

CHANGING WORLD - CHANGING CHOICES

**Key Note Speech to a conference on 17th April 2004
organised by Ryedale Christian Council given by
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Not to many people is it given to sing (like Edith Piaf) or to say "I regret nothing". We make our choices, and have to live with them. You will not be surprised to hear that several times in the last week or two I've regretted saying yes to Helen Goodman's siren voice, particularly finding myself now:- in the 'graveyard slot' and with the sun now shining in the garden; after such a brilliant lecture this morning; and as a lawyer responsible for drafting and applying some of that mass of legislation of which Lord Habgood spoke! I simply offer you some of my thoughts, and hope that *you* don't have regrets about your choice to come here today.

What I want to say really falls into three parts First, some reflections (linked in, to some extent, with what Lord Habgood has been saying) about the choices which are presented to us in the modern world - as consumers, as citizens. Then, a little about my observations of how people who are called upon to make choices in the legal context (from which I come) do so. Finally, what does all this say to me as a follower of Jesus Christ? So, I am taking for granted the "change" aspect which we thought about this morning, to concentrate on the "choices".

First. the choices we have. I hardly need to labour the point about the number and extent of choices we've all exercised even to get here today. For instance: we have leisure enough to choose how to spend this day. Yes, I know, we all protest we don't have enough time to do what we would really like to, and those of you who are retired are the worst culprits in this. But, for instance, I am not a woman amongst the millions who will be spending perhaps 6 hours of today toiling to fetch water from distant sources to provide for my family; I have leisure, and choice. And we have felt able to exercise the choice to spend the day in a form of activity for which our education, our life experience, our intellectual and spiritual being have all combined to make a day like this an option worth considering. Then there have been the more mundane choices: what we have had for breakfast (I'm coming back to that!), what we chose to wear, what mode of transport - a range of choices beyond the imagination of much of the world's population or that of our forebears.

Let's just look at these mundane consumer choices for a minute or two. It's interesting that both Lord Habgood and I had independently opted for the "supermarket", retailing analogy - it may say something about the all-pervasiveness of this aspect of our lives. We are surrounded by a mass of choices every day. Look for a pair of denim trousers, jeans, now: do you want slim fit, relaxed fit, easy fit, tapered, slim leg, boot cut, button fly, zip fly, acid washed, stone washed, distressed...? Or, talking of what you had for breakfast, what about the range of breakfast cereals in the supermarket? And this variety applies too in areas where we're not so used to consumer choice. I'm still bewildered about why it might be better to buy your gas from your erstwhile electricity supplier and vice versa, or how on earth you now get hold of a phone number from Directory Enquiries.

"Choice" is lauded everywhere as this positive value - to the extent where it becomes a rather cynical sales ploy. I wonder if I am the only person to be irritated by the announcement as my train finally pulls into King's Cross station "and thank you for

choosing to travel with GNER". If one wants to go from Leeds to London on the train the choice is hardly vast. Or think of the vast variety of programmes provided on the modern washing machine or dishwasher, when the research shows that generally users use, at the most, three of them.

Perhaps that's because we have difficulty in coping with too much choice. (Just try asking a more knowledgeable friend what hi-fi system, computer, car you should buy.) Indeed the evidence seems to be that, for instance, shoppers who are confronted by a display of 30 jams or varieties of gourmet chocolate are less likely to purchase any than when they encounter a display of six. Although (with all respect to Lord Habgood's admitted difficulties in this regard) I must add that my latest issue of *Good Housekeeping* magazine points to the fact that research has also shown that women are much more adept at absorbing the information and making complex supermarket choices like this than men!

But the problem is not simply that we get bamboozled. I read an interesting article in *The Independent* recently by an American academic, Barry Schwartz, who has a book coming out shortly called *The Paradox of Choice: Why More is Less*. The example I gave of the choice of jeans came from his account of his experience of trying to choose a pair: "What had been a five-minute operation had now become a major project, which is bad enough. But what was worse was that I realised that I suddenly cared about how well my jeans fit me, in a way I'd never cared before. I ended up with a pair of jeans that no doubt didn't fit me any better than any jeans I had ever owned, and I was less satisfied than I had ever been before because, if there were all these kinds to choose from, there ought to be one kind that was perfect - and as far as I could see, there wasn't". So, as he puts it: the more choice we have, the less satisfied we are likely to be.

