The WATCH response to GS Misc 1033

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(1) The invitation to consult widely, made from the Chair at General Synod on 9th July 2012, and re-iterated by this paper (para. 11) is very welcome, and WATCH appreciates the efforts that have been made to try to ensure that consultation does indeed occur. However, the time frame for such consultation, from 25th July to 24th August is wholly inadequate to the complexity of the task, and, falling in the middle of the holidays, is particularly unsatisfactory for those who carry caring responsibilities for school-age children. Further, we are concerned that this is no way to draft effective legislation, and fear the unforeseen consequences that might arise from deciding on new wording, in circumstances where there is no opportunity for rigorous testing of the implications of any of the options.

(2) We have deep misgivings about the premises on which the House of Bishops chose to amend the draft legislation in May:

> (i) we do not accept that, with the strong and committed leadership of the Archbishops and Bishops, the legislation which had achieved such overwhelming support in its unamended draft form at diocesan level could not have achieved the required majorities in General Synod.
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> (ii) we disagree with the analysis of the situation presented by the Archbishop of Canterbury in speeches to General Synod in both February and July, which is repeated in this paper (paras 32 -33). Opposition to the priestly or episcopal ministry of women is based foundationally upon theologies of gender – (fe)maleness does indeed lie at the root of the issue.
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> (iii) to acknowledge that, at the root of the issue, are profoundly divergent theologies of gender is not to accuse opponents of misogyny – rather it is to allow for healthy theological exploration of these questions, in a way that does not encourage a culture within the Church which enables the misogyny which we too 'hope Synod would have no time for' to go unchecked. However, if the Church of England believes her stated position that 'there is no fundamental theological objection' to the ordination of women as bishops, surely she needs to order her common life in a way which indicates what theology of gender she espouses: to make provision for dissenters is not the same as enshrining in statute that the Church's doctrinal position is, at once, two mutually contradictory views of the relative places of women and men before God.

(3) Given these differing analyses of the nature of the 'unfinished business', we suspect that any further amendment would prove equally as problematic as the present Clause5(1)(c).

(4) In light of the pressure to conclude this legislative business in November, and with the further compromise that the amendment to Clause 8 represents, the Measure will stand a good chance of passing without the presence of Clause 5(1)(c).

The Options

Option 1 – retention of existing 5(1)(c)

(5)The case against Clause 5(1)(c) has been made (see WATCH's Statement of Concerns 11th June 2012, attached). We are particularly concerned about the interpretation in paras 37-38:

> '*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.*'

Whether this was ever 'the purpose or the effect of Clause 5(1)(c)', it was clearly understood in this way by people of all theological persuasions; this very lack of clarity indicates not only the problems of this amendment, but also the risk involved in making such amendments at this stage in the legislative process.

(6)The suggestion of the practical objective of the Clause, that it was 'willing the end by willing the means', is particularly offensive, both to women and to those at all levels of the synodical structure who have voted in favour of the previous draft legislation: there has been repeated and clear rejection of further legislative provision for those opposed to women's ministry; moreover, to suggest that, within the Church, we cannot expect people to trust one another is no way to witness to the Gospel.

(7) In light of the substantial majority in favour of the adjournment, we cannot believe that the House of Bishops would so disregard the strength of feeling against the amendment as to leave it there unchanged. There is still immense hurt and anger 'on the ground' at the House of Bishops' intervention – a sense of outrage that the Church is not willing to back its own women. This will not have evaporated by mid-September.

