

REGULATION WITHIN THE RELIGIOUS SOCIETY OF FRIENDS

FRANK CRANMER

Honorary Research Fellow, Cardiff Law School

1. INTRODUCTION¹

British Quakers are arguably the least dogmatic group in Christendom; indeed, Universalist Friends would not describe themselves as Christians at all.² Possibly because of this relaxed attitude to doctrine, some Friends tend also to assume that they operate in a rule-free environment. When I told the clerk of our Preparative Meeting that I was working on an article on ‘Quaker canon law’ her immediate response was, ‘Oh, we don’t have any of *that*’—which is probably why Anthony Bradney and Fiona Cownie gave their recent study of the Quaker business method the gently-ironic title, *Living Without Law*.³

Writing in the mid-seventies in the context of Roman Catholic canon law revision, Robert Ombres argued that ‘canon law is applied ecclesiology. That is, the life of the Church is given as law specific embodiment and is structured in its institutions and organisations as is thought pastorally appropriate to any particular moment in the Church’s history, her sacramental making-present of Christ’s life, death and resurrection’.⁴ Ombres concluded that because canon law provided one of the frames of reference within which faith was to be lived out, canonists had to be theologically sensitive as well as legally proficient.⁵

So far as I am aware, it was also Robert Ombres who coined the maxim that ‘behind every law is a picture of the Church’.⁶ Presumably ‘the Church’ in this context means ‘Christians in communion with Rome’; but if his assertion is valid for Roman and Eastern Catholics, then one might reasonably

¹ I should like to thank Nina and Chris Gwilliam, Michael Bartlet and Professor Robert Forrest for reading various drafts of this article, and the Librarian of Friends House and Beth Allen of Quaker Communications for supplying information about the current structure of central committees. I should also make it clear that I write as a Quaker.

² The Society’s formal position is that ‘... expressions of faith must be related to personal experience. Some find traditional Christian language full of meaning; some do not’: Yearly Meeting of the Religious Society of Friends in Britain, *Quaker Faith and Practice*, 2nd edn (London, 1999) 1.01—subsequently cited as *QF&P*: references are to paragraph numbers.

³ *Living Without Law: An Ethnography of Quaker Decision-making, Dispute Avoidance and Dispute Resolution* (Aldershot: Dartmouth-Ashgate, 2000). Quite apart from its merits as legal anthropology, Part II provides a lucid and helpful summary of Quaker history and culture.

⁴ ‘Why then the Law?’, *New Blackfriars* (1974) 296–304, p 303.

⁵ ‘Why then the Law?’ p 302.

⁶ I first heard him say it in a lecture at Cardiff in 1999.

expect it to hold true for churches generally. Moreover, just as a church influences its canon law, so will it, in turn, be influenced by the way that law operates from day to day. One might therefore expect some kind of linkage between the style of canon law made by a particular church and that church's ecclesiology—and the following is an attempt to explore that relationship in a Quaker context. So *are* Friends really 'living without law'?

2. THE ETHOS OF THE SOCIETY

(a) Introduction

Quaker discipleship rests on a response through prayer and reflection to the promptings of conscience—the 'Inner Light' implanted by God in every person—and readiness to answer 'that of God in every one'.⁷ Its core is *meeting for worship*: the Friends' equivalent to what others do on a Sunday morning—Mass, Eucharist, Morning Prayer or whatever. But, in Britain at any rate, Quaker worship is different. Hymns, set prayers and sermons are unknown; instead, Friends assemble, 'centre down', and commune with God in their own individual ways—which, it should be said, do not exclude falling asleep.⁸ If no-one is moved by the Spirit to minister, the hour will pass in total silence, and even in a 'busy' meeting there is likely to be much more silence than speech: '[t]he silence of Meeting is not a gap; it is, rather, the essence of Meeting'.⁹

British Friends hold strongly to the priesthood of all believers and have never maintained a separate clergy, paid or voluntary.¹⁰ Nor are there many traditional 'clerical' functions to perform:¹¹ no baptisms or eucharists, and marriages solemnised at meetings for worship held for that purpose with those present acting as witnesses.¹² The senior salaried official of Britain Yearly Meeting [BYM], the Recording Clerk, is primarily an administrator: secretary to BYM and Meeting for Sufferings,¹³ co-ordinator of operations at Friends House, and "'keeper and interpreter"' of the regulations laid down in ... church government'.¹⁴ Because there are no professional theo-

⁷ *QF&P* 19.32.

⁸ Early Friends had the same problem: George Fox's *Epistle CXXXI*, written in 1656–57, exhorts Friends to 'take heed of slothfulness and sleeping in your meetings: for in so doing ye will be bad examples to others, and hurt yourselves and them'.

⁹ Bradney and Cownie, *Living Without Law*, p 137.

¹⁰ In 1828–29, American Evangelicals who wanted to adopt a statement of faith split from Liberals who did not: Elizabeth A Livingstone (ed.), *Oxford Dictionary of the Christian Church*, 3rd edn (Oxford: OUP, 1997) p 766. 'Orthodox', 'Conservative' or 'Evangelical' Friends in the USA hold to the priesthood of all believers, but take a high view of scripture, employ stipendiary pastors and hold liturgical services with readings, hymns and sermons—known as 'programmed worship'. Liberals are in a minority.

¹¹ E.g. prison ministry, hospital chaplaincy, the arrangement of funerals, and chaplaincy in institutions of further and higher education. However, in many churches with separate clergy, lay people can undertake some of these functions.

¹² Traditionally, of course, in Western Christianity, the ministers of the marriage rite are the couple themselves.

¹³ Usually referred to simply as 'Sufferings': see below.

¹⁴ *QF&P* 8.22. The Recording Clerk at the time of writing was Elsa Dicks.

logical gatekeepers, Quaker theology is the result of continuous evolution through a consultative process involving all members and adherents, so that the question ‘What do Friends believe?’ can be answered only by reference to the actual beliefs of the membership at the time of asking.

