



Anglican Conciliarism at the breaking point: the devolution of conciliar principles and practice in Anglican Communion governance

By The Rev, Canon J. Philip Ashe, The American Anglican Council

Paul Avis provides a real but limited definition of conciliarism at the global level of Anglican Communion governance:

“[Anglicanism] believes that provinces gathered into communions should act in a conciliar fashion within the limits imposed by the divisions in the Church. It [Anglicanism] sets out to extend conciliarity as far and wide as it can until it runs up against the barriers erected by broken communion, rival claims to jurisdiction or serious differences in doctrine or order.”¹

This belief and practice is a far cry from the robust definition of conciliarism by Gerson and Catholic Conciliarists of the 14th and 15th centuries, Reformational Anglicans, and an equally far cry from the principles and practice of conciliarism at all levels within such Anglican Churches as Australia, South East Asia, Nigeria and Ireland. Avis alludes to the limits imposed on conciliarity by the current crisis within the Anglican Communion, which includes serious differences in doctrine and order, broken communion between Churches, and rival claims to jurisdiction. This crisis has been characterized as a “deficit of authority” within the polity or

¹ Paul Avis, *“Anglican Conciliarity: History, Theology and Practice, “Within the range of political options available within the Church’s tradition, Anglicanism is an expression of conciliar Catholicism.”* 11. Documents of The Lambeth Commission on Communion

<http://www.anglicancommunion.org/commission/process/lc_commission/docs/200402conciliarity.pdf> Accessed 4 November 2015



governing structures (The Instruments of Communion) of Anglicanism, a crisis which threatens both the theological coherence and political cohesion of the Communion.²

Although the ordination of women to the presbyterate and a few consecrations of women to the episcopate strained the existing Instruments of Communion, the breaking point came in North America in 2002-2003 when the Diocese of New Westminster, Anglican Church of Canada (ACoC) unilaterally authorized public rites for the blessing of same sex unions³, followed by the election and subsequent consecration of a priest who was living publicly in a same-sex relationship as bishop-coadjutor in the Diocese of New Hampshire, The Episcopal Church, USA (TEC)⁴. Both Valliere and Avis describes the anti-conciliar nature of these acts⁵, their unacceptability to many Anglicans in TEC and most Anglicans throughout the Communion,⁶ Avis describing the consecration in particular as “a brutal and unavoidable new fact in the

² Paul Avis, *Beyond the Reformation? Authority, Primacy and Unity in the Conciliar Tradition* (London: T&T Clark, 2008) at 171. See also Norman Doe, “The Instruments of Unity and Communion in Global Anglicanism” in Ian Markham, J Hawkins, Justyn Terry and Leslie Steffensen, eds. *The Wiley-Blackwell Companion to the Anglican Communion* (Chichester, West Sussex: John Wiley & Sons, Ltd., 2013, 48-53, where he describes the Archbishop of Canterbury, the Lambeth Conference of Bishops, the Anglican Consultative Council and the periodic Primates Meetings as the authoritative Instruments of Unity and Communion.

³ In direct contradiction of Lambeth Conference (1998) Resolution 1.10 which provides in part, “... (b) in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage...(e) cannot advise the legitimising or blessing of same sex unions nor ordaining those involved in same gender unions.” .” The Lambeth Conference Official Website: Resolutions of 1998 <<http://www.lambethconference.org/resolutions/1998/1998-1-10.cfm>> Accessed 3 November 2015.

⁴ Avis [n2] 171.

⁵ Ibid. and Paul Valliere, *Conciliarism: A History of Decision Making in the Church* (Cambridge: Cambridge University Press, 2012), at 199-200.

⁶ “The episcopal ministry of a person living in a same-sex relationship is not acceptable to the majority of the Communion,” and reaffirming Lambeth Conference (1998) Resolution 1.10 as “the standard of teaching on human sexuality accepted by the [Anglican] Communion.” *The Communiqué of the Primates Meeting in Dar es Salaam 19th February 2007*, Para. 17 Anglican Communion-Instruments of Communion-Primates Meetings-Resources <http://www.anglicancommunion.org/communion/primates/resources/downloads/communique2007_english.pdf> Accessed 7 January 2014.



Anglican ecclesiastical landscape” which has placed a question mark over the viability of Anglican polity and the cohesion of the Anglican Communion.”⁷

The “Preamble to the Letter of Accession” from the Church of the Province of South East Asia to the proposed Anglican Covenant (Final Text)⁸ is a recitation of both the roots and the fruit of this crisis. Step by step, it documents the inability of the existing “Instruments of Communion” to deal with the unilateral actions of TEC and ACoC, thereby demonstrating the need to establish new structures of conciliarity within the Anglican Communion, or at least to reinforce old ones with the Covenant. It is worth citing, step by step, to understand the depth of this crisis and its trajectory.

