Working with the Spirit: choosing diocesan bishops

A review of the operation of the
Crown Appointments Commission
and related matters

CHURCH HOUSE
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*This report has the authority
only of the Review Group which
produced it.*

A bishop is called to lead in serving and caring for the people of God and to work with them in the oversight of the Church. As a chief pastor he shares with his fellow bishops a special responsibility to maintain and further the unity of the Church, to uphold its discipline, and to guard its faith. He is to promote mission throughout the world. It is his duty to watch over and pray for those committed to his charge, and to teach and govern them after the example of the Apostles, speaking in the name of God and interpreting the gospel of Christ. He is to know his people and be known by them. He is to ordain and send new ministers, guiding those who serve with him and enabling them to fulfil their ministry.

He is to baptize and confirm, to preside at the Holy Communion, and to lead the offering of prayer and praise. He is to be merciful, but with firmness, and to minister discipline, but with mercy. He is to have a special care for the outcast and needy; and to those who turn to God he is to declare the forgiveness of sins.

From The Ordination or Consecration of a Bishop
The Alternative Service Book 1980

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Membership of the Review Group

Baroness Perry of Southwark	(Chairman)
Mrs Janet Atkinson	(Vice-Chairman)
The Venerable Nicholas Baines *Archdeacon of Lambeth* (Vicar of Rothley and Rural Dean of Goscote, Leicester until June 2000)	Members
Dr Philip Giddings	
The Very Revd Richard Lewis *Dean of Wells*	
The Rt Revd Jack Nicholls *Bishop of Sheffield*	
Lay Canon Elizabeth Paver	
Canon Patience Purchas	
The Rt Revd Dr Michael Nazir-Ali *Bishop of Rochester*	Theological Consultant
Sir Kenneth Bloomfield	Consultant
Mr Philip Mawer	Assessor
Mr Brian Hanson	Assessor
Dr Colin Podmore	Secretary

Foreword
by the Chairman

This report concerns a matter of importance, not only to the Church of England, but also to the State and the wider society. The role of diocesan bishops is an onerous one and those who are called to serve in this way must be capable of exercising great responsibility. The method whereby they are selected is, therefore, of crucial concern. Of equal concern is the confidence in which the process is held by the rest of the Church and by society, hence the debate which led to the establishment of our Review Group.

The Group commends this Report to the Church and to all who have a concern for its welfare in society. It has been prepared with much thought and prayer, and with an overriding intent to bring together all the varying points of view submitted to us in evidence in a way which meets the genuine concerns expressed about the existing system, as well as the stout defence of its strengths. Doubtless there will be some who think we have gone too far in recommending change and some who think we have not gone far enough. That is the nature of any report which deals with controversial issues. Our hope is that, after thought and reflection, the majority of those concerned will feel that the thrust of the Report is one that will be of real benefit to the Church and to God's mission on earth.

The system for the appointment of bishops has often been a matter of controversy throughout history. However, the reforms and changes of the last century have given a greater role to the Church in the appointment of its leaders. This Report, we believe properly, builds on that work.

We are immensely grateful to all who gave evidence to the Group, either in person or in writing. We are conscious of the work which this entailed and of the prayerful thought which went into the submissions. We are especially grateful to present and former members of the Commission, including the Secretaries who have the onerous task of administering it, for their evidence. We thank them wholeheartedly, and hope that they will recognize in our comments and our recommendations many of the points which they themselves have made to us.

I wish to acknowledge my personal debt to all members of the Review Group. Although they brought a rich variety of views and experience to our task, our deliberations were blessed on all occasions with immense courtesy, respect for the opinions of others and a true spirit of Christian love. Our work was much enhanced by the presence of our two wise assessors, Philip Mawer and Brian Hanson, as well as by our two consultants, the Bishop of Rochester and Sir Kenneth Bloomfield.

Finally, I would like to acknowledge our thanks and respect for the enormous contribution made by our secretary, Dr Colin Podmore. His scholarship, skill and cheerful patience have been a strength to the Group and to me as its Chair. We were indeed fortunate to have his talented assistance.

PERRY OF SOUTHWARK
Baroness Perry of Southwark

February 2001

chapter 1
Introduction

Background

1.1 The Crown Appointments Commission (CAC) is governed by a Standing Order of the General Synod (see Appendix 3). Its task is to propose to the Crown candidates for nomination as diocesan bishops. It was created in 1977 in response to a parliamentary Written Answer given on 8 June 1976 by the then Prime Minister, Mr (now Lord) Callaghan (see Appendix 2). The Written Answer was given following a series of discussions involving Archbishop Coggan, Sir Norman Anderson (Chairman of the House of Laity), Prime Ministers Wilson and Callaghan and the leaders of the Opposition parties. For the background, see 'The Choosing of Bishops in the Early Church and in the Church of England: An Historical Survey' (pages 113–138).

1.2 The Written Answer envisaged the establishment by the Church of a small permanent committee, of which both the Prime Minister's and the Archbishops' Appointments Secretaries would be members. The committee would draw up a shortlist of two names, which might be given in order of preference. The Prime Minister would continue to give the final advice to the Queen, and in doing so would 'retain a real element of choice'. He would have the right to recommend the second name rather than the first, or to ask the committee for a further name or names. A special procedure would be needed for the appointment of an Archbishop of Canterbury: 'The committee might then be chaired by a layman chosen by the Prime Minister'.

1.3 Different arrangements apply to the appointment of the Bishop of Gibraltar in Europe, in which the Crown has no involvement.[1] The procedure for appointing the Bishop in Europe is not considered in this report.

1.4 In 1983 a small group was established to review the operation of the CAC. It reported in 1985, concluding that 'The arrangements for the appointment of diocesan bishops agreed between Church and State in 1976/7 are sound in essentials and, subject to certain matters of detail, should continue.'[2]

The present review

1.5   Thirteen years later, in July 1998, the General Synod debated a private member's motion calling for an end to the election of bishops by cathedral chapters. An amendment successfully moved on behalf of the Standing Committee called instead for a review of the constitution and methods of operation of the CAC, of the operation of the Vacancy in See Committees Regulation 1993 and of the issues covered in the original private member's motion.[3]

1.6   The present Review Group was established in response to this resolution. Our chairman has extensive experience of senior Civil Service appointments, other public appointments and academic appointments. Four of us have served as diocesan members of the CAC, and one of those and one other as central members. Six of us have served as members of diocesan Vacancy in See Committees. The Bishop of Rochester was appointed as our theological consultant, and we are grateful for his very helpful contributions to our thinking. We co-opted as a consultant Sir Kenneth Bloomfield, formerly Head of the Northern Ireland Civil Service, a Civil Service Commissioner for Northern Ireland and BBC National Governor for Northern Ireland, and are grateful for his thoughtful and constructive participation in our discussions.

1.7   Our terms of reference require us to review:

(a)   the constitution and methods of operation of the Crown Appointments Commission;

(b)   the operation of the Vacancy in See Committees Regulation 1993;

(c)   the election of diocesan bishops by cathedral chapters.

1.8   We are conscious that there continues to be discussion about the role of the Prime Minister in the nomination of diocesan bishops and about the establishment of the Church of England more generally. However, the Standing Committee had made it clear before the July 1998 debate that it expected any review to be within the framework set by the 1976 agreement between Church and State, and this was reiterated in the Standing Committee report which set out our terms of reference (GS Misc 547).

1.9   We have met 15 times between February 1999 and February 2001. We have received 162 submissions: from the Archbishops of Canterbury and York and 8 other diocesan bishops, from 54 other members of the

General Synod, from 52 other individuals and 4 groups, and from 15 dioceses and 26 cathedrals. These are listed in Appendix 1. We are very grateful indeed to all those who have given evidence to us, either in writing or in person.

Developments since 1977

1.10 In the 24 years since 1977, when the CAC was established, there have been significant developments and changes both in the Church of England and in the society which it is called to serve.

1.11 In 1987 a working party was appointed under the chairmanship of the late Sir William van Straubenzee to review the methods of appointment of area and suffragan bishops, deans, provosts, archdeacons and residentiary canons. As a result of its report *Senior Church Appointments* (GS 1019, 1992), the House of Bishops approved a *Code of Practice for Senior Church Appointments* (GS Misc 455, 1995). At the parish level, the Patronage (Benefices) Measure 1986 gave representatives of the laity a veto over the appointment of incumbents; the representatives increasingly seek also to be involved in interviewing and selection.

1.12 Fundamental to the 1995 report *Working as One Body*, which led to the setting up of the Archbishops' Council, was a 'theology of gracious gift' – the conviction that 'God in his goodness has already given to the Church the resources it needs to be God's people, and to live and work to his praise and glory'.[4] In recent years there has been a recognition in the secular world that people constitute one of the most important resources available to any organization, and that attention needs to be given in a deliberate and systematic way to the development of their gifts and talents. This is reflected in initiatives such as 'Investors in People' (which offers a standard for the training and development of staff by organizations in both the public and private sectors).[5] In the Church, there has been increased attention to ministerial development.

1.13 The office of diocesan bishop is a public office in the life of the nation, and developments in the way appointments to other public offices are made are therefore of especial significance. In 1994, the Committee on Standards in Public Life was set up, under the chairmanship of Lord Nolan. We are grateful to Lord Nolan for attending one of our meetings to discuss the Committee's work with us.

1.14 The Nolan Committee's *First Report*, published in 1995, noted that some of the major concerns about appointments focused on openness and transparency:

> We have heard concerns that, in many cases, it is unclear how names are gathered for consideration, what criteria these names are considered against and how the person appointed is chosen. Critics say that a widespread perception of secrecy has undermined public confidence.[6]

1.15 The report recommended both a draft code of practice for public appointments procedures,[7] and the creation of a new office of Commissioner for Public Appointments to monitor, regulate and approve appointments procedures.

The Commissioner's *Guidance on Public Appointments* includes a Code of Practice, one of the objectives of which is 'to ensure that all appointments are transparent and encourage public confidence in the procedures that support the final selection'.[8] The Code of Practice is formulated in terms of a further set of seven principles, which include that of 'proportionality', i.e. that procedures should be 'appropriate for the nature of the post and the size and weight of its responsibilities'. In auditing procedures, the Commissioner would have regard to 'the impact of procedures on potential appointees'. Their cost effectiveness would also be a relevant concern.[9] In its *Fourth Report*, published in 1997, the Nolan Committee was able to say that

> The amplification of job criteria, opening up posts to advertisement, greater regard to community involvement, an increasing range of candidates, and the introduction of an independent element, have all made the appointment process clearer, and more open to public scrutiny, and have increased public confidence in the appointments system.[10]

1.16 In the submissions which we have received, we have noted a comparable concern to increase confidence in the process for nomination to diocesan bishoprics by ensuring that it is both open and transparent. At the same time, we are convinced that the process must be appropriate to the nature of the post, and its impact on potential appointees must not be such as to discourage potential appointees of high calibre and thereby reduce the field of appointable candidates instead of increasing it.

Principles and issues

1.17 In the July 1998 debate, Sir Timothy Hoare said:

> We must satisfy ourselves (and then the State) that our system is fair, thorough, representative and effective. At the same time, we must preserve what is, for most members of the Crown Appointments Commission, the precious element of seeking the mind of God and waiting for the guidance of the Holy Spirit in the context of worship. Greater professionalism and efficiency must not and need not mar this. A review would tackle all these things. [11]

This quotation encapsulates some of the principles which have been central to our thinking. Above all, we believe that those who choose diocesan bishops must regard themselves as seeking to discern the mind of God. This is the context in which we make our recommendations.

1.18 In preparing this report, we have sought to reflect on the issues theologically with the assistance of our theological consultant, the Bishop of Rochester. The fruits of this reflection are woven into the chapters of the Report, rather than isolated in a separate chapter. However, a paper by the Bishop of Rochester, *Towards a Theology of Choosing Bishops*, is included as the first of two annexes to our Report (pages 103–112). Three theological or ecclesiological issues will be of recurring significance for our recommendations: (a) vocation, (b) the balance between the local and the wider Church, and (c) the need for local consent. We now examine these in turn.

(a) Vocation

1.19 Fundamental to any consideration of the choice of bishops for the Church is the concept of vocation. At the ordination of a bishop, the Archbishop asks the bishop-elect eight questions. The first of these is 'Do you believe, so far as you know your own heart, that God has called you to the office and work of a bishop in his Church?' The bishop-elect answers 'I believe that God has called me.' As with the orders of deacon and priest, the choice of someone to be ordained bishop is a matter of vocation. God gives to people within the Church gifts which equip them for leadership, and calls people to ordained ministry, including episcopal ministry.

1.20 As the title of our report indicates, those whom the Church commissions to discern such vocation have the task of co-operating with the Holy Spirit. They must wait on the Holy Spirit in prayer and worship, and they must also make use of the gifts which the Spirit gives. These include

appropriate insights mediated through the developing practice of secular organizations – insights which must be tested against what we have received in Scripture and Tradition.

1.21 It is the duty of the Church to ensure that its processes are such as to enable it to identify those to whom God has given the gifts required for episcopal ministry, and that those whose task it is to co-operate with the Holy Spirit in the discernment of vocation are fully equipped to do so, so that there will be confidence in the process whereby bishops are chosen.

1.22 Just as there is basically one ordained ministry, which exists in threefold form,[12] so vocation to the diaconate, priesthood and episcopate are part of the same one vocation. What is true of vocation to the diaconate and priesthood is also true of vocation to the episcopate, and vice versa.

1.23 Vocation, which is Christ's vocation, must in the end be both internal (a belief by the person concerned that God is calling him or her) and external (a call expressed by the Church). In the past, vocation to the diaconate and priesthood has most commonly been perceived first as an internal vocation and then confirmed by the Church, whereas vocation to the episcopate has been expressed first by the Church and then confirmed by the individual's sense of calling. Vocation to the diaconate and priesthood has been to diaconal and priestly ministry in general, rather than to a particular parish (though ordination must be to a title*, whereas vocation to the episcopate has been to a particular see (though ordination is to 'the office and work of a bishop in [God's] Church').

1.24 We consider that today these different traditions are coming together. Especially in the case of non-stipendiary ministry and local ordained ministry, vocation to the diaconate and priesthood may be expressed first by the Church and may be first and foremost a vocation to serve in a particular place. Equally, while for many the call to episcopal ministry comes unexpectedly, we consider that it is not inappropriate for people to express a belief that God may be calling them to the ministry of a bishop, or to offer themselves for consideration for a specific see. What is important is that in both cases the call must be recognized by both the individual and the Church.

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* indicates a term defined in the Glossary (pages 174–5).

1.25　What is true for the initial vocation to diaconal, priestly or episcopal ministry will also be true of calling to a particular appointment or episcopal see. While some clergy may think that God might be calling them to a particular office, many will never apply for one. Our Lord said to his disciples, 'You did not choose me, but I chose you' (John 15.16), and the tradition of *nolo episcopari*,* of reluctance on the part of those chosen, is an ancient and a laudable one.

1.26　This means that while our work has been informed by insights mediated through secular practice, we have also recognized that there are important differences in context between many secular appointments and the discernment of vocation within the Church. Secular appointment panels commonly have the task of selecting between those who have applied for a position. By contrast, it will remain the case that some of those who are rightly appointed to office in the Church would never have applied for it. Differences such as this mean that what is good practice in secular appointments is not necessarily appropriate in the discernment of vocation within the Church.

(b) The local and the wider Church

1.27　Since the fourth century at least, there has been an interplay in the choosing of bishops between the local church and the province*. The Council of Ancyra (c. 314–19) implicitly recognized the right of a diocese to reject a bishop chosen and consecrated for it by a provincial synod. On the other hand, the Council of Nicaea (325) upheld the role of the province; ideally, all the bishops of the province should take part in the ordination of a bishop, but the participation of at least three was essential; the written consent at least of all the bishops of a province was required, and the metropolitan* had the right of confirmation of the election. (For further details, see the historical and theological essays, pages 113 and 107–110.) The choice of a bishop concerns the local church whose pastor he is to be, but it also concerns the province of whose corporate episcopate he is to be a member, and in particular the metropolitan of that province. When bishops are chosen in the Church of England today, it is important that both the needs of the diocese and those of the Church of England as a whole are given due weight. Furthermore, it is also important to bear in mind that consecration is not to an office peculiar to the Church of England, but as 'a Bishop in the Church of God'. The involvement of the province and its metropolitan stems from the fact that the person chosen becomes a bishop of the catholic Church throughout the world, and not just of his own diocese.

(c) Consent

1.28 In the history of the Church, selection of the bishop by the diocese has been the exception, but the need for local consent is a fundamental principle which has generally been upheld. (See 'Towards a Theology of Choosing Bishops', pages 107–8.) For over a thousand years, that consent has been expressed formally in the Church of England in the election 'made and celebrated' by the Chapter of the Cathedral Church of the Diocese. We shall consider the question of capitular election* in Chapter 5. The assent of the people is expressed liturgically in the ordination service when the people are asked 'Is it therefore your will that he should be ordained?' and answer 'It is.'

1.29 For such consent to be real, there must be confidence on the part of the diocese in particular and the Church more generally in the process by which the bishop-elect has been chosen. For such confidence to exist, the process must be an open one. This does not mean that it must be conducted in public, but it does mean that it should be a process which is known and understood, and in which all those who have an interest are able to play an appropriate part. Excessive secrecy (as distinct from proper confidentiality) does not build confidence; rather, it tends to foster mistrust and inappropriate speculation.

1.30 Excessive secrecy also tends to bestow power. For the process to engender confidence, it must not confer on individuals the possibility of undue influence (whether or not such influence is in fact exerted).

1.31 In a church such as the Church of England, it is particularly important that the diocesan episcopate should be able to reflect the diversity and breadth of experience and insight within the church. For the process to command confidence, it must not appear to have the effect of excluding canonically qualified members of significant minority groups within the church from appointment to the diocesan episcopate (whether or not such exclusion is deliberate on the part of those operating the system). It is not good for the health of any organization or society if some within it have grounds to feel marginalized and excluded. On the other hand, no group can expect to be represented proportionately, even if it is possible to gauge the appropriate proportion accurately. Once appointed, a bishop must minister to all in his diocese, and it is important that he should have the necessary gifts to do so without succumbing to blandness.

1.32 We are conscious that our church exists in the context of a culture in which there is a lack of trust of those in authority. We have no wish to reinforce such an attitude within the Church. If we conclude that the process is in need of improvement, or that some are not being considered for appointment who should be, that does not imply that those who have been chosen in the past are not qualified for the offices which they hold. The present bench of bishops commands widespread respect, not just in this country but also in the Anglican Communion and other churches internationally. The Holy Spirit can and does work through imperfect human arrangements. When a bishop is consecrated, we pray that God will give him 'the needful gifts of grace'[13] for the tasks he has to perform, and we believe that he will. Our concern in making our recommendations will be to enhance confidence in the episcopate by increasing confidence in the process by which bishops are chosen.

The process

1.33 The process whereby someone becomes a diocesan bishop consists of three main stages, each of which in turn consists of several elements.

> The *first stage*, which might be termed *nomination*, is that which in the Church of England leads to the nomination made by the Crown. This has a number of distinct elements. The two main ones are (a) the work of the Crown Appointments Commission and (b) before the CAC meets, the work of the diocesan Vacancy in See Committee and the Secretaries' wider consultation within the diocese. The CAC meeting is followed by the Archbishop's report to the Prime Minister and the Prime Minister's decision as to which name submitted by the Commission he should forward to the Sovereign, who then actually nominates the person concerned.

> The *second stage* is that whereby the person so nominated actually becomes the bishop of the diocese. This involves the consent of the diocese and the assent of the wider Church, expressed in the Church of England by *election* by the college of canons of the cathedral and *confirmation* of the election by or on behalf of the metropolitan of the province. When the election is confirmed, the spiritualities* of the see are restored to the bishop. He is then the bishop of the diocese.

> The *third stage* is that whereby the bishop takes up office. In the case of someone not already in episcopal orders, this involves *consecration* (ordination to the episcopate). All English diocesan

STAGES IN THE PROCESS

I   Nomination

- Vacancy in See Committee; Secretaries' consultation in the diocese

- Crown Appointments Commission produces two names

- The archbishop reports names to the Prime Minister

- Choice by the Prime Minister between names submitted by the CAC

- Nomination by the Crown

II   The person nominated becomes bishop of the diocese

- Election by the college of canons of the cathedral

- Confirmation of the election by or on behalf of the metropolitan of the province; the spiritualities of the see are restored

III   The bishop takes up office

- Consecration (if not already in episcopal orders)

- Homage; the temporalities of the see are restored

- Enthronement (installation)

bishops are required to do homage* to the monarch, and thereupon the temporalities* of the bishopric are restored to them. This stage culminates in the *enthronement* (installaton in the bishop's *cathedra* or *sedes* – his throne, seat or see – in the cathedral church). This stage should involve the new bishop being given his *Mission* – the authority to continue the mission entrusted to the Church in a particular place and at a particular time. (See *Towards a Theology of Choosing Bishops*, page 111.) In the Church of England it is unclear at what point the new bishop is given this Mission and by whom. (Is it at the confirmation of election, the consecration, or the enthronement? Is the sending to the new bishop of the diocese's statement of needs a sufficient Mission?) We shall make a recommendation about this in Chapter 5. (See para 5.35.)

1.34 Our terms of reference confine us to consideration of the first two of these stages. After considering the pool of candidates (Chapter 2), we shall consider in Chapter 3 the main element in the first stage (nomination) – the constitution and operation of the Crown Appointments Commission. We shall then turn in Chapter 4 to the means by which the views of the vacant diocese are made known to the Commission. Finally, we shall consider in Chapter 5 the second stage (election and, because it is dependent on it, the confirmation of the election).

The evidence

1.35 The evidence which we have received indicates that there is no general demand to change the overall shape of the system. Many respondents have expressed appreciation of the outcome of the process for choosing their own diocesan bishop. At the same time, the submissions made to us indicate that there is widespread unease about important aspects of the operation of the system. In particular, there is concern about what many see as the excessive secrecy (as distinct from proper confidentiality) which surrounds the meetings of the CAC, about the quantity and quality of the information at the CAC's disposal and about the amount of power which is potentially concentrated in the hands of the Secretaries and individual diocesan bishops. In addition to this, concern has been expressed to us that those chosen to be diocesan bishops in recent years have largely been drawn from too narrow a spectrum in terms of their previous appointments, their expertise and their churchmanship. These concerns have been expressed by current and former members of the CAC, both central and diocesan, as well as by many others. To varying degrees, we share them all.

1.36 As a result, we cannot say from the evidence submitted to us that there is general confidence that the way the system for choosing our diocesan bishops works is demonstrably fair, robust and effective. Change is needed in order to make the system one in which the Church of England as a whole can have confidence.

1.37 To say this is not to criticize those who designed the present system a quarter-century ago or the Secretaries who in recent years have been responsible for running the system which they have inherited. Indeed the Secretaries have themselves sought to make improvements to it. We in the Church of England must take responsibility collectively for our institutions and their operation.

1.38   In the chapters which follow we shall make the recommendations which we consider necessary to improve the system.

The practice of other churches

1.39   In order to place our consideration of nominations to diocesan bishoprics in the Church of England within a wider context, we sought information about the current procedures in the Roman Catholic and Orthodox Churches and in a sample of nine episcopal churches with which the Church of England is in communion, and also about the procedures for the appointment of senior ministers in the Church of Scotland and the three largest non-episcopal churches in England. We are grateful to staff members and representatives of the churches concerned for supplying information, which is summarized in Appendix 4.

1.40   Taken as a whole, the Church of England's process is unique, but so are those of several other episcopal churches. At the same time, many of the elements within our process are paralleled in other churches, episcopal or non-episcopal. The size of the Crown Appointments Commission (14 including the Secretaries) is comparable with the equivalent committees in other English churches (Baptist Union – 12, Methodist Church – 15, United Reformed Church – 20). The proportion of diocesan members among the voting members (33.3%) falls between those in the most comparable Anglican churches – the Church in Wales (25.5%) and the Church of Ireland (46%). The right of the Crown to select between names proposed by the Church is paralleled in other established episcopal churches – in the Church of Norway and, until recently, in the Churches of Finland and Sweden.

1.41   The balance between the influence of the diocese and the wider Church (province, national or international church) varies greatly. In the Roman Catholic Church, with very few exceptions, the Pope chooses between three names submitted by the Nuncio after local consultation. In the Church of Greece the decision is made by the Synod of Bishops. In the Churches of Finland and Sweden, on the other hand, the electorate comes entirely from the vacant diocese. The same is true in the Episcopal Church in the USA (ECUSA), although confirmation by a majority of the standing committees of the other dioceses is required.

1.42   It is often said that the Church of England is alone among Anglican churches in not electing its bishops by a free election. While this is true in a sense, use of the term 'election' for the processes of the other churches

masks a considerable variety in practice. We shall return to the meaning of the term 'election' in Chapter 5. Here, it is sufficient to note that there is a great difference between

(i)   election by a large electorate (as in the Nordic churches);

(ii) election by a diocesan convention, synod or elective assembly (as in ECUSA, the Scottish Episcopal Church and the Church of the Province of Southern Africa), in some cases following the appearance of the candidates before the synod (in Scotland) or (sometimes with their wives or husbands) public meetings (in ECUSA);

(iii) election by an electoral college meeting behind closed doors in a cathedral or chapter house in the absence of the candidates (as in the Church of Ireland or the Church in Wales).

In the first case, the names of those nominated are announced before the election. This is also true in ECUSA and Scotland, whereas in Ireland, Southern Africa and Wales they are known only to the members of the electoral college, who are obliged to keep them confidential. In ECUSA there is what amounts to public campaigning by the candidates, and in Scotland they appear before the synod but are not permitted to make any public statements; in Southern Africa, by contrast, any who are present withdraw from the Assembly for the duration of the debate. In Ireland and Wales there is no means whereby they can make any statement to the electoral college.

1.43   It is possible to view the Church of England's process as falling at one end of this spectrum of 'elections' rather than being completely different in kind. Arguably, the principal difference between the Crown Appointments Commission and the Irish and Welsh electoral colleges is the CAC's much smaller size. In all three churches, the body concerned consists of a majority of central members, meets in private and in the absence of the candidates, and votes by ballot, requiring a two-thirds majority of those voting.

1.44   Some of those who have made submissions to us have expressed a wish for an electoral system more comparable with those of other Anglican churches to be adopted in the Church of England. The submissions made to us do not, however, suggest that such a change would enjoy widespread support, nor would we favour such a change. What we have said about vocation in paras 1.19–1.26 above means that we would not be

happy with a system which allowed public campaigning by or on behalf of candidates, in which candidates were publicly identified, or in which consideration was restricted to those willing to stand for election and appear before the electors. These factors would not apply to an electoral college system such as those practised in Ireland and Wales, but we do not believe that, at least in the English context, the careful and frank discussion which is possible in a small commission could take place in a meeting of around 50 people.

The Secretaries

1.45   The Archbishops' Secretary for Appointments and the Prime Minister's Secretary for Appointments are both non-voting members of the Crown Appointments Commission, and the Archbishop's Secretary for Appointments is its Secretary. There have been several holders of each office in recent years, so references to the Secretaries made in evidence quoted in this report should not be taken as referring to the individuals who currently hold those two offices. In this report, we comment about the responsibilities which are currently given to the Secretaries, but not about the way in which current or former Secretaries have performed their duties.

1.46   The evidence from the dioceses is that those whom the Secretaries consulted felt that they had been given an appropriate opportunity to contribute and were listened to. Much appreciation has been expressed for the work of the Secretaries, even where the system itself has been questioned. At the same time, some have expressed anxiety about the potential influence which the two Secretaries, and especially the Prime Minister's Secretary for Appointments, have in the process. It is clear that the system places great responsibility on their shoulders.

1.47   The role of the Prime Minister's Secretary for Appointments is an especially delicate and responsible one. He is the only person who is involved in every stage of the process, from the Secretaries' consultation in the diocese through to the advice given to the Sovereign by the Prime Minister. The system depends on there being a relationship of trust and goodwill between Church and State; the Prime Minister's Secretary for Appointments is the hinge of that relationship.

1.48   We shall look at the role of the Secretaries with regard to the Crown Appointments Commission in Chapter 3 and with regard to the Vacancy in See Committee and the Consultation in the Diocese in Chapter 4.

Terminology

1.49 We have identified three main stages in the process whereby someone becomes a diocesan bishop in the Church of England (see para. 1.33 above):

- the first stage, of nomination, whereby the next bishop of a vacant diocese is identified;

- the second stage, whereby the person so nominated actually becomes the bishop of the diocese concerned;

- the third stage, whereby the bishop takes up office.

1.50 Under the Appointment of Bishops Act 1534,[14] the first stage culminates in the nomination of a candidate by the Crown (as it generally had before the Reformation) – albeit now one of those identified by the CAC. This is comparable to presentation to a benefice by a patron. Just as it is an action of the Church (in this case, an action of the diocesan bishop) which makes the person presented by the patron the incumbent of the benefice, so it is important as a matter of principle that the actions which make the person nominated to an episcopal see the bishop of that see should be, and should be seen to be, actions of the Church.

1.51 We consider that use of the term 'Crown Appointments' in the name 'Crown Appointments Commission' blurs the distinction between the stage of nomination (ultimately by the Crown) and the stage whereby the Church makes the person so nominated bishop of the diocese. The name 'Crown Appointments Commission' is a cause of further confusion in that the CAC has no involvement at all in the majority of 'crown appointments' to ecclesiastical positions (i.e. appointments other than those to diocesan sees). **We therefore recommend that the Crown Appointments Commission be renamed 'The Episcopal Nominations Commission', a name which expresses more precisely the role and area of involvement of the body concerned. It would also be helpful if announcements and press releases used the terminology of 'nomination', which mirrors more closely the terminology of the Appointment of Bishops Act 1534** – as we shall in this report when referring to the future working of the Commission.

chapter 2
The pool of candidates

2.1 In this chapter we look at the pool from which candidates for nomination to diocesan bishoprics are drawn. We shall consider whether this pool is as wide as it might be, whether the processes for identifying possible candidates are transparent, and whether access to consideration as a potential candidate is sufficiently open. Our concern is to ensure that all who may be suitable candidates are considered, not to criticize those who have been chosen in the past. This should ensure that there is confidence not only in those who are chosen but also in the process by which they are chosen.

Recent nominations

2.2 In the five years 1996–2000, nominations to 19 (43%) of the 44 diocesan sees were announced. Of the 19 men nominated, 17 (89%) were already in episcopal orders (two diocesans and former suffragans, one a professor and former suffragan, and the other 14 current suffragans). Of the two who were not in episcopal orders already, one was an archdeacon and the other a parish priest.

2.3 Of the other 25 diocesan bishops in office at the end of 2000, by contrast, only 14 (56%) were already in episcopal orders when they first became a Church of England diocesan. Of the remaining eleven, four first became diocesan bishops in the five years 1991–95 (together with the Bishop of Rochester, who had been a diocesan bishop in Pakistan but had not been bishop of an English see), five in the five years 1986–90, and two before 1986.

2.4 There are several possible reasons for the change to a situation whereby those nominated to diocesan sees are drawn almost entirely from among the suffragan bishops. The job of a diocesan bishop has undoubtedly become more complicated in recent years, and this means that someone without experience as a member of the senior staff of a diocese is likely to have a huge amount to learn in the early years of his episcopate. The 'safe choice' is therefore that of someone who has such experience, and the 'safest' of all a suffragan bishop. It seems likely that diocesan representatives in particular have increasingly looked for a proven track record as a bishop.

2.5   Also, if almost all of those who become diocesans are former suffragans, this can be seen as a case of effective 'succession planning'. On this view, the 'right' people (including many qualified to go on to a diocesan see) were appointed as suffragan bishops and have been given experience which makes them the most suitable candidates for translation* to a diocesan see. Such a system of 'succession planning' has much to commend it. However, we believe that if such a system is in fact operated, this should be acknowledged more openly.

2.6   At present, people are invited to submit names and diocesan as well as central CAC members are able to require consideration of names, but there is a danger that this large-scale consultation exercise will come to be seen as serving to give the impression that the process is more open than is in fact the case if the outcome is almost always the nomination of someone from the same small pool of candidates. There are 68 suffragan sees in the Church of England. At any one time, a number of these will be vacant or held by someone too close to retirement, or appointed too recently, to be considered for a diocesan bishopric. Not all of the remaining suffragan bishops will be considered appropriate candidates for a diocesan bishopric. This means that the pool from which the overwhelming majority of new diocesan bishops have been drawn in the last few years is a very small one.

2.7   If suffragan bishops were to be seen as the main pool of potential diocesan bishops, then diocesan bishops would need be conscious that they were appointing an 'apprentice diocesan bishop' and therefore give greater weight when making the appointment to the needs of the Church of England as a whole, rather than simply appointing the best person to serve as a pastor in the particular suffragan see in question.

2.8   In fact, however, we do not believe that translation from a suffragan to a diocesan see is necessarily a natural progression. It has been suggested to us in evidence that those chosen to be suffragan bishops are often 'safe choices' rather than people likely to cause trouble, reliable pastors rather than impressive thinkers or prophets, or (to use an analogy from the business world) good managers rather than directors who view things from a much wider perspective, team players rather than team leaders. The roles of suffragan bishop and diocesan bishop are different in kind, and might be thought to require different sets of qualities and skills. Just as there are excellent suffragan bishops who are not suitable for translation to diocesan sees, it is argued, so there are also men who would not

be suited to the position of a suffragan bishop but would be excellent diocesans. It is not difficult to think of men consecrated direct to diocesan sees who have made an outstanding contribution as bishops, but who, if they had first been suffragans, would probably not have been regarded as 'successful' and might thus never have become diocesans at all. To regard the posts of archdeacon, suffragan bishop and diocesan bishop as forming a managerial hierarchy comparable to that in a commercial corporation is highly misleading. The occupants of each of these positions exercise different (though related) ministries; they therefore require distinct (though complementary) gifts. We wish to pay tribute to the importance of the work and ministry of suffragan bishops. But we wish at the same time to challenge any notion that such a ministry should normally lead to that of a diocesan bishop. The ministry of a suffragan bishop should be fulfilling in its own right.

2.9   The preponderance of suffragan bishops among those who become diocesan bishops is problematic in another respect. Suffragan bishops are appointed by diocesan bishops. The appointment is usually made after consultation, as recommended by the report *Senior Church Appointments* (GS 1019, 1992), but diocesan bishops differ as to the degree to which they consult and the extent to which their decision is affected by the views of others. While some diocesans appoint as suffragans those who complement them in terms of experience, skills, opinions and personality type, some believe that other diocesans are inclined to appoint people like themselves. If a significant proportion of the pool of candidates consisted of suffragans similar to the diocesans who appointed them, this could produce a 'cloning' effect. Furthermore, the principal (and only named) source of 'reference'-type material about each candidate considered by the CAC is his current diocesan bishop. Thus, 90% of those who now become diocesan bishops are selected, largely on the basis of a reference from a diocesan bishop, from a pool created by diocesan bishops. The CAC's recent practice of nominating candidates largely from a restricted pool of those previously chosen by diocesan bishops to be their suffragans has the effect of limiting the diversity of the diocesan episcopate. In what follows, we shall propose a number of changes designed to make it easier for a wider range of candidates to be considered for, and nominated to, diocesan bishoprics.

2.10   The success of such changes will, however, be dependent on an openness on the part of the Appointments Secretaries and other members

of the Episcopal Nominations Commission to take the risk of proposing to the Crown candidates whom they judge to have the necessary potential, even if they do not have experience in a suffragan see. We note that in the twentieth century parish priests, deans and provosts, professors and other university clergy, religious and clergy employed by mission agencies became diocesan bishops. **We recommend that the Episcopal Nominations Commission should put more emphasis on seeking potential and evidence of it, and not confine itself to experience as a suffragan bishop or archdeacon as the basis for recommending candidates for diocesan sees.**

The Preferment List and the Fielden File

2.11   A prime source from which candidates considered by the CAC are drawn is the Preferment List, maintained by the Archbishops' Secretary for Appointments, which in September 2000 included the names of about 370 clergy, about 85% of them aged between 45 and 60, with an assessment of their 'probable' or 'possible' suitability for each type of appointment (residentiary canon, archdeacon, dean/provost, suffragan, diocesan) either now or later. The Fielden File is a list of about 170 younger priests (about 80% of them aged between 35 and 45), who are thought to have future potential. Although the CAC commonly considers candidates not on the Preferment List, no candidate not on the Preferment List (and as we have seen, only two candidates who were not already in episcopal orders) became a diocesan bishop in 1996–2000.

2.12   Priests are included in the Preferment List only if they are nominated by a diocesan bishop. Clergy employed outside the diocesan system can be sponsored by any diocesan bishop, but those working within the diocesan system must be sponsored by their own. Some bishops consult their senior staff before deciding whether or not to nominate an individual for inclusion in the Preferment List, but the decision is theirs alone and cannot be overruled. It is therefore possible for clergy not to be included in the Preferment List simply because their relationship with their diocesan bishop is poor or because they do not share his views. They have no opportunity to appeal against the decision, and indeed they do not even have the right to know whether they are on the Preferment List or not. Some diocesan bishops inform those whom they have nominated; others do not.

2.13   There is a great variation in the numbers of clergy whom bishops nominate for inclusion in the Preferment List. As at September 2000 the figures per diocese were:

no names submitted	1
1–5 names submitted	11
6–10 names submitted	23
11–15 names submitted	6
16–20 names submitted	3
21–25 names submitted	1

Some of the differences in the number of nominations per diocese can be explained by the size and type of the dioceses concerned; many cannot. We consider that this degree of variation is unacceptable. A possible explanation for it is that the number of nominations may, if the diocesan bishop chooses to make the decision himself rather than collegially with his senior staff, depend in the end on the decision of a single individual.