But however fluid their theology, Friends regard ‘right ordering’ of worship and the conduct of business as essential to the Society’s life, and from time to time, BYM publishes a manual on questions of faith, conduct and discipline. The first edition of the current handbook, *Quaker Faith and Practice*, was circulated in draft to every Preparative Meeting in Britain for comment, and the published version was significantly revised as a result. It includes *Advices and Queries* (largely a series of questions commended to Friends as an aid to self-examination), more general theological issues such as approaches to God, discipleship, the peace testimony and social responsibility—and the Society’s rules.¹⁵

Though few Quakers would use the term ‘ecclesiology’,¹⁶ the Pauline injunction that things should be done ‘decently and in order’¹⁷ has as strong a resonance for Friends as for Anglicans and Roman Catholics; and if Friends have any detectable ‘theology of the Church’ whatsoever, its foundation is precisely the concept of a community of order:

Our sense of community does not depend on all professing identical beliefs, for it grows from worshipping together, knowing one another, loving one another, accepting responsibilities, sharing and working together. We will be helped by tried and tested Quaker methods and procedures, but the meeting will only live if we develop a sense of community ... Our shared experience of waiting for God’s guidance in our meetings for worship and for church affairs, together with careful listening and gentleness of heart, forms the basis on which we can live out a life of love with and for each other and for those outside our community.¹⁸

Because Friends are primarily concerned with practice rather than with doctrinal orthodoxy, with community rather than with structures, the basic

¹⁵ Other YMs have similar handbooks, e.g. Philadelphia YM’s *Faith and Practice* (revised 1997) and New York YM’s *Faith and Practice* (revised 1998). From 1959, as well as its own *Organisation and Procedure*, Canadian YM used BYM’s *Advices and Queries* (London: 1995) and *Christian Faith and Practice of London YM* (London: 1959). However, because the 1959 publication was out of print and the current British *QF&P* was not entirely suited to their needs, Canadian Friends decided in 2000 to produce their own manual: *CYM 2000 Minute 29*.

¹⁶ Though ecclesiology is addressed at length in *One in the Spirit*, BYM’s preliminary response to the 1995 report of Churches Together in England, *Called to be One*. The full text is set out at pp 1–17 of *From Friends, with love: Book 1 1995–1997* (London: BYM, 2002); see especially pp 2–7.

¹⁷ 1 Cor 14 : 40.

¹⁸ *QF&P* 10.03.

¹⁹ Though the reality is more complex, with an intermediate General Meeting [GM] and a web of central committees (just as, in Scotland, the basic structure of kirk session ⇔ presbytery ⇔ General Assembly leaves out of account the *ad hoc* boards and the Commission of Assembly).

three-tier framework of the Society is very simple: Preparative (local) Meeting [PM] ⇔ Monthly Meeting (the basic administrative unit of the Society) [MM] ⇔ Yearly Meeting [YM].¹⁹

(b) *Membership*

‘When early Friends affirmed the priesthood of all believers it was seen as an abolition of the clergy; in fact it is an abolition of the *laity*. All members are part of the clergy and have the clergy’s responsibilities for the maintenance of the meeting as a community’.²⁰ Moreover, anyone so moved by the Spirit, from the oldest member to the newest enquirer, may minister at meeting for worship, and quite small children sometimes do so. The Society therefore recognises only four classes of persons:

- *members* formally received into membership by their MM;
- *attenders* who, while not yet received into membership, ‘frequently attend a specific meeting for worship’;
- *children not in membership* associated with a particular meeting for worship; and
- *enquirers* who, while attending occasionally, are not thought ready (or do not think themselves ready) for the status of attender.

As well as a register of members, every MM is required to keep lists of attenders and of associated children not in membership.²¹

The first step towards membership is to apply in writing to the clerk of MM. The application is placed on the agenda of the next convenient MM, which will appoint two Friends, one from a meeting other than the applicant’s own PM, to visit the applicant and form a judgment as to whether membership is the right step for that person. They report to MM, which takes the final decision.²² MM is also responsible for terminating membership where a Friend has apparently ceased to participate in the life of the Society, or his or her address has been unknown for at least three years, or where ‘the conduct or publicly expressed opinions of the member are so much at variance with the principles of the Society that the spiritual bond has been broken’.²³ In the last case, MM ‘may record a minute of disunity’ with the person concerned; but even then, membership would not normally be terminated without visiting the estranged member, and MMs ‘are urged to be very tender in all such cases and to beware of undue haste or unwarranted assumptions in proposals for the termination of membership’.²⁴ An aggrieved member may

²⁰ *QF&P* 11.01, para 7 [emphasis added]. In its response to the ARCIC statement entitled *The Gift of Authority*, the BYM Committee for Christian and Interfaith Relations noted that ‘In our understanding “the Church” is precisely what the document calls “the laity”—*laos*, the whole people of God—i.e. an undivided body of men and women who minister to one another in a mutual priesthood modelled on the servant priesthood of Jesus’: *From Friends, with love: Book 2 1998–2000* (London: BYM, 2002), p 51. The full text of the response is set out at pp 49–57.

²¹ *QF&P* 11.44–46.

²² *QF&P* 11.07, 11.11–16, 11.19.

²³ *QF&P* 11.37.

²⁴ *QF&P* 11.39, 11.41.

appeal against termination to Meeting for Sufferings, which appoints five Friends not associated with the MM concerned ‘to make all such enquiries as seem to them desirable’ and determine the appeal; their decision is final.²⁵

(c) *Elders and overseers*

Each MM appoints a number of elders and overseers to its constituent PMs.²⁶ Unlike Presbyterian elders ordained *ad vitam aut culpam*,²⁷ Quaker elders and overseers hold office for three years in the first instance, renewable for a further three but not normally thereafter.²⁸

Traditionally the first concern of elders is for the nurture of the spiritual life of the group as a whole and of its individual members so that all may be brought closer to God and therefore to one another So the right holding of meetings will be their particular care. The chief concern of overseers is with the more outward aspects of pastoral care, with building a community in which all members find acceptance, loving care and opportunities for service. Though there is a difference of function, much of the work of elders and overseers is of the same nature.²⁹

3. THE STRUCTURE OF THE SOCIETY: THE SYSTEM OF MEETINGS

(a) *Preparative Meeting*

Preparative Meeting is the Friends’ equivalent of the local congregation, holding a meeting for worship each Sunday and sometimes, in the case of larger ones, on one or two weekdays as well. In addition, however, a formal *meeting for worship for business*, with an agenda, is held in advance of MM, to discuss the affairs of PM itself and any matters on which MM has sought an opinion. It consists of all members and, with the agreement of the clerk, any attender who wishes to be present. Because little of the business transacted at a PM is now ‘preparative’ in the sense that it is necessary preparation for the next MM, the Society is actively considering renaming PMs ‘Local Meetings’ as a more accurate description of their role.³⁰

²⁵ *QF&P* 4.22.

