



*Joint Standing Committee*  
**Towards an Anglican Covenant**  
*A Consultation Paper on the Covenant*  
*Proposal of the Windsor Report*  
March 2006

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## Background

1. Among the proposals of the Windsor Report 2004 (TWR) there was the suggestion that an Anglican Covenant be developed and adopted in the life of the Communion (paragraphs 117-120, reproduced in the Appendix here). This was one of the report's main recommendations, proposed in order to give explicit articulation and recognition to the principles of co-operation and interdependence (sometimes called "the bonds of affection") which hold the Anglican Communion together. TWR considered that this was one vital way in which trust and co-operation could be rebuilt between the churches of the Anglican Communion in the wake of recent tensions.
2. The work of the Reception Reference Group, which met under the chairmanship of Archbishop Peter Kwong, and subsequently with Primus Bruce Cameron, between the publication of TWR and the meeting of the Primates in Dromantine, Northern Ireland, in February 2005, indicated a high measure of support for the idea. One third of those who responded to the proposal supported the covenant as set out in the Windsor Report. One third accepted the principle of a covenant, but offered significant reflections on the way in which such a covenant would have to be articulated in order to be effective.<sup>1</sup> One third did not favour the idea of a covenant, basing their opinion along the sort of objections set out below (paragraph 4). The Primates at Dromantine, reflecting on these findings, stated their welcome for the concept of a covenant.<sup>2</sup>
3. The proposal for an Anglican Covenant now has to be carried forward: the development of a draft – initially perhaps in several different models – of a

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<sup>1</sup> A summary of the findings, together with the complete submissions to the RRG, may be found on the Anglican Communion website at

<http://www.anglicancommunion.org/commission/reception/report/index.cfm>

<sup>2</sup> "We welcome the proposals in Section C for the future development of the Instruments of Unity, although we recognise that serious questions about the content of the proposal for an Anglican Covenant and the practicalities of its implementation mean that this is a longer term process. We were glad to be reminded of the extensive precedents for covenants that many Anglican churches have established with ecumenical partners, and that even within our Communion the Chicago/Lambeth Quadrilateral has already been effectively operating as a form of covenant that secures our basic commitment to scripture, the Nicene Creed, the two Sacraments of the Gospel and the Historic Episcopate. We therefore commend this proposal as a project that should be given further consideration in the Provinces of the Communion between now and the Lambeth Conference 2008. In addition, we ask the Archbishop of Canterbury to explore ways of implementing this. (Dromantine Statement, paragraph 9)

Covenant text, and the establishment of an agreed text and covenant in the life of the Communion. Specifically these questions arise, and were addressed at the meeting of the Joint Standing Committee of the Primates and of the Anglican Consultative Council (JSC) at their meeting in London in March 2006:

- ◆ Is the concept of an Anglican Covenant still viable?
- ◆ What form of covenant is best suited to the needs of the Communion at the present time?
- ◆ Who will be responsible for the preparation of a draft text?
- ◆ How will the Provinces and Instruments of Communion be participants in the generation of a text?
- ◆ What method of implementation will be adopted, or how might this method be best discerned?
- ◆ What sort of timetable is desirable for the covenant project?

In order to assist this process, the following reflections are put forward as a basis for consultation.

