

13 March 2009

Bishops and Priests (Consecration and Ordination of Women) Measure and Draft Amending Canon No 30.

Submission from Church Society Council.

Church Society is a voluntary society in the Church of England first established in 1835. In all that time the Society has been a staunch defender of the Church of England. Whilst the Council would not wish to see legislation go ahead, if it does so then they wish to see adequate and proper provision made for those who remain unable in conscience to accept the ministry of women as presbyters or bishops.

We enclose below a number of general and detailed points together with a copy of paper on “Communities” which has emerged from wider discussions. A separate submission has been made by the related body Church Society Trust.

1. General Points

- a) Church Society responded positively at earlier stages in the process, including making a detailed joint submission with Reform and the Fellowship of Word and Spirit on the basis of Transferred Episcopal Arrangements. It is regrettable that the T.E.A. proposals were not developed further and we ask the Revision Committee to reconsider these, or comparable proposals.
- b) We have argued at each stage that the delegation of oversight is inadequate because it does not address the fundamental problem as we see it. Therefore provision must involve the “transfer” of either all jurisdiction or of certain functions with associated jurisdiction.
- c) We have no confidence in the idea of placing key aspects of the provision in a code of practice.
 - Sadly there is ample evidence that codes of practice relating to other legislation are ignored. Indeed even legislation is sometimes ignored.
 - Legislation will give a strong signal that the Church of England is genuine in wanting those of the “traditional integrity” to remain.
 - Legislation requires a process which introduces an external check. Given the nature of the Church of England as a national Church and the contentious issues involved, this is extremely important.
 - People are fearful that it will be too easy to change a code of practice.
 - Legislation will make matters clearer and easier to challenge, whereas codes seem to be much harder to enforce or monitor. This is evident with the Episcopal Ministry Act of Synod that one or two Bishops have imposed their own interpretation on the proposals and it seems very difficult to challenge this abuse of power.
- d) Whilst there is some value in provision such as special dioceses or a new province, we have not generally argued for these ourselves. Our concern is that there should be flexibility and permeability in the arrangements. We do not wish to leave the rest of the Church, nor be shut up in an ecclesiastical ghetto. Therefore, as with recent ‘fresh expressions’ legislation there is a need to ask whether our existing structures really are as fixed as some seem to assume. The rigid territoriality that lies behind some modern concepts of episcopacy is a largely recent and unjustifiable phenomenon.
- e) There continues to be discontent because of the fact that the 1992 legislation seems to have ignored the needs of evangelicals of the traditional integrity and indeed that there has been discrimination against

classical evangelicals in senior appointments. There should have been an evangelical flying bishop, yet the constant requests for this have been repeatedly ignored. This has been part of the reason for the alienation of a growing number of young clergy, who are seeking ministry opportunities elsewhere.

- f) We believe that the proposed wording of Canon A4 will make it impossible for many evangelicals to make remain within the Church of England. There is an obvious problem in relation to the word 'lawful' as to how this relates to the concept of ecclesiastical or canon law and how it relates to the doctrinal formularies of the Church. Since we are convinced that the consecration of women as bishops is contrary to Scripture, we necessarily believe that it is not lawful for the Church to authorise it. The Canon therefore seems to require us to assent to something which we cannot in conscience accept.
- g) As is recognised in the draft code of practice there is a need for the legislation to make provision for a variety of different situations. There is a particular need to provide in some way for lay people who find themselves in situations which they find difficult in conscience.

2. Details of the Draft Legislation

Clause 3: Nomination of suffragan sees.

- The new Bishops should be nominated by those to whom they will minister, not by the Archbishop or House of Bishops.
- It is also likely that one day there will be a woman Archbishop, in which case this clause will prove inoperable.
- The new Bishops need to be more than just suffragans.
- As explained it is important to move away from the concept of "petitioning" to statutory transfer by resolution of a PCC.

Clause 4:

Provision needs to be made for the transfer of episcopal authority and jurisdiction and therefore the legislation itself should list the items, not the Code. As a minimum, the items listed in the Annex to the proposed Code should be placed in a Schedule, and the measure should state that where a parish comes under the oversight of one of the new bishops that bishop should exercise authority and jurisdiction in relation to those Canons, Rules, Regulations and Measures listed in the Schedule.

There will still be a need for some matters to be in a Code of Practice and the provisions in this Clause relating to its authorisation and force - rather than its content - are generally acceptable.

3. Revised Draft

We attach a copy of a document that has arisen out of consultations beginning with the idea of the Bishop of Dover relating to religious communities. The notion of a "community" may be a helpful one, although the actual legislation being drafted will need to give content to the concept. We can foresee problems with the proposals and also that in some respects new Dioceses might be better, but overall we consider that something along these lines may be workable.

Yours faithfully,

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General Secretary on behalf of the Council of Church Society