– "serving the people and their parishes" –

PARSON AND PARISH

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THE ENGLISH CLERGY ASSOCIATION

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Founded by the Rev'd EDWARD G. COURTMAN in 1938

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The English Clergy Association, as the successor to the Parochial Clergy Association, exists to support in fellowship all Clerks in Holy Orders in their Vocation and Ministry within the Church of England as by law Established; to uphold the Parson's Freehold within the traditional understanding of the Church's life and witness; to oppose unnecessary bureaucracy in the Church; to monitor legislative and other processes of change; and to promote in every available way the good of English Parish and Cathedral Life and the welfare of the Clergy.

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PARSON & PARISH

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English Clergy Association

— "serving the people and their parishes" —

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FROM OVER THE PARAPET

Editorial

The Draft Abolition of the Freehold and Removal of Parsonages Measure is presently before the Revision Committee of the General Synod. That, of course, is not its real name. It rejoices, instead, under the innocuous-sounding title of the Draft Ecclesiastical Offices (Terms of Service) Measure, with its accompanying Regulations and an Amending Canon. To the outside world it probably looks like some modest internal re-ordering of clerics' working conditions and holidays. But the eventual abolition of the parson's freehold and transfer of ownership of parsonages is one fundamental strand of these legislative proposals following the recommendations of the McClean Review Group.

The proposals, we readily admit, are not all bad. As we have stressed before, "common tenure" would, in terms of the security of tenure afforded, greatly improve the lot of unbeneficed clerics. And the Review Group's recommendation that "that the Convocations should consider making legal advice available to clergy, perhaps through a clergy professional association" is to be applauded. The English Clergy Association, presumably a contender for such a role – perhaps in conjunction with others – has been serving the clergy and their parishes since 1938. Next year we celebrate our seventieth anniversary.

But the devil, as they say, is in the detail. And it's the details of the proposals which give cause for grave concern, because, if they become law, a profound change of ethos of the clerical profession will occur. This has already begun with the newly-operational Clergy Discipline Measure 2003, which created the offences of "inefficiency" and "inappropriate" conduct. That Measure, and its accompanying Code of Practice, has begun to encourage a culture of complaint and mistrust between the parochial clergy and the diocesan bishop. As soon as allegations are made of misconduct the bishop becomes a remote figure from his clergy — the chief shepherd of the diocese unable to extend pastoral care to those whom he should be serving, and diocesan registrar becoming exclusively the bishop's adviser rather than being available for the clergy. We hear of accused clerics being left on their own, with little or no pastoral support and certainly no readily accessible legal advice, while complaints from sometimes vexatious parishioners are given their preliminary scrutiny.

It seems to us that this deterioration in the ethos of the clerical profession – the social expression of priestly vocation – would be severely compounded if the Clergy Terms of Service proposals ever make it to the statute book.

Looking at some of the detail, then, each new common tenure stipendiary office holder will be given a written statement of the particulars of his or her

office by the same diocesan official to whom just one working day's illness is to be reported in writing (Regulations 3 and 27). And if the diocesan bishop has "reasonable grounds for concern" about a cleric's "physical or medical health" (and we wonder whether the draft Regulations perhaps mean "mental health") then he may direct that a medical examination be undergone, and failure by the cleric to comply with this entitles "such inferences as appear… to be appropriate" to be drawn by those responsible for the new "capability procedures." (Reg.28). Already, it begins to sound rather unpleasant and officious.

And indeed it is. "Ministerial development review" would now be compulsory and "it shall be the duty of each office-holder to co-operate" (Reg.18), whatever his or her reservations may be about the nature of the process, its confidentiality and the place of the cleric's own conscience. Likewise each cleric "shall be under a duty to participate in arrangements approved by the bishop" for "continuing ministerial education" (Reg.19). In a word, common tenure for the unbeneficed and for those freeholders who choose to opt in, comes at a cost: a new Church of compulsion and command.

The proposed entitlements to "time off work" in Part V look, at first sight, reasonable – if one accepts the principle that clergy, unlike the rest of the populace, put in a six-day working week. So, Regulation 21 provides for "an uninterrupted rest period of not less than 24 hours" per week, complemented by thirty-six days' annual leave (Reg. 22, but silent on the matter of bank holidays) and leave for maternity, paternity, parental and adoption leave (although no mention of doctors', dental or opticians' appointments or time off to see a financial adviser). For incumbents, though – and existing freeholders, the draft legislation makes clear, would not be obliged to opt in to this common tenure package – this would represent a reduction in possible time off, since at present, an incumbent, if he or she so wishes and can provide cover, may be absent from the benefice for up to three months in total in any one year (under the Pluralities Act 1838). This long-standing statutory enjoyment would now be severely reduced. The Regulations do not explain how these "entitlements" would be fulfilled, or even enforced, and because he or she is an office holder, we assume that clerics would continue to have to arrange cover for their absences. Indeed, tucked away, under the heading of "Sickness" in Regulation 27 we find that the cleric "must use all reasonable endeavours to make arrangements for the duties of office to be performed by another person during the absence."

Then, if the cleric wants to participate in the wider Church and in the opportunities and structures of the world, the Regulations restrict all activities outside the duties of office, to "public duties" —meaning work for a public authority, including membership of a court or tribunal, or for

a charity, or work in connection with a trade union – and then only such time as is reasonable, as "determined by the bishop" (Reg.24). No scope for jury service, participating in a peace protest, editing a magazine, not even for working for the very professional clergy association which McClean recommends.

The cumulative effect of these controlling and overprescriptive proposals would be to make the parochial clergy in all but legal name, employees – technical functionaries, assessable for performance and capability – yet without the protection and working conditions of employees and without the proper remunerative salaries of employees. One of the great compensating attractions of the clerical profession – not inconsistent with vocation to priestly life – is, from the relative independence afforded by the freehold, the scope and time it yields for various individuals to pursue all sorts of innovative and creative lines of interest which may contribute to the upbuilding of God's kingdom as much as does the fulfilment of parochial duties: the forming and maintaining of societies, involvement in politics, writing of articles, seeking to be independent, reforming and unstifled prophetic voices in Church and world. Much of this freedom of activity and association – even spending time with family and friends – would be curtailed in the controlled surveillance-style Church of these proposals. The way in which clergy have traditionally fulfilled their duties, and enjoyed their freedoms, whether colourfully or quietly, is well understood and largely trusted. These proposals, aping current secular fashions, seek to end all that, undermining the clerical profession, and reducing the parochial clergy to underpaid *de facto* employees.

