

LAW, GRACE AND LIBERTY AND CLERGY DISCIPLINE

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A paper delivered to the Ecclesiastical Law Society
at Ripon on 24 April 1993

Introduction

'From everyone to whom much has been given, much will be required; and from the one to whom much has been entrusted, even more will be demanded.'¹

'Remember always with thanksgiving that the treasure now to be entrusted to you is Christ's own flock, bought through the shedding of his blood on the cross.'²

It is hardly surprising that our national press enjoys nothing better than an opportunity to report that an ordained minister of the Church has been accused of conduct unbecoming the office and work of a clerk in holy orders. But the reactions of most congregations are ambivalent to the prospect of their parish priest being disciplined by the Church. There are those who say that the Christian Gospel clearly indicates that God is willing to forgive over and over again the foolishness and weakness of human beings. 'Forgive and forget!', they say. There are others however, who say, 'We know how we expect a parish priest to behave and when he doesn't match up, then the discipline must be applied.' Even the charge to a bishop at his consecration reinforces this ambivalence when it says, 'He is to be merciful, but with firmness, and to minister discipline, but with mercy.'³

What then is the place of judgment, forgiveness, discipline and restoration to ministry of those who have not lived up to their ordination vows? Two cases from widely differing cultures may help us to unravel the ambivalent reactions to be found in a Christian community.

An Overseas Province

One of the bishops had been elected as the next archbishop. A date had been set for his enthronement when a complaint was laid against him that at a Church meeting the bishop had physically assaulted one of the lay members of the Council, who had taken a radically different view on the issue under discussion to that of the bishop. The Canon entitled 'The Disciplining of Bishops' said:

'When a Bishop or Archbishop has done any of the following he will be disciplined by the Council of Bishops. . . The Council of Bishops will discuss the case in private with the Bishop concerned and will decide what discipline should be done by the offending Bishop.'

The Council of Bishops met and listened to the evidence and decided that the bishop concerned had indeed assaulted the layman. The bishop was put under discipline for a period of months and the enthronement postponed.

1. Luke 12: 48.

2. Alternative Service Book, The Ordination of Priests, p 357.

3. Alternative Service Book, The Ordination or Consecration of a Bishop, p 388.

The offence was acknowledged; sorrow was expressed; apologies were given and restitution made; discipline was applied; forgiveness proclaimed and the bishop took up his new ministry. The enthronement took place some months later. That all this could take place depended upon the ethos of the community of which the Church was a part. Where people break the law and are found guilty, they serve their prison sentence. When it is all over they are received back into their family and their clan with rejoicing and take up their former lives where they left off. You can hear the words, ‘“This son of mine was dead and is alive again; he was lost and is found!” And they began to celebrate.’⁴

An English Diocese

A parish priest is accused by a woman and her husband of having committed adultery with her. The parish priest eventually acknowledges the truth of the allegations and under the shortened procedure allowed by the Ecclesiastical Jurisdiction Measure 1963⁵ the matter is dealt with expeditiously and quietly. The parish priest is barred from preferment.

There is a case to be made for such matters being dealt with quietly and expeditiously. It protects the couple who brought the allegations and enables them to put their own lives together again. It protects the good name of the Church and so does not seriously undermine the trust the general public place in the parochial clergy. It ensures for an indefinite time, be it short or long, the impossibility of this priest taking advantage of vulnerable parishioners.

There is no doubt that the ethos of our society militates against openness in dealing with clerical offences and so limits the ability of the local community to forgive what has happened and restore the cleric to his or her place within the Church if that is thought appropriate. This is a pastoral dilemma for the Church.

Law, Grace and Liberty

The title for our conference is ‘Law, Grace and Liberty’. The place and the dynamic interaction of these three concepts in the life of the Church come to the fore when we consider clergy discipline.

‘Moreover the *law* entered, that the offence might abound. But where sin abounded, grace did much more abound.’⁶

In both the cases cited ecclesiastical law was the framework within which the Church effectively worked. But what is ‘Law’?

‘The Law is meant to guide or direct human actions. So with the Psalmist we can say:

“Teach me, O Lord, the way of thy statutes: and I shall keep it unto the end.

Give me understanding, and I shall keep thy law: yea, I shall keep it with my whole heart.”⁷

The Law is required to preserve public order and decency, and to protect the citizen from what is offensive and safeguard the exploitation of persons not able to defend themselves.

