

GUIDELINES

For the Professional Conduct of the Clergy

Draft Edition
2014

GUIDELINES FOR THE PROFESSIONAL CONDUCT OF THE CLERGY

A THEOLOGICAL REFLECTION

Francis Bridger

Dean of Brechin, Scottish Episcopal Church & Ecclesiastical Professor of Anglican Studies, Fuller Theological Seminary, Pasadena, California

In the decade since the Church of England adopted the original version of these Guidelines, events have reinforced the importance of ensuring good practice in professional conduct of the clergy. It is timely, therefore, that the philosophy and theology that undergird the Guidelines set out below are articulated once more. For although it may still seem to some clergy that the existence of a set of guidelines implies a lack of trust in their integrity and an intrusion into sacred vocation, the reality is that the Church must continually strive to retain the confidence of a society that has observed scandals within the Church that have undermined such confidence. The Church can no longer count on an unquestioning presumption of trustworthiness and it would be wrong to do so.

The purpose of this reflection therefore is twofold: firstly to rehearse the pragmatic reasons why professional guidelines exist; and secondly to set out a number of theological principles which inform them.

Pragmatic Considerations

The pragmatics are straightforward: from the perspective of its internal life, the Church now has in place a clear procedure for clergy discipline in the shape of the Clergy Discipline Measure that has been in effect from 2006. Since discipline requires an understanding of what does and does not count as acceptable professional behaviour, it follows that guidelines for practice are apposite. It is worth noting, also, that over the last 10 years, Anglican provinces and dioceses around the world have adopted their own versions of professional guidelines.

From a broader perspective, there is a continuing need for the Church to respond to historic and current social pressures for greater regulation of *all* professions. To date, this has been achieved mainly by means of *self*-regulation, and therefore it is reasonable to expect that the Church reaffirm its willingness to engage in the same kind of self-examination as have others. The simple truth is that a great deal more public concern now exists about the integrity of previously-respected professions: no longer are people willing to give professionals the benefit of the doubt merely because they are professionals.¹ They are properly subject to scrutiny and criticism in a way that was not true a generation ago. This constitutes a sizeable challenge to the Church, for it is no longer - if it ever was - credible that it should expect to remain immune from such scrutiny. The need for accountability and transparency is as strong now as it was when the Guidelines were first published.²

Clergy Discipline procedures and the Professional Guidelines are designed to protect three parties: the accused, the accuser and the Church. It is important to mention the last of these because it can easily be forgotten that professional ethics are not simply a matter for individuals. While they undoubtedly exist to guide and protect individuals they also serve to safeguard the profession. They are an expression of mutual accountability and responsibility. When one clergyman or woman acts unprofessionally, he or she threatens to bring the Church as a whole into disrepute - witness the ripple effect of scandals. As Eric Mount has commented: 'Moral responsibility includes being responsible people within institutions.'³ Or in St Paul's words, 'We are members one of another.' (Ephes.4: 25)⁴

It is important to appreciate, moreover, that whereas the Clergy Discipline Measure provides a mechanism whereby justice can be done and be seen to be done (not least for the accused), the Guidelines set out here supply a framework for behaviour that reflects the highest standards to which all clergy, by virtue of their calling as well as their office, should aspire.

Pragmatic reasons in themselves, though, are not enough. They are a necessary - but not sufficient - justification for self-regulation by the Church if it is to be prepared for the sort of scrutiny presupposed by contemporary society. It is here that a *theology of professional responsibility* becomes central. And it is to this we now turn.

Professional Responsibility

The starting point for any discussion of professionalism must be the principle of *vocation*. It is axiomatic that ordained ministry is first and foremost a calling that originates with the purposes of God, is intuited by the individual and is then discerned by the Church. The sense that they are engaged in a vocation rather than a career is

¹ On the debate as to how far the clergy should be understood as professionals and therefore to what extent the models employed by 'the professions' are relevant, see Karen Lebacqz & Joseph D. Driskill, *Ethics and Spiritual Care*, Nashville: Abingdon Press 2000, chap. 2. Also, Eric Mount Jr, *Professional Ethics in Context*, Louisville: Westminster/John Knox Press 1990, chaps. 2 & 3.

² See the *Interim and Final Reports of the Commissaries Appointed by the Archbishop of Canterbury in Relation to a Visitation upon the Diocese of Chichester* (2012 & 2013) available at <http://rowanwilliams.archbishopofcanterbury.org/articles.php/2604/archbishops-chichester-visitation-interim-report-published> and at <http://www.archbishopofcanterbury.org/articles.php/5055/archbishops-chichester-visitation-final-report-published>

³ Eric Mount Jr, *Professional Ethics in Context: Institutions, Images and Empathy*, Louisville: Westminster/John Knox Press 1990, p.45.

