

- 5 There is no evidence that suffragans are seeking to usurp their diocesans' functions. It is becoming commonplace to refer to their distinctive ministry. For example, the Second Report to the General Synod by the Follow-Up Group on the Review of Synodical Government (GS 1412) stated in 2001 that:

'as a numerically significant body of senior clergy, they have interests and perspectives on issues which include the concerns of the dioceses in which they serve, the wider concerns of the college of bishops, and their own distinctive perspective as a body of bishops suffragan. To exclude suffragans altogether from synodical representation would be to disenfranchise a significant group in the Church'.

- 6 The Working Party on Suffragan Bishops emphasised that the suffragans are archetypically 'helpers' of the people of God, in their preaching the Word of God, presiding at the Eucharist, carrying through Christian initiation in Baptism and Confirmation and ordaining ministers to continue the ordained ministry. In their freedom from the responsibilities of the Ordinary, 'they have time to get to know the people of God, and to be known by them, and to share that knowledge with a diocesan bishop as they share together in the ministry of oversight within a diocese'. I commend this as a clear statement of valuable ministry in our Church.
- 7 It would cause an enormous upheaval to change the present perfectly lawful arrangements for episcopal ministry within a diocese to try to achieve the theoretical theological purity of one bishop per diocese. That does not mean that diocesan boundaries may not be altered for re-organisational reasons, as I have already argued, but there is no justification for contemplating wholesale termination of the distinctive ministry of the suffragan bishop.
- 8 Whilst the present power in section 11 of the Dioceses Measure 1978 to make a scheme dividing a diocese into areas should be retained, there is, I suggest, a strong case for deleting the power to permit a diocesan bishop to keep an area for himself. This is to ensure that no misconception is created about his role. Keeping part of the geographical area for himself could be seen as exercising some preference for the people of that area and an under-valuing of the rest of the diocese. The visibility of the Church at local level is exemplified by the defined extent of the diocese at a particular time. The bishop of the diocese should continue to be identified as chief pastor within the whole of that area.

## DESPERATE MEASURES

THE RT REVD PETE BROADBENT  
*Bishop of Willesden*<sup>1</sup>

I want to suggest that, for possibly the first time since the Second World War, we have a genuine opportunity for the Church of England to reform its mission and pastoral coverage, and its institutions, for good and for the furtherance of the Kingdom of God. Our changing culture is the main context for this reform, but it is being made possible by two external drivers—the financial meltdown which is currently taking place at national and diocesan level, and the decline in clergy numbers which has forced the Church *at last* to embrace the new patterns of ministerial priesthood and

<sup>1</sup> This paper was delivered at the Ecclesiastical Law Society Day Conference on 9 March 2002.

lay leadership proposed by John Tiller in 1983. It is clear to me that the Church of England as an institution only embraces change when it is forced to do so. It would be perfectly possible to ignore our changing cultural situation and to die quietly in a corner, were it not for our lack of money and priests. I am upbeat about this, because I do not believe that the forces of reaction and darkness will prevail this time. But I am worried that the framework of ecclesiastical law will delay and attempt to prevent the changes that are needed—and to this concern I will return.

### *Cultural Context*

Let me begin with the cultural context. We live at the cusp of modernity and post-modernity. The one will not eradicate the other, but our task as a national church is to minister to people for whom there are no metanarratives and paradigms, where the old certainties have disappeared, and for whom the virtue of diversity and choice has become an absolute. It is no use bemoaning this situation, nor, *pace* the *Daily Mail* and the *Daily Telegraph*, is there any hope of reversing the trend. Rather, we should count it a tremendous privilege to be called by God for such a time as this. It is an exciting and challenging time for all of us to be apologists and missionaries for Jesus Christ. Our society and culture are in the midst of a period of major change. The task of the Church in worship and mission is to engage with people who are rapidly losing the grammar of the Christian faith (or indeed have never learned it), many of whom are none the less deeply religious.<sup>2</sup>

The pace of cultural change is hectic. Please do not hear me as suggesting an abject surrender to the spirit of the age; we know that we must speak timeless truths, communicate an eternal gospel, deepen the possibility of engagement with the Mystery, and ensure that we are centred on the God who has revealed himself as Father, Son and Holy Spirit. But our pastoral response can no longer be to hurry slowly—we need rapid reaction (and proactivity) to meet the needs of our society.

