

## After General Synod July 2012: reporting back

The Church of England website <http://www.churchofengland.org/about-us/structure/general-synod/agendas-and-papers/july-2012-group-of-sessions.aspx>

has copies of all the reports debated at the General Synod, and the document "Business Done" lists which motions were passed and what the voting was.

A transcript of the debates is on the Report of Proceedings

section <http://www.churchofengland.org/about-us/structure/general-synod/reports-of-proceedings.aspx>

The audio of the sessions are on the News section of the

website <http://www.churchofengland.org/media-centre/news/2012.aspx> for the days 6-9 July.

The Synod debated more reports than I have listed below, I have selected some of the main ones, the biggest of course being on women bishops.

### House of Laity meeting

Before the start of the full General Synod meeting the lay members had a separate meeting to debate the draft legislation to permit the ordination of women as bishops. The House of Clergy had a similar meeting at the same time. I voted in favour of the draft legislation to go to the next stage, which was for a debate in the whole General Synod on 9 July (see below for the main debate). The voting was 123 in favour, 53 against.

### Questions

69 Questions were submitted by Synod members. Most were on the Church of England's response to the Government's "Equal Civil Marriage" consultation. Synod members who had disagreed with the Church's response asked who had approved it. Synod members who had agreed with the Church's response asked what plans there were to persuade the Government of our view.

I asked two questions, one about candidates for ordination, and one about openness in communication.

### World Shaped Mission (GS 1865)

Synod voted to commend the report "*World-Shaped Mission: Exploring new frameworks for the Church of England in world mission.*"

The report says that the partnership that parishes have with other countries should be two-way so that we can learn from them and it not simply be a case of our giving them money (see pages 17, 18 and 56). In the Synod debate the Revd Mark Ireland spoke about what the Church overseas can teach us about evangelism.

The Report also recommends that parishes who have links overseas should also work with one of the Anglican Mission Agencies, because those agencies have considerable expertise covering the whole region (see pages 37-38).

### Draft Amending Canon No. 31 (GS 1877)

A minor technical legal change. Synod approved for it to be considered by a Revision Committee and we were invited to write in to the Committee with our comments or suggestions. Attached is the letter that I subsequently sent in.

## **Fresh Expressions and Church Growth (GS 1871)**

Synod commended the book "*Fresh Expressions in the Mission of the Church: Report of an Anglican-Methodist Working Party*" Church House Publishing, 2012. Chapter 4 includes a good summary of the similarities and differences between Anglicans and Methodists.

Much of the book is an analysis of what a 'church' is and whether a 'fresh expression' meets the definition of a church. If that question has never troubled you, this book may not be top of your reading list! You may be better off reading something that will give you ideas for mission initiatives, for example, on the Fresh Expressions website: <http://www.freshexpressions.org.uk/>

## **Archbishops' Council 2013 Budget (GS 1872)**

The budget for the national Church for 2013 is a 1.9% increase on last year.

## **The Church School of the Future: Review**

The report itself is more for internal purposes on how the Church should structure itself to best meet the rapid changes in the education system, such as the introduction of academies.

In the discussion on the report, the Bishop of Ely, Rt Revd Stephen Conway, made an interesting suggestion that we should "encourage clergy sometimes to give up their responsibility as Governors, in order to be effective chaplains and priests and teachers in our schools and not bear the governance load."

## **Women Bishops (GS 1708C & 1709C)**

You may wish to first scroll down to the section of this report entitled, "Before General Synod July 2012: inviting your views" which I wrote before the Synod meeting, which explains the background.

The focus of the debate was on the amendment that the House of Bishops' had made in May to the draft women bishops legislation, which had added a clause 5(1)c. That said that once a Parochial Church Council issues a Letter of Request to their diocesan bishop asking for delegated ministry from another bishop, due to the parishes theological views over the ordination of women, the bishop that the diocesan delegates to should be someone whose ministry is consistent with the theological views of the parish on the ordination of women.

Two speeches, one from either side, illustrate the issues in the debate. The Venerable Rachel Treweek, Archdeacon of Hackney spoke against the amendment that the House of Bishops had made:

"...clause 5(1)c, has attempted to put legislation in the place of grace and generosity, and is now sadly saying something deeply perturbing about the ministry of women and how the Church understands itself.

My objection of this clause is not a disregard for fellow brothers and sisters; this is not about pushing people out or ostracising those who feel vulnerable. ...Many of us might profoundly disagree with people's theological convictions against the ordination and consecration of women. But that doesn't mean there isn't a desire to act with grace and respect....If a bishop ignored the needs and convictions behind a Letter of Request then that would be inconsistent with the responsibilities of the Diocesan Bishop as chief minister and pastor. ...The Measure passed by

42 of the dioceses involves diocesan schemes, schemes drawn up fully recognising that the issues of headship and sacramental assurance are reality for some people.

By a process involving immense compromise we arrived at a Measure which acknowledges the holding of theological convictions against the ordination and consecration of women. A Letter of Request for alternative episcopal ministry can be issued. But the important point here is that the *content* of that theological conviction is not actually of prime importance. It's simply the holding of the theological conviction, which permits a PCC to issue a letter. At no point is there any need for any explicit endorsement of people's theological convictions. A diocesan bishop will act within the Scheme and delegate episcopal ministry to an appropriate bishop.

Given all that, it seems that 5(1)c exists because of fear and a lack of trust. That's a sad reflection on the Church which proclaims the perfect love of God which casts out fear. 5(1)c has now made the grounds of the theological conviction highly significant, such that there's the need for the male bishop to exercise his ministry in a way that is consistent with the theological conviction of the PCC as to the consecration or ordination of women. To state that is for the Church to be saying in the Measure that it explicitly endorses all such convictions. And this is legislation for years to come.

...The words of this clause do not reflect Christ's glory to the world and therefore with deep deep sadness I cannot vote for this Measure, and I urge us to vote for an adjournment so that this clause can be returned to the House of Bishops for further reflection."

The Revd Simon Killwick spoke in favour of the amendments the House of Bishops made, arguing that because the draft legislation had already said that the PCC's Letter of Request must be on the basis of theological conviction on the ordination of women, so it was consistent for clause 5(1)c to say that the bishop provided should be of the same theological conviction. If it did not say that provision would not be on the grounds of theological conviction but would be on the grounds of simple sexism:

"I do want to thank the House of Bishops for the amendments that they have made, and to say that the amendments are helpful to the anglo-catholic community, they have given many the hope that they could continue in good conscience in the Church of England were this Measure to be passed.

...there's a feeling that *'if only we could adjourn the debate, send it back to the House of Bishops, the House of Bishops withdraw the amendment, then everything will be fine in the world.'* But if you look back at the voting figures of February of this year...you will see the evidence that without these amendments the Measure will not pass. What the Bishops have done is just enough to ensure that the Measure passes. Adjourn it, send it back, take the amendments out, you will guarantee that it will not pass. Is that really what we all want? It has been said already a few times what an unmitigated disaster it would be if the Measure would fail.

...we need to go back and look at, what's the actual wording of the text of the amendments and indeed the wording of the text of the Measure that we are being invited to pass. Because if we look at those we will see that

the amendments really do help to make the Measure more consistent with itself.

...The Measure requires that every diocesan bishop, male and female, would have to make a scheme for delegating episcopal functions to male bishops for those parishes that write a Letter of Request.

Now it makes no sense for a male diocesan bishop to be compelled by the Measure to delegate to another male bishop....it only makes sense if there's some other feature about the second male bishop. And surely that's the missing link that the House of Bishops' amendment has provided; it's given the link that there has to be some other feature about the other male bishop that delegation is given to.

So, without the amendment of clause 5(1)c the Measure just doesn't make sense with itself. And, worse than that, as the Archbishop of Canterbury has said, on the face of the Measure it is about misogyny, it is not about theological conviction. And that is the other saving grace that the amendment has brought in. That it brings theological conviction into the Measure itself. So I hope that we will actually resist the adjournment and move forward on the final approval debate."

As can be seen from the above, Archdeacon Treweek *objects* to the House of Bishops' amendment because it puts into legislation "explicit endorsement of people's theological convictions." Father Killiwick *supports* the House of Bishops' amendment for precisely the same reason.

More than 130 General Synod members had submitted a formal request to speak in the debate and there was not time for everyone to speak. I was one of those who had requested to speak but was not called. This is the speech that I would have made:

"In 1988 the Anglican Church in the US was considering consecrating the Anglican Communion's first ever women bishops. The 1988 Lambeth Conference debated how to keep the Anglican Communion together over the issue. And, they did what they always do when faced by a difficult decision, they set up a commission to write a report and produce recommendations.

That Commission reported in 1989, with updates in 1993 and 1997. The collated reports were published in "*Women in the Anglican Episcopate: Theology, Guidelines and Practice: the Eames Commission and the Monitoring Group reports.*" [Anglican Book Centre, 1998, ISBN 1551262142]. The Report was endorsed by the Anglican Primates in 1989 and the Anglican Consultative Council in 1993.

The Commission was chaired by the Archbishop of Armagh, Robin Eames. The Secretary was a young priest called Christopher Hill, who is now my bishop!

The Eames Report came up with a breakthrough on the issue by taking a concept from ecumenical discussions of an 'open process of reception'. Such that when a province consecrates women bishops, both views on the rightness of that decision must still be given space in an open process until the Church, both within the Anglican Communion and ecumenically, comes to a common mind:

Paragraph 178, "*Once a decision has been reached by a Province of the Anglican Communion...All would be committed to remaining together in the continuing process, whereby the truth of what has*

*been decided at provincial level may be discerned within the wider fellowship and communion of the Church around the world."*

Paragraph 192, *"we need each other precisely in our differences, and because reception belongs to the whole Church we welcome the engagement of our ecumenical partners in the reception process."*

Eames had to square the circle of: on the one hand the consecration of women bishops starting an open process of reception in the worldwide Church that could go either way; with on the other hand staying true to Canon A4 that all those ordained as bishops must be accepted as lawfully consecrated and truly bishops.

He squared the circle by saying that all must recognise that women bishops have been truly consecrated, and what the process of reception is about is the correctness of the decision.

Paragraph 147, *"Those who have reservations about the ordinations of a woman bishop should at least acknowledge that in such ordinations the correct canonical procedures have been followed. Furthermore, they are asked to acknowledge that such provinces, in using their respective ordinals, have publicly declared their intention of consecrating a woman as 'a bishop in the Church of God' and admitting her to the fulness of the three-fold order of apostolic ministry."*

How long should the process of reception over women bishops take?

Archbishop Rowan who wrote a massive book on Arius will be able to tell you that the process of reception of the Church's doctrine of the Trinity took a couple of centuries. The original majority view on the nature of the Trinity became a minority view, and people were forced out, and years later the minority view became the majority view again.

Paragraph 64 of the Eames Report says that once we have women bishops,

*"Both sides would have to acknowledge that the other's position might, in the long run, prove to be the mind of the Church."*

So, what is the implication of that for the legislation we have before us, and in particular clause 5(1)c?

If you disagree with the concept of reception you will disagree with 5(1)c because the clause gives official recognition to the legitimacy of more than one theological view.

But if you agree that there should be an open process of reception, then it is necessary to have official recognition in the Measure of the theological legitimacy of more than one view, and therefore clause 5(1)c is essential."

In the debate, the following adjournment motion was put:

*"That the debate be now adjourned to enable the new clause 5(1)(c) inserted by the House of Bishops into the draft Measure entitled "Bishops and Priests (Consecration and Ordination of Women) Measure" to be reconsidered by the House of Bishops."*

The motion was passed. For: 288. Against: 144. Abstentions: 15.

I voted against the adjournment because I felt that we should proceed to a final vote on the draft legislation. I would probably have voted for the legislation had it gone to a final vote because the House of Bishops' amendment had given just enough to allow anglo-catholics to stay in the Church. That said, I had been in a

real dilemma and kept on changing my mind, because conservative evangelicals had said that even with the House of Bishops' amendment it was not even the minimum to meet their needs. Attached is the statement from the conservative evangelical group, Reform.

Next step is that since the July Synod meeting, Synod members have been sent a paper GS Misc 1033.

The paper is attached.

which gives seven different options for what the House of Bishops could do with clause 5(1)c, inviting Synod members to write in with their views, and suggesting Bishops to meet their Synod members to discuss it. When I have written my submission I will publish it on my website.

The House of Bishops will then bring the legislation back, probably in a revised form, for a final vote at the 19-21 November General Synod.

## Before General Synod July 2012: inviting your views

All the documents for the 6-10 July 2012 General Synod are on the Church of England website: <http://www.churchofengland.org/about-us/structure/general-synod/agendas-and-papers/july-2012-group-of-sessions.aspx>

### Women Bishops

Monday 9 July will be the final approval stage of the legislation to permit the ordination of women to the episcopate. In my report on the debate on this subject in the February Synod ([click here for link](#)) I wrote of the possibility of the draft legislation being amended by the House of Bishops at its meeting in May, prior to the final vote at General Synod in July. The House of Bishops subsequently made two amendments. Anglo-catholics and conservative evangelicals say that the amendments do not go far enough. Liberals, open evangelicals and affirming catholics say that they go too far.

I recommend the official General Synod papers that explain these amendments and the draft legislation more generally:

- GS 1708-09ZZ Report from the House of Bishops.  
The paper is attached.
- GS Misc 1028 Background Press Questions and Answers.  
The paper is attached.

If you are feeling really keen you can also read the draft legislation itself:

- GS 1708C Draft Bishops and Priests (Consecration and Ordination of Women) Measure.  
The paper is attached.

The controversial amendment that the House of Bishops made was to insert a new clause 5(1)(c) into the draft legislation. This says that the Code of Practice, to be drawn up to accompany the legislation, should give guidance on:

["the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration](#)



and ordination of women on grounds of which parochial church councils have issued Letters of Request under Section 3."

Page 7 of the House of Bishops' report (GS 1708-09ZZ) explains, "The amendment does not introduce the concept of theological conviction into the Measure. It was already present in clause 3 as the necessary ground for the issue of Letters of Request."

In other words, a traditionalist or conservative evangelical parish who, on theological grounds could not receive the sacramental ministry of a woman bishop, could ask that woman bishop to delegate to a male bishop, and that male bishop would need to be someone who shared the same theological integrity as the parish in relation to the ordination of women.

This amendment has received strong criticism by groups such as WATCH (Women and the Church), who accuse it of introducing a doctrine of 'taint' (see below). However, the Questions and Answers document (GS Misc 1028) addresses that criticism:

"Q11. Has the bishops' amendment introduced 'taint'/'pedigree' on to the face of the legislation for the first time?

No (and it should be noted that those who are unable, for theological reasons, to receive the ministry of women bishops reject these terms as not being an accurate or fair summary of their theological convictions). It was already an integral part of the draft legislation, before the bishops made their amendment, that arrangements had to be made for those whose convictions (or at least doubts) about the ordained ministry of women would prevent them from receiving such ministry.

The amendment does not specify anything on the face of the Measure about the nature of those convictions save that they must be about the consecration or ordination of women. The making of this provision in the legislation does not imply that any such convictions (or doubts) are shared by the Church of England as a whole."

Regarding my voting intentions on the draft legislation in July, my starting point is the 1998 Lambeth Conference Resolution III.2, "that those who dissent from, as well as those who assent to the ordination of women to the priesthood and episcopate are both loyal Anglicans". Therefore there should be two aims for the legislation:

- 1.) To permit the ordination of women to the episcopate;
- 2.) To have provisions for those who disagree on theological grounds, to allow them to stay in the Church of England.

I recently spoke to an anglo-catholic priest about the House of Bishops' amendments. He said that he was disappointed that the House of Bishops had rejected a proposed amendment for co-ordinate jurisdiction, which would have given the bishop for traditionalist parishes jurisdiction. However, he felt that the two amendments the House of Bishops did make were just enough to enable him to "limbo under the bar" to stay in the Church of England.

If it is correct that the amendments have done just enough to enable traditionalists and conservative evangelicals to remain, I am inclined to vote in favour in July. However, I need to listen and read more before making a final decision.

However there is currently a plan afoot by supporters of women bishops to vote at the July Synod to adjourn the debate, sending the legislation back to the House of Bishops, in order to put pressure on the House of Bishops to remove the amendment that they made, and for the legislation to then come back to a later General Synod (e.g. November 2012 or February 2013) in its previous form, without the concession to traditionalists.

