

What it will take

ACI

May 24, 2006

As General Convention approaches there is inevitably increased attention being paid again to the Windsor Report and ECUSA's response to it.

The current state of affairs is provided by the report *One Baptism, One Hope in God's Call* from the Special Commission on The Episcopal Church and the Anglican Communion and its proposed resolutions. While there will undoubtedly be further developments – a new General Convention (GC) has been established to progress the work of this Commission – there are already signals that even the current proposed resolutions are unacceptable to many of those most committed to 'full inclusion'.

It is, therefore, being suggested that this is a sign that the report is a good and workable compromise document that is as much as can be expected from ECUSA in terms of a positive response to Windsor. From such a perspective the proposed resolutions should be welcomed and treated as sufficient to repair the tear in the Communion's fabric created by the actions of the last General Convention.

What follows explores eight arguments that have been advanced in various circles in order to defend this view. It weighs them and finds them all wanting and concludes that what it will take to prevent further disruption to our Anglican family is clear acceptance of TWR and a clear response from the Instruments of Communion should this not be the mind of GC next month. In the words of Ephraim Radner's response to the Commission, ECUSA at GC needs to 'Come up higher'

Firstly: The expression of regret is clear and strong and meets what is asked of ECUSA by The Windsor Report (TWR).

Resolution A160 Expression of Regret

Resolved, the House of _____ concurring, That the 75th General Convention of the Episcopal Church join the House of Bishops' March 2005 "Covenant Statement" in expressing "our own deep regret for the pain that others have experienced with respect to our actions at the General Convention of 2003 and we offer our sincerest apology and repentance for having breached the bonds of affection in the Anglican Communion by any failure to consult adequately with our Anglican partners before taking these actions."

The fact that the language of repentance and apology appear in the resolutions is clearly important and welcome. However, it needs to be clear exactly what is being repented of – what it is being said was wrong - and what the fruits are of that repentance.

Some wish a statement from the heart that GC 03 was wrong *per se* and it will always remain wrong to consecrate a same-sex partnered bishop. It is, however, important to be clear that this is not only not going to be said, it is not strictly required by TWR. So what is required?

There must be some acknowledgment of past failure and a recognition that a false step has been taken. This in turn should yield a commitment not to repeat the error, in other words some form of moratorium on the actions confessed as wrong.

Archbishop Eames, in presenting TWR to the Primates, made it clear that the regret required was not merely “a statement of regret that other parts of the Anglican Communion were dismayed or distressed by the election and confirmation in New Hampshire on the part of ECUSA”. Rather, it has to be “a statement of regret that this process went against the advice of the four Instruments of Unity. We do not believe anything less is appropriate in the circumstances. Having analysed the nature of communion we have experienced the Lambeth Commission believes the interpretation of regret by ECUSA must be clearly defined”

At present, however, it appears that the regret and failure relate only to

- the consequences of past actions on others in terms of hurt caused and
- a sin of omission in failing to consult with those others before acting.

Even these are expressed tentatively – ‘pain that others have experienced with respect to our actions’ rather than ‘pain we caused by our actions’ (as noted by the recent PEP report on the resolutions) – and almost hypothetically, ‘by any failure to consult adequately before taking these actions’.

In other words there is absolutely no sense in which ‘our actions at the General Convention of 2003’ (or afterwards in proceeding to consecrate Gene Robinson despite the Primates’ Lambeth letter) are either regretted or repented of. There is not even the acceptance that ‘failure to consult adequately with our Anglican partners before taking these actions’ was in the context of clear appeals not to proceed and so rendered the actions themselves a further wrong, a sin of commission due in part to the prior sin of omission.

In short, ECUSA confesses to having ‘left undone those things we ought to have done’ but not to having ‘done those things which we ought not to have done...’.

As a result, if we ask of this proposed resolution, ‘what did GC 2003 itself do that was wrong?’ the answer is ‘nothing’.

Once this is realised there is perhaps an explanation as to why the crucial moratorium on future consecrations requested by Windsor is not proposed by the Commission. There are only two options to explain this:

- the repentance is not genuine and so it does not bear fruit *or*

· the repentance is genuine but it is repentance for something different from that sought by TWR and so its fruit in terms of future commitments is not what TWR requests.

