

The WATCH position on the House of Bishops' amendments to the draft legislation on female bishops:

A Statement of our Concerns



The National WATCH committee has now had the opportunity to consult with members and many others and to consider the amendments made by the House of Bishops in the light of that consultation.

We fully understand that the intention of the House of Bishops was only to make changes to the Measure that would mean that it would command a wider degree of support and welcome. However, it is clear to us that their decisions have had the opposite effect, and that the Measure is at present much less welcome to many who had previously supported it.

We also recognise that there were some concerns about whether the unamended Measure would have gained sufficient majorities in General Synod at Final Approval. However, despite their intentions, **the bishops have made changes that seem to have undone the mandate from the dioceses and undermined confidence in the Measure.** The House of Bishops has unwittingly destabilised the process and made the eventual outcome very uncertain indeed.

Our consultation suggests that if the amendment to clause 5 is not withdrawn, the amended measure is in very serious danger of being voted down by those who support women bishops.

The consistent and clearly articulated position of WATCH

WATCH's support for the unamended Measure was **an enormous compromise** from our preferred way forward: the simplest possible legislation in a Single Clause Measure.

We had concerns about whether the unamended Measure was too much of a compromise; in particular, the possibility that the broad scope for writing Letters of Request on the grounds of the unspecified theological conviction of the PCC 'or others' might be used to perpetuate the discrimination many women currently suffer in the Church. Our decision to support the unamended Measure rested on the key fact that the diocesan bishop's authority to delegate remained intact and **the various provisions of the Code of Practice were open to review over time.**

Since making the decision to support the unamended Measure we have consistently said that this was **the furthest we could go in supporting provision for those opposed.**

For the avoidance of doubt **we wrote to every member of the House of Bishops** in advance of their meeting in May urging them not to amend and cautioning them that amended draft legislation, with even more provision for those opposed, would be voted down by women clergy and others in July. WATCH is making this letter available publically to show the clarity of our communication at this point (see pages 9 & 10).

We also contributed to consultations on these draft amendments together with other key women's groupings. Those consulted gave clear and cogent reasons why these amendments would be unwelcome and were unanimous in their view that they would not command our support.

Despite our very best efforts to communicate our concerns, the House of Bishops did not choose to listen to the voice of women and men who support the ordained ministry of women and made amendments that **move the balance of the legislative package towards those opposed.**

The Amendments

The text of the amendments can be found on page 8.

Clause 8

This seems to be a helpful clarification to many. If the bishops had simply introduced this amendment then the Measure might still be on track for Final Approval in July.

Clause 5

Our consultations amongst those supportive of the ordained ministry of women showed that **the vast majority did not consider this to be a welcome amendment.**

Our Concerns about Clause 5(1)c

➤ General

1. The draft legislation that was considered in the dioceses was the product of six years of consultation including more than a year of detailed drafting by a committee representing all views within the Church. For the first time ever, the House of Bishops has intervened, after the end of the final drafting stage, and amended draft legislation at a point in the process where it cannot be further amended by General Synod before the final vote. By so doing, the House of Bishops has created the perception that it is *imposing* its will on the Church.
2. As a consequence, the amended Measure is not what General Synod or 42/44 Diocesan Synods voted for. Although the majority decision of the Group of Six was that these amendments did not alter the substance of the Measure, WATCH believes that the amendment to Clause 5 will make a significant difference to the way the legislation works. We believe that General Synod should have the opportunity to vote on the legislation that was approved by the dioceses.
3. The House of Bishops, a group of men meeting in private, has intervened at the last possible stage in the legislative process to qualify the authority of women as bishops when this was strongly opposed by women themselves. The perception given is that the only logical reason for amending Clause 5 in this way is that the House of Bishops does not trust female bishops (or male bishops in favour of the ordination of women) to treat parishes fairly and sensitively.
4. The Bishops are regarded as 'Father in God' by clergy women (and men) in their dioceses. This partisan intervention seems to signal that bishops are prepared to sacrifice the well-being of the women in their pastoral care in order to appease other voices in the family. The House of Bishops has caused enormous hurt and offence by its action and bishops may find they face a consequent loss of trust in their authority.
5. The House of Bishops is supposed to guard the doctrines of the Church but has provided legislation that seeks to recognise in law a range of varied doctrinal positions over the ordination of women that are mutually exclusive in their conclusions about the status of women's ordained ministry.

