

The following paper is one of a series written by members of WATCH (Women and the Church) in response to proposals contained in the Report of the Women Bishops Legislative Drafting Group (GS 1685, April 2008) and the Draft Bishops and Priests (Consecration and Ordination of Women) Measure (GS 1708, December 2008).

The papers focus on the proposals, some of which imply an underlying concept of taint with regard to women priests and bishops, and others which, if passed, would further erode the unity and damage the historic episcopacy of the Church of England.

This paper was written for GRAS (Group for Rescinding the Act of Synod) by the now Archdeacon of Llandaff, Revd Canon F.A. (Peggy) Jackson when she was Rector of Mortlake with East Sheen Team Ministry and Dean of Women's Ministry for Southwark Diocese. We give our thanks to GRAS for allowing us to print Archdeacon Peggy's paper.

Legislation for Women Bishops

by Revd Canon F.A. Jackson

In summary...

We urge General Synod members in February 2009 to stand firm, and keep a close regard for the decisions taken in their own chamber in July 2008 – to keep good faith with the hard-won matters of principle which were actually decided at that time. And, in passing this legislation on to the Revision Committee, to do so with a clear reaffirmed mandate for:

- a simple statement of the eligibility of women for episcopacy on identical terms with men
- special arrangements within existing structures, set out in a Code of Practice, which:
 - make explicit pastoral provisions for all existing clergy and parishes who have need of them, on an individual basis
 - do not create or perpetuate existing discriminatory structures, amounting to a theology of taint
 - do not offer structural provisions to meet the pastoral needs of those entering ordained ministry after the coming into operation of the new legislation
 - are framed to be entirely mutual and interchangeable with regard to gender
 - are framed in such terms as do not automatically require, nor anticipate a need for, any future revision by Synod.

The Church of England has reason to be especially grateful to those currently serving on General Synod, and the members of the Legislative Drafting Group. They have laboured nobly to

try to find a formula, by which the wishes of the majority that women should be enabled to be consecrated as bishops can be met, while causing a minimum of offence to those who in conscience will not be able to accept such a development.

Can we stand back a moment and remember: What is the fundamental question?

The Church is trying to resolve one of the most fundamental questions of all – What is the nature of a human being? and, more specifically:

- (a) Which human-beings can be regarded as normative, or representative, of humanity as a whole and thereby are capable of receiving the grace of ordination, for sacramental ministry?
- (b) Which human beings, in God's determined order of creation, may be assigned authority to lead human society and human institutions and thereby are capable of fulfilling a role of headship?
- (c) In relation to both of these, can women do so, or not? i.e. has God assigned these roles in the created order differentially among human beings according to their gender, or not?

These are fundamental 'first order' issues, because neither women nor men can control what gender is assigned to them at birth, nor can they in any sense be held responsible for it.

As Maude Royden summed it up, "I was born a woman and I can't get over it". What we believe to be 'true' about gender matters greatly, because it is a crucial determinant in the way in which men and women can express their lives of faith in the church.

Structures should reflect what is believed fundamentally to be true

From earliest times the Church has sought to order its life and relationships upon a model of humanity, believed to be ‘true’, as revealed in Jesus Christ. Church structures should, and do, reflect this. From time to time this understanding has changed over significant matters, such as circumcision, food laws or slavery. Now we have reached a similar new understanding of ‘truth’ in relation to gender.

In all generations, the Anglican Church has sought to determine what that ‘truth’ is by looking at the evidence of Scripture, Tradition and Reason (or experience), and to articulate that through the words and structures set out in the Canons and by the various organs of governance. Of course in practice there are imperfections and anomalies, because human beings are complex and fallible. For the last 16 years, the Church of England has been guilty of speaking the language of equality and recognition of women’s priestly orders, yet its structures (in particular the Act of Synod) have betrayed its deeper and continuing ambivalence, about where ‘truth’ actually lies. When internal structures and actions belie the public statements, as we have so clearly seen, trust is damaged and the Church weakened.

