

Address

“The Highest Degree of Communion Possible”: Initial Reflections on the Windsor Report 2004

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The Lambeth Commission on Communion’s Windsor Report 2004, released in October 2004, analyzes the current situation of sustained controversy and makes numerous recommendations as to how the Anglican Communion can restructure itself in order to preserve “the highest degree of communion possible.” Beyond its recommendations for dealing with the events that prompted the appointment of the Commission, the Windsor Report proposes strengthening the “Instruments of Unity” in a way that would, it is hoped, limit the amount of divisiveness in future controversies. However, these proposals pose significant theological and ecclesiological problems: they attempt to curtail the work of the Holy Spirit in leading the church into all truth, and they give too much weight to agreement in a church that has cherished and promoted diversity of theology and practice in all but the most important areas of the faith.

On October 18, 2004, the Anglican Communion released the Windsor Report 2004, the report of the Lambeth Commission on Communion, formed by the Archbishop of Canterbury in response to the situation that has developed in the Anglican Communion in the wake of decisions in the Anglican Church of Canada and the Episcopal Church relative to homosexuality, and the decisions of a number of provinces to declare they are now or may soon be no longer in communion with the Diocese of New Westminster or the Episcopal

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Church. The Lambeth Commission's charge was specifically not to consider issues of human sexuality as such, but rather to focus on how Anglican churches might maintain "the highest degree of communion possible"¹ in what is a serious and widespread situation of conflict.

The Windsor Report has numerous recommendations. The headline grabbers are three invitations:

- 1) The Episcopal Church has been "invited" to make a statement of regret for the damage it has done to the Communion in consecrating Bishop Eugene Robinson.
- 2) The Diocese of New Westminster, the Anglican Church of Canada, and the Episcopal Church have been "invited" to make a similar statement of regret for authorizing same-sex blessings.
- 3) Various conservative elements have been "invited" to make statements of regret for the damage they have done to the Communion by escalating rhetoric and by uncanonical crossing of diocesan boundaries.

In all three cases, there is also an "invitation" to enter into a moratorium on all such future acts.² These "invitations" have teeth. The Report both declines to speculate, and also notes that in any situation of conflict among human groups or organizations, there are approximately four options, in escalating degrees of seriousness: mediation and arbitration; removal of invitation to attend important meetings as participants; invitations to attend these same meetings as observers only; and finally revocation of membership (para. 157).

These are serious matters. They require a great deal of careful thought, diligent prayer, and sustained though difficult discussion and debate. More important than the headline grabbers, however, are some of the other more general recommendations that both indicate a particular view of the church and also propose how the church might go about embodying that view. That is what I will focus on: changes in ecclesiology and ecclesial practice that require very care-

¹ Mandate of the Lambeth Commission, October 28, 2003, paragraph 2 (www.anglicancommunion.org/ecumenical/commissions/lambeth/index.cfm).

² The Lambeth Commission on Communion, *The Windsor Report 2004*, October 18, 2004 (www.anglicancommunion.org/windsor2004/), paragraphs 134, 144, 155. Subsequent references will be included in the text.

ful consideration not only to assess the benefits of such changes, but also to assess what they may cost. These have to do with fundamental perennial tensions in our understanding of church—tensions between unity and diversity, and between autonomy and communion. Along with these is always the question of who and what has what kind of authority. These are tensions that *must* be held for any ecclesiology to be sound theologically, and also for it actually to work in practice.

The Windsor Report deals with these tensions and the underlying questions of authority by giving clear priority to unity over diversity, to community over autonomy, and to the centralization of authority at the international level, as well as to various bishops and colleges of bishops. This preference for centralization and hierarchy is a response to what the Report judges to be an overemphasis on diversity, autonomy, and dispersal and localization of authority, especially in the U.S.A.

Specifically, the Report proposes that the various provinces of the Anglican Communion—the word we use for national or regional churches—give some measure of jurisdictional authority to the Archbishop of Canterbury, the Anglican Consultative Council, the Primates’ Meeting, and the Lambeth Conference, what the Report calls the “Instruments of Unity.”