⁴ Significantly, Paul uses the language of mutual interdependence as justification for the code of community ethics he goes on to outline in this passage (vv.26f).

fundamental to clergy identity and self-understanding.⁵ Unfortunately, however, this is sometimes used as a kind of knock-down argument against the introduction of a professional code of practice on the grounds that 'to "professionalise" pastoral ministry is to accept uncritically a culture of managerialism that reduces ministry to a set of competencies and tasks and ignores its spiritual, transcendent dimension.'⁶

While there is something to be said for a critique of the competency culture that the Church has sometimes seemed to adopt without question (the so-called "management by tick-box" approach that can often be found in clergy review processes, for example), it needs to be remembered that: (a) historically, the notion of "profession" has its roots in a religious connection between profession and vocation;⁷ (b) the idea of *professio* (from which the term profession derives) carries with it the meaning of 'standing for something' or 'value laden'; (c) the identification of professionalism with technocratic expertise is a modern development which has served unduly and untheologically to narrow the concept; and (d) by means of a theology of vocation, it becomes possible to reinvest the idea of profession with a transcendent, moral dimension, thereby drawing the sting of critics in one respect at least. In Richard Gula's words, 'Aligning "having a vocation" with "being a professional" ...affirms all that we do in ministry is a response to the presence of God in and through the community calling us to act on its behalf as signs and agents of God's love.'⁸

In the light of this, the criticism that guidelines amount to an unwarranted concession to managerialism must be seen as misplaced. They simply set out what it means to act in a manner consistent with a calling to ministry and should be seen as an attempt to work out in concrete terms the practice of vocation in a contemporary setting. As a result, 'profession', in a clergy context, must be seen as possessing not one meaning but two: on one hand to describe the sociological reality of a group of people who operate according to conventions and practices developed by the group; and on the other, as an indication that this group stands for - professes - a set of transcendent values and principles which derive from a theology of vocation. Both senses of the term profession must be kept in mind.

From the principle of vocation follows the question: a vocation to what? The most obvious answer is 'to serve'. But to serve whom? Theologically, service is firstly towards God and only secondly towards human beings. Moreover, such service is only possible through relationship. This, in turn, requires the teasing out of a cluster of concepts that shape the notions of relationship and relationality, and at the centre of this cluster lies the idea of covenant.

1. Covenant

The concept of covenant represents the wellspring from which a theology of professional responsibility flows. Its significance can be demonstrated by contrasting

⁵ For a recent discussion see Nigel Peyton and Caroline Gatrell, *Managing Clergy Lives: Obedience, Sacrifice, Intimacy*, London: Bloomsbury 2013, chap. 4.

⁶ Richard M. Gula, *Ethics in Pastoral Ministry*, NY: Paulist Press 1996, p.11.

⁷ Thus Darrell Reek notes that, 'Judaeo-Christian culture from Biblical times through the Reformation imbued the concept of *profession* with the moral concept of service grounded in a religious vision of God working together with people for the improvement of all creation. The doctrine of the *vocation* or *calling* became the religious and moral theme that most illuminated the meaning of the professions and professional work.' Darrell Reek, *Ethics for the Professions: A Christian Perspective*, Minneapolis: Augsburg 1982, p.33 quoted in Joe E. Trull & James E. Carter, *Ministerial Ethics*, Broadman & Holman, 1993, p.25.

⁸ Gula, as above, p.14.

it with the concept that governs secular models of professional relationship, namely that of *contract*. As Richard Gula has pointed out, the two are close cousins but there are crucial differences. Contracts define the specific nature of the relationship and the precise rights and duties that follow from it. Neither party can expect the other to go beyond the specified contractual duties, and each has the liberty to refuse requests to do so. Indeed, the expectation is that such requests will not be made or granted except *in extremis*. 'The contract model acknowledges human limitations of the contracting parties since it clearly distinguishes rights and duties. It circumscribes the kind and amount of service being sought and offered.'⁹ By contrast, the biblical model of covenant – exemplified most powerfully by the covenant relationship between God and his people – is based upon grace. The covenant partners are bound together not by a set of legal requirements but by the relational nexus of gracious initiative followed by thankful response. Covenant goes further than the carefully defined obligations contained within a contract to the need for further actions that might be required by love. 'When we act according to a covenant, we look beyond the minimum... Partners in a covenant are willing to go the extra mile to make things work out.'¹⁰

It is this graciousness – the readiness 'to make room for the gratuitous, not just the gratuities'¹¹ – that distinguishes covenant from contract and gives ministry its distinctive quality. Rooted in the covenant love of God, the covenantal ministry of clergy mirrors that of Christ himself who gave himself freely for the sake of the world and 'who, though he was in the form of God, did not count equality with God a thing to be grasped but emptied himself, taking the form of a servant.' (Phil.2: 6-7) The covenant model is, in the end, profoundly Christological.

