

OMNIS GALLIA . . . OR, THE ROLES OF THE ARCHDEACON

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A recent biography of Enoch Powell quotes him as using an interesting metaphor to illustrate the way in which the House of Commons can control the Treasury:

Many churches contain an old chest with three locks. The keys to those locks were held by the parson and the two churchwardens, and they were all different. Only, therefore, by the co-operation of all three could anything be extracted from the parish chest.¹

The metaphor can be sustained for an examination of the three major roles played by the archdeacon – legal/administrative, disciplinary and pastoral. That the three are, to further the metaphor, inter-locked, is easily demonstrable: what is not so apparent, and what it will be the thesis of this article to maintain, is that, like the parish chest, all three are necessary to a full exercise of the archidiaconal function as in concept intended and as in law determined. Such maintenance is necessary because, to return for the last time to the parish chest, there is often thought to be an antagonism between the lay and clerical “keys”; that is to say, it is often thought that the first two roles – legal/administrative and disciplinary – are in opposition to the third – the pastoral. There is an impression abroad that archdeacons would like to be pastorally sensitive, supportive and kindly, but that their other roles at least inhibit and may even prevent them from exhibiting these admirable and lovable characteristics. Not so; it is, this article will suggest, *through* the exercise of the first two functions that the third is often given play.

Take, to begin with, the legal/administrative function. It falls to archdeacons, among others, to administer much of the ecclesiastical legislation by which the affairs of the Church of England are transacted. It is a foolhardy archdeacon who, if like most of his brethren, he is legally untrained and/or unqualified, will presume to state the law (what are chancellors and registrars for?); but there are many situations in which the archdeacon’s advice is sought, as well as many more in which he has either a mandatory or discretionary legal involvement.

These situations range from the “Mad May” round of visitations and admission of churchwardens to the never-ending implications of the faculty jurisdiction. One archdeacon records, for a recent fortnight, the following enquiries: “Can I refuse the re-election of my churchwarden because he is ‘living in sin’?” “Can I impose the ministry of my woman deacon on one of my three parishes which doesn’t want her?” “Can my Methodist minister colleague in this LEP take a Methodist wedding in the parish church and do I have to be there?” “The vicar has just disposed of the Sunday-School piano. Can we get it back?” “Our rector has now left the parish without agreeing the inventory and certain property is missing. What should we do?”.

1. P. Cosgrave, *The Lives of Enoch Powell* (1989), p. 161.

The Archdeacon of Bedford has recently exposed yet another area of dilemma for the archdeacon, whose legal responsibilities may conflict with his Christian insights into what is moral and desirable.² All that is without any reference to the twice-as-many enquiries arising directly out of faculty jurisdiction. Through that particular minefield Chancellor Newsom has helped us to find a safe route,³ but even he would not claim, I suspect, that it is now impossible to step clumsily and disastrously. At this point tribute should be paid to the care and concern shown by chancellors, particularly in the deliverance of judgments, to make clear what the intention of law enforcement is in this area. Readers of this Journal need no reminder, but the generality of church people do, that the continuance of the ecclesiastical exemption is far from secure. It would not need the exposure of many significant departures from the self-regulating activity of the Church for the opponents of the exemption to demand its cessation and replacement by the kind of literally bureaucratic control which operates in the secular sphere. There is a need here to teach that in the Church of England autonomy is neither possible nor desirable. We not only sink or swim together, but the unilateral struggles of some may determine which we actually do.

In the operation of faculty jurisdiction, archdeacons have a median, not to say mediating role. Diocesan Advisory Committees look to them to declare the pastoral implications of projected advice and recommendations and, in the author's experience, weigh the archdeacon's contribution heavily. The chancellor, when, as not infrequently, he writes into the faculty grant a clause requiring archidiaconal supervision of some kind, is clearly also acknowledging a pastoral dimension to the situation requiring his decision. In all of this, the pastoral role of the archdeacon, – as well as his task of interpreting the legislation to the parish, is obvious. He is "the human face" of "them", that sinister body which exists only to make impossible, or impossibly expensive, the sensible desires of a local congregation. This inevitably means that he will have to field some of the resentment, misunderstanding and refusal to accept imposed decisions which it is impossible for the locals to direct elsewhere. So be it; as they say across the Atlantic, it goes with the territory. What has to be accepted by the archdeacon is that it all affords opportunity for increased intimacy with a local congregation and its officers, for an interpretative and explanatory role, and for facilitating the actual progress of the cause.

