

The Shape of Things to Come
Papers from the Society's 2002 Day Conference

WHO WANTS A SEE?

SHEILA CAMERON QC
Dean of the Arches and Auditor
*Vicar General of the Province of Canterbury*¹

INTRODUCTION

On 7 July 1990 the chairman of the Dioceses Commission² told the General Synod that the sixteen members of the Commission were united in a 'feeling of frustration' about the difficulties arising from the provisions of the Dioceses Measure 1978. He said that the 48-page Report entitled *The Dioceses Measure 1978, a Review* (GS 925) put before the General Synod by the Commission was 'a genuine *cri de coeur*'. This Report analysed the problems and suggested solutions with the obvious aim of obtaining some assistance from the General Synod in response to the *cri de coeur*.

The Report summarised the difficulties experienced by the Commission during the first twelve years of its existence under two broad headings:

- '(a) lack of powers of genuine initiative and decision, particularly in the matter of diocesan boundaries and reorganisation;
- (b) lack of guidance on certain crucial matters of basic principle, chiefly in the theological matter of the *raison d'être* and functions of suffragan bishops'.³

Despite the clarity of the Report and the number of speeches made in the debate, the chairman did not even obtain the guidance which he sought in general terms, far less any indication that the Synod supported amending legislation along the lines recommended in the Report.⁴ He asked for:

- 'a clear decision now, endorsing the concept of areas, that would be a bonus for which we might just hope;
- firm guidance on the theological—or should it really be ecclesiological?—basis for suffragan bishops,
- or guidance on the administrative case for suffragan bishops, setting aside the theological or ecclesiological ones'.⁵

The House of Bishops, through the Archbishop of York (Dr John Habgood), expressed sympathy for the difficulties under which the Commission had been labouring, but said that it was premature for the Commission's changes to go forward 'without a further round of discussions'.⁶ The amendment moved by Dr Habgood referred to bringing forward proposals for amending legislation 'in due course'. Although concern was expressed in the debate about these words (which are often used as a conveniently ambiguous formula for procrastination!), the chairman

¹ This paper was delivered at the Ecclesiastical Law Society Day Conference on 9 March 2002.

² Then Mr J R Bradshaw, later succeeded by Mr Brian Sandford.

³ GS 925, para 9.

⁴ GS 925, para 55.

⁵ GS Report of Proceedings, 7 July 1990, p 541.

⁶ *Ibid.*

of the Commission somewhat generously treated the Archbishop's speech as recognising a need for urgency and accepted the amendment, which not surprisingly was carried by the Synod.

Here we are now, a further twelve years on from 1990, with the *cri de coeur* still unanswered. As a statutory body the Commission has continued in existence, but has met infrequently due to lack of business. It has continued to draw attention to the need for a review of the 1978 Measure,⁷ as requested in GS 925. At long last this is taking place.

ISSUES RAISED BY THE DIOCESES COMMISSION

So what is there to be said in relation to the areas identified by the Dioceses Commission on which they said there was a lack of powers vested in them and a lack of guidance as to matters of basic principle in relation to suffragan bishops?

Lack of powers

One of the purposes for which the Dioceses Measure 1978 was passed, as appears from its long title, was 'to make provision for enabling alterations to be made in the diocesan structure of the provinces of Canterbury and York'. It was a calculated decision on the part of the General Synod to establish a new statutory body, the Dioceses Commission, to deal in terms of advice and procedure with 'reorganisation schemes'. A proposal to give such a role to the Church Commissioners was rejected.⁸

The purposes for which a reorganisation scheme could, and can, be made under the Measure range (in reverse order to that in the section) from transferring a diocese from one province to another to the creation of a new bishopric with a diocese constituted from existing dioceses. These purposes have to be seen against the general advisory function of the Commission, namely 'to advise on matters affecting the diocesan structure of the provinces of Canterbury and York or on the action which might be taken under this Measure to improve the episcopal oversight of any diocese therein or the administration of its affairs'.⁹ Such advice can only be given if the Commission is instructed by the General Synod, the Standing Committee, or the House of Bishops, to do so.¹⁰