²⁶ *QF&P* 12.05–07.

²⁷ For life, during good behaviour: see, for example, the General Assembly of the Church of Scotland’s Act X of 1932, as amended [anent Election and Admission of Elders and Deacons], ss 6–8.

²⁸ *QF&P* 12.07.

²⁹ *QF&P* 12.11 For a full list of duties, see *QF&P* 12.12 (elders) and *QF&P* 12.13 (overseers). Meeting for worship is ended by two of the elders shaking hands—a rare example of Quaker ceremonial. Worship is normally very sedate, but if anyone behaved in an unseemly fashion it would be for the elders to persuade that person, very gently, to desist. Being remonstrated with in such a fashion is known in Quaker-speak as ‘being eldered’.

³⁰ *Interim Report of Local and Regional Groupings Working Party* (BYM: London, 2003), para 8. Similarly, it is proposed to change the name ‘Monthly Meeting’ because it is no longer accurate or helpful: *ibid.*, para 14.1. At as June 2003 no decisions had been taken about the proposed changes.

The recognition and status of local meetings are matters for the relevant MM, which makes its decision by minute and informs the Recording Clerk accordingly. A meeting that is too small or infrequent to be recognised as a fully-fledged PM may become a Recognised Meeting if it has met at least monthly for a year, while regular but less frequent meetings for worship may be given the status of Notified Meeting. MMs are directed to take particular care that such meetings have satisfactory arrangements for eldership, oversight and finance.³¹

(b) Monthly Meeting

Monthly Meeting is the basic unit of the Society, bringing together members of a group of PMs. It meets roughly every month and transacts most of the Society's formal recorded business at local level. Like presbyteries, MMs vary greatly in size: the two smallest (Tivetshall and Wensleydale & Swaledale) have fewer than fifty members, while the largest (Warwickshire) has over five hundred.³²

MM is responsible for:

- regulating meetings for worship and business meetings within constituent PMs;
- the appointment and service of elders and overseers;
- the use within PMs of *Advices and Queries*;
- membership lists;
- the annual return to the Recording Clerk of membership changes, marriages and deaths;
- issuing certificates of change of membership;
- custody of records and deeds;
- maintaining trust property and appointing trustees;
- financial stewardship, including arrangements for the annual examination of the accounts (if necessary by a qualified auditor pursuant to the Charities Act 1993);
- supervising and recording marriages and appointing a recording officer for that purpose;
- supervising burials and burial grounds;
- libraries at local meetings;
- advising Friends on their outward affairs 'and the timely making and revision of their wills'; and
- (in England and Wales) nominating suitable people to be Quaker prison ministers and forwarding their names to the Recording Clerk for appointment by the Home Office.³³

This list might suggest that MM is more like a Reformed presbytery than an Anglican synod—though massively smaller in numbers than either. However, a presbytery is a court with judicial and executive functions, while a

³¹ *QF&P* 4.33–35.

³² *Interim Report of Local and Regional Groupings Working Party*, p 10.

³³ *QF&P* 4.07.

synod is a representative deliberative body. MM is neither: it is simply a meeting of Friends in its area to transact business. Any member may and, in principle, *should* attend if not prevented. Attenders may also be present with the clerk's agreement; and though attenders will be asked to withdraw if membership issues are discussed, far from discouraging them, one factor in assessing a membership application is the applicant's experience of business meetings.

(c) *General Meeting*

General Meetings bring together a group of MMs 'for conference and inspiration, and for a broad oversight of the life and witness of the Society within its area', and MMs are 'encouraged to refer to them matters which in their judgment merit wider interchange of view'.³⁴ GMs determine their own agenda and place and frequency of meeting.³⁵ The successors to the Quarterly Meetings which were 'laid down'³⁶ some considerable time ago, GMs retain responsibility for a few matters such as Friends' schools and young people's summer events. However, because their precise rôle is no longer entirely clear, some question their utility, suspecting that they merely add to the burdens of conscientious Friends with few compensating benefits.³⁷ There is therefore a distinct possibility that GMs in England may also be laid down.³⁸

GM for Scotland, however, is different: although subordinate to BYM, it acts independently on domestic Scottish matters. For example, procedure under the Marriage (Scotland) Act 1977 differs in important respects from that of England and Wales, and the Clerk of GM for Scotland carries out duties in relation to marriage registration similar to those of the Recording Clerk south of the border.³⁹ Because the Scottish Executive is responsible for hospitals and prisons, GM also nominates people for appointment as hospital chaplains and prison ministers.⁴⁰ Whatever happens to GMs in England and Wales, it is likely that Scots Friends will still need a separate representative meeting to relate to their secular institutions.⁴¹

(d) *Meeting for Sufferings*

Meeting for Sufferings was originally just that: a regular meeting arising from a conference in 1675 to explore means of redress from the 'sufferings'

³⁴ *QF&P* 5.01.

³⁵ *QF&P* 5.02.

³⁶ Quaker-speak for 'abolished'.

³⁷ Friends are very aware of the possibility of individuals being overloaded: '[i]t is not expected that any Friend should attend every meeting or sit upon innumerable committees': *QF&P* 3.09. Nevertheless, in addition to meeting for worship, a very conscientious Friend will be attending PM and MM and, possibly, Sufferings and BYM as well.

³⁸ *Interim Report of Local and Regional Groupings Working Party*, para 18.6.

³⁹ *QF&P* 16.10.

⁴⁰ *QF&P* 5.05.