2.14   In secular organizations, the decision as to whether someone should be included in a list of potential candidates for promotion rarely depends entirely on one individual. Usually, a decision taken by someone's line manager is subject to review by the line manager's line manager; it may also be discussed more widely within a management team. Moreover in many organizations people move from one post to another after as little as two or three years. As a result, assessments by several line managers can be taken into account in decisions about promotion. A tendency on the part of one line manager to recommend few people for promotion, or a personality clash between an employee and one particular line manager, is therefore not absolutely determinative. In the Church of England, by contrast, clergy typically remain in a particular post for much longer and often move to another post in the same diocese. It is therefore common, even normal, for their inclusion or non-inclusion in the Preferment List to depend to a considerable extent – or even entirely – on the views of one individual.

2.15   It is impossible for us to determine whether all diocesan bishops have succeeded in acting with complete fairness in deciding whether or not to nominate clergy for inclusion in the Preferment List. However, the fact that inclusion or non-inclusion depends on a decision taken, sometimes by one individual, often without the priest concerned knowing, and without the possibility of appeal means that the system is not seen to be fair and transparent. **We therefore make the following recommendations:**

(a)   **There should be a single list, called 'The Senior Appointments List', of clergy over the age of 30 who are considered to be potential**

candidates for senior appointments now or later, giving an indication of the offices (if any) for which they are considered to be ready and those for which it is thought that they might later be suitable. This list should be circulated regularly to all central members of the Episcopal Nominations Commission.

(b) **This List should not be a public list, but clergy should have a right to know whether or not they are on it. This means that individuals should be informed by their bishop when their names are added to the list.**

(c) **Individual diocesan bishops will need to keep the list under regular review, and this should mean that names are removed as well as added.** We believe that it is right that the bishop should give account to the person concerned for his decision to remove him or her from the list. **Priests should therefore be informed by the bishop after their names have been removed from the list, and of the reasons.**

(d) Continuous professional development is now expected in most professions, and the clerical profession is no exception to this. Many diocesan ministerial review schemes indicate 'ministry development' as a chief goal.[1] At his consecration, the bishop is charged with 'guiding those who serve with him and enabling them to fulfil their ministry'; he thus bears a particular responsibility for nurturing the development of his clergy. One of the necessary elements in ministerial review is therefore 'face-to-face encounter / personal conversation between the minister and the bishop or his staff'. The recommended term for ministerial review carried out by the bishop or a member of his senior staff is 'episcopal review'.[2] One of the features of episcopal review is that it 'enables a conversation to happen about future development and deployment'.[3] **We therefore recommend that the main route to inclusion in the Senior Appointments List should be through discussion in the context of episcopal review.** This would require a substantial measure of consistency between dioceses. Those operating the system would need to be trained, and this would have a financial implication.

(e) **All clergy should have a 'reference bishop'. For clergy in sector ministries as well as for diocesan clergy, this episcopal point of reference will normally be the diocesan bishop. Special arrangements will need to be made for other clergy (for example, those employed**

by the Archbishops' Council or by mission agencies, university clergy and religious). The Provincial Episcopal Visitors should be able to nominate clergy for inclusion in the Senior Appointments List, but in these cases the diocesan bishop would also be asked to supply a reference.

(f) **We recommend that the process leading to a final decision about inclusion or non-inclusion in the Senior Appointments List should be as follows:**

(1) **the matter should be discussed in the context of ministerial review if either party wishes to raise it (but not otherwise);**

(2) **if the discussion does not result in the priest's inclusion in the List but the priest wishes to pursue the matter, the priest should take this up in the first instance with the diocesan bishop or other 'reference bishop' (see (e) above);**

(3) **if this does not result in inclusion in the List and the priest still wishes to pursue the matter, he or she (or someone writing on his/her behalf) may write to the Archbishops' Secretary for Appointments, who will invite the correspondent to fill in and return an adapted version of the nomination form, naming two referees;**

(4) **if the Appointments Secretary receives a completed nomination form, he or she contacts the diocesan bishop or other 'reference bishop';**

(5) **if this does not lead to inclusion in the List but the other references are positive, the matter is referred to the Senior Appointments Group described below, which decides whether or not to include the priest in the List.**

2.16 We believe that confidence would be further increased if the operation of the Senior Appointments List were overseen by a group which included lay and (non-episcopal) clergy members. At the same time, we believe that only a group including the archbishop of the province should be able to 'overrule' a decision by a diocesan bishop or other 'reference bishop'. **We therefore recommend the establishment of a Senior Appointments Group consisting of the archbishops (each acting in respect of clergy in his own province) and two central members of the Episcopal Nominations Commission, appointed by the Commission with a view to the balance and representativeness of the Group.** (Such a representative triumvirate has in the past been chosen from among

the Presidents, the Prolocutors and the Chairman and Vice-Chairman of the House of Laity to make proposals about appointments to sub-committees of the Standing Committee of the General Synod.) **The Group should be serviced by the Archbishops' Secretary for Appointments. It would meet in the margins of Commission meetings.**

2.17 **The tasks of the new Senior Appointments Group should be:**

- **to review the Senior Appointments List regularly in order to inform the Episcopal Nominations Commission's discussions and with a view to consistency between dioceses, pointing out any inconsistencies to the bishops concerned;**

- **to draw to the attention of the House of Bishops any general issues which arise from reviewing the List;**

- **to examine cases where a priest is proposed (by him/herself or by a third party) for inclusion in the List and the diocesan bishop or other 'reference bishop' does not agree to nominate him or her but the other references are favourable, and decide whether to include him/her or not;**

- **in the case of individuals included in the list by the Group, to decide from time to time whether they should remain on the list.**

2.18 There is at present a group of bishops known as the Senior Appointments Group (Episcopal) or SAGE Group, which principally serves as a support group for the Archbishops' Secretary for Appointments, although it also discusses the names on the Preferment List (but has no power to add or exclude names). If desired, this group could continue separately as a support group for the Appointments Secretary, but it should have no other function.

2.19 One reason which is sometimes given for not telling a priest that he or she is on the Preferment List is that the likelihood of this resulting in a senior appointment is small. This is indeed the case. Typically, between 30 and 35 senior appointments are filled each year (perhaps 4 diocesan sees, 4–5 suffragan sees, 3–4 deaneries, 10 archdeaconries and 10 residentiary canonries). This means that even if all of those who were appointed were on the Preferment List, someone on the Preferment List would have a less than one-in-ten chance of senior appointment in any one year. This makes it essential that it is made clear to those included in the Senior Appointments List that this is no guarantee of preferment. **We therefore recommend that when someone is included in the Senior Appointments**

List, the Archbishops' Secretary for Appointments should write to them confirming that they have been included and setting this in context by indicating the number of names on the List and the average number of appointments which are filled in any one year. This should reduce the possibility of inclusion in the List becoming a cause of clergy being unsettled or disappointed.

2.20   Because it would be known that those on the Senior Appointments List would be told of their inclusion, those not on the List would also know that they were not. Some fear that this might have a demoralizing effect, but if a priest is going to become demoralized by learning that he or she is not on the List, arguably he or she would equally become demoralized by non-preferment. Many priests would never expect to be considered for a senior appointment, and there is no need for the matter to be raised with them. Others will have such aspirations, however, and we consider that it can only be beneficial for them to be in a position to raise the matter in the context of episcopal review. One purpose of episcopal review must be to help the clergy to gain a realistic understanding of their own potential and of the sort of ministry for which their gifts might equip them, in the context of a church in which out of 9,648 full-time diocesan clergy,[4] only about 430 (4.5%) are dignitaries (44 diocesan and 68 suffragan bishops, 120 archdeacons, 43 cathedral deans and about 160 residentiary canons).[5] Such a realistic conversation could affirm the priest concerned in his or her current role, or it could lead into a fruitful discussion about other opportunities for which the priest's experience and gifts might fit him or her.

2.21   In this report we focus on clergy who may have the potential to serve as a diocesan bishop, but all clergy are important, and it is essential to ensure that arrangements for the development of all clergy are right. Sound systems of episcopal review for all clergy are a necessary basis for effective arrangements with regard to the filling of diocesan bishoprics and senior appointments in general.

2.22   We do not envisage the system which we have recommended resulting in a large number of cases in which a name is included in the Senior Appointments List despite an adverse reference from the diocesan bishop or other 'reference bishop'. In some cases an approach from the priest (stage 2), or from the Archbishops' Secretary for Appointments reporting positive references from others (stage 4) may lead the diocesan bishop to reconsider the decision. In other cases, the discussion in the context of

episcopal review (stage 1), or the discussion with the diocesan bishop or other 'reference bishop' (stage 2) may enable the priest to develop a more realistic assessment of his or her potential, or he or she may otherwise decide not to press the matter. The referees named at stage 3 may provide an assessment which does not result in reference to the Senior Appointments Group, or the Senior Appointments Group may decide that the diocesan bishop's view is the more cogent.

2.23 In our view, this new and more transparent system would, however, have the advantage that it would make better use of the ministerial resources available. It would tend to increase the pool of candidates with identified potential, and tend to reduce the possibility that the Church might be deprived of the service of able clergy at senior levels simply because of a personality clash between a priest and his or her diocesan bishop or because the diocesan is unduly sparing in nominations for inclusion in the Preferment List.

2.24 If the fact that they are on the Preferment List is concealed from clergy, it is difficult to check with them the factual information contained in the nomination form. Our recommendation that priests should be informed when they are included in the Senior Appointments List removes this difficulty. **We recommend that those on the List should be invited to check the factual information contained in their nomination form and sign to confirm that it is correct. We recommend, however, that references containing subjective assessments which are submitted either with the nomination form or subsequently should remain confidential.** (There is exemption from the subject information provisions of the Data Protection Act 1998 in respect of personal data processed for the purposes of assessing a person's suitability for an archbishopric, or a diocesan or suffragan bishopric or a deanery – Data Protection (Crown Appointments) Order 2000 (SI 2000 No. 416).)

2.25 Some of the members and former members of the CAC who have given evidence to us have expressed unhappiness with the fact that no photographs of the candidates are supplied. If there is no interview, this means that it is quite possible for members to be party to the nomination of a candidate whom they would not recognize if they saw him. Others have remarked that whereas some remember people's names, others remember their faces. If a photograph were supplied, such people might realize that they were after all acquainted with a candidate whom they thought they did not know. If those on the Senior Appointments List are informed that

they are on it, it will be possible to ask them for a photograph. **We recommend that those on the Senior Appointments List be asked to submit a photograph, and that these are replaced every five years.**

2.26   Many have expressed unease that the present system gives no opportunity for the candidates to present themselves to the CAC. One means whereby they might do so is a written statement. If those on the Senior Appointments List are informed of the fact, it will be possible to ask them to submit such a statement and update it from time to time. **We recommend that those on the Senior Appointments List be asked to submit a personal statement indicating how they see themselves and the development of their ministry, what gifts they believe themselves to have and how these might be used. They should be invited to update these statements regularly.**

Candidates from minorities within the Church

2.27   Concern has been expressed to us that candidates from several minority groups within the Church are disadvantaged or unfairly discriminated against when nominations to diocesan bishoprics are considered. These groups include minority ethnic persons and those who describe themselves as conservative evangelicals and traditional catholics. Expressions of concern that candidates opposed to the ordination of women to the priesthood are unfairly discriminated against have been the most numerous. In our judgement this is a special case which needs to be addressed specifically in this report. Nonetheless, much of what we say about it will also apply when it comes to ensuring that candidates from other minority groups are not disadvantaged by the process.

2.28   Section 1 of the Episcopal Ministry Act of Synod 1993 enjoins that

> no person or body shall discriminate against candidates either for ordination or for appointment to senior office in the Church of England on the grounds of their views or positions about the ordination of women to the priesthood.

As we have seen, in the five years 1996–2000, nominations to 19 (43%) of the 44 diocesan sees were announced. Of these 19 bishops, 18 ordain women to the priesthood and the 19th was already a diocesan bishop. (In the period 1993–95 there had been twelve nominations. Of these twelve bishops, nine ordain women to the priesthood; one of the other three was already a diocesan bishop.) The figures for the last five

years have given rise, in some quarters at least, to a perception of unfairness towards those who are perceived as traditional catholics and a suspicion that the CAC has not acted in the spirit of the Act of Synod. Concern has been expressed to us about this in a number of submissions, as has concern about a perceived bias against evangelicals in general and conservative evangelicals in particular.

2.29 We are all agreed that unwillingness to ordain women to the priesthood does not in itself make a candidate unsuitable for appointment as a diocesan bishop. We do, however, consider that there are in fact 'views or positions about the ordination of women to the priesthood' which would make it difficult for those who held them to function effectively as a diocesan bishop. We note the following passage in the House of Bishops' statement *Bonds of Peace* (GS 1074):

> There should be no marginalization of anyone on the basis of their attitude towards the ordination of women to the priesthood. Nor should those who cannot accept the ordination of women to the priesthood seek to marginalize themselves by withdrawing from the life and government of the Church except in those matters where conscientious convictions are directly at stake. (para. 4)

It is hard to see how someone who has marginalized himself by effectively withdrawing from the life of a diocese could be suitable for appointment as a diocesan bishop. We wish to encourage all clergy to remain fully involved in the life of their dioceses, so that there is an enriching diversity of views and perspectives and no talents are lost to the Church's service.

2.30 Those who oppose the ordination of women to the priesthood but are engaged in the structures of the Church of England include potential candidates for nomination to diocesan bishoprics. We are not in favour of mathematical proportionality being applied to the process of nominating diocesan bishops, but at the same time, we consider that it is not healthy for a church, or for any other organization, if those who hold a legitimate viewpoint within it are, by reason of their views alone, excluded from its collective leadership.

2.31 We do not support positive discrimination in favour of minorities. Those nominated for each diocesan see must be the most suitable candidates. **We do, however, recommend that on each occasion attention is given to the possibility of nominating someone from a minority and to ensuring that**

suitable candidates are not overlooked. We recognize that, since minorities in the Church of England as a whole are commonly minorities in most if not all dioceses, the nomination of candidates from minority groups will require support for their candidacy from those of the majority view or background. What we shall have to say in Chapter 3 about the need for the Episcopal Nominations Commission to consider not just the needs of a particular diocese but also the needs of the Church of England as a whole will also be relevant to the question of the appointment of candidates from minority groups (see paras 3.26, 3.62).

2.32　　Such positive consideration by the Episcopal Nominations Commission may not in itself be sufficient; potential candidates need to be identified in order that the Commission may consider them. It has been suggested to us that some diocesan bishops have been reluctant to nominate clergy from minority traditions for inclusion in the Preferment List, or have vetoed their inclusion when others have nominated them. It is impossible for us to assess whether this has in fact happened, but it is clear that the present system would not prevent it. We hope that the new procedures which we have recommended in order to facilitate wider access to the Senior Appointments List will remove the possibility, and thus also the perception, of unfairness.

2.33　　A further possible reason why few candidates from minority groups are appointed is a paucity of candidates from those groups with experience comparable to that of other candidates. In recent years, very few indeed of the diocesan bishops who ordain women to the priesthood have appointed as suffragan bishops or archdeacons those who do not support this. As we have seen, during the last five years those nominated to diocesan sees have almost exclusively already been in episcopal orders. These two factors combine to explain the lack of appointments from the minority – catholic or evangelical – on this issue. Our recommendation that the Episcopal Nominations Commission should not confine itself, in making nominations, to those with experience as suffragan bishops or archdeacons will address one of these factors. Nonetheless, in any organization, the balance (or lack of it) in appointments at the most senior level will tend to reflect that of the appointments made at more junior levels some time before. Whether the Commission will succeed in nominating a more inclusive diocesan episcopate in future will, therefore, in part depend on the readiness of existing diocesan bishops to give those with whom they disagree suitable experience by appointing them to senior positions within their dioceses. It will be part of the task of the Archbishops' Secretary for

Appointments, in advising them, to draw this, and suitable candidates, to their attention. **We recommend that the House of Bishops give attention to the need for candidates from minority groups to be given the experience which will prepare them for positions of greater responsibility.**

2.34   Whilst we are opposed to any suggestion of a 'quota', from time to time the appointments produced by the system need to be looked at. If these are not reflective of the church, then the reasons need to be examined and some attempt needs to be made, on a voluntary (not a statutory) basis, to address them. **We recommend that the central members of the Episcopal Nominations Commission should review the balance of nominations to diocesan episcopate from time to time, looking at the degree to which they reflect the diversity of the church of which that episcopate is the corporate leadership, and to the extent that it does not, seek to identify means of addressing this.**

chapter 3
The Crown Appointments Commission

3.1 The Crown Appointments Commission (CAC) was created in 1977 in response to the parliamentary Written Answer given in 1976 by the then Prime Minister, Mr (now Lord) Callaghan, in which he proposed changes in order that 'the Church should have, and be seen to have, a greater say in the process of choosing its leaders'. (For the text, see Appendix 2.) The CAC is governed by a Standing Order of the General Synod. (For the text, see Appendix 3.)

3.2 The CAC consists of twelve voting members and two non-voting members. The voting members are the archbishops, three members of the General Synod House of Clergy and three members of the General Synod House of Laity (elected by their respective Houses), and four members of the Vacancy in See Committee of the vacant diocese, elected by that Committee. The non-voting members are the Prime Minister's Secretary for Appointments and the Archbishops' Secretary for Appointments. The Commission is chaired by the archbishop of the province to which the vacant diocese belongs. The Archbishops' Secretary for Appointments is the Secretary of the Commission. When an archiepiscopal see is vacant, the senior bishop of the province able and willing to act serves as a voting member of the Commission for consideration of a vacancy other than in an archiepiscopal see. If one of the elected central members is unable to attend a meeting, the Chairman of the House concerned nominates a replacement.

3.3 For the consideration of vacant archbishoprics, the membership and chairing of the Commission differs somewhat. We shall consider the arrangements for consideration of vacancies in the archiepiscopal sees at the end of this chapter.

Diocesan members

3.4 Some of the submissions made to us have suggested that the number to be elected to the CAC by the Vacancy in See Committee should be increased slightly. In some cases, this was in the hope that a team of five or six diocesan members would be more representative in terms of 'categories' (lay/ordained, etc.), while in others the intention was to increase the

proportion of diocesan members and thus their influence within the CAC. Most of the submissions did not question the size of the CAC or the balance between central and diocesan members, however.

3.5 The evidence which we have received does indicate that some diocesan members of the CAC have felt inadequately briefed on its procedures, overwhelmed by the preponderance of central members, and unequal to the latter in the information and experience available to them. We consider that this situation can be remedied by better briefing. **We recommend that a fuller briefing document, outlining in detail the Episcopal Nominations Commission's procedures and what is expected of its diocesan members, should be sent by the Archbishops' Secretary for Appointments to all diocesan members on their election. The contents of the document should be approved from time to time by the central members of the Commission.**

3.6 In some cases the diocesan four have felt that they had to be firm in their stance in order to prevent a nomination being made which would have conflicted with their view of what their diocese needed. However, we have received no evidence of names going forward against the wishes of a majority of the diocesan four. Indeed, the Standing Order which governs the CAC provides that for any matter on which a vote is required, a two-thirds majority among the voting members is needed, 'provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members'. We consider that this safeguard is sufficient.

3.7 The evidence which we have received from central members of the CAC in particular is that great attention is paid during CAC meetings to the needs of the diocese as revealed by the documents prepared by the Vacancy in See Committee and the Secretaries' report on their consultations in the diocese, and that the diocesan members are questioned until the central members are satisfied that they understand the situation and views of the diocese.

3.8 The task of the CAC is to put forward candidates for appointment not only to a particular see, but also to the collective leadership of the Church of England. In our view, it is this latter consideration which ought to be given more weight than hitherto in the course of the Episcopal Nominations Commission's deliberations. An increase in the size of the diocesan representation would tend in the opposite direction, especially

since additional diocesan members are less likely than the central members to have a broad perspective of the needs of the Church of England as a whole. Any increase in the CAC's size would also tend to reduce its effectiveness as a deliberative group. Furthermore, we note that the proportion of diocesan members (33.3% of the voting members) falls between those in electoral colleges in the Church in Wales (25.5%) and the Church of Ireland (46%). We therefore do not recommend any change to the existing composition of the CAC.

Dates and venues of meetings

3.9 Much more frequently raised in the submissions made to us is the requirement that members of the CAC may not divulge the dates and venues of its meetings to anyone (not even a member's spouse or secretary). This secrecy has variously been described to us as 'excessive and unwarranted', 'silly' and 'infantile'. In our view, it contributes to the aura of 'mystification' which is perceived as surrounding the whole process leading to the nomination of diocesan bishops, tends to breed suspicion and rumour, and prevents the diocese from praying for the CAC at the time of its meeting. It is unreasonable that members of the CAC should be asked to go away overnight and not leave a telephone number at which they can be contacted in an emergency. Attempts to keep the dates secret are in any case often unsuccessful. If the diocesan four are all away from home at the same time on undeclared business it is not difficult to conclude that the CAC is meeting, and unless the CAC members are the only people staying at the meeting venue, other residents will quickly guess the nature of the meeting.

3.10 It has been suggested that if the date of the meeting became known, media attention would be attracted, but in our view media interest is not normally likely to be great, except in the case of the archbishoprics and a small number of other sees. In the case of the few vacancies for which there might be great media interest, special arrangements would need to be made.

3.11 Another reason given for retaining secrecy concerning dates and venues is that knowledge that the CAC had met would place pressure on the Prime Minister to come to a quick decision. This does not follow, however. It cannot be concluded from the mere fact that the CAC has met that the responsibility for any delay in announcing a nomination lies with the Prime Minister, or what the reason for the delay is. A delay could be caused by:

- a failure of the CAC to reach agreement at a first meeting, necessitating a further meeting;

- subsequent discovery that one of the candidates is not available;

- the Prime Minister rejecting one or both of the candidates proposed by the CAC;

- one or both of the candidates declining;

- one or both of the candidates taking a long time to decide.

Similarly, if it becomes known that the CAC has met more than once to consider a particular vacancy, the reason for that could be any one of the first four set out above.

3.12 The secrecy concerning dates and venues has not in the past prevented it from becoming known that the CAC has met; nor has it prevented speculation. It confers no benefit which outweighs the negative effects which we have noted. It is required neither by the original Written Answer nor by the Standing Order, but originated in a decision made by the first Crown Appointments Commission. It is within the power of the Commission to change its own rules at any time, and **we recommend that the Commission should remove the requirement that its members do not divulge the dates and places of its meetings.**

3.13 A number of submissions have commented on the importance of the fact that the CAC's meetings take place in the context of worship (Evensong and the Eucharist) and a prayerful atmosphere. We strongly endorse this. In the words of Sir Timothy Hoare, 'We must preserve . . . the precious element of seeking the mind of God and waiting for the guidance of the Holy Spirit in the context of worship.'[1] We consider that it is of the utmost importance that this should continue to be at the heart of the process. This element will be strengthened if the dates of the meetings are known and the diocese is thereby enabled to join in prayer for the work of the Commission.

Names to be considered by the CAC

3.14 At present, each member of the CAC, including the Appointments Secretaries, is entitled to submit the names of possible candidates. This entitlement applies to each of the diocesan members, who are individually members of the CAC, as well as to the central members. If a member submits a name as being 'mandatory', that name must be placed before the CAC for consideration unless the member consents to its removal

from the list. (A member may submit more than one mandatory name.) Names which are submitted as 'discretionary' are discussed by the archbishop of the province with the Appointments Secretaries, and the archbishop decides which (if any) of these names should be considered by the CAC.

3.15 The number of names considered by the CAC has to be limited for practical reasons, and normally between 14 and 16 names are considered for each vacancy. This is an average of roughly one name per member (including the Appointments Secretaries), but it is common for more than one member to submit the same name. Also, members will sometimes submit the name of someone who the Secretary knows would not accept the see (for example, because he has recently accepted another appointment which has not yet been announced). In such a case, the Secretary may in confidence explain the circumstances to the member and suggest that he or she may wish to withdraw the name.

3.16 We consider that in the main this system works well in practice and therefore does not need to be changed. In particular, there is no point in a name being listed for consideration unless at least one of the members of the CAC is willing to 'sponsor' that candidate. (We shall, however, recommend that in exceptional circumstances it should be possible for a name to be considered which arises during the Episcopal Nominations Commission's discussion – see para. 3.28.)

3.17 At present, however, there is no clear process whereby names may be drawn to the attention of members of the CAC for them to consider submitting them for consideration by the CAC. This means that those known to the members, for example suffragan bishops and members of the General Synod, are much more likely to be put forward for consideration than others. There is no mechanism whereby the name of a priest may be suggested to the members of the CAC as a whole by someone outside the Commission – other than by that person writing to each member individually.

3.18 In order to remedy this, and make the process leading to the submission of names to the Episcopal Nominations Commission a more open one, we make the following recommendations.

(a) When a vacancy in a diocesan see is announced, an announcement in the diocese should name the Chairman of the Vacancy in See Committee, to whom the names of possible candidates should be sent by a certain date. The Chairman should forward the names of any whom he or she considers to be a serious candidate to the diocesan four and also to the Archbishops' Secretary for Appointments. Any of these names which are not on the Senior Appointments List would go through the Senior Appointments List procedure, which might also lead to them being considered for future appointments.

(b) It should be open to anyone who is on the Senior Appointments List and is canonically qualified for election as a diocesan bishop to express to the Archbishops' Secretary for Appointments an interest in being considered within a certain period after the vacancy has been announced.

(c) It should also be open to anyone who knows that such a bishop or priest is, or is likely to be, on the Senior Appointments List to recommend him to the Archbishops' Secretary for Appointments for consideration within a certain period after the vacancy has been announced.

(d) The names of those on the Senior Appointments List who have either expressed an interest [(b) above] or have been recommended [(a) or (c) above] should be circulated to all members of the Episcopal Nominations Commission for that vacancy. The list should indicate the names of those who had suggested them.

(e) Members of the Episcopal Nominations Commission, including the diocesan four, should be entitled to make their own enquiries about any name which is on the list of those who have been recommended or have expressed an interest.

(f) Members of the Episcopal Nominations Commission should to be entitled, as at present, to submit names for mandatory or discretionary consideration by the Commission, whether or not they are on the Senior Appointments List and whether or not they are on the list of those who have been recommended or have expressed an interest. Any of these names which are not on the Senior Appointments List would go through the Senior Appointments List procedure.

3.19 We believe that such a process, taken together with the proposals for the Senior Appointments List which we have made in Chapter 2, would make the process leading to the consideration of names by the Episcopal

Nominations Commission a much more open one, and that our proposals would achieve this without the need for advertising.

The 'job and person specification' and the needs of the wider Church

3.20   At present, the CAC has before it two documents which contribute to the Commission's decision as to the type of person who should be nominated: the Description of the Diocese and Statement of Needs produced by the diocesan Vacancy in See Committee and the Secretaries' Memorandum on the diocese and its needs. We shall consider the processes leading to the production of these two documents in Chapter 4.

3.21   In the Church of England a diocesan bishop is not only the bishop of his diocese, however. He is also part of the collective leadership of the Church of England as a whole, a member of the House of Bishops and (except for the Bishops of Sodor and Man and Gibraltar in Europe) a potential future member of the House of Lords. Bishops also represent the Church of England within the Anglican Communion and in ecumenical bodies nationally and internationally. There is a need for a range of skills, experience and perspectives within the House of Bishops.

3.22   There is, of course, already a considerable range of skills, experience and perspectives within the membership of the House of Bishops. Although virtually 90% of those who have been nominated to diocesan sees in the last five years had previously been suffragans, those new diocesan bishops also brought a wealth of other experience to the House of Bishops. All 19 had been assistant curates, 13 incumbents, 6 residentiary canons and 3 archdeacons. Five had been a diocesan industrial or agricultural chaplain, missioner, communications officer or director of ministry/training. Four had been school or university chaplains, six theological college tutors, three college or course principals, one a university lecturer and one a pro-fessor. They also included a former Warden of Lee Abbey and a former ACCM Senior Selection Secretary and Archbishop's Chaplain.

3.23   Several of those who made submissions to us did, however, question whether the House of Bishops contains a sufficient number of bishops with theological expertise. Four of the 19 diocesan bishops appointed in 1996–2000 hold a PhD or DPhil (not necessarily in theology). It is perhaps significant that these four are also untypical in that at the time of appointment one was an incumbent, and of the three former suffragans one was currently a professor and one already a diocesan bishop. Of the

25 other diocesan bishops in office at the end of 2000, 5 hold doctorates other than honorary doctorates (two of them DDs).

3.24 It is perhaps also significant that of the diocesan bishops nominated in 1996–2000, only one (translated from another diocesan see) had worked outside England since ordination.

3.25 We have already addressed the need to ensure that candidates from minority groups are not excluded from appointment. (See Chapter 2, paras 2.27–2.34.) Representation of the diversity of churchmanship within the Church of England is another element in the balance of skills, experience and perspectives within the diocesan episcopate which needs to be borne in mind by the Episcopal Nominations Commission.

3.26 We are concerned that the national aspect of the 'job' of a diocesan bishop is not reflected in the documentation presented to the members of the CAC, and that, although the needs of the wider Church are considered in discussion, the disparity in the documentation will tend to focus too much attention on the individual diocese and too little on the bishop's role within the college of bishops. **We therefore recommend that in addition to the two documents about the needs of the diocese, the Episcopal Nominations Commission should also have before it a statement by the archbishops, updated as necessary, setting out the needs of the Church of England as a whole with regard to the membership of the House of Bishops.**

3.27 **We recommend that, after prayer, the first task of the Episcopal Nominations Commission when it meets should be to agree a job and person specification in the light of the Description of the Diocese and Statement of Needs, the Secretaries' Memorandum on the diocese and its needs, any paper submitted by the outgoing diocesan bishop (see para. 4.50), and the Archbishops' Statement about the needs of the Church of England as a whole. During this discussion, the diocesan members should be helped to place their own perspectives on the type of person needed within the context of the needs of the Church of England as a whole.**

3.28 It has been suggested to us that additional names sometimes come to mind when the statement of needs and the Secretaries' report are discussed. At present, there is no mechanism whereby names which

emerge during such a discussion can be considered. It is, of course, unusual in secular appointments for the long list of names to be finalized before a job and person specification has been agreed. **We therefore recommend that after the job and person specification has been agreed, it should, exceptionally, be open to any member to propose for consideration (if agreed by the archbishop of the province) a further name already on the Senior Appointments List which suggests itself in the light of the job and person specification (see also paras 3.42 and 3.57 below).**

Information about candidates

3.29   It is clear to us from the submissions which we have received that the information available to the CAC is a major cause of concern. There is a very wide measure of agreement indeed among those of the present and past members of the CAC, central as well as diocesan, who have submitted evidence to us that the information available to the CAC is inadequate for the purpose in both its quantity and quality. We shall therefore recommend very substantial changes to the system in this respect.

3.30   The present practice is as follows. One week before the meeting, members are sent the names of the candidates to be considered, together with brief biographical details about the candidates. These contain no more (and sometimes less) than could be gleaned from published reference works such as the *Church of England Year Book, Crockford's Clerical Directory* and *Who's Who*. At the meeting itself, further material about each candidate, drafted by the Archbishops' Secretary for Appointments and agreed by both Secretaries, is circulated. This consists of a biographical note, with separate paragraphs covering

- the individual's education and experience;

- some of his key achievements;

- his approach to ministry, churchmanship, attitude to the ordination of women, etc.;

- his personal style, way of leadership, etc.;

- a brief reference from the relevant diocesan bishop.

The source of the information is the file held by the Archbishops' Secretary for Appointments for each person on the Preferment List, which contains the Preferment List nomination form itself and other material such as commendations from third parties and reports of relevant

discussions. The material is condensed by the Secretary into a document which typically covers 1^1/$_2$ sides of A4 paper for each candidate. Sources of information other than the diocesan bishop are not named.

3.31 This material has variously been described to us as 'insufficient on which to make an informed judgement', 'not complete enough for members confidently to assess candidates', 'patchy and unprofessional', 'patchy and sometimes wrong (though less frequently than in the past)'. One diocesan four wrote, 'Information often seemed to be unsystematic, different in detail from candidate to candidate and lacked standard presentation. None of us had experienced this kind of partial or selective information before in a selection process . . . There is an inevitable danger of unfairness or even abuse.'

3.32 In some cases, the Secretaries may be able to supply further information from their files during the meeting, but in others members have to supplement the factual information from their own knowledge. This may tend to favour candidates who are known to members of the CAC. In the view of one witness, it results in discussion which is anecdotal; as another put it, 'the CAC relies on hearsay and a 1^1/$_2$-page summary'.

3.33 Similarly, there is widespread concern that the material supplied to the Commission contains opinions about and assessments of candidates which are unattributed. One submission commented, 'Essential to evaluating a judgement of anybody is knowledge of the character of the person making the judgement.' Another said, 'Too often people can be damned for life by secret, unchallengeable, and unattributed opinions.'

3.34 The wisdom of relying to such a great extent on the views of the diocesan bishop (the only attributed source of opinions) has also been queried. One submission commented, 'Great weight is given to the views of the diocesan bishop, but this could be deceptive if for any reason there was not a good relationship between the diocesan bishop and the candidate concerned or if they had very different experiences or opinions'. Another disagreed, however: 'The Commission depends very heavily upon this one source of information. This is probably right as no one knows the job of a diocesan better than a diocesan.'

3.35 Finally, it is widely agreed that charging the Secretaries with the production of a summary of the opinions of others places too great a burden of responsibility upon them. In the words of one submission, 'This is not a

reflection on [the Secretaries] but a summary is bound in some measure to reflect the person who makes it.' Another commented, 'It is my experience that the Secretaries seek to be as impartial as possible . . . Nevertheless, subjectivity inevitably plays a part in the 'selection' of material from the people concerned.' A third wrote, 'In my experience the Secretaries have almost always behaved with scrupulous fairness, but their role in producing profiles places a heavy responsibility on them, especially when dealing with candidates who are relatively unknown.'

3.36   Greater unease has been expressed by some. One complained:

> There is no chance to do one's own research and members rely on the Secretaries' filtered views of others (unattributed except for the bishop) and a quite selective CV. I frequently found myself wanting to challenge their assessment of those I knew and consequently unable to fully trust the assessments of those I did not know. That is highly unsatisfactory and puts some members, especially those who do not know many clergy, at a disadvantage.

On a number of occasions another 'had known the man for many years and did not recognise him from the description given'. This submission continued:

> It is always possible in any profession (and especially in the Church of England) to find someone who will give the faint praise that damns if a candidate's rejection is desired. I believe that this was done frequently . . . The Archbishops' and the Prime Minister's Appointments Secretaries are painstaking, conscientious and honourable, and work the system well. It is not their fault if the system is bad, as I believe it is.

A former diocesan member commented:

> Within the group of permanent members is a smaller power base that filters the knowledge the CAC receives; here the real power is vested in the two Secretaries (even if they don't have a vote) and the Archbishops. The question then is, whether the Church wants the appointment of its Bishops to be in so few hands.

3.37   These last paragraphs contain quotations from evidence which has been circulated to all of us. The members of the Review Group were therefore

able to assure themselves that these paragraphs convey a fair representation of the views which have been expressed to us. By contrast, it is impossible for the members of the CAC to judge the extent to which the Secretaries succeed in summarizing fairly and impartially the references about the candidates which they have obtained, since the members are not permitted to have sight of these. Thus, even if the operation of the system with regard to the information before the CAC is fair, the system is not necessarily seen to be fair, and is not transparent even to members of the CAC itself. Indeed, much of the material quoted in these paragraphs was submitted by present and former central members of the CAC.

3.38   It has been suggested to us that if those who supply references knew that their comments would be attributed, this would result in a diminution of both the quantity and the quality of reference material available to the Secretaries and hence the Commission. We do not believe, however, that it is any longer appropriate, in preparing nominations for a major public office, to rely on selective summaries of unattributed references. This is why we are proposing fundamental changes to the process. We wish to stress that it is the system which is the object of our criticisms, and not those who operate it.

3.39   We recommend that for each candidate, the Episcopal Nominations Commission should have before it for its initial consideration of the names the following information:

●   **the Register of Ministers form for the candidate;**

●   **the nomination form for the candidate's inclusion on the Senior Appointments List, in two parts: (a) factual information agreed by the candidate and (b) comments on the candidate by the candidate's 'reference bishop' (which the candidate would not be entitled to see),[2] together with a recent photograph;**

●   **the confidential references from the two referees nominated by the candidate as part of the Senior Appointments List process (these would need to be updated regularly);**

●   **the candidate's own statement of how he sees himself, his gifts and the development of his ministry (this would also be updated regularly).**

3.40   In order that those who are already diocesan bishops may be considered for translation to other sees (including the archiepiscopal sees)

on an equal basis with other candidates, comparable documentation should be available for them. **Diocesan bishops should be encouraged to continue to fill in a Register of Ministers form (adapted as necessary), nominate two referees and submit a photograph and their own stateme nt of how they see themselves, their gifts and the development of their ministries, and to update each of these regularly.** We believe that this opportunity to reflect on their ministry from time to time would also be beneficial in itself. **Whenever the name of a serving diocesan bishop was considered by the Episcopal Nominations Commission, this documentation should be supplemented by a reference from the archbishop of his province.**

3.41   We recognize that it would be difficult for members of the Episcopal Nominations Commission to digest this amount of information during the meeting. **We therefore recommend that the material should be circulated in advance of the meeting in numbered copies.** This is standard practice with other appointments, including those of a confidential nature. **Members should be under a moral obligation not to make copies of the material, and it should be returned at the end of the meeting.**

3.42   We consider that if (exceptionally) the archbishop of the province agrees to discussion of an additional candidate proposed after the job and person specification has been agreed (see para. 3.28), it should be possible for the key documents to be faxed from the Archbishops' Secretary for Appointments' office.