The Law is there to protect the institutions and the community of ideas, political and moral, without which people cannot live together.’⁸

4. Luke 15: 24.

5. Ecclesiastical Jurisdiction Measure 1963 (No 1), s 31.

6. Romans 5: 20.

7. Psalm 119: 33, 34.

8. Report of the Committee on Homosexual Offences and Prostitution (the Wolfendon Report) (Cmnd. 247, 1957).

The Law guides and teaches, preserves and may even create an order in which all may live freely and responsibly together in community. Our special concern is not the Law per se but ecclesiastical law. Chancellor Garth Moore reminded us:

‘. . . the Church’s authority, though expressed through human agencies, claims to be derived from Christ himself. When the law is bad, it is human fallibility which is the cause, and the fault sometimes lies in the nature of the legislative, executive, or judicial machinery; and in canon law revision . . . the reformer is to remedy the defects in the human machinery so that God’s will may perfectly be reflected in his Church’s law.’⁹

Chancellor Garth Moore puts his finger on the central issue, that ecclesiastical law is so created that it should perfectly reflect the will of God for the people of God. Biblically this is found in *Torah* in the Mosaic Covenant where it provides guidance and instruction for the people of Israel so that they might reflect in their individual and corporate lives the nature and the will of God. The demand, ‘You shall be holy, for I the Lord your God am Holy’¹⁰ reveals the close connection between Law and Revelation. They are inseparably connected.

For the Christian community the revelation of the nature and the will of God is found in the life, death and resurrection of Jesus of Nazareth. So the Law, and especially ecclesiastical law, must sit under the judgment of and be revised in the light of the revelation of God in Christ continually mediated through the Holy Spirit. Just as each generation must proclaim its inheritance of faith afresh, so each generation must judge and revise the law in the light of the revelation of the nature and will of God in Christ and mediated through the Holy Spirit. This is a continuing process which the Church avoids at its peril.

Grace

‘Moreover the law entered, that the offence might abound. But where sin abounded, *grace* did much more abound.’¹¹

When the Law is broken, then personal relationships are distorted, weakened, even broken, and sin as ‘separation’ is clearly present. This separation is not restricted to relationships within the community but affects our relationship with God and our own self-understanding. What has been broken, what has been separated, alienated, needs to be healed and reunited. It is here that the illusive concept of ‘Grace’ comes to our aid. There are nearly as many definitions of ‘Grace’ as there are definitions of ‘Law’.

For some ‘Grace’ is a magic power which changes people in their inner being. For others ‘Grace’ is the benevolence we find in life alongside all that is cruel and destructive. For yet others ‘Grace’ indicates the gifts which people receive from nature or society which gives them the power to do good things.¹² Two theologians, Dietrich Bonhoeffer and Paul Tillich, provide us with insights which are pertinent for our context. In a marvellous short address based on Romans 5: 20 Tillich says:

9. E. Garth Moore, *Introduction to English Canon Law*. (O.U.P. 1967) Preface, vi.

10. Leviticus 19: 2.

11. Romans 5: 20.

12. P. Tillich, *The Shaking of the Foundations* pp 150 ff.

‘Grace is just as difficult to describe as sin. For some people grace is the willingness of a divine king and father to forgive over and over again the foolishness and weakness of his subjects and children. We must reject such a concept of grace; for it is merely childish destruction of human dignity.’¹³

Bonhoeffer, in a similar vein but with a different set of metaphors, says:

‘Cheap grace is the deadly enemy of our Church. Cheap grace is the preaching of forgiveness without requiring repentance, absolution without personal confession. Cheap grace is grace without discipleship, grace without the cross, grace without Jesus Christ, living and incarnate.’¹⁴

These are descriptions of what ‘Grace’ is not. Even so it becomes all too evident what dangers the Church faces when trying to deal charitably with those who have broken the law. Both Bonhoeffer and Tillich provide us with powerful re-interpretations of ‘Grace’ when they say:

‘In grace something is overcome; grace occurs “in spite of” something; grace occurs in spite of separation and estrangement. Grace is the reunion of life with life, the reconciliation of self with itself. Grace is the acceptance of that which is rejected.’¹⁵

‘Costly grace is the gospel which must be sought again and again, the gift which must be asked for, the door at which a man must knock. Such grace is costly because it calls us to follow, and it is grace because it calls us to follow Jesus Christ.’¹⁶

Here are two insights, the first from Tillich which points us to sin and grace as separation and reunion. When the Law is broken something serious has taken place and cannot be glossed over nor just forgotten. Grace reunites what has been separated; reconciles human beings to each other, to themselves and to God. Grace renews and rebuilds the community. Bonhoeffer takes us beyond description into the process when he describes ‘costly grace’. Grace is a gift to be asked for, not just passively expected and received. Grace is costly because it calls us to follow Jesus Christ. Here the analysis of Law and Grace comes full circle, for the content of the Law is to be found in the nature and the will of God revealed in Jesus Christ and Grace which is necessary to reunite what has been separated requires a willingness to be a disciple and imitator of Christ.

