

HOUSE OF BISHOPS CONSULTATION ON VESTURE

CANON B 8 (VESTURE)

CONSULTATION PAPER FOR MEMBERS OF GENERAL SYNOD FROM THE HOUSE OF BISHOPS

Summary

1. At its meeting in December 2015, the House of Bishops agreed to consult Synod members to seek their views on whether the House should promote the introduction of draft legislation to amend Canon B 8 ('Of the vesture of ordained and authorized ministers during the time of divine service'). The House will consider the responses received at their meeting on 23 – 24 May and will decide then whether and, if so, when legislation on the subject should be introduced.
2. Synod members are asked to send their responses to the questions set out in the Conclusions to the Clerk to the Synod **by 5pm on Friday 15 April.**

Background

3. At the July 2014 group of sessions, the General Synod resolved, on a Private Member's Motion (PMM) from the Rev'd Canon Christopher Hobbs (London), as follows:

'That this Synod call on the Business Committee to introduce draft legislation to amend the law relating to the vesture of ministers so that, without altering the principles set out in paragraphs 1 and 2 of Canon B.8., the wearing of forms of vesture referred to in paragraphs 3,4 and 5 of that Canon becomes optional rather than mandatory.'

4. Canon B 8 currently reads as follows:

1. The Church of England does not attach any particular doctrinal significance to the diversities of vesture permitted by this Canon, and the vesture worn by the minister in accordance with the provision of this Canon is not to be understood as implying any doctrines other than those now contained in the formularies of the Church of England.

2. Notwithstanding the provisions of this Canon no minister shall change the form of vesture in use in the church or chapel in which he officiates unless he has ascertained by consultation with the parochial church council that such changes will be acceptable: Provided always that in case of disagreement the minister shall refer the matter to the bishop of the diocese, whose direction shall be obeyed.

3. At the Holy Communion the presiding minister shall wear either a surplice or alb with scarf or stole. When a stole is worn other customary vestments may be added. The epistoler and gospeller (if any) may wear surplice or alb to which other customary vestments may be added.

4. At Morning and Evening Prayer on Sundays the minister shall normally wear a surplice or alb with scarf or stole.

5. At the Occasional Offices the minister shall wear a surplice or alb with scarf or stole.

5. A supporting note to the PMM from the Secretary General (GS 1944B) included explanation on the background to the Canon as well as information on the significance and history of clerical vesture which was set out for an earlier 2002 debate on *The Vesture of Ordained Ministers* (GS Misc 679B). Material from both these documents is attached in the Annexe for ease of reference.
6. At the beginning of a new quinquennium – with a Synod that includes a large number of new members – the House of Bishops believes that it would be sensible to set out some options and seek the views of members of the Synod before it takes a view on the nature of such canonical changes. This is because the House might in future invite the Business Committee to bring these changes to the Synod for the necessary legislative process.

Possible amendments to Canon B 8

7. The General Synod’s resolution of July 2014 could be given effect by amending Canon B 8 so that:
 - In relation to the Holy Communion and Morning and Evening Prayer on Sundays, the minister would be able to depart on a general basis from the normal requirements as to vesture, provided that he or she had first ascertained, after consultation with the Parochial Church Council, that doing so would benefit the mission of the Church in the parish.
 - In relation to the Occasional Offices, the minister would be able to depart from the normal requirement as to vesture, provided that he or she had the agreement of the persons concerned to do so. It has been suggested that the requirement for the agreement of those concerned might extend to weddings and funerals but not baptisms on the grounds that the latter generally take place in a main Sunday service and should therefore be within the minister’s discretion. Since, however, the prescribed forms of vesture would remain the norm for all three occasional offices it would seem more straightforward if the rights of those concerned were the same in each case.
 - Where the minister departed from the normal requirements as to vesture, the dress adopted by the minister should be seemly and not such as to be indicative of any departure from the doctrine of the Church of England.

Legislative Process

8. As explained in the 2014 paper from the Secretary General, a draft Amending Canon which sought to modify the requirements of Canon B 8 would constitute Article 7 business for the purposes of the Synod’s Constitution and Standing Orders, since it would represent “*provision touching ... the services or ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof*”.¹
9. Before being presented to the Synod for Final Approval, any such draft Amending Canon would accordingly have to be referred to the House of Bishops, which would have power

¹ See Article 7(1) of the Synod’s Constitution and Standing Order 153(1).

to amend it. It could also be the subject of a formal referral to the Convocations and House of Laity.²

10. Such a Canon would “*make provision ... for [a] matter ... to which any of the rubrics contained in the Book of Common Prayer relate*”³ and would therefore engage section 3 of the Church of England (Worship and Doctrine) Measure 1974. This means that a two-thirds majority was required in each House on Final Approval.