(If it did go back to the House of Bishops, I would actually want them to make further amendments in the opposite direction. For example, I was disappointed that they refused to make an amendment that would have required the Code of Practice to say that traditionalist candidates for ordination should not be discriminated against because of their theological views on the ordination of women. I have submitted a General Synod question asking the reasons why the House rejected that proposal). Nevertheless, I do not intend to vote to adjourn the debate. The House of Bishops' have made their decision after lobbying from both sides and, given the long process to get to final approval stage, I think it should be put to a vote rather than to adjourn.

Some of the arguments against the amendment, and therefore in favour of adjournment, are set out in the WATCH (Women and the Church) document "A Statement of our Concerns".  
I attach that document.

I disagree with the arguments given in that document. For example, WATCH says: traditionalists believe in a doctrine of "taint" (page 4); traditionalists believe that a menstruating woman priest makes the area around the altar unclean (page 4); traditionalists indirectly contribute to violence against women (page 5). All of those accusations are untrue. The WATCH authors will be well aware of what traditionalists *really* believe, as their views are clearly set out in chapter 5 of the Church of England's official 2004 report "Women Bishops in the Church of England?"

- that 302 page document is enclosed as a separate document.

and in Forward in Faith's book "Consecrated Women" edited by Jonathan Baker, Canterbury Press, 2004. It is disappointing therefore that the WATCH authors have taken the easy option of repeating the smears about traditionalists as if they were true, rather than engaging with what traditionalists actually believe.

A major concern of WATCH seems to be that the result of the amendments might (page 6) "[create permanent, guaranteed doctrinal space within the Church of England for opposition to the ordination of women.](#)" The phrase "opposition to the ordination of women" is putting it in an adversarial way, when most traditionalists simply want to be able to follow what they believe the Bible and church tradition says. Also, I do not see how the House of Bishops' amendment represents a policy change by offering something that might result in traditionalists and conservative evangelicals being able to have a permanent place in the Church of England. Surely the Lambeth Conference resolution,



quoted above, has already promised that? And, is it really so terrible if traditionalists and conservative evangelicals are allowed to permanently stay in the Church of England with theological integrity?

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24 July 2012

To Dr Colin Podmore, Clerk to the General Synod,

**Letter to the Revision Committee regarding the “*Draft Church of England (Miscellaneous Provisions) Measure and Draft Amending Canon No. 31.*”**

I am writing in respect of paragraph 5 of the Draft Amending Canon No 31 (GS 1877), and the explanation given on page 9 of the Explanatory Memorandum (GS 1866x/1877X), which proposes to re-introduce a revised Canon C19 into the Canons of the Church of England.

**My overall point**

The Canons of the Church of England are a key document to be followed by all clergy and it is essential that they are written in such a way as to be easily understood by all clergy. Attempts should also be made to ensure that they are understandable by the laity, not least because some Canons (e.g. B6) are written for lay people, giving guidance on how to live the Christian life.

The draft Canon C19 is being reintroduced to fulfil a specific legal purpose and I appreciate that it has to be written in a careful legal way, however, I ask that further efforts be made to amend the wording of the Canon (or, failing that, the provision of an explanatory footnote) such that its meaning can be understood by most Church people.

What follows are my concerns over the draft Canon C19. I expect in much of what I write I have ‘got the wrong end of the stick’ of what the text means. If so, as well as indicating my lack of intelligence, it should also indicate that the scope for the text to be made clearer.

**Paragraph 1**

Paragraph 1 of the draft Canon C19 states, “*Wherever the archiepiscopal see be vacant the guardianship of the spiritualities belongs to the Chapter of the metropolitanical church of the province, which shall exercise spiritual jurisdiction of the province and diocese during the vacancy.*”

**i.) concern over the lack of definition of “guardianship of the spiritualities” in terms of who that body is, and what are the “spiritualities”**

Paragraph 64 of the Explanatory Memorandum explains the purpose of and need for Canon C19. However, I confess that I found even the Explanatory Memorandum difficult to grasp. As far as I can understand it, the purpose of the proposed Canon C19 is a legal one, such that where a diocesan bishop or archbishop has left and a new one has not yet been appointed, there needs to be clarity over who has the authority to carry out particular functions during

the vacancy. Mostly this will be by delegating episcopal functions (e.g. to a suffragan bishop who will cover the work of the diocesan bishop, or a diocesan bishop who will cover the work of the archbishop). Canon C19 does not intend to remove those responsibilities, but instead to deal with the remaining areas that are the remit of the “the guardians of the spiritualities”.

Firstly, the Explanatory Memorandum states that “*the spiritualities of a see or a province are those things which constitute the spiritual jurisdiction of the bishop or archbishop and include such things as the giving of institution to benefices, the grant of marriage licences etc.*” If the draft Canon included within the text of the Canon, or within a footnote, this or a similar explanation, it would make the Canon a little more understandable to readers, who in future will only have the text of the published Canons.

The explanatory memorandum fails to say who or what is being referred to by “the guardians of the spiritualities”, and Father Benfield in his speech to Synod simply said, “the guardian remains whoever it currently is.” The text of draft Canon C19 itself indicates that it is “the Chapter”. However, who or what is “the Chapter” is not clear in the draft Canon, and there appear to be two possibilities. The Canterbury Cathedral website<sup>1</sup>, for example, states that the Cathedral Chapter consists of six clergy and four lay people. However, the Bishop of Guildford in his speech in the Synod debate said “there has always been a proper tradition of a corporate episcopate by the presbyterate of a diocese...in a vacancy of See”, which implies that the Chapter is all clergy in the diocese. I suggest that there needs to be clarity in the draft Canon as to whether “Chapter” is referring to the committee (consisting of a small group of clergy and lay people) or to all clergy in the diocese.

## **ii.) concern over the phrase “spiritual jurisdiction”**

Assuming that it is the Chapter (however defined) that is the “guardian of the spiritualities”, the draft Canon says that the Chapter “shall exercise spiritual jurisdiction of the province and diocese during the vacancy.”

So, for example, this implies that when the Archbishop of Canterbury steps down at the end of the year, in the period during the vacancy, the Chapter of Canterbury Cathedral will exercise “spiritual jurisdiction” over the thirty dioceses that make up the Province of Canterbury.

If the definition of “Chapter” is that as stated on the Canterbury Cathedral website, this means that the four lay and six clergy members of the Cathedral chapter will be exercising spiritual jurisdiction over the lay members of the Church of England in the Province of Canterbury. Whilst the four lay members are no doubt very holy people, I would see them as brothers and sisters in Christ of their fellow lay Anglicans, and it might be theologically inappropriate for them to exercise a spiritual jurisdiction over other lay members.

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<sup>1</sup> <http://canterbury-cathedral.org/community/who/chapter-members-and-senior-positions.html>

“Chapter Members: The Dean, The Very Revd Dr Robert Willis; Canon Treasurer, The Revd Dr Edward Condry; Canon Pastor, The Revd Clare Edwards; Canon Librarian, The Revd Christopher Irvine; Archdeacon of Canterbury, The Ven Sheila Watson; Archdeacon of Ashford, The Ven Philip Down; Lay Member of Chapter, Professor Michael Wright; Lay Member of Chapter, Mrs Caroline Spencer; Lay Member of Chapter, Mr William Pettit; Receiver General, Brigadier John Meardon.

If the definition of “Chapter” is that implied by the Bishop of Guildford it would mean that all the clergy (whether in the diocese of Canterbury or in the whole Province of Canterbury, the draft does not indicate) would exercise a corporate spiritual jurisdiction over all Anglicans in the Province of Canterbury. This is less troubling, but I expect that most laity would think that the proper person to exercise spiritual jurisdiction over them during the vacancy would be the Archbishop of York.

Perhaps the answer will be given that the “spiritual jurisdiction” referred to in the draft Canon C19 is not a theological spiritual jurisdiction, but is a narrow legal one which is concerned simply with the institution of benefices and the granting of marriage licences. If that is so, that is not what the text of the draft Canon C19 says. Therefore, if the “spiritual jurisdiction” is a limited legal one, then the text of the draft Canon, or a footnote, needs to say so.

### **Paragraph 3 – concern over the use of Latin**

The draft says “...or to the presentation to benefices sede vacante of which the archbishop or bishop is patron.”

I support what Tim Hind said in the Synod debate, that the Canons should be in English rather than Latin. I appreciate that Father Benfield explained that the legal officers had said that the three words of Latin would convert into about three sentences of English.

If converting the phrase into English means that the draft Canon ends up being three sentences longer, so be it. The Canons should not be restricted to those with the benefit of both a classical and legal education. They belong to the whole Church of England and should therefore be written in English.

Yours sincerely,

Adrian Vincent

Thursday 28th June 2012

## REFORM SAYS 'FURORE' OVER WOMEN BISHOPS SHOWS NEED FOR BETTER PROVISION

Reform Chairman Rev'd Rod Thomas said today that "Reform deeply regrets that we have reached such an impasse on women bishops" with the current House of Bishops' amendments not satisfying the conservative evangelical network's concerns over their future in the Church of England.

Speaking at a prayer meeting attended by almost 200 Reform members in central London, Mr Thomas said: "We thank the House of Bishops for their work. They have tried to find a way through. But their amendments have not succeeded in persuading our members that there is a secure future for those who cannot in conscience accept the oversight of women as bishops. In light of that we will be encouraging our members on General Synod to vote against the legislation as it stands."

Mr Thomas added: "The furore created by some in response to these small amendments reveals most clearly the reason why those who hold to our biblical position need legislative clarity, not just a code of practice if we are to continue to encourage young people to come forward for ordination.

"There is clearly a desire on the part of some to see any provision for us as strictly temporary, despite the fact that we're simply seeking to follow the Bible's teaching about how God wants his Church to be organised. They hope we'll just leave. However, we believe the majority of Anglicans want to honour the promises made to us over the last two decades to preserve a place for us in the Church of England. As it stands, the draft Measure doesn't do this - and we'll be asking General Synod to withhold approval of the draft Measure so that some proper compromises can be agreed.

"We face a very difficult situation, so we are urging our members to pray for the House of Bishops, the General Synod and for the Church's witness in this country to the saving grace of Jesus Christ."

### Background notes

Reform members have been actively engaged in all the debates and discussions on this issue since the Rochester Commission was established in 2001. During these 11 years Reform has done three things:

First, Reform has engaged fully in the formal processes established by the Church of England, making representations to each of the various Commissions. Reform has put forward or supported a number of possible compromise scenarios which would enable Reform members to continue to see a secure future for our position within the Church of England. These have included Transferred Episcopal Arrangements, transferred jurisdictions, establishment of religious societies and creation of a third province. At General Synod 2010 Reform members backed the co-ordinate jurisdiction proposal put forward by

the Archbishops of Canterbury and York - a proposal which was less than ideal for us but which we nevertheless supported. Sadly this proposal was narrowly defeated.

Second, Reform has engaged in more informal dialogue with bishops, with those from the Catholic group in General Synod, with other evangelical organizations such as the Church of England Evangelical Council and with those evangelicals who differ from us on this issue, such as the Awesome ordained evangelical women's network, to ensure that there is mutual understanding and respect of positions even where we continue to disagree.

Third, Reform has continued to encourage young men forward for ordination in the Church of England, on the understanding that their ministry was valued and welcomed within the denomination. Since 2001 Reform member churches have sent 300 men into ordained ministry, of whom around 50% were under the age of 30.

Despite this willingness to engage in and encourage others into ministry in the Church of England, Reform members are now left with the prospect of nothing more substantial than a code of practice to guarantee them a future place within the Church of England."

Source: <http://reform.org.uk/news/src/archive/06-2012/title/media-statement-reform-members-on-gs-encouraged-to-vote-against-women-s-measure-reform-says-furore-over-women-bishops-shows-need-for-better-provision>



## GENERAL SYNOD

## Women in the Episcopate – the Final Legislative Lap

## The task

1. On 9 July the General Synod voted by 288 votes to 144 to adjourn the Final Approval debate on the draft Bishops and Priests (Consecration and Ordination of Women) Measure to enable the House of Bishops to reconsider the new clause 5(1)(c) which it had inserted in May during the Article 7 Reference.
2. The House of Bishops will meet on 12 September to reconsider that provision. The possibilities available to the House will be to:
  - **Retain clause 5(1)(c)**
  - **Amend the draft Measure by removing clause 5(1)(c)**
  - **Amend the draft Measure by replacing clause 5(1)(c) with a different provision.**
3. In addition the House will need to consider whether it wishes to offer the Synod some additional illustrative text on the selection of male bishops and male clergy for the eventual Code of Practice. There is a case for doing this whichever view the House comes to on clause 5(1)(c). This paper therefore explores that issue too.
4. Given the terms of the Synod resolution, and given that legislation is now at the Final Approval stage, **the House of Bishops will have no power in September to amend any other provisions of the draft Measure.** Nor will the General Synod in November have the power to make amendments or pass a further reconsideration motion under Standing Order 94.
5. **The text of the draft Measure on which final decisions will have to be taken in November will, therefore, be the text as determined by the House in September.** The final say for the House of Bishops over the terms in which legislation of this kind is presented for final approval reflects its ecclesial responsibility, to which effect is given in Article 7 of the Synod's Constitution, for the doctrine and order of the Church of England.
6. Before the Final Approval debate can resume in the General Synod in November two other things may need to happen.
7. First, the Group of Six (the Archbishops, the Prolocutors and the Chair and Vice Chair of the House of Laity) will need to satisfy itself that any amendment made by the House (other than an amendment simply removing the new clause 5(1)(c)) has not altered the 'substance of the proposals embodied in the Measure' that was approved by 42 of the 44 dioceses in 2011, for the purposes of Article 8 of the Synod's Constitution.
8. Secondly, the Convocations and the House of Laity will, if the House of Bishops has amended the draft Measure in any respect, be able to claim a further Article 7 reference immediately before the group of sessions in November. In the event that a further Article 7 reference is claimed, the Final Approval debate will only resume if the requisite simple majorities are achieved in both Convocations and the House of Laity.

9. The main purpose of this discussion paper is to explore the possible approaches that the House could adopt. Of these it is the one that involves replacing clause 5(1)(c) with a new provision that requires the most innovative thinking at this stage.
10. This paper, therefore, **offers and analyses as a basis for discussion - and without commending any of them – five initial possibilities, agreed with Standing Counsel to the Synod, for replacing clause 5(1)(c) with a new provision.**
11. **The hope is that these possibilities will stimulate further suggestions. At this stage it is more important to have proposals for possible elements of a new provision, and the objectives which they are designed to achieve, than detailed drafting suggestions.**
12. Clearly the most important objective will be to identify an approach which can command a wide degree of support. But, above all, since it will form part of a statute, the effect of any new provision must be clear. It must also have a clear rationale, capable of being explained –including to the Ecclesiastical Committee of Parliament.
13. So, the starting point needs to be some analysis of what the present clause 5(1)(c), and any replacement of it, add to the rest of the Measure. Any new wording will, in the usual way, need to be agreed by Standing Counsel.

### **The shape and effect of the draft Measure**

14. In the adjourned Final Approval debate on 9 July some speakers were critical of other provisions in the draft Measure. **These cannot, however, now be changed. The decisions in September must be about clause 5(1)(c). In November the Synod will have to come to a final view on the draft Measure in the form determined by the House of Bishops.**
15. The underlying purpose of the legislation is to make the episcopate open equally to women as to men, while at the same time making provision for those Anglicans who, on grounds of theological conviction, are unable to receive the episcopal or priestly ministry of women.
16. Subject to transitional provisions, the draft Measure repeals the power to pass Resolutions A and B under the Priests (Ordination of Women) Measure 1993. In addition the intention, following Final Approval and the Royal Assent, is to repeal the Episcopal Ministry Act of Synod 1993.
17. In place of these provisions the draft Measure imposes a requirement on all diocesan bishops to make schemes containing arrangements, by way of delegation to a male bishop, for the exercise of certain aspects of episcopal ministry in parishes which have so requested.
18. This obligation applies to all diocesan bishops irrespective of gender and conviction or practice in relation to the ordination of women. Thus, there is to be no discrimination as between diocesan bishops.
19. The procedure by which parochial church councils may request a male bishop or male incumbent/priest in charge is prescribed in the draft Measure. PCCs have the right to issue Letters of Request on grounds of theological conviction.

