

Honours Research Seminar

2 October 2000

3,850 words

**The Anglican Constitution:
a Model for New Zealand?**

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Te Rarawa, Ngāti Moetonga

I. Introduction

I te te kau ma whā o Tihema e	On the 14 th of December [1814]
Ka ū te whakaponu eii	Christianity arrived
Ki runga a Oihi, eii	At Oihi
Ka tū te Mātenga, e ko te kupu tenei	Marsden stood up, and these were his words:
“kei te rangi te atua”	“God lives in the heavens”.
Ka noho a Ngā Puhi, e, ka titiro ki reira eii.	Ngā Puhi sat and looked to the sky
Ka noho te Te Mātenga, e, ka titiro whakararo	Marsden sat and looked down
Ki te papa oneone, a Aotearoa eii	On the soil of Aotearoa
Taiapa rawa mai, e, ki te paharahara, eii,	Fenced off from us by spades
Ki te pättiti, e, ki te paraikete whero eii	By hatches and red blankets
Ki te rōria rino, e, nau e te kawana eie!	And your iron ‘jew’s harp’, Governor!
I riro ai te whenua e,	The lands are drifting away
Tere rā ki te moana e,	Across the seas
Haere oti atu, e i te ringa o te Kuini,	Gone forever into the Queen’s hands
E kore rā e hoki mai, eii, ki te iwi Māori nā iie	And may never return to the Māori people

(in T Reedy (ed) *Ngā Mōteatea* vol IV: 354, translation adapted)

Almost two centuries have passed since Ruatara introduced Samuel Marsden to the Māori of the Bay of Islands.¹ The well-known waiata above illustrates a reasonably widespread distrust about Christianity in general and Anglicanism in particular among Māori today. Yet the Anglican Church is arguably the only institution in New Zealand society to have demonstrated that it is possible to create a system of governance in which Pākehā and Māori processes and values can be appropriately incorporated and expressed.

In 1857, when the first constitution was written for the colonial Church, no Māori voices or concepts were included in the establishment of the governing body of the Anglican Church. Intense pressure from Māori and some enlightened Church leadership has seen a gradual

¹ The Bicultural Commission of the Anglican Church on the Treaty of Waitangi. *Te Ripoata a te Komihana mo te Kaupapa Tikanga Rua mo te Tiriti o Waitangi - The Report of the Bicultural Commission of the Anglican Church on the Treaty of Waitangi* (1986, Provincial Secretary of the Church of the Province of New Zealand, Christchurch) 3.

awakening to the need to incorporate Māori within the primary instrument of governance, and a unique constitutional reformation was finally achieved in 1992.

The topic of constitutional reform within the Anglican Church in New Zealand is relevant because many of the arguments that were advanced for reform in the Church are also now being advanced for constitutional reform in the New Zealand parliamentary system. The Anglican experience illustrates for general New Zealand an example of what may eventually lie ahead of us as a nation.

While the Anglican experience offers a template it also presents a warning. The Anglican Church sought independence from the State from its arrival in this country yet presumed to stand as the conscience of the colonial government during the 19th century conflicts over land and sovereignty. Many settlers and settler politicians were uneasy at that apparent blurring of the boundaries between church and state. In contemporary New Zealand, should the Anglican Church offer to New Zealand a template of constitutional reform, such fears may well resurface.

II. An Historical Context

The Anglican Church created, by voluntary compact, a constitution for a branch of the United Church of England and Ireland in the Colony of New Zealand in 1857. Anglicanism had, of course, been present among Māori for over four decades prior to this date. Until 1857 the Anglican Church in New Zealand was, in fact, a Māori Church formed by the Mission to the Māori People of the Church Missionary Society (CMS).² There was no real focus for Anglican activity among Europeans until the arrival of George Selwyn in 1841 to take up the New Zealand Bishopric.³ From this point emerged the Settler Church. The divisions between the Settler Church and the Māori Church became obvious early on, illustrated by the tensions between Selwyn, who promoted mission among the Europeans, and the CMS who insisted on working mainly for the enlargement of the Māori Church.⁴ Eventually Selwyn turned his attention to the writing of the new constitution for the Anglican Church in this new home.

