

THE FUTURE OF SYNODICAL GOVERNMENT IN THE CHURCH OF ENGLAND

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1. INTRODUCTION

Synodical Government in the Church of England was inaugurated on 4 November 1970 with the following declaration by Her Majesty the Queen:

'Your Graces: The Convocations of Canterbury and York, duly called together in obedience to our Royal Writs, are on this day joined together in accordance with the Synodical Government Measure 1969 and the House of Laity is added to them in accordance with that Measure, so as to constitute the General Synod of the Church of England.¹

Whilst the impression may have been gained by some that the General Synod was an entirely new creation come into being on that autumn day in 1970, close consideration of the text of the declaration would have indicated otherwise. The declaration referred to the historic Convocations which were revived in the mid nineteenth century. The assiduous student of the declaration would also have consulted the Synodical Government Measure 1969² and discovered that the General Synod was the renamed and reconstituted Church Assembly (section 2) and that it had been vested with the functions and authority of the Convocations (section 1).

Thus behind the new General Synod was a substantial history, the history of the revival of the Convocations and of the later constitution of the Church Assembly in 1919 and the unique grant to the Assembly of delegated primary legislative powers in the Church of England Assembly (Powers) Act 1919.³ The reader who wishes to follow up this history is advised to consult *Synodical Government 1970-1990 The Firsty Twenty Years*⁴ and the Address by Mr O. W. H. Clark CBE and the speeches by Professor David McClean DCL given on the Centenary of the House of Laity in 1986.⁵

Nevertheless the arrival of the General Synod excited considerable optimism and interest, which is reflected in the speeches given at the Opening Ceremony in 1970 inter alia by several ecumenical guests including the Cardinal Archbishop of Westminster, H. E. Cardinal John Heenan, and in the sermon given by the Dean of Westminster.⁶ In his sermon, the Dean affirmed the faith that '. . . Synodical Government is a truer notion and a truer style of Christian assembly than the forms of church government we have had before. If the Synod, by its very existence and its form, is closer to the will of God and a readier instrument of the Holy Spirit, this is a great gain. . .'. He urged the new Synod to resist cynicism about all forms of Christian assembly and expressed the hope that

1. General Synod Report of Proceedings ("Report") Vol. 1 pp. 3 and 4.

2. 1969 no. 2.

3. 9 and 10 Geo 5, c 76.

4. A discussion paper issued on behalf of the Standing Committee of the General Synod. GS Misc 344 paragraphs 3-9.

5. House of Laity of the General Synod *The Centenary of Lay Participation 1986*. Mr Clark's address is at pp. 51-64. Professor McClean's speeches are at pp. 3-7 and 65-68.

6. Report Vol. 1 pp. 1-11.

members would make a real effort to develop close personal relationships 'right across the differences of "party" and tradition'. He also asked whether a slavish imitation of a parliamentary model was the best pattern for a Christian assembly and exhorted the Synod to adopt a new style of working together, with a determination to put the first things of the Gospel first. The Dean had in mind the old Church Assembly. He concluded by asking for God's blessing as the members set out on their synodical adventure. '... May it very often be possible for you to say at the end of your deliberations – "It seemed good to the Holy Spirit and to us. . ."'.

There is a certain quaintness in those early expressions of hope in the new Synod given the oft repeated criticisms of the body in the past two decades. These were summarised by Mr Clark in paragraph 3 of the twenty eighth Report of the Synod's Standing Orders Committee in 1990.⁷

'Synod-bashing' has become a well-established pastime. Back in 1972, Bishop Mervyn Stockwood did not hesitate to write of the General Synod: 'as a disaster, a playground for bureaucrats and bores'⁸ and as recently as 13 April last [1990] there appeared in *The Times* a letter from a notable former member of the Lower House of the Convocation of Canterbury,⁹ which referred to 'that unconscionable body, the General Synod . . . with its penchant for doing harm'. Many indeed have commented adversely on particular aspects of the Synod's procedures and to a number of these we [the Standing Orders Committee] have sought to respond in this report. In 1986 there appeared *The Synod of Westminster: Do we need it?* (ed. P. Moore),¹⁰ to which nine eminent churchmen, including five members or ex-members of the General Synod, contributed. According to its accompanying publicity material it expected to find: 'a very ready response from the growing number of Church people who believe that the Synod is top-heavy, remote, unrepresentative and an expensive luxury'.

2. REVIEW OF SYNODICAL GOVERNMENT

It is in part because of the climate of opinion summarised by Mr Clark in the twenty eighth Report of the Standing Orders Committee that the Standing Committee of the General Synod of 1985-1990 recommended to the Synod that there should be a Review of Synodical Government, to take stock after the first two decades of the operation of the synodical system. Reference has been made above to the discussion paper issued on behalf of the Standing Committee in 1990.⁴ This was issued in the hope that it would be used as the basis of a wide-ranging debate throughout the Church so that in due course the Review would benefit from considered opinions (see paragraph 18 of the paper). In the event the present Standing Committee decided that the Review would not get underway before 1993. Dioceses were asked to submit their views on the key issues the Review should address and the Standing Committee subsequently considered these submissions. On 29 April, 1993 the terms of reference were announced. The review is to focus on the following areas:

- (i) the rationale and effectiveness of Synodical Government, both locally and nationally,
- (ii) the composition of Synods and the system of election to them,
- (iii) the way Synodical Government operates (covering its style and procedure),
- (iv) communication between the different levels and with Parliament.

7. GS 929.

8. Quoted by Bishop Ronald Bowlby at the Southwark Diocesan Synod, 3 March 1990.

9. Canon G. B. Bentley *The Times* 13 April 1990.

10. SPCK 1986.

This article will discuss the future of Synodical Government under the above heads.

3. RATIONALE AND EFFECTIVENESS OF SYNODICAL GOVERNMENT

(a) *Rationale*

A classic statement of the rationale of Synodical Government was quoted in the Standing Committee's discussion paper.⁴ This was that: '... the ultimate authority and right of collective action lie with the whole body, the Church; ... and the co-operation of Clergy and Laity in Church government and discipline belongs to the true ideal of the Church.'¹¹

This was echoed in Mr Clark's impressive valedictory speech to the General Synod in July 1990.¹² He said that: 'Synodical Government – as we have it – may or may not be of the *esse* or the *bene esse* or the *plene esse* of the Church, but it is an honest attempt to give effect to a cardinal spiritual principle that the association together of bishops, clergy and laity in the government of the Church belongs to the true idea and nature of the Church'.

