

**Draft**

**Sex, Power and Authority: Anglicanism in a Global World**

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## **Sex, Power and Authority: Anglicanism in a Global World**

Political philosophers and analysts have expended much energy and ink on the problem of where moral values come from, on the question of whether there can be universal values, and whether it is possible to come up with meaningful international regimes and legal frameworks in a world of cultural and ethical pluralism (Harbour, 1995). Some reject the whole enterprise as doomed from the outset, whilst others suggest that a shared understanding of morality and culture might not be essential to coming up with workable 'rules'. Stable states certainly manage this within the context of domestic law, though the ever more pluralistic nature of modern societies is making this harder. Even in the international sphere we have a series of declarations and laws that are declared to be 'universal', although some would argue that these often represent attempts to impose Western liberal assumptions on the wider world and they are increasingly contested on the grounds of cultural particularity.

This problem is replicated in religious bodies, even though these might be thought to be bodies where value consensus prevails. Nowhere is this clearer than in the 80 million strong Anglican Communion which, for much of the last decade, has seemingly been paralysed and come close to a major split as a result of differences over sexuality. Of course, Christian communities have been subject to conflict since the very beginning of the faith. The Acts of the Apostles records debates over the place of non-Jews, over unclean food, and about engagement with the wider world; as the churches became stronger they divided over what, to modern minds, seem peculiarly obscure doctrinal differences over the nature of God or the doctrine of the Trinity; and most famously they divided into three major branches of the faith – Orthodoxy, Catholicism and Protestantism – with the latter especially prone to further fragmentation.

Yet today's religious splits have a different dynamic from many of those of the past, firstly, because they take place in a global world where news about events in one place very quickly travels to another, often being distorted in the process and in consequence inflaming division. Secondly, at the time of the great historic debates there was, at the risk of caricature, a broadly shared assumption that there was a 'right' answer to any question and therefore the simple acceptance of difference was impossible. Today the churches operate in a very different world, especially in the 'global north', one characterised by a high degree of social, political and religious pluralism. Like other Christian churches, Anglicanism is now dominated by communities in the 'global south' whose attitudes and approach to faith are often very different – though there are huge problems with speaking of a single, monolithic 'southern church' (Jenkins, 2002; Wijzen & Schreiter, 2007). Many of the churches are affected by the same dilemmas as the international community in facing up to a multiplicity of moral understandings across the global community. This makes for further tensions as 'southern' churches 'fight back' against perceived liberalising trends within Anglicanism, though this is not simply a north-south divide.

This paper explores the Anglican conflict as an example of ongoing debates about the relationship between values and rules in the international community (Lang, Rengger & Walker, 2006). After a description of the emergence of the crisis and the ways it has been shaped by the forces of globalization, however inadequate that concept, we turn to attempts to resolve the conflict. This leads to some discussion of

the centrality of values to this debate and the divergent claims made about whether there is a universally 'correct' and 'obvious' answer to questions of sexual morality. The final section turns to the proposed Anglican Covenant, and the question of whether a purely procedural/rules based approach can resolve a conflict where there is no underlying normative consensus. Here we focus on arguments articulated from within conservative and liberal wings of the US Episcopal Church, one of the numerically smaller but financially stronger branches of the wider Communion. For some the Covenant is part of a political process that enables dialogue and the continuation of the conversation, but for others it also an agreement that must include consequences for those who 'breach communion' by taking 'innovative' actions without reference to the wider faith community. Less clear in this ongoing debate is whether 'rules' can resolve deeply held moral differences. And if not, is the only solution for Anglicanism a two tier Communion.

### *A church in crisis?*

The issue of homosexuality has been on the Anglican agenda for over a decade but first came to a head at the 1998 Lambeth Conference. Though gay clergy were to be found in many of the Anglo-Saxon provinces, up until the 1990s the dominant policy had been one of 'don't ask, don't tell', with some bishops willing to ordain openly gay clergy without asking too many questions about their private lives. With the growing societal acceptance of homosexuality, however, some activists and clergy were calling for a more 'inclusive' approach to the issue, and a recognition and acceptance of the contribution of gay people to the life of the church. Opposed to them were individuals and groups who saw this as the latest step down a slippery slope towards an 'anything goes' Christianity following on from controversial theological statements from liberal bishops and the ordination of women.

Three key developments appear to have brought the current crisis to a head: the 2003 decision of the diocese of New Westminster in Vancouver to authorise the blessing of same sex unions; the nomination and subsequent consecration of Gene Robinson as Bishop of New Hampshire; and the decision of bishops from other provinces to offer episcopal oversight to North American parishes unhappy with these decisions – though conservatives do not accept that there is a moral equivalence between major innovations in church practice or theology, and the provision of pastoral support. But in reality this was a debate that had been running for some time and is tied into wider debates about authority in the church, about theological trends within North America, about gender and sexuality, and about the structures appropriate for a globalized religious body (Hassett, 2007).