20. Diocesan bishops are required then to make a male bishop available in accordance with arrangements provided in the diocesan scheme. In the case of priestly ministry, any person exercising functions in relation to the appointment of an incumbent/priest in charge must take account of the issue of a Letter of Request during a Vacancy.
21. The draft Measure requires the House of Bishops to draw up a Code of Practice setting out guidance on the various matters specified in clause 5(1) of the draft Measure and ‘such other matters as the House of Bishops considers appropriate to give effect to this Measure.’
22. Anyone exercising functions, episcopal or otherwise, is required to have regard to the Code of Practice which, as well as having been made by the House of Bishops, will require the approval of the General Synod.
23. In order to understand the disputed clause 5(1)(c) in context it may be helpful to set out the entirety of clause 5(1) of the draft Measure. What it says is as follows:

**“5. Code of Practice**

- (1) *The House of Bishops shall draw up, and promulgate, guidance in a Code of Practice as to-*
  - (a) *the making of schemes under section 2,*
  - (b) *the exercise of episcopal ministry in accordance with the arrangements contained in such schemes,*
  - (c) *the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration and ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3,*
  - (d) *the exercise, by those involved in the making of an appointment of an incumbent of and a priest in charge of a benefice, of their functions in that regard where a Letter of Request is issued under section 3(3),*
  - (e) *the matters referred to in section 2(5)<sup>1</sup>, and*
  - (f) *such other matters as the House of Bishops considers appropriate to give effect to this Measure.”*

**Possible ways forward in relation to Clause 5(1)(c)**

***Option one - Retention***

24. Clause 3 provides that any Letter of Request for a male bishop or male incumbent must be issued on grounds of theological conviction – which, by implication, must relate to the ordained ministry of women.

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<sup>1</sup> Section 2(5) provides that where a diocesan scheme includes a statement by the diocesan bishop that he will not ordain women to the office of priest, the scheme must make provision for the ordination of female candidates for the office of priest in the diocese and for the support of the ministry of clergy who are women and for their pastoral care.

25. It will not, therefore, be lawful for a parish to ask for a male bishop simply out of misogyny, social conservatism, because it disapproves of a particular individual, or on grounds of theological conviction unrelated to the ordained ministry of women. This and other issues around the implications of clause 5(1)(c) are set out in the annex to GS 1708-09 ZZ, which explained its legal effect.
26. The insertion of the provision in May was an attempt to address on the face of the Measure a difficulty with which the Legislative Drafting Group, the Steering Committee, the Revision Committee, the Code of Practice Group and, indeed, the whole Synod have wrestled over the past few years.
27. This has its origins in the theological reasons which will lead conservative evangelicals on the one hand and traditional catholics on the other to be unable to receive the ministry of female bishops.
28. Their reasons are not identical, as was succinctly explained in the Revision Committee's report:
- “450 ... for those conservative evangelicals for whom headship arguments are significant, the crucial requirement is to have episcopal oversight from a man. By contrast, by virtue of their theology and ecclesiology, for the traditional catholics the requirement is that the bishop (and indeed the priest) must not only be a man but a man who has himself been ordained by a man.*
- 451 Indeed, some traditional catholics will go further and say that it must be a man who has been ordained by a man who does not ordain women. This, it is argued, is not because of any theology of a 'taint' but because by being part of an episcopal or presbyteral college with women, a bishop is necessarily in impaired communion with those of traditional catholic convictions.”*
29. The addition to the draft Measure of clause 5(1)(c) was, as the Archbishop of Canterbury explained to the Synod on 9 July, designed to achieve two objectives.
30. The first was essentially practical- *'willing the end by willing the means'*, as the Archbishop put it. Those who cannot receive the episcopal or priestly ministry of women want the legislation itself to give them some assurance that they will be properly provided for, rather than having to take the matter on trust.
31. Thus the provision was intended to ensure that guidance was given to diocesan bishops to provide male bishops and priests whose ministry would be received by those for whom it was intended. In the case of traditional catholic parishes this means the diocesan bishop doing more than selecting any available male bishop (or priest).
32. The second objective reflected a different kind of concern, initially articulated by the Archbishop of Canterbury at the Synod in February when he said:
- “...the phrase 'male bishop' in the draft Measure insufficiently recognises where that particular point comes in the argument people are trying to make. It doesn't go the root of it. In other words the*

*theological conviction is not about male bishops as such: it arises from certain other convictions.*”

33. The Archbishop developed this thought further in his contribution to the Synod on 9 July:
- “In the existing 2(1) of the Measure, there is no reference to the theological conviction or anything else about the ‘male bishop’ [clause 2(1)]. And the worry that some people have had is that the lack of any wording beyond that simple ‘male bishop’ phrase risks something quite serious. It risks suggesting—because no other criteria than ‘maleness’ are mentioned here, suggesting that any criterion other than maleness is irrelevant—that what we are accommodating in this is sheer unwillingness to see a woman in episcopal ministry. In other words, it risks accommodating precisely the kind of misogyny that I hope the Synod would have no time for. It is accommodating what we ought not to accommodate. The amendment proposed seeks to address that worry that, I have to say, is a real concern of my own.”*
34. Thus the second objective was essentially to provide some more explicit rationale for the provision made by the Measure by stating expressly that, at least for some, there were theological convictions that meant that maleness would be necessary but not sufficient.
35. The case for retaining clause 5(1)(c) would be, therefore, that it attempted expressly to fulfil both of these objectives. It could, however, be argued that legislation is generally about the achievement of practical objectives and that the first objective therefore lends itself more readily to legislative drafting.
36. As has been apparent at earlier stages of the legislative process, providing any sort of rationale, or criteria additional to maleness, on the face of the Measure is technically difficult as well as contentious. In addition, anything which appears to provide statutory recognition of particular convictions is seen by many as problematic.
37. The existing clause 5(1)(c) **does not** in fact allow parishes to ask that their bishop (or priest) should hold a particular set of beliefs, or subscribe to any statement of faith beyond what all bishops and priests have to affirm when making the Declaration of Assent. In addition, **it provides no basis for the making of guidance which would allow parishes to choose their own bishop or insist that the male bishop selected for them reflected their own churchmanship.**
38. This last is a particularly important point. Bishops are expected to minister to all the parishes within their care, whatever the churchmanship of the bishop or parish. It was never the purpose, or the effect, of clause 5(1)(c) that conservative evangelical parishes should be able to insist on ministry from conservative evangelical bishops, nor even that traditional catholic parishes should be entitled to be ministered to by traditional catholic bishops rather than simply someone with whom they were not in impaired communion.
39. Even so, the requirement that guidance be given on the exercise of ministry which is consistent with certain theological principles has been very strongly criticised by many who have previously supported the draft legislation. **There must be a real question, therefore, given the large majority in favour of an**

**adjournment on 9 July, whether simply retaining clause 5(1)(c) would enable the legislation to attract the necessary two-thirds majorities in November.**

***Option two - Deletion***

40. Some of the concern about clause 5(1)(c) has been about the fact that the (all male) House of Bishops made such a significant change so late in the process. In addition, in the light of the failure of attempts to find a satisfactory solution to the ‘necessary but not sufficient’ issue at earlier stages of the legislative process there was a view that inserting a new provision with little prior consultation was a mistake.
41. Some of the criticisms suggested that clause 5(1)(c) would make it harder for the provision made for parishes which issued Letters of Request to change over time. This is not an entirely easy criticism to interpret since there was already no ‘sun-set clause’ in the legislation; and the requirements for diocesan schemes and to provide male bishops and incumbents / priests in charge in response to Letters of Request have no time-limit.
42. Moreover, any implication that the provision made for those who cannot receive the episcopal or priestly ministry of women should be temporary has tended to reinforce their desire to have dependable provision in the legislation itself.
43. There were, however, a number of other specific criticisms, for example that:
  - The reference to ‘theological convictions’ went beyond the requirement already contained in clause 3 of the draft Measure that Letters of Request had to be on grounds of ‘theological conviction’. Elevating theological convictions into something that appeared to determine how a diocesan bishop should respond to a Letter of Request was perceived as an unacceptable innovation and a potentially unhelpful precedent. The Church of England should, so it was argued, be making pastoral provision for those unable to receive the ordained ministry of female bishops and priests, without apparently giving statutory legitimation to particular reasons for holding that position.
  - The phrase ‘consistent with’ was seen as too constraining. To some it seemed to fetter the discretion of the diocesan bishop too tightly. There was concern that the diocesan bishop might need to try to find someone whose ministry was consistent with any and every theological conviction concerning the ordination of women, whatever they were.
  - In relation to the rest of the draft Measure the Synod had already had the benefit of illustrative draft text in the illustrative draft Code in GS Misc 1007 but there was no illustrative draft text to show what form the guidance under clause 5(1)(c) might take.
44. The House will, therefore, clearly have to weigh whether it would, in all the circumstances, be best simply to remove clause 5(1)(c). This will need to involve an assessment of the adverse impact of its removal on those for whom the provision was intended and of the consequences of not attempting to address the ‘necessary but not sufficient’ issue on the face of the Measure.



45. It would also need to weigh the fact that the provision was welcomed by some who, while they are supportive of the principle of women being bishops, have been hesitant about supporting legislation that does not go as far as possible to provide a place for those who are unable to support the principle.
46. As with option one, there is, therefore, a judgement to be reached about whether this option would enable the Measure to achieve two-thirds majorities in November.

### **Option three - Replacement of 'consistent with'**

47. One possibility in relation to the replacement of the present clause 5(1)(c) would involve retaining the concept of 'theological convictions' but substituting a different expression for the words '*is consistent with*'.
48. The rationale for this would be to reduce the apparently tight linkage between the theological convictions underlying Letters of Request and the exercise of ministry by the male bishop or priest. It would allay concerns expressed about the extent to which the discretion of diocesan bishops was being fettered. It would, if desired, be possible to include within the provision considerations as to the process for, as well as the substance of, selection.
49. A way of achieving this would be to reformulate clause 5(1)(c) as follows:

*“(c) the manner in which arrangements for the selection of male bishops and male priests are to [respect] [take account of] the theological convictions as to the consecration and ordination of women on grounds of which parochial church councils issue Letters of Request under section 3;”*
50. A choice would need to be made as between 'respect' and 'take account of' ('respect' is less prescriptive than 'is consistent with', which is itself not synonymous with 'identical with' or 'agreeing in every detail with'). It is slightly stronger than 'take account of'.
51. The fact that this formulation would leave the phrase 'theological convictions' in the clause may, however, prove an insuperable objection for some.

### **Option four - Focus on broad subject area (and perhaps process)**

52. An alternative, and much more radical, possibility would be to prune the provision significantly, removing any indication as to the criteria the Code would employ in giving guidance on the selection of male bishops and male priests.
53. The provision would then simply identify the broad *subject* on which guidance needed to be given (i.e. the selection of male bishops and male priests) without providing any statutory pointer as to what the content of that guidance might be.
54. The provision might in addition say something about process. A reference to consultation with PCCs between the issue of the Letter of Request and the selection of the male bishop or priest would provide an indication that there were considerations concerning the parish which would not be apparent simply from the Letter of Request itself.

55. Such a formulation might be along the lines either of:
- “(c) the selection of male bishops and male priests to exercise ministry in parishes whose parochial church councils issue Letters of Request under section 3;”*
- or, if something about process were included:
- “(c) the selection, after consultation with parochial church councils who issue Letters of Request under section 3, of male bishops and male priests to exercise ministry in the parishes of those councils.”*
56. The downside of this approach is that it would provide no assurance that the guidance would result in the provision of ministry that parishes would be able to receive - particularly traditional catholic parishes, for which a male bishop or priest would be necessary but not sufficient.
57. And while those who would have preferred no clause 5(1)(c) might be content with it they might also be concerned that its vagueness as to the criteria for selection made this approach more problematic than simple deletion.

**Option five - Focus on suitability/appropriateness**

58. A further approach, which would incorporate elements of option four but attempt to avoid some of its downsides, would be to build specifically into the provision a reference to the ‘suitability’ or ‘appropriateness’ of the person selected for the particular context in which he was to exercise ministry.
59. A possible formulation along these lines might be as follows:
- “(c) the selection, following consultation with parochial church councils who issue Letters of Request under section 3, of male bishops and male priests, the exercise of ministry by whom appears to the persons making the selection to be [suitable][appropriate] for the parishes concerned.”*
60. Again, as with option four, this approach identifies the broad subject on which guidance must be given. And, as in its second variant, it builds in a reference to process- there has to be consultation with the relevant PCC to discover more than is apparent from the Letter of Request before a male bishop or priest is selected to exercise ministry there.
61. But it goes a step further in identifying an objective, namely that the person selected by the diocesan bishop (or in the case of a parochial appointment, by those with the relevant responsibilities) should be ‘suitable/appropriate’.
62. The advantage of this approach is that it would signal on the face of the Measure that for some parishes more was at stake than simply being offered the ministry of any male bishop or priest. Thus, for the first time, there would be an acknowledgement of the much discussed ‘necessary but not sufficient’ issue.
63. The potential downside is that words such as ‘suitable’ or ‘appropriate’ are very broad unless related to particular criteria. The nature of the guidance given in the Code of Practice would, therefore, be of particular importance.
64. As between ‘suitable’ and ‘appropriate’ either would be possible. In legislative drafting ‘appropriate’ is generally used as a convenient shorthand to avoid

spelling out what is clear but complex to spell out in full (so that, for example, Acts of Parliament may refer to ‘the appropriate minister’ or ‘appropriate authority’ where from the context it is clear which one is being referred to).

65. ‘Suitable’ tends to be used when the emphasis is on provision which reflects particular contexts or needs (for example ‘suitable alternative accommodation’).
66. The guidance given in the Code of Practice would need to be framed in terms which avoided carrying any implication that the parish could regard as ‘unsuitable/inappropriate’ anyone who did not match their expectations in all respects.
67. Equally it would need to provide confidence to parishes that they would receive episcopal or priestly ministry that would be effective in their circumstances, given the nature of their convictions concerning the ordained ministry of women.

### ***Option six - Revised formulation of what parishes need***

68. A sixth approach would be to employ a formulation which defined the basis for the criteria for selection on which the Code would give guidance and did so by reference not to ‘theological convictions’ but to their outworking in practice.
69. A possible formulation along these lines would be as follows:

*“(c) the selection of male bishops and male priests the exercise of ministry by whom [respects] [takes account of] the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request under section 3;”*
70. Again, as in option three, a choice would be needed as between ‘respects’ and ‘takes account of’. In addition, the shift from ‘theological convictions’ to the parochial church councils’ *“position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care”* – which employs words already used in clause 2(1) – goes more to the making of practical arrangements amid particular concerns rather than a more abstract recognition of particular convictions.
71. In informal conversations at York the question was raised whether an alternative approach, directed to the same end as this formulation, might be to borrow from section 11 of the Patronage Benefices Measure 1986 the phrase ‘conditions, needs and traditions of the parish’. This would mean the Measure employed a phrase already widely used and understood in another context.
72. The difficulty, however, is that when used in the 1986 Measure the expression ‘conditions, needs and traditions of the parish’ is specifically about parochial appointments and covers a much wider range of considerations than is relevant in the draft Measure.
73. Moreover, there is some danger in applying to the selection of bishops a phrase which was formulated in relation to the exercise of patronage in respect of parochial benefices and is meant to encapsulate the churchmanship of the parish. The use of the expression would leave the basis for the criteria for

selection on which the Code was to give guidance considerably wider than is called for in the present context.

74. As noted in paragraph 38 above it was no part of the House of Bishops' thinking in May to constrain the diocesan bishop's decision in relation to a Letter of Request such that a parish could closely define the particular churchmanship tradition of the male bishop or priest.
75. Thus while the case for borrowing the phrase 'conditions, needs and traditions of the parish' may merit further reflection, its very breadth means that it is not tailored to the present context and may give rise to some unintended consequences.