When the General Synod considered the Final Report of the Anglican-Roman Catholic International Commission I (ARCIC I) in 1986 it recorded *inter alia* 'its own firm conviction that for "the next concrete steps towards the reconciliation of our churches" . . . to make real progress they must include as a matter of priority . . . a proper recognition of the place of the laity in the decision-making process and ministry of the whole body of the church'.¹³

I would find it very surprising if the Review departed from these sentiments, rather I would expect them to be restated with equal vigour.

(b) *Effectiveness*

An oft repeated complaint about the synodical system is that 'its greatest single problem is its virtual paralysis on matters of major importance. There is always some alliance of minorities to prevent radical change. We have created something like rule by minority veto'. Thus Canon Paul Oestreicher in the *Church Times* in 1986.¹⁴ This view was probably derived from such disappointments (to their protagonists) as the failure of the Anglican-Methodist unity scheme (the final vote on which was taken at the General Synod Group of Sessions in July 1971)¹⁵ or the failure of the Proposals for a Covenant with certain Free Churches in July 1982.¹⁶ Another scheme on which great effort was lavished in vain was the draft Marriage Regulation (known still to the *cognoscenti* as Option G) which finally died in February 1985.¹⁷ It has been the general perception that the system at best moves very slowly. In 1990 an Archdeacon of Guildford was quoted in the General Synod, thus: 'When the Lord returns, the Church of England will set up a

11. Paragraph 10 of the Paper.

12. Report Vol. 21 no. 2 pp. 806-809.

13. Report Vol. 17 no. 3 p. 997.

14. *Church Times* 17 October 1986.

15. A convenient summary of the relevant history is in "Michael Ramsey: A Life" by Owen Chadwick (Oxford) pp. 333-342.

16. Report Vol. 13 no. 2 pp. 461-530.

17. Report Vol. 16 no. 1 pp. 204-226. See also (1990) 2 Ecc LJ 11 pp. 359-368.

commission to decide (a) whether the trumpet sounded (b) what note it sounded, and to report in a year's time as to whether it took place'.¹⁸

On the other hand it is not fair to say that the system has always been paralysed on matters of major importance. Since 1970 the General Synod has been responsible for the Church of England (Worship and Doctrine) Measure 1974 which liberated the Church from Parliamentary scrutiny of forms of service,¹⁹ the Deacons (Ordination of Women) Measure 1986²⁰ and the Clergy (Ordination) Measure 1990²¹ (which made provision for the ordination of persons who were otherwise impeded by virtue of being re-married whilst their former spouse was still alive, or who were married to a person who was in such a position). It has also famously surmounted the hurdle of which Canon Oestreicher complained and given final approval to the Priests (Ordination of Women) Measure which is now before Parliament. No doubt some critics of the latter Measure now feel that the synodical system is too effective.

I discuss the Diocesan and Deanery Synods and their perceived shortcomings (if any) below. With regard to the General Synod, I suggest that a judgment as to its effectiveness will inevitably be subjective. Those who have served on it for several years will tend to be partisan in its favour, particularly when they approve of particular decisions which the Synod has taken! Others will be jaundiced.

4. THE COMPOSITION OF SYNODS AND THE SYSTEM OF ELECTION TO THEM

(a) *The Composition of Synods*

A variety of matters arise for consideration under this head. I shall discuss firstly the ingredients which make up the General Synod and then the issue of special constituencies in the Synod. Finally I briefly discuss the composition of Diocesan and Deanery Synods.

(i) The ingredients of the General Synod

'The General Synod shall consist of the Convocations of Canterbury and York joined together in a House of Bishops and a House of Clergy and having added to them a House of Laity'. Thus article 1 of the Synod's Constitution.²²

The House of Bishops consists of members of the Upper Houses of the two Convocations, including elected bishops (six for the Province of Canterbury and three for the Province of York).²³ The House of Clergy consists of the members of the Lower Houses of the two Convocations.²⁴ The House of Laity consists of actual communicant lay members of the Church elected in each diocese by members of the Houses of Laity of all the deanery synods in each diocese together with members from each province chosen by the lay members of religious communities from among their number, ex officio members and co-opted members.²⁵ As Moore comments 'the composition of the House of Bishops and the House of Clergy is thus identical with the composition of the two Convocations at any given moment.'²⁶

18. Report Vol. 21 no. 3 pp. 989.

19. 1974 no. 3.

20. 1986 no. 4.

21. 1990 no. 1.

22. Schedule 2 to the Synodical Government Measure 1969 (No 2) ('the 1969 Measure').

23. Canon H3.

24. Canon H2.

25. Church Representation Rules ("CRR") rules 29-35.

26. Moore's *Introduction to English Canon Law*. 3rd ed. (Mowbray). Page 24.

The Standing Committee's discussion paper⁴ raised the questions whether there are any longer sufficient grounds for electing separate Convocations on a provincial basis or for the bishops and clergy of either province debating matters of general concern without lay members present; should the Convocations be abolished; or, if not, how should the relationships between the General Synod and the Convocations be simplified?

The Review will inevitably have to address these, and related questions which are from time to time raised, such as whether there should be a separate House of Bishops from that of the House of Clergy, or alternatively should there be a combined House of Clergy and Laity.²⁷ Moore comments on the continuing existence of the Convocations as follows: 'They have . . . survived because of a reluctance to abolish institutions which are older than Parliament, partly from a fear lest if they went the larger southern province would by force of numbers swamp the smaller northern province, and partly from recognition of the fact that the clergy, like every professional body, need a purely professional forum in which to exchange views.'²⁸ An example of a meeting of a Convocation to consider matters of professional interest is that of the Convocation of Canterbury in February 1990 to consider the terms and conditions of service of parochial clergy.

