Focus on the Anglican Communion Covenant can give the impression that the idea of covenant is an innovation in Anglican ecclesiology.

It is far from that. As well as being fundamental to an understanding of the Scriptures, the idea of covenant has been for some decades an informing principle within Anglican discussions about the relationships between churches.

The scriptural significance of Covenant hardly needs underlining, given that the term is used in designating the two parts of the Christian Bible: the Old Testament (Covenant) and the New Testament (Covenant). The Hebrew word for covenant, bērît, has the sense of ‘bond’ or ‘fetter’.

It is used in relationship to a variety of covenant forms, often reflecting secular patterns, and probably originating in the ancient vassal treaties the inhabitants of a town or village might be required to enter in order to show their allegiance to a powerful warlord or king.

In the biblical context the term in general signifies ‘a relationship based on commitment, which includes both promises and obligations, and which has the quality of reliability and durability’. Where a covenant in the Old Testament is between humans it tends to be legally determined, but where the covenant involves God as a participant and not just a guarantor, the notion also has a sense of gift:

The covenants between God and the people are all covenants of divine favour or grace (Hebrew: hesed). They express God’s gracious commitment and faithfulness and
thus establish a continuing relationship. They differ from one another theologically at the point of whether the accent falls upon God's loyalty, which endows the relationship with constancy and durability, or upon the people's response which is subject to human weakness and sin.\textsuperscript{2}

A common theme that may be traced through each of the ‘covenant moments’ of the Old Testament is that of God's choosing. The initiative is God's and underlying this initiative is God's constant love (Hebrew: \textit{hesed}, as in 2 Samuel 7:15).

The theme of God's faithfulness and initiative is developed powerfully by Hosea as the story of a husband's love for his unfaithful wife, and is echoed in Second Isaiah's song about the recalling of a repudiated wife (Isaiah 54). The Second Isaiah, however, goes beyond the immediate relationship between God and Israel to link that relationship with the wider purposes of God in the world. Israel is chosen, but chosen to be a ‘covenant to the people, a light to the nations’ (Isaiah 42:6).

In the New Testament the language of covenant is predominantly used to refer to the relationship between God and God's people. The most common Greek word for covenant, \textit{synthēkē}, is not generally used in this way in the New Testament. Instead, the stronger \textit{diathēkē} is used, following Septuagint usage, and probably reflecting the view of the biblical writers that what is being referred to goes beyond contract or ordinance and is an expression of the divine will.

The writer to the Hebrews uses the notion of covenant repeatedly. The stress is on the old foreshadowing the new, the new fulfilling and exceeding the old (Hebrews 7:22). The other New Testament writer to use the theme of covenant as a major interpretative key is Paul. For Paul, Christ is the climax of God's covenant intention in Israel. Paul's understanding of the grace of God in Christ takes him back beyond the Mosaic covenant of obligation to the promissory covenant to Abraham (Galatians 3:6–18). The death of Christ means that the blessing of Abraham can come upon the Gentiles.\textsuperscript{3}

One of the words used in the New Testament to describe the covenant relationships within the people of God is \textit{koinonia}. Just as the biblical word \textit{koinonia} usually infers not just the experience of harmony but a fellowship based on a common experience or vocation beyond itself, so the biblical
notion of covenant continually moves beyond the people of God, beyond their life together, towards the saving purposes of God among all people.4

Relationship in Covenant also provides for the expression of conflict and the restraint of its destructiveness. The prophet Amos wrote:

Hear this word that the Lord has spoken against you, O people of Israel, against the whole family that I brought up out of the land of Egypt: You only have I known of all the families of the earth, therefore I will punish you for all your iniquities (Amos 3:1, 2).

The word ‘to know’ (Hebrew: yada’) in this context almost certainly reflects the recognition or familiarity of a covenant relationship. Because Yahweh and Israel are in a covenant relationship, Yahweh will hold Israel accountable. Because the people of God are in a special relationship with Yahweh, when there is a breach in relationship, they are called to ‘argue it out’ (Isaiah 1:18). Conflict is part of covenant relationship. On the other hand, the Noahic covenant brings out the idea of restraint as essential to faithful relationship:

I have set my bow in the clouds, and it shall be a sign of the covenant between me and the earth. When I bring clouds over the earth and my bow is seen in the clouds, I will remember my covenant that is between me and you and every living creature of all flesh; and the waters shall never again become a flood to destroy all flesh (Genesis 9:13–15).

