

LAUNCH OF A NEW SOCIETY TO STUDY ECCLESIASTICAL LAW

At the Conference on Ecclesiastical Law held at Corpus Christi College, Cambridge in March 1987, the Bishop of Chichester, in his paper entitled "*The Spirit of the Canon Law and its application in England*", referred to the concern that had been expressed many times this century, regarding the absence of any society committed to the study of ecclesiastical law and its application in the Church of England. He reminded those present that there was no organised training for those engaged in the administration of the ecclesiastical law and added that "*the law of the Church cannot be properly understood without something more than a perfunctory knowledge of theology and church history*". He also referred to the comment of the Canon Law Commission forty years ago, that "*there is far too little contact and interchange of ideas and points of view between the clergy and ecclesiastical lawyers*".

It was in response to this challenge and to meet this need that over one hundred bishops, judges, barristers, solicitors, academics, archdeacons and other clergy who attended the Conference, unanimously resolved, at a meeting presided over by Sir John Owen, the Dean of the Arches, to set up the Ecclesiastical Law Society.

MESSAGE FROM THE ARCHBISHOP OF CANTERBURY

The Archbishop made it very clear in his welcome to the new Society that he regarded its establishment as particularly appropriate and long overdue.

"What matters about the ecclesiastical law of England, as the eminent jurist Lord Blackburn rightly put it some hundred years ago, is that it is 'part of the general law of England – of the common law – in that wider sense, which embraces all the ancient and approved customs of England.'

"But ecclesiastical law is not only a subject that attracts outstanding scholarship, which I hope will continue to be advanced in a distinguished way by the Society. It is also a changing and evolving discipline, reflecting change and evolution in the Church itself, and increasingly vital to it. Quite apart from the media attention of recent years, the affairs of the Church are rightly the subject of public scrutiny. There has never been such a need as there is today for the law of the Church to develop, and to develop soundly in the light of consistent and distinguished scholarship. It is this light which I hope the Society will be able to provide. I give you my best wishes, that you may succeed in this aim."

AIMS AND OBJECTS

The Society proposes to channel its studies in three particular ways.

First it plans to promote education and training among lawyers who express an interest in ecclesiastical law and especially among those who may hold authority or judicial office, or practise in the ecclesiastical courts. This education and training should also extend to archdeacons.

Second it will seek the enlargement of knowledge of, and learning in, ecclesiastical law among the clergy and laity of the Church.

Third the Society will offer assistance in matters of ecclesiastical law, whether by way of study, research or advice, for the General Synod and the Convocations, and individual bishops and other Church leaders by whom it may be approached.

The Society hopes to further these aims and objects in various ways. In the first place the Society has already set up a number of working parties on topics of current concern. Information about these and further proposed groups will be found on page 15. Any member who would be interested in convening a group on a particular topic should get in touch with Judge Edwards, 13 South Grove, Highgate, N6. Addresses of the convenors of all new groups will appear in the newsletter and it is hoped that anyone wishing to join a group will write to the convenor. Much of the work will, it is anticipated, be carried out by correspondence. The reports of the working parties will appear in the newsletter in due course.

The Society also intends to hold a one day national conference biennially, alternating with a weekend residential conference on the Cambridge lines. It is also hoped to organise regional conferences. If you are interested in helping to organise a regional conference, please let the Secretary know. Please note that the first one day Conference will be held at Church House, Westminster on 24 September 1988. Full details will be contained in the next issue of the Journal.

The Society hopes to make considerable use of the Journal, and to include articles, reports of cases, book reviews, correspondence, and so on. If you have any contribution to make or have any suggestions as to what the newsletter should contain, please write to Judge Goodman, Parkside, Dulwich Common, London SE21 7EU.

The Society also hopes to be involved in training courses for archdeacons and for the parochial clergy.

OFFICERS AND COMMITTEE

At the inaugural meeting the Bishop of Chichester was appointed President and Chancellor Graham Routledge Chairman. The other officers are Judge Quentin Edwards Q.C. (Vice Chairman), Mr David Faull (Treasurer), Mr Peter Beesley (Secretary) and Mr Augur Pearce (Deputy Secretary). Mr Beesley and Mr Pearce are to be found at No 1 The Sanctuary, Westminster S.W.1. (01-222 5381). The members of the General Committee (which will meet about three times a year) are Sir John Owen, Miss Sheila Cameron Q.C., Judge Goodman, Mr William Gage Q.C., Mr Brian Hanson, Mr David Cheetham, Mr Raymond Hemingray, Mr John Colyer Q.C., Mr John Holden, Mr Jonathan Brock and the Archdeacons of Surrey, Loughborough and the East Riding.

MEMBERSHIP

The Society at present has over 100 members. The initial annual subscription has been fixed at £10. Applications and all enquiries relating to membership should be sent to Mr C. C. A. Pearce, No 1 The Sanctuary, Westminster, S.W.1.

BRIEF REPORT ON THE CAMBRIDGE CONFERENCE

A very pleasant weekend at Corpus Christi College brought together more than 30 archdeacons, a similar number of registrars, some 15 chancellors, 5 diocesan bishops, and a large body of lawyers and clergy – some from the Church in Wales and overseas – to hear papers by the Bishop of Chichester on Canon Law (see page 5), a spirited disputation by Lords Justices Lloyd and Gibson (both members of the Court of Ecclesiastical Causes Reserved) on “*Ecclesiastical Law – Who needs it?*” and a reflection by the Bishop of Rochester on relations between Church and State over the past 20 years. The Bishop of London preached at the Eucharist. In addition those present took part in group discussions on such topics as the establishment, clergy discipline and the role of the archdeacon in the church. These discussions were extremely helpful in determining the subjects for the Society’s Working Parties.

But perhaps just as important was the opportunity the weekend gave clergy and lawyers to get to know each other and to understand each other’s roles in the administration of ecclesiastical law in the Church of England.

‘BON MOTS’ From the Cambridge Conference

The law must be a positive power for good. The time has come to restate the law in clear and easily understood terms. We must be ready for change if change is needed. (*Sir John Owen*)

The Society must be ready to study practical problems which face the Church and be ready to provide practical answers. (*Sir John Owen*).

It was unfortunate that cases in the ecclesiastical courts came to be conducted in adversarial form. This was due largely to the number of “*criminal*” prosecutions for offences involving ritual, doctrine and ceremonial in the nineteenth century. There is now a welcome return to the investigative approach traditionally followed by the ecclesiastical courts. (*Bishop of Chichester*)

All law should be made clear, accessible, consistent and just. (*Lord Justice Gibson*)

Law reform can be effectively carried out only by those who operate the law. Society will need your help to achieve it. (*Lord Justice Gibson*)

Any organisation the size of the Church of England with 11,248 Clergy needs a set of rules. If not it would degenerate into anarchy. (*Lord Justice Lloyd*)

The spirit of the Canon Law is alive in the laws of contract and tort. (*Lord Justice Lloyd*)

The Church has the capacity to get deeply concerned about trivialities. (*Lord Justice Lloyd*)

The number of churches that have been declared redundant is far less than we expected. (*Bishop of Rochester*)

Lawyers will never be popular with the clergy who believe the law will disappear. (*Sir John Owen*)

I knew an Archdeacon who was 15 years into his ministry before he knew what a faculty was! (*Sir John Owen*)