

THE ANGLICAN COMMUNION: DOES IT EXIST?

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The title of this article is deliberately provocative: what meaning can be attached to a concept which lacks all the classic jurisprudential marks of authority, by those who concern themselves with the legal aspects of Anglican churches? Conversely, what lessons can be learned by them from the very persistence of such a concept over so very many years?

At the heart of the Anglican Communion there is a deep scepticism about law, lawyers and all their ways. The first Lambeth Conference was called precisely because the lawyers appeared to have made such a mess over the case of the Bishop of Natal: Owen Chadwick sums it up well. 'Just as Pope Pius IX needed a Council of Roman Catholic Bishops to tell Italian politicians that they had no business interfering with the Church, so Gray needed a Council of Bishops to tell the lawyers that they had no standing to determine whether Colenso was a Bishop or not'.¹

Neither have narrowly legal topics tended to excite the imagination of those taking part in international Anglican gatherings: Herbert Hensley Henson recorded of one day's business at the Lambeth Conference in 1920 that 'the discussion in the afternoon bored me stark. It dealt with the multiplication of Provinces in the Anglican Communion. I deserted and went to the Athenaeum'.²

Nevertheless, the issue of authority — which is the legal question *par excellence*, whichever jurisprudential school you belong to — comes back time and time again.³ Scarcely a Lambeth conference has taken place without some attempt to address the issue of authority: without doubt, authority will be on the agenda at the 13th Lambeth Conference,⁴ whether as text or as subtext.⁵ During the last few years we have seen major and unprecedented problems arising in different parts of the Communion, in consequence of which provinces and dioceses around the world have looked for resolution of their own legal problems to the wider international structures of Anglicanism. Rwanda is perhaps the most widely-known example of this phenomenon, but difficulties arising from the formation and recognition of new Provinces of the Communion over recent years prompted the formulation of new *Guidelines* on the process of formation of new provinces by the Anglican Consultative Council (ACC) at its meeting in Panama in 1996.⁶

¹ Owen Chadwick in R. Coleman (ed), *Resolutions of the Twelve Lambeth Conferences* (Toronto 1992), p. vii. As to the Colenso case (*Colenso v Gladstone, sub nom Re Lord Bishop of Natal* (1865) 3 Moo PCCNS), see (1989) 1 Ecc LJ (5) 16–19.

² H. H. Henson, *Retrospect of an Unimportant Life* (Oxford 1943), vol. ii, p. 7.

³ See eg the (still useful) *Anglican Communion. A Survey*, compiled by Bishop J. W. C. Wand (Oxford, 1948); and, more recently, the *festschrift* for Bishop John Howe (as outgoing Secretary-General of the Anglican Consultative Council in advance of the 1988 Conference) edited by Bishop Stephen Sykes, *Authority in the Anglican Communion* (Toronto 1987). A helpful recent treatment of the issues surrounding the Anglican Communion may be found in William L. Sachs, *The Transformation of Anglicanism* (Cambridge 1993).

⁴ 18 July to 9 August 1998.

⁵ An example will be over the recognition of women in episcopal leadership in various parts of the Communion, which promises to be more problematic in 1998 than it was in 1988, if only because of the numbers involved. On this issue, see the Report *Women in the Episcopate* (ACC 1987), commissioned by the Primates in advance of the 1988 Lambeth Conference, and a helpful chapter (chapter 13) in the Report of the Archbishop's Group on the Episcopate, *Episcopal Ministry* (Church House Publishing 1990).

⁶ The Report of ACC-10 has yet to be published, but the *Guidelines* are available on application to the Anglican Consultative Council at Partnership House, Waterloo Road, London SE1 8UC.

What then is the Anglican Communion? It may help to comment briefly on its four constituent elements, and on the delicate balance that presently exists between these various Anglican 'instruments of unity'.

THE ARCHBISHOP OF CANTERBURY

The first of the four unifying instruments is the Archbishop of Canterbury himself. He is variously described as being 'the primary focus of unity', 'the *primus inter pares*', or as having 'primacy of honour'.