### Is the concept of an Anglican Covenant still viable?

#### *The Dangers and Benefits of a Covenant.*

4. The notion of an Anglican Covenant offers both challenges and opportunities, as the responses to the proposal in TWR indicate.
5. *Negatively*, some worry that a covenant might be seen to alter the nature of the Communion towards that of a narrowly confessional family, with the attendant danger that preparedness to sign up to the covenant becomes a test of authentic membership. Others might see a potential danger in establishing a bureaucratic and legalistic foundation at the very heart of the Communion; putting at risk inspired and prophetic initiatives in God's mission and threatening Anglican comprehensiveness. There is also a fear that the Anglican Communion might become a centralised jurisdiction. If the covenant were too detailed, it might prove too restrictive or inflexible to address unforeseen future challenges; if it were too general, it might commit the Communion to little or nothing: in either case, it would be inadequate.
6. *Positively*, a well-written and concise covenant would clarify the identity and mission of the Churches of, or in association with, the Anglican Communion. By articulating our ecclesiological identity, a covenant will also help the Anglican Communion in self-understanding and in ecumenical relationships. A covenant could provide, for all provinces and/or national churches, a fundamental basis of trust, co-operation and action in relationship with one another and in relation to the whole Communion. A covenant could express what is already implicit, by articulating the "bonds of affection", that is, the "house rules" by which the family of Anglican churches wishes to live together<sup>3</sup>.

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<sup>3</sup> See paragraph 119 of TWR (reproduced in the Appendix)

- These would be intended to develop a disciplined and fulfilling life in communion.
7. In the light of these considerations, it is nevertheless clear that a covenant could serve a number of important and timely positive ends given the current needs of the Communion. These goals are broadly relational, educational and institutional.
  8. *Relational:* The formulation and adoption of a covenant, while unable to resolve our current difficulties, could assist the process of reconciliation post-Windsor. It would do so by focussing us on that which unites us, reaffirming our commitment to one another, and thereby helping to heal and strengthen the bonds of affection that have been damaged in recent years.
  9. *Educational:* It could also become a significant educational tool within the Communion, enabling Anglicans worldwide to understand and deepen their commitment to the beliefs, history and practices they share in common and their development of these as they engage together in God's mission in the world.
  10. *Institutional:* Any covenant also has the potential of providing what is currently lacking - an agreed framework for common discernment, and the prevention and resolution of conflict. It could do this by bringing together and making explicit much that until now has been a matter of convention within the Communion's common life.
  11. Although there is danger in viewing the covenant as a panacea for the Communion, these are all important goals to be sought in producing a covenant. The covenant will serve the unity, stability and growth of the Communion as it becomes a genuinely global communion of interdependent autonomous churches.
  12. The length, structure and content of any covenant will depend in part on the relative weight given to these three different purposes.

### *The Background of Covenant*

13. While the word 'covenant' is used to translate and describe the nature of a wide variety of relationships in the Old Testament, its most frequent use is when a divine initiative is met with a human response. The covenant holds out a promise by God which is fulfilled in the faithful response of his people. When there is a failure in faithfulness, a re-commitment is made. In the New Testament, Christians claimed to be in a new covenant relationship with God through the death and resurrection of Jesus, and in the gift of the Spirit. It is striking that covenants most frequently originate in the initiative of God, and elicit the costly sacrifice of faithful response by his covenant people to his work. The covenant relationship with God generates a covenantal relationship between his people. We do not underestimate the cost that being in covenant may exact on the churches of the Communion.

14. Church history provides a number of models for the way in which covenant has been worked out. In the history of Benedictine monasticism, members of communities covenanted with God, as their response to his call, to live in a common life of discipline through which the true autonomy of each disciple could be realised. The seventeenth century produces another model of Covenant, which is one between parties in conflict, or which binds like-minded parties to achieve a common end. In 1784, Samuel Seabury, on behalf on the diocese of Connecticut, entered into “a concordate” with the Scottish bishops defining the terms of Communion between those two ecclesial communities.
15. In the late nineteenth and twentieth centuries, covenantal relationships developed in the missionary and ecumenical spheres. Sometimes, such covenants have been very short, such as the Bonn Agreement of 1931, which was contained in only three brief clauses<sup>4</sup>. More recently, ecumenical covenants have tended to be longer. The term was explicitly used in 1964 when the British Council of Churches made a covenant to work and pray for the inauguration of a union; and this has become the model for many ecumenical covenants by separated parties seeking greater union, voluntarily submitting in a covenant for a common purpose.
16. Covenant is not only a theological concept – it has been used within a civil and juridical context. In civil law, a covenant is a binding commitment to behave in certain ways to one another. Modern contract law has part of its origins in the theological underpinning of canon law covenant concepts. It is founded in the seed idea of a promise given to commit to a certain course of action, to live in relationship with the person to whom a binding promise is made.

