*—even *should*—exist without one or more of its members.” Nothing could be more unbiblical. We fear the medicine to the perceived illness of the Body will be worse than the present dis-ease.

3. The St. Andrew’s Covenant still does not appear to understand that the polity of The Episcopal Church, and even that of other provinces, does not allow for some of the provisions it proposes. As the canons of The Episcopal Church stand, there is no legitimate authority which can supersede the General Convention. Also, the House of Bishops cannot act for the entire

Episcopal Church.

Explanation: Unlike some Anglican provinces whose bishops, or single bishops, have the authority to speak and act for the whole, The Episcopal Church's General Convention is the only authority which may do so with binding force. The General Convention is composed of the House of Bishops and the House of Deputies (equal numbers of laity and priests/deacons), and the two houses must concur in every decision.

The Episcopal Church holds, through its baptismal covenant and its catechism (*Book of Common Prayer* 1979, pp. 302 and 855), that the ministry of the Church is four-fold: lay persons, bishops, priests, and deacons. Bishops are indeed "guardians and teachers of faith, leaders in mission, and... visible sign(s) of unity" (SAD 3.1.3), but the work of the laity, priesthood, and diaconate is essential as well to the transmission of doctrine and the development and implementation of discipline.

We strongly resist, therefore, the increasing role the SAD proposes for bishops and synods of bishops both in the Primates' Meetings and in the Lambeth Conference, as well as their suggested greater presence on the Anglican Consultative Council.

4. The proposed new structures of authority to not comply with the Anglican Consultative Council's Resolution 1331, which calls for gender equality in all Church bodies.

Explanation: The SAD would create authoritative structures in which women are and will likely remain into the future in the great minority. The Primates have one woman among them. The Lambeth Conference around twenty, the ACC a quarter of its number, and only if they are chosen by member provinces. Many provinces still do not call women into lay and ordained leadership, which excludes women even from having access to global roles. The exclusion of the voices of women in all but very small numbers is simply unacceptable in this day when the Anglican Communion supports the empowerment of women.

5. Much of the world's response to actions taken by The Episcopal Church stems from a more conservative, even fundamentalist, approach to the reading of Holy Scripture. This is not historically the only Anglican approach, and we resist covenant language that could reduce "catholic tradition" to one hermeneutical model.

Explanation: We are heartened to see the SAD expand its discussion of the authority of the Church to include the creeds, historic formularies of the Church, and the newness of Christian expression for each generation-- in addition to the witness of the Holy Scripture (Sect. One). We know, however, that many provinces of the AC do not have a tradition of reading Holy Scripture with the aid of modern biblical criticism.

The catholic tradition was largely responsible for the "invention" of modern biblical criticism, both in England and on the Continent. Many Anglican seminaries throughout the world have historically

welcomed and taught critical methods. We support the use of the term “catholic tradition,” if by that term the authors mean the breadth of that tradition, not its more recent, restrictive use to describe what some are naming “Anglican orthodoxy.”

We are concerned that key terms in the covenant, most especially “catholic tradition,” remain undefined, therefore open to wide interpretation and the possibility of becoming the ground for further dissension.

6. Some provinces of the Anglican Communion have shown no willingness to undertake the listening process called for in the Windsor Report. We cannot commit ourselves to a covenant proposal knowing that other provinces have not taken action to approach the issue of human sexuality in a respectful, serious way.

Explanation: Many provinces in the AC have yet even to begin serious study and discussion of human sexuality. Some of the provinces which decry The Episcopal Church’s failure to keep this or that provision of the Windsor Report (which we hold to be a discussion document at this time, not an agreed-upon course of action), are not themselves willing to study difficult issues beyond searching the Scriptures for the Bible’s last word. Our decades of study and prayer have convinced us that the Bible is not the only word on this subject, and that it must be considered alongside many ways of hearing God’s word to us in our generation. The SAD will not create a climate in which rigorous, open, biblical, traditional, and scientific study and dialogue on human sexuality—or any other difficult topic—can take place across the Communion. Rather, it may truncate such study and conversation by the premature wielding of a club of authority should any province reach beyond another’s comfort zone. No listening process can flourish in a climate of fear.

7. We do not support the creation of a covenant whose provisions are unlikely to be followed by Anglican conservatives around the globe. Actions of some primates and provinces have not convinced us that they are willing to be guided by authority beyond themselves, despite their repeated calls for disciplinary action against “wayward” provinces.

Explanation: We in The Episcopal Church have suffered the repeated and unwelcome visitations of bishops and even primates of other provinces without the consent of our own bishops, action that is contrary to the canons of every province in the AC.