It lies with him to call together the Bishops at Lambeth every decade; he convenes the Primates' meeting; and in relation to the Anglican Consultative Council, he is its President, its only *ex officio* member, he is not subject to retirement, and he is *ex officio* a member of all its committees.⁷

The Communion defines itself by reference to him: it is 'a fellowship, within the one Holy Catholic and Apostolic Church, of those duly constituted dioceses, provinces or regional Churches in communion with the See of Canterbury'.⁸ He is, in himself, a 'personal symbol of unity'.⁹ There has been discussion as to the separability of the office and the person, and the two are in one sense distinct, but in another, quite obviously inseparable: historically, the personality of individual Archbishops of Canterbury has had an impact out of all proportion to their office as Archbishop, though patently the latter is a *sine qua non* for the former. The Bishop of London, for example, memorably described how, when he was chaplain to Archbishop Robert Runcie, in their visits around the Anglican Communion they encountered folk memories of Geoffrey Fisher.¹⁰

The Archbishop of Canterbury's role, then, is pivotal in the Communion.

THE LAMBETH CONFERENCE

The Archbishop of Canterbury invites or 'gathers' the Bishops of the Communion for the Lambeth Conference. The Conferences themselves have no legal authority. That is by design. The first Conference would not have been held at all had not everyone been agreed that this did not constitute a formal Synod or Council of the Church. The Archbishop of York, for one, would not attend the first conference, partly for fear that it might be thought to be a body that had legal powers.¹¹

This concern is rehearsed at practically every gathering of any of the instruments of unity, almost as an article of faith. One comprehensive recent statement may suffice, combining dogma, aspiration and realism: the Bishops at Lambeth in 1988 reminded the Communion that 'we do not see any inter-Anglican jurisdiction as possible or desirable; an inter-Anglican Synodical structure would be virtually unworkable and highly expensive'.¹²

Nevertheless, 'meetings start to gather authority if they exist and are seen not to be a cloud of hot air and rhetoric. It was impossible that the leaders of the Anglican Communion should meet every ten years and not start to gather respect; and to gath-

⁷ Constitution of the Anglican Consultative Council, art 6(a).

⁸ *Lambeth Conference Report 1930*, Resolution 49.

⁹ *ACC-7 Report*, p 130.

¹⁰ '[The Anglican Communion] had been an enthusiasm of Fisher in the optimistic post-war years: Fisher was a kind of ghost we kept running into when we went overseas. A policeman in Chicago remembered him bouncing out of a hotel like a schoolboy, jumping on to the cop's motorbike and making *vroom, vroom* noises': quoted in H. Carpenter, Robert Runcie, *The Reluctant Archbishop* (Hodder & Stoughton 1996), pp 198, 199. He was, of course, describing a time before Michael Ramsey's death, or they might equally have encountered Ramsey's sizeable shade in many quarters of the Communion!

¹¹ His argument, in part, was that there should be no breach of Article XXI of the Thirty-nine Articles, which states that 'General Councils may not be gathered together without the commandment and will of Princes'. However, there may have been other, less worthy, motives. For a thorough treatment of the events culminating in the First Lambeth Conference, and its transactions, see A. M. G. Stephenson, *The First Lambeth Conference* (SPCK 1967).

¹² *Lambeth Conference Report 1988*, p. 217.

er respect is to slowly gather influence, and influence is on the road to authority. It continued to have that absence of legal authority which some of its founders wanted and which of necessity was denied to them. But in most Churches some of the most important parts of authority are not based upon the law'.¹³

Here we begin to discern something of what gives the Anglican Communion its unique authority.

THE PRIMATES' MEETING

The Primates' Meetings have become a regular feature of the Communion's life over the last twenty years, arising out of a suggestion of Donald Coggan, discussed and resolved upon at Lambeth in 1978.

They have only the authority of the Primates who take part, but that is not an inconsiderable weight of authority. For example, when it was decided to prepare a list of Churches forming part of the Anglican Communion in the late 1970s, the list initially prepared by the ACC was circulated to the Primates so that each could confirm that his own Church was in communion with the others. It is published in the *ACC Handbook* with the following note: 'Since the Anglican Communion does not have a central body with canonical authority, the list is authorized by the Archbishop of Canterbury and the Anglican Primates'.¹⁴ For it must be remembered that we are dealing with a network of autonomous bodies, each of which must be clear that it is in communion with the others. Without that mutual recognition there can be no communion.

The United Churches in the Indian sub-continent provide a good example: each constituent part of the Anglican Communion has had to come to its own conclusion as to whether they are bodies with which it can be in communion. In the case of the Church of England, for a considerable time the difficulty turned upon the continuing existence of ministers of the Church of South India who had not been episcopally ordained.

