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Contesting Values and Searching for "Rules" in the Anglican Crisis

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Abstract: Over the last decade the 80-million strong Anglican Communion has been increasingly divided, seemingly over the issue of sexuality. This article explores this conflict by focusing on the particular problems of resolving conflict when the divisions are a product of a growing ethical pluralism within the Church and the wider society. In particular, we locate the discussion within an emerging debate about the utility of "rules" in resolving conflict in an international community where cultural particularity challenges claims made for universal values. In the Anglican case, hope has been vested in a Covenant that is discussed in the second part of this article. The hope of Church leaders was that this particular set of rules would acquire not just formal consent but normative legitimacy, although by early 2010 it was far from clear that this had resolved the crisis.

INTRODUCTION

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, while others suggest that a shared understanding of morality and culture might not be essential to coming

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up with workable "rules." Stable states certainly manage this within the context of domestic law, although 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 organizations, 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 paralyzed 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. In the New Testament, the Acts of the Apostles record 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 because 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 characterized 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 — although there are huge problems with speaking of a single, monolithic "southern church" (Jenkins 2002; Wijsen and 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 liberalizing trends within Anglicanism, although it is more than a simple north-south divide.

This article explores the ways in which the Anglican Communion is handling a crisis that is, at least in part, a product of this growth of ethical pluralism. There are a range of issues here relating to questions of authority and identity, but our primary focus here is on the Anglican

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conflict as an example of ongoing debates about the relationship between values and rules in the international community. Writing in the context of international relations, Lang, Rengger, and Walker (2006) trace the recent evolution of international "rules" from the United Nations founding documents, through the growth of international law and regimes and post-conflict efforts at peace-making and reconstruction, to the post-September 11, 2001 situation when one of the initial supporters of the international rule-making process reconsidered its commitment in the light of a "new" international situation. They go on to 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 (Lang, Rengger, and Walker 2006).

Many would argue that the Anglican Communion is also in a new situation, engendered by the "innovations" of the North American churches, and that this requires a fundamental re-thinking of authority structures in the international relations of the church. The argument presented here agrees that divisions within the Anglican tradition have indeed become far more acute in recent years, and have in part been shaped by the effects of globalization. Consequently, it faces many of the challenges outlined by Lang, Rengger, and Walker (2006) in the sphere of international relations. There is no longer a clear agreement within the church about questions of personal morality, and localized cultural understandings are the subject of contestation. This has led to a conflict situation that existing structures have proved unable to handle, and, in consequence, has led many to see the solution in terms of creating a new set of rules and authority structures that will somehow resolve the problem. All of this is problematic in a religious community that is neither hierarchical nor congregational in its approach to authority, and is traditionally heavily reliant on informal rules and loose authority structures.

The institutional response has been the creation of a Covenant, albeit one whose form has been hotly contested. Some dispute that rules are necessary, while others argue for a looser arrangement, for a "relational document" that sets out a broad understanding of how the Communion works. Yet others want a document "with teeth," with "enforcement" powers that allow for disciplinary action to be taken against those who transgress the rules. In the second part of this article, I outline some of the key debates surrounding the Covenant, focusing in particular on whether it is really possible to find a form of rules that is capable of changing behavior not because of any coercive dimension, but because the rules construct "normative structures that attain legitimacy and are thus

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accepted by all agents involved" (Lang, Rengger, and Walker 2006, 286). Even if agreement can be reached, does this represent an endpoint or the beginning of a new discussion, as in the legal world where approval of rules is only the first step and a whole process of commentary, interpretation, and application transforms them from dry texts to living documents (Klabbers 2006)? Given all these tensions, I conclude that the simple adoption of a new set of rules cannot resolve fundamental differences over moral values, and that Anglicanism will almost certainly become a two tier tradition at the international level, although many cross-provincial relationships will endure despite this.

CONTESTING VALUES

The presenting issue in the current Anglican crisis is homosexuality, and it came to a head in 2002–2003 when the diocese of New Westminster in Vancouver took the decision to authorize same-sex blessings and when the New Hampshire diocese selected Gene Robinson as prospective bishop. Although gay clergy had always been present 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. In return, "traditionalists" argued that fundamental Christian values were being compromised and they resisted any change in official church policies. When individual dioceses introduced what were seen as innovations relating to these and other issues (including the ordination of women in some cases) conservative parishes sometimes sought alternative Episcopal oversight from bishops in other parts of the Anglican Communion.

