

relationships between Church and States, it appeared that a point of confluence had been reached with those States with formal agreements. Such convergence appeared uncomfortable, however, so differentiation as a dynamic gained new energy in the discussion. Leaving aside the question of how the reality of dialogue between religion and law, Church and State in Europe is articulated juridically the challenge of dialogue with the European movement institutionally and ideologically remains for churches — whether in states with or without formal agreements — as the new European Constitution is debated and put to the people of Europe.

This too was an appropriate arena for the work of the European Consortium for Church and State Research which was established in 1989 to facilitate study, to promote contact and to stimulate dialogue among scholars throughout Europe who share a common interest in the relations between States and religious denominations from a historical, political and, particularly, juridical point of view. On this occasion, as in other years, the annual meeting provided an opportunity for the members to meet in assembly without their guests. Until now membership has principally comprised professors, but the mould has now been broken following the election, at the 2004 business session, of Mark Hill (Chancellor of both the Diocese of Chichester and the Diocese in Europe) to membership.

Meanwhile guests were afforded the choice of afternoon tours of Tübingen, Rottenburg or the Castle of the Hohenzollern family, following which the Conference concluded with a reception hosted by the Oberbürgermeister of Rottenburg am Neckar. The proceedings of the 2004 meeting of the Consortium are to be published in due course and Sweden will form the backdrop for the meeting in November 2005.

## THE ECCLESIASTICAL LAW SOCIETY'S RESIDENTIAL CONFERENCE

BATH, 28-30 JANUARY 2005

HILARY MONCKTON-MILNES

*Registrar of the Diocese of Durham*

The Ecclesiastical Law Society Conference 2005 was held on the last weekend of January at Georgian Bath in a comfortable riverside hotel, a stone's throw from the City Centre. Entitled 'Mission Impossible? An Exploration of the Interface of Ecclesiastical Law and Mission', the conference comprised a series of conversations exploring current legal issues from the perspective of parish ministers and Legal Officers, to determine whether church law is something which can enable mission or whether in a law-based church mission is 'impossible'.

Two speakers on each topic stimulated the discussion by proposing diametrically opposite notions which were then considered by the delegates who were divided into 'buzz groups' before returning to put questions and debate with the key speakers – a format which stimulated a lively debate but with a remarkable degree of consensus, at least in the recognition of the problems if not the solutions.

In the opening session on Friday evening, Chancellor Rupert Bursell delivered his paper on 'Maverick Clergy through the Ages', a detailed and light-hearted account of those members of the clergy who through the ages had been over-indulgent in their comforts, excessive in their eating habits and who on occasions had not been as morally upright as one might have expected. Essentially historical in content, there was no necessity for anyone present to be concerned that they might be mentioned in dispatches, unlike George Abbott, Archbishop of Canterbury who, renowned for his clumsy archery, succeeded in killing a gamekeeper instead of a stag whilst hunting in 1621.

The second session on Saturday morning entitled 'Building for Mission — a time to build and a time to tear down' involved a debate about faculty issues. The Ven Alan Hawker argued for the reform of faculty jurisdiction and for greater flexibility to enable churches to be used more creatively and extensively. The current rules were unfair and unbalanced, as amenity societies, with no interest in the church as a living institution, exercised too much power; the system was complex, bureaucratic and unsustainably expensive, with one in four pounds of church funds being spent on building costs. The control mechanisms inhibited and distracted from mission and were an obstacle to legitimate flexibility.

Ms Paula Griffiths, head of the Cathedrals and Church Buildings Division of the Archbishops' Council, argued that the current system encouraged consistency and responsibility in looking after nationally important historical buildings, and put the faculty jurisdiction in the context of the proposals in 1913 to extend secular restrictions to medieval churches. By providing control of building projects, PCCs were given a support mechanism to ensure that changes were both appropriate and well-considered, and local churches were encouraged to 'understand their own building'. The current system was likely to be considerably less burdensome and expensive than if the statutory exemption was lost.

The third session involved the Revd Humphrey Southern and the Revd John Masding debating 'Collaborative Ministry', the former speaking in favour of developing new and flexible patterns of ministry, while the latter argued that there was no need for change, particularly where 'consensual trespass' enabled flexible patterns of ministry to evolve.

After lunch on Saturday members enjoyed 'Bath Time' when they were free to enjoy the delights of Bath – including the Roman Baths, the Regency Assembly Rooms and the Jane Austen Museum, to say nothing of the

endless opportunities for retail therapy, all of which were much appreciated by both delegates and their spouses (invited to the conference for the first time).

Bath Abbey is definitely worth a visit. Founded in 1499 it boasts no less than 640 wall monuments (the second largest collection after Westminster Abbey) and the carved decorations on the western façade show angels climbing ladders, commemorating in stone a dream of the founder Bishop Oliver King.

In Saturday's final session, dealing with 'Employment Issues', Philip Petchey put the topical argument in favour of moving to some other form of tenure — on the one hand it was unfair that licensed clergy had no job security being outside the realms of employment legislation, while on the other hand freeholders had 'the most copper-bottomed job protection that anybody in England enjoys' and a vicar who is 'a dead loss or worse' was virtually impossible to remove.

The publication of Professor McClean's recommendations to abolish freehold and to give all clergy the benefit of pre-existing employment protection legislation would mean that the real change was likely to be the prospect of employment duties for the first time being imposed alongside the granting of employment rights. This gave rise to the prospect of job specifications and appraisals. The capability procedures suggested by Professor McClean's Review Group at least attempted to deal with competency procedures, but he was not convinced that in practice the suggested procedures would be effective.

The Revd Jonathan Redvers Harris opined that the present system worked well and that despite the fact that licensed clergy lacked security of tenure rarely did situations arise when they were prejudiced by this. He considered that there was no necessity for freehold tenure to be abolished.

During an excellent dinner on Saturday evening the guest speaker, the Bishop of Bath and Wells, touched on many of the topical subjects included in the conference programme, as did Canon Russell Bowman-Eadie, director of ministry development in the diocese, who delivered an inspiring and energetic sermon during the conference Eucharist on Sunday morning.

In the final session, 'A Mission Shaped Church', the Archdeacon of Hackney, the Ven Lyle Dennen, spoke passionately in favour of greater flexibility in mission and proposed a 'mixed economy' where different styles of worship could be practised according to the individual needs of a congregation. Speaking against this was Nicholas Richens, who argued for the current practice of parochial ministry and liturgical worship on the basis that the integrity of the existing ecclesiastical legal framework would be damaged if structure and discipline were not maintained.

After a very stimulating and enjoyable weekend with plenty of time for fellowship and worship as well as reflection and debate the hundred or more delegates left Bath in the winter sunshine with a greater understanding of the issues, perhaps a little daunted by the absence of clear solutions, but recalling the US Army adage 'the difficult we do immediately, the impossible takes a little longer'.