Secondly: ECUSA can do no more than these resolutions because it has a clear and long-standing commitment to LGBT people and it cannot be expected to go back on these commitments at GC 06, indeed it must (as it does in some of the proposed resolutions) clearly restate and reaffirm those commitments.

If this is the argument then ECUSA is effectively saying that (unlike the Archbishop of Canterbury and many others) it believes the requirements of the Windsor Report – even though they do not ask people to deny or abandon their beliefs in relation to issues covered by I.10 - are fundamentally incompatible with its long-established prior and continued commitments to LGBT people. Furthermore, it is unwilling to revise or moderate these.

If that is what ECUSA GC believes then it should recognise that their understanding of their commitments to LGBT people is strictly incompatible and irreconcilable with their commitments to the Communion. They should, therefore, make a clear choice between the two rather than pretend they are satisfying both. Already there are signs that some leading supporters of LGBT full inclusion are considering this option and thus making no serious attempt to comply with Windsor 's requests or Lambeth I.10 but rather to accept a continued withdrawal from the Instruments of Communion in order to pursue what they believe God is calling ECUSA to do.

Thirdly: To demand full and clear compliance with TWR is a sign that certain people are just being punitive and sticking to the letter of the law in relation to ECUSA. This is perhaps evidence that conservatives will never be satisfied as, in a quest for a 'pure church', they want ECUSA to become something it is not and never shall be.

If ECUSA fails to follow the path clearly laid down in TWR then it cannot complain if the Communion – whose instruments have clearly supported TWR – judge it to have 'walked apart'. Having, at GC03, ignored the appeals of the wider Communion not to proceed with the election of Gene Robinson it would now at GC06 be ignoring the appeals of the wider Communion to walk the path of reconciliation offered in TWR.

There may well be, both in ECUSA and parts of the Communion, those who will never be satisfied and who are punitive. However, the only way to demonstrate that this is the case will be to comply clearly and fully with TWR and 'call their bluff', waiting to see if they will accept such willingness to work within the boundaries of TWR.

It is clear from their initial responses to TWR that some 'conservatives' did indeed find it an unwelcome compromise document which did not give them all they want. If ECUSA were to meet TWR's requirements these groupings then demand what they really wanted

all along (and some have had a tendency to suggest this and even to claim that TWR requires it) they will have shown their own refusal to accept the Communion's terms for continuing to walk together. If, however, they are simply offered a further unilateral compromise on an earlier compromise then they cannot be criticised if they refuse to welcome and accept such a proposal.

Fourthly: Those most insistent that ECUSA comply fully are not applying the same stringency in relation to TWR's other main recommendations, notably the cross-boundary interventions by some in the Global South.

The question over 'boundary-crossing' is an important but complex one. TWR called on bishops to effect a moratorium on interventions in provinces, dioceses and parishes other than their own. There are now apparently over 80 congregations within the USA under the care of foreign bishops (Bolivian, Ugandan etc) and part of the International Convocation of the Network. This number has grown rather than diminished since TWR and so it is clear that there does indeed remain a serious problem here for life in communion. Three factors are, however, important.

A. The Primates at Dromantine adapted TWR in this area and simply called for bishops not to initiate any further intervention. Such initiation does not appear to have happened.

B. It is undeniable that (with some notable exceptions focussed on the AMiA) the interventions have clearly been an emergency response to the current situation which has remained unresolved in the run-up to GC. Were GC to follow TWR then attention would rightly be much more clearly focussed on those who continued to intervene in this way.

C. There are different forms of 'intervention'. Back in 2004 there was the offering of episcopal ministry to ECUSA parishes in Ohio without the consent of their bishop. This "strong" form of intervention has not been repeated and the one foreign bishop who so acted – Bishop Robinson Cavalcanti of Recife – has been disciplined severely by his own province for his participation. The form of intervention that has generally occurred is rather that parishes have removed themselves from their bishop's and ECUSA's jurisdiction and then sought recognisably Anglican oversight from abroad. In that they are no longer under ECUSA's authority this is a significant difference from the 'strong' form of cross-boundary activity even though it still represents a serious level of ecclesial disorder and is a sign of the broken nature of communion.