Although much of the media coverage of Anglican politics has focused on issues of power and authority, for the participants on either side, 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 (and in many

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churches) is between a morality rooted in individual autonomy, and a more community-based ethic that stresses the importance of absolute or foundational values. As Norris and Inglehart (2004) suggest, what we are seeing is less a clash of civilizations than a clash within civilizations, and one where the focus is on questions often bracketed under the heading of "family values."

These battles have been going on in Anglicanism 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 baptized and confirmed with their believing wives, that they could not marry again while any of the others were alive and should not put away existing spouses, and that ordained leaders were to have only one wife each (Kaye 2008, 100).

When looking at the contemporary conflict, there is a temptation to simplify the battles lines and a liberal-conservative distinction is perhaps overdetermined by a United States "culture wars" understanding. This framing sometimes ignores subtle distinctions and ambiguities, and in reality there was 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. Although many bishops are not so easily categorized, 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. Yet as the Archbishop of Canterbury Dr. Rowan Williams pointed out, 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

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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 liturgical 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 respond 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 and 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, 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, like the wider society still struggles to come to terms with issues surrounding sexuality.

Was this a "new situation" somehow comparable to the impact of September 11 on international relations? For traditionalists, the consecration of Gene Robinson as Bishop of New Hampshire and the wider move to legitimize gay relationships within a Church context certainly represented some form of turning point. They had lived with various forms of liberal theology for many decades and had in some cases adapted to the ordination of women — even some opposed to female ordination now depicted this as a qualitatively different issue. But on homosexuality it was argued that the North American churches in particular were going beyond what scripture, tradition and most religious communities permitted, and there can be little doubt about the outrage these steps

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caused within the church leaderships of the global south. Where American Episcopal leaders saw themselves as being prophetic, much of the Church saw them as simply mistaken if not heretical, and argued that the time had come to "reclaim" the Church.

How new this was in terms of the substantive issue is clearly open to debate, as is the real impact of September 11 on world politics, but there can be little doubt that the context was new. In particular, the growing awareness of Anglicanism as a worldwide communion with an increasingly southern center of gravity has changed the nature of the debate. Historically, such differences were contained because individual provinces enjoyed considerable autonomy and news of what went on in one province did not necessarily reach other provinces, at least not quickly. At the same time those opposed to certain developments within their own area tended to fight their battles within the "domestic" arena. All this has changed with the "southernization" and "globalization" of Christianity, which has allegedly shifted the balance of power within the major Christian communities. 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 popularized by Philip Jenkins in his 2002 book *The Next Christendom*. The argument here was that Christianity would 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 (1996) on civilizations, Jenkins has been criticized for excessive generalization about the southern churches (Wijsen and 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 all 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 2007).

The significance of this development has been increased by the ability of religious communities to make use of the opportunities provided by globalization. Miranda Hassett (2007, 5–7) 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

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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." From the outside it appears that traditionalist groups have been much better at organizing 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. There was also an element of northern conservatives "discovering" the south not just as a mission field, but also as a source of traditional understandings and potential allies when they were struggling to make headway at home (Butler 2007). Prior to the late 1990s there had been a variety of groups in the United States 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, although dominated by southern bishops, were closely observed by northern conservatives.

While 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 William'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 and 20 August 2004).

SEARCHING FOR RULES

One of the problems raised by Lang, Rengger, and Walker (2006, 275) was how to find appropriate rules in a fragmented world where there

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was "a retreat from belief in universal ideals." This was clearly something that also affected religious communities and, for many of those involved in the Anglican disputes, the issue of sexuality could not be separated from questions of culture and context. In the northern churches, some saw the inclusion of homosexuals within the life of the church as 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 operated. 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 (2008) 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. Yet, as the Bishop of Edinburgh pointed out, this charge of cultural subordination applied to most churches:

> …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

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> 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.

