

IN THE COURT OF THE VICAR-GENERAL OF
THE PROVINCE OF CANTERBURY

Re: The Confirmation of the Election
to the See of London

Judgment

In this application the Reverend Stephen Holland, minister of the Westhoughton Evangelical Church and a member of the Protestant Truth Society, seeks to oppose the confirmation of the election of the Right Reverend Sarah Mullally, Bishop of Crediton, to the vacant see of London. Mr Holland has responded to citation served upon him by lodging Particulars of Objection dated 1 March 20018 and appearing before me in chambers on 5 March 2018.

The first matter arising from his application is whether Mr Holland has locus standi; in other words whether he has sufficient interest in the proceedings to stand as an opposer. The question received consideration in *Rex v. Archbishop of Canterbury* [1902] 2 KB 503 at 523, where the allegation of want of interest was not pursued by counsel for the bishop-elect because a decision on the merits was sought. It is clear, however, from the observation of Lord Alverstone CJ that lack of sufficient interest would be decisive in a case such as the present.

In normal circumstances the minister of a Church not in communion with the Church of England, and who is not resident in the diocese concerned, would lack sufficient interest to oppose the election. On this occasion, however, special citation was directed to Mr Holland. It would be unfair to deprive him of the opportunity to put his case in response to such citation. On that ground alone I have permitted him to address me on the merits.

Mr Holland's basic proposition is that the assumption by a woman of the role of leadership in the Church is contrary to Scripture and Tradition. In support of his submissions he has drawn attention to several passages from the Epistles, most notably Saint Paul's well-known words in 1 Corinthians chapter 11 verse 3 and chapter 14 verses 33-36. As regards the tradition of the Church, Mr Holland has relied upon quotations from the early writers and upon the decisions of the Councils concerning the limited role of women. Against this background he has contended that the Church of England, in permitting the ministry of women, has erroneously been led by the 'spirit of the age' instead of adhering to the guidance of the Holy Spirit.

The confirmation of the election of a diocesan bishop is a legal process. It is governed by the applicable law. This is now to be found in the Bishops and Priests (Consecration and Ordination of Women) Measure 2014 which

authorised the General Synod to legislate by Canon so as to enable women to be consecrated as bishops. Under such authority Canon C2.1 was amended to provide that

“A man or a woman may be consecrated to the office of bishop.”

The relationship between the Canon and the doctrine of the Church of England is explained in Section 4 of the Church of England (Worship and Doctrine) Measure 1974. Section 4(1) provides that,

“Every Canon...shall be such as in the opinion of the General Synod is neither contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.”

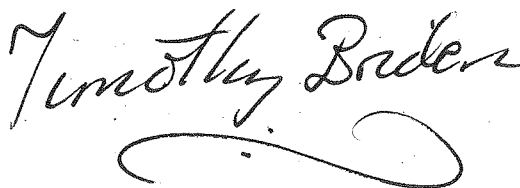
The principle is underlined by Section 4(2)

“The final approval by the General Synod of any such Canon...shall conclusively determine that the Synod is of such opinion as aforesaid with respect to the matter so approved.”

Thus it is necessary for this court to have regard to Canon C2.1 both as binding in law and as consistent with the doctrine of the Church of England. It is common knowledge that the decision to consecrate women as bishops was the subject of prolonged and anxious debate in the General Synod, during which the meaning and effect of both Scripture and Tradition were the subject of close scrutiny. In the result the General Synod adopted a position contrary to Mr Holland's theological views. Its conclusion, reflected in its final approval of Canon C2.1 as it now stands, requires me to determine that there is no legal or doctrinal impediment preventing the election of the Right Reverend Sarah Mullally from being confirmed.

It should be added that a further difficulty faces Mr Holland in pursuing his objection. Bishop Mullally has already been admitted to episcopal orders and is serving as a suffragan bishop. An objection to her qualification for service in a diocesan post appears doomed to failure, since as a matter of fact she has for some time been discharging episcopal functions following her lawful consecration.

I have given careful consideration to Mr Holland's written and oral submissions, which he has presented in a concise and effective manner. Notwithstanding the skilful presentation of his arguments, I am satisfied that they have no foundation in law. Accordingly I am bound to dismiss his objection, and direct that he is debarred from pursuing further the protest that he has made to this court.



Timothy Briden
Vicar-General

Lamb Chambers
Temple EC4Y 7AS

6 March 2018