² Above n 1.

³ Bringing with him over 500 clergy to supplement the 38 missionaries already present in New Zealand. See W Jacob *The Making of the Anglican Church Worldwide* (1997 Society for Promoting Christian Knowledge, London) 119.

⁴ Above n 1, 4.

At the time of the creation of this constitution there were schisms within the settler community, and within the settler Church itself over land settlement and the position of Māori in New Zealand society. While humanitarian Anglican leaders such as Archdeacon Octavius Hadfield, Chief Justice William Martin and Bishop Selwyn declared firmly for the Māori cause in the lead up to the Taranaki Wars that began in 1859, the Anglican Settler church itself by 1861 was deeply divided between advancing settler interests and protecting Māori interests.⁵

Although, as will be discussed shortly, the Anglican Church was intent upon independence from the State, it appears that the State needed the support of the Anglican clergy in the New Zealand Wars and in the establishment of a system of governance. Anglican support was needed to give the State its legitimacy and to enable the State to argue that its actions against Māori were just. In short the Anglican Church provided the conscience of the new government. Therefore when the Anglican authorities attacked the colonists' actions in the Taranaki Wars they 'created a moral crisis at the heart of colonial politics.'⁶ Anglican activism at the time of the Taranaki conflict led directly to bitter reaction against Anglican 'meddling' in the Settler state.⁷

[T]hey aroused anti-Establishment animosities deep-seated and pervasive amongst the Pākehā settlers...[A] critical mass of settlers determined that Anglican clergy should not run the show...

Yet despite the humanitarianism of some of the Anglican authorities, the Settler Church did often support the State, particularly in the Waikato military campaigns, although many leading Pākehā Anglicans, including Selwyn, came to regret the support they gave.⁸ Ultimately the Wars lead to an enormous sense of loss and betrayal within the Māori Church and engendered suspicion among Māori Anglicans to the concept of one overarching church governing structure for Māori and non-Māori alike. There was a huge decrease in the numbers of Māori involved in the Church in the 1860s, as Māori voiced their disgust with the stance of the Church leaders and the insistence by the Church on its concentration on the needs of the settler population.⁹

⁵ in J Stenhouse 'Religion, Politics and the New Zealand Wars 1860-1872' in R Ahdar and J Stenhouse (eds) *God and Government: The New Zealand Experience* (2000, University of Otago Press, Dunedin) 32.

⁶ See above, n 5, 27.

⁷ See above, n 5, 29-30.

⁸ See above, n 5, 34.

⁹ AK Davidson *Christianity in Aotearoa – a History of Church and Society in New Zealand* (1991, Education for Ministry, Wellington) 44. It is useful to note that more than forty religious movements were created by Māori in the 19th century as they moved away from traditional churches and sought to fulfil for themselves the spiritual and political needs that could not be met by the Christianity of the English.

In an ironic twist only eight years after he wrote the 1857 Anglican constitution, Selwyn appeared to recognise the difficulties of imposing British government upon Māori who had had no input into the Constitution Act of 1852. Selwyn believed that the ‘real cause of war in New Zealand’ had been this ‘new constitution’ which gave too much power to a settler state with little care for Māori interests.¹⁰ I have found no other quotes to suggest that Selwyn ever applied this comment to the Anglican constitution that he himself had written, which imported to New Zealand wholesale the structures, power relationships and concepts of the English church.

III. The Anglican Experience Of Constitutional Reform

A. The Concerns Behind The 1857 Constitution

The Anglican Constitution of 1857 was a document that sought to import the Church from England, and also to establish a local identity autonomous from the State.¹¹

The nineteenth century was one in which most parts of the Anglican Communion adopted fixed constitutions, and...asserted the right of the Church to define its own doctrines, and declare itself free from the control of the State except in matters which are temporal and civil.

