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EDITORIAL

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My learned predecessor in the editor's chair was fond of composing editorials while in exotic and far-flung locations. This editorial comes from the beautiful but decidedly colder climes of Edinburgh where, as friends and colleagues in the Church of England's General Synod were debating and ultimately declining to take note of the House of Bishops' Report on human sexuality, I walked past the Assembly Hall of the Church of Scotland. This has been, of course, the scene of debates on the same topic that aroused similarly significant publicity.

Churches in the modern world face the same issues, as each church seeks to respond in God's way to the developing social mores and developments in social, ethical and moral thinking that face them. It is inevitable that churches will, of necessity, have to face these questions, grapple with them and respond to a changing society. And they will do this differently depending on a variety of factors including theological tradition and traditions of theological interpretation; history; the society or societies in which they are set; and the legal and political frameworks of those societies. There are, therefore, different responses made by different churches to the same questions.

In this issue of the *Journal* we see in different contexts development and change in the structure and law of the church. In two companion (but independently composed) articles, Rupert Bursell QC and Charlotte L Wright examine the changing face of the law surrounding burial, exhumation and suicide. Chancellor Bursell's article builds on his earlier work in this area, not least 'Digging up exhumation', (1998) 5 Ecc LJ 18–33. Developments in society and in law have caused the law in these areas to evolve in recent years. Discussion and debate on such matters, and not least in the case of the burial of those who died by suicide, are both ancient (as shown by the conversation between the gravediggers in Shakespeare's *Hamlet*) and modern (as shown by the proposed amendment of canon law in this area by means of Amending Canon 38, passing through the legislative processes of General Synod currently). Observers of the *Journal*'s Case Notes over the years will have seen the judicial side of developments in law surrounding churchyards, burial and exhumation worked out over time. Questions surrounding burials, cremated remains, reservation of grave spaces, memorials and exhumations frequently come before

ecclesiastical courts and this remains a fast-moving area of developing judicial precedent.

In two other independent but related articles Nicholas Schofield charts the history of the Roman Catholic Church in England and Wales during the period between the Reformation and the establishment of Roman Catholic sees in this country and Stephen Coleman critically examines the development of the appointment of bishops in the Church of England. In both articles one can see the hand of the Crown, Parliament and government in the background. The suppression of the Catholic hierarchy and the limitations (and penalties) imposed on Catholic practice caused, of necessity, a different ecclesiastical methodology for the Roman Catholic Church in England and Wales. Changes in practice by previous prime ministers, not least the documented changes brought about by James Callaghan in 1976 and by Gordon Brown in 2007, have brought the Church of England arguably to a new ecclesiological reality. Coleman's article argues that, by virtue of Gordon Brown's changes, the Crown Nominations Commission now effectively acts as an electoral college for the election of Church of England bishops. Fr Schofield's article started life as the Lyndwood Lecture in 2016: the Lyndwood Lecture is a joint venture between the Ecclesiastical Law Society and the (Roman Catholic) Canon Law Society of Great Britain and Ireland. Looking back on the history of disagreement and bloodshed as we do in this Reformation anniversary year, it can only be a good thing that scholars and practitioners from many different churches can come together in events such as this.

The coming together of scholars across denominational divides has produced a set of Principles of Christian Law. The approach is familiar to those who have engaged with *The Principles of Canon Law Common to the Churches of the Anglican Communion* (2008) and the methodology familiar to those who have read the estimable corpus of work by Professor Norman Doe and his wide-ranging comparative studies of law and religion at various different levels. 'Principles of Christian Law' is reproduced in this issue. Its publication, and the work that went into devising it, bears witness to the facts alluded to at the beginning of this editorial introduction. Churches, wherever they are, face similar challenges to one another at any particular time. Churches, though divided from one another, share a great heritage of faith and it is true to say (although some may disagree) that what unites divided Christians is greater and stronger than that which divides us. 'Principles of Christian Law' bears witness to this unity, at least in the common approach of churches to the ordering and economy of the Church.

The Church, according to Archbishop William Temple, is the only society that exists primarily for the benefit of those who are not its members. Wherever Christian people find themselves they will find themselves having to live in and react to a society that is wider than just them and certainly wider than

just those who agree with them. The articles in this issue of the *Journal* show that the Church is able to adjust in response to the changing needs of society. However, it will always be a question of balance and judgment as to how and when to change. Legal, deliberative and legislative mechanisms, governed by law, are therefore necessary to enable churches and other Christian bodies to come to a mind, under God and in prayer and humility, on how to proclaim the unchanging and universal gospel afresh to each generation.