

Religious Society of Friends (Quakers)

Tribunals in the Religious Society of Friends (Quakers): answers to the ILAN questionnaire¹

Introduction

The Peace Testimony (*A Declaration from the Harmless & Innocent People of God called Quakers*) to Charles II, written in 1660, declares that

All bloody principles and practices we do utterly deny, with all outward wars, and strife, and fightings with outward weapons, for any end, or under any pretence whatsoever, and this is our testimony to the whole world.

Though the Peace Testimony is ostensibly about war and weapons, generally speaking Friends have a horror of conflict of all kinds and will go to great lengths to avoid it. This has both strengths and weaknesses. On the credit side, when a Meeting comes to a common mind on an issue, Friends will generally 'own' the outcome, whether or not they were party to it. The downside, however, is that the default position in the case where it is impossible to achieve a sense of the Meeting tends to be the *status quo*, whether satisfactory or not. Moreover, there can be situations in which it is probably better openly to acknowledge conflict rather than to strive for a false consensus.

[Quaker Faith & Practice](#) (the Quaker book of discipline and government) states that:

Legal action by Friends, and in particular legal disputes between Friends, should if possible be avoided. However, there may arise differences which might best be resolved by obtaining a legal ruling or definition from a court of law.²

It also suggests that Area Meetings should

appoint a group of experienced and knowledgeable Friends who would be available to give general assistance in the amicable settlement of disputes... Techniques of problem-solving, mediation, counselling or meetings for clearness may be appropriate in particular instances where disputants wish to mitigate the consequences of confrontation. It should be borne in mind that Friends were among the pioneers of conflict resolution as a distinct activity and have constantly sought to promote reconciliation in the wider world.³

These quotations illustrate two points:

- Friends prefer reconciliation and conflict-resolution to confrontation; but
- Friends also assume that, *in extremis*, the secular law is the normal method for resolving irreconcilable differences.

¹ I should like to thank Gillian Ashmore, Recording Clerk of the Society, for her helpful suggestions on my original draft.

² *QF&P* 4.24. The latest version, which is only available on-line, contains numerous revisions and for most purposes supersedes the current, third edition published in hard copy in 2005.

³ *QF&P* 4.23. Whether it is the practice to do so generally I do not know: we certainly do not have such a group in my own Area Meeting, London West.

1. What courts, tribunals or other adjudicative structures exist within your religion?

This is a difficult concept for Friends because, although *Quaker Faith & Practice* makes provision for bodies that might be termed ‘tribunals’ to resolve disputes *ad hoc*, Quakers do not have formal, permanent courts or tribunals in the sense understood by, for example, the Church of Scotland or the Roman Catholic Church. One major area of adjudication for the majority of churches is clergy discipline; because we do not have clergy, for us that is simply not an issue.⁴

As Members of the Society we are all subject to the general law in matters such as employment, child protection/vetting and barring, financial probity and the like. There are probably one or two posts within the Society for which we would claim Membership as a Genuine Occupational Requirement under the Employment Equality (Religion or Belief) Regulations 2003 – Recording Clerk is the obvious one – but these must be very rare. So though we are a religious charity, in many respects we behave much more like a secular one than do the majority of churches.

The Society is governed by a hierarchy of Meetings: Local Meeting (LM: the meeting for church business of the local worshipping group – a bit like an Anglican PCC but without a chairman), Area Meeting (AM: a grouping of LMs which is the basic ecclesial unit in which one’s Membership is held), Britain Yearly Meeting (BYM), which is the charity concerned with the centrally-managed work for which BYM Trustees are responsible and Yearly Meeting in session, the supreme authority for the Society which meets annually for four or five days. It should be emphasised that Meetings are not courts or tribunals in the manner of the Reformed Churches: a Local Meeting is not a Kirk Session. Between sessions of YM, the standing conference of the Society is Meeting for Sufferings:⁵ the name goes back to the seventeenth century, when it was a regular meeting to consider the sufferings of Friends imprisoned for their beliefs. Sufferings consists of representatives nominated by AMs and Central Committees, the trustees and the senior management team. In addition to the structure of Meetings, the Society has (and in the view of some Friends is overburdened by) a complex system of committees.