While Selwyn’s own position as the Bishop of New Zealand was created by Crown grant, he was committed to the independence of the Church, and refused State funding for buildings and Church activities. Initially therefore, the Church resolved to construct its new constitution without the aid of a private Enabling Act which would give the Church some legal standing and identity.¹² However this position proved temporary, and an Enabling Act was procured from the State in 1865, primarily for the protection of Diocesan property.¹³

The 1857 constitution contained a section entitled ‘Fundamental Provisions’. The sixth of these fundamental provisions was a clause that provided for the entrenchment of the first five clauses. Very briefly, those five fundamental provisions of the Anglican Constitution provide the shared

¹⁰ Above n 5, 34.

¹¹ H Lowther Clarke *Constitutional Church Government – in the Dominions Beyond the Seas and in other parts of the Anglican Communion* (1924, Society for Promoting Christian Knowledge, London) xi.

¹² See above n 11, 175.

understanding of the system of governance within the Church. The first two provisions deal with the Declaration of Doctrine and the power to alter formularies and the authorised version of the Bible. The third and fourth provisions grant the Church the right to frame new rules and to provide for the separation of the Colony of New Zealand from England.

In 1928 Parliament passed the Church of England Empowering Act and this Act, after emendation in 1966, remains in force today. This Act actually replaces clauses 2, 3 and 4 of the Fundamental Provisions of the constitution. It is only by analysis of the Act in conjunction with the Fundamental Provisions themselves that the full powers of the Anglican Church to make its own rules can be understood. Many of these powers are enshrined in this Act of Parliament and cannot be changed except by a further Act of Parliament.¹⁴ The passage of this Empowering Act perhaps indicated the tension between establishing a New Zealand Church free from State interference, and the need for some legal certainty and acknowledgment.¹⁵

The fifth fundamental provision of the 1857 constitution established the General Synod as the representative governing body of the Church, comprising the three orders of Bishops, Clergy and Laity. This entity, notwithstanding the constitutional reforms, remains the fundamental ruling body of the Anglican Church in New Zealand.

B. The Māori Experience Of The Constitution

Although the majority of Anglicans in New Zealand by 1857 were still Māori it is instructive to note that there were no Māori signatories to the new constitution.¹⁶ The document was very much a product of the concerns of the Settler Church, and indeed, the document was simply not intended to include the Māori Church at all. It was felt that the best interests of Māori would be better guarded by the Church Missionary Society.¹⁷

¹³ See above n 11, 176.

¹⁴ Clause 6 of the Fundamental Provisions of the constitution states that the 'above' five fundamental clauses of the constitution are entrenched, thus cannot be altered by any General Synod decision. Note, however, that this clause itself is not entrenched.

¹⁵ This point and tension is discussed further in W Atkin's paper 'Can the Anglican Church Legally Enter Church Union?' LLB (Hons) Legal Writing Requirement (1972) 12-13.

¹⁶ Bishop Manuhūia Bennett 'The Bishopric of Aotearoa- A Māori Dimension' in Paterson, J. *He Toenga Whaiwhatinga – Essays concerning the Bishopric of Aotearoa* (1983, Holmes Printing, Ngaruawahia) 14.

¹⁷ Above n 1, 4.

In 1882 the CMS gave notice of its intention to leave New Zealand, entrusting their 'Maori children to the care of the English Bishops, with a happy consciousness that by God's good blessing its work will then be done.'¹⁸ No general structures were put in place to facilitate any Māori identity within the Anglican Church, and it was assumed the Māori would simply assimilate into existing structures. Some Māori church boards had been set up, but these were localised, limited in power and gave Māori no access to the decision-making that went on at the General Synod every two years. While Māori clergy were entitled to attend General Synod Bishop Cowie noted in 1892 that none did so, 'as very few of you could take part in, or even understand the debates of the English Synod.'¹⁹

C. The Bishopric Of Aotearoa (Te Pihopatanga O Aotearoa)

A brief look at the establishment of the Māori Bishopric illustrates the Anglican Church's attempt to improve Māori representation within the Church structure prior to the reforms of 1992.