I am motivated by mission; but mission in an Anglican context. I still believe in the parochial system—it works for us in London—and wish to preserve our capacity to be there for the whole country; but I also want to see an overlay of other provision, equally Anglican, superimposed upon the parochial system. Network churches, workplace churches, youth congregations, ambient congregations—new ways of being church, whatever will enable people to come to faith and be built up in their discipleship for Jesus Christ. Some of these will be based on cell patterns, some will meet midweek rather than Sunday, some will wish to abandon their buildings, some will wish to meet in clubs, warehouses, schools, pubs. There will need to be a new diversity, one which is not being, and arguably cannot be, facilitated by the current Pastoral Measure framework. We currently *have* a sad bureaucratic procedure designed to prevent things happening, based on a 1950s understanding of church. We *need* a new Mission Measure that will enable experiment, provisionality, and allow both success and failure.

### *Philosophy*

It has not been the habit of the Church of England to espouse a philosophy of cultural engagement. Rather, we have relied on our capacity to be implicitly understood, defined by what we pray, a relaxed and liberal pastoral ethos, infinite in our variety, both understated and extreme, and supremely *pastoral* in our approach. And

<sup>2</sup> See *inter alia* Rowan Williams, *Lost Icons* (T & T Clark); Roy McCloughry, *Living in the Presence of the Future* (IVP); Eddie Gibbs and Ian Coffey, *Church Next* (IVP); Michael Moynagh, *Changing World, Changing Church* (Monarch); John Drane, *The McDonaldization of the Church* (DLT).

while that approach will still work in certain circumstances, we now begin to see the need to move from pastoral mode to mission mode.<sup>3</sup> I now seek to appoint clergy who will be leaders in mission, who can take a parish forward, who will grow the church numerically, in discipleship, and in relation to its community. In London, we simply cannot afford to appoint priests who will be *simply* pastoral.<sup>4</sup>

It has been encouraging (as a frustrated outsider) to see that the House of Bishops has recently begun to engage with the question of what might be an Anglican understanding of being a church in mission. *Shapes of the Church to Come*<sup>5</sup> speaks of the need to be a church of both embassy and hospitality, and underlines the point that the Church of England will need to be freed from some of its burdens if it is to fulfil its missionary task. As well as mission driving all we do, our philosophy must be that we invest in opportunity and growth, putting more finances and priests into places where the church is making an impact, though never at the expense of renegeing on our commitment to the poor and disadvantaged. We will also need to allow for new patterns of ministry, varied and appropriate to local context. The cumbersome and arcane procedures of the Ministry Division may also need dismantling if we are to respond quickly to new ministerial opportunities!

### *Principles*

If it is to be possible to reshape the Church of England's pastoral structures for mission, we shall need a framework that is genuinely based on facility, not on order or coercion. The Pastoral Measure 1983 masquerades as legislation to facilitate; in practical terms however, it provides a coercive framework for the reimposition of Victorian churchgoing patterns on a C21 society.<sup>6</sup> The distinction is crucial; unless our legislative framework enables rather than prevents, it will rapidly be brought into disrepute. Instead, we have ensured that a whole series of bodies—the Diocesan Pastoral Committee, the Council for the Care of Churches, the Church Commissioners, Privy Council—are set in place to slow the process down and strangle innovation.

As well as facility, I want to see a Mission Measure with built-in presumptions towards devolution and subsidiarity; speed and responsiveness; entrepreneurialism and a 'can do' approach. It must be devolved, because local circumstances vary so enormously; we have 43 different Churches of England, where pastoral and evangelistic patterns contrast at times unrecognisably. It must be speedy—and that argues for the end of: separate pastoral committees; schemes passing backwards and forwards to and from bishops; months of waiting for the Council for the Care of Churches; fatuous paperchases with the Church Commissioners. It must encourage entrepreneurialism—new congregations come to birth quickly, and I need solutions, not problems, when it comes to making them happen and keeping them Anglican.

<sup>3</sup> Cf. The distinction between the pastoral church and the mission church made by Robert Warren in *Building Missionary Congregations* (BoM).

