

Aspects of Anglican Identity

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Foreword

For some years, the Church of England and the Anglican Communion (in common with much of the rest of the Church, at least in Europe and North America) have been preoccupied to a greater or lesser extent with debates about the place of women in the Church's ministry (at a time when their role in society at large has changed very considerably) and about the ordination of those living in sexually consummated same-sex partnerships (at a time when in society at large such relationships have come to receive widespread public acknowledgement and acceptance).

At one level, these debates (which are similar and interrelated in some respects, though distinct and different in others) are about the Church's response to changes in society and about the interpretation of Scripture in the light of tradition and reason. At another, arguably deeper, level, however, the issues they raise are issues of ecclesiology – issues about our theology of the Church. When the General Synod debated the final approval of the Priests (Ordination of Women) Measure on 11 November 1992, it often seemed as if the two sides in the debate were arguing not with but past each other – passing as ships in the night. Some were arguing that it was right to ordain women to the priesthood, others that (whether or not that was so) the General Synod, representing as it does only two provinces of the Church catholic, was not competent – ecclesologically speaking – to decide the question.¹ Similarly, the Archbishop of Canterbury's comment on the withdrawal of the then Canon Jeffrey John (now Dean of St Albans) from his appointment as Bishop of Reading in July 2003 was an ecclesiological one: 'There is an obvious problem in the consecration of a bishop whose ministry will not be readily received by a significant proportion of Christians in England and elsewhere.'² Objections to the action of bishops of the Episcopal Church in the United States of America in confirming the election of Canon Gene Robinson as Bishop of New Hampshire and consecrating him to the episcopate in November 2003 were also, at least in part, ecclesiological: how could someone whose ministry was clearly not going to be accepted by much of the Communion to which his diocese belongs fulfil the task, central to a catholic understanding of the episcopate, of representing his local church to the wider Church and the wider Church to the local?³

Not only do these debates have ecclesiological content, but the actions taken also have consequences for our understanding of the Church and indeed for the

very structures of relationship within the Church, involving as they do the impairment or even breaking of communion. Furthermore, the steps taken to mitigate those consequences, such as the conferring on parishes of rights to refuse the ministry of canonically ordained priests and the provision of 'extended episcopal care', themselves have ecclesiological implications. It is not surprising that aspects of Anglican ecclesiology have come to be the subject both of comment in the columns of the secular press and of discussion in church circles well beyond those usually concerned with such matters.

The issues raised in these debates concern in particular how parts of the Church in different countries should relate to each other and to the Church as a whole; the role of bishops in the Church and how they are chosen; and the role of diocesan, provincial and national synods in taking decisions – in these instances, decisions which affect not just their own part of the Church but the Church throughout the world. Discussion of these issues in turn prompts more fundamental questions about how the Church of England and the other Anglican churches understand their identity and their place within the one holy, catholic and apostolic Church, in which we profess our belief Sunday by Sunday in the Nicene Creed. These issues and questions are the themes of this book, and I hope that in looking at the origins and identity of the Church of England and the Anglican Communion, at the roles within them of primates, bishops and synods, and at questions of communion between the Church of England and other churches, the book will offer members of synods and other interested church members resources which will help them to engage with and participate in current debates.

None the less, it must be stressed that most of the chapters were originally written before recent events gave them a heightened relevance. My hope is, therefore, that they will not only illuminate those events and the discussions which they have provoked but also continue to be of interest in the longer term. Events have drawn attention to the importance of ecclesiology – not in the abstract, but applied to real situations in the life of the Church – but that importance will continue even after events have moved on.



This book draws together studies of various aspects of Anglican ecclesiology written over the past 15 years, several of which were originally published as separate articles. All have been revised and updated, and some have been expanded with significant new material. The chapters are intended to remain complete in themselves, and to that end occasional overlaps have been retained.

The scene is set in Chapter 1 with an overview of the history of the Church of England. This survey makes no pretence to originality and is necessarily highly selective, but when it was first published and circulated to members of the General Synod in 1996 a number of Synod members said how helpful they had found it – one priest had even serialized it in his parish magazine. In this revised form it aims to provide a framework for what follows. Chapter 2 continues the scene-setting by focusing on the period from 1801 to 1838. This period is highlighted because of its importance for Anglican ecclesiology. As we shall see in Chapter 3, it was in the early years of the nineteenth century that the idea of the Anglican Communion was conceived and nurtured in the high-church circles on which Chapter 2 concentrates. It was also in the 1830s, in response to a revolution in the relations between church and state, that the Oxford Movement highlighted the Church of England's distinctive identity. The Church of England, the Movement's leaders pointed out, was not just part of the apparatus of the state or an aspect of English national life: it had a separate identity and legitimacy of its own. In the words of the Nicene Creed, it was catholic (part of the one holy, catholic Church throughout the world) and it was apostolic (standing in continuity with Christ's first apostles and sharing in their mission and calling). Its apostolic continuity was signified and effected by the apostolic succession of its bishops, the successors of the apostles. This greater identity and legitimacy beyond anything conferred by the Church of England's position as the established church meant that, theologically speaking, it was ultimately and essentially independent of the state.

Chapters 3 and 4 are essentially about this identity. Chapter 3 examines the origins of the idea, and later the name, of 'the Anglican Communion'. It offers some reflections on the identity and self-understanding of the Church of England and the Anglican Communion within the one holy, catholic and apostolic Church. The theme of Anglican identity is pursued in Chapter 4, which details how the Declaration of Assent – now the classic statement of the Church of England's identity, made by every deacon, priest and bishop when they are ordained and again every time they take up a new ministry – came to be formulated between 1967 and 1975, and points to some of its key themes.

Chapters 5 and 6 study topical aspects of the ecclesiology of the Church of England and the Anglican Communion. Chapter 5 looks at primacy (the primates of the Anglican Communion and, indeed, the primacy of the Archbishop of Canterbury are much talked about, but what are primates and what is primacy?). Chapter 6 investigates the related subjects of territoriality (the territorial nature of the Church), communion (the relationship between the Church in different territories) and parallel episcopates (more than one bishop exercising an episcopal ministry within the same territory).

Chapters 7–9 complete the circle with further historical surveys. The history and principles of synodical government in the Church of England are presented in Chapter 7, and the workings of the present-day system of synodical government are illustrated in Chapter 8 through an account of the process which led to the ordination of women to the priesthood in 1994 – a process which legislation for the ordination of women to the episcopate would also have to follow. Finally, Chapter 9 looks at the history of how diocesan bishops have been chosen in the early Church and in the Church of England.



A brief comment on the term 'Anglican ecclesiology' is needed at the outset. Much of this book is concerned specifically with aspects of the ecclesiology of the Church of England. Those are, of course, in turn, aspects of wider Anglican ecclesiology, since the Church of England is an Anglican church (and, indeed, the original Anglican Church). It should not be supposed, however, that these features of the Church of England's ecclesiology are necessarily typical of the Anglican Communion more generally. Some of the chapters examine aspects of the ecclesiology of the Communion as a whole, but they do not attempt to look in detail at the ecclesiology of other individual Anglican churches.

