Promises – kept, broken or never made?

A reading of General Synod debates from 1993

by Rosalind Rutherford

1. Introduction

At various points in the debate over legislation to permit women to become bishops, much has been made by the legislation's opponents of promises that they claim were made in 1993 when the Act of Synod was being debated.

However, we always tend to remember selectively, and usually select those remarks which support our views. "Proof-texting" is subject to as many shortcomings in discussing recent history as when it is used to support a theological position. I decided I wanted to find out what was actually said and promised, rather than rely on the reports of others, so I went back to the records of the debates in General Synod in July and November 1993 when the Act of Synod was proposed and debated.

The overwhelming impression I had from reading the debates was of the House of Bishops trying to persuade General Synod members into being as generous as possible to those who had been shocked by the decision taken in November 1992, and members of Synod responding with some uncertainty about what they were doing and why, but with similar generosity. The debates are charged with emotion, but it is also clear from questions left unanswered that there had been no detailed scrutiny of the measure and how it might work in practice (the summing up speech from the final debate reiterates points made, but barely answers any questions raised). We have to bear this context in mind when reading what was said.

2. What were the Bishops trying to do in 1993 by proposing the Act of Synod?

In considering what promises may have been made when the ordination of women was passing through the legislative process, I have concentrated on what was said when the Act of Synod was debated in General Synod. The Act of Synod, which created the office of Pastoral Episcopal Visitor (PEV), was the response of the House of Bishops to the outcry after November 1992 from those who still opposed the ordination of women, and in particular the conservative elements of the Anglo-Catholic wing of the Church of England.

Bishops' hopes and aspirations were expressed at the time, albeit without any authority other than the individual's personal views, and without any scrutiny by Synod Committees. But the important question, when seeking to discover whether or not there has been a great betrayal, is what did the bishops and Synod think they were doing and think they were putting into place; and has this intention been upheld?

The document on which the legislation was based was *Bonds of Peace* which is often quoted by those seeking ways of being "protected" from the ministry of women. *Bonds of Peace* is the document produced by the House of Bishops (not a Synod Committee) after the vote on women priests was passed in November 1992, which came as a great shock to some opponents, and it included such commitments as:

> *Paragraph 3: We now enter a process in which it is desirable that both those in favour and those opposed should be recognised as holding legitimate positions while the whole Church seeks to come to a common mind.*

The following paragraph continued likewise:

> *Those who for a variety of reasons cannot conscientiously accept that women may be ordained as priests will continue to hold a legitimate and recognised position within the Church of England.*

This may seem totally clear, and indeed is frequently quoted today. However, we also need to look at what the then Archbishop of Canterbury, George Carey said. He did not speak in either of the debates, so his presidential address to General Synod in July 1993 is the clearest indication of his views. In this address, he tried to set out the purposes of the legislation:

> *"In the commitment (of the House of Bishops) to maintain the unity of the church…the House of Bishops has been guided by three principles: first* ***our determination to maintain the ecclesial integrity of the church of England as a whole and of each diocese under the pastoral authority of its bishop****;*
> *second our determination to respect and uphold the place of all loyal members of the church of England, irrespective of their view on this issue;*

third, our rejection of the notion that bishops and priest who participate in the ordination of women thereby invalidate their … sacramental ministries
As a result (of these arrangements) we will give space to those opposed to the ordination of women to the priesthood so that ***while remaining under the jurisdiction of the diocesan bishop*** *they will, if they wish, be able to receive extended Episcopal care from another bishop"*

July 1993 [p392] (my emphases)

It seems from this that Archbishop Carey, at least, imagined that the Act of Synod would produce a system which worked in a way very similar to that envisaged in the legislation approved by Synod in July 2010 (which is currently being debates in dioceses). The main reason that this legislation is challenged by some clergy, particularly by those who claim Sacramental Assurance, is that they do believe the very thing Carey and the House of Bishops rejected – that bishops and priests who participate in the ordination of women invalidate their sacramental ministries. However, looking at this statement, it is very clear that Carey at least had no concept that the Act of Synod would be used to set up what would become, in effect, parallel jurisdictions under the PEVs.

It also means that promises made by George Carey about maintaining a position in the Church of England "in perpetuity" should be taken in the context of this statement. It could be argued that, if the current proposals are agreed, the very provisions which the House of Bishops was trying to put into place in 1993 will become part of legislation.

3. What did other members of Synod think they were voting for?

In the speeches made in Synod in July and November 1993, there is no detailed discussion about how these additional provisions might work in practice, and they were never scrutinised by any Synod committee. However, various themes emerge in the speeches.

