Report for the Panel on Review and Reform

Decision-making and consensus - background

Each era brings distinctive challenges. The Church of Scotland is no exception. The opening years of the 21st Century have seen an unprecedented reduction in membership.¹ At the same time the Kirk has faced some major controversies, with a number of congregations leaving in response to debates over human sexuality.² This combination has produced a sense of crisis. A major focus of anxiety has been the process by which the Church and its constituent parts reach decisions, particularly where individuals or congregations leave (or threaten to leave) as a result.

In 2008 the Ministries Council produced a Report on Congregational Conflict. It painted a poignant picture of ministers and congregations locked into longstanding, costly disputes over a range of issues, some apparently trivial, others going to the heart of the Christian faith.³ While critical of the Church's failure to provide adequate pastoral and organisational support for individuals affected, the Report also highlighted a range of contributing factors: history, social and cultural change, *"the expectation gap"*, theological and ecclesiological differences, organisational change and personality clashes.⁴

The impact of these factors does not appear to have diminished since 2008. The report led to the founding of Place for Hope, a mixed group of ministers and lay people trained in mediation and deployed in the resolution of congregational conflict.⁵ In 2013 Place for Hope was involved in dealing with 26 active matters, leading it to conclude: *"It has become clear that attempting to put out the fires of conflict does little to address the root causes of those conflicts."*⁶

The Research Project

In 2012 the General Assembly instructed the Panel on Review and Reform to explore issues of consensus and communication. The Panel's report referred to conflict, asserting: *"methods of coming to a decision within the courts of the Church can leave sections of the Christian community feeling hurt and disenfranchised."*⁷ It spoke favourably of consensus-based methods of decision-making in use in other denominations and the wider society, while stressing that it had not yet come to a view on their applicability in the Church of

 $^{^{\}rm 1}$ Between 2010 and 2014 membership declined from 445,646 to 398,389; see

www.scotsman.com/news/politics/top-stories/church-of-scotland-struggling-to-stay-alive-1-3391152 ² www.heraldscotland.com/news/home-news/1m-loss-to-kirk-as-more-quit-over-gay-ministers.21345297

³ Church of Scotland, Ministries Council, "Report on Congregational Conflict." Presented to the General Assembly, 2008.

⁴ *Ibid.* pp. 6-9

⁵ And now an independent charity with Board representation from the Church of Scotland. See <u>www.placeforhope.org.uk</u>

⁶ Place for Hope Annual Review, 2013, p.2

⁷ Church of Scotland, Panel on Review and Reform, "General Assembly 2013: Full Report on Consensus and Communication." p.1. Available from

http://www.churchofscotland.org.uk/__data/assets/pdf_file/0014/14405/Communication_and_Consensus.pdf

Scotland.⁸ It described the findings of a small-scale research project into decision-making in the Church. These included a strong sense that, while complete consensus is neither achievable nor necessarily desirable, poor communication does contribute to conflict. Perhaps unsurprisingly it found almost unanimous support for the statement: *"the decision-making process across the Church could be improved."*⁹

Alongside this report, the Panel sought and received funding for further research into the subject, involving: "a larger number and wider range of potential respondents" with the goal of "empower[ing] the Church in its communication and decision-making, at all levels, by providing accurate information which reflects the opinions of those within the Church of Scotland in a format which is accessible to all."¹⁰

The current report is the result. In its remit to the author, the Panel stressed its desire for an approach that modelled consensus-based decision making. It asked him to facilitate local meetings of Church stakeholders alongside members of the Panel. The purpose of these facilitated meetings was not only to "gather information about people's interaction in current decision-making structures (Kirk Session, Presbytery, General Assembly, committees and councils) and their views on how to build good government"¹¹ but also to encourage ownership of and participation in proposals for change.

Background scholarship

The challenge of ensuring that decisions are both principled and supported is not unique to the Church of Scotland. Any group of more than one requires a measure of agreement among members if it is to pursue a common purpose. Whole societies face similar problems: John Locke famously declared: *"no government can have a right to obedience from a people who have not freely consented to it."*¹² It is trite to say that the matter has been widely debated. Summarised below are two ideas that shed light on the question of ensuring that decisions are considered legitimate.

1) Consensus based decision making

Consensus based decision making describes a range of approaches to decision-making that go beyond the use of majority voting. To attain full consensus 100% of participants would need to agree to a proposal. If consensus is not reached, no decision could be made. In practice further discussion usually takes place with a view to securing that unanimity.

Many models of consensus decision making, however, accept less than unanimity. They range from *"unanimity minus one vote", "unanimity minus two votes"* to *"super-majorities"* of 80%, 70% or fewer. These voting structures are generally used in tandem with discussion, as illustrated in the diagram below:

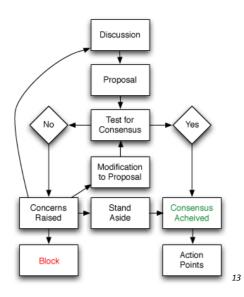
¹² John Locke, *Second Treatise of Government, S.192, (1690)* Available from <u>http://www.earlymoderntexts.com/pdfs/locke1689a.pdf</u>

⁸ *Ibid.* p.3

⁹ *Ibid.* p.8

¹⁰ *Ibid.* p.9

¹¹ Panel on Review and Reform (2013) Consensus and Communication Proposal: Bringing the Convocation into the 21st Century (on file with the author).



The Panel's Report on Consensus and Communication for the 2013 General Assembly described the use by other denominations of "Consensus Decision Making" (CDM). Panel members had observed two examples. In each case coloured cards provided a visible manifestation of the mood of the meeting, as part of a wider effort to achieve consensus, as described below:

"Raising an orange card indicates that a commissioner is positive towards a proposal (they warm to it). Raising a blue card indicates that a commissioner is negative towards a proposal (they don't warm to it). Raising blue and orange overlapping together indicates that a commissioner thinks it is time to move a debate on (e.g. if they feel points are being repeated and there are no new contributions being made to a discussion)."¹⁴

This practical device was used in tandem with a set of principles designed to ensure that the debate took place in a spirit of constructive courtesy.¹⁵ However, Panel members were not convinced that the model could be used satisfactorily in the General Assembly without other significant adaptations.