We envisage that should these oppressive proposals ever become law, many existing incumbents will resist the temptation to opt in to common tenure and to surrender the vesting of their parsonages to the diocese (where such parsonages would, it is suggested, be at risk in the event of the diocese's becoming insolvent). We foresee a considerable entrenchment, which could extend in some cases for decades, by incumbents unimpressed by the new arrangements which they would have accept upon taking any new appointment.

We urge that General Synod — and, if passed, Parliament itself — roundly reject this proposed legislation.

CHURCH DISPUTES MEDIATION

James Behrens, in this year's Annual Address, encourages a way of resolving many conflicts in Church life without recourse to the courts

It may surprise you that a practising barrister should be encouraging people to resolve their disputes without the need for lawyers. It is like asking turkeys to vote for Christmas. Indeed, the acronym ADR for "Alternative Dispute Resolution" has been ridiculed by some lawyers as an "Alarming Drop in Revenue". Speaking personally, it has not been that for me. Firstly, mediation amounted to just under one third of my professional earnings last year. Second, the fulfilment at seeing disputes resolved is one of the most uplifting and rewarding (in both senses of the word) parts of my practice. I recall one case where members of a family were in a very bitter dispute over the ownership of a £2 million house near Henley on Thames. After I had been with them for the best part of a day, the dispute was resolved. One member of the family came up to me at the end and said "James, we have been arguing over this for four years, and you can come along and sort it out for us in a day".

I make it plain that mediation is not a panacea for all ills. About 75 per cent of cases settle, but there remain the 25 per cent that do not. That may be a good thing, for the mediator is not there to impose a settlement. In one case I spent four days seeking to resolve a pastoral breakdown in one parish, and at the end I had to admit defeat. I had given it my all, and frankly I had achieved nothing. The parish was very grateful for my efforts, but relationships were not restored, and indeed the matter is now proceeding to a Church Tribunal under the Incumbents (Vacation of Benefices) Measure 1967.

My focus is fourfold: to reflect on the theology of resolving disputes by mediation; to consider very briefly what type of cases are suitable for mediation; to explain, in more detail, the practice, in terms of the skills needed; and to look at how these skills may be learned.

1. The theology of resolving disputes by mediation

Acts chapter 15 describes a conflict which affected the whole Church. I am not a theologian so I hope you will forgive me if you think my discussion of the theology is somewhat rudimentary. The issue was whether Gentiles who became Christians needed to be circumcised and to obey the Jewish laws. One sees in the account of this dispute several elements of good decision-making practice. The dispute was referred to a group, the apostles and elders, for decision. They recognised the issue which needed to be decided.

Plenty of time was allowed for discussion. ("after much discussion"—*v.7*). Both sides were heard. There was "active" listening. ("The whole assembly became silent as they listened"—*v.12*). The apostles and elders reached unanimous agreement, and the conclusion was approved by all the others present. The apostles and elders sought God's will in the situation. ("It seemed good to the Holy Spirit and to us"—*v.28*). When the decision was made, it was communicated to those affected by it, and the reasons for it were clearly explained.

Now, not all the elements of what I call "consensus-building mediation" can be found in this one story. Much of the mediator's time is spent designing the mediation process, and this is glossed over in the Council of Jerusalem story. There is also a note of realism in the account later in the same chapter of a dispute between Paul and Barnabas which was so sharp that they parted company. But the Church can be satisfied that there is a New Testament precedent for seeking to resolve church disputes by the use of building consensus.

Consensus-building has somewhat of an American feel to it. English people may be unused to flip-charts and other visual aids, being organised in groups, and all the other tools of the mediator's trade, though these American processes are increasingly being used in business decision-making in the United Kingdom. "I"-centred communication, and especially being prepared to express one's feelings openly, are also foreign to the English phlegm. One technique I sometimes use is the use of a structured dialogue, known as the Samoan Circle.

Four to six chairs are placed in a semi-circle in the centre of the room, and the other chairs arranged on the outside. Anyone who wants to be part of the discussion must sit in one of the four chairs in the centre, and must talk loudly so that everyone can hear. Anyone who wants to become part of the discussion should stand behind a chair until that chair (or another one) becomes free, and similarly persons who are in the centre should not remain there indefinitely if there are people waiting to join the discussion. This is useful as it allows hurts to be addressed in a controlled manner, where others can identify with what is being said (because they can hear it), and thus can experience the same healing themselves.

One may ask, would Jesus have used flip-charts? I answer, why not? If the Church has embraced worship songs on screens instead of hymnbooks, what is wrong with flip-charts? I suggest that he who wrote on the ground with his finger would have had no objection. And as for expressing one's emotions, our Lord said that it is only when we open our hearts that we can truly hear and understand what others are saying.

So one must distinguish between cultural and theological concerns. A mediator working in an English church may need to be somewhat gentler and more subtle than a mediator working in the USA. That is not a criticism, but simply a recognition of a different cultural approach. But the principle is theologically sound, even though the practice may need to be tempered to the English culture.

For example, bringing in a person described as a professional church-dispute mediator may raise hackles in some English churches, whereas such a person would be readily accepted in the USA. In contrast, a member of the diocesan staff, a member of the clergy, a trained lay person, or someone recommended by the diocese or a nearby diocese "to help resolve the dispute" would not encounter the same resistance. Dioceses should therefore encourage individuals to be trained in the consensus-building process. They can then be a resource, to be sent in as mediators rather than as "professional dispute-resolvers".