The overwhelming theme is that of trying to be as generous as possible to those who were finding the idea of women ordained to the priesthood difficult and to create a "space" for them. Precisely what this space might be or how it might work was not explained or discussed.

"We must never break communion with each other unless we believe that the Gospel itself is at stake. …We must leave space for each other and not drive one another into corners. We must not build walls or dig ditches that people find they cannot cross."

The Bishop of Birmingham (Mark Santer) July 1993 [p692]

Another theme which emerges strongly is that the Act is seen as a "pastoral" response to the particular context of 1993. Most speakers were very concerned to

be clear that they did not expect PEVs to set up separate groups within the Church of England but to enable unity between those of different beliefs to be retained. For example:

> *"I want to underline the extent to which the House of Bishops has worked to ensure the continuing openness of the Church of England. The legislation before your Lordships is, I submit, pastoral in intent and generous in spirit, making detailed provision for those who cannot support the decision that has been made. …The arrangements in the draft Act of Synod are not suitable for legislation. They are more about style and method than about rights and duties*…"
>
> The Bishop of Guildford (Michael Adie) in the House of Lords 2 Nov 1993

> *"What we seek to provide are opportunities and safeguards, which we hope will be used in a pastoral rather than in a legalistic way, so that none of us is trapped in unnecessarily rigid divisions...*
> *One of the important safeguards lies in the role of the provincial episcopal visitors….My personal hope is that they will not rush round conducting services here, there, everywhere,…My hope is that they will act more as friends and advisers for clergy and parishes, I a position to bring their concerns to diocesan bishops…"*
>
> The Archbishop of York (John Habgood), General Synod Nov 1993 [p718-9]

It is also clear that Synod did not want to tie the church down to strict permanent rules.

> *"what I hope is that , if the Synod can agree to a broad framework within which we work, people will use their common sense. You cannot legislate in detail for what will happen in every little parish"*
>
> The Archbishop of York Nov 1993 [p739]

> "*Yes, this act is in many ways illogical. Yes, it is untidy, but is not goodwill, is not love, illogical and untidy…."*
>
> Paul Rippon, Nov 1993 [p990]

4. How permanent was the Act of Synod intended to be?

Much is being made at the moment of "promises" that the Act of Synod would be permanent, or last as long as it was needed (though this not the same as lasting as long as an individual might personally wish for). No such unambiguous promises were made in General Synod when the Act was debated there. In fact, there was clearly a good deal of uncertainty and ambiguity about this. Although statements and aspirations from the debates are quoted as definite, clear and predictable commitments, the reality is that there was a sense of provisionality about the legislation and uncertainty over how things would develop.

"...if he reads the act of Synod carefully he will see that there is built into it a high degree of flexibility. The Archbishops say that they shall ordain from time to time and the 'shall' represents a commitment; 'from time to time' recognises that times may change. One has heard voices on one side saying, 'We do not know what the future is.' We have to live with those kinds of uncertainties. This is why we must not set proposals in concrete. We must make a commitment, give an assurance and go ahead in faith, not knowing what the future is going to bring."

Archbishop of York July 1993 [p 701 –2]

"The Archbishop was right to talk about this being a pastoral, not a legalistic, arrangement… For me the greatest principle of all is that we need time to decide and to test whether what we have done is right."

Canon John Sentamu Nov 1993 [p735]

"*To begin with, however, I imagine that we shall not be appointing men who could be there for 40 years or men, who if the need was no longer felt, could not move anywhere else. Clearly there must be a flexibility in this depending on need*."

Archbishop of York Nov 1993 [p998-9]

The background paper for the current debate on women in the episcopate issued by General Synod offices (A8 (WE)) also includes a quotation from George Carey in relation to the Act of Synod which is much used to argue for transferred jurisdiction in the current legislation:

"*it is our intention for this to be permanent and we are not thinking of rescinding it*."

203rd and 204th Reports of the Ecclesiastical Committee [p134]

However, this remark was not made to Synod, and had been made before the key debates of November 1993. More importantly, it referred to the whole Act of Synod, including the understanding that

(a) the Church of England could lawfully ordain women,
(b) that taking part in such ordinations would not call into question the orders of other bishops and priests, and
(c) that PEVs would not be expected to take over jurisdiction from the diocesan bishop.

Within this context, the 2010 measure keeps the sort of "space" in the Church of England that Carey was talking about. I think this makes it clear that what was promised for "as long as is needed" was episcopal oversight clearly exercised in full cooperation with the Diocesan who would retain jurisdiction, not a totally separate oversight defined by being uncorrupted by having ordained women. It could be argued that the current legislation is making good that commitment, and that what has been practised by PEVs in the past 15 years has gone well beyond what General Synod and the archbishops thought was being offered.