Consensus based decision making has not been without its critics. Writing of the Presbyterian Church USA, John Adams caricatured it as *"having a running commentary until everyone agreed – whether because of weariness or peer pressure"; "striving toward a goal of 'can't we all get along together';* and being *"painstakingly slow."*¹⁶ At its worst it could

¹³ Grant Horwood, *Flowchart of Consensus Decision-making*. Available from <u>http://en.wikipedia.org/wiki/Image:Consensus-flowchart.png</u>

¹⁴ Panel on Review and Reform: Full Report on Consensus and Communication, 2013, p.2 ¹⁵ I will listen carefully before responding checking out what I am hearing

I will listen carefully before responding, checking out what I am hearing.I will express myself with courtesy and respect to every sister/brother who participates in these

conversations, especially towards those with whom I disagree.I will express my disagreements and critical engagement with others without insulting, making fun

of or slandering anyone personally.

[•] I will not exaggerate others' convictions or perspectives, nor make unfounded prejudicial assumptions based on labels, categories or stereotypes.

[•] I will always work towards extending the benefit of the doubt in the spirit of generosity.

[•] I will honour my own discomfort at things said or done on our conversations.

[•] I will allow myself and others to change as a result of our conversations.

[•] We will hold each other accountable for not keeping to the above principles based not on what ideas are expressed but on how they are expressed.

¹⁶ John H Adams, 'PCUSA bodies adopt consensus model that denomination opposes.' *The Layman Online, Thursday Oct, 2, 2003.*

*"use group pressure to dominate the minority."*¹⁷ Another American Presbyterian, writing in 2012, disputed the claim of those advocating CDM that it was more conducive to spiritual discernment than traditional parliamentary procedures.¹⁸

One of the aims of the current research was to explore the appetite for CDM among Scottish congregations.

2) Procedural Justice

Governments also require legitimacy if they are to function effectively. Consumers naturally attach a great deal of importance to the fairness of legal processes. One of the core goals of the law must be to deliver decisions that are regarded as just. Research into the matter has revealed a surprising phenomenon: achieving their desired outcome was less important in people's evaluations of encounters with the justice system than the way they were treated.¹⁹ In simple terms, what you get (substantive justice) matters less than expected and how you get there (procedural justice) matters more.

The literature on procedural justice is vast and growing.²⁰ Some key findings are relevant to the current research. It is intuitively sensible to suggest that if citizens regard the government and laws as legitimate they are more likely to comply, even if they disagree with a particular rule. Tyler calls this the *"cushion of support."*²¹ Might there be a similar "cushion of support" within a faith community such as the Church of Scotland? What are its sources and limitations?

Another set of ideas concerns the characteristics of processes that are regarded as procedurally fair. Scholars have identified four main elements:

- 1) Voice: the opportunity to present views, concerns and evidence to a third party
- 2) Being heard: the perception that 'third party considered their views, concerns and evidence'²²
- 3) Treatment: being treated in 'a dignified, respectful manner'
- 4) Neutrality: even-handed, unbiased treatment by the authorities

As noted above, procedural considerations are a better predictor of satisfaction than substantive ones. In other words, even where people have 'lost' in an adjudicative setting they are more likely to rate themselves satisfied (and to respect the whole system) when they believe they have been fairly treated.²³ This finding holds good in other contexts such as the treatment of employees and doctors' bedside manner.²⁴ Again the question could be asked: will the same phenomenon apply to decisions of the Church?

Procedural justice too has come in for criticism. Some suggest that its applicability depends heavily on context: where people have low expectations of the authorities they seem to be

¹⁹ See Tom R Tyler, *Why People Obey the Law.* Woodstock, Oxfordshire: Princeton University Press, 2006. ²⁰ For a review see MacCoun, R (2005) 'Voice, Control and Belonging: The Double-Edged Sword of

¹⁷ Ibid

¹⁸ As set out for the USA in Robert's Rules of Order

Procedural Fairness' Annual Review of Law and Social Science (1)171–201 ²¹ Tyler, 2006, p.101: "fair procedures are a cushion of support against the potentially damaging effects of

unfavourable outcomes" ²² Nancy Welsh 'Making Deals in Court Connected Mediation: What's Justice Got to Do With It?' 79 *Washington University Law Quarterly (2001) 788-858*, p.820

²³ Tyler, 2006, p.107: "If unfavourable outcomes are delivered through procedures viewed as fair, the unfavourable outcomes do not harm the legitimacy of legal authorities"

²⁴ See MacCoun (2005) p.179

more affected by outcomes.²⁵ Others have raised a more disturbing concern that the authorities might:

*"use the appearance of fair procedure (dignity, respect, voice) as an inexpensive way to co-opt citizens and distract them from outcomes that by normative criteria might be considered substantively unfair or biased."*²⁶

In other words, there may be a risk that those in authority learn how to ape procedural fairness in order to dupe participants into accepting unfair decisions. In response to this critique it could be noted that even highly sophisticated governments find it difficult to fool all of the people all of the time, and the current cultural climate seems weighted towards scepticism of those in authority rather than its opposite.

A further aim of the current project was to apply the lens of procedural justice to decisions of the Church, from its highest court (the General Assembly) to its most local (Kirk Sessions).

Methodology

From the outset the Panel was clear that it wished to employ qualitative rather than quantitative methods to answer its questions. While quantitative research measures that which can be counted (percentages, numbers, averages) and may claim a degree of objectivity, qualitative research provides insight into people's thinking. It necessarily involves an act of interpretation. It is particularly important for the researcher to minimise the risks of finding only what he or she seeks.²⁷ While conscious that Consensus Based Decision Making was one of the Panel's concerns, this research was designed with the goal of approaching the question of Church decision-making as openly as possible. The aim was to find a method that enabled participants to provide their own themes and to develop them in conversation with the researcher.

The research was supported by a project group comprising two academics, two ministers and a mediator. In consultation with the group it was decided to employ a model known as community dialogue: a conversation between members of a specific community on a significant topic, led by an independent facilitator or facilitators.²⁸ The goal is as much about deepening the conversation as achieving a specific outcome: *"a means to access our thinking while we are thinking."*²⁹ Rather than acting as outside listeners (the 'fly on the wall' approach) the researcher and a member of the Panel would act as facilitators. This allowed them to test their hypotheses as they formed, offering their thinking to the participants for affirmation or alteration. It also provided for a livelier interaction than a conventional interview or focus group.

