

'THE LETTER KILLETH, BUT THE SPIRIT
GIVETH LIFE' (2 Cor 3 : 6)DAVID HOPE
*Archbishop of York**An address to the Society's Conference at Manchester on 14 March 1997*

I begin this evening with a text rather than a title, though I hope my presentation will be more in the nature of an address than a sermon. And I select this text because I believe it focuses very well and very sharply the sort of concerns which you are to address in your conference over this weekend—Practical Parish Problems: Gospel and Order. For how often have I heard this text trotted out in defence of the people getting on and doing what they want to do without reference to all those interfering lawyers who in any case cost a great deal of money! We are perfectly capable of ordering our own affairs thank you very much they say; why this dead hand of the law as it is perceived, which so often apparently stifles the inspiration and the initiative of the spirit?

Well I have to admit that in this august company, I come before you—to invoke those words of St Paul to the Corinthians—somewhat 'nervous and shaking with fear'. I come too, given the subject matter of the conference, with a somewhat wry amusement, since the parish in which I began my own ministerial life and journey was one of those which in the late nineteenth century had been put under the ban—and rather revelled in it I have to say—because of its somewhat exotic ritualistic practices in a very Protestant diocese (things are very different now thank God); two candles on the Holy table, a surpliced choir, vestments—but the most criminal thing of all the Reservation of the Sacrament. The ban lasted a number of years. However, nothing daunted, the parish in those years flourished possibly as well as it ever did, with large congregations, large numbers of vocations to the priesthood and the religious life, a vibrant parish life, and when confirmations were needed, a flying or rather a seafaring bishop was enticed when home on furlough from one of the Colonies, to do the right thing.

It was of course all thoroughly illegal and one had the impression that the vicar—this particular 'reverend rebel'—together with the considerable number of devotees which he attracted, hugely enjoyed their run in with the diocese—for here in their view was the dead hand of the law seeking to interfere where it had no place—at the very heart of *the* charismatic event—the celebration and offering of the Holy Eucharist.

In this connection and in the process of reading myself in as Archbishop of York, I came across a somewhat robust exchange between the then Viscount Halifax (of the Malines Conversations) and Archbishop Cosmo Gordon Lang whom Halifax had understood to be considerably more sympathetic to these ritualistic practices and not least the Reservation of the Sacrament, but in the process of his supporting an unfortunate incumbent who had incurred Lang's displeasure in the matter, he discovered that the Archbishop was not actually wholly on his side. Halifax put pen to paper, Lockhart, Lang's biographer informs us. He, Halifax, wrote 'I have come to the conclusion Your Grace that nothing but the martyrdom of an Archbishop can now save the Church of England . . . further I cannot conceive anything better than that I should be the first to dip my kerchief in the blood which should flow from Your Grace's execution on Tower Hill'. But, Lockhart comments, martyrdom was not in this Archbishop's stars!

Such strong battles—and they were very strong indeed—'on these matters are now mercifully long past' though it has to be admitted that there are occasional rumblings, stirrings, even skirmishings from time to time. Nevertheless, whilst the

subject matter of the confrontation may well have shifted somewhat' the possibility and the reality of confrontation remains, especially when it is perceived that—in the translation to be found in the Revised Standard Version of the New Testament—'the written code kills, but the spirit gives life'.

Now it would be very tempting at this point to digress into an altogether more extended and detailed exegesis of 'law' and 'spirit' as found in Paul. The subject has attracted much writing by the commentators and in the books of New Testament theology—volume upon volume. Well, this is neither the place nor the time for such an extended digression, but I would like to make one or two more general comments, particularly when it is so often and readily read off as it were from this and other similar verses of Scripture that in Paul's mind and Paul's view 'law' and 'spirit' were implacably pitted against each other; or to put it another way 'order' always and necessarily militates against 'Gospel'. Well, for a start, as Professor Joad always used to say on the old Brains Trust programme, it all depends what you mean. And indeed it does.

For my own part I believe W. D. Davies's *Paul and Rabbinic Judaism* and Ed Sanders's *Paul and Palestinian Judaism* marked a turning point in the Christian view of the Torah. Before their research and writing the general scenario was one in which God's people the Jews were seen to be enslaved by the law, which quenched the spirit, encouraging a Merit Soteriology, Pelagius-before-his-time and at his worst!