The Report proposes that this authority be given through all the provinces’ pledging themselves to a Communion-wide Anglican Covenant. The covenant would include an affirmation that all member provinces share a common theological and ecclesial identity and a common life of worship and service.³

These are the fundamental elements of unity. The covenant would also include a statement of what constitutes relationships of communion among Anglicans (Art. 9), along with promises that the member provinces will “uphold and act compatibly with the catholic and apostolic faith, order and tradition, and moral values and vision of humanity received by and developed in the fellowship of member churches” (Art. 10).

Moreover, the covenant would include limits on the autonomy of the member provinces, so that each province could freely decide what affects only itself, but would consent to follow certain practices

³ *Windsor Report*, Appendix B, Articles 1-3. Subsequent references will be included in the text.

when issues are matters of concern to the larger Communion (Art. 18-27). Diversity would be affirmed, but “What touches all should be approved by all” (Art. 20).

Signing the covenant would constitute a promise and a commitment to hold certain things in common and to act in accord with them. Thus, revision of the Book of Common Prayer would remain the purview of each province *unless* the proposed changes excited alarm elsewhere in the Communion, as they would if, for example, a province were to propose substituting its own creed for the Nicene or Apostles’ Creed.

In addition, the Report supports the idea of a minimal common canon law that would pertain throughout the Communion. And the Report implies that some action should be taken when a province violates either the covenant or the findings of the Instruments of Unity. Presumably, the “invitations” to express regret and enter into a moratorium are an example of what such action might be, though I would not assume that this would be the most severe action possible.

In sum, the Report suggests ways of strengthening and expanding international structures in order to hold the Anglican Communion together. It also suggests that those to be made more responsible are the bishops.

Before we proceed, we must recognize that there is a “hardwired hot button” here for many Anglicans, a kind of built-in resistance to anything that centralizes authority “at the top”—be that with bishops or with international structures. After all, our history as Anglicans in some ways begins with getting out from under “instruments of unity,” binding doctrine and discipline, and sanctions at the international level, and we continue to grapple with this, among ourselves and with our ecumenical partners. Part of our becoming a Communion has to involve finding some third way—dare we say a *via media*?—between universal control only and local autonomy only. And in this effort the Report takes its place.

The Windsor Report addresses the fact that binding decisions in the Anglican Communion are made at the local (diocesan) and provincial (national or regional) level, and there only. Decisions or views expressed at the international level have had only “moral authority.” Thus it is at best unclear how to negotiate conflicts that cross provincial lines (and it is hard enough figuring out how to negotiate them within a province, as Episcopalians know).

For over a century and a half, the churches of the Anglican Communion have claimed that it is necessary to “consult” on matters that

affect the whole communion. But we have yet to reach agreement on what “consultation” means. There are, indeed, two definitions of consultation. One is the notion of talking seriously with other folks as part of making decisions; that tends to be what the Episcopal Church and some other provinces mean by “consulting.” But in the Church of England, “consultation” means reaching an agreement.⁴ So, on the Church of England’s reading, the Episcopal Church did *not* consult prior to the consecration of Gene Robinson, whereas on our reading, we did—though certainly not as widely as we ought to have done. So one big question is how we agree on and determine that adequate consultation has taken place. The Windsor Report goes with the Church of England view: consultation has happened when people agree. This has enormous implications, as we will see.

The Windsor Report recognizes that dispersal of authority to local provinces, dioceses, laypeople, and so on has for many years and most of the time served the Anglican Communion pretty well. It has allowed us to engage in “local adaptation” of all kinds of things, from the Book of Common Prayer to questions pertaining to gender, sexuality, moral life, the interpretation of Scripture, the designation of guiding traditions, and the like. It has made it possible for us to be a global communion in which there is great diversity but still considerable unity, based on a common faith and what has been called “bonds of affection.” Certainly there are times when these “bonds of affection” have been strained. Indeed, the very first Lambeth Conference was convened in response to such strain. And both the Primates’ Meeting and the Anglican Consultative Council had to deal with such issues at their very first meetings.

But, in the judgment of many, perhaps most, Anglicans and our major ecumenical partners, this dispersed authority is not now serving us well and is indeed contributing to difficulties that may, perhaps not long from now, spell the end of the Anglican Communion. I think this judgment is correct, on the basis of the plain evidence. The familiar marks of communion—dioceses and provinces being in communion, bishops respecting each others’ territorial jurisdiction, respectful discourse, patience in disagreement, and so on—have been violated numbers of times. While these violations have occurred in the context of controversies about sexuality and gender, they are more profoundly connected to matters of authority. Indeed, the gravest sign of crisis in the Anglican Communion may very well be

⁴ I am grateful to J. Robert Wright for this insight.

the crossing of diocesan and provincial boundaries by bishops—something prohibited in the earliest canons of the worldwide church, those of the fourth-century Council of Nicaea.

