MISSION IN REVISION

RECOMMENDATIONS FOR A REVIEW OF THE MISSION AND PASTORAL MEASURE 2011

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CHALLENGE

As part of the Church of England *Mission in Revision* project, a collaborative project was undertaken between the University of Oxford, the Churches Conservation Trust and the Church Commissioners. This was intended to contribute to the current discussions about the Mission and Pastoral Measure 2011 within the Church of England, and to think more widely about the implications, particularly for historic church buildings. A series of five conversations was held in February/March 2021 with participants from different Christian and other faith backgrounds, and with a range of theological, legal and academic expertise (see appendix 1), covering Policy, Ecumenical and Inter-faith perspectives, and Cultural Heritage. This report summarises the conversations, which were deliberately wide-ranging, and proposes a set of actionable policy points, which fed into the Green Paper produced by the Church Commissioners for the General Synod held in July 2021 (for Recommendations, see below, at end).[1]

The Mission and Pastoral Measure is a piece of legislation which has evolved over more than a century into its current form, described by one delegate as a 'palimpsest…, an attempt to systematise an unsystemised system'. The current Church of England review[2] offers the opportunity to reconfigure it for the situation in the early 21st century, which is of course very different to the late 19th century when the original Measure covering adjustments to parish boundaries was passed.

Context:

Concern has been expressed in recent years about the increasing unsustainability of the current status quo in the Church of England, where more congregations are struggling to maintain themselves and their church buildings.[3] Some reasons are common to mainstream churches

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[1] Mission in Revision 2021
[2] See LRCO 2020.
[3] See CBC 2020 and MPCP 2020 ((20)25).

elsewhere in Europe, the United States, Canada, South Africa, Australia and New Zealand.[4] Congregations tend to be ageing, and demographic change has left a relatively large number of buildings in rural areas where they are serving decreased populations.[5] These smaller populations provide a decreasing pool of volunteers to serve on PCCs or as churchwardens, and those on PCCs can lack relevant skills, for example in applying for grants, or maintaining historic buildings, and also feel isolated and unsupported.[6] Smaller congregations can struggle particularly with the major renovation expenses which will occur every fifty years or so on a historic building.[7] In some cases these existing challenges will be exacerbated by Covid 19, which has necessitated the closure of church buildings, sometimes for many months.[8]

Other challenges faced on a local level are specific to the situation in England, and in the Church of England. As an established church, there is a still a sense of ownership of the identity and property of the Church of England among parts of the population, whether or not they are active church goers.[9] Communication difficulties and disagreements between different parts of the tripartite structure of the central administration, dioceses and parishes can hinder clear thinking and decision making: as one delegate put it, 'the relationship between parish and diocese is clear in law, but not clear in function'. The same could be said of the broad range of theological views represented within the Church of England which can create difficulty in coming to a unified position. Theological attitudes to church buildings are particularly relevant in the context of this paper: despite the concept that each individual church building represents the Church Universal, a significant part of the Church of England sees the historic buildings as burdens, and a constraint on mission (see further discussion below, under *Cultural Heritage for All*).[10]

The parish system as currently manifest in the Church of England is unique and important, rooting the Church firmly in the local, but it is also a burden particularly given the number of buildings in some less populated areas, and in terms of providing clergy to service them. Several participants emphasised that in their experience it was the parish share, sometimes consuming 80% of the annual budget, which was proving a greater challenge than funding the regular maintenance of historic buildings – a 'breach material' as one delegate described it. The CBC 2020 report on

[4] See Clark 2010, Haynes 2008. Also recent conferences addressing these issues in a European context: Herrenhausen 2021, Groningen 2019.
[5] CBRG 2015, sections 17-21.
[6] Taylor 2017, pp.13. P.20 offers recommendations to support PCCs to care for their buildings.
[7] Taylor 2017, p.35.
[8] See CSCC 2021.
[9] UCL 2006.
[10] CBRG 2015, sections 34-5, and Appendix 2, sections 1 and 3.

Struggling Churches did not examine financial factors, including the role of the parish share, in the sustainability of church buildings, citing the difficulty of ascertaining whether financial difficulty was a cause or a symptom.[11] Unlike repairs to historic buildings, there is no external funding available to assist a small population in raising their parish share. Various forms of parochial reorganisation have been suggested in recent years, with the priority being to create a wider pool of volunteers and to spread the burden of clergy costs/parish share.[12] The concept of a 'Universal Service' akin to the Royal Mail, is a wonderful ideal, but no longer financially viable, and has to be balanced with a dominant clericalism in the Church of England which believes that 'unless you have a vicar in a parish it somehow doesn't work or doesn't exist'.