The Measure is predicated upon an assumption that those who will be directly affected by any alteration in diocesan structure, namely diocesan bishops, will be willing initiators of possible alterations. The power of the Commission to make a reorganisation scheme is entirely dependent upon an application from the bishop of a diocese (or each bishop of each diocese affected by a proposal) after consultation with the diocesan synod (or synods) concerned.¹¹

As GS 925 pointed out in 1990:

'This legislative framework discourages action. No change may be made unless the person affected by change asks for it'.¹²

⁷ See e.g. GS 1286 Annual Report 1997, and GS Misc 636 Annual Report 2000.

⁸ GS 925, para. 3.

⁹ Dioceses Measure 1978, s 2(1).

¹⁰ *Ibid.* s 2(1).

¹¹ *Ibid.* s 4 (1)–(3).

¹² GS 925, para. 23.

The restrictive effect of the legislation was recognised in the debate in General Synod on GS 925. The Chairman, Mr Bradshaw, put the matter sympathetically so far as bishops are concerned:

‘The amount of consultation involved, in accordance with prevailing fashion—in other words, piles of paper and a massive number of meetings—is bound to be a distraction from preaching the Gospel and giving spiritual leadership to a diocese; and rooted opposition to change on the part of people in the parishes and the deaneries is part of their human condition’.¹³

A more robust view was expressed by Canon Derek Gibbs (who had by then served on the Commission for the twelve years of its existence):

‘The bishops, lovely men though they are, and devoted Episcopalians though we are, are robber barons with dioceses, are they not? They are not going to give up anything!’¹⁴

Amusing as Canon Gibbs was, I do not for a moment accept that ‘robber barons’ can be treated as anything other than synodical rhetoric. A serious point does, however, underlie what both he and the chairman were saying. A diocesan bishop is chosen for a particular geographical area, a diocese. The whole process of election, confirmation of election, and enthronement emphasises his relationship with this area. To the new bishop is committed the care, government and administration of the spirituals of the diocese and he is inducted into ‘the real actual and corporal possession of the said bishopric and of all its rights dignities honours privileges and appurtenances whatsoever’.¹⁵ The baronial element exists because of the act of homage to the Queen, but sadly, there are no longer any castles, manors and other revenues annexed to the See to pass to the bishop!

A diocesan bishop is the symbol and representative of the Christian family which constitutes the diocese.¹⁶ How could we really have expected that he would initiate proposals to dispose of part of his Christian family to a brother bishop, or to swap areas, or to agree to a dissolution of his diocese?

With hindsight I suggest that the provisions of the Dioceses Measure 1978 were unrealistic in terms of an expectation that a bishop would initiate proposals which could result in amputation or, at its most extreme, suicide. Only if the Measure had been accompanied by a new approach to the concept of diocesan boundaries, including an alteration in the emphasis on the diocese at the time of appointment of a bishop, would the reorganisation provisions have had any chance of being implemented in the manner apparently envisaged at the time.

The principle of having a system for reorganisation if it is ‘to improve the episcopal oversight of any diocese ... or the administration of its affairs’ was not challenged in the debate in General Synod in 1990.¹⁷ Some concern was expressed about the Dioceses Commission as an outside body initiating proposals for change, but it was, in my view, correctly retaliated that what was described as ‘local creativity’ was no

¹³ GS Report of Proceedings 7 July 1990, pp 539–540.

¹⁴ *Ibid.* p 550.

¹⁵ Words of the sentence used at the confirmation of election of the diocesan bishop by the Vicar General of the Province.

¹⁶ See *Episcopal Ministry: The Report of the Archbishops’ Group on the Episcopate 1990*, at para 389.