Davies's and Sanders's painstaking research revealed a Torah which, far from being an enslaver, was to be seen as God's gift to the Jews for a proper and thorough ordering of the life of the people of God. He gave them manna in the wilderness to feed them, Torah to form them. Both could be perverted. Kept-over manna went sour, Torah used for the purposes of manipulation, bartering with God, or attempting to buy the favours of a God who was so priceless that he came free, *deformed* rather than formed. By contrast, only when Torah is seen as sheer gift (paradoxically as itself grace) it is life-enhancing rather than life-constricting and life-distorting. Davies' and Sanders' convincing thesis is that it was precisely this 'perversion' of Torah rather than Torah itself against which Jesus and Paul raged.

I note too in his small but telling and penetrating book on the Ten Commandments, a predecessor of mine—Archbishop Stuart Blanch—the one who in Liverpool ordained me priest, urges some caution about the straightforward use of the English word 'law' as a translation of 'Torah'—that the word 'law' itself is misleading, 'giving an impression of God as an implacable legislator, handing down laws which had to be minutely observed on pain of death, seeking to restrict and inhibit us from all things we really enjoy . . . the original Hebrew word does not suggest that at all. It is a word meaning to teach, suggesting not a judge seated on his throne in heaven, but a father teaching his son to walk, telling him how to avoid dangers, helping him to understand himself in his relationship to and with others'—guidelines for life and for formation—like Sanders's and Davies's Torah—itself a gift—for life.

Now I believe that if we take such a point of view somewhat more seriously in our approach to law, then an altogether more helpful, constructive and positive perspective begins to open out before us—law as gift, law itself as grace, life-giving rather than death-dealing. Furthermore, law for edification, yes but as well for sanctification surely as one of the key purposes of the Church—'be holy as I the Lord your God am holy'.

But then there are here surely more fundamental questions about the very being and nature of the Church itself, the community of the Gospel in which law and order operate. Again, how is it possible to reconcile these two apparent opposites—law and spirit, order and Gospel? Well, I believe that if we stay with the concept of law as gift then we may begin to discover some clues as to how order and

law can more harmoniously complement a community of the Gospel. There are theological and ecclesiological matters here to be addressed.

The report of the Archbishops' Commission on the Organisation of the Church of England—*Working as One Body*—set out in the first chapter of the report the fundamental theological base on which the practical proposals rest. It is a theology of gracious gift—

'what underlies the way we have gone about our present task in this Commission is a theology of gracious gift: that is to say, we are convinced that God in his goodness has already given to the Church the resources it needs to be God's people, and to live and to work to his praise and glory. The most fundamental resource is that of a common fellowship or sharing in the Holy Spirit, which we enjoy as members together of the Body of Christ'.

The Commission went on further to amplify this concept of the Church as the Body of Christ, which has subsequently led some to question the almost exclusive use of this 'body' model of the Church to the extent that it has too much dictated what in the suggested formation of an Archbishops' Council is conceived to be too much of a top down, hierarchical structure for a Church which hitherto has rather prided itself on an understanding of authority which is not substantially or wholly focused in one person, place, group or committee, even an Archbishops' Council, but which is a dispersed and distributed authority . . . 'having many elements which combine, interact with, and check each other; these elements together contributing by a process of mutual support, mutual checking, and redressing of errors or exaggerations to the many sided fullness of the authority which Christ has committed to his Church' (Lambeth 1948).

Now there is here I believe a more fundamental question still as we look forward and look ahead to the new Millennium—what kind of Church? How do we understand the meaning of this word 'Church': for what we understand by 'Church' will surely influence the way we believe it should be structured and ordered. And here I would just like to make a comment or two on models of the Church—something the group which I chair on behalf of the House of Bishops has been further considering and reflecting on in the light of a number of critical comments which have been received about the theological and ecclesiological basis on which the Turnbull recommendations are proposed.

As I say, the report has been criticised because it relies too much on the model of the Church as the Body of Christ—certainly a very prominent and Biblical model and understanding. To be fair, however, to the authors of the report, they do go on to explicate their understanding of the body image in a way quite contrary I would suggest to the way which it has by some come to be perceived—

'membership (of the Body) is given at baptism, and from baptism derives the radical equality of status enjoyed by all the baptised. In the Body of Christ all are sinners redeemed by grace. Within this body the one spirit gives a variety of gifts. All these gifts are to be used in humility and love, with attentiveness to the gifts and interests of others, and with the goal of building up the whole body, and increasing its effectiveness'.

