

CHURCH DISPUTES MEDIATION by James Behrens, *Gracewing, Leominster, 2003, Pp. xviii + 553, £30.00, pbk.*

Behrens assembles the bible's instructions for conflict resolution. Christ the Mediator approved the peacemakers, and he encouraged his disciples to seek reconciliation and be generous when they became involved in a dispute. The opening chapter of this study adds a useful survey of the history of attempts from the early Church to obey Christ's call to reconciliation. Yet the Old Testament language of judgment is also strong in the New Testament, and one of the lessons of this book is that disputes among Christians are particularly complex and it is not always easy to see the right way to resolve them.

The Woolf reforms and the new Civil Procedure rules are, more slowly than might have been hoped, encouraging the use of alternative dispute resolution as a means of keeping disputes out of the courts. Mediation stands alone among the 'alternatives' in allowing the parties to a dispute to form their own agreement, by free mutual consent, with a mediator acting as a facilitator and not adjudicator. It is to be hoped that this important book will help to kick-start in the Church the habit of attempting mediation where it is appropriate, and the practice of taking stock of disputes at an early stage so as to see whether mediation is worth trying. The second chapter explores the Westminster Abbey dispute in England as a specimen of a long-standing and complex problem, and considers the pros and cons of the attempts that were made to resolve it.

Most cases which come before the Church of England ecclesiastical courts concern the Church's property: cases involving discipline of the clergy are fewer, but many disputes run on for years without engaging the formal processes. The range of characteristic Church disputes is indicated in this book with lively examples from real cases. Proposals to make alterations to church buildings and graveyards (inscriptions on headstones, replacement of windows, moving pews) usually requiring in the Church of England a faculty, can divide congregations or prompt challenges from outsiders (the Victorian Society in the case of work at Sherborne Abbey). Disputes in the category of Church governance can alienate a parish from the bishop. (In the Chalcraft case, five parishes seceded from the diocese in indignation, and set about running their own affairs in the Church of England's buildings). Common areas of dispute under this head concern appointment of clergy whom the parish disapproves, and the size of the parish quota. A third category is breakdown in personal relationships, for example between a bishop and a dean, a vicar and an organist, a vicar and the churchwardens, clergy in a team ministry; with these might be grouped disputes over gender issues (appointment of homosexual clergy or of a woman priest); racial discrimination, and problems with an employee of the Church such as a church secretary,

which Behrens classifies separately. His fourth category involves personality conflicts so widespread as to amount to pastoral breakdown, with a fifth category of dispute arising out of proposals to change the form of service in a church. There is often overlap of categories. Long-running personal quarrels can begin with disagreements over alterations to the building or proposals to change the pattern of worship. Secular property and commercial disputes may also arise.

Behrens' comments and conclusions on all this are based on research by questionnaire (details in the volume), on experience, and on study of the available models. The third chapter discusses Church dispute resolution in the United Kingdom, the types and features and management problems associated with each. The most testing of a theology of reconciliation against one of judgment are perhaps the clergy discipline cases, and the occasional case where some form of discipline against a lay person is attempted (the choirmaster who would not let someone sing in the choir).

There follow three chapters on contemporary models of secular mediation: commercial mediation; community mediation (in which Quaker projects are prominent); mediation designed to build consensus. The final chapter looks to the wider Anglican Communion, and the conclusions consider Roman Catholic practice. There is a useful appendix of on-line dispute resolution.

James Behrens asks new questions about old assumptions; yet he never loses sight of the deeper questions which underlie the theory of mediation for Christians within a sacramental and ecclesiological framework. But above all this is a practical manual. Here is a map, some of it in outline only. The message of Behrens' analysis is that Church disputes are, historically, complex and bitter and long-running and there is a very great deal to be said for ensuring that those involved in the management of the Church as well as its spiritual oversight are trained to resolve conflicts at an early stage; that prevention is best. What is needed now is the building up of a body of experience and the habit of seeking alternatives to the expensive and often protracted route of the following of formal procedures. The right to expect that to be done properly is unaffected if mediation fails. And in the secular world it usually succeeds.

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