

Women Bishops in the Church of England: A Vote for Tolerance and Inclusion

by Colin Podmore¹

Introduction

On 14 July 2014 the General Synod of the Church of England gave final approval to legislation to permit women to be consecrated as bishops. Members of the Catholic Group in General Synod of course voted against the legislation, being opposed in principle to this change. But they were not trying to defeat the legislation, because they judged the new package of proposals to be acceptable (unlike the previous legislation, which they, with others, were able to defeat in November 2012). And they voted in favour of rescinding the Episcopal Ministry Act of Synod 1993, which contains the provisions under which Anglo-Catholics have been able to continue within the Church of England despite the ordination of women priests, because the new provisions are more favourable. This article will seek to explain why.

The House of Bishops' Declaration

The new provisions are contained in the House of Bishops' Declaration on the Ministry of Bishops and Priests.² This Declaration was made by the House of Bishops in May 2014 on its own authority. (The General Synod had considered the draft text in February; it was not invited either to revise it or to approve it, but passed a resolution welcoming it.)

In the Introduction, the bishops explain their reasons for making the Declaration:

‘We have each promised at our consecration to promote peace and reconciliation in the Church and to seek to unite its members in a holy fellowship of truth and love... We have a duty to ensure that the welfare of the whole Church of England is sustained in all its theological depth and breadth.’ (Paras 2,4)

The General Synod's approval of the Women Bishops legislation as part of a package of provisions that includes the Declaration was a vote for tolerance and inclusion – for sustaining the theological breadth of the Church of England, guarding its unity, and ensuring its welfare and that of all of its members. Without the Declaration, legislating for women bishops could only have been a vote for exclusion, for the narrowing of the Church of England, for division, and for the oppression and marginalization of minorities.

‘The Five Guiding Principles’

Fundamental to the Declaration are the Five Guiding Principles set out in para. 5 of the Declaration (and printed there in bold type).

[1] Now that legislation has been passed to enable women to become bishops the Church of England is fully and unequivocally committed to all orders of ministry being open equally to all, without reference to gender, and holds that those whom it has duly ordained and appointed to office are the true

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² A link to the text of the Declaration is available at www.forwardinfaith.com/resources/women-bishops.html, together with commentary material.

and lawful holders of the office which they occupy and thus deserve due respect and canonical obedience;

- [2] Anyone who ministers within the Church of England must be prepared to acknowledge that the Church of England has reached a clear decision on the matter;**
- [3] Since it continues to share the historic episcopate with other Churches, including the Roman Catholic Church, the Orthodox Church and those provinces of the Anglican Communion which continue to ordain only men as priests or bishops, the Church of England acknowledges that its own clear decision on ministry and gender is set within a broader process of discernment within the Anglican Communion and the whole Church of God;**
- [4] Since those within the Church of England who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains committed to enabling them to flourish within its life and structures; and**
- [5] Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England.**

The first principle requires us to accept that women bishops and priests will be the ‘true and lawful holders’ of the offices that they hold. That is simply a matter of law and fact. We cannot say that those offices are vacant (though we can say that we do not believe those who hold them to be priests or bishops in the sacramental sense). We are required to give respect to the holders of these offices (actually, we should give respect to everyone) and the clergy will owe canonical obedience to those who hold the office of bishop.

The second principle requires us to acknowledge that the Church of England has reached a clear decision on the matter of women’s ordination. Again simply a matter of law and fact, and there is no difficulty in acknowledging it.

The third principle is very important indeed, because it refers to that crucial idea which was the foundation of the Act of Synod, which the Declaration will replace – the process of discernment. The Declaration, like the Act of Synod before it, says that the Church of England’s decision is set within ‘a broader process of discernment... within the whole Church of God’. That process of discernment is what ecclesiologists call ‘reception’ – the idea that a doctrine enunciated by a council or synod may in the end come to be ‘received’ by the whole Church but may also come to be rejected by the whole Church. The Church of England’s decision regarding women’s ordination is clear but it cannot be regarded as absolute, because the Church of England is merely part of the one holy catholic and apostolic Church. In the end, it is the whole Church that must decide. The ‘process of discernment’ or reception continues, and the House of Bishops’ Declaration acknowledges that.