The 1998 Lambeth Conference issued a document which restated the traditional Anglican position about sex being confined to heterosexual marriage whilst calling on the church to listen to the experience of homosexuals (*Lambeth Conference 1998*, 3 August 1998). Yet this hardly resolved the situation, and in January Archbishop Emmanuel Kolini of Rwanda and Archbishop Moses Tay of Singapore consecrated two conservative American priests as missionary bishops to the USA who could provide alternative oversight for conservative congregations within the context of a new organisation, the Anglican Mission in America. In response to the nomination of Gene Robinson, the October 2003 meeting of Anglican primates called on the Archbishop of Canterbury to establish a commission to study the divisions, and after New Hampshire went ahead with the consecration several provinces declared themselves out of communion with the US Episcopal Church.

In December 2004 a church commission issued the Windsor Report which asked the US Episcopal Church to express ‘regret that the proper constraints of the bonds of affection were breached’ in the election and consecration of Gene Robinson. It called for moratoriums on any future such consecrations and more theological reflection on the issue, putting on hold blessing of same sex relationships, and on the interference of bishops in other dioceses, and spoke of the need for a Covenant that would reinforce the ‘bonds of affection’ (*Windsor Report*, 2004). In response, the General Convention of the Episcopal Church, agreed to express regret for straining the bonds of affection but not for the act of ordaining Gene Robinson (*The Episcopal Church*, 24 June 2006). By 2006 a split within the US church appeared inevitable as several conservative dioceses and up to 200 parishes, both evangelical and Anglo-Catholic, proved unwilling to accept the authority of the new presiding bishop, Katherine Jefferts Schori (*Washington Post*, 3 July 2006).

Though the Archbishop of Canterbury did not invite Bishop Robinson to the Lambeth 2008 conference, many provinces remained unhappy that bishops involved in the latter’s consecration were invited. Early in 2008 a group of conservative leaders decided to hold a Global Anglican Futures Conference (GAFCON) in Jerusalem just before Lambeth. By early 2008 it had been announced that the primates of Kenya, Nigeria, Rwanda and Uganda would not be attending Lambeth, and they were later joined by bishops from other provinces, including Archbishop Peter Jensen of Sydney and Bishop Michael Nazir-Ali of Rochester. Instead they chose to participate in the Jerusalem Conference which Peter Jensen said would represent ‘biblical Anglican Christianity’. At the end of the gathering a statement was issued stressing that this was not a breakaway movement but that it represented a return to traditional Anglicanism (*The Jerusalem Declaration*, 2008). Less clear was how this coalition would hold together, especially as the distinctively Reformed character of much of the statement agreed at GAFCON was unlikely to appeal to some of the more Catholic participants – and given that members disagreed on a number of what were sometimes described as secondary issues such as the ordination of women and lay presidency at the eucharist (*Church Times*, 4 July 2008). In response the Archbishop of Canterbury wondered how a council of primates which ‘consisted only of a self-selected group from among the primates of the communion’ would ‘pass the test of legitimacy for all in the communion. It was ‘not enough to dismiss the existing structures of the communion, If they are not working effectively, the challenge is to renew them rather than improvise solutions’ (Archbishop of Canterbury, 30 June 2008).

After all the noise surrounding GAFCON, the actual Lambeth conference appeared as something of an anti-climax. (*Church Times*, 15 August 2008). The organisers were determined to keep sexuality from dominating the conference, yet the issue would not go away and many participants were unwilling to leave the discussion till the last few days of the conference. The Archbishop of Sudan, Dr Daniel Deng, reportedly backed by 150 of the southern bishops, called on Gene Robinson to step down and the bishops who consecrated him to seek forgiveness for taking the Communion to the brink of schism (*Times Online* 22 July 2008). At the tail end of the Conference the Windsor Continuation Group created by the primates put forward proposals for a Faith and Order Commission that might function as a fifth ‘instrument of unity’ and for a Pastoral Forum which could provide an external oversight for dissenting parishes until they could be united with their home provinces. Speaking after the conference Dr Williams stressed that he did not see the proposed Covenant as a punitive device, but accepted there might emerge different types of relationships

within the Communion if some provinces refused to sign it (*Lambeth Conference Press Transcript*, 3 August 2008).

Two conferences on it was far from clear that resolution had been achieved, as GAFCON proceeded with further organisational steps, including the creation of a secretariat based in Australia, whilst several American and Canadian bishops repeated that they could see no long term objections to gay inclusion in the church. Moreover, the actions of the US Church in deposing Robert Duncan, the Bishop of Pittsburgh, following his announced intention of moving the allegiance of the diocese to the Southern Cone, encouraged many American conservative Episcopalians in the view that they had no future in existing church structures (*Episcopal Life* online, 18 September 2008). By late 2008 there had emerged an alternative North American province and in late 2009 the decision of the Los Angeles diocese to nominate a partnered lesbian for an episcopal position appeared to exacerbate the tensions further.