¹⁷ GS Report of Proceedings 7 July 1990, p 554.

more likely to produce new structures than diocesan vested interests. The then Bishop of Manchester admitted that there were 'some crazy boundaries in the Church of England at present'.¹⁸

The Commission prayed in aid the various Boundary Commissions in the secular sphere as models for the kind of independent reviewing process and ability to make proposals for boundary changes which the Commission wished to replicate. Having myself been a Parliamentary Boundary Commissioner for England, I can confirm that the role of the Boundary Commission, as independent arbiter of boundary changes for electoral purposes, is generally accepted, because there is written into the process a mandatory requirement to consider all representations. It is never possible to obtain unanimity in relation to any changes, parliamentary boundaries, or any other boundaries, so that if this model is to be followed in principle, if not in every detail, it is essential that the Dioceses Commission should be able to recommend, and the General Synod to approve, reorganisation schemes notwithstanding an element of opposition.

The Commission's *cri de coeur* was heard and commented upon in the Turnbull Report *Working as One Body*. In the light of the Commission's inability to take any strategic view on matters of diocesan organisation, such as the alteration of diocesan boundaries, or the creation or abolition of diocesan or suffragan Sees, and the inability to initiate proposals, the Turnbull Commission recommended that these issues should be reviewed:

'with a view to encouraging more pro-active and strategic consideration of these aspects of the organisation of the Church'.¹⁹

Seven years on from Turnbull, and nearly twelve years on from the original *cri de coeur*, the time must be ripe to give the Dioceses Commission the role which it has advocated and which was implicit in the long title to the Measure, but not carried through effectively in the sections of the Measure.

The Commission was still tentative in 1990 in relation to its role in initiating a review, suggesting that it should itself have the initiative *only*:

- '(i) in the case of a review affecting only one diocese, at the instigation of the bishop of that diocese;
- (ii) in the case of a review affecting two or more dioceses, only after the bishops of all those dioceses had been consulted'.

It seems obvious that these criteria would simply perpetuate the problem I have already discussed, and would not give the Commission the powers which it should have. After all, we must trust the Commission to go about its work in a sensible way as it has done in the past, consulting and listening to representations with the ultimate sanction being the scrutiny of its proposals by the General Synod.

There is, therefore, a strong case for restructuring the role of the Dioceses Commission and giving it effective powers by amending the Dioceses Measure 1978. I suggest that there should be no provision imposing what is a burden on the bishop, namely to instigate a review, and, equally, that the bishop should have no right of veto. As every diocesan bishop would admit, the diocese and its family is a concept not

¹⁸ *Ibid.* p 559.

¹⁹ *Working as One Body*, para 10.16.

dependent upon his personal term of office, so his consent should not be an essential part of the process. Otherwise Bishop B, who happens to be in office, could veto a proposal perceived objectively to be in the long term interest of his diocese, and one which his predecessor Bishop A would have supported. Do the Commission and the diocese have to wait for his successor Bishop C (or Bishop D) and repeat the whole process in order to secure episcopal consent, quite apart from the delay in implementation?

To continue as before would be to perpetuate the fetter upon changes even to 'crazy boundaries' and inhibit any more drastic rationalisation. The bishop's views must, of course, be given due weight, and in some instances they may be so weighty that the Commission or the General Synod will not proceed with a reorganisation scheme. That is very different from giving one who happens to hold office at a particular time a determinative role on such issues in a synodical Church. It follows, in my view, that the diocesan synod should also not have a power of veto by being able to withhold consent, and section 6 of the 1978 Measure should be amended to terminate this power.

Lack of Guidance as to Suffragan Bishops

The second part of the *cri de coeur* of the Dioceses Commission was the lack of guidance 'in the theological matter of the *raison d'être* and functions of suffragan bishops'.

It is well known that part of the Dioceses Measure 1978 originated in concern about a seemingly random proliferation of suffragan Sees. It was thought that the Church at large through the General Synod, and advised by the Dioceses Commission, should have a regulatory role.

The figures have been well publicised, but I remind you that in 1928 there were 26 suffragans to 43 diocesan bishops. In 1947 there were 41 suffragans and in 2002 there are 66 suffragans. The last new suffragan See (Brixworth) was created in 1989, so the position has been static since then. However, since 1989 England has been unique in having a third as many suffragan as diocesan bishops. Is it surprising that the Dioceses Commission, in effect, asked 'Is this all right? Do we know why we are going along this route instead of creating more dioceses?'