I have spent some time on what seem the trivia of making choices for two reasons. First, obviously our personal choices even in shopping matter. I wonder if I am the only person still to have that momentary frisson when choosing South African produce, having been conditioned for so long to consider the political and moral implications of my choice. We've already today touched on the whole world of issues - fair trade, locally sourced produce and many others - there in our local supermarket. Looked at from an even broader shopping perspective indeed, I sometimes wonder whether we realised, some ten years ago, just what was at stake in the change in Sunday trading laws. Certainly in a place like Leeds, the pattern of the week - and that goes for church life too - is significantly changed, whether for better or worse.

But my second reason for starting from the ambivalent nature of choice in the consumer area is that it seems to lead these days quite naturally into so many other, more significant, areas of our life, individually and in community, where "the right to choose" is offered (or apparently offered) almost as the be-all and end-all. We need to think clearly and seriously about the value and dangers of this 'commodification' facet of our decision-making, lest we become, literally, spoilt for choice.

I just mention four of these areas.

First, there is the recently introduced flexible working legislation - enabling parents of young or disabled children to request flexible working hours. The work-life balance we talk about, as if we all have it within our choice to manage that. It was Alan Milburn who, as a beneficiary of that choice, recently pointed out that the choice is often a straight one

between part-time and full-time working, and many people at the lower end of the income scale cannot afford that choice. Choice is currently for those with the cash. Now, I may or may not be making a political point here, and you could rightly question how we could reach, for instance, Scandinavian levels of support for all this in the UK. All I am pointing out is that "choice" can be a word, a value, which may carry within it assumptions which are unrealistic or misleading; as Lord Habgood described: the difference between the packaging and the content.

Then, secondly, there is a topic which has floated to the surface yet again this week in political and trade union discourse; the rhetoric of "choice of school" (and here I am not talking about whether to send your child to an independent or state school, but within the state sector). It is for you to know, better than I, how realistic the choice actually is in an area like this - perhaps it is more so in an urban environment like ours in Leeds. I was going to spend some time talking about this, but found that it had all been said, in greater depth than I could ever go, by Archbishop Rowan Williams in his chapter on "Childhood and Choice" in *Lost Icons*. What I say is therefore just an addendum to that.

He points out that the language of choice begins to look far from innocent: if the parent (on the child's behalf) is a consumer and the school a provider or producer, the school competes in a finite market, a market where one producer's gain is another's loss. Gradually a spiral of success, or failure, develops as a school attracts not only 'custom' but resources: local enthusiasm, support of parents with managerial and fund raising skills (I think of the difference in type of school governor able to be attracted by two schools within a couple of miles of where I live). So, we end with the diminution of real choice for some parents, particularly if the continued success of a school depends upon the type of selection process which tends to reject their children. Gain for some is at the cost of others. (And, incidentally, that cost can be more hidden, but more widespread: what exactly is the environmental cost to all of us, in an urban context, of the "school run"?).

Now this may be inevitable, or be outweighed by benefits I haven't mentioned. All that I am saying is that "choice" is not as simple as all that. And what if, having made the all-important choice for their child, it appears to the parents, despite the league tables, that this is 'wrong' for their child? Can one accept that as being simply one of the things that can go wrong, or in our risk-averse culture do we feel that it simply should not happen in a well-ordered world (so that it all ends up as being good money for the lawyers). Incidentally, talking of league tables, I'd like, but don't have time here, to go into our endless obsession with ranking absolutely everything from the best book ever to lists of celebrities most of us have never heard of - not to mention, at its nadir, that TV programme with its profoundly un-Christian basis: "The Weakest Link",

But on instead to a third sphere of "choice", the medical sphere. I don't know what your experience is here of choice of hospitals - is it really much of a choice? (Not to mention a choice of an NHS dentist in Scarborough!) But that we often have choice within a wide range nowadays in relation to the treatment we receive - or simply refuse to receive - is undeniable. Think of what we take for granted. Think of the agonising over whether to have the MMR injection for one's child - what would that choice mean to a desperate mother in the Sudan whose choice is to decide which of her starving children to feed?