The Constitution provides for references to the Convocations of provisions touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites of the Church, if the Convocations or a Convocation so require (article 7(2)). The same applies to the House of Laity. No such provision shall be submitted to the General Synod for final approval unless it has been approved by each House of Convocation (ie Upper and Lower) and by the House of Laity.²⁸ The most recent example of such references were those concerned with the draft Priests (Ordination of Women) Measure in July 1992. Whilst opponents of that Measure did not succeed in defeating the motion in any of the fora, there will always be members of the Church who will argue for the retention of the reference procedure as part and parcel of the necessary checks and balances in a very diverse Church.

Given the fact that arguments of some weight can be deployed in favour of the retention of the Convocations and against some of the radical ideas concerning the division of the Synod into Houses, and moreover change would involve some highly complex and controversial legislation, my hunch is that the Review will advise in favour of well left alone.

(ii) Special constituencies in the General Synod

The Standing Committee's discussion paper⁴ asked whether special constituencies should be retained? If so, whether there should be any additional ones? Should any of the existing special constituencies be omitted?

By 'special constituencies' the Standing Committee had in mind the seats allocated for suffragan bishops, deans and provosts, archdeacons and university representatives. The case for their retention is that such constituencies ensure that particular interests and experience are made available to the Synod. Not to have these special constituencies would mean that there would be no guarantee that representatives from those groups would be members of the Synod. On the other hand there is a suspicion that such dignitaries tend to take a

27. The latter question was raised in debate at the Southwark Diocesan Synod, 8 July 1992.

28. Article 7(2) of the Constitution. See also article 7(3) - (5).

more establishment view on issues of the hour, for example on the ordination of women to the priesthood, and thereby weight the voting in their Houses in favour of such matters. This latter criticism is as far as I am aware purely a suspicion and requires research to see if it is borne out in fact.

Whatever the evidence about the voting habits of the special constituencies in the Houses of Bishops and Clergy, as with the Convocations my hunch is that the Review will tend to favour the status quo as there is a case for ensuring that particular VIPs are represented in the Synod.

The other issue which arises here is whether there should be additional special constituencies. This immediately provokes memory of the defeat at the early General Approval stage of the Synodical Government (Amendment) Measure in February 1989.²⁹ This sought to give effect to a proposal made in *Faith in the City* in 1985 that the Synod should consider how a more appropriate system which paid due regard to minority interests could be implemented.³⁰ The Measure proposed that where the total number of qualified persons (defined as persons who had completed a form of questionnaire, indicating membership of an ethnic community) elected to the Lower Houses of Convocation or the House of Laity was fewer than twenty four, the number would be increased in accordance with procedures prescribed in the Measure.

The Measure was criticised, inter alia, by Mr Clark for risking the 'unique legislative powers' of the Synod as there was a very fair chance that the Ecclesiastical Committee of Parliament would deem the Measure inexpedient in that it diminished the constitutional rights of all Her Majesty's subjects.³¹ The argument was that the Measure would distort the will of the electorate. Rather, greater effort should be made to secure the election to the Synod, through the ordinary procedures, of representatives of the ethnic communities. The Measure was defeated and a considerable effort was invested into securing a larger ethnic community membership in the 1990-1995 Synod. These efforts were partially successful, although the number returned who described themselves as members of an ethnic community (in the language of the failed Measure) did not come up to twenty four.

This experience leads me to conclude that it would be difficult to re-open the matter of a 'black quota'. The same stricture would apply to a 'youth quota'. But there should be some fine-tuning on the present special constituencies such as numbers and possibly new seats for groups such as retired clergy and theological college principals which were mentioned by the Standing Committee in their discussion paper.⁴

(iii) Diocesan and Deanery Synods

The Church Representation Rules were amended in 1989 to allow certain non-Anglicans to be nominated for election to the House of Laity of the Deanery Synod.³² The Synod however declined to go further and allow non-Anglicans to be so nominated to the Diocesan Synod. Opposition, inter alia, focused on the fact that certain matters referred to the Diocesan Synod can contain substantial doctrinal elements and therefore it would be inappropriate for non-Anglicans to take part in such discussions.³³ But it may well be the case that the matter would be re-opened by the Review.

29. GS 866. Report Vol. 20 no. 1 pp. 40-45 and 404-426.

30. Recommendation 9, page 361-362.

31. Report Vol. 20 no. 1 pp. 414-416.

32. CRR rule 9(1B).

33. See Mr Chandler's speech Report Vol. 20 no. 2 pp. 767-768.

(b) *The system of election to Synods*

Under this head I discuss the electorate to the General, Diocesan and Deanery Synods, the electoral cycle and the question of limitations on the terms of office of clerical and lay members, and the age of lay members.

(i) The electorate

The franchise for the House of Clergy of the General Synod is that for the Lower Houses of the Convocations as follows:

Deans and Provosts – elected by their peers.

Archdeacons – ditto.

Proctors – elected by all clergy exercising the office of Assistant Bishop, or are beneficed or licensed; *but not* those who are members of a diocesan house of bishops, Deans or Provosts, Archdeacons, University clergy or members of religious communities.

Religious – elected from among their number.³⁴

One issue which arises is whether retired clergy should have a vote in the election of Proctors, as at present clergy are disfranchised as soon as they retire. There is scope for retired clergy to serve on the Deanery Synod but that is all.³⁵ Another related issue is whether assuming the retention of the special constituencies, members of the electorate for those constituencies should be prohibited from standing as candidates in the election of proctors.

The electorate for the House of Clergy in the Diocesan Synod is the Houses of Clergy of the Deanery Synods and no issue appears to arise in that connection.

The lay electorate for the General Synod and the Diocesan Synod is the membership of the House of Laity of the Deanery Synod.³⁶ At the time of writing, a motion in the name of Mr White (Bath and Wells) is awaiting debate in the General Synod.

Mr White's motion reads as follows:

That this Synod, noting how its very existence reflects that "the ultimate authority and right of collective action lie within the whole body, the Church" (GS Misc 344, p.4)⁴ urge that the principle of direct suffrage (as with the clergy and bishops) should be applied to the election of lay members of General Synod as a foundation stone of, and not simply as one of the options in, the impending review of the synodical system.³⁷

I assume that Mr White would *mutatis mutandis* apply his policy to the election of lay members of the Diocesan Synod.³⁸

He has produced a background paper for General Synod members³⁹ in which he describes a scheme for ballot boxes to be positioned in church porches on Sundays and for election addresses to be produced in a diocesan newsletter. Mr White argues that the case against the direct suffrage is paternalistic. I await the forthcoming debate with interest.