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Prior to the 1980s, the northern churches had been able to contain their theological differences within a single church framework, despite occasional guerrilla skirmishing over liberalising theological trends, women priests and sexuality. What had changed by the 1990s was the global context and the shifting balance of demographic power within most of the major Christian churches. Numerous commentators have pointed to the fact that a growing majority of the world's Christians were now to be found in the 'global south' and the argument was popularised by Philip Jenkins in his 2002 book *The Next Christendom*. The argument here was that Christianity will very soon be predominantly southern and that the new southern Christian community looks to be 'far more conservative... traditionalist, orthodox and supernatural' in its belief and moral teaching (Jenkins, 2002: 7-8). Rather like Samuel Huntington on civilizations, Jenkins has been criticised for excessive generalisation about the southern churches (Wijsen & Schreiter, 2007), but on the surface some of these developments were evident in the Anglican Communion. For example, in 1948 only 6% of African bishops were black whereas today virtually all are, and by the beginning of this century around half of Anglicans were African (Pui-Lan, 2001: 58). This shift has given bishops and global south communities a new sense of their own significance and power within the communion (Ward, 2006: 308; *Pew Forum*, 14 May 2007).

The significance of southernisation has been increased by the ability of religious communities to make use of the opportunities provided by *globalization*. Miranda Hassett notes that in much of the literature 'conservative religious movements are often explained as a retreat from radical openness and interconnectedness of the global world into faith based fundamentalism or, at least, parochialism'. But she goes on to note that 'this globalizing conservative movement is engaged with the flows of the global context in many respects: its use of transportation and communication technologies, its effort to build cross-cultural solidarity, its denial of the relevance of distance and geographical boundaries' (Hassett, 2007: 5-7). From the outside it appears that traditionalist groups have been much better at organising internationally and over the last twenty years or so they have built up a variety of networks and meetings where they can come together and discuss common concerns. Some of these links built on pre-existing mission societies or meetings of like-minded Christians that had existed for years – some Evangelical and/or charismatic (which were often cross-denominational) as well as more Catholic oriented ones – but gradually new groupings have sprung up responding to and concerned in particular with issues

relating to theological liberalism, the ordination of women, and the place of homosexuals in the church.

There was also an element of 'northern' conservatives 'discovering' the south not just as a mission field, but as a source of traditional understandings and potential allies when they were struggling to make headway at home. Prior to the late 1990s there had been a variety of groups in the USA such as Forward in Faith, Ekklesia, and the American Anglican Council but, despite providing support for conservative parishes, they had little joy in changing the agenda or direction of the American Episcopal Church. It was in this context that they started to look for global allies (Hassett, 2007: 38). In the run-up to Lambeth 1998 these connections began to solidify at conferences in Kuala Lumpur and Dallas, which, though dominated by southern bishops, were closely observed by northern conservatives. Whilst all this networking was going on, further possibilities were opened up by electronic communication which enabled people to discuss topical issues and respond to crises without the expense and difficulties of meeting. For the more conservative Bishop of Pittsburgh, Robert Duncan, these new networks were a source of life and vitality, creating opportunities that would have been unthinkable twenty years ago, and enabling 'ever increasing co-operation among Orthodox Anglicans' (Duncan, 2008). But this same high speed communication also eliminated 'the input of actual personal encounter and all the modifiers it creates' (Kaye, 2007: 138) and, in Rowan Williams's words, it turned church affairs into a 'soap opera' where groups and individuals would exaggerate their difference for instant effect, where what happened in one province was often misinterpreted by those with particular agendas, and where non-nuanced responses became the norm (*The Guardian*, 15 July 2003 & 20 August 2004).

Anglicanism, of course, spread with the expanding British Empire and in consequence it often inherited some of the *colonial attitudes* typical of the time (Sachs, 1993). This past has often been used in the current debates with each side hurling the charge of colonialism at the other. Theologian Vinay Samuel speaking at the GAFCON conference, claimed that Rowan Williams was so stuck in a colonial mindset that he could not trust the leaders of the southern churches, and suggested that race was shaping the way the northern churches looked at the world (*The Guardian* 25 June 2008). The same attitude was to be found in the comments of Uganda's Archbishop Henry Orombi who accused the Rowan Williams of 'betrayal'. Describing the latter's office as a 'remnant of imperial colonialism', Archbishop Orombi went on to make the quite reasonable suggestion that the time had come to separate the position of head of the Church of England from that of head of the Anglican Communion (*Times online*, 1 August 2008).

An alternative version of this thesis was the attack on American unilateralism which drew a parallel between US actions in the international arena and the Episcopal Church's tendency to innovate without taking account of the wider Communion. American missiologist Ian Douglas recognised that this claim had some validity, but offered the counter-argument that it was American conservatives who had exported northern issues around the world when the focus of the Communion should be on other issues such as poverty, disease and war (Douglas, 2005). Others offered sharper rebuttals of the colonialism charge, with Hassett noting that:

Many Northern liberals and moderates fear that Northern conservatives are co-opting and using Southern Anglicans for their own goals. In contrast, Northern conservatives and Southern church leaders argue that their alliances represent the development of more cosmopolitan, globally aware Anglican identities and

a profound unsettling of traditional Northern dominance in the Anglican Communion (Hassett, 2007: 81).