As with the enquiries cited above, so often the issue is not one of inanimate and objective factors, but of human, personal relationships. We are about to consider the aggravation of such situations and breakdowns of relationship under the heading of discipline, but already it should be possible to see that the archdeacon is uniquely placed to operate constructively and, hopefully, curatively in many situations.

The second role of the archdeacon is to be involved, often reluctantly, always unpleasantly, in disciplinary situations involving parishes and their functionaries. While this article will concern itself primarily with disciplinary issues affecting the clergy, a reminder is perhaps needed that there are areas of church life in which the laity, corporate or individual, may be involved in irregularities and, indeed, illegalities, calling for corrective procedures.

2. M. Bourke, "The Archdeacon's Dilemma" (1989) *Theology* Vol. XCII No. 707, pp. 196-203.

3. G. H. Newsom, *Faculty Jurisdiction of the Church of England* (1988).

Although it is still the position that the Canons are not of their own force binding on the laity⁴ they may, it seems, form the basis of legal obligation in the case of lay persons who have accepted office in the church. Save where statutory sanctions lie, the appropriate sanction for breach of the ecclesiastical law would usually be deprivation of office or revocation of licence. An interesting application of this general principle would be in the case of the morally offending churchwarden referred to earlier in this article.

Parochial church councils have, of course, their own legal status and obligations.⁵ They are bodies corporate and have perpetual succession.

The archdeacon may well be called in or personally intervene in a situation which seems likely to issue in disciplinary proceedings, whether secular or ecclesiastical, but it is with respect to the clergy that the archdeacon's role has, it is submitted, that real pastoral dimension which in popular perception such a role seems to preclude.

The two pieces of legislation with which we are now predominantly concerned are the Incumbents (Vacation of Benefices) Measure 1977 and the Ecclesiastical Jurisdiction Measure 1963, with minor but important alteration under the Ecclesiastical Jurisdiction (Amendment) Measure 1974.

The former Measure is, one is given to understand, the object of an episcopal agreement (nowhere publicised to the author's knowledge) not to invoke; a curious but understandable agreement, the desirability of which is, at least, questionable. Unenforceable law is bad law, for which the remedy is obvious. Reluctance to invoke the Measure is based, so far as one can learn or surmise, not only on a commendable desire to avoid the public display of an unpleasant and unsatisfactory pastoral situation, but also on two other considerations. The Measure is properly so hedged about with safeguards for the cleric who stands to be removed from office as to make it extremely uncertain of success in its attempt at removal. Further, even if the attempt does succeed, the financial consequences in the possible award of compensation could be horrendous and crippling to the diocese which sponsored the action.

Readers of this Journal do not need more than the general reminder that the Measure creates the possibility of claiming either that there has been a serious breakdown of the pastoral relationship between the incumbent and his parishioners to which the conduct of the incumbent or of his parishioners or of both has contributed over a substantial period (Part I) or that the incumbent is unable by reason of age or infirmity of mind or body to discharge adequately the responsibilities attaching to his benefice (Part II).

To both parts of the Measure there attaches a "saving" provision. Under Part I the enquiry which is sought, must be preceded by an archidiaconal report to the bishop which includes a statement as to the appropriate steps which have been taken to promote better relations between the incumbent and his parishioners and to remove the causes of their estrangement. The archdeacon's involvement is not, of course, confined to this statement. He can be the instigator of the request to the bishop to institute an enquiry, if the parish is within his jurisdiction (if he is the instigator, he must be replaced by another archdeacon for the

4. Halsbury, *Laws of England*, 4th edition, *Ecclesiastical Law*, (1975), para. 308 and notes.

5. Halsbury, *Ecclesiastical Law*, para. 569, and Parochial Church Councils (Powers) Measure 1956.

purposes of the report to the bishop). In any event, he is certain to have been involved in receiving the complaints, over a lengthy period, which ultimately led to the invocation of Part I. Under Part II, the “saving provision” is that establishment of the inability of the incumbent to perform his duties adequately does not necessarily result in his removal. The Measure provides for the diocesan committee of enquiry set up under its terms to recommend either the removal of the incumbent or assistance in discharging his duties.