⁴¹ Meeting of Friends in Wales, which represents BYM in relations with the National Assembly and with domestic ecumenical bodies and the like, is not a GM—it is *sui generis*: *QF&P* 5.06.

or disabilities laid on Friends, particularly with regard to oaths, tithes, and restrictions on meetings for worship. It has gradually evolved into a permanent body with day-to-day oversight of the Society between annual meetings of BYM. Each MM nominates two members to Sufferings and those with 300 members or more send an extra person for every further 300 members or part thereof, while Sufferings may itself co-opt up to ten further members.⁴² Unusually for a Quaker meeting, Sufferings is *not* open to all-comers: only those appointed to it may attend.⁴³ It is supported by a small Meeting for Sufferings Committee to prepare the ground for full meetings, suggest policies for its work, and prepare the BYM annual budget.⁴⁴

(e) *Yearly Meeting*

The 'Yearly Meeting of the Religious Society of Friends (Quakers) in Britain in session'—in short, Britain Yearly Meeting—'is the final constitutional authority of the Religious Society of Friends in England, Scotland, Wales, the Channel Islands and the Isle of Man'.⁴⁵ It consists of all members of its constituent MMs, and all have the right to attend and take part in its deliberations.⁴⁶ Visiting Friends from meetings not belonging to BYM may attend on production of a minute or letter of introduction from their own meeting. Attenders may be present at the discretion of the clerk of their MM 'if satisfied that their presence is likely to be of service to the Yearly Meeting', provided that an application, supported by one or more elders to whom they are known, is made well in advance.⁴⁷

BYM appoints its own clerk and two assistants, who hold office until the first session of the ensuing BYM.⁴⁸ Planning is in the hands of a small Agenda Committee, which appoints an even smaller Arrangements Committee to act for it between meetings.⁴⁹ The agenda may comprise:

- minutes from MMs or GMs and minutes or memoranda from standing committees of Sufferings 'sharing with YM as a whole some concern which has their united support';
- a summary of the proceedings of Sufferings, together with such committee reports as Sufferings may forward;
- epistles from other YMs; and

⁴² *QF&P* 7.05, 7.08. The current membership is about 200, and many feel that it is simply too large to function efficiently as an executive body: *Interim Report of Local and Regional Groupings Working Party*, Part IV.

⁴³ The automatic right of all elders to attend Sufferings was withdrawn in 1974: *QF&P* 7.01 para 8.

⁴⁴ *QF&P* 8.15.

⁴⁵ *QF&P* 6.09. Internationally, each community of Friends has an autonomous YM linked through the Friends' World Committee for Consultation established in 1937. Some countries, such as Canada and Australia, have a single, national YM; the USA has several, partly because of geography, but partly also because of tensions between Evangelicals and Liberals.

⁴⁶ *QF&P* 6.09.

⁴⁷ *QF&P* 6.11, 6.12.

⁴⁸ *QF&P* 6.10.

⁴⁹ *QF&P* 6.15, 6.17.

- subjects initiated by the Agenda Committee.⁵⁰

Inter alia, the Agenda Committee nominates an Epistle Drafting Committee. The epistle—intended to express the sense of BYM on issues of current concern—is drafted under YM’s guidance and made available for written comment, then submitted to YM for approval at the beginning of its final session. Once approved, it is read at the conclusion of proceedings, signed by the clerk, and communicated to Friends generally. In due course it is read aloud at all PMs.⁵¹

(f) *Committees*

In addition to the annual meeting itself, BYM is also ‘the combination of the seventy or so monthly meetings that make up the Religious Society of Friends in Britain, and [the name] may be used as well in referring to the work carried out centrally on behalf of the membership.’⁵² In this capacity, BYM has four principal functions:

- organising the physical Yearly Meeting, and conducting ecumenical relations;
- supporting Friends at local level with services and advice ‘relevant to the current demands of the Quaker community’;
- raising awareness within and beyond the Society about the basic tenets of Quaker faith and practice on issues such as spirituality, peace, and human rights; and
- practical work through training, conferences, work with those in positions of power, and social and development projects.⁵³

BYM operates through a system of central committees:

- *Quaker Communications* [QC] (concerned with fundraising and marketing, as well as IT, publications and the organisation of conferences);
- *Quaker Finance and Property* [QFaP] (which looks after the Society’s property and investments);
- *Quaker Life* [QL] (responsible for sustaining the fabric of Quaker life, deepening the spiritual life of Friends, and promoting outreach);
- *Quaker Peace and Social Witness* [QPSW] (whose primary function is to work for peace and against violence, and is associated in this with the YM of Friends in Ireland); and
- *Quaker Employment & Service* [QES] (responsible for employment, office services and human resources at Friends House).

Both QL and QPSW are supported by a large number of functional groups. There are also two smaller committees which, like the central committees,

⁵⁰ *QF&P* 6.04.

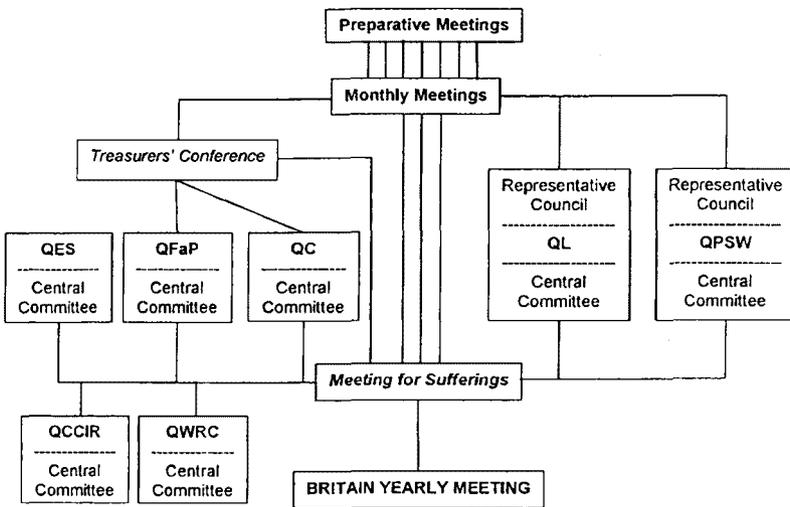
⁵¹ *QF&P* 6.15, 6.19. The 2002 epistle appeared in the summer 2002 edition of the BYM newsletter, *Quaker News*.