Rowan Williams offered perhaps the best response to these controversies when, just before Lambeth, he suggested that ‘the language of colonialism has been freely used of existing patterns...But emerging from the legacy of colonialism must mean a new co-operation of equals, not a simple reversal of power’ (Archbishop of Canterbury, 30 June 2008).

### *The search for ‘rules’ and ‘normative consensus’*

Whilst there is a temptation to depict this as simply a battle about power and authority, it is worth stressing that for most of the participants there are fundamental theological issues at stake. Within a religious context it is hardly a revelation to find that values matter, despite the residual suspicions of some that such beliefs might disguise more material concerns. But what is more central is that this seemingly narrow debate within one religious community tends to reinforce the view of those who suggest that the fundamental divide in the modern world is between an individualistic morality rooted in individual autonomy, and a more community based ethic that stresses the importance of absolute or foundational values. As Norris and Inglehart suggest, what we are seeing is less a clash of civilizations than a clash within civilizations, and one where the focus is on questions usually bracketed under the heading of ‘family values’. (Norris and Inglehart, 2004).

These battles have been going on since the Reformation as different groups battled for the soul of Anglicanism, and the Christian churches have struggled with the question of sexuality since the time of St Augustine, if not earlier. Within the Anglican Communion the issue of polygamy was a particular source of controversy for over a hundred years and was only finally resolved in 1988 when the Lambeth Conference agreed that polygamists could be baptised and confirmed with their believing wives, but could not marry again whilst any of the others were alive and should not put away existing spouses – ordained leaders were to have only one wife. (Kaye, 2006, 100).

When looking at the contemporary conflict there is a temptation to simplify the battles lines and a liberal-conservative distinction is perhaps over-determined by a US ‘culture wars’ understanding. This framing sometimes ignored subtle distinctions and ambiguities, and in reality there is a wide array of perspectives, from radical liberals keen to assert their views against all comers, to radical evangelicals such as Sydney’s Archbishop Jensen who want to create a pure Reformation Church that makes few compromises with the surrounding culture. Though many bishops are not so easily categorised, it is the case that most of the running in the public debate pits conservative evangelicals, with some support from conservative Anglo-Catholics, against bishops and provinces of a more liberal theological persuasion. This in turn reflects wider concerns that the churches are increasingly divided between those committed to a foundationalist ethic and those who buy into the liberal individualistic ethic that focuses on autonomy as the primary gospel value, though, as the Archbishop of Canterbury Dr Rowan Williams put it, the conflict was just ‘not just about nice people who want to include gay and lesbian Christians, and nasty people who want not to include them...The question is, really, “What are the forms of behaviour that the Church has the freedom or the authority to bless if it wants to be faithful to scripture and tradition”’ (BBC Online, 8 February 2008).

For the conservative community the fundamental barrier to the full inclusion of actively gay people in the life of the church is scripture and, to a lesser extent, church tradition. At the level of prohibitions, conservatives point to the Old Testament condemnation of men who lie with other men as ‘an abomination’ and to the Pauline injunction to the same effect. More broadly, they suggest there is a broad biblical narrative rooted in the creation of man and woman as complementary, meaning that heterosexual marriage lies at the heart of God’s intentions for humanity (Gagnon, 2003). On top of this there is an appeal to the tradition of the church which has always condemned same sex activity and to the necessity of church leaders being a source of unity not scandal – for this reason some bishops who have no problem with the inclusion of gays in church life still opposed the ordination of Gene Robinson and the blessing of same-sex relationships. The official position adopted at the 1998 Lambeth Conference spoke of sexual activity as confined to heterosexual marriage, rejected the idea that the homosexual orientation was sinful in itself, and called for the church to listen to the experiences of homosexuals.

Liberals responded that Jesus does not mention homosexuality, and that the Bible contains a range of prohibitions that we no longer observe. In addition they argue that traditional readings of some of the texts are open to other interpretations. Equally important is the claim that the broader message of Jesus suggests inclusion, and therefore the church should be at the forefront in campaigning for justice and human rights for all (Linzey & Kirker, 2005). For the latter, the former are often a bunch of homophobic bigots using scripture to justify oppression in the church and maintain their own power, just as they did over the ordination of women; for the former, the latter are reinterpreting scripture way beyond what traditional understandings allow (Interview, Dr Phillip Giddings, 26 January 2009), and doing away with basic Christian concepts of sin to justify a largely individualistic or consumerist approach to sexuality. Needless to say, the debate is a complex one, where deeply thoughtful reflections and sometimes rather simplistic, even abusive, rhetoric come together in an effort to shape an Anglican community which, rather like the wider society, still struggles to come to terms with issues surrounding sexuality. To complicate matters further, the growing awareness of Anglicanism as a world-wide communion with an increasingly southern centre of gravity has changed the nature of the debate.

