

EDUCATION IN CANON LAW

CHRISTOPHER HILL

Bishop of Stafford

For a number of years the Society has been troubled at the absence of, or at least the spasmodic nature of, any systematic teaching about Canon or Ecclesiastical law among ordinands and clergy of the Church of England. The first that an ordinand knows of law is often his or her Declaration of Assent and licensing as an Assistant Curate. Provided there are no great crises or scandals, or problems over marriages when the training Incumbent goes on holiday leaving the new Deacon to his or her own devices, the next occasion of ecclesiastical law will be at first incumbency, or possibly as a Team Vicar. After that Faculties, secular employment law, the Children Act, the Charities Act, the Ecumenical Canons become increasingly important; not to speak of the Pastoral Measure in Teams and Groups. No other profession would allow its officers such systematic ignorance of the rules of the game, or be so tardy in providing them with a summary of their rights and responsibilities. Sadly the image of law—and lawyers—has obscured the need for knowledge of professional rules and good practice. A misunderstanding of St Paul on Law and Gospel has permeated much evangelical, charismatic and radical thinking. Anglo-Catholics have a perverse respect for the canon law of another church rather than their own. But the tide has begun to turn.

Issues of Anglican identity, raised in part by the ordination of women to the priesthood, have, in my view, increased the significance of the Declaration of Assent—the origins of which are to be covered in a future edition of the Journal. Principals of Theological Colleges and Courses are anxious to nurture the formation of an Anglican identity, without relapse into a narrow denominationalism. Younger clergy are asking Continuing Ministerial Education Directors about their employment status, professional relationships and what happens when things go wrong.

In the meantime members of the ELS have been asking for, pressing for, an opportunity to help in a more systematic way. After all it is better—and cheaper—when a problem is spotted before it officially reaches Registrar or Chancellor as a formal complaint. There is also a new interest in clergy discipline and professional appraisal. In close consultation with the Advisory Board for Ministry a syllabus has now been compiled, divided into twelve topics. With the syllabus relevant case-studies have been prepared. These are intended for use by a competent teacher of ecclesiastical law—possibly a Registrar or Chancellor—as discussion starters with groups of ordinands or clergy at the relevant stages of their ministerial education. There is no point in talking about the Faculty Jurisdiction to the Students Common Room; there is relevance for a group of clergy who now find themselves chairing a PCC for the first time. The case-studies are designed to raise a smile; real cases do not have to be embroidered, though they are properly disguised, to make them engaging. The Church of England and its clergy have always been entertaining from the Vicar of Bray, through Barchester to the Vicar of Dibley. The presenter of the case-studies also has a sheet or two of answers, but these are only given out after discussion and perhaps a written exercise. The answers may involve full legal notes where appropriate. The main point however is not the detail but to help people to see why the law is needed and where the priest must know the basic ‘do’s’ and ‘don’ts’,—and whom the priest needs to consult. The loose-leaf ‘kit’ is not another Handbook. It is primarily for the use of the teacher as a stimulus to discussion and a guide to hidden rocks. Those who want more can buy the books!

The ELS will publish this resource with ABM later this year, possibly in conjunction with the Continuing Ministerial Training Directors Conference in September. The thanks of the Society need to be expressed to the Editor of the Journal for pioneering this cause; to the members of the Education in Canon Law Working Party who con-

tinued to carry the baton, to the staff members of ABM who recognised the significance and timeliness of the ELS proposals, to my fellow members of the 'steering group', Chancellor Rupert Bursell QC and the Reverend John Masding LLM, who continued the work, to Mr Peter Moore who has consented to do the final editing; and most important of all to ten members of the ELS who have given of their time and expertise to 'invent' the case-studies and provide the 'answers'.

The Archbishops have graciously consented to write a Foreword commending the exercise; the ELS will provide a list of possible speakers for Theological Colleges, Course and Continuing Ministerial Education sessions. Would members of the Society who would be prepared to be on a panel of available speakers let the Executive Officer have their names please? A summary of the syllabus is appended to this article. All will still depend upon Colleges, Courses and CME Directors finding the time for sessions on Canon and Ecclesiastical Law at appropriate stages of ministerial development. But the signs are that those in initial and continuing ministerial training are now actually asking for this help towards their professional formation as parish clergy which the ELS Syllabus—with 'trainers' from the Society—is now about to be able to offer.

AN ORDERED CHURCH A SYLLABUS INTRODUCING THE CANON AND ECCLESIASTICAL LAW OF THE CHURCH OF ENGLAND

I. During Initial Ministerial Education

Topic 1

Anglican identity and inheritance: the history, meaning and purpose of the Declaration of Assent; the oaths of allegiance (to the Crown) and obedience (to the Bishop); the fundamental ecclesiology of the Church of England (canons A 1–8).

Topic 2

Terms and Conditions: the professional status of clergy; their rights, duties, functions and conditions of 'employment'.

II. During Continuing Ministerial Training

Topic 3

Marriages, baptisms and funerals: the obligations of the minister at and before marriage; at funerals, burials and cremations: in relation to baptism, especially of infants: responsibilities for registration.

Topic 4

Worship: the use of the BCP and ASB; alternatives in and modification of authorised services; special services; services commended by the House of Bishops (eg. *Lent, Holy Week, Easter* or *Promise of His Glory*); the occasional offices; good order in services; the minister, music and church musicians.

Topic 5

Working together, responsibilities and professional relationships: curate and incumbent; group and team ministries; abuse.

Topic 6

Ecumenical Relationships: the Ecumenical Canons; shared church buildings. Local Ecumenical Developments.

Topic 7

Discipline: the Ecclesiastical Jurisdiction Measure; the Vacation of Benefices Measure; "Under Authority"; the Children Act.

Topic 8

Representative laity and the Parish: the chairing and membership of Parochial Church Councils, sub-committees and the conduct of Annual Parochial Meetings; the decision and duties of Churchwardens; Electoral Rolls.

Topic 9

Finance: Parish Accounts; the Treasurer; collections; financial accountability and the employment of persons by parishes; insurance issues and liability; charities.

Topic 10

'Heritage and Renewal': the faculty jurisdiction; Diocesan Advisory Committees; good practice over pastoral/liturgical re-ordering of churches; churchyard and glebe law; bells.

Topic 11

Appointments: vacancies and appointment procedures; suspensions and the Pastoral Measure; Patrons, corporate and individual; the Parsonage.

Topic 12

Diocese and National Church: visitations, archidiaconal and episcopal; Deanery, Diocesan and General Synods and other structures of the Church; Representation Rules.