The fourth principle is similarly important. It recognizes our position as one of ‘theological conviction’ (not backward conservatism or misogyny), and one that continues to be within the spectrum of Anglican teaching and tradition. Our position is not tolerated out of pity and pastoral concern; rather, it is recognized as a one of legitimate Anglican theological

conviction. It is for that reason that ‘the Church of England remains committed to enabling [us] to flourish within its life and structures’ – not merely to exist, to continue until we die out, but to flourish, to thrive. So bishops and other authorities in the Church of England will need to show that what they do in respect of us is directed towards enabling us to flourish.

The fifth principle says that the provision for us will be not only pastoral but also sacramental, and that there is no time-limit on it (it is not about terminal pastoral care). This provision is to enable us to flourish (while ensuring that others can flourish too).

The fifth principle also speaks of the ‘highest possible degree of communion’. People often say that they are ‘not in communion’ with women bishops but, if we accept the teaching of the Second Vatican Council, we cannot say that. The Decree on Ecumenism says that those ‘who believe in Christ and have been truly baptized are in communion with the Catholic Church even though this communion is imperfect’.³ So there is a communion that flows from our common baptism, even if it is imperfect. The fifth principle calls on us to live in the highest degree of communion that is possible, but in doing so it also recognizes that full communion will not be possible, because the Church of England will no longer have an episcopate (just as it already does not have a priesthood) that enjoys full mutual recognition and interchangeability. The Church of England is and will remain an ecclesial body composed of Christians who share a common baptism and live in fellowship with each other.

Simplicity, Reciprocity and Mutuality

The Declaration goes on to say that ‘The outworking of these principles needs to be accompanied by simplicity, reciprocity and mutuality’.

The section on *simplicity* speaks of the requirement that on various occasions clergy take an oath that recognizes (rather than creates) their obligation to give canonical obedience to the diocesan bishop. The important thing to note is that the oath recognizes that the person concerned is the lawful holder of the office of diocesan bishop. It does not imply recognition of that person as being a bishop in the sacramental sense. Before the new legislation was drafted, we consistently argued that episcopal sacramental power (*potestas ordinis*) and episcopal jurisdiction (*potestas iurisdictionis*) should be held together in the same person, but we lost that argument. We were right to argue for the best and purest ecclesiology, but it would be quite wrong to suggest that that holding together of episcopal jurisdiction and episcopal sacramental status and power is universally practised in the Church of England or in the Church Catholic today or has been in the past. In accepting the situation we are accepting that the ecclesiology of the Church of England is not and will not be perfect – but nor is the ecclesiology of any other church. It is also important to note that canonical obedience does not require a priest or deacon to obey a direction that the law does not authorize a bishop to give. A bishop cannot require a priest to receive communion from him or her, for example or to attend a celebration of the Eucharist at which the bishop presides.⁴

Under the heading ‘*reciprocity*’, the Declaration calls in paragraph 10 for sensitivity to our feelings of vulnerability. It also recognizes and accepts that not everyone will receive the ministry of women as priests and bishops. Paragraph 12 states that it will be possible for men who do not ordain women to be appointed as diocesan bishops. (Whether that will happen in practice may be doubted, but the fact that the Declaration says it is possible is important.) The statement in paragraph 13 that ‘it is important that senior leadership roles within

³ *Unitatis Redintegratio*, 3.

⁴ See the footnote to para. 7 of the Declaration.

dioceses continue to be filled by people from across the range of traditions' is important too. Later in the Declaration, the House of Bishops states that it 'does not believe that... theological conviction in relation to the ordained ministry of women should be an obstacle to appointment as dean or cathedral canon' (para. 32). In fact there are too many dioceses that are one-party states, and in the great majority of them there is no traditional catholic in any leadership position. There are just four catholic archdeacons, four catholic residentiary canons and no catholic deans. These statements in the Declaration give us a basis for challenging this situation. At present there is nothing that we can do about it at all.

With regard to mutuality, the Declaration says that we should play our full part in the structures of the Church of England. That is crucially important. It is only by being involved that we will gain respect for our position and have the opportunity for the conversations that will enable us to win people over to our position. The commitment in paragraph 15 to equal treatment in relation to resource issues is important too. Our parishes must be treated fairly where the allocation of financial resources and clergy are concerned, and there must be no discrimination against traditional catholic ordinands. Ordination services – for deacons, priests and bishops – must be arranged in accordance with the five principles – ordinands cannot flourish, and sacramental provision cannot be made, if ordination services violate the consciences of those who are being ordained. So there can be no question of requiring traditional catholic ordinands to receive communion from, or be ordained with, women priests, or requiring deacons, priests or bishops to be ordained by a female bishop or archbishop, or to have priests or bishops whose orders they cannot recognize sacramentally lay on hands at their ordination.