⁵² *QF&P* 8.01.

⁵³ *QF&P* 8.02.

are standing committees of Meeting for Sufferings: *Quaker Committee on Christian and Inter-faith Relations* [QCCIR] is responsible for ecumenical and inter-faith matters, and *Quaker World Representation Committee* [QWRC] handles relations with other Yearly Meetings. Central committees are accountable directly to Sufferings for their policy and work and, in consultation with Meeting for Sufferings Committee, for budgeting and financial control.⁵⁴

As at June 2003, the overall structure looked like this:



⁵⁴ *QF&P* 8.11.

Critics argue that undue reliance on committees threatens the autonomy of MMs; and a recent paper circulated within the Society expressed concern that the proliferation of committees had reached a level where 'gospel order' was being sidelined.⁵⁵

A slight degree of committee-phobia is not unknown in other religious communities. The Church of Scotland, for example, exhibits a mild degree of tension between the presbyteries and the central office in Edinburgh, while the average Church of England parish is often quite content with the diocesan administration—until the annual parish share assessment arrives. Friends are no different; and some have misgivings about the central administration on grounds of efficiency and value for money. Moreover, because Quaker government contains both hierarchical and federal elements, there has always been a certain amount of tension between centralism and congregationalism: George Fox himself recognised the need for some superior tier of government to hold the nascent Society together, while George Cadbury was arguing over a century ago for the importance of the local meeting.⁵⁶ But simply *because* there are no professional clergy and Quaker government is so participative, Friends probably have a greater need for a central resource than do other churches. If a national newspaper wants a Quaker view on, say, child-protection policy, it is Friends House that it will ring, not the clerk of Little Snoring PM—and if Friends are to give an adequate response there had better be a competent and well-informed person at the end of the telephone.

4. THE QUAKER METHOD OF BUSINESS

Though business is not transacted at a Sunday morning meeting for worship, there is no formal distinction between one kind of meeting and another. Each business meeting—PM, MM or YM—is, as a matter of principle, a meeting for worship also, and the fact that there is an agenda makes no difference to that.⁵⁷ This is possibly the most difficult part of the Society's practice for non-Quakers to grasp. The watchword for any meeting is the constant exhortation in the writings of Friends: 'Come with heart and mind prepared'; and Friends can only witness from their own experience to the qualitative difference between a PM and a secular committee. The *minutiae* of church government can be extremely tedious and Friends are no more immune to boredom than anyone else; but, having experienced both, my own impression is that the atmosphere of MM is very different from that of an Anglican deanery synod.⁵⁸

⁵⁵ Or, 'God so loved the world that She did not send a committee...': *The Quaker Jargon-Buster* (London: Ealing PM, leaflet, nd). 'Gospel order' is a term of art, suggesting that the Friends' structure is in conformity with (or, at any rate, not inimical to) the teachings of the early church, rather than a description of first-century church government.

⁵⁶ *Interim Report of Local and Regional Groupings Working Party*, para 5.

⁵⁷ See, for example, BYM's response to the 1995 Papal Encyclical on ecumenism, *Ut Unum Sint*. The full text is set out at pp 39–40 of *From Friends, with love: Book 1 1995–1997* (London: BYM, 2002).

⁵⁸ Defined as 'a group of people waiting to go home': Catherine Fox, *Scenes from Vicarage Life: or, the Joys of Sexagesima* (London: Monarch Press, 2001), p 189.

The pivot of any meeting is the clerk, who prepares the agenda, facilitates the meeting by introducing each item, and is responsible for follow-up action on previous decisions. The clerk combines the rôles of convener and secretary, sharing with the elders responsibility for the 'right ordering' of the meeting. 'Right ordering' has overtones of seemliness, dignity, and respect for tradition as well as 'doing things by the book': speaking briefly, not speaking without leave, and addressing the clerk rather than another Friend directly. Though clerks may be asked to advise on procedure, they are urged not to participate directly in the discussion if at all possible, and *QF&P* suggests that where the clerk is particularly involved in an item of business, someone else should act as clerk during that discussion.⁵⁹

The goal of a business meeting is not merely consensus, but *to discern the will of God and the spirit of the meeting*. 'Decision-making exists within the context of discipline, speaking from the heart, and prayerfulness. If matters become too contentious, the clerk (or indeed any Friend present) may call for a period of silence to seek clarity. Matters can be returned to on a later occasion if Friends are not all of one mind'.⁶⁰ Crucially, there are no votes. When the clerk feels that a decision is imminent, he or she will submit a draft minute that attempts to articulate the sense of the meeting. If the first draft is not acceptable, then the minute is redrafted until those present are content. Friends often signify assent by the traditional response, 'I hope so': a very rough equivalent of a general 'Aye'.

Minutes are agreed as the meeting progresses to ensure that everyone knows precisely what has been decided. 'Acceptance of a minute must be a deliberate act. Even if it is not thought necessary to read out the whole of an agreed draft minute again at the moment of acceptance, the meeting must be sufficiently aware of its terms from the preceding exercise to be conscious of uniting to accept it'.⁶¹ On occasion, Friends will defer a decision for lack of unity but, equally, they may decide to make a decision and move on, even when some are not fully in agreement. Alternatively, a Friend who is not entirely content may decide, nevertheless, not to impede the minute.

The great strength of the Quaker business method is its seriousness of purpose. Bradney and Cownie noted a considerable degree of agreement that 'meetings were non-confrontational, that you spoke not to impress but to say something that you thought was a new contribution to the discussion, that everyone was always involved, and that ... things were said "in a calm measured way"'.⁶² Similarly, in reviewing synodical government in the Church of England, Lord Bridge and his colleagues contrasted favourably the Quaker search for the mind of the meeting with 'the irony of the Legal

⁵⁹ *QF&P* 3.13. Even for someone who has spent most of his professional life clerking meetings ranging from occasional sittings of the House of Commons to a sub-committee of an Anglican parochial church council (and, much more rarely, chairing them), the dual rôle of a Quaker clerk looks extremely demanding.

