

**The St Andrews Draft Anglican Covenant:  
A Response from the Faith and Order Board  
of the Scottish Episcopal Church**

1. We would again like to express our thanks to the Covenant Drafting Group for the work they have undertaken on behalf of our Communion. In particular, we are grateful to see comments from our previous submission reflected in the commentary on that draft, for example in the discussion of the terms 'covenant' and 'concordat'; and we are heartened by the sense of dialogue which has thereby been affirmed. In this present response we would like to continue that dialogue, both through our responding to the three questions to which we have been asked to reply, and through our reporting to the Covenant Drafting Group comments which have been passed to us through the Province-wide discussions that have recently taken place concerning the St Andrews Draft Covenant.

2. ***Question 1: Is the Province able to give an 'in principle' commitment to the Covenant process at this time (without committing itself to the details of any text)?***

At the 2008 General Synod of the Scottish Episcopal Church, members considered the motion 'That this Synod affirm an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)'. Following debate, the motion was amended to 'That this Synod affirm an "in principle" commitment to participate actively in discussions regarding the future shape of the Anglican Communion at this time (without necessarily committing itself to the concept of a Covenant)'. This motion was passed by a significant majority.

3. ***Question 2: Is it possible to give some indication of any Synodical process which would have to be undertaken to adopt the Covenant in the fulness of time?***

The mechanism for the formal adoption of the Covenant would need to be debated, in particular the ways in which it would relate (or not) to the Code of Canons. A decision regarding the particular process to be followed for the adoption of the Covenant would be made by our Faith and Order Board, once the final version of the Covenant were made available. If the Board were to recommend that the appropriate process to follow would be one akin to the adoption of a new Canon of the Church, the process would take a full one year period. Such a process would take a minimum of twelve months involving two readings of the Covenant at successive meetings of General Synod. During this period, the proposal to adopt the Covenant (and any necessary canonical amendments) would be passed to the dioceses for discussion and comment. These comments would be considered by General Synod at second reading stage. Acceptance of the proposal to adopt the Covenant would require a two-thirds majority in each of the three Houses of Synod (Bishops, Clergy and Laity). Since General Synod takes place in June each year, any proposals for adoption would need to be available by not later than April. If received later than that, they could not be considered for a first reading at General Synod until the June of the following year (with a second reading at General Synod

the year after that). Depending on the content of the Covenant and the implications for our Canons, a period of drafting the necessary canonical amendments might be needed before the twelve month period referred to above could be commenced.

4. ***Question 3: In considering the St Andrews draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?***

We do not believe this to be the case. As a general principle, however, the more a proposed Covenant moves into considerations of proscription and sanction, the harder it will be to reconcile it with existing canonical structures (and, possibly, with the requirements of the Office of the Scottish Charity Regulator, for which the Code of Canons is the Constitution of the Scottish Episcopal Church).

5. Further to the responses above, we would like to commend to the attention of the Covenant Design Group the following points, each of which was raised by a number of respondents in our recent Province-wide discussions of the St Andrews Draft Covenant.

- There remains a deep unhappiness in many quarters concerning the use of 'Covenant' terminology, which is felt to be theologically inappropriate. In Scripture a Covenant classically refers to a relationship between God and humankind: it is one-sided, and is an expression of Grace rather than of a quasi-legal understanding which appears to be characteristic of the draft Anglican Covenants.
- The increased powers given to the Instruments of Communion raise very significant questions concerning their representative nature, and the manner of their appointment.
- We continue to doubt whether expressions such as 'common mind' and 'matters understood to be of essential concern' (section 3.2.4) are meaningful without significant further elaboration.
- There are practical doubts over whether a Covenant can in any case be a practical means of addressing the issues which our Communion is currently facing. We note with sadness that 'cross-border' incursions on episcopal jurisdiction have not stopped at the present time, despite the call for a moratorium.
- There appears to be an urgency about prosecuting arrangements for a Covenant, in the hope that it will be able to solve the problems it is addressing; and this urgency can only be deleterious to a genuine consultative process.

6. There remains a very deep desire to remain part of the Anglican Communion, of which the Scottish Episcopal Church often considers itself to be a 'founder member', and to which we feel ourselves bound by the warmest ties of friendship and affection. It is our hope and our prayer that those ties may persist and be deepened through the current conversations around the possible adoption of an Anglican Covenant.

*February 2009.*