3.43   We believe that such a collection of information would provide the members of the Episcopal Nominations Commission with a fairer and much more robust basis for assessing the candidates. We recognize that the need to obtain, update and collate this material would have implications for the staffing and hence the cost of the Archbishops' Secretary for Appointments' office.

3.44   **We recommend that the practice whereby the Secretaries read extracts from documents which are not shown to the members of the Commission should be discontinued. The principle should be that all candidates are treated similarly and fairly. If any further information is introduced by anyone during the discussion, it should be attributed.**

Confidentiality of names considered by the Episcopal Nominations Commission

3.45   At present, the list of names to be considered by the CAC is confidential to the members of the CAC. This means not only that third parties may not know that an individual is being considered, but also that the individual himself is not allowed to know either (although in practice candidates are of course sometimes aware that their name is under consideration). No one has suggested to us that third parties should be allowed to know or discover the names of those who are considered, and we agree that, as at present, they should not. This means that, as at present, once the list of those who will be considered is circulated to the members of the Episcopal Nominations Commission, they should not make enquiries which might lead anyone to conclude that an individual will be considered by the Commission. This will become more important if (as we recommend) the dates of Commission meetings are no longer kept secret, as people may conclude that an enquiry is being made so close to the date of the meeting that the person concerned must be a candidate.

3.46   Those who have given evidence to us are divided about whether the candidates themselves should be informed, or allowed to discover, that they are being considered. The main argument advanced in support of disclosure is that it might make possible an improvement in the quality of information available to the Commission. It is also argued that lay people are well used to the disappointment which results from not being promoted or appointed to a post, and that senior clergy ought to be able to cope with such disappointment. Against this, it is pointed out that the CAC system is not comparable with a secular appointment, because those considered by the CAC have not applied for the position of diocesan bishop. Even if our recommendation that those on the Senior Appointments List should be allowed to express interest is accepted, many of those whose names are considered will not have done so.

3.47   We do not believe that the candidates should be unsettled – in some cases quite possibly twice or even three times a year – by the information that they are being seriously considered for nomination to a diocesan see unless that is necessary in order to secure an adequate process. In fact, we consider that the information about the candidates which would be available to the Episcopal Nominations Commission if our recommendation in para. 3.39 is accepted would be sufficient at least for the Commission to make a shortlist, and that there is therefore no need for the candidates to be informed in advance of the Commission's discussion of a vacancy that

they will be considered. However, in order to improve the quality of the information before the Commission when it chooses between the shortlisted candidates, we shall recommend below that those who are shortlisted by the Commission should be informed of this. (See para. 3.58.)

Interviewing

3.48   Quite a few of the submissions which we received argued that candidates should be interviewed by the CAC, or at least asked that consideration should be given to interviewing. In view of this, and because interviewing is a normal part of the procedure for appointment to many secular positions, we have given very careful consideration to whether we should recommend the introduction of interviewing. We have concluded that we should not, for a number of reasons.

3.49   Opinions vary as to the value of interviewing in appointments processes in general. Some of us have reservations about the value of interviewing in this particular context, and are concerned at the danger of someone being nominated for the wrong reasons (such as the ability to interview well). We doubt whether it would be appropriate for an interviewing panel to consist of 14 members, and are concerned at the inequality between the members which would result from some, but not all, interviewing a particular candidate.

3.50   Our chief concern, however, stems from the fact that candidates are very frequently considered for several different dioceses before they are finally nominated to a diocesan see. Of the 119 men considered for 18 vacancies in the four years 1994–97, 29 (25%) were considered twice, 18 (15%) three times, 13 (11%) four times and 17 (14%) more than four times. We understand that one individual was considered, unsuccessfully, for half of the sees which were filled in a period of over six years. Of the men appointed to these 18 sees, 3 had been considered twice, 5 three times and no fewer than 7 more than 4 times. This does not necessarily mean that the bishops concerned were not the best available candidates for the sees to which they were finally nominated; the second most appropriate candidate for one see can easily be the most appropriate for a different and subsequently vacant see.

3.51   Although the candidates concerned will not necessarily have been included in the shortlist of five or six (on which a vote is taken) in every case, the likelihood is that candidates will appear on shortlists more than

once, possibly even in the same year. We consider that it would be embarrassing for all concerned for a candidate who had not even applied for the post under consideration to be invited for interview by a panel of 14 people, 10 of whom had interviewed him for a comparable position on several previous occasions. It is highly likely that such candidates would decline to attend (and thus not receive equal consideration by the Commission) or that the central members would find it impossible to continue nominating such a candidate for consideration. Either way, the field of those who could be appointed would be reduced still further.

3.52 It is a very important difference between the CAC process and many other church and secular appointments that the candidate will, even if our recommendations are accepted, in many cases not have applied for the specific position and indeed might need to be persuaded to accept it.

3.53 We do not consider that anything would be contributed to the process by an interview, or even just an opportunity for the whole Commission to meet the candidates, which would outweigh the disadvantages involved.

A two-stage process

3.54 It is our view, however, that more information is needed by the Commission in considering the final shortlist than is presently available. **We therefore recommend that each vacant see should be considered at two successive meetings of the Episcopal Nominations Commission.** At each overnight meeting, two vacancies would normally be considered. The identification of two names from the shortlist which is currently done on the morning after the shortlist is agreed would instead be done on the morning of the subsequent Commission meeting. This would allow time for further material to be obtained. If only one see were vacant at a particular time, only one see would be considered at each meeting. In this case, the times of the meeting might be adjusted.

3.55 Such a change would have another benefit. Some submissions have complained that the meeting was too rushed. One diocesan member said,

> At the end of our meeting we were put under pressure to reach agreement because of the very tight personal timetables of some of the members who could not stay any longer on the second day than lunchtime. This was not satisfactory and we should have been able to adjourn the meeting until a later date and thus been able to arrive at a relaxed decision.

We hope that a two-stage process would help to address this problem by allowing a period for reflection between the two stages.

3.56   We also consider that the meetings of the Episcopal Nominations Commission should be longer. At present they begin at 4 p.m. or occasionally earlier. By the end of the evening, the Commission is expected to have discussed the Statement of Needs and the Secretaries' Memorandum and to have reduced the list of names by discussion to a shortlist of five or six. Some of those who have offered evidence have expressed concern that the Commission does not begin to consider names until after dinner, and that as a result some names are not reached until 10 p.m. or even later and the session often concludes at 10.30 or even 11 p.m. 'There was a sense of pressure as well as fatigue which made it difficult to give proper reflection to candidates.' The archbishops have indicated to us that they regard meetings of the CAC as of the highest importance and are willing to give more time to them. **We recommend that the first day of each two-day meeting of the Episcopal Nominations Commission should begin after lunch and conclude somewhat earlier in the evening.**

3.57   As already mentioned, it has been put to us that it is sometimes only when the CAC has discussed the sort of person needed that a particular name may strike one of the members of the CAC. We have made provision for this by a recommendation which would make it possible for the Episcopal Nominations Commission to consider a further name for possible shortlisting in the light of the job and person specification as agreed. (See para. 3.28) **We further recommend that it should be open to any member, very exceptionally, to propose within a defined period after the first meeting, in the light of the job and person specification as agreed, a further candidate who was not considered at stage one for consideration at stage two. It should be possible, at the discretion of the archbishop of the province and very exceptionally, for not more than one such name to be added to the shortlist of those to be considered at stage two.**

3.58   We consider that at stage two the Episcopal Nominations Commission should have before it updated references on the candidates, written in the light of the job/person specification, not only from their diocesan bishop but also from the two referees whom they have named. It would be unrealistic to suppose that informing the two referees that a candidate had been shortlisted would not, at least in some cases, lead to the candidate discovering that he was under consideration. **We therefore recommend the following procedure:**

(a) Those who are to be considered at stage two are informed of this and of the number of other candidates shortlisted and hence of the unlikelihood of their actually being nominated;

(b) The candidates are sent the job/person specification (for information only);

(c) They are also sent the factual information about themselves from the Senior Appointments List form and invited (but not required) to check it and update it if necessary;

(d) Each candidate's reference bishop and two referees should be informed confidentially that the candidate has been shortlisted and asked to update their reference in the light of the job/person specification;

(e) If neither the archbishop of the province nor the Archbishops' Secretary for Appointments has met one of the candidates, at least one of them should arrange to meet him before stage two;

(f) Before an announcement is made, the other candidates should be informed that they have not been nominated to the see and given the opportunity of a 'debriefing' by the Archbishops' Secretary for Appointments.

The opinions of the diocesan members

3.59 The CAC Standing Order requires the Chairman to be satisfied 'that the vote in favour pays due regard to the opinions of the diocesan members'. Because the ballot is secret, at the time when the results of the voting are announced, neither he nor any of the individual members – including the diocesan members – will necessarily know how many of the diocesan members voted in favour of the successful candidate. (Unless that candidate received ten or more votes out of twelve, it is possible that the majority of the diocesan members voted against.) The custom has therefore arisen of the archbishop of the province asking the diocesan members to confirm they are satisfied that their opinions have been taken into account.

3.60 It has been suggested to us that the requirement in the Standing Order lacks substance, and that if such a question is asked of the diocesan members by an archbishop at the end of the meeting, they are likely to answer 'yes', if only out of politeness, and that unless the Standing

PROPOSED PROCESS FOR THE EPISCOPAL NOMINATIONS COMMISSION

Before the Commission meets

- The Archbishops' Secretary for Appointments (ASA) sends diocesan members a briefing document outlining in detail the Commission's procedures and the role of diocesan members.

- Names of those on the Senior Appointments List
  - forwarded to the ASA as potential candidates by the Chairman of the Vacancy in See Committee; or
  - who have expressed to the ASA an interest in being considered; or
  - recommended to the ASA by others
  are circulated to central and diocesan members of the Commission.

- Central and diocesan members of the Commission may make their own enquiries about any of those whose names are circulated.

- Central and diocesan members may submit names for mandatory or discretionary consideration by the Commission whether or not they are on the Senior Appointments List.

- A list of the names to be considered is circulated. This is confidential; after this, members may not make their own enquiries about those on the list.

- Numbered copies of the following documents are circulated:
  - Vacancy in See Committee's Description of the Diocese and Statement of Needs
  - Secretaries' Memorandum
  - any paper submitted by the outgoing diocesan bishop
  - Archbishops' Statement about the needs of the Church of England as a whole
  - For each candidate:
    - Register of Ministers form
    - Senior Appointments List nomination form with photograph
    - two confidential references
    - statement by the candidate

First meeting of the Commission

- This commences at lunchtime.

- The Commission considers
  - the Description of the Diocese and Statement of Needs;
  - the Secretaries' Memorandum

- the Archbishops' Statement about the needs of the Church of England as a whole

and agrees a job and person specification.

- Exceptionally, any member may, with the agreement of the archbishop of the province, propose for consideration a further name from the Senior Appointments List (in which case the relevant documentation is faxed from the ASA's office).

- A shortlist of names is established by discussion.

- The meeting concludes somewhat earlier in the evening than at present.

Between meetings

- Very exceptionally, within a specified period and at the discretion of the archbishop of the province, one further name, not considered at the first meeting, may be added to the shortlist in the light of the job and person specification agreed at the first meeting.

- Those who are to be considered at stage two are informed confidentially of this and of the number of other candidates shortlisted and hence of the unlikelihood of their actually being nominated; they are sent the job/person specification for information and the factual information from the Senior Appointments List form, which they are invited to update if necessary.

- The candidates' reference bishop and two referees are informed confidentially and asked to update their reference in the light of the job/person specification.

- If neither the archbishop of the province nor the ASA has met one of the candidates, at least one of them arranges to do so.

- Numbered copies of the updated factual information and references are circulated to members of the Commission.

Second meeting of the Commission

- This commences at breakfast.

- The Commission discusses the candidates in the light of the updated factual information and references and votes on them.

- At the conclusion of the meeting, the members return all documents circulated to them, giving an undertaking that they have not copied them.

When nomination has been accepted by one of the candidates

- The other shortlisted candidates are informed that they have not been nominated and are given the opportunity of a 'debriefing' by the ASA.

Order's requirement can be put into effect in some other way it should be repealed. We do not agree. We believe that this requirement, and the question to which it gives rise, are valuable. **We do, however, recommend that the briefing document which the diocesan members receive in advance of the meeting should inform the diocesan members of the Standing Order's requirement and of the question which they are likely to be asked at the end of the meeting.**

3.61   It has also been suggested to us that the diocesan members should effectively be asked whether they are happy with the two names (which is a different question from that customarily asked). However, the Standing Order does not give the diocesan members a veto (as this question would imply), and we do not consider that it should.

3.62   There is another potential problem with the requirement (which applies to all vacancies, including archiepiscopal vacancies) that the person presiding should be satisfied 'that the vote in favour pays due regard to the opinions of the diocesan members' – that it might encourage the Commission to address the needs of the diocese to the exclusion of those of the wider Church. **We therefore recommend that the proviso should be rephrased to read 'provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members and to the needs of the Church of England as a whole'.**

Voting at CAC meetings

3.63   A number of submissions have commented on the method of voting used at CAC meetings.

3.64   The CAC Standing Order (SO 122 – see Appendix 3) states:

> (f) (v) If in relation to any matter a vote should be required, the question shall be put and shall be deemed to have been carried if at least two-thirds of the total number of the voting members of the Commission (without discrimination in respect of Orders) are in its favour, provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members.

3.65   This is interpreted as meaning that each name submitted to the Prime Minister has to have received a two-thirds majority in a vote by the CAC's twelve voting members. The voting is, as a matter of custom and practice, carried out as follows:

● The names have been reduced by discussion to a shortlist of between four and six. In this example, it is assumed that the shortlist consists of five names.

● Before the voting begins, the Chairman asks the members whether they think that any name on the shortlist is so weak that it should not be included, or whether any previously excluded name should be brought back. This may prompt further discussion before a definitive shortlist is reached.

(a) Establishing a name

● The Secretaries give out blank slips of paper. In the first round, the members are asked to write down four of the five names in alphabetical order. If a member writes down fewer than the number of names required, this is treated as a spoiled ballot and that member's votes in that round are null and void. The voting slips are not signed, so this amounts to a secret ballot. The Secretaries leave the room and count the votes. They return and give the Chairman the numbers of votes for each candidate, and the numbers are read out.

● The candidate with the lowest number of votes is eliminated and the process is repeated, without further discussion. This time, members have to write down three of the remaining four names.

● The process is repeated a third time, with the members writing down two of the remaining three names.

● The fourth time, the members write down one of the remaining two names. If one of the names receives 8, 9, 10, 11 or 12 votes, that name becomes one of the two names to be sent to the Prime Minister. If the voting is 6–6 or 7–5, there is further discussion. The members may be asked to bear in mind that the CAC is asked to produce two names, so that the candidate favoured by the minority could still be one of the two. If a two-thirds majority could not be achieved, the CAC would have to reconvene on another occasion, but this is very rare.

(b) Establishing a further name

● The same process is repeated from the beginning with the remaining names from the original shortlist, until there is a second name.

(c) Establishing a preference between the names

● The two names produced by this process are both deemed to have a two-thirds majority among the voting members. No weight is given to the fact that one emerged first. A final vote is therefore taken by the same method to see whether one of the two names enjoys a two-thirds majority. If one of the names is written down by eight or more of the members, the Commission is taken as having expressed a preference for that candidate and this is reported to the Prime Minister.

If the Chairman feels that there is a lack of enthusiasm about the two names which have emerged, he may suggest a second meeting of the Commission.

3.66 We have received evidence that some diocesan members have not understood the method of voting in which they were participating. Diocesan members have felt that the process took on a dynamic of its own, and that it was the process and not the members which was in control. On one occasion, 'the sudden and unexpected strong emergence of [a] relatively unconsidered candidate' (who became the second name sent to the Prime Minister) left the diocesan members 'puzzled as to the fairness of the voting system' – a feeling strengthened when the candidate concerned was appointed to the next vacant bishopric.

3.67 Although the final vote in each of the two rounds is taken as being a positive vote in favour of the candidate with the most votes, this is in fact a system not of positive voting but of voting by elimination. A number of submissions have expressed concern about this. One said, 'We were frankly taken aback at the operation of a system of voting by elimination of which we were not formally advised.' (See para. 3.5) A former central member commented:

> The members of the Commission can find themselves with a slate of names none of whom they really want to vote for. The procedure seems to produce rather weak results when there is a strong conflict over certain names and rather mediocre ones then tend to come through the middle.

Another submission argued that 'in secular politics [an eliminating ballot] is used to produce the least objectionable candidate, rather than the most popular'.

3.68   Furthermore, because members are required to write down the names of all but one of the surviving candidates in each round, with the final vote being taken as a positive vote in favour of the winning candidate, there is concern that members of the CAC are in fact required to vote for candidates whose nomination they would not support. One witness told us: 'The outcome was that two candidates were nominated, neither of whom I supported but both of whom I had voted for.' We understand the desire to prevent tactical voting and to reduce the potential for deadlock which underlies the system of voting, but if members of the Commission are to be seen as, and feel themselves to be, co-operating with the Holy Spirit, it cannot be right for them to be placed in a position which might mean that they are obliged to vote in favour of candidates to whose nomination they would in conscience be opposed.

3.69   We consider that the present system of voting should be replaced by one which

- is clear;

- at every stage involves positive voting rather than voting to eliminate;

- does not require members to register a vote in favour of candidates to whose nomination they are opposed;

- as far as possible makes use of the single transferable vote (STV) system with which members are familiar;

- guarantees an opportunity for discussion and reflection between rounds of voting.

3.70   **We therefore recommend that the present CAC Standing Order be amended to introduce the following system of voting (by secret ballot), which would be explained to members of the Commission in writing in advance of their first meeting:**

1.   **At the Commission's first meeting to consider the vacancy, it will have reduced the initial long list by discussion to a shortlist of five to seven names.**

2.   **At the second meeting, after discussion of the additional material circulated after the first meeting, the members vote by single transferable vote, using a printed voting paper, to reduce the shortlist of five to seven names to three.**

3.   **After discussion, the members are invited (but not required) to write down one of the three names. The name which receives the highest**

    number of votes becomes the first name identified by the Commission. In the event of a tie, the vote must be taken again after further discussion.

4.   **The members are then invited to write down one of the two remaining names. The name which receives the larger number of votes becomes the second name identified by the Commission. In the event of a tie, the vote must be taken again after further discussion.**

5.   **The Chairman then puts to the meeting a motion that the two names identified by the Commission be forwarded to the Prime Minister. The members vote for or against the motion by secret ballot. The Standing Order will require that 'The motion shall be deemed to have been carried if at least two-thirds of the total number of the voting members of the Commission (without discrimination in respect of Orders) are in its favour, provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members and to the needs of the Church of England as a whole.'**

6.   **Finally, the members are invited to write down one of the two names. The number of members supporting each candidate is reported to the Prime Minister, and if one of the candidates is supported by two-thirds of the voting members of the Commission, the Commission is deemed to have expressed a preference for that candidate.**

3.71   We believe that this procedure would avoid the disadvantages of the current system which we have outlined above. We recognize that it would not be advisable to use the STV system to reduce the names to two. We hope, however, that our recommendations – including use of STV initially to reduce the names to three and the discussion of the three names before they are reduced to two – would make it easier for a greater diversity of candidates to be recommended to the Prime Minister than at present.

3.72   We also recognize that the use of STV would require the presence of a member of staff with the expertise to conduct an STV election, but do not believe that this would pose an insuperable problem.

The Archbishop of the Province

3.73   After the meeting, the archbishop of the province writes to the Prime Minister to communicate the outcome. He gives the names of the two men nominated by the Commission, with a summary of the reasons for their nomination and details of the voting figures. It has been put to us

that if the archbishop were unhappy with one or both of the two names put forward by the Commission, it would be possible for him in his letter to urge the Prime Minister to appoint the Commission's second preference or indeed to ask for more names. We have no evidence that this has happened, but it would be a matter for concern if it did. It would also be a matter for concern if, for example, the archbishop were placed in a position whereby he had to write to the Prime Minister nominating a candidate whom he could not in conscience consecrate or could not accept was an appropriate choice for the particular see in question.

3.74   We have considered therefore whether it would not be more transparent, and fairer to the archbishop, if the archbishop of the province were given a formal power of veto. However, we trust that if an archbishop found himself in such a situation with regard to one of the candidates he would make that clear at an early stage in the discussion, rather than seeking to prevent the appointment by the terms of his letter to the Prime Minister. We do not believe that the Commission would proceed to nominate such a candidate in the face of outright opposition from the archbishop. In our view, giving the archbishop a formal power of veto could itself place him in a difficult position and we therefore do not recommend the introduction of such a power. Nor are we clear that there is in fact a problem requiring the introduction of such an arrangement.

3.75   We are, however, concerned that the archbishop of the province should be able to contribute as fully as possible to the discussion by the Episcopal Nominations Commission of any diocesan vacancy within his province without feeling any need to adopt a chairman's neutrality or being distracted by the tasks of chairmanship. **We therefore recommend that the present CAC Standing Order be amended to allow the archbishop of the province to invite the other archbishop to take the chair for all or part of any meeting. The archbishop of the province would still write the letter to the Prime Minister.**

Vacancies in archiepiscopal sees

3.76   We turn now to the special arrangements which apply to vacancies in archiepiscopal sees.

3.77   For consideration of such vacancies, the archbishop of the see which is or will be vacant is replaced as a member of the Commission by a person in episcopal orders elected by the House of Bishops, and if the other arch-bishop chooses not to attend the relevant meeting(s), he is replaced by a

second person in episcopal orders elected by the House of Bishops. We have considered possible amendments to these arrangements, for example to ensure that the Episcopal Nominations Commission would always include a bishop from among, or elected by, the bishops of the vacant province. We have concluded, however, that as both archbishops are Primates* of England and not just metropolitans of their respective provinces, the House of Bishops as a whole should elect the bishops who serve on the Commission when an archiepiscopal see is vacant. We also consider that any restriction as to those whom members of the House of Bishops might choose to represent them could create difficulties (for example if all of the senior bishops of one province were available as candidates), and that the maximum flexibility should therefore be preserved.

3.78 For consideration of a vacancy in the See of York, the Commission is chaired by an actual communicant lay member of the Church of England (as an additional voting member) appointed by the Appointments Committee of the Church of England after consultation with the Archbishop of Canterbury. For a vacancy in the See of Canterbury, however, the Commission is chaired by an actual communicant lay member of the Church of England (as an additional voting member) appointed by the Prime Minister.

3.79 We note that when appointing the chairman for consideration of a vacancy in the See of Canterbury, the Prime Minister is not obliged to consult any person or body in the Church of England, and we are not clear as to how far Prime Ministers have in fact undertaken such consultation.

3.80 One former central member of the CAC has commented to us as follows:

> It is not appropriate that the Prime Minister should appoint a chairman who is in league with his Appointments Secretary. They can easily dominate proceedings and not least because there is no Archbishop present and the bishops who are nominated are likely to be unrepresentative since possible candidates are excluded.

In our view, the fact that for a vacancy in the See of Canterbury the Prime Minister chooses the chairman of the Commission goes against a principle which applies in the case of all other vacancies – that the names are proposed by a church body but the decision between them is taken by the Prime Minister. In order for the names to be seen to come from the

Church, it is important that the chairman of the Commission should be appointed by the Church. We note that the 1976 Written Answer is not prescriptive on this point, saying that: 'The committee might then be chaired by a layman chosen by the Prime Minister.' **We therefore recommend that for consideration of a vacancy in the See of Canterbury, the Episcopal Nominations Commission should be chaired by an actual communicant lay member of the Church of England (as an additional voting member) appointed by the Appointments Committee of the Church of England after such consultation as it considered appropriate.**

3.81   In the past, people who have never served as members of the CAC have been appointed to chair the Commission when archiepiscopal vacancies were considered. Such a chairman is clearly at a disadvantage and is likely to be dependent on the Secretaries to a considerable extent. **We recommend that if the chairman appointed to chair the Episcopal Nominations Commission for consideration of a vacancy in an archiepiscopal see has never been a member of the Commission, he or she should be invited to attend an earlier meeting as an observer.** (The Standing Order should be amended to permit this.)

3.82   When a vacancy in the See of Canterbury is discussed, the Secretary General of the Anglican Communion is invited to serve as a non-voting member of the Commission. We note the growing importance of the Archbishop of Canterbury's role within the Anglican Communion, and do not consider that the present arrangements any longer do justice to this.[3] We doubt whether one individual can adequately represent the diversity of the Anglican Communion. In our judgement it is also now appropriate for the representatives of the Anglican Communion to be voting members of the Commission. **We therefore recommend that for consideration of a vacancy in the See of Canterbury, the membership of the Episcopal Nominations Commission should include, as voting members, the Chairman of the Anglican Consultative Council (ACC) and the Secretary General of the Anglican Communion (with the Vice-Chairman of the ACC as a substitute if the Chairman or Secretary-General is unable to serve).** This would increase the membership of the Commission by one, and the voting membership by two, for this one particular vacancy.

3.83   We have recommended that the Episcopal Nominations Commission should always have before it a statement of the needs of the Church of England as a whole. (See para. 3.26.) **In the case of a vacancy in an archiepiscopal see, a statement of the needs of the Church of England**

**as a whole and of the province concerned in particular should be pre-
pared by the Secretary General of the General Synod and the
Archbishops' Council after consultation with the Archbishops' Council
and the House of Bishops.**

3.84   **Given the Archbishop of Canterbury's role in the Anglican Communion,
we further recommend that in the case of a vacancy in the See of
Canterbury the joint standing committees of the Anglican Consultative
Council and the Primates' Meeting should be invited to submit a
Statement of Needs of the Anglican Communion.**

The Diocese of Canterbury and the See of Dover

3.85   It has also been put to us that, given the reduced involvement of the
Archbishop of Canterbury in the day-to-day affairs of the Diocese of
Canterbury, it is no longer appropriate for that diocese to be represented
by four voting members of the CAC when a vacancy in the See of
Canterbury is considered. Similarly, it has been put to us that given that
the Bishop of Dover is increasingly regarded as the *de facto* diocesan and
is now an *ex officio* member of the House of Bishops, the CAC (including
elected representatives of the diocese) and the diocesan Vacancy in See
Committee should play a part in filling vacancies in the See of Dover. As
one submission from a member of the Canterbury diocesan Vacancy in
See Committee put it, 'in the appointment of our *de iure* Diocesan we
are ignored and in the appointment of our *de facto* Diocesan we are not
consulted'.[4]

3.86   If our recommendation concerning representation of the Anglican
Communion is accepted, the Canterbury diocesan members will have
26.6% of the votes, which is significantly lower than the 33.3% enjoyed
by the representatives of other vacant dioceses. We do not recommend
that that proportion should be further reduced by reducing the
Canterbury diocesan four to three (21.4%) or two (15.3%).

3.87   As the Archbishop of Canterbury remains the diocesan bishop of the
Diocese of Canterbury, the Bishop of Dover has to work especially closely
with him. We therefore consider it to be vital that the Bishop of Dover is
someone chosen by the Archbishop of Canterbury, rather than simply
selected by him from two names submitted by the Commission. For the
Archbishop not to be a member of, and have the option of chairing, the
Commission meeting concerned would not be acceptable, but it would
also be very difficult for him to participate fully in such a discussion. We

cannot therefore recommend that the Episcopal Nominations Commission should have a role in the nomination of candidates to be Bishop of Dover. However, **we do recommend that, given the unique position of the Bishop of Dover, the Archbishop of Canterbury and the Diocese of Canterbury should give consideration to creating an opportunity for the Canterbury diocesan Vacancy in See Committee to be involved in the process leading to the appointment of a Bishop of Dover. This might include the production of a Statement of Needs and the suggestion of possible names for consideration by the Archbishop of Canterbury. Members of the Vacancy in See Committee might be included in any appointing group set up by the Archbishop, in accordance with the recommendation in para. 7 of the Senior Church Appointments Code of Practice,[5] to assist him in the process of identifying candidates for appointment as Bishop of Dover.**

chapter 4
Views from the vacant diocese

4.1 There are two ways in which views are gathered from people in the diocese: through the Vacancy in See Committee and through the consultation which the Appointments Secretaries undertake in the diocese.

(A) The Vacancy in See Committee

4.2 Vacancy in See Committees were established from 1965, following a recommendation in the Howick Report *Crown Appointments and the Church* (1964). Under the Vacancy in See Committees Regulation 1993 (an Act of Synod), they are composed as follows:

- the suffragan bishop(s) and full-time stipendiary assistant bishop(s)

- the Dean (or, if he cannot serve, a canon elected by the Dean and residentiary canons)

- two archdeacons elected by the archdeacons

- the proctors in Convocation (excluding the representative archdeacon)

- the diocese's members of the General Synod House of Laity

- the Chairmen of the diocesan House of Laity and House of Clergy

- two† beneficed or licensed clergy (not bishops or archdeacons) elected by the House of Clergy

- two† lay people elected by the House of Laity

(a) The role of the Committee

4.3 The Vacancy in See Committee has two main functions:

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† The numbers to be elected in either category are to be increased if necessary so as to ensure (i) that 'every archdeaconry in the Diocese will be adequately represented' and (ii) that the lay members are, as far as possible, equal in numbers to those in Holy Orders (including *ex officio* members). Elections are for three-year terms commencing on the first day of January following the election of each new diocesan synod. The Bishop's Council and Standing Committee may nominate not more than two additional members 'who represent a special interest in the Diocese'.

(a) 'to prepare a statement setting out the needs of the Diocese' and to provide 'such factual information about the Diocese and its organization as may be requested by the Crown Appointments Commission'; and

(b) to elect four of its members to serve on the Crown Appointments Commission for the vacancy concerned. It may also submit names for consideration by the Commission.

4.4 Vacancy in See Committees predate the establishment of the Bishop's Council at the centre of the diocesan structure, and it has been suggested that they are now an unnecessary complication. Indeed, some regard a shadowy committee which in many cases never meets during the term of office of its elected members as an element in the 'mystification' which is perceived as surrounding the whole process leading to the nomination of diocesan bishops. We therefore considered whether Vacancy in See Committees should be abolished and their functions transferred to the Bishop's Council (perhaps augmented by the diocese's General Synod representatives) or even split between the Bishop's Council and the Diocesan Synod.

4.5 Bishops' Councils vary greatly in their nature, functions, status and power, but essentially the Bishop's Council is an advisory body to the diocesan bishop. It will therefore often be very closely identified with the outgoing bishop and his policies. A vacancy in see is an opportunity for reassessment, and we believe that a specially-constituted Vacancy in See Committee, because it is not identical in membership with the Bishop's Council, is more likely to be able to stand back and take a dispassionate view of the future needs of the diocese. We therefore recommend that Vacancy in See Committees continue to be part of the process.

4.6 It has also been suggested that the diocese's representatives on the Crown Appointments Commission should be elected by the Diocesan Synod rather than the Vacancy in See Committee. Even if it were considered appropriate to conduct such an election immediately after the announce-ment of a forthcoming vacancy, it would be administratively very difficult to do so. Allowing a period for nominations and a period for postal voting (or even for arrangement of an ad hoc meeting of the Diocesan Synod), it would also increase even further the interval between the announcement of a vacancy and the announcement of the name of the new bishop, which many believe to be too long already.

4.7   The alternative would be for the Diocesan Synod to elect the diocesan four at the same time as it elects the Vacancy in See Committee. However, much can change during the lifetime of a Diocesan Synod, and those elected at the outset might not be considered the right people to represent the diocese on the CAC three years later, even if they were still available to serve. To have four individuals identified before there is a vacancy as those who are to participate in the nomination of the bishop's successor could place them in a difficult and onerous position. We therefore recommend that the diocesan four should continue to be elected by the Vacancy in See Committee after the vacancy has been announced.

4.8   We have also considered when the elected members of the Vacancy in See Committee itself should be elected. The disadvantages which would be caused by election of the diocesan four by the Diocesan Synod after announcement of the vacancy (see para. 4.6) would also arise if the Vacancy in See Committee were elected at that stage, and we therefore recommend that no change should be made to the timing of elections for membership of the Vacancy in See Committee.

(b)   Membership and officers

4.9   Although there is some concern at the size of Vacancy in See Committees in some dioceses, we believe it to be important that the body which draws up the Statement of Needs should be as widely representative of the range of opinion within the diocese as possible, especially since it may be impossible for the diocesan four to represent all strands of opinion within the diocese. It is also important that the members of the Vacancy in See Committee include those who have an overview of the diocese and those who represent the diocese on the General Synod (and therefore have a wide perspective), and that the lay and clergy membership is, as far as possible, equal. These criteria might not easily be met if the Committee were smaller in size. We therefore do not recommend any reduction in the size of Vacancy in See Committees.

4.10   Despite their potential size, Vacancy in See Committees have in some cases themselves been seen as not fully representative of the diocese. There are questions about imbalances between male and female membership, and there are also special factors which apply to particular dioceses. For example, in some dioceses where there are significant numbers of Anglicans from ethnic minorities these have not been represented at all on the Committee. In the Diocese of Winchester it is desired that the Deans of Jersey and Guernsey should be members of the Committee. Some

chapters wish to elect a representative other than the Dean. In some larger dioceses, questions arise about the balance between representation of different geographical areas.

4.11 However, there is already provision for the Bishop's Council to appoint to the Committee not more than two additional persons who represent a special interest in that diocese, and in many cases this provision will suffice. We do not believe that it would be helpful further to complicate the Vacancy in See Committees Regulation with provisions which would be relevant to some dioceses but not others. **We therefore recommend that the Bishop's Council's power to add two additional persons should be amended, so as to give the Bishop's Council power to add not more than four additional persons, either because they represent a special interest in that diocese or because their addition is, in the view of the Bishop's Council, essential in order to secure better representation of the diocese as a whole.**

4.12 Some submissions have reported difficulties in interpreting the requirement that the number to be elected should be such as to ensure that 'every archdeaconry in the Diocese will be adequately represented'. It is important to note that 'adequately represented' does not necessarily imply either equal or proportional representation. It is for each diocese to decide what constitutes adequate representation of particular archdeaconries in its own context. We consider that the existing provision helpfully enables dioceses to exercise discretion, and that our recommendation that the Bishop's Council should be able to add members in order to ensure better representation of the diocese as a whole would provide another way of addressing imbalances in the representation of geographical areas within the diocese.

4.13 Who should chair the Vacancy in See Committee? Some have suggested that a particular office-holder (such as the Dean or the Chairman of the House of Laity) should be ex officio Chairman of the Vacancy in See Committee. However, the Vacancy in See Committee is a large committee which meets on a small number of occasions to perform a specific task; this requires a skilled chairman, and it is not necessarily the case that the holder of another office would be best equipped by the nature of that office to chair this committee. We therefore believe that the Chairman of the Vacancy in See Committee should continue to be elected by the Bishop's Council.

4.14 Some submissions have raised the possibility of a bishop nominating from the chair his senior suffragan or another person closely associated with him to chair the Vacancy in See Committee, and have expressed anxiety that members of the Bishop's Council would, in these circumstances, find it difficult to nominate alternative candidates. As one submission put it, '[Election of the suffragan bishop] should not result from a possible impromptu show of hands all done in 30 seconds where Council members feel publicly obliged to agree with the nomination of the outgoing Diocesan Bishop'. It has even been suggested to us that suffragan bishops and also archdeacons should be excluded from election to chair the Vacancy in See Committee at all, since chairmanship would enable someone whose views would already carry considerable weight to exercise 'undue influence'.

4.15 At present a variety of people chair Vacancy in See Committees. At the end of October 1999 the senior suffragan bishop was chairman in 30% of the 40 dioceses with a chairman in place, the Dean or Provost in 20%, the Chairman of the House of Laity in 17.5% and another senior layperson in a further 17.5%, an archdeacon (in two cases also Chairman of the House of Clergy) in 10%, and a non-archidiaconal Chairman of the House of Clergy or other senior clergyman in 5%.

4.16 We note that the *Guidance Notes and Code of Recommended Practice* which accompany the Vacancy in See Committees Regulation already suggest that 'There may well be advantages in the Chairman being a lay person (for example, the Chairman of the House of Laity of the Diocesan Synod) or being a person of perceived neutrality in the diocese . . .' (para. 3.1), and that the Regulation requires the Chairman to be 'elected' (rather than 'appointed') by the Bishop's Council. **We recommend that Bishop's Councils should retain discretion as to whom they elect. The *Guidance Notes* should advise that it is inappropriate for the diocesan bishop to nominate or second a candidate or vote in the election.**

4.17 Until 1993 the Registrar was ex officio Secretary of the Committee, but now it is for the Bishop's Council to decide whether the Registrar or the Diocesan Secretary should so serve. This option is useful, for example, where one or the other is a member of the General Synod and wishes to serve as a member of the Committee (which he or she cannot do if appointed as secretary to it). We consider it right to continue to allow the Bishop's Council to decide what is best in the particular circumstances.

(c) Meetings in advance of a vacancy

4.18   Difficulties are sometimes encountered in encouraging a sufficient number of people to stand for election to the Vacancy in See Committee, and this has led to suggestions that the Committee should meet when there is no vacancy, perhaps annually. However, we do not consider that the Committee should be required or encouraged to meet merely in order that people should think it worthwhile to stand for election. The right way to achieve full membership must be to remind the Diocesan Synod of the possibility that death, incapacity or translation may create a vacancy in the see unexpectedly, and hence of the need for a Vacancy in See Committee to continue to be in existence, with a chairman and full membership, at all times.