This is why, now that we come to crucial legislation for the consecration of women as bishops, it is essential that the structures reflect what will have been a genuine change in understanding of what is ‘true’ with regard to gender. There must be an end to systems which perpetuate ambivalence or uncertainty in the ‘mind’ of the Church. This is what 1,276 women clergy were asking for in the summer of 2008, when they wrote to ask Synod for a single clause measure with code of practice; and this is what the majority of women in senior posts meant when they said at that time “If the Church cannot bring herself to call women to serve as bishops on the same basis as men, then, as women, we would respectfully suggest postponing legislation rather than compromise the episcopacy itself.....”.

It is very simple. The Church should not go forward with legislation for women bishops unless, and until, it has reached the point of being able to say that:

- women *are* as normative of what it is to be human, as are men
- women *are* as capable as men, of holding authority and exercising leadership in human society.

If that point has been reached, then the legislation that is brought forward, and the structures it authorises, should reflect fully that new understanding of ‘truth’ in relation to gender.

“Within existing structures...”

This principle lay behind Synod’s own decision in July 2008, as it defined the task given to the LDG. This is why the Bishop of Gloucester, in proposing the House of Bishops’ motion, recognised deliberately that it “stopped short of creating fresh structures”, and why the Archbishop of Canterbury was unhappy about any scheme “that structurally humiliated women in the episcopate”. Part (b) of the final resolution required that “special arrangements be made, *within the existing structures of the Church of England*” (*my emphasis*). Repeated amendments were raised, tested and voted away – because members, despite their wide diversity of opinion about details and even on the issue itself, still found, at a deeper level, agreement that there should be an approach properly rooted in principle, rather than in expediency.

Synod should now keep faith with this principled mandate, as it comes to examine the draft legislation and Code of Practice. Synod’s task is to determine what view the Church of England now holds as ‘true’ in relation to gender. That truth will shape, as it has so far, the way in which structures are established.

Will Synod’s vote be solidly based on questions of principle? Or is the question of how to appease a vocal minority going to fill the minds of Synod members and obscure the principle for many years to come?

Individual members, even bishops, may hold personal views at significant variance from the Synod-determined line, and groups may continue to foster, and seek to live from, a diversity of theological positions. That is, as it has always been, one of the proud glories of the Church of England. But recognising that individuals hold diverse opinions is one thing; structuring a Church to reflect such diversity is quite another – especially where that diversity is not one of degree, but in this instance, of the ‘yes’/‘no’ variety. It simply cannot be that women both truly ‘are’ and truly ‘are not’ normative human beings.

Respecting the good faith and loyalty of opponents to women’s ordination does not automatically mean that the Church must order its structures as if the opposing views were as equally ‘true’. Acknowledging that they, in order to remain in good conscience, will be unable to receive the ministry of women bishops and priests requires a pastoral restraint and understanding from all bishops in future, with regard to expectations on some sacramental occasions. It does not require the establishing of a system of structural by-passes, as if the Church itself still had doubts as to the ‘truth’ of women’s orders – hence Synod’s right insistence in July 2008 that any special arrangements should be “within the existing structures”.

The proposed addition to Canon A4 is not an arrangement “within existing structures”. To exempt opponents, on this

issue alone, from the general requirement to account and affirm all ordained people as truly so, would fundamentally undermine the future unity of the Church of England, as well as being deeply offensive to women. Better not to ordain any women...(in fact better not even to baptise them, as Una Kroll once famously pointed out) than to create an anomaly where the Church gives canonical sanction to such a unilateral denial of its own orders.

What is now proposed is not an annulling, but in practice an extension, of the mistaken principles introduced by the Act of Synod. The Code of Practice as presently drafted, has also failed to follow Synod's July mandate for special arrangements 'within existing structures'. Mandatory delegated powers amount to very significant structural changes, over a wider range of Episcopal functions than even the Act of Synod envisaged; these would permanently change the face of the Church of England. And they would do so, not only in respect of women holding office as bishops or priests, but in respect of all bishops in future.