The Church of England is also responsible for a particularly high proportion of buildings of significant importance, including around 45% of Grade 1 listed buildings in England,[13] although it should be noted that the higher the building's listing, the less likely it is to be struggling.[14] Given the quantity and quality of significant heritage assets for which the Church of England is responsible, state funding of this religious heritage is relatively low and unsystematised,[15] although certain government initiatives, particularly the First World War Centenary Cathedral Repairs Fund (2014) and the Listed Places of Worship Grant Scheme were acknowledged.[16]

Participants presented a number of international parallels in terms of the protection and funding of religious cultural heritage. This was seen in the context of a changing narrative about the importance of the cultural heritage of religion in specific places, alongside the more traditional understanding of the importance of the cultural heritage of historic buildings which happen to have a religious function.[17] There are no obvious direct comparisons to the Church of England as an established church with a unique structure, and a particularly high proportion of important church buildings. Of course other countries have examples of good practice – although these are unlikely to be directly transferable to the Church of England context, their features may be worth considering. The system

[11] CBC 2020, pp.16-17, 24.
[12] CBRG 2015, section 42, and Appendix 2, section 2 lists some of the initiatives then being explored at diocesan level. For the Festival Churches model, see <https://www.churchofengland.org/resources/diocesan-resources/strategic-planning-church-buildings/festival-churches> accessed 20/4/21. See also the creation of Ministry/Mission Areas in Wales: Wales 2012, particularly section 6.
[13] CBRG 2015, sections 14-16, Taylor 2017, p.24.
[14] CBC 2020, p.4.
[15] CBRG 2015, section 39, 125-8.
[16] Funding sources which have been available over the last twenty or so years are listed in CBC 2020, section 57. See also Taylor 2017, pp.11-12, 17-18 and 24-26. For the First World War fund, see First World War fund 2018.
[17] See particularly UNESCO 2010.

of Parish Church Plans successfully used in Belgium for example, where local stakeholders including the Catholic church, individual church councils, municipal authorities and heritage bodies cooperate to provide a plan for each municipality deciding the future of its parish churches, is predicated on the fact that all pre-1801 churches in Flanders are owned by the municipalities.[18] Nonetheless its success is based largely on a highly cooperative model, the principles of which should be possible to emulate.

Flexibility/Dynamic Features of the Measure – Challenges and Opportunities

The Measure as currently existing has positive features particularly in terms of its flexibility and in a finely-balanced approach which attempts to make sense of multiple forces and jurisdictions, giving parishes and local stakeholders agency in decisions about their churches, while balancing the interests of dioceses and the central Church of England bodies.[19] There was a strong feeling against extending the legislative reach of the Measure, and in support of retaining a flexible approach. But delegates agreed it to be 'ossified to some extent, and over complex', with difficulties with ungainly ecclesiological language particularly when specifying possible uses for a church building.[20] The closure process itself is seen as too slow, and less useful than it could be in that struggling churches only come before the committee relatively late in the process when the situation has sometimes become desperate. The Measure specifies consultation with 'interested parties' to allow schemes to be made legitimately, as well as a system of appeal, both of which were agreed as being important.[21] But a small number of objections can hold up the process: is there too much consultation, is it with the right parties, and in the most helpful order? The example was given of some local authorities requiring a church building to be marketed for community use, when it is clearly not suitable, which then unnecessarily delays investigation of other more suitable uses. There is also a general perception that the Church of England legislates excessively through primary legislation and moving away from such a practice may address at least partly the difficulty of top-down approaches, a difficulty that the Measure perhaps represents in microcosm.

[18] Bourgeois 2011.
[19] CBC 2020, p.5: majority of closure cases originate in a PCC Resolution to Close. See also MPCP 2020 ((20)25), p.2.
[20] See current drive within the Church of England to simplify Church legislation more widely: LRCO 2020, p.2.
[21] MPM 2011, section 24: Interested parties include: the local planning authority, Church Buildings Council (C of E), Bishop, patrons, incumbent, congregation, PCC, parishioners (including non-churchgoers), heritage bodies especially Historic England as well as National Amenity Societies, Commonwealth War Graves Commission etc).

The Church of England makes a binary distinction between a church being used primarily for regular worship (ie open) or completely unavailable for regular worship (ie closed). This distinction was described in discussions variously as 'the guillotine that divorces the process for dealing with a closing church from the process of dealing with an open church', 'silo separation' and 'the open/closed dichotomy'. One delegate pointed out that 'there's a missing mediating term here, between secularising churches … on the one hand, and the idea of their Christian use on the other'. The two processes are addressed entirely separately, with support to keep buildings open provided by the Church Buildings Council (or the Cathedrals Fabric Commission), and closure coming under the Measure, and thus the Church Commissioners.[22] This separation carries through into policy research,[23] and may contribute to a sequential process, which therefore takes longer than it needs to. Closure is seen as a failure, rather than part of the process of continual change all buildings go through, making the process even more painful than it might need to be. Though does a church ever truly lose its identity as a church anyway? As one delegate put it: 'it's a myth to think that we can ever deconsecrate a church because we cannot undo the holy things that have happened there'.