2. What matters are dealt with?

The affairs of the Society generally, ranging from governance and financial issues to social issues and theology. Much of the time of BYM from 2004 to 2007 was taken up with issues relating to restructuring the pattern of Meetings.

3. Is legal representation permitted/encouraged?

The question of legal representation simply does not arise. If a member of the Society was in a legal dispute *with the Society*, the dispute would be before the ordinary courts or, most likely, before an employment tribunal and, in that case, representation would be a matter for the parties. In the case of an appeal under *Quaker Faith & Practice* 4.25, it is difficult to see how legal representation could work in practice. The procedures could not accommodate it: Friends operate by discussion, not by forensic argument.

⁴ Friends hold very strongly to the “priesthood of all believers” as a principle (though none of us would describe ourselves as “priests” in any sense whatsoever) and, under our practice, anyone present at Meeting for Worship may minister if moved by the Spirit to do so.

⁵ In some respects it is not unlike the Church of Scotland’s Commission of Assembly.

4. How are the decision makers selected?

For normal business meetings, generally speaking there *is* no selection. Any Member can attend LM, AM and BYM and attenders may too with permission. Our problem, particularly for AM, is persuading sufficient Members to attend to make it representative, rather than having to deal with hordes of people having endless debates. The only major exception to this is Meeting for Sufferings which, as noted above, consists of the nominated representatives of the AMs.

The key to appointments is the Nominations Committee. Every Meeting at every level has one, and the Nominations Committee brings forward names to its parent Meeting for appointment to offices and to other committees. If under *Quaker Faith & Practice* 4.25 an AM was appointing a group to hear an appeal against removal from membership, the group would be appointed by AM itself, either after discussion in the Meeting or on the recommendation of the AM's Nominations Committee.

5. How detailed are rules of practice or procedure?

Practice and procedure are set out in the current edition of [Quaker Faith & Practice](#), which is regularly updated to reflect Minutes of YM. However, it should be remembered that Friends make no distinction between a Meeting for Worship and any other kind of meeting. A business meeting, for example, is formally described as "Meeting for Worship for business" – Friends believe that the purpose of the Meeting is to discern the Divine Will in a given situation.⁶ The Clerk is the servant of the meeting and is responsible for setting a pattern for worshipful listening. Friends talk of matters being "in right ordering": that is, conducted according to the traditions of the Quaker business method and the norms of the Society. While the Clerk is responsible for the preparation of the agenda and for drafting minutes, all Friends present take responsibility for ensuring that the Meeting is conducted in accordance with Quaker principles.

The basic procedure is that the Clerk introduces and explains the agenda item as objectively as possible, then invites Friends to consider it and, when consideration appears to have been completed, drafts a Minute which attempts to express the sense of the Meeting. If the first draft will not serve, then the discussion may continue, and the Clerk will carry on offering Minutes until (hopefully) a satisfactory wording can be found. There are two points to note:

- Friends do not vote in business meetings or committees – they discuss things in the hope of coming to a common mind.
- If there is no agreement, the matter may be held over to a later meeting or dropped.

6. What provisions exist for appeal and enforcement?

'Appeal' is not normally relevant to Friends – though if one felt that a particular issue was being mishandled at the local level one could seek to raise it at Area Meeting or even, if time could be found, at YM. As regards appointments for example, if someone had a burning desire to become an elder but Nominations did not put that person's name forward for that function,⁷ it is difficult to see how there could be any right of appeal. Because no-one has any *entitlement* to be appointed to any function there is no 'right' that could be traversed. In reality,

⁶ Whether the Divine Will cares what colour the Meeting House walls are to be painted is another matter.

⁷ The classical put-down is: 'That Friend's name would not immediately have occurred to *me*'.

given the small size of the Society and the multiplicity of functions to be discharged, probably the majority of Friends have at least one official function, if not two or three in plurality.⁸

There are two major exceptions to the foregoing.