Liberty – whose service is perfect freedom

Our triad of concepts brings us to ‘Liberty’ – certainly not the freedom to do what you please, as those who argue against the liberal tradition within the Church of England would claim. The classical understanding has been that Liberty is freedom from sin in order to be free to be obedient to God. Grace which overcomes sin and separation, and the Law which creates and guides so that a community is created in which the freedom of all to be responsible obedient servants of God is a possibility, tie our concepts together. Liberty then is that state of affairs which enables the people of God to be an effective sign of the kingdom of God.

13. Ibid, pp 155 ff.

14. D Bonhoeffer, *The Cost of Discipleship* pp 35 ff.

15. P. Tillich, *The Shaking of the Foundations* p 156.

16. D. Bonhoeffer, *The Cost of Discipleship* p 37.

Law, Grace and Liberty: these three constitute the description and the dynamic of the Christian community, the Church.

Two Cases of Clergy Discipline

In both of the cases which were cited at the beginning of this lecture we have clergy who have broken the law of the Church. In the former case criminal charges could have been laid, but in the latter no such action could have been taken. The law, as we have seen, teaches and describes what is the appropriate behaviour for those who have been authorised as ordained ministers within the Church. The priest and bishop as representative figures carry so much more responsibility for their actions than do the laity within the Church. Bruce Reed in *The Dynamics of Religion* describes this representative role in these terms:

‘The concept of representation is characteristic of all religious activity wherever someone represents God to other persons and those persons to God, as does the priest . . . The development of set liturgies . . . and the ancient historic origins of elements of the liturgy strengthen his identity as a representative of the truth and wisdom which is derived from the apostles.’¹⁷

The questions at ordination underline what is expected from those who have representative roles:

‘Bishop Will you strive to fashion your own life and that of your household according to the way of Christ?

Answer By the help of God, I will.’¹⁸

The Law teaches and embodies these expectations. When the priest or bishop fails to live up to these expectations then action has to be taken either through the exercise of a bishop’s pastoral role, or through the application of the Law. But what do we hope to achieve?

In a Christian community when a priest or bishop fails to keep his ordination vows, this is a serious matter which is not to be overlooked. Such behaviour destroys the fellowship of the Church and causes a breakdown of relationships both on a divine and human level. Therefore any action taken must indicate the seriousness with which the Church treats such a failure to keep vows made at ordination.

The ‘Good News’ which we proclaim is that ‘where sin abounded, grace did so much more abound.’¹⁹ What has been broken, relationships, trust or confidence have to be restored. As we have seen, where individuals acknowledge that they have sinned; make clear that they are genuinely sorry for what they have done; purpose to amend their lives and make restitution to those who have been wronged, then there is forgiveness.

The real crux, however, is whether or not the individual priest or bishop, who has been forgiven, can once again be entrusted with a representative ministry within the Church? Can they once more be representatives of the truth and wisdom which is derived from the apostles?

In a society which is small enough to know what has happened and has an ethos in which people are accepted back into the community once the price for their misdeeds has been paid, then there is every reason for the Church to apply discipline and then entrust a representative ministry to such persons once again. There is a caveat. Those who judge must be clear in their own minds that the flock of Christ will not be put at risk.

17. B. Reed, *The Dynamics of Religion*, pp 166, 171.

18. Alternative Service Book, *The Ordination of Deacons and Priests*, p 374.

19. Romans 5 : 20.

In a society which is *not* characterised by reticence and balance when it comes to reporting stories in the media and is certainly less than forgiving of those who have transgressed the law, there are more problems. Such a situation is one in which we all share, bishops, clergy and lawyers. In many cases, which do not get as far as the ecclesiastical courts, the matter is dealt with quietly, even confidentially. There are good reasons for a relative privacy, not least the protection of those involved and in order that public trust in the ministry of the Church should not be undermined unnecessarily. But because this process tends to be less than open, the process of forgiveness, restitution and restoration is much more difficult to effect. Too often the priest or bishop is removed from office, from the parish or the diocese so that the process of reconciliation, of re-creating the local fellowship cannot take place. Costly grace is rarely allowed an opportunity to heal the wounds of the local community or of the people involved.