Instead of extending the franchise to the electoral roll, an alternative suggestion is less drastic and that is to extend it to PCC members. This was mentioned in the Standing Committee's discussion paper.⁴

34. Canon H2.

35. CRR rule 19(2)(e). See also p.94 below.

36. CRR rules 25(1) and 29(1) and (2).

37. GS 1044 p.18.

38. Under the pre-Synodical Government system, the House of Laity of the Diocesan Conference was elected at the AGMs of the parishes in the diocese, unless the Conference determined otherwise (eg elections at the Ruri-decanal Conference). See rule 18 of the Rules for the Representation of the Laity in the Schedule to the Representation of the Laity Measure 1929 no. 2. (19 and 20 Geo 5 no. 2).

39. Circulated by the General Synod Office to members.

Upon the assumption that the lay members of the Deanery Synod remain the electoral college for the Diocesan and General Synod, there is one issue which the Review may well address. Rule 20(2) of the Church Representation Rules presently leaves the numbers of the lay representatives from each parish for determination by the diocesan synod and those numbers must be related to the number on the electoral roll. Canon Michael Saward has been pressing for a mandatory scale as the present disparities undermine the purpose and value of the STV system.⁴⁰ The Election Review Group, however, takes the view that mandatory scales should not be introduced, but that there should be a requirement that no parish with fewer than twenty six names on the electoral roll should have more than one representative.⁴¹

(ii) The electoral cycle

The General Synod's life is dependent on that of the Convocations. It is dissolved automatically on the dissolution of the Convocations.⁴² Unless a Convocation is dissolved sooner pursuant to Her Majesty's directions, a Convocation stands dissolved after five years from the date on which it was called together.⁴³ The present convocations were called together in November 1990.

The Houses of Clergy and Laity of the Diocesan Synod are elected every three years⁴⁴ as are the Houses of Laity in the Deanery Synods.⁴⁵ As a result of an amendment to the Church Representation Rules passed by the General Synod in 1981,⁴⁶ the elections to the Diocesan and Deanery Synods are deliberately spaced. The Deanery Synod election is in year one followed by the Diocesan Synod election in year two. Thus the Deanery Synod elections which have taken place this year (1993) will be followed by Diocesan Synod elections in 1994. The case for the change was that this would enable the lay electorate in the Deanery Synod to make a more informed choice of their diocesan representatives.

In 1986 the Election Review Group proposed changes to the Rules so that there would be a five year cycle for elections to the Deanery Synods, Diocesan Synods and the General Synod. Mr Chandler, the then Chairman of the Group, said that 'the idea was to do one in each year and to allow for a fallow year'.⁴⁷ The argument was that the present system imposed a considerable burden of work on the diocesan office when as in 1985 there were elections to the General and Diocesan Synods. Professor McClean however argued that the matter was not urgent as the next time this crisis would occur was in 2000. Elections to the Deanery Synod and the General Synod at the same time were not so troublesome as the elections were carried out by different people at different times. Other speakers argued that a five year term was too long for many lay people to commit themselves. The motion was lost. Nevertheless this is a matter which the Review may well feel it ought to consider.

(iii) Limitations on the terms of office of clerical and lay members, and the age of lay members

From time to time it is suggested that a limitation should be imposed on the period which a clerical or lay member should serve, particularly on the General Synod. The argument is that such a provision would prevent the creation

40. Report Vol. 22 no. 2 pp. 258-259.

41. Report Vol. 23 no. 3 pp. 686-687. A proposal to that effect will be debated at the July 1993 Group of Sessions of the General Synod.

42. Section 1(4) of the 1969 Measure and article 3(2) of the Constitution.

43. C of E Convocations Act 1966 c. 2 section 1(2).

44. CRR rule 25(1).

45. CRR rule 20(1).

46. Report Vol. 12 no. 3 pp. 860-863 and 1138-1139. Mr Ricks' speech is noteworthy for reporting the birth of my younger son.

47. Report Vol. 17 no. 2 pp. 401-409.

of the 'professional member' who devotes a large amount of time to the system and who thereby becomes wedded to it. The counter argument is that it is entirely a matter for the relevant electorate whether they wish to return such people to represent them. Also valuable experience would be lost to the Synod concerned if old hands were prevented from offering themselves again to the electors. The Review may well be asked to look at this issue.

As for the age of lay members, this matter has been raised in the past, particularly because of what Mr Clark called in 1988 'the virtually total disenfranchisement of retired clergy'.⁴⁸ He argued that this contrasted starkly with the position of the laity where no upper age limit applied as regards either candidature or voting rights. He called for recommendations to be submitted to the Synod to introduce a greater degree of fairness.

Yet again it fell to Professor McClean to present an alternative argument. He said that there was a false antithesis here. 'The electors to the House of Clergy, like the members of the House of Bishops, are essentially a category of office holder and one can become a retired office holder. One cannot become a retired layman.' He went on to remind the Synod of an earlier consideration of questions about the retiring age and that the House of Laity rejected a proposal for an upper age limit on candidates for election to that House in 1984.⁴⁹ Given this history and the fact that the number of members of the House elected to the House aged 70 or over is small,⁵⁰ I do not think it likely that the House will wish or feel inclined to reopen the matter. That will, however, not prevent the Review from doing so.

5. THE WAY SYNODICAL GOVERNMENT OPERATES, INCLUDING ITS STYLE AND PROCEDURE

Under this limb, I deal with the following issues: (a) the relationship between the General Synod and the House of Bishops, (b) the Synod's relationship with the Church Commissioners and the Central Board of Finance, (c) special majority votes, (d) the Synod's Standing Orders, and finally (e) the Diocesan and Deanery Synods.