Removal from Membership: Under the provisions of *Quaker Faith & Practice* 11.21, Area Meetings may take the initiative in terminating membership in cases where:

- (a) over a prolonged period a Friend has ceased to show any interest in the life of the Society and there seems no reasonable likelihood of renewed participation;
- (b) a Friend's address has been unknown for a period of at least three years and cannot, after a careful search, be ascertained;
- (c) 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.

In the last case, under 11.33:

If any Friend, by conduct or publicly expressed views, appears to be denying the Society's beliefs and principles or bringing it into disrepute, and private counsel has proved of no avail, the area meeting shall appoint well-qualified Friends to attempt to restore unity. If it appears that advice and counsel are, and are likely to continue to be, without their desired effect, the area meeting may record a minute of disunity with the action of that Friend and, in exceptional circumstances, terminate membership.

Under the provisions of *Quaker Faith & Practice* 4.25:

If a member is dissatisfied with a final decision of an AM affecting her or him (eg if membership has been terminated) and feels that the AM has acted unjustly, unreasonably, with insufficient knowledge or not in right ordering:

- the member may appeal in writing to the AM clerk (confidentially, so far as possible or is desired by the appellant);
- the AM shall then appoint a small group of disinterested Friends to try to settle the matter.

If this fails:

- the AM shall then ask a neighbouring AM to appoint a small group of disinterested elders... to act as an appeal group.
- the appeal group meets the appellant and representatives of the respondent AM and issue a judgment to that AM, so far as possible without breaking any confidences.
- the AM should accept the judgment of the appeal group, at which stage the decision should become as public as is needed for the matter to be acted upon.

If the appellant remains dissatisfied:

⁸ For my part, I am Co-Clerk and an Assistant Treasurer of my Local Meeting, the deputy to our representative on Area Meeting Nominations, a member of the AM working group on trusteeship and am just coming to the end of a term as an LM elder – and most Friends, if asked, would recite a list of similar length.

- the appellant may then appeal to Meeting for Sufferings against the decision of the AM in question.
- on receiving such an appeal, the clerk of Meeting for Sufferings reports this to the AM and requests Sufferings to appoint an appeal group of five Friends independent of the AM concerned, 'to make all such enquiries as seem to them desirable, from the member concerned and from others having relevant knowledge, to consider and determine whether or not the appeal should be allowed and whether any further recommendations should be made. In conducting such enquiries the healing power of worship will be helpful'.

The decision of the appeal group is final and is communicated directly to the parties. The appeal group informs Sufferings that it has reached a decision and communicated it to the parties; and Sufferings records this in its minutes without breaking the confidentiality of the parties.⁹

Disagreements between Area Meetings: If one AM is dissatisfied with a final decision of another AM that affects it, the dissatisfied AM may appeal to Sufferings against such decision, in a similar manner, *mutatis mutandis*, to an appeal by a Member personally.¹⁰

Where the Society appears to *lack* a procedure is for disagreements between Central Committees. The Society has no system equivalent to the power of the Apostolic Signatura in the Roman Catholic Church to resolve disputes between dicasteries.

7. To what extent have these processes been subject to review or examination by the secular courts?

So far as I am aware, not at all. It is difficult to see how a decision of BYM could come under review by the secular courts in England and Wales, since few such decisions (if any) have the necessary public law element to be reviewable.¹¹ Nor is it possible to predict a circumstance in which the decision of an appeal group under the terms of *Quaker Faith & Practice* 4.25 might be reviewable.

Please give specific examples (anonymised if appropriate) and supply any reports or practice statements which may be of interest.

See the current edition of [Quaker Faith & Practice](#).

Frank Cranmer

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⁹ Guidelines for the conduct of appeal groups are available from the Recording Clerk.

¹⁰ QF&P 4.26.

¹¹ *R v Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth, ex parte Wachmann* [1993] 2 All ER 249. The position is different in Scotland: see *West v Secretary of State for Scotland* 1992 SLT 636.