Why now? There is the wider acceptance of homosexuality within Western society that could not fail to touch the church, and has led to demands for gay people to be accepted within the church, to have their relationships blessed in a liturgical sense, for existing gay clergy to cease to live dishonestly, and for the church to realise that if homosexuality per se is not sinful then why not ordain gay people living in faithful, committed partnerships. This has led some churches, particularly those of North America, to take steps to include gay people but in the process to introduce ‘innovations’ that many believers feel are going beyond what scripture and tradition can allow. The churches that have gone furthest on this have tended to be those where a more liberal, less literalist theology prevails and also to be the churches that have gone furthest in advancing women. In consequence many conservative parishes have seen the acceptance of homosexuality as the last straw and believe that they are effectively being excluded from the church. Feeling that their home churches are betraying the gospel they have looked elsewhere for spiritual leadership and in some cases have accepted the authority of bishops in other Anglican provinces. At the same time activists in the north have been able to make use of the more conservative

approach to sexuality of their southern brothers and sisters, and perhaps, as Judith Butler has suggested in another context, having failed at home are now seeking to internationalize their struggle by looking for support abroad (Butler, 2006). For their part, many southern bishops have been genuinely horrified by developments in the north and point out that, whilst northern churches are in long-term decline, their churches are often growing at a phenomenal rate whilst preaching a conservative message. It is also sometimes argued in places like Nigeria that their identification as part of 'the gay church' is undermining their missionary or inter-faith work in the face of Muslim expansionism.

In consequence, it is suggested, this is not just a matter for individual provinces to decide but something that affects all, and it is not a debate about secondary issues but one that involves 'essentials' of the faith. During the 2008 Lambeth Conference Bishop Mouneer Anis of Egypt argued that the differences over sexuality were symptomatic of a deeper problem and that there was a big wall that:

...still divides us. It is big because it involves the essentials, the foundation of our faith...I find that many of our North American friends blame us and criticise us for bringing in the issues of sexuality and homosexuality but in fact they are the ones who are bringing these issues in...And in the end, we, the people who remain loyal to the original teaching of the Anglican Communion, which we received from the Apostles, are blamed. (*Times online*, 30 July 2008).

By 2008 many were suggesting that these differences had gone so far that it was now possible to speak of two different religions existing within the Anglican Communion.

For some of those involved the issue of sexuality could not be separated from questions of culture and context and for some in the northern churches the inclusion of homosexuals within the life of the church was essential to their proclamation of the gospel in secular and highly pluralistic societies. Their critics suggested that they were too much in thrall to their context, allowing the culture to transform them rather than challenging the culture within which they operate. Andrew Proud, Area Bishop of the Horn of Africa, suggested that:

Whilst we all of us exist within a particular culture, we are none of us exhaustively defined by that culture. No particular culture should predominate; all culture stands under the judgement of the cross. But of course, cultural mores shift and change over time. What was acceptable in the past might well not be so today....And what is acceptable in one culture today might well be tabu in another....Over the past four or five decades, the cultural landscape of the global North has changed. The liberalism of the 60's has led to the post-modernism of the 00s. Christians in the North, submerged in the surrounding culture have, on the one hand, found it increasingly difficult to communicate the Christian story as they received it and, on the other, have tended to be susceptible to the values, opinions and priorities of the age.

Bishop Proud noted that the sharp decline in Christianity in the global north has been matched by a growing moral relativism in Western society. In this context the churches have all too easily followed suit, allowing themselves to be defined by that culture and to accept the dominant culture's treatment of sexuality in terms of rights and individual autonomy, rather than with relationship to some notion of absolute values (Proud, 2008). Yet, as the Bishop of Edinburgh pointed out, this charge of cultural subordination applied to most churches, and whilst:

...it is commonplace to assert, for example, that currently the Episcopal Church in the USA and the Anglican Church in Nigeria are different in their approach to sexual ethics. Others will talk differently. They will say that they are very similar indeed. Each is developing, in their church, ministerial policies that reflect the law and current opinion of their respective societies. Neither is taking a strong counter-cultural stance. Each is allowing the norms for a good society, as these are understood, have developed and are expressed in the laws of their country to inform ministerial practice and strategy (Smith, 2008).

In practice, that is, most churches are shaped by their cultural context and rarely do they act as culture transforming agencies – whatever they might think or say.

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Given these seemingly irreconcilable differences over values, the Anglican Communion faced a dilemma. Could it continue to go on in the old way, where provinces were completely autonomous internally and largely turned a blind eye to what others did at home? Or was this still practical in a world where the nature of connections across provinces meant that different groups of Anglicans often found themselves having more in common with Anglicans in other provinces - or indeed with other Christian communities - than with fellow Anglicans in their home provinces? Each side tended to blame the other for the crisis, claiming that sexuality wouldn't have become such a central issue if the other was not promoting 'innovation' or obstructing 'inclusion', and each depicting their arguments as rooted in a truer understanding of the Gospel. In terms of Christian tradition and majority opinion within the Christian churches as a whole the conservatives would appear to have a stronger position, though to the outside world in the 'north' their position often appeared anachronistic. Here a focus on sexuality tended to undermine other contributions to society and public debate, just as in the 'south' the image of Anglicanism as 'the gay church' was said to undermine Christian engagement with Islam. In consequence, debate in the Communion over the last ten years have focused on ways of managing and/or resolving this issue so that it did not destroy Anglicanism, and the answer has been seen in terms of finding (or rediscovering) a set of 'rules' capable of holding the Communion together.