What form of covenant is best suited to the needs of the Communion at the present time?

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### *Models of Covenant*

17. Considerable thought has to be given to the form of the covenant which is needed in the life of the Communion at the present time. Does it need to be short, rather like the Bonn Agreement, or complex? The content could simply restate a lapidary Anglican formula (such as the Lambeth-Chicago Quadrilateral). If so, then although the process leading to its adoption will be of very great educational importance and symbolic significance, it will have limited

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<sup>4</sup> The terms of the Bonn Agreement (1931) which led to full communion between Old Catholics and Anglicans:

- Each Communion recognizes the catholicity and independence of the other and maintains its own.
- Each Communion agrees to admit members of the other Communion to participate in the Sacraments.
- Intercommunion does not require from either Communion the acceptance of all doctrinal opinion, sacramental devotion, or liturgical practice characteristic of the other but implies that each believes the other to hold all the essentials of the Christian faith.

impact on the internal structures of the Churches and Provinces, or on their relationship in legal terms with one another. Most Churches and Provinces should have little difficulty in signing up to such a Covenant, so long as the text confines itself to widely-established and respected principles. If, at the other extreme, the content includes some ceding of jurisdiction to the Archbishop of Canterbury, or to one or more of the Instruments of Communion, then there are many Churches or Provinces which for a variety of reasons will have serious reservations about signing up. That has been a sticking point since at least the first Lambeth Conference in 1867. There can be no illusions: the detail of the Covenant will determine the extent of its acceptability.

18. The tone of the covenant is also something to be considered. The covenant draft included in Appendix Two of TWR is juridical in style and character. Drawing on the existing statements and resolutions on Communion life, it used a register of canonical language to define the relationship between the churches of the Communion. In contrast, the draft covenant produced by IASCOME is motivational in form, committing the Communion to common action.
19. Questions to be addressed include:
  - ◆ Should the covenant speak of the Communion as it is, or as it wishes to become?
  - ◆ How far should it speak in aspirational language? Would the use of such language reduce its practical utility?
  - ◆ Should it adopt a pattern of affirmations and commitments similar to many ecumenical covenants?
  - ◆ Should the covenant set out the articles of belief of the Anglican Communion?
  - ◆ Should it speak of the relationships between the Provinces, living in autonomy-in-communion, and the processes by which their common life is nourished and sustained?
20. For the purposes of the Communion, it would seem appropriate that our churches build on the idea of a promise from God that we shall be led to truth and unity, so that the covenant becomes a renewal of our commitment to respond to this promise in our life together in the Communion.

Who will be responsible for the preparation of a draft text?

How will the Provinces and Instruments of Communion be participants in the generation of a text?

What method of implementation will be adopted, or how might this method be best discerned?

What sort of timetable is desirable for the covenant project?

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### *Developing the Covenant*

21. What process should be used to take forward the Covenant proposal? The Lambeth Commission suggested a 'long-term process, in an educative context'

for any debate and agreement on a Covenant: discussion and approval of a first draft by primates; submission to each church and ACC for consultation and reception; final approval by primates on behalf of the Provinces; legal authorisation by each church for signing; and solemn signing by the primates in a liturgical context (TWR, paragraph 118). This, or a modified version of it (as follows), would be an obvious way forward. A timetable has to be set for each phase.

22. There would seem to be five essential actions necessary to the process:

- ◆ formulate a draft;
- ◆ test the draft;
- ◆ agree the text;
- ◆ implement the text; and
- ◆ monitor its implementation.

The Lambeth Commission considered that 'it is imperative for the Communion itself to own and be responsible for the Covenant' (TWR, paragraph 118). This represents a key imperative for each stage of the process. Any process by which a possible Covenant might be formulated, tested, agreed, implemented and monitored should of itself be an act of communion so that in the fullest sense the instrument is made by and for the Communion. Consequently, the process ought to be characterised by collaborative dialogue, equal participation, and transparent objectivity. Thought is needed to ensure a balance between the promotion of particular interests and shared common interests.