(a) *The relationship between the General Synod and the House of Bishops*

In 1984 the present Archbishop of York said that 'the very existence of Synodical Government entails a fundamental shift in our Church's self-understanding'.⁵¹ But in the early days of the General Synod the bishops did not know how they should relate to the new body. A retired bishop has told me that in the first few years the House of Bishops were invisible. They were reluctant to sit in the centre of the horse shoe at Church House and to take an active part in the proceedings. Increasingly, however, events have propelled the House to the centre stage. Since 1986 the House has produced a series of reports on contentious questions: *The Nature of Christian Belief* in 1986,⁵² two reports on the ordination of women to the priesthood in 1987 and 1988,⁵³ and *Issues in Human Sexuality* in 1991.⁵⁴

48. Report Vol. 19 no. 3 p. 894.

49. House of Laity Minutes of Proceedings HL(84) M1. See also Report Vol. 14 no. 3 p. 868 and 15 no. 1 p. 197.

50. There are two; see the Who's Who in Part 7 of the C of E Year Book 1993. Two others elected under the age of 70 have since celebrated their 70th birthday. CRR rule 33(3) requires nominations to include candidates' year of birth.

51. Quoted by the late Roy Lyon, Report Vol. 18 no. 3 pp. 1027 and 1028.

52. Unnumbered. Church House Publishing 1986.

53. GS 764 and 829.

54. GS Misc 382.

This has however not satisfied certain bishops who worry ‘Who is in charge of the clattering train?’⁵⁵ By virtue of the Synod’s procedures, matters which may be inimical to the House of Bishops or which they regard as untimely can appear on the Synod’s agenda. Recently the Archbishop of York has said that he regretted that ‘such a potentially divisive matter (the priesting of women) came on to the agenda through a Diocesan Synod motion and I believe that the results might have been less divisive if the bishops had been able to reach their own agreement first’.⁵⁶ A few years ago the Archbishop asked the Standing Orders Committee to consider amending the provisions relating to Private Members motions and Diocesan Synod motions:

as, in his opinion, the present system often leads to the Synod debating issues which it is ill-prepared to consider due to the lack of supporting documents. Furthermore, voting on such motions, whether for or against, is frequently open to misrepresentation by the Press and public. Also the very existence of a long list of motions on the agenda, albeit a special agenda, (in His Grace’s words) “tends to attract media interest and adds to the general nervousness in the church that the Synod is about to be swept off its feet by some extreme proposal”.⁵⁷

It may not be a coincidence that the Archbishop’s complaint about such motions was made at about the time that The Revd. Tony Higton’s motion on sexual morality was awaiting debate.⁵⁸

The counter-argument to the Archbishop is that Synodical Government requires a subtle balance between episcopacy and the interests of the wider Church membership. This is reflected on the one hand by the prerogatives of the House of Bishops, such as their power to submit proposals touching doctrinal formulae, services, ceremonies and the administration of the sacraments for final approval by the General Synod only in terms approved by the House,⁵⁹ and on the other hand the right of dioceses and private members of the Synod to raise matters of concern to them in motions. I think that the balance of opinion in the Church takes the latter viewpoint, without denigrating the special position of the bishops.

Another indicator of some unease in the minds of the bishops over Synodical Government is an article by Bishop Hugh Montefiore in which he suggested that the Standing Committee of the Synod should be the House of Bishops or a committee of the House of Bishops. ‘It is ridiculous that in an episcopal Church, the bishops should not regulate the business of the Synod’.⁶⁰ But again the counter view is that in a Church which is both synodically and episcopally ordered, the regulation of the business of the General Synod should be shared between the bishops, clergy and laity.

The Review will undoubtedly have to grapple with this vexed issue, but I doubt that it will be able to do more than urge greater trust between the different components of the Synodical system.

(b) The Synod’s relationship with the Church Commissioners and the Central Board of Finance

55. *Punch* 4 October 1890, p. 162, often quoted by Sir Winston Churchill.

56. *Church Times* 22 January 1993.

57. The 25th report of the Standing Orders Committee, GS 796, para. 39. The Committee’s discussion of the Archbishop’s points is at paragraphs 40-46. The debate is at pp. 1016-1028 of the Report Vol. 18 no. 3. The relevant procedures have remained largely unchanged but Dioceses and Private Members are encouraged to submit for circulation briefing papers.

58. The “Higton debate” is at pp. 913-956 of the Report Vol. 18 no. 3.

59. Article 7(1) of the Constitution.

60. *Church Times* 19 October 1990.

Students of English constitutional history are familiar with the long struggle between the King and Parliament for control of the purse strings of the nation.⁶¹ Fortunately the relationship between the Synod and the various financial bodies in the Church of England has not reached the sorry pass to which the King and Commons came in the mid-seventeenth century but there are tensions nevertheless. I would be surprised if the Review did not look at these tensions. I shall consider first the Church Commissioners and then the Central Board of Finance.

(i) The Church Commissioners

The Commissioners were formed on 1 April 1948, when Queen Anne's Bounty (1704) and the Ecclesiastical Commissioners (1836) were united.

The Church Commissioners have four main tasks: to raise income by the efficient management of their assets, to distribute that income in accordance with the duties laid upon them by Acts of Parliament and Measures of the General Synod and former Church Assembly, to exercise their functions and powers as the Central Stipends Authority for the Church of England by virtue of the Central Stipends Regulation 1982, and to discharge the many other administrative duties entrusted to them.⁶²

As this convenient summary indicates, the Commissioners ante-date Synodical Government back to 1948 and in continuous administrative terms back to the reforming era of the Whig Ministry of the 1830s. The First and Second Church Estates Commissioners are appointed by the Crown; the Third Church Estates Commissioner is appointed by the Archbishop of Canterbury.⁶³ In practice the Second Church Estates Commissioner is always a member of the House of Commons. In the House it is his function to answer questions on behalf of the Commissioners and to present draft Measures passed by the Synod. The annual report and accounts are laid before Parliament.⁶⁴ Four Commissioners are appointed by Her Majesty and four are nominated by the Archbishop of Canterbury. The Archbishops and Diocesan bishops, certain members of the Government, Judges, representatives of the Cities of London and York and of Oxford and Cambridge Universities are *ex officio* Commissioners.

Yet there is also a significant interaction between the Commissioners and the Synod. The three Church Estates Commissioners are *ex officio* members of the House of Laity.⁶⁵ Ten clerks in Holy Orders are elected by the House of Clergy and ten 'laymen' by the House of Laity.⁶⁶ The Commissioners answer questions at the Synod's question time. The annual report and accounts are laid before the Synod⁶⁷ and more often than not debated by the Synod.