Either the Church ordains women, or it does not (and General Synod decided back in 1975 that there *are no fundamental objections to the ordination of women*). The bishops have always been able to deal pastorally with major disagreements between people, but the amended draft Measure appears to enshrine in law a contradiction in the official theological position of the Church as a whole.

The House of Bishops is supposed to guard the unity of the Church but this amendment will serve to cement division. This will be bad for women and bad for the Church: as our Gospel tells us 'a house divided against itself cannot stand'.

6. The amendment brings into law a completely new idea that it is what a male bishop or priest does (the “exercise of ministry”) which will determine whether he is acceptable to a parish. The formularies of the Church of England state firmly that ministry is derived from ordination. Once ordained, a minister’s orders ought not to be doubted (Canon A4). And the efficacy of the ministry of word and sacrament does not depend on a minister’s other actions or the quality of their character (Article 26).

General Synod requested legislation (ie a Measure) consistent with Canon A4, recognising that generous pastoral provision could still be made in a Code of Practice. Attempts to change the Canon were defeated. *It is difficult to see how the amendment could be interpreted in a manner consistent with Canon A4 and Article 26, which are basic formularies of the Church.* This is quite apart from the fact that the practice of ministry can change over time, and the Code will now need to deal with a situation in which a bishop or priest changes his (sic) practice.

➤ **The detailed implications of Clause 5(1)(c)**

1. 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 about women can usually find a theological rationale. It will mean that a) the Church will, potentially, need to find bishops to minister to a huge variety of different theological convictions, b) those ‘theological convictions’ will have to be respected in law, however outrageous they may be.

2. 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 emphasis) - Statement by Forward in Faith England, 23/05/2012

3. It changes the exercise of pastoral care 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 does so.

In allowing our relationships to be governed by the exercise of law rather than grace, this amendment is profoundly un-theological 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 involve less commitment from both sides.

➤ **Maleness: taint and headship**

Section 5(1)c is designed to reflect the fact that maleness is a necessary but not sufficient criterion for a 'requesting' parish seeking a male priest or bishop – not any male will do as a priest or bishop for these parishes.

We have always known that this was the case, and bishops (male or female) would have been required under any Code of Practice, and assumed as a matter of pastoral trust, to take this into account without it being enshrined in statute. But having the expectation spelled out in s 5(1)c *legitimizes the theological convictions* that are the basis for the Letter of Request.

Traditionalist Anglo-Catholic and Conservative Evangelical parishes, which each represent a tiny fraction of parishes in the Church of England, have different reasons for being opposed to women as bishops and would need different provision under the amended Measure because provision would need to reflect the theological conviction of the requesting parish.

A note on the different provision required - 'acceptable males'

Traditionalist Anglo-Catholics

For traditionalist Anglo-Catholic opponents of women bishops, an 'acceptable male' would need to:

1) Offer '**sacramental assurance**' - In order to guarantee 'sacramental assurance' (ie an unbroken chain of male bishops back to St Peter), an acceptable bishop (and, indeed, any acceptable priest) must not have been ordained by a woman: according to this view, women cannot be ordained, therefore they cannot in turn ordain. So for this grouping the amendment writes onto the face of the Measure that 'requesting parishes' can insist on provision of bishops (and priests) of the correct 'pedigree'.

2) Be an '**untainted bishop**' - Whilst Traditionalist Anglo-Catholics may seek "sacramental assurance", this amendment also legitimizes a theology of 'taint' within the legislation. This is because, for a male bishop to be acceptable, parishes may demand that he has not ordained women. This is because it is thought that a bishop's hands become 'unclean' and, his ministry invalid, through sacramental contact with female priests or bishops. WATCH is utterly opposed to such views because they reflect and support mistaken and damaging views of women as 'tainted'.

This 'theology of taint' is often extended so as to become one of taboo: altars at which female priests have celebrated the Eucharist are regarded as 'tainted' and therefore unusable; female clergy and laywomen have been rejected from the sanctuary (the area around the altar) as unclean because they are pregnant or might be menstruating.

