

## EDITORIAL

This Editorial is written in the aftermath of the Society's annual conference 'Law, Gender and Religious Belief' which was immediately preceded by a Symposium convened by the Chairman and sponsored by the Society entitled 'Same-Sex Unions and the Churches: Problems and Responses in European Perspective'. Readers will need to wait until the next Issue of the Journal for a full report of each of these events and for the publication of some of the material presented by a variety of contributors from this country and abroad. It may be a truism that churches are obsessed with sex, but it is equally apparent that the consideration of the jurisprudential and theological challenges arising from civil partnerships has to date been somewhat partial and unfocussed. The rolling programme of constitutional change (I use this word in preference to 'reform' since the latter would have suggested some element of improvement) is moving at an unprecedented pace. Faith communities need to be less reactive than they have been hitherto. Rather than sit back and assess the consequences, they should take the lead in shaping the agenda and influencing government policy. There is sufficient expertise within the Society to inform and to educate. It simply needs to be galvanised.

Those who were not fortunate enough to be present to hear the Archbishop of Canterbury deliver the Temple Talk last October will be pleased to see the text reproduced in full in this Issue. Among the many achievements of his archiepiscopacy has been Dr Williams' perceptive writing on the recovery of a distinct Anglican identity. This is not merely important in terms of ecumenical dialogue, but also in the continuing conversations within the Anglican Communion. Few can doubt the importance of the writings of Richard Hooker and, in his revisiting of *The Laws of Ecclesiastical Polity*, the Archbishop has ensured that it is anything but a 'museum piece'. That the lecture was delivered in the Temple Church, by the Society's Patron (himself an Honorary Bencher of Inner Temple), in the heart of the Inns of Court where Hooker both lived and agitated, made the evening particularly poignant and memorable. The Society is indebted to Lord Justice Rix (Master Treasurer, Inner Temple) and to The Reverend Robin Griffith-Jones (Master of the Temple) for their collaboration and support in the venture, to which the following article is a lasting tribute.

Anglican identity, in a more particular form, is the subject of a paper by Professor Norman Doe, a recent recipient of a Lambeth Doctorate in recognition of his distinguished contribution to the study of law and religion. Tabled last January in Johannesburg at the Seventh Colloquium of Anglican and Roman Catholic Canon Lawyers, his pneumatological analysis of ordination in a comparative canon law context provides a timely and novel approach to the question of the recognition of Anglican orders. Through this Journal the revised paper can now reach a wider audience and trigger an informed debate in the new territory opened up by its innovative analysis.

The comparative theme is taken further by Professor Aidan McGrath in his consideration of the theology of marriage. Those with experience of the common law rules of precedent will be intrigued by the approach of the Roman Rota in its revisiting of earlier determinations. On the domestic front, David Lamming addresses the Church Representation Rules and raises some timely questions as all church electoral rolls fall to be revised in 2007; while Frank Cranmer and Scot Peterson consider the possible implications of the House of Lords' decision in *Percy v Church of Scotland Board of National Mission*. It attracted widespread media comment at the time on the employment status of clergy but it seems to be a much narrower decision than the popular press suggested.

There is much upon which to comment, both by way of legislation and case law. Russell Sandberg, of Cardiff Law School, draws attention to the likely impact of the Equality Act 2006, and provides an analysis of a case against Sweden decided in the European Court of Human Rights concerning exhumation, which will doubtless fall to be considered in consistory courts in the future. The seemingly dull provisions of the Reverter of School Sites Act are brought alive by Nick Richens in his consideration of another House of Lords' decision, *Fraser v Canterbury Diocesan Board of Finance*. And just to prove that there may be an alternative to litigation, an anecdotal description of the mediation of a faculty matter is provided by Richard King.

Returning to the topic of Anglican identity, and as a curtain raiser for the Society's Residential Conference in Liverpool on 26-28 January 2007, Robert Tong sets out a personal perspective on the proposed Anglican Covenant by reference to his native Australia. Just as the secular law on civil partnerships is moving apace, so is the global dialogue on both Covenant and Communion. Professor Doe has made a considerable contribution to the subject through the pages of this Journal: see 'Canon Law and Communion' (2002) 6 Ecc LJ 241; 'The Common Law of the Anglican Communion' (2003) 7 Ecc LJ 4; and 'The Anglican Covenant Proposed by the Lambeth Commission' (2005) 8 Ecc LJ 147. He has accepted an invitation to speak at the conference, as also has the Right Reverend Tom Wright, Bishop of Durham, both of whom were members of the Lambeth Commission which produced the Windsor Report. They will be joined by Canon Gregory Cameron of the Anglican Consultative Council, as well as contributors from elsewhere in the Communion in what promises to be a lively, topical and controversial gathering.

The Chairman informs me that readers may be disappointed if I concluded this Editorial without reference to my recent appointment to a chair as Honorary Professor of Law at Cardiff University with a particular responsibility for teaching, research and publishing in the field of law and religion. And so, in deference to him, I have done so.

Mark Hill  
Editor