The implication of this is that those who are called to ordained ministry must act out of a covenantal rather than a contractual motivation and mindset. They must be 'willing to go the extra mile' which means that they must be prepared to allow their ministry to be shaped by the needs of others rather than their own preconceptions of autonomy. But how might this be worked out? This leads us to two further principles: agape and virtue.

2. Agape

In a discussion of agape and pastoral care, Simon Robinson notes that agape and covenant are intimately connected in a number of ways. In the first place, both are based upon gift, for just as covenant is gracious so agape is a matter of gift-love. In pastoral terms, agape 'is not based upon any contractual terms' but is 'a way of knowing the other, the ground of care for the other.'¹² Pastoral relationships are thus governed by agape. Secondly, agape involves faithfulness and constancy. The minister remains true to the other person whatever he or she has done since 'agape promises to be there whatever the response from the other.'¹³ Thirdly, agape allows for a

⁹ Gula p.15.

¹⁰ Gula p.15.

¹¹ Gula p.15.

¹² Simon J. Robinson, *Agape, Moral Meaning and Pastoral Counselling*, Cardiff: Aureus Publishing 2001, pp.44,43. For a recent discussion of agape as the basis for a comprehensive Christian ethic, see Stanley J. Grenz, *The Moral Quest: Foundations of Christian Ethics*, Leicester: Apollos 1997, chap 8.

¹³ Robinson p.45.

measure of relational open-endedness rather than placing rigid limitations on the growth of a pastoral relationship. This is not to deny the importance of boundaries; yet, at the same time, it 'nourishes rather than limits relationships' and 'is always searching for the good of the other...is always open to the possibilities of the other.'¹⁴ From this it can be seen that agapeic love is not conditioned by the attraction or achievement of the other but 'loves the other simply because they are the other'. It is 'a love which does not base itself on the action of the other, a disinterested love which is not based in a partial way on the other.'¹⁵

How, in turn, should this theology be applied? Secular pastoral counselling has developed five operational principles as the basis for its professional codes. If we invest them with the theological concept of agape, it becomes possible to construe them as a principled framework for ethical practice in ordained ministry:

- i. the promotion of autonomy for the counselee (understood as the ability to make self-chosen decisions)
- ii. the duty of the counsellor to act for the positive good of the counselee (the principle of beneficence);
- iii. the responsibility of the counsellor to do no harm (the principle of non-maleficence);
- iv. the obligation to act justly in the counselee's best interests (the principle of justice);
- v. the counsellor's commitment to trustworthiness (the principle of fidelity).

While the term agape does not explicitly appear, from a theological perspective it can be discerned as the theological meta-principle lying behind all five. And if we were to substitute the terms 'parishioner' for 'counselee' and 'minister' for 'counsellor', the transference to a set of principles for Christian ministry becomes clear.

What is equally clear, too, is that while one purpose of this framework is to protect the counsellor/minister, its fundamental emphasis is on the needs of the client/parishioner. In Robinson's language, the principles are directed towards the well-being of the Other. The rights of the helper are secondary to the good of the one who seeks help. This in turn means that those of us who are called upon to offer ministerial care must be prepared to allow our independence to be qualified as we test our ministry against the demands of professional guidelines informed by agape. The Guidelines give substance to this.

Nowhere is the importance of agapeic principles more clearly seen than in the issue of power. Within the relationship between clergy and parishioners, it is crucial to appreciate that power is used asymmetrically. That is to say, the clergyman or woman is more powerful than the person seeking help. Although self-evident upon reflection, this is a fact which is all too easily overlooked. At its worst, the wielding of asymmetrical power leads to abuse, sexual and otherwise. The vicar who uses her power to coerce, manipulate or bully an individual into agreement is every bit as

¹⁴ Robinson p.45.

¹⁵ Robinson p.44.

abusive – albeit in a different way – as the vicar who uses his status to satisfy his sexual desires. Both are exercising power to achieve their own ends in contravention of the principles above.

In reflecting on this, we are helped by the work of Rollo May who has developed a typology of power that enables us to identify what kind of power is being used at any given time.¹⁶ According to May, power can be discerned under five headings:

- i. *exploitative* power which dominates by force and coercion;
- ii. *manipulative* power which controls by more subtle and covert psychological means;
- iii. *competitive* power which is ambiguous since it can be used constructively where parties are relatively equal but is destructive where they are unequal (as in most pastoral relationships);
- iv. *nutritive* power which sustains and empowers;
- v. *integrative* power which takes the freedom of others seriously and seeks to harness the other person's (potential) strengths.

This typology offers a grid by which particular ministerial exercises of power can be assessed. The first two types clearly fall outside a covenantal/agapeic understanding of ministry since they are not concerned with the needs or good of the other person at all. The third is questionable, though capable of constructive use in some situations. The fourth and fifth accord well with a theology of covenant and agape because they arise out of a desire to further the best interests of the other.