The tension between Synod and the Commissioners arises because the Commissioners are not obliged to follow policies adopted by the Synod. Indeed at times they will consider themselves duty-bound to pursue an independent line, arising from their functions of providing financial assistance and housing for the clergy.⁶⁸ In July 1982 the Synod passed a motion endorsing a policy of progressive

61. Firth *Cromwell* (Oxford 1972) pp. 12 and 13.

62. Church of England Year Book (1993) p.18. See also the Church Commissioners Measure 1947 (No 2) ('the 1947 Measure').

63. 14 Halsbury's Laws of England (4th ed.) at 379.

64. Section 12(2) of the 1947 Measure.

65. CRR rule 35(1)(d).

66. Schedule 1 to the 1947 Measure. The 'laymen' currently include four women. Five Deans and Provosts are also elected from among their number. The General Synod has called for an increase in the number of lay elected members, Report Vol. 22 no. 2 pp. 490-491.

67. Section 12(3) of the 1947 Measure.

68. See the Vice-Chancellor's judgment in the Lord Bishop of Oxford and others v the Church Commissioners 1991 for a helpful summary of the relevant law.

disengagement from the economy of South Africa. The then First Church Estates Commissioner said that he could not vote for the motion as it could be interpreted as committing the Commissioners to a degree of disengagement which they would regard neither as practicable nor sensible. Despite this advice, the Synod passed the motion.⁶⁹ More recently, the Synod resolution endorsing the call to stop purchasing Nescafe as part of the campaign against the promotion of breast milk substitutes by means of free or subsidised supplies to the Third World⁷⁰ has led to further tension. The Commissioners have commented that the resolution did not mention disinvestment and that such a policy would be one of last resort.⁷¹

Other anxieties emerge from time to time. In 1989, Mr Clark successfully moved a motion calling for a report for assuring to the elected Commissioners a greater share in major decisions of general policy on the management of those assets for which the Commissioners' Assets Committee are responsible. He made it clear that his motion arose from disquiet expressed at the 1985 hustings at the Assets Committee's management of the Maida Vale estate.⁷² The Church Commissioners Measure 1947 stipulates *inter alia* that the lay members of the Committee shall be persons who in the opinion of the Archbishop of Canterbury are well qualified to assist in the management of the assets.⁷³ In 1991 the Synod debated a report from the Commissioners made in response to the 1989 resolution. Synod called for legislation so that the *de facto* membership of one properly qualified elected Commissioner on the Assets Committee was prescribed in statute.⁷⁴ An appropriate legislative slot is awaited.

Finally there has been the outbreak of disquiet over the Commissioners' stewardship of resources.⁷⁵ The Archbishop of Canterbury appointed a review team in October 1992⁷⁶ with power to make whatever recommendations they thought fit in the light of the evidence.

The above history of tension between the Commissioners and the Synod suggests that a fresh look at the relationship is called for. Is it satisfactory for one of the two significant central church financial bodies to be semi-detached from the Synod?

(ii) The Central Board of Finance

The CBF is incorporated as a company limited by guarantee. 'Its chief duty is to act as the financial executive of the General Synod by which most of its members are appointed.'⁷⁷ It was incorporated in 1914 and so like the Church Commissioners long ante-dates Synodical Government.⁷⁸

In 1988 the General Synod Infrastructure Review recommended that responsibility for the Synod's finances be transferred from the CBF to the Standing Committee operating through a Finance and General Purposes Committee. The case for the change was that only a structure that brought together financial and policy considerations could give an assurance that central expenditure was effectively controlled.⁷⁹ This proposal did not meet with favour with the Synod. The case against change was that the CBF worked well through the network of diocesan representatives, bishops and diocesan board chairmen.⁸⁰

69. Report Vol. 13 No 2 pp. 684-725. The First Church Estates Commissioner's speech is at pp. 691-695.

70. Report Vol. 22 no. 2 pp. 500-501.

71. See answer to question 15, Report Vol. 22 no. 3 p. 718, and to questions 31 and 32, Report Vol. 23 no. 2 p. 258-259.

72. Report Vol. 20 no. 3 pp. 1288-1290.

73. Section 6(1)(b) of the 1947 Measure, as amended by the Church Commissioners Measure 1964 (no. 8).

74. Report Vol. 22 no. 2 p. 490.

75. Report Vol. 23 no. 2 pp. 397-436.

76. News Release from Lambeth Palace, 8 October 1992.

77. 14 Halsbury's Laws of England (4th ed.) at 394.

78. See also for the CBF at pp. 12-16 of the C of E Year Book 1993.

79. GS 827 paragraphs 6.24 - 6.28 and chapter 7.

80. Report Vol. 20 no. 1 pp. 244-289. See eg Mr Cooper's speech at p. 279-280.

Any examination of the way Synodical Government operates will have to re-open this question, even if it is to conclude that the present system, whilst untidy, actually works. I must however indicate my bias in applauding the remarks of the Revd Sir Derek Pattinson in 1990. He described the CBF as 'that tiresome, unregenerate old dinosaur, the Central Board of Finance' in his retirement speech.⁸¹

(c) *Special majority votes*

Article 8(1B) of the Constitution of the General Synod provides that the Synod may by resolution provide that final approval of a scheme for union or a permanent change of relationship between the Church of England and another Christian body (a substantial number of whose members reside in Great Britain) shall require the assent of such special majorities as may be specified in the resolution.

Article 8(1C) provides that final approval of a Measure providing for permanent changes in the services of Baptism or Holy Communion or in the Ordinal shall be subject to a majority in each House of the General Synod of not less than two-thirds of those present and voting.

An example of a special majority for a unity scheme is that required for final approval of the Covenanting proposals in the early 1980s. The Synod resolved that this would be a two-thirds in each House requirement.⁸² An attempt to add a requirement of an overall majority of the Synod of at least 75% failed, Professor McClean pointing out that the 75% rule imposed by Parliament on Free Church Bills arose from the railway boom of the 1830s.⁸³ The commercial chicanery of the railway proprietors led to the requirement of a 75% majority at general meetings. The same rule caught the Free Churches. But he persuaded the Synod that it was not so caught.