<sup>4</sup> The Diocese of London is one of the few dioceses in the country where membership is consistently on the increase—our mission context is such that we need clergy who will be able themselves to engage with a multicultural, pluralist, postmodernism-driven context, and train and enable laity to do so too. Many clergy are unable to lead churches in this kind of context, and will need retraining!

<sup>5</sup> *Shapes of the Church to Come* is a House of Bishops paper currently before the Archbishops' Council.

<sup>6</sup> It is interesting that nothing in clause 1 or clause 2 of the Measure has a whiff of mission about it—the phraseology is entirely about 'review' of 'arrangements for pastoral supervision' and 'provision for the cure of souls'. The next 89 clauses then provide a suicide note for death by a thousand obfuscations!

### *Practical Implications*

If the Pastoral Measure can be rescued (and I doubt this very much—I would rather see the introduction of a Mission Measure which would sweep away the old framework), then the practical implications for legislation would be to do the following:

- facilitate diocesan procedures (sections 1, 2, 3, 4)
- end the involvement of Church Commissioners (sections 5–8)
- end the involvement of Privy Council (sections 8 & 9)
- facilitate new ways of being church and experiment (section 17)
- enable redevelopment (sections 28, 46 & 47)

Let me then make some brief comment on the Measure as it is currently drafted, to show why it is that it has outlived its usefulness and is probably better consigned to the scrapheap of history than merely tinkered with.

#### *Section 1*

The existence of a Pastoral Committee separate from the main diocesan committees is a nonsense; it separates consideration of these important matters from the policy and finance framework of the diocese. In the Diocese of London we have circumvented this by making the Diocesan Synod the Pastoral Committee (which never meets) and doing all the work through the Area Councils (equivalent to the Area Bishop meeting in Council). This tortuous mechanism should not be necessary, and the Measure should be amended to allow Pastoral Committee functions to be carried out wherever in the diocesan committee structure and at whatever level is most convenient for the mission of the Church.

#### *Section 2*

The idea that the committee makes recommendations to the Bishop is rather quaint; what happens in practice is that the Bishop and Archdeacon meet *as part of* the committee to consider specific aspects of the ‘arrangements for pastoral supervision’, and find themselves making recommendations to themselves! Theologically, the task of the bishop in council is mission; the Measure should be amended to reflect this. Section 2 (3) needs rewording to go beyond ‘cure of souls’ to a clear mission context.

#### *Section 3*

Consultation arrangements are convoluted and bureaucratic. The Section needs rewording to simplify consultation arrangements and to remove 3 (5) (the right to meet with the whole committee). [In London, we await the first request by an incumbent to meet with the entire Diocesan Synod!] Because we often have to use ‘redundancy’ as a mechanism for achieving the redevelopment of part or the whole of a church building (both to circumvent the faculty jurisdiction and to ensure that the funds from the sale of the church site can be applied to the new development), the involvement of the Council for the Care of Churches is nearly always inappropriate, and always causes huge delays (Section 3 (8)).

#### *Section 4*

Passing proposals back and forward between committee and bishop is unnecessary. Changes should be introduced to allow the bishop in council (or the archdeacon acting on his behalf) to produce proposals.

*Section 5–8*

I have always argued that the role of the Church Commissioners in pastoral reorganisation is unnecessary and causes delays. During consideration by General Synod of the National Institutions Measure, I argued unsuccessfully for the ending of this procedure and the abolition of the Church Commissioners Pastoral Department. I still hold to this view. Dioceses should deal with pastoral reorganisation, and any appellate function should be handled by a diocesan committee convened as and when necessary. These Sections should be simplified and amended to allow all this work to be handled at diocesan level.

*Sections 8 & 9*

Confirmation by Order in Council and appeal to the Privy Council obviously reflect the importance of the Church of England's public role. I fear, though, that these Sections merely provide opportunities for the litigious and awkward. I would be interested to know whether the right of appeal has ever been used constructively to further the mission of the church, or whether, as I suspect, it has only been a negative procedure to prevent the closing of non-viable parish churches. My own view is that these sections should go; the Working Party will no doubt take the view that this would not be politically expedient. The nettle will need to be grasped at some point!

