

## EDITORIAL

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# Jubilee and Beyond

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This September issue is the concluding section of the three-part volume conceived to celebrate the 25th anniversary of the foundation of this *Journal*. Readers may care to note that, in the opening words of his speech at an event at Lambeth Palace in May designed to celebrate the silver jubilee of the Society, the Archbishop of Canterbury singled out the *Ecclesiastical Law Journal* for the consistent quality of its content and the tireless professionalism of those who work to produce it. I have occasionally remarked on how disheartening it can be when successive publication seems to result in silent indifference from the readership: thus the warm, generous, personal and overtly public words of the Primate of All England were very touching. I should like, in turn, to express my thanks to the members of the Editorial Board and to David Harte, Frank Cranmer, Ruth Arlow, Hester Higton and Kirsten Purcell for the unglamorous but essential work in their individual contributions to every issue. Above all, however, I want to thank Will Adam for shouldering an increasing burden of the *Journal's* production. I well remember how, in the early days, Michael Goodman would refer to the 'summer' and 'winter' issues, as one was never quite sure in which month they would appear. The orderly precision of the current production team ensures that the January, May and September issues are immovable landmarks in the liturgical year.

Without Will's assistance, and the practical organisation of Andy Male, the Ecclesiastical Law Society's return to Cambridge for its Silver Jubilee Conference in March would not have been possible. On a personal level, it was a pleasure for me to host the event at Emmanuel College, which had provided me with a visiting fellowship in 1998 for the purpose of editing *English Canon Law*, a festschrift in honour of the Society's long-serving President, Bishop Eric Kemp, and again in 2007, allowing me to write the third edition of *Ecclesiastical Law*. The conference was the culmination of 18 months of meticulous planning and the many complimentary comments received by the Chairman and by me suggest that it was particularly well received by all those who attended.

Valerie James captures a flavour of the meeting in her report in the current issue. However, the meat of the conference was three landmark papers delivered by members of the Editorial Board of the *Journal*. It is fitting that these form the substance of this concluding part of the Silver Jubilee volume. It serves as a

reminder of the *Journal's* good fortune in being able to draw upon some of the most distinguished scholars in the field, not merely for commissioning, reviewing and refereeing the content of the *Journal*, but also for making a substantive contribution to the burgeoning corpus of commentary and analysis of ecclesiastical law as broadly defined by the *Journal's* remit.

Professor John Witte traces the development of the study of law and religion in the United States and the establishment of the new interdisciplinary field of law and religion. Modestly overlooking his own personal contribution to the subject, he explores some of the main themes and trends in American law and religion scholarship today, and canvasses some of the challenges for Christian scholars who work in the field of ecclesiastical law. There are a startling number of points of comparison with current study on this side of the Atlantic and I hope that the content of this paper, first delivered as an engaging bravura romp on a warm spring morning in Cambridge, will stimulate a greater number of comparative studies in future issues of this *Journal* and elsewhere.

It might be thought that, after the passage of half a century, there was nothing new that could be said about the jurisprudence of the European Court of Human Rights on religious liberty claims. In the last issue, Sir Nicolas Bratza suggested that there is a rich vein of learning yet to be fully worked,<sup>1</sup> and in the second of the articles in this issue, Professor Silvio Ferrari explodes this myth completely. Unrivalled in the global study of law and religion, Silvio is the latest addition to the Editorial Board, and no one who heard him speak at Emmanuel could be in any doubt as to why fellow Board members consider him such an asset. His paper examined the process of secularisation in European legal and political thought, particularly in the public sphere. His subtly nuanced analysis of adverse Strasbourg decisions by reference to the model of Church and state of the impugned nation provides considerable food for thought, and some cause for concern.

Third in time, but equal in quality, comes Professor Julian Rivers whose revisionist and mildly controversial analysis of the evolving settlement of Church and state in the United Kingdom draws upon his recent seminal work on the subject,<sup>2</sup> while extending his thinking in that area. With a disarming freshness, Julian rediscovers the constitutional settlement achieved by the end of the nineteenth century and considers multiculturalism, human rights and anti-discrimination legislation in contemporary English law. His suggestion that the law is coming to treat religions as merely recreational is a subject to which this *Journal* will doubtless return repeatedly during the next 25 years of its life.

- 1 N Bratza, 'The "precious asset": freedom of religion under the European Convention on Human Rights', (2012) 14 *Ecc LJ* 256–271.
- 2 J Rivers, *The Law of Organized Religions: between establishment and secularism* (Oxford, 2010).

I hope the readership will indulge me in expressing my personal pleasure at the success of the conference and the resultant publication in this issue of the papers, enabling a wider audience to benefit from them. The conviviality of the company of friends, not least the raucous Editorial Board dinner on the eve of the conference hosted by Professor David Ibbetson at Corpus Christi College – the Society’s birthplace – and addressed by the ever-avuncular Sir John Laws, set the tone for what followed. But for me, it was the fellowship of the corporate Eucharist in Emmanuel College Chapel which proved to be particularly meaningful: the handpicked Mass setting, hymnody and organ voluntary, the incorporation of Chancellor Quentin Edwards’ magnificent circumlocutory Society prayer,<sup>3</sup> the soaring harmonies of the chapel choir and the boisterous hymn-singing of the congregation, the thoughtful homily of the Chairman, and the sun streaming through the stained-glass image of John Harvard as a reminder of the transatlantic scholarship about which John Witte had earlier spoken.

We are, indeed, the body of Christ. And if, in some small way, my own witness in editing this *Journal*, and that of my predecessor and our respective teams over 25 years, has served to form and to inform the renaissance of the study of ecclesiastical law and the self-understanding of the Church of England and other faith communities through their internal regulation and through the secular law as it applies to religion, then we can be satisfied. And we encourage others to carry forward the mission of the *Journal* and the other activities of the Ecclesiastical Law Society with dedication and with confidence.

3 Necessitating a reference to this *Journal* in the rubric of the Order of Service: (1993) 3 Ecc LJ 4.