⁶⁰ Nina Gwilliam: personal communication.

⁶¹ *QF&P* 3.15.

⁶² Bradney and Cownie, *Living Without Law*, p 144.

Adviser heralding the General Synod's moment of decision with the instruction to "Divide".⁶³ However, the conclusion of the Bridge Review that Quaker method was unsuited to General Synod was probably correct, partly on grounds of size, but partly, also, because there is little point in striving unduly for consensus unless there is a realistic expectation of achieving it. Quakers do not have major doctrinal disputes because, as implied above, they have little enthusiasm for systematic theology: the divisions within the Church of England over the ordination of women to the priesthood and the recent schism within the Free Church of Scotland over doctrinal liberalism⁶⁴ are simply of a different order of magnitude from any recent experience of British Friends.

But that is not to say that the Quaker business method is perfect. One trend that has attracted unfavourable comment is the increasing tendency for decision-making to become less corporate; instead of the whole MM making a decision, it delegates responsibility to a sub-committee. In part, this may simply be because a small MM may not have enough people to wear all the hats,⁶⁵ but a proliferation of committees may produce a lack of transparency. Moreover, when decisions *are* taken by MM, some of the issues on the agenda can be matters of mind-numbing administrative detail; as Virginia Pawley put it in an address to a recent conference in Manchester on the future of the Society, '[do] we really expect to divine God's preference for magnolia walls?'⁶⁶

Another potential weakness is that the system may simply have insufficient checks and balances to restrain unruly behaviour. Business meetings are by no means immune from manipulation and Friends are no more saintly than anyone else—after all, if Elizabeth Fry was a Quaker, so was Richard Milhous Nixon. Chris Gwilliam writes of 'a disastrous GM where at least a dozen Friends felt that the business method had so far collapsed that they walked out, some of them in tears: the damage that meeting caused has still not been fully repaired more than five years down the road'.⁶⁷

Perhaps surprisingly, the constant search for agreement can itself be problematic. It is by no means unknown for someone to start in a minority of one and bring the meeting round to his or her way of thinking; but, equally, there is always a risk that, in striving too hard for consensus, minority opinions may be overlooked because dissidents do not want to appear disobliging. One of Bradney's and Cownie's respondents was concerned that, in trying to be 'nice', business meetings were unQuakerly,⁶⁸ while another 'went so far as to note a lack of "honesty" in dealing with people because of this urge to be

⁶³ Lord Bridge of Harwich, *Synodical Government in the Church of England: a Review* (London: Church House Publishing, 1997), para 9.10.

⁶⁴ See Frank Cranmer, 'Christian Doctrine and Judicial Review: The Free Church Case Revisited': (2002) 6 Ecc LJ pp 328–330.

⁶⁵ The Preparative Meeting that Bradney and Cownie studied had 91 offices to be filled by about 125 members and 73 attenders: *Living Without Law*, pp 105, 113, 114.

⁶⁶ Alan Tyldesley: 'Changing Our Ways': *The Friend*, 21 February 2003, p 15.

⁶⁷ Personal communication.

⁶⁸ Bradney and Cownie, *Living Without Law*, p 144.

“nice”.⁶⁹ Alison Leonard reports that she has ‘known Quaker meetings that have been riven by dispute or, more often, reduced to a handful by unacknowledged conflict’,⁷⁰ while Robert Halliday suggests that, rather than acknowledging divisions and trying to handle them constructively, some Friends regard them as ‘a failure to keep the smooth feathers of civilisation unruffled’.⁷¹ Yet conflict, honestly acknowledged and properly dealt with, can sometimes be creative rather than destructive: instead of nailing them to the church door at Wittenberg, should Luther simply have stuffed his *Ninety-five Theses* in his pocket and gone for a beer?

5. QUAKERS AND DOMESTIC LAW

(a) Affirmation

If you ask people outside the Society what they know about Quakers, a likely response is that they do not swear oaths. Though Friends were once imprisoned for refusal to swear,⁷² under section 5(4) of the Oaths Act 1978 ‘a solemn affirmation shall be of the same force and effect as an oath’. Nowadays, Friends take the issue further. ‘Are you honest and truthful in all you say and do? ... Taking oaths implies a double standard of truth; in choosing to affirm instead, be aware of the claim to integrity that you are making’.⁷³ The traditional refusal to swear has evolved from a matter of literal obedience to New Testament teaching⁷⁴ into a wider issue of personal conduct.

(b) Registration of meeting houses and charitable status

BYM is an excepted charity under regulation 4 of the Charities (Exception from Registration) Regulations 1996.⁷⁵ Meeting houses are normally owned by MM directly or vested in a trust.⁷⁶ In England and Wales, the Society requires meeting houses to be certified as places of worship pursuant to the Places of Worship Registration Act 1855,⁷⁷ since the result of certification is to except them from the obligation to register with the Charity Commissioners.⁷⁸ More broadly, the activities of the Society are charitable under

⁶⁹ Ibid. p 153.

⁷⁰ ‘The Great Goodness in Silence’, *The Guardian*, 29 July 2002.

⁷¹ *Mind the Oneness* (London: Quaker Home Service, 1991) p 45.

⁷² See, for example, *QF&P* 19.38 for the testimony of Margaret Fell in 1664.

⁷³ *QF&P* 1.02.37.

⁷⁴ Matt 5: 33–37; Jas 2: 12.

⁷⁵ Charities (Exception from Registration) Regulations 1996, SI 1996/180. The Charities (Exception from Registration) (Amendment) Regulations 2001, SI 2001/260, provided that excepted status would end on 1 October 2002, but the Charities (Exception from Registration) (Amendment) Regulations 2002, SI 2002/1598, revoked the 2001 Regulations and extended excepted status until 1 October 2007—at which point it will almost certainly cease to exist.

⁷⁶ *QF&P* 15.03–04. Six Weeks Meeting, founded in 1671, supervises property matters in London.

⁷⁷ *QF&P* 15.13. There is no provision for registration of places of worship in Scotland.