Writing in the context of international relations Lang, Rengger and Walker make the case that rules are more important than ever if communities are to be held together in a fragmented world, but also more difficult to create given the difficulty of finding common ground across cultures. They also make an important distinction between informal and formal rules:

Informal rules...assume that guidelines cannot be formulated in advance for every situation and that appeals to written texts cannot resolve every conflict. Formal rules do seek to make concrete the assumptions and norms of a community in texts and treaties which aspire to permanence and to which appeal can be made when there is disagreement (Lang, Rengger & Walker, 2006, 276)

In many ways this same distinction lies at the heart of the Anglican dilemma for, unlike Rome, Canterbury relies very heavily on informal rules. But can this work in a context where there appears to be less agreement than ever on what it means to be Anglican. The problem is how to create rules that have a legitimacy that goes beyond simple consent and that are capable of changing behaviour not because of any coercive dimension, but because they construct 'normative structures that attain

legitimacy and are thus accepted by all agents involved' (Lang, Rengger & Walker, 2006, 286-90)

For some the core question was where authority lies in the Anglican Communion, in a church where there is a strong suspicion of anything resembling papal power or centralised leadership. Hitherto the Anglican Communion has been held together by older colonial ties and loyalties, by a polite series of informal understandings ('the senior common room mentality'), and by some vague adherence to Canterbury as providing a source of authority, albeit one with no enforcement powers. For many this is no longer enough, and they believe that the sheer size and diversity of the community requires a set of more substantive rules that will regulate the relationship of the thirty eight autonomous provinces. This would provide at least some means of determining between legitimate difference and impermissible innovation within the church, and help to hold the Communion together.

Locating authority in Anglicanism has always been problematic, even when the tradition was confined to a single island. For some final authority rests on scripture and the various sixteenth century founding documents, but what this means in practice has been contested from the very beginning. As Anglicanism spread it evolved various types of governance and the convention of provincial autonomy gradually developed, though for a long time this was constrained by the appointment of predominantly white bishops, often drawn from missionary ranks. Gradually there emerged a concern that geographically dispersed communities should communicate more frequently, though the first Lambeth Conference of Bishops held in 1867 was in part convened to deal with a theological controversy surrounding the allegedly unorthodox teachings of the Bishop of Natal, John Colenso. Even then it was made plain that this meeting would 'not make declarations, or lay down definitions on points of doctrine' but would allow for 'united worship and common counsels', though the evangelicals of the time remained suspicious that this might herald a shift towards papal models of authority (Sachs, 1993, 201ff).

The Lambeth Conference continued to meet roughly every decade up until 2008 and acquired a degree of authority alongside that of the Archbishop of Canterbury. Over the last few decades these have been joined by the Anglican Consultative Council which includes lay representatives (formed in 1969) and the Primates Meetings (started in 1978) in making up the so-called 'instruments of communion'. All four of these were said to be held together by the 'bonds of affection' that united people of a common faith. The problem remained, however, that the relationship of these bodies to each other was not clearly defined, none had clear primacy, and there were no enforcement mechanisms available to them in the event of substantial differences between provinces. Indeed, the assumption remained that each province was autonomous and not subject to the ruling of other agencies. In an age when all problems were global and when news of events in one province was quickly passed on and had effects for others, many came to believe that more was needed. The bishops at the GAFCON meeting in Jerusalem argued that the 'instruments' were not fit for purpose and had failed to deal with this crisis. If the Communion was to be held together then something more was needed and potentially they might be able to provide it in the form of a new gathering of 'orthodox' primates, though some found it ironic that a council with teeth was being advocated by conservative Protestants who usually shied away from anything that hinted of papal or curial authority.

In practice, the period since 2004 had witnessed an effort to create a set of 'rules' that would hold the communion together in a time of unprecedented stress. In 2004 the Lambeth Commission on Communion published *The Windsor Report*, a

document that sought to address some of the problems raised by the homosexuality debate. This noted that the Canadian and American innovations in this area had failed to take into account the views of other Christian communities, instead arguing that this was an issue on which Christians might have legitimate differences. In consequence they had undermined trust within the Communion. Recognising that Anglicanism lacked a rule book, they recommended 'adoption by the churches of the communion a common Anglican Covenant which would make explicit and forceful the loyalty and bonds of affection which govern the relationship between the churches of the Communion...The Covenant would be signed by the primates. Of itself, however, it would have no binding authority'. In the meantime, they called for three moratoria - on any future appointments of partnered gay bishops, on the authorisation of the liturgical blessings of same sex relationships, and on bishops intervening in the affairs of other provinces (*The Windsor Report*, 2004).

