

Women Bishops legislation:

How should WATCH respond to the House of Bishops amendments?

This paper has two main goals:

1. To consolidate our understanding of what the bishops have done.
2. To help WATCH members to inform our response.

We make some brief comments on the amendments and the context, including some history, and include a digest of points which have been made urging us either to support the revised legislation, or to oppose it.

There are of course different degrees of support or opposition being voiced. Most commentary so far has assumed that the current legislation is in its final form and will either be passed or rejected by General Synod. Another possibility would be to ask the Bishops to look at the legislation again and reconsider their amendments. Responses to this paper will help us to clarify our strategy.

The amendments – general comments

The Archbishop of Canterbury indicated in the February 2012 General Synod his view that there might be further work done in two areas. The first was in the ***description or qualification of the alternative male bishop*** who would be given delegated authority following the issue of a “letter of request” – an area many of our supporters associate with a “doctrine of taint”. The second was in the nature of the authority exercised by the alternative bishop – including the idea that the orders of a bishop are ***derived*** via ordination from the church as a whole, while the ability to exercise those orders in a diocese is ***delegated*** by the diocesan bishop. It is in these two areas that the amendments have been made.

The WATCH position on these two areas has been consistently clear. In the first, we have campaigned to exclude any “doctrine of taint” from primary legislation (under the banner ‘no discrimination in legislation’) as unchristian and to avoid the precedent of people being able to choose a bishop who agrees with them. We have argued for pastoral provision for those opposed. On the second issue we have argued that the bishops who provide the alternative care should not be a special class, but should be bishops of the Church in the same sense as all other bishops – no second class bishops – and not be detached from our normal ecclesiastical structures.

It is these two areas, in brief ***maleness*** and ***delegation***, which have been at the forefront of the debate since the legislative process began. How they are resolved sets a boundary mark on discrimination and difference within the Church of England and governs how we relate to each other. General Synod and its various Committees, including the Revision Committee have now been working on these issues for over six years. This process gave us the legislation, which was passed with such large majorities in the Dioceses, and it is this legislation which the House of Bishops has now amended using its reserved powers and authority over matters of doctrine.

What was proposed in the original draft Measure (before the House of Bishops changed it)

- House of Bishops and General Synod agree a **CODE OF PRACTICE** (*section 5 of the draft Measure*)
- Diocesan Bishops in consultation with Diocesan Synods produce and publish a **DIOCESAN SCHEME** (*section 2*) which must take account of the Code of Practice and provide for **DELEGATION OF EPISCOPAL MINISTRY** in certain circumstances.
- PCCs may invoke the provisions of the Diocesan Scheme by sending a **LETTER OF REQUEST** (*section 3*) requesting that episcopal ministry and pastoral care should be provided by a **MALE BISHOP** on the grounds of **THEOLOGICAL CONVICTION**; additionally they may send a Letter of Request in a vacancy requesting that a **MALE PRIEST** be appointed as incumbent or priest-in-charge

The maleness amendment (new Section 5(1)(c))

Section 5 of the Draft Measure is headed “Code of Practice” and deals in section 5(1) with the content of the Code. The Bishops have added the words in section 5(1)(c) to the previous draft.

- 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.

NB ‘Theological Conviction’ is an undefined term, though it is used several times in the Measure.

The essential questions about this amendment are:

- 1. Does this embody in legislation a theology with which we disagree?**
- 2. If so, does it undermine our confidence in the legislation so much that we are unable to endorse it as amended?**

The delegation amendment (new Section 8(2))

Section 8 of the Measure is entitled “Interpretation” and deals with the precise meanings of the words used in in the Measure for the avoidance of doubt. The Bishops have added the following interpretation.

- 8(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.**

The essential questions about this amendment are :

- 1. Is this any more than a clarification?**
- 2. Does it represent any fragmentation of the episcopate?**

At this moment our greatest concern is over the first amendment, to Section 5, and this is what we would like your responses to. The arguments below are provided without comment, and without any suggestion as to which are strong or weak, or whether we agree with them. They are also not a complete set of the arguments we have heard: we have included at this stage those that we think are most significant.