⁷⁸ Charity Commissioners for England and Wales, *CC22: Registration of Religious Charities* (London: HMSO, 1994) p 3.

the ‘third head’—trusts for the advancement of religion—enunciated in *Pemsel*.⁷⁹ In addition, so long as the Friends Trust Limited acts as a trustee or custodian trustee jointly or with others, supervision of Friends’ charities is limited to a duty to keep the Commissioners informed of the name of the charity, a brief summary of its purposes and brief details of its property.⁸⁰

(c) *Marriage*

English marriage law has long given Friends special treatment.⁸¹ The Marriage Act 1949 gives particular recognition to the Church of England and Church in Wales, Jews and Quakers.⁸² Section 47 provides for ‘marriages according to usages of the Society of Friends’, as follows:

- only members of the Society are to be married according to its usages, unless authorised under a general rule of the Society;⁸³
- a marriage solemnised according to the usages of the Society will not be valid unless *either* the person giving notice of marriage makes a verbal or written declaration that each of the parties is a member of or ‘in profession with or of the persuasion of’ the Society *or* a certificate to that effect, signed by a registering officer of the Society, is produced to the superintendent registrar at the time when notice of marriage is given⁸⁴—which certificate is to be conclusive;⁸⁵ and
- a copy of any general rule of the Society authenticated by the Recording Clerk is to be admitted as evidence of that rule in any proceedings touching the validity of the marriage.⁸⁶

It should be emphasised that the discipline of the Society is that its usage ‘is not an alternative form of marriage available to the general public, but it is for members and those who, whilst not being in formal membership, are in unity with its religious nature and witness’.⁸⁷

Marriage arrangements are principally the concern of the clerks and registration officers of MMs. The latter are regarded as officers of BYM, and their appointment must be certified to the relevant Registrar General by the

⁷⁹ *Income Tax Special Purposes Commissioners v Pemsel* [1891] AC 531. HL, per Lord Macnaghten. For example, a gift to maintain a Quaker burial ground has been held a valid charitable gift: *Re Manser, Attorney-General v Lucas* [1905] 1 Ch 68.

⁸⁰ Charity Commissioners, *Registration of Religious Charities*, p 5.

⁸¹ For example, the Clandestine Marriages Act 1753 (26 Geo 2, c 33) (‘Lord Hardwicke’s Marriage Act’) made special provision for Quakers.

⁸² Marriage Act 1949, s 26(1)(c)–(e). References to the Church of England include references to the Church in Wales: s 78(2). The Act has attracted considerable criticism for its selectivity: see, for example, Anthony Bradney, *Religions, Rights and Laws* (Leicester: Leicester UP, 1993), pp 42–43, and Carolyn Hamilton, *Family, Law and Religion* (London: Sweet & Maxwell, 1995), pp 50–51.

⁸³ Marriage Act 1949, s 47(1).

⁸⁴ *Ibid.*, s 47(2)(a), (b).

⁸⁵ *Ibid.*, s 47(3).

⁸⁶ *Ibid.*, s 47(4).

⁸⁷ *QF&P* 16.04.

Recording Clerk or the Clerk of GM for Scotland.⁸⁸ Marriage procedure must always be *intra vires* the enabling legislation and is quite complex; the following, therefore, is only a very brief summary.⁸⁹

Those to be married must:

- apply to the registering officer of MM for solemnisation according to the usage of BYM;
- provide written support from two adult Friends for each non-member applicant; and
- (in England and Wales) give notice of intention to the superintendent registrar and obtain the certificate or licence; or
- (in Scotland) give notice to the district registrar and obtain the marriage schedule before marriage, and arrange for its registration after solemnisation.

The registering officer of MM must:

- arrange public notice of the intended marriage in the meetings with which the parties are associated;
- (in England and Wales) ensure that the superintendent registrar receives the appropriate certificate in respect of parties who are not in membership;
- ensure that the relevant PM appoints with due notice the meeting for worship at which the couple will be married; and
- arrange for solemnising the marriage at that meeting, in England and Wales by the registration of the marriage, or in Scotland by the signing of the marriage schedule.

Non-members may marry according to the Society's usages only with the permission of the registering officer.⁹⁰ The wording of the declaration by the parties and the form of the Certificate of Marriage are specified in *QF&P*.⁹¹ In England and Wales, the registering officer registers the marriage; in Scotland the parties, the witnesses and the registering officer sign the marriage schedule and deliver it to the district registrar for registration.⁹²

(d) *Burial grounds*

Several MMs have open burial grounds, but ashes may still be scattered in closed burial grounds.⁹³ MMs are 'advised' to keep careful records of their burial grounds and detailed plans of interments.⁹⁴ In reality, of course, this 'advice' is mandatory, if only in case an exhumation is ordered by the Home Office under the Burial Act 1857.

⁸⁸ *QF&P* 16.10.

⁸⁹ See *QF&P* 16.04ff.

⁹⁰ *QF&P* 16.15.

⁹¹ *QF&P* 16.36, 16.40.

⁹² *QF&P* 16.46.a, b.

⁹³ *QF&P* 15.18.

⁹⁴ *QF&P* 15.17.

Rules for monuments in open burial grounds are extremely strict. Memorials may be erected only under the direction of MM, and ‘in each particular burial ground, such uniformity [shall be] preserved in respect to the materials, size, form and wording of the stones, as well as in the mode of placing them, as may effectually guard against any distinction being made in that place between the rich and the poor’.⁹⁵ MM’s decision as to the style of memorials is final, with the result that Friends’ burial grounds are extremely plain and regular. At the Brentford and Isleworth burial ground of Westminster MM, for example, each grave is marked by a plain headstone, usually inscribed with the name, date of death and age of the deceased. Marble angels, chains, granite chips, eccentric inscriptions, portraits of the deceased and all the other curiosities that cause so many headaches for diocesan chancellors in the Church of England are simply not permitted.