This brief survey of some of the biblical material has been sufficient to show that the biblical covenants are firstly to be understood as resulting from divine initiative, expressing ‘divine favour’. They are about the relationship of God with the people of God and express God’s continuing commitment and faithfulness. In this context, the bonds of covenant provide both for the expression of conflict and the restraint of destructive conflict. The transformation of relationships within the people of God comes as an outworking of this divine initiative but never stands alone or as something to be considered apart from the love and purposes of God for the world.

In contemporary usage, the idea of Covenant has been given a particular ecclesiological expression within ecumenical dialogues. The 2004 Windsor Report notes that ‘Anglican churches have commonly entered covenants with other churches to articulate their relationships of communion.’5
The place of covenant is central in Scripture and also in recent ecumenical dialogue such as the 2003 Covenant between the Church of England and the Methodist Church of Great Britain. Given this centrality the question is not so much whether the notion of covenant is appropriate within Anglicanism to express the relationship between churches, but whether the particular form of covenant before us is an appropriate expression of Anglican polity.

There are those who argue that it is not appropriate. Bruce Kaye argues that the proposed covenant for the Anglican Communion goes against the ‘grain’ of Anglican ecclesiology. He recognises that the most recent draft has gone a long way towards meeting the concerns raised about earlier versions but argues that it is still ‘essentially inadequate’ and runs the risk of entrenching ‘a form of judicature for inter-provincial relations’.

History has created in Anglicanism a tradition which sees the jurisdictional connection extended to where there is reasonable proximity to provide the basis for effective persuasive authority that would enable discipline. In this respect it has stood against the universal jurisdictional claims of Roman Catholicism on and off for a millennium while wishing for fellowship with Roman Catholics that recognised their own Anglican tradition. As Anglicans spread around the globe and provinces were created wider connections beyond the province have been sustained and developed. These connections have been those of fellowship and openness to the dynamic of the belonging of catholicity. There are serious underlying values involved in so called provincial autonomy in Anglicanism.

It is true that there were widespread concerns about the juridical nature of the early drafts. Ecclesiastical law specialist Norman Doe was of the opinion that the first covenant draft which was appended to the Windsor Report did innovate, introducing an element of ‘limited jurisdiction’ by the Instruments of Communion.

While it did affirm the autonomy of local churches and their right to make decisions on matters including those touching the broader Communion, it added the proviso ‘that those decisions are compatible with the interests and standards of the wider communion’ (Article 20.2). It further added that this was to be ‘as determined’ by the Instruments of Communion (Article
23.3), which were also given some capacity to ‘resolve’ contentious issues (Article 26.3).

A report developed for the Standing Committee of the General Synod of the Anglican Church of Australia was critical of this draft as ‘unrealistic’ and supporting a ‘centralised jurisdiction’. It named the ‘quasi-legal and centralising tendencies’ in the draft covenant as particular barriers to its acceptance. The Australian working group argued that the Covenant should be based on the principle of ‘self-limiting autonomy’ rather than seeking to strengthen centralised instruments.

The Australian concerns about earlier drafts were shared by many of the bishops at the 2008 Lambeth Conference. Further responses to the St Andrew’s Draft led to a revision known as the Ridley Cambridge Draft, which was considered by the 14th Anglican Consultative Council (ACC 14) in May 2009. This draft set out roles for the Instruments of Communion that are more clearly advisory and the whole document was much less legalistic in tone:

Recognition of, and fidelity to, the text of this Covenant, enables mutual recognition and communion. Nothing in this Covenant of itself shall be deemed to alter any provision of the Constitution and Canons of any Church of the Communion, or to limit its autonomy of governance. Under the terms of this Covenant, no one Church, nor any agency of the Communion, can exercise control or direction over the internal life of any other covenanted Church.  

The Ridley Cambridge Draft did include a section dealing with ‘dispute resolution’ but it was explicit that any outcome of Communion processes, including possible suspension of a province from participating in one of the Instruments of Communion, ‘shall not have any force in the Constitutions and Canons of any covenating Church unless or until it is received by the canonical procedures of the Church in question’.  

The Ridley Cambridge Draft was endorsed by ACC 14 for referral to the Provinces, subject to some further revisions to Section Four, dealing with dispute resolution (‘Our Covenanted Life Together’).

The final text of the Anglican Communion Covenant was released to the provinces in December 2009. When compared with the text considered by ACC 14, the new Section Four places less emphasis on the role of the
Anglicans and covenant

(Joint) Standing Committee, focussing instead on the existing Instruments of Communion. The language of ‘advice’ and ‘recommendation’ has been clarified further.