And if law itself as I have suggested is a gift— a grace of God, for edification and for sanctification— how does this last sentence about humility and love—the building up of the whole body and increasing its effectiveness— how does this resonate with all of what you yourselves are involved in and with as you engage with practical parish problems? In other words, the question surely in your minds will be, given law as grace, as humility, as love—what will best serve and promote the needs of this local community as well as the wider community of the Church, not only towards the building up of the whole body and increasing its effectiveness but

also and in my view more importantly towards its edification and sanctification?

There are of course other images and models of the Church in the New Testament and which I believe we need too to hold before us and to keep before us in this whole endeavour. For these serve us well in that balancing and checking function of which the Lambeth Conference so well and effectively speaks. There is for example the model of the Church as servant, as herald, as pilgrim, as communion. And if you focus in a very particular and exclusive way on one particular model, for example the Church as pilgrim—a Church on the move, a Church on the way, a Church travelling light—and then go on to ask in the light of such an understanding therefore what kind of structures, what kind of order and law are required, you will I suspect get very short shrift. And you know as well as I that there are such individuals, groups, parishes, organisations, both within and without the Church of England which do have a particular view, this or some other, which seeks to abandon and jettison the accumulated baggage of the past which not only bears down upon us but weighs us down so that it becomes impossible to move on and forge ahead when it is believed the Holy Spirit is so leading us.

Like Avery Dulles in his book *Models of the Church* I should want to argue that it is neither Biblical nor realistic to pursue so limited and exclusive an ecclesiology. Indeed in any view such a pursuit leads only to schism, even heresy—in that in all heresy there is the going over the top, as it were, the going to seed of what basically is a valid and valued insight but when pressed so relentlessly and exclusively becomes not only a hindrance but a positive stumbling-block.

Dulles writes: 'Our method must be to harmonise the models in such a way that their differences become complementary rather than mutually repugnant . . . we must refrain from so affirming any one of the models as to deny, even implicitly, what the others affirm. In this way it may be possible to gain an understanding of the Church that transcends the limitations of any given model'. And he concludes: 'The future forms of the Church lie beyond our power to foresee, except that we may be sure that they will be different from the forms of yesterday and today. The Church will not necessarily mirror the secular society of tomorrow, for it must avoid the kind of conformity with the world condemned by Paul in Romans 12:2. On the other hand, the Church will have to make adjustments in order to survive in the society of the future and to confront the members of that society with the challenge of the Gospel'. And this is precisely surely what *Working as One Body* is itself about.

Thus in response to the question I posed a little time ago now—What kind of Church shall we need to ensure that that balance, the interplay, the checks and balances, the suppleness and elasticity which have been characteristic of our Church since its beginnings and which remain necessary if we are truly to discern some sense of direction for the future—my response would be that we need also some sense of connectedness and continuity, as Charles Handy puts it.

What then of 'law'? What are we to say? I have suggested that if we are to endorse and embrace the basic theological assertion of *Working as One Body* which I believe we should and must, the theology of gracious gift, then this needs to permeate every aspect of our life as 'Church'. This is the context surely in which we pursue our witness, our ministry and our mission.

And as members of the Ecclesiastical Law Society, you yourselves will I take it be open to these same theological and ecclesiological insights as establishing some basic general principles for the practicalities of your work, and even where you are dealing with faculty applications for a memorial tablet in the church, for the removal of bodies or remains from a burial ground, holding a court in some hotly disputed matter or because you are formally and legally caught up in one of those indeterminable and intractable breakdowns of pastoral relationships, in all these practicalities which can so often become a 'scandal'—and I use the word both in

its New Testament as well as in its tabloid sense—you will not lose sight of these altogether more positive and grace-given principles. Do they offer any better way forward in assisting parties in dispute towards reconciliation, even though a decision may have gone against one of the parties? What of the tyranny of the majority, if I may so describe it—for that is how often it can appear to the losers? How far does your decision, your judgment, serve towards the building up of the Church and its effectiveness—its edification and sanctification? The law itself can and should operate as gift and as grace in a Church which celebrates its life as a gracious gift of God.