Over the next five years a consultative process produced several drafts of the Covenant, with amendments following contributions from the provinces. The Ridley-Cambridge Draft of the Covenant presented to the Anglican Consultative Council in May 2009 moved, at least in theory, towards replacing a juridical emphasis with one that stressed interdependence and mutual accountability. Yet this was not to be toothless and the draft spoke of situations arising when individual provinces take an action or decision 'which has been found to be "incompatible with the Covenant", impairs or limits the communion between that Church and the other Churches of the Communion. It may recommend whether such action or decision should have a consequence for participation in the life of the Communion and its Instruments' (Ridley Draft). It also spoke somewhat ambiguously of other churches adopting the Covenant which appeared to leave open the possibility of the dissenting Anglican Church in North America and possibly even individual dioceses accepting the document. And this possibility may have moved a step closer when, following the decision of the July 2009 General Convention of the US Episcopal Church to permit the consecration of actively gay clergy as bishops, seven dioceses remaining within the Episcopal Church declared their commitment to the Covenant. After further discussions and refinements a final version of the Covenant was issued in December 2009 and each province was asked to discuss the text and commit to it through their own processes over the following three years.

The problem that arose throughout this debate was whether the two primary positions were reconcilable, whether 'rules' and 'normative structures' could be created that would be legitimate for all actors. For the GAFCON primates the boundaries of acceptable Anglican belief were very clear and rooted in the belief that the Bible should be 'translated, read, preached, taught and obeyed in its plain and canonical sense, respectful of the church's historic and consensual reading'. The debate was wide-ranging, and often highly nuanced, but for ease of discussion and because the whole process emerged out of tensions within the US Episcopal Church, this section picks up on arguments articulated by thoughtful individuals on both sides of the divide though in this short space I will undoubtedly over-simplify their approaches.

For Paul Zahl, formerly Dean of the conservative Trinity Episcopal School for Ministry in Pittsburgh, there was no doubt that Scripture was clear on the presenting issue of homosexuality and that his own Church was putting contemporary cultural assumptions above the demands of the faith and the needs of the wider Communion. In these circumstances there was little for the Episcopal Church do other than repent and cease to ordain partnered gay clergy or bless gay relationships. So far as the

Covenant was concerned he believed that the Communion had reached a potential dividing point and that therefore something more than words was necessary. Whilst Zahl was wary of investing too much authority in bishops or primates he tended to reject the American church's stress on autonomy and he argued that there had to be some means of saying that 'no one provincial member of the Communion family will jump out in front, ahead of the line...Covenant is just a written form of what has always been unwritten, a proper "gentleman's agreement"'. Less clear to Zahl was whether the proposed Covenant would have any more success than the other 'instruments' in resolving the difficulties or in preventing the US Church from doing its own thing. (Douglas & Zahl, 2005; 89-90)

Professor Ephraim Radner of Wycliffe College Toronto and a member of the Covenant Design Group was equally concerned about aspects of the Windsor process, pointing to the unsatisfactory nature of terms like 'moratoria' and 'listening'. The first of these essentially meant a delay in further innovation whereas conservatives wanted a cessation. Equally the listening process was largely meaningless because the reality on the ground in North America meant that 'inclusivists' were not going to change their position and it was only traditionalists who were expected to adapt (Radner, 2008). For Radner and his colleagues at the Anglican Communion Institute, the Episcopal Church had to accept the basic Covenant principles, which include commitment to the Windsor injunctions. Equally importantly, they had to accept the Covenant notion of 'mutual subjection in the Body of Christ' with its consequences for a choice not to ratify the Covenant or abide by its terms once they have committed to them (Turner, Seitz & Radner, 1 January 2009). For Radner the Covenant merely made explicit the 'rules' that Anglicans has always assumed, and the fundamental problem was that many within the American church leadership rejected the very idea of legitimate rules whose breach led to any consequences, and tended to see rules as belonging to the sphere of Law that the Gospel had transcended. At this level the problem was less with any 'particular rules the Covenant might embody' but about 'a fundamental difference in whether rules of any kind are desirable at all at an international level'. (Radner, 12 November 2009). But without some notion of enforcement the Covenant would be meaningless, because many of the global South provinces would simply not sign up to it. So it had to possess some form of sanctions though these in theory 'must and *can only* focus on the relationships between Covenant members as pertaining to Covenant-defined relationships; it cannot touch upon individual relationships between individual Anglican churches (dioceses, national churches, or provinces), nor on relationships *within* such individual churches'. (Radner, 5 January 2009).