The Church of Scotland is diverse, straddling inner city, suburban, country and island parishes. Each region has its own distinct traditions. In a relatively modest project it would be challenging to hear all perspectives: the project group felt that a mix of two cities, two large towns and two rural areas would provide a reasonably representative sample. In the

 ²⁵ Naomi Creutzfeldt, 'How Important is Procedural Justice for Consumer Dispute Resolution? A Case Study of an Ombudsman Model for European Consumers.' *Journal of Consumer Policy (2014) 37:527–546* ²⁶ MacCoun, 2005, p.189

²⁷ Jonathan Grix, *The Foundations of Research (2nd Edition)*. Palgrave McMillan: Basingstoke, Hants, 2010, pp.120-122

²⁸ For a more detailed explanation of community dialogue see Charlie Irvine, *Responding to Sectarianism Evaluation Report, 2013, pp. 2-4.* Available from

https://pure.strath.ac.uk/portal/files/28831552/Responding to Sectarianism Final Report June 2013.pdf ²⁹ David Bohm, cited in Amanda E Keller and Kelly K Ryan 'Definition, Necessity, and Nansen: Efficacy of Dialogue in Peacebuilding' *Conflict Resolution Quarterly, Vol 25 (4) Summer 2012, p.359*

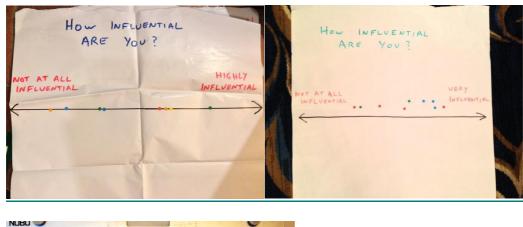
event, owing to a lack of ministerial cover, a planned visit to a remote rural location could not go ahead and so the sample comprises five areas.

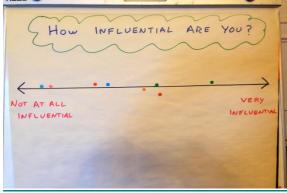
For dialogues to flow people need to feel comfortable. Each event took place in a local hotel following a meal. The location had two benefits. First, the hotels were in a convenient spot with parking, suitable for people gathering from a reasonably wide area. Second, the non-church setting would (it was hoped) make it easier for participants to speak frankly by reducing the sense of ownership inevitably felt by the hosts had the dialogues taken place in a church building.

Participants were chosen by local hosts: parish ministers with extensive networks of contacts in an area. The hosts were asked to invite a mix of members, adherents, elders, session clerks and ministers. A sample invitation is attached at Appendix 1. 46 people attended the dialogues in 5 locations. 21 were female and 25 male. The detailed breakdown is as follows:

	Minister	OLM or similar	Session Clerk	Church employee	Elder	Member	Adherent
Female	2	2	5		4	6	2
Male	9	1	4	2	4	5	

At the start of each dialogue participants were asked to rate how influential they were. This self-evaluation showed a reasonable spread from 'highly influential' to 'not at all influential' with some variation that may well be a product of the small sample size. The two-three charts below illustrate the typical range.





Each dialogue was recorded and transcribed. The transcripts were coded by the researcher with additional input from two panel members (who between them attended four of the five dialogues). These codes are simply labels to allow statements to be clustered according to their theme; for example, the statement *"we did end up having a decision – our discussion with the congregation and, as I say, the vote – and we got it and it was actually in favour of doing it but people stopped moaning because they'd had their chance to have their say"* was coded as 'Examples of procedural justice.' The findings from the analysis are discussed below.

These findings are combined with what is often a neglected source of data: the researcher's interventions. In community dialogues the facilitator is mostly silent, observing and listening as the conversation unfolds. On occasion, however, he or she will offer a comment based on what is being said. This allows the researcher to test hypotheses as they are forming; participants can either agree and run with the idea or disagree and correct the impression. These remarks are added where they illuminate or shed light on the dialogue themes.

Results

The conversations were rich and varied affairs. They ranged through topics as diverse as flowers, stained glass windows, Messy Church, building projects and human sexuality. Participants talked of decision-making in the General Assembly, at Presbyteries, in Kirk Sessions and by arbiters. Ministers in particular described fulfilling two or more roles simultaneously: leader, facilitator, decision maker, recipient of other people's decisions and, at times, pastor to those of different convictions. The question of leadership emerged in every conversation, as did communication, the relationship between the Church's component parts and the perceived tension between spiritual and other concerns.

The findings have been organised according to the most frequently occurring. There is inevitably a degree of subjectivity to the order, and for this the researcher must take responsibility. The Panel and the Church will no doubt prioritise those they regard as most significant.

1) Problems and issues with decision-making

A key question that formed in the mind of the researcher was *"What enables you to live with decisions that you don't agree with?"* This was put to every group. While the answers appear under various headings, a number here speak of an approach that relies more on their inner reserves and character than a particular decision-making model.³⁰ For example:

"[You] might need to acknowledge a time of grieving and anger before you then decide whether you're going to wire in and find a future beyond the one you had imagined you had before that decision was made."

³⁰ The quotations are taken from transcripts of the dialogues. In order to prevent anyone being recognised within the relatively small community that is the Church of Scotland, they have not been attributed to a particular area or category of person. It should be stressed that the views expressed come from the whole range of participants and areas.

"You have got to forgive everybody and yourself for feeling. You've got to, haven't you? Because otherwise, you're stuck."

"I suppose it's about, just because you've been working on it for a long time doesn't necessarily mean that you have to hang on to it for dear life."

Interestingly a similar comment was offered by an individual involved in implementing decisions with which he agreed:

"Well, I mean, if I could show you the scars on my back I would but it doesn't do any of us... because there's always a price to pay; but it's a heavy price for those who are involved in change."

Others were less positive:

"I put my head above the parapet not long after I became an elder and I was shot down in flames, seriously shot down in flames. And after the meeting, as many elders came up to me and said, I totally agreed with everything you said ... But they didn't open their mouth at the meeting and that didn't help me at all; that only made me even more angry and bitter."

Such sentiments were not confined to individual Kirk Sessions:

"It's a lack of trust with 121 ... and all the way down the line. You don't trust the decisions because you think they've got to be motivated one way or the other."

Another thread under this heading was the tension felt by ministers between their role as leaders and decision-makers and their equally important role as pastor. For example:

"And the challenge for us as ministers is you have to support everybody, even the ones that you don't agree with."

"As the chair of the discussion, how are you able to argue strongly for your point?"

This reflects an underlying difficulty for the Church of Scotland. Some of the most positive stories in the dialogues depicted leaders forging and sharing a clear vision before dynamically acting on it. How does this sit alongside the desire for consensus, accountability and to have all voices heard? This theme is explored in more detail below, under "Issues of power and leadership" (see p.18-21 below).

A useful practical suggestion emerged under this heading:

"I would like to know how the Church of Scotland ... I know within the Kirk Session we very rarely reflect upon what we've done but how the Presbytery reflects, how 121 and all the committees actually reflect upon what they've done and how successful it's been? ... where it's not been successful, what are you going to change from it?" This suggests that the simple practice of building in time for review and reflection on decisions could be a neglected source of wisdom. It is strongly echoed in the organisational literature on quality improvement.³¹

On the subject of Consensus Based Decision Making the feedback was lukewarm:

"That's my experience too, that mechanics take over. It's like 'This is the way we make the decision' as opposed to 'What's happening, what are the spiritual priorities here?"