Arrangements for Parishes

Parochial church councils will be able to pass a resolution requesting, on grounds of theological conviction, that arrangements be made for the parish in accordance with the Declaration. Under the existing arrangements, resolutions about priestly ministry require a simple majority, but a resolution requesting the ministry of an alternative bishop requires at least half the members to be present and a two-thirds majority of those present and voting, and if the parish priest doesn't support it the diocesan bishop can ignore it. By contrast, any resolution under the Declaration will require only a simple majority of those present and voting (if two-thirds of the members attend), or a simple majority of the whole number of members (if fewer than two-thirds are there). And there is no provision for the parish priest to veto the views of his people. That will make it much easier to pass a resolution requesting the ministry of an alternative bishop than it is under the present Act of Synod.

The Declaration says that the ministry provided to the parish must be in line with the theological conviction underlying the resolution. Anyone making any appointments of clergy in the parish or inviting any minister to minister in it must 'do everything possible to achieve an outcome that does not conflict with the nature of the conviction on this issue underlying the... resolution' (para. 23). If a patron tries to appoint a woman priest (or a male priest ordained by a woman bishop) to a parish that has passed a resolution because they are opposed to that, the diocesan bishop must use his or her powers to veto the appointment so as to protect the lay representatives from having to use their own power of veto (para. 24).

Episcopal Ministry

The Declaration says that an alternative bishop who gives pastoral and sacramental ministry to a parish must be a member of the House of Bishops of a diocesan synod. That means that he cannot be retired. Therefore there must be serving bishops who are not ordained by

women and do not ordain women (para. 26). The House of Bishops ‘affirms the importance of there continuing to be consecrations of bishops within the Church of England to enable such ministry to be provided’ (para. 30). The Declaration lays a duty upon the Archbishops to ensure that there is a continuing supply of bishops whom we can recognize, and the arrangements for parishes assure us that we will have access to that supply of bishops. Without this, we could not have said that our future in the Church of England is assured.

The sees of the three Provincial Episcopal Visitors (PEVs or ‘flying bishops’) are mentioned in the Declaration, and in its most recent report the House of Bishops says that there is no reason why their title and role or the financial arrangements for them should change. They remain ‘an integral part of the new dispensation.’⁵

Trust and Assurance

In the final section of the Declaration, the House of Bishops says that the Declaration ‘flows from the House’s desire to establish a climate of trust within which there can be mutual flourishing, notwithstanding the differences of conviction which will continue to exist on this issue’ (para. 38). This statement recognizes that trust has not existed and therefore needs to be established, and also that we are not going away or likely to change our views – ‘differences of conviction... will continue to exist’. It is not a matter of terminal pastoral care for a dying breed: the House ‘accepts its responsibility for creating and sustaining the necessary confidence that the arrangements set out in this declaration can be relied on and will prove durable’ (para. 39). Two steps have been taken to provide such assurance.

First, though the Declaration was made by the House of Bishops on its own authority, the House has added to its Standing Orders a requirement that neither the Declaration nor the new Standing Order can be amended or rescinded without the support of a two-thirds majority of each House of the General Synod. Thus, the Declaration can only be amended or rescinded by the House of Bishops, but the House cannot amend it or rescind it without the support of two-thirds majorities in each House. This ‘dual lock’ means that the Declaration is secure as anything in the Church of England can be.

The Resolution of Disputes Procedure

Given that a climate of trust has not existed, to invite those who cannot receive the ministry of women as bishops or priests to accept these new provisions on the basis of trust alone would not have been realistic.

Therefore the new Canon which the General Synod has approved will require the House of Bishops to make ‘regulations prescribing a procedure for the resolution of disputes arising from the arrangements for which the House of Bishops’ declaration... makes provision’. Again, though the General Synod has debated the draft regulations and passed a resolution welcoming them, it was not invited to revise or approve the text, and the Regulations will be made by the House of Bishops alone. However, once they have been made, any amendment to them will require the approval of two-thirds majorities in each House of the General Synod.

Because the Regulations will be made under canon law, refusal by a bishop, priest or deacon to participate in the process will be a disciplinary offence.

⁵ GS 1932, para. 23.