5. What did General synod understand about the purpose of PEVs?

Similarly, it is quite clear that the general understanding of the role of the PEVs who were to be created by this legislation was that they would support pastorally those who found it difficult to accept women as priests.
For example:

> *"Let us be absolutely sure that we are passing a pastoral act for pastoral purposes – a very different thing from passing legislation which could tie the church into further complications. I believe the act is needed for pastoral purposes and that we must vote for it, but we must be sure it is not legislation."*
>
> Canon Ruth Wintle, General Synod July 1993 [p 690]
> (after making the point that similar support was never provided for women deacons)

With hindsight, those Anglo-Catholics for whom sacramental assurance was more important than any other mark of Catholicity will probably have interpreted "pastoral" to mean "sacramental" because this was the sticking point for them. However, almost certainly most of the rest of Synod did not even know that such a concept existed. Most people thought that what was being objected to was having to deal with ordained women, not that if a bishop ordained a woman priest he would be seen as having invalidated his orders. Financial compensation was being offered to those who felt they had to leave the church because of the decision to ordain women, so it seemed logical that those who were remaining accepted that women were fully priests, even if they did not want to worship with them.

Statements and remarks made by both archbishops at the time also emphasised that the proposals in the Act of synod were not intended to set up parallel Episcopal jurisdictions:

> *"The arrangements the House envisages are designed to ensure that appropriate pastoral Episcopal care is provided for those in favour and those opposed to the legislation, without undermining the authority of the diocesan bishop."*
> The Archbishop of Canterbury (George Carey) in the House of Lords 2 Nov1993

> *"..The visitors [PEVs] are intended to provide an extended ministry in certain agreed places, working with and through the diocesan bishops concerned…*
>
> *The importance of lending them out and placing them strategically is so that they can do some ordinary episcopal work and be part of a diocesan team.."*
>
> The Archbishop of York (John Habgood) to General Synod July 1993 [p674]

This is what was said about the working of the legislation:

> *"The arrangements the House envisages are designed to ensure that appropriate pastoral episcopal care is provided for those in favour and those opposed to the legislation, without undermining the authority of the diocesan bishop. Our intention is to give continued space within the Church of England to those of differing views on this subject."*
>
> The Archbishop of Canterbury to the House of Lords 2 Nov 1993

This theme was echoed by many speakers in the debates in Synod.

6. How did Resolution C parishes and PEVs put the Act of Synod into practice?

It is worth, in this context, noting what was actually allowed to develop. This is an extract from an interview given recently by Andrew Burnham, former Bishop of Ebbsfleet, after had had resigned his office in the Anglican church:

> *I took the view that what we were aiming to be was a diocese, an orthodox diocese: bishop, priests, deacons, and laypeople. And therefore that, even though we weren't an actual diocese, we should organise ourselves as if we were. So I wrote a pastoral letter to the people every month, more or less every month for 10 years. I had a council of priests. This was before anyone else was doing this sort of thing. I had a lay council and a lay congress. I had deaneries, with clergy organised in deaneries for pastoral care.*
>
> *We did all this as if we were setting out to be a diocese, which irritated people no end. It was done in consultation with the Archbishop of Canterbury because it was all about how best to care for people. And the apologia I gave was that of the Apostolic District, which was the term in canon law to describe a group that is not yet a diocese but might become so and has an apostolic administrator. Of course an administration, a jurisdiction, was the one thing we weren't.* ***We didn't have the legal authority to do any of it****. But that was what we were in search of becoming.*
>
> Catholic Herald 13 Jan 2011 (my emphasis)

It could be argued that what has been practised by PEVs in the past 15 years has gone well beyond what General Synod and most of the bishops thought was being offered or were willing to agree to, and that the current legislation is making good the original commitment and intention of the archbishops and the House of Bishops.

7. Lambeth Resolution III.2 (1998)

Although the Lambeth Conference was held five years after the Synod debates on provision for those who could not accept the November 1992 decision, a section from one of the resolutions passed by the 1998 Lambeth Conference is frequently quoted by those who want separate legislative provision for those who cannot accept the ordination of women. However, it was never a promise made to any group in the Church of England – it is a statement from the Lambeth Conference of 1998 (and so 5 years later than the debates when the Act of Synod was proposed) drafted by a group which had been considering issues around the unity of the whole Anglican Communion. The third sub-clause of this resolution

> *...calls upon the provinces of the Anglican Communion to affirm 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...*

This is not particularly surprising because the Lambeth Conference is the meeting of bishops from all over the Anglican Communion – and it was a fact that some Provinces were ordaining women and some were not. So unless the Conference was to define some of the Provinces as more Anglican than others, the reality was and is that both views on the ordination of women are held by different Provinces and different individuals, and the conference accepted this. What this Resolution does not say (and has no need or right to say) is what this should mean for differences of opinion **within** a Province.