The Church of England at least has this legislation – other churches do not, and their historic buildings are accordingly more threatened.[24] But there is still concern that the current Measure does not provide the best protection for historic church buildings (given that the care of souls, or furthering mission, is its primary purpose, rather than protection of cultural heritage). The current question is whether closure is 'pastorally required', which may be too narrow a question. Are the criteria which the Church Buildings Council use to ascertain 'the historic interest and architectural quality' of churches facing closure, and 'the historic interest and aesthetic qualities of the contents' also too narrow?[25] Listing doesn't address intangible heritage alongside tangible heritage for example, and there are also environmental elements to be considered. Changes to the planning system currently proposed by government may also play into this, and the question was raised as to whether more of the process of managing change to historic buildings should revert to secular

[22] See CBRG 2015, sections 157-171 for the Closure process, sections 173-5 for the various responsibilities taken by the Church Buildings Council and the Church Commissioners, and Appendix 4: 'Current Roles of the Two Church House-Based Departments and the Bodies which they serve'.
[23] Eg the Taylor Review deliberately didn't look at the closure process: 'The Review has focused primarily on ways to ensure listed church buildings remain in use with improved facilities so they are more widely used by the communities around them. It does not, therefore, consider in detail, the means for dealing with churches which are no longer in use or cannot be brought into more sustainable use and need to be closed' (Taylor 2017, p.23).
[24] Many churches allow a bishop to deconsecrate a church (eg Roman Catholics, Orthodox).
[25] MPM 2011, section 7.

planning law, rather than operating through the Ecclesiastical Exemption.[26] These issues pose a particular problem in the face of a potential wave of closures exacerbated by Covid 19.

Shared use of buildings:

When a church building can no longer survive solely as a place of worship by a Church of England congregation, sharing use of the church building is an obvious alternative to closure. It is therefore important to encourage this as a real option.

But regulation does not make sharing a church building entirely straightforward. Both licences and leases for sharing use of the building require it to remain primarily a place of worship so, for example, it might not be possible to allocate the nave to another party, while retaining only the chancel for worship.[27] This encourages informal arrangements, which can then be vulnerable, for example to changes of personnel. The Church's legal requirement for set liturgy at set times can also pose a problem, as can limitations on ecumenical partners, and the prohibition of shared worship with other faiths in open Church of England churches (though non-religious or community activities are permitted).[28] The concept of 'a spectrum of experience, from 'worship only' to 'mainly non-worship uses'' referred to in the Taylor Review[29], is not entirely borne out by the regulatory framework.

A divide between sacred and secular is unhelpful in any case (and 'bad theology') according to several of the delegates, who stressed the theological category of the Kingdom of God as being wider than the Christian church: 'secular just means non-Church, not non-God'. It was pointed out that the parish system in England was historically 'a hinge between the church on the one hand and the space of civil society on the other', and that this could provide scope for a renewal of the parish 'as a focus of social, charitable, and local cultural functions'. The Augustinian notion of the 'common good' can extend the purely functional use of a church building beyond its utilitarian role as housing a particular congregation or liturgy.

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[26] See DCMS 2011, for Ecclesiastical Exemption. For proposed changes to the planning system, see HCL 2021, and HCL 2019.

[27] Taylor 2017, pp.16-17; CBRG 2015, Appendix 3: Legal Agreements for the Use of Open Church Buildings. See LONICE 2012, for full information. NB While the MPM 2011 governs the use of leases allowing shared use, licences are authorised under faculty (ie at diocesan level).

[28] House of Bishops 2019. See All Souls', Bolton (a CCT church) as an example of cooperation with the local Islamic community: <https://allsoulsbolton.org.uk/> accessed 28/4/21

[29] Taylor 2017, p.23.

Regulatory problems are not necessarily borne out in practice: delegates stressed that communities on the ground could/do work together, and difficulties only tended to arise when the legal process came in. They highlighted several examples of successful sharing of buildings with ecumenical partners, describing the Church of England in these instances as being 'immensely welcoming'.[30] The successful collaborations discussed were particularly of high Anglican congregations sharing with Orthodox and Melkite congregations.[31] Mention was also made of the Diocese of Carlisle, with a 'far-reaching approach which essentially takes the whole diocese to be an ecumenical partnership'.[32] But it can be challenging to find suitable partners, particularly in terms of maintaining a balance with the original congregation, rather than it being taken over. Often these partnerships are dependent on personal relationships, so can be threatened by a change in incumbent. And some parts of the Church of England are more exclusionary than others in terms of ecumenical partnership.

In terms of sharing buildings for other, non-worship uses, the flexibility in the current system for the use of open churches was praised. There are few uses which are actually forbidden, although successful sharing of a building can depend on a PCC with the vigour to provide the necessary organisation, as well as expertise in accessing grants and understanding the regulatory framework. Often objections to new uses come from within the congregation, rather than the wider community, government or other stakeholders, who understand that these buildings should have the potential for wider community use and that suggests the need for informative and sensitive consultation.

Church buildings: cultural heritage for all?