It has not been possible to say what the “position of the Anglican Communion” is on any matter, including doctrine, discipline, and morals. This is something that directly affects our ecumenical relations again and again. It also directly affects those members of the church who are seeking guidance in their lives and particularly in making tough but necessary decisions.⁵ How do we know what “the Anglican Communion” thinks? How do we know what the church teaches? Right now, we do not: there are no specific Communion-wide persons or bodies to whom final decision-making authority is formally attributed, either for church teaching or for church practice. So we cannot settle matters of controversy at the Communion level, because we are not able to determine when they *are* settled. The Windsor Report proposes to correct this problem by making it clear who it is that gets to say what the Anglican Communion thinks and does at the international level, in a way that binds the provincial and local levels.

The irony, of course, is that this cannot come into being without the provincial and local levels—bishops, but also other clergy and laypeople—acting to bring it into being.

The Windsor Report proposes to clarify what the Anglican Communion thinks by strengthening the “Instruments of Unity.” It does this through containment, as Presiding Bishop Frank Griswold identified in his very first response to the Report.⁶ But the emphasis on containment puts at risk something important: the potentially constructive and even revelatory role of dissent, and of discernment or assessment of new developments. To put it theologically, the question is how we go about discerning the work of the Holy Spirit not just in *preserving* us in all truth, but in *leading us into* all truth, especially *new* truth. Biblically, the mission of the Holy Spirit is not only to help us in figuring out which existing truths we have got right or wrong—truths of belief, of prayer, of practice. The mission of the Spirit is also

⁵ See Timothy F. Sedgwick and Philip Turner (eds.), *The Crisis in Moral Teaching in the Episcopal Church* (Harrisburg, Pa.: Morehouse Publishing, 1992), especially the essays by Turner and Wondra.

⁶ Frank T. Griswold, “From the Presiding Bishop: A Word to the Church. Some Preliminary Reflections regarding the Windsor Report,” October 18, 2004 (www.dfms.org/3577_52922_ENG_HTML.htm).

to help us figure out what the new things are that God is doing in the world, how God is leading us into the fullness of truth, and perhaps especially how God is offering us direction and guidance through ideas and events and practices that we find more frequently outside the church than we do inside it. From the angle of conserving an existing communion by strengthening its orderliness, the Windsor Report is quite strong. But from the angle of leaving room for those open windows and doors, those cracks and fissures and broken places through which the Spirit has moved, it is quite weak. And that is a theological flaw as well as a practical one.

But it is not a surprising one: one of the roles of institutions (including the church) is to conserve matters of culture, including their own cultures. It is their role to pass along from one generation to the next, and from one place to the next, what has been considered valuable and helpful. This happens in a number of ways, including by suggesting how innovations—new things or things that are perceived as new—are to be assessed and evaluated, and how they are or are not to be incorporated. What is needed, from the angle of conservation, is an explanation of how any new thing is in fact clearly in line with tradition, somehow, so that the new does not seem *too* new, even if it actually is *really* new. The Windsor Report embraces this conserving role, preferring containment and preservation over the breaking in of the new. This is evident in how it analyzes recent Anglican history in order to set the stage for its recommendations.

Specifically, the Windsor Report takes the ordination of women as its single positive example of how the need for adequate consultation at the worldwide level has taken place in the course of making a significant change in the life of the Communion. In times of difficulty, a success story from history (however recent) is very helpful: if we did it once, we can do it again (para. 12).

So the Report gives a very brief reading of how the Anglican Communion was able to “bear” the controversy over the ordination of women. It notes at what stages various provinces, including the Episcopal Church, were involved in a Communion-wide consultation that, over time, involved the Archbishop of Canterbury, the Lambeth Conference, the brand-new Primates’ Meeting, and the almost-as-new Anglican Consultative Council. It notes advice and counsel given by the Instruments of Unity to these provinces and to those provinces that objected to ordaining women. The Report admits that there *was* controversy, but it concludes that “decision-making in the Commu-

nion on serious and contentious issues has been, and can be, carried out without division, despite a measure of impairment” (para. 21).