2) Positive aspects of decision-making

The individuals who attended the dialogues had many stories to tell. Some were angry; some distressing. Yet there were numerous tales of things working well, where both decisions and the manner of their making appeared to have deepened people's faith in human nature, in the institution and in God. The most profound moments seemed to arise from the greatest adversity.

One theme to emerge strongly was the importance of relationships and common courtesy in the midst of hard choices. For example:

"The first person who came and spoke to me afterwards was the person who was strongest against the decision to make sure the relationship was good."

"That was carried through by a good deal of, thankfully, Christian grace if you like by all concerned that the minority was allowed to hold onto their sensibilities if you like at the expense of everyone else, including the Minister."

The idea of consensus came up frequently but, interestingly, without a formal model:

"The Minister of the church was very good at that, consensus was often used."

"Our Session probably very seldom has a vote."

"When the Presbytery planning group came to the ... I stuck to my word and didn't question. However, then ... congregation had to decide how it felt. It was an interesting conversation, not one that was polarised in any way but one where people were-, a kind of series of expressions of regret ... basically they just said yes. So it was a decision that was pretty much a consensus decision ... it was a unanimous thing but the struggle wasn't between people but within people."

This can clearly take time:

"a consensus process which I think is the church at its best, because there were several times when we felt we were ready to decide but there clearly wasn't a consensus and we didn't want to proceed on the basis that we had two thirds ... And

³¹ See for example W Edwards Deming's PDSA Cycle (Plan, Do, Study, Act), in which the "Study" step involves monitoring what has been done "to test the validity of the plan for signs of progress and success, or problems and areas for improvement." See <u>https://www.deming.org/theman/theories/pdsacycle</u> (last accessed 23/1/15)

that took us a year and a half, it took us a lot of tricky group meetings to bring the proposals back, to listen to what people were saying, and eventually we did."

Another participant described a major and positive transformation over an extended period:

"Two years into our building project, folk were saying, I'm gonna die before this project is on the ground. (LAUGHTER) About 10 years later, we had completely transformed the church from the ground up but we still wouldn't have believed it possible."

Other positive aspects of decision-making included an expression of great appreciation for guidance from the central Church to help congregations address issues of human sexuality:

"I felt that whole process was ..., it had been so well presented and it then enabled us to focus on our own Kirk Session, the needs of that group of people and how best to structure ourselves in engaging with each other."

This Session Clerk explained that the approach taken over that issue set a positive precedent which the Church still follows for difficult questions.

Some participants expressed considerable faith in the structures of the Church and those who occupy them:

"The recommendation they bring is the right recommendation because they've done all the work, we trust them to go away and do the work. We don't feel that we've got to question them in detail about every aspect of what it is they've just done."

This high view of office was mirrored by office-bearers themselves, suggesting a foundation for the trust expressed above:

"I feel very, very strongly about the honour connected with being asked to become an elder and the gravity concerned with being part of a group that does make such big decisions."

Others, however, expressed the need to radically review the nature of the role:

"accept in a changing world that eldership is changing as a role and what was eldership is not quite the same as it might have been 20 years ago. It's to actually look hard and search hard into people's hearts and find out what their gifts and talents are and utilise them maybe slightly earlier than we tend to."

AREA OF CONCERN (A) DYSFUNCTIONALLY LARGE GROUPS

From time to time the report highlights specific areas of concern. One persistent theme was the unsuitability of existing structures for the demands of contemporary life. A striking story concerned a Kirk Session of 46 choosing to reduce its size to 6.

"Well, we boiled it down to one thing. A definition of an elder is someone who is called to make decisions, live with decisions and implement decisions. And on that basis, everyone is entitled to be part of the Kirk Session. Only 6 chose to be part of the Kirk Session and nobody took the hump and nobody took the huff – nobody – 80% of them said, this is the best thing that's ever happened to me, I am released."

Another speaker voiced a similar concern:

"The current Session that I'm involved in has maybe 50 members. How many actually contribute on a regular basis to that sort of thing? I think the Session have resisted the Minister's desire to have a smaller group ... who could meet and actually manage the business aspect."

The General Assembly itself was regarded as unwieldy for some types of decision-making:

"I cannot believe that the General Assembly is a great place in which to debate some of the business that goes on there, five hundred people in there debating an issue which may be to do with the running of CrossReach or something of that nature."

One participant developed a similar theme: that the Church employs the same structures for the management of significant organisations as for congregational governance.

"I question whether the structures of the church are fit for purpose ... they've been there for years and years ... they may be fit in a sense for the spiritual aspects but they're also running a church which has a multi-million pound tag on it in terms of its properties and in terms of its income and all the rest ... I think they were far too big. The ability for people to be able to input and, you know, feel their voices heard is very, very important but I think we've got to sharpen up on how we actually run what is an institution as well as a church."

The transcript shows a facilitator response which included the words *"dysfunctionally large groups."* The challenge for the Church is how to address this concern without losing the benefits of its distinctive approach to participation.

3) <u>Tension between spiritual and other considerations</u>

The Church is not simply another "not-for-profit" organisation. Its purpose is clearly a spiritual one, and this was reflected by many participants. At the same time it has much in common with other organisations: buildings, people, finances and meetings. It needs to decide what to do and how to present itself. Some clearly agonise over the place of God in these matters:

"...keeping the main thing the main thing. The main thing is to worship Christ."

"It's so frustrating and when I hear all these stories and I'm sure you could go on and match this, I just think, I can't see where Jesus is in all this"

"Ultimately they [Presbytery] look to Jesus. He gets you through cos he knows it all and gives the motivation."

Some saw faith directly underpinning the legitimacy of decisions:

"If we convene meetings with prayer, asking for wisdom and guidance or whatever and then the meeting comes to a conclusion or a decision, how do we assume the decision was wrong?"

"I've noticed in our Kirk Session if we were making a big decision we would spend a significant amount of time, not just in prayer at the beginning of the meeting but okay these are the ways we are going to pray better, going on retreat maybe and also in theological reflection on it."

Another felt that spiritual discernment ought to trump majority rule:

"Well, ultimately, it's God who rules the church and we try and do what we think is his will. We may not always interpret it correctly but that in my book is what we're working for always. So it's not a democratic organisation."

Others were more wary of the language used to describe spiritual matters:

"The whole 'we are all followers of Jesus let's all do that' needs to be broken down, whereas what you just said isn't about whether you follow Jesus or not it's about professionalism and it's about understanding human nature."