Bruce Kaye argues that despite the changes made, the Covenant still seeks to establish a form of judicature for inter-provincial relationships. He suggests that section 4.2.4 ‘makes it very clear that what is being attempted here is a decision about structural relationships between provinces, most likely one or two provinces on a given issue in dispute.’ However the text of the Covenant itself is clear that the mutual commitments expressed through it do not ‘represent submission to any external ecclesiastical jurisdiction.’

Nothing in this Covenant of itself shall be deemed to alter any provision of the Constitution and Canons of any Church of the Communion, or to limit its autonomy of governance. The Covenant does not grant to any one Church or any agency of the Communion control or direction over any Church of the Anglican Communion.

In light of this statement, it would seem appropriate to address Kaye’s concerns by asking whether there are elements in the text that might function in a way contrary to this part of the text; that is, by enhancing the juridical power of a central instrument, or diminishing the autonomy of provinces.

The role of the Standing Committee outlined in the text is to ‘monitor’ the functioning of the Covenant (4.2.2), to ‘take advice’ and ‘make every effort to facilitate agreement’ (4.2.4). It may request that a Church defer a controversial action (4.2.5). It may refer questions to the primates and the ACC and make recommendations to these bodies, including recommendations about the ‘relational consequences’ of an action by a church or churches (4.2.5). On the basis of advice received from the ACC and the primates, it may make a declaration that an action or decision is ‘incompatible with the Covenant’ (4.2.6).

It can hardly be argued that in facilitating conversation, giving and receiving advice and making recommendations to the Instruments of Communion or the Churches of the Communion, the Standing Committee would be acting in a jurisdictional capacity or diminishing the autonomy of the churches.

It remains to ask, then, what the consequences might be of a declaration that a decision or action of a church is ‘incompatible’ with the Covenant.
In regard to the Instruments of Communion, the consequences referred to include limitation of, or suspension from, participation in the Instruments. This is not an innovation. Not every bishop was invited to the first Lambeth Conference and not every bishop was invited to the last. The North American Churches did not participate fully in ACC 13 in 2005. Any ‘relational consequences’ that might be initiated by the Instruments of Communion under the proposed Covenant are not new.

This leads us to consider Bruce Kaye’s other major concern: that the Covenant is not the best way to deal with intra-Communion conflict and that it complicates and confuses institutional relationships.16

A major concern for Kaye is that the Covenant may actually impede dealing with the real issue in conflict: ‘it reshapes the framework of relations on a theoretical basis rather than dealing with the actual issue in dispute’.17 In resolving conflict, he argues, good process means that ‘the actual issue in dispute gets to be the main item on the agenda’.18

This concern has some historical support in that, despite being brought into being following a crisis over human sexuality, the Lambeth Commission on Communion was clear that it had not been asked to continue the conversation about human sexuality. The mandate of the Commission was to address ‘understandings of communion’ and to produce practical recommendations for the maintenance of communion ‘both within and between the churches of the Anglican Communion’.19

The Commission’s major outcome, the Windsor Report, with its appended draft covenant, is an attempt to provide a way for the Anglican Communion to pull back from the brink of ‘the crippling prospect of repeated worldwide inter-Anglican conflict’.20 Rather inevitably, the emphasis of Windsor is much more on the containment of destructive conflict than on a recognition of, and provision for, the appropriate engagement with conflict around the substantive issues in dispute such as might lead to its more long-term resolution.

Paul Avis makes the point that while unrestrained conflict can be damaging, conflict itself is not only an inevitable part of the human condition, but an indispensable one.21 Also a 1986 Inter-Anglican Theological and Doctrinal Commission Report points out that doing justice to the meaning of Christ and of Scripture ‘sometimes involves the collision of different perspectives and interests’. In such dialogue, debate or conflict, the Holy Spirit, ‘who leads into all truth’ (John 16:13) is usually found not so much on one side ‘as in the very encounter of diverse visions held by persons or
groups of persons who share a faithfulness and commitment to Christ and to each other. Faithfulness in koinonia, then, does require the restraint of destructive conflict, but it also requires the provision for its appropriate and creative expression in koinonia.

Later drafts of the proposed Covenant have given much more recognition to the creative place of conflict and of the need for sustained engagement with difficult issues. The draft proposed by the Covenant Design Group in 2007 called member churches ‘to spend time with openness and patience in matters of theological debate and discernment to listen and to study with one another in order to comprehend the will of God.

These commitments are referred to again briefly in ‘Section Four: Our Covenanted Life Together’ (4.2.3). While there is an emphasis on dispute resolution, the Anglican Communion Covenant clearly recognises that much more is needed than just the dispute resolution framework of Section Four.