Now it seems to me that Archbishop Geoffrey Fisher's expressed view about the function of Canon Law quoted by Mark Hill in volume 4 of the *Ecclesiastical Law Journal*—that 'The dominant note of Canon law is not one of legal restriction or of enforcement by charge and punishment. The general purpose of the Canons is to set out a generally agreed norm or standard of behaviour to govern the family affairs of the church' (p 661)—that this statement chimes well with a view of law/order as a 'charism' in the Church which has as a basic ecclesiological principle, the theology of gracious gift.

Moreover, I would suggest that in that well-expressed view of authority deriving from Lambeth 48, law/order itself is one of those elements which properly provide the checks and balances of the Church. It does not and cannot operate entirely on its own or within the confines of its own domain, but rather as one of the many elements, distributed and dispersed, throughout the Church. I am also reminded of the opening sentence of the Preface of the Book of Common Prayer which expresses well the purpose of the law and with which Archbishop Fisher's statement resonates almost exactly—'It hath been the wisdom of the Church of England, ever since the first compiling of her Publick Liturgy, to keep the mean between the two extremes, of too much stiffness in refusing, and of too much easiness in admitting any variation from it'.

And there will be many instances in which I suspect you could all well recall that your basic purpose has been precisely that—the keeping of the mean between two extremes. And if such a 'mean' is to be kept then I believe there does need to be flexibility; that where such matters are concerned we shall perhaps in the shaping and forming of legislation be the less anxious about dotting every 'i' and crossing every 't' lest in so doing we load upon our successors burdens impossible for them to bear.

Here I am reminded of one of the Archdeacons—and he was by no means the only one—who at a recent gathering of Archdeacons at High Leigh raised a question about the Pastoral Measure and its operation. Given the current situation in almost every diocese throughout the Church of England, where strategies are being fashioned and formed bearing in mind the limited numbers of stipendiary clergy available over the next five years or so, the question was asked does not that which was once heralded as a great deliverance in its day, the Pastoral Measure, become in changed times and circumstances and if applied according to the exact and literal letter, a burden which binds rather than liberates?

Again, if I may speak on a matter in which I was involved more personally in the Diocese of London, the shaping and creating of what came to be called the London Plan in the wake of the Priests (Ordination of Women) Measure 1993 and which in its turn influenced considerably the provisions presently obtaining under the Act of Synod.

Now I am well aware that there was no precedent for any such arrangement, and on my first putting somewhat tentatively what was in my mind to a number of legal advisers, the response was plainly that it could not be done. The clear response to almost every proposal, every question was 'no'.

However, being one of those quietly determined sort of persons, I pursued the

matter further, not simply on a fudge it/fix it kind of basis, but rather on precisely the principles which I have been setting out in this paper—that is for the building up of the Church, for its edification and sanctification, given that there were clear and persisting strong divergent and differing views on the subject of the ordination of women even given the Synod vote—how is it possible for us to live in the highest possible degree of communion and what arrangements would be thus in the Church's best interests?

Now I could speak at much greater length and in considerably greater detail and I should not wish to be wanting to claim too much for such arrangements as we now do have in place which I entirely admit are themselves anomalous—but no more or less anomalous I would suggest than the actual provisions in the Measure which if they had been operated as envisaged would undoubtedly have led to 'no go' dioceses and done substantially greater damage to the Church of England in the immediate as well as in the longer term future.

The point I want to emphasize is that neither the London Plan nor the Act of Synod set out detailed provisions. They offered a framework, some broad principles—that 'mean' between the two extremes of which the Preface to the Book of Common Prayer speaks, the 'regula' not the detailed rules to govern the family affairs of the Church—in which and with which the Church seeks to live through this disputed question mindful of the urgency of the mission entrusted to it by the Saviour to go into all the world and preach the Gospel. More importantly, given the world itself wounded, torn, divided and rent asunder in all manner of ways, the overwhelming question at all times in my mind was how was it possible for the Church quite properly preaching its message of reconciliation, renewal and hope, how was it possible given the division within its own ranks to reflect these very ingredients in the shaping and fashioning of its own continuing life?

I rather suspect I may have begun to go somewhat beyond my brief for this evening. Nevertheless, I hope that I have been able to set before you some more general thoughts and reflections, setting out as it were the backdrop to the more detailed and practical matters with which you will be further occupied during the course of this conference.

DAY CONFERENCE LONDON 1998

Where? Vaughan House, 46 Francis Street, SW1

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Topic? **Anglican/Methodist Union Past and Future**

Speakers? To be announced

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