"It occurred to me that prayer ... can be a hidden form of power talk, smothering people, that's not prayer."

And some acknowledged the difficulty in attempting to resolve controversial issues by an appeal to faith:

"The problem is when I have difficulty in understanding what we think Jesus or God wants us to do and hence we have the sexuality thing. There is very, very, very strongly held differing opinions of what they think God or Jesus wants us to do and that's where you get the real conflict."

The overall impression from the dialogues was that appeals to religious or spiritual principles seemed not to have been effective when it came to resolving significant disagreements. This is not to say that these principles are unimportant: rather that they are often so deeply cherished that one person's interpretation is unlikely to dislodge another's.

4) Traditional forms of decision-making

The dialogues contained rich material about how things are currently done, some of it positive, much of it less so. Participants recounted votes that had gone against them as well as in their favour. One had found a way to put things in perspective:

"The actual decision making process worked, it worked really well in the sense that it revealed something that I was mistaken about ... I didn't get what I wanted. That's not a failure of the decision making process."

Another minister revealed the human impact of traditional voting mechanisms:

"And my heart was really thumping as we said, now, we have to put this to a vote. If you're for it, yes, and if you're – a bit like the referendum but not quite – and if

you're against it, no. And of those who stayed behind after the congregation voted, 98% or thereabouts voted for it. It was quite incredible."

One participant spoke quite bitterly of a decision that appeared to have been imposed by Presbytery against the wishes of the local congregation:

"Within I think almost the first Session meeting after the Minister retired somebody from Presbytery came and said this does not conform with church law and instructed the Kirk Session to stop having two services at the one time."

Another comment throws up a fascinating question for the Church. While its structures seem designed to curb the excesses of charismatic leaders, the deeply rooted preaching tradition with its emphasis on rhetoric can lead in the opposite direction:

"I was interested in your comment about the convener of that committee persuading Assembly to follow his way because what struck me immediately from that is there's a model of that in the church... in a sense we understand what that's about don't we, somebody's persuading often? And I know preaching's more than that but there's a part of that kind of, preaching the gospel, persuading of people."

AREA OF CONCERN B – ARBITRATION

Where arbitration featured in the discussions the comments were exclusively negative. Given the small sample too much significance should not be attached to this in itself: had some Kirk arbiters been present they would no doubt have brought an alternative perspective. They are clearly being asked to render decisions on highly contentious matters which, by their nature, divide groups into 'winners' and 'losers'. Where two congregations are understandably attached to historically significant buildings, they have an unenviable task. The views expressed below, however, appear to hold valuable lessons for those seeking to resolve difficult or intractable issues.

It is quite conceivable that an arbitration decision could be technically correct and yet disputed by congregations:

"So arbiters came in and read the reports, interviewed the other group, interviewed our group and came to a decision and I think the general consensus from both congregations would have been that they made the wrong decision but we were bound by it."

There seems to be room for improvement in the transparency of both process and outcome:

"Well, the main thing ... would have made it easier for folk who found this decision, you know, sticking in their throat, would have been if they'd even explained what, why they had come to their conclusion ... For all we know, they tossed a coin."

Another participant was equally scathing:

"I can't understand why the Church of Scotland still has arbitration as a means of dealing with disputes about buildings because the more you hear about it from different people, the more you realise that it is not a good system ... when you read

the report, you began to wonder if they'd actually got the two church buildings muddled up."

As the section on Procedural Justice³² highlights, it is important to people in general that decision-makers take their views, concerns and evidence into account. How can they know this has happened? Generally participants come to the conclusion that they have been heard because they see the decision-maker listening and asking questions or because the eventual decision shows familiarity with their reasoning. Decisions taken behind closed doors are not generally regarded as procedurally fair.

More research may be required to establish whether the critical views expressed in the dialogues reflect unhappiness with arbitration outcomes or with the manner in which they are arrived at.

5) Actions of the Central Church

The conversations often turned to '121'. It will hardly come as a surprise that decisions are not always viewed charitably. Some expressed affection; others reminded their colleagues of the commonality with those at the centre:

"Just remember that no-one here is evil, no-one here is bad, these are good people, I might disagree with them, I might disagree with them vehemently about something but they're not bad."

"People that work in 121 do find it every frustrating that there is this 'them and us' attitude ... in fact they are often ordinary members of the Church, they just happen to be working at the central level."

Reservations concerned two main areas. One was communication. The other was more difficult to express: the feeling of the Kirk turning its back on certain congregations or groups. There is an interesting tension here. On the one hand people recognise that 121 is made up of diverse individuals like themselves; on the other hand those who perceived themselves on the wrong side of it tended to see it as a unified force.

"As an institution the Church seemed to step back from us ... had we not been, I think, kind of quite strong in ourselves we would have felt we had really been cast adrift ... there was an issue about being excommunicated or a feeling of that at that point."

"As I said, the wind blows quite cold from 121 on people who have had training; they say 'but they're not educated.'... I wish they didn't pour so much cold water from 121 on people who come forward and are called to be ministers or readers within the Kirk because they're so well recognised by the local area."

Beyond these particular complaints, those critical of the Church's strategic direction also tended to characterise it as a unified whole:

"I think the major decision that the Church of Scotland made that affected certainly us and I'm sure actually all of you in loads of ways is that for many, many years now they have been planning for decline ... What that does is it takes the energy of the

³² See p.4

people away from the spiritual growth and puts it into all that kind of thing that we've been talking about."

On the question of communication, some complained that the language was often difficult for ordinary members to understand. Others went further:

"I'm not sure that they talk enough at all to the generality. Never mind the language, we'd like to hear the words."

There was, however, realism about the size of the institution:

"We recognised I think in our minister's preamble saying of course you realise what we are discussing here is going to be discussed by every other Kirk Session in Scotland and the data that we send in will be like a drop in the bucket."

"I mean the website is actually very good now and there's now to be a General Assembly app believe it or not, so you know the Church has tried but I mean it's very challenging to communicate what happens at the Assembly to grassroots level."

Communication is a two-way street and some members recognised the need to take responsibility for informing themselves:

"I think it's something that probably as just a congregation of members have to go and seek, it isn't passed down to those of us sat in the pews. We would probably have to go and say tell me a bit more."

There was also a note of encouragement. Reports can attract a kind of weary cynicism, and a cautionary note to the present writer was the use of the term *"mammoth"*. They take significant time and energy to prepare; they are published with a degree of fanfare; then they "gather dust on the shelf". One exception seems to be the "Church without Walls"³³ initiative:

"This is my perception not just from tonight but the Church without Walls initiative has come back. Now, I can remember that coming out and, you know, it was all – that was always being talked about, discussed, etc. Wheech. And then it just faded, you know. I've just been hearing about it – not tonight – outwith these walls – just recently and it's as if it's – it's almost like a resurrection actually..."