Of course, again, the challenges presented by the amount of information upon which to decide whether to give "informed consent" can be daunting (particularly if you make the

mistake of looking on the Internet). Too much? I was interested to read that responsibility for medical decisions looks better to people in prospect than in reality. 65% of respondents in a study said that if they were to get cancer, they would want to be in charge of treatment decisions; amongst those who actually had cancer, only 12% wanted that control and responsibility.

That point is just about the medical decisions about treatment. Interwoven with that are all the ethical challenges presented by the present-day practice of medicine. I was fascinated to find on my husband's shelves that the official Handbook on Medical Ethics issued in the 1950s contained 16 pages; the latest contains 700 pages.

Fourthly and finally I mention care of older people. We rightly identify choice as one of the key values in caring for elderly people, along with such things as privacy, independence, dignity. As the ex-Chair of a national organisation, Methodist Homes for the Aged, offering care to older people and passionately concerned for the best possible quality, I am utterly committed to this as a value. But I have to be realistic. How much choice is there actually in practice, when decisions, too long delayed for all sorts of understandable reasons, have to be made in a hurry, when crisis comes a person ready to be discharged from hospital after a fall but no longer able to manage independently at home? Too often it is the simple question of availability of either nursing/residential care or home care services which determines what happens. .

Or, a more philosophical question, because I have spent quite a lot of time reflecting on questions to do with dementia: how do you create an environment in which genuine choice can be exercised by people whose perception of "reality" is so different from our own, and for whom the concepts of past, present and future which are surely part of the context in which we make our choices cease to be meaningful in the way that we normally understand them?

I offer just two biblical images that come to my mind when I think about choice and older people. There's that all too realistic picture of Isaac as a frail old man, sight-impaired, even his capacity to choose how to bestow his blessing manipulated by his nearest and dearest. And there's that haunting post-resurrection saying of Jesus to Peter, in a different context of course, but echoing the more everyday reality of many older people: "When you were younger, you used to fasten your own belt and to go wherever you wished. But when you grow old, you will stretch out your hands, and someone else will fasten a belt around you and take you where you do not wish to go."

A few areas then where the idea of choice is indeed a challenge to us. "Spoilt for choice"? How can we make choices, and enable others to make choices, which affect our lives, those whose lives we touch, the life of our community and world without being 'spoilt' or spoiling the lives of others?

How do we make choices at all? I thought it might be of some interest, because it gives me at any rate some clues about the making of more fundamental choices, to spend some time, in the second part of what I want to say, simply offering some experiences from my working life about the sorts of decisions, the choices that I and others are called on to make "judicially" (not necessarily "judiciously"!). People who have, not Just a right, but more significantly a duty to choose.

I start from where I am - a lawyer. That of course was a career choice in itself (though it's always a conundrum to me whether you become a lawyer because you've got that sort of mind or you acquire that sort of mind because you become a lawyer). It surprises me now to realise that back in the so-called swinging sixties, there were still certain career choices which were not open to women: I couldn't have become for instance a jockey, a stockbroker, or (like my father) a Methodist minister. I believe that now in the 21st century the only avenues closed to women are those based upon religious grounds.

For nearly 20 years I have been involved in various ways with the making of legal decisions, choices - not in the courts, but in tribunals (and also in the operation of the Methodist Church disciplinary process). Initially, I was involved as a decision-maker, first in tribunals dealing with appeals against a vast range of official decisions about benefit entitlement. Then for the last six years I have served on the Council on Tribunals, a body appointed by the Lord Chancellor. Did you know that there are about 80 different tribunal systems in this country? That they deal with about 1 million cases a year? That you are ten times more likely in your lifetime to appear at a tribunal than a court? The Council on Tribunals' work is to supervise this whole tribunal "world"; to observe how they operate and report to Parliament.