WATCH is extremely concerned that the amendment legitimizes such views about women. We have always been prepared to be generous to those who hold these views, but nonetheless, such views should not be legitimized in the theology of the Established Church or be enshrined in statute law.

Conservative Evangelicals – Male Headship

For Conservative Evangelical opponents of women bishops, the objections are different and are based on a particular understanding of 'male headship' that comes from a very particular reading of the bible. On this understanding, men and women are 'equal but different' and women are to be functionally subordinate to men in church and in the family; a male must be the head of both.

Regarding male headship as intrinsic to the divine order of creation assumes a particular, literalist understanding of certain texts in the bible and also assumes that this reading should

override our experience and knowledge of the world. But traditional Anglican theology uses reason as well as scripture and tradition in working out what is right. Reason tells us that women are gifted to lead, and that male headship in the family has been extremely problematic for women.

The bible tells us that women and men are created equally in God's image and that in Christ there is no longer male and female. Women should therefore be free to exercise leadership in Church and family, especially as it is clear from the New Testament that women did exercise leadership in the early Church. WATCH considers that conservative views on male headship are damaging to women and to the Church and should not be enshrined in statute.

For this group, a male bishop who is truly the head of the diocese and a male priest should be sufficient to meet their theological objections to women's ministry. But the amended legislation gives them the right to have ministry from someone with their own theological conviction on this issue. This means that there will have to be two bishops to minister to the two dissenting groupings where only one would otherwise be necessary.

In fact, the Conservative Evangelicals are not satisfied by this amendment in any case because they are opposed to the principle of 'delegation'. They want a bishop ministering to them who does not have their authority delegated by a woman bishop.

Theologies that exclude women should not be legitimised by the Established Church

The Gospel of Jesus Christ is one of inclusion, especially for the marginalised and for women. Theologies that exclude women on grounds of their sex and irrespective of their God-given gifts, are not Gospel theologies.

Religious views that understand women as 'lesser beings' encourage people to treat women as lesser beings. They therefore indirectly contribute to domestic and sexual abuse and violence against women – much of which takes place in the home. The established Church should not be institutionalising such views.

What the Church says about ordained women reflects what the Church believes about all women. The Church of England should use the opportunity and privilege of establishment to speak of the equal value of each human being in the eyes of God and this should be reflected in our legislation for women to be priests and bishops.

This amendment, with its legislative delineations of acceptable maleness, could enshrine in law, and christen as 'theological conviction', any negative and damaging view of women, no matter how theologically peculiar or offensive it might be.

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 is provided by the current law (under Resolution B of the Priests (Ordination of Women) Measure 1993).

➤ **Towards permanent uncertainty over the ordination of women**

This amendment writes into the face of the law a permanent and open-ended question as to whether women **are or can be** ordained; a permanent state of 'reception'.

This amendment, promising in law that a particular theological conviction about the ordination of women will be ministered to, should be read alongside the assurances in the Archbishops' Foreword to the draft Code of Practice. It says here that candidates who are opposed to the ordination of women will continue to be selected for ordination and that the Archbishops will seek to provide a supply of dissenting bishops.

Read together it is clear that an attempt is being made to create permanent, guaranteed doctrinal space within the Church of England for opposition to the ordination of women. This would ensure *permanently equivocal status for all ordained women; a status that is de-humanising to women priests and deeply damaging for the Church that ordains them.*

It is sometimes argued that we must wait until the Roman Catholic Church ordains women before the period of 'reception' can end and the Church of England can accept women as priests and bishops. However, the Roman Catholic Church does not recognise the validity of the priestly orders of men in the Church of England. Should we therefore regard the orders of all our priests as provisional until they are universally accepted?

This amendment ensures that the Church of England will still be fighting over these issues in fifty 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. Furthermore, even after a time when no such parishes remain, the possibility will still exist for a parish to invoke this provision again. In the meantime, bishops and priests to minister to dissenting parishes will have to be selected from an ever-decreasing supply.