Frankly, this reading is a caricature, and it omits many salient points. There is nothing of the intensity and vitriol of a very public controversy both within the various provinces and at the level of the Communion itself. There is nothing of the dire threats of schism and the breaking apart of the Communion, or of the schisms that did take place, or of the extra-canonical actions of various bishops. The “measure of impairment” to which the Report refers is the prohibitions put on women deacons, priests, and bishops, many of which still exist today—notably in the Church of England, where there continues to be a ban prohibiting women bishops from functioning *as bishops* in that province. Nor is it mentioned that the controversy over the ordination of women prompted the Lambeth Conference to direct the Archbishop of Canterbury to set up a special commission to study how the communion might maintain “the highest possible degree of communion” among “the Provinces which differ.”⁷

That first Eames Commission in its three reports between 1988 and 1993 recognized that there *was* actual impairment of communion, that there was and continues to be controversy of such severity as to result in schism and the threat of schism, and that there were and would continue to be limits on the interchangeability of women’s ministries and, possibly, on the interchangeability of men ordained by women bishops. It stated flat out that women clergy and some male clergy would likely have the validity of their ordinations questioned. In regard to this, the Eames Commission Report states,

Without predicting the outcome, the process of reception throughout the Anglican Communion is likely to last a very long time. Thus as a Communion we will need to become accustomed to living with ambiguities within our ministry. Such ambiguities bring pain and confusion, but are the mark of a living, if suffering, church that remains bound by the dispersal of legislative authority through the provincial churches.⁸

⁷ Church of England, Commission on Communion and Women in the Episcopate, *The Eames Commission: The Official Reports* (Toronto: Anglican Book Centre, 1994), “Origins of the Commission,” paragraph 1.

⁸ Eames Commission, “The Third Report. Fifth Meeting—December 1993,” paragraph 47.

Yet in the Windsor Report this is not mentioned. Instead, the events as they are outlined in the Windsor Report are set very starkly, deliberately, and precisely over against the events of the last year and a half in order to show that, whereas the provinces that introduced the ordination of women into the Communion *did* adequately consult the “Instruments of Unity,” neither the Episcopal Church in the U.S.A. nor the Anglican Church of Canada has done so this time. (And the Windsor Report has in mind the English usage of “consultation”—that is, agreement.) Indeed, the Windsor Report is constructed rhetorically so that for every approving remark made of the earlier controversy, there is a starkly disapproving one for the current controversy.⁹

This is not an accurate reading of history or of recent events. It is at best revisionist history, and at worst, as I said earlier, a caricature, both of history and of current events. But it is from this point of constructed contrast and revisionist history that the Windsor Report builds its various recommendations about strengthening the Instruments of Unity so that they have greater while still limited jurisdiction over member provinces.

Specifically, the Report recommends that the Instruments of Unity have the authority to decide and announce what are “contentious communion issues” (Art. 26) or “essential matters of common concern to the Communion” (Art. 16). A “matter of common concern,” according to the Report, is one that touches on “essentials” of doctrine, of morals, and of practice, though what these “essentials” are is not defined. (This is another aspect of the current crisis.) Matters become common in the Communion when they have to do with “the affairs, actual and prospective decisions, of a member church which touch fundamentally the fellowship and mission of the Anglican Communion, the relations of its churches, and the compatibility

⁹ The Windsor Report conveniently omits the fact of diocesan boundary violations in the earlier instance, while it roundly condemns them in the current situation. Rhetorically, the contrast remains unqualified. Among other things, the Windsor Report’s account of the two controversies is an unhelpfully gendered construction of history: twenty-five and thirty years ago, the Episcopal Church was “good” with women, but now it is “bad” with homosexuals. This changes the portrayal of women from “bad girls” to “good girls,” but it also obscures the reality that gender matters in the Anglican Communion are still highly problematic and conflicted and even divisive, even where women are ordained, which is by no means everywhere. And it also suggests that issues of gender and issues of sexuality are separable; they are not, as much of the current debate indicates clearly.

of such decisions with this [proposed Anglican] Covenant and the unity and good order of the Communion” (para. 23).