4.19   A number of submissions, collective as well as individual, have expressed concern that the timetable for a Statement of Needs to be prepared (as one diocesan secretary put it, 'by already busy people') was 'extremely tight'. One member of a Vacancy in See Committee commented, 'The timescale for preparing the Statement of Needs was very short and there was little opportunity to really get to know the other members . . . and their views . . .'. It is felt that the Committee needs to have 'gelled' before it is called upon to perform important tasks quickly and at relatively short notice. Others have complained about a lack of briefing about the Committee's role in advance of its first (and often only) meeting during a vacancy. It has been suggested that a meeting should be held soon after the committee has been elected, to update a factual description of the diocese and receive a briefing on the process.

4.20   We do not believe, however, that it would be helpful for a body parallel to and overlapping in membership with the Bishop's Council (but whose membership does not include the bishop), which will later be required to express views about the needs of the diocese, to meet during the episcopate of a diocesan bishop and before an impending vacancy has been announced.

4.21   The *Guidance Notes* say: 'Some dioceses have found it helpful to arrange a preliminary meeting of the Committee, with no business on the agenda, at which members can meet informally. It is important that such a meeting does not embark upon the formal business of the Committee' (para. 8.1). **Noting the concerns about the lack of briefing and about work on the Description of the Diocese and Statement of Needs being unduly rushed, we recommend that the *Guidance Notes* be amended so as**

positively to encourage the Chairman to convene the Committee immediately on the announcement of a vacancy. At this preliminary meeting the Committee would be briefed on the process leading to nomination of a diocesan bishop and its part in it. It would also establish a drafting group to work on the Description of the Diocese and the Statement of Needs, and make arrangements for future meetings. The Appointments Secretaries should be invited to such a preliminary meeting, but it should be held whether or not they are able to attend. If they are not able to attend, the Secretary to the Committee should liaise with them to ensure that the Committee can be adequately briefed on the process.

(d) Briefing of Committee members and officers

4.22　The Appointments Secretaries have a crucial role in bringing a wider dimension into the process of discussion at diocesan level. Some members of Vacancy in See Committees have remarked on the helpfulness of the Appointments Secretaries. However, others have felt disempowered by the arrival of experienced and influential professionals from London.

4.23　In part this is because the Appointments Secretaries have exhaustive knowledge about the process as a whole, while some members of the Committee may have little or no insight into it before the Committee meets. **We therefore recommend that the Vacancy in See Committees Regulation should be amended to require that all members of the Vacancy in See Committee should, following each election to the Committee, be sent by the Diocesan Secretary a briefing booklet prepared by the Archbishops' Appointments Secretary and approved by the Legal Adviser to the General Synod.**

4.24　Such a booklet might contain:

- a description of the whole process leading to the nomination of a diocesan bishop;

- a copy of the Vacancy in See Committees Regulation, together with the *Guidance Notes and Code of Recommended Practice*;

- suggestions regarding the conduct of meetings of the Committee;

- an explanation of the two roles of a diocesan bishop as the bishop of his diocese and as a member of the college of bishops of the Church of England as a whole, and of the need to give due weight to both roles when considering candidates.

4.25 Section 9 of the *Guidance Notes* is headed 'Chairmanship of Committee' but actually concerns the role of the Archbishops' Secretary for Appointments. It reads as follows:

> The Archbishop's Secretary for Appointments contacts the Chairman and the Secretary as soon as a vacancy is announced. He provides an aide memoire for the Chairman, and a draft agenda for the meeting of the committee a copy of which is attached as Appendix 2. (para. 9.1)

Although it is helpful for the Archbishops' Appointments Secretary to contact the Chairman and Secretary and draw their attention to the *Guidance Notes*, there is no need for him to send them a draft agenda, as this is already published in the *Guidance Notes*. If, as we recommend, the Briefing Booklet contained notes by the Archbishops' Secretary on the conduct of meetings, it might also be possible for the aide memoire or much of it to be dispensed with. **We recommend that the *Guidance Notes* should be rewritten to reflect this. (In particular, the first sentence of para. 9.1 should be moved to the beginning of para. 11.1 and the rest of section 9 be deleted.)**

(e) Dates and times of meetings

4.26 The Regulation requires that the Appointments Secretaries be invited to meetings of the Committee. We believe that it is helpful for them to be present at at least one meeting, to provide a wider perspective and to hear the views expressed, and that the requirement that they be invited should therefore continue. **However, we recommend that the *Guidance Notes* make it clear that the Committee is entitled to meet whether or not the Secretaries choose to attend any particular meeting.**

4.27 The *Guidance Notes* include the following:

> Thought should be given to the most convenient time and place for a meeting. Although meetings have usually been held during the week, there is no reason why they should not be held on a Saturday. For many laity, Saturday is the best day, and provides the opportunity for proceedings to be more unhurried than might be the case on a weeknight. (para. 11.1)

We believe that the Chairman should continue to have discretion to decide the dates and timing of the initial meeting, **but recommend that the Committee should itself at its initial meeting decide the dates and times of**

its subsequent meetings, and that the *Guidance Notes* should be strengthened so as positively to recommend that meetings be held at times which do not make it difficult for lay members to attend.

4.28   In two places (paras 10.1 and 12.1) the *Guidance Notes* recommend that the time and place (but not the date) of meetings should not be 'in the public domain' or 'made known more widely than is necessary'. We can see no need for this information to be kept secret, and believe that such unwarranted secrecy merely contributes to 'mystification' and tends to engender suspicion. **We recommend that the *Guidance Notes* should make it clear that the time, date and place of the Committee's meetings should not be treated as secret or confidential.**

(f) The Description of the Diocese and Statement of Needs

4.29   The *Guidance Notes* suggest that 'The Statement [of Needs] can either be agreed by correspondence, or at a second meeting of the Committee' (para. 14.2). We have received a number of expressions of unhappiness that Statements were sent to the Crown Appointments Commission without having been seen by the Committee in their final form. **We recommend that the Regulation be amended to require that the Description of the Diocese and Statement of Needs be approved at a meeting of the Committee and not by correspondence.**

(g) Election of members to the Crown Appointments Commission

4.30   The Regulation states that the election of the diocesan four 'shall normally be taken as the final business of the Committee'. If our recommendation that the Committee meet more than once is followed, this would mean that it would take place at the end of the final meeting. This would allow time for informal discussion among members of the Committee about possible candidates, informed by the Committee's discussion of the needs of the diocese. **We recommend that the Regulation be amended to make clear that the election of the diocesan four should take place at the end of the Committee's final meeting during a vacancy.**

4.31   The evidence submitted to us indicates that there is fairly widespread concern about the manner in which the diocesan four are elected and the composition of the diocesan four.

4.32   The experience of one Vacancy in See Committee is not untypical:

> All the members of our Vacancy in See automatically went forward for the vote, unless previously withdrawn by personal request. Therefore 21 members were eligible for election by STV. Two members received four first preference votes, one three, and the others two, one or none. The 'top' man did not appear until stage 11, the second man until stage 18 and the remaining two at stage 19.

In such a situation, many – sometimes most – of the candidates are excluded by the drawing of lots or randomly by the computer. Such elections have been described as 'a lottery'.

4.33   The problem appears to arise from a very widespread mistaken assumption that because all of the members of the Committee are entitled to stand for election, all of them are automatically candidates unless they positively withdraw. As a result it is very common for all or nearly all of the electors to be candidates. If each votes for him- or herself, the result is very likely to be a tie, necessitating the drawing of lots or random exclusion.

4.34   The solution is to reduce considerably the number of candidates. **We therefore recommend that in order to be a candidate, members should need to be proposed and seconded by other members of the Committee, with no person allowed to propose or second more than one candidate.** This would mean that no more than one half of the members of the Committee would be candidates in the election.

4.35   At present, if one of the diocesan four is unable to serve, a replacement is chosen by the Chairman and Deputy Chairman jointly. We believe that this provision is unnecessary and potentially unfair. **We endorse the recommendation made to us by the Elections Review Group that if one of those elected is unable to serve, a replacement should be identified by recounting the original voting papers, guarding those candidates who have already been elected and are able to serve.**

4.36   Concern has also been expressed about the composition of the diocesan four. It is possible, for example, for the four to include no layperson, no parish priest or no woman. In the 18 vacancies considered during the five years 1996–2000 there was only one occasion when no layperson was elected, but no parish priest was elected on five occasions and no woman

on nine. An archdeacon was elected on 13 occasions out of 18, a suffragan bishop on 7 and the Dean or Provost on 4. On two occasions, three of the four elected were dignitaries (the suffragan, the Dean and an archdeacon; the suffragan and two archdeacons), but there were also two when the four did not include either a suffragan, the Dean/Provost or an archdeacon. In some dioceses with many Anglicans from ethnic minorities, there has been concern that no one from an ethnic minority was elected.[1]

4.37   It has been suggested to us that the election should be conducted according to categories (e.g. laity by laity, clergy by clergy), that constraints should be imposed to guarantee the election of people representing certain categories (e.g. one or two laypeople, parish priests or women), that groups such as the bishop's senior staff or the chapter should be entitled to choose one or even two of their number, and that the dean should be ex officio one of the four. Others have suggested that suffragan bishops should be excluded from candidacy.

4.38   Others have urged us to resist the view that those elected should be regarded as representing the categories to which they belong: 'There is no such thing as "the lay view" and, if there were, it is doubtful whether it would be encapsulated in one elected lay person.' On this assessment, what is important is that the four should represent the range of opinions within the diocese, and given a choice between a priest and a lay candidate, for example, a lay member of the Committee is entitled to conclude that his or her opinions are closer to those of the priest than to those of the lay candidate and to vote accordingly.

4.39   We believe that representation of the range of opinions within the diocese is essential. For this reason, we do not agree with those who argue that the use of the Single Transferable Vote system should be made optional. If each member of the Committee had four votes and the first-past-the-post system were used, it would be quite possible for the four all to represent the largest body of opinion within the diocese, even if that group were not in the majority. Time could also be wasted debating which system of election to use.

4.40   Experience indicates that the imposition of constraints in an STV election creates particular difficulties when the number of electors is very small. It can have results which are widely perceived as unfair (for example, candidates are declared elected even though they received much less support than other candidates). We do not consider that the members

of the committee should be constrained to elect candidates from particular categories. Similarly, we do not consider either that some groups such as the senior staff or the chapter should be guaranteed representation among the four, or that the Committee should be prevented from electing, for example, a suffragan bishop. The circumstances of each diocese are different, and we believe that the Vacancy in See Committee should continue to have a free hand in electing four people to represent the diocese.

4.41 Members of Vacancy in See Committees need to be clear that under the STV system, they have only one vote, which may not necessarily be transferred. Thus, if their priority is that someone from a particular category should be elected, they must give their first preference to a candidate from that category. Para. 16.3 of the *Guidance Notes* says: 'Before the election of the four, the committee should be encouraged to consider the need for a balance of interests (clergy/lay; male/female; urban/rural; churchmanship; etc.) among its representatives.' However, as each member has only a single vote, it is impossible for the members to vote individually for a balanced group. **We therefore endorse a recommendation made to us by the Elections Review Group that para. 16.3 of the *Guidance Notes* be deleted.**

4.42 We hope, however, that the process of nomination and seconding which we have recommended will enable members to ensure that there is representation of different categories among the much smaller number of candidates, and that this will make it more likely that there is a 'balance' of categories among those eventually elected.

(h) Discussion of names

4.43 Section 5(d) of the Regulation says:

> The Committee may decide to discuss names of persons who might be considered for appointment to the vacant bishopric. If it does so, members of the Committee may submit for consideration by the Committee names of persons who might be considered for appointment, and, if the Committee agrees that names are to be submitted to the Crown Appointments Commission, the four representatives of the diocese who are members of the Commission shall report the views of the Committee to the Commission.

The wording implies that members submit names following an initial meeting, for consideration at a following meeting. **We recommend that**

the Regulation be amended to make clear that the question of whether to consider names should be decided at the initial meeting, and that if there is to be such formal consideration of names it should take place not at the initial meeting but at a subsequent meeting. The wording also wrongly implies that the Committee has the power to submit names for consideration by the Commission. In fact, only the diocesan four have this power, and they are not obliged to submit names proposed by the Vacancy in See Committee. **We therefore recommend that the phrase 'if the Committee agrees that the names are to be submitted to the Crown Appointments Committee' should be deleted.**

4.44 Many people consider that even though the Vacancy in See Committee is not an appointing body, it is inappropriate for names to be discussed at a formal meeting of the Committee. On the other hand, it might be helpful for the Appointments Secretaries to hear the views expressed about individual names. We therefore consider that the Committee should retain the discretion which it has had since 1965 to discuss names and to require its views to be reported to the Commission should it choose to do so.

4.45 We are concerned that the diocesan four should not go to the meeting of the Commission under the impression that they have been mandated to campaign at the meeting for a particular candidate or candidates. Also, although the clarification which we have suggested above would allow time for preparation by the Secretary to the Committee of factual biographical information, based on published sources, about those whose names are submitted for consideration, there is also a danger of inappropriate discussion of individuals on the basis of hearsay. **We recommend that the** *Guidance Notes* **should caution the members of the Committee to ensure that during the consideration of individual names they avoid inappropriate discussion, and underline that the diocesan four are not and cannot be mandated as to how they should vote during the Episcopal Nominations Commission meeting.**

(i) Further meetings

4.46 The *Guidance Notes* state that 'once the Statement has been prepared and the diocesan representatives elected, the Vacancy in See Committee has completed its work, and will not be reconvened' (para. 13.2). While it is unlikely that the Committee would be convened after its work had been completed, the Regulation does not prohibit further meetings, as this statement tends to suggest. **We recommend that para. 13.2 of the** *Guidance Notes* **be deleted.**

(B) Consultation by the Appointments Secretaries

4.47   Since the 1950s, the Prime Minister's Secretary for Appointments has engaged in consultations in dioceses following the announcement of a vacancy in see, and since the 1976 Church–State agreement he has under- taken these consultations jointly with the Archbishops' Secretary for Appointments.

4.48   Many of those who have written to us have expressed appreciation of these consultations and the manner in which they are conducted, and members of the CAC have generally been appreciative of the quality of the reports which the Secretaries have produced as a result.

4.49   Some criticisms have been made of the lists of those to be seen by the Secretaries, which are drawn up on the advice of the diocesan authorities. It is, of course, open to anyone to write to the Secretaries or to the diocesan four, but a consultation to which only some groups are invited may give the appearance of excluding and marginalizing others. **We recommend that an open hearing be held on each occasion, under the chairmanship of an independent chairman, at which it is open to anyone to express views about the needs of the diocese.**

(C) Consultation with the outgoing bishop

4.50   Arguably, the outgoing bishop knows the diocese better than any other individual, and has knowledge which no one else possesses. At present, outgoing bishops are not consulted about the needs of the diocese with regard to their successor. **We recommend that the Secretaries contact the outgoing bishop and give him the opportunity to write a paper setting out his views, for submission to the Episcopal Nominations Commission.**

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chapter 5
Election and confirmation

A: INTRODUCTION

5.1   In Chapter 1, we identified three main stages in the process whereby someone becomes a diocesan bishop in the Church of England (see Chapter 1, para. 1.33). Having considered the first stage, of nomination, whereby the next bishop of a vacant diocese is identified, we turn to the second stage, whereby the person so nominated actually becomes the bishop of the diocese concerned. (The third stage, whereby the bishop takes up office, culminating in the enthronement (installation) does not fall within our terms of reference.)

5.2   We also pointed out in Chapter 1 that under the Appointment of Bishops Act 1534, the first stage culminates in the nomination of a candidate by the Crown (as it generally had before the Reformation) – albeit now one of those identified by the CAC (see Chapter 1, para. 1.50). This is comparable to presentation to a benefice by a patron. We argued that just as it is an action of the Church (in this case, the Bishop) which makes the person presented the incumbent of the benefice, so it is important as a matter of principle that the actions which make the person nominated to an episcopal see the bishop of that see should be, and should be seen to be, actions of the Church. Because the name 'Crown Appointments Commission' blurs the distinction between the stage of nomination (ultimately by the Crown) and the stage whereby the Church makes the person so nominated bishop of the diocese, we recommended that the Crown Appointments Commission be renamed 'The Episcopal Nominations Commission' (a name which expresses more precisely the role and area of involvement of the body concerned). We also suggested that it would be helpful if announcements and press releases used the terminology of 'nomination', so as to clarify the complementary roles of Church and State in the process.

Calling, consent and confirmation

5.3   The identification of the person who is to be the next bishop of a diocese is a process of *calling*. In the Old Testament, the term *qārā* is used of God's calling or choice of his servants (e.g. Isaiah 49.1). In the New

Testament *kaleo* is used for our Lord's calling of the apostles (Mark 1.20 and parallels). In the Early Church *ekloge* is used by Irenaeus, for example, to indicate the divine choice and commissioning of the apostles. The divine calling may, of course, be discerned through human processes and in human institutions (Acts 1.21–26; 6.3–7; 1 Timothy 4.14) but it cannot be identified with any *particular* process or institution. Every church will, of course, have processes for discerning vocations to office in the Church, but these processes should also be open to change in the light of hearing God's word for each time. In the history of the Church, the process of calling whereby the person who is to be the next bishop is identified has accordingly varied, as it does in different churches today. (For history and current practice, see 'The Choosing of Bishops in the Early Church and in the Church of England: An Historical Survey' (pages 113-138) and Appendix 4 respectively.)

5.4　Furthermore, a bishop is both the bishop of his diocese and also a member of the college of bishops of the province and the wider Church. As we have seen, the balance between the diocese and the province or wider Church in the process of calling also varies (see Chapter 1, para. 1.27, and Appendix 4). The decision may be taken at the diocesan or provincial level, by a mixed body in which diocesan or provincial votes may predominate, or at the universal level.

5.5　From the earliest times, however, it was a fundamental principle that even if the candidate was not selected by the diocese, its *consent* was necessary. Thus any process to make someone a diocesan bishop must involve consent being seen to be given by or on behalf of the diocese.

5.6　Equally, it has been a fundamental principle since the fourth century at least that *confirmation* by the metropolitan on behalf of the province and the wider Church is also necessary.

5.7　Thus the actions by which the person nominated becomes the bishop of the diocese must be actions of the Church which involve the giving of consent by or on behalf of the diocese and confirmation by the metropolitan. (The terms used to describe those actions must be performative – i.e. they must imply actions which have effect; merely 'noting', 'welcoming' or 'affirming' such an action on the part of the Crown, for instance, would be insufficient to uphold this principle.)

B: CAPITULAR ELECTION

5.8   For more than a thousand years, the consent of the diocese has been expressed formally in the Church of England in the election 'made and celebrated' by the chapter of its cathedral church. This ancient custom was simply enshrined in statute – not invented – in 1534. The submissions made to us indicate that there is a range of views as to whether the requirement of capitular election* should be abolished, amended or retained. Whilst there is widespread unease, capitular election also enjoys strong support, and we have not identified a consensus in favour of radical change.

The legal requirement

5.9   One reason why abolition of capitular election is advocated is the fact that the college of canons (the successor of the greater chapter) is required by statute to elect the Crown's nominee. Some argue that if the final decision rests with the Crown, the Crown should actually appoint.[1] We reject that view, because, as explained in para. 2 above, we consider it to be essential as a matter of principle that the actions which make the person nominated to an episcopal see the bishop of that see should be, and should be seen to be, actions of the Church. Such a change would also be a move much more in an Erastian direction than the Henrician statute, which merely enshrined in statute law the traditional practice whereby the processes remained church processes but the Crown's nomination had to be accepted.[2] Such a change would run counter to the trend whereby the Crown's role is becoming more formal.

5.10   Some objections to capitular election result from or are strengthened by ignorance of the fact that the penalties of *praemunire*,* to which, under the 1534 Act, each member of the chapter was liable if the chapter did not elect the Crown's nominee, were abolished in 1967. It is also the case that while there is a legal obligation on the college of canons as a corporate body to elect the Crown's nominee, individual members of the chapter are not legally obliged to vote for him. There have been many occasions in recent history when the chapter's election of the Crown's nominee has not been unanimous.

5.11   It has been suggested to us that in extreme circumstances, the majority of the chapter could refuse to elect the candidate, despite its legal obligation to do so, and that it is important that such a safeguard of last resort should continue to be available. Some consider that this is especially so in a situation where the Crown's right to nominate is enshrined in statute

whereas the custom whereby it only nominates candidates suggested by the CAC depends on a convention which is not legally binding. Others see election by the college of canons as a final safeguard for the diocese, should the CAC process result in someone believed to be totally unacceptable to the diocese being nominated. If the Crown's candidate were to be rejected, he could be appointed by letters patent, but in such circumstances the candidate might well withdraw or the Crown might choose not to impose its candidate.

5.12 We cannot support the outright abolition of election by the college of canons without it being replaced by some other church action involving the consent of the diocese. This is because of the principles we have identified above: that the process whereby the person nominated becomes the diocesan bishop should be a church process, and that this should involve the consent of the diocese. We consider it important that a body representing the diocese should effectively appoint the person nominated, thereby expressing its satisfaction that the process leading to the nomination has been a proper one.

The term 'election'

5.13 A further reason for the unease which is reflected in some of the evidence which we have received is the use of the term 'election'. This is the traditional technical term for the act whereby the consent of the diocese is signified. It is often claimed that the use of this term is 'anachronistic', since the election is a formality and the chapter is required to elect the candidate nominated by the Crown. However, in fact this has been the case in most periods during the last thousand years.[3] In the eleventh-century Church in general (not just in England), *electio* 'was a procedure for giving legal validity to a decision which had usually already been taken'.[4] In 1107 Henry I agreed to capitular election but required that the election by the chapter be made in the King's chapel with his assent and in the presence of his ecclesiastical advisers. It was in 1214/15 that King John established the procedure, eventually enshrined in statute law by Henry VIII (and still followed today), whereby the King sent to the chapter a *congé d'élire* (permission to elect) and a letter signifying his views, and then assented to their election of the candidate whom he had nominated. *Electio* (election) is not the same as *libera electio* (free election), which was only ever possible when a king was unusually weak. The term 'election' cannot be said to be 'anachronistic' simply because the chapter is required to elect the Crown's nominee.

5.14 The underlying reason why it is suggested that the term 'election' is anachronistic is that as a result of its use in the context of modern democracy, it is mistakenly supposed that it necessarily implies a choice between alternatives. The wider meaning also remains current, however. Thus, for example, a town council may elect the mayor at a ceremony called 'the mayor choosing', even though there is only one candidate, the decision as to who is to be 'chosen' having already been taken. Similarly, an Oxford or Cambridge college governing body may meet and 'elect' someone to a fellowship who by that stage is the only candidate, the selection between alternative candidates having taken place at an earlier stage.

5.15 More importantly for the church context, 'election' is a biblical term. As we have seen, it translates the Hebrew *qārā* and the Greek *kaleo* and *ekloge*. These refer to the divine choice or calling (see para. 5.3). This may be discerned through human processes and human institutions, but cannot be identified with any particular processes or institutions, whether in the past or current today (for instance popular election). The term *electio* ('election') continues to be used theologically in a way which does not necessarily imply a choice between alternatives. For the Church it should mean a way of discerning God's choice for a particular office.

5.16 We believe that the term 'election' is appropriately used in the process whereby someone becomes a diocesan bishop, whether or not that process involves an election in the modern political sense of that word. We consider that the meaning and history of the term can and should be explained, and that this would make a change in the terminology (which would require legislation to amend the Appointment of Bishops Act 1534) unnecessary. **We therefore recommend that prior to the election of a bishop the members of the electoral body should be sent a brief note explaining the historical background and meaning of the term 'election'.**

The electoral body

5.17 There remains a question as to which body should act on behalf of the diocese in this matter. It has been suggested to us that this should be a 'liturgical and spiritual occasion, not merely formal and legal', and that it has symbolic significance. Indeed, in canon law and in the legal documents, the election is said to be 'celebrated'. These considerations would point in the direction of a representative body with a liturgical character, rather than a decision-making body such as the Vacancy in See Committee or the Bishop's Council. The college of canons (the successor

of the greater chapter) is just such a representative body with liturgical character. A number of the submissions which we have received have pointed out that under the Cathedrals Measure the college of canons will be more symbolically representative of the diocese than hitherto, in that it will include laypeople, as well as all suffragan and full-time stipendiary assistant bishops and all archdeacons.

5.18 The responsibility for election has rested with the canons of the cathedral for a thousand years, and we consider that such long-standing tradition should not be overturned lightly. The ancient understanding of the cathedral chapter as the bishop's *familia* or household can create a special bond, and we have received evidence that where there has been controversy, the fact that the cathedral chapter felt committed corporately to the new bishop was valuable. The cathedral is now legally defined as 'the seat of the Bishop and a centre of worship and mission' and it has been suggested to us that the cathedral should be 'a gateway through which the new bishop has to pass before arriving in his see'. These arguments suggest that the successor of the greater chapter, the college of canons, is now an even more appropriate electoral body.

Timing and place of the election in the process

5.19 We have considered carefully a number of submissions which suggested that the election should take place immediately before the public announcement (which would probably be made by the dean in the cathedral). Such timing would have the advantage of saving the chapter from the embarrassment of having to meet to elect someone whose 'appointment' had already been announced. It has further been suggested that the candidate appear in person.

5.20 We cannot endorse these suggestions, however, for a number of reasons. The reality of decision by the Crown would not be altered by the fact that the name of the person whom the college of canons was to elect would not be known in advance. To prevent the name from leaking before the public announcement, it would need to be concealed from the members of the college of canons until its meeting (which might well require amendment to the process which is set out in some detail in the Statute). The interval between the announcement of the name and the meeting of the college of canons also has the advantage that it enables the members of the college to discover information about the candidate. Their vote is thus an informed one. To be required to elect someone whose name they

might never even have heard (or about whom they could make no enquiry) before entering the chapter house would probably make many members of the college more unhappy with the situation, not less.

5.21   The presence of the candidate might be perceived by any members of the college of canons who did not in conscience feel able to vote for him as making it more difficult for them to abstain or vote against. Furthermore, if the bishop-elect appears publicly in his future cathedral on the day of his election, there is also a danger of confusion between the second stage of the process (whereby he becomes the bishop) and the third (whereby he takes up office).

Summary

5.22   We recommend:

- that the Crown Appointments Commission should be renamed 'The Episcopal Nominations Commission', a name which expresses more precisely the role and area of involvement of the body concerned;

- that in order to clarify the complementary roles of Church and State, the terms in which the name is announced should be altered, to refer to the Crown's 'nomination' or 'presentation' of the candidate, which more closely mirrors the wording of the 1534 Act;

- that the College of Canons remain the electoral body and the term 'election' be retained, which means that no amendment to statute law is necessary;

- that a brief note be sent to all members of the college of canons with the summons, explaining:
  - the historical background;
  - the ecclesiological principles that (a) the acts which actually make someone bishop should be acts of the Church, and (b) these should involve the consent of the local church (diocese), which does not necessarily imply local nomination;
  - the meaning of the term 'election';
  - that while the college of canons corporately is legally obliged to elect the Crown's candidate, the penalties which formerly applied if it failed to do so were abolished in 1967;
  - the significance of and arrangements for confirmation of the election.

C: CONFIRMATION OF ELECTION
The requirement of confirmation

5.23 As we have seen, it has been a fundamental principle since the fourth century at least that confirmation by the metropolitan on behalf of the province and the wider Church is necessary. As with capitular election, this ancient principle was simply enshrined in statute – not invented – in 1534.

5.24 In the Church of England, the election of a diocesan bishop is confirmed by the archbishop of the province (or by his vicar-general acting on his behalf) and the election of an archbishop by a commission consisting of the senior bishops of the province and the archbishop of the other province. It is the confirmation of the election which actually makes the candidate bishop of the diocese and commits to him 'the care, government and administration of the Spirituals of the said Bishopric'.

5.25 Confirmation of election is also required in other Anglican churches. For example, in Wales the bishops, meeting in synod, must be 'satisfied of the fitness' of the person elected, as the House of Bishops must in Ireland. In Southern Africa there is a court of confirmation, consisting of the metropolitan and the bishops or their commissaries, which may hear objections on the grounds that

> the See is not canonically vacant, or that the election was informal [i.e. incorrect as to form], or that the person elected is not of canonical age, or of competent learning, or of good morals, or is otherwise canonically disqualified, or that he is under such liabilities and/or contracts as not to be a free agent.

For the election to be confirmed, a majority of the bishops or commissaries must agree. The consent of the metropolitan (if present) is necessary unless the other members of the court agree unanimously to the confirmation.

5.26 We have received very little evidence (other than from those directly involved, including diocesan bishops) which touches on confirmation of elections, and are not aware of a strong body of opinion pressing for its abolition.

5.27 Our firm view is that the requirement that the election be confirmed by or on behalf of the metropolitan, stemming as it does at least from the

Council of Nicaea, is of fundamental ecclesiological importance and should remain as a distinct element, separate from the election itself. As at present, it should be confirmation by or on behalf of the metropolitan (expressing the assent of the wider Church) of an election by the appropriate representatives of the diocese (expressing the consent of the diocese) which makes the person chosen the bishop of the diocese. It must continue to precede consecration (where the new bishop is not in episcopal orders), and therefore also enthronement.

The ceremony of confirmation

5.28   The Appointment of Bishops Act 1534 merely requires the archbishop or commission of bishops 'to confirm the said election', and does not specify how this should be done. This was probably because it could be assumed that the lawyers knew how to confirm an episcopal election. The forms of words which were drawn up for the confirmation of the election of Archbishop Parker in 1559 are believed to have been based on the practice of the twelfth or even the eleventh century. They were translated into English from the Latin in about 1733.[5]

5.29   In the Southern Province, the confirmation of the election of a bishop takes place either in the Court of Arches at St Mary-le-Bow Church (its traditional home) or in the chapel of Lambeth Palace. In both places, the vicar-general presides over the court proceedings, but in Lambeth Palace, the archbishop presides at a preliminary act of worship. The words of the ceremony remain virtually unchanged since it was translated into English, but the vicar-general gives a brief introduction before the proceedings begin.

5.30   In the Northern Province, the confirmation is held in the courtroom of the consistory court at York Minster, preceded by a service in the lady chapel. If there is to be no consecration (because the bishop-elect is already in episcopal orders), the Archbishop of York presides at the service (with the vicar-general beside him) and then sits beside the vicar-general for the confirmation proper. At the conclusion of the ceremony, the archbishop gives to the dean or another member of the chapter of the new bishop's cathedral his mandate to enthrone the bishop. The proceedings retain their historic shape and logic, but have been modified and the language simplified.

5.31   In 1991, the confirmation of the election of the present Archbishop of Canterbury was conducted in the Church of St Mary-le-Bow. By custom,

the commission of bishops consists of the Archbishop of York, the members of the provincial chapter[6] and the two longest-serving other bishops in the province.

5.32 Previous discussions of the ceremony of confirmation of election have focused in part on the fees paid to the lawyers involved. We are advised that the involvement of the vicar-general and the provincial registrar is covered by their respective retainers, in which the element attributable to the confirmation of elections is negligible. The bishop-elect's advocate, often a friend or relative, is usually not paid, but simply pleased to be taking part in the event. Often, this is also true of the proctor for the dean and chapter.[7]

5.33 We have recommended, for reasons of principle, that the requirement of confirmation of election should continue. In each province it is for the archbishop and his vicar-general to decide how it should be done. We make the following recommendations:

- **In the Church of England the confirmation of election is a public act, and it should be done in a place to which the public has access.**

- **The setting should reflect the provincial nature of the occasion and the traditions of the province. York is the obvious location for the Province of York, and London the most convenient for the Province of Canterbury.**

- **The legal proceedings should be preceded by a public act of worship, at which the archbishop of the province (if present) presides.**

- **The introduction to the legal proceedings should stress the ecclesiological significance of confirmation by or on behalf of the metropolitan.**

- **It is appropriate that the archbishop of the province should deliver the mandate for the enthronement at the conclusion of the proceedings.[8]**

5.34 As to the content of the proceedings, like any human society or institution, the Church of England is bound together in part by its traditions. A tradition which has stood the test of time since Norman days should not lightly be set aside. At the same time, tradition is by its nature dynamic, not static. If traditions are to live, they must continue to evolve. We note that the Latin forms were translated into English in about 1733. **We recommend that, as in the Province of York, the language and proceedings for the confirmation of elections in the Province of Canterbury be**

updated sensitively, so as to ensure that while remaining traditional, they are also readily comprehensible to those present.

5.35   We have noted that after his election is confirmed the new bishop should be given his Mission – the mandate or authority to continue the mission entrusted to the Church in a particular place and at a particular time – and that in the Church of England it is unclear at what point this is given and by whom. (See Chapter 1, para. 1.33 and 'Towards a Theology of Choosing Bishops', page 111. **We recommend that if there is not to be a consecration, the Mission should be given by the archbishop of the province at the end of the confirmation ceremony. It could take the form of a charge, drawing on the statements of the needs of the diocese and of the Church of England as a whole.**

chapter 6
Summary

6.1 Those who discern vocation to the office of bishop and call to a particular see have the task of co-operating with the Holy Spirit. They must wait on the Spirit in prayer and worship and also make use of the gifts which the Spirit gives, including insights from the developing practice of secular organizations which have been tested against what the Church has received in Scripture and Tradition.

6.2 Since the fourth century at least there has been an interplay in the choosing of bishops between the local and the wider Church. The need for local consent is a fundamental principle, and for such consent to be given, the diocese must have confidence in the process by which its new bishop has been chosen. In reviewing the evidence placed before us, we have asked whether the CAC system is 'fair, thorough, representative and effective'. In order for it to command confidence, it must also be an open process which, while ensuring proper confidentiality, is not marked by excessive secrecy. It must also be a process which does not confer on individuals the possibility of undue influence (regardless of whether such influence is actually exerted).

6.3 The other side of the equation is the wider Church, as represented by the province and the national church. We have asked whether the process takes sufficient account of the needs of those levels of the Church's life, and whether it provides for an episcopate in which there is a breadth and diversity of backgrounds and experience, views and insights.

6.4 The submissions which we received indicated that there was no general demand to change the overall shape of the system, nor have we identified any need to do so. At the same time, we received evidence of widespread unease about important aspects of how the system operates. The concerns, which to varying degrees we share, relate to:

- excessive secrecy (as distinct from proper confidentiality);

- the quantity, quality and evenness of the information at the Commission's disposal;

● the amount of power potentially concentrated in the hands of the Secretaries and individual diocesan bishops;

● the balance of recent appointments in terms of previous appointments, expertise and churchmanship.

These concerns are combined with appreciation of the individuals who have been appointed (and of the quality of the Church of England's episcopate as a whole) and of the Secretaries who run the system and have themselves sought to make improvements to it.

6.5 As a result of these concerns, we were unable to conclude from the evidence submitted to us that there is general confidence that the way the system for choosing our diocesan bishops works is demonstrably fair, robust and effective. We have therefore recommended the changes which we consider are needed in order to make the system one in which the Church of England as a whole can have confidence.

6.6 The name 'Crown Appointments Commission' is confusing not only because the Commission is not concerned with the majority of Crown appointments, but also because the terminology of 'appointments' does not reflect that of the Appointment of Bishops Act 1534. Under this Act, which largely codifies practice dating back to the time of Magna Carta, it is for the Crown to '*nominate and present*', rather than 'appoint' a candidate. We have therefore recommended that the CAC be renamed 'The Episcopal Nominations Commission'.

6.7 In Chapter 2 we examine the nominations made in the last five years. Almost all of those nominated were suffragan bishops – a change from earlier years, in which people from a wider range of backgrounds had been chosen. We are not convinced that suffragan to diocesan bishop is as natural a progression as this implies, and are concerned that diocesan bishops are being chosen from such a narrow 'pool'. We also judge that the Preferment List system is not seen to be fair and transparent. Clergy do not have a right to know whether or not they are on the list, and have no right of appeal against a decision which may have been taken by the diocesan bishop alone and in secret. Finally, we look at the issue of minorities in the Church, and make recommendations which would tend towards a more inclusive episcopate.

6.8 We recognize that our recommendations in chapters 2 and 3 concerning the Senior Appointments List and those in chapter 3 concerning the

documentation to be circulated to members of the Episcopal Nominations Commission may well have implications for the staffing, and hence the cost, of the Archbishops' Secretary for Appointments' office. It has been impossible for us to assess these accurately without the experienced help of the Archbishops' Secretary and it is essential that, as part of the process of follow-up to our report, an exercise is undertaken to gauge them and any resource implications of our other recommendations. Nonetheless we do not expect them to be excessive. When the Church comes to assess whether any additional resources required can and should be found, we would point out that the evidence submitted to us suggests that there is a consensus that the choosing of bishops for the Church is a most important task. We are convinced that the principles which underlie our proposals are critical to the effectiveness of the process. The Church should not, in our view, cavil at the cost of implementing them.

6.9 Chapter 3, concerning the procedures of the Commission itself, is the heart of our report. Our recommendations aim to

- remove unnecessary secrecy;

- make the process leading to the submission of names more open;

- draw attention to the needs of the Church of England as a whole;

- improve the quality and quantity of information about the candidates which is available to the Commission;

- provide for input from the candidates and from referees recommended by them;

- ensure that diocesan members are briefed about the process in such a way as to enable them to participate fully and effectively;

- replace the present system of voting with one which is clear, involves positive voting, uses the single transferable vote as far as possible, and does not require members to register a vote in favour of candidates to whose nomination they are opposed.