### **Option seven - Option six plus some process**

76. This option is a variant of option six. Rather than simply requiring guidance to be given as to selection, it would also involve the Code giving guidance on the *procedure* by which bishops would go about selecting male bishops and male priests for parishes who issue Letters of Request.
77. This would mean that the phrase "*the selection of male bishops and priests the exercise of ministry by whom ...*", which some have found problematic, would disappear.
78. This formulation would read:

*"(c) the manner in which arrangements for the selection of male bishops and male priests are to [respect] [take account of] the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request under section 3."*

### **The Code of Practice**

79. The process for producing a Code still has some way to go. The illustrative draft contained in GS Misc 1007 will require further work, if and when the Measure has received final approval, before the House can bring a final version to the Synod for approval. Any consideration of the text must at this stage, therefore, be provisional.
80. Paragraphs 38-40 of the illustrative draft in GS Misc 1007 offer guidance on identifying the bishops who are to exercise episcopal ministry by delegation. For ease of reference a copy of paragraphs 38-40 is annexed to this paper.
81. In addition, paragraphs 126-127 include guidance for how patrons, bishops, the archbishop and parish representatives should act when a Letter of Request has been issued by a parish during a vacancy for an incumbent or priest in charge. Again, for ease of reference these two paragraphs are set out in the annex to this paper.
82. In paragraphs 46-60 of its covering report, the Working Group set out its thinking in relation to the choice of the male bishop and explained why it had not been able to offer a recommendation on the matter. It went on, however, in paragraph 58 to flag the possibility of inserting, after paragraph 40 of the illustrative draft Code, a provision that read:

*“A diocesan scheme should provide that the arrangements for bishops who will exercise their ministry by delegation respect the theological convictions concerning ordained ministry which formed the basis upon [which] the Letter of Request was issued.”*

83. The Group went on to say in paragraph 60:

*“We record this possible formulation not to commend it but to show our workings in the hope that they will be of assistance for those who will have to wrestle with these issues further in the light of our report. Some of us continue to believe that a formulation of this kind does not go far enough and others remain of the view that the Code should remain silent on this point.”*

84. In relation to the choice of male priests for parishes where a Letter of Request during a Vacancy had been issued, the Group was less equivocal. Paragraph 126 of the illustrative draft Code refers to all those involved in parochial appointments discharging their responsibilities

*“in such a way that the appointment of a male priest as incumbent or priest in charge ... respects the theological convictions concerning ordained ministry which formed the basis upon which the Letter of Request during a Vacancy was issued.”*

85. Unless clause 5(1)(c) is simply deleted from the Measure without replacement the question in relation to the identification both of male bishops and priests will no longer be whether there should be something in the Code but what precisely it should say.

86. Getting the drafting right at this stage is complicated by the fact that the wording of the Code will need to supplement and be consistent with whatever wording has by then been decided on for what would be section 5(1)(c).

87. A formulation along the lines of that offered by the Code of Practice Working Group at paragraph 58 of their report could go with an approach along the lines of that at option three above. It would also be compatible with either version of option four.

88. In the case of option five, an alternative version would be preferable. There would also need to be a revised version of paragraph 97 (which could incorporate some of the elements from paragraph 91 below), with consequential amendments to paragraphs 126 and 127. The text to go in after paragraph 40 might be along the lines of the following:

*“A diocesan scheme should provide that the arrangements for selecting bishops who will exercise their ministry by delegation will enable parishes to receive ministry that is [suitable] [appropriate] to their circumstances given the basis on which the Letter of Request was issued.*

*This does not mean that the arrangements should allow a parish to choose its own bishop or insist that the person selected should be of its own churchmanship. But they should provide for the diocesan bishop, through consultation with the PCC, to seek to establish the nature of the conviction that underlies the Letter of*

*Request, and, in the light of that, to select someone whose ministry can be effective in that context.”*

89. Different words would be needed in relation to options six and seven or if the House decided to retain 5(1)(c) as it is.
90. In relation to options six and seven the text that would go in after paragraph 40 might be along the lines of:

*“A diocesan scheme should provide that the arrangements for selecting bishops who will exercise their ministry by delegation [respect] [take account of] the position, in relation to the celebration of the sacraments and other divine service and the provision of pastoral care, of the parochial church councils who issue Letters of Request.”*

91. Paragraph 97 would then be replaced (and there would be corresponding amendments to paragraphs 126 and 127 in relation to priestly ministry) by the following:

*“Before sending the PCC the written notice setting out the arrangements to give effect to the Letter of Request, the diocesan bishop should inform him - or herself, by consulting the PCC of the parish (either personally or through a representative), of its position in relation to the celebration of the sacraments and other divine service and the provision of pastoral care.*

*The Measure does not allow parishes to ask that their bishop should hold a particular set of beliefs, or subscribe to any statement of faith beyond what all bishops have to affirm when making the Declaration of Assent. Nor does it allow parishes to choose their own bishop or insist that the male bishop selected for them reflects their own churchmanship.*

*In determining what arrangements to set out in the written notice the diocesan bishop should seek to accommodate the parish’s concerns relating to holy orders and the exercise of ordained ministry of women so far as those matters are relevant to the parish’s position in relation to the celebration of the sacraments and other divine service and the provision of pastoral care. But the diocesan should not take into account other, unrelated matters. In practice, the needs of conservative evangelical parishes, and traditional catholic parishes, in this respect are unlikely to be identical.”*

## **Process**

92. This discussion document was commissioned by the House of Bishops Standing Committee at a meeting on 9 July following the Synod debate. The Committee entrusted the work to the episcopal members of the Steering Committee (the Bishops of Manchester and Dover) and of the previous Code of Practice Working Group (the Bishops of Chichester, Coventry and St Edmundsbury and Ipswich), working in consultation with the other members of the Steering Committee.



93. The Standing Committee has subsequently agreed that the document should be issued to all Synod members so that **diocesan bishops can take soundings with them as best they are able over the coming weeks.**
94. The Steering Committee and the three bishops from the Code of Practice Group will be meeting again on the morning of 30 August and would be grateful for **feedback and further suggestions from members of the House of Bishops, in the light of their soundings, by Friday 24 August.**
95. In addition, as the Archbishop of York said from the chair on 9 July, **Synod members are welcome to send any comments or suggestions to me. My e-mail address is “[william.fittall@churchofengland.org](mailto:william.fittall@churchofengland.org)”. Again the deadline is 24 August** (I am away after today until Monday 13 August and shall not be responding to messages until then).
96. Following advice from the meeting on 30 August the Standing Committee of the House will circulate a more focused paper which will be shared with the College of Bishops at its meeting on 10-12 September and will then form the basis for decisions by the House of Bishops on the afternoon of Wednesday 12 September.
97. The paper from the Standing Committee will report on the response to the possible replacements for 5(1)(c) set out in this paper and identify possible ways forward in the light of that response. It will, however, be open to members of the House to move amendments of their own for debate on 12 September – with the terms of the amendment(s) cleared in advance with Standing Counsel.
98. It will also be open to a member of the House to propose that clause 5(1)(c) should be deleted without replacement. Further guidance on timing and process will be given to members of the House at the beginning of September.
99. The House will need to have a discussion of illustrative wording for the Code of Practice on 12 September. But, whereas with the legislation the decision reached by the House that day will be final and will determine what the Synod has to vote on in November, the process in relation to the wording for the Code is much more informal at this stage.
100. It will, therefore, be open to the House on 12 September to have a discussion on the content of the Code and then to agree that further drafting can be done in the light of the discussion before being signed off on behalf of the House by the Archbishops and the Standing Committee.
101. The Standing Committee also agreed that it would be crucial for members of the House of Bishops to arrange to meet their General Synod representatives in the period between 12 September and the November meeting of the Synod in order to explain the decisions reached by the House and help Synod members prepare for the Final Approval debate in November.

## **Conclusion**

102. Members of the Synod are invited to:

- (1) Note the framework within which this final phase of the legislative process has to be approached (paragraphs 1-23);**
- (2) Offer views on the possible options set out above and on any further possibilities which they believe to merit consideration (paragraphs 24-78);**
- (3) Consider possible ways of supplementing the illustrative draft Code (paragraphs 79-91);**
- (4) Let me have comments by 24 August, in time for a meeting of the Steering Committee and the Bishops of Chichester, Coventry and St Edmundsbury and Ipswich on 30 August (paragraph 92-95);**
- (5) Note the process thereafter (paragraphs 96-101).**

**William Fittall**

**Secretary General**

**25 July 2012**

**Extracts from the illustrative draft Code of Practice in GS Misc 1007**

38. The Measure requires that bishops to whom delegation takes place under a diocesan scheme should be (a) a male and (b) a member of the House of Bishops of the diocesan synod of the diocese concerned or some other diocese.<sup>19</sup> The purpose of the latter requirement is to ensure that the bishops acting under a diocesan scheme are not retired: a bishop who is not a diocesan or suffragan bishop can only be a member of the House of Bishops of a diocesan synod if ‘working’ in the diocese.

39. A diocesan scheme must accordingly provide for episcopal ministry to be exercised by a male bishop<sup>20</sup> who is:

- the diocesan bishop of another diocese of the Church of England;
- a suffragan bishop of the diocese;
- a suffragan bishop of another diocese of the Church of England;
- an assistant bishop of the diocese who is a member of the House of Bishops of the diocesan synod of the diocese; or
- an assistant bishop of another diocese of the Church of England who is a member of the House of Bishops of the diocesan synod of that other diocese.

*The choice of bishop to exercise episcopal ministry by delegation*

40. The diocesan scheme should provide either —

- that, unless the diocesan bishop makes alternative provision in a particular case<sup>21</sup>, episcopal ministry exercised by delegation will be exercised by a bishop or bishops identified in the diocesan scheme; or
- that it will be for the diocesan bishop to identify, in the written notice sent to the secretary of the PCC under section 1(8) of the Measure, which particular bishop should exercise episcopal ministry by delegation under the diocesan scheme in relation to any particular parish whose PCC has issued a Letter of Request after taking account of the theological convictions on the grounds of which the Letter of Request was issued.

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126. All such persons should respect the decision of the parish by exercising their respective responsibilities in such a way that the appointment of a male priest as incumbent or priest in charge (as the case may be) respects the theological convictions concerning ordained ministry which formed the basis upon which the Letter of Request during a Vacancy was issued.

127. To that end, a diocesan bishop who receives a Letter of Request during a vacancy should inform him- or herself by consulting the PCC of the parish (either personally or through a representative) of the nature of the theological convictions on the grounds of which the Letter of Request during a Vacancy has been issued.

**GENERAL SYNOD**

**DRAFT BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF WOMEN) MEASURE AND AMENDING CANON NO. 30**

**ARTICLE 7 REFERENCE TO THE HOUSE OF BISHOPS**

**The process**

1. Following completion of the Final Drafting Stage at the February 2012 group of sessions the draft Measure and draft Amending Canon stood referred to the House of Bishops under Article 7 of the Synod's Constitution. The Standing Committee of the House met on 14 March to consider the handling of the business by the House and scheduled the discussion for the whole of the afternoon of Monday 21 May.
2. The Standing Committee decided that members of the House wishing to propose amendments should be invited to discuss them first with the Legal Office so that their proposals could be put into satisfactory legislative form by Standing Counsel to the Synod. The Committee asked for any amendments, to be tabled, in a form agreed with Standing Counsel, by noon on Wednesday 16 May.
3. On Thursday 17 May I sent a paper to the House. It
  - noted the terms of the resolution passed by the Synod in February relating to the exercise by the House of its powers under Article 7,
  - explained the Article 7 reference in context,
  - set out the process that would be followed at the House in the light both of its Standing Orders and of the Standing Committee's decisions, and
  - provided a brief commentary on the six amendments to the draft Measure of which notice had been received. The text of the amendments was circulated at the same time on a notice paper. No notice was received of any amendments to the draft Amending Canon.
4. At its meeting in March the Standing Committee had decided to extend an invitation to the Steering Committee for the draft legislation to be present at the House for the Article 7 reference and to offer comments on any amendments tabled.
5. The text of the amendments and the substance of what I had circulated to the House were, accordingly, sent to the Steering Committee on the same day as the papers went to members of the House.
6. The Steering Committee met on Friday 18 May to consider what advice to offer the House and to agree which of its members should comment on each of the six amendments.
7. The House met on 21 May. All members were present save for the Bishop of Chester (attending the Church of Scotland General Assembly) and the Bishop of St

Edmundsbury and Ipswich (duty bishop in the House of Lords). In addition, the see of Chichester was vacant when the House met.

8. The House resolved to go into a Committee of the whole House, under SO 14 of its Standing Orders, as is its normal custom at the beginning of its meetings. The Bishop of Leicester then took the Chair and those members of the Steering Committee who were able to be present joined the meeting. The Article 7 business was presented under SO 10 by the Bishop of Manchester on the nomination of the Archbishop of Canterbury.
9. After the Bishop of Manchester's introduction and some clarifications from the Legal Adviser in response to questions, the House debated in turn the six amendments, which had been marshalled for debate on an order paper.
10. After each amendment was moved and spoken to by the relevant member of the House, a member of the Steering Committee offered a view from the Committee. There was then a period of debate, at the end of which the Steering Committee withdrew before the matter was put to the vote.
11. Votes were taken by a show of hands. The numbers and names of those voting for and against particular amendments were not therefore recorded.

#### **The six amendments**

12. The first amendment sought to make changes to clauses 2, 3 and 8 and to schedule 2. It involved, among other things, the deletion of '*by way of delegation to a male bishop*' from clause 2 and the insertion of the words '*to a bishop who is a member of a Mission Society*'. One or more **Mission Societies** would be so designated by resolution of the House of Bishops.
13. The amendment sought to place the House under a duty to ensure that there was always at least one designated Mission Society whose episcopal members had declared that, on grounds of theological conviction, they would neither consecrate or participate in the consecration of women as bishops nor ordain or participate in the ordination of women as priests.
14. The amendment also sought to change the position in relation to priestly ministry, by allowing parishes to ask for "*a priest who is a member of a Mission Society*" rather than "*a male priest*".
15. After debate the amendment was lost.
16. The second amendment sought to give effect to the concept of '**co-ordinate jurisdiction**' by making changes to clause 2 and clause 5 in terms identical to those considered and rejected by the Synod, on a division by houses, at the Revision Stage in July 2010. The amendment involved removing the reference to 'delegation' in clause 2 and requiring the Code of Practice to give guidance on how the arrangements for the exercise of co-ordinate jurisdiction would work.
17. After debate the amendment was lost.

18. The third amendment concerned **the selection of male bishops and male priests**. It sought to add to the list of matters set out in clause 5(1) on which the House of Bishops must draw up, and promulgate, guidance in a Code of Practice approved by the General Synod. Clause 5(1) specified four matters in paragraphs (a)-(d) and then in (e) referred to *‘such other matters as the House of Bishops considers appropriate to give effect to this Measure’*.
19. The amendment involved the insertion of an additional paragraph between paragraphs (b) and (c), requiring guidance to be included in the Code as to *‘the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration or ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3.’*
20. The amendment embodied one of the three principles agreed by the House in December and set out in the Archbishops’ foreword to the report from the Code of Practice Working Group (GS Misc 1007). It addressed a question that had been extensively discussed in the report of the Revision Committee (GS 1708-09Y) and in the Code of Practice Group’s report. This was whether the legislation and/or the Code of Practice should acknowledge the fact that for some parishes who issued a Letter of Request the provision of a male bishop (or priest) would be necessary, but not sufficient, to address their theological convictions.
21. After debate the amendment was carried.
22. The fourth amendment sought to add to the list in Clause 5(1) a requirement for guidance to be given on another of the three principles agreed by the House in December and set out in GS MISC 1007. This concerned the **nomination of certain sees in each province**.
23. It involved inserting an additional paragraph in clause 5(1) requiring guidance as to *‘the nomination by the archbishop of each province of one or more suffragan sees in his or her province the holders of which may be selected by diocesan bishops to exercise episcopal ministry in accordance with the arrangements contained in such schemes, and the appointment of bishops to exercise such episcopal ministry.’*
24. After debate the amendment was lost.
25. The fifth amendment sought to add to the list in Clause 5(1) a requirement for guidance to be given on the third the three principles agreed by the House in December and set out in GS MISC 1007. This concerned **non-discrimination in the selection of candidates for ordination** as priests and deacons.
26. It involved inserting an additional paragraph in clause 5(1) requiring guidance as to *‘the selection of candidates for ordination as priests and deacons without discrimination on the grounds of their theological convictions as to the consecration or ordination of women.’*
27. After debate the amendment was lost.