"I think another part of the Church without Walls is the fact is it's primarily a relational exercise ... that's not just within the parish, I mean, I think that that's certainly my own understanding of say the next 5 to 10 years ... there'll be a stronger emphasis on relationships between individual congregations."

A minister attributed a major and radical reform process to the ideas in that report. It is a reminder that the centre can play an important leadership role. The problem these dialogues have highlighted for the Church is a kind of cognitive dissonance³⁴ created by holding two contradictory beliefs at the same time; in this case between the positive,

³³ Report of the Special Commission anent Review and Reform (2001). See http://www.churchofscotland.org.uk/ data/assets/pdf file/0006/11787/CWW REPORT for website 2No v2012.pdf Last accessed 24/1/15

³⁴ See <u>http://www.simplypsychology.org/cognitive-dissonance.html</u> Last accessed 24/1/15

energising vision of "Church without Walls" and the negative, enervating philosophy of "planning for decline."

6) <u>Procedural justice in practice</u>

The dialogues underlined some of the key elements of procedural justice. There were examples of "voice":

"each member of the Kirk Session who was involved in that discussion to feel that they had been able to openly express their own personal view without any fear of contradiction or other negatives and at the same time being listened to... at the least the process that we have gone through has been regarded as fair and open and honest and positive."

"Perhaps reflect and have the confidence that at least your view has been heard and considered. Although the majority is not of that opinion, perhaps you yourself should go away and reflect and reconsider, which has happened for me on one or two occasions."

Other statements reflected the idea of "being heard":

"I think if folk feel that their opinion has been listened to and has been taken into account in the making of the decision it's easier to accept whatever decision is taken, if they go away feeling that decision has been taken without listening to what they're saying they find it more difficult."

As the excerpt below illustrates, this idea begs the question: "heard by whom?"

"[Facilitator] Is it important to be heard by everybody? Or is it important to be heard by the minister? [Participant] My immediate reaction is actually the minister cos I feel the minister has the decision, but in practise it shouldn't be."

The third element of procedural justice "dignified and respectful treatment" shone through on occasion:

"I think feeling that you've been heard is really central ... Also the issue of respect for other people reaching a view that has as much right in the world to be there as it my view, it's being prepared to accept that and live with it."

"... just appreciated the fact that we weren't just told it was changing or whatever but she talked to us and decided that we would appreciate having it more often."

While the term "even-handed" was not used, the notion of accountability may be similar in underpinning a belief that those making decisions are fair and well-intentioned:

"Where decisions are made in an accountable way that I think they're easier to accept if they go against you."

While ideas like respect and fairness are tricky to define, it is certainly clear when they are absent:

"Up until this there has not been a forum where my opinion was asked, at no point was I invited to talk about the work I was doing or about how it would affect me."

"Where somebody has come in, I suppose particularly from outside, from Edinburgh, has made a decision about property that you feel was a bad decision, hasn't taken account any of the local ... and isn't there, and wouldn't make a better decision in the next ... because they didn't listen and they're not going to listen the next time either and nobody has learned anything from what was clearly a mistake, then that's really difficult."

"A person from a national committee won with such bad grace and bullying really that victory couldn't stick ... the way they won meant that when it was appealed even those who agreed with the decision were so embarrassed by how it had been reached [it was reversed]"

Just as the procedural justice research suggests a link between one positive experience of decision-making and respect for the whole system, the opposite seems to apply: a disillusioning encounter with one representative of the Church can undermine trust in the whole institution:

"Whether it had to finally go or not is not the issue, it was the manner in which it went ... what was said around these tables by people who claim to be of the Church was really quite frightening, there was very, very clear untruths being told that really upset me."

Much of this is applied common sense. We like the chance to have our say; to believe that it mattered; that we were treated respectfully; and that backroom deals didn't rob us of what is fair. The lessons for the church are:

- Make time for people to speak, even (and especially) when you profoundly disagree
- Listen well and show that what has been said is understood, even (and especially) when you profoundly disagree
- Give reasons for decisions, even (and especially) when you think the recipients will profoundly disagree
- Treat everyone with courtesy and respect, even (and especially) when you profoundly disagree.

The evidence of these dialogues and the wider literature is that this will be time well spent. MacCoun asserts: *"Those of a tough-minded bent usually find it almost impossible to believe that politeness could possibly approach the impact of the bottom line."* Or as one person put it:

"More than just doing the minimum ... It's one thing to get an email about something; it's very different to actually have someone take the bother to phone."

7) Issues of power and leadership

In an organisation as large as the Church of Scotland there will always be different degrees of influence. In spite of the commitment to curbing individual power manifest in the

Moderator's one-year term, the suspicion clearly remains that some are *"more equal than others."* 35

"There were people who seemed to be powerful and you could pick them out"

"I can remember a tearful convener of ... Committee saying he had been accosted on the train on the way to Edinburgh and told that his committee had to stop doing... and he didn't know what to do, it was that little elite that was controlling and manipulating."

The power of rhetoric described above (p.13) can play a part:

"The committee was split down the middle but the Convener was also obviously very much in favour of one of the possible decisions and swayed the Assembly to not come to a decision, to fudge the issue so that there could be further delays and, I got the impression, so that his way could be adopted ..."

Some saw a straightforward will to power playing out in the structures of the Church:

"What you've got is people who have their little kingdom and it may actually not be God's kingdom but it's the one that matters to them and they're going to shoot for supremacy in that area, which is sad."

It is difficult to know a) if this is a problem and b) what might be done about it. One person's 'little kingdom' is another's lifelong, selfless commitment. It is a cliché that the Church comprises human beings in all their richness and fallibility. From one perspective the best decisions emerge when people are prepared to fight their corner:

"We had three brilliant people heading it up, absolutely brilliant ... hopeless delegators all of them because they were so competent themselves and that's the committee I learned to fight on, I learned to fight because if you didn't fight what was the point in being there?

It is probably also reasonable to observe that society has changed rapidly over the past twenty or thirty years. Authoritarian leader control appears to be less acceptable than it once was. There is a clear appetite for consultation and shared power. In the dialogues it seemed useful to gauge the extent to which the Church is in or out of step with this shift.

One device used was a scale, set out below and attached in full in the Appendix,³⁶ to assess the degree of leader influence in congregations.