However, the introductory clause to this resolution is significant for the current debates:

> *This Conference, committed to maintaining the overall unity of the Anglican Communion,* ***including the unity of each diocese under the jurisdiction of the diocesan bishop:***
>
> *a) believes such unity is essential to the overall effectiveness of the Church's mission to bring the Gospel of Christ to all people...*
>
> (my emphasis)

What the resolution **does** say is that it expects each diocese to be united under the jurisdiction of its diocesan bishop - exactly the basis for the legislation for women in the episcopacy currently being discussed in the dioceses. It could therefore be argued that this proposed legislation is in line with this Lambeth Resolution.

It is worth noting that the background paper issued by General Synod Office for the current debate on women and the episcopacy quotes clauses from this resolution, but ignores the all-important preamble [GSA8 (WE) point 13, p3].

8. The promise that was not kept

Looking at the records of debates, we see that the provisions for PEVs were not coherent when they were introduced to General Synod; we read that a large number of speakers said publicly that they had reservation about the Act, but still voted for it to show their commitment to be as inclusive as possible. When we read what the bishops and others thought they were voting for, and which bishops said would last in perpetuity, we realise that this was different from what soon developed once PEVs had been ordained. What is being asked for now by opponents of the current legislation is not keeping the promises made, but keeping the system which was set up afterwards and went much further than most members of Synod had intended or ever imagined anyone would be thinking of.

There is, however, one implicit promise, made on 11th November 1992, which still has not been completely kept. This is the promise made to the people of this country when the vote was taken that allowed women to become priests, which was greeted throughout the country with joy. People who never went into a church were really glad that the Church of England had been prepared to say that discrimination is not God's will. Donald Barnes put this into words in Synod saying:

> *"all were saying, 'this is terrific. At last the church has done something important and significant. Good on yer mate. Alas, over the past year the whole character of that has altered, and the same people have been saying: '…whenever the church seeks to do something which is important and speaks to the people of our time, when it says that sexual discrimination has no place in the church, immediately all sorts of efforts are made to backtrack on the decision'"*
>
> General Synod Nov 1993 [p727]

We still have not kept this promise in its entirety, but I think it is the most important promise, because the church exists to serve and witness to the whole of society.

It was left to Lord Runcie, retired Archbishop of Canterbury, to speak clearly in the House of Lords of the truth of the Act of Synod. He spoke with great insight:

> "*The assurances, the special provisions, the extraordinary episcopal oversight are all judged necessary—I accept that—but nevertheless they are symptoms of an illness which replaces trust and good will with the flawed logic of two integrities. It is a sad paradox that those most fearful of one development in the life of the Church should be blind to their collusion with another which seems far more obviously illegitimate within that same spiritual life."*
>
> Lord Runcie, to the House of Lords 2 Nov 1993

9. Conclusion

This comment, made recently by a member of the General Synod who voted in the 1993 debates, sums up the feeling of many:

> *"we'd won the debate; we were going to get women priests; we bent over backwards to be generous, but we were too accommodating."*

In the past fifteen years attitudes and expectations have changed for almost everyone. However, the more we look carefully at what was actually said in its entirety, the more we discover that what is being proposed now in the legislation to enable women to be appointed bishops is very close to what those who voted for the Act of Synod in 1993 thought they were getting. No promises made to those who demanded "safeguards" have been broken, and there are no grounds based on past history or the willingness of bishops to work with the Act of Synod, to suppose that any commitments made in the current legislation will not be kept with generosity.

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Page references are to General Synod "Report of Proceedings" for July and November 1993

10. Glossary

Act of Synod *– The Episcopal Ministry Act of Synod 1993, which followed the legislation passed in1992 enabling women to be priests, and made provision for people to seek the care of an alternative bishop*

Lambeth Conference *– a 10-yearly meeting of the bishops of the Anglican Communion (the Anglican churches from around the world)*

The measure – *The Priests (Ordination of Women) Measure 1993, which enables women to be priests in the Church of England, and allows PCCs (Parochial Church Councils) to pass Resolutions A and B to avoid the ministry of women priests.*

PEV *– Provincial Episcopal Visitors, or "flying bishops" – bishops with the remit of caring for those opposed to the ordination of women who have requested alternative care. This is a role created by the Act of Synod.*