The idea of taint leads inevitably to schism

The draft provisions coming before Synod in February reveal a clear aim to establish a line of 'sacramental assurance' for those who oppose women as priests and bishops. The terms of this assurance are set out in a way which not only allows individuals to continue to act consistently with individual conscience, but much more extensively, provides them with a complete ecclesial structure, enabling them to live as if their view continued to be that of the church as a whole.

This is manifest in the option by which conscientious objectors may 'avoid', not only the ministry of ordained women, but also the ministry of any male bishops who happen to have ordained women. This would take the church inexorably into systems derived from a theory of taint.

Such a basis for new structures could barely be described as 'loyally Anglican'; rather, it enshrines a fundamental division and ongoing schism between what Anglicans in the Church of England will have decided to do (i.e. ordaining women to the episcopate), and the minority whose loyalty will remain only to those particular Anglicans who share their view on this matter.

What is schism but a breaking of communion and authority structures? In these proposals we would be doing just this to ourselves. How can breaking off communion and withdrawing obedience to our bishops be called 'loyalty'?

How could an apartheid, enshrined in legislation, whereby one group remained distinct from a decision of General Synod and Parliament, and from the actions of bishops acting in accordance with Canon Law, be anything other than schism?

What should a Code of Practice do?

What, then, should a Code of Practice do, which does follow the mandate of General Synod last July? It should:

- honour and reassure loyal Anglicans that they will not be required either to leave, or to act individually outside the dictates of personal conscience
- offer special and specific care to those people and parishes, around whom the mind of the Church on this issue has changed. The intention of this care is that they would not be lightly brought to a position of feeling that there is no continuing place for them in the Church. It could not, however, be allowed structurally to undermine the very decision itself.
- be drafted in such a way that there will be no further need for revision in the foreseeable future, because it would not anticipate any need to revisit the question of gender equality in the Church of England. Even if this means taking longer now to reach the right legislation, this ultimately would be the better course.

Therefore the Code should:

- be simple
- be mutual (applying equally to both sides, e.g. in the Diocese of Chichester)
- introduce no change in the understanding or definition of episcopacy
- define no special categories of bishops, or differential ways of exercising the role of bishop, arising out of issues of gender
- be operated and upheld by trust, in preference to law.

Independent monitoring of its operation by someone accountable to the House of Bishops and/or to General Synod – would help to keep good faith with Synod's intention to be fair towards all parties.

What of those who are ordained after the legislation is passed?

A significant question remains, then, about those who come into ordained ministry after the enactment of this legislation, and what, if any, provisions might be applied to them. Opponents of women's ordained ministry are clear that to change the terms at present enshrined in the Act of Synod (by which those opposed to women's ministry may still enter and expect to find preferment in holy orders at all levels) would amount to a harmful blow to the future of their position in the church. It would be seen as an attack, intended ultimately to banish this

viewpoint from the church. Yet to establish 'special' bishops, identifying by declaration those deemed to be in a special 'untainted' category, or to perpetuate special 'women-free' channels within the structure of holy orders, would serve only to perpetuate and deepen the very schism, which the Act of Synod has already begun to open up before us.

It is one thing to make special arrangements for those around whom the Church of England has changed its mind; it is quite another to split the Church of England into 'special' divisions accommodated at all levels, specifically to foster and accommodate a new generation of people who wish to make a conscientious choice from the outset, never to engage with the mainstream ministry of the church. No structural provision should be made for such people, beyond any bishop's normal pastoral concern for the variety of individual feelings and circumstances among serving clergy. New individuals with con-

scientious difficulties over women's ministry will simply have to make personal decisions and individual choices, to find accommodation as best they can - just as many already have to do over a host of other current issues, some very uncomfortable, where people find themselves representative of a view which is not that sanctioned by the 'Church' as a whole, and upheld through Synod and Parliament.

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