As will be pointed out, there are (albeit to varying degrees) significant differences between the ecclesiology of the Church of England and that of other Anglican churches – so much so, that it is more appropriate to speak of 'Anglican ecclesiologies' than 'an Anglican ecclesiology'. It is important to be conscious of this, since the differences between the ecclesiology of the Episcopal Church in the USA (ECUSA) and that of the Church of England have played a significant part in creating recent tensions within the Anglican Communion. The Presiding Bishop of ECUSA is not a primate in the traditional sense – he is not the occupant of a primatial see, or indeed of any see. He is not a metropolitan (and hence has no jurisdiction over the bishops of his church), nor is he the bishop of a diocese (though he does have oversight, through an assistant bishop, of the eight 'parishes' and four 'missions' which make up the Convocation of American Episcopal Churches in Europe). Indeed, though the Episcopal Church in the USA has groups of dioceses called 'provinces', they too are not provinces in the traditional sense, in that they have no metropolitans, and hence the diocesan bishops of the province owe canonical obedience to no one. These factors may well not have been without significance for the course that recent events have taken.



In concluding this Foreword, I should like to express my gratitude to those from whom I have learned – in particular Dr Geoffrey Rowell, at whose feet I sat for six years when he was my college chaplain in Oxford from 1978 to 1981 and again from 1985 to 1988, and Dr Mary Tanner, with and for whom I worked for ten years from 1988 to 1998. I am also grateful to my colleague Prebendary Dr Paul Avis for encouraging me to present this material in book form, and to my editor at Church House Publishing, the Revd Kathryn Pritchard, for her wise advice on the presentation of the work. Other debts are acknowledged in notes to the individual chapters.

Since I am not just an observer of the ecclesiological scene but also a practitioner of ecclesiology – formerly as an ecumenist and latterly as a member of the General Synod's secretariat – it is important to stress that any opinions expressed are not necessarily those of the General Synod or of its subordinate bodies.

Colin Podmore

Westminster
25 April 2005

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Synodical government in the Church of England: History and principles¹

This chapter offers an introduction to the history of synodical government in the Church of England, how it works and what principles underlie it. Synodical government is often contrasted with episcopal governance, and sometimes it is suggested that the former is modern and protestant while the latter is ancient and catholic. The historical survey with which the chapter begins shows synodical government in the Church of England to be rooted not in the protestant Reformation but in the medieval Church, and the second section, which looks at how the General Synod works, shows how the episcopate is central to the Synod; the third section looks briefly at diocesan and deanery synods. The chapter concludes by drawing out ten principles of synodical government which emerge from the preceding account and which help to explain the rationale for the Church of England's synodical structures.

A: History of synodical government to 1970

Continuity and adaptation

Compared with the history of other countries, England's history is marked by a remarkable continuity. This continuity has nonetheless been accompanied by development and adaptation. Although there has been a great reluctance to abolish institutions, they have been adapted to the needs of the time. Under a surface characterized by continuity and stability of form, substance and practice have been able to change greatly without the need for radical breaks. The history of the Church of England and its institutions is a classic example of this English way of doing things.

The Reformation is a case in point. The historic episcopal succession and the three orders of bishop, priest and deacon were retained, and the system of parishes, deaneries, archdeaconries, dioceses and provinces remained essentially unchanged, as did the constitutions and functions of the non-monastic cathedrals and the ecclesiastical courts. Much the same is true of the medieval canon law. Those parts of the general and provincial canon law ('canons, constitutions, ordinances and synodals provincial') that were in force

in England in 1534, and did not conflict with the laws, statutes and customs of England, remained in force,² and if they have been 'continued and uniformly recognised and acted upon in England since the Reformation'³ they remain in force today. A revision, the *Reformatio Legum Ecclesiasticarum*, was prepared between 1551 and 1553, but failed to gain the approval of Parliament.⁴ The canons that were eventually passed in 1604 did not abrogate the medieval canon law in those areas that they did not address. Thus, the very significant changes in doctrine and worship, practice and ethos at the Reformation took place in a context of structural continuity. With the notable exception of the monastic foundations, the *Ecclesia Anglicana* (English Church or 'Church of England'⁵) continued intact.

The primary change effected in the 1530s was the cutting off of the Provinces of Canterbury and York from the rest of the Western Church and the substitution of the authority of the Crown – the king in council and in Parliament – for that of the pope. Even here it can be argued that the new situation in many cases continued what had been the reality of royal power (not only in England but also in other countries) in the medieval period; that reality was formalized and set in concrete by its embodiment in statute law. As Yngve Brilioth commented,

The separation of the English Church from Rome in the sixteenth century is rather a phase of the nationalist movement of breaking away from the undivided Latin Church, which began in the last centuries of the Middle Ages, than part of the great continental Church Reformation.

As a result of this combination of continuity with the medieval Church and separation from Rome in the sixteenth century, the Church of England's internal structure today is much closer to that of the medieval Church than is that of the modern Roman Catholic Church. The reason for this is that because of its separation from Rome, the Church of England was unaffected by the Counter-Reformation and subsequent changes in the structures of the Roman Catholic Church. This closeness to the medieval Church was even more true before the changes that began to be made in the nineteenth century. Bishop Eric Kemp has said of historical research about the medieval English Church: 'I have found . . . that it is often possible to use evidence of eighteenth century practice as a reasonably reliable guide to what was being done in the fourteenth and fifteenth centuries.'⁷ Despite this high degree of continuity with the medieval Church, the Church of England is not simply imprisoned in medieval practices and structures. This is because of the development and adaptation that are characteristic of the history of English institutions. Where medieval structures have been retained, they have usually been adapted to the needs of the age.

The origins of synodical government

Among the structures that the Church of England has inherited from the Middle Ages are the Convocations of Canterbury and York – the provincial synods of the two provinces, which still exist today and now also combine to form the House of Bishops and the House of Clergy of the General Synod of the Church of England, which has inherited most of the Convocations' functions. The Church of England's synodical structures are therefore an example of catholic ecclesiology, albeit in a distinctive and developed form, and are not derived from the Reformed tradition. Unlike the synods of the Reformed tradition, the synods of the Church of England do not have disciplinary jurisdiction (which belongs to the bishops and the ecclesiastical courts or tribunals). The history of the Convocations is set out by Eric Kemp in his book *Counsel and Consent*, on which the following account of the early history of the Convocations is based.⁸

The organization of the English Church in two provinces was envisaged as early as 601 – by Pope Gregory the Great in a letter to St Augustine (who came to England in 597 and founded the See of Canterbury) – but the Province of York was not permanently established as a separate province until 735. By the end of the eighth century the metropolitans who presided over the provincial councils of the two provinces as *primus inter pares* had become archbishops, to whom their suffragans (the bishops of the province) took an oath of obedience at their consecration, as they still do today. From the eleventh century papal power increased, and as a result spiritual and doctrinal matters lay less and less within the competence of the provincial councils or synods.

In the thirteenth century a variety of councils, synods and ecclesiastical assemblies, some provincial and some national, were held in England. The councils – sometimes national, sometimes provincial – were, of course, primarily gatherings of bishops, but they were sometimes also attended by dignitaries (abbots, priors, deans and archdeacons), though not by the lower clergy. The ecclesiastical assemblies, summoned to consider royal requests for taxation of the clergy, were sometimes attended by proctors (representatives) of the lower clergy; in other cases the lower clergy were consulted in diocesan and local assemblies.

By the mid-fourteenth century these ad hoc meetings had become formalized into two bodies, the provincial *Council* and the provincial *Convocation* (an ecclesiastical assembly equivalent to Parliament for taxation purposes). The membership of both bodies now consisted of the archbishop and bishops, the abbots and priors, the deans and provosts of cathedrals and collegiate churches, the archdeacons, two proctors for the clergy of each diocese and one for the chapter of each collegiate church.