Fifthly: Even if ECUSA at GC fails to respond fully and unambiguously to TWR, the trajectory of ECUSA's response to Windsor is clearly strongly in the right direction and so it would be wrong to then penalise them.

There is some truth in this as many did not expect so significant a move to TWR on the part of the ECUSA Commission. However, this in part says more about the slowness and poorness of initial responses. During the meeting of the Commission the only real signs from ECUSA of its awareness of the seriousness of the problem was the creation of

DEPO. Following the publication of TWR, the first meeting of the ECUSA HOB in January gave a to its recommendations (which was at the time). However, a group of over 20 bishops issued a clear minority response of acceptance and submission to TWR.

At the Primates' Meeting in Dromantine there was a real risk that this weak response would lead to fracture in the Communion but the Primates agreed to wait for a full response from General Convention and called for ECUSA to withdraw from the Instruments until Lambeth 2008. The response of the House of Bishops came in the form of a covenant which moved closer to TWR but, rather than establishing the moratorium requested, placed a moratorium on *all* elections and consecrations to the episcopate until GC 06. While a move in the right direction (what one English commentator described as 'a shift, but still shifty'), the inadequacies of this response were also evident.

Given these long delays and the justification offered for them (that only GC could give a response), a falling short on the part of GC (which could not be corrected presumably for another 3 years when GC meets again) remains a falling short. It is neither right nor feasible to expect further prevarication or obfuscation to be acceptable to the wider Communion unless a very clear and plausible justification can be given.

In fact, the precariousness of the unity of the Communion (and particular provinces, including the CofE) and the widespread recognition that TWR provides the way forward together means that although partial compliance must be treated differently than outright defiance it cannot be treated as if it was full compliance that resolved the problems created by GC03.

Ultimately the judgment as to whether the resolutions are sufficient can only be reached once GC has met and reached its verdict. It cannot, however, be claimed that it is difficult to know what resolutions would meet (but not exceed) the demands of life in Communion as laid out in TWR. The minority report from the Jan 05 ECUSA HOB and numerous other proposed resolutions at different levels of ECUSA's polity have made clear what compliance could look like.

The greatest problem in the current proposals from the Commission is clearly the resolution in relation to a moratorium on further elections and consecrations. Here, as the Bishop of Exeter warned the HOB, the language of 'exercise very considerable caution' is not sufficient. However, not all share this judgment and it is therefore important to understand what is at stake in this key area.

Resolution A161 Election of Bishops

Resolved, the House of _____ concurring, That the 75th General Convention of the Episcopal Church regrets the extent to which we have, by action and inaction, contributed to strains on communion and caused deep offense to many faithful Anglican Christians as we consented to the consecration of a bishop living openly in a same-gender union. Accordingly, we urge nominating committees, electing

conventions, Standing Committees, and bishops with jurisdiction to exercise very considerable caution in the nomination, election, consent to, and consecration of bishops whose manner of life presents a challenge to the wider church and will lead to further strains on communion.

Sixthly: This call ‘to exercise very considerable caution’ is the best that can be gained from GC because the structure of ECUSA’s polity means GC lacks authority in relation to the process of ‘the nomination, election, consent to, and consecration of bishops’.

If this argument is advanced and accepted then it means that it is impossible for GC to give a water-tight and solid commitment in the form requested by TWR. This is because elections are the responsibility of dioceses and consents (except when just prior to GC) are the responsibility of bishops with jurisdiction and diocesan Standing Committees. If that is the case then, it is claimed, it would be unfair to punish ECUSA for failing to do something at GC which GC is constitutionally incapable of doing.

There are a number of major problems with any such line of argument.

A. It has been repeatedly claimed (at the Jan 05 ECUSA HOB and at Dromantine Primates) that the reason no more speedy response could be given to the Communion was because it had to be provided by the supreme authority in ECUSA which was GC. For it now to be claimed that even GC is incapable of giving the necessary response gives a strong impression of ‘passing the buck’ at best and duplicity at worst. It was GC03 that created the crisis by its actions and it must be GC06 that by its actions clearly accepts the path laid down for resolving that crisis.