First, the Province of South East Asia took note that the words in Section 4.2.1 of the Covenant expressing “common commitments and mutual accountability which hold each Church in the relationship of communion one with another” bear a strong resemblance to the closing appeal in the Second South-to-South Encounter Kuala Lumpur Statement (1997) where the need for mutual accountability was also noted.⁹

Secondly, this resemblance was not accidental. While the Covenant was seen as the culmination of a decade long struggle over ethical teaching and church order within the Communion, it was the Kuala Lumpur Statement (1997) which marked the beginning of a united effort by Anglican

⁷Avis, [n2] at xv: “It is because that consecration or ordination was, like all ordinations, a sacramental act, an ecclesial sign with universal intention, of what is true of the Church and of the values that the Church stands for and of the message that it proclaims...that at the time of writing it has placed a question mark over the viability of Anglican polity and the cohesion of the Anglican Communion.”

⁸ “Preamble to the Letter of Accession- Province of South East Asia” 07 May 2011, <http://www.anglicanwestmalaysia.org.my/images/articles/Preamble%20to%20the%20Letter%20of%20Accession.pdf> Accessed 4 November 2015

⁹ Ibid, Paras. 2 and 3;



Churches largely in the Global South to contend “for the faith that was once delivered to the saints across the Communion.”¹⁰ This prompted the appeal in the Kuala Lumpur Statement to uphold the authority of Scripture in every aspect life, including the family and human sexuality¹¹ which was embraced one year later at Lambeth Conference 1998 in Resolution 1.10.¹²

Thirdly, despite these Communion-wide pleas, the Diocese of New Westminster decided to authorize services for same-sex unions in 2002. In 2003, the Episcopal Church (USA) confirmed the election of Gene Robinson, a priest in a committed same-sex relationship, as one of its bishops.¹³ In October 2003, the Primates of the Anglican Communion issued a unanimous and strong warning in an extraordinary meeting that the consecration of Robinson would “tear the fabric of our Communion at its deepest level, and may lead to further division on this and further issues.”¹⁴

¹⁰Ibid, Para. 4.

¹¹ Preamble, [n8], para. 5, citing sections 6 and 9 of the Kuala Lumpur Statement (1997): “6. We believe that the clear and unambiguous teaching of the Holy Scriptures about human sexuality is of great help to Christians as it provides clear boundaries,” and “9. We are deeply concerned that the setting aside of biblical teaching in such actions as the ordination of practicing homosexuals and the blessing of same-sex unions calls into question the authority of the Holy Scriptures. This is totally unacceptable to us,”
<http://www.globalsouthanglican.org/index.php/comments/the_kuala_lumpur_statement_on_human_sexuality_2nd_encounter_in_the_south_10/> Accessed 4 November 2015.

¹²Compare Lambeth Conference (1998) Resolution 1.10 [n3], which provides in pertinent part, “in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage; (Resolution 1.10b)” and “notes the significance of the Kuala Lumpur Statement on Human Sexuality and the concerns expressed...on the authority of Scripture in matters of marriage and sexuality and asks the Primates and the ACC to include them in their monitoring Process (Resolution 1.10g).”

¹³ Preamble, [n8], para. 6.

¹⁴ Ibid, Para. 7 citing “A Statement by the Primates of the Anglican Communion, Meeting at Lambeth Palace 16 October 2003,”
<http://www.globalsouthanglican.org/index.php/blog/comments/a_statement_by_the_primates_of_the_anglican_communion_meeting_in_lambeth_pa> Accessed 4 November 2015: “If [Gene Robinson’s] consecration proceeds, we recognise that we have reached a crucial and critical point in the life of the Anglican Communion and we have had to conclude that the future of the Communion itself will be put in jeopardy. In this case, the ministry of this one bishop will not be recognised by most of the Anglican world, and many provinces are likely to consider themselves to be out of Communion with the Episcopal Church (USA). This will tear the fabric of our Communion at its deepest level, and may lead to further division on this and further issues as provinces have to decide in



Although the Presiding Bishop of TEC was present at that meeting and signed the extraordinary Primates Communique, he took order of the consecration and proceeded in November 2003. The response of the working group of the Global South Primates was swift:

“A state of impaired communion now exists both within a significant part of ECUSA and between ECUSA and most of the provinces within the Communion. By its actions, ECUSA is held solely responsible for this division. . . .