By the beginning of the fifteenth century these two bodies with identical membership had in each of the two provinces fused into a single synod, and the names Convocation and Provincial Council had become interchangeable. The prominence of the lower clergy in these synods might have seemed strange to people from continental provinces. This fusion of the two types of assembly had a very important consequence. In a provincial council the clergy had given their bishops *counsel* (advice), but in the Convocation their *consent* was needed for taxation. In time, the fusion of these two bodies into one Convocation in each of the two provinces removed the distinction, and the clergy (in the shape of the Lower House of the Convocation) exercised a right to give or withhold their consent to the whole range of proposals of the Upper House (the House of Bishops). Such, then, was the synodical government of the two provinces that made up the Church of England before the Reformation.

Gibson's Synodus Anglicana

In 1702 a dispute between the two houses of the Convocation of Canterbury prompted Edmund Gibson (later Bishop of London) to publish an account of the English Convocations under the title *Synodus Anglicana*.⁹ Some quotations from this work will illustrate both the continuity of the Convocations, whose structure was unaffected by the Reformation, and the relationship between the two houses.

Gibson argued that despite the existence of an upper and a lower house, which gave it a superficial resemblance to Parliament, an English Convocation was essentially an ecclesiastical synod and not just an imitation of Parliament: 'as to their independence in acting, or any degrees of it, there is no such resemblance as has been pretended between the proceedings of parliament and convocation'¹⁰ Gibson's reason for emphasizing this was that

The rights and privileges of the house of commons, if vested in the lower house of convocation, would give the clergy a coordinate power with their bishops, and so remove our church still further from primitive practice.¹¹

In order to prove that in Convocation the Lower House (of clergy) did not have equal powers to the Upper House (of bishops), Gibson examined the practice of the Convocations before the Reformation as well as after. He defended this as follows:

A scruple has been raised by some members of the lower house, how far the registers before the reformation are to be regarded in the methods of holding an English synod. But as nothing passed then, which could any way affect the usual intercourse

between the two houses when met and entered upon business, so after the reformation, they continued the self-same ways of acting, that were established before.¹²

Gibson concluded his work as follows:

The authors . . . of some late schemes have done manifest injustice to the constitution of our protestant church in contending, against law and practice, that the reformation put an end to the ancient canonical ways of transacting ecclesiastical matters, and introduced a new model inconsistent with the primitive distinctions between presbyters and bishops, and unknown either to this or any other episcopal church. The foregoing chapters, I hope, may vindicate our reformation from the late aspersions of that kind, as well as the ecclesiastical government thereof from any such repugnancy to the primitive rules; and may withal make it more easily understood, whether they who have carried on those new measures, or they who have opposed them, are the truer friends to the rights, liberties, and honour of our reformed church.¹³

Although he proved that the Lower House did not have an equal power with the Upper House, Gibson strongly reaffirmed the Lower House's right to veto proposals of the Upper House:

The greatest power enjoyed by the English clergy in a provincial synod, beyond the presbyters of other nations, is a negative upon the metropolitan and bishops, none of whose resolutions, either in part or in whole, can be passed into synodical acts without the previous approbation of the inferior clergy.¹⁴

This, then, was the situation (as described by Gibson in 1702) when the Reformation Parliament assembled in 1529. The English Church had two provincial synods, each consisting of an Upper House of bishops (which had the right to initiate proposals) and a Lower House of clergy (which possessed a right of veto over the decisions of the Upper House). What impact did the Reformation have on the government of the Church of England?

The Reformation

The Reformation made no change to the structure or procedures of the Convocations (except for the very important change that three-quarters of the members of the Canterbury Convocation and half of the York Convocation – the abbots and priors – disappeared), but the royal supremacy, which replaced that

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of the pope, brought with it important changes in the powers of the Convocations. On 15 May 1532 the Convocation of Canterbury agreed the Submission of the Clergy, which was embodied in an Act of Parliament of 1534. Thereafter the Convocations could only meet when a royal writ for them to be summoned was issued. They could make no canons without the royal licence, and canons could not come into effect without royal assent. Canons which conflicted with the royal prerogative, with English customs and laws or, importantly, with statute law could not be put into effect.¹⁵ Thus the canon law made by the Convocations was effectively subordinated not only to the Crown but also to the statute law made by Parliament. Interestingly, one of the arguments for these changes advanced by members of the House of Commons was that the laity had no voice in the Convocations. Through the House of Commons they would now have a veto over the decisions of the Convocations. Like the pre-Reformation system, the Reformation changes remain in force today. However, the underlying practice (as distinct from the superficial form) is much altered.

Restoration and suppression

In the seventeenth century there are just two dates of long-term significance in the history of the Convocations. In 1664, after the restoration of the monarchy and episcopacy (and also of the Convocations), Archbishop Sheldon, by an oral agreement with Lord Chancellor Clarendon, surrendered the right of the clergy to tax themselves in Convocation. Now that the Crown no longer needed to summon the Convocations in order to obtain taxation, it felt no need to summon them at all. The next time they were allowed to discuss serious business was in 1689, after the Glorious Revolution, but there was disagreement between the two houses of the Convocation of Canterbury, so the king's ministers preferred not to summon them again. Protests led to permission for the Convocations to transact business in 1701, but disputes between the two houses erupted again (prompting Gibson to write his *Synodus Anglicana*, as we have seen). Even greater controversy in 1717 meant that apart from an isolated meeting in 1741 the Convocations were allowed to transact no business until the middle of the nineteenth century.

The nineteenth century

The increasing pace of social change in the nineteenth century created a corresponding need for ecclesiastical legislation. From 1820 to 1870 Parliament passed an average of twenty-five statutes covering ecclesiastical matters each year, compared with an average of less than two and a half between 1530 and 1760 and ten between 1760 and 1820. Many in the church were disturbed that

so much change was now being undertaken by Parliament, especially when protestant dissenters (from 1828) and Roman Catholic laymen (from 1829) became eligible to sit in the House of Commons. From the 1830s onwards, demands for the Convocations to be allowed to transact business increased. The Convocation of Canterbury began to do business again in 1852, that of York in 1861.

Lay participation

The Convocations, of course, consisted entirely of clergy and bishops. However, in 1886 an advisory House of Laymen was established by the Convocation of Canterbury, and one for York followed in 1892. Provision for the two lay houses to meet jointly was made in 1898, and in 1903 a Representative Church Council, consisting of the two Convocations and the two Houses of Laymen, was formed. This still had no legislative or executive powers. By now, however, Parliament could no longer cope with the volume of ecclesiastical legislation needed, and criticism of the situation whereby a Parliament that included non-Anglicans was legislating for the church continued to grow. In 1919, therefore, the Church of England Assembly (Powers) Act was passed. This 'enabling act' established a national assembly of the Church of England – the Church Assembly.

The Church Assembly

The Church of England Assembly (Powers) Act provided that the Church Assembly could approve measures. These measures would be considered by a joint Ecclesiastical Committee of both Houses of Parliament, which would produce a report on the measure's nature and legal effect and its 'expediency, especially with relation to the constitutional rights of all His Majesty's subjects'. Parliament would not be able to amend a measure, but it would need to be approved as a whole by resolutions of both houses. It would then receive the royal assent and become part of the statute law of England, just as if it were an Act of Parliament. This system of legislation by measure remains unchanged today.

The Church Assembly consisted of the Convocations together with a House of Laity, and its constitution and procedures were under the control of the Convocations. The Convocations continued to exist alongside the Church Assembly, retaining their traditional powers. The Church Assembly's first act was to pass a measure enabling the Convocations to reform the membership of their lower houses by canon. This they did, increasing the representation of the parochial clergy at the expense of the other categories, so that they now had large majorities in both lower houses.