At your conference in 1992, the former Bishop of Newcastle and Southwark, the Rt Revd Ronald Bowlby, spoke about the Parson's Freehold and Clergy Discipline. The lecture included some examples of where clergy have not made themselves wholesome examples to the flock of Christ – drunkenness, laziness, inefficiency and neglect of the parish, the breakdown of pastoral relationships, as well as the more obvious examples of embezzlement, serious immorality and the teaching of heresy. Some of these matters can be dealt with by the Law, but it is quite clear that many cannot and yet they are serious matters which undermine the effectiveness of the mission of the Church in parishes in which such clergy minister. There is, as Bishop Bowlby indicated, a need for some formal process by which clergy can be disciplined. But the process recommended tended to see the removal of the parish priest from his present post. If what has been said about Law and Grace is right, then there needs to be some thought given, and guidelines worked out, which can take seriously the possibility of costly grace being allowed the opportunity to reunite what has been separated and heal what has been broken.

Where the offence is such that the Ecclesiastical Jurisdiction Measure 1963 is brought into play, even with the shortened procedure, and the cleric is found guilty and barred from preferment, all that has taken place is judgment and sentencing. The process of forgiveness, restitution and restoration is neither in the hands of the bishop nor the priest. The sentence is open-ended and a return to ministry, if at all, can be in a relatively short time, or it can take years. In neither case does the disciplined clergyman know what is going to happen or when. Once again the gift of grace, which is God's gift to his people, is not allowed the space within which to work.

Do we then need to be clear about how the discipline of the Church is going to be administered? Judgment by itself, even with continuing counselling and pastoral care, is not enough. Should there not be some clear indication given, that because of the severity of the offence and the need to protect the flock of Christ and the general public, there should be no return to a public and representative ministry? On the other hand, should there not be a clear indication that after so many years the possibility of return to ministry will be properly re-considered, and that in reconsidering a possible return to public ministry the individuals, the congregation and the community who were originally involved might be consulted and their comments taken into account, as well as the way in which the priest has behaved in the intervening period? The Law works, crudely and apart from the Christian community, hardly ever allowing that essential opportunity for grace to abound much more than do.

Conclusion

'Law, Grace and Liberty' is the title of our conference. These three need to be held together if the Church is to be an effective sign of the kingdom of God, which is our calling. The paragraph under the heading '*Liberty*' pointed to, but did not expound the idea that the Church might be 'an effective sign' of the kingdom of God. John V. Taylor in *Kingdom Come*²⁰ writes about Christians who say the Lord's Prayer as having the effrontery to ask that they might live the future in the present; the kingdom now and heaven on earth. Underlying a great deal of the teaching of Jesus is the eschatological element that is experienced now. So the Church if it is to be an 'effective sign' of the kingdom needs the Law, that is created on the basis of the revelation of God in Christ, a Law which teaches and creates a community which lives the future in the present. As we have already seen, the Law needs to be under constant revision as the Church, under the guidance of the Holy Spirit, perceives in each generation how it might become a more credible sign of the kingdom of God. In the field of clergy discipline that revision is needed, and needed now.

The Law reveals the offence, the sin, but Grace reunites what has been separated and heals what has been broken. Grace is costly both to those who seek it, and those who live under it. Much of our Church life is organised so that there are few opportunities for the exercise of Grace where clergy fail to live up to their ordination vows. We need locally to create an ethos in which forgiveness will have a proper place in the 'St Peter Principle' (Peter failed miserably as a follower of Christ, yet he was forgiven and entrusted with a responsible ministry of leadership), whether through the Law or through the creation of guidelines for bishops which will enable those who have been found guilty to be disciplined but also have an opportunity to amend their lives both personally and professionally.

Lastly, in Liberty we are free to serve God and contribute to the life of the Church so that it may be an effective sign of the kingdom of God. While it is important for the health of the Christian community that we enable the process of forgiveness and restoration to take place, it is even more important that we can witness this forgiveness to the world. We can only address the callousness of the media and the unforgiving nature of our society if we can show that people can be forgiven; that congregations can be healed and clergy restored, where appropriate, to a representative ministry. It is not sin that must prevail, but Grace.

²⁰ John V Taylor, *Kingdom Come*, p. 54.