There was, largely due to Māori efforts, some resurgence in Māori membership of the Anglican Church by the end of the 19th century, and from as early as 1877 insistent calls were heard for the appointment of a Māori bishop. Eventually in 1928 FA Bennett was appointed at the first Bishop of Aotearoa, although this concession to Māori was certainly in reaction to the Ratana phenomenon which had had a huge impact upon many Māori.²⁰ The Māori Bishop had no diocese however as he was only a suffragan bishop to the Bishop of Waiapu. He was unable to attend General Synod in his own right as a member of the Order of Bishops.²¹ He was elected by Pākehā and had no influence in the Church Courts.²² His decisions needed the ratification of the diocesan bishops and he needed the approval of the other bishops before he could access the Māori of each diocese.²³

¹⁸ TC 3.25 see above n 9, 130.

¹⁹ See above, n 9, 131.

²⁰ See correspondence of Archbishop Davidson Vol 433 ff 232-4, discussing the establishment of the Māori bishopric in conjunction with concerns about the Ratana 'schism'. In R Frappell, L Frappell, R Withycombe and R Nobbs (eds) *Anglicans in the Antipodes – an indexed calendar of the Papers and Correspondence of the Archbishops of Canterbury 188-1961, Relating to Australia, New Zealand, and the Pacific* (1999, Greenwood Press, Westport) 242.

²¹ See above, n 9, 132.

²² See above, n 16, 17.

²³ Often he struck opposition, for example from the Bishop of Auckland (1940-1960) who refused him free access to the Māori of that diocese. See above, n 9, 133.

In 1978, after six commissions and some improvements the position of the Bishop of Aotearoa was further strengthened, and he was granted a ministry in all seven dioceses.²⁴ The Bishop was now elected by Māori, and the position finally had some real financial support. The developments of the Aotearoa Bishopric (Te Pihopatanga o Aotearoa) seemed to solve some of the issues of Māori representation, at least in the short-term. Perhaps the most promising development was the institution of the Aotearoa Council, a Māori form of quasi-synodical government that had no standing orders but managed to offer a forum for the development of Māori initiatives and contributions to the Church as a whole. However, by the middle of the 1980s it was clear that the Bishopric was still an inadequate solution to the issues of Māori participation in Church life and representation. He was still seldom allowed to act on his own behalf without diocesan support, and did not have the ability to recruit, ordain and licence laity and clergy.²⁵

D. The Final Road To 1992

In 1984 the General Synod adopted a resolution that had been introduced by Te Pihopatanga o Aotearoa to establish a bi-cultural commission (Te Kaupapa Tikanga Rua) to examine how the Treaty of Waitangi could be embodied in the legislation, institutions and identity of the Church.²⁶ This decision was based, at least in part, upon a growing understanding within the Church of the Treaty of Waitangi as a sacred covenant.²⁷

In addition to the issue of structure, it was apparent to Māori and Pākehā that there had been little place for the expression of Māori spiritual values within the Anglican Church itself beyond what Māori had created for themselves in their own communities of worship. There had been no real validation from the Church as a whole of a Māori Anglican Christianity. As Professor Whatarangi Winiata observes:²⁸

‘we had two sets of tikanga, one set as different from the other as the Māori language is from English. This was not always believed, and not always apparent.’

²⁴ See above, n 1, 11.

²⁵ See above, n 1, 13.

²⁶ W Winiata and M Bedgood (convenors) ‘The report of the Commission on Constitutional Arrangements’ in the Proceedings of the Fifty-Third General Synod (1998) 128.

²⁷ Professor Whatarangi Winiata, Personal Communication 9th June 2000.

²⁸ Personal Communication 9th of September 2000.