³⁵ George Orwell, Animal Farm, Penguin (UK), p 114

³⁶ Adapted from materials provided by Kinharvie Institute - <u>www.kinharvie.org.uk</u>

Leader control

Member empowerment

TELL	SELL	CONSULT	JOIN	DELEGATE
Leader decides then informs members	Leader decides then sells positive aspects of the decision	Leader invites member input before deciding	Leader invites members to make decision with them	Leader turns decision over to members
Useful when communicating about safety issues and decisions by a higher authority	Useful when member commitment is needed, but decision is not open to member influence	Key to success is to inform members that their input is needed but that leader retains authority to make the final decision	Key to success is when leader is willing to keep her influence equal to that of others	Members are accountable and responsible. Key to success is to build a feedback loop and a timeline

Participants rated their congregation on both spiritual and practical matters. In general the degree of leader control was significantly greater on spiritual matters, as the two examples below illustrate:



One participant acknowledged that perceptions of empowerment could vary depending on one's place in the scheme of things:

"I mean you have to be a member to be part of that decision making process but so often at grassroots it's not seen as member empowerment, it's seen as leadership control."

Some saw leader control as built into Church law:

"I think actually it is the prerogative of the minister to determine the use of the church, so it is in fact his decision."

However, some of the most striking stories featured leadership as a source of vision and inspiration:

"You have to just keep lifting people, give them their moment ... But say, OK, but however, this is what we're focused on."

"There is only one thing that really counts and it's vision. Vision, vision, vision. You aim at nothing, you hit it every time. Biblically, you know, without a vision, people perish."

"If you don't have strong leadership in your church, that's when it begins to crumble."

One participant described a clear choice to delegate decision-making power to the Minister, chiming with the view that leader control was more prevalent on spiritual matters:

"The Session we absolutely ripped lumps out of each other but with a tremendous respect from the very concerned through to the very liberal wings of Christian thought ... and the decision at the end was that from each end of that spectrum we would hand over the decision, perhaps hand over the conscience burden to the Minister, we would respect the Minister's decision."

Other themes

A number of other themes were discussed but space does not permit all the quotations to be listed. They include:

• Delay in decisions

"The decision making of the Church of Scotland in appointing a new minister is so lengthy, it destroys congregations."

"I sometimes feel the General Assembly talks and talks and talks and puts off decision making and puts off decision making and it all comes back the next year and they go through the same thing again ... You sometimes feel, for goodness sake, kick (LAUGHS). You think, would you make a decision? How can you guide the people if you can't make a decision at the top?"

• Localism

"I think that the vision comes locally. It will never come from 121 George Street or even Presbytery per se. I think it's very much a local thing, born in the hearts of the local people for their parish."

• Genuine changes of heart following discussions

"I had a strong view on one issue and I went to the meeting thinking, I am – there is no way I'm going to change my mind. And I was talking to ... going in saying, there is just no way I'm going to change my mind. And I came out thinking, that was a most brilliant meeting, everybody agreed, wasn't it? And it was only when I got home, I thought, I have completely changed my mind."

• Factionalism on committees of the Kirk

"In all fairness the Board of ... was very, very politically driven."

A final theme which deserves mention was the importance of human qualities rather than structures:

"Our previous elder used to ring the doorbell when he delivered the diary and he'd come in for a chat and would quite often just sit down and have a wee bit of a blether or something, but we could talk to him."

"I can't say I'm persuaded by the weaknesses of the model that we have in our Church or by the supposed strengths of alternative model; they're only ever as good or as bad as the people who occupy those places, the grace with which they handle that position."

This could have a downside. One participant, commenting on the debates about human sexuality, said:

"You know, I've come more to the conclusion it's blooming personalities that are actually more at play in this than we would give credit to."

Facilitator comments

In attempting to respond to the unfolding conversation, the facilitator's comments also offer insight. They are first impressions, with the benefits and drawbacks that brings: formed in the moment and without the opportunity for reflection or polishing.

On human qualities:

"It sounds as if any method can work or not work depending on how it's conducted. So there's a sense of certain situations that - you could call it negotiation skills – but you know when it's been done well and people have been given a voice."

"I hear that actually some folk need to be given maybe extra time, space, methods as well and we haven't really talked about that. Talking's not everybody's cup of tea."

On living with controversial decisions:

"So if you had a charter for how to win well what would be in it?

"As there might be a winner's charter there might also be some way of being for people on the receiving end of a decision they didn't like?"

"What I think you are reflecting is somehow you are... you have today found a way to exist within an institution where you don't always hold sway."

On leadership:

"There's an acknowledgment of an important role for leadership and yet a kind of inherent sense that too much of a good thing can be another breach of trust."

On transparency:

"There's something about almost invisible authority, invisible power, that's a common thread; you're experiencing that, the feeling that discussions are happening, decisions are being made behind closed doors and not in the place you would want them."

Conclusion

This report has set out the themes that emerged when five groups of church insiders engaged in dialogue about decision-making. Care has been taken to use their own words as much as possible: these are folk who have clearly thought carefully about what they wished to say. This also allows the reader to see how the various themes have been arrived at.

To recap the principal categories of discussion:

1) Problems and issues with decision-making

There were stories of both positive and unhappy experiences of decision-making. Many of the positive stories portrayed a reliance on inner resources rather than formal structures in achieving acceptance. The more negative tales often revealed a lack of trust in individuals and structures involved in Kirk decision-making. A number of ministers highlighted a tension between leadership and pastoral roles, having both to forge a vision and yet be pastor to those who disagree with them. One useful suggestion was for Kirk Sessions as well as Presbyteries to make time to review their decisions in the interests of learning and improvement.

2) Positive aspects of decision-making

Here people described the achievement of enduring consensus by less formal means: taking the time to keep revisiting things until all were on board; being prepared to modify and adapt proposals; showing tolerance and courtesy towards those who think differently. There were also glimpses of a strongly held respect (not shared by all) for those holding office in the Church, perhaps playing a part in accepting decisions with which one disagrees.

3) Tension between spiritual and other considerations

For some the discussion of decision-making missed the point: the Church's purpose is to discern the will of God and act on it. Others questioned whether this took us any further. Personal faith remains the cornerstone of the Church's existence but: *"appeals to religious or spiritual principles seemed not to have been effective when it came to resolving significant disagreements. This is not to say that these principles are unimportant: rather that they are often so deeply cherished that one person's interpretation is unlikely to dislodge another's."*

4) Traditional forms of decision-making

A number of participants recounted instances of matters being put to the vote. The belief that proper procedure had been followed was clearly a help for those in the minority. When it came to Presbytery or the General Assembly a number of participants conveyed a sense of groups being swayed by powerful speakers. An interesting observation (from a minister) was that the preaching tradition legitimises the use of rhetoric to persuade others.

