

Article reprinted from *Cross+Way* Issue Summer 1999 No. 73

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THE CLERGY DISCIPLINE MEASURE

David Phillips

In the present climate it is welcome that the Church of England is about to consider a new Clergy Discipline Measure. This will replace the Ecclesiastical Jurisdiction Measure 1963 which everyone recognises has been inadequate to deal with the problems that have arisen and seems to have been largely unused. An initial report, *Under Authority*, was considered by the General Synod in November 1979. The introduction to this explained the present situation:

- Cases of immorality or unbecoming conduct are referred to a Consistory Court in the Diocese. In 35 years this has only happened three times, each case being notorious in its own way.
- Cases of doctrine, ritual or ceremonial are referred to the Court of Ecclesiastical Causes Reserved. According to *Under Authority* no such case has been referred to this court in 35 years.

The Measure, which will be debated by Synod in July, will have to legislate on a number of issues, in particular:

What sort of matters should be covered?

Earlier this century it was Evangelicals who kept the law and used the law against others (not least Church Society's forebear Church Association), but in previous centuries the likes of Whitefield and Wesley tended to ignore the law of the Church, and commands of Bishops, for the sake of the gospel. Today many Evangelicals believe that it is monstrous that a Bishop can deny fundamental truths of the faith without being disciplined and would like to see something done about it.

But the same legislation could be used against people who do not say morning and evening prayer every day, or keep all the saints days. There are instances of Bishops threatening evangelicals who do not wear robes whilst turning a blind eye to those with live-in homosexual partners. This new measure could be of great benefit, or it could be very dangerous.

Who judges the case?

The cheapest way would be for a Bishop to gather facts and then make up his mind. Few people will regard this as a satisfactory way forward but there is a general trend towards centralising power with the rallying cry 'trust the bishops'. Moreover, it will be difficult to develop a system that is easy to use, just and not too expensive.

How open should the legal process be?

There was much discussion surrounding the initial report about this aspect. It is recognised that in some instances discretion is a good thing. However, private hearings are far more prone to injustice or at least the perception of injustice. Again there will be fears that justice will not be done if the matter is left to small groups who are neither open nor accountable themselves.

By the time this article is printed the draft legislation will be published and copies available from Church House Bookshop. If the legislation is given general approval by the Synod then there will be a Revision Committee set up. Please pray for the debates and discussions surrounding this important piece of legislation over the next year.