From the Commission's perspective, 'Until the position of the suffragan bishop is established, laid down and accepted, the Commission has no guiding principles on which to base its decisions'.²⁰

At the time of GS 925 (May 1990), the Report of the Archbishops' Group on the Episcopate was awaited (it was published in November 1990). This Group had been asked to reflect on the role of the suffragan bishop as well as upon the highly contentious issue of the ordination of women to the episcopate. I draw attention to some important points made in chapter 11 of this Report, which are fundamental to the thought process of the Group on this topic. They are as follows:

- (a) 'We recognise from the outset that in every English diocese there is a clear understanding expressed in Canon Law (Canon C 18) that there is a single Episcopal head. The diocesan bishop is the chief pastor and has jurisdiction within and over his diocese'.²¹

²⁰ GS 925, para 39.

²¹ *Episcopal Ministry: The Report of the Archbishops' Group on the Episcopate 1990*, para 390.

(b) 'There is always a tension in the Church's life between developed theological principle and the meeting of practical needs which sometimes seems to run ahead of the theology, and has to be explained and justified *ex post facto*. This is the case with the present system of suffragan bishops in the Church of England and their equivalents in other Episcopal churches'.²²

(c) 'The early idea that every bishop holds within himself the totality of the office would be fulfilled through the creation of a large number of small dioceses each presided over by one bishop. Such a development would represent a return to what is judged to be a primitive model. It would have the advantage of providing a pattern of Episcopal oversight which is free of anomalies. But the "theological purity" would be purchased at the expense of the various practical disadvantages...' (outlined in the chapter).²³

(d) 'suffragan bishops, in their contemporary ministry, may be seen as exemplifying the adaptability and variety of the ways in which the needs of God's people are met by the Church's ministry. Pastoral need created and has sustained the office in the Church, without its presence threatening the personal character of the episcopate of the diocesan. The diocesan exemplifies in his own person and at the highest level the principle that all ministry in the Church is shared. He shares with the suffragan the Episcopal presence in the diocese. Yet we believe that it is of the greatest importance to ensure that a suffragan's ministry is seen as authentic in its own right, a ministry to which the Church may well feel that a bishop will often have a permanent calling'.²⁴

The Group examined three ways in which the ministry of the suffragan bishop could be envisaged in the Church of England. First, as an extension of the concept of collegiality to a category of episcopal collegiality between the diocesan and his suffragan bishops within the diocese. Secondly, the pragmatic solution of an area system, and thirdly, a perception of the suffragan or area bishop in relation to his diocesan as his specifically episcopal representative or 'vicar'.

The Group was divided as to how far the concept of collegiality within a diocese could be carried, because it could be perceived as a departure in principle from the norm of monoepiscopacy.²⁵ The area system could be justified in large and numerically significant dioceses on the basis that formal recognition is given to the status of a suffragan as a bishop whilst at the same time retaining the overall leadership of the diocesan in the mission of the Church within and beyond the diocese.²⁶ However, the Group preferred the model whereby the suffragan is recognised as exercising a representative ministry in specified episcopal matters. In so doing he is to be seen as exercising a personal episcopate which the diocesan bishop shares with all his presbyters.

It will be obvious that the Group had some difficulty with the *ex post facto* theological explanation of suffragans. However, any further attempt to tackle the subject has not been regarded as a matter of urgency. The House of Bishops' Theological Group identified it as one of three issues needing further consideration following the Synod debate on the Group's Report on *Episcopal Ministry*. That debate took place in January 1991. In the meantime there have been retirements and new appointments of successor suffragan bishops, and the ministry of suffragans has continued to be experienced and, I believe, valued within the dioceses for a further eleven years.

²² *Ibid.* para 401.

²³ *Ibid.* para 432.

²⁴ *Ibid.* para 455.

²⁵ *Ibid.* para 437.

²⁶ *Ibid.* para 445.