B. It would of course be quite possible for GC to implement TWR’s recommendations simply by an amendment to the canons (there is, for example, already a proposal for canonical changes in relation to marriage so as to make it possible for clergy to officiate at ‘gay marriages’ where these are legal). In terms of process, a canonical change could clearly be implemented at GC06 in order to prevent any diocese repeating what happened in New Hampshire on the basis that bishops are consecrated as bishops in the whole church and it is now clear that such a bishop is not acceptable in the Anglican Communion of which ECUSA wishes to remain a part. The problem is therefore not institutional incapacity but rather the lack of political will.

C. As it stands the resolution already recognises the limits of GC’s authority in any such resolution – it simply ‘urges’ and does not ‘require’. There is clearly no constitutional reason why it cannot ‘urge’ something stronger – as a minority on the Commission sought. To do so would be in no way to arrogate to GC powers that it does not have.

D. The covenant agreed by the HOB after Dromantine shows that it is quite possible for a body to effect a moratorium in relation to episcopal elections. If GC does indeed lack the authority to implement a moratorium then it is clear that bishops with jurisdiction do not. They can clearly state that they will refuse consent to a bishop in a sexual relationship

outside marriage until such time as a new consensus emerges in the Anglican Communion (eg 'We, being bishops with jurisdiction in ECUSA who have among our responsibilities the granting or withholding of consent to candidates duly elected by dioceses, are of varied views as to whether or not a bishop in a non-marital sexual relationship is ever eligible to lead the flock of Christ. We are, however, clear that to give consent to any bishop-designate in such a relationship is unacceptable to the Anglican Communion and, as our role is to represent the wider church catholic in the process of selection, if any diocese elects such a candidate we pledge ourselves to refuse consent to their election until some new consensus emerges in the Anglican Communion'). Failure to do this can only be a sign that the HOB is unwilling to give the response asked of ECUSA in TWR.

E. If there is genuine regret and repentance for an earlier action then, as noted above, there should be no problem with making a commitment not to repeat that action. The refusal to give such a commitment in the form of a moratorium shows clearly that the repentance offered is either not genuine or is it not in any sense repentance for the election of someone as bishop in a same-sex relationship. Anyone who says 'I am sorry for doing X and I will be very careful before doing it again' has not really understood the meaning of repentance. Repentance, if genuine, can only be of the form 'I am sorry for doing X and I am determined, by God's grace, to refrain from repeating my sin'. The most generous reading that can therefore be given of the current proposals is that the repentance is simply for failure to consult adequately and that ECUSA will therefore only commit to caution in the future as it believes it would be right to repeat the action if and when it concludes it has consulted adequately.

Seventhly: As 'actions speak louder than words' and in practice 'extreme caution' means that it won't happen again this level of commitment should be acceptable to the wider Communion for as long as such caution is shown.

The challenge here, of course, is that if this is what 'caution' means then why is it impossible to say 'refrain until a new consensus emerges in the Communion'. The refusal to do so continues uncertainty in the life of the Communion. Given that lack of trust is a major problem and cause of instability, the refusal of ECUSA (through GC or through HOB) to give the Communion its word concerning its future actions will inevitably be seen as a sign that there is no genuine repentance and commitment to a moratorium.

Even if dioceses are 'urged' to refrain from electing (or shortlisting) candidates unacceptable to the wider Communion there may well be difficulties (as early as Newark shortly after GC) in implementing this. On what basis then is one to conclude that in practice there is a commitment to a moratorium if there is no commitment even to urge one on those involved in election processes?

Given that it now appears unlikely that the mind of the Communion will be changed at Lambeth 2008, the moratorium called for is probably necessary until at least 2018. If

there is an unwillingness to commit to it in word in 2006 can we really be confident that 'extreme caution' will result in 'refusal to act' for well over a decade?

The significance of failure to agree the moratorium requested cannot be underestimated. As Archbishop Eames said to the Primates in Dromantine, "This brings me to the vital ingredient of reconciliation. Here in this country where we meet, reconciliation has become a priority need. Within Anglicanism the Windsor Report links reconciliation and healing in the process we are discussing. Therefore if true reconciliation is to be produced in our current situation a moratorium is an important part of that process. Healing of wounds takes time. A moratorium is to be viewed as much in relation to reconciliation as to reflection".

Eighthly: The proposed resolution on pastoral care and DEPO should be sufficient for those who remain unhappy with ECUSA's actions or who wish for stronger commitment to TWR's proposals.