2. What types of case are suitable for mediation?

Pastoral breakdown, personality conflicts, employment disputes are probably the biggest areas. Church discipline is a growing area, especially as mediation (or conciliation, which means the same) is one of the options for the bishop under the Clergy Discipline Measure 2003. Mediation has been used in faculty cases. Mediation can also be used in property disputes, personal injury cases, and all the normal range of legal disputes in which any organisation may become involved. I am currently involved in a mediation initiative by Coventry Cathedral to seek to resolve the current conflict in the Church over homosexuality.

3. The practice – the skills needed – a "how to do it":

There are four main – and often overlapping – areas in terms of the skills needed to build up to do mediation well: a theoretical understanding of mediation and its dynamics; the practical mediation skills; ethical awareness; and emotional sensitivity.

(a) Theoretical understanding of mediation and its dynamics

Mediation should be seen as a process, covering what needs to done before the parties meet, what happens during the time they meet, and what needs to be done after the meeting is over.

(i) Before: Here the mediator has to consider how to get the parties together, approaching them, ascertaining what documents will be needed (if any) and

arranging a date. The mediator will need to take the initiative, yet remain neutral in judgement – although he or she may challenge expectations. There may be a power imbalance that needs addressing, such as when there is one individual against "the diocese". Where there are lots of people involved, they each need to be consulted on the process and about the agenda for any meetings. Process in such cases is every bit as important as outcome, as process builds trust and leads to decisions reached being seen as fair.

(ii) During: This is also about managing process. The parties need to be made comfortable, in terms of who sits next to whom. Sometimes a party cannot even bear to be in the same room as another. The use of co-mediator may be helpful, perhaps someone of the other sex to the mediator, or a person from another church tradition to that of the main mediator. Again, the process must be non-judicial, so that one party does not perceive that the mediator has decided against him or her; the mediation must be conducted in a neutral and confidential environment. Confidentiality is very important, especially in terms of what can be said when reporting back to the other party or parties. Agreement should be reached with the parties as to what matters they give permission to be repeated. It is vital that the mediator does not become self-defensive. If the mediator proposes a course of action, and someone strongly disagrees, it is not for the mediator to take it personally, but to assist and facilitate in moving the process on.

I came across a striking example of the confidentiality principle in a book about the late Willie Mullen, who was pastor of Lurgan Baptist Church in Ireland. He was once asked by a husband to help save the husband's marriage. Willie replied that he would try to assist, but first the husband must be absolutely truthful as to what had gone wrong in the marriage. The husband then confessed to adultery. Willie Mullen went to see the wife. He told the wife that her husband had committed adultery but now wanted to restore relationships and the marriage. The wife replied that she wanted a divorce, that what Willie had just provided her was the evidence of adultery she needed, and that he would be hearing from her solicitors shortly. Willie replied that he had come there to help save the marriage not to provide evidence for divorce, and he refused to give evidence for her. In due course he received a witness summons. He attended court, but the case was adjourned before he was called to give evidence. However another barrister who was present in court heard about Willie Mullen's dilemma and asked Willie to accompany him to his chambers. There the barrister looked up some cases and reported to Willie that it was quite wrong that he had been summoned to give evidence, because a person who was acting as a mediator between the parties to a marriage should not be asked to give evidence of what they may have said to him while he was doing this. The

barrister said that he would report this matter to the barrister acting for the wife in the divorce case, and did so. Willie Mullen was not summoned to appear at the adjourned hearing.

(iii) After: The mediator should reflect on what has to be done. If there is to be any reporting back to another person or body (such as the report which follows a mediation under the Incumbents (Vacation of Benefices) Measure 1967), agreement should be reached with the parties as to what matters they give permission to be repeated. The mediator may also need to write up an agreement, engage in a certain amount of follow-up, and help in looking to the future.

(b) Practical mediation skills

These are largely of three types: relating to the parties, problem-solving and healing relationships.

(i) Relating to the parties: The mediator needs to develop empathy with the parties, and give them the opportunity to assess the mediator. A good approach is to meet each side first on their own; this is usually time well spent. The mediator needs to engage in "active listening", so that the parties know that their position has been understood – by the mediator summarising it back to them and appreciating the implications. (A good example of this occurs in *Mark 12:28–34* when Jesus gives the Summary of the Law and the teacher of the law replies, "You are right in saying that God is one and there is no other but him. To love him with all your heart, with all your understanding and with all your strength, and to love your neighbour as yourself is more important than all burnt offerings and sacrifices.") Questioning of the parties must be appropriate, and they should be allowed to have their say, with reasonably-sized uninterrupted slots. Body language too, is important, and the mediator should maintain appropriate eye contact and posture.

(ii) Problem-solving: Here there needs to be some exploration of the problem, an identifying of underlying values and interests, developing options for settlement, examining options, and implementing the settlement. The terms need to be "SMART" – that is, *s*pecific, *m*easurable, *a*chievable, *r*ealistic, and a *t*ime set.

(iii) Transforming relationships: The best description of this transformative theory of mediation is that of Robert Bush and Joseph Folger. In their book *The Promise of Mediation* (San Francisco, Jossey-Bass, 1994) they describe two main elements in transformation: recognition and empowerment. Recognition means being open, attentive, and responsive to the perspectives and situation of the other party. Empowerment means moving from being confused, fearful and unsure to being calm, confident and in control. This

approach to mediation is encouraged by the Mennonites, with whom I did some training. It is a spiritual process, but it is brought about (under God) by paraphrasing feelings and encouraging impact statements, encouraging paraphrasing by the other party, and checking that this has been understood.

In the role plays during the five-day Mennonite training course, I found myself playing the part of a young church youth leader who lacked confidence when confronted by the dominating parents of some of the children in the church. The parents were complaining about the way the youth leader ran the youth group. In the mediation the mediators skillfully got the youth leader to speak out his feelings to one of these parents, where they were acknowledged, and responded to in a way which released the fear, empowered the youth leader, and dramatically altered the relationship. This was only a role play, but the effect of the process was quite extraordinary.

(c) Ethical awareness

Again, the issue of confidentiality is an important one. How much should a mediator say in a report following a Vacation of Benefices Measure mediation? There needs also to be sensitivity to the possibility that the process of mediation may be being used for an ulterior purpose — for example, it may be used to conceal a structural or systemic issue such as racism. Mediation should not be offered if its very nature—of privacy and individual treatment—is being used to sweep under the carpet a repeated problem. It can be made a condition of mediation that matters must be reported to the appropriate authorities first, especially so if a crime has been committed.