6.10 We also make a number of recommendations concerning vacancies in the See of Canterbury. In order to ensure that in this case also the names submitted to the Prime Minister are seen to come unequivocally from a church body, we recommend that the chairman on these occasions should be appointed not by the Prime Minister but by the Appointments Committee of the Church of England. To take account of the Archbishop of Canterbury's role in the Anglican Communion, we also recommend

that in this case the Chairman and Secretary of the Anglican Consultative Council should be voting members of the Commission.

6.11 In view of the Bishop of Dover's present role in the Diocese of Canterbury, we recommend that the Archbishop of Canterbury should give consideration to creating an opportunity for the Canterbury diocesan Vacancy in See Committee to be involved in the process leading to the appointment of a Bishop of Dover.

6.12 In Chapter 4 we look at the processes by which the views of the vacant diocese are made known to the Commission and representatives of the diocese are elected to the Commission, and make a number of detailed recommendations for improvement.

6.13 In Chapter 5, we consider the process whereby the person nominated by the Crown actually becomes the bishop of the diocese concerned. We affirm the importance of the actions which this process involves being actions of the Church, not the State. We also affirm that they should involve the expression of consent on the part of both the diocese on the one hand and the province and its metropolitan on the other. We see no need for legislation to change the traditional term for the action on behalf of the diocese ('election'), but do recommend that its historical back-ground and meaning should be explained to those involved. Similarly, we consider that as a representative body with liturgical character, the college of canons remains an appropriate body to perform this role. This is even more the case since its membership includes laypeople, as well as all the full-time bishops and archdeacons of the diocese.

6.14 The requirement of confirmation by or on behalf of the metropolitan is of equal ecclesiological importance, and should also be retained. We recommend that as a public act, the confirmation should be done in a place to which the public has access, and that in the Province of Canterbury the language and proceedings should be updated sensitively. If the new diocesan bishop is already in episcopal orders, we recommend that the Mission, in the form of a charge, drawing on the statements of the needs of the diocese and of the Church of England, should be given by the archbishop of the province at the end of the confirmation ceremony.

6.15 We have concluded that the overall shape of the Church of England's processes both for choosing diocesan bishops and for conferring the office

on the person nominated is right. In each case, the process is one in which both the diocese and the wider Church need to be involved. We believe that if our recommendations are implemented, these processes will be more open, transparent, known and understood than is currently the case. This would enable all to play their proper part, working with the Holy Spirit, in choosing bishops for the Church of God.

Recommendations

Only recommendations which advocate changes to the existing arrangements are listed. At the end of each recommendation the number of the paragraph in which it may be found is given in brackets.

Chapter 1

1. The Crown Appointments Commission should be renamed 'The Episcopal Nominations Commission', a name which expresses more precisely the role and area of involvement of the body concerned. It would also be helpful if announcements and press releases used the terminology of 'nomination', which mirrors more closely the terminology of the Appointment of Bishops Act 1534. (1.51)

Chapter 2

2. The Episcopal Nominations Commission should put more emphasis on seeking potential and evidence of it, and not confine itself to experience as a suffragan bishop or archdeacon as the basis for recommending candidates for diocesan sees. (2.10)

3. (a) There should be a single list, called 'The Senior Appointments List', of clergy over the age of 30 who are considered to be potential candidates for senior appointments now or later, giving an indication of the offices (if any) for which they are considered to be ready and those for which it is thought that they might later be suitable. This list should be circulated regularly to all central members of the Episcopal Nominations Commission.

(b) This List should not be a public list, but clergy should have a right to know whether or not they are on it. This means that individuals should be informed by their bishop when their names are added to the list.

(c) Individual diocesan bishops will need to keep the list under regular review, and this should mean that names are removed as well as added. Priests should be informed by the bishop after their names have been removed from the list, and of the reasons.

(d) The main route to inclusion in the Senior Appointments List should be through discussion in the context of episcopal review. This would

require a substantial measure of consistency between dioceses. Those operating the system would need to be trained.

(e) All clergy should have a 'reference bishop'. For clergy in sector ministries as well as for diocesan clergy, this episcopal point of reference will normally be the diocesan bishop. Special arrangements will need to be made for other clergy (for example, those employed by the Archbishops' Council or by mission agencies, university clergy and religious). The Provincial Episcopal Visitors should be able to nominate clergy for inclusion in the Senior Appointments List, but in these cases the diocesan bishop would also be asked to supply a reference.

(f) The process leading to a final decision about inclusion or non-inclusion in the Senior Appointments List should be as follows:

   (1) the matter should be discussed in the context of ministerial review if either party wishes to raise it (but not otherwise);

   (2) if the discussion does not result in the priest's inclusion in the List but the priest wishes to pursue the matter, the priest should take this up in the first instance with the diocesan bishop or other 'reference bishop' (see (e) above);

   (3) if this does not result in inclusion in the List and the priest still wishes to pursue the matter, he or she (or someone writing on his/her behalf) may write to the Archbishops' Secretary for Appointments, who will invite the correspondent to fill in and return an adapted version of the nomination form, naming two referees;

   (4) if the Appointments Secretary receives a completed nomination form, he or she contacts the diocesan bishop or other 'reference bishop';

   (5) if this does not lead to inclusion in the List but the other references are positive, the matter is referred to the Senior Appointments Group described below, which decides whether or not to include the priest in the List. (2.15)

4. A Senior Appointments Group should be established, consisting of the archbishops (each acting in respect of clergy in his own province) and two central members of the Episcopal Nominations Commission, appointed by the Commission with a view to the balance and representativeness of the Group. The Group should be serviced by the Archbishops' Secretary

for Appointments. It would meet in the margins of Commission meetings. (2.16)

5.   The tasks of the new Senior Appointments Group should be:

   ●   to review the Senior Appointments List regularly in order to inform the Episcopal Nominations Commission's discussions and with a view to consistency between dioceses, pointing out any inconsistencies to the bishops concerned;

   ●   to draw to the attention of the House of Bishops any general issues which arise from reviewing the List;

   ●   to examine cases where a priest is proposed (by him/herself or by a third party) for inclusion in the List and the diocesan bishop or other 'reference bishop' does not agree to nominate him or her but the other references are favourable, and decide whether to include him/her or not;

   ●   in the case of individuals included in the List by the Group, to decide from time to time whether they should remain on the List. (2.17)

6.   When someone is included in the Senior Appointments List, the Archbishops' Secretary for Appointments should write to them confirming that they have been included and setting this in context by indicating the number of names on the List and the average number of appointments which are filled in any one year. (2.19)

7.   Those on the List should be invited to check the factual information contained in their nomination form and sign to confirm that it is correct. We recommend, however, that references containing subjective assessments which are submitted either with the nomination form or subsequently should remain confidential. (2.24)

8.   Those on the Senior Appointments List should be asked to submit a photograph, and these should be replaced every five years. (2.25)

9.   Those on the Senior Appointments List should be asked to submit a personal statement indicating how they see themselves and the development of their ministry, what gifts they believe themselves to have and how these might be used. They should be invited to update these statements regularly. (2.26)

10. On each occasion attention should be given to the possibility of nominating someone from a minority and to ensuring that suitable candidates are not overlooked. (2.31)

11. The House of Bishops should give attention to the need for candidates from minority groups to be given the experience which will prepare them for positions of greater responsibility. (2.33)

12. The central members of the Episcopal Nominations Commission should review the balance of nominations to diocesan episcopate from time to time, looking at the degree to which they reflect the diversity of the church of which that episcopate is the corporate leadership, and to the extent that it does not, seek to identify means of addressing this. (2.34)

Chapter 3

13. A fuller briefing document, outlining in detail the Episcopal Nominations Commission's procedures and what is expected of its diocesan members, should be sent by the Archbishops' Secretary for Appointments to all diocesan members on their election. The contents of the document should be approved from time to time by the central members of the Commission. (3.5)

14. The Commission should remove the requirement that its members do not divulge the dates and places of its meetings. (3.12)

15. (a) When a vacancy in a diocesan see is announced, an announcement in the diocese should name the Chairman of the Vacancy in See Committee, to whom the names of possible candidates should be sent by a certain date. The Chairman should forward the names of any whom he or she considers to be a serious candidate to the diocesan four and also to the Archbishops' Secretary for Appointments. Any of these names which are not on the Senior Appointments List would go through the Senior Appointments List procedure, which might also lead to them being considered for future appointments.

    (b) It should be open to anyone who is on the Senior Appointments List and is canonically qualified for election as a diocesan bishop to express to the Archbishops' Secretary for Appointments an interest in being considered within a certain period after the vacancy has been announced.

    (c) It should also be open to anyone who knows that such a bishop or priest is, or is likely to be, on the Senior Appointments List to

recommend him to the Archbishops' Secretary for Appointments for consideration within a certain period after the vacancy has been announced.

(d) The names of those on the Senior Appointments List who have either expressed an interest [(b) above] or have been recommended [(a) or (c) above] should be circulated to all members of the Episcopal Nominations Commission for that vacancy. The list should indicate the names of those who had suggested them.

(e) Members of the Episcopal Nominations Commission, including the diocesan four, should be entitled to make their own enquiries about any name which is on the list of those who have been recommended or have expressed an interest.

(f) Members of the Episcopal Nominations Commission should be entitled, as at present, to submit names for mandatory or discretionary consideration by the Commission, whether or not they are on the Senior Appointments List and whether or not they are on the list of those who have been recommended or have expressed an interest. Any of these names which are not on the Senior Appointments List would go through the Senior Appointments List procedure. (3.18)

16. In addition to the two documents about the needs of the diocese, the Episcopal Nominations Commission should also have before it a statement by the archbishops, updated as necessary, setting out the needs of the Church of England as a whole with regard to the membership of the House of Bishops. (3.26)

17. After prayer, the first task of the Episcopal Nominations Commission when it meets should be to agree a job and person specification in the light of the Description of the Diocese and Statement of Needs, the Secretaries' Memorandum on the diocese and its needs, any paper submitted by the outgoing diocesan bishop (see Recommendation 55), and the Archbishops' Statement about the needs of the Church of England as a whole. During this discussion, the diocesan members should be helped to place their own perspectives on the type of person needed within the context of the needs of the Church of England as a whole. (3.27)

18. After the job and person specification has been agreed, it should, exceptionally, be open to any member to propose for consideration (if agreed by the archbishop of the province) a further name already on the Senior

Appointments List which suggests itself in the light of the job and person specification. (3.28)

19. For each candidate, the Episcopal Nominations Commission should have before it for its initial consideration of the names the following information:

   ● the Register of Ministers form for the candidate;

   ● the nomination form for the candidate's inclusion on the Senior Appointments List, in two parts: (a) factual information agreed by the candidate and (b) comments on the candidate by the candidate's 'reference bishop' (which the candidate would not be entitled to see), together with a recent photograph;

   ● the confidential references from the two referees nominated by the candidate as part of the Senior Appointments List process (these would need to be updated regularly);

   ● the candidate's own statement of how he sees himself, his gifts and the development of his ministry (this would also be updated regularly). (3.39)

20. Diocesan bishops should be encouraged to continue to fill in a Register of Ministers form (adapted as necessary), nominate two referees and submit a photograph and their own statement of how they see themselves, their gifts and the development of their ministries, and to update each of these regularly. (3.40)

21. Whenever the name of a serving diocesan bishop was considered by the Episcopal Nominations Commission, this documentation should be supplemented by a reference from the archbishop of his province. (3.40)

22. The material should be circulated in advance of the meeting in numbered copies. Members should be under a moral obligation not to make copies of the material, and it should be returned at the end of the meeting. (3.41)

23. The practice whereby the Secretaries read extracts from documents which are not shown to the members of the Commission should be discontinued. The principle should be that all candidates are treated similarly and fairly. If any further information is introduced by anyone during the discussion, it should be attributed. (3.44)

24. Each vacant see should be considered at two successive meetings of the Episcopal Nominations Commission. (3.54)

25. The first day of each two-day meeting of the Episcopal Nominations Commission should begin after lunch and conclude somewhat earlier in the evening. (3.56)

26. It should be open to any member, very exceptionally, to propose within a defined period after the first meeting, in the light of the job and person specification as agreed, a further candidate who was not considered at stage one for consideration at stage two. It should be possible, at the discretion of the archbishop of the province and very exceptionally, for not more than one such name to be added to the shortlist of those to be considered at stage two. (3.57)

27. (a) Those who are to be considered at stage two are informed of this and of the number of other candidates shortlisted and hence of the unlikelihood of their actually being nominated;

(b) The candidates are sent the job/person specification (for information only);

(c) They are also sent the factual information about themselves from the Senior Appointments List form and invited (but not required) to check it and update it if necessary;

(d) Each candidate's reference bishops and two referees should be informed confidentially that the candidate has been shortlisted and asked to update their reference in the light of the job/person specification.

(e) If neither the archbishop of the province nor the Archbishops' Secretary for Appointments has met one of the candidates, at least one of them should arrange to meet him before stage two.

(f) Before an announcement is made, the other candidates should be informed that they have not been nominated to the see and given the opportunity of a 'debriefing' by the Archbishops' Secretary for Appointments. (3.58)

28. The briefing document which the diocesan members receive in advance of the meeting should inform the diocesan members of the Standing Order's requirement that the Chairman is satisfied 'that the vote in favour pays due regard to the opinions of the diocesan members' and of the question which they are likely to be asked at the end of the meeting. (3.60)

29. The proviso in the Standing Order should be rephrased to read 'provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members and to the needs of the Church of England as a whole'. (3.62)

30. The present CAC Standing Order should be amended to introduce the following system of voting (by secret ballot), which would be explained to members of the Commission in writing in advance of their first meeting:

1. At the Commission's first meeting to consider the vacancy, it will have reduced the initial long list by discussion to a shortlist of five to seven names.

2. At the second meeting, after discussion of the additional material circulated after the first meeting, the members vote by single transferable vote, using a printed voting paper, to reduce the shortlist of five to seven names to three.

3. After discussion, the members are invited (but not required) to write down one of the three names. The name which receives the highest number of votes becomes the first name identified by the Commission. In the event of a tie, the vote must be taken again after further discussion.

4. The members are then invited to write down one of the two remaining names. The name which receives the larger number of votes becomes the second name identified by the Commission. In the event of a tie, the vote must be taken again after further discussion.

5. The Chairman then puts to the meeting a motion that the two names identified by the Commission be forwarded to the Prime Minister. The members vote for or against the motion by secret ballot. The Standing Order will require that 'The motion shall be deemed to have been carried if at least two-thirds of the total number of the voting members of the Commission (without discrimination in respect of Orders) are in its favour, provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members and to the needs of the Church of England as a whole.'

6. Finally, the members are invited to write down one of the two names. The number of members supporting each candidate is reported to the Prime Minister, and if one of the candidates is supported by two-thirds of the voting members of the Commission, the Commission is deemed to have expressed a preference for that candidate. (3.70)

31. The present CAC Standing Order should be amended to allow the arch-bishop of the province to invite the other archbishop to take the chair for all or part of any meeting. The archbishop of the province would still write the letter to the Prime Minister. (3.75)

32. For consideration of a vacancy in the See of Canterbury, the Episcopal Nominations Commission should be chaired by an actual communicant lay member of the Church of England (as an additional voting member) appointed by the Appointments Committee of the Church of England after such consultation as it considered appropriate. (3.80)

33. If the Chairman appointed to chair the Episcopal Nominations Commission for consideration of a vacancy in an archiepiscopal see has never been a member of the Commission, he or she should be invited to attend an earlier meeting as an observer. The Standing Order should be amended to permit this. (3.81)

34. For consideration of a vacancy in the See of Canterbury, the membership of the Episcopal Nominations Commission should include, as voting members, the Chairman of the Anglican Consultative Council (ACC) and the Secretary-General of the Anglican Communion (with the Vice-Chairman of the ACC as a substitute if the Chairman or Secretary General is unable to serve). (3.82)

35. In the case of a vacancy in an archiepiscopal see, a statement of the needs of the Church of England as a whole and of the province concerned in particular should be prepared by the Secretary General of the General Synod and the Archbishops' Council after consultation with the Archbishops' Council and the House of Bishops. (3.83)

36. In the case of a vacancy in the See of Canterbury the joint standing committees of the Anglican Consultative Council and the Primates' Meeting should be invited to submit a Statement of Needs of the Anglican Communion. (3.84)

37. The Archbishop of Canterbury and the Diocese of Canterbury should give consideration to creating an opportunity for the Canterbury Diocesan Vacancy in See Committee to be involved in the process leading to the appointment of a Bishop of Dover. This might include the production of a Statement of Needs and the suggestion of possible names for consideration

by the Archbishop of Canterbury. Members of the Vacancy in See Committee might be included in any appointing group set up by the Archbishop, in accordance with the recommendation in para. 7 of the Senior Church Appointments Code of Practice, to assist him in the process of identifying candidates for appointment as Bishop of Dover. (3.87)

Chapter 4

38. The Bishop's Council's power to add two additional persons should be amended, so as to give the Bishop's Council power to add not more than four additional persons, either because they represent a special interest in that diocese or because their addition is, in the view of the Bishop's Council, essential in order to secure better representation of the diocese as a whole. (4.11)

39. Bishop's Councils should retain discretion as to whom they elect. The *Guidance Notes* should advise that it is inappropriate for the diocesan bishop to nominate or second a candidate or vote in the election. (4.16)

40. The *Guidance Notes* should be amended so as positively to encourage the Chairman to convene the Committee immediately on the announcement of a vacancy. At this preliminary meeting the Committee would be briefed on the process leading to nomination of a diocesan bishop and its part in it. It would also establish a drafting group to work on the Description of the Diocese and the Statement of Needs, and make arrangements for future meetings. The Appointments Secretaries should be invited to such a preliminary meeting, but it should be held whether or not they are able to attend. If they are not able to attend, the Secretary to the Committee should liaise with them to ensure that the Committee can be adequately briefed on the process. (4.21)

41. The Vacancy in See Committees Regulation should be amended to require that all members of the Vacancy in See Committee should, following each election to the Committee, be sent by the Diocesan Secretary a briefing booklet prepared by the Archbishops' Secretary for Appointments and approved by the Legal Adviser to the General Synod. (4.23 – for suggested contents, see para. 4.24)

42. The *Guidance Notes* should be rewritten. (For details, see para. 4.25.)

43. The *Guidance Notes* should make it clear that the Committee is entitled to meet whether or not the Secretaries choose to attend any particular meeting. (4.26)

44. The Committee should itself at its initial meeting decide the dates and times of its subsequent meetings, and the *Guidance Notes* should be strengthened so as positively to recommend that meetings be held at times which do not make it difficult for lay members to attend. (4.27)

45. The *Guidance Notes* should make it clear that the time, date and place of the Committee's meetings should not be treated as secret or confidential. (4.28)

46. The Regulation should be amended to require that the Description of the Diocese and Statement of Needs be approved at a meeting of the Committee and not by correspondence. (4.29)

47. The Regulation should be amended to make clear that the election of the diocesan four should take place at the end of the Committee's final meeting during a vacancy. (4.30)

48. In order to be a candidate for election to the Commission, members of the Vacancy in See Committee should need to be proposed and seconded by other members of the Committee, with no person allowed to propose or second more than one candidate. (4.34)

49. If one of those elected is unable to serve, a replacement should be identified by recounting the original voting papers, guarding those candidates who have already been elected and are able to serve. (4.35)

50. Para. 16.3 of the *Guidance Notes* should be deleted. (4.41)

51. The Regulation should be amended to make clear that the question of whether to consider names should be decided at the initial meeting, and that if there is to be such formal consideration of names it should take place not at the initial meeting but at a subsequent meeting. The phrase 'if the Committee agrees that names are to be submitted to the Crown Appointments Commission' should be deleted. (4.43)

52. The *Guidance Notes* should caution the members of the Committee to ensure that during the consideration of individual names they avoid

inappropriate discussion, and underline that the diocesan four are not and cannot be mandated as to how they should vote during the CAC meeting. The phrase 'if the Committee agrees that names are to be submitted to the Crown Appointments Committee' should be deleted. (4.45)

53. Para. 13.2 of the *Guidance Notes* should be deleted. (4.46)

54. An open hearing should be held on each occasion, under the chairmanship of an independent chairman, at which it is open to anyone to express views about the needs of the diocese. (4.49)

55. The Secretaries should contact the outgoing bishop and give him the opportunity to write a paper setting out his views, for submission to the Episcopal Nominations Commission. (4.50)

Chapter 5

56. Prior to the election of a bishop the members of the electoral body should be sent a brief note explaining the historical background and meaning of the term 'election'. (5.16)

57. ● The terms in which the name is announced should be altered, to refer to the Crown's 'nomination' or 'presentation' of the candidate;

   ● The college of canons should remain the electoral body and the term 'election' be retained, which means that no amendment to statute law is necessary;

   ● A brief note should be sent to all members of the college of canons with the summons, explaining:
     ● the historical background;
     ● the ecclesiological principles that (a) the acts which actually make someone bishop should be acts of the Church, and (b) these should involve the consent of the local church (diocese), which does not necessarily imply local nomination;
     ● the meaning of the term 'election';
     ● that while the college of canons corporately is legally obliged to elect the Crown's candidate, the penalties which formerly applied if it failed to do so were abolished in 1967;
     ● the significance of and arrangements for confirmation of the election. (5.22)

58. ● The confirmation of election should be done in a place to which the public has access.

- The setting should reflect the provincial nature of the occasion and the traditions of the province. York is the obvious location for the Province of York, and London the most convenient for the Province of Canterbury.

- The legal proceedings should be preceded by a public act of worship, at which the archbishop of the province (if present) presides.

- The introduction to the legal proceedings should stress the ecclesiological significance of confirmation by or on behalf of the metropolitan.

- It is appropriate that the archbishop of the province should deliver the mandate for the enthronement at the conclusion of the proceedings. (5.33)

59. As in the Province of York, the language and proceedings for the confirmation of elections in the Province of Canterbury should be updated sensitively, so as to ensure that while remaining traditional, they are also readily comprehensible to those present. (5.34)

60. If there is not to be a consecration, the Mission should be given by the archbishop of the province at the end of the confirmation ceremony. It could take the form of a charge, drawing on the statements of the needs of the diocese and of the Church of England as a whole. (5.35)

Towards a theology of choosing bishops

by the Rt Revd Dr Michael Nazir-Ali

In recent years there has been considerable reflection on the nature of episcopal ministry and the tasks bishops are called to perform. *Episcopal Ministry* (the Cameron Report) is the result of work done by the Archbishops' Group on the Episcopate in the light of the Church of England's changing circumstances, particularly the ordination of women to the sacred ministry.[1] The 'Eames' reports, on the other hand, arise out of the commission appointed by the Archbishop of Canterbury in the wake of Resolution 1 of the 1988 Lambeth Conference which called for maintaining 'the highest possible degree of communion' between provinces that differed from one another on the question of women in the episcopate.[2] It is, perhaps, interesting to note that both studies came about because of the possibility of women bishops. Naturally, recent Lambeth Conferences have also produced material on the ministry and training of bishops. In particular, the 1988 Conference made specific suggestions about the training of those newly appointed to the episcopate.[3]

The importance of oversight for the Church

Our task here is to identify those theological and ecclesial aspects of this considerable material which have a bearing on the choosing of bishops and on the inauguration of their episcopal ministry. Before we do this, however, it may be appropriate simply to note the way in which *Episcopal Ministry* sets the office and work of a bishop within a broader understanding of the Church. The *koinonia* of the Church is grounded in, and modelled upon, the relational and ordered life of God the Holy Trinity. We can use this kind of language because Scripture itself speaks of the Church as participating in the divine life (John 17.20–23; 2 Peter 1.4). There is, first of all, a relationship of mutuality, of giving and receiving, which is to be found among the Persons of the Blessed Trinity. There is also order: the Father begets the Son and the Holy Spirit proceeds from the Father but is also spoken of as the Spirit of the Father and the Son (John 1.1–18, 15.26; 1 Corinthians 2.12; Romans 8.9, etc.).[4] According to *Episcopal Ministry*, because of the Church's participation in the divine life, both the mutuality and the order of the Trinity should be reflected in

the Church. The report goes on to consider in detail how these principles are worked out in the life of the Church.

Another report, *Working as One Body*, on the organization of the Church of England (the 'Turnbull Report'), speaks of the resources which God has given to his people as 'a gracious gift'. It also singles out 'common fellow-ship' as a fundamental resource and goes on to a discussion of *episcope* as necessary for the unity of the Church's life and witness.[5]

How bishops have emerged

The different reports go on to consider how the threefold ministry has emerged from the patterns found already in the New Testament. We must, however, limit ourselves to a brief review of the ways in which the office of bishop is said to have emerged. The ministry of the apostles them-selves, although in some respects unique and unrepeatable (for example, as eye-witnesses of Jesus' life, death and resurrection), in other respects needed to be continued (for example, in terms of leadership, teaching and discipline). The New Testament itself tells us how apostolic authority was transmitted (Acts 14.23; 2 Timothy 1.6, etc.) and also how the process of transmission was to continue (1 Timothy 5.22; Titus 1.5). In addition to 'the Twelve' and Paul, we also have leaders like James, the Lord's brother, and apostolic delegates like Timothy and Titus. Here leadership is found focused in one person.

At the same time, the New Testament also knows of corporate leadership in terms of a group or council of presbyters, derived from the pattern found in contemporary Jewish communities (Acts 20.17). Already in the New Testament, however, there is emerging a presiding or ruling eldership within the council of presbyters which has a special responsibility for teaching and preaching (1 Timothy 5.17). In this connection it has often been observed that, in the Pastoral Epistles, while presbyters are generally spoken of in the plural, the bishop is singular. It may well be that there is already a commonly accepted president in the college of presbyters.

In the sub-apostolic period of the early second century, a variety of patterns continued. The *Didache*, or *Teaching of the Twelve Apostles*, for example speaks of 'bishops and deacons' as the normal officers of a local church. It seems that the term 'bishops' (plural) is still interchangeable with 'presbyters', who are not directly mentioned in the *Didache*. This usage is also characteristic of *1 Clement*, a letter written from the Church of Rome to the Church in Corinth. The *Didache*, however, recognizes

another kind of office in the apostles and prophets who are called 'your high priests'. These seem to be itinerant offices of teaching and encour-agement, though the possibility of such a person settling with one church is recognized. When present, these leaders can also preside at the Eucharist.[6] Similarly, *1 Clement* refers to the so-called *hegoumenoi* in addition to the presbyters.[7]

If the emergence of the historic episcopate can be seen as a limiting to one of what originally belonged to all, it can also be seen as a localizing, and eventual institutionalizing, of an originally itinerant and charismatic ministry. Monepiscopacy may well have developed, at least partly, from the need for a presiding elder in the council of presbyters.[8] It also devel-oped, however, from the peripatetic ministries of apostles and apostolic delegates, prophets and teachers. Missionary bishops in both East and West and the pattern of the episcopate in the Celtic Church, before its Romanizing, appear to have continued this aspect of episcopacy.[9]

The bishop's work today

The immediate relevance of these considerations is that the bishop is seen not only as the one who presides in a local church but as someone who brings the gifts and concerns of the wider Church to the local situation. At the same time, the bishop also has a responsibility for bringing the insights and needs of the local church to the attention of the wider family. Of course, the bishop cannot be a channel of communication in isolation from the other ministries and gifts which are to be found in the churches. Clergy and people, movements of renewal, mission and aid agencies all help the bishop in fulfilling this episcopal task.

It has to be acknowledged, however, that in a divided Church this ministry is significantly impaired. Bishops can act fully in this way only within a particular communion and, sometimes, not even that. Most are conscious, though, of the ecumenical dimension of their work and seek to consult the leaders of other churches in many areas of mission and ministry, sometimes even speaking and acting jointly with them.

It would be a great mistake, of course, to think that a bishop is only a representative of the local or even of the worldwide Church. If the office is to be understood as truly apostolic, bishops (and ministers who derive their authority from them) will be seen as representing Christ himself, in a particular way, to the people of God as well as to the world at large. This is in no way a denial of the authentic representativeness of the whole

people of God: the New Testament often speaks of the whole people of God being priests of God and of Christ and of Christ's presence among them. This gives them a role in the Church's discipline and decision-making (Matthew 18.18–20; 1 Peter 2.5; Revelation 1.6; 5.10; 20.6).

Apostolic office is to be seen, however, as representative in a specific way. Jesus sends out the Twelve for mission on his behalf and gives them the assurance, 'He who receives you receives me, and he who receives me receives him who sent me' (Matthew 10.40). In Luke, in a similar way, the wider group of the Seventy (or Seventy-Two) are told that those who hear them, hear Christ and those who reject them, reject Christ (Luke 10.16). In the post-Resurrection commissionings, it is more difficult to tell whether it is all the disciples gathered together or the 'Twelve' only who are commissioned. As far as St John's account is concerned, it is prudent to accept the view of both Hort and Barrett that the 'Twelve' receive the commissioning as representatives of the Church about to be born (John 20.19–30).[10]

Even so, it places them in a position of especial responsibility. The Matthean and Lucan (especially in the Acts of the Apostles) accounts are clearer that the prime responsibility for the worldwide mission is given to the 'Twelve' who exercise it with the assistance of many others, including, of course, Paul and Barnabas (Matthew 28.16–20; Acts 1.1–11; Galatians 2.9). St Paul himself came to see his apostolic ministry as representative in a particular way (1 Corinthians 4.1–15 and 2 Corinthians 4.1–6.1. As to the latter, F. F. Bruce remarks that the plural 'we' here refers to the apostolic band, unlike the 'we all' of chapter 3, which refers to all Christians).[11] We may say, then, that this specific ministry is a gift of Christ, the head of the Church, for the building up of the body (Ephesians 4.11, 15–16).

In some respects, as eye-witnesses, for example, the role of the apostles was unique and could not be repeated in subsequent ages. In other respects, however, as we have seen, the apostles themselves provided for the continuance of their ministry. By the end of the second century, it is commonplace that, in specific ways, the bishops continue the ministry of the apostles.[12] Traditionally, these have been seen as teaching, leading and sanctifying.

Just as the bishop, like other ministers, represents Christ to the people, so also they bring the people and their gathered-up prayers to God. Moses

is, perhaps, the clearest example in the Hebrew Bible of such intercession on behalf of the people. In the New Testament, however, we also find such a ministry. St Paul, for instance, commends the Ephesian elders to God (Acts 20.32) and prays for the Colossians (Colossians 1.9–11) or for Timothy (2 Timothy 1.3). There are many other examples of this ministry in the New Testament.

We have seen that a bishop's ministry is 'representative' in *several different senses*. A bishop represents the local church to the wider, but also the other way around. Bishops represent Christ to the people, but also bring the people and their prayers to God. Finally, they often represent God and his Church in the world at large. We have seen that this ministry is shared with other ministers and also that the whole Church has a representative ministry. The ordained ministry, and especially episcopal ministry, has, nevertheless, a specific role in representation.

The different aspects of episcopal ministry will need to be taken into account when a bishop has to be chosen and an episcopal ministry inaugurated. It will be important to ensure that the new bishop is an able guardian of the faith, as well as one who can encourage theological interpretation and exploration. In order to do this, the person chosen will be someone with basic competence in this area but, more importantly, with the gift of discernment. A bishop is not only 'pastor of the pastors' but pastor of all who live within the geographical boundaries of the diocese (Canon C 18). This means that pastoral gifts and skills are required in those who are being chosen. A bishop is a leader in mission and has regularly to address the wider world, whether within the diocese, nationally or internationally. Those chosen to be bishops must be able to motivate clergy and laity alike for mission and service. From time to time, a bishop will be called upon to exercise a prophetic, and perhaps uncomfortable ministry in relation to a local or national issue. This requires a flexibility of approach and a willingness to listen but also certain toughness in bearing faithful witness to gospel values.[13]

The principle of consent

Just as we need to have regard for what a bishop is to be and do, so also we need to take account of those to whom the bishop is to minister. A bishop focuses, in a particular way, the ministry of the whole people of God in a specific locality. This is shown not only in presiding at worship but in ordinations, confirmations, institutions, licensings and commissionings. In all of episcopal ministry, the bishop reminds the Church that

ministry is both 'mine and yours'. Naturally, this close relationship of the bishop with the local church is even clearer in relation to the clergy. *Episcopal Ministry* (the 'Cameron' report) goes so far as to describe this relationship in terms of coinherence: 'it is almost as though it was a case of he in them and they in him'.[14]

Since the bishop focuses the ministry of all, it is necessary that all should consent to his ministry. Professor Henry Chadwick recounts the difficulties with elections in the early period of the Church's history and these have recurred regularly throughout the ages and in every part of the Church.[15] There have been questions about the electors, the nature of elections and the worthiness of candidates, but the central idea that the consent of the local church is required, in some form, before the bishop assumes office has never been given up. In both East and West, ordination liturgies still contain vestiges of the people's consent. From time to time, rulers have secured the right to nominate candidates for episcopal office. This has happened in both East and West, before as well as after the Reformation and is not merely 'a Tudor anachronism'. Such nomination has, however, mostly been subject to, at least, formal ecclesiastical consent. The other side of the coin is that rulers have often demanded the right to assent to the results of elections. In spite of the growing tendency towards centralizing appointments at Rome, cathedral chapters remained important in episcopal elections from the twelfth century to the time of the Reformation and, in England, well beyond that.[16] In the Roman Catholic Church, also, chapters retain their importance in certain countries.

The Church of England and the Anglican Communion

In considering consent by clergy and people in the Church of England, it is necessary to consider the nature of the Church of England. In a church with highly defined criteria for membership, it would perhaps be easier to determine the will of clergy and people. This is not possible in the Church of England with so many different levels and understandings of belonging. In any case, the canonical requirement that the bishop should relate to the wider community in the diocese makes extensive consultation about an appointment necessary. In fact, both the Prime Minister's and the Archbishops' Appointments Secretaries, as well as the Vacancy in See Committee, carry out very wide-ranging consultations. The new Cathedrals Measure provides for lay membership of the college of canons. This means that if cathedrals continue to be involved in episcopal

elections, both clerical and lay participation is ensured. Four members of the Vacancy in See Committee are elected by the Committee to membership of the Crown Appointments Commission for the duration that the Commission is considering a particular appointment. This ensures that the diocesan voice is heard during the course of the Commission's work.

In the other provinces of the Anglican Communion, a bishop is normally elected either by a diocesan or a provincial electoral college.[17] In the Church of England, if the Crown Appointments Commission *recommend names*, one of which is *chosen* by the Prime Minister, for the Crown to *nominate* or *present*, the question remains as to who then elects such a person. Without an election of any kind, surely, the principle of consent, which is universally acknowledged, would be compromised. If it is held that election by chapters is no longer appropriate or representative of the local church, then what is appropriate? Should a diocesan synod formally elect a nominated candidate? Is the presence of Vacancy in See Committee representatives in the CAC sufficient for the assurance that the local church has consented to an appointment or will some other mechanism be needed to obtain formal consent for a nominated candidate?

So much of the self-seeking, party spirit and division which has historically been an aspect of episcopal elections unfortunately still characterizes them in many parts of the world. One of the significant features of the Church of England system is the almost complete absence of these undesirable elements in episcopal appointments. The main reason, it seems, for this is the principle of anonymity observed by all those involved in the appointment. In any reform of the system, this matter should be given due weight. We need to ask how vocation to episcopal office is discerned. Is a subjective sense that God is calling a person to a specific ministry the appropriate model here? If so, then this may lead to people applying for the post and presenting themselves in the best possible light. If not, then it may be that the processes should reflect *the Church* calling out people for episcopal ministry. This does not, of course, exclude those responsible for the calling out being very well-informed about the candidates and even having access to material where the candidates have described themselves without necessarily being aware that they are being considered for preferment. Any process of appointment or election should be open to the discernment of God's will so that those appointed are truly so by 'divine permission and providence'.

Involvement of the wider Church

Since the bishop represents the wider Church to the local, it is important that the wider Church should be involved not only when candidates are being considered for appointment but also when their appointment is being confirmed. Confirmation, or otherwise, of an election by the metropolitan goes back to the canons of Nicaea itself.[18] This, alongside the participation of other bishops in the consecration, signifies the assent of the wider Church to the election. In any review of episcopal appointments, it is important to note that there should be some mechanism for obtaining the assent of the wider Church prior to the consecration and, in this, the role of the metropolitan should be preserved. Once again, in the Anglican Communion there are a number of ways for obtaining confirmation, or ratification of an election. In one case, for example, a majority of standing committees of diocesan synods has to assent. In some instances, procedures can be quite long and drawn out and, if confidentiality is not observed, a candidate can be seriously embarrassed if confirmation is not forthcoming.

God's choice and the Church's role

At the time of episcopal ordination or consecration, attention naturally shifts from the processes of the Church to God's election and enabling of the persons to fulfil the particular ministry to which they have been called. It is also true, however, that God works through the Church and its ministers. The whole Church is involved in an ordination, though not everyone in the same way. The emphasis now is on prayer that God will give such grace to those being ordained that they will be able to lead and to teach, to promote holiness and unity in their own church and among Christians generally. Both the so-called 'synchronic' and 'diachronic' dimensions of catholicity are required at a consecration: the whole Church signals its assent to what is happening and the task of maintaining the apostolic faith and of handing it on, is committed to the new bishops. Both *Episcopal Ministry* and the *Porvoo Common Statement* emphasize the importance of succession in communities which have retained the apostolic faith, as well as the importance of bishops teaching the apostolic faith. The continuity in the laying on of hands from the time of the apostles is a sign of the present community's link with the authority of the apostolic communities and with their faith. It may also be seen as a means of grace by which the new bishop is actually enabled to remain faithful to the catholic faith and to promote it. It must always be held together with the fidelity of the whole community in which a bishop is ordained and with the bishop's own adherence to the faith of the apostles.[19]

The bishop's mission in a changing society

Finally, a newly ordained bishop is given the mandate or the authority to continue the *Mission* entrusted to the Church in a particular place and at a particular time. In the Roman Catholic Church, for example, such a mandate is received directly from the Pope himself and the bishop is obliged to report regularly to Rome on the state of the diocese. In the Church of England, it is unclear at what point the new bishop is given this Mission and by whom. Is it at the time of confirmation of election, when a person legally becomes the bishop of a diocese, or at the consecration or enthronement? It may be that there are elements of being given a mandate for mission in all three ceremonies. It may be useful, however, to clarify which aspect of the ceremonies are about the commissioning of a bishop for mission.