Rev Professor Ian Douglas of the Episcopal Divinity School (and from 2010 Bishop of Connecticut), and a man who has played a significant role in articulating Episcopal Responses to the several iterations of the Covenant argued against the notion of a Covenant with teeth. He expressed a dislike for the gradual emergence of an 'instrumentalist' approach to dealing with problems, something he saw as long pre-dating the Windsor Report. He saw this as a further 'reification of the Instruments of Communion' and instead thought that a liturgical and missiological response would have been better. (Douglas & Zahl, 2005. 9) Douglas was wary of approaches that focused excessively on rules and juridical notions and, whilst noting the possibilities embodied in some recent attempts to tease out some cross-communication notion of canon law, preferred a covenantal process, so long as this was adopted through local 'polity processes'. For Douglas, 'covenants are fundamentally about relationships to which one gives oneself voluntarily, while laws can be seen as a body of governing

principles under which one is forced to live' (Douglas & Zahl, 2005. 91) – though being 'forced to live' under law does not preclude consent or legitimacy. Addressing a meeting of the York Diocesan Clergy in May 2007 Douglas repeated his opposition to the 'instrumentalist' reading of the Covenant process, preferring once again to emphasize the Archbishop of Canterbury's words that 'our Communion depends a great deal on relationships rather than rules and it is those relationships that are strained'. In the light of this observation the emphasis should be on mending relationships through 'communion in mission', through shared experiences in worship and service. 'Communion then is not arbitrated or advanced by structures articulating or enforcing specific legal or canonical guidelines. Rather, communion is discovered, lived into, through an infinite variety of incarnational relationships and shared experiences across differences' (Douglas, 2 May 2007).

Some of these reservations about the Covenant were evident in the responses of US dioceses to the Ridley-Cambridge Draft based upon responses from various groups within the church. Of most concern was Section 4 with its detailing of what would happen to those whose breached communion consensus by taking precipitate actions. Whilst a minority felt a governance section was necessary most were wary of a Covenant with any sort of enforcement powers, suggesting that this would be deeply un-Anglican and that it would silence prophetic voices within the Church by making change dependent upon finding a 'shared mind' (A Response, 2009) To some observers, whether one preferred an instrumental or relational approach depended largely on where you sat in the argument, as one seemed designed to bring the 'erring brothers and sisters into line' whilst the other offered continued connections whilst maintaining total autonomy and limited accountability to the wider communion. Whether these two positions could be reconciled was less clear and in response to the US General Convention's decisions of July 2009 the Archbishop of Canterbury suggested that what we might see would be a two-tier model in which those churches who signed up to the Covenant played a full role in the international and ecumenical life of the communion, whilst those who felt the need to pay more attention to local pressures would become less engaged (*The Guardian*, 27 July 2009). For other critics of the North American churches, the July 2009 decision to permit gay candidates to be put forward for Episcopal nominations effectively meant that the US church was rejecting the Covenant because it was rejecting official communion teachings in human sexuality and was not laying itself open to correction by the wider church (*Church Times*, 11.9.09). Against this, many in the US churches seemed to feel that waiting for a mutual discernment and agreement on this issue was to undo their own understanding of what the gospel meant and make change contingent upon other provinces which were never going to change their own understandings. In many ways a stalemate had been reached and the possibility of finding 'rules' that would gain both consent and, more importantly, normative legitimacy amongst all parties seemed further away than ever.

### ***Conclusions***

Six years after the consecration of Gene Robinson the Anglican Communion may be edging towards an admittedly imperfect solution to its international relationships – and it should be stressed that the Covenant is largely concerned with the wider perspective, though it will impact upon life within provinces that are strongly divided internally. The text sets out some largely shared ideas about Anglican identity but its

last section addresses the issue of what happens when relationships break down in the future. Whilst the procedures remain unclear, the emphasis here is less on punishment than on 'relational consequences' (Anglican Covenant, 2009) though as these potentially include impaired communion, exclusion from official gatherings or institutions, and potential recognition of dissenting groups of dioceses, the more sceptical provinces might see these as punitive in some sense.

This takes us back to our original questions of whether, in the absence of an authoritative leader or *magisterium*, rules can be created that rely on normative acceptance rather than coercion? How can mutual accountability be ensured when trust has disappeared and relationships have broken down? In the current situation, there would appear to be a fundamental divide over admissible sexual behaviour that can no longer be fudged by the Communion, and it is not clear that a reliance on a relational approach, as proposed by Ian Douglas, will be adequate. The debate suggests that whatever might hold Anglicans together, there is not likely to be a consensus on the presenting issue in the foreseeable future. In this situation the Church has been groping for a set of 'rules' that will hold it together, but there is very little chance that many of the southern provinces would sign a Covenant with 'no teeth' or one that permits the North American churches and others to sign with their fingers crossed. Some bishops have described the Covenant process as creating a space for dialogue, and international ethicists have often focused on dialogue as the way forward for dealing with fundamental cultural or 'civilizational' differences (Shapcott, 2009). The problem is, how to have a genuinely dialogue when there is fundamental disagreement on very basic issues, and Ephraim Radner's comments on the limitations of the 'listening process' point to some of the problems involved in creating an indefinitely open-ended dialogue. The next three years will determine whether it is possible to find a mutually acceptable set of rules in the absence of genuine normative consensus on sexual morality or even agreement on the necessity for this particular set of rules.

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