*Section 17*

'New ways of being church' alongside the parochial system are springing up all over the country. Youth congregations, network churches, cell churches, workplace churches, liquid church—all such manifestations of church sit uneasily within the Church of England's structures. The concept of the extra parochial place is being stretched to its limits as we seek to create these new approaches and ensure that they are rooted in the Anglican system. The Church Commissioners have at last begun to respond to these manifestations (though it took a lot of prompting and provocation to enable this to happen). I would look for a redraft of section 17 to reflect this new situation.

*Section 19*

It is incidental to this work, but I believe that dioceses should be encouraged to make deanery and archdeaconry boundaries much more flexible, reorganising them quickly to reflect local government boundaries and the impact of major road schemes.

*Section 20 and 20A*

The structure of Team Ministries (cf. also the Team and Group Ministries Measure 1995) is bureaucratic, and the legislative framework predicated on suspicion, pathology, rights and rivalry.<sup>7</sup> In the Diocese of London, the Bishops are generally disinclined to initiate proposals for new Teams. Unless the framework can be radically simplified and improved, I suspect that we shall come more and more to rely on informal teams, not established under the Measure. The legal framework for altering a team structure (for example to abolish the free-floating Team Rector) is cumbersome and time-consuming. I would prefer to see Teams and Groups subject to the same regime of legal changes as schemes made under the Church Representation Rules (i.e. laid before Diocesan Bishop's Council).

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<sup>7</sup> *R v The Bishop of Stafford, ex parte Owen* (2000) 6 Ecc LJ 83, CA, and the subsequent appeal to the European Parliament underline this. For the full text of the judgments given in the Court of Appeal see M Hill, *Ecclesiastical Law* (Second edition, Oxford, 2001) at pages 723–739.

*Section 28 (and 46 & 47)*

Redundancy procedures need a radical overhaul. The term itself is unhelpful. PCCs of parishes being redeveloped for mission think they are being terminated. Section 46 is the procedure most often used. At any one time in my episcopal area, 4 or 5 churches are being redeveloped using S46. (A recent count showed that 25% of our 102 places of worship were doing building projects of some kind).

*Section 37*

The assumption should be that matters can be dealt with under the fastest procedure possible, rather than defining those matters that can be dealt with by pastoral order. We have the philosophy of change entirely wrong!

*Section 67*

Suspension of presentation does not work well; it causes suspicion on the part of parishes, and is misused by bishops! I do not believe in the freehold; I hope fervently that it will be abolished sooner rather than later (including the episcopal freehold!), but I believe we owe it to our clergy to create a level playing field. I have recently reviewed all the suspensions in the Area, and the freehold is being restored in all cases where there is no chance whatsoever of pastoral reorganisation. I have no wisdom as to how S67 can be improved, but I am concerned at the way in which it is misused. Parishes should only remain suspended if we really can effect reorganisation in the near future.

On a related issue, we are currently forced to suspend presentation when putting an NSM incumbent into a benefice. The Legal Advisory Commission gave advice in May 1999 that S33 of the Pastoral Measure did not give sufficient scope to allow the granting of a freehold to an NSM incumbent, and preferred to see amending legislation brought in. I would hope that this anomaly could be cleared up, since it is likely that more and more incumbents will be NSM in the future.

*The Code of Recommended Practice*

The Church Commissioners helpfully produce a Code of Practice on the Measure. The 1999 Revision is more user-friendly than its predecessor, but it is written out of a background of caution and instinct for the status quo, rather than being a manual for mission. (This is, of course, of the nature of such documents). None the less, I would suggest that you try reading the code through the eyes of someone who wishes to effect change in the church—it simply is not an enabling document! I would love to see such documents reflecting a ‘can do’ rather than a ‘won’t allow’ culture.

In summary, then, we are faced with a challenging and exciting missionary task. It is time for the Church of England to reinvent itself and create new paradigms of church while not forsaking the traditional structures. But we cannot do that while the ecclesiastical legal framework is more concerned with the rights of freeholders, patrons and parishioners who never set foot inside their parish church than with the solemn and primary task of making possible the encounter of human beings with the God who created them for relationship with himself. We are talking here about desperate measures and entirely sensible remedies.