Resolution A *– A resolution brought in by the Priests (Ordination of Women) Measure 1993, which enables a PCC (Parochial Church Council) to decide that no woman can perform the priestly tasks of celebrating the eucharist or giving absolution. Resolution A had been passed in 6.2% of parishes as of December 2009 (nb this is not the same as 6.2% of members of the CofE).*

Resolution B – *A resolution brought in by the Priests (Ordination of Women) Measure 1993, which enables a PCC to decide that no woman can be the incumbent. 7.5% of parishes had passed Resolution B as of December 2009 (nb this is not the same as 7.5% of members of the CofE).*

Resolution C *– A resolution brought in by the Act of Synod, which enables a PCC to request alternative episcopal care. As of December 2009, 2.8% of parishes in the Church of England had passed this resolution (nb this is not the same as 2.8% of members of the CofE).*

Sacramental Assurance *– the view (held mainly by the Anglo-Catholic wing of the church) that it is not possible for a woman to be a priest, and that therefore none of her other priestly actions are valid. Thus, if a woman presides at the eucharist, it is not a valid eucharist. This position would hold that a woman cannot be consecrated as a bishop either, and if she were a bishop, and then confirmed or ordained others they would not be validly confirmed or ordained, whether they were men or women. Nor would she be able to delegate episcopal authority to a man as she would not truly have this authority. However, for some who hold this view, anyone who participates in the ordination or consecration of a woman calls his orders into doubt. So, they believe, a male bishop who has ordained a woman has called his orders into question (which is why those who think like this will not take communion if their bishop presides) and therefore a separate line of male bishops is needed, who have never ordained women as priests.*
*For example, "*If someone is not consecrated in the traditional manner by other male bishops, then inevitably the sacramental life of the Church will be called into question." *Prebendary David Houlding. Church Times, 27 May 2011*

11. Timeline

1975 General Synod votes that there is "no fundamental objection to the ordination of women to the priesthood"

1978 General Synod debates motion to "bring forward legislation to remove the barriers to the ordination of women to the priesthood and their consecration to the episcopate". After six and a half hours of debate, the motion falls.

1985 General Synod votes to allow women to become deacons

1987 first women deacons ordained in the Church of England

1988 141 bishops from different parts of the Anglican Communion, led by Bishops of Bristol, Manchester and Southwark, declare their belief in the ordination of women to all three orders. First woman bishops elected in US and New Zealand.

1992 11th November - General Synod votes to permit women to be ordained to the priesthood

1993 November - General Synod passed the Act of Synod enabling parishes opposed to the ordination of women to request alternative Episcopal oversight.

1994 1,500 women deacons ordained as priests

2000 Archdeacon Judith Rose puts down motion in General Synod asking for House of Bishops to set up Working Party to look at issues of women in the episcopate. The motion passes

2004 Report is published of House of Bishops Working Party, chaired by Bishop of Rochester

2005 February - General Synod debates Rochester Report. Group chaired by Bishop of Guildford asked to bring to Synod options for ways of going ahead with women as bishops

2005 July - General Synod approves motion to begin process to remove "legal obstacles" to women in the episcopate.

2006 February - General Synod debates option put forward by Guildford Group – the TEA (Transferred Episcopal Arrangements) proposals. Motion passes to proceed "along the lines of TEA".

2006 July - General Synod passes motion agreeing with majority of bishops that having women as bishops is "consonant" with the faith of the Church. Insufficient support for TEA, or SEA (a later refinement) in the House of Bishops means that a Legislative Drafting Group is commissioned to prepare draft legislation with a variety of possible provision for those who will not accept women as bishops.

2008 April - Manchester Report published with a spectrum of possibilities, from a single clause measure – ie "women can be bishops" – to creating new dioceses.

2008 July - General Synod asks the Legislative Drafting Group to draw up legislation based on delegation from the diocesan bishop with provisions contained in a national statutory Code of Practice: it rejects other options for provisions

2009 February - Draft legislation is accepted by General Synod and sent to a Revision Committee

2010 May - Revision Committee Report is published, containing draft legislation that has been considerably revised from that originally drafted, but retaining the approach based on delegation from the diocesan bishop and a statutory Code of Practice.

2010 June - The Archbishops of Canterbury and York propose an amendment to the revised draft legislation that would introduce “Coordinate Jurisdiction”.

2010 July - General Synod accepts the revisions offered in the Revision Committee report, rejects the Archbishops’ amendment, again rejects other options for provisions, and commends the revised draft legislation to the 44 Dioceses for debate.

2011 14th November the consultation with the dioceses must be completed.

2012 July – the legislation is likely to come before General Synod for final approval.