As Primates who represent over fifty million Anglicans, we have a solemn stewardship to steadfastly uphold and promote the historic and universal Apostolic Faith and Order of the Church throughout the ages as well as to protect those who are one with us in this same. We therefore affirm the ministry of the bishops, clergy and laity in ECUSA who have, as a matter of principle, and in fidelity to the historic teaching of the Church, opposed the actions taken at General Convention and objected to the consecration. We will continue to recognize and support their membership within the worldwide Communion fellowship and promise them our solidarity and episcopal support.”¹⁵

This twofold response would set off a chain of events that is still unfolding: setting-up of parallel structures, cross-boundary intervention and litigation.

In response to the request of the Primates in their extraordinary 2003 meeting, the Archbishop of Canterbury appointed the Lambeth Commission on Communion (2004) to report on the legal and ecclesiological issues raised by the North American innovations. The resulting *Windsor Process* and *Windsor Report* recommended a draft “Anglican Covenant” as a means to resolve trans-

consequence whether they can remain in communion with provinces that choose not to break communion with the Episcopal Church (USA).”

¹⁵ Preamble, [n8], para. 8, citing “Statement of the Primates of the Global South in the Anglican Communion, 2 November 2003,”

<http://www.globalsouthanglican.org/index.php/blog/comments/statement_of_the_primates_of_the_global_south_2_Nov_2003> Accessed 4 November 2015.



provincial conflicts and establish a common statement of doctrine, discipline and worship that would hold Anglican churches together.¹⁶

The Primates met again in 2005 to respond to the innovations in the North American churches.

The Communique of their 2005 meeting (Dromantine, Ireland) underlined the serious nature of the innovations of TEC and ACoC that threatened to undermine and obscure communion, and asked them to voluntarily withdraw from the Anglican Consultative Council.¹⁷

In 2005 The Anglican Consultative Council (ACC-13)—arguably the most representative of the whole church among the Instruments¹⁸-- requested TEC and ACoC to voluntarily withdraw their members in response to the request of the Primates to do so “for the period leading up to the next Lambeth Conference [2008].”¹⁹ This action was the closest the Instruments ever came to

¹⁶Avis [n 2] 171; the exact remit for the Windsor Report, the Windsor Process and the Covenant Design Group came from the Archbishop of Canterbury to report “on the legal and theological implications flowing from the decisions of the Episcopal Church USA to appoint a priest in a committed same sex relationship as one of its bishops, and of the Diocese of New Westminster to authorize services for use in connection with same sex unions,” and “to include practical recommendations...for maintaining the highest degree of communion that may be possible in the circumstances resulting from these decisions, both within and between the churches of the Anglican Communion” (Lambeth Commission on Communion 2004, 13) Andrew Goddard, “The Anglican Communion Covenant” in Ian Markham, J Hawkins, Justyn Terry and Leslie Steffensen, eds. *The Wiley-Blackwell Companion to the Anglican Communion* (Chichester, West Sussex: John Wiley & Sons, Ltd., 2013) 119-120.

¹⁷ “The Primates Meeting Communique, February 2005 (Dromantine), http://www.globalsouthanglican.org/index.php/blog/comments/the_anglican_communion_primates_meeting_communique_february_2005_dromantine > Accessed 4 November 2015.

¹⁸Samuel Van Cullin and Andrew Terry “Anglican Consultative Councils” in Ian Markham, J Hawkins, Justyn Terry and Leslie Steffensen, eds. *The Wiley-Blackwell Companion to the Anglican Communion* (Chichester, West Sussex: John Wiley & Sons, Ltd., 2013) 105,107.

¹⁹This request from the Primates was the consequence of their reaffirming Lambeth Resolution 1.10 (1998) as the standard of Christian teaching on matters of human sexuality “which should command respect as the position overwhelmingly adopted by the bishops of the Anglican Communion, and the consequent decisions of the Episcopal Church and the Anglican Church in Canada in 2003 to disrespect those norms and hence the “integrity of all parties.” *Anglican Consultative Council (ACC-13) 2005: Resolution 10 Response to the Primates’ Statement at Dromantine*, The Anglican Communion official website-Instruments of Communion-ACC-13 Resolutions <http://www.anglicancommunion.org/communion/acc/meetings/acc13/resolutions.cfm#s10> > Accessed 10 January 2014.



following the proposals for “enhanced Primatial responsibility” in *To Mend the Net*.²⁰

Nevertheless, representatives from TEC and ACoC were seated as observers and invited to make a presentation on the theological basis for their actions.²¹

The Primates met again at Dar es Salaam, Tanzania in 2007 and issued a communiqué with concrete conditions and an ultimate sanction of exclusion for TEC and ACoC from Communion bodies altogether.²² The Dar es Salaam Communique reiterated:

“Since the controversial events of 2003, we have faced the reality of increased tension in the life of the Anglican Communion – tension so deep that the fabric of our common life together has been torn. The Windsor Report of 2004 described the Communion as suffering from an “illness”. This “illness” arises from a breakdown in the trust and mutual recognition of one another as faithful disciples of Christ, which should be among the first fruits of our Communion in Christ with one another.