(d) Emotional sensitivity

The mediator needs to be able to recognise, acknowledge and handle emotions—and sometimes to be sponge to absorb emotions. He or she will need to be a good communicator, able to read feelings, to show empathy and to reflect back emotions. Again, the principles of recognition and empowerment, mentioned above, will need to be to the fore.

Psychology categorises people into four types: circle people, square people, triangle people and squiggle people. Circle people are those who are concerned with other people and relationships. Square people are concerned with the facts and the legal issues. Triangle people are those concerned with the bottom line. Squiggle people are those concerned to tell their story. A mediator needs to be able to recognise what type of person he or she is dealing with.

With circle people, relationships are the most important feature; and the mediator's job is to enable those relationships to be transformed and indeed

healed. Square people are those who appear to be concerned with the legal and factual issues. A mediator's job here may be to reality test these issues, but he must probe deeper than that. He must look to see what the parties' real interests are and see whether there are other issues below the surface which need to be addressed as well.

Triangle people are concerned only with the bottom line, the final figure. A mediator's job when faced with a triangle person may well be to check whether the dispute is about more than just money. He may also need to educate a triangle person to help them see things from the other party's perspective, and so to provide material to challenge the other side's perception of the case.

Squiggle people are those with anger, hurt, or some other emotion, and who need to be listened to. This is not "touchy-feely" stuff: I see much more anger as a mediator than any other emotion. The mediator here needs to be a sponge – to allow the party to tell their story; to give them time to "get it out of their system", and then to move on.

4. How do you learn to be a mediator?

Well, some people are natural mediators; but there are a number of courses available both in the Christian and in the secular community. Speaking personally, I trained first as a commercial mediator with an organisation called CEDR (Centre for Effective Dispute Resolution). I then trained as a community mediator, and did five years' voluntary work for the Camden Mediation Service dealing with neighbour disputes. I did a two-day course run by the United Reformed Church in the Midlands, and a five-day course run by the London Mennonites. The London Mennonites now run several courses throughout the year, for all denominations, and not only in London. I strongly recommend them.

Final words

So, whether you decide to become a mediator yourself or not, please be aware of it, and encourage its use in your parishes whenever you think it appropriate.

The current adversarial method of dispute resolution in the Church of England is a witness, not to the glories of Christ's new creation, but to the failure of his Church to live up to his calling. It is not overstating matters to say that dispute resolution in the Church of England can be a matter of both embarrassment and ridicule. Comparisons with Trollope over the Westminster Abbey dispute of 1998 are apt.

That was an exceptional case: in the publicity it achieved, in the financial cost of the dispute, in the parties and institutions involved, and in the formality of the process. What is perhaps not so exceptional was the increasing intransigence of the two main participants as the dispute progressed, and the seeming inevitability of the final court battle.

It is this personal element which formal Church procedures cannot touch, but which mediation can and does. The gospel is about transforming people into Christ's likeness. St Paul writes:

"Do not conform any longer to the pattern of this world, but be transformed by the renewing of your mind. Then you will be able to test and approve what God's will is – his good, pleasing and perfect will." (*Romans 12:2*)

I was speaking recently to the diocesan mediator for Rochester. She describes how Rochester has a mediation scheme and how this has helped resolve a number of disputes within the diocese. My hope is that the initiative in that diocese will be copied elsewhere. Mediation works, not every time, but in many cases. It is particularly likely to work if a mediator is brought in early, before the parties have gone public about the dispute, and positions become entrenched. When the Church resolves its disputes peacefully in this way, it will be a witness to the world of the transforming power of Christ.

Dr. James Behrens is a barrister of Lincoln's Inn and the Middle Temple, a mediator, and a chartered arbitrator. He is also Chancellor of the dioceses of Leicester and Bristol.

For more on the subject of this address, given to the Association and members of the Patrons Consultative Group on 14th May 2007 in the Church of St. Giles-in-the-Fields, see James Behrens' book, Church Disputes Mediation (Gracewing, 2003).

The London Mennonites have a website: www.menno.org.uk

IN ALL THINGS LAWFUL AND HONEST

Alex Quibbler, Parson & Parish's legal agony uncle, responds to some recent questions arising in parish life

QUESTION: As PCC Secretary, I received from our archdeacon, before the parish's annual meeting of parishioners and annual parochial church meeting ("APCM") this year, a Memorandum addressed also to all incumbents and priests-in-charge. It was about churchwardens and the limitation on their staying in office for no more than six consecutive years. The archdeacon stated that if parishes wanted to set aside this six-year rule, as of course we're entitled to do under the Churchwardens Measure, "then they need to pass a motion at their APCM in the year BEFORE a churchwarden will be standing for a seventh consecutive year," that notice of such a proposed resolution should be included in the APCM agenda and that "this matter should therefore be discussed by the PCC prior to the APCM."

Oh dear, oh dear. As I said in the last issue, who trains our venerable servants these days? Your archdeacon is wrong – on three counts. First, the Measure does not require a motion to be passed a year in advance if it is foreseen that a churchwarden may want to stand for a seventh consecutive year. What your archdeacon, doubtless advised by your diocesan registrar – and remember, registrars are often splendid people but their knowledge of canon and ecclesiastical law can sometimes be rather patchy – has got hold of, I think, is the view put forward in the Brief Guide to the Churchwardens Measure, prepared by the Legal Office of the National Institutions of the Church of England in December 2001. The authors of that Guide take the view that "it is desirable" to consider passing a motion that the six-year rule shall not apply in this parish, "at least a year before it is required" – so that candidates may know where they stand the following year in considering whether or not to offer themselves for election. But the same Guide also accepts that such a motion will have "immediate effect", and could be passed at the beginning of the annual meeting (that is, the meeting at the beginning of a possible "seventh year"), followed by election of churchwardens, provided they have of course already been nominated, seconded and given their consent in the normal way now required by the Measure. So, if one of your 'wardens has held six consecutive terms of office since 2002, then relax, he or she may still stand again in 2008 if your meeting passes the resolution directly beforehand.