From a ministerial perspective, therefore, 'the moral challenge is to see that in our interaction with others, the right use of power moves away from dominating others through exploitation and manipulation, and that it moves toward liberating others through nutrient and integrative acts of power.'¹⁷ When seeking to achieve our objectives – whether with a group of people or in a one-to-one relationship – we must ask ourselves what kind of power we are seeking to exercise and for whose benefit? If the answer to either of these questions is ourselves, we need to return to the five agapeic principles and reflect again.

In summary, therefore, it can be seen that if ministry is to be based on a concept of covenantal responsibility from which agapeic practice flows, this will require a more substantive set of professional criteria than a simple appeal to the beatitudes or any other general idea. As the example of how power might be exercised shows, a more complex approach is needed if we are to grasp both the theological nature of ministerial relationships and the implications for practice that must follow.

¹⁶ Rollo May, *Power and Innocence*, New York: W.W. Norton & Co. 1972, chap. 5. See also, Karen Lebacqz, *Professional Ethics: Power and Paradox*, Nashville: Abingdon Press 1985.

¹⁷ Richard Gula, as above, p.86.

3. Virtue

Ethical behaviour, though, is not just a matter of adherence to rules or principles. The revival of virtue ethics among moral philosophers and theologians in recent years reminds us that the *character* of the professional is as important as the moral *code* to which he or she adheres.¹⁸ The ethics of conduct must be shaped by the ethics of character and the ethics of integrity.

What does this mean? According to William Willimon, character can be defined as the 'basic moral orientation that gives unity, definition and direction to our lives by forming our habits into meaningful and predictable patterns that have been determined by our dominant convictions.'¹⁹ What we do is governed by who we are. As Stanley Hauerwas notes, each of us makes moral choices arising out of 'the dispositions, experience, traditions, heritage and virtues that he or she has cultivated.'²⁰

From this, two points stand out: firstly, the Christian minister must *deliberately* cultivate Christian character and virtues and not leave them to chance. In Pauline language, he or she must seek the fruits of the Spirit: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self control. (Gal.5:22-3) When we ask what this might entail in terms of professional ethics, Karen Lebacqz argues for two central virtues: trustworthiness and prudence. The former is a matter of integrity or honour so that the minister is recognised as a 'trustworthy trustee'. The latter has to do with wise judgment or discernment. The combination of both is necessary for the minister to develop an instinct for doing the right.

Secondly, we are brought back to the idea of 'habits of the heart' suggested (inter alia) by Willimon. Because these arise out of the kind of people we are, our theological convictions and spiritual practices are crucial to professional life. We are formed by the beliefs we hold, the ways in which we relate to God and the communities to which we belong. Doctrine, ethics and spirituality go hand in hand 'to the point of behaving ethically most of the time as though by instinct.'²¹ The Guidelines' use of the Ordinal as their organising framework recognises this and reminds us that the sustenance of virtue cannot be a matter of indifference or fortuitousness. The *deliberate* cultivation of spiritual life is crucial.

Having said this, it has to be remembered that behind all Christian versions of virtue ethics stands the truth and reality of divine grace. The power to be and do right flows from the free self-giving of God in Christ. And it is through the indwelling Holy Spirit that we are enabled to grow in character and virtue. We become trustworthy trustees and are sustained in ministry by the activity of God in us. Ministerial guidelines may set the boundaries but only by grace can we live them out. In Richard Gula's words, 'If we are to minister in the spirit of Jesus and continue in our own time his mission of proclaiming the reign of God, then we must be free enough in ourselves to accept

¹⁸ On the importance of virtue ethics, see Joseph J. Kotva, *The Christian Case for Virtue Ethics*, Washington DC: Georgetown University Press 1996.

¹⁹ quoted in Trull and Carter, as above, p.47.

²⁰ Trull and Carter p.47.

²¹ Walter E. Wiest & Elwyn A. Smith, *Ethics in Ministry: A Guide for the Professional*, Minneapolis: Fortress Press 1990, p.182.

God's offer of love and so be free for others to enable them to let go of whatever keeps them from accepting divine love as well.'²²

Conclusion

This has necessarily been a brief survey of the issues and principles that underlie the Guidelines: a mapping of the terrain rather than an exhaustive journey through it. We have seen how the Church can no longer stand back from addressing the issue of what it means to act professionally in today's social climate. We have noted that to develop a culture of professional ethics will require not just a set of criteria that govern good practice but also virtuous character based on theology and spirituality. Above all, we are reminded that the foundational value for all Christian ethics is the uniquely Christian gift of agape. Without this we are but clanging cymbals, professional or otherwise.

Francis Bridger

Brechin

Trinity 2014

²² Gula, as above, p.29.