Pragmatic reasons to support amended Clause 5

Despite our grave concerns, we still need to consider whether to advise others to support the amended Measure in July. The principal reasons in favour would be pragmatic. These are the principal arguments we have heard:

- The Church of England needs women in the College of Bishops as soon as possible for the Church to flourish: we need the change of culture that has more of a chance with women sharing in its leadership.
- The world at large would be utterly perplexed if the Measure failed in July.
- The provision of appropriate episcopal ministry for Conservative Evangelical and Traditionalist Anglo-Catholic parishes would have happened in practice whether the provision was required in law or not, so let us accept the changes and move on.
- The House of Bishops needs the wisdom and the diversity of experience and views that women will bring. This will help to challenge the 'groupthink' they appear to have got into at their last meeting. We recognise that their intentions were well-meaning, but for some reason they did not pay sufficient attention to the consequences we had warned them would occur. Over how many other issues does this happen, to the detriment of their decision-making?

Our real concerns about taking this approach are:

- The potential long-term damage to the Church of England of placing in law a permanent question-mark over women's ordination is huge: the theological incoherence of that position would have repercussions on internal levels of trust and commitment. The Church runs a severe risk of losing its credibility amongst all women, losing its ability to offer proper support to campaigns against domestic and other gender-based violence, and losing the support of men who deem its espoused views about women to be unacceptable.
- The cost will be very high to the first women appointed as bishops. They will enter a culture in which, in law, they and their male colleagues have to protect those who oppose their ministry. How possible will it be for them to challenge behaviour that undermines or puts into doubt their own contributions, presence or ministry?
- The world is more likely to understand women refusing to accept discriminatory legislation than to support them accepting it.

WATCH's conclusions

The bishops have argued that they have not changed the substance or intention of the Measure, and hope that when looked at dispassionately and carefully everyone will agree with them.

Our conclusions, after consultation and careful and dispassionate consideration, are these:

1. The House of Bishops has made changes that are significant in how the draft legislation might work in practice. In so doing, **it has de-stabilised the legislative process: there is no clear way forward towards July's General Synod.**
2. The amended draft legislation comes to General Synod for approval this July. **It is not possible for Synod to amend the legislation further at this stage** – though it could be **referred back to the House of Bishops** for reconsideration.
3. WATCH consistently supported the unamended Measure that was supported by 42/44 dioceses, as **an act of generosity to those opposed and a compromise** from our preferred route of the simplest possible legislation.
4. The bishops were **repeatedly informed by those supporting the Measure that any amendment along these lines would put the Measure at greatly increased risk of defeat** in July. They are now expressing surprise at our reaction. We wonder **what it is that stops the House of Bishops hearing and taking seriously the voices of ordained women** and all who support their ministry.
5. Our principal concerns about **Clause 5(1)c** are:
 - i) It **legitimises negative theologies about women** and expects women to live with **permanent institutional uncertainty about their orders**. This is bad for women and bad for the Church.
 - ii) It opens the way for parishes to require a bishop and priest in accordance with their theological convictions. This is a **new and unwelcome** departure for our Church that will **lead to conflict and increasing fragmentation**
6. The amendment to clause 5 means that the legislation no longer meets the objective of the Manchester Report (2008) that legislation should *'avoid any flavour of discrimination or half-heartedness by the Church towards women priests and bishops.'*
7. WATCH has grave concerns about the amendment to Clause 5 and the WATCH committee **cannot** support the Measure as it now stands. **However, it will fall to General Synod members, to make up their own minds and decide whether, in good conscience, they can support the legislation as amended.**
8. **Our consultation suggests that the amended Measure is at grave risk of being voted down by the very Synod members who most strongly support women becoming bishops.** It is a tragedy that after so much work and so much compromise, this should be the situation a month before the final vote.
9. Despite our disappointment, **WATCH remains committed to working constructively with others to find a way forward that does not further institutionalise discrimination and create a Church divided in law.**

National WATCH Committee
11th June, 2012

AMENDMENTS MADE BY THE HOUSE OF BISHOPS TO THE DRAFT BISHOPS AND PRIESTS (CONSECRATION AND ORDINATION OF WOMEN) MEASURE

Clause 5

After subsection (1)(b) insert—

“() 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,”.

[Note: As amended, clause 5(1) will accordingly read:

“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.”]

Clause 8

After clause 8(1) insert the following subsection—

“(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.”