Secondly, and this is fairly elementary stuff, I don't know why your archdeacon is referring to the APCM. Churchwardens, of course, are chosen at the annual meeting of parishioners – not the APCM. There does seem to be a view around that they are somehow "lay ministers" of the congregation,

which is nonsense. Apart from the fact that until recently, a retired clerk in Holy Orders could be a churchwarden (no longer, because the Measure requires candidates to be on the church electoral roll which is comprised of laity), churchwardens, in addition to being the bishop's officers, are first and foremost representatives of the people of the parish.

Thirdly, and this follows from your archdeacon's second mistake, it's got nothing to do with the PCC. The PCC, certainly, is reporting at the APCM to the electoral roll members, and is the proper body to put together the agenda and papers for that meeting, but the PCC has no role in relation to the annual meeting of parishioners – other than that its lay members are on the church electoral roll and, along with others resident of the parish whose names are entered on a register of local government electors by reason of such residence, they are entitled to attend and vote at that meeting.

QUESTION: This may seem a trivial question, Alex, but when I was about to be instituted to my new parish, I was putting on the usual "choir habit" (surplice, scarf and hood – the occasion wasn't eucharistic) and as I adjusted my white preaching bands, the archdeacon asked me to remove them, saying that I wasn't entitled to wear them. What was my mistake?

Another errant archdeacon, it seems. Your mistake, if you yielded to the venerable request, would have been to remove the bands! This is another silly example of the sort of petty controlling tendencies which are at work in our Church. You may, it seems, disbelieve the virginal conception or resurrection, but make a modest tweak to a form of service or sport the preaching bands - so beloved of archdeacons - and the liturgical police will get you. The simple answer is that, as a clerk in Holy Orders, you are always entitled to wear bands as part of choir dress, and to carry a mortar board too if you should so desire. Go for it.

QUESTION: I'm a churchwarden in a parish which is held in plurality with another. In the 1870s my grandmother made a substantial benefaction to enable the parsonage house to be built, and that is where all our Vicars have lived, until the most recent incumbent moved on to another post a few weeks ago. The Vicarage has many happy memories for us all; a good number of us were prepared for confirmation in its spacious study, the bell-ringers and servers would come round for their parties, the choir would sing carols on the staircase while people – brought over from one of our old folks' homes - gathered in the hallway, and many a strawberry tea, and even mini-sports events, have been enjoyed in the garden. Amongst the rather drab and monochrome estates of our parish, the Vicarage and its garden were something of an oasis of calm, and all our Vicars have, in different ways, opened it up to us in the parish. Now

the living, as seems to happen so often in our diocese these days, is being suspended, and there's some talk about forming a Group Ministry, and yet another parish being joined to our two. In the meantime the diocese, as far as I can gather, is intending to sell our Vicarage. I realise that the diocese is desperately strapped for cash, but can it simply sell off the parsonage, just like that? If it can, what happens to the money? Surely it just can't go in to the diocesan coffers and fund yet more advisers or bolster our centralised bureaucracy?

There is a lot in this question! Sadly the visionary model of ministry and the use of the parsonage for the mission of the parish held by people like your late grandmother is not one held by many of those "at the centre" of church life today. While some bishops continue to live in palaces, and one or two in castles, the parish priest's house has gradually been downsized into a little box, sometimes only a few doors from the "Old Rectory", and often built on the "surgery model", with a modest "office" attached to the domestic quarters. And sadly we have not always been helped by some of our clergy, or their working non-clerical spouses (sometimes husbands of female clerics, I have to say) who increasingly see the parsonage as exclusively their private home. If only we could recover, and put more into practice, the sense of trusteeship which the "freehold" expresses, so that parsons could be encouraged to use their benefice property for the benefit of the people among whom they serve!

But to the point. As you will know, not least from reading this magazine, under the Pastoral Measure 1983 the bishop, with the diocesan pastoral committee's consent, and after consultation, does have a power to suspend the patron's right to present a priest to the living. This power, although often misused, is not intended to be a tool simply to enable wholesale flexibility in clergy deployment, and the Code of Recommended Practice issued to accompany the Measure takes the line, rightly in my view, that suspension should, in the main, be confined to benefices where pastoral reorganisation is under consideration or in progress. It is also worth remembering that the statutory consultation – with patron (who is yours?), both PCCs and the lay and clerical chairmen of the deanery synod – requires the bishop to inform these bodies of the reasons for his considering whether to exercise his power to suspend, and the consultation is to be real and genuine. The bishop, stresses the Code, should not have made up his mind beforehand.

You refer to "some talk" about forming a group ministry. If this talk has reached the stage of a definite plan for pastoral reorganisation then it would seem to me that it may be a legitimate case of suspension. What does bother me, though, is the possibility of selling off the parsonage. My view is that

this, of itself, is not a valid reason for suspension. The authors of the Code think it "might" be, on the basis that the diocesan pastoral committee is required to have regard "to the provision of appropriate spheres of work and conditions of service for all persons engaged in the cure of souls" and this could possibly, in their opinion, include disposing of the parsonage. At the end of the day, it would be for a court to decide.

The point about the original benefaction is important to stress, as there is a perception that the proceeds of sale simply slide into diocesan funds. In fact the proceeds should be held in parsonages building fund held by the Church Commissioners as a separate fund for the benefice (this is in the same Code) but the monies can be transferred into the diocesan coffers, to use your phrase, if the Commissioners are assured by the diocese that the capital is not needed for parsonage purposes for the benefice. The possibility, or probability of a group ministry will not, of itself, require the loss of a parsonage, because under a group ministry, there are still incumbents, each with his or her parsonage. What I do not know is whether the pastoral scheme which would create the group would also provide for a reduction in the number of clergy. If there was to be the loss of a parsonage, then that scheme would need to provide for the holding and use of any proceeds of sale.