Of course a famous example of the special majority required by article 8(1C) is that of the final approval of the Priests (Ordination of Women) Measure in November 1991.

The special majority requirements will inevitably be discussed by the Review. Whenever a matter is subject to the relevant provisions, debate arises about a variety of points.

Should the Constitution require a special majority at an earlier stage, for example the General Approval stage? The case is that this could avoid unnecessary debate in the later stages if it transpired that the proposals could not command the special majority needed at Final Approval. The argument against such a requirement is that time is needed for debate and prayer about a significant change. Imposition of a special majority at an early stage would stifle discussion.

Frustration at the seemingly high threshold of two-thirds in each House of the Synod leads on occasion to demands for its replacement by a two-thirds overall majority. Perhaps it was a mistaken expectation that the Ordination of Women Measure would fail the two-thirds test that led the Norwich Diocesan Synod to ask the General Synod to pass a motion calling for a review of the rules requiring voting by Houses.⁸⁴

Advice from the Review on the appropriate threshold in a Church which is pulled in different directions by conflicting pressures would clearly be welcome.

81. Report Vol. 21 no. 2 p. 843.

82. Report Vol. 12 no. 1 pp. 12-30.

83. Report Vol. 12 no. 1 pp. 17-20.

84. GS 1044 p. 27.

(d) *The style and procedure of the Synod*

In Mr Clark's final report from the Standing Orders Committee in 1990, he made typically trenchant remarks about those who made 'generalised pleas for the Synod to adopt a "consensus" structure and style of operation'. He argued that those who so argued were being 'naive to the point of being wholly unhelpful'. He went on to ask what would a 'consensually structured' Synod look like and how would it conduct its business? 'Is a corporatist assembly of interest groups intended? If so, it is not easy to see how that could be acceptably combined with the representative principle of direct election.'⁸⁵

Later in the same report, Mr Clark defended the Synod's procedures against the charge that they were 'too Parliamentary'. He pointed out that the procedures did enable, when required, more relaxed debates but when it came to legislation it was another matter. 'It is imperative that in exercising the legislative powers which have been uniquely delegated to it by Parliament, the Synod is able to demonstrate to the satisfaction of both Church and State that at all times a legislative or canonical proposal has been considered, after expert advice, with scrupulous fairness and meticulous attention to detail. . .'⁸⁶

His successor would not depart from those sentiments. In the field of primary legislation, there is little scope for manoeuvre in adapting the style or procedure of the Synod. There may be more room to do so with regard to other items of business. The Standing Orders Committee appointed to serve until 1996 has committed itself 'to undertake a complete and thorough review of all the Standing Orders in a systematic way, beginning with those most in need of reform or clarification and those which are likely to be used most often by Synod members'.⁸⁷ Its first proposals are due in July 1993.⁸⁸ But it is doubtful that the style and procedure of the General Synod will change so greatly that the Archbishop of York no longer has to apologise to ecumenical guests for the Synod's 'strange procedures and what may seem to some of you our excessive formality'.⁸⁹

(e) *The Diocesan and Deanery Synods*

The Standing Committee's discussion paper⁴ detailed several questions on Diocesan Synods. These included the following matters:

Should there be any increase in the number of matters which the General Synod refers to dioceses?

Should the powers of the Diocesan House of Bishops be increased or decreased?

Should the functions of the Diocesan Synod be reviewed as it is unrealistic for its procedure and business to mirror the General Synod?

Should article 8 business in the Diocesan Synod be subject to a two-thirds majority or other special majority?

Should the Diocesan Board of Finance be integrated fully with the Diocesan Synod and Bishop's Council?

Should the additional tier of the Area Synod (for an example of which see the Diocese of London) be reviewed?

All of these issues warrant careful consideration, although I believe that in most dioceses they are hardly burning questions. It is in relation to the Deanery Synod that expectations of the Review will be far greater.

85. GS 929 para. 4.

86. GS 929 para. 12-13.

87. GS 1023 para. 1.

88. GS 1023 para. 4.

89. Report Vol. 22 no. 2, p. 227.

The Deanery Synod has long been viewed as the Cinderella of Synodical Government. It has disappointed those who had wearied of the ineffective Ruri Decanal Conference. 'We howled with delight when the old Ruri Decanal Conference was blipped on the head. It had become a talking shop, we said; the new synod would not; it had a real job to do. What's gone wrong? We've just put old wine into new bottles.' Thus Peter Croft, one of the great evangelists for Deanery Synods, in *Making the Deanery work*.⁹⁰ *Making the Deanery work* is not the only document produced in an attempt to inspire greater activism at the Deanery level. Parish and People's leaflet no. 25 is entitled *The Good Deanery Guide*. The Partners group have produced *A Workbook for Deaneries*.⁹¹ In the dioceses of Bath and Wells and Southwark (and doubtless elsewhere) there are guides for members of the Deanery Synod, all encouraging a positive approach to the body. This is all to the good. But there remains a depressing parochialism in the church which is reluctant to look beyond the affairs of the parish church. The Standing Committee's discussion paper⁴ asked if the role of the Deanery Synod should be enhanced, for example by giving it financial powers or specific functions in the sphere of pastoral reorganisation or in education. I hope that the Review will take time to consider this junior level of Synodical Government, not I trust with a view to recommending its abolition, but rather to proposing changes which mean that the Church takes it more seriously.

6. COMMUNICATION BETWEEN THE DIFFERENT LEVELS OF SYNODICAL GOVERNMENT AND WITH PARLIAMENT

(a) *Communication between the different levels of Synodical Government*

The Synodical Government Measure 1969 provides for the Deanery Synod to consider business referred to it by the Diocesan Synod (including matters referred to that Synod by the General Synod), and to raise such matters as the Deanery Synod considers appropriate with the Diocesan Synod.⁹² The 1969 Measure also provides that Diocesan Synods shall consider and express their opinion on any matters referred to them by the General Synod, and in particular to approve or disapprove provisions referred to them under article 8 of the Constitution. Diocesan Synods shall also give opportunities for discussion of matters raised by Deanery Synods.⁹³ In addition the Diocesan Synods may consider matters concerning the Church of England and consider and express their opinion on other matters of religious and political interest.⁹⁴ They often do this by passing 'diocesan synod motions' brought before the General Synod.⁹⁵