5) Actions of the Central Church

It would be fair to say that '121' is viewed with a mixture of affection and suspicion. The affection arises in part from recognition that those working there are themselves ordinary members, elders and ministers. The discontent has two main sources. One was communication, with the unsurprising perception that the centre pays insufficient attention to explaining its decisions in plain, accessible language. The other was a darker feeling on the part of some congregations and groups that the Kirk has the capacity to turn its collective back on those it either disagrees with or is embarrassed by. One Session Clerk likened it to 'excommunication'.

6) Procedural justice in practice

The central prediction of the procedural justice literature is that people's view of what is a fair outcome is significantly affected by the decision-making process itself. This was borne out in the dialogues with participants often ascribing their ability to accept a decision to the care with which it had been debated or explained. However, just there may be a link between one positive experience of decision-making and respect for the whole system, the opposite seems to apply: a disillusioning encounter with one representative of the Church can undermine trust in the whole institution. This section of the report concludes that we like the chance to have our say; to believe that it was taken into account; that we were treated respectfully; and that backroom deals didn't rob us of a fair outcome.

7) Issues of power and leadership

Leadership remains a crucial quality for the Church. Striking a balance between leadership, participation and accountability is arguably more challenging than it has ever been. Society appears to demand greater degrees of the latter two while expecting no less from leaders. The dialogues revealed an institution in transition with traditional notions of authority gradually being replaced by a model where leadership is negotiated with those being led. This is clearly uncomfortable for some; an energising challenge for others. Member empowerment was greater in relation to practical decisions; leader control on spiritual matters.

³⁷ See p.12 above

The report also highlighted two significant areas of concern: dysfunctionally large groups for decision-making purposes; and the lack of voice implicit in the current arbitration procedures. The Church may wish to consider reform in both areas.

An alternative way of organising the data should be mentioned. One of the animating questions for the dialogues was "What allows you to live with decisions with which you disagree?" This seemed important at a macro level (whole congregations departing) and at a micro level (general discontent with a church's direction). Here again there were positive and negative reports. Those who found decisions difficult to accept often spoke of things being done by powerful others: the Church's perceived hierarchy; a small backroom elite; and those with persuasive voices. Those in the opposite camp tended to speak of attention and respect being paid by those in authority. Some attributed success in this regard to a capacity to negotiate, including drawing out the perspective of those who may not naturally wish to voice their opinions:

"I think the minister or whoever should say, you must say something here because there are always some people afterwards that mutter and – oh, I wasn't listened to. But actually, they didn't – so I think the negotiator is somebody who's got to almost force people out of their comfort zone."

"...people who don't have the skill to talk or don't have the confidence to talk, who'll sit in a meeting and they'll fume away ... the chair person has got a great – cos these people walk out feeling very frustrated, very upset and in some cases, they leave the church."

Here again we see the importance of leadership, but of a relatively novel kind; not so much taking the decision as leading the process by which the decision is taken. Participants consistently appreciated efforts to ensure their views were taken seriously. In this regard consensus based decision making may have a place. While there seems little appetite at present for a formal process involving coloured cards,³⁸ members, elders, session clerks and ministers all spoke highly of situations when time was taken to achieve as broad a consensus as possible. It may be useful for the Panel to set out guidance and parameters for ensuring consensus, combining both a numerical³⁹ and personal⁴⁰ dimension.

Looking back over the dialogues it is clear that there is a wellspring of affection for the institution, particularly from those fulfilling responsible roles. This can be dented, but with a reasonable amount of time and care the Kirk has a 'cushion of support'. However, push that too far and people will simply leave.

The Church would do well to build in time for face-to-face speaking about difficult matters. This is counterintuitive: the more divisive the issue and the angrier the people, the greater is the need for courage to hold difficult conversations. Voting is part of the mix. But as the recent Presbytery voting on same-sex ministers illustrates, voting is not sufficient on its own. People on both sides of the argument could learn from the comments in this report about courtesy, about human qualities, about people feeling that their voice has been heard. The interplay between democratic accountability and inspirational leadership has been aired in the dialogues, with no particular conclusion. It looks as if this is an example of "both, and".

³⁸ Although this may be attributable to a lack of experience of the model working in practice

³⁹ Eg, a 'super-majority' requirement of, say, 75%; or unanimity minus 1

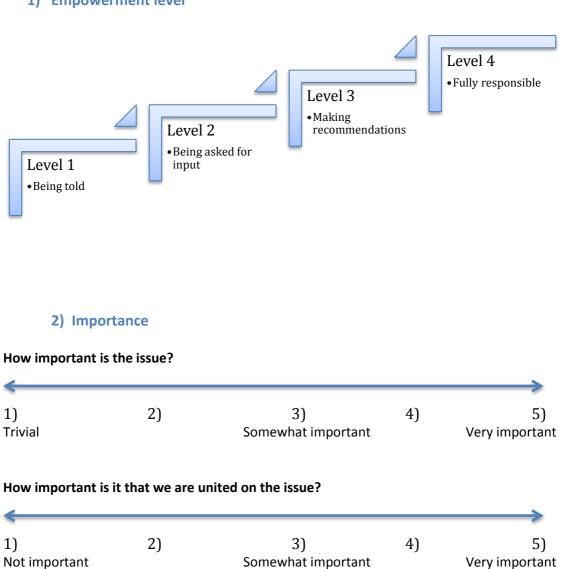
⁴⁰ See the guidance at Note 15, above.

The dialogues could be framed as the Church of Scotland holding up a mirror to itself. In a sense there are no surprises. The report is reminiscent of Ludwig Wittgenstein's remark: *"The problems are solved, not by giving new information, but by arranging what we have known since long."*⁴¹ It is for the Church to decide which problems need to be solved and what information needs to be arranged.

⁴¹ Ludwig Wittgenstein, *Philosophical Investigations*.

Appendix

Decision-making and Empowerment



1) Empowerment level

3) Levels of leadership control



TELL	SELL	CONSULT	JOIN	DELEGATE
Leader decides	Leader decides	Leader invites	Leader invites	Leader turns
then informs	then sells	member input	members to	decision over to
members	positive aspects	before deciding	make decision	members
	of the decision		with them	
Useful when	Useful when	Key to success is	Key to success is	Members are
communicating	member	to inform	when leader is	accountable and
about safety	commitment is	members that	willing to keep	responsible. Key
issues and	needed, but	their input is	her influence	to success is to
decisions by a	decision is not	needed but that	equal to that of	build a feedback
higher authority	open to member	leader retains	others	loop and a
	influence	authority to make		timeline
		final decision		