I realise that I am not bringing much comfort, but you, your fellow churchwarden and PCC will need to be especially vigilant. What you need to remember is that pastoral reorganisation can happen and subsequently be reversed. What cannot normally be reversed is the sale of the family silver, and the recovery of a parsonage such as you describe. You need to push, very strongly I think, the case you have outlined to me, and at least give the diocese a good run for its money, so to speak. You may be able to enlist the support, expertise and interest of the "Save Our Parsonages" (see that organisation's website). Ed: And please read the SOP article immediately following.

Readers are invited to continue sending in their questions about parish law and practice to the Quibbler in forthcoming issues of the magazine. All names and addresses are, of course, withheld. Whilst every effort is made by Alex to ensure the accuracy of his responses, advice should be taken before action is implemented or refrained from in specific cases.

SAVE OUR PARSONAGES

Anthony Jennings explains the mutual interests of the ECA and SOP

We at Save Our Parsonages (SOP) like to think we have much in common with the English Clergy Association in terms of shared aims and values. That value sharing has manifested itself in our mutual website links, and in the fact that we exchange newsletters. SOP is very grateful to the ECA and the Patrons Consultative Group for their co-operation in these arrangements, which have been in place for some years. We very much value what we see as our close affiliation.

Some of you may know about SOP, some perhaps not. I'd like to ensure that you are all familiar with us and our aims. We were founded in 1995 by my predecessor as Director, Noel Riley, to oppose the sale by the Church of its traditional rectories and vicarages, on pastoral, practical and financial grounds, as well as for community and heritage reasons. Our objectives are therefore to encourage the Church to retain and value its historic parsonages, to promote the understanding of the role of the traditional parsonage, and thus to facilitate the mission of the Church. We see the argument as tripartite – traditional clergy houses are vehicles for mission, community and heritage alike.

Our members are mainly churchwardens, PCC members and clergy who cherish their traditional rectory or vicarage. The 43 diocesan offices are responsible for parsonages, so they are outside parish control. Members frequently find themselves in conflict with diocesan officials, which is a matter of regret; after all, both parish and diocesan office alike surely exist to further the mission of the Church. But our members realise that the dioceses are going about things the wrong way. One of the many problems they encounter is lack of consultation by the diocese, something we have striven to redress with, *inter alia*, our Code of Practice (for details of which, please see our website).

Old rectories are more popular with private buyers than any other type of house. Yet the Church has been determinedly selling off its traditional working parsonages for at least the last seventy years. Of course, in some of these cases parishes are being combined and only one parsonage may be needed, but even then, we believe the 'redundant' parsonage should be retained as a valuable asset, for future or alternative use. The other main arguments they give for selling are that traditional parsonages are costly to heat, the clergy are embarrassed to live in houses that are better than those of their flock, and the vicar should not be disturbed in his private house (though it is well settled in law that "a rectory …. is a house …… to be used for spiritual, pastoral and procedural duties" – *per Lord Denning MR).* The fact is that larger houses are necessary for parish and community purposes. They can be used for PCC meetings, parish meetings, pastoral care, community fetes, garden parties, car boot sales and so on.

The financial argument does not stand up, either. Houses sold off for a pittance in the past are now selling for huge sums, but the Church gains no benefit at all from the financial bonanza. To add insult to injury, when their parsonage is sold, the proceeds of sale are whisked off to diocesan coffers, so not only do parishioners not gain any tangible benefit, but they lose a source of revenue for parish share.

There is a depressingly widespread view among diocesan authorities that tradition plays no part in the mission of 'today's Church', and old buildings are a burden to be cast off. This is hardly a sign of modernity, more of being out of step with public opinion. PCC members, churchwardens, and churchgoers alike, all well understand that the fine buildings of the Church are its vital tools. The mission of the Church must be about the parish and community, not keeping diocesan officials in employment.

The battle is very much an ongoing one. Within the last few months, the parishioners of Clifton Hampden (Oxford Diocese), Winster (Derby), and Ingleby Greenhow (York) have lost their vicarages. At the time of writing, the parishioners of Chew Stoke and St. Endellion are fighting for theirs, and Lichfield Diocese has recently announced the sale of 25 vicarages.

And here I come to the main purpose of this article. In pursuance of our objectives, we at SOP provide support and advice to parish clergy, PCCs, churchwardens and parishioners who find themselves engaged in this battle up and down the country. I would like to make it clear to all members of the English Clergy Association that, because of our "mutual membership", we at SOP are pleased to offer you, to the extent time and money will allow, the same service that we offer our members. So if you find yourselves in dispute with diocesan officials over the proposed sale of your parsonage, please contact us.

There is a separate, but related point, on which we would very much appreciate your help. Our new project is to update our records of all individual traditional rectories and vicarages (we define "traditional" as pre-1939) that remain in Church use, in all 43 dioceses up and down the country. We would therefore very much like to hear from all of you who inhabit, have in your parish, or simply know of, such houses, wherever you may be. We would be particularly interested in any that are likely to be under threat, but we do simply need to have a current list of all such houses individually by name, with, if at all possible, contact details for the relevant PCC. Please contact me at my e-mail address: ajsjennings@hotmail.com, or by mail or phone (details on our website: www.save our parsonages.co.uk).

Anthony Jennings is Director of Save Our Parsonages

BOOK REVIEW

A Heart in My Head: A Biography of Richard Harries

John S. Peart-Binns
2007, Continuum £20 Hardback ISBN 978 0 8264 8154 2

Biographies of subjects still alive are rarely satisfactory. If they are unauthorized, they may be little more than a collection of scurrilous gossip and speculation. If they are written with the co-operation of the subject, they tend to be bland, reverential, hagiographical and, therefore, unilluminating. In such a book there is always the nagging question: what has been held back? In his opening remarks Mr Peart-Binns makes clear that he has had the fullest co-operation from Bishop/Lord Harries and enjoyed his hospitality and access to private papers. He has also read widely in the Bishop's many publications which are listed, in a far from exhaustive bibliography. But he also fairly points out that some of his correspondents have written in confidence, and although some material may have informed the background, there remains much material that is confidential. What is being held back? Might not that missing information be crucial in an understanding? Who knows? Not the reader. Of his five Chaplains only two are quoted. Their comments may represent the thought of the others, but we are not told. Is the omission of the others because they have given a different and critical evaluation? We simply do not know. It is such uncertainties that undermine this sort of book.