Given these differences was it possible to have an over-arching Anglican policy or should tensions over moral values be left to individual provinces to resolve. Many felt that this was impossible in the current situation and, 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, although within the Communion the search for a solution continued.

It was in this context and in the years prior to the 2008 Lambeth Conference that discussion began about finding a new set of rules and structures that might help to keep 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 developed, although 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, although 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

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make declarations, or lay down definitions on points of doctrine" but would allow for "united worship and common counsels," although the evangelicals of the time remained suspicious that this might herald a shift toward 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 Primate's 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.

Within the context of Lambeth Conference, the issue of sexuality had been addressed on various occasions, and the 1998 Lambeth Conference addressed the issue with a document that restated the traditional Anglican position about sex being confined to heterosexual marriage, although it called on the Church to listen to the experience of homosexuals (Lambeth Conference 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 United States who could provide alternative oversight for conservative congregations within the context of a new organization, 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. After New Hampshire went ahead with the Robinson consecration, several provinces declared themselves out of communion with the United States Episcopal Church.

In December 2004, a church commission issued the Windsor Report, which asked the United States 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 moratoria on any

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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; Douglass 2005). In response, the General Convention of the Episcopal Church, agreed to express regret for having strained 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 United States 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).

While the Archbishop of Canterbury did not invite Bishop Robinson to the 2008 Lambeth 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 in Jerusalem just before Lambeth. 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). 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 2008). The question was how, and it was in this context that the Anglican leadership began to invest ever greater hopes in the Covenant process promised by the Windsor Report.

The authors of that report sought to address some of the problems raised by the homosexuality debate. They 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. Recognizing 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

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authority" (Anglican Covenant 2010). Yet the question remained of what exactly the Covenant was and what it hoped to achieve given the fundamental differences over moral values. Was it simply a means by which one party could impose its will on others, could it really mend broken relationships, would all accept it, how would it be enforced — or was enforcement an inappropriate word in a Church community where "bonds of affection" were emphasized as the primary connection? From the outset of the process no one was quite sure, although many had strong views, and the debate all too often got tangled up with larger discussions about the nature of authority in Anglicanism. Hitherto the Anglican Communion had 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, and there had always been considerable suspicion of anything resembling centralized, papal style authority. But for many this informal style was no longer enough, and they believed that the sheer size and diversity of the community required a set of more substantive rules that would 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.

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, toward 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-Cambridge Draft of the Anglican Convenant xxxx). It also spoke somewhat ambiguously of other churches adopting the Covenant, phrasing that appeared to leave open the possibility of the dissenting Anglican Church in North America and maybe 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 United States Episcopal Church to permit

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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.

During this discussion process, a variety of arguments emerged, while throughout it remained unclear whether rules and "normative structures" could be created that would be legitimate for all actors. For the Global Anglican Futures Conference 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 at least in part out of tensions within the United States Episcopal Church, this section picks up on arguments articulated by thoughtful North American contributors on both sides of the divide.

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 to 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. While 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 that the other "instruments" in resolving the difficulties or in preventing the United States Church from going its own way thing (Douglas and Zahl 2005, 89–90).

Rev. Professor Ephraim Radner of Wycliffe College Toronto, a member of the Covenant Design Group, was equally concerned about aspects of the Windsor process, pointing to the unsatisfactory nature of terms like

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"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 important, 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, and Radner 2009).

For Radner, rules were not in any way alien to the Anglican tradition and had been in existence for a long time, albeit in understated and sometimes implicit manner, and the Covenant merely made explicit things that Anglicans has always assumed. 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 2009). From his perspective the Covenant was not about changing the Communion but finding a way of responding to the current situation that was acceptable to all involved. And the advantage of such a document would be in providing a degree of clarity, transparency, and mutual accountability within the Communion and also in its witness to the wider world. But one consequence of this had to be some notion of enforcement, for otherwise the Covenant would be meaningless and many of the global South provinces would simply not sign up to it. So it had to possess some form of sanctions, although 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 2009a, 2009b).