However, the resulting system was cumbersome. Statute law was made by the Church Assembly, but canon law continued to be made by the Convocations (meeting and voting separately), which also passed Acts of Convocation which had moral but not legal force. When the canons of the Church of England were completely revised from 1947 onwards (a process completed in 1969), the laity had no constitutional part in the process. Therefore, after each draft canon had been considered by the Convocations it was sent to the House of Laity for comment. The process was repeated at a second revision stage before the canon was finally approved. There was no procedure whereby the two Convocations and the House of Laity could discuss the canon together. The problems of coordination and the time taken were great indeed. As a result, moves to create a General Synod incorporating the Convocations and the House of Laity began in 1953.

B: The General Synod of the Church of England

The General Synod and its powers

This movement resulted in the Synodical Government Measure 1969, which established the General Synod with effect from 1970.¹⁶ The General Synod consists of the Convocations of Canterbury and York together with a House of Laity. The upper houses of the Convocations combine to form the House of Bishops and the lower houses combine to form the House of Clergy. The Convocations also continue to exist separately, and although most of their powers were transferred to the General Synod, they do retain some residual rights. The powers of the General Synod can be described under five headings, as follows.

1. Legislation by Measure and Canon

The General Synod has inherited the powers of the Church Assembly to pass measures which, if approved by resolution of each House of Parliament, receive royal assent and thereby become part of the law of England. It has also inherited the powers of the Convocations to legislate by canon, subject to royal licence and assent. Because of the precedence of statute law created by the Act for the Submission of the Clergy in 1534, new canons often require a measure giving the Synod power to legislate by canon on the subject concerned. It is important to note that in the case of a measure, it is the royal assent that gives it the force of law, whereas in the case of a canon the royal licence and assent only empower the Synod to 'promulge and execute a canon' - it is the action of the Synod (not of the Crown) that gives a canon its legal validity.

2. *Relations with other churches*

The General Synod has also inherited the Convocations' power to regulate the Church of England's relations with other churches and to make provisions for matters relating to worship and doctrine. It can make provision by Act of Synod,¹⁷ regulation or other instrument in cases where legislation by or under a measure or canon is not necessary.

3. *Liturgy and doctrinal assent*

The Worship and Doctrine Measure 1974 gave the General Synod power to approve, amend, continue or discontinue liturgies and make provision for any matter (except the publication of banns of marriage) to which rubrics of *The Book of Common Prayer* relate. These powers are exercised without reference to Parliament and no measure is required. Similarly, the Synod now decides the form in which ministers and officers of the Church of England are required to assent to the doctrine of the Church of England (the Declaration of Assent).¹⁸ Again, no measure or reference to Parliament is required.

The Synod is required to 'ensure that the forms of service contained in *The Book of Common Prayer* continue to be available for use in the Church of England'. At first sight its powers appear to be further limited by the fact that canons, regulations and liturgies approved under the Worship and Doctrine Measure must be 'such as in the opinion of the General Synod is neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter'.¹⁹ However, the measure also says that 'the final approval by the General Synod of any such Canon or regulation or form of service or amendment thereof shall conclusively determine' that the Synod is of that opinion.²⁰ So the Synod may not approve liturgies or forms of subscription unless it believes them to be in accordance with the doctrine of the Church of England, but if it does approve them, that test is automatically deemed to be met.

4. *Deliberation*

As well as being a legislative body, the General Synod is also a deliberative one. It has power 'to consider and express their opinion on any other matters of religious or public interest'.

5. *Finance*

Finally, the General Synod has the power to approve (or reject) the central budget of the Church of England each year.

Composition

The presidents of the General Synod are the Archbishops of Canterbury and York, and the Synod has three houses – the House of Bishops, the House of Clergy and the House of Laity.

The House of Bishops comprises the upper houses of the Convocations and consists (from 2005) of the 44 diocesan bishops, the Bishop of Dover (the suffragan bishop who in practice is the bishop for the Diocese of Canterbury) and 7 elected representatives of the other suffragan and assistant bishops.²¹ The Archbishop of Canterbury is chairman and the Archbishop of York vice-chairman. The House of Bishops has a considerable number of functions in its own right and therefore meets separately about three times a year, between sessions of the General Synod.

The House of Clergy comprises the lower houses of the Convocations and consists (from 2005) of 205 members, including 5 cathedral deans, the Dean of Jersey or Guernsey, 6 proctors of the university clergy, 2 representatives of the religious communities (all elected by their constituencies), 3 elected Forces' chaplains and the Chaplain General of Prisons.²² The remainder are proctors elected by all the licensed clergy in each diocese, with room for five co-options. The house is chaired by the prolocutors (chairmen) of the lower houses of the two Convocations.

From 2005, the core membership of the House of Laity is 207. Apart from two elected representatives of the religious communities, three lay members of the armed forces and the first and second Church Estates Commissioners, all the members are representatives of the laity in each diocese, elected by the lay members of deanery synods, with room for five co-options.²³ There are up to twelve further members of the Synod who sit in the appropriate house, depending on whether or not they are ordained. These are eleven *ex officio* members (the Dean of the Arches, the vicars-general of the two provinces, the Third Church Estates Commissioner, the Chairman of the Church of England Pensions Board and the six appointed members of the Archbishops' Council) and a seventh elected representative of the armed forces. In 2005 the ten *ex officio* members who are not otherwise members of the Synod are laypeople and are therefore additional members of the House of Laity.

The House of Laity and the House of Clergy only occasionally meet separately, and when they do, it is normally in conjunction with a meeting of the General Synod. From 2005 the total potential membership of the General Synod is 476, compared with 581 before 2005; the Church Assembly had 746 members. The Convocation of York has a higher level of representation per diocesan elector than the Convocation of Canterbury, in order to ensure that in numerical terms it remains a viable provincial synod.

Meetings

A new General Synod is elected every five years. All elections take place according to the single transferable vote system. So far, each new General Synod has been inaugurated by Her Majesty the Queen after a service of Holy Communion in Westminster Abbey. The Synod meets at least twice each year – in Church House, Westminster, for the inside of a week in February, and at the University of York over a long weekend in July. It sometimes meets in London for two or three days in November as well. The London sessions run from 9.30 (or even 9) a.m. to 1 p.m. and 2.30 to 7 p.m.; the York sessions continue until 10 p.m. with an evening break from 6 to 8.30.

Business and procedure

The primary task of the Synod is to legislate by measure and canon and to make rules, regulations and schemes under existing measures. Measures and canons go through a number of stages, the main ones taken in full Synod being first consideration, the revision stage (at which the draft may be amended) and final approval. (Chapter 8 gives an illustration of how the process of legislation by measure and canon works.) The procedure for synodical consideration and approval of draft forms of service similarly involves three stages in full Synod.

The Synod also votes money, to be paid by the dioceses, for the Church of England's central administration, for training for the ministry and for Anglican Communion and ecumenical bodies, as well as for the pensions of clergy employed by mission agencies and for housing assistance for retired clergy. It considers the annual report of the Archbishops' Council and sometimes also those of other bodies. A significant opportunity for the Synod to keep the central work of the Church of England under review is provided by Question Time. On one evening – usually the first of each group of sessions – between 75 and 90 minutes are devoted to the oral answering of questions submitted in advance by members. Supplementary questions may be asked without prior warning. Question Time also provides an opportunity for members to raise issues of concern in the church in general, which can also be done to a certain extent in the debate on the Business Committee's report on the Synod's agenda.

The rest of the Synod's time is spent on its deliberative function – considering issues of concern in the church and the world. Often this is done on the basis of a written report, at the initiative of a board or council, or of the Archbishops' Council or the House of Bishops, but general concerns can also be raised in two other ways:

- Any member of the Synod may put down a private member's motion. Members sign the motion and the most popular of those that achieve more

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than 100 signatures are debated in turn according to the number of signatures they attract.