The Windsor Report identified two threats to our common life: first, certain developments in the life and ministry of the Episcopal Church and the Anglican Church of Canada which challenged the standard of teaching on human sexuality articulated in the 1998 Lambeth Resolution 1.10; and second, interventions in the life of those Provinces which arose as reactions to the urgent pastoral needs that certain primates perceived. The Windsor Report did not see a “moral equivalence” between these events, since the cross-boundary interventions arose from a deep concern for the welfare of Anglicans in the face of innovation. Nevertheless both innovation and intervention are central factors placing strains on our common life. The Windsor Report recognised this (TWR Section D) and invited the Instruments of Communion to call for a moratorium of such actions.”²³

²⁰Drexel Gomez and Maurice Sinclair, eds., *To Mend the Net: Anglican Faith and Order for Renewed Mission* (Carrollton TX: Ekklesia, 2001).

²¹ ACC-13 Resolutions, [n19], *Resolution 11: Supplementary Resolution of Thanks*

²² “In particular, the Primates request, through the Presiding Bishop, that the House of Bishops of The Episcopal Church 1. make an unequivocal common covenant that the bishops will not authorise any Rite of Blessing for same-sex unions in their dioceses or through General Convention (cf TWR, §143, 144); and 2. confirm that the passing of Resolution B033 of the 75th General Convention means that a candidate for episcopal orders living in a same-sex union shall not receive the necessary consent (cf. TWR, §134); **unless** some new consensus on these matters emerges across the Communion (cf. TWR, §134). The Primates request that the answer of the House of Bishops is conveyed to the Primates by the Presiding Bishop by 30th September 2007. If the reassurances requested of the House of Bishops cannot in good conscience be given, the relationship between The Episcopal Church and the Anglican Communion as a whole remains damaged at best, and this has consequences for the full participation of the Church in the life of the Communion.” Schedule of The Key Recommendations of the Primates, “On clarifying the response to Windsor” in *The Communiqué of the Primates Meeting in Dar es Salaam 19th February 2007*, <http://www.anglicancommunion.org/media/68393/communique2007_english.pdf> Accessed 4 November 2015.

²³ Ibid, paras. 9 and 10.



The Archbishop of Canterbury did not apply the sanctions recommended by the Primates at their 2007 meeting in Dar es Salaam.²⁴ Instead, he proceeded to invite all the TEC bishops (except New Hampshire) to attend Lambeth 2008 as full members - and this in spite of warnings from Global South churches as early as 2006 that they would boycott the meeting if he did so.²⁵ He also announced in advance that the business of Lambeth 2008 was discussion by “Indaba” only and not action on the crisis and the proposed Covenant. “Not to decide” was a decision that the once-every-ten-year Lambeth Conference would *not* play a major role in resolving the crisis.²⁶ As a result almost 300 bishops, mostly from the majority global south, boycotted Lambeth 2008 and went instead to the 2008 Global Anglican Future Conference (GAFCON) in Jerusalem. When the Archbishop of Canterbury called a meeting of the Primates in 2011 in Dublin, its final documents defined the purpose of the Primates meetings as largely for fellowship, study, prayer and reflection, “acknowledging diversity and giving space for difference [and] being open to the prophetic spirit” - purposes which seemed tailor made for Communion innovators rather than conciliar centrists.²⁷ As a result only 23 of the 38 Primates showed up to the meeting—with seven boycotting in protest

²⁴Stephen Noll, “Sea Change in the Anglican Communion,” (November 11, 2013) Anglican Mainstream <<http://www.anglican-mainstream.net/2013/11/11/sea-change-in-the-anglican-communion-2/>> Accessed 11 January 2014.

²⁵ “We have concluded that we must receive assurances from the Primates and the Archbishop of Canterbury that this crisis will be resolved *before* a Lambeth Conference is convened. There is no point, in our view, in meeting and meeting and not resolving the fundamental crisis of Anglican identity. We will definitely not attend any Lambeth Conference to which the violators of the Lambeth Resolution are also invited as participants or observers.” *The Road to Lambeth: A Statement from the Primates of the Council of Anglican Provinces in Africa (CAPA)* 23 September 2006, Kigali Rwanda, <http://www.globalsouthanglican.org/index.php/blog/printing/the_road_to_lambeth_presented_at_capa> Accessed 10 January 2014.