23. **Phase I. Initial Formulation (1 Year):** Of several possible approaches to drafting, the most obvious for task completion, and probably most cost-effective, and that adopted by the JSC at their meeting, is to establish a small covenant drafting group (CDG): perhaps ten members reflecting diversity in the Communion as to geography, culture and church tradition. JSC resolved that the Archbishop of Canterbury should appoint such a group in consultation with the Secretary General of the Anglican Communion. Its function is to formulate a draft or a number of draft options accompanied by an explanatory text (to include the cases for and against such draft(s) and how the draft(s) would work in practice). In the meantime, it is intended that this paper should be used as the basis of an initial informal consultation, inviting input from interested parties especially other Communion bodies (eg IATDC, IASCOME, ACLAN, ecumenical commissions, the Global South). CDG is asked to submit preliminary work on a draft or drafts to a joint meeting of the JSC and the Primates in early 2007.

24. **Phases II-III. Testing-Agreement (3-5 Yrs):** If JSC and the Primates accept the proposals of the CDG, JSC intend to circulate the document to the Provinces, asking them (i) to invite comment from within that church; (ii) to collate the feedback and (iii) to return this to the CDG to consider the feedback and formulate a more developed text(s). Consideration and evaluation of this text could form an important element of the Lambeth Conference meeting in 2008. The revised draft could be brought to the full meeting of ACC in conjunction with a meeting of the Primates in 2009.

25. **Phase IV. Implementation (2-3 Yrs):** There are at least two options for the adoption of the covenant:
  - (a) On approval of the final draft by ACC and the Primates, JSC could commend the text for adoption by the central assembly of each church. The Lambeth Commission recommended that each church enacts a brief law authorising a designated authority in it (eg its Primate) to enter the covenant on behalf of that church and committing that church to comply and act in a manner compatible with the covenant. Other methods of provincial adoption are possible.
  - (b) alternatively, ACC could adopt the Covenant and incorporate it into its constitution (ie, no adoption by each church) subject to confirmation by two-thirds of the Provinces.
26. **Phase V. Monitoring:** The draft covenant in TWR proposes periodic reviews of the administration of the covenant by the (proposed) Council of Advice.

### The Implications of a Covenant

27. What consequences and implications might flow from the adoption of a Covenant within the Communion? At this stage, this question cannot be answered in the abstract, since any full answer would depend on what the Covenant in its final published version actually says.
28. For the Covenant concept to work, it will need to consist of a single formulation, which is not subject to negotiation and opt-outs by each Church or Province. There will need to be a formulation around which most Anglican churches and provinces can gather, not 38 or 44 (or even half-a-dozen) variants on it.
29. That is not to say that the single formulation must require uniformity in all things. It is part of the genius of Anglicanism that it has proved capable of embracing a wide range of Christian emphases derived from many sources. Successive Lambeth Conferences have emphasised the role of cultural diversity, social change, and theological development, and have demonstrated that there is a proper place in our life together for change and disagreement as well as for consistency and continuity.
30. In principle, therefore, the Covenant could identify where legitimate differences of view over matters even as important as, for example, the ordination of women could be recognised. In doing so, it could indicate how such “agreement to disagree” on other issues might be reached, and what processes might be used to foster trust and unity during periods of extended or sensitive discernment. It could set out strategies for protecting conscientious objectors to such developments within an authentically Anglican understanding of catholicity, and propose mechanisms for handling fundamental differences of view.
31. Nevertheless, it will not do to say “There is one Anglican Covenant for this group and another Anglican Covenant for that group”. For the Covenant

concept to work, there comes a point at which Provinces and Churches will have to say about the Covenant that they will “take it or leave it”.