- Any diocesan synod may send a motion up to the General Synod. These must be debated, and they are taken in chronological order according to the date they were submitted.

The three houses of the Synod sit as a single assembly. There are reserved seats for the House of Bishops and the Synod's officers (the presidents, the prolocutors, and the chairman and vice-chairman of the House of Laity), but the clergy and laity sit together rather than as two separate 'orders'. Normally votes are taken by a show of hands, the hands only being counted if the result is unclear. Sometimes, however, the voting is too close for certainty or the number of votes needs to be recorded exactly. In these cases, a division of the whole Synod is ordered, and members are counted leaving the chamber. Thus, voting is public and open, rather than by secret ballot. How members vote can be observed both by their fellow members and by members of the public sitting in the public gallery. However, no record is taken or kept of how members vote; there are no 'division lists'.

Special provisions and safeguards

There are several safeguards to protect the rights of the individual houses and the Convocations, and generally to ensure that substantial changes are not approved by small majorities.

Any 25 members of the Synod can require a vote to be taken by a division by houses. In this case a majority is needed in each house for the motion to be passed. The clergy and laity vote by leaving the chamber by separate doors marked 'clergy ayes', 'clergy noes', 'laity ayes' and 'laity noes', while the bishops vote by going up onto the platform on one side or the other. The final approval of any measure or canon must be by a majority in each house.

Article 7 of the Synod's constitution safeguards the prerogatives of the House of Bishops and of the Convocations (especially the York Convocation, being the smaller of the two). It states that 'a provision touching the doctrinal formulae or the services and ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof' has to be referred to the House of Bishops before final approval and can only be submitted for final approval in terms proposed by the House of Bishops. This applies, for example, to all liturgies. The House of Bishops is entitled to amend the text at this penultimate stage, it can only proceed if the House of Bishops approves it, and the Synod can only give it final approval in the form in which the House of Bishops has already approved it. After the House of Bishops has approved the text, either of the Convocations or the House of Laity can also require that the provision be

referred to the Convocations and the House of Laity. They cannot change the text, but if such a reference is required, the provision cannot be submitted for final approval unless each house of each Convocation and the House of Laity separately approve it. (If one of the four Convocation houses rejects it, it can be referred back to them, and if only one house rejects it a second time, it can be referred to a joint meeting of the Houses of Bishops and Clergy. If it receives a two-thirds majority it can then go for final approval.)

Article 8 of the constitution safeguards the services of Baptism and Holy Communion and the Ordinal, and the identity of the Church of England. Under this article, measures and canons providing for permanent changes in the services of Baptism or Holy Communion or in the Ordinal, and church unity schemes involving another church a substantial number of whose members reside in England, have to be approved by a majority of the diocesan synods. (The presidents can also direct that this article should apply to schemes involving churches whose members mainly live outside England, and they used this power in respect of the Porvoo Agreement between the British and Irish Anglican churches and the Nordic and Baltic Lutheran churches.) Changes in the services of Baptism, Holy Communion and the Ordinal require a two-thirds majority in each house of the General Synod, and in the case of a scheme, the Synod may resolve that special majorities in each house or overall will be required. (In the case of the Porvoo Agreement, the Synod decided that a two-thirds majority in each house should be required.) The Synod's standing orders require a majority of two-thirds in each house for the final approval of all liturgies.

Role of the House of Bishops

The House of Bishops is the only house of the Synod that meets separately between groups of sessions of the General Synod, and the only house with powers not enjoyed by the other houses. Its position therefore deserves special attention.

The ability of any 25 members of the Synod (note that 25 is just under half the membership of the House of Bishops) to require a vote by houses means that if a majority of the House of Bishops presses its opposition to any proposal, it cannot be passed. Of course, the other houses have a veto too, but the important point here is that the role of the bishops in leading the Church is preserved. Article 7 means that proposals affecting the doctrine or worship of the Church of England can only be given final approval if they have previously been approved by the House of Bishops, and can only be approved in the precise terms in which the House of Bishops has approved them. Here the bishops' role as guardians of the faith and liturgy is preserved. Thus the Church of England remains an episcopally led as well as a synodically governed church.

C: Diocesan and deanery synods

Reference has already been made to the diocesan and deanery synods. These too were created in their present form by the Synodical Government Measure 1969.

Diocesan synods were an important feature of church life in England before the Reformation, electing proctors of the clergy to the Convocations, receiving and publishing decrees from higher authorities and supplementing the general and provincial ecclesiastical law with diocesan constitutions. They consisted either of the whole clergy of the diocese or of their representatives, and on occasion, lay *testes synodales* were also summoned. There were a few sporadic meetings of diocesan synods in the seventeenth century, but thereafter they ceased to exist.²⁴ Calls for the revival of diocesan synods began to be made in the 1830s, and the first diocesan synod of modern times was held by Bishop Henry Phillpotts of Exeter in 1851.²⁵ Following the reactivation of the Convocations, diocesan conferences began to be held from the mid-1860s.²⁶ In 1867 a committee of the Upper House of the Convocation of Canterbury recommended that (clerical) synods promulgating decrees that would be binding on the clergy should be avoided, but that from time to time there should be assemblies of clergy and laity, 'convened, presided over and directed by the Bishop'. The report, which was adopted by the Upper House in February 1868, established an important principle which has applied ever since: that if a vote is taken 'the Clergy and Laity should have an equal voice.'²⁷ (This principle is now expressed both by the practice of voting by houses and by the number of clergy and lay members of synods being approximately equal.) By 1881 all but three dioceses had some form of diocesan assembly.²⁸ The Church Assembly had as its counterpart in each diocese a diocesan conference. Since these included at least one representative of every parish and an equivalent number of clergy, their size could be very large (ranging from 150 to 1,300 members, with the average lying between 500 and 900) – too large to be effective. Under the Synodical Government Measure diocesan conferences were replaced by much smaller diocesan synods.

Ruridecanal chapters (meetings of the clergy of a rural deanery) were revived from 1839, and by 1870 they had been established in almost all dioceses.²⁹ In the era of the Church Assembly, most (but not all) dioceses had not only diocesan conferences but also ruridecanal conferences, in which the clergy were joined by representatives of the laity.

Deanery synods

Because (unlike the pre-1970 diocesan conferences) the diocesan synods do not include a representative of every parish, it was thought important for deanery

synods, in which every parish is represented by at least one member, to be a mandatory part of the new system. Deanery synods consist of a house of clergy and a house of laity and are jointly chaired by the rural dean (or 'area dean') and a lay chairman. Their membership normally ranges from 50 to 150.³⁰ The functions of a deanery synod are:

- (a) to consider matters concerning the Church of England and to make provision for such matters in relation to their deanery, and to consider and express their opinion on any other matters of religious and public interest;
- (b) to bring together the views of the parishes of the deanery on common problems, to discuss and formulate common policies on those problems, to foster a sense of community and interdependence among those parishes, and generally to promote in the deanery the whole mission of the Church, pastoral, evangelistic, social and ecumenical;
- (c) to make known and so far as appropriate put into effect any provision made by the diocesan synod;
- (d) to consider the business of the diocesan synod, and particularly any matters referred to that synod by the General Synod, and to sound parochial opinion whenever they are required or consider it appropriate to do so;
- (e) to raise such matters as the deanery synod consider appropriate with the diocesan synod:

Provided that the functions referred to in paragraph (a) hereof shall not include the issue of any statement purporting to declare the doctrine of the Church on any question.³¹

Additionally, diocesan synods may delegate functions to deanery synods; one such function may be the apportionment of the quota to be subscribed towards diocesan expenditure by the parishes. Arguably, however, the most important function of the deanery synods is that their members elect most of the clergy and nearly all of the lay members not only of the diocesan synods but also of the General Synod.