The Primate of the Southern Cone has repeatedly defended his uncanonical transfer of the now former bishop and many churches of the Diocese of San Joaquin to his province, causing great distress to those persons formerly in his flock who wished to remain in The Episcopal Church. He has attached a diocese in Brazil, Recife, to his own province despite the prohibitions in his own provincial canons to extending the province beyond contiguous boundaries.

Other provinces and bishops have set up missions and have ordained clergy in our dioceses without the permission of our bishops. They have claimed ownership of Episcopal Church properties.

Most egregiously, some primates, bishops, and priests have refused to receive communion with the Primate and other members of The Episcopal Church with whom they disagree, a clear sign that the listening process cannot possibly succeed if reconciliation at the Table of the Lord is not even possible. The refusal of some to attend the upcoming Lambeth Conference further demonstrates the unwillingness of some even to being in the same room or in dialogue with those they have already judged to be in error. The creation of the GAFCON conference, the frequent references to the Communion's already-broken state, the "mutinous" talk of establishing a second Anglican Communion—all these speak louder to us than words calling for a covenant.

Far more dangerous to the health of the Anglican Communion than the consecration of Gene Robinson are the actions of some so-called "orthodox" provinces and bishops whose uncanonical, illegal, and uncharitable moves have damaged the very fabric they seek to protect.

In short, we do not trust that, were The Episcopal Church to enter into covenant with the wider Communion, many other provinces would see themselves equally bound by its provisions. We perceive the provisions of the proposed covenant to be aimed in one direction: against progressive provinces who have interpreted the SAD directive "to seek to transform unjust structures of society" (2.2.2.d) in a way deemed unacceptable.

(Note: The paragraphs in this section were written just prior to June 19, 2008, when the GAFCON document *The Way, the Truth, and the Life: Theological Resources for a Global Anglican Future*, was published in Jerusalem. This document does nothing to allay our fears that the train of "orthodox" schism has already left the station and that the most conservative members of the Communion do not seek to be bound by a covenant.)

Conclusion

Talk of any covenant is premature when members of the communion are actively seeking division. The Anglican Covenant will neither repair the breach nor promote respectful, serious study of difficult issues.

For all these reasons we cannot accept the proposals of the St. Andrew's Draft. We do not believe that the solution to the fragmentation—even schism—of the Communion is in the restraint of law and the proposal of discipline, no matter how well couched in cooperative words the solution may be.

We ask, therefore, that the Anglican Communion take its time in evaluating our way forward. The covenant seems like too quick a fix, unseemly and even dangerous at this time. We commit ourselves to prayer, fellowship at the Lord's Table, listening, and service.

Signed:

The Tenth Bishop of Utah

The Right Reverend Carolyn Tanner Irish, D.D.

The Deputies to General Convention, 2009

The Rev. Canon Mary June Nestler
The Rev. Canon Dr. Pablo Ramos
The Rev. Canon Dr. David E. Bailey
The Rev. Lee Shaw

Mr. Stephen F. Hutchinson, Esq.
Ms. Toni Marie Sutliff, Esq.
Ms. Barbara Losse
Ms. Nancy Appleby

The Alternate Deputies to General Convention, 2009

The Rev. Susan Wiltsey Smith
The Rev. Steve Keplinger
The Rev. R. Michael Mayor
(vacant)

Mr. Russell C. Babcock
Col. Jay P. Stretch
Mr. Matthew T. Seddon
Ms. Kathryn B. Horvat

Text of Resolution A166 (referred to in this document on line 7), GC 2006:

Resolved, the House of Deputies concurring, that the 75th General Convention of the Episcopal Church, as a demonstration of our commitment to mutual responsibility and interdependence in the Anglican Communion, support the process of the development of an Anglican Covenant that underscores our unity in faith, order, and common life in the service of God's mission; and be it further

Resolved, that the 75th General Convention direct the International Concerns Standing Committee of the Executive Council and the Episcopal Church's members of the Anglican Consultative Council to follow the development processes of an Anglican Covenant in the Communion, and report regularly to the Executive Council as well as to the 76th General Convention; and be it further

Resolved, that the 75th General Convention report these actions supporting the Anglican Covenant development process, noting such missiological and theological resources as the Standing Commission on World Mission and the House of Bishops' Theology Committee to the Archbishop of Canterbury, the Joint Standing Committee of the Anglican Consultative Council and the Primates, and the Secretary General of the Anglican Communion; and that the Presiding Bishop of the Episcopal Church report the same to the Primates of the churches of the Anglican Communion.