Whether or not something is a “matter of common concern” is determined when a matter of controversy within a province is submitted to the Archbishop of Canterbury, and the Archbishop of Canterbury either “issues such guidance as he deems fit or, as appropriate, refers” the matter to one or more of the other Instruments of Unity, beginning with the Primates’ Meeting, then going to the Anglican Consultative Council (which is one-third bishops, one-third clergy, one-third laypeople), and then finally to the Lambeth Conference of Bishops (which meets once every decade) (Art. 25). At that point, an evaluation is made by the Archbishop of Canterbury or the Instruments of Unity “having regard to the common good of the Communion and compatibility with [the proposed Anglican] Covenant.”

Once such a determination is made, the Covenant says,

Each church shall: (1) in essential matters of common concern to the Communion place the interests and needs of the community of member churches before its own; (2) in such cases, make every effort to resolve disputes by reconciliation, mediation or other amicable and equitable means; (3) respect the counsels of the Archbishop of Canterbury, Primates’ Meeting, Lambeth Conference, and Anglican [Communion] Council; and (4) respect the principles of canon law common to the churches of the Anglican Communion (Art. 16).

The proposed Covenant goes on to say that “(3) In such matters, each church shall exercise its autonomy in communion, prior to any implementation, through explanation, dialogue, consultation, discernment *and agreement* with the appropriate Instruments of Unity” (Art. 21; italics added). In other words, on a “matter of common concern,” no province may act until one or all of the Instruments of Unity say it may.

So here’s the rub: should one or several provinces discern a new working of the Holy Spirit in leading the church into all truth, and should that working be in an area that may reasonably be judged to be a matter of common concern, those provinces cannot implement their discernment until “the appropriate Instruments of Unity” agree with them. There can be no discernment through practice and reflection on practice; it is all done in theory. And it is done primarily, largely, by bishops, whose role is certainly described as that of con-

servicing the faith as it has been handed down, and the unity of the church.

Let us think for a moment about what the church would be like now had these provisions been in effect thirty or forty years ago. Would we, for example, have canonically legal remarriage after divorce, particularly of clergy? Would we be able to elect as bishops persons who had been divorced and remarried? Perhaps the first, but I suspect not the second. Would we have the ordination of women? Unlikely. Further, it seems likely that the full communion agreements with Lutheran churches made by the Episcopal Church and the Anglican Church of Canada would have taken a great deal more time for those two churches to implement. Presiding Bishop Griswold’s description of this as “containment” seems to me well warranted.

One theological point and one ecclesiological point are in order.

The theological point is quite fundamental: it is not possible to contain God or predict what God will do next. The Holy Spirit blows where it will, as Jesus said to Nicodemus (John 3:8). And why? Because God is quite other than we are, and we can never understand God fully. God is larger than we are, in every sense. And God is strange, other, to us. And that strangeness breaks out, often when we least expect it. This is one of the constant themes of the current Archbishop of Canterbury Rowan Williams, who urges that we must always in humility and trust try to be open to the “strangeness” or the otherness or the surprising-ness of God. Unexpected things happen through which we come to know God. A bush burns and burns and is not consumed. Waters part leaving only dry land. Prophets’ words are heeded. The Lord of the world shows up not as a mighty king but as a poor peasant from an obscure backwater. Death is not the end of the story. God’s work is done on earth by a motley crew of squabbling, self-absorbed, inept, and often lazy folks. Every human attempt to contain God is destined to failure. And for that, we ought to be heartily thankful.

The ecclesiological point is that, given the nature of human beings, it is not easy to determine the truth of matters, particularly when the determination is made in theory only. Human beings are limited and therefore fallible, and are on top of that sinful. That is why there is need for discernment in the first place, and for multiple sources of revelation, and so on. Further, there is a significant question about the nature of truth. Is it some pure thing that is located somewhere

and is, at least potentially, clear to everyone, or at least to those in positions of authority (as the Windsor Report seems to believe)? Or is truth something that is recognized contextually, dialogically, and even conflictually, and then only provisionally? I would claim, with many others, that truth emerges from practice and theory together, and it emerges in a messy, often highly contested way. And this, I think, is a key point of Anglican ecclesiology. In the Anglican tradition, we discern truth corporately, and in the context of actual life together; we develop what is called a *consensus fidelium*, a recognition of truth by the body of the faithful. We have embodied this in our decision-making structures by making sure that there is very little that an individual bishop, or a priest, can ever do without the participation of others. The House of Bishops of the Episcopal Church cannot declare anything to be definitive and binding without the consent of the House of Deputies, which is made up of other clergy and laypeople. In the Episcopal Church, bishops are not appointed, they are elected, and they are elected by *both* clergy and laypeople. The ability of bishops to act without other clergy and laity is greater elsewhere in the Anglican Communion than it is here, but it is still not absolute.