Diocesan synods

Diocesan synods consist of three houses: a house of bishops (consisting of the diocesan bishop, the suffragan bishops (if any), and other assistant bishops nominated by the diocesan with the concurrence of the archbishop of the province), a house of clergy and a house of laity.²² The diocesan bishop is the president of the diocesan synod and it is customary for there to be a clerical and a lay vice-president elected by their respective houses, of which they are also the chairmen.³³ Diocesan synods have between 120 and 270 members, the numbers of clergy and lay members being approximately equal.³⁴ They must meet at least twice a year.³⁵ The functions of a diocesan synod are:

- (a) to consider matters concerning the Church of England and to make provision for such matters in relation to their diocese, and to consider and express their opinion on any other matters of religious and public interest;
- (b) to advise the bishop on any matters on which he may consult the synod;
- (c) to consider and express their opinion on any matters referred to them by the General Synod, and in particular to approve or disapprove provisions referred to them by the General Synod under Article 8 of the Constitution;
- (d) to consider proposals for the annual budget for the diocese and to approve or disapprove them;
- (e) to consider the annual accounts of the diocesan board of finance of the diocese:

Provided that the functions referred to in paragraph (a) hereof shall not include the issue of any statement purporting to declare the doctrine of the Church on any question.³⁶

The measure says that 'it shall be the duty of the bishop to consult with the diocesan synod on matters of general concern and importance to the diocese.'³⁷ Each diocese is also required to have a bishop's council, which is also the standing committee of the diocesan synod, and this body may discharge the synod's advisory functions on its behalf, though either the bishop or the bishop's council may require any matter to be referred to the diocesan synod.³⁸

Diocesan synods normally vote as a single body, though either the diocesan bishop or any ten members may require a vote to be taken by houses.³⁹ Furthermore, the Church Representation Rules state that 'nothing shall be deemed to have the assent of the diocesan synod unless the three houses which constitute the synod have assented thereto', and that 'if . . . the diocesan bishop . . . so directs, that question shall be deemed to have the assent of the house of bishops only if the majority of the members of that house who assent thereto includes the diocesan bishop'.⁴⁰ Thus the diocesan bishop can require a vote by houses on any issue and then require that the matter will not be deemed to have been passed in the house of bishops if he has not voted in favour of it.⁴¹ However, this safeguard for the diocesan bishop is balanced by a safeguard for the clergy and people of the diocese: Canon C 18 of the canons of the Church of England states that 'Where the assent of the bishop is required to a resolution of the diocesan synod it shall not lightly nor without grave cause be withheld'.⁴²

There is communication in both directions between the synods at different levels. A motion passed by a deanery synod can be sent on for debate by the diocesan synod, and if passed by the diocesan synod it can be sent forward for debate by the General Synod. Most notably, the resolution passed by the General Synod in November 1984, 'That this Synod asks the Standing Committee to bring forward legislation to permit the ordination of Women to the Priesthood in the Provinces of Canterbury and York', began as a motion passed by the Wandsworth Deanery Synod which was then passed by the Southwark Diocesan Synod and finally moved in the General Synod by the then Bishop of Southwark on behalf of his diocese. In the other direction, the General Synod refers some matters to the diocesan synods before coming to a final vote on them (in some cases, such a reference is required by Article 8 of the constitution), and the diocesan synods often refer the matter in turn for debate in their deanery synods before voting on it. Diocesan synods are required to 'keep the deanery synods of the diocese informed of the policies and problems of the diocese and of the business which is to come before meetings of the diocesan synod' and to 'give opportunities of discussing at meetings of the diocesan synod matters raised by deanery synods and parochial church councils'.⁴³

D: Principles of synodical government in the Church of England

It is typical of the English and Anglican way of doing things that we lack a grand statement of the principles of synodical government. Instead, the principles must be deduced from practice, or, in this case, from the rules that govern that practice. In what follows, I therefore offer a list of ten key

principles which I deduce from what is stated above. I should stress that what I say below applies to the Church of England but does not necessarily apply to other Anglican churches. The ecclesiology of the Episcopal Church in the USA, in particular, differs significantly from that of the Church of England in important respects.

1. Synods are a necessary and permanent feature of the life of the Church. In the Church of England their existence continues between their meetings (at the end of which they are prorogued, not dissolved), and when they are finally dissolved at the end of an electoral period new synods are immediately elected. It is the duty of each diocesan bishop to consult with his diocesan synod on matters of general concern and importance to the diocese.
2. A synod is a representative gathering of the whole Church at the level concerned, and thus necessarily involves representatives of the clergy and of the laity as full members. (The involvement of the clergy in the English provincial synods dates from the Middle Ages. The principle of lay representation originated with the Reformation, when it was expressed through the role of the House of Commons in Parliament, and was gradually established in ecclesiastical assemblies between the 1860s and 1920, though only since 1970 have ecclesiastical assemblies with lay membership been termed 'synods'.) There is, admittedly, an issue as to how far those who are elected – especially the members of the House of Laity of the General Synod – are actually representative of the churchgoing laity as a whole.
3. The Church is not a democracy, however. Synods therefore do not simply represent the members of the Church in numerical proportion (which would result in a huge majority of lay members); instead, the partnership between clergy and laity is expressed by the clergy and the laity having approximately equal numbers of members. Furthermore, important or controversial proposals need the support of all three houses (bishops, clergy and laity) voting separately.
4. Synods can exist at every level of the Church's life above that of the parish (in the Church of England every diocese except the Diocese in Europe has deanery synods for all its parishes; the Diocese in Europe has archdeaconry synods instead; the Diocese of London additionally has synods for its episcopal areas). Synods must exist at the level of the diocese, the province and the national church. At present it is not possible for the Church of England to be represented at a synod with binding authority at any level above the national level. Thus, although

the Anglican Consultative Council (an international representative body of episcopal, clerical and lay representatives) expresses the principle of synodality that is an important feature of the life of the Anglican churches, it cannot be described as a synod. (The Lambeth Conference, to which all Anglican bishops are invited every ten years, and the Primates Meeting, which is attended by the senior bishop of each of the member churches of the Anglican Communion, are expressions of episcopal collegiality. They too lack canonical authority and cannot make binding decisions, though they possess a certain moral authority.)

5. The fact that synods, and not mere conferences, exist at the provincial and national levels is an indication of 'ecclesial density' at those levels. The Church of England has a corporate identity at the national level. Its bishops attend meetings of the General Synod not just at the head of the representatives of their own dioceses but also as members of the Church of England's corporate episcopal leadership at the national level. The importance of this is symbolized by the fact that the bishops mainly sit together, rather than sitting with members from their dioceses. The General Synod is not a federal conference at which largely autonomous dioceses are represented by delegations casting 'block votes'. Each member speaks and votes as an individual member of the whole Synod (or of his or her house within the Synod), and exercises those responsibilities on behalf of the whole church at the national level.
6. By the same token, the powers of a diocesan synod are limited. It may not issue any statement purporting to declare the doctrine of the Church on any question. A diocesan synod cannot unilaterally take actions which touch the faith and order of the Church. Many consider it to be a great weakness of the Church of England's position that the General Synod effectively does possess such competence. In particular, those opposed to the ordination of women to the priesthood argued that, while the General Synod was *legally* empowered (subject to the approval of Parliament) to make such a change, *morally* it should not have done so in the absence of a consensus on the matter within the universal Church.
7. A synod is a gathering of the whole church around (and, indeed, under) its bishops, never over against them. (This is symbolized when the Synod meets in Church House, Westminster, by the fact that the bishops sit in the centre of the circular Assembly Hall.) The diocesan bishop is the president of his diocesan synod and the archbishops are

the presidents of their provincial synods (the Convocations) and of the General Synod. A diocesan synod cannot pass a resolution against the will of the diocesan bishop, nor can the General Synod do so against the will of the House of Bishops. (It should be noted that although the archbishops are the presidents of the General Synod and of their Convocations, in synodical terms it is not the archbishops but the House of Bishops (or Upper House) that is the equivalent at the national and provincial levels to the diocesan bishop at the diocesan level.⁴⁴) However, a diocesan bishop is enjoined not to withhold his consent 'lightly nor without grave cause', and the House of Bishops' veto is one that the house wisely exercises very sparingly.