On one of these occasions, perhaps, the opportunity should be taken to remind the new bishop of the traditional place of the Church of England in national and civic life. As long as the nation wishes to hear the voice of the Church in the councils of state, and on important national or civic occasions, the Church should be willing to be present and to be heard but without compromising the gospel or its own responsibility for bearing prophetic witness in certain circumstances.

This will also be a time, however, for noting the significant changes which are taking place in society. The role of the Church in national and civic life is increasingly being questioned and cannot be taken for granted. It may well be that the Church's contribution in the future will not take place at the centre but on the margins. New bishops should be prepared for an experience of 'exile'. If there is such an 'exile', the Church will want to remain committed to its national mission. Like Amos, the Church will continue to bear witness to the nation and its councils (Amos 7.10–17). Like the exiles of Jeremiah's day, the Church will continue to seek the welfare of the whole nation and to pray for its leaders (Jeremiah 29.7).

Even if there is no experience of exile as such, the Church's place in society has changed down the centuries and this process of change is likely to continue. Models of leadership in the Church will be affected by these changes and any process for choosing leaders will need awareness of the kinds of leadership our changing times demand.

The Church of England is, perhaps, unique in the administrative and committee demands it makes on its bishops. This is not, particularly, a

matter of tradition but of fairly recent developments like synodical government and the advent of a corporate culture. It will be a matter of particular interest to those who have the task of appointing bishops, whether the Church continues to make these demands. It may be that the Church will want to encourage bishops to be more missionary (on the Celtic model) or to concentrate on teaching, presiding at worship and exercising discipline (the Roman model). Many of the other Anglican provinces offer a much more pastoral model and, in some, the bishop personifies the local church's commitment to holism. The bishop holds together the Church's involvement in evangelism, social action, political comment and renewal in worship. It is true, of course, that Church of England bishops *are* engaged in mission, *do* teach and *are* prophetic but, it has to be asked, is this *because* of or *in spite* of the prevalent ecclesiastical culture? Decisions made by the Crown Appointments Commission itself will, to some extent, determine the kind of episcopate we have in the future.

We have tried to identify the theological and ecclesial considerations which have a bearing on the choosing of bishops. We have then attempted to set out how these considerations have worked out in practice, throughout the course of Christian history but, particularly, in the life of the Church of England. We have been alert, throughout, to the Anglican Communion dimension and to recent ecumenical discussion in this area. Finally, some questions have been raised about the process for episcopal appointments in the Church of England and the need for new bishops being aware of the Church's changing place in society. Attention is also drawn to different models of episcopacy and their relevance to the Church's task today.

The choosing of bishops in the Early Church and in the Church of England: an historical survey

by Colin Podmore

The means by which bishops[1] are chosen has varied throughout history, in response to changes in the balance of power within Church and State. Within the Church of England, the system has evolved over the last thousand years without radical change at any one point.

The Early Church and developments in East and West

In the earliest times, bishops were elected by the whole diocese – clergy and people together. However, the person elected needed acceptance by the bishops of neighbouring churches, who came together to ordain him. Canon 4 of the Council of Nicaea (AD 325) required the presence of at least three of the bishops of the province and the written consent of the remainder, and allocated the confirmation of the election, and thus a potential veto, to the metropolitan.[2] Once ordained, the bishop was regarded as married to his diocese. Translation to another see was viewed as akin to adultery and outlawed by Canon 15 of Nicaea – although the Canon was never rigorously adhered to and translation became common in the Middle Ages. Dioceses clung to the right to choose their own bishop, despite the attempts of both emperors and provincial synods to interfere. The Council of Ancyra (c. 314) upheld the right of a diocese to reject a bishop chosen and consecrated for it by a provincial synod, but as the fourth century progressed, Eastern Canons attempted increasingly to restrict the local church's rights in favour of the provincial synod of bishops.[3] Popular election not infrequently gave rise to malpractice, faction and disorder, however. People were often bribed to shout for one candidate rather than another, and riots could occur. At the papal election of 366, an attack by supporters of the eventually successful candidate on those of his rival left 137 dead in the basilica where the consecration was taking place. Malpractice and disorder contributed to the abandonment of the election of bishops by the whole diocese, clergy and people.

In the East, the Emperor Justinian (527–65) eventually restricted the local electorate to the clergy and notables, and limited their role to nominating

three candidates, of whom the metropolitan would select one. The role of the general laity was confined to that of assenting to the election by acclamation. At this stage, emperors were involved only in elections to the patriarchal see of Constantinople. By the fifteenth century, Eastern bishops came to be chosen by the bishops of the province either unanimously submitting a single name for confirmation by the metropolitan or offering him a choice of three. From the tenth century the Emperor claimed a right of veto, and from 1317 the bishops also recognized an imperial right to nominate (while reserving their right to reject a candidate and await a further nomination).[4]

In the West, royal control was exercised more completely and much earlier. In the sixth century the Frankish kings often rejected those elected by the local church and appointed their own candidates, and by the end of the seventh century bishops in Spain were appointed by the King and the metropolitan. According to a canon of the Twelfth Council of Toledo (681), the Archbishop of Toledo was to consecrate 'whomsoever the royal power chooses', providing he considered the candidate worthy.[5] However, the theory that bishops should be elected by the clergy and people survived longer in the West than the East, compromised as it was by royal control. In the mid-ninth century, the principle came once again to be honoured in practice in France. A compromise agreed by the Synod of Valence in 855 preserved the right of clergy and people to elect, but made it subject to royal permission, which came to be known as the *congé d'élire*. This arrangement did not preclude very strong suggestion by the King as to who should be elected.[6] In the eleventh century, 'election by clergy and people' became a slogan of reformers. The principle was reaffirmed in 1049 by the Council of Rheims ('Nobody should be promoted to government in the Church unless he has been elected by the clergy and the people') and by Gregory VII at the Synod of Rome in 1080. By about 1140, however, the role of the laity was no longer seen as equal to that of the clergy; Gratian's *Decretum* says, 'The clergy is to elect, the people to consent.' At the same time, the clerical electorate became narrower. A constitution of the Second Lateran Council (1139) restricted the right of election to the canons of the cathedral chapter, though the other clergy were to have a consultative voice and their consent was still held to be necessary. By the thirteenth century the cathedral chapter alone elected, and the right of the people to consent was no longer upheld.[7]

Anglo-Saxon England

Practice in Anglo-Saxon England seems not to have been consistent, but however the appointment was formally made, in practice the choice rested in the hands of the King and his close advisers. Once the kingdom was united, election by a provincial synod or national council of the Church did not imply freedom from royal influence, since the distinction between such synods or councils and the *witenagemot* or council of state was unclear, the King and noblemen as well as bishops being present at both.[8]

In the 960s a new phenomenon arose in England, that of the monastic cathedral; Winchester and Worcester were reorganized on monastic lines, and Sherborne and Canterbury followed by the turn of the century. The *Regularis Concordia*, rules for monastic life in England approved by the Synod of Winchester between 970 and 973, provided that the cathedral monastic communities should elect their bishop with the advice and consent of the King and in accordance with the provisions of the Rule of St Benedict concerning the election of an abbot. If no monk from the cathedral community was suitable, a monk from another distinguished monastery could be chosen.[9] These provisions were generally followed in Worcester and Sherborne, and between 1006 and 1049 Dorchester had three successive bishops from Ramsey Abbey, with which it was closely connected. Winchester and Canterbury, however, were too important for the King to allow the monks to choose their own bishop.

If the monastic cathedral communities were only partially successful in securing a real voice in the election of their bishops, it was hardly likely that the unreformed bodies of clergy who served the secular cathedrals would be able to do so. On the eve of the Conquest, these bodies, which seem to have consisted of between five and seven clerks or canons, were generally poor, and by definition they lacked the sense of corporate identity and relative independence which the monastic cathedral communities constituted according to the Rule of St Benedict enjoyed. In the confusion following the Viking conquests, the clergy of St Cuthbert's remote foundation were able to elect their own bishop at Chester-le-Street and even at Durham in 1020, but thereafter royal power reasserted itself. Elsewhere, it is safe to say that at this time, as earlier, bishops were appointed by the King, whether acting of his own volition or at the instigation of his stronger courtiers. The *witan* (the King's council) is occasionally mentioned, but does not seem to have had a formal role. Nor is it clear that an election by the local church took place in every case.

Even where there was such a ceremony, it is important that the term 'election' should not be taken to imply a contest between rival candidates. It has been pointed out that in the mid-eleventh century generally (not just in England)

> *Electio* had a predominantly passive sense. It was a procedure for giving legal validity to a decision which had usually already been taken. It was only when the demand arose for '*libera electio*', and by new bodies of electors, that an active force was created capable of opposing the will of the king.[10]

In the words of the German historian Hauck, 'appointment is not the antithesis of election'.[11]

From the beginning, English archbishops received from the Pope, as a sign of their metropolitical jurisdiction, the pallium (a narrow scarf of wool which loosely encircles the neck and hangs down in front and behind, forming the letter Y – as depicted on the arms of the Archbishop of Canterbury). From 927 (1026 in the case of York), there was an established custom that the archbishops went to Rome to receive the pallium, whereas previously it had been sent.[12] The election of an archbishop was in a sense confirmed by the Pope in his bestowing of the pallium. The first attempt by the papacy to obtain control over episcopal elections came in the case of Stigand, who was appointed Archbishop of Canterbury while his exiled predecessor was still alive. He had to obtain the pallium from an antipope in 1058. William I refused to be crowned by him and he was deposed by papal legates in 1070.[13]

The English Church from the Conquest to Magna Carta

From the mid-eleventh century the Church began to assert its distinctiveness from the State. In 1075 Pope Gregory VII outlawed the custom whereby newly ordained bishops were invested with ring and staff, the symbols of their office, by the secular ruler. At the same time, and with papal encouragement, cathedral chapters claimed the right to elect their bishops. Especially in larger dioceses, election by the whole clergy of the diocese would be impractical; the cathedral chapter were normally on the spot when their bishop died and could easily be gathered together for an election. By the middle of the twelfth century the legal right of the cathedral chapter to elect was everywhere established.[14]

In England, neither the abandonment of royal 'investiture' nor capitular election was conceded without a struggle. In 1085 three bishops were elected at a Christmas synod, all of them royal clerks, and even when capitular election was conceded, this did not necessarily imply freedom from royal control. In 1107 Henry I made an agreement with Anselm, the Archbishop of Canterbury, in which he gave up the investiture with the ring and staff, while continuing to require bishops to do homage for the temporalities of their see before they were consecrated. He also conceded capitular election, but the agreement provided that the election by the chapter should be made in the King's chapel with his assent and in the presence of his ecclesiastical advisers.[15] Capitular elections held in such circumstances could hardly be described as 'free'. However, when the King was weak, free election was possible, and of the 14 elections held between 1143 and 1154, in the latter part of Stephen's reign, at least six reflected a free choice by the chapter.[16] Under Henry II, Richard and John it was exceptional for a bishop-elect actually to gain possession of a see in England or Wales if the King preferred another candidate.

Whereas in the Church at large free election by cathedral chapters meant more disputed elections and therefore a great increase in appeals to Rome, in England royal influence was so strong that disputes and appeals to Rome remained rare.[17] One disputed election which did result in an appeal to Rome was that for the See of Canterbury in 1205. Fifteen monks summoned to Rome for the appeal elected Stephen Langton as archbishop, and in 1207 he was consecrated by the Pope. King John's refusal to accept him resulted in England being placed under an interdict (whereby no religious services could be performed) until 1213. On 21 November 1214 John granted a charter to the Church, the provisions of which were in turn confirmed by the Pope the following year. This granted freedom of election to cathedral and conventual chapters, but made this subject to recognition of the King as founder and patron of the churches concerned. Before proceeding to an election, the chapter was to apply to the King for a *congé d'élire* (permission to elect), as was already customary, but the election would then be held in the chapter house and not in the King's chapel, the King's views being signified by letter. His assent was, however, required. This would be given in letters patent addressed to the metropolitan or, in the case of an archbishop, the Pope, requesting him to proceed to confirm the election and consecrate the bishop-elect. After consecration, the bishop would do homage and receive in return the temporalities of his see.[18] This agreement settled procedures

which (with the exception of the papal role in confirming the election of an archbishop) essentially remain in force today.

From Magna Carta to Henry VIII

The opening chapter of Magna Carta, the Great Charter of 1215, promised that the Church of England should be free ('Quod anglicana ecclesia libera sit'), but in the matter of episcopal elections this freedom was to be short-lived. Free elections meant disputed elections, and this was especially so because of the rules for canonical elections set down in the Constitution *Quia propter* published at the Fourth Lateran Council in 1215. This set out three ways of canonical election: *quasi per inspirationem* (where all agree to elect the same person), *per compromissum* (where all agree to delegate the election to a small committee) and *per scrutinium* (whereby each elector gives his vote for his preferred candidate orally or in writing to three scrutineers, and the candidate chosen by all, or the majority, or the '*senior pars*' is declared elected).[19] The latter method gave ample scope for argument as to whether the majority or the minority of a chapter was the *senior pars*.[20] Disputed elections resulted in appeals to Rome, and there was a great increase in these. In some cases the King sought to overturn elections in favour of his own candidate, in others chapters sought to defend their freedom to elect. The number of appeals and their resolution in Rome (sometimes by the Pope appointing a fresh candidate) naturally tended to increase the involvement of the Pope in the choice of English bishops. In the thirteenth century papal involvement generally served to maintain the freedom of chapters as electoral bodies against royal power,[21] but ultimately the effect was the opposite.

The thirteenth century was, in any case, a time of centralization in the Church as well as one of reform; indeed some of the most active reformers were also the most active centralizers. It was at this time that the practice of reservation of benefices for papal provision (direct appointment by the Pope) began. Initially, this might be a special reservation of a particular benefice or a general reservation of a class of benefices. In 1265 the papacy reserved all benefices which fell vacant when their holders died at the papal court, and by the end of the century this was extended to those who died within two days' journey. In the first half of the fourteenth century sees vacated by the translation (by the Pope) of their existing bishop were added, and finally all sees whatsoever.[22]

In the reign of Henry III (1216–72) there were only six direct provisions to English bishoprics (although six of the seven men appointed to Canterbury in the thirteenth century were in effect designated by the Pope).[23] The turning point was the reign of Edward II (1307–27), in which 13 out of 28 appointments were by papal provision, and after 1344 all bishoprics were filled in that way.[24] It should not be thought, however, that in the long run this resulted in an increase in papal power over the English Church and a corresponding decline in royal power. That was only so when a weak king was confronted by a strong pope. Thus, of the 13 papal provisions under Edward II, only six were more or less against the King's wishes, and all of these came after 1316 (when the King was weakest), by John XXII (1316–34). It was under Clement VI (1342–52) that papal provision became the norm, but by then it was accepted that the Pope would act on the King's nomination. By 1345 Clement was saying that if the King of England asked him to make an ass a bishop, he would do so. It is also important to stress that papal provision did not mean the appointment of alien bishops. In the fourteenth century, for example, only two foreigners were appointed by papal provision, both in the latter part of Edward II's reign, and one of them was a royal nominee. Another change which occurred in the fourteenth century was the growth of translation. In the first half of the century only 9 out of 70 appointments were made by translation of an existing bishop from another see, but between 1351 and 1400 the proportion was 31 out of 86, and it remained at much the same level.[25]

A renewed struggle with Rome in the middle years of the century resulted in the Statute of Provisors (1351), which outlawed the introduction of bulls of provision on pain of forfeiture and imprisonment. If a chapter was unwilling to elect in the face of a papal provision, the statute empowered the Crown to make a direct appointment. In practice, however, the statute was not applied if the Pope appointed the King's nominee to an episcopal see by papal provision. The Statute of *Praemunire* (1353) prevented electors who ignored a papal provision being cited to Rome on appeal. This was extended by the Great Statute of *Praemunire* (16 Richard II, c. 5), which provided that anyone who should procure, bring into the realm, receive or execute any bulls, excommunications or other instruments from Rome would be put outside the King's protection, their lands and property would be forfeit to the King, and they would be imprisoned during the King's pleasure.[26]

The system of negotiation, compromise and agreement between Crown and Pope over episcopal appointments, which persisted until 1534, generally suited both sides. It exalted the popes' office within the Church, but at the same time in practice it was easier for the kings to get the appointments they wanted through this system than when elections were disputed. When popes did try to appoint their own candidates, the Statutes of Provisors and *Praemunire* could be renewed and brought into play. Occasionally, a royal nominee might be rejected, but the matter was usually settled by compromise. Generally, appointments were made by mutual agreement between the King and the Pope.[27] Throughout this period, the practice whereby the cathedral chapter, on receipt of a *congé d'élire* from the Crown, elected the candidate nominated by the Crown in an accompanying letter persisted. The only difference was that instead of the bishop-elect seeking confirmation of the election from the metropolitan, the Crown instead sought provision by the Pope, which made confirmation of the election unnecessary. Confirmation by the metropolitan was revived between 1415 and 1417, when the See of Rome was itself vacant.[28]

Sixteenth-century changes

In the course of the separation of the Church of England from Rome in the 1530s under Henry VIII, two statutes which touched on the appointment of bishops were enacted. The first, passed in 1532, required the Pope to act upon Crown nominations without delay. Otherwise the nomination would be submitted for confirmation to the archbishop of the province. The second was the Act in Restraint of Annates (25 Hen. 8 c. 20), now known by the short title The Appointment of Bishops Act 1534.[29] The Act enshrines in statute law the traditional practice whereby the King grants a *congé d'élire* to the prior and convent or dean and chapter of the cathedral, which is sent together with 'a letter missive containing the name of the person which they shall elect and choose'. When the election has been made, the King sends letters patent to the archbishop of the province informing him of the election and requiring him to confirm it and invest and consecrate the bishop-elect, without reference to Rome. In the case of an archiepiscopal see, the letters patent are sent to another archbishop and two bishops, or else four bishops, within the King's dominions. If the prior and convent or dean and chapter do not elect the person nominated within twelve days of receipt of the *congé d'élire* and letter missive, the King may appoint his nominee by Letters Patent. Furthermore, anyone failing to do within 20 days what the Act requires

of them and anyone acting against the Act is subject to the pains and penalties of the statutes of *praemunire.*

As regards the procedure of *congé d'élire*, letters missive and capitular election, the 1534 Act, as we have seen, merely enshrined in statute the traditional practice. Confirmation of the election by the metropolitan was simply a restoration of practice which had been made redundant by papal provisions. Furthermore, the statute required elections and confirmation of elections but did not lay down how they should be conducted. Here there was no innovation. The procedure to be followed by a chapter in electing a bishop and by an archbishop confirming an election are two examples of sections of the medieval canon law which are still in force in the Church of England, not having been touched by subsequent legislation.[30] By contrast, the provision for confirmation of the election of an arch-bishop was obviously new, as was that for appointment by letters patent. Most novel was the imposition of the pains and penalties of *praemunire* for contravention of the Act.

Henry VIII's Act was replaced in the first year of Edward VI's reign by a new statute which abolished capitular election and provincial confirmation, so that all episcopal appointments were by letters patent, but after the interlude under Queen Mary, Elizabeth I re-enacted the 1534 Act in 1559. It remains in force today, with the exception that the statutes of *praemunire* and the section of the 1534 Act which referred to them were repealed by the Criminal Law Act 1967.

Change was proposed in 1641, when Bishop Williams of Lincoln (later Archbishop of York) introduced a bill which would have replaced capitular election with a system whereby the dean and chapter, together with twelve clergy from the diocese (nominated four each by the King, the House of Lords and the House of Commons) would have submitted three names, of which the Crown would appoint one by letters patent. The bill was not proceeded with after its second reading.[31] Within a few years, of course, episcopacy was abolished, but when it was restored in 1660, the 1534 Act was enforced once again.

The choice of candidates: 1660–1837
Since 1660 the formal system of royal nomination, capitular election and provincial confirmation has not altered. What has changed very considerably is the way in which the candidate nominated by the Crown is chosen.

At first, appointments were made personally by the Sovereign, having consulted his or her chief ministers. Elizabeth I, for example, was advised by Cecil on the basis of names sent by the Archbishop of Canterbury, Charles I by Laud. At the restoration, it was Gilbert Sheldon, Bishop of London (Archbishop of Canterbury from 1663) from whom Charles II sought advice on episcopal appointments. In 1681 a commission consisting of the Archbishop of Canterbury, the Bishop of London and four laymen was appointed to be consulted by the secretaries of state. Nonetheless, it was open to the King to make appointments purely of his own volition, as he did in appointing Thomas Ken to Bath and Wells in 1684.[32] After Mary II died, a commission was again appointed in 1695 to advise William III, who had little knowledge of the Church of England. This commission consisted of the Archbishops of Canterbury and York and four other bishops. Unlike her predecessor, Queen Anne had an active interest in episcopal appointments. She generally acted on the advice of her ministers, but in 1707 offered the sees of Exeter and Chester on her own initiative without even consulting them.

Under the Hanoverians, the initiative passed to the chief minister. Under George II, Walpole generally agreed episcopal appointments with Queen Caroline (until her death in 1737). From 1723 until 1735 Walpole was guided almost entirely by Edmund Gibson, the Bishop of London. On one occasion – in 1733 – when an appointment was announced with which Gibson did not agree (because he believed the candidate, Thomas Rundle, to be an Arian), Walpole had to reverse the decision in the face of an absolute refusal by Gibson (who would have been the chief consecrator because of Archbishop Wake's incapacity) to consecrate Rundle. There are isolated incidents of both George II and George III rejecting ministerial nominations and appointing their own candidates. The most notable was in 1805, when Pitt informed George III that when Archbishop Moore died he would recommend the Bishop of Lincoln, George Pretyman Tomline, as his successor. On receiving news of Moore's death, the King rode over to Windsor and offered the archbishopric to the Dean, Charles Manners Sutton, before Pitt had the opportunity to offer formal advice. Although Pitt's audience with the King the following day was so acrimonious that Lord Sidmouth 'believed such strong language had rarely ever passed between a sovereign and his minister', Manners Sutton duly succeeded. In 1821, however, it was established that a prime minister could insist on having the final say in ecclesiastical appointments. Under threat of resignation, Lord Liverpool required George IV to withdraw his nomination of Charles Sumner to a canonry at Windsor. However, the

King retained very considerable influence, and Sumner's appointments as Bishop of Llandaff (1826) and Bishop of Winchester (1827) were both made by Lord Liverpool at the King's request.

The Reign of Queen Victoria (1837–1901)

Bernard Palmer, in his study of episcopal appointments from 1837 to 1977, describes Queen Victoria's reign as 'the prime ministerial heyday', since prime ministers could ignore the wishes of Archbishops of Canterbury on the one hand and insist on having the final say against the Queen's preference on the other.[33] Ironically, however, in her later years Queen Victoria not infrequently had her way over episcopal appointments.

In the first half of Victoria's reign, the complexion of the Bench depended very much on the preferences of her prime ministers. Viscount Melbourne (1835–41) generally appointed Whig sympathizers of moderate views. Sir Robert Peel (1841–46) similarly preferred moderate churchmen – mostly, in the words of Owen Chadwick, 'safe, solid, dull'.[34] Unlike his predecessor, he did not demand from potential bishops an undertaking to support him politically. Peel consulted the Archbishop of Canterbury as a matter of course, but neither his predecessor nor his successor, Lord John Russell (1846–52), felt obliged to do so. Peel also consulted Bishop Blomfield of London, but Russell did not take advice from anyone on a systematic basis; his closest confidant in these matters was Prince Albert. Viscount Palmerston (1855–58 and 1859–65) relied, especially during his first ministry, on the advice of his step-daughter's husband the seventh Earl of Shaftesbury, and his appointments showed a clear evangelical bias as a result. Shaftesbury did not favour academics, and in 1860 the Queen felt moved to ask Palmerston not to confine his selection to 'respectable parish priests'. The Bench, in her view, 'should not be left devoid of some University men of acknowledged standing and theological learning'; at a time of doctrinal controversy it would be a serious weakness if 'no value were attached to the opinions of at least some of those who are to govern' the Church. Palmerston agreed that 'men of very moderate capacity have too often been chosen for the office of Bishop', but at the same time opined that the 'most able' bishops, Wilberforce and Phillpotts, 'would be better if their abilities were less'.[35]

The nine months of Benjamin Disraeli's first ministry (1868) saw a shift in the balance of power in episcopal appointments in favour of the Queen, who disputed three of Disraeli's five nominations for English bishoprics

and got her way on each occasion. In Disraeli, Queen Victoria, with the experience and standing of a monarch who had reigned for over 30 years, was confronted with a prime minister who had little knowledge of, or interest in, the Church, and who was motivated entirely by political considerations (one of which was the usefulness of retaining the Queen's favour). Having rejected a canon of St Paul's whom Disraeli proposed for Peterborough as an insignificant Low Churchman, and a second-choice candidate, the Queen suggested William Magee. He was recommended independently by the high-church cabinet minister Lord John Manners, and Disraeli acquiesced. Emboldened by her success, Victoria wrote to Disraeli on the day of Archbishop Longley's death, suggesting the broad-church Bishop of London, A. C. Tait, to succeed him. The letter crossed with one from Disraeli nominating Bishop Ellicott of Gloucester and Bristol, a Conservative supporter, but Disraeli eventually gave in. The Queen then rejected Christopher Wordsworth, the Archdeacon of Westminster, for Bishop of London, on the grounds that he lacked experience. At her suggestion, Bishop Jackson of Lincoln went to London, but she accepted Wordsworth to replace him at Lincoln. After this, the Queen was able occasionally to reject prime-ministerial nominations or secure appointment of candidates of her choice. On other occasions, however, she was obliged to acquiesce in appointments which went against her preferences. Her hand was strengthened by the information about potential candidates which she received from two deans of Windsor, Gerald Wellesley (1854–82) and Randall Davidson (1883–91).

For all but six of the final 32 years of Victoria's reign the Prime Minister was a devout Tractarian – William Ewart Gladstone (1868–74, 1880–85, 1886, 1892–94) or the third Marquess of Salisbury (1885–86, 1886–92, 1895–1902). Not surprisingly, more Tractarians were appointed as bishops. However, Gladstone generally favoured moderates of every church party and sought to divide appointments between them. Salisbury, too, never allowed his personal religious preferences to dictate his general policy. Gladstone, Salisbury and Davidson all agreed, however, that it was difficult to find evangelicals of sufficient eminence. Gladstone pointed out that bishops were appointed 'not by a single force but by many': 'If I am one of them, so the particular diocese is another, the Queen a third, the Liberal Party a fourth.'[36]

Two Victorian appointments provoked particular controversy. In 1847 a majority of the bishops (13 out of 25) signed a public protest against the (then only rumoured) appointment as Bishop of Hereford of

Renn Dickson Hampden, 'in the soundness of whose doctrines the University of Oxford has affirmed, by a solemn decree, its want of confidence'. The Dean of Hereford and one of the canons voted against his election, and while three canons and eleven prebendaries voted in favour, the other twelve prebendaries did not attend. Objectors failed to secure a writ of *mandamus* requiring the vicar-general to hear objections before the election was confirmed (because the Court was evenly divided, 2–2). This was, nonetheless, notable as the first stirring of rebellion against the system of nomination by the Crown.[37] Controversy was similarly aroused in 1869 by the appointment as Bishop of Exeter of Frederick Temple, the author of an introductory article to *Essays and Reviews* – a volume which had been condemned by the Convocation of Canterbury as 'containing teaching contrary to the doctrine received by the United Church of England and Ireland in common with the whole Catholic Church of Christ'. Temple was elected by 13 members of the Exeter Chapter, but with 6 votes against and 4 abstentions. Of the 17 bishops of the Province of Canterbury, a majority (9) objected to participating in his consecration, 4 of them formally. Some of the dissentients pointed out that the fourth canon of the Council of Nicaea required the unanimous consent of the bishops of the province, but Temple was nevertheless consecrated.[38]

The archiepiscopates of Davidson and Lang (1903–42)

At the beginning of the twentieth century, changes in personnel brought about a significant shift in the balance of power over episcopal appointments. In 1901 Queen Victoria was succeeded by Edward VII, who, while not uninterested in episcopal appointments, was not disposed to argue about them with his prime ministers to the extent that his mother had. He nonetheless successfully resisted the appointment of a non-graduate (to whom Archbishop Davidson also objected) as Bishop of Chichester in 1907, and secured the appointment (against the Prime Minister's inclination) of his own nominee as Bishop of Norwich (the diocese in which Sandringham is situated) in 1909. In 1911 his son, George V, similarly prevented the appointment as Bishop of Ripon of someone who had criticized Edward VII in a sermon on the death of Queen Victoria.[39] It is noteworthy that in one of these cases the King was in fact acting in alliance with the Archbishop of Canterbury, while in the other two personal interests were involved.

At the same time as royal influence on appointments was declining, that of the Archbishop of Canterbury grew immensely. This was due in large measure to the appointment in 1903 of Randall Davidson as Archbishop

of Canterbury, and the fact that he remained in office for 25 years (until 1928). Davidson had been Queen Victoria's private adviser on ecclesiastical appointments, submitting advice both before and after she received recommendations from the Prime Minister, from the time of his appointment as Dean of Windsor in 1883 until her death 18 years later, by which time he was Bishop of Winchester and Clerk of the Closet.[40] In 1901 Davidson asked Edward VII whether he should continue to offer confidential advice, and was assured that the King would like the correspondence to continue. Thus in 1903 there was, for the first time, an Archbishop of Canterbury who for 20 years had already been intimately involved in discussions about episcopal appointments. Furthermore, Davidson had the ear of the Prime Minister, Arthur Balfour, who was a close personal friend.[41] Davidson shaped practice with regard to episcopal appointments in two ways. First, by generally offering the Prime Minister a list of three or more people to be considered for each vacancy, he effectively created the field from which bishops were appointed; increasingly, the names from which the Prime Minister selected bishops came from the Church, in the person of the archbishop of the province concerned. Second, he acquired for the Archbishop of Canterbury an effective veto over admission to the episcopate, in that, while men might be appointed to sees for which Davidson thought them unsuitable, in the words of his chaplain and biographer George Bell, 'if the Archbishop insisted that a particular person was wholly unsuitable for the office of Bishop, no Prime Minister ever during these twenty-five years persevered with his name'. Bell's assessment was that Davidson 'exercised a predominating influence upon the character' of the Bench of Bishops.[42]

Davidson was succeeded at Canterbury in 1928 by Cosmo Gordon Lang, who had been closely involved in episcopal appointments as Archbishop of York since 1908, and was a trusted confidant of Davidson. The customary pattern of the archbishop submitting two or more names to the Prime Minister continued. Prime Ministers' views occasionally differed from those of the archbishops, but a bishop was never appointed against outright archiepiscopal opposition. Lang had his greatest difficulties with Winston Churchill, who knew 'almost nothing of the Church and its personalities'. There were disputes about whether the archbishop should always be given the opportunity of a personal consultation with the Prime Minister when a see became vacant, and whether he should be given the opportunity to register an objection when someone not recommended by the archbishop was to be appointed. It was Churchill's friend and confidant

Brendan Bracken to whom Churchill was most ready to listen over episcopal appointments.[43]

Controversies and reports: 1901–40

In the early years of the twentieth century there were two further controversial episcopal appointments. The first was that of Charles Gore as Bishop of Worcester. Gore was suspect in protestant quarters both because of his editorship of *Lux Mundi* (1889) and as the founder and Superior of the Community of the Resurrection at Mirfield. As in 1847, an application for a writ of *mandamus* requiring the vicar-general to hear objections before confirming the election was rejected and Gore was duly consecrated.[44] The second controversial appointment was that of Herbert Hensley Henson as Bishop of Hereford in 1917. Henson's appointment was the first to be made by David Lloyd George, whose status as a lapsed Welsh Baptist cannot have aided its acceptance. As with Hampden 70 years earlier, the objection to Henson was of alleged unorthodoxy. At the election, 15 members of the Hereford chapter voted for Henson, but 4 voted against and another 10 absented themselves. Bishop Gore, who initially urged his fellow bishops to make a formal protest against Henson's consecration, withdrew his objections following the publication of an exchange of letters between Davidson and Henson, but a number of bishops declined to participate in the consecration.[45] The controversy over Henson's appointment was particularly important, because it led to the first of a series of reports on the appointment of bishops which were prepared during the twentieth century. There had, in fact, been earlier reports. A joint committee of the Convocation of Canterbury had reported on the ceremony of confirmation in 1870, but no action was taken. A committee of the Lower House on Church–State relations reported in 1879, and resolutions on the election and confirmation of bishops were passed as a result. Finally, a further committee of the Lower House on Church–State relations issued two reports in 1901 and 1902. The second of these, following the confirmation of Bishop Gore's election, expressed satisfaction in changes in the ceremony which had recently been made.[46]

The 1919 *Report of the Joint Committee on Crown Nominations to Ecclesiastical Offices* expressed support for capitular election. The committee believed that if a manifestly unsuitable person were to be appointed, the cathedral chapter would refuse to elect and the archbishop of the province would refuse to consecrate, notwithstanding the penalties of *praemunire*, and that 'in the end it would be found impossible for the

civil power to force its nominee into office'. Thus, as Gladstone had pointed out in 1880, 'the existence of the ceremony constituted a moral check on improper appointments'. The committee expressed dissatisfaction with the ceremony of confirmation, but did not believe that it was advisable to attempt to change it substantially, as this would require legislation. The report's main recommendation was that a standing committee on episcopal appointments should be constituted. This would consist of six elected bishops (four from the Province of Canterbury and two from York, three elected priests and three elected laymen – in each case two from the Southern and one from the Northern Province), and two laymen nominated by the archbishops. This standing committee would submit the names of people suitable for appointment to the Prime Minister, and would be consulted by him before nominations were made to the Crown. It also recommended that for each vacancy the archdeacons should lay before the standing committee 'a statement in writing on the special circumstances and conditions of the diocese'.[47] In 1920 these recommendations were rejected by the Lower House, which instead passed a motion requesting 'that the two Archbishops should be officially consulted by the Prime Minister before the submission of any names by him to the Crown for nomination to any diocesan bishopric'. At Davidson's request, the word 'officially' was removed before the motion was finally passed by both houses. Lloyd George replied that this was already his 'invariable practice', and there the matter rested.[48]

In 1923 the new Church Assembly appointed a committee to consider the appointment of bishops. Its work proceeded very slowly, and the *Interim Report of the Appointment of Bishops Committee* was not published until 1929. The committee recommended that the law should be changed (1) to give cathedral chapters the right to refuse to elect the person proposed (but not the right to elect someone else), and (2) so that archbishops should not be liable to penalties for refusing to confirm or to consecrate. It was also recommended that the Prime Minister should be required to consult an advisory committee consisting of the archbishops and five members of the Church Assembly chosen by himself, before submitting a recommendation to the Sovereign.[49] The report was received by the Church Assembly on the day that it appointed a commission on Church–State relations, so the report was simply referred to the new commission.[50]

The commission's report, *Church and State*, was published in 1935. It endorsed the 1929 report's first two recommendations, but rejected the

third, arguing that 'to set up a Standing Advisory Committee could only result in diminishing [the Prime Minister's] personal responsibility for the choice'.[51] The Church Assembly commended the report to the attention of the Convocations, and a joint committee was set up to consider its proposals. This reported in 1938.[52] It recommended (1) that the custom of a chapter petitioning the Crown for a *congé d'élire* should be revived, and that the chapter should inform the archbishop of the province that it had done so and that it intended to consult a representative body of diocesan laity; (2) that the dean, in consultation with a standing committee of twelve laymen, should inform the archbishop of the needs of the diocese; (3) that the archbishop of the province should appoint a standing advisory committee of three bishops, three clergy and three laymen which would be available for discussion with him should he desire, and would bring names of potential bishops to his attention; (4) that a measure to allow objections on grounds of faith and morals to be considered before an election was confirmed was desirable. However, the Upper House of the Convocation of Canterbury approved only the first two of these recommendations. Against this background, the Lower House narrowly carried the following amendment: 'That pending the State conceding to the Church a decisive though not exclusive voice in the appointment of bishops, the present unsatisfactory system be left unchanged.'[53]

Meanwhile, the system of capitular election, which had hitherto applied only to cathedrals with a dean and chapter, had been extended to all English cathedrals. This prompted the Church Assembly in 1938 (in response to the report of a committee) to pass a Measure repealing section six of the Act in Restraint of Annates, thus abolishing the penalties of *praemunire*.[54] The Ecclesiastical Committee of Parliament ruled that the Measure was not expedient, and the Legislative Committee of the Church Assembly thereupon recommended that it be dropped. In 1940 the Church Assembly adjourned consideration of the Legislative Committee's report *sine die*.

Thus in the 20 years from 1919 to 1939 five reports addressed aspects of the appointment of bishops, but no change in the system resulted.