The Regulations provide for the appointment of an Independent Reviewer and Deputy Independent Reviewers. It is envisaged that they will have ‘administrative support’ from ‘staff of the national Church institutions’.⁶ A Parochial Church Council will be able to bring a grievance against any office holder⁷ – normally within three months of the act or omission that is complained of. The Independent Reviewer must complete his or her review within two months. The Reviewer may require the parties to provide information and documents and answer questions and may hold a hearing.

This is a Resolution of Disputes Procedure: its purpose is to resolve disputes. The Reviewer may seek to achieve a settlement of the grievance, for example by mediation. Otherwise, the outcome of the process is a written report, and if the grievance is found to be justified, the Reviewer may make recommendations for addressing the grievance.

Anyone will be able to raise concerns with the Independent Reviewer about ‘any aspect of the operation of the House of Bishops’ Declaration’, and the Reviewer may undertake an inquiry into those concerns. The Reviewer will be able to require any office holder to provide information and documents and answer questions. The Reviewer will be required to publish an annual report, which must include information about the grievances, his or her decisions and recommendations, the extent to which recommendations have been carried out, other concerns received, and inquiries undertaken in response to them. This provision will enable us to raise concerns about a failure to implement commitments made in the Declaration – for example, concerning diversity within the senior leadership of dioceses, cathedral appointments for traditional catholics, non-discrimination against candidates for ordination candidates, and arrangements for ordinations.

The procedure is based on similar procedures that operate with regard to the civil service, the health service and universities. The Steering Committee commented,

‘The objectives of the procedure and its mandatory nature are... to make it more likely that all concerned will act consistently with the House of Bishops’ Declaration without the need for anyone to make formal grievances under the procedure. And the reference to mediation is designed to underline that any difficulties that arise would better be solved relationally, and by discussion, rather than through legal processes.’⁸

and again:

‘The success measure of such a scheme is not ultimately the number of cases it handles but the impact it has in acting as an incentive to all concerned to resolve disagreements by discussion between themselves. Where cases do need to go through the review process it is important that the outcome secures closure.’⁹

Experience in other walks of life suggests that office-holders and professional people will do their best to avoid being criticized in a public report by an ombudsman.

The Steering Committee commented:

‘Like other ombudsmen, the Independent Reviewer would have no powers to impose penalties as a result of his or her findings. But the ability to publish reports critical of actions taken would in practice have a significant impact. Whether the fact that a cleric was found by the Independent Reviewer to have acted inconsistently with the

⁶ Report from the Steering Committee, October 2013 (GS 1924), p. 11 (para. 69), p. 33 (para 24).

⁷ In the Regulations, ‘office holder’ means any archbishop, bishop, archdeacon, rural dean or minister having the cure of souls’.

⁸ Report from the Steering Committee, p. 30 (para. 7).

⁹ Report from the Steering Committee, p. 11 (para. 67).

House of Bishops' Declaration might form the basis for a complaint under the Clergy Discipline Measure is uncertain and would depend on future decisions of courts and tribunals under the Measure.¹⁰

Lawyers whom we have consulted believe that, depending on the circumstances, if the Reviewer finds that a bishop, priest or deacon has acted inconsistently with the Declaration, failure to comply with a recommendation to address this could indeed be grounds for disciplinary action under the Clergy Discipline Measure.

All of this is less clear-cut than the present situation with regard to parochial appointments and ministry, whereby acting inconsistently with a parish's resolutions is an ecclesiastical offence, for which disciplinary action can be taken (though it has never needed to be). But it is much more favourable than the present situation with regard to episcopal ministry and to the other commitments made in the Act of Synod, which was not enforceable in any way (though it has been honoured in respect of parish resolutions).

We are hopeful that the Resolutions of Disputes Procedure will mean that bishops and clergy will comply with the requirements of the House of Bishops' Declaration. That makes the Declaration much more than a set of promises that may or may not be kept – and much better than the Act of Synod, which was less specific, included commitments that were not honoured, and was not enforceable in any way.

Conclusion

Forward in Faith has not stopped being opposed to the ordination of women as priests and bishops, but several years ago (long before I became Director) we did stop trying to prevent their ordination in the Church of England. There is little point in trying to prevent the inevitable. Our struggle during recent years has been to resist legislation that would have made our position insecure and our future uncertain, and instead to achieve a settlement that would give us a secure and honoured place and the opportunity to thrive and grow within the Church of England. We believe that we have now won that struggle – at least in the sense of having achieved a settlement that, while it is not perfect and certainly falls short of our ideal, is good enough.

¹⁰ Report from the Steering Committee, p. 12 (para. 73).