Option 2 – deletion of Clause 5(1)(c)

(8) For the reasons we have already given, we strongly support this option, and the removal of the clause from the Measure. Specifically:

> (i) the overwhelming majority of diocesan synods supported the previous draft legislation, with the provision it made for those unable to accept the episcopal ministry of women. The Church should keep faith with them, and allow General Synod the opportunity to vote on a Measure that as is close as possible to that which commanded such widespread support at diocesan level.
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> (ii) the amendment to Clause 8 has been widely recognised as a helpful clarification, offering further assurance to those opposed to women's ministry. Deletion of Clause 5(1)(c) would therefore still leave the balance of the compromise shifted in favour of opponents.
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> (iii) It has been argued that, having given something to those who are opposed to women bishops, it would be undiplomatic and therefore politically difficult to take it all away again. However, this argument fails to take two things into account: first, that the amendment to Clause 8 is not being taken away; and, secondly, Clause 5(1)(c) and all of the Options Three to Seven are markedly detrimental to ordained women and to all who are in favour of

women bishops, and therefore take a great deal away from them. If the House of Bishops was prepared to insert the new Clause 5(1)(c), then it should likewise be prepared to remove it in the light of the reaction of the wider Church and the successful debate for adjournment in General Synod. If the House of Bishops was prepared to be 'undiplomatic' towards all who long for women to be able to be bishops (the vast majority of Church members), then surely the House of Bishops must also be prepared to be 'undiplomatic' towards the small minority that remains opposed to having women as bishops. Two amendments were proposed that favour those opposed; one remains. That still represents a movement towards those opposed, and further compromise on the part of those who wish to see women made bishops on the same basis as men.

(9) As stated in 2(i) above, we remain unconvinced by the Jeremiahs who inform us that, without this clause, the legislation cannot achieve the required majorities in General Synod:

(i) we believe that if the whole House of Bishops, including and especially both Archbishops, now publically and unequivocally supported the Measure without Clause 5(1)(c), explaining that it is the best and right compromise between the legitimate concerns of all, then there is little doubt that the Measure would achieve a two-thirds majority in each House. The Archbishop of Canterbury relied, he said, on evidence from the Diocesan Bishops, based on previous voting figures and on discussions in Dioceses to conclude that the unamended Measure would not achieve the necessary majority in the House of Laity. No evidence was offered in support of this contention, and it will be necessary to see if we are to take such a claim seriously. If Simon Killwick is correct that the traditionalists and conservatives have 35% support in the House of Laity, then, in a House of 221, only 4 members need to change their views. It is surely within the capability of the Archbishops and Bishops to persuade this few to change either to voting in favour of the Measure or to recording an abstention.

(ii) on the other hand, if 5(1)c remains in the draft, or if other wording is substituted that shifts the balance of the settlement, there are those in Synod who will no longer feel able to support it. There need only be a few voters switching from support to opposition in order for the Measure to be lost.

(10) Para. 43 helpfully highlights some of the specific criticisms levelled at Clause 5(1)(c). We wish to note particularly that relating to the phrase 'theological convictions': it has been argued that the presence of the phrase in Clause 3 of the Measure somehow legitimated its insertion into Clause 5. However, there is an enormous difference between Clause 3 referring to the theological conviction of a parish, and the mention in Clause 5 of the theological convictions of the (male) bishop or priest ministering to that parish. The ecclesiological confusion which arises from such a change of use suggests not only that Clause 5(1)(c) be best deleted, but also – again – that there is considerable risk in making such last-minute amendments to carefully constructed draft legislation.

(9) Given the necessarily impressionistic nature of the consultation process and the lack of adequate opportunity for testing out the full implications of each of the proposed amendments, we respectfully submit that by far the safest and wisest course is for the House of Bishops to restore the tried and tested draft that has been so thoroughly scrutinised and so widely supported in the dioceses.

Option 3 – replacement of 'consistent with'

(11)We endorse wholeheartedly the sentiment expressed in para. 51 that the retention of the phrase 'theological convictions' would 'prove an insuperable objection' to this version of the clause.

Option 4 – focus on process

(12)One fundamental objection to the existing Clause 5(1)(c) is that it seemed to legislate for schism, and to perpetuate and exacerbate the unfortunate outworkings of the Episcopal Act of Synod 1993. Therefore, an option which emphasised instead the need for consultation and the building of relationships between bishops and petitioning parishes under their jurisdiction could be regarded as welcome.