8. Within the General Synod, the bishops have a particular role as the guardians of the faith and order of the Church and of its liturgy. Draft liturgies are introduced into the Synod by the House of Bishops. The Synod can only finally approve a liturgy if the House of Bishops has previously approved it, and can only finally approve a liturgy in the form proposed at that final stage by the House of Bishops.
9. A synod is concerned not just with the internal life of the Church but also with the needs and issues of the world and with the Church's mission in that world. The synods of the Church of England are public bodies established under a measure approved by Parliament. Thus it is one of the functions of deanery and diocesan synods, as well as of the General Synod, 'to consider and express their opinion on any . . . matters of religious and public interest'.
10. Finally (and this emerges not from what has been said above but from the synods' life), a synod is a liturgical – indeed, a eucharistic – and spiritual body. It enjoys a certain formality and order. Each day's session of the General Synod begins with prayer and ends with a blessing given by one of the presidents; the inauguration of a new General Synod begins with a celebration of the Eucharist in Westminster Abbey, there is a big celebration of the Eucharist in York Minster on the Sunday morning of the July group of sessions in York, and about once a year there is also a celebration of the Eucharist in the Synod chamber; in addition, there are celebrations of the Eucharist each day outside the session for those members who wish to attend. When final decisions are taken about weighty and controversial matters, it is customary for the chairman to call for a period of silent prayer before the Synod votes, and for the result to be heard in silence.

These ten principles combine to produce a distinctive synthesis between episcopal governance and synodical representation of the whole church, including the laity, that is unusual if not unique. The Church of England has neither the type of episcopal system of governance in which the clergy and laity have at most a purely advisory role, nor the sort of representative, quasi-democratic governmental system to which episcopacy can appear to have been 'bolted on' as an additional adornment. There is an equality between the laity and the clergy in the synods of the Church of England; both houses have real decision-making power, including a power of veto. However, this does not mean that there is an equality between laity, clergy and episcopate, still less that bishops are now somehow subordinated to synods. On the contrary, the Church of England remains a truly episcopal church. It is still led and governed by its bishops, but the bishops act not in isolation but in partnership and constant dialogue with the clergy and laity through the synods of the church, and with their consent.

54. Easter communicants: 1,265,000 (2001 figures: electoral roll 1,337,000, Easter communicants 1,134,900).
55. The Porvoo Common Statement, para. 23, in *Together in Mission and Ministry: The Porvoo Common Statement with Essays on Church and Ministry in Northern Europe*, GS 1083, London: Church House Publishing, 1993, p. 13. The quotation is from a statement of the Roman Catholic/Lutheran Joint Commission.
56. The Fetter Lane Common Statement, para. 53, in *Anglican–Moravian Conversations: The Fetter Lane Common Statement with Essays in Moravian and Anglican History*, Council for Christian Unity Occasional Paper No. 5, London, GS 1202, 1995, p. 29.
57. The Porvoo Common Statement, para. 58b(iv), in *Together in Mission and Ministry*, p. 31.
58. *Communion with the Nordic and Baltic Lutheran Churches: A Report by the Council for Christian Unity*, GS Misc 427, 1993, p. 6, para. 13.
59. See pp. 82–3 above.
60. M. Root, "'Reconciled diversity" and the visible unity of the Church', in C. J. Podmore (ed.), *Community – Unity – Communion: Essays in Honour of Mary Tanner*, London: Church House Publishing, 1998, pp. 237–51.
61. Root, "'Reconciled diversity'", p. 242.
62. Root, "'Reconciled diversity'", pp. 246–7.
63. Root, "'Reconciled diversity'", p. 245.
64. M. Root, 'Once more on the unity we seek: testing ecumenical models', in J. Morris and N. Sagovsky (eds), *The Unity We Have and the Unity We Seek: Ecumenical Prospects for the Third Millennium*, London: T&T Clark, 2003, pp. 167–77.
65. Root, 'Once more on the unity we seek', p. 175.
66. Root, 'Once more on the unity we seek', p. 174.
67. Episcopal Ministry Act of Synod 1993, section 5(3).
68. I. Jones, *Women and Priesthood in the Church of England: Ten Years On*, London: Church House Publishing, 2004, p. 195.
69. D. Hope, 'The truth in love' (sermon at the celebration of the tenth anniversary of episcopal consecrations and the Act of Synod, St Bartholomew's, Armley, Leeds, 3 March 2004), *New Directions*, April 2004, pp. 5–6.
70. *Church Times*, 29 Nov. 2002.
71. *Women Bishops in the Church of England? A Report of the House of Bishops Working Party on Women in the Episcopate*, GS 1557, London: Church House Publishing, 2004, pp. 218–23.
72. Romans 12.2.

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1. The paper on which this chapter is based was given at an international colloquium on 'Synod and Synodality in the Churches', organized by the Fondazione per le scienze religiose 'Giovanni XXIII' (Bologna), which was held at the English convent, Bruges, in September 2003. Another version appears in A. Melloni and S. Scatena (eds), *Synod and Synodality*, Münster, 2005, pp. 213–36.
2. Act for the Submission of the Clergy 1534 (25 Henry VIII, c. 19), section 7, quoted

