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### CLERGY DISCIPLINE

David Phillips

In July the General Synod rejected a report intended to introduce new Discipline procedures for clergy in respect of doctrine and ritual. Controversially the report was accepted in the House of Laity by more than three votes to one, in the house of Bishops by more than two to one but defeated in the house of clergy by just four votes. There is widespread concern amongst the laity that the Clergy are not accountable for what they teach but the majority of Clergy were concerned about either the principle or the details of the intended procedures. How did we get to this impasse?

In 1996 the Synod considered a report entitled *Under Authority*. This was intended to lead to a new Clergy Discipline Measure to replace the 1963 Ecclesiastical Jurisdiction Measure. In the debate on this report Michael Vasey put an amendment to exclude doctrine and ritual from the new Measure. An attempt to have his amendment voted on separately by the three houses failed because too few people understood the significance of what he was proposing. In the event the amendment was passed by a narrow margin.

When the new Measure was introduced in 2003 it provided that

*Section 8(1): Disciplinary proceedings under this Measure may be instituted against any archbishop, bishop, priest or deacon alleging any of the following acts or omissions-*

*(a) doing any act in contravention of the laws ecclesiastical;*

*(b) failing to do any act required by the laws ecclesiastical;*

*(c) neglect or inefficiency in the performance of the duties of his office;*

*(d) conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders. But: Section 7(2) Proceedings in relation to matters involving doctrine, ritual or ceremonial shall continue to be conducted in accordance with the 1963 Measure.*

### The 1963 Measure

Why was it felt necessary to replace the 1963 Measure at all? The most obvious answer is that the 1963 Measure has been used only very rarely. It is perceived as being difficult to initiate proceedings (though in fact it is easier than under the proposed new Measure) and as being archaic. It is also considered to be far too costly and those few cases that have proceeded under the Measure have demonstrated this, thereby deterring others. Moreover, there is no simple way to deal with problems through the Measure before they come to a full court case.

The Clergy Discipline Measure had been approved by Synod in November 2000 (and then took over 2 years to gain Royal Assent). However, already the House of Bishops had succumbed to pressure to introduce a further Measure to deal with doctrine, ritual and ceremonial. Under the chairmanship of Bishop Mark Santer (Birmingham) and then Bishop Peter Forster (Chester) a working group met fifteen times over a period of four years. The issues the Group had to consider run very deep and are influenced by all the current divisions within the Church of England. It was a marvel, and a testimony to the perseverance of some of those involved, that anything at all was

produced. Yet all this work came to nothing when the Clergy voted to reject it.

What was surprising about this report, and what does appear to have contributed to its downfall, was that it included an actual draft Measure, which is neither normal practice nor necessary. Ordinarily such a report would cover the principles after which, if it was agreed, a drafting group would be set up to produce the legislation. Following this a Revision Committee would be set up to pick over the legislation in the light of the debates at General Synod.

The advantage of producing a draft Measure in the report is that it shows precisely how the principles could be worked out in practice. Moreover, since there had already been an earlier report, *Under Authority*, followed by an actual Measure, much of the spadework had already been done. The problem was that so many of the adverse reactions to the proposals were, at least on the surface, responses to the details of the illustrative Measure rather than the principles in the report. There would have been two or three further opportunities for the Synod to debate the details but the clergy chose instead to reject the whole package.

### **The range of opposition**

Concerns voiced about the proposals covered an extraordinary range of views.

First, some were evangelicals fearful that the Measure would enable action to be taken against them for failure to wear robes or such like.

Then there were the Anglo-Catholics who look back to the court cases brought by Church Association and others against the 19th century ritualists.

The Liberals have become very jittery following the protests against appointments in this country and the US of those promoting or pursuing immoral lifestyles.

Some traditionalists are worried that liberals will make use of any excuse to trump up charges and take action against them.

Others were concerned that the proposed Measure was too unequal in the way it handled complaints against Bishops as compared to other clergy.

Then there were those who just felt that this Measure is another piece of a control-freak culture that is gripping the central bodies of the Church.

What all this evidences is the fear and deep division now running through the Church of England. Neither laxity nor the lowering of boundaries will solve this because both will lead to the further collapse of the Church.

### **Do we need a new Discipline Measure?**

Discipline is not an optional extra. It is evident from the formularies and Canon Law of the Church of England that there are clear boundaries for the conduct and belief of clergy and therefore the expectation of discipline to maintain those boundaries. In the Homilies, which provide a sort of commentary on the Thirty-Nine Articles, it is explicitly stated: *The true church . . . hath always three notes or marks, whereby it is known: Pure and sound doctrine; The sacraments ministered according to Christ's holy institution; And the right use of ecclesiastical discipline.* (Homily on 'The Coming Down of the Holy Spirit'. See also 'How Many Marks?' Cross†Way 1999 No 73).

There should be no problem with the principle of discipline since it already exists in the form of the 1963 Measure. However, there are those who prefer to have the principle and are quite content that

the Measure is unworkable in practice. They are fearful that if a new discipline measure could be used, it could also be abused. But the breakdown in the Church today is due in no small part to the complete lack of discipline. If we continue as we are there will be no issue because there will be no Church of England.

The real problem is one of will. It was encouraging that three quarters of the Laity supported the new proposals because it shows that they expect the clergy to be held accountable. But do we see such concern also being expressed in other areas of church life? How many parishes exercise real discipline at the Lord's Table or with regard to lay leaders? Yet discipline is not just about the clergy, it should be a mark of the whole church.

A new Measure would have provided an important marker, showing that discipline is still important rather than just being of antiquarian interest. For this reason it is to be hoped that such a Measure will be re-introduced at some point. However, even if a new Measure is eventually enacted will it prove any more effective in practice? Whilst the procedures certainly looked more workable the effectiveness of the Measure would depend upon those who have to implement it and on those who have to form views as to what is and is not acceptable in terms of doctrine and ritual. When there is so much confusion about the nature of the Church and about what the Church teaches it is hard to see how any procedures could be truly effective.