Here we see the interaction of the Communion's instruments of unity: each Province has had to decide for itself, but each will have taken into account the decision of the ACC at Singapore in 1987 to normalise the relationship between the United Churches and the ACC, and its recommendation to the Lambeth Conference and the Primates' Meeting to receive them as full participants.¹⁵

THE ANGLICAN CONSULTATIVE COUNCIL

There is a case for saying that in one shape or another, the Anglican Consultative Council has existed since 1897. Clearly that is not an accurate statement of fact, but it is a fact that there have now been committees or individuals for the best part of the last hundred years entrusted with the task of consulting with and communicating between members of the Anglican family of Churches and beyond.¹⁶

The ACC as it now exists is, of course, the creation of Resolution 69 of the Lambeth Conference 1968. It alone of all the four instruments of unity has a legal structure and clearly defined functions. It is a charity incorporated under the English Charities Act 1993, and its Constitution is publicly available.¹⁷

It should be noted in particular that it is the only one of the four instruments of unity which provides a place for lay representation.

¹³ Owen Chadwick in R. Coleman (ed), *Resolutions of the Twelve Lambeth Conferences* (Toronto 1992), p. x.

¹⁴ *ACC Handbook* 1994, p 19.

¹⁵ ACC-7, Resolution 17.

¹⁶ See eg *Lambeth Conference Report 1897*, Resolution 5. Bishop John Howe's semi-autobiographical account of the ACC's work in *Highways and Hedges* (ACC/CIO 1985) is probably the most accessible introduction both to the work of the ACC and of the Anglican Communion generally.

¹⁷ See the current *ACC Handbook*, pp. 7-10, 14, 15.

A DELICATE BALANCE OF AUTHORITY

All this tends towards a conundrum: authority implies a unifying principle, but here we are presented with a multiplicity of unifying bodies. Is this simply an example of Anglican sentimentality,¹⁸ or a distinctive contribution to Christian thinking about legal authority?

The fact is that Anglicans believe in dispersed authority, not top-down management structures.¹⁹ Theologically, we look to scripture and tradition and reason/conscience in our process of reception and discernment of the mind of God. Some unkindly characterise this as woolly-mindedness, or indecisiveness: Anglicans argue that it is part of God's calling to us to be a people who are responsive to the world He has called humankind to inhabit, and at the same time faithful to all that He has given from the past. We are, in Bishop Stephen Neill's words, 'a learning Church as well as a teaching Church',²⁰ and it is one of the glories of our tradition.

What holds good for our theology holds equally good for our structures. The Lambeth Conference in 1988 noted with approval that 'in the Communion as a whole, the instruments of Communion or the organs of consultation provide appropriate checks and balances for each other . . . [we] seem to have a view of dispersed authority which relates not only to the sources of authority but also to its exercise'.²¹

So this balanced mix of authority should not puzzle us. Rather, we might be asking ourselves how it could be otherwise in a Communion which is characterised by a voluntary, not enforced or enforceable submission to 'mutual attentiveness, interdependence and accountability'.²² It is characteristic of Anglicanism that our structural as well as our theological authority is dispersed. This is a distinctive approach to authority, and one which merits careful reflection in an increasingly fragmented world.

We hold together, or rather, we believe there is One who holds us together, in 'bonds of affection'.²³ Such authority may not be as fragile as it seems.

¹⁸ Professor Henry Chadwick, commenting on a draft of this article, made the arresting comment to the writer that a careful distinction should be drawn between 'sentimentality' and 'sentiment', the latter having a not inconsiderable force of its own (see eg the *Shorter Oxford Dictionary*, definitions).

¹⁹ Even the Archbishops' Commission on the Central Structures of the Church of England, *Working as One Body* (Church House Publishing 1995), seen by some as epitomising a top-down management structure, emphasises that 'the mission of the Church of England is most clearly and gloriously seen in the parishes' (p. 15).

²⁰ As he commented, 'Not everyone has what it takes to be an Anglican' (S. C. Neill, *Anglicanism* (Penguin 1958), p. 423).

²¹ *Lambeth Conference Report 1988*, p. 298.

²² *Inter-Anglican Theological and Doctrinal Commission Draft Report* (1996), para. 3.44.

²³ The famous title of the Anglican Consultative Council's Conference in Badagry, Nigeria, 1984 (ACC-7).