²⁶ Valliere [n5] 206-207.

²⁷“Towards an Understanding of the Purpose and Scope of The Primates’ Meeting: A Working Document Approved by The Primates Meeting January 29, 2011” The Anglican Communion website-Instruments of Communion-Primates Meetings <http://www.aco.org/communion/primates/resources/downloads/prim_scpurpose.pdf> Accessed 12 January 2014.



against the presence of the Primates of the innovating North American churches.²⁸ This performance has caused other global Anglican leaders to question the office of the Archbishop of Canterbury as an “Instrument of Communion.”²⁹ But the Archbishop of Canterbury is not the only “Instrument” whose legitimacy has been questioned.³⁰ Overall it seems that none of the Instruments are fully functioning at this time according to the principles and practice of conciliarism that we see at other levels of the Churches of the Communion.

While the warnings have been clear and unambiguous since the Kuala Lumpur Statement of 1997, the official Instruments of Communion have not been able to slow the divisions within the Anglican communion between those who accept the innovations of the churches in North America, and those in the largely Global South provinces who reject these innovations. In fact those

²⁸“Anglican Communion Primates Meeting, January 2011” Wikipedia, <http://en.wikipedia.org/wiki/Anglican_Communion_Primates'_Meeting#January_2011_meeting> Accessed 12 January 2014.

²⁹See the “The Nairobi Communique and Commitment GAFCON 2013,” <<http://gafcon.org/news/nairobi-communique-and-commitment>> Accessed 4 November 2015: In the context of a declaration of itself as an Instrument of Communion, the Nairobi Communique speaks volumes in what it does *not* affirm about Canterbury: “In our gathering, we reaffirmed our view that we are a global fellowship of confessing Anglicans, engaged in a movement of the Holy Spirit which is both personal and *ecclesial*. We appreciated that the Archbishop of Canterbury sent personal greetings via video and gave us the assurance of his prayers, and we likewise pray for him. We believe we have acted *as an important and effective instrument of Communion during a period in which other Instruments of Communion have failed both to uphold gospel priorities in the Church, and to heal the divisions among us.*” (Emphasis added)

³⁰ The Archbishop of Canterbury is not the only Instrument whose legitimacy has been questioned. At ACC-13 TEC failed in its presentation *To Set our Hope in Christ* to make a case for changing the standards for human sexuality set forth in Lambeth Resolution 1.10 (1998) by any appeal to evidence from the conciliar and catholic history of the universal Church. See Valliere [n 1] 208-209. TEC and ACoC were reinstated as full participating members of the ACC when it met three years later (May 1-13, 2009) in Kingston, Jamaica. ACC-14 did not give a ringing endorsement of the proposed Anglican Covenant. Instead, it resolved that the Covenant “*may* provide an effective means to strengthen and promote our common life together as a Communion,” and in the face of a narrow vote on the section on conflict resolution (section 4 of the Ridley-Cambridge draft) sent the Covenant out for further review and redrafting by yet another committee to be appointed by the Archbishop of Canterbury. Ibid, 203-204. ACC-15 (2012) took no action on the Final Text Covenant (2009), deferring it to ACC-16 in 2015. See n. 31, below.



innovations and resulting divisions have actually accelerated since 2003³¹ under the conciliar practice of the existing Instruments of Communion.

³¹In 2010, The Episcopal Church consecrated a second partnered same sex person as a suffragan bishop in the Diocese of Los Angeles. See Valliere [n 1] 205 noting “The moratorium, if it was one, was over.” Following the Diocese of New Westminster, ten more ACoC dioceses (Edmonton, Nova Scotia and Prince Edward Island, Rupert’s Land, Ottawa, Toronto, London-based Huron, Quebec, Hamilton-based Niagara, Montreal and Victoria-based British Columbia) have also offered public rites for the blessing of same-sex unions. The Anglican Parishes of the Central Interior (formerly the Diocese of Cariboo) also permit such rites” in “Blessing of same-sex unions in Christian churches,” *Wikipedia: The Online Encyclopedia* < http://en.wikipedia.org/wiki/Blessing_of_same-sex_unions_in_Christian_churches > Accessed 11 January 2014.

In March 2012, following rejection of the Covenant by the GAFCON Primates Council, The General Synod of the Church of England failed by diocese to approve the proposed Anglican Covenant “Half of the Church of England’s dioceses reject unity covenant,” *BBC News UK Website* (12 March 2012) <<http://www.bbc.co.uk/news/uk-17500144>> Accessed 11 January 2014.