As you can imagine, that covers a vast range of decision-making. At one end of the spectrum would be appeals to Parking Appeal Tribunals (in areas where parking has been, as they say "de-criminalised", in other words, not dealt with by police and magistrates - I don't know what the position is round here). Nowadays, challenging a parking ticket is something of a weekend hobby activity in some parts of the country - "I might as well pop in and try my luck at an appeal". At the other end of the spectrum are people like asylum adjudicators making decisions about people's rights to stay here, where the effect can literally be a matter of life and death. (Hence the importance of seeing off the recent challenge to the constitutional right to seek judicial review of such decisions.) In between those extremes of course there are decisions affecting livelihood, financial status, education and many other parts of life.

In many instances, the exercise is, you might think, fairly straightforward: the rules are laid down by statute or regulations and it's a matter of applying them. And that is so. True, you may not like the rules. I remember many a case where I felt unhappy, in the "fair rent" regime, where one had an elderly tenant who appealed against a significant hike in his rent, basing his argument upon the fact that he was a pensioner of limited means and his pension hadn't increased by anything like that amount. But section 70 of the Rent Act 1977 was quite clear: the tenant's financial circumstances were a factor which had to be excluded from consideration -they were not relevant to whether the rent was technically "fair". There was very little opportunity to be "creative" in that situation - sooner or later you would stub your toe against s.70. Now of course there was still a choice to be made, a more fundamental choice: if you feel the, rules are really unfair, do you collude with the whole system by remaining part of it, or do you resign on principle? For what it was worth, I felt it better to stay in and at least give "justice" a human face by taking time to explain to people why they could not have what they wanted. But there are others who would take a different view.

That's an instance where the rules were clear, the problem was one's natural reluctance to apply them. But it is something of a myth to think that it's always, or even often, as easy as that: that somewhere "out there" are the rules, and that all we have to do is apply them like

a mathematical formula. Let me explain a little of what I mean. But before doing so, I want to stress that I am not here trying to do the sort of jurisprudential exercise which I would have done when I was a university teacher teaching this sort of thing - I'm not going into the various schools of thought about this. Those who are familiar with this area may spot that I'm working within a sort of legal positivist and legal realist framework, and might rightly say, particularly in a place like this, what about the importance of natural law theory? All I'm doing is, offering some thoughts about how it feels in the working world of a lawyer.

So why is it, as I say, not so simple in practice as applying the rules?

Well, first, in many cases the uncertainty arises because of course you need to weigh the evidence as to the facts. Go back for instance to asylum cases, and whether the claimant can show a "well-founded fear of persecution" on certain defined grounds. That can so often amount to a question of credibility. Who do you believe as to the general situation in the country concerned, the particular dangers posed to particular sections of the population and to this person in particular? Is it to be the Home Office representative, producing an official report as to the state of affairs in that place based upon international opinion and observations or the person who has actually lived in that place and tells a graphically different story of what happened to her? That's one sort of choice.

Secondly, in many cases, and increasingly so, the choice is not of whom to believe but amounts to a choice of policy, or principle. Weighing one policy or principle against another. That has become a very much more common and difficult (and legally lucrative!) exercise with the incorporation of the European Convention on Human Rights directly into English law in 2000. Almost at a stroke the weekly issue of Law Reports that I receive has become a repository for the sort of philosophical weighing of values that in previous generations was limited to a few rather "maverick" judges (like Lord Denning). Lord Habgood spoke of the rapidity of change: I don't think that the significance and rapidity of this change has yet been fully appreciated.

And it can be seen in the sort of tribunal world I inhabit - issues which were latent before have become much more explicit. For example, Education Appeal panels dealing with school exclusions, and whether a disruptive pupil should be reinstated: the debate now crystallises around the Article in the Human Rights Convention about the right to education. But the difficulty is in balancing that particular pupil's right to education against that of the other pupils in that school. Or, in a very difficult and emotive area, how do you balance the right to education of an individual child who has very significant special educational needs against the needs of the many other children within a local education authority's financial responsibilities? To see that acute conflict being played out in the context of a Special Educational Needs Tribunal shows how the duty, not just the right, to choose, which the tribunal bears, is indeed a heavy responsibility. Or as a final example of that duty, think of the Mental Health Review Tribunal, dealing with the question of the release of people who are detained compulsorily under the Mental Health Act. Again, the acute choice: balancing that vital human right, the right to liberty, against the consideration of public safety. Weighing values, rights, responsibilities - no easy answer.