6. CONCLUSION: CANON LAW BY CONSENSUS?

So far as possible, Friends use a ‘consultative’ model for both theology and rule-making. Although some rules are, in effect, prescribed because they have to be *intra vires* statute law, much of the structure of regulation develops through discussion and consultation among Friends at all levels. That is not to say that all rules are negotiable, since some aspects of Quaker discipline—such as the peace testimony, formulated in the earliest years of the Society and given its corporate expression in the *Declaration to Charles II* in 1660⁹⁶—are so basic to the Society’s ethos as to be, for all practical purposes, unalterable. When William Penn expressed reluctance to give up wearing his sword, George Fox’s advice was to ‘wear it as long as thou canst’.⁹⁷ On that precedent, a Friend who became convinced of the possibility of a just war might be tolerated for a time; but there would come a point when he or she would find the usages of the Society increasingly uncongenial and, ultimately, leave.

In some respects, the Society’s regulations probably impinge more on the daily lives of adherents than do the Canons and Measures on Anglicans or the 1983 *Codex* on Roman Catholics—unless one of the latter should wish to seek an annulment. Most Friends possess a copy of *QF&P* and, because it includes *Advices and Queries*, most dip into it on occasion. Friends are enjoined to make all their decisions, personal as well as collective, ‘under the ordering of the spirit of Christ’,⁹⁸ and because Quaker government is both conciliar and corporate, it involves both members and attenders in a way which government in other churches generally does not—though, that said, Friends continually agonise about poor attendance at business meetings.

In addition, Friends’ insistence on ‘right ordering’ is crucial to the conduct of worship. Anglican and Roman Catholic services are heavily regulated by

⁹⁵ *QF&P* 15.20.

⁹⁶ For the text, see *QF&P* 24.04.

⁹⁷ The anecdote is part of the oral tradition of the Society: see *QF&P* 19.47.

⁹⁸ *QF&P* 1.02.2 (or as Cownie and Bradney put it, ‘Quakers are Quakers all the time’: *Living Without Law*, p 143).

canon law; that and the fact someone presides under the ultimate authority of the local bishop, implies a measure of control. A meeting for worship, however, is almost entirely self-regulating: the rôle of the elders is very muted, and if the meeting is to proceed in a seemly fashion, each Friend present must take personal responsibility for its conduct—and think very hard indeed before rising to minister.

The current debate within the Society about the structure of government—and the future of GMs in particular—provides a good example of Quaker method. With the exception of Sufferings, business meetings consist simply of those who turn up on the day, and what carries most weight is the personal reputation and seriousness of purpose of the Friend addressing the meeting. Even the distinction between members and attenders is fairly tenuous, since an attender present with the permission of the clerk may speak. By the time a decision on the future of GMs is imminent, everyone will have had the chance to express a view. In contrast, when the Church of Scotland abolished provincial synods in 1992 because they were expensive and poorly-attended, the General Assembly made the final decision after the presbyteries had approved the proposal under the Barrier Act.⁹⁹ Each kirk session was represented in the presbytery of the bounds by its parish minister and an elder, but there was no formal legal requirement for presbyteries to consult kirk sessions *as such*.

In fairness, it is probably true to say that the Friends' open structure is partly a function of size:¹⁰⁰ small organisations can be much more inclusive than can large ones like the Church of England or the Church of Scotland. Equally, small organisations should not require minutely-detailed regulation—though, that said, some tiny Presbyterian churches still operate the full panoply of classical Scots church law: three-tier church courts, acts, overtures, trial by libel¹⁰¹ and the rest. But perhaps the most important difference between Quaker regulation and the rules of other religious organisations is how Friends conceive the end-product: '[o]ur church government is to be seen not as a code of regulations to meet every conceivable contingency, but as an embodiment of the corporate experience and wisdom of the yearly meeting.'¹⁰²

All this has been more in the nature of a *Rough Guide to Quaker Regulation* than a detailed description—but sufficient, I hope, satisfactorily to demon-

⁹⁹ *Acts of Assembly of the Church of Scotland*, Act IX of 1697, which provides that any Act altering the 'Rules and Constitutions of the Church' is to come into force only with the consent of a majority of presbyteries. A special two-thirds majority was required for the proposal to abolish provincial synods, enacted as Act V of 1992 [amending Articles Declaratory anent Synods].

¹⁰⁰ At the end of 2001 there were 73 MMs and 487 local meetings, of which 387 were PMs. Adherents totalled 28,615: 16,243 full members, 8,719 adult attenders and 3,635 children (statistics from BYM).

¹⁰¹ A mechanism that the Church of Scotland itself has recently abolished: Act III of 2001 [anent Discipline of Ministers, Licenciates, Graduate Candidates and Deacons].

¹⁰² *QF&P* 11.21.

strate its existence. Part of the problem is a confusion of definitions, since there is no consensus about precisely what constitutes 'canon/church/ecclesiastical law'. Garth Moore, for example, defines the term very widely indeed in relation to the Church of England as 'so much of the law of England as is concerned with the regulation of the affairs of the Church'.¹⁰³ while James Coriden would limit the definition in a Roman Catholic context to the church's internal norms and regulations.¹⁰⁴

Perhaps the acid test is this: does a particular religious organisation have a regulatory structure—however simple—and if so, is it binding on adherents? If the answer to both questions is 'Yes', then the organisation in question clearly has canonical norms of some kind, exhibiting what Bradney and Cownie describe as 'law or law-like behaviour'.¹⁰⁵ Clearly, on that test Friends *do* have such norms, but because they do not involve a series of complex formal procedures or an elaborate system of courts and tribunals, Friends tend not to think of them as 'law' at all. In one very limited sense they may be right since, unlike Anglican, Roman Catholic or Presbyterian canon law, Quaker internal regulations are not fully justiciable; but the rudimentary nature of the Friends' system of internal adjudication does not mean that their regulations are without effect. Moreover, not only does their participative style of regulation reflect their corporate approach to doing theology, it comes very close to realising Robert Ombres' unarticulated implication that canon law is too important to be left to canon lawyers.

¹⁰³ Timothy Briden and Brian Hanson, *Moore's Introduction to English Canon Law*, 3rd edn (London: Mowbray, 1992), p 8.

¹⁰⁴ James A Coriden, *An Introduction to Canon Law* (London: Geoffrey Chapman, 1991), p 4.

¹⁰⁵ Bradney and Cownie, *Living Without Law*, p 4.