Six years of consultation followed and the Bicultural Education Unit was established, which faced enormous practical difficulties and resistance from various elements of the Church, both Māori and Pākehā, to the alteration of the existing structure.²⁹ Nevertheless, it was finally agreed in 1990 between Te Pihopatanga o Aotearoa and the General Synod to alter fundamentally the constitution to ‘implement and entrench the principles of partnership between Māori and Pākehā and bicultural development...’³⁰

The decision to change the constitution was ratified at the 1992 General Synod, at the end of a process that had started officially in 1984 but had been ongoing for at least a century.³¹

E. So what changed in 1992?

While the name of the Church has been changed from the Church of the Province of New Zealand to the Anglican Church in Aotearoa, New Zealand and Polynesia, at first glance it appears that very little else changed in the Anglican Constitution. As provided for in provision Five of the Fundamental Provisions, the governing representative body of the Anglican Church continues to be the General Synod (now also called Te Hīnota Whānui). Despite the intentions stated in the outline of restatement of the Constitution in the Bicultural Commission of the Anglican Church on the Treaty of Waitangi, no changes whatsoever were made to the six fundamental provisions of the Constitution and amendments were made to the Church of England Empowering Act. Instead the revisions of 1992 saw the addition to the Constitution of a new preamble and a new section entitled ‘Further Provisions’. These additions were not entrenched *or* in any way placed into Parliamentary legislation. The essential provisions that have proved so revolutionary were actually interpolated into the existing section entitled ‘Provisions not Fundamental’. None of the amendments made to this section were entrenched.

These new provisions (clauses 3, 4, and 5) of the ‘Provisions Not Fundamental’ set up separate representation of the seven Pākehā dioceses, Te Pihopatanga o Aotearoa and the diocese of Polynesia.³² In effect three separate voting houses were created called Tikanga Pākehā, Tikanga Māori and Tikanga Pasifika. These houses are represented by the three orders of the Bishops, Clergy and Laity within the single General Synod. As outlined in Clause 6 of the ‘Provisions Not

²⁹ See B Gilberd, J Kaa, M Walters and S Adams ‘The Report of the Bicultural Education Commission’ (1992) in Proceedings of the Fiftieth General Synod – Te Hīnota Whānui. Hamilton 10-15 May 1992.

³⁰ The Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia ii(a) (13).

³¹ See above n 9, 138.

Fundamental' voting is now undertaken by Tikanga, with national decisions taken by the majority of the three Orders (bishops, clergy and laity) in each Tikanga.

Parts D, E and F of the Constitution charge each respective Tikanga to provide ministry to those who wish to be ministered to within each Tikanga. These Parts also establish the authority of each Tikanga *inter alia* to organise itself and create its own regulations in the way it sees fit, provided that each Tikanga shall function in covenant with the other Tikanga.³³

F. What have these changes meant for the Church?

The changes to the Constitution, while not entrenched, have fundamentally altered the way the Anglican Church operates in the New Zealand context. One obvious result was a substantial transfer of resources such as money, buildings and property to Te Pihopatanga o Aotearoa, which at the time constituted less than 10% of the total Anglican communion in New Zealand.³⁴ Concomitant with the structural changes have been changes in the way spiritual values are able to be expressed. Māori, Pacific Islanders and Pākehā are free to determine their own worship provided that this worship is not repugnant to the Fundamental Provisions of the Constitution. In the words of Dr John Tamahori:³⁵

‘Now [the Anglican Church] has to be a church in New Zealand. The universe has been cracked and God will be different in these new universes. God will be *indigenous* in each universe.’

It is too recent, as yet, to establish just how different these universes will be and what will be the ultimate effect of the constitutional reforms. There are, however, some practical indices of success. For example, before 1992 each General Synod used to experience six or seven ‘divisions’ over points of disagreement. This is a process whereby the three Orders within the Church (Bishops, Laity and Clergy) must record their names for a majority to be determined on a particular issue. Since these constitutional changes no divisions have been recorded, primarily because contentious issues are now resolved within respective Tikanga by caucus before the issue

³² Note that the Anglican Church in New Zealand includes Polynesia, thus the creation of the third Tikanga.

³³ Please note that the Constitution now has an English and a Māori text which, according to Part G (5) are to be considered together. Due to time constraints I have concentrated on the English language text.

