

## EDITORIAL

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MARK HILL

More through inadvertence than design, the common theme emergent from this issue of the *Journal* is the public face of religion, in all its various guises, and its inter-relationship with the state. Professor Bernard Jackson, a distinguished Jewish scholar, provides further reflection upon the matters raised by the Archbishop of Canterbury in his widely misreported lecture on civil and religious law in England, delivered at the Royal Courts of Justice in February 2008. Professor Jackson considers ‘transformative accommodation’, whereby both civil and religious structures can be changed for the better in a process of adaptation and engagement. It is fitting that, as the tabloid headlines are a fading memory, this *Journal* remains in the forefront of a reflective dialogue that Dr Williams bravely initiated.

In the second of his pieces for the *Journal* on the Clergy Discipline Measure 2003, Chancellor Rupert Bursell QC offers some thoughts on the new system for the discipline of clergy based upon the reported cases to date, with particular reference to the status of would-be complainant. Meanwhile Peter Smith, the Catholic Archbishop of Cardiff, overtly discusses the role of the Church in engaging with the state for the common good. This is the text of the Lyndwood Lecture, delivered in 2008, not including (regrettably) the strident unscripted asides that enthralled the live audience, but provocative nonetheless. Offering an international perspective in furtherance of the comparative function of this *Journal*, Santiago Cañamares Arribas explores the legal regulation of religious symbols in Spain.

The Comment section also focuses on public aspects of private belief. The Reverend Alexander McGregor seeks to clarify one particular aspect of Kenyon Homfray’s article published in the last issue of the *Journal*, which dealt with the legal effect of consecration of land that is not in the legal ownership of the Church of England;<sup>1</sup> and Professor Lucy Vickers considers indirect discrimination and individual belief by reference to a recent decision of the Employment Appeal Tribunal. In the field of charities, Frank Cranmer offers guidance on religion and public benefit as discussed in the latest documentation produced by the Charity Commission.

<sup>1</sup> Although the points made by McGregor arise out of Homfray’s historic survey, the underlying principle is of considerable topical relevance, as evidenced by the decision of the Court of Arches in November 2008 in *Re Hutton Churchyard*, which considered the extent of a local authority’s obligations for a closed churchyard under section 215 of the Local Government Act 1972 where the duty to maintain has been transferred from the Church of England.

This issue sees the cessation of Justin Gau's involvement in the editing of the Case Notes, a task which has become increasingly burdensome as the number of decisions in the ecclesiastical courts and tribunals and the secular courts has increased. Justin is to train for the ministry at Westcott House in Cambridge, while the editing of the Case Notes will continue in the hands of Ruth Arlow and the Reverend Will Adam. I am pleased to record the *Journal's* thanks to Justin for his considerable contribution and wish him well in his training.

## Addendum

CHRISTOPHER HILL

Bishop of Guildford

Chairman, Ecclesiastical Law Society

News of any new 'ecclesiastical silk' is worth the Society celebrating and recording in the pages of this *Journal*. It is a particular joy to celebrate the Editor's recent appointment as Queen's Counsel. We salute him! We believe that it is richly deserved and will ornament both the Society and himself.