32. What of those who say that the content of the Covenant is such that, for the time being at least, they cannot “take it”, and they will have to “leave it”? Do they leave the Anglican Communion as a result? That may not be a necessary result of failing or refusing to sign up. Just as it would be wrong to assume that the Anglican Communion did not exist before the first Lambeth Conference, so it would be wrong to assume that failure to sign the Covenant meant that a Church ceased to be Anglican. The marks of Anglican identity go rather deeper. There is bound to be a lengthy period when synodical bodies are considering the Covenant, prior to adoption. They will not be “less Anglican” during that period than they are now; and it remains to be seen in what sense they might become “more Anglican” if they decide to adopt it for themselves.
33. It might be expected that, as time goes on, stronger presumptions of mutual recognition and interchangeability of ministry and membership would arise between those Churches and Provinces that had signed up than amongst those that had chosen not to do so. That is not to say that the present arrangements for mutual recognition and interchangeability would be swept away by the introduction of the Covenant. What might emerge is a two (or more) tiered Communion, with some level of permeability between churches signed up to the Covenant, and those who are not.

### Action Point

34. This discussion document was adopted by JSC at their meeting in London in March 2006, as a basis of consultation across the Communion. The Archbishop of Canterbury is currently moving towards the appointment of a CDG, as recommended in this report (paragraph 23); the group will be staffed by the Anglican Communion Secretariat, and will, it is hoped, meet in late 2006. Provinces and Inter-Anglican Commissions and agencies are invited to consider this document, and to offer their reflections and responses to the Secretary General at ACO in the meantime.

### The Provenance of this document

This document was prepared by a small working party convened by the Deputy Secretary General at the request of the Archbishop of Canterbury and the Secretary General. It was intended to inform the deliberation of JSC upon the proposal for an Anglican Covenant and was adopted by them as a basis for further consultation across the Communion. Since this is only a tentative and consultative document, the drafting group was deliberately kept small and relatively inexpensive, which meant confining membership to those who could come easily to London for two day meetings. The CDG mandated by the decision of the JSC will be a body more representative of the wider Anglican Communion.

The members of the group were:

- ◆ *Professor Norman Doe*, Director of the Centre for Law and Religion, Cardiff University, author of “Canon Law in the Anglican Communion” and member of the Lambeth Commission on Communion;
- ◆ *Dr Andrew Goddard*, Tutor in Christian Ethics, Wycliffe Hall, Oxford, and Fellow of the Anglican Communion Institute;
- ◆ *Canon Robert Paterson*, Senior Bishops’ Adviser, Church in Wales and Vice-Chair of the Primates’ Working Party on Theological Education for the Anglican Communion;
- ◆ *Canon John Rees*, Legal Adviser to the Anglican Consultative Council, consultant to the Lambeth Commission and to the Reception Reference Group, and convenor of ACLAN;
- ◆ *Canon Vincent Strudwick*, Fellow Emeritus of Kellogg College, Oxford;
- ◆ *Canon Gregory Cameron*, Deputy Secretary General, Secretary of the Lambeth Commission and of the Reception Reference Group, ACO Staff Consultant to ACLAN.

*London, 20th March 2006*

## Appendix: The Windsor Report, paragraphs 117-120

117. This Commission recommends, therefore, consideration as to how to make the principles of inter-Anglican relations more effective at the local ecclesial level. This has been a persistent problem in Anglicanism contributing directly to the current crisis, and could be remedied by the adoption by each church of its own simple and short domestic ‘communion law’, to enable and implement the covenant proposal below, strengthening the bonds of unity and articulating what has to-date been assumed. Our opinion is that, as some matters in each church are serious enough for each church currently to have law on those matters - too serious to let the matter be the subject of an informal agreement or mere unenforceable guidance - so too with global communion affairs. The Commission considers that a brief law would be preferable to and more feasible than incorporation by each church of an elaborate and all-embracing canon defining inter-Anglican relations, which the Commission rejected in the light of the lengthy and almost impossible difficulty of steering such a canon unscathed through the legislative processes of forty-four churches, as well as the possibility of unilateral alteration of such a law.