Rev Professor Ian Douglas of the Episcopal Divinity School (and from April 2010 Bishop of Connecticut), 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

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expressed a dislike for the gradual emergence of an "instrumentalist" approach to dealing with problems, something he saw as long predating 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 and Zahl 2005, 9). Douglas was wary of approaches that focused excessively on rules and juridical notions and argued that "structural responses to the challenges of identity in an increasingly diverse and plural Anglican Communion, although well-meaning, might not best serve the Communion at this time" (Douglas 2007). While noting the possibilities embodied in some recent attempts to tease out some cross-communion notion of canon law, he 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 and 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 2007).

Some of these reservations about the Covenant were evident in the responses of United States dioceses to the Ridley-Cambridge Draft. Of most concern was Section 4 with its detailing of what would happen to those who breached communion consensus by taking precipitate actions. While 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 to Resolution 2009). To some observers, whether one preferred an instrumental or relational approach depended largely on where one sat in the argument, as one seemed designed to bring the "erring brothers and sisters into line" while the other offered

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continued connections while maintaining total autonomy and limited accountability to the wider communion. This approach also colored where individuals and groups felt authority should lie in resolving conflict and who should decide when the Covenant had been breached. The document itself vested authority in the Standing Committee of the Anglican Communion attached to the Anglican Consultative Council. Traditionalists feared that this body was excessively dominated by Westerners and representatives of the global south who persistently sought compromise on these issues. Instead, they preferred to emphasize the importance of Episcopal authority to Anglicanism — somewhat ironic given the traditional evangelical suspicion of such authority — and they wanted a greater role to be given to the primates of the 38 provinces. In consequence, even with seeming agreement on a text, the meaning of its sanctions and the tools for implementing them remained the subject of contestation into early 2010.

CONCLUSION: THE LIMITS OF RULES

There can be little doubt that, by early 2010, the Anglican Communion was in crisis. Traditionalist critics argued that the July 2009 decision to permit gay candidates to be put forward for Episcopal nominations effectively meant that the United States church was rejecting the Covenant because it was rejecting official communion teachings on human sexuality and was not laying itself open to correction by the wider church (*Church Times*, November 9, 2009). And, despite the effort of a middle group of provinces and individuals to prevent this issue dominating the Anglican agenda, the March 2010 decision of the United States Episcopal Church to go ahead with the consecration of a partnered lesbian as a suffragan bishop in Los Angeles was read by many as evidence of a lack of commitment to the Covenant process. Once again, it was claimed, here was further proof of the newness of the situation, with the American church following the recently departed Bush administration in preferring unilateralism to cooperation in the face of a crisis. Against this, many in the United States 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 to make movement contingent upon other provinces that were never going to change their own understandings.

The Anglican response to the ongoing tensions had taken the form of a search for a new set of rules that might bind the Communion together,

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although quite what was meant by rules and what their content should be has been the subject of considerable debate. Writing about international relations, Lang, Rengger, and Walker (2006, 276) 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.

Traditionally, Anglicanism has relied on the former, on what some call the "senior common room mentality," and this remains the preferred option for many. What is less clear is whether such an approach can survive where there are fundamental value differences at stake and where there would appear to be serious disagreements on how the faith tradition should respond to a particular issue. Hence the search for a new set of rules that might, almost magically, resolve the problem.

As of December 2009 this set of rules was in place in the form of the Anglican Covenant, and individual provinces were required to discuss it and pledge commitment through their own individual procedures. Yet the United States Episcopal Church's actions in the second half of the year were taken by many, even some sympathetic to the basic American position on "inclusion," as indicating that whatever else the new rules meant, they could not constrain action within the domestic context. But equally, those who felt that such actions were wrong felt little compunction in breaking off Communion level (and other) ties with the leadership of the United States church with the consequence that a two-tier Communion looked the most likely outcome of recent events. And this seeming stalemate brings us back to the question of whether in the absence of shared moral understandings it is possible to find rules that would gain both formal consent and, more importantly, normative legitimacy among all the actors. At the moment the Covenant might just gain the former, but the latter is clearly lacking and it remains unclear whether some of the southern churches would be willing to share even "relational" activity with provinces that continue to do their own thing. While some continue to hope that the new set of rules will at least allow a conversation to continue, others fear that the horse of Anglican unity has already bolted. And while faith in the Covenant, in rules as

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the solution, may not be the right answer, it is unclear that any of the major actors have a better idea.

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