Our discussions looked at church buildings as representing religious cultural heritage in the widest sense, encompassing tangible and intangible heritage, and reflecting the UNESCO definition of world heritage as being 'among the priceless and irreplaceable possessions, not only of each nation, but of mankind as a whole'.[33]. They are dialogical spaces, representing opportunities to meet, not only for Anglicans, but for those of other denominations, of other faiths and of no faith. Examples were given of different faiths becoming shield bearers for the cultural heritage of places which, while not their

[30] The system of ecumenical canons at Christ Church Cathedral, Oxford, was particularly praised.
[31] Eg St Barnabas, Jericho, Oxford, St Barnabas, Pimlico, shared with a Melkite congregation; St Michael and All Angels, Caxton, Kent, shared with a Bulgarian Orthodox congregation. St Endellion, Cornwall, where Paul Fiddes has been ecumenical prebendary since 2012. Cooperation with Orthodox colleagues is also central to the House of St Gregory and St Macrina, Oxford.
[32] Carlisle 2020.
[33] UNESCO 1996, paragraph 1.

place of worship, are still theirs in a wider sense.[34] This sense can be enhanced in times of conflict when faith is under threat.[35]

The 2017 Taylor Review emphasised this common heritage at least on a national level: 'the buildings of the Church of England play a vital role in our national identity', seeing communal engagement with them as crucial to their sustainability.[36] The concept seems to be accepted by the current Measure in relation to vesting churches in the Churches Conservation Trust: 'in the interests of the nation and the Church of England' (eg section 59.2.a).[37] Recent events have proved that church buildings can be important for everyone in a community, not just for churchgoers: the recent report, *Churches, Covid-19 and Communities: Experiences, Needs and Supporting Recovery* report clearly demonstrates the ongoing importance of church buildings for both members and non-members, brought into stark relief by the pandemic.[38] Even though online service provision has been successful in many cases, the evidence from the report is that most people want to return to meeting physically in their church buildings. The 2019 *House of Good* report had already underlined the importance of church buildings for communities, beyond their congregations.[39] But such acknowledgement does not necessarily focus on their cultural heritage value as part of 'an English patrimony', such as that acknowledged by the French Republic. It is important to encourage the community in the widest sense to engage with the cultural heritage aspect of these buildings and to feel a sense of responsibility for them even if they are not churchgoers.

The importance of places of worship in cultural heritage terms is appreciated by the public as a whole.[40] But there is a lack of public knowledge of historic church buildings, and a lack of confidence in reading and understanding them, and this is mirrored by the ambivalence about historic church buildings within the Church of England. The system currently seems to depend on protecting the most historically significant, unsustainable church buildings by being able to vest them in the CCT, which can preserve their material heritage while still allowing occasional worship. But will such a

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[34] Eg St Giragos, Diyarbakir, Turkey (an Armenian church which was restored at least in part with the help of the local Muslim community): <https://en.wikipedia.org/wiki/St._Giragos_Armenian_Church> accessed 3/5/21. Though mention was also made of tensions in some areas over contested religious sites (eg Jerusalem): see Rothenberg 2014.
[35] See 2016 conference at Van Leer Institute, Jerusalem on the legal protection of sacred places: <https://classic.iclrs.org/content/blurb/files/SacredPlacesProgramme.pdf> accessed 28/4/21
[36] Taylor 2017, p.19. For communal engagement, see particularly p.15.
[37] MPM 2011, eg section 59.2.a.
[38] CSCC 2021, especially pp.56-63.
[39] House of Good 2019.
[40] See National Churches Trust 2016: 84% of the general public agreed that the UK's churches, chapels and meeting houses are an important part of the UK's heritage and history.

system be able to cope if there is a wave of church closures exacerbated by Covid 19? The work that the CCT is doing to explore new uses for its churches and to develop expertise and training in church conservation could usefully inform a preventative approach to church closure which would be greatly facilitated by a Measure that offered a non-binary process.

Another binary that needs to be questioned is the distinction between heritage and mission. Although these buildings do require maintenance, and periodic major repairs, they also provide significant opportunity for mission. For most (non-church) people, the buildings are the visible representation of the Church, and the care, use and symbolism of the buildings is therefore still valid even for those who never enter them. A church is still recognised as 'a serious house on serious earth':[41] pilgrimage and the visiting of sacred sites is increasingly meaningful to people who are not members of a formal church.[42] As one delegate put it,

> 'Churches are never just background. They are designed to have a physical, physiological or psychological impact on people, and visitors in our research constantly said: 'I went in as a heritage visitor, but the sensory impact of the building, whether it was the sound of evensong or the sheer magnificence, or knowing I'm in a place where people have been and brought their needs for 900 years, all of these things changed me while I was in the building''.

They are functional buildings, designed to communicate theological principles, which should be worked with, rather than against. The discussion of heritage issues in the Church of England has not been a theological one, but there is no reason why a 'historically-framed, applied theology of place and heritage' should not be developed,[43] and it would be helpful if more time could be spent on this topic during clergy training.