Perhaps one of the best illustrations of this sort of choice is the one presented to the courts in the Tony Bland case back in 1993 - about the young man in a persistent vegetative state

as a result of injuries sustained in the Hillsborough disaster, and whether it was lawful for the hospital to discontinue life-sustaining treatment. Of all the various judgements the one which stands out for me is that of Lord Justice Hoffmann, as he then was, in the Court of Appeal. There were at work, he said, conflicting ethical principles: for instance, respect for the sanctity of life, but also regard for the quality of life, autonomy... There was no simple formula for reconciling the conflict and no easy answer. Counsel who was suggesting that they were simply different ways of looking at the same thing was wrong. "To my mind," said Hoffmann, "this is rhetoric intended to dull the pain of having to choose." Something we all, not just lawyers, perhaps too easily grasp at.

So, choices about facts and who to believe; choices between principles, values; but then there's another sort of choice which legal decision-making may require - perhaps logically the first one. If you go back to the words of the rule itself which you are supposed to be applying, what does the wording actually say? What does it mean? Does it cover the case?

Sometimes that is relatively easy: you have words in a statute or regulation and decide whether this case comes within it. I remember a case I observed recently where the question was whether VAT was payable on a certain product: one of those body-building sports drinks. The question amounted to this: was it a beverage (it certainly looked like one, though everybody who tasted it said it couldn't possibly be a drink of choice!) or was it a food? Partly it's, yes, a matter of simple definition (either in the dictionary or the statute itself), but often there is the broader question too: what was the policy of the legislation intended to cover? How far would a decision opting for a particular meaning fit into that overall policy and scheme of things? Incidentally that is another area where English courts are moving from emphasis on the literal meaning to a broader purpose-based construction, following European principles.

So, there's that interpretative task, which involves choice. And often that task is far more complex where either there have been lots of earlier cases, precedents, upon the legislation (usually saying all sorts of different, contradictory things), or where one is dealing with an area of law where there are simply no statutory provisions, but just "judge-made" case-law, none of it directly in point but providing possible avenues for legal development.

Before passing on, I'd like just to give one example of this sort of thing, not from my own experience but from recent litigation in various parts of the world upon a specific point. One where there is no legislation as such, and it is for the courts to make a choice as to the direction in which the law should go.

The situation is relatively simple (although I appreciate that for many of you here it would be morally problematic in the first place): a woman undergoes a sterilisation procedure, or a man a vasectomy. As a result of admitted medical negligence (either in performing the operation or in information being given subsequently about the need or otherwise for contraception) a healthy child is conceived and born. What should be the measure of damages? Now it has generally been agreed that the parents should recover some damages for the pain, suffering and inconvenience of pregnancy and childbirth and the costs immediately associated with that. But should they also be able to recover the costs of caring for a healthy child throughout his or her upbringing? In a Scottish case (*McFarlane v Tayside Health Board*) in 1999, the House of Lords reversed the decision of the lower Court of Session, and unanimously said no, there should be no recovery in that case. As ever, the five different Law Lords expressed different reasons for this. And soon arose the

need to consider this again, in a slightly different context in 2003 (Rees v Darlington Memorial Hospital NHS Trust), where the difference was that the healthy child was actually born to a disabled mother. Did that make any difference? This time, unusually, seven Law Lords decided the case. And this time by a majority of just four to three they said no - no difference, no recovery of the total costs of bringing up the child. Meanwhile the highest court in Australia in another case in 2003 raising the issue of a healthy child born to a healthy mother (Cattanach v Melchior) decided by a majority of four to three exactly the opposite ie. that damages for the cost of bringing up the child should be paid. And if we had time to look to the United States or other Commonwealth or European decisions we would find a wide range of developing opinions.