The Windsor Report, on the other hand, does very little to ensure that priests, deacons, and laypeople are involved in the very significant processes of determining “matters of common concern” and how they are to be handled. The Anglican Consultative Council—which is made up of bishops, other clergy, and laypeople—*may* play a role, but there is no guarantee that it *must*; matters of concern get there only after having gone to the Archbishop of Canterbury and the Primates’ Meeting. This is a shift in Anglican ecclesiology and not for the better.

The church’s vocation is to carry on the mission of God in the world, a mission of salvation. Whatever church structures we have—and we do need them—they must be flexible and fluid enough to carry on that mission when God does something surprising. The church, no less than any other institution, struggles with its sociological role of conservation. At the same time, individuals and groups—generally those not vested with great institutional power—may claim to be “prophetic” in discerning some new thing. The claim alone, of course, does not make it so. Such claims have to be tested. Yet, given the conserving function of institutions, such claims often take a long time to be heard in the church, and generally they have to be cast in

terms of the already-received. In either case, we need the humility to recognize that we can very easily be wrong, and that others, with whom we disagree, may indeed have greater insight and wisdom than we. Only then are we likely to be open to the possibility that God is doing something new, and not necessarily through us and through the familiar. Making it harder yet for the new to get a hearing does not help us with this aspect of our common life.

What, then, are we to do about maintaining and fostering the unity of the Anglican Communion? Do we need stronger Instruments of Unity, as the Windsor Report claims?

Yes, I think we do. But in light of the theological and ecclesiological issues that I have raised, I believe that the Windsor Report goes too far. First of all, we need agreement on what constitutes adequate consultation among the provinces and with the Instruments of Unity; this we do not have. We need agreement to abide by such understandings, and we need some formal, official way of assessing whether or not that has happened in particular instances. A carefully composed and thoroughly discussed covenant has the potential for helping us establish these agreements and criteria. We also need a clearly stated and agreed range of consequences that may accrue to provinces that do not consult adequately. That means, I suspect, that we do need a concise set of common canon law throughout the Communion. None of these do we have at this time.

I do not believe, however, that provinces should be required to forestall all action in matters of controversy until agreement from the Instruments of Unity is obtained. Even if the voice and role of the Anglican Consultative Council is strengthened, insisting on agreement before any action risks forestalling the work of the Holy Spirit—or rather, attempting to. In other words, it is bad theology. Furthermore, I do not think it will work.

Yes, not waiting for the whole Communion to agree leaves the Communion vulnerable to strain, to severe conflict, and to possible schism or disintegration. But surely the church has always been vulnerable in precisely this way. What else was Paul addressing in describing the church as the Body of Christ? The best-considered structures and procedures have not prevented what some consider reformations and others consider schisms, what some consider the work of the Spirit and others consider innovations worthy of the most serious of condemnations. It is unlikely that this will change if the Anglican Communion centralizes its authority. We need to keep in mind

how diversity and the dispersal of authority have served us well, not just how they have not.

The Windsor Report makes it clear that it is making *recommendations*. These recommendations will be discussed at great length by many bodies of Anglicans, including the bishops, but also the other clergy and the laity. They will be discussed in each province. They will be discussed by the Instruments of Unity. There is little doubt that these recommendations will be changed, though in what direction it is too soon to know. There is little doubt that these discussions will be heated, and conflictual, and messy. And there is little doubt that all of this will take a considerable amount of time—years—particularly if any of the recommendations, however revised, are implemented.

But this is, in fact, a good thing: *if* the discussion is broadly engaged, by all provinces, and by laypeople, deacons, priests, and bishops in each province; and *if* the discussion takes place *among* the provinces, then it seems to me the cohesion of the Anglican Communion, the necessary “bonds of affection,” will be strengthened. That is no small matter. And it is something I sincerely and fervently hope and pray will happen.