This point was made strongly in a response by the Province of Australia to the Covenant Design Group’s St Andrew’s Draft. The Australian response argued that for an initiative like an Anglican Covenant to work, it would need to be supported by moves to develop ‘a rolling process of conversation’, with more opportunity for face to face meeting and relationship building across the Communion.

Anglicanism’s gatherings of conferences, councils and synods inevitably have a somewhat episodic character. A challenge will be to enable conversation and debate that has a more ongoing character, providing sufficient time – not just ‘process space’ enabling the many voices of the people of God to be heard but also chronological space – for conversation and discernment to be sustained and deepened. Such space and time offers providential opportunity.

This taking of time together can be understood within the biblical call to ‘mutual submission’ (Ephesians 5:21), going beyond a simple submission of the minority to the majority into the development of mutual obligation in light of the common good. In this there is an almost perichoretic element; a making space for the other within Communion.

For the Anglican Communion this would suggest a greater continuity of engagement: a ‘rolling conversation’ provided in various ways, including through regional gatherings and networks operating between the larger episodic gatherings and characterised by a style of gathering that is consensual, persuasive and open to formal and informal networks.
The proposed Anglican Communion Covenant would not reduce the opportunity for such dialogue and conversation. In fact, a willingness to engage in such dialogue and discernment is part of the Covenant commitment. Beyond this, an examination of the timing of the various meetings and consultations involved in the covenant dispute resolution process will show that it resists hasty intervention or the premature foreclosure of debate on an issue.26

This returns us to the question of the adequacy, or the inadequacy, of the Covenant as a tool to deal with conflict. What is suggested here is that it is unhelpful to focus on the Covenant alone as the answer to the challenges before the Anglican Communion. Perhaps the greatest risk to the usefulness of the Anglican Communion Covenant may well be to think that as a single measure it could be an adequate response to Communion challenges. This is not to say, however, that it would not be helpful. What it might offer is a safety fence at the precipice, a cause to pause at that moment when difficult disagreement looks to be heading towards dividing decision and aggrieving action.

Philip Turner makes the point that in difficult conflict ‘cohesive political authority’ and ‘constancy of practice’ is as essential as free and open debate.27 That is, there must be a shared and trusted sense of the boundaries of engagement if free and open debate is to be sustained and conflict is to avoid a descent into the destructive.

There will, of course, always be the risk of conflict about the boundaries and processes themselves. This hardly supports an argument for having no agreed boundaries or no articulated process. Conflict about process will still occur, even when no agreed framework of process exists. Recent events in the Anglican Communion have demonstrated this. What it does highlight is the value of trying to achieve the highest possible shared ownership of the shape of process.

In seeking to contribute to the ongoing conversation, this paper has argued that, while it may have been true of earlier covenant drafts, it is difficult to sustain an argument that the final text goes against the Anglican ‘grain’ by significantly diminishing provincial responsibility and strengthening a form of international judicature. We have also argued that there is value in having articulated processes of engagement and shared boundaries of restraint for those times when difficult disagreement is moving towards becoming destructive disagreement. However, if conflict is to move beyond
containment to creativity, more is needed. The rolling conversations between formal gatherings, the direct engagement on critical issues, the ‘willingness to spend time and patience in matters of theological debate and reflection,’ to which the Covenant text itself refers, are also necessary.

If this represents an ‘inadequacy’ it is not an inadequacy that should be the basis of rejecting the Covenant proposal, but for understanding that it will serve the Communion most helpfully if the Anglican Communion Covenant is part of a wider renewal of engagement and relationship within Anglican ‘bonds of affection.’ Even then, if it is to matter more than a little, it must be approached from the biblical perspective on covenant that looks beyond the people of God to God’s purposes among all people. It must be about showing the world that there is a different way of being human in community. It must be about the seemingly outrageous call upon an often broken and divided people of God to show through their relationships that a colony of heaven has been established on earth.

**Endnotes**


12. The Australian Working Group on the Covenant was concerned that the Joint Standing Committee seemed to be emerging almost as an Instrument of Communion in its own right. The Working Group’s submission called for revisions that ensured the Instruments of Communion retained a primary role.


15. While there may be some ambiguity in the next here, the most straightforward reading of 4.2.6 is that before making such a declaration, the Standing Committee would have to have consulted the primates and the ACC. This is despite the text of 4.2.4. which says that ‘where appropriate’ the Standing Committee shall refer the question to the ACC and the primates for advice.


26. The processes of consultation with a province as well as the timing of meetings of the various Instruments of Communion mean that the process is quite deliberative. Further, the Instruments of Communion have a responsibility under the Covenant to ensure that the consultations and conversations referred to under Section have occurred.