³⁴ B Davis *The Way Ahead: Anglican Change and prospects in New Zealand* (1995, Caxton Press, Christchurch) 39

³⁵ Personal Communication, 15th of September 2000.

is brought to the General Synod. While each Tikanga has a right a right of veto over the other Tikanga, this veto has never been formally applied.³⁶

The 1998 Report of the Commission on Constitutional Arrangements reported to the 1998 General Synod on the effects of the changes in the first six years of operation. The document noted the establishment of ‘a wide range of practices...which varies between Tikanga’ and within Tikanga with ‘considerable variance between diocese and diocese or region and region in systems and structures established.’³⁷ Therefore the changes have not merely provided weaker mirror image structures for Māori and Pacific Islanders, but have enabled fundamental shifts in operation for all three populations including Pākehā.

This paradigm shift has often been problematic for all three Tikanga. For example, while the Pākehā dioceses no longer have to worry about Māori representation and resourcing and other issues pertaining to Māori, there is a distinct feeling of the loss of communion, particularly between Māori and Pākehā. The report offered the following quotes from surveys taken throughout the Church:

We are now divided on racial lines in a way no other part of my life is divided; we are cut off from our friends in the other Tikanga;...we want our Maoris back...(Italics in original)

The 1998 Report of the Commission Arrangements asks ‘have we moved from a mono-structural model to two mono-cultural models?’³⁸ There are real fears, for example, that Pākehā Anglicans who were mono-cultural in practice and beliefs before the constitutional changes remain so and now have even less incentive to change. There has also been reluctance by some Māori to take the jurisdiction of the Tikanga Māori, preferring instead to remain within the Tikanga Pākehā dioceses, perceiving that they are being ‘forced’ to make ‘one final and irrevocable choice between Te Pihopatanga and the Diocese.’³⁹ This is reminiscent of the

³⁶ The Anglican Church in Aotearoa, New Zealand and Polynesia ‘A Constitution for our Nation – a Discussion Document’.

³⁷ See above, n 26, 132.

³⁸ see n 26, 132.

³⁹ All Anglicans are free to choose between Tikanga and the choice is not irrevocable. See K Kaa and M Walters ‘E Ahu Ana Tātou Ki Hea?’ report of the Māori members of the Provincial Bi-cultural Commission in the Proceedings of the Fiftieth General Synod – Te Hinota Whānui. Hamilton 10-15 May 1992. R45-46.

arguments put forward by some Māori for remaining on the General Electoral Roll rather than transferring to the Māori Roll.

There is also some evidence to suggest that the three tikanga model may have slowed some liberal movement in the Anglican Church. For example, a proposal was put before the General Synod in 1992 to establish a commission to study human sexuality. This motion was not supported at all by Te Pihopatanga and was supported only minimally by Tikanga Pasifika. This indicates that there are more conservative attitudes towards homosexuality within at least two of the Tikanga that will perhaps impede the programme envisaged by the Tikanga Pākehā.⁴⁰

There is, however, a feeling among Anglican Māori that any such negative result is more than outweighed by the opportunities for Māori to make their own autonomous decisions and wield their own powers and resources.⁴¹

‘The colonial system is based on race and preserves the superiority of the colonist and the Church does not allow this any more...[I]f one section of the Māori Caucus wants something and the others don’t they are forced to negotiate. This is not unilateralism.’

The constitutional changes are also seen to have enhanced the autonomy of the Anglican Church in New Zealand from the Mother Church:⁴²

We no longer slavishly follow what the Church of England does but deal with our particular needs here in the South Pacific; our Church is willing to take risks without reservations of being destructive to the ethos of the Anglican Communion...(Italics in original)

In view of the apparent success of the constitutional reforms it was resolved at the 1998 General Synod to ‘work towards the promotion of a National Constitutional Commission to investigate and report to the Nation on new constitutional arrangements.’⁴³ The commission was duly

⁴⁰ See above, n 34, 151.

⁴¹Dr John Tamahori, Personal Communication 15th of September 2000.

⁴² see above, n 26, 132-133.

