

EDITORIAL

Silver Jubilee: Celebration and Challenge

MARK HILL

It barely seems 25 years since that day in July 1987, at a gathering in Middle Temple Hall, when Lord Templeman, then Treasurer of the Inn and at the height of his illustrious career as a Lord of Appeal in Ordinary, with due dignity and solemnity rose and called to the Bar of England and Wales a young, self-effacing Mark Hill. Few would have thought that a quarter of a century on, those same qualities of humility and selflessness that he has consistently exhibited would have led to him being Editor of this *Journal*. But this was not, of course, the only significant event of 1987. Earlier in the year, in March, a conference on ecclesiastical law had been held in Corpus Christi College, Cambridge. It is described with characteristic bravura by the founder editor of this journal, my distinguished predecessor, His Honour Michael Goodman.¹ Over 100 people attended the conference: bishops, judges, barristers, solicitors, academics, archdeacons and other clergy. The keynote address was given by the late Eric Kemp, who was duly chosen as President of the Ecclesiastical Law Society and served in that capacity until his death in 2009.² As one would expect, it was scholarly, insightful and delivered in the inaudible mumble that characterised so many of Eric's public utterances. Fortunately, it formed the mainstay of the first issue of this *Journal*, thereby reaching a wider audience.³ But it was not merely an academic treatise; it was a call to arms:

The law of the church cannot be properly understood and properly administered without something more than a perfunctory knowledge of theology and church history . . . I hope that our gathering this weekend will produce something more lasting, something which will renew the spirit of the canon law in the life of the Church of England.⁴

That hope was not misplaced; and it is testimony to the enthusiasm and vision of those who met in Corpus Christi in 1987 that both the Ecclesiastical Law Society and this *Journal* have flourished.

1 See M Goodman, 'The early years of the *Ecclesiastical Law Journal*', (2012) 14 Ecc LJ 87.

2 For a tribute from the current Chairman of the Ecclesiastical Law Society, see C Hill, 'Eric Kemp: a life remembered', (2010) 12 Ecc LJ 127.

3 E Kemp, 'The Spirit of Canon Law and Its Application in England', (1987) 1 Ecc LJ 8.

4 *Ibid.*, pp 22 and 24.

There will be opportunities in 2012 to celebrate the achievements of the Society and the *Journal*.⁵ But this is no time for complacency. The growth in membership of the Society and the increasing readership of the *Journal* in Britain and abroad indicates the appetite for incisive and informed commentary on ecclesiastical law in its narrow sense and on issues of law and religion more generally. The substantial amount of good quality material that is rejected for publication on the grounds of shortage of space reflects the fact that the long-moribund academic world is now recovering its interest in the inter-disciplinary subject of law, religion, history and sociology.

The Editorial Board has dedicated Volume 14 as a special Silver Jubilee Edition comprising three themed issues with contributions commissioned from leading experts in the subject. In this, the first one, the focus is on the ecclesiastical law of the Church of England, which lies at the core of the *Journal's* coverage. Bishop Christopher Hill, the Society's chairman, writes on its genesis and reflects on the conference at Corpus Christi a quarter of a century ago; and Michael Goodman, who edited this *Journal* from 1987 until 2002, provides a reminiscence of the personalities who featured in its early days. Arising from this, the *Journal* is pleased to reprint Bishop Eric Kemp's seminal paper from issue 1, as a mark of its significance and to bring it more fully to the attention of a new generation of scholars of ecclesiastical law.

Two of Britain's leading practitioners of church law, both members of the Editorial Board, offer substantive overviews on different aspects of ecclesiastical law: Stephen Slack, Chief Legal Adviser to the General Synod, provides a commentary and critique on synodical government and the legislative process, while the Right Worshipful Charles George QC, Dean of the Arches and Auditor, concentrates on the ecclesiastical common law and the ever growing body of judgments of ecclesiastical judges.

The second issue in this volume, which appears in May 2012, will concentrate on law, theology and ecclesiology and will comprise an exploration of the renaissance in the academic discipline of ecclesiastical law since the Society was formed in 1987, with a reflective discussion on the inter-relationship between law and theology, Christian law, and the place of the canonical tradition within the structures of faith communities today and as an instrument of ecumenical dialogue. This issue will provide a definitive snapshot of the intersection between law and theology at the beginning of the twenty-first century.

Then in September, the trinity will be completed with the final issue, where the focus will shift to law and religion in the wider secular world, keynote

5 The Editorial Board will meet in Cambridge on 2 March 2012, and will dine at Corpus Christi in the evening as guests of Professor David Ibbetson. The Society will gather the following day at Emmanuel College, Cambridge for its annual conference. There will be a celebratory Eucharist in the College chapel. On 29 May 2012, Lambeth Palace will play host to a further event, courtesy of the Archbishop of Canterbury, Patron of the Society.

contributions from three of the foremost academics in the field taking a critical view of the jurisprudence that has animated the dynamic between law and religion in the last quarter of a century, from United Kingdom, European and North American viewpoints, identifying trends and trajectories for the future. The papers will comprise those delivered at the Society's conference at Emmanuel College, Cambridge, on 3 March 2012 by Professor Julian Rivers of Bristol University, Professor Silvio Ferrari of the University of Milan, and Professor John Witte, Director of the Centre for the Study of Law and Religion at Emory University in Atlanta, Georgia. And I am delighted that Professor Ferrari has accepted an invitation to join our Editorial Board, further strengthening the representation of scholars from Continental Europe. Silvio is truly a 'big beast' in the world of ecclesiastical and canon law, heading an impressive institute in Italy and being a prime mover in the European Consortium for Church and State Research and the International Consortium for Law and Religion Studies. Already a good friend to many in the Society, his wisdom and enthusiasm will be much evident at the 2012 conference and throughout his tenure on the Editorial Board.

These three special issues that will collectively comprise the Silver Jubilee Volume represent both a stock-take and a renewal of Bishop Kemp's call to arms. It is appropriate and timely that we recall the events surrounding the birth of the Society and this *Journal* and reconnect with the vision of its founders. It is similarly right to consider in a more reflective manner the broad themes that emerge in the ecclesiastical common law and in the legislative output of the General Synod, not least because of the insights provided in pinpointing current and future direction. The Society's objects are primarily in promoting education in the field of ecclesiastical law and, in large part, this *Journal* is the Society's public face. While it can rightly celebrate its successes, and attaining the age of 25 is pretty remarkable in itself, it must not be allowed to drift into a smug complacency. Penetration of theological colleges and courses remains patchy, and much still needs to be done to alert the parochial clergy to the need for a practical knowledge of the laws that govern, regulate and facilitate the mission and witness of the Church of England. Financial support to the clergy to benefit from the educational activities of the Society ought to be a focus of the next phase in its life. After several false dawns, it looks like the Society may be on the cusp of establishing a regular newsletter and I welcome such a development, the immediacy and informality of which will usefully complement the role of the *Journal*. Maybe this will lead to the rejuvenation of Working Parties, which were the hallmark of the Society's early years, and to the establishment of more regional events and activities. And maybe also the Society can ambitiously aim for a membership of 1,000 by the conclusion of 2012.

And so I begin this Silver Jubilee year with an expression of thanks to the members of the Editorial Board for their unstinting support, goodwill and

encouragement; to the Bishop of Guildford for his gentle and good-humoured leadership of the Society; and to the many regular and occasional contributors to the pages of this *Journal*. There is just cause for celebration; but the challenge remains.