28. The sixth amendment sought to insert an additional subsection into clause 8, which contains provisions relating to the **interpretation** of the draft Measure. Its purpose was to make it clear that the use of the word ‘delegation’ in clause 2 relates to the legal authority under which powers are exercised and is distinct from the authority to exercise the functions of the office of bishop derived from that person’s ordination. It also made clear that delegation under diocesan schemes should not be taken as divesting the diocesan bishop of any of his or her authority or functions.
29. After debate the amendment was carried.
30. After the amendments had all been disposed of, on the motion of the Bishop of Manchester the House passed the two motions required by SO 10 of its Standing Orders relating to the return of this Article 7 business to the Synod for Final Approval. These were:
  - *‘That subject to the requirements of the Standing Orders of the Synod concerning reference of the business to the Convocations and to the House of Laity, the Draft Bishops and Priests (Consecration and Ordination of Women) Measure be returned to the Synod in the form approved by the House for consideration on the Final Approval Stage’; and*
  - *‘That subject to the requirements of the Standing Orders of the Synod concerning reference of the business to the Convocations and to the House of Laity, Draft Amending Canon No 30 be returned to the Synod in the form approved by the House for consideration on the Final Approval Stage.’*
31. The Annex to this report contains an explanatory note, agreed by the Legal Office, on the effect of the two amendments made by the House to the draft Measure.

**William Fittall**

**Secretary General**

10 June 2012

**The effect of the amendments made by the House of Bishops on the Article 7  
reference: an explanatory note**

1. The two amendments made by the House during the Article 7 reference were to clause 5, which contains provisions relating to a Code of Practice, and clause 8, which sets out how various terms within the Measure are to be understood. In order to determine their effect it is necessary to see how they fit into the structure of the rest of the Measure, which was left unchanged by the House of Bishops.

**Main building blocks of the draft Measure**

2. Since the draft Measure emerged from the Revision Committee in 2010 its main building blocks have remained unchanged. They are as follows:
  - Provision is made for women to be consecrated to the office of bishop and, despite the repeal of the Priests (Ordination of Women) Measure 1993, for women to continue to be ordained as priests (**clause 1**).
  - All diocesan bishops are required to make schemes containing arrangements, by way of delegation to a male bishop, for the exercise of certain aspects of episcopal ministry in parishes which have so requested (**clause 2**).
  - The procedure and basis for the making of such parochial requests is prescribed. Letters of Request must be issued on grounds of theological conviction (**clause 3**).
  - Diocesan bishops are required to send a written notice to a parish which has issued a Letter of Request setting out arrangements to give effect to it in accordance with the diocesan scheme, after having taken account of the scheme and any relevant provisions of the Code of Practice under the Measure (**clause 3**).
  - In addition parishes may, during a vacancy in the benefice, issue a Letter of Request during a Vacancy asking that only a male priest should be appointed as incumbent or priest in charge (**clause 3**).
  - Any person exercising functions in relation to the appointment of an incumbent or priest in charge for a benefice must take account of any Letter of Request during a Vacancy and have regard to the Code of Practice (**clause 3**).
  - The House of Bishops is required to issue guidance in a Code of Practice, to be approved by the Synod. Certain matters on which the Code must give guidance are specified. The House may in addition include guidance in the Code on any other matters that it considers appropriate to give effect to the Measure (**clause 5**).
  - Anyone exercising functions, episcopal or otherwise, is required to have regard to the Code of Practice (**clause 6**).
3. This overarching structure attempts to hold in tension two aims that have been articulated on many occasions in the preparation of the draft Measure and throughout its synodical process.

4. For example, at the July 2006 group of sessions the Synod both resolved that opening the episcopate to women was *'consonant with the faith of the Church as the Church of England has received it and a proper development in proclaiming afresh in this generation the grace and truth of Christ'* and also endorsed Resolution III.2 of the Lambeth Conference 1998 *'that those who dissent from, as well as those who assent to the ordination of women to the priesthood and episcopate are both loyal Anglicans.'*
5. The twin aims were set out most recently in the report of the Working Group on an illustrative draft Code of Practice (GS Misc 1007). In the introductory paragraphs of the illustrative draft Code it attempted to summarise the Church of England's approach as follows:
  - All orders of ministry should be open equally to men and women. The Church of England will continue to regard all those whom it has ordained as priests and consecrated as bishops as priests and bishops in the Church of God.
  - Those who dissent from, and those who assent to the ordination of women to the priesthood and episcopate, are both loyal Anglicans. The former should therefore be able to receive pastoral and sacramental care in a way that is consistent with that conviction.
6. The two amendments made by the House have not altered the overarching structure of the draft Measure or sought to change those two underlying aims. The amendment to clause 5 has added a further matter to the list of matters on which guidance must be included in the Code. The amendment to clause 8 has clarified, for the avoidance of doubt, what 'delegation' means in connection with arrangements made under diocesan schemes.

**The new clause 5(1) (c)**

7. The legal effect of the amendment is to add to the list of matters on which the Code of Practice must give guidance *"the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration or ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3.'*
8. That guidance must, therefore, as a minimum, be to the effect that the male bishops and priests should be selected so that the exercise of ministry by those bishops and priests is consistent with the theological convictions as to the consecration or ordination of women on grounds of which the relevant parochial church council issued its Letter of Request. It remains a matter for future decision precisely in what terms the guidance is given and how much detail it attempts to provide.
9. The amendment does not create any new statutory rights, duties or powers beyond requiring the House of Bishops to include in the Code guidance on a matter which they were previously entitled, but not obliged, to address.
10. What it does do is to make explicit acknowledgement in the Measure that the nature of the theological conviction that leaves some unable to receive the episcopal or priestly ministry of women is such that, in some cases at least, the provision of pastoral and sacramental care by any male bishop or priest will not suffice.

11. This reflects a point made by the Archbishop of Canterbury at the Synod in February when he said: “... *the phrase ‘male bishop’ in the draft Measure insufficiently recognises where that particular point comes in the argument people are trying to make. It doesn’t go to the root of it. In other words the theological conviction is not about male bishops as such: it arises from certain other convictions.*” Or, to quote GS Misc 1007 (paragraph 59), “*for some parishes ... the underlying ecclesiological issues [go] beyond those simply of gender.*”
12. The amendment does not introduce the concept of theological conviction into the Measure. It was already present in clause 3 as the necessary ground for the issue of Letters of Request.
13. In addition, the new provision does not refer to any theological conviction. The convictions must be ‘*as to the consecration or ordination of women*’. It was already implicit in clause 3 that, by allowing a parish to ask for a male bishop or priest, a PCC was allowed (and only allowed) to issue a Letter of Request on grounds of theological conviction related to the ordained ministry of women.
14. Since the convictions in question must relate to ‘*the consecration or ordination of women*’, it follows that convictions about other theological matters - such as Biblical interpretation, theories of the Atonement or ethical issues concerning human sexuality - important though they may be for a parish, can neither provide the lawful basis for a Letter of Request nor have any relevance in law to the selection of a bishop or priest for that parish under the Measure.
15. In addition the amendment does not require, or indeed permit, the giving of guidance which would allow parishes to ask for bishops or priests whose theological convictions on the consecration or ordination of women were the same as their own: rather, the guidance must be directed to the end that the exercise of ministry by the bishop or priest, rather than their theological convictions, should be consistent with the theological convictions as to the consecration or ordination of women underlying the Letter of Request.
16. Thus the amendment will not allow parishes to ask that their bishop (or priest) should hold a particular set of beliefs, or subscribe to any statement of faith, beyond what all bishops and priests have to affirm when making the Declaration of Assent.
17. Finally, the amendment provides no basis for the making of guidance which allows parishes to ‘choose their own bishop’. The selection of the bishop who will minister to a parish which issues a Letter of Request remains a matter for the diocesan bishop, taking into account the provisions of the diocesan scheme and the Code of Practice.
18. Does the amendment, nevertheless introduce into the Measure some new recognition of theological convictions that are contrary to those of the Church of England itself, for example in relation to the validity of its orders as affirmed by Canon A 4, the effectiveness of the ministry of word and sacrament of all its ministers (Article XXVI) and the sufficiency of the necessary oaths and declarations for ordained ministry (Article XXXIV)? The answer is ‘no’.

19. The Measure in the form in which it left the Synod following the Revision Stage and was approved by the dioceses on the Article 8 reference already made provision for arrangements for parishes which issued Letters of Request on grounds of theological conviction; and, as noted above, by implication those grounds of theological conviction were, by implication, ones related to the ordained ministry of women.
20. Thus it was already an integral part of the draft legislation that arrangements were to be made for those whose convictions (or at least doubts) about the ordained ministry of women would prevent them from receiving such ministry, without implying that any such convictions or doubts were shared by the Church of England as a whole. The amendment has not altered the position in that respect. What it has done is to make explicit how one particular aspect of those arrangements is to operate.
21. For a similar reason, the amendment cannot be said to have altered the position with regard to the period of time during which there will be need to be particular arrangements for those who, for reasons of theological conviction, do not share the view of the Church of England as a whole in relation to gender and ordained ministry: it was also already the case that the draft legislation placed no limit on how long such arrangements made under the Measure should remain in place.

**The new clause 8(2)**

22. The second amendment adds a new sub clause (2) to clause 8, the interpretation provision in the Measure. It clarifies the meaning and effect of ‘delegation’ under clause 2(1) which provides for the exercise, “*by way of delegation to a male bishop*”, of episcopal ministry under the diocesan scheme.
23. The amendment puts beyond doubt what the Legal Office considered the legal position already to be. The two limbs of the amendment use slightly different language because they make slightly different points.
24. The first limb, paragraph (a), addresses the position from the point of view of the male bishop and, reflects a distinction drawn by the Archbishop of Canterbury in his speech at the February 2012 group of sessions when he said: “*Any ordained person receives — ‘derives’ — the authority for preaching, teaching and ministering the sacraments in general as part of who they are before God by the Church’s act in ordination. Ordained persons also receive in various ways licence to perform those functions in a specific context.*”
25. The provision states that the legal authority which the male bishop has by virtue of delegation does not affect, and is distinct from, the authority to exercise the functions of the office of bishop that is derived from his ordination.
26. That explanation is balanced by the second limb, paragraph (b), which addresses the position from the point of view of the diocesan. Paragraph (b) says that the fact a male bishop is exercising ministry in a diocese by way of delegation is not to be taken as divesting the diocesan bishop of any of his or her authority or functions.
27. The language that paragraph (b) uses reproduces in almost identical terms a provision – first appearing in the Dioceses Measure 1978 and now contained in s.13(15) Dioceses,

Pastoral and Mission Measure 2007 - which describes the effect of instruments made under s.13 delegating episcopal functions to suffragan (including assistant) bishops. The slight difference from that wording, -in that paragraph (b) refers to “*the authority and functions*” of the diocesan, - does not alter the legal position in any material respect.

28. Thus the effect of the amendment is consistent with the usual arrangements in relation to the delegation of episcopal functions and does not represent an arrangement peculiar to this piece of legislation. This is a matter that could be spelled out further, if desired in the Code of Practice.

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## GENERAL SYNOD

### Women in the Episcopate

*(background press Q&As for July Synod 2012)*

#### Q1. What are the possible outcomes at the July Synod?

There are four possibilities.

The first possibility is that the legislation achieves the necessary two-thirds majorities in each House for final approval.

The second possibility is that the legislation is not approved in just one of the four Houses of Convocation. In that case the legislation would not be lost because the Synod could be invited to refer the legislation back for further consideration by the two Convocations alone.

The third possibility is that during the final approval debate the Synod passes an adjournment motion in order to invite the House of Bishops to reconsider the Measure and/or Amending Canon generally or one or both of the two amendments that it made to the Measure in May.

The fourth is that the legislation is rejected. That would happen either because the House of Laity or two or more of the four Houses of Convocation declined to approve it by simple majorities during the Article 7 References on the Friday afternoon or because it failed to achieve a majority of 2/3 of those present and voting in each of the three Houses (Bishops, Clergy and Laity) at the end of the final approval debate.

There is no mechanism for any amendments to be made in July.

#### Q2. What happens after that?

If the legislation is approved the next step is for the draft Measure to go to the Ecclesiastical Committee of Parliament and then for approval in the Commons and Lords before receiving Royal Assent. The statutory Code of Practice would also need to be made and the Amending Canon promulgated before the first women could be appointed as bishops.

Final approval this July would open the way from late 2013 or more likely early 2014 for the first woman to be appointed to a particular see and consecrated to the episcopate.

If the legislation is rejected there will have to be a period of reflection and discussion to determine what new legislative proposals might be brought to the Synod in order to give effect to the manifest wish of the majority of people in the Church of England that women should become bishops.

But it is already 3 ½ years since the present Measure was introduced in February 2009, so, adding in the time for reflection and discussion, the effect of rejection now would in practice be to delay the arrival of women bishops by at least 5 years.



If Synod adjourns the final approval debate to allow further consideration by the House of Bishops the probability is that the House would meet in September and a short, additional meeting of the General Synod be convened in November (contingency dates are always kept for a November Synod meeting).

**Q3. Why has it taken the Church of England so long to deal with all this?**

The Synod's decision in November 1992 to allow women to become priests did not extend to changing the law in relation to the episcopate. Women therefore cannot become bishops until and unless the law is changed.

The General Synod voted in July 2000 to invite the House of Bishops to set the necessary, preliminary theological work in train. The Commission chaired by the then Bishop of Rochester produced its report in November 2004.

It took from then until July 2008 for the General Synod to decide not only that it wanted in principle to change the law but to decide the overall shape of the legislation. It is, of course, important to remember that the General Synod, unlike Parliament, meets on only two occasions (or occasionally three) each year.

The formal legislative process began in February 2009. It then took 18 months for detailed consideration to be given by the full Synod and in a Revision Committee. Because of the nature of the legislation it had to be referred, after that, to all of the dioceses for approval. This took a further 18 months. This is the prescribed process for legislation of this nature. The whole church has to be consulted.

One contributory cause to the length of time taken is that the clear majority in favour of allowing women to become bishops has not been matched by comparable clarity over what provision to make for those who wish to remain part of the Church of England but, as a matter of theological conviction, cannot receive the ministry of female bishops and/or priests. There have been very strongly held and divided views over what that provision should be and how much of it should be reflected in the legislation.

**Q4. If the Church of England can't make up its mind soon could Parliament take the matter out of the Church's hands and take the decision for it?**

If the Measure is approved by the Synod it will have to go to Parliament for approval. But if Synod has not sent it any legislation it would be contrary to a long-standing constitutional convention for Parliament to take the initiative itself and legislate on the internal affairs of the Church of England without its consent.

What is certainly the case is that if the present legislation were to fail there would be disappointment and frustration in Parliament among those who take an interest in Church of England affairs and have until now been expecting women to become bishops soon. Some in Parliament who are already doubtful whether the Church of England should remain established would, therefore, be likely to use the failure of the legislation as a further argument against present arrangements.

**Q5. Why is the Church proposing to allow some continuing element of discrimination against women?**

Twenty years ago the Church of England decided that it was right to open the priesthood to women but that it was wrong to exclude from the Church of England those who were, on theological grounds, unable to endorse this development. Twenty years on the Church of England still wishes to remain a church which is a spiritual home for all Anglicans.

Thus, in July 2006 when the Synod declared that opening the episcopate to women was *'consonant with the faith of the Church as the Church of England has received it and a proper development in proclaiming afresh in this generation the grace and truth of Christ'* it also endorsed resolution III.2 of the Lambeth Conference 1998 *'that those who dissent from, as well as those who assent to, the ordination of women to the priesthood and episcopate are both loyal Anglicans.'*

Giving practical effect to this by allowing parishes, on grounds of theological conviction, to request a male bishop or male priest does, by definition, mean continuing to permit gender discrimination in some circumstances.

**Q6. Will female bishops have exactly the same authority as male bishops?**

Yes. If the legislation becomes law, a female diocesan bishop will have exactly the same authority and range of functions as a male diocesan bishop. In addition the requirement imposed on diocesan bishops by Clause 2 of the Measure to draw up diocesan schemes applies equally to all bishops irrespective of their gender or their practice in relation to ordaining women.

Although parishes have the right to issue Letters of Request in order to receive ministry from a male bishop they remain part of the diocese and subject to the jurisdiction of the diocesan bishop, whether male or female. Even if the diocesan bishop is male he will be obliged to appoint another male bishop to minister to the parish in response to the Letter of Request. The position of female and male diocesan bishops will thus be precisely the same.