118. This Commission recommends, therefore, and urges the primates to consider, the adoption by the churches of the Communion of a common Anglican Covenant which would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion. The Covenant could deal with: the acknowledgement of common identity; the relationships of communion; the commitments of communion; the exercise of autonomy in communion; and the management of communion affairs (including disputes). A possible draft appears in Appendix Two. We emphasise that this is only a preliminary draft and discussion document, and at this stage it would be premature for any church to adopt it. To the extent that this is largely descriptive of existing principles, it is hoped that its adoption might be regarded as relatively uncontroversial. The Covenant could be signed by the primates. Of itself, however, it would have no binding authority. Therefore the brief ‘communion law’ referred to above (paragraph 117) might authorise its primate (or equivalent) to sign the Covenant on behalf of that church and commit the church to adhere to the terms of the Covenant.<sup>5</sup> As it is imperative for the Communion itself to own and be responsible for the Covenant, we suggest the following long-term process, in an educative context, be considered for real debate and agreement on its adoption as a solemn witness to communion:

- discussion and approval of a first draft by the primates
- submission to the member churches and the Anglican Consultative Council for consultation and reception
- final approval by the primates
- legal authorisation by each church for signing, and
- a solemn signing by the primates in a liturgical context.

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<sup>5</sup> Suggested form of law, for example: ‘The Governing Body of the Church in Wales authorises the Archbishop of Wales to enter on behalf of this church the Anglican Covenant and commits the Church in Wales to comply and act in a manner compatible with the Covenant so entered’.

119. This Commission believes that the case for adoption of an Anglican Covenant is overwhelming:

- The Anglican Communion cannot again afford, in every sense, the crippling prospect of repeated worldwide inter-Anglican conflict such as that engendered by the current crisis. Given the imperfections of our communion and human nature, doubtless there will be more disagreements. It is our shared responsibility to have in place an agreed mechanism to enable and maintain life in communion, and to prevent and manage communion disputes.
- The concept of the adoption of a covenant is not new in the ecumenical context. Anglican churches have commonly entered covenants with other churches to articulate their relationships of communion. These ecumenical covenants provide very appropriate models from which Anglicans can learn much in their own development of inter-Anglican relations.
- Adoption of a Covenant is a practical need and a theological challenge, and we recognise the process may lead to complex debate. A Covenant incarnates communion as a visible foundation around which Anglicans can gather to shape and protect their distinctive identity and mission, and in so doing also provides an accessible resource for our ecumenical partners in their understanding of Anglicanism.
- The solemn act of entering a Covenant carries the weight of an international obligation so that, in the event of a church changing its mind about the covenantal commitments, that church could not proceed internally and unilaterally. The process becomes public and multilateral, whereas unilateralism would involve breach of obligations owed to forty-three other churches. The formality of ratification by the primates publicly assembled also affords a unique opportunity for worldwide witness.
- A worldwide Anglican Covenant may also assist churches in their relations with the States in which they exist. At such moments when a church faces pressure from its host State(s) to adopt secular state standards in its ecclesial life and practice, an international Anglican Covenant might provide powerful support to the church, in a dispute with the State, to reinforce and underpin its religious liberty within the State.
- As with any relational document of outstanding historical importance, which symbolises the trust parties have in each other, some provisions of a Covenant will be susceptible to development through interpretation and practice: it cannot predict the impact of future events. For this reason the draft Covenant is designed to allow the parties to it to adjust that relationship and resolve disputes in the light of changing circumstances.

120. Whilst the paramount model must remain that of the voluntary association of churches bound together in their love of the Lord of the Church, in their discipleship and in their common inheritance, it may be that the Anglican Consultative Council could encourage full participation in the Covenant project by each church by constructing an understanding of communion membership which is expressed by the readiness of a province to maintain its bonds with Canterbury, and which includes a reference to the Covenant.