(13)The so-called 'downside of this approach' (indicated in para. 56) only exists if working on the premise that it is necessary to qualify on the face of the Measure what constitutes an 'acceptable' male bishop. We disagree profoundly with this premise (see above). Further we do not challenge the 'necessary but not sufficient' criterion and therefore cannot see an argument in favour of legislating to protect it. We are confident that no current member of the House of Bishops would make special pastoral provision that was unacceptable to those for whom it was specifically designed, and cannot envisage a situation in which this would cease to be the case.

(14)The principle objection to this clause is that, as para. 57 indicates, it is extremely vague, and we are deeply concerned as to what might be included in the Code of Practice on the back of it.

Option 5 – focus on 'suitability/appropriateness'

(15) As with option 3 above, this option seeks to 'match' clergy to parishes, but by replacing consistency of theological conviction with 'suitability/appropriateness' as the criteria for so doing.

(16) Both 'suitable' and 'appropriate' are terms which have pedigree in English law, to enable the spelling out of detail somewhere other than in primary legislation. As with option 4 above, our reservation concerning this option is that it could store up trouble for the future when it comes to how to spell out that detail in the Code of Practice.

(17) Again, we stress that it is unnecessary to address the 'necessary but not sufficient' issue in the Measure (*pace* para. 62). This is simply not in dispute.

(18) We have grave concerns regarding para. 67, which reads:

> *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.*

This seems very close indeed to the substance of the present Clause 5(1)(c), and is based on a theologically very suspect presupposition: ministry cannot be deemed 'effective' in some circumstances but not others; rather, all ministry can only be equally provisionally effective. The ministry of a bishop or priest certainly cannot be rendered *ineffective* on the basis of another's 'convictions' ('theological' or otherwise!) concerning this or any other issue. There exists a gulf of difference between saying that someone's ministry would be inappropriate or unacceptable in a

certain place, and saying it would be ineffective. We would be very concerned about any wording of option 5, if its underlying rationale is what is articulated in para. 67 of this document.

Options 6 and 7 – revised formulation of what parishes need (and process)

(19) It is unclear to us that there exists any substantial difference between 'position' as used here and 'theological convictions'. Such attempts to revise the formulation of what it is parishes need thus return us to the objections voiced concerning the theological convictions of parishes relative to the present Clause 5(1)(c).

(20)The extraordinary complexity of wording in these options would ensure that they constituted grounds for further dispute.

Conclusions

(21)We disagree profoundly with the premises underlying the amendment made in May to Clause 5. Therefore, we think it highly unlikely that any further amendment will command a greater degree of consensus.

(22)The legislation that had been approved in draft by 42/44 dioceses represented a substantial and costly compromise on the part of those who believe in the episcopal and priestly ministry of women, and the amendment to Clause 8 constitutes further such compromise.

(23)In contrast, the small but vociferous opposition to women bishops has proved intransigent, saying consistently that drafts approved by General Synod 'will not do'. They have been successful in delaying the Measure and achieving further concessions. We understand that there is terrific pressure from this small minority for even further compromise at this stage, yet it is very likely that those who have not already left the Church of England will remain in it and work with whatever General Synod now approves. But WATCH has always been clear that the Measure approved by General Synod in February 2012 was the furthest we could go in accommodating the views of those opposed. Nothing has changed that should cause us to alter that position. WATCH is still prepared to support the Measure if Clause 5(1)(c) is deleted, but may not be able to do so if there is only a change in some of the wording of that Clause in September.

(24)It will be incumbent on the Archbishops and Bishops to give strong leadership to encourage the passage of the legislation through General Synod in November, and we are confident that, with such leadership, the draft Measure would pass without the current 5(1)(c) or a substitute sub-clause.

(25) Therefore, in order to enable General Synod to vote on legislation that keeps faith with the diocesan voting, and that does not risk further destabilizing a legislative process already in considerable jeopardy, we would counsel the adoption of this paper's option 2, namely the simple deletion of the lately included Clause 5(1)(c).

National WATCH Committee
21st August 2012