May 14th, 2012

Re: House of Bishops' meeting 21-22 May

Dear Bishop,

I am writing on behalf of WATCH (Women and the Church) to urge you to resist making any amendment to the face of the current draft Measure concerning women in the episcopate and to resist placing any assurances into ancillary documents that would work against the spirit of the Measure as currently drafted.

I am sure that you have had a great deal of correspondence on the matter but please bear in mind the following reasons for resisting any amendment:

1. This draft Measure is the most generous compromise that is possible for those who support the ordained ministry of women.

As the Bishop of Gloucester reminded us at last February's General Synod, this draft legislation *is* the compromise. It represents a very significant concession from those who support the ordained ministry of women and would have preferred legislation in the form of a single clause measure. Many mainstream Synod groupings have compromised in order to show generosity to those opposed, but this is as far as we can go. We want women as bishops but not at any price.

2. This draft Measure is the legislative package most likely to be passed by Synod in July.

Amended draft legislation, that makes even more provision for those opposed, will be voted down by women clergy and others in July. The best way to get legislation for women in the episcopate passed this summer is for the House of Bishops to throw its weight behind the current draft legislation.

3. This draft legislation commands a consensus in the dioceses and represents a basis for unity moving forward.

The current draft legislation has the support of 42/44 dioceses. It commands a consensus that provides the basis for maximum ecclesial unity going forward. There are no winners and losers here; significant compromise underpins the consensus the draft Measure has achieved across the Church.

4. The draft Measure is a carefully worded document that has been produced after lengthy and detailed consideration of the issues. Hasty amendment is unlikely to improve it.

The Revision Committee wrestled with drafting in detail for over a year. After this level of scrutiny, it is inconceivable that any genuinely new amendment could be found or given adequate consideration in the course of a 24 hour meeting. Furthermore, any amendment worth making would certainly go to the substance of the issues that were considered at length by the Revision Committee.

The two issues under consideration at present, namely ‘delegation’ and ‘maleness’ were the two issues that preoccupied the Revision Committee more than any others, as you will note from the Report of that committee. It is difficult to see, in that case, how any amendment on those points could be considered ‘insignificant’. The Dioceses considered those two issues above all others and would expect to be consulted were there to be any changes in these areas.

5. Assurances in ancillary documents will be a source of ambiguity and cause problems for future implementation of the Measure.

Please be wary of introducing ‘harmless’ explanatory wording whether in a Preamble or any other ancillary document (aside from the Code of Practice). The status of ancillary documents is ambiguous and any ambiguity will be taken to signal a lack of support for draft legislation thereby encouraging those who are dissatisfied to find ways of avoiding the intentions of the Measure in future years.

6. Please pay attention to the signals any amending intervention would send.

Any intervention to amend the draft legislation would send signals to Dioceses and Deaneries that their time and input was ultimately insignificant. It would send signals to the whole Church that the House of Bishops is prepared to overturn the careful settlement achieved after great labour and to seek to *impose* a new settlement on the Church.

Such an intervention would risk the House presenting itself in opposition to the will of the wider Church. For people outside the Church it would convey the clear impression that the bishops are out of touch with what is both wanted and needed. It would also do enormous damage to the morale of ordained women and those who support their ministry.

We respectfully remind you that that this legislation involves reforming the House of Bishops. Many would see it as deeply inappropriate for the very body that is the subject of reform to intervene at the eleventh hour to alter a compromise that has been so carefully negotiated.

7. Please listen to the mind of the Church and lead us into renewal with enthusiasm.

We would therefore ask you to exercise your episcopal leadership by listening to the mind of the Church. The clear desire, as expressed in diocesan voting, is for this legislation, to be put to Synod in July unamended.

It is sometimes easy to forget that a vote for women as bishops will be wonderful news for the Church of England. There is an opportunity over coming weeks for the House to lead the Church towards this exciting phase of renewal with enthusiasm - anticipating the great enrichment to the House that female colleagues will bring. Please embrace this opportunity wholeheartedly!

With our prayers and good wishes,

Rachel Weir

The Reverend Rachel Weir
Chair of WATCH (Women and the Church)
rachelssweir@yahoo.co.uk

On behalf of the National WATCH Committee