If you were to read all these judgements you would find all sorts of reasoning expressed which led the individual judge to a particular conclusion. Some would be more "legal" in flavour - saying, for instance, that this would be a bridge too far in the extension of liability in the light of existing caselaw; it wasn't legally warranted. Others would be looking to social or economic considerations - who should bear the costs of this sort of mistake (and for instance, how many hip operations could be funded from the damages awarded against a hospital in a case like this); or how do you weigh the costs of a child against the more intangible benefits that a child brings? Others again would express their decision in terms of moral values and judgements - e.g. "it is morally offensive to regard a baby as more trouble and expense than it is worth", or that it reduces a child to a sort of unwanted commodity.

There is much that could be talked about here, but I am not so much concerned with the substance of the decision, as with what it illustrates about judicial decision-making: that it involves real choice, in which the judge is influenced by many factors in laying down or interpreting the legal principles by which he or she is deciding the case. There are the ones which he or she may make explicit - the legal, economic, social, moral considerations. There are those of which he or she may not even be consciously aware - as we mentioned this morning, all the different influences which have come to bear on a person's life, forming one's approach to decision-making. (And, to be less serious, there are the less lofty considerations and influences upon any of us for which the jurisprudential shorthand-parody, perhaps- is the "what the judge had for breakfast" factor - back to choice of cereals again!)

So, some thoughts about judicial choice: decisions about what or who to believe about the facts; decisions between conflicting policies in applying the known rules; and decisions about the very rules to apply.

Incidentally, in my experience, it's no different when the problem actually arises in the context of a "church court". First, we have to weigh the evidence. (Not everybody is to be believed! Or at least not everybody remembers, or sees, in the same way.) Secondly, we have to weigh "principles" or "policies". For instance, we may ask if there is the need to 'mark' the disapproval of the act of, say, an ordained minister i.e. a public, representative figure, to make a point about the church disowning a particular sort of conduct. But set against that is pastoral concern for the minister concerned. That's sometimes said to be about the conflict between law and grace, but I think that's too simplistic. (It's a conflict at its most acute in the area of child abuse: the need to mark the utter disapproval of what is done - and awareness of the high level of re-offending and hence of the need to protect others whilst witnessing to a gospel of forgiveness.) And thirdly, and most acute of all

perhaps: what to do if the rules aren't clear - or we disagree as to whether or not the rules are clear. Lord Habgood adverted to this when talking of the Bible not being a "maker's manual". I was going at this point to venture into possible analogies between the Bible as legislation - and Tradition as case-law - but in view of the erudite exchange at question-time this morning on the Bible and Tradition I pass on quickly.

And so I come to my third and final section: our Christian response to all this; Christian choice-making.

The danger of leaving this till last is that it makes it seem like an add-on. As if we think through our position, when we have choices to make, in a vacuum, empty of the content of faith, and then test it by saying "I'm a Christian. Does that make a difference?" Speaking as a Christian disciple to Christian disciples, I hope I needn't stress here both the underpinning support and the ever-present challenge of the gospel in all our lives, individually and together.

But to talk of the all-pervading presence of the gospel message is not, I believe, to say that there is necessarily a distinctively Christian choice in all situations - or even, more broadly, a choice which people of faith would make and others would not. (I am reminded of my student days, when I was doing a postgraduate law course, back in the good or bad old days: there was me plus 26 men on the course. And-the large and very impressive law don at the seminars, whenever we got the most abstruse and technical point of law, would look in my direction, smile like Red Riding Hood's wolf, and say "Now let's hear the *female* point of view on this question.")

I don't think there is a distinctive *Christian* point of view in many of our choices. Nevertheless, as we become more and more aware of the complexity in our changing world and vast range of choices, the need to work at these questions with fellow-Christians is something we see of value - that's why we're here today. For most of us, the answers are not always clear and we do indeed have to work at them. We seek to arrive at our choices by some sort of intentional deliberative process, albeit, as we said this morning, open in prayer to the workings of the Spirit who may lead us down paths not consciously perceived before.