**Q7. Can a woman become Archbishop?**

If the legislation is approved, on its coming into force all episcopal offices, including those of Archbishop, will immediately be open equally to men and women. But on any basis the change in the law will not have been made in time to affect the outcome of the process currently being conducted by the Crown Nominations Commission which is seeking to identify a successor to the Archbishop of Canterbury when he steps down at the end of the year.

**Q8. Is the Church legislating to create a 'Church within a Church'?**

No. The legislation creates no new structures and makes no changes to the present pattern of dioceses.

It is, of course, the case that ever since the first women were ordained as priests in 1994 there have been some people within the Church of England who have been unable on grounds of theological conviction to receive the ministry of those of its bishops who have ordained women. That is, however, an inevitable consequence of seeking to preserve the Church of England as a church for all loyal Anglicans which, even on a major issue such as this, is willing to accommodate some diversity of conviction.

**Q9. How can you have a Church where bishops are not all in full communion with each other?**

There have been conflicts and impairments of relationship within the Christian church since New Testament times. It is undoubtedly an unusual situation in Christian history for an episcopal church in the historic succession to countenance a situation in which its bishops are not in full communion with each other. But there has been a degree of impairment of communion within the Church of England since 1994.

The legislation proceeds on the understanding that, though an anomaly, this is a bearable anomaly and that seeking to maintain the highest possible degree of communion within the Church of England is preferable to schism.

**Q10. Isn't it a dangerous precedent to allow parishes to choose their own bishop on theological grounds?**

The legislation does not allow parishes to 'choose their own bishop'. The selection of the bishop who will minister to a parish which issues a Letter of Request will remain a matter for the diocesan bishop, taking into account the provisions of the diocesan scheme and the Code of Practice.

Moreover, the theological convictions that form the basis of a parish's request for a male bishop must be related to the ordained ministry of women. Convictions about other theological matters – biblical interpretation, theories of the atonement, ethical issues concerning human sexuality etc. – can neither provide the lawful basis for a Letter of Request nor have any relevance in law to the selection of a bishop or priest for a parish under the Measure.

There is also nothing in the legislation that gives parishes any right to ask that their bishop (or priest) should hold a particular set of beliefs, or subscribe to any statement of faith, beyond what all bishops and priests have to affirm when making the Declaration of Assent.

**Q11. Has the bishops' amendment introduced 'taint'/'pedigree' on to the face of the legislation for the first time?**

No (and it should be noted that those who are unable, for theological reasons, to receive the ministry of women bishops reject these terms as not being an accurate or fair summary of their theological convictions).

It was already an integral part of the draft legislation, before the bishops made their amendment, that arrangements had to be made for those whose convictions (or at least

doubts) about the ordained ministry of women would prevent them from receiving such ministry.

The amendment does not specify anything on the face of the Measure about the nature of those convictions save that they must be about the consecration or ordination of women. The making of this provision in the legislation does not imply that any such convictions (or doubts) are shared by the Church of England as a whole.

**Q12. What right do the bishops have to change legislation already agreed by 42 of the 44 dioceses?**

Bishops have the lead role in the Church of England in relation to doctrine and liturgy. The Constitution of the General Synod expressly confers on the House of Bishops the right to make such amendments as it sees fit to any legislation touching on these matters before it is presented for final approval by the General Synod.

It should be borne in mind that during the reference to the dioceses the votes of the bishops do not count – precisely because of the House of Bishops’ role at later stages in the process.

The safeguard for the dioceses is that legislation such as the Women Bishops Measure can only be presented to the Synod for final approval if the substance of the proposals embodied therein has already been approved by the dioceses. The 6 officers of the General Synod determined, by a majority, that the two amendments made by the House of Bishops had not changed the substance of the proposals.

If the General Synod itself is not happy with the amendments the House of Bishops has made it has the power to adjourn the final approval debate and invite the bishops to reconsider.

**Q13. When will the Code of Practice be available? How can the Synod/Parliament agree the legislation before seeing it?**

An illustrative draft Code of Practice was presented to the Synod by the House of Bishops in February. But the Code cannot be finalised until the Measure has received final approval, given that the power to make the Code is derived from the Measure and that its terms must be consistent with the Measure.

It is entirely usual for regulations or Codes of Practice to be produced after the necessary enabling legislation has been enacted. There is the added safeguard in this case that the Code of Practice, though made by the House of Bishops, has to be approved by the General Synod, which has the power to propose amendments.

**Q14 If the legislation is passed will the Church of England still be in a period of ‘reception’ or will it have taken an irrevocable decision on women’s ordination?**

The decision by the Church of England to open all orders of ministry to men and women equally would be unequivocal. The Church of England continues to regard all those whom it has ordained as priests and consecrated as bishops as priests and bishops in the Church of God.

The provision made for those who as a matter of theological conviction could not receive the ordained ministry of women as bishops and priests would reflect: (a) the acknowledgement that that conviction remains within the spectrum of Anglican teaching and tradition and (b) that the broader process of discernment within the universal Church concerning the admission of women to all orders of ministry continues.

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# Draft Bishops and Priests (Consecration and Ordination of Women) Measure

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## A DRAFT OF A MEASURE

To make provision for the consecration of women as bishops and for the continuation of provision for the ordination of women as priests; to repeal the Priests (Ordination of Women) Measure 1993; and for connected purposes.

### **1 Provision for consecration of women as bishops and ordination of women as priests**

- (1) It shall continue to be lawful for the General Synod to make provision by Canon for enabling a woman to be ordained to the office of priest if she otherwise satisfies the requirements of Canon Law as to the persons who may be ordained as priests.
- (2) It shall be lawful for the General Synod to make provision by Canon for enabling a woman to be consecrated to the office of bishop if she otherwise satisfies the requirements of Canon Law as to the persons who may be consecrated as bishops.
- (3) The Priests (Ordination of Women) Measure 1993 (No. 2) is repealed.
- (4) The transitional provisions set out in Schedule 1 shall have effect.

### **2 Duty of diocesan bishop to make arrangements**

- (1) The bishop of each diocese shall be under a duty to make and publish a scheme containing arrangements in his or her diocese for the exercise, by way of delegation to a male bishop who is a member of the House of Bishops of the diocesan synod of that or another diocese, of episcopal ministry which appears to the bishop of the diocese to relate to—
  - (a) the celebration of the sacraments and other divine service in parishes which request such arrangements in accordance with section 3, or
  - (b) the provision of pastoral care to the clergy and parishioners in those parishes.
- (2) Within the period of 12 months from the commencement date the bishop of the diocese shall make the scheme under subsection (1), except that, if there is a vacancy in the see, the bishop appointed to fill the vacancy shall make the scheme as soon as practicable and, in any event, within 12 months from the date on which his or her election to that see is confirmed.
- (3) A scheme made under this section may include such additional arrangements for the exercise of episcopal ministry as the bishop thinks fit.
- (4) If the scheme made under this section does not include a statement by the bishop (if a man) that he will not, on grounds of theological conviction (whether of himself or of other persons in his diocese), ordain women to the office of priest, it shall be presumed, for the purposes of this Measure, that he will ordain women to the office of priest.



- (5) Where a scheme made under this section includes a statement by the bishop that he will not ordain women to the office of priest, the scheme shall make provision—
  - (a) for the ordination of female candidates for the office of priest, and
  - (b) for the support of the ministry of clergy who are women and their pastoral care.
- (6) The bishop shall review a scheme made under this section every 5 years and may, at any time, amend it or revoke it and make a further scheme.
- (7) A scheme in force under this section shall continue in force after another person becomes the bishop of the diocese but that bishop shall review the scheme as soon as practicable and, in any event, within the period of 12 months from the date on which his or her election to the see is confirmed.
- (8) Where the bishop reviews the scheme under subsection (7), the period of 5 years referred to in subsection (6) shall begin with the date of the review of the scheme under subsection (7).
- (9) When making, amending or reviewing a scheme made under this section the bishop shall, without prejudice to section 6, take account of the Code of Practice issued under section 5 and consult the diocesan synod of the diocese.
- (10) Any arrangements contained in a scheme made under this section shall have effect notwithstanding any instrument made or having effect as if made under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007 (No. 1) or any scheme which continues in force by virtue of paragraph 5 of Schedule 6 to that Measure.
- (11) Where any function exercised in pursuance of arrangements contained in a scheme made under this section requires the application of the bishop's seal to a document, the document shall be issued as though it were a deed and be executed by the person authorised by the arrangements to discharge that function.

### **3 Parish requests**

- (1) A parochial church council of a parish may pass a resolution in the form of a Letter of Request stating that, on grounds of theological conviction (whether of members of the council or of other persons), the council requests that episcopal ministry and pastoral care should be provided by a male bishop to the clergy and parishioners in the parish in accordance with the scheme under section 2.
- (2) A Letter of Request under subsection (1) shall be in the terms set out in Part I of Schedule 2.
- (3) Where—
  - (a) a notice of a vacancy in a benefice has been sent to the secretary of the parochial church council of a parish belonging to the benefice under section 7(4) of the Patronage (Benefices) Measure 1986 (No. 3) “(the 1986 Measure)”, or
  - (b) any of the circumstances specified in subsection (4) exist,
 the parochial church council of a parish belonging to the benefice may pass a resolution stating that, on grounds of theological conviction (whether of members of the council or of other persons), the council requests that only a male priest shall be appointed as the incumbent of or priest in charge for the benefice.

- (4) The circumstances referred to in subsection (3)(b) are that a suspension period is in force under section 85 of the Mission and Pastoral Measure 2011 (No. 3) or a restriction is in force under section 38 or 87 of that Measure and, in either case, no priest in charge of the benefice has been appointed or the priest in charge has left office, whether by reason of death or some other cause, or the bishop of the diocese becomes aware that the priest in charge will shortly leave his or her office.
- (5) Where the priest in charge has died or otherwise left office or the bishop of the diocese becomes aware that the priest in charge will shortly leave office, the bishop shall give notice of that fact or, in the case of circumstances other than death, such notice as he or she considers reasonable in all the circumstances, to the parochial church council of every parish belonging to the benefice.
- (6) A resolution passed under subsection (3) shall be in the form of a Letter of Request during a Vacancy in the terms set out in Part II of Schedule 2.
- (7) Where there is a priest in charge of the benefice neither he or she nor his or her spouse or civil partner (if a member of the parochial church council) shall attend a meeting at which a motion to pass a resolution under subsection (3) is to be considered.
- (8) The bishop of the diocese, having considered a Letter of Request under subsection (1), shall, if he or she is satisfied that the requirements of this section with respect to the issue of a Letter of Request have been complied with and after taking into account the provisions of the scheme made for the diocese under section 2(1) and any relevant provisions of the Code of Practice issued under section 5, send a written notice to the secretary of the parochial church council setting out arrangements to give effect to the Letter of Request which he or she considers are in accordance with the scheme.
- (9) Any person exercising functions in relation to the appointment of an incumbent of or priest in charge for a benefice shall take account of any Letter of Request during a Vacancy under subsection (3).
- (10) The parochial church council shall not issue a Letter of Request under subsection (1) or (3)(b) unless—
  - (a) the secretary of the council has given to the members of the council at least 4 weeks notice of the time and place of the meeting at which the motion proposing the resolution is to be considered;
  - (b) at least one of the conditions in subsection (12) is fulfilled; and
  - (c) in the case of a Letter of Request under subsection (1), the incumbent or priest in charge votes in favour of the motion.
- (11) Subject to subsection (13), the parochial church council shall not issue a Letter of Request during a Vacancy under subsection (3)(a) unless—
  - (a) the motion proposing the resolution has been considered at a meeting of the council held under section 11(1) of the 1986 Measure, and
  - (b) at least one of the conditions in subsection (12) is fulfilled.
- (12) The conditions referred to in subsections (10)(b) and (11)(b) are—
  - (a) that at least two-thirds of the members of the council who are entitled to attend are present when the motion is considered; and
  - (b) that a majority of the members of the council who are entitled to attend vote in favour of the motion.

- (13) Where the parish belongs to a benefice to which section 23(a) or (c) of the 1986 Measure applies, subsection (11)(a) shall not apply, but the parochial church council shall not issue a Letter of Request under subsection (3)(a) unless the motion proposing the resolution has been considered at a meeting of the council held within the period referred to in section 11(1) of that Measure and subsection (7) shall apply in relation to such a meeting as it applies in the circumstances mentioned in that subsection.
- (14) A resolution under subsection (1) shall remain in force for a period of 5 years unless withdrawn before the expiry of that period under subsection (15), without prejudice to the passing of a further resolution.
- (15) A resolution under subsection (1) may be withdrawn before it expires by a resolution of the parochial church council which passed it and subsection (10) shall apply in relation to the passing of such a resolution as it applies in relation to the passing of a resolution under subsection (1).
- (16) The number of members entitled to attend and attending the meeting and voting in favour of and against a resolution passed under this section shall be recorded in the Letter of Request.
- (17) On the receipt of a notice of a resolution passed under subsection (15) relating to a Letter of Request under subsection (1) or following the expiry of the resolution under subsection (1), the bishop of the diocese shall revoke the notice given under subsection (8) by a further notice sent to the parochial church council.
- (18) Where, after a notice has been given by the bishop under subsection (8), a further scheme has been made for the diocese under section 2(1) or the scheme has been amended and the bishop considers that the further or amended scheme materially affects the arrangements set out in the notice, he or she shall, in a further notice, make such amendments to the arrangements as he or she considers are in accordance with the scheme and the notice given under subsection (8) shall have effect accordingly.
- (19) A copy of any resolution passed under this section or of any notice given under subsection (8), (17) or (18) shall be sent to the following—
  - (a) (except in the case of a notice under subsection (8), (17) or (18)) the bishop of the diocese;
  - (b) the archdeacon of the archdeaconry in which the parish is situated;
  - (c) the rural dean of the deanery concerned;
  - (d) the lay chairman of the deanery synod;
  - (e) the registrar of the diocese;
  - (f) the designated officer for the diocese, within the meaning of section 7(5) of the 1986 Measure;
  - (g) the registered patron of the benefice, within the meaning of section 39(1) of the 1986 Measure; and
  - (h) the Chapter of the cathedral church of the diocese.
- (20) Where a notice given by the bishop of the diocese under subsection (8) is in force, a person discharging any function in relation to the parish or benefice concerned shall not act in contravention of the notice.

#### **4 Benefices in the patronage of the Crown etc.**

- (1) This Measure shall apply in relation to a Crown benefice and to a benefice the patronage or a share of the patronage of which is vested in the Lord Chancellor as it applies in relation to any other benefice.
- (2) In this section “Crown benefice” has the same meaning as in the 1986 Measure.

#### **5 Code of Practice**

- (1) The House of Bishops shall draw up, and promulgate, guidance in a Code of Practice as to—
  - (a) the making of schemes under section 2,
  - (b) the exercise of episcopal ministry in accordance with the arrangements contained in such schemes,
  - (c) the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration and ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3,
  - (d) the exercise, by those involved in the making of an appointment of an incumbent of and a priest in charge for a benefice, of their functions in that regard where a Letter of Request is issued under section 3(3),
  - (e) the matters referred to in section 2(5), and
  - (f) such other matters as the House of Bishops considers appropriate to give effect to this Measure.
- (2) A Code of Practice may make different provision for different circumstances, including different provision for different persons or groups of persons and for different parishes.
- (3) The House of Bishops may amend or replace any Code issued under subsection (1) by a further Code of Practice issued in accordance with this section.
- (4) A Code of Practice which contains provisions falling within Article 7 of the Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969 (No. 2) shall be laid in draft before the General Synod and, after it has been considered by the General Synod, it shall be referred, with any amendment, to the House of Bishops to be dealt with in accordance with the provisions of Article 7 and the Standing Orders of the Synod relating thereto and subsections (5) to (8) shall not apply.
- (5) A Code of Practice which does not contain provisions falling within Article 7 of the Constitution of the General Synod shall be laid in draft before the General Synod and, if it is approved by the General Synod without amendment, the Code shall be issued by the House of Bishops.
- (6) If the Code has been approved by the General Synod with amendment, it shall be referred to the House of Bishops.
- (7) Where a draft Code of Practice is referred to the House of Bishops under subsection (6) then the House of Bishops may either—
  - (a) make the Code as so amended, or
  - (b) withdraw the Code for further consideration in view of any amendment by the General Synod,

and the Code shall not come into force until it has been approved by the General Synod and issued by the House of Bishops.