Resolution A163 Pastoral Care and Delegated Episcopal Pastoral Oversight

Resolved, that the House of _____ concurring, That the 75th General Convention of the Episcopal Church affirm the centrality of effective and appropriate pastoral care for all members of this church and all who come seeking the aid of this church; and be it further

Resolved, That the 75th General Convention commit the Episcopal Church to the ongoing engagement of and sensitive response to the request and need of all the people of God - in particular, but not exclusively, those who agree and those who disagree with the actions of this body, those who feel isolated thereby, and gay and lesbian persons within and without this Church; and be it further

Resolved, That the 75th General Convention recognize the agonizing position of those who do not feel able to receive appropriate pastoral care from their own bishops, and urges the members of the House of Bishops to seek the highest degree of communion and reconciliation within their own dioceses, using when necessary the Delegated Episcopal Pastoral Oversight (DEPO) process detailed in the March 2004 statement of the House of Bishops, "Caring for All the Churches;" and be it further

Resolved, That the 75th General Convention urge continued attention to the proper maintenance of historic diocesan boundaries and the authority of the diocesan bishop.

It is a sad reality that in a number of places relationships between parishes and diocesan bishops have been gravely impaired by the events at and following GC 03. The attempt to respond to this with DEPO, though initially being commended by TWR, received much less support in a report from the English House of Bishops and from the Primates at Dromantine. It is already clear that DEPO does not meet the concerns and needs of those it claims to provide for and any failure to respond adequately to TWR will only make matters worse.

Many parishes committed to the Communion and TWR who find their bishop is not willing to accept TWR in full will find it difficult to receive his or her pastoral care or even, in some cases, recognise his or her jurisdiction. Even if there is full compliance at GC it is evident that the process of reconciliation and healing in many dioceses will take time and needs great sensitivity. Perhaps proposals such as those being discussed in the Church of England (in relation to the consequences of consecrating women bishops) or the request for of a ministry of reconciliation and extraordinary oversight by the Archbishop of Canterbury would represent much more realistic ways of addressing this problem than re-heating the stale recipe of DEPO.

So what would happen....? Consequences of 'falling short' of TWR

If resolutions such as those proposed by the Commission are implemented at GC so that it falls short of what is called for in TWR, the temptation may be to 'make the best of a bad job' and to declare the cup at least half-full rather than half-empty.

For the reasons given above such a strategy on the part of the Instruments would be difficult to defend in principle given all that has been said and done in the last three years. Pragmatically, it would be disastrous. The fractures already very evident within ECUSA will only deepen if, having waited for three years until GC06, the Communion-committed are told by the Communion's representatives that ECUSA had managed to find an alternative way of 'walking back together' than that offered by TWR.

It is also highly unlikely that the Global South leadership would accept this. At the last two Primates' meetings they have allowed ECUSA more time to repent than they had initially sought. Having committed themselves to Windsor at Dromantine they will not be willing to welcome anything other than full and clear commitment to Windsor as they seek to repair the tear in the Communion created by GC03 and to uphold Communion teaching on sexuality.

In such a situation it is therefore more than likely that any attempt to accept partial and less than wholehearted compliance with TWR will lead to deeper divisions and realignment and probably cause the problems of ECUSA to spread further into other provinces.

Should GC fail to pass adequate resolutions it would be much better to recognise and clearly state that this is the case. Any steps that have been made in the right direction can be welcomed but it must also be made clear where and why these are insufficient. In such

a situation, the only realistic option for the Instruments would be to differentiate even more clearly between ECUSA and other provinces by such means as non-invitation of some or all ECUSA bishops to Lambeth or invitation for a limited period or with a limited role.

Alongside this ways could perhaps also be found of assisting more orderly differentiation within ECUSA. Recognising the centrality of the diocese within Anglican structures, diocesan conventions and bishops could be encouraged to take on board the full requirements of TWR and walk the painful path of reconciliation. If this were to happen then it would allow the Communion greater clarity in distinguishing within ECUSA between those committed to TWR and those who are satisfied simply with an inadequate response from GC and who, in many cases, are committed to follow what they believe is a prophetic path in disregard for Communion teaching and the disciplines of interdependent life in communion.