Just as a side-issue, something became borne in upon me as I was preparing this: I happened to be looking something up in the recently published *Dictionary of Methodism*, and my eye fell on the entry "Decision by lot". It reminded me of what I had forgotten: that decision by lot, following Acts 1 :26, was a Moravian practice stemming, like 'opening the Bible' at random, from belief in divine providence. Both were adopted by John Wesley when in spiritual distress or perplexity. And the Conference in 1792 after his death decided one particularly contentious matter by lot, quoting Proverbs 18:18: "Casting the lot puts an end to disputes and decides between powerful contenders". But the usage soon faded out and by 1804 was rejected as a method of settling a dispute. However, many Methodists (and I think others) continued to look for guidance by opening the Bible at random or using 'promise boxes', which are still produced. I don't think that workshops here today which explored the choices simply in those terms would work! Or would they? Instead, for me, at any rate - and for many others, I suspect (not just lawyers) - the sort of process I've been describing earlier is at work when seeking to make the sort of choices with which we're concerned today.

So, first, obviously we do try (hard though it is) to get at the facts, the information about what we're called to decide upon.

We are then aware that in many situations we are weighing one principle, one 'good', against another - or, more often perhaps, one evil against another, to see which is the 'lesser'. That is a process I have seen at work not only in my individual choosing but also in church life. For instance, we in the Methodist Church have gone through a process in recent years in relation to the National Lottery, to which (unlike the use of the lot!) we were strongly opposed upon its introduction. Once it was a reality though, what to do about seeking funding from it? Should one keep apart from such 'tainted' money, or in effect 'launder' it into something useful and creative? It's been a gradual process, first of all only countenancing applications by those church bodies working in areas of social deprivation for funding in effect to recoup some of the money which was being drained from those communities by purchase of lottery tickets. But now we've moved to the present position, which recognises the inability to have access to so many areas of matched funding unless lottery funds are applied for and therefore permitting local churches generally to apply, but only after careful consideration of the sensitivities of those involved with the particular church's life. That's the sort of balancing we so often find ourselves doing, and, as Lord Habgood said, recognising it as a gradual process of discernment.

Coming back to the process of decision:-making, we do of course, first and last, try to understand "the rules" - Christian teaching, in the Bible and the tradition of the church - and interpret them as faithfully as we are able. Lord Habgood spoke so helpfully about all this morning that I will not attempt to embellish it. I would simply say that, for myself, I recognise that I am not somehow apart, 'objective', but influenced in all sorts of ways: from my life history, what people whom I know and respect (or otherwise!) say, to perhaps, sadly, what I had for breakfast.

So, it's not easy. Sometimes of course the answer is clear, but we just don't like it (like my example of the rules binding me about how to decide upon a fair rent). The way forward is obvious, but it's the will to do it which is absent. (There's a line in a play, by, I think Vanbrugh, where one character tells another: "But you must return good for evil." "Oh," replies the other "but that may be a mistake in the translation." Haven't you ever wished that?)

But sometimes, the answer is genuinely not clear. I also personally believe that in many cases, the end product may well be genuinely different conclusions at different times in our Christian history - remember Lord Habgood's quotation from Newman: "Truth is the daughter of time." But more to the point, even at the same time for different people, there may be different conclusions - again, like the judicial process I described in relation to the costs of bringing up an unplanned-for child. I hope that you may have already encountered that in the workshops.

I am simply, like most or all of you here, a Christian disciple "on the way", in choice-making, both as an individual and as part of a church community. Actually I don't personally find, in the choices to be made, that the "what would Jesus have done?" approach helps me very much. But as the writer James Alison so well puts it, in a recent book which Lord Habgood helpfully told me about, *On being liked*, what is a more significant and helpful question is: What is Jesus doing today? How do I perceive the real presence of Jesus at work *now* in his church and in his world?

You realise by now that I have no blue-print for making Christian choices - you would be alarmed if I had. But I want in the last few minutes just to offer a few thoughts about these Christian choices from my own personal perspective of faith. Here I'm going into preacher, rather than lawyer, mode, and, remembering my Local Preacher training, I ask myself: "What's the 'good news' in all this?". Because so far it has all sounded like hard and hazardous work.