Hedged about in these (and other) ways, it is perhaps not surprising that the bishops are loath to invoke the Measure, though it remains the only means by which parishes which have been ill-served can be rid of their problem. The obvious should be stated, that this Measure is a direct consequence of the parson's freehold, without which it would be unnecessary. Mechanisms for removing “unsatisfactory” office-holders without unlimited tenure, such as team rectors/vicars, on fixed-term appointments, should, and can, be dealt with under other legislative provision, much more on all fours with the secular employment scene.

The Ecclesiastical Jurisdiction Measure is a horse of a very different colour, carrying on the one hand a cramping restriction of application and, on the other, a sometimes valuable consequence of its invocation.

The restriction is that the Measure is designed to deal with proceedings charging either an offence against the laws ecclesiastical involving matters of doctrine, ritual or ceremonial, or any other offence against the laws ecclesiastical including conduct unbecoming the work and office of a clerk in Holy Orders, or serious, persistent or continuous neglect of duty. This clearly defines the parameters for invocation and the Measure contains useful guidance for their application to most situations. The useful provision is that suspension of the incumbent may take place *pendente lite*, thus removing him from an otherwise intolerable situation, either for him or for the parish. Although it is not the purpose of this article to detail the two Measures currently under discussion, readers will know of the interesting provision in the Ecclesiastical Jurisdiction Measure for episcopal censure by consent, which has, for all concerned, the value of relative privacy and freedom from sensational reporting.

What it is here sought to state, is the role of the archdeacon in proceedings under both Measures. Not only is he a potential “authorised complainant” within his own area of jurisdiction, but he is certain to be highly involved in receiving complaints, charges and counter-charges and in trying to interpret these to the bishop. It is highly desirable that the latter should be removed from the preliminary “skirmishes” in the invocation of either Measure, except insofar as the law requires his involvement. His role as “Father in God” and chief pastor can be the better played if he is not, before judgement has been delivered, seeming to be compromised in his desire to minister to a colleague and flock. This is not an easy path for bishops to tread, and some have stumbled off the highway to one side or the other.

Enough has probably been written to show that the pastoral role of the archdeacon is both complicated and enabled by his activities in the two areas of legal administration and discipline. To develop the latter into the final area of this essay, it will be helpful to remember that the cognates of discipline are discipleship and learning. We walk together the path of Christian pilgrimage, a path in the following of which there is no *necessary* contradiction between love and law, reproof and compassion. “Whom the Lord loveth, He chasteneth and rebuketh”. As with the Lord, so with His servant the archdeacon! “The

archdeacon must, within his archdeaconry, carry out his duties under the bishop and assist him in his pastoral care and office, and particularly “he must see that all who hold any ecclesiastical office within the archdeaconry perform their duties with diligence, and must bring to the bishop’s attention what calls for correction or merits praise”.⁶ It is the latter requirement, of course, which gave rise to the mediaeval description of the archdeacon as *oculus episcopi*. It is important to note that the “spying” implication is as much for bringing to the bishop’s attention what merits praise as what calls for correction. Most archdeacons, it is likely, deal with the correction themselves if they can, and delight to alert the bishop, perhaps before an episcopal parish visitation, to the good things for which he should look and bestow praise.

The archdeacon’s own direct pastoral role is not dissimilar to that of the parish priest. He has an unusual clientele, theologically and ecclesiastically informed, sometimes litigious, often argumentative and resentful of imposed authority; in other words, replicas of what he himself was before his preferment – and still is, in all likelihood. He walks the narrow tightrope of the go-between, no longer “one of the lads” but still expected to represent them to the diocesan, while doing a fair(?) amount of the latter’s less desirable tasks. But pastor, first, foremost and altogether the archdeacon should be.

None of us has any difficulty in stating his preference for The Reverend Septimus Harding over his archdeacon father-in-law. It would be sad if fulfilling the role of the latter led to losing the humanity of the former.

6. Halsbury, *Ecclesiastical Law*, para. 499 and notes.