Conversely, the continuity of worship in historic church buildings augments their heritage value as spaces designed for worship, even if centuries ago. One delegate talked of the 'topping up' of churches by occasional worship, while another pointed out that even for a church used for other

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[41] Larkin 1955.
[42] Pilgrimage 2020.
[43] CBRG 2015, part 2: 'Theological Perspective' explores the idea of a theology of place and thus of buildings: 'our churches … assist in proclaiming the gospel just by being there. Their very existence is quite literally significant, pointing to a reality beyond themselves. If the heavens declare the glory of God, the skyline of our country is dotted with towers and spires which point heavenwards to witness to the fact that this world is not a system closed to itself' (section 104). Other churches are exploring the subject, see Hume 2015.

purposes most of the week, with a monthly act of worship, 'the ghost in the machine, the spirit in the bottle is still there because the church is being used for worship'. As one delegate put it: 'the possibility of transcendence and transformation within church buildings gives a higher potential to cultural heritage interactions than in … other sites'. And continuing worship can mitigate against the fossilisation of churches, which can become cultural occidents rather than living buildings, making them vulnerable to appropriation by political forces. In Germany, Christian buildings, symbols and even festivals like Easter and Pentecost have been used to propagate nationalist agendas, and in South Africa, the older churches, sometimes seen as symbolic of former colonial domination, have become sites of cultural conflict, pilgrimage and identity for the Afrikaans population, even those who are no longer even Christian: 'the building is not viewed, or used, for its originally intended purpose, rather it serves as a symbolic representation of a historical period, and a cultural identity, that has passed'.[44]

But the cultural heritage of the Church of England parish church is not perceived as the responsibility of all, even in the context of ecumenical partnerships. A tendency for Church of England congregations to see themselves as representing the whole community (as a national church, see above), while perceiving other denominations as serving themselves, may then be carried over into who sees themselves as responsible for the cultural heritage of the building which they are using, particularly given the legal obligations of the Church of England in that respect. It was pointed out that initiatives like *Fresh Expressions*, which actively focus on ecumenical partnership, have been primarily focused on services in new places, without a strong cultural heritage.[45]

This presents a challenge and an opportunity. On the one hand, if one is to make an argument that every parish church is a symbolic pledge that the Church of England shields the right to freedom of religion or belief of Anglicans, other Christians, people of other faiths and even of people of no faith, then one can make an argument that the Church of England establishment has evolved into something more complex and indeed more universalist than the protectionist vision that emerged during and after the religious wars in Europe. As the late Lord Sachs reminds us, Church of England Establishment has become for other faiths the backbone to which other faiths can connect and thrive and in that sense it has evolved in a unique way to be a much more complex shield, not simply the defence of a faith, a nation and a domain. This is something which we need to consider very carefully because appreciating the full consequences of such a role for the Church of England may

[44] Snyman 2019, Roy 2018, Kreiner 2015.
[45] See <https://freshexpressions.org.uk/> accessed 20/4/21

give us a new vista, not just of a church that is more ecumenical, but of an Anglicanism which is prepared to reach out of its comfort zone, a challenge that may seem at odds with the narrative of a broad church, seemingly inclusive, but in practice torn by implied exclusiveness and insularity. Oliver O'Donovan explores this issue in wider settings when he proposes outwardly dialogical rather than belonging driven understandings of how one relates to the other:

> *The proper form that universal humanity should take is not that of a home but that of a meeting. The idea of world-government is inherently unfree, since it elevates non-reciprocity to be the ultimate form in which human beings confront one another. No community should ever be allowed to think of itself as universal. All communities, including the largest, should have to serve the end of equal, reciprocal relations between their own members and the members of other communities. One could put in in this way: it is essential to out humanity that there should always be foreigners, human beings from another community who have an alternative way of organizing the task and privilege of being human, so that our imaginations are refreshed and our sense of cultural possibilities renewed. The imperialist argument, that until foreigners are brought into relations of affinity within one cultural home they are enemies, is simply creation of xenophobia. The act of recognition and welcome which leaps across the divide between communities and finds on the other side another community which offers the distinctive friendship of hospitality, is a fundamental form of human relating.*[46]

This is a very important caveat – any ecclesial or political or indeed theo-political body needs to find the measure of keeping to its unique (in this case ecclesial) identity and at the same time be universal, Holy, Catholic and Apostolic by being not a home but a meeting, a bridge which creates opportunities for reciprocity with people of all faiths – and indeed of no faith.

But in order to do that the Church of England cannot be reduced in the imagination as the Church of the nation. A national church confines people to something the Church of England is not, at least liturgically. It is not accidental that phyletism (nationalism) is condemned as a heresy by the Christian East (while at the same its ethnic churches bear witness to how difficult it is to set themselves free from the captivity of nationalism). The point remains, that there is no need today

[46] O'Donovan 1996, p.268

for a church to define itself as national. A national church has more in common with Tridentine Catholicism in the way it seeks to safeguard boundaries rather than an outgoing confident church envisioned as a 'pilgrim on a journey'.[47] If we take the view that the ecclesiological vision of the church may aspire at least a little to the view that every local church is an icon of the Church Universal[48], then the notion of a national church would simply be alien to such an ecclesiology. A church may transcend the nation beyond its temporal confines, relating it to the world, but cannot be a national church, if it is to be an icon of the Church Universal. Acknowledging that would reaffirm rather than undermine Establishment, but as a reordering of the relationship between Revelation and Proclamation, where proclamation is second to the primary universal Revelation rather than the other way round. It seems likely that the language of the church of the nation, rather than serving a unifying function, may divide, especially at this time of political and social fragmentation, and the question may be raised whether it is a proper way to serve the mission of a church which offers communion to all baptized. Such an ecclesiology is less likely to engage effectively with the church's responsibility to be the establishment which safeguards the freedom of all faiths and no faiths, to thrive and to deal with other emerging challenges such as race, sexuality, inclusiveness and the overarching challenges of 'the Other'. The cultural heritage of the church is not only the site of memory and belonging; there is also the matter of contested heritage, of the possibility of exclusion and lack of belonging. If the church responds within narrow categories, such as that of the nation, which can easily be politicised, it may unintentionally limit the ability of its sites to be the source of new meaning and renewal. This limitation would not in this case be the heritage itself, but its framing. Nor does reconciliation come through abstract desire but through dialogical engagement within physical space, by means of sites of memory.