It is also a mightily over-written book. There is far too much detail. Most individuals are given full titles and full names. There are too many paragraphs of mini-biography that hold up the narrative drive and irritate. There are long stretches of quotation from friends and colleagues that could have been summarized and more cogently shaped. For this reason, the book becomes more of a chronicle of a life than a considered portrait of an individual. Mr Peart-Binns says that the writing of the book has been exhausting and I can assure him that the reading of it has induced the same reaction.

The opening chapters about childhood and his early life are the most interesting. The rest is rather harder going. Yet, we do learn about Harries' working methods and see how he was able to be so productive and use every minute of his full days. He had the art of delegation and was also able to concentrate on areas of especial interest and leave work he found less congenial to others. He operated at the intersection of Church and State and found his most comfortable setting and forum in the House of Lords.

His sureness of touch and silken operation in the ecclesiastical corridors of power deserted him in the matter of Jeffrey John and a chapter is devoted to this unhappy episode from which none emerges with much credit in this

curiously unsatisfactory account. I cannot decide if it is unsatisfactory because of the incompetence of the parties involved, because of the unseemly prurience exhibited, because of the self-righteousness shown by liberals and evangelicals alike, or because of Mr Peart-Binns' *haut en bas* prose. It remains a distasteful but defining moment in the Church's life.

I remember that some years ago, when dining at a high table at some Oxford college, I was asked which bishops wrote books. They seemed rather thin on the ground even then and I mentioned the Bishop of Oxford. My interlocutor, a waspish don, replied, "But are they not merely paperbacks?" Well, that is what passes for intellectual life in the Church. Bishop Harries may have carved a niche as the paradigm of the kind of churchman who espoused a liberal, humanist form of Christianity, who effectively embraced a secular ethical outlook and gave it a veneer of Christian respectability. It is a form of Christian faith in step with the times, one which has sought to accommodate to that transient concept the spirit of the age but which has emptied the churches.

William Davage is Priest Librarian and Custodian of the Library, Pusey House, Oxford. He is a member of the Council of the English Clergy Association.

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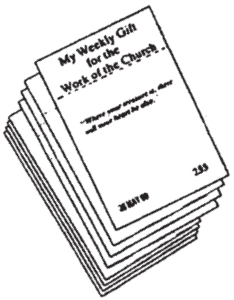

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CHAIRPIECE

John Masding on the liturgical panic to recover the Prayer Book

Major churches in Scotland have, I observed, been disposed of radically: bit of a shock to see a vast edifice, from whose (intact) pulpit the like of Mr. Brown would have thundered forth, within recent years converted to a rather attractive pub, stained glass and all. The "Soul Bar", the "Gin Lounge". So the posters outside informed me! Two churches in the capital city had become casinos, I was informed; another sported a rock face for the adventurous.

Set me up upon the Rock that is higher than I.

By contrast, the Episcopalian website remarks that with so many fewer churches to start with, we hadn't had to face that kind of radical downsizing.

Our Sunday morning found us outside "one of ours", door open, but no congregation, and no notice to say when services might be. We went in, and prayed. We were grateful for the lonely open door, and for the unlocked cupboard containing, amongst other things, 2004's Synod Report and copies of the English *Book of Common Prayer*.

Panic attack rather than *Panis Angelicus* is beginning, one feels, to dominate the real, actual and corporeal agenda of the Church of England.

The notion that the clergy need a good kicking – our plight must be someone's fault, and whose if not theirs? – seems to lie behind the Terms of Service Measure currently undergoing the Revision Committee's scrutiny. Our Editor has written perceptively and well about that in this issue and I would like to go off on another tack; but not before observing that the interesting and valuable report of the Liturgical Commission, *Transforming Worship*, seems already to be envisaging the downgrading of incumbencies by referring, as do many dioceses already, to "licensed clergy" when they mean "beneficed or licensed". Induction is not an alternative word for institution or collation, as the case may be, but a consequence. A Freudian slip? Muddled thinking at the least. For example: at *5.1.2*

The role of bishops in liturgical formation is expressed in three ways:

• *by their own presiding at the Eucharist, at services of Christian initiation, and at ordinations, by their conduct of licensings and inductions, and by their own preaching of the Word, which together constitute a highly visible public example;*

• *by their dealings with parishes in preparation for confirmation, licensings and inductions, and other special services;*

• *The secular language of 'retirement' is not easily applied to Christian ministry.*

This phrase is intended as convenient shorthand for 'clergy and Readers who have retired from stipendiary ministry, or who minister for reasons of age with the Bishop's permission to officiate rather than the Bishop's licence'.

In passing, one may note that actually the Ecclesiastical Offices (Age Limit) Measure 1975 required the beneficed and dignitaries to retire at 70 or thereabouts[1] (read the Measure for the detail[2]) but does not prevent a licence being held by a clergyman over seventy, although the powers that be will frequently be found to be asserting the contrary.

An interesting landmark is that since the Finance Act 2004, it is illegal for those running a pension scheme to dock a pension if the pensioner takes remunerated work, which puts an end to one abuse of power.

However, in our panicky state, the Liturgical Commission has thankfully realized that getting rid of everything old and ringing in the new is not the simple answer. Perhaps some future commission or working party will be suggesting that the inferior clergy should be restored to the security their masters will indubitably continue to enjoy, despite a supposed legal equality under the proposed Draft Ecclesiastical Offices (Terms of Service) Measure?

Be that as it may be, the Liturgical Commission has been frightened by the lawless and un-Anglican ways that *Common Worship* marked as to an extent having already happened, rather than ushered them in, it is fair to say.