In July 2012 the 77th General Convention of TEC passed Resolution A049 to “Authorize Liturgical Resources for Blessing Same-Gender Relationships” for study and use in congregations and dioceses of TEC *Resolutions of the 77th General Convention of The Episcopal Church: Resolution A049 “Authorize Liturgical Resources for Blessing Same-Gender Relationships”* (2012) in The Archives of The Episcopal Church website

<<http://www.episcopalarchives.org/SCLM/2012-A049/dioceses/2012-A049.pdf>> Accessed 10 January 2014; To date at least ten TEC dioceses have published such resources:

Atlanta:<https://www.episcopalatlanta.org/Content/Same_Sex_Blessings.asp> Accessed 10 January 2014

Olympia - <<http://www.ecww.org/marriage-and-same-sex-blessings>> Accessed 10 January 2014

Southern Ohio - <<http://www.diosohio.org/How%20we%20work/blessing-of-same-gender-unions.html> > Accessed 10 January 2014; Northern California - <<http://www.norcalepiscopal.org/marriage-and-same-sex-blessings> >

Accessed 10 January 2014; Western Massachusetts - <<http://www.diocesewma.org/diocesan-policy-on-blessing-same-sex-marriages/>> Accessed 10 January 2014; Pittsburgh -

<<http://www.goerie.com/article/20131127/NEWS06/311279952/Pittsburgh-Episcopal-bishop-OKs-same-sex-blessings>> Accessed 10 January 2014; East Tennessee -

<<http://archive.wbir.com/news/article/245014/2/episcopal-church-approves-same-sex-blessings-in-east-tn> >

Accessed 10 January 2014:

Upper South Carolina

<<http://www.kendallharmon.net/t19/media/diocesefuppersouthcarolinasamesexblessingsltr.pdf>> Accessed 10 January 2014; Rio Grande -

<<http://www.dioceserg.org/app/webroot/files/uploaded/files/Our%20Covenant%20of%20Understanding.pdf> > Accessed 10 January 2014;

Diocese of Virginia - <http://www.episcopalcafe.com/lead/dioceses/diocese_of_virginia_and_samese.html >

Accessed 10 January 2014.

In November 2012 the 15th meeting of the ACC (Auckland NZ) offered no resolutions on the proposed Anglican Covenant, thereby deferring any action until ACC-16 in 2015.

<http://www.anglicancommunion.org/communion/acc/meetings/acc15/resolutions.cfm> ACC-15 members from Nigeria and Kenya, representing over 30 million Anglicans, published a “minority” report declaring that those controlling the agenda at ACC-15 had failed to address the crisis within the Anglican Communion—the departure by some western provinces from historic, biblical faith-- and alleged that the failure of the Instruments of Communion was in part due to a “subversion of leadership at the highest levels.” “What Really Happened in Auckland NZ at ACC-15” (16 November 2012), paras. 3 & 4, Anglican Mainstream <<http://www.anglican-mainstream.net/2012/11/08/what-really-happened-in-auckland-nz-at-the-acc-15-oct-28-nov7/>> Accessed 12 January 2014.



These facts suggests that Avis' definition of conciliarism as a practice "as far and as wide as possible" is insufficient to meet the divisions within the Communion over both the innovations and the deeper issue of the authority needed to resolve such divisions. It also suggests that Avis' definition is insufficient to deal with the deeper issue and challenge facing conciliar governance within the Anglican Communion—namely, "how, in the midst of the pressures of time, do the churches both remain faithful to the teaching and practice of the apostles and yet witness relevantly and in context to the truth of the Gospel amongst these changes and chances of history?"³²

As Norman Doe observes, the "Instruments of Communion" are points at which Anglicans take common counsel and encouragement, but the authority they exercise is at best moral and not

From 21st to 26th October 2013 1358 delegates (331 bishops, 482 other clergy and 545 laity) from 38 countries met in Nairobi, Kenya for the second Global Anglican Future Conference (GAFCON). Their "Nairobi Communiqué" stated among other things "We want to make clear that any civil partnership of a sexual nature does not receive the blessing of God." *GAFCON 2013: The Nairobi Communiqué (26 October 2012)* 2, The Global Fellowship of Confessing Anglicans <http://gafcon.org/images/uploads/Nairobi_Communique_Final.pdf> Accessed 12 January 2014.

One month later, the Church of England released "The Pilling Report" which recommended "public services" by priests (with the agreement of the relevant PCC) "to mark the formation of a permanent same-sex relationship." *The House of Bishops Working Group on human sexuality: The Pilling Report (28 November 2013)*, para, 490.16, page 151. The Church of England <<http://www.churchofengland.org/media/1890818/pilling%20report.docx.pdf>> Accessed 12 January 2014.