Addressing all those issues through the Measure will have to address the 'elephant in the room' – an inherent sense that the Measure reflects an imperial ecclesial identity, with top-down practices of the Victorian Church, distinct and distant from Rome and yet at the same time serving a consolidated vision of the British Empire through CCC (Christianity, Commerce, Civilization). A top-down approach to fulfil a consolidated vision of a Victorian Church of Empire might have been easy to understand and interpret then when every Anglican church from London to Kyoto had to be a 'little England'. This vision of the Church of England as a civilization-giver is becoming increasingly unsustainable today. A departure from the 'imperialist' ecclesiological vision of the Measure may be urgently needed to liberate, to use the words of the great Russian émigré theologian Georges

[47] Augustine 2003, Book 1, 35ff
[48] Orsy 2000

Florovsky, the Church from the Babylonian captivity of the State. This could be a Measure reflecting an ecclesiastical identity of a synodal church, viewing the local church as an icon of the universal church, rather than as a unit subordinate to a senior diocese, more ecumenical than ever before, engaged with interfaith dialogues more than ever before, dynamic rather than static, growing through its deepening ecclesial experiences if not through numbers. The present set of recommendations are aimed at looking into the areas which capture the changing nature of the Church of England today, the aspects which do not, and as a result of that to propose an agenda for change which would drive not so much a reimagined Church, but rather reclaim its more authentic ecclesiology.

This notion of an imperial top-down approach presents a paradox and a challenge – how has a Church which thrives on notions such as synodality, plurality of ecclesial liturgical and theological identities, in its distinctiveness from the centralized medieval papacy, and its claim to authentically bear witness to the early church, and to have abolished medieval canon law, become from a legal point of view an imperial, mission-directing top-down institution? How can it reclaim its authentic voice through rehinging of mission and translating and recapturing this new vision in ecclesiastical legislation? One way of doing this would be not simply through advocating bottom-up as well as top-down approaches, where the local church can assert its place as a microcosm of the Universal Church, but also through the recalibration of a whole range of normative tools (far beyond the Measure) to make this possible. In legal and political theory this approach is neither top down, nor bottom-up. It is defined as a multicentred political perfectionism,[49] which in this context would mean that the liberal state cannot *itself* decide which social practices are of value, whether they need state support and what forms should such state support take, but must do so in conjunction with those who are affected by such decisions. Prevention-driven multi-centered perfectionism may reset relationships between the state, the Church and different levels of ecclesiastical hierarchy, including the parish, and indeed interlocutors outside of the church[50] and ultimately "the minimal state" represented by the smallest group capable of effectively exercising the relevant decision-making role.[51] A civil society needs the state to structure its functioning, but the state in turn requires a strong civil society to counterbalance

[49] Chan 2000, pp. 5-42; Frank 1987. Frank argues that societies operate at three levels: universality which represents forms of universal shared humanity, sociality, which represents conventional social structures and *sobornost* (solidarity, counsel) which represents the 'I-Thou' social level of deep dialogical social penetration of the Other. These three levels are interdependent and can only operate fully if this interdependence works.
[50] A trend which has certainly been emerging (perhaps for different reasons) through the introduction of human rights adjudication within the competences of national Constitutional Courts in countries like Turkey, Hungary and Russia. The same trend via a very different route and certainly with very different objectives emerges via the Brighton and the Copenhagen Declarations.
[51] Nozick 1974, pp. 26-27. This also emerges as one of the overarching agendas of both the Brighton and the Copenhagen Declarations.

and contain its enormous power. Indeed, each needs the other when in in pursuit of perfectionist goals.[52]

This articulation of a subsidiarity principle could only be justified if it reaches down to the minimal level necessary for inclusive deliberation, neither a top-down nor simply a bottom-up approach, making this minimal level a 'co-participant in the articulation of public reason' – rather than being simply a privilege of the state.

Such inclusive state perfectionism greatly increases the opportunities for most, if not all, major reasonable conceptions of the good. While this is still a state perfectionism, it is civil society, and not the state (or the Established church) as such that decides which options are (or are not) of value. This serves to safeguard dialogical spaces (and their outcomes) rather than to act as a vehicle for the assertion of dominant social normative paradigms.[53] It is a means of injecting the universal into the local. It informs the discussion, which as a consequence ceases to be the abandonment of the universal for the local. In consequence, the focus will not be so much on balancing between liberal communitarian constitutional politics but on making global and local part of the articulation of public reason, rather than asserting that global or local are the only form of public reason or a rival to alternative forms of public reasoning. Reforming the Measure is an opportunity to reflect this kind of multi-centred perfectionism rather than consolidating top down or bottom up approaches and may provide an opportunity to reflect a more balanced account of the tri-partite structure of the Church of England and check some of the emerging centralising tendencies.