From time to time Diocesan and Deanery Synod members protest at the volume of business passed down to them by the General Synod. In the mid 1980s there were several references in near succession which led to much grumbling: ARCIC and 'BEM', the Marriage Regulation, the Deacons Measure, the Women Ordained Abroad Measure, the 'Tiller report' and the Ecumenical Relations Measure. The counter argument is that references to the Diocesan Synod were mandatory in the case of several of these items and as for the rest, for example,

90. Published by Parish and People.
 91. Partners c/o the Revd. J. Hamilton-Brown.
 92. Section 5(3)(d) and (e).
 93. Section 4(2)(c) and (5).
 94. Section 4(2)(a) of the 1969 Measure.
 95. General Synod Standing Order 2(iv).

the 'Tiller report' (*A Strategy for the Church's Ministry*)⁹⁶ it was important to obtain the views of the wider Church. Such protests have been less common in recent years. The General Synod has been more sparing in references either under the Constitution or as a voluntary matter. It is important that the General Synod respects the wish of local synods to set their own agendas. If a reference is necessary, sufficient notice of the possibility should be given so that future planning can take this into account. The Review will surely wish to take evidence on the interface between synods and to consider what can be done to improve relationships and communications.

(b) *Communication between the General Synod and Parliament*

The Enabling Act 1919³ 'was . . . concerned with the procedure for giving parliamentary approval and statutory force to Measures passed by the [Church] Assembly under its own constitution'.⁹⁷ Measures are submitted with comments and explanations by the Legislative Committee of the Synod to a joint Committee of both Houses of Parliament, the Ecclesiastical Committee. The latter Committee is charged with the task of drafting a report to Parliament 'stating the nature and legal effect of the Measure, and its views as to the expediency thereof, especially with relation to the constitutional rights of all Her Majesty's subjects'.⁹⁸ There is scope for a joint conference of both Committees but the usual practice is for the Synod to supply a team to attend the Ecclesiastical Committee and answer questions. A different procedure is being followed in the case of the draft Priests (Ordination of Women) Measure. Opponents are being included in the Synod's team at the request of the Ecclesiastical Committee. This is however regarded by the Legislative Committee as exceptional and as not setting a precedent. There has long been argument about the role of the Ecclesiastical Committee. Can they substitute their judgment for that of the Synod? Or should they be concerned with matters such as property rights, bearing in mind the fact that the Enabling Act talks of the constitutional rights of all subjects?⁹⁹ I expect that the Review will examine this aspect of the workings of the 1919 Act.

Before the Ecclesiastical Committee reports to Parliament, it communicates its draft report to the Legislative Committee. The latter have no power to amend the Measure or to meet any criticism in the report, but may withdraw it from Parliament. If there has been criticism of the text for technical reasons, the Legislative Committee may withdraw the Measure and re-introduce it into the Synod for amendment.¹⁰⁰ Yet it is open to the Legislative Committee to ask that the Measure be presented to both Houses, even though the report is unfavourable.

The report, together with the Measure, is laid before both Houses. Debates then take place on a resolution that the Measure be presented to Her Majesty for Royal Assent in the form laid before Parliament. As with the Ecclesiastical Committee, there is no power in Parliament to amend the text.

96. Church Information Office, September 1983.

97. "Church and State", 1985 reprint, Appendix A paragraph 23. I have drawn on paragraph 24 for what follows.

98. Section 3(3) of the Enabling Act.

99. "Church and State", 1985 reprint, Appendix A paragraph 26, favoured the latter view.

100. Under Standing Order 74.

All that a House can do is to vote against the resolution if it opposes the Measure in question. This has happened in recent years. The House of Commons voted against the Appointment of Bishops Measure in 1984.¹⁰¹ It did so again in 1989 when debating the Clergy (Ordination) Measure.¹⁰² In the former case, the General Synod was not persuaded to re-present the Measure and accordingly the Measure fell.¹⁰³ In the latter case, the Synod was so persuaded¹⁰⁴ and at a second time of asking the Measure was passed by the House of Commons.

The fact that legislation passed after due process and considerable debate in the Synod can be rejected after only a short debate in a House of Parliament is a source of considerable irritation and, on occasion, anger in the Church. It can sometimes seem that the minority who lost the argument in Synod will rely on Parliament to save the day. Pressure for a change has been building up for some time.¹⁰⁵ The Review will have to consider the present arrangements and the case for change. Are there ways whereby the State link could be maintained whilst lifting Parliamentary scrutiny of Measures? Could the scrutiny be carried out, for example, by a committee of Privy Councillors?

7. CONCLUDING REMARKS

I have of necessity had to cover a wide canvass in this article. Many of the topics discussed could warrant an individual article in the Journal. Accordingly I apologise for any superficiality in approach. I also apologise if I have omitted any topic dear to the heart of a reader. I have picked out the issues which I think should be addressed in the forthcoming Review. The selection is personal and arises from my involvement in Synodical Government for nearly twenty years. I look forward to reading the letters to the Editor commenting on my attempt at a mini-Review of Synodical Government. I also look forward to the report of the actual Review which I am sure will make constructive proposals for the future of Synodical Government.

Synodical Government is here to stay, not because it has now come of age and is getting into its stride, but because most of us engaged in this exercise believe it is a marvellous tool for forwarding the work of Our Lord. If I did not think that it could do that, then I would be the first to move that the General Synod do now dissolve itself!

Note: A group under the chairmanship of Lord Bridge has been recently appointed to review the system of synodical government in the Church of England. Evidence for the review should be sent to Mr Nigel Barnett, Secretary, Review of Synodical Government, Room 147, Church House, Great Smith Street, London, SW1P 3NZ. See page 87. *Editor*.

101. House of Commons Hansard 16 July 1984 columns 126-144.

102. House of Commons Hansard 17 July 1989 columns 174-193.

103. GS 666 and Report Vol. 16 no. 1 pp. 274-305.

104. Report Vol. 20 no. 3 pp. 1064-1105.

105. For example Bishop Colin Buchanan's current private member's motion calling for proposals inter alia to lift 'direct State Control' from Synod legislation; and also Mr Simon Hughes' 'ten minute Bill' to disestablish the C of E, *Church Times*, 19 March 1993.