

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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