Conclusions

11. In order to inform the deliberations of the House of Bishops and the Business Committee Synod members are asked to indicate the following:

- whether they support the introduction of legislation to amend Canon B 8; and
- if so, whether they would favour the approach set out in paragraph 7 of this paper or a different approach.

12. Responses may be sent by email, **by 5.00pm on Friday 15 April**, to the Clerk to the Synod at: jacqui.philips@churchofengland.org or by post to:

Dr Jacqui Philips
Clerk to the Synod
Central Secretariat
Church House
Great Smith Street
London
SW1P 3AZ.

WILLIAM NYE
Secretary General to the House of Bishops
20 January 2015

² See Standing Orders 62(1) and 95ff.

³ See s.1(1)(b) of the Church of England (Worship and Doctrine Measure) 1974. There is a direction in the Book of Common Prayer, on the page immediately before the Order for Morning Prayer, that imposes certain requirements as to the “*Ornaments ... of the Ministers ... at all times of their Ministration*”. Although the terms of that direction have been superseded by the provisions of Canon B 8, a Canon amending Canon B 8 would, nevertheless, “*make provision ... for a matter*” (i.e. the nature of the vesture to be worn by ministers) to which that rubric (which continues to be contained in the Book of Common Prayer) relates. It is clear that the direction in question is a ‘rubric’ for the purposes of the 1974 Measure given the definition of ‘rubrics’ in s.5(2) of the Measure.

**Extract from GS 1944B “Background Note from the Secretary General”
The meaning of the present canonical requirements**

1. The services to which the canonical requirements apply are the Holy Communion, Morning and Evening Prayer on Sundays (either according to *the Book of Common Prayer* or in accordance with the provision contained in Common Worship) and the Occasional Offices. They do not apply to less formal forms of worship, including many of the forms that would be possible within the framework of ‘A Service of the Word’. They would also not apply to many forms of worship that the minister might choose to use under Canon B 5.2 on occasions for which no provision is made in *the Book of Common Prayer* or is otherwise approved under the Canons.
2. As to the identity of those to whom the canonical requirements apply, the mandatory provision relating to the Holy Communion applies to ‘the presiding minister’: it is permissive in relation to ‘the epistoller and gospeller’. The (mandatory) provision relating to Morning and Evening Prayer and the Occasional Offices refers only to ‘the minister’. If, however, the role of ‘the minister’ in the case of Morning or Evening Prayer or one of the Occasional Offices is divided between several people, the better legal view is that each of them (if ordained) should comply with the relevant canonical requirement.
3. The legal effect of the word ‘normally’ in Canon B 8.4 is liable to some misunderstanding. What it allows is a degree of latitude so that the requirement for the minister to wear a surplice or alb with scarf or stole may be dispensed with on particular occasions where the circumstances justify. It does not mean that in certain churches it is lawful for the wearing of such vesture to be dispensed with routinely.⁴
4. There may also be some misunderstanding as to what is meant by the statement in Canon B 8.1 that “*the Church of England does not attach any particular doctrinal significance to the diversities of vesture permitted by this Canon ...*” Thus it has been suggested that no doctrinal significance is attached to the wearing of vestments at all.⁵ This is not, in fact, what the Canon means.
5. Its effect is, rather, that no doctrinal significance is attached to the diversities, that is the the differences between the forms of vesture permitted by the Canon. Thus the fact that a minister wears one kind of permitted vesture rather than another cannot be taken to demonstrate that he or she holds any doctrines other than those contained in the formularies of the Church of England.
6. The provision is, in other words, concerned to make it clear that, by allowing such latitude as the Canon does in relation to permitted forms of vesture, its enactment did not indicate any alteration in the doctrine of the Church of England.

⁴ See A Atherstone, *Clergy Robes and Mission Priorities* (Grove, Transforming Worship series, W 197) page 13..

⁵ See Atherstone, *op cit*, page 12 and M Perham, *Lively Sacrifice: The Eucharist in the Church of England Today* (London, SPCK, 1992) page 83.