Almost within a week, the Primate of Kenya and Chairman of the Global Fellowship of Confessing Anglicans wrote in his Advent letter: "If this [Pilling Report] is accepted I have no doubt that the Church of England, the Mother Church of the Communion, will have made a fateful decision. It will have chosen the same path as The Episcopal Church of the United States and the Anglican Church of Canada with all the heartbreak and division that will bring." *GAFCON Chairman's Advent Letter (7 December 2013)* <<http://gafcon.org/news/chairmans-advent-letter>> Accessed 12 January 2014.

On July 1, 2015, The Episcopal Church through its General Convention made a full marriage right available to all same-sex couples (Resolution A054).

Since then, the instances of violations of Lambeth 1.10 within the Church of England have multiplied, and the public division between the Primates gathering in January 2016 and ACC-16 Lusaka have led to further incoherence and disorder.

³²Drexel Gomez and Maurice Sinclair, eds., *To Mend the Net: Anglican Faith and Order for Renewed Mission* (Carrollton TX: Ekklesia, 2001), 28. Paul Avis has framed this as "the tension inherent in a polity that seeks to do justice, in terms of the Church, to the integrity of the local and the demands of the universal." [n 2] 171.



juridical.³³ In some ways it is possible to affirm the existing Instruments of Unity in their practice of conciliarity “as far and as wide as possible” (Avis). Nevertheless history suggests that the Anglican Communion has never embraced classic conciliarism as a governing principle. In 1867, when faced with doctrinal and disciplinary disputes between bishops in South Africa, and the deficit of higher authority to resolve issues of litigation and ecclesiastical discipline (“the Colenso affair”) the Archbishop of Canterbury offered a conference rather than a council. He organized it as far as possible not to be a council, and for reasons that were driven in part by the internal politics within the Church of England.³⁴ It enacted neither a proposal for a central tribunal to adjudicate inter-provincial disputes on doctrine and discipline. “Idealists who hoped that the Conference would evolve into a worldwide Anglican council were outmaneuvered in the beginning,” notes Valliere, “and their vision has made no comeback.”³⁵

Although Primates meetings have an inherent authority to address such issues by virtue of the office which they hold as chief pastors,³⁶ such meetings are a relatively recent development. Moreover, the proposals for “enhanced Primatial responsibility” in *To Mend The Net* (Gomez and Sinclair) were sidelined during the Canterbury-driven Anglican Covenant process³⁷ The

³³ Norman Doe [n 18] 64.

³⁴See Graham James, “Resolving to Confer and Conferring to Resolve: the Anglican way,” in Kenneth Stevenson, ed., *A Fallible Church: Lambeth Essays* (London: Dartman, Longman & Todd, 2008), at 70-71, who notes that invitations even to a “Lambeth Conference” would imply a superior authority in Canterbury over York and London, a superiority which was not then self-evident.

³⁵ Valliere [n5] 195-196.

³⁶ *The Report of the Inter-Anglican Theological and Doctrinal Commission: The Virginia Report* (London: The Anglican Consultative Council, 1997) sec. 61.

³⁷Gomez and Sinclair, eds. [n32]. The failure to take up the proposals was viewed in partisan terms by some Global South Anglican primates: “The ecclesiastical politicians, seeking to avoid such discipline, managed to get this proposal sidelined.” “The Road to Lambeth: A Statement from the Primates of the Council of Anglican Provinces in Africa (CAPA) 23 September 2006, Kigali Rwanda,” Global South Anglican website

<http://www.globalsouthanglican.org/index.php/blog/printing/the_road_to_lambeth_presented_at_capa>

Accessed 10 January 2014.



proposals included juridical authority--not just moral-- to request innovators to refrain from further “facts on the ground” in the face of objections from other provinces, to issue “Godly admonitions” to innovating provinces, to reduce continuing innovating provinces to observer status within the Anglican Communion, and to re-order and even provide for the formation of a new province in the case of provinces that continue to innovate and willfully ignore such Godly admonitions.³⁸ Even though such “Primal conciliarism” would not have been a council of the whole church, the proposals would have honored the conciliar principles of legitimate authority preserving the spiritual unity (the common good) of the Communion and its *consensus fidelium* within the limits of subsidiarity.³⁹

Having turned to a conference rather than a council, the Anglican Communion turned in similar circumstances to a new surrogate: a covenant. The Anglican Covenant Design Group produced four Drafts which removed authority from the Primates and proposed instead the organizing principles of “[Provincial] autonomy-in-communion” and that “the Communion guides, each [national, Provincial] church decides,” with principles for conflict resolution⁴⁰ to be administered

³⁸ Gomez and Sinclair [n32] 20-23, 127-128.