It might have been hoped that, when the House of Bishops explored the subject of collegiality, some helpful observation on collegiality in relation to suffragans would have been forthcoming by way of development of the theme in the 1990 Report on *Episcopal Ministry*. However, *Bishops in Communion*, published in 2000, once again encountered the difficulty of fitting the suffragans into a concept designed essentially for monoepiscopacy. In considering collegiality in terms of membership of the House of Bishops the authors identified the problem that if bishops

‘by virtue of consecration share a ministry of collegiality then all suffragan bishops should be members of the House, not simply a few elected suffragans. Alternatively, if membership were restricted to bishops exercising jurisdiction then that left the anomaly of area bishops who exercise a measure of delegated jurisdiction’.²⁷

So a firmly stated theological rationalisation seemed to be as elusive as ever. The good news is that another attempt has been made very recently. I have been privileged to see the draft of a report on Suffragan Bishops produced by a working party for the Northwest Bishops Regional Group. The Chairman, the Rt Revd Martyn Jarrett, Suffragan Bishop of Beverley, has kindly given me permission to refer to this document so that you can be kept up to date.

The working party comprised five bishops, each of whom either was or had been a suffragan bishop.²⁸ They were, therefore, conversant with and sensitive to the implications of service in the Church as a suffragan. In secular life the task of self-assessment is commonly imposed on employees. Placing the responsibility for self-justification upon suffragans has an air of similarity to the secular approach! Irrespective of any intention to set a challenge before these bishops, it was undoubtedly a challenge in reality.

In my view the Report is a fair and carefully reasoned document. It traces the historical development of suffragan bishops from the early days of the Church, and draws attention to the extensive use of suffragans in the Anglican Communion and the existence of auxiliary,²⁹ or titular,³⁰ bishops in other Episcopal churches. It goes on to comment on the theological models in the 1990 Report on *Episcopal Ministry*.

Perhaps not surprisingly, the Working Party is not happy with the third model, the concept of the suffragan as the episcopal representative or vicar, because it is regarded as being ‘designed to assert the authority of the diocesan and to keep the suffragan firmly in his place’.

The second model, the area system, is commended:

‘when carefully devised and reflectively employed, it can promote a fuller expression of unity in depth and diversity’.

A caveat is added that the diocesan’s ministry ‘can often be most fully developed if he does not have an area of his own as this can minimise his presence within the whole of the diocese’. On this matter there is agreement between the Working Party and the

²⁷ *Bishops in Communion: Collegiality in the Service of Koinonia of the Church*, p 41.

²⁸ The Suffragan Bishops of Beverley and Bolton; the retired Bishop of Carlisle (formerly Suffragan Bishop of Lancaster); the Dean of Liverpool (formerly Suffragan Bishop of Dudley), and the Bishop of Ripon and Leeds (formerly Suffragan Bishop of Warrington).

²⁹ Roman Catholic Church.

³⁰ Greek Orthodox Church.

views of the Group on Episcopal Ministry. It should be noted here that of the seven dioceses with formal area schemes in existence the first four³¹ retained an area for the diocesan bishop, whereas the mould was broken for the next three³² with the diocese being divided into areas without any portion retained for the diocesan.

As to the first model, a theology of Episcopal collegiality of the diocesan and suffragan bishops, the Working Party has a robust defence of this approach. They agree with the Group that collegiality refers to the sharing by bishops both provincially and universally with their fellow bishops but go on to say that 'we see its use within the diocese as a valid development within the tradition'.

Tellingly, they illustrate their argument by quoting Dr Anthony Russell's sermon on his enthronement as Bishop of Ely. When speaking of the ministry he shares with the suffragan Bishop of Huntingdon he said, 'Episcopacy in this diocese is a single function performed by two people'. Under such a collegial understanding, says the Working Party,

'the ministry of the bishop as a focus of unity involves the diocesan bishop operating collegially with his suffragans in such a way that the quality of unity in plurality is demonstrated within the episcopal ministry of the diocese as it acts as a sign of this unity for the whole of the diocese'.