Arguments in favour of the amendment (Section 5)

1. Several people have said “We can live with it”
2. It does only what would have been in the Code of Practice/have happened anyway. It will make no difference in practice
3. It is what was always intended and understood by what was in the Measure, and just spells that out.

4. All it really does is make sure that Conservative Evangelical parishes can request Conservative Evangelical bishops as well as Traditionalist Catholics.
5. We won't be able to get enough votes to defeat it so we might as well support it.
6. We effectively conceded this when we conceded Diocesan Schemes (ie any provision at all).
7. This is actually the minimum the Bishops can do for those opposed, to go further is to make no provision at all

Arguments against the amendment (Section 5)

General/Process

1. The amended Measure is not what the Dioceses voted for, and General Synod should have a chance to vote on what the Dioceses approved.
2. The process for arriving at these amendments was flawed, with a group of male bishops deciding how women will exercise their ministry.
3. WATCH, with other key groupings representing women in the church, were consulted about the possible amendments that might be proposed to the House of Bishops. All groups expressed cogent reasons for their strong resistance to any amendment in the form of Revised Section 5.
4. The Bishops are supposed to provide a focus for unity, but have put forward amendments that will crystallise in a divided Church of England.
5. The Bishops are supposed to be guardians of doctrine, but have provided legislation that affirms two opposed doctrinal positions.

The effect of the new subsection

6. 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 underlining) - Statement by Forward in Faith England, 23/05/2012
7. It changes the exercise of a pastoral power 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 do so. In allowing our relationships to be governed by the exercise of law rather than grace it is profoundly untheological 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 less commitment from both sides.
8. This puts in law that the Church does not trust women bishops to treat parishes fairly and sensitively.
9. 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 can usually find a theological rationale. It will mean that a) the Church will need to find bishops to minister to a huge variety of different theological concerns, b) those 'theological concerns' have to be respected in law, however outrageous they may be.

10. It doesn't do what Forward in Faith and Reform say is necessary for them, so why make such amendments.

11. Section 5(f) renders this amendment unnecessary. Since lawyers tend to think that no-one would put a redundant clause in legislation, the authorities will undoubtedly be pressed to give it force by extending the interpretation to the limit.

12. Reception

a) When and how will the Church of England have finally accepted the ordained ministry of women, and when will the Church of England as a whole be able to rejoice at their ministry? This amendment pushes that day further away.

b) The creation of permanent space for dissenting voices (by promising in the Measure that a particular theological conviction will be ministered to, and by the assurances in the Archbishops' Foreword to the draft Code of Practice promising to continue to ordain those opposed and seek to provide a supply of bishops satisfying their needs) ensures permanently equivocal status for all ordained women. This is immensely costly to their identity as women and priests, which are bound up with each other and in their ministry.

c) The doctrine of reception effectively embodied in the revised Section 5 is contested in the Church of England, and should not be resolved by stealth in this way.

d) The Measure now makes it possible to assert a pedigree theory of ministry as a theological conviction, and to force the Code to provide bishops of the correct pedigree. The pedigree will be determined by the gender of the bishop who ordained a male priest or male bishop, by the bishop(s) who consecrated him and by whether he has in turn ordained men exclusively.

e) These amendments ensure that the Church of England will still be fighting over these issues in 50 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: and furthermore that even after a time when no such parishes remain, at any time in the future a parish may decide to invoke this again

f) It may result in the selection of bishops of a particular persuasion from a dwindling pool with implications for the calibre of those bishops

13. Maleness and taint

a) By qualifying the notion of maleness, this enshrines in law the idea that it is acceptable for a parish to require the ministry of a male bishop who has not ordained women or been ordained/consecrated by a woman – the idea of taint. Previously this was only explicit in the Episcopal Ministry Act of Synod, an internal Church agreement.

b) 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 Resolution B currently provides.

National WATCH Committee
26th May 2012

The National WATCH Committee is meeting on 31st May to work through various choices and agree our strategy for the next six weeks: please help us to make wise and informed decisions.

Please send responses by email to info@womenandthechurch.org or by post to the WATCH Office, St John's Church, London SE1 8TY by Wednesday 30th May if possible.