- in G. Bray (ed.), *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum*, Woodbridge, Suffolk: The Boydell Press, Church of England Record Society, vol. 8, 2000, p. xix.
3. Bishop of Exeter v. Marshall (1868), quoted in *Ecclesiastical Law, being a Reprint from Halsbury's Laws of England*, 3rd edn, Church Assembly Edition, London: Butterworth & Co., 1957, p. 9.
 4. See Bray (ed.), *Tudor Church Reform*.
 5. The Provinces of Canterbury and York were commonly referred to as *Ecclesia Anglicana* from the mid-twelfth century – most famously in Magna Carta; from the later fourteenth century, *Ecclesia Anglicana* was normally translated 'Church of England' (see Chapter 3, p. 35 and Chapter 6, p. 80).
 6. Y. Brilioth, *The Anglican Revival: Studies in the Oxford Movement*, 2nd edn, London: Longmans Green & Co., 1933, p. 1.
 7. E. W. Kemp, 'The spirit of the canon law and its application in England', *Ecclesiastical Law Journal*, 1/1, 1987, p. 9.
 8. E. W. Kemp, *Counsel and Consent: Aspects of Government of the Church as Exemplified in the History of the English Provincial Synods*, London: SPCK, 1961.
 9. E. Gibson, *Synodus Anglicana; or, The Constitution and Proceedings of an English Convocation, Shown from the Acts and Registers Thereof to be Agreeable to the Principles of an Episcopal Church* (London, 1702), ed. E. Cardwell, Oxford, 1854.
 10. Gibson, *Synodus Anglicana*, p. liii.
 11. Gibson, *Synodus Anglicana*, p. 3.
 12. Gibson, *Synodus Anglicana*, p. 1.
 13. Gibson, *Synodus Anglicana*, pp. 140f.
 14. Gibson, *Synodus Anglicana*, p. 130.
 15. Act for the Submission of the Clergy 1534 (25 Henry VIII, c. 19), sections 1 and 3, quoted in Bray (ed.), *Tudor Church Reform*, pp. xviii–xix.
 16. A 1966 Act of Parliament had ended the automatic dissolution of the Convocations – requiring fresh elections – when Parliament was dissolved. The proposals which resulted in the Synodical Government Measure were set out in *Government by Synod: Synodical Government in the Church of England*, CA 1600, London: Church Information Office, 1966.
 17. An Act of Synod is defined as 'the embodiment of the mind or will of the Church of England as expressed by the whole body of the Synod' (*Standing Orders of the General Synod*, S.O. 40).
 18. See Chapter 4.
 19. Church of England (Worship and Doctrine) Measure 1974, section 4(1). In the measure, references to the doctrine of the Church of England have to be construed in accordance with the following statement (identical with the text of Canon A 5): 'The doctrine of the Church of England is grounded in the holy Scriptures, and in such teachings of the Fathers and Councils of the Church as are agreeable to the said Scriptures. In particular such doctrine is to be found in the Thirty-nine Articles of Religion, *The Book of Common Prayer* and the Ordinal' (section 5(1)).
 20. Church of England (Worship and Doctrine) Measure 1974, section 4(2).
 21. Until 2005, there were nine elected suffragan and assistant bishops.
 22. Until 2005 the House of Clergy had 260 members, including one archdeacon from

- each diocese, 15 cathedral deans, the Dean of Jersey or Guernsey, six proctors of the university clergy, two representatives of the religious communities (all elected by their constituencies), the archdeacons of the Army, Royal Navy and Royal Air Force and the Chaplain General of Prisons.
23. Until 2005 the House of Laity also had about 260 members. Apart from three elected representatives of the religious communities and the first and second Church Estates Commissioners, all the members were representatives of the laity in each diocese, elected by the lay members of deanery synods, with room for five co-options.
 24. R. A. Burns, *The Diocesan Revival in the Church of England, c. 1800–1870*, Oxford: Oxford University Press, 1999, p. 218.
 25. Burns, *Diocesan Revival*, pp. 218–33.
 26. Burns, *Diocesan Revival*, pp. 250–57.
 27. *Chronicle of Convocation*, vol. 7, pp. 857–8 (4 June 1867), p. 997 (7 June 1867), p. 1291 (21 Feb. 1868). The report's recommendation 'That the Clergy and Laity should have an equal voice' was amended by the Upper House to read 'That in case the Bishop should think fit to put any matter to the vote, the Clergy and Laity should have an equal voice'.
 28. Burns, *Diocesan Revival*, p. 257.
 29. Burns, *Diocesan Revival*, pp. 95f.
 30. Church Representation Rules 2001 (hereinafter CRR), rules 24 (1), 28 (1) (a), 25 (6).
 31. Synodical Government Measure 1960, section 5 (3).
 32. CRR, rule 30 (1), (2).
 33. CRR, rule 30 (3); *Model Standing Orders for Diocesan Synods* (4th edn, reprinted 1995), S. O. 5, S. O. 7.
 34. CRR, rule 31 (8).
 35. CRR, rule 34 (1) (c). If the diocese is divided into episcopal areas and these have area synods, the diocesan synod may meet just once a year.
 36. Synodical Government Measure 1960, section 4 (2), as amended by the Synodical Government (Amendment) Measure 2003.
 37. Synodical Government Measure 1960, section 4 (3).
 38. Synodical Government Measure 1960, section 4 (4).
 39. CRR, rule 34 (1) (g).
 40. CRR, rule 34 (1) (e).
 41. These provisions do not apply to references under Article 8 of the General Synod's constitution, since the diocesan bishop will have the right to vote on the same matter as a member of the House of Bishops of the General Synod at final approval stage. A matter referred under Article 8 is deemed to have been approved by the diocesan synod if the House of Clergy and House of Laity (voting separately) have both approved it (CRR, rule 34 (1) (e), (h)).
 42. Canons of the Church of England, Canon C 18, para. 5.
 43. Synodical Government Measure 1960, section 4 (5).
 44. This is true of governance but not of jurisdiction: metropolitan jurisdiction over each province rests with its archbishop and not with the bishops collectively. ('The archbishop has throughout his province at all times metropolitan jurisdiction . . . and, during the time of his metropolitan visitation, jurisdiction as Ordinary' (Canons of the Church of England, Canon C 17, para. 2).) For this,

see Chapter 5, pages 60–62. It is also important to note that the archbishops are not accountable to the General Synod for the exercise of their metropolitan jurisdiction.

8 *Synodical government in the Church of England: Ordination of women*

1. An earlier version of this chapter appeared as 'Le gouvernement synodal dans l'Eglise d'Angleterre et son illustration dans le cas de l'ordination des femmes à la prêtrise', *Unité Chrétienne*, 121, Feb. 1996, pp. 38–47.
2. For an illuminating journalistic account of the entire process leading to the ordination of women to the priesthood, see J. Petre, *By Sex Divided: The Church of England and Women Priests*, London: HarperCollins, Fount, 1994.
3. A summary (GS 104A) was published in 1973 and a supplementary report (GS 104B) in 1975.
4. *The Ordination of Women: Report of the Standing Committee on the Reference to the Dioceses*, GS 252, 1975.
5. *Report of Proceedings*, vol. 6, 1975, pp. 542–614.
6. *Report of Proceedings*, vol. 9, 1978, pp. 996–1070.
7. *Report of Proceedings*, vol. 15, 1984, pp. 1078–142.
8. *The Ordination of Women to the Priesthood: The Scope of the Legislation*, GS 738, 1986.
9. *The Ordination of Women to the Priesthood: The Scope of the Legislation (GS 738): Memorandum by the House of Bishops*, GS Misc 246, 1986.
10. *Report of Proceedings*, vol. 17, 1986, pp. 632–82.
11. *The Ordination of Women to the Priesthood: First Report by the House of Bishops*, GS 764, 1987.
12. *Report of Proceedings*, vol. 18, 1987, pp. 294–367.
13. GS 830–34.
14. Church of England Assembly (Powers) Act 1919.
15. *The Ordination of Women to the Priesthood: A Second Report by the House of Bishops of the General Synod of the Church of England*, GS 829, 1988; *Report of Proceedings*, vol. 19, 1988, pp. 421–77.
16. *Report of Proceedings*, vol. 19, 1988, pp. 514–618.
17. *Report of Proceedings*, vol. 20, 1989, pp. 947–1063, 1181–298.
18. *Report of Proceedings*, vol. 20, 1989, pp. 1235–42.
19. GS Misc 336, 337, 1990.
20. *AAMBIT: The Newsletter of the Association for the Apostolic Ministry*, 9, Feb. 1992; *Church Times*, 6 Dec. 1991.
21. *Ordination of Women to the Priesthood – Reference of the Legislation to the Dioceses: Voting Figures*, GS 996, 1992; *Report of Proceedings*, vol. 23, 1992, pp. 44–64, 70–85.
22. *Government by Synod: Synodical Government in the Church of England*, CA 1600, London: Church Information Office, 1966, pp. 15, 97f.
23. See *The Ordination of Women to the Priesthood: The Synod Debate, 11 November 1992: The Verbatim Record*, London: Church House Publishing, 1993.
24. Church of England Assembly (Powers) Act 1919.