- (8) Where the Business Committee of the General Synod determines that a Code of Practice which does not contain provisions falling within Article 7 of the Constitution of the General Synod does not need to be debated by the General Synod then, unless –

- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the Code to be debated, or
- (b) notice is given by any such member that he or she wishes to move an amendment to the Code,

the Code shall, for the purposes of subsection (5), be deemed to have been approved by the General Synod without amendment.

## 6 Duty to have regard to Code of Practice

Any person who exercises any functions, whether episcopal or other functions, shall be under a duty to have regard to any Code of Practice issued under this Measure.

## 7 Equality Act exceptions

- (1) Section 50(3) and (6) of the Equality Act 2010 (c. 15) (“the Equality Act”) do not apply so far as they relate to sex or religion or belief, in relation to –
- (a) any arrangements contained in a scheme made by the bishop of a diocese under section 2,
  - (b) any Letter of Request issued by a parochial church council under section 3(1) or (3),
  - (c) any arrangements set out in a notice sent to the secretary of a parochial church council by the bishop of a diocese under section 3(8) or (18),
  - (d) any action taken in exercising functions relating to the appointment of a priest in order to take account of a Letter of Request issued by a parochial church council under section 3(3),
  - (e) any provision in a Code of Practice made under section 5, and
  - (f) the exercise of any function under section 6.
- (2) Subsection (1) is without prejudice to Schedule 9 to the Equality Act.

## 8 Interpretation

- (1) In this Measure –
- “bishop” includes “archbishop”;
  - “the commencement date” means the day appointed, under section 12(2), for the coming into force of section 1;
  - “episcopal ministry” includes the ministry of a bishop when performing a ministry which is also a ministry of a priest;
  - “functions” means any functions exercisable under any Measure or other enactment or any Canon or other instrument or otherwise and includes powers and duties;
  - “parish” means –
    - (a) an ecclesiastical parish, and
    - (b) a district which is constituted a conventional district for the cure of souls,

but does not include a parish of which a cathedral is the parish church;  
“parishioner” includes any person whose name is entered on the church electoral roll of the parish.

- (2) Where a male bishop exercises episcopal ministry in a diocese by way of delegation in accordance with arrangements contained in a scheme made under section 2—
  - (a) the legal authority which he has by virtue of such delegation does not affect, and is distinct from, the authority to exercise the functions of the office of bishop which that bishop has by virtue of his holy orders; and
  - (b) any such delegation shall not be taken as divesting the bishop of the diocese of any of his or her authority or functions.
- (3) Subject to subsections (4) and (5), this Measure shall apply in relation to a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 (15 & 16 Geo. 6 & 1 Eliz. 2 c.xxxviii) (“the 1952 Act”) as it applies to a parish, but as if—
  - (a) the references to the parochial church council of the parish and the church electoral roll of the parish were references, respectively, to the guild church council and the church electoral roll of the guild church,
  - (b) the references to a benefice and the incumbent or priest in charge were references, respectively, to the guild church and the vicar of the guild church,
  - (c) “parishioner” meant any person whose name was entered on the church electoral roll of the guild church, and
  - (d) any reference to the registered patron of a benefice were a reference to the patron of the guild church.
- (4) Section 3 shall apply in relation to a guild church as if—
  - (a) the reference in subsection (3)(a) to a notice of a vacancy in a benefice under section 7(4) of the 1986 Measure were a reference to a notification by the bishop of a vacancy or impending vacancy under section 9(1) of the 1952 Act,
  - (b) subsections (3)(b) and (4) were omitted,
  - (c) subsection (11)(a) were omitted and subsection (12) referred to attendance at any meeting of the guild church council held to consider a motion proposing a resolution to issue a Letter of Request under subsection (3), and
  - (d) subsection (19)(f) were omitted.
- (5) Section 4 shall apply in relation to a guild church as if the references in subsection (1) to benefices were references to a guild church of which the patron is Her Majesty or the Lord Chancellor and as if subsection (2) were omitted.

## 9 Consequential amendments

The enactments mentioned in Schedule 3 shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Measure.

**10 Repeals**

The enactments mentioned in Schedule 4 are repealed to the extent specified in the second column of the Schedule.

**11 Amendment etc of Measure or Canon**

A motion for the final approval of a Measure or Canon of the Church of England which amends or repeals any provision of this Measure or of any Canon promulgated under section 1 shall not be deemed to be carried unless it receives the assent of a majority in each House of the General Synod of not less than two-thirds of those present and voting.

**12 Citation, commencement and extent**

- (1) This Measure may be cited as the Bishops and Priests (Consecration and Ordination of Women) Measure 20...
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint and different days may be appointed for different provisions.
- (3) Subject to the following provisions of this section this Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man.
- (4) This Measure may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.
- (5) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.

## SCHEDULES

### SCHEDULE 1

Section 1(4)

#### TRANSITIONAL PROVISIONS

- 1 Subject to paragraphs 2 and 3, any resolution passed under section 3(1) of the Priests (Ordination of Women) Measure 1993 (“the 1993 Measure”) and in force immediately before the commencement date shall, unless rescinded, continue in force for the period of 3 years commencing with that date and the provisions of Part II of that Measure, so far as they relate to resolutions under section 3(1), including the power to rescind a resolution under section 3(2), shall continue to apply to any such resolution.
- 2 Where a resolution in force under section 3(1) of the 1993 Measure relates to a benefice which comprises more than one parish, the parochial church council of any parish comprised in that benefice, other than the council which passed the resolution, may, before the expiry of the period of 3 years mentioned in paragraph 1, pass a resolution stating that it wishes the resolution to cease to have effect and where it does so, the resolution shall cease to have effect forthwith.
- 3 Where a resolution in the form set out as Resolution B in Schedule 1 to the 1993 Measure continues in force under paragraph 1 it shall, if it has not been rescinded or if it has not ceased to have effect under paragraph 2, cease to have effect upon the occurrence of any of the events mentioned in section 3(3)(a), (4) or (5) of this Measure.
- 4 No provision of Schedule 3 or 4 shall have effect in relation to a parish so long as a resolution continues in force under paragraph 1 in respect of that parish.

### SCHEDULE 2

Section 3

#### LETTER OF REQUEST

##### Part I

##### Letter of Request (Section 3(1) and (2))

- 1 Dear Bishop

Letter of Request made under section 3(1) and (2) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...



We write to inform you that at a duly convened meeting of the parochial church council of the parish of ..... held on.... a resolution was passed requesting that, on grounds of theological conviction, episcopal ministry and pastoral care should be provided by a male bishop to the clergy and parishioners in accordance with arrangements contained in the scheme made for the diocese under section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 200...

.... members were entitled to attend and the meeting was attended by ..... members and ..... members voted in favour of the motion ..... members voted against the motion.

The incumbent/priest-in-charge voted in favour of the motion.

Signed  
Incumbent/Priest-in-charge

Signed  
Secretary of the Parochial Church Council

## Part II

Letter of Request During a Vacancy (section 3(3), (4) and (6))

Dear Bishop/Registered Patron

Letter of Request made under section 3(3), (4) and (6) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

[We are in receipt of the recently issued Notice from the designated officer/bishop.]

We write to inform you that at a duly convened meeting of the parochial church council of the parish of ..... held on ..... a resolution was passed requesting that, on grounds of theological conviction, only a male priest shall be appointed as the next incumbent or priest in charge in accordance with the Code of Practice issued under section 5 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...

.... members were entitled to attend and the meeting was attended by ..... members and ..... members voted in favour of the motion, ..... members voted against the motion .....

Signed  
Secretary of the Parochial Church Council

SCHEDULE 3

Section 9

CONSEQUENTIAL AMENDMENTS

Synodical Government Measure 1969

- 1 In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (No.2) –
  - (a) in rule 18(3)(iv) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted “Bishops and Priests (Consecration and Ordination of Women) Measure 20...”;
  - (b) in rule 19 –
    - (i) in paragraph (1)(c) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 20...; and
    - (ii) in paragraph (2) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 20...”;
  - (c) in rule 20 –
    - (i) in paragraph (1)(c) for the words “Priests (Ordination of Women) Measure 1993 there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
    - (ii) in paragraph (2) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
  - (d) in rule 21 –
    - (i) in paragraph (1)(c) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
    - (ii) in paragraph (3) for the words “Priests (Ordination of Women) Measure 1993” there shall be substituted the words “Bishops and Priests (Consecration and Ordination of Women) Measure 20...”.

Patronage (Benefices) Measure 1986

- 2 In the Patronage (Benefices) Measure 1986 (No. 3) –
  - (a) in section 11(1)(f), for the words “section 3(1) or (2) of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 3(3) of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
  - (b) in section 35(7)(a), for the words “section 3(1) of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 3(3) of the Bishops and Priests (Consecration and Ordination of Women) Measure 200....”.

Dioceses, Pastoral and Mission Measure 2007

- 3 In the Dioceses, Pastoral and Mission Measure 2007 (No.1) –

- (a) in section 13(1), for the words “section 2 of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20...”; and
- (b) in section 14(1), for the words “section 2 of the Priests (Ordination of Women) Measure 1993” there shall be substituted the words “section 2 of the Bishops and Priests (Consecration and Ordination of Women) Measure 20....”.

## SCHEDULE 4

Section 10

## REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
1986 No. 3, The Patronage (Benefices) Measure 1986	In section 13(5), the Proviso.
2007 No. 1, The Dioceses, Pastoral and Mission Measure 2007	In section 17, in subsection (8), the words following the word “Dover”.
2011 No. 3, The Mission and Pastoral Measure 2011	In section 34(7), the Proviso. In section 35(1), the Proviso. In section 80, subsection (15).

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## The WATCH position on the House of Bishops' amendments to the draft legislation on female bishops:

### A Statement of our Concerns



The National WATCH committee has now had the opportunity to consult with members and many others and to consider the amendments made by the House of Bishops in the light of that consultation.

We fully understand that the intention of the House of Bishops was only to make changes to the Measure that would mean that it would command a wider degree of support and welcome. However, it is clear to us that their decisions have had the opposite effect, and that the Measure is at present much less welcome to many who had previously supported it.

We also recognise that there were some concerns about whether the unamended Measure would have gained sufficient majorities in General Synod at Final Approval. However, despite their intentions, **the bishops have made changes that seem to have undone the mandate from the dioceses and undermined confidence in the Measure.** The House of Bishops has unwittingly destabilised the process and made the eventual outcome very uncertain indeed.

**Our consultation suggests that if the amendment to clause 5 is not withdrawn, the amended measure is in very serious danger of being voted down by those who support women bishops.**

### The consistent and clearly articulated position of WATCH

WATCH's support for the unamended Measure was **an enormous compromise** from our preferred way forward: the simplest possible legislation in a Single Clause Measure.

We had concerns about whether the unamended Measure was too much of a compromise; in particular, the possibility that the broad scope for writing Letters of Request on the grounds of the unspecified theological conviction of the PCC 'or others' might be used to perpetuate the discrimination many women currently suffer in the Church. Our decision to support the unamended Measure rested on the key fact that the diocesan bishop's authority to delegate remained intact and **the various provisions of the Code of Practice were open to review over time.**

Since making the decision to support the unamended Measure we have consistently said that this was **the furthest we could go in supporting provision for those opposed.**

For the avoidance of doubt **we wrote to every member of the House of Bishops** in advance of their meeting in May urging them not to amend and cautioning them that amended draft legislation, with even more provision for those opposed, would be voted down by women clergy and others in July. WATCH is making this letter available publically to show the clarity of our communication at this point (see pages 9 & 10).

**We also contributed to consultations** on these draft amendments together with other key women's groupings. Those consulted gave clear and cogent reasons why these amendments would be unwelcome and were unanimous in their view that they would not command our support.

Despite our very best efforts to communicate our concerns, the House of Bishops did not choose to listen to the voice of women and men who support the ordained ministry of women and made amendments that **move the balance of the legislative package towards those opposed.**

## The Amendments

The text of the amendments can be found on page 8.

### Clause 8

This seems to be a helpful clarification to many. If the bishops had simply introduced this amendment then the Measure might still be on track for Final Approval in July.

### Clause 5

Our consultations amongst those supportive of the ordained ministry of women showed that **the vast majority did not consider this to be a welcome amendment.**

## Our Concerns about Clause 5(1)c

### ➤ General

1. The draft legislation that was considered in the dioceses was the product of six years of consultation including more than a year of detailed drafting by a committee representing all views within the Church. For the first time ever, the House of Bishops has intervened, after the end of the final drafting stage, and amended draft legislation at a point in the process where it cannot be further amended by General Synod before the final vote. By so doing, the House of Bishops has created the perception that it is *imposing* its will on the Church.
2. As a consequence, the amended Measure is not what General Synod or 42/44 Diocesan Synods voted for. Although the majority decision of the Group of Six was that these amendments did not alter the substance of the Measure, WATCH believes that the amendment to Clause 5 will make a significant difference to the way the legislation works. We believe that General Synod should have the opportunity to vote on the legislation that was approved by the dioceses.
3. The House of Bishops, a group of men meeting in private, has intervened at the last possible stage in the legislative process to qualify the authority of women as bishops when this was strongly opposed by women themselves. The perception given is that the only logical reason for amending Clause 5 in this way is that the House of Bishops does not trust female bishops (or male bishops in favour of the ordination of women) to treat parishes fairly and sensitively.
4. The Bishops are regarded as 'Father in God' by clergy women (and men) in their dioceses. This partisan intervention seems to signal that bishops are prepared to sacrifice the well-being of the women in their pastoral care in order to appease other voices in the family. The House of Bishops has caused enormous hurt and offence by its action and bishops may find they face a consequent loss of trust in their authority.
5. The House of Bishops is supposed to guard the doctrines of the Church but has provided legislation that seeks to recognise in law a range of varied doctrinal positions over the ordination of women that are mutually exclusive in their conclusions about the status of women's ordained ministry.

Either the Church ordains women, or it does not (and General Synod decided back in 1975 that there *are no fundamental objections to the ordination of women*). The bishops have always been able to deal pastorally with major disagreements between people, but the amended draft Measure appears to enshrine in law a contradiction in the official theological position of the Church as a whole.

The House of Bishops is supposed to guard the unity of the Church but this amendment will serve to cement division. This will be bad for women and bad for the Church: as our Gospel tells us 'a house divided against itself cannot stand'.

6. The amendment brings into law a completely new idea that it is what a male bishop or priest does (the “exercise of ministry”) which will determine whether he is acceptable to a parish. The formularies of the Church of England state firmly that ministry is derived from ordination. Once ordained, a minister’s orders ought not to be doubted (Canon A4). And the efficacy of the ministry of word and sacrament does not depend on a minister’s other actions or the quality of their character (Article 26).

General Synod requested legislation (ie a Measure) consistent with Canon A4, recognising that generous pastoral provision could still be made in a Code of Practice. Attempts to change the Canon were defeated. *It is difficult to see how the amendment could be interpreted in a manner consistent with Canon A4 and Article 26, which are basic formularies of the Church.* This is quite apart from the fact that the practice of ministry can change over time, and the Code will now need to deal with a situation in which a bishop or priest changes his (sic) practice.

➤ **The detailed implications of Clause 5(1)(c)**

1. Making ‘theological convictions’ a defining factor in a diocesan bishop’s decision puts a Trojan Horse’ into the Measure. Even the most objectionable or obscure views about women can usually find a theological rationale. It will mean that a) the Church will, potentially, need to find bishops to minister to a huge variety of different theological convictions, b) those ‘theological convictions’ will have to be respected in law, however outrageous they may be.

2. This amendment is very subtle in both wording and positioning. It says more by implication than actuality: it says that guidance will be in the Code of Practice but not what that guidance might be.

For example, the guidance could be ‘Selection of a male bishop or priest is entirely at the discretion of the diocesan bishop’ (as the draft Code currently implies). But this amendment all-but precludes this: it creates the expectation in law that the guidance will require a diocesan bishop to select a bishop whose ministry is exercised in a way that is in accordance with the theological convictions of a parish.

Indeed, the Press Release on the amendments states that ‘*That guidance [ie the Code of Practice] will be directed at ensuring that the exercise of ministry by those bishops and priests will be consistent with the theological convictions as to the consecration or ordination of women which prompted the issuing of the Letter of Request.*’

This interpretation has also been assumed by Forward in Faith: ‘*The first amendment secures the provision of bishops for traditional catholics and conservative evangelicals who are not simply male, but who share the theological convictions of those to whom they will minister*’ (our emphasis) - Statement by Forward in Faith England, 23/05/2012

3. It changes the exercise of pastoral care by the diocesan bishop into the exercise of a legal duty: the opportunity (and pastoral expectation) for the diocesan bishop to offer an appropriate bishop to a parish becomes a requirement that s/he does so.