³⁹Gomez and Sinclair reject the notion that The Archbishop of Canterbury and The Primates can exercise only moral authority above the Provinces. The Archbishop of Canterbury’s authority to invite has a corresponding political authority to withhold invitation. Secondly, The Archbishop “in fellowship with the other bishops of the Communion, has power to break communion with a Province or diocese that threatens the peace and unity of the Communion by rejection of a godly admonition.” This exercise of juridical power, as a last resort and after a conciliar process of moral persuasion would honor the principle of subsidiarity without committing Anglicans to a more centralized form of global polity. Ibid, 87-89.

⁴⁰See Andrew Goddard, “The Anglican Communion Covenant” in Ian Markham, J Hawkins, Justyn Terry and Leslie Steffensen, eds. *The Wiley-Blackwell Companion to the Anglican Communion* (Chichester, West Sussex: John Wiley & Sons, Ltd., 2013) at 122-127, who notes the significant position of the Primates Meeting in overseeing and resolving conflict in the first Nassau Draft (2007) their removal and replacement by the Archbishop of Canterbury and the ACC in the St. Andrew’s Draft (2008) and the removal and replacement of the Instruments of Canterbury and the ACC by a committee (the Joint Standing Committee of the Anglican Communion, elected by the ACC and the Primates) to resolve conflicts under section 4 of the Ridley Cambridge Draft (April 2009) and the Final Text (December 2009)—an evolution reflecting increasing authority concentrated in ever smaller circles.



ultimately (but without specific guidance) by the joint Standing Committee of the Primates and the Anglican Consultative Council⁴¹—both of which included representatives from the innovating North American churches! This latter fact alone was viewed as a fatal flaw in overcoming the “ecclesial deficit” identified in the Report of the Windsor Continuation Group.⁴²

By placing “autonomy” before “Communion,” and submitting the Covenant to Provincial ratification, the Covenant Design Group virtually ensured a default to mere “provincialism.”⁴³ In light of this and the lack of Provincial ratification, the process promises to drag on for years, as Valliere notes, “years during which there nothing to prevent the Anglican Communion from continuing to disintegrate.”⁴⁴

And so from the original call for an Anglican Council came a conference, and from a conference consultative instruments, and from such instruments a covenant, and finally from a covenant came a committee.⁴⁵ This is the exact reverse of both the practice and the ideal of conciliarism—

⁴¹Valliere [n5] at 234: “Discussions that have taken place since finalization have shown that there is still no agreement on how the Standing Committee [of the Anglican Communion] would actually resolve Communion conflicts. The composition of the committee is also a matter of contention, as is the degree to which the committee would in fact depend on its parent bodies. Its allegiance to two parent bodies, which might disagree with each other, is also problematic.”

⁴² Preamble, [n8] at paras. 12 and 16: The consecration of Mary Glasspool, a partnered lesbian, on 15 May 2010, as a bishop in Los Angeles, further underscores The Episcopal Church’s total disregard for the mind of the Communion in matters of unity, faith and order,” and “We recognise at the same time that the overcoming of “ecclesial deficit” that the Windsor Continuation Group (Report of March 2008, Section D i,ii) identified is a longer term undertaking... Implicit to this is the deeper need to review and develop the canonical basis on which inter-Anglican bodies and officers interpret their tasks and make executive decisions (Windsor Report, 113-120). The recent controversy on Standing Committee membership underscores this concern. We regret the decisions of the Archbishop of Canterbury and the Secretary General to include TEC members in the Standing Committee, despite Mary Glasspool’s consecration (para 12).”

⁴³Valliere [n 1] 201-202. The requirement of “Provincial Ratification” would also be the Achilles heel for Norman Doe’s proposal of an Anglican *Ius Commune* through *The Principles of Canon Law Common to the Churches of the Anglican Communion* (London: Anglican Communion Office, 2008) as another “Instrument of Communion,” even if only as “persuasive authority.” See also Norman Doe “Common Principles of Canon Law in Anglicanism” in Kenneth Stevenson, ed., *A Fallible Church*, 86-121.

⁴⁴ Valliere [n 1] 202.

⁴⁵ Valliere [n 1] 234.



from councils which are representative of the whole church and its *consensus fidelium* to an ever smaller group of decision makers.⁴⁶ In fact, there has been an ever diminishing practice of conciliarism under the stress of the North American innovations. One could say that it is the *devolution* of Anglican conciliarism.

And so we are left with the question: in the context of the growing division between those who affirm and those who reject the North American innovations, and the failure of the Instruments to live up to have the practice of conciliarism at other levels of governance within the Churches of the Communion, is there any prospect for the renewal of conciliarism as a principle of governance *among* the Churches of the Anglican Communion?

⁴⁶ Avis [n 2] 18.