The Church of England and its members currently support a disproportionate amount of the country's heritage assets. It was suggested that the vital Ecclesiastical Exemption might also distance the state from feeling responsible for church buildings but, where congregations are small and shrinking, particularly in rural areas, government may need to accept the equivalence of historically-significant parish churches to cathedrals, which are accepted as being unsustainable in terms of generating their own funding.[54] Although the Church of England is an established church, the idea of a church tax (as currently raised in other European countries like Sweden and Germany) was not

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[52] Chan, *supra* note **Error! Bookmark not defined.**, pp. 30-31.

[53] Criteria for this may range from those outlined in Section D of the Brighton Declaration, to similar criteria articulated via a different route by John Tasioulas (Tasioulas 2013), p. 23.

[54] The Taylor review summarises the cathedrals' situation (Taylor 2017, pp.35-6). The review recommends the creation of a Major Repairs Fund for parish churches, because 'some [churches] are so historically significant that they cannot be adapted for other uses and hence will always need more funding than can be provided locally' (Taylor 2017, p.18).

welcomed by delegates, who reported that such taxes encouraged less voluntary commitment and entrepreneurial spirit on the part of congregations, and introduced the concept of reciprocal obligations.[55] Certainly in some countries, like Turkey, state funding for places of worship can come with expectations and even risks.[56] One delegate with extensive experience of church systems internationally stated that: ‘when we become reliant on powerful economic or political actors, very often they are approaching us with strings attached’. Is a system of targets to align church and government priorities, for example in heritage preservation or community action, a price worth paying for regular state funding? After all current grant making processes may already to a large extent be so aligned. At the same time the realisation that there is no perfect model does not mean that a government can possibly afford to have such a fragmented approach to the preservation of something which is in one form or another part of the country's cultural heritage and falls at least partly within the state's responsibility for its protection, as articulated in national and international legal commitments. A reassurance that there are plenty of funding schemes is a promise but not a real commitment to robust funding mechanisms for religious cultural heritage. In a post-Covid world, where a single diocese could potentially end up with fifty Norman churches with dissolved PCCs and no means to pay for repair and insurance, making multiple applications to multiple minor or major trusts and funding schemes looks more like a recipe for disaster than prudent statesmanship.

As one delegate put it, we should not be aiming for a religious building or a heritage building but ‘a mixed ecology of opportunity for ownership’. The US experience of reversed covenants between religious associations and city councils strategizing together over funding opportunities was flagged, although the specific incumbent-driven property rights model in the Church of England was seen as an obstacle to such a model. But it has long been the case that churches have had to separate their heritage, cultural and community elements from religious aspects in order to obtain outside funding. The Taylor review applied this separation firmly to listed buildings with significant heritage value: ‘we believe that for all places of worship the need for public funding of maintenance and repair should be judged on the historic value of building’ although ‘we appreciate … the issue of historic

[55] The Taylor Review also rejected this option (Taylor 2017, p.22), though church taxes in mainland Europe are more popular than might be assumed (Pew Research Center 2019). We must stress that the trend to modernise the legal framework of financing religious associations in the new millennium is reflected in those reports. We also have to point out that they are seriously outdated in the light of the challenges Covid 19 presented to financing of religious associations. An empirical research of the winners and the losers post-Covid comparing 'Church tax'-funded and non-Church tax funded models will tell us a lot whether 'Church tax' jurisdictions with steady financial flows survived Covid better than churches relying on the Sun bucket and unable to go quickly virtual after the first lockdown.

[56] See the Iron Church in Istanbul, recently re-opened and funded almost entirely by the state, but then used for political ends: VOA 2018.

significance is not always the priority for congregations or dioceses'.[57] This is likely to continue to be the case, and to come with associated demands, particularly in terms of churches being open and accessible to the public. In 'a highly privatised culture', there is already a considerable level of 'ignorance about the church as a public space'. The perception can be that a church is a private space for members only, which is exacerbated not only when churches are physically locked, but also by a congregation who can be seen to act as gatekeepers. Initiatives like the *Crossing the Threshold* toolkit can help in this regard, but providing intellectual as well as physical access is key to engaging the wider community into caring about their church buildings.[58]

Alongside such a trend we ought to consider the 'crowdfunding' models which are being deployed in relation to museums and the ways such strategies could be adapted to fund religious cultural heritage. It is an exaggeration to assume that museums today mean more than religious buildings for potential donors. From the perspectives of 'nudge theories' and behavioural psychology, crowdfunding for one perceived elitist form of culture is likely to be as challenging as another elitist form of culture. Crowdfunding for the Pitt Rivers, the British Museum or the Met may be as challenging as giving for religious cultural heritage and a comparative review of any nudge approaches in this respect would certainly be very beneficial. What makes people give to churches and to museums and how different the driving factors may be would certainly be an enquiry which would make a significant contribution to the better understanding of the economies of religious cultural heritage.