For me, the Bible witness throughout is of course of a world in which we have choices, from the beginning of Genesis onwards. Think back to Deuteronomy chapter 30: as the Israelites are getting to the end of their weary forty years in the wilderness,. Moses brings that challenge from God: "Choose now. Choose whom you will serve. Choose life. " How are you going to order your life at this time of rapid change (yes, even then) when you leave the very basic life out in the wilderness, and enter into the more sophisticated, promised land of Canaan? A different world, of social, political, religious challenge. There will be choices to be made. You have been created, freed from slavery, the future lies open to you, but you have to choose: there are rights and wrongs, there is a difference between good and evil.

And that, I believe, is good news: for us and for our society and world. That we have freedom, are trusted by God to make choices, and that what we do matters. And that we have that challenge presented to us day by day. For I believe that through that challenge, of making choices, we are actually changed and can indeed grow.

That doesn't mean it's easy, as I hope my legal analogy has shown. We're not programmed like a computer (and even they are afflicted with viruses, as I keep finding to my cost). Nobody ever said it would be easy. Remember those marvellous words of Lady Julian of Norwich: "He did not say, 'You shall not be tempest-tossed...' But he said, 'You shall not be overcome. '"

It is not easy - God knows. And I believe God does. Just a few weeks ago, at the beginning of Lent, we heard that graphic account, that insight given by Jesus to his disciples of that intense period of choice for him, in the wilderness immediately after his baptism. How was he going to move into the complicated world of his time?

How was he going to conduct himself in the midst of the material, political and spiritual challenges ahead? How to sift the good arguments from the superficially convincing (Satan comes across to me in that story as a pretty plausible lawyer!). I've been reading recently for Lent, John Barton's *Love Unknown*. One of the themes which chimed particularly with me was the idea that God, to have a human face, to share the human condition, had to put himself in a situation where the outcome of his actions was uncertain, just as it is for us; that the story of the life and death of Jesus was not something that God had neatly pre-programmed, mapped out. Rather, we see Jesus - yes, in this aspect, we might possibly say, unlike any other human being: "choosing" to be born - but choosing therefore to be subject to the same forces that baffle and bewilder us. We see Jesus not speaking the lines of a script but living from day to day with life's unpredictability (the ultimate "non-managerial" approach). But, unlike us so often, living it with a consistent purpose and character- Love Incarnate.

Not of course for us such breathtaking choices as for Jesus in the wilderness. But for us, as individuals and as churches, choices, and choices that matter. And sometimes of course we are going to get it wrong. Remember those familiar words of Kierkegaard: "Life must be understood backwards, but it must be lived forwards." Yes, we try our best to get it right. Yes, there may be no one right answer for all people and all time. But there can definitely be wrong answers, with all the consequences that flow from them, and we will get things wrong.

And here we come to the, for me, most important point of all. When we're called to follow our Lord Jesus Christ, it's not a game of survival. Go back to those words from Isaiah which Rosemary in her opening prayers encouraged us to remember today: "Do not be afraid" .We're not called to walk a moral tightrope where, if we put a foot wrong, the wild beasts are waiting to gobble us up. We are caught and held in the arms of a loving God who eagerly waits to forgive and restore us, who offers us all the grace and love of God in Christ to put what is past behind us, and to open up the future to new possibilities of growth in goodness and love.

I mentioned before James Alison's recent book *On Being Liked*. One of the most telling passages for me is when he fills with exciting meaning the oft-told parable of the talents, in a way that for once doesn't dwell on the duty, the hard slog of using our gifts to the best possible advantage (always a rather depressing message). Instead he points to the encouragement to the servants to be daring with what has been given to them, taking risks, experimenting, trusting that their absent master would delight in their creativity. We can dare to get it wrong, because God who loves (and indeed, more to the point, likes) us wants us to be free and happy, and part of the great risk-taking adventure.

That's what is offered to us. And finally the wonder that we celebrate at this season is that the offer comes from one who chose to give up all the right of "choice" offering himself to become completely at the mercy of forces beyond his control.

So., simply. that's the good news for me: of a God who has given us choice. Given it to us not like an uninterested person saying "Do what you like, it doesn't matter to me." But rather an offer from a God who cares enough to know the struggle, the choices. And the good news of a resurrection that means that he does not obliterate the past- his or ours - but integrates it, transformed and healed, into the risen life of Jesus Christ.