The Archiepiscopate of Geoffrey Fisher (1945–61)

Geoffrey Fisher succeeded William Temple as Archbishop of Canterbury in 1945. The first half of his archiepiscopate fell in the reign of George VI, who, as far as is known, never attempted to overrule any of his prime ministers over a particular name.[55] However, Archbishop Cyril Garbett of

York, writing in 1950, commented of the Prime Minister's nomination to the Crown: 'It may be assumed that this . . . is no mere formality, that the Crown is fully consulted, and is aware of all the reasons for the nomination, before the offer is actually made.'[56]

A very important development occurred in 1947, when Anthony Bevir, who had joined the Downing Street staff in 1940 and increasingly concentrated on ecclesiastical work, became Secretary for Appointments, advising on all prime ministerial appointments. This was, potentially at least, a powerful position, and Gerald Ellison, who was Cyril Garbett's chaplain, reported that Garbett 'expressed some fear lest he should become a kingmaker'.[57]

The 16 years of Fisher's archiepiscopate saw further strengthening of the archbishops' role in the appointment of bishops. There was now less and less pretence that consultations with them were a matter of courtesy rather than of right. During his second ministry (1951–55), Churchill simply accepted the names which Fisher put forward after discussion with Bevir. In 1956 Fisher wrote, 'I do not remember any occasion when the first name was not taken'. This may have been an exaggeration, but indicates that by the mid-1950s at least, Fisher's wishes in the appointment of bishops largely prevailed. Envying the intelligence system which Bevir built up, Fisher circulated English diocesans and constructed a list of possible candidates for bishoprics, which was updated from time to time. He also had a small group of senior diocesans whom he consulted when he and Garbett were unable to make up their minds, or when a number of sees were vacant at the same time. He also resolved to consult the dean and chapter of a vacant diocese before suggesting names.[58]

Bevir was succeeded as Appointments Secretary in 1956 by David Stephens, who served until 1961. After an initial clash, when Stephens proposed to the Prime Minister a candidate of his own choice for Ely, having ascertained that he would be preferred to Fisher's nominee by the dean, people in Cambridge and the Archbishop of York, Fisher insisted that he should never advise the Prime Minister on a particular appointment until after he had consulted the archbishop, and should not discuss any preferences of his own with any one he consulted. Fisher objected that 'this is really in fact appointing without reference to the Archbishop of Canterbury, and, even worse, appointment not by the PM but by Stephens'. As the candidate had already twice been Fisher's first name,

but passed over by the Prime Minister, Anthony Eden, Fisher felt obliged to acquiesce in the appointment. Stephens accepted Fisher's admonitions, but both Fisher and his new colleague at York, Michael Ramsey, soon again felt that he was getting too personally involved. Ramsey complained that his activities in the dioceses were becoming too open, and Fisher agreed, arguing that Stephens should not, for example, meet the dean and chapter as a corporate body.[59]

Fisher's archiepiscopate saw only one report which touched on episcopal appointments. *Church and State*, the report of a commission appointed by the Church Assembly in 1949, was published in 1952. With regard to the appointment of bishops, the commission endorsed, with modifications, three of the 1938 recommendations. These were (1) that a consultative body be established (by the archbishops, in consultation with the Standing Committee of the Church Assembly) to advise the archbishops on the advice which they would in turn offer to the Prime Minister, and that representatives of the diocese, one of whom should be a representative of the cathedral chapter, should be invited to confer with it; (2) that deans and chapters should once again petition the Crown for a *congé d'élire*; and (3) that they should, when doing so, make representations concerning the general needs of the diocese and the type of bishop required, copying these to the archbishop. However, it rejected the fourth 1938 recommendation, arguing that the ceremony of confirmation should remain 'simply a method of establishing the identity of the individual nominated and the completion of the correct formalities'. Finally, the commission made a further call for the abolition of the penalties of *praemunire*.[60] In response, the Church Assembly recommended the revival of the custom of petitioning for a *congé d'élire*. A motion calling for a committee to consider the abolition of the penalties of *praemunire* was debated but not proceeded with, and no other action was taken. In 1954 a member of the Church Assembly moved a motion that the ecclesiastical members of the Privy Council (the Archbishops and the Bishop of London) rather than the Prime Minister should advise the Sovereign on ecclesiastical appointments. An amendment, moved by Archbishop Garbett, expressing the opinion that 'the present procedure for submitting advice to the Sovereign is open to objection and should be modified' (in some unspecified way) was carried, but again no action was taken.[61] Fisher's archiepiscopate thus brought small improvements in the way the system was operated, without making any change to it.

Reports and debates: 1961–74

Geoffrey Fisher announced his retirement on 17 January 1961, and two or three days later it was announced that Harold Macmillan had appointed Michael Ramsey to succeed him.[62] The unseemly haste of this announcement was followed by Macmillan's refusal to nominate Walter Boulton, who had been Provost of Guildford since 1952, as the first Dean of Guildford. This was enough to stir the Church Assembly into action. The previous November, its House of Clergy had reaffirmed the 1954 resolution and called for discussions about how it might be implemented. Now, in November 1961, the Church Assembly requested the Archbishops to establish a commission 'to examine the whole method of Crown Appointments to Ecclesiastical Offices and to make recommendations'. The Howick Report of 1964, *Crown Appointments and the Church*, was the result.[63] This proposed the appointment of an Archbishops' Secretary for Appointments to maintain a list of potential candidates for appointment, it being open to anyone (not only diocesan bishops) to make suggestions, and the establishment by diocesan conferences of a body to produce a statement of the needs of the diocese. It recommended that election and confirmation of election should be replaced by a public ceremony of record at which the bishop-designate would take the oaths and make the declarations. If translated, the bishop would become bishop of the diocese on the date of the ceremony of record, but otherwise, on the date of consecration. Homage could be done after the enthronement if the Sovereign were absent or indisposed. The penalties of *praemunire* would be abolished.[64]

An Archbishops' Secretary for Appointments was duly appointed, and in November 1965 the Church Assembly called for the establishment of what came to be called a Vacancy in See Committee in each diocese. These could submit names for consideration, but would do so in a confidential document separate from the statement of needs. In fact, in the first seven years following the establishment of Vacancy in See Committees, names were submitted in only 6 out of 27 cases.[65]

The commission's other main proposal, that for a ceremony of record, had been referred to a continuation committee, which in 1965 made a new proposal, whereby appointment would be by letters patent, but there would be a ceremony of acceptance by the greater chapter and a ceremony of confirmation and investiture by the archbishop or his vicar-general, where possible on the eve of consecration. The penalties of *praemunire* should be abolished.[66] These proposals fared no better than

those of the Howick Commission itself, and the Church Assembly resolved that capitular election should be retained. It would seem that many Church Assembly members wanted much more radical changes, and were unhappy with making minor amendments to the existing system. The Standing Committee therefore proposed the establishment of a new commission 'to make recommendations as to the modifications in the constitutional relationship between Church and State which are desirable and practicable and in so doing to take account of current and future steps to promote greater unity between the Churches', and that consideration of legislation on Crown appointments be postponed.[67] Resolutions to that effect were passed, and a commission was established under the chairmanship of Professor Owen Chadwick. While the commission was sitting, Parliament passed the Criminal Law Act 1967, which included among its provisions the abolition of the penalties of *praemunire*. Cathedral chapters and archbishops could now contravene the Appointment of Bishops Act 1534 with impunity.

The Chadwick Commission reported in 1970. With regard to the appointment of bishops, the commission was divided. Eight members (including the chairman) supported Proposal A – that two or more names should be submitted to the Prime Minister by a committee consisting of the archbishop of the province, the other archbishop or his nominee, six members appointed by the General Synod (at least one a diocesan bishop and at least three lay), two clergy and two lay members appointed by (but not necessarily from) the Vacancy in See Committee, and the dean or provost of the cathedral. The person nominated would then be elected by an electing body of representatives of the diocese, which would be not unlike the Vacancy in See Committee. Five members (including the vice-chairman, the Earl of March) argued that the involvement of the Prime Minister should cease, and supported Proposal B – that a committee composed as outlined above (but with the dean or provost as an assessor) should actually elect the bishop. The three dissentients who were unable to sign the report (Miss Valerie Pitt, the Revd Peter Cornwell and Denis Coe, MP) would have preferred the second option.[68] Of the commission's recommendations, the General Synod proceeded first with what became the Worship and Doctrine Measure. Its first substantive debate on Crown appointments came in February 1973.[69] In July 1974 it then resolved 'that the decisive voice in the appointment of diocesan bishops should be that of the Church' and that 'it would be desirable that a small body, representative of the vacant diocese and of the wider Church, should choose a suitable person for appointment to that diocese and for the name to be

submitted to the Sovereign'. Amendments which would have substituted the Chadwick Commission's Proposal A or otherwise softened the motion were defeated on a show of hands, and the motion was then passed unamended by 270 votes to 70. At this point, Michael Ramsey retired; the negotiations with the State would fall to his successor, Donald Coggan.

The Archiepiscopate of Michael Ramsey (1961–74)

Owen Chadwick's biography of Michael Ramsey offers some indications as to how the system of episcopal appointments worked in the period immediately before the establishment of the Crown Appointments Commission.

By 1974 Elizabeth II had been on the throne for 22 years. It is now generally agreed that in making episcopal appointments, the Sovereign is bound by a constitutional convention to follow the advice tendered by the Prime Minister, even though this is personal advice, rather than advice on behalf of the government or the cabinet, about which he or she cannot be questioned in Parliament.[70] This convention in fact says no more than was established by Lord Liverpool in 1821 – that a Prime Minister can insist on having the last word over any ecclesiastical appointment to be made by the Crown. However, the convention applies solely to what has now become a formal nomination by the Prime Minister to the Sovereign, made after the candidate has been asked whether he would accept appointment. It does not debar the Sovereign from involvement in the discussions which lead to such an offer being made, or prevent her from seeking to influence the Prime Minister's decision. Kenneth Rose reports that a Dean of St Paul's once asked Elizabeth II what she could do if a Prime Minister submitted a name for an ecclesiastical appointment with which she was not happy. 'Nothing constitutionally', she replied, 'but I can always say that I should like more information. That is an indication that the Prime Minister will not miss.'[71] Back in the late 1950s Harold Macmillan had found the Queen even better informed than he was on the choice of new bishops.[72] Owen Chadwick reports that in Ramsey's time the Queen 'was not in the habit of referring matters back', but 'where the see was important she inevitably took a larger part in the discussion'. She was fully involved in the appointment of a Bishop of Norwich (the diocese in which Sandringham is situated) and of a Dean of Windsor (her main home, Windsor Castle, being a royal peculiar and thus outside the diocesan system). Chadwick describes as 'decisive' her part in the discussions which led to the appointment of Donald Coggan to succeed Ramsey

as Archbishop of Canterbury, rather than John Howe (whom Ramsey had recommended).[73]

Ramsey had little disagreement with his four prime ministers over episcopal appointments. Macmillan followed his advice in all but one case – the proposal that the ejected Bishop of Johannesburg, Ambrose Reeves, be appointed to an English diocese, which Macmillan feared would adversely affect Britain's relations with South Africa. Ramsey considered this the only politically motivated prime ministerial decision on episcopal appointments in his time. Ramsey co-operated well with both Douglas-Home and Wilson. Ironically it was Edward Heath, towards the end of his archiepiscopate, who was the one prime minister likely to take someone from Ramsey's list who was not his first choice – perhaps because, as a former news editor of the *Church Times*, he had more insight into church affairs than the others. On one occasion he appointed someone who was not on Ramsey's original list but who was acceptable to him (the translation of George Reindorp from Guildford to Salisbury); on another occasion he asked (not for political reasons) that one of the names on Ramsey's list be withdrawn.[74] Overall, however, Ramsey's prime ministers almost always did what he asked over episcopal appointments (especially those within the Province of Canterbury).

Nonetheless, in an essay entitled 'Church and State in England' which Ramsey wrote specially for the volume *Canterbury Pilgrim* in 1974, he said 'It seems . . . that the Archbishop's influence was probably at its greatest in the primacy of Cosmo Lang and the earlier years of Fisher . . . The new phenomenon was the highly competent and officially designated [Prime Minister's] Appointments Secretary known as such to the Church at large as the man concerned.' After praising the work of the Prime Minister's Appointments Secretary, he added:

> It is also certain that there will be strange 'non-appointments' and chances missed – for the knowledge is filtered through the mind of one man, and no man is without his prejudices and blind spots. I do not doubt that divine providence can use the procedure, and that the bishops who are consecrated receive the gifts of the Holy Spirit for their office. But when all this has been said the system leaves me sharing the view that this is not the right way for any Church's chief pastors to be chosen.[75]

As we have seen, both Ramsey and Fisher had felt that David Stephens, the Prime Minister's Appointments Secretary from 1956 to 1961, had exceeded his proper role. John Hewitt, the Appointments Secretary from

1961 to 1973 (almost the whole of Ramsey's time at Canterbury), developed the role even further.[76] Ramsey found, for example, that he could not get Eric Kemp, whose expertise in canon law and synodical government he needed on the bench of bishops, appointed to a diocesan see. He attributed this to the conservative John Hewitt's hostility to Eric Kemp's radical views on Church–State relations. Dr Kemp finally became Bishop of Chichester a few months after Hewitt's retirement. Hewitt similarly blocked the appointment of Hugh Montefiore because of a single utterance in which he associated Jesus with homosexuals. Ramsey concluded that there were certain individuals whom it would be pointless to include in a shortlist because of the Appointments Secretary's hostility to them. Thus although the prime ministers generally accepted his proposals, his influence over appointments was limited in an unprecedented way, in that the proposals were conditioned to some extent by the personal views of the Prime Minister's Appointments Secretary.[77]

Bernard Palmer has suggested that the result of the liaison between the Prime Minister's Appointments Secretary and the new Archbishops' Appointments Secretary was 'to gather more power into the hands of the two officials', and that this was 'especially so in the case of the Prime Minister's Secretary for Appointments'. A leading opponent of the system, the Revd Christopher Wansey, sent an open letter to Hewitt's successor Colin Peterson in 1974, in which he claimed that

> The apostolic succession goes through a filing-cabinet presided over by the Secretary for Appointments, for no one who is not filed there has the remotest chance of becoming a bishop. So, in this episcopal garden, it is not the royal gardener who does the planting and transplanting, nor even the gardener's boy – the Prime Minister. No, it is the gardener's boy's boy – your own good self. You are the one and only bishop-maker in the Church of England today. I respectfully ask: 'Who are you to choose the successor of St Augustine?'[78]

After 1965 Ramsey's selection of names for inclusion in his list on each occasion was constrained (and his influence thereby reduced) in another way – by the views expressed by Vacancy in See Committees. Chadwick records that Ramsey valued the committees and had no desire to do without them, but by 1973–74 he wondered whether the diocesan influence on appointments, formerly too weak, was not now too weighty. The system now put the needs of the diocese first, but what about the need of the national church as a whole for intellectual and political leadership?[79] The existence of Vacancy in See Committees and their right

to suggest names gave rise to an expectation in some quarters at least that the bishop appointed would be one of those whose names were suggested by the diocese. In 1973 eight prebendaries made a formal protest at the chapter meeting to elect Gerald Ellison (who, unlike Graham Leonard, was not one of the three candidates recommended by the Vacancy in See Committee).[80]

Establishment of the Crown Appointments Commission (1976–77)

In July 1974 the General Synod had, as we have seen, resolved (by 270 votes to 70) that 'the decisive voice in the appointment of bishops should be that of the Church' and that 'it would be desirable that a small body, representative of the vacant diocese and the wider Church, should choose a suitable person for appointment to that diocese and for the name to be submitted to the Sovereign'. It fell to Archbishop Coggan and Sir Norman Anderson, the Chairman of the House of Laity, who had moved the motion, to negotiate the implementation of the Synod's wishes with the Prime Minister – first Harold Wilson and then James Callaghan – and the leaders of the main opposition parties. The response was given by Prime Minister Callaghan in a written answer on Tuesday, 8 June 1976. In this he rejected the main point of the Synod's resolution – that the Church should have 'the decisive voice', a single name going direct from a church body to the Sovereign, on the grounds that 'The Sovereign must be able to look for advice on a matter of this kind and that must mean, for a constitutional Sovereign, advice from Ministers', and that as the archbishops and some bishops sit by right in the House of Lords 'their nomination must therefore remain a matter for the Prime Minister's concern'. He did, however, concede that 'the Church should have, and be seen to have, a greater say in the process of choosing its leaders'. His proposal, supported by the leaders of the main opposition parties, was that the Church should set up a small committee, of which both Appointments Secretaries would be members. It would draw up a shortlist of names, which might be given in order of preference. 'The Prime Minister would retain the right to recommend the second name, or to ask the committee for a further name or names'. For the appointment of an Archbishop of Canterbury, 'the Committee might then be chaired by a layman chosen by the Prime Minister'.[81]

While the Synod had in effect asked for the Chadwick Commission's Proposal B, it had in fact essentially been offered something close to Proposal A. The Standing Committee nevertheless recommended

acceptance of the agreement, and the Synod endorsed it in July 1976 by 390 votes to 29.[82] The Standing Committee's proposals for implementation were endorsed, with minor amendment, in November, and the Standing Order constituting the Crown Appointments Commission and the Vacancy in See Committees Regulation putting these bodies on a uniform constitutional footing were approved in February 1977.[83] In June 1977 the appointments of Peter Walker as Bishop of Ely and David Young as Bishop of Ripon, the last to be made under the old system, were announced. The first appointment to be made under the new system was announced in October 1977; Hugh Montefiore, whose appointment to the bench John Hewitt had opposed, was to be Bishop of Birmingham.[84] A new era in the history of the choosing of bishops had begun.

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Evidence submitted to the Review Group

The Group received evidence from the following individuals.

Diocesan Bishops

The Archbishop of Canterbury
The Archbishop of York
The Rt Revd Mark Santer (Bishop of Birmingham)
The Rt Revd Alan Chesters (Bishop of Blackburn)
The Rt Revd Dr Peter Forster (Bishop of Chester)
The Rt Revd James Jones (Bishop of Liverpool)
The Rt Revd Peter Nott (Bishop of Norwich)
The Rt Revd Dr Kenneth Stevenson (Bishop of Portsmouth)
The Rt Revd Michael Scott-Joynt (Bishop of Winchester)
The Rt Revd Dr Peter Selby (Bishop of Worcester)

Other Members of the 1995–2000 General Synod

Mr Anthony Archer (St Albans)
Dr John Beal (Ripon)
Canon Colin Bevington (St Edmundsbury and Ipswich)
Mr Mark Birchall (Southwark)
Canon Neville Black (Liverpool)
The Revd Philippa Boardman (London)
The Viscountess Brentford
The Revd Hugh Broad (Gloucester)
The Ven. Pete Broadbent (London)
Mrs Margaret Brown (Chichester)
Canon Richard Bryant (Newcastle)
The Rt Revd Colin Buchanan (Bishop of Woolwich)
Chancellor Sheila Cameron (Vicar-General of the Province of
    Canterbury)
The Ven. Michael Chapman (Peterborough)
Mrs Dorothy Chatterley (Carlisle)
Canon Thomas Christie (Peterborough)
Chancellor His Honour Judge Thomas Coningsby (Vicar-General
    of the Province of York)
Mr Stewart Darlow (Chester)

Mr Keith Davidson (Peterborough)
Canon Frank Dexter (Newcastle)
The Ven. Robin Ellis (Exeter)
The Revd James Forrester (Sheffield)
Mr Michael Gillingham (Bath and Wells)
Mr Philip Gore (Manchester)
Mrs Faith Hanson (Norwich)
The Revd Peter Hill (Southwell)
Sir Timothy Hoare (London)
Mr Nigel Holmes (Carlisle)
The Ven. Michael Hooper (Hereford)
The Revd Ben Hopkinson (York)
Dr Hugh James (Leicester)
Mrs Sue Johns (Norwich)
Mrs Mary Johnston (London)
Canon David Lickess (York)
Canon Peter Lock (Rochester)
Mr Peter Lowater (Portsmouth)
Mr Brian McHenry (Southwark)
Mrs Christine McMullen (Derby)
Miss Pat Nappin (Chelmsford)
Canon Paul Nener (Liverpool)
Prebendary Sam Philpott (Exeter)
Mr Roy Pybus (Liverpool)
The Ven. Judith Rose (Rochester)
The Ven. Ian Russell (Coventry)
Mr John Smallwood (Southwark)
Mrs Caroline Spencer (Canterbury)
Canon John Stanley (Liverpool)
Mr Trevor Stevenson (Chichester)
Mrs Margaret Swinson (Liverpool)
The Revd Dr Richard Turnbull (Winchester)
Canon Michael Walters (Chester)
Mr Frank Williams (London)
Mr Paul Williams (Chester)
Mrs Shirley-Ann Williams (Exeter)

Other individuals

Mr Nick Alexander (St Albans)
Sir John Anson (Southwark)

The Ven. George Austin (Archdeacon of York)
The Rt Revd Paul Barber (Bishop of Brixworth)
The Rt Revd Edwin Barnes (Bishop of Richborough)
Mr Mark Beedell (Exeter)
Mr Robin Brookes
The Revd Peter Budgell (St Albans)
The Ven. John Burgess
Mr David Cheetham (St Albans)
The Revd Patrick Coghlan (Sheffield)
Canon Colin Craston
Mr Jonathan Cryer (Durham)
The Ven. Peter Elliott (Newcastle)
The Rt Revd John Gaisford (Bishop of Beverley)
Mrs Kate Griffiths (Gloucester)
The Rt Revd and Rt Hon. Lord Habgood
Mr Frank Harris (York)
Canon Anthony Hawley (Liverpool)
Mrs M. Hill (Liverpool)
Canon Michael Hodge (Rochester)
The Ven. Derek Hodgson (Durham)
Mr John Holroyd (Prime Minister's Appointments Secretary,
    1993–99)
The Very Revd Robert Jeffery
Mrs Linda Jones (Liverpool)
The Ven. Gordon Kuhrt
Mr Lionel Lennox (Registrar of the Province of York)
Mrs Jane Lowdon (Newcastle)
Mr Martin Mays-Smith (Oxford)
Mr Hector McLean (Archbishops' Secretary for Appointments,
    1987–95)
The Ven. Bob Metcalf (Liverpool)
The Revd Prof. Colin Morris
Lord Nolan
The Rt Revd John Packer (Bishop of Warrington)
Mr Simon Parton (Southwark)
Mr C. G. Peak (Gloucester)
Mr Derek Phillips (Rochester)
The Rt Revd Anthony Priddis (Bishop of Warwick)
The Rt Revd Andrew Radford (Bishop of Taunton)
Mr John Ramuz (Chelmsford)
Dr Frank Robson (Registrar of the Province of Canterbury)

The Rt Revd and Rt Hon. Lord Runcie (in a letter to the
    Chairman)
Mr Anthony Sadler (Archbishops' Secretary for Appointments,
    1996–)
Mr Philip Searly (St Albans)
Brigadier Nigel Speller (Exeter)
The Revd Simon Talbott (Ripon and Leeds)
Ms J. Taylor (London)
Mr David Thornton
The Rt Revd Geoffrey Turner (Bishop of Stockport)
The Ven. Geoffrey Watson (Ely)
The Revd David Webb
The Revd Alastair Wheeler (Bath and Wells)
Mrs Margaret Wickstead (Hereford)

Groups
The Group received submissions from the following groups:

The Committee for Minority Ethnic Anglican Concerns (CMEAC)
The Elections Review Group

The Church of England Evangelical Council
The Council of the Church Society

Dioceses
In response to a letter to diocesan secretaries, the Group received evidence
in an individual capacity from some of those listed above, and collective
responses from or on behalf of the following:

Diocese of Blackburn Bishop's Council
Diocese of Carlisle Bishop's Council
Diocese in Europe
Diocese of Exeter: Standing Committee of the House of Clergy
Diocese of Gloucester Bishop's Council
Diocese of Guildford Bishop's Council
Leicester diocesan Vacancy in See Committee members
Diocese of Lichfield Bishop's Council and Vacancy in See Committee
Diocese of Lincoln
Diocese of London Bishop's Council
Rochester diocesan Vacancy in See Committee members

Diocese of St Edmundsbury and Ipswich Bishop's Council and
    Diocesan Board of Finance
Diocese of Truro Bishop's Council
Wakefield diocesan representatives
Worcester diocesan CAC members (1996)
Worcester diocese: a rural dean and a deanery

Cathedral Chapters

In response to a letter to deans and provosts, the Group received evidence
from the following:

Bristol Cathedral Chapter
Canterbury Cathedral Chapter
Carlisle Cathedral: members of the Chapter
Chester Cathedral Chapter
Chichester Cathedral Chapter
Christ Church, Oxford Cathedral Chapter
Derby Cathedral Administrative Chapter
Durham Cathedral Chapter
Exeter Cathedral Chapter
Guildford Cathedral full Chapter
Lichfield Cathedral Chapter
Lincoln Cathedral Dean and Chapter
Canon Rex Davis (Lincoln)
Liverpool Cathedral Principal Chapter
Newcastle Cathedral Chapter
Norwich Cathedral Dean and Chapter
The Dean of Peterborough
Ripon Cathedral Chapter
The Dean of St Albans
St Edmundsbury Cathedral
St Paul's Cathedral Dean and Chapter
Salisbury Cathedral Close Chapter
The Provost of Sheffield
Truro Cathedral General Chapter
Wakefield Cathedral Greater Chapter
Wells Cathedral informal chapter
Canon Paul Ferguson (York)

Written Answer by the Prime Minister, 8 June 1976

On Tuesday 8 June 1976 in a Written Parliamentary Answer, the Prime Minister, Mr James Callaghan, made a statement in the following terms:

The Sovereign, who is herself the Supreme Governor of the established Church, appoints Archbishops and Diocesan Bishops on the advice of the Prime Minister of the day.

The House will know that there is some disquiet in the Church about the present system and that in 1974 the Church's General Synod passed a Motion affirming the principle that the decisive voice in the appointment of diocesan bishops should be that of the Church. As my predecessor informed the House on 24 February he held a number of talks, since that General Synod vote, with the Archbishop of Canterbury and Sir Norman Anderson, Chairman of the Synod's House of Laity. More recently I have discussed the matter with the Archbishop of Canterbury and also with the leaders of the main Opposition parties, who have themselves had talks with the Archbishop and Sir Norman.

There are, in my view, cogent reasons why the State cannot divest itself from a concern with these appointments of the established Church. The Sovereign must be able to look for advice on a matter of this kind and that must mean, for a constitutional Sovereign, advice from Ministers. The archbishops and some of the bishops sit by right in the House of Lords, and their nomination must therefore remain a matter for the Prime Minister's concern. But I believe that there is a case for making some changes in the present arrangements so that the Church should have, and be seen to have, a greater say in the process of choosing its leaders.

As I see it, the main points of a new procedure might be as follows:

- Bishops and archbishops would continue to be appointed by the Queen. The Queen would continue to receive, as now, final advice from the Prime Minister on these appointments. In giving that final advice, the Prime Minister would retain a real element of choice.

- To assess a vacancy and possible candidates for it, a small standing committee should be set up by the Church. The exact composition of such a committee remains to be settled, but it is envisaged that both the Prime Minister's Secretary for Appointments and the Archbishops' Appointments Secretary, who will work in fullest co-operation throughout, would be members of it.

- The committee would draw up a shortlist of two names, which might be given in an order of preference. The Prime Minister would retain the right to recommend the second name, or to ask the committee for a further name or names.

- A special procedure would be needed for the appointment of an Archbishop of Canterbury. The committee might then be chaired by a layman chosen by the Prime Minister.

Arrangements on these lines, which would not in themselves involve legislation, would give the Church a greater say in the choice of its leaders and at the same time would preserve the constitutional essentials of an established Church.

I hope therefore that these proposals, worked out after the consultations which I have mentioned and which are also supported by the leaders of the main Opposition parties, may commend themselves as settling this issue in a satisfactory way for the foreseeable future. The General Synod is due to discuss them next month, and that discussion will reflect what the mind of the Church on them may be.

Senior Church Appointments (GS 1019, 1992), pp. 107–9.

The Crown Appointments Commission Standing Order (SO 122)

(a) *Composition:*

    (i)   There shall be a Crown Appointments Commission of the Synod consisting of:

        Voting Members as under:

        Ex Officio Members:

        The Presidents

        Elected Members:

        Three members of the House of Clergy

        Three members of the House of Laity

        Four members of the Vacancy in See Committee of the diocese in respect of which candidates for possible appointment to the vacant diocesan bishopric thereof are due to be considered by the Commission.

        Non-Voting Members as under:

        Ex Officio Members:

        The Prime Minister's Secretary for Appointments

        The Archbishops' Secretary for Appointments

    (ii)   The elected members of the Houses of Clergy and Laity shall be elected by their respective Houses in accordance with the procedure prescribed by SO 120.

(iii) The Commission shall have no power to co-opt additional members or to invite the attendance of persons other than members of the Commission.

(iv) If one of the Presidents is unable to be present at any meeting of the Commission he may nominate a member of the House of Bishops from his Province as his deputy with full voting rights.

(v) Where an archiepiscopal see is vacant the senior bishop of the Province able and willing to act shall be a member of the Commission during the consideration of any vacancy other than an archiepiscopal vacancy and such person shall be a voting member of the Commission.

(b) *Chairmanship:*

(i) The Archbishop of Canterbury shall be Chairman of the Commission and the Archbishop of York shall be its Vice-Chairman.

(ii) Subject to paragraph (c)(i) and (c)(ii) of this Standing Order the Archbishop of Canterbury shall preside at meetings of the Commission when an appointment in the Province of Canterbury is being considered, and the Archbishop of York shall preside when an appointment in the Province of York is being considered. In the absence of the appropriate Archbishop the other Archbishop shall preside or, in the absence of both Archbishops, one of the members elected by the Houses of Clergy and Laity shall be nominated to preside by the appropriate Archbishop or in the event of his incapacity by the other Archbishop.

(c) *Provisions relating to Archiepiscopal Vacancies:*

(i) Where the Commission is to consider the vacancy of the Archbishopric of Canterbury the person to preside at meetings of the Commission shall be an actual communicant lay member of the Church of England appointed by the Prime Minister and such person shall be a voting member of the Commission.

(ii) Where the Commission is to consider the vacancy of the Archbishopric of York the Appointments Committee after consultation with the Archbishop of Canterbury shall appoint an actual communicant lay member of the Church of England

to preside at meetings and such person shall be a voting member of the Commission.

(iii) The Archbishop who has tendered his resignation shall not attend meetings of the Commission when either archiepiscopal vacancy is to be considered. The House of Bishops shall elect a person in episcopal orders to be a member of the Commission during the consideration of that vacancy provided always that if the continuing Archbishop chooses not to attend the Commission during that period the House of Bishops shall elect a second person in episcopal orders to be a member of the Commission.

(iv) Where the Commission is to consider the vacancy of the Archbishopric of Canterbury the Secretary-General of the Anglican Consultative Council shall be invited to serve as a non-voting member of the Commission.

(d) *Functions:*
The Commission shall:

(i) consider vacancies in diocesan bishoprics and candidates for appointments thereto;

(ii) agree upon two names for submission on the Commission's behalf to the Prime Minister, by the appropriate Archbishop or, in the case of the Archbishopric of Canterbury, by the duly appointed Chairman, such names to be given in the order decided by the Commission;

(iii) report to the Synod from time to time as the Commission deems expedient on matters of general concern within its area of responsibility and the procedure prescribed by SO 95 shall apply thereto.

(e) *Duration of Membership:*
(i) Subject to paragraphs (e)(ii) to (e)(iv) of this Standing Order, an elected member of the Commission shall hold office for a fixed term of five years terminating on 31st August in the second year following the bringing into being of the new Synod.

(ii) No member elected by the House of Clergy or by the House of Laity shall serve for more than two consecutive five-year

terms or (if elected to fill a casual vacancy) part thereof, provided that a person who has ceased to be eligible may again be nominated for election after an interval of five years. Nothing in this sub-paragraph shall prevent a person who is ineligible for election as a member of the House of Clergy or the House of Laity elected under paragraph (a)(i) of this Standing Order from serving as a diocesan member of the Commission or being nominated as a deputy under paragraph (e)(vii) hereof.

(iii) A vacancy shall be caused by the removal of a member elected by the House of Clergy or by the House of Laity from one House to another or by any such member ceasing by resignation or otherwise to be a member of the General Synod, subject to Article 3(4) of the Constitution. Any such vacancy shall be filled in accordance with the provisions of SO 120 (c).

(iv) Subject to paragraph (e)(iii) of this Standing Order members elected by the Houses of Clergy and Laity shall continue to act as members of the Commission instead of the new members, notwithstanding the expiry of their term of office, for the purpose of completing the consideration of any vacancy on which the Commission, shall have begun work.

(v) Where a member elected by the House of Clergy or the House of Laity is unable to be present for the consideration of a particular vacancy the Chairman of the House concerned shall nominate a member of the same House as deputy for that member at meetings of the Commission for the consideration of the particular vacancy. Where any member fails throughout a period of six consecutive months from his last attendance to attend any meetings of the Commission, he shall be deemed to have offered his resignation to the Chairman of his House who may if he sees fit accept it and order a by-election.

(vi) The members elected by the Vacancy in See Committee shall hold office as members of the Commission until such time as an appointment is announced to the vacant see of their diocese and shall attend only such meetings of the Commission as in the opinion of the person presiding at the meeting are concerned with that vacancy.

(f) *Business and Procedure:*

    (i)   For the purposes of these Standing Orders the Commission shall not be a body referred to in SO 119 (a) and subject to paragraphs (ii) to (vi) below the Commission shall have power to regulate its own business and procedure.

    (ii) The Archbishops' Secretary for Appointments shall be Secretary of the Commission.

    (iii) The Secretary of the Commission shall communicate to the Secretary General all details of its business and procedure under paragraph (f)(i) of this Standing Order and notices of all meetings.

    (iv) The Secretary of the Commission shall convene meetings subject to such directions as the Commission may give.

    (v) If in relation to any matter a vote should be required, the question shall be put and shall be deemed to have been carried if at least two-thirds of the total number of the voting members of the Commission (without discrimination in respect of Orders) are in its favour, provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members.

    (vi) SO 123 (c) and 123A (b)(v) shall not have effect in respect of the Commission.

The practice of other churches

The Orthodox churches

The manner in which bishops are chosen in the Orthodox churches varies widely. In all of them, the candidate must be a monk or an unmarried or widowed secular priest and at least 30 years old.

In the *Church of Greece*, for example, the minimum requirements also include a degree in theology and a number of years' experience as either the head of a sizeable parish or the superior of a reasonably sized monastery, and those who are qualified may have their names placed on a publicly known list of appointable clergy. The Holy Synod (of bishops) chooses bishops from among those on the list.

In the *Church of Cyprus*, by contrast, the election is by two electoral colleges; an absolute majority in each is required. The first college is composed as follows:

● the bishops of the Church of Cyprus;

● the abbots of the three monasteries which are exempt from the oversight of their diocesan bishop;

● the superiors of the diocesan monasteries (male and female) with at least five professed members;

● two senior unmarried clergy (preferably theologians) from the diocesan curia;

● two senior unmarried clergy (theologians) from the archdiocese;

● two senior parish clergy (preferably theologians).

The second college consists of 50 'general delegates' (33 lay and 17 parish clergy) elected by an assembly of 200 'special delegates' (aged over 25) which is in turn elected by all Orthodox Christians aged 18 or over who have lived in a parish for at least a year and are on its electoral roll. When an archbishop is to be elected, the second college consists of 100 general delegates elected by 400 special delegates.

The Roman Catholic Church

For the Latin Church, Canon 377 of the 1983 *Code of Canon Law* lays down that 'The Supreme Pontiff freely appoints Bishops or confirms those lawfully elected' (§ 1). (The Eastern Churches which are in communion with the See of Rome are governed by their own canon law and have their own procedures.) The cathedral chapters of a number of dioceses in Germany, Austria and Switzerland retain the right to elect their bishop from among a *terna* of three names presented to them by the Pope. In all other cases, the choice is made personally by the Pope. The bishops of a province or an episcopal conference are required to send lists of candidates suitable for the episcopate to the Apostolic See at least every three years; individual bishops may also inform the Apostolic See of suitable candidates (§ 2). When a diocesan or coadjutor is to be appointed, the papal legate consults the metropolitan, his suffragans, the President of the Episcopal Conference, members of the College of Consultors and of the cathedral chapter. He may also consult other clerics and laypeople. He sends a *terna* (three names), with his own opinion, to the Apostolic See (§ 3).

In England and Wales, the procedure is as follows. The Papal Nuncio, through the Diocesan Administrator, requests clergy and laity to send him nominations. The chapter of the diocese or the College of Consultors (whichever is the senior body by law) is asked under the supervision of the metropolitan to produce a list of three names for serious consideration by the Holy See. At the same time, the bishops of the province are asked for their views. When all the names have been received, the nunciature sends a strictly confidential letter to people (laypeople as well as clergy and bishops) who know the nominees well or work closely with them, asking for their opinion regarding the nominees' suitability. The complete file is then sent to the Congregation of Bishops in Rome with a *terna*. The three names are considered by the congregation (which includes cardinals and bishops from throughout the world). The Prefect for the Congregation then puts the three names before the Pope, who personally chooses one. The nunciature is informed of the nomination. The Nuncio contacts the candidate, who has the opportunity to accept or refuse the appointment.

Nordic churches

In the *Church of Norway*, the process which leads to the appointment of a bishop consists of four stages. First, the diocesan council may nominate five candidates. Second, there follows an election, in which the electors are:

- the parochial church councils of the diocese;
- the priests, deacons and catechists of the diocese;
- the deans and rural deans of the Church of Norway;
- the professors of theology in the Norwegian theological institutions;
- the rectors of the theological seminaries.