I have spent some time examining theological views, because in responding to the Dioceses Commission's *cri de coeur* for the purpose of the current review, we are concerned with both law and theology. In drawing the threads together I make the following points:

- 1 The custom of having suffragans was recognised in the Suffragan Bishops Act 1534, that is, an existing custom was given statutory force. The statutory purpose was for facilitating ministry. In the old language the Act said suffragans were 'for the more speedy administration of the sacraments and other good wholesome and devout things and laudable ceremonies, to the increase of God's honour and for the commodity of good and devout people'.
- 2 The fact that in the 20th century there was a rapid increase in the number of suffragans has no bearing on the legality of creating suffragans in accordance with this statutory custom. There is, in addition, a long standing general practice of having suffragans, both pre- and post the Reformation in England, and in the past and at the present day in other churches.
- 3 In looking at the role of the suffragan in relation to the diocesan I believe that we have tended to attach too much importance to the jurisdictional role of the diocesan instead of recognising that there has now been a long process of reception by the people (going back at least to the revival of suffragans in 1870, if not before) of shared episcopal ministry in a diocese of the Church of England.
- 4 As the Group on Episcopal Ministry commented in 1990, the shared ministry exemplifies the way in which the needs of God's people are met by the Church at the present day. The ministry of suffragans needs now to be publicly affirmed by the laity, if tacit recognition has not already been enough to demonstrate their full acceptance of it.

³¹ London, Oxford, Salisbury and Chichester.

³² Chelmsford, Lichfield and Southwark.

- 5 There is no evidence that suffragans are seeking to usurp their diocesans' functions. It is becoming commonplace to refer to their distinctive ministry. For example, the Second Report to the General Synod by the Follow-Up Group on the Review of Synodical Government (GS 1412) stated in 2001 that:

'as a numerically significant body of senior clergy, they have interests and perspectives on issues which include the concerns of the dioceses in which they serve, the wider concerns of the college of bishops, and their own distinctive perspective as a body of bishops suffragan. To exclude suffragans altogether from synodical representation would be to disenfranchise a significant group in the Church'.

- 6 The Working Party on Suffragan Bishops emphasised that the suffragans are archetypically 'helpers' of the people of God, in their preaching the Word of God, presiding at the Eucharist, carrying through Christian initiation in Baptism and Confirmation and ordaining ministers to continue the ordained ministry. In their freedom from the responsibilities of the Ordinary, 'they have time to get to know the people of God, and to be known by them, and to share that knowledge with a diocesan bishop as they share together in the ministry of oversight within a diocese'. I commend this as a clear statement of valuable ministry in our Church.
- 7 It would cause an enormous upheaval to change the present perfectly lawful arrangements for episcopal ministry within a diocese to try to achieve the theoretical theological purity of one bishop per diocese. That does not mean that diocesan boundaries may not be altered for re-organisational reasons, as I have already argued, but there is no justification for contemplating wholesale termination of the distinctive ministry of the suffragan bishop.
- 8 Whilst the present power in section 11 of the Dioceses Measure 1978 to make a scheme dividing a diocese into areas should be retained, there is, I suggest, a strong case for deleting the power to permit a diocesan bishop to keep an area for himself. This is to ensure that no misconception is created about his role. Keeping part of the geographical area for himself could be seen as exercising some preference for the people of that area and an under-valuing of the rest of the diocese. The visibility of the Church at local level is exemplified by the defined extent of the diocese at a particular time. The bishop of the diocese should continue to be identified as chief pastor within the whole of that area.

DESPERATE MEASURES

THE RT REVD PETE BROADBENT
*Bishop of Willesden*¹

I want to suggest that, for possibly the first time since the Second World War, we have a genuine opportunity for the Church of England to reform its mission and pastoral coverage, and its institutions, for good and for the furtherance of the Kingdom of God. Our changing culture is the main context for this reform, but it is being made possible by two external drivers—the financial meltdown which is currently taking place at national and diocesan level, and the decline in clergy numbers which has forced the Church *at last* to embrace the new patterns of ministerial priesthood and

¹ This paper was delivered at the Ecclesiastical Law Society Day Conference on 9 March 2002.