Developing the comparison with cultural assets perceived as being elitist, it is valuable to compare another significant category of built heritage in England: the country house. At some point over the last four or so decades, the country house lobby has trumped the churches lobby in competition for attention and funding within the heritage field, partly at least by actively constructing the country house as a symbol of national identity.[59] The lobby convinced the public and government that country houses were worth investing in, because they believed they were, a belief in the worth of their particular form of built heritage which does not always exist to the same extent in the Church of England, especially where an unhelpful dichotomy is set up between traditional church forms and mission-orientated approaches. There are also parallels in the challenge which country house owners faced in convincing a wider public and the state to fund houses owned by private individuals perceived as being particularly privileged, because of their national heritage importance. It is a

[57] Taylor 2017, p.21.
[58] Crossing the Threshold, 2017.
[59] See Porter, forthcoming.

common misconception among the general public that the Church of England is a wealthy organisation which does and should maintain all its own churches, without requiring external support. The Church of England needs to demonstrate competence to manage this extraordinary heritage legacy – and to believe that historic church heritage is important in itself, and thus worth funding by the wider, non-church community. The Churches Conservation Trust has done excellent work in encouraging community engagement with its church buildings, providing a model of outreach which can be hard to emulate for open churches, where involvement with the PCC requires involvement in mission. Certainly the existence of historic church buildings at the heart of communities, and ideally open to visitors free of charge, makes this form of cultural heritage far more accessible than the country house. The role of a church as a ‘repository of cultural memory’, which is a particular feature of an established church which commemorates the whole community (rather than a particular community, as is very clearly the case in Church of Ireland churches for example), could be built on in this regard.

PROPOSAL

An urgent revision of the Measure presents an opportunity to address a lot of the issues raised as part of the consultation and to translate fresh theological intuitions and vision into legal norms. Rather than seeing this as a process of simplifying the Measure, this is an opportunity to test the scope of key theological premises and the forms through which the Church relates to the world. It will enable the Church to relate more effectively to interdependent issues, such as ecumenical relations and interreligious relations, covered by other measures, provide a 'normative showcase' of informal good practices which are implemented as a way of addressing some of the shortcomings of Measure, consolidate the existing excellent in-house work done to safeguard religious cultural heritage and implement more efficiently existing good practice and develop new approaches to church property and religious cultural heritage in order to meet the challenges of 'post-ecclesiality' and Covid-19.

This would entail theologically holistic approaches to mission on the one hand and inclusive approaches to religious cultural heritage driven by the notion of interdependence between civic, religious and cultural ecosystems and interdependence between tangible and intangible heritage taking into account the relationship between buildings, their intangible features and their wider environment.

RECOMMENDATIONS

- **Develop systematic approaches towards moving away from excessive legislating through primary legislation within the Church of England and seeking extensive forms to legislate through secondary legislation.**
- **Develop new ecclesiastical ownership which would facilitate more effective and inclusive funding streams and partnerships.**
- **Develop local level networks of professional volunteers modelled on the good practices of the Cathedrals' Fabric boards of professional volunteers.**
- **Support locally based solutions, collaborations and initiatives by providing ongoing training, education, expertise and advice**
- **Review and revise rules relating to conservation practices to facilitate cost-effective conservation and restoration.**
- **Review, simplify and fast-track access to funding for repair, conservation and restoration of religious cultural heritage.**
- **Review and recalibrate state funding for religious cultural heritage**
- **Develop subsidiarity-driven approaches to shape a more dynamic relationship between the parish and the diocese and between the parish and local communities via the route of multi-vectored political perfectionism and factor in this approach in any reshaping of parish/diocesan boundaries.**
- **Recalibrate the models of mission to incorporate more effectively a widening but also deepening of religious experience (both the outwardly quantitative and inwardly qualitative dimension of mission) which takes properly into account for human flourishing the importance of embodied experience rooted in physical time and space and the value of tangible and intangible religious heritage in this context**
- **Connected to this is the need to integrate cultural heritage into the urgent mission priority of care for God's creation in line with the recent UN recognition that cultural heritage protection is intimately connected with environmental protection**
- **Recommend theological exploration of the notion of ecosystems and how the idea of a mixed ecology of church can strengthen support for cultural heritage rather than it existing precariously in competition with other forms of mission.**
- **Consider an urgent departure from the notion of national church in the direction of a Church which engages with the World and with the People of God (all baptised) in ways which transcend the notions of a nation, thereby offering the possibility of the local parish**

church to serve as an hospitable dialogical place of reconciliation and peace, not as an addition to its worshipping life but as an expression of it.

- **Review existing legal tools not simply as archaic legal forms but as a synthesis and continuity of a rich and fluid ecclesiology which many other churches have lost (and may regret). This may require a stronger emphasis on developing more effective methods of interpretation and enforcement rather than on creating simplified rulebooks.**
- **Revisit the notion of People of God at a parish level which will have implications for the crafting and development of more sophisticated consultation and appeal procedures.**
- **Review and consolidate the roles, relationships and good practices of Commissioners, CCT and CBC within the Measure**

Appendix 1:

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