In voting, electors are not restricted to those nominated by the diocesan council. Third, after the results of the election are announced, each of the eleven bishops and also the National Council of the Church of Norway prepare a reasoned statement listing the three candidates among those who received votes in the election whom they consider most suitable. Finally, the King, acting on the advice of the government, appoints one of the candidates who received votes in the election. The Norwegian General Synod has asked that the government should confine its choice to one of the three candidates who received the most votes in the election, and the government usually complies with this. It is, however, not uncommon for the government to appoint a candidate who came second or even third, even if the candidate who won the election also received the support of the majority of the bishops. The Praeses of the Bishops' Conference is elected by the bishops.

In the *Church of Finland*, an election is held in the diocese concerned. The pastors and (female) lectors of the diocese, together with an equal number of lay electors, constitute the electorate. Until 1999, the diocesan chapter nominated the three most successful candidates to the President in an order of preference, and the President appointed one of the three (normally the first). Now, the electors' choice is confined to those chosen by a nominating committee (which consists of at least ten electors) and officially nominated by the diocesan chapter, but the election is conclusive. An absolute majority is required, so if no candidate receives an absolute majority, a second election is held between the two candidates with the most votes. The chapter appoints the successful candidate. The procedure for the election of the Archbishop of Turku and Finland is the same, except that in addition to the diocesan electors, the electorate also includes the members of all the diocesan chapters (four clergy and one lawyer in each case) and the 97 elected members of the Synod of the Church of Finland.

In the *Church of Sweden*, an election in the diocese concerned is similarly determinative. The electorate consists of:

- the priests employed in the diocese;

- the members of the diocesan executive committee and of the diocesan chapter;

- a number of lay electors equal to the number of priests, appointed by the parishes.

A trial election is first held. To be a candidate in the election proper, someone must be baptized and confirmed, must be a member of the Church of Sweden, and must have 'declared him/herself willing to serve in every task together with others ordained to the church's ministry regardless of their sex'. The Church of Sweden Disciplinary Board investigates the qualifications of those who receive 5% or more of the votes, and the electors then elect the bishop from among those declared qualified by the Disciplinary Board. As in Finland, an absolute majority is required, so if no candidate receives more than 50% of the votes, a final election is held between the two highest-placed candidates. The Governing Board of the Church of Sweden confirms the election of the winning candidate. The procedure for the election of the Archbishop of Uppsala is the same, except that in addition to the priests and lay electors of the archdiocese, the electorate also includes the members of all the diocesan chapters and diocesan executive committees, and the votes cast by the priests and lay electors of the archdiocese are divided by ten. (Prior to 1 January 2000, the Swedish Government chose between the three candidates who gained the most votes in the election. It was not uncommon for the candidate who came second or third to be appointed.)

Anglican churches: election by convention or synod

In the *Church of the Province of Southern Africa*, the bishops of dioceses with more than ten licensed clergy are elected by an elective assembly which consists of:

- the metropolitan or a deputy, as president;

- members elected by the provincial synod to the advisory committee (with a right to speak but not to vote);

- the suffragan and assistant bishops of the diocese;

- the licensed clergy of the diocese (except retired clergy not licensed to a pastoral charge);

- lay representatives elected in the same way that lay members of the diocesan synod are elected;

● six laypeople elected by the diocesan synod to the advisory committee.

The proceedings of the elective assembly are confidential. Any candidates who are present withdraw while the debate takes place. Members may vote 'none' if they consider that none of the candidates should be elected. To be elected, a candidate must receive two-thirds of the votes of the bishops and clergy present and voting together, and two-thirds of the votes of the laity voting at the same time. If after five ballots no candidate has been elected, the candidate with the lowest number of votes is excluded. If after seven ballots no candidate is elected, fresh nominations are called for. If no candidate is elected within two days, the election lapses to the Synod of Bishops.

In the case of the election of the Archbishop of Cape Town, one priest and one lay person from each of the other dioceses are added to the elective assembly as voting members, and the bishops of the province have the right to speak and nominate, but not to vote. If no election is made, the election lapses to the advisory committee, augmented by two bishops chosen by the elective assembly and two chosen by the Synod of Bishops.

The election of a diocesan bishop has to be confirmed by a court of confirmation consisting of the metropolitan and the bishops of the province or their commissaries. Valid objection may be made on the grounds that the see is not canonically vacant, or that the election was informal (i.e. incorrect as to form), or that the person elected is not of canonical age, or of competent learning, or of sound faith, or of good morals, or is otherwise canonically disqualified, or that he is under such liabilities or contracts as not to be a free agent. For confirmation, a positive vote by a majority of the court is required. The consent of the metropolitan (if present) is also required, unless the other members of the court are unanimously in favour.

In the *Episcopal Church in the United States of America* (ECUSA), bishops are elected by the diocesan conventions. The meeting of the convention is preceded by extensive work on the part of a diocesan search committee, including checking of references, visits and interviews. The committee proposes between four and six names to the convention. Before the convention meets, these candidates (and usually any that are nominated from the floor) tour the diocese, address and are questioned by area meetings of clergy and laypeople. When the convention meets, there may or may not be nominating speeches. In most cases the votes of the

'orders' of clergy and the laity are counted separately and an absolute majority (and sometimes a two-thirds majority) in each order on the same ballot is required. The election needs to be confirmed by an absolute majority of the standing committees of the other dioceses of ECUSA.

In the *Scottish Episcopal Church*, the members of the diocesan synod constitute an electoral synod to elect a new bishop. The standing committee of the diocesan synod causes a description of the diocese, together with a statement of future plans and intentions, to be prepared. Preparation for the election is in the hands of a preparatory committee comprising eleven members and one assessor, as follows:

● the Primus, as convenor of the committee and of the electoral synod;

● one other bishop nominated by the college of bishops;

● five members of the provincial panel for episcopal elections (which consists of a clergy and a lay member from each diocese, elected by the diocesan synod), chosen by the standing committee of the General Synod (including at least two lay and at least two clergy members, and both members from the diocese);

● two lay and two clergy members chosen by the diocesan synod;

● the chancellor of the diocese, as assessor to the committee and to the electoral synod.

A preliminary meeting of the electoral synod is held, at which the process is explained, and the description of the diocese, the qualities sought of the candidates and the names of possible candidates are discussed. The preparatory committee, the proceedings of which are confidential, then consults interested parties, including the diocesan standing committee and the college of bishops, and interviews prospective candidates. It prepares a list of three to five candidates, all of whom have been agreed as acceptable by the college of bishops. For each candidate, members of the electoral synod are sent, in confidence, a curriculum vitae prepared by the candidate, the candidate's responses to a questionnaire prepared by the preparatory committee, the candidate's assent to nomination and a note giving the reasons why the preparatory committee included the candidate in the list. The electoral synod then meets the candidates individually.

The proceedings of the electoral meeting of the electoral synod are confidential. After discussion, the synod votes by houses. Members may vote 'none' to express the view that none of the candidates should be

elected. An election in which more than one-third of the votes cast are votes of 'none' is void. A simple majority in each house is required. If no candidate gains a majority in both houses in the second vote, the synod proceeds without further discussion to vote by placing the candidates in order of preference. The lowest placed candidate is excluded and that candidate's first preference votes are redistributed; if no candidate has a majority in both houses, the process is repeated until only two candidates are left. If this does not produce a majority for one candidate in both houses, the process is repeated after an adjournment of 30–90 minutes. If there is still no candidate with a majority in both houses, the election is void.

If an election is declared void, the whole process is repeated from the beginning. If no election is made within 210 days of the issue of the original mandate or 120 days of the summoning of a preliminary meeting for a fresh election, the right of election lapses to the Episcopal Synod.

The relevant Canon provides that 'no promises, either written or spoken, other than the subscriptions prescribed in Canon 12 shall be required from or given by any person as a condition of proposal as candidate for the bishopric or election as Bishop', and that 'no . . . candidate . . . shall make any public statement, spoken or written, relating to that candidacy or to the proceedings of the election other than as provided in these Canons'.

In the *Anglican Church of Australia* most diocesan bishops are elected by a diocesan electoral synod. In Brisbane, however, the appointment is made by an appointing board elected by the diocesan synod. In some cases the synod's choice is limited to names proposed by a board of nominators elected by the synod. In most cases, candidates are eliminated in successive rounds. In a number of dioceses, a two-thirds majority is required.

Anglican churches: election by electoral college

The bishops of the *Church in Wales* are elected by an electoral college consisting of up to 47 members, as follows:

● The Archbishop of Wales (in the chair);

● The remaining diocesan bishops (up to 4);

● The six clerical and six lay episcopal electors of the vacant diocese (12);

● The first three clerical and first three lay episcopal electors on the list of each of the other five dioceses (30).

(The episcopal electors are elected, with a supplemental list from which casual vacancies are filled, by each diocesan conference at its first meeting, every three years.)

Within 30 days of a vacancy arising, the archbishop summons the electoral college to meet on a date between 14 and 30 days from the posting of the letter. A written statement of diocesan and provincial needs is prepared, after consultation with the standing committee of the diocesan conference and the Bench of Bishops respectively, and sent to members of the electoral college two weeks in advance of the election.

The electoral college meets behind locked doors in the cathedral of the vacant see. Voting is by ballot and takes place in the chancel. The electoral college votes as a single body, not by houses. Nominations are invited before each round of voting, and voting continues until one candidate receives two-thirds of the votes. If, after three consecutive days of voting, no candidate has received a two-thirds majority, the right of election lapses to the Bench of Bishops. If the bishop-elect does not accept the appointment within 42 days, a fresh election is held. If the bishop-elect accepts the appointment, the Bench of Bishops, meeting in synod, considers the matter. If a majority are not 'satisfied of his fitness', another election is held. If the electoral college does not elect a bishop-elect within three months of the vacancy, the right of election lapses to the Bench of Bishops.

The procedures for the election of the Archbishop of Wales are similar. The electoral college consists of the diocesan bishops (up to six) and the first three clerical and first three lay episcopal electors of each of the six dioceses (36). Only the diocesan bishops of the Church in Wales can be candidates, and if any of them receives two-thirds of the votes, 'he shall be declared by the Bishops to be Archbishop-Elect'. If after three consecutive days none has a two-thirds majority, the right of election lapses to the bishops.

In the *Church of Ireland*, bishops are similarly elected by an electoral college. This consists of:

● The archbishop of the province (as president);

● Three bishops nominated by the House of Bishops (3);

- Twelve clerical and twelve lay episcopal electors from the vacant diocese (24);

- Two clerical and two lay episcopal electors from each other diocese in the province, if the vacant diocese is in the Province of Armagh, or three and three if it is in the Province of Dublin (24).

If a vacancy in either province is caused by the election of the diocesan to the Archbishopric of Armagh, the electoral college includes six clerical and six lay episcopal electors from the Diocese of Armagh. The Archbishop of Armagh presides at the election of an Archbishop of Dublin. Archbishops of Armagh are elected by the House of Bishops from among their own number.

The election is normally held in the chapter house of the cathedral of the archbishop of the province. Only the members of the college, the secretary and a legal assessor are present, and all members must sign a declaration which includes an undertaking not to disclose to anyone any information about the election. Any member of the electoral college may nominate any bishop or priest over 30 years old, giving a summary of his academic career and ministerial service. Voting is by 'orders', the bishops (if they wish to vote) voting as members of the 'clerical order'. A majority of two-thirds of the votes of each 'order' is required. If this is not achieved after several votes have been taken, the college may vote by a simple majority not to take any further votes, and the appointment lapses to the House of Bishops. If the bishop-elect declines, the electoral college is reconvened. When the bishop-elect accepts, if the House of Bishops is 'satisfied of his fitness', it takes steps to give effect to the election.

The Church of Scotland

The *Church of Scotland* adheres to the principle of the parity of ministers, and its hierarchy is one of courts rather than of individuals. There is therefore no office which is truly comparable to that of a diocesan bishop in the Church of England. Three types of office might be regarded by some as a form of 'advancement':

- parish charges with responsibility for former cathedrals; larger and more wealthy urban and suburban charges; charges with a tradition of outstanding preaching, mission or community involvement;

- membership or convenorship of the larger boards and agencies of the national church; very senior paid office (such as General Secretary of a large board);

- moderatorship of a presbytery (especially large presbyteries such as Edinburgh or Glasgow) or of the General Assembly.

The Moderator of the General Assembly for each year is nominated by a committee representative of all of the presbyteries and including some former Moderators. The election is confirmed at the opening session of the Assembly.

English non-episcopal churches

In the *Methodist Church*, it is the appointment of the chairman of a district which offers the closest parallel with that of a diocesan bishop. The nomination is made by a nomination committee consisting of the President of the Methodist Conference, five members from outside the district (from a list appointed annually by the Conference) and nine members from the district appointed by its synod on the nomination of the district policy committee. The policy committee prepares a brief statement of the needs and opportunities of the district, ecumenical partners are consulted, and the district members of the nomination committee may meet with the current chairman to gain a better understanding of the requirements of the office as he or she has experienced it.

The position is advertised, with an invitation to submit names to the Secretary of the Conference. Members of the nomination committee are also invited to submit names. Ministers may submit their own names. A two-sided proposal form is filled in by the proposer, and the Secretary of the Conference obtains references from the minister's chairman and circuit stewards. This information, together with the minister's date of birth, year of entry into the ministry and previous appointments are circulated to the nomination committee. Members of the committee may discuss the names among themselves or with others, but they are forbidden 'to enter into any agreement or give or imply any undertaking to promote the nomination of any individual'.

Names which come up in the course of the committee's discussions may also be considered. The committee may adjourn its proceedings, must ascertain before making a decision whether the ministers concerned would accept appointment, and is required to interview shortlisted candidates.

The nomination, supported by a reasoned statement, is put to a meeting of the district policy committee with the district members of the nomination

committee, and requires a simple majority of those present and voting. If this is not achieved, the nomination committee is reconvened.

If accepted, the nomination, with the reasoned statement, goes to the district synod. Any four members of the synod may propose another name, with a reasoned statement. The synod votes by ballot on the names proposed to it. The names, with the reasoned statements and the voting on them, go forward to the Conference as nominations. Any member of the Conference may add a further nomination. If there is more than one nomination, the Conference votes by ballot. A simple majority is required for designation as chairman. In the following year, the Secretary of the Conference proposes that the designation be confirmed, and if this is approved, the chairman takes up office.

The procedure followed for the extension of appointment of the chairman of a district is essentially the same, except that extension beyond six years requires a 60% majority in the synod and the Conference and extension beyond twelve years a 75% majority in each.

In the *United Reformed Church*, the nomination of a provincial moderator is made by a provincial moderator review group consisting of ten members (including the convener) appointed by the executive committee on the proposal of the nominations committee and ten members (including at least one from each of the district councils) appointed by the provincial synod or provincial executive. The General Secretary acts as secretary of the group. A profile of the area covered by the province is prepared and ecumenical partners are consulted.

Each district has the opportunity to suggest names or the priority regarding the gifts required, and these views are brought forward by its member of the group. Provincial moderators may also suggest names to the General Secretary, and members of the group may also bring forward names individually.

The group prepares a statement of priorities, considers all the names and selects one for interview, with reserves. The person first named is sent the statement of priorities and invited for interview. If he or she is not selected, the first reserve is invited for interview. For a candidate to be nominated, a majority of the provincial ten and a majority of the executive ten are required. The nomination goes to the executive committee or, if there is not time for this, direct to the General Assembly.

In the case of a reappointment, a provincial moderator review group is similarly constituted and considers whether to reappoint the moderator. The same majorities are required. If a decision is taken not to reappoint the serving moderator, the process for a new appointment is followed.

For the appointment of an area superintendent in the *Baptist Union*, a nominations group, consisting of eight members from the area and four from the Union, is established. Ecumenical partners are consulted and suggestions are sought, particularly from Baptist churches in the area. The group is free to add other names. Suggestions may be made without reference to the person concerned. The group nominates one name, currently to the Baptist Union Council, but from 1 January 2002 for a confirmatory vote by the churches of the area.

Notes

Chapter 1

1 'The Diocesan Bishop shall be appointed by the Archbishop of Canterbury, the Bishop of London and an episcopal member of the Standing Committee of the Anglican Consultative Council nominated by the Council, acting jointly after consultation with the standing committee of the diocesan synod. The Archbishop shall also consult the permanent members of the Crown Appointments Commission in such manner as he deems appropriate.' (The Diocese in Europe Constitution 1995, para. 6.)

2 *Report of the Crown Appointments Commission Review Group* (GS 706A), p. 26.

3 *Report of Proceedings*, xxix (1998), pp. 610–33.

4 *Working as One Body: Report of the Archbishops' Commission on the Organisation of the Church of England* (London, 1995), p. 4, para. 1.10.

5 See *Investors in People in the Church: The Introduction of the Investors Standard in Dioceses, Parishes and Cathedrals* (GS Misc 545, 1999).

6 *Standards in Public Life: First Report of the Committee on Standards in Public Life* (HMSO, 1995), vol. 1, p. 78, para. 59.

7 *Standards in Public Life*, p. 81.

8 *The Commissioner for Public Appointments' Guidance on Appointments to Public Bodies* (1998), p. 12, para. 2.27.

9 *The Commissioner for Public Appointments' Guidance on Appointments to Public Bodies*, p. 12, paras 2.28–29.

10 *Standards in Public Life. Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies: Fourth Report of the Committee on Standards in Public Life –* Chairman Lord Nolan (1997), p. 23, para. 71.

11 *Report of Proceedings*, xxix (1998), p. 617.

12 Cf. *The Porvoo Common Statement*, para. 32j, in *Together in Mission and Ministry* (GS 1083, 1993).

13 *The Alternative Service Book 1980:* Collect at the Ordination of a Bishop.

14 The Act in Restraint of Annates (25 Hen. 8 c. 20) is now known by this short title. Because before 1752 years began on 25 March, this act is sometimes cited with the date 1533. For the text, see Annex A to *The Election of Bishops. Motion by Canon Yates (Derby): Note by the Standing Committee* (GS Misc 522, 1998).

Chapter 2

1 *Servants and Shepherds. Developments in the Theory and Practice of Ministerial Review* (ABM Ministry Paper No. 1, 1998), paras 34–5.

2 *Servants and Shepherds*, paras 8–10. The term 'episcopal review' is commended as appropriate to describe a ministerial review which is 'carried out at the instigation of the bishop (even if he delegates that responsibility to a member of his staff, e.g. a suffragan or area bishop, or archdeacon)' (para. 8).

3 *Servants and Shepherds*, para. 14.

4 As at 31 December 1999 – *Statistics of Licensed Ministers* (GS Misc 616).

5 This figure is approximate, because in cathedral constitutions there is power to abolish or suspend canonries. Ad hoc enquiries would be needed in order to ascertain how many canonries are suspended at a given moment (*Senior Church Appointments* (GS 1019), p. 69).

Chapter 3

1 *Report of Proceedings*, xxix (1998), p. 617.

2 There is exemption from the subject information provisions of the Data Protection Act 1998 in respect of personal data processed for the purposes of assessing a person's suitability for an archbishopric, a diocesan or suffragan bishopric or a deanery – Data Protection (Crown Appointments) Order 2000 (SI 2000 No. 416).

3 Our comments in this paragraph refer to the existing situation, but we are aware that the Archbishop of Canterbury's role within the Anglican Communion is one of the matters covered by the Review of the See of Canterbury which is currently being conducted under the chairmanship of Lord Hurd of Westwell.

4 Again, our comments in this paragraph relate to the existing situation. We are aware that the Archbishop of Canterbury's role in the Diocese of Canterbury is also covered by the Review of the See of Canterbury.

5 Annex to GS Misc 455 (1995).

Chapter 4

1 All figures in this paragraph reflect the composition of the four who actually served on the CAC in each case. Some of the individuals concerned may have been appointed to replace an elected member who was unable to attend the CAC meeting.

Chapter 5

1 By contrast, some opponents of the Crown's role argue against any change to the Appointment of Bishops Act 1534 which falls short of removing the Crown from the process altogether. We do not agree.

2 See 'The Choosing of Bishops in the Early Church and in the Church of England: An Historical Survey' (pages 120–121).

3 See 'The Choosing of Bishops in the Early Church and in the Church of England: An Historical Survey' (pages 115–121).

4 F. Barlow, *The English Church 1000–1066: A Constitutional History*, London, 1963, p. 101.

5 Letter from Dr Frank Robson, then Registrar of the Province of Canterbury, 16 June 1999, quoting Lord Alverstone CJ in *R v The Archbishop of Canterbury and Another (1902) 2 K.B.503* and information from Lambeth Palace Library.

6 The Bishops of London (dean), Winchester (chancellor), Salisbury (precentor), Worcester (chaplain), Rochester (cross-bearer) and Lincoln (vice-chancellor). For the provincial chapter, see C. Wordsworth, *The Precedence of English Bishops and the Provincial Chapter*, Cambridge, 1906, esp. pp. 74–6.

7 Letter from Dr Frank Robson, then Registrar of the Province of Canterbury, 16 June 1999.

8 In the Northern Province, bishops are enthroned by the dean of their cathedral. In the Southern Province, bishops are enthroned by the Archdeacon of Canterbury. These two traditions serve to express the local and provincial elements respectively in the role and choosing of bishops.

Towards a theology of choosing bishops

1 *Episcopal Ministry: The Report of the Archbishops' Group on the Episcopate* (GS 944, 1990).

2 *The Eames Commission: Official Reports*, Toronto, 1994.

3 *The Truth Shall Make You Free: The Lambeth Conference 1988*, London, 1988, pp. 63f.

4 See further J. N. D. Kelly, *Early Christian Creeds*, Harlow, third edition, 1972, p. 341 and St Basil the Great, *On the Holy Spirit*, New York, 1980, pp. 86f.

5 *Working as One Body: The Report of the Archbishops' Commission on the Organisation of the Church of England*, London, 1995, pp. 4f.

6 See also J. T. Lienhard SJ, Ministry: *Message of the Fathers of the Church*, Wilmington, 1984, pp. 33ff.

7 C. Gore, *The Ministry of the Christian Church*, London, 1889, pp. 322f. The term is, of course, also found in the epistle to the Hebrews (13.7, 17).

8 See J. B. Lightfoot, *Commentary on St Paul's Epistle to the Philippians*, London, 1894.

9 A. Wessels, *Europe: Was it Ever Really Christian?*, London, 1994, pp. 55ff and M. J. Nazir-Ali, *From Everywhere to Everywhere*, London, 1990, pp. 22ff.

10 F. J. A. Hort, *The Christian Ecclesia*, London, 1914, p. 33 and C. K. Barrett, *The Gospel According to St John*, London, 1967, pp. 472f.

11 F. F. Bruce, *I and II Corinthians*, Grand Rapids, 1980, p. 194.

12 Lienhard, *Ministry*, pp. 17f.

13 See further *Episcopal Ministry*, p. 195, n. 52 and *The Truth Shall Make You Free*, pp. 61f.

14 *Episcopal Ministry*, p. 177 and pp. 157ff.

15 H. Chadwick, *The Early Church*, Harmondsworth, 1967, pp. 50f, 165f.

16 R. W. Southern, *The Church in the Middle Ages*, London, 1970, pp 187ff and W. O. Chadwick, *The Reformation*, 3rd revision, London, 1990, pp. 146f.

17 *Episcopal Ministry*, p. 224.

18 H. Chadwick, *The Early Church*, pp. 165f. See Canons 4 and 6 of Nicaea in P. Huillier, *The Church of the Ancient Councils: The Disciplinary Work of the First Four Ecumenical Councils*, New York, 1996, pp. 36ff.

19 *Episcopal Ministry*, pp. 39ff; *Together in Mission and Ministry: The Porvoo Common Statement with Essays on Church and Ministry in Northern Europe* (GS 1083, 1993), pp. 22ff; and J. Halliburton, 'Orders and Ordination', *Together in Mission and Ministry*, pp. 155ff.

The choosing of bishops in the Early Church and in the Church of England: an historical survey

1 This paper is solely concerned with diocesan bishops. In it, 'bishop' accordingly means 'diocesan bishop' unless otherwise stated.

2 H. Chadwick, *The Early Church*, Pelican History of the Church, London, 1967, pp. 50, 165–6; for the Canons of Nicaea, see J. Stevenson (ed.), *A New Eusebius*, London, 1968, pp. 358–64.

Notes

3 G. Dix, 'Ministry in the Early Church', in K. E. Kirk (ed.), *The Apostolic Ministry: Essays on the History and the Doctrine of Episcopacy*, London, 1946, p. 278.

4 H. Chadwick, 'Church Leadership in History and Theology' (1989) in *Senior Church Appointments* (GS 1089, 1992), pp. 78–80 and F. E. Brightman, Memorandum (1927) in *Interim Report of the Appointment of Bishops Committee* (CA 282, 1929), pp. 28–30.

5 Brightman, Memorandum (1927); R. L. Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office*, Princeton, New Jersey, 1968, p. 26.

6 W. Ullmann, 'Episcopal Elections and Political Manipulation', in G. Alberigo and A. Weiler (eds), *Election – Consensus – Reception: Concilium*, vol. 7, no. 8 (1972), pp. 80–4.

7 J. Gaudemet, 'From Election to Nomination', in P. Huizing and K. Walf (eds), *Electing Our Own Bishops: Concilium* (September 1980), pp. 11–12. See also Benson, *The Bishop-Elect*, pp. 27–31.

8 See J. Godfrey, *The Church in Anglo-Saxon England*, Cambridge, 1962, pp. 384–6, and H. R. Loyn, *The English Church, 940–1154*, Harlow, 2000, p. 4.

9 For this and what follows, see F. Barlow, *The English Church 1000–1066: A Constitutional History,* London, 1963, pp. 99–115.

10 Barlow, *The English Church*, p. 101.

11 'Ernennung und Wahl bilden keinen Gegensatz', quoted by Barlow, *The English Church*, p. 101.

12 C. Garbett, *Church and State in England*, London, 1950, p. 33.

13 V. Ortenberg, 'The Anglo-Saxon Church and the Papacy', in C. H. Lawrence (ed.), *The English Church and the Papacy in the Middle Ages*, Stroud, revised edn, 1999, p. 49.

14 R. W. Southern, *Western Society and the Church in the Middle Ages*, Pelican History of the Church, 1970, pp. 156–7.

15 F. Barlow, *The English Church, 1066–1154*, London, 1979, pp. 118–20.

16 Loyn, *The English Church, 940–1154*, p. 103.

17 C. R. Cheney, *From Becket to Langton: English Church Government 1170–1213*, Manchester, 1956, pp. 20–1, 93–5.

18 Brightman, Memorandum (1927), p. 32; A. H. Thompson, Memorandum (1927) in *Interim Report of the Appointment of Bishops Committee*, pp. 33–4.

19 See J. W. Legg, 'On the Three Ways of Canonical Election', in J. W. Legg, *Ecclesiological Essays*, London, 1905, pp. 59–88.

20 B. Schimmelpfennig, 'The Principle of the *Sanior Pars* in the Election of Bishops During the Middle Ages' in Huizing and Walf, *Electing Our Own Bishops*, pp. 16–23. Canon 24 of the Council said 'maior *vel* sanior pars', whereas the decretal of Innocent III in which it was embodied (X, i.6.42) said 'maior *et* sanior pars' (ibid., p. 21).

21 F. M. Powicke, *King Henry III and the Lord Edward*, vol. i, Oxford, 1947, p. 274.

22 E. F. Jacob (ed.), *The Register of Henry Chichele, Archbishop of Canterbury 1414–43,* Oxford, 1943, vol. i, p. lxxxix; Southern, *Western Society*, p. 158.

23 C. H. Lawrence, 'The Thirteenth Century', in Lawrence, (ed.) *The English Church and the Papacy in the Middle Ages*, p. 146.

24 For this and what follows, see W. A. Pantin, *The English Church in the Fourteenth Century*, Cambridge, 1955, pp. 54–7.

25 Thompson, Memorandum (1927), pp. 13–14.

26 The statute is named after the writ of *praemunire* (a corruption of *praemoneri*), so called from the words with which its operative part begins: 'Praemunire facies A.B.' – 'cause A.B. to be forewarned that he appear before us to answer the contempt with which he stands charged' (*Report of the Committee appointed to consider the penalties of Praemunire in relation to the appointment of Bishops* (CA 566, 1937), pp. 3, 10.

27 A. H. Thompson, *The English Clergy and their Organization in the Later Middle Ages*, Oxford, 1947, pp. 16, 23–4.

28 Jacob, *The Register of Henry Chichele*, vol. i, pp. lxxxix–xci.

29 The text of the relevant sections is printed as an Appendix to GS 517, which was in turn reprinted as an Annex to *The Election of Bishops: Motion by Canon Yates (Derby): Note by the Standing Committee* (GS Misc 522, 1998).

30 *The Canon Law of the Church of England*, London, 1947, p. 67. The procedure to be followed in the election of a bishop is governed by the Constitution *Quia propter* (see p.118 above) and that for the confirmation of an election by a constitution of Boniface VIII (VI, i.6.47). Of the three methods prescribed in the Constitution *Quia propter*, J. Wickham Legg reported in 1905 that '*quasi per inspirationem*' was then the usual method of electing English bishops, although 'p*er compromissum*' was used in London (Legg, 'On the Three Ways of Canonical Election', pp. 66, 76, 79).

31 S. F. Ollard, Memorandum (1929) in *Interim Report of the Appointment of Bishops Committee* (CA 282, 1929), p. 25.

32 For this and what follows, see *Report of the Joint Committee on Crown Nominations to Ecclesiastical Offices* (Convocation of Canterbury, no. 516, 1919), pp. 13–18.

33 B. Palmer, *High and Mitred: Prime Ministers as Bishop-Makers, 1837–1977*, London, 1992, p. 7. This book forms the basis for this section of the paper.

34 W. O. Chadwick, *The Victorian Church*, London, vol. i, third edition, 1971, p. 228.

35 Palmer, *High and Mitred*, pp. 49–50.

36 Quoted by Palmer, *High and Mitred*, p. 89.

37 Palmer, *High and Mitred*, pp. 30–35; S. M. Waddams, *Law, Politics and the Church of England: The Career of Stephen Lushington, 1782–1873*, Cambridge, 1992, pp. 304–7.

38 Palmer, *High and Mitred*, pp. 92–95.

39 Palmer, *High and Mitred*, pp. 138–40, 153–5, 160–1, 164–5.

40 An account of Davidson's involvement in episcopal appointments during this period is given in G. K. A. Bell, *Randall Davidson*, London, third edition, 1952, pp. 162–81.

41 Palmer, *High and Mitred*, pp. 139, 142.

42 Bell, *Randall Davidson*, pp. 1237–8. For Davidson's role in episcopal appointments during his archiepiscopate, see *ibid.*, pp. 1236–53.

43 Palmer, *High and Mitred*, pp. 214–20.

44 Palmer, *High and Mitred*, pp. 126–8.

45 Palmer, *High and Mitred*, pp. 169–74.

46 *Report of the Joint Committee on Crown Nominations to Ecclesiastical Offices*, p. 2.

47 *Report of the Joint Committee*, pp. 8–11.

48 *Crown Appointments and the Church* (The Howick Report), London, 1964, pp. 12–13.

49 *Interim Report of the Appointment of Bishops Committee* (CA 282, 1929), pp. 11–12.

50 *Crown Appointments and the Church*, p. 14.

51 *Church and State: Report of the Archbishops' Commission on the Relations Between Church and State* (2 vols) London, 1935, vol. ii, pp. 90–92.

52 Canterbury Convocation, no. 622, 1938.

53 *Crown Appointments and the Church*, p. 15.

54 *Report of the Committee appointed to consider the penalties of Praemunire in relation to the appointment of Bishops*; [draft] Praemunire (Appointment of Bishops) Abolition Measure (CA 580A, 1938).

55 Palmer, *High and Mitred*, p. 208.

56 Garbett, *Church and State in England*, p. 193.

57 Palmer, *High and Mitred*, p. 236.

58 *High and Mitred*, p. 230.

59 *High and Mitred*, pp. 248–50, 255.

60 *Church and State, being the Report of a Commission appointed by the Church Assembly in June, 1949*, London, 1952, pp. 34–48, 64.

61 *Crown Appointments and the Church*, p. 18.

62 Palmer, *High and Mitred*, p. 260.

63 *Crown Appointments and the Church*, pp. 18–19.

64 *Crown Appointments and the Church*, pp. 46–53.

65 *Crown Appointments: Further Report by the Standing Committee* (GS 313, 1976), p. 17.

66 *Report of the Crown Appointments Continuation Committee* (CA 1545, 1965), pp. 4–6.

67 *Crown Appointments: A Report by the Standing Committee* (CA 1550, 1965), pp. 2–4.

68 *Church and State: Report of the Archbishops' Commission*, London, 1970, pp. 32–43. Among the five who supported Proposal B was the future Secretary-General of the General Synod W. D. (later the Revd Sir Derek) Pattinson.

69 *Crown Appointments: A Report by the Standing Committee* (GS 210, 1974), p. 1.

70 V. Bogdanor, *The Monarchy and the Constitution*, Oxford, 1995, p. 227. Norman Doe points out that the duty to follow ministerial advice classically applies to the exercise of prerogative power, that the monarch's power to appoint is derived from statute, and thus technically not a prerogative power but a statutory one, and that a convention fettering the use of a statutory power would arguably be illegal (N. Doe, *The Legal Framework of the Church of England*, Oxford, 1966, p. 166, n. 35).

71 K. Rose, *Kings, Queens and Courtiers*, 1992, p. 92 quoted by Bogdanor, *The Monarchy and the Constitution*, p. 72.

72 Palmer, *High and Mitred*, 253.

73 W. O. Chadwick, *Michael Ramsey: A Life*, Oxford, 1991, p. 142, cf. pp. 380f.

74 Chadwick, *Michael Ramsey*, pp. 135–8.

75 A. M. Ramsey, *Canterbury Pilgrim*, London, 1974, pp. 182–3.

76 Palmer, *High and Mitred*, p. 256.

77 Chadwick, *Michael Ramsey*, pp. 139–41.

78 Palmer, *High and Mitred*, p. 266.

79 Chadwick, *Michael Ramsey*, p. 141.

80 Palmer, *High and Mitred*, p. 273; Chadwick, *Michael Ramsey*, p. 133.

81 *Crown Appointments: Report by the Standing Committee* (GS 304, 1976).

82 *Report of Proceedings*, vol. 7 (1976), p. 761.

83 *Report of Proceedings*, vol. 7, pp. 1452–99, cf. *Crown Appointments: Further Report by the Standing Committee; Report of Proceedings* vol. 8 (1977), pp. 18–64, cf. *Twelfth Report of the Standing Orders Committee* (GS 321, 321A, 321B, 1977) and *Vacancy in See Committees Regulation 1977* (GS 323, 1977).

84 Palmer, *High and Mitred*, pp. 275–6.

Glossary

capitular election   election by the chapter (Latin '*capitulum*') of the cathedral

college of canons   the cathedral body, established pursuant to the Cathedrals Measure 1999, which consists of the dean, the suffragan bishops, full-time assistant bishops and archdeacons of the diocese, and the canons of the cathedral. The Measure provides that the college of canons shall perform the functions conferred on the dean and chapter by the Appointment of Bishops Act. It requires that the constitution of every cathedral shall contain provision enabling lay canons to be appointed.

congé d'élire   French: 'permission to elect'. A licence from the Crown to proceed to the election of a diocesan bishop.

homage   formal public acknowledgement of feudal allegiance to the Sovereign

metropolitan   a bishop who has jurisdiction over an ecclesiastical province and its bishops. In the Church of England, the two archbishops are the metropolitans of their respective provinces.

metropolitical church   the cathedral church of the metropolitan: in the Church of England, Canterbury Cathedral and York Minster

nolo episcopari   (Latin) literally, 'I do not wish to be a bishop'

praemunire   the title of statutes of 1353, 1365 and 1393 designed to protect rights claimed by the English Crown against encroachment by the papacy. They were named after the writ of *praemunire* (a corruption of *praemoneri*), so called from the words with which its operative part began: 'Praemunire facies AB' – 'cause AB to be forewarned . . . '. The 'pains and penalties' to which those guilty of offences under the statutes of *praemunire* were liable were that they would be put outside the King's protection, their lands

and property would be forfeit to the King, and they would be imprisoned during the King's pleasure. The Statutes of Praemunire, including the 'pains and penalties of *praemunire*', were repealed in 1967.

primate(s) historically, the chief bishop(s) of a single nation or people. England has two primates: the Archbishop of Canterbury is styled 'Primate of All England' and the Archbishop of York 'Primate of England'.

province a group of dioceses forming an ecclesiastical unit. The Church of England covers two provinces: the Province of Canterbury and the Province of York.

spiritualities the spiritual jurisdiction over the diocese. During the vacancy of a diocesan bishopric, the Archbishop of the Province is the guardian of the spiritualities – usually the retiring bishop delegates most of his functions by instrument to a person in the diocese who is in episcopal orders. During the vacancy of an archbishopric, the guardianship of the spiritualities belongs to the chapter of the metropolitical church* of the province. The spiritualities are restored to the bishop or archbishop when his election is confirmed.

temporalities the properties and revenues of a religious corporation or ecclesiastic. During the vacancy of a bishopric, the Sovereign is the guardian and custodian of the temporalities. The temporalities are restored to the bishop after he has done homage. (Episcopal residences and estates having been vested in the Church Commissioners, the only temporalities which are now administered by the Crown during a vacancy in see are the patronage of livings of which the bishop is patron by virtue of his see.)

title an ecclesiastical office, appointment to which qualifies someone for ordination (see Canon C 5, para. 1)

translation the transference of a bishop from one see to another

Index

Note: Page references in *italics* indicate Glossary entries. Unless specified otherwise, throughout the index 'bishop' indicates a diocesan bishop.