⁴³ in the Report of the Commission on Constitutional Arrangements in the Proceedings of the 2000 General Synod / Te Hīnota Whānui: 70.

formed between Tikanga and it was hoped that by General Synod this year a model for national constitutional reform could be agreed upon by all three Tikanga.

In fact, three models were designed and circulated for general discussion. Te Pihopatanga o Aotearoa has declared its firm support for the first model that is the closest to the model now utilised by the Church.

(Please see Appendix One for a description of the three proposed models)

It appears, however, that the other Tikanga, particularly the Tikanga Pākehā have not come to a decision on a preferred model, and as yet, the issue remains unresolved. At the General Synod this year it was decided that a national hui be held in 2001 'to seek to reach a collective view of this Church on proposals for new constitutional arrangements for the Nation.' Notwithstanding the delay in achieving collective agreement on a model, Professor Whata Winiata presented Model A at the 'Building the Constitution' conference held at Parliament on the 7th and 8th of April 2000.⁴⁴

IV. A conclusion and a note of caution...

It remains to be seen if the Anglican Church can unite to present a model of constitutional reform to the nation. Assuming that this is accomplished, it is highly debateable if the model receives enough support to be incorporated into any constitutional reforms. For a start, the model favoured by Te Pihopatanga o Aotearoa moves away from the concept of one person, one vote. Instead, voting is undertaken by house. This is a familiar concept to the Anglican Church, but unfamiliar to the present system of democracy in New Zealand, although it could be argued that MMP disenfranchises citizens in a way that the Anglican system does not.

In the introduction to this paper I raised another point; the Anglican Church has sought autonomy from the State, yet any presentation of a proposal to the nation may well be perceived as a dangerous blurring of the lines between Church and State that will make many New Zealanders uncomfortable.⁴⁵

⁴⁴ See C James (ed) *Building the Constitution* (2000, Institute of Policy Studies, Wellington) 205-206.

⁴⁵ Dr John Tamahori, Personal Communication 15th of September 2000.

‘All those fears and anxieties will be raised, not just because Pākehā don’t want to give away power, but because of the fear of the church changing the state...questioning state legitimacy.’

Just as many settlers were enraged at the attempts of some Anglican leaders to dictate Government policy during the New Zealand Wars, perhaps similar anger may well resurface. On the other hand perhaps the Anglican Church perceives itself to have far more influence than it actually does in modern New Zealand society. Perhaps the idea of a *mundus Christi* has remained despite all the evidence to the contrary.

This essay has only been a brief introduction to a single historical experience of constitutional reform that may or may not serve as a model for New Zealand. It has not been possible to explore the ramifications of such reform, such as the place of the Treaty of Waitangi in the New Zealand constitution. Issues of the line between Church and State, the merits or otherwise of separate representation, these are all topics for further discussion and would require many more words than I have available to me!

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Private Acts

Anglican Church Trusts Amendment Act 1989

Church of England Empowering Act 1928

Church of England Empowering Amendment Act 1966

Canons

Canon I of the General Synod/Te Hīnota Whānui

§1 Membership of the General Synod/ te Hīnota Whānui

§3 Meeting of the General Synod

§4 Appropriation of Moneys by the General Synod/ te Hīnota Whānui

§5 General Secretary and Officers of the General Synod/ te Hīnota Whānui

§6 Canon II of Diocesan Synods

Some Questions:

- To what extent has the Anglican experience, outlined in this paper echoed the national experience?
- What right does the Anglican Church have to present a model for constitutional change to the nation? Is this pragmatism or arrogance?
- What are the respective virtues and disadvantages of the three models mooted so far?
- Does such a constitutional system within the Church and for the nation constitute a form of Apartheid?
- What is the mood of the nation (as represented by this very representative class!) towards constitutional change?
- Does there need to be constitutional change? Can the needs of the different populations of New Zealand be met by our existing system?
- Is democracy another word for tyranny of the majority?
- What might be the impact of the constitutional reforms on the expression of faith? How might the two ideas interact?