In allowing our relationships to be governed by the exercise of law rather than grace, this amendment is profoundly un-theological and cuts directly across our proclamation of the Gospel. There is a vast difference for anyone exercising authority between doing it of their own free will - with grace, generosity, listening, cooperation, and acceptance of each party as human beings - and doing it because the law says so - which can be faceless, imply the imposition of the powerful on the powerless, and involve less commitment from both sides.

## ➤ **Maleness: taint and headship**

Section 5(1)c is designed to reflect the fact that maleness is a necessary but not sufficient criterion for a 'requesting' parish seeking a male priest or bishop – not any male will do as a priest or bishop for these parishes.

We have always known that this was the case, and bishops (male or female) would have been required under any Code of Practice, and assumed as a matter of pastoral trust, to take this into account without it being enshrined in statute. But having the expectation spelled out in s 5(1)c *legitimizes the theological convictions* that are the basis for the Letter of Request.

Traditionalist Anglo-Catholic and Conservative Evangelical parishes, which each represent a tiny fraction of parishes in the Church of England, have different reasons for being opposed to women as bishops and would need different provision under the amended Measure because provision would need to reflect the theological conviction of the requesting parish.

### **A note on the different provision required - 'acceptable males'**

#### **Traditionalist Anglo-Catholics**

For traditionalist Anglo-Catholic opponents of women bishops, an 'acceptable male' would need to:

1) Offer '**sacramental assurance**' - In order to guarantee 'sacramental assurance' (ie an unbroken chain of male bishops back to St Peter), an acceptable bishop (and, indeed, any acceptable priest) must not have been ordained by a woman: according to this view, women cannot be ordained, therefore they cannot in turn ordain. So for this grouping the amendment writes onto the face of the Measure that 'requesting parishes' can insist on provision of bishops (and priests) of the correct 'pedigree'.

2) Be an '**untainted bishop**' - Whilst Traditionalist Anglo-Catholics may seek "sacramental assurance", this amendment also legitimizes a theology of 'taint' within the legislation. This is because, for a male bishop to be acceptable, parishes may demand that he has not ordained women. This is because it is thought that a bishop's hands become 'unclean' and, his ministry invalid, through sacramental contact with female priests or bishops. WATCH is utterly opposed to such views because they reflect and support mistaken and damaging views of women as 'tainted'.

This 'theology of taint' is often extended so as to become one of taboo: altars at which female priests have celebrated the Eucharist are regarded as 'tainted' and therefore unusable; female clergy and laywomen have been rejected from the sanctuary (the area around the altar) as unclean because they are pregnant or might be menstruating.

WATCH is extremely concerned that the amendment legitimizes such views about women. We have always been prepared to be generous to those who hold these views, but nonetheless, such views should not be legitimized in the theology of the Established Church or be enshrined in statute law.

#### **Conservative Evangelicals – Male Headship**

For Conservative Evangelical opponents of women bishops, the objections are different and are based on a particular understanding of 'male headship' that comes from a very particular reading of the bible. On this understanding, men and women are 'equal but different' and women are to be functionally subordinate to men in church and in the family; a male must be the head of both.

Regarding male headship as intrinsic to the divine order of creation assumes a particular, literalist understanding of certain texts in the bible and also assumes that this reading should



override our experience and knowledge of the world. But traditional Anglican theology uses reason as well as scripture and tradition in working out what is right. Reason tells us that women are gifted to lead, and that male headship in the family has been extremely problematic for women.

The bible tells us that women and men are created equally in God's image and that in Christ there is no longer male and female. Women should therefore be free to exercise leadership in Church and family, especially as it is clear from the New Testament that women did exercise leadership in the early Church. WATCH considers that conservative views on male headship are damaging to women and to the Church and should not be enshrined in statute.

For this group, a male bishop who is truly the head of the diocese and a male priest should be sufficient to meet their theological objections to women's ministry. But the amended legislation gives them the right to have ministry from someone with their own theological conviction on this issue. This means that there will have to be two bishops to minister to the two dissenting groupings where only one would otherwise be necessary.

In fact, the Conservative Evangelicals are not satisfied by this amendment in any case because they are opposed to the principle of 'delegation'. They want a bishop ministering to them who does not have their authority delegated by a woman bishop.

### **Theologies that exclude women should not be legitimised by the Established Church**

The Gospel of Jesus Christ is one of inclusion, especially for the marginalised and for women. Theologies that exclude women on grounds of their sex and irrespective of their God-given gifts, are not Gospel theologies.

Religious views that understand women as 'lesser beings' encourage people to treat women as lesser beings. They therefore indirectly contribute to domestic and sexual abuse and violence against women – much of which takes place in the home. The established Church should not be institutionalising such views.

What the Church says about ordained women reflects what the Church believes about all women. The Church of England should use the opportunity and privilege of establishment to speak of the equal value of each human being in the eyes of God and this should be reflected in our legislation for women to be priests and bishops.

This amendment, with its legislative delineations of acceptable maleness, could enshrine in law, and christen as 'theological conviction', any negative and damaging view of women, no matter how theologically peculiar or offensive it might be.

Introducing the idea that parishes can require in law a male priest as vicar who agrees with their theological convictions is completely new – this goes beyond the original Measure and indeed what is provided by the current law (under Resolution B of the Priests (Ordination of Women) Measure 1993).

### ➤ **Towards permanent uncertainty over the ordination of women**

This amendment writes into the face of the law a permanent and open-ended question as to whether women **are or can be** ordained; a permanent state of 'reception'.

This amendment, promising in law that a particular theological conviction about the ordination of women will be ministered to, should be read alongside the assurances in the Archbishops' Foreword to the draft Code of Practice. It says here that candidates who are opposed to the ordination of women will continue to be selected for ordination and that the Archbishops will seek to provide a supply of dissenting bishops.

Read together it is clear that an attempt is being made to create permanent, guaranteed doctrinal space within the Church of England for opposition to the ordination of women. This would ensure *permanently equivocal status for all ordained women; a status that is de-humanising to women priests and deeply damaging for the Church that ordains them.*

It is sometimes argued that we must wait until the Roman Catholic Church ordains women before the period of 'reception' can end and the Church of England can accept women as priests and bishops. However, the Roman Catholic Church does not recognise the validity of the priestly orders of men in the Church of England. Should we therefore regard the orders of all our priests as provisional until they are universally accepted?

This amendment ensures that the Church of England will still be fighting over these issues in fifty years' time to the detriment of its life and mission: it enshrines in law that the process of 'reception' cannot end until every parish accepts women as priests and bishops. Furthermore, even after a time when no such parishes remain, the possibility will still exist for a parish to invoke this provision again. In the meantime, bishops and priests to minister to dissenting parishes will have to be selected from an ever-decreasing supply.

### **Pragmatic reasons to support amended Clause 5**

Despite our grave concerns, we still need to consider whether to advise others to support the amended Measure in July. The principal reasons in favour would be pragmatic. These are the principal arguments we have heard:

- The Church of England needs women in the College of Bishops as soon as possible for the Church to flourish: we need the change of culture that has more of a chance with women sharing in its leadership.
- The world at large would be utterly perplexed if the Measure failed in July.
- The provision of appropriate episcopal ministry for Conservative Evangelical and Traditionalist Anglo-Catholic parishes would have happened in practice whether the provision was required in law or not, so let us accept the changes and move on.
- The House of Bishops needs the wisdom and the diversity of experience and views that women will bring. This will help to challenge the 'groupthink' they appear to have got into at their last meeting. We recognise that their intentions were well-meaning, but for some reason they did not pay sufficient attention to the consequences we had warned them would occur. Over how many other issues does this happen, to the detriment of their decision-making?

Our real concerns about taking this approach are:

- The potential long-term damage to the Church of England of placing in law a permanent question-mark over women's ordination is huge: the theological incoherence of that position would have repercussions on internal levels of trust and commitment. The Church runs a severe risk of losing its credibility amongst all women, losing its ability to offer proper support to campaigns against domestic and other gender-based violence, and losing the support of men who deem its espoused views about women to be unacceptable.
- The cost will be very high to the first women appointed as bishops. They will enter a culture in which, in law, they and their male colleagues have to protect those who oppose their ministry. How possible will it be for them to challenge behaviour that undermines or puts into doubt their own contributions, presence or ministry?
- The world is more likely to understand women refusing to accept discriminatory legislation than to support them accepting it.

## WATCH's conclusions

The bishops have argued that they have not changed the substance or intention of the Measure, and hope that when looked at dispassionately and carefully everyone will agree with them.

Our conclusions, after consultation and careful and dispassionate consideration, are these:

1. The House of Bishops has made changes that are significant in how the draft legislation might work in practice. In so doing, **it has de-stabilised the legislative process: there is no clear way forward towards July's General Synod.**
2. The amended draft legislation comes to General Synod for approval this July. **It is not possible for Synod to amend the legislation further at this stage** – though it could be **referred back to the House of Bishops** for reconsideration.
3. WATCH consistently supported the unamended Measure that was supported by 42/44 dioceses, as **an act of generosity to those opposed and a compromise** from our preferred route of the simplest possible legislation.
4. The bishops were **repeatedly informed by those supporting the Measure that any amendment along these lines would put the Measure at greatly increased risk of defeat** in July. They are now expressing surprise at our reaction. We wonder **what it is that stops the House of Bishops hearing and taking seriously the voices of ordained women** and all who support their ministry.
5. Our principal concerns about **Clause 5(1)c** are:
  - i) It **legitimises negative theologies about women** and expects women to live with **permanent institutional uncertainty about their orders**. This is bad for women and bad for the Church.
  - ii) It opens the way for parishes to require a bishop and priest in accordance with their theological convictions. This is a **new and unwelcome** departure for our Church that will **lead to conflict and increasing fragmentation**
6. The amendment to clause 5 means that the legislation no longer meets the objective of the Manchester Report (2008) that legislation should *'avoid any flavour of discrimination or half-heartedness by the Church towards women priests and bishops.'*
7. WATCH has grave concerns about the amendment to Clause 5 and the WATCH committee **cannot** support the Measure as it now stands. **However, it will fall to General Synod members, to make up their own minds and decide whether, in good conscience, they can support the legislation as amended.**
8. **Our consultation suggests that the amended Measure is at grave risk of being voted down by the very Synod members who most strongly support women becoming bishops.** It is a tragedy that after so much work and so much compromise, this should be the situation a month before the final vote.
9. Despite our disappointment, **WATCH remains committed to working constructively with others to find a way forward that does not further institutionalise discrimination and create a Church divided in law.**

National WATCH Committee  
11<sup>th</sup> June, 2012

## **AMENDMENTS MADE BY THE HOUSE OF BISHOPS TO THE DRAFT BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF WOMEN) MEASURE**

### **Clause 5**

After subsection (1)(b) insert—

“( ) the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration or ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3,”.

**[Note:** As amended, clause 5(1) will accordingly read:

“5 (1) The House of Bishops shall draw up, and promulgate, guidance in a Code of Practice as to—

(a) the making of schemes under section 2,

(b) the exercise of episcopal ministry in accordance with the arrangements contained in such schemes,

**(c) the selection of male bishops or male priests the exercise of ministry by whom is consistent with the theological convictions as to the consecration or ordination of women on grounds of which parochial church councils have issued Letters of Request under section 3,**

(d) the exercise by those involved in the making of an appointment of an incumbent and of a priest in charge for the benefice, of their functions in that regard where a Letter of Request is issued under section 3(3),

(e) the matters referred to in section 2(5), and

(f) such other matters as the House of Bishops considers appropriate to give effect to this Measure.”]

### **Clause 8**

After clause 8(1) insert the following subsection—

“(2) Where a male bishop exercises episcopal ministry in a diocese by way of delegation in accordance with arrangements contained in a scheme made under section 2—

(a) the legal authority which he has by virtue of such delegation does not affect, and is distinct from, the authority to exercise the functions of the office of bishop which that bishop has by virtue of his holy orders; and

(b) any such delegation shall not be taken as divesting the bishop of the diocese of any of his or her authority or functions.”



May 14<sup>th</sup>, 2012

**Re: House of Bishops' meeting 21-22 May**

Dear Bishop,

I am writing on behalf of WATCH (Women and the Church) to urge you to resist making any amendment to the face of the current draft Measure concerning women in the episcopate and to resist placing any assurances into ancillary documents that would work against the spirit of the Measure as currently drafted.

I am sure that you have had a great deal of correspondence on the matter but please bear in mind the following reasons for resisting any amendment:

**1. This draft Measure is the most generous compromise that is possible for those who support the ordained ministry of women.**

As the Bishop of Gloucester reminded us at last February's General Synod, this draft legislation *is* the compromise. It represents a very significant concession from those who support the ordained ministry of women and would have preferred legislation in the form of a single clause measure. Many mainstream Synod groupings have compromised in order to show generosity to those opposed, but this is as far as we can go. We want women as bishops but not at any price.

**2. This draft Measure is the legislative package most likely to be passed by Synod in July.**

Amended draft legislation, that makes even more provision for those opposed, will be voted down by women clergy and others in July. The best way to get legislation for women in the episcopate passed this summer is for the House of Bishops to throw its weight behind the current draft legislation.

**3. This draft legislation commands a consensus in the dioceses and represents a basis for unity moving forward.**

The current draft legislation has the support of 42/44 dioceses. It commands a consensus that provides the basis for maximum ecclesial unity going forward. There are no winners and losers here; significant compromise underpins the consensus the draft Measure has achieved across the Church.

**4. The draft Measure is a carefully worded document that has been produced after lengthy and detailed consideration of the issues. Hasty amendment is unlikely to improve it.**

The Revision Committee wrestled with drafting in detail for over a year. After this level of scrutiny, it is inconceivable that any genuinely new amendment could be found or given adequate consideration in the course of a 24 hour meeting. Furthermore, any amendment worth making would certainly go to the substance of the issues that were considered at length by the Revision Committee.

The two issues under consideration at present, namely ‘delegation’ and ‘maleness’ were the two issues that preoccupied the Revision Committee more than any others, as you will note from the Report of that committee. It is difficult to see, in that case, how any amendment on those points could be considered ‘insignificant’. The Dioceses considered those two issues above all others and would expect to be consulted were there to be any changes in these areas.

#### **5. Assurances in ancillary documents will be a source of ambiguity and cause problems for future implementation of the Measure.**

Please be wary of introducing ‘harmless’ explanatory wording whether in a Preamble or any other ancillary document (aside from the Code of Practice). The status of ancillary documents is ambiguous and any ambiguity will be taken to signal a lack of support for draft legislation thereby encouraging those who are dissatisfied to find ways of avoiding the intentions of the Measure in future years.

#### **6. Please pay attention to the signals any amending intervention would send.**

Any intervention to amend the draft legislation would send signals to Dioceses and Deaneries that their time and input was ultimately insignificant. It would send signals to the whole Church that the House of Bishops is prepared to overturn the careful settlement achieved after great labour and to seek to *impose* a new settlement on the Church.

Such an intervention would risk the House presenting itself in opposition to the will of the wider Church. For people outside the Church it would convey the clear impression that the bishops are out of touch with what is both wanted and needed. It would also do enormous damage to the morale of ordained women and those who support their ministry.

We respectfully remind you that that this legislation involves reforming the House of Bishops. Many would see it as deeply inappropriate for the very body that is the subject of reform to intervene at the eleventh hour to alter a compromise that has been so carefully negotiated.

#### **7. Please listen to the mind of the Church and lead us into renewal with enthusiasm.**

We would therefore ask you to exercise your episcopal leadership by listening to the mind of the Church. The clear desire, as expressed in diocesan voting, is for this legislation, to be put to Synod in July unamended.

It is sometimes easy to forget that a vote for women as bishops will be wonderful news for the Church of England. There is an opportunity over coming weeks for the House to lead the Church towards this exciting phase of renewal with enthusiasm - anticipating the great enrichment to the House that female colleagues will bring. Please embrace this opportunity wholeheartedly!

With our prayers and good wishes,

***Rachel Weir***

*The Reverend Rachel Weir*  
*Chair of WATCH (Women and the Church)*  
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*On behalf of the National WATCH Committee*