So the valuable opportunities for Prayer Book parishes to become Mission Initiatives under the Dioceses, Pastoral and Mission Measure currently going through are underlined by the Liturgical Commission's Report:

There is also evidence that, in some ministerial training, special emphasis is laid on the planning of special and experimental worship, sometimes at the expense of mainstream study and use of Common Worship and the Book of Common Prayer. This is especially unfortunate if (as often happens) ordinands enter IME 1-3 with little experience of structured liturgy using established forms and texts – either because they have only recently become Christians or because they have been nurtured in churches which sit lightly to the official provision. Whilst planning experimental worship is an excellent learning opportunity in itself, ordinands need both background and experience in inherited forms and structures of liturgy if they are to have an effective basis for further creative work

6.1.2 We recommend that parish churches which already have a tradition of BCP use should be encouraged to use as wide a range of BCP provision as possible, to show how the BCP can continue to serve as a living resource within the full pastoral and worshipping life of a twenty-first century parish. These centres of BCP use will become places where the pastoral offices are

also sometimes or often celebrated according to the Prayer Book rites, and will ensure that more than just Evensong and the Holy Communion (and sometimes Matins) are in current use within the Church of England as a whole. The work of these centres will be reflected in the Transforming Worship website (see para. 4.2.4 above).

6.1.3 We recommend that archbishops and bishops should give attention to the use of BCP at episcopal services – ordinations, consecrations, and confirmations – where this is especially appropriate. We do not envisage that bishops would regularly choose to use the BCP for, say, Petertide ordinations in cathedrals, but there will be circumstances – when candidates are to be confirmed or ordained in one of the proposed BCP 'centres of excellence', for example – when it will be especially appropriate for the rite to be celebrated according to the BCP.

6.1.4 We recommend that those preparing for ordained and licensed ministry should be given consistent exposure to the BCP, and should be grounded in its historical and theological context (cf. para. 5.4.4 above). The use of the BCP and of Series One rites for marriages and funerals should also be covered by training incumbents during curacies.

6.1.5 The Commission welcomes the initiative of the Prayer Book Society in organising conferences for those in training for ministry, and hopes that DDOs and others will encourage their ordinands to attend them.

6.4.2 In stating that, it is important to emphasize not only the boundaries but also the ample flexibility and wealth of possibilities that now exist within those boundaries – not least the provisions for A Service of the Word and A Service of the Word with Holy Communion (Common Worship main volume, pages 21-27). The Commission is concerned that these provisions are not yet as well known as they ought to be. In many cases, where the (quite minimal) requirements of A Service of the Word are not complied with in public worship, that is problematic not just because it represents a breach of the solemn undertaking made in the Declaration of Assent but also because it represents bad liturgical practice (for example, acts of worship in which the Lord's Prayer is not said, intercession is not made, and/or Scripture is not read).

7.3.2 The singing of the psalms and of the authorized and commended canticles provided in the Book of Common Prayer and in Common Worship has declined rapidly and in many parish churches is unknown, a hymn or song being preferred as a more accessible alternative. There is a considerable challenge to assist congregations to re-engage with these core texts which have been a central part of Christian worship since earliest times and particularly distinctive to worship within the reformed tradition and to Anglican worship since the sixteenth century.

I hope so. Shutting the stable door after the horse has bolted is about as useless as asking the baby to swim against the tide and back up the plug-hole.

What is true liturgically is also true of our structures for ministry. Once destroyed, and the churches and parsonages gone too, those sustaining structures of law and "clergy culture" will no longer be living entities capable of spearheading a return to the Faith. As the church clocks and bells fall silent before the onslaught of ignorant incomers, there will be none to tell them what they are missing – they will have to go to the Cathedral Museum for that.

I wonder who the Last Freeholder will be? The battle is not lost, but we are hemmed in on every side, and must yet hope and pray that Synod and Parliament will heed the wider-ranging and unvoiced implications of the Report of the Liturgical Commission, and grapple effectively with the threat that we shall lose not only our inherited services but, under the Draft Ecclesiastical Offices (Terms of Service) Measure, also our Clergy traditions and culture. It is not yet too late?

J.W.M.

Notes

[1] (2) Where a diocesan bishop considers that the pastoral needs of a parish in his diocese or of his diocese make it desirable that a person holding—
(a) the office of incumbent of a benefice in his diocese, or
(b) the office of vicar in a team ministry established for the area of any benefice in his diocese,
should continue in that office after the date on which he would otherwise retire in accordance with section 1 of this Measure, the bishop may, with the consent of the parochial church council of the parish, or, as the case may be, of each of the parishes, belonging to the benefice, from time to time authorise the continuance in that office of that person after that date for such period or further period, not exceeding two years in all, as he may specify.

[2] **SCHEDULE** Section 1(3). Offices to which Section 1 applies
Archbishop. Diocesan Bishop. Suffragan bishop. Dean or provost of a cathedral church. Residentiary canon in a cathedral church. Archdeacon. Incumbent of a benefice. Vicar in a team ministry established under the Pastoral Measure 1968. Vicar of a guild church.

THE BISHOP OF LONDON

The Bishop of London, Dr. Richard Chartres, much-valued as Patron of the Association, most generously gave us Luncheon in the Old Deanery on 14th June. Dr. Donne, sometime Dean of St. Paul's, would have been very surprised to have found the Deanery lost and found – if with the Bishop in it rather than the Dean. Members enjoyed the opportunity to converse with the Bishop and to discuss with him some of the serious issues confronting the Church where his support is invaluable. We were very grateful for a most interesting visit, and after Luncheon we duly paid homage in the Cathedral, including a tour of the upper levels, where the Library amazed and stunned us all. Maurice, who showed us round with staggering energy, is in his Nineties, and full of interesting anecdotes.

Next year the Association will be not quite that age, but seventy is worth marking. So for our Seventieth Anniversary the Association will be addressed by the Rt. Rev'd and Rt. Hon. the Lord Bishop of London, our Patron. Please put the date in your diaries: Monday 12th May 2008.

J.W.M.

PARSON & PARISH

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While the magazine seeks to uphold the aims of the English Clergy Association, the views of the contributors are, of course, entirely their own, and do not necessarily represent those of the Association, its Editorial Committee, its Council, or its members in general.

Have you visited the ECA's website?
www.clergyassoc.co.uk
contains details of the Association's news and events, our work among churchwardens and patrons, our charitable help to clergy through holiday grants, and the latest ***Parson & Parish*****.**

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