EXTRACTS FROM GS Misc 679B

Some reasons for the wearing of vesture

7. Although liturgical dress derives from day dress there has, nonetheless, been unbroken tradition, emerging soon after clergy continued to wear Roman dress for liturgical functions even after Christianity spread to colder climes, which has obliged clergy and other liturgical ministers to wear particular forms of dress when presiding over or taking a distinct role in public worship.
8. The ‘fossilisation’ of day dress for liturgical functions is paralleled in other areas of life when particular costume has been retained in special circumstances after it has passed out of daily use (eg the legal profession). There has been academic notice of this in anthropological literature. An accessible digest is to be found in a Grove Booklet (Worship Series, No. 138, ‘Dressing for Worship’ by the Revd Dick Hines).
9. Notwithstanding the origin of distinctive vesture (of all types) in the day dress of earlier ages, the custom of clergy wearing distinctive vesture has clearly established an expectation on the part of many people over centuries that clergy will be vested, even if that expectation is no longer as strong or as unquestioned as it once was.
10. The reasons which have prompted clergy to wear distinctive robes (as distinct from particular items of vesture associated with particular occasions) include:
 - (a) **The distinctive character of worship.** The wearing of vesture has very generally been taken to mark out worship as an activity commanding reverence, stillness and attention to God. However much distanced from ordinary dress, robes are intended to put aside considerations of fashion and style, often in these days the subject of intense interest and discussion. Distinctive vesture aims at focusing attention on the high purpose of worship. Biblical allusion to vesture, particularly in Revelation, influences the wearing of distinctive vesture.
 - (b) **A ‘neutral’ statement.** All clothes make statements. An individual’s choice of clothes for a particular context and setting speaks about the person making the choice. The wearing of prescribed garb ‘neutralizes’ the personality in favour of the role of a leader in worship.
 - (c) **Good order.** The distinct role of the vested minister in the context of an act of worship is signalled by the form of vesture worn. Vesture can shape and form the content of an act of worship...Forms of vesture send out signals about the role a vested minister is fulfilling in an act of worship.
11. On the other hand it will be recognized that there are circumstances which prompt exceptions to the general rule ...

History, origins and regulation

12. The forms of vesture worn by clergy (and others leading worship) are, in origin, stylized forms of day dress in use at different times in history. Eucharistic vestments are, in origin, day dress of late-Roman antiquity; the surplice is an enlargement of the late-Roman tunic (alb) for convenient use over warm (and bulky) undergarments in colder climes, and dates

from some centuries later. Additions such as the hood and scarf derive from late-Mediaeval scholarly and clerical garments. Moving to a later era, the clerical collar is derived from an early 19th Century form of lay neckwear (in contrast to the ‘clerical’ neckwear of the time now familiar as ‘preaching bands’).

13. In the Church of England, the regulation of the vesture to be worn ‘in the time of divine service’ goes back to the 16th Century when rubrics in the first Prayer Book (1549) and the second Prayer Book (1552) gave specific but significantly differing direction. When the Prayer Book was brought back into use after 1559 ambiguity was introduced by these specific directions being replaced by a general requirement that vesture and ornament should remain as they were in the second year of Edward VI (which would certainly include eucharistic vestments). This provided the basis for later dispute.
14. In the 16th Century the general practice was that the surplice (probably with hood and tippet) and copes in cathedrals were in use even though the text of the ‘ornaments’ rubric theoretically allowed a wider range. The Canons of 1603 built on what was by then the customary use and prescribed the surplice (with permitted addition of academic hood and tippet) and copes in cathedrals. In the context of the 16th and early 17th Centuries the concern was to ensure that the surplice was worn ‘in time of divine service’ against Puritan pressure which would have favoured the gown which was 16th Century walking-out dress for clergy, (and remains in use as Convocation dress), but was distinct from walking-out dress for non-scholarly laity.
15. In the 19th Century, disputes arose as to whether the particular requirement in the rubrics of the Prayer Book and Canons of 1603 (favouring the surplice and cope) could be overridden or supplemented by the implications of the rubric referring to the second year of Edward VI, thus sanctioning eucharistic vestments. These heated disputes led to a few instances of the imprisonment of clergy. In that context it is evident that different groups in the Church took the variety of vesture and the occasions on which such vesture is worn to carry doctrinal and theological significance.
16. After the Second World War, in the process of revising and codifying Canon Law, Canon B8 made the specific declaration that: *‘the Church of England does not attach any doctrinal significance to the diversities of vesture prescribed by the Canon’* and such vesture was *‘not to be understood as implying any doctrine other than those contained in the formularies of the Church of England’*. That approach was reinforced and incorporated into law by the ‘Vesture of Ministers Measure 1962’. Although individuals and groups within the Church continue to favour certain forms of vesture for particular services reflecting traditions of churchmanship, the Church of England’s declared position since that Measure has been that no doctrinal significance is to be attached to the vesture in use.
17. Between the Restoration in 1660 and recent years there has been no significant dissent in the Church of England from the requirement that some form of distinctive vesture should be worn by those officiating at liturgical services. Less formal occasions for prayer, not the ‘statutory services’, have sometimes dispensed with distinctive vesture. From the mid-19th Century the clerical collar has gained acceptance as ‘day dress’ for clergy, without any formal regulation.”