

EDITORIAL

WILL ADAM

One of the most powerful memories of the Scottish independence referendum of September 2014 was the way in which so many people in England, who were not involved directly and who were not able to vote, were nevertheless very anxious about the outcome. A friend was travelling from Italy on the evening of the referendum and noted how, unusually, people on the aeroplane began to talk to each other about it and their fears for the life of the United Kingdom after an affirmative vote. The successful ‘No’ campaign was entitled ‘Better Together’, the principle being that the each constituent part of the United Kingdom – as well as the United Kingdom as a whole – is stronger, or ‘better’, under the present arrangements.

That people are interconnected and, for better or worse, ‘together’ is a truth of human society. Law recognises this fact and seeks to regulate the lives and actions of people with the aim of promoting the mutual flourishing of all. Observers of and participants in the business of the courts will testify to the fact that this is rarely straightforward. In the process of seeking to live together and, hopefully, to be better together the wishes and aspirations of some have to be restricted so as not to compromise unduly the flourishing of another. In this *Journal* we are well used to reading about the developing jurisprudence of the European Court of Human Rights, particularly in claims based on Article 9 of the European Convention. A common theme in the Court’s judgments is the necessary balancing of one individual or group’s rights against the rights of another, of the government of a state or of society as a whole. The interconnect-edness of people is right there at the centre of this process and, because people are complicated, so is the application of justice.

In England, all the necessary legislative steps have now been taken to permit the ordination of women to the episcopate in the Church of England.¹ Part of the difficulty faced by the General Synod of the Church of England has been to find a way of living together in a Church where people disagree and where, whichever way the decision on women bishops had gone, some would consider that their flourishing within the Church is compromised. The House of Bishops, in its report early on in the process that brought about the ultimately successful

1 Analysis of the final stages of this process may be found below in the ‘Parliamentary report’, pp 64–69 and the ‘Synod reports’, pp 70–87.

legislation, reinforced the view of their working group on the subject, that ‘the Church of England is at a moment where the way forward is likely to be one which makes it difficult for anyone to claim outright victory’.² Rather, compromise was necessary on all sides so that a way of living together could be found.

One of the more amusing images in the aftermath of the Scottish independence referendum was a photograph of a man holding up a sign saying ‘Don’t blame me, I voted “yes”.’ For him the result was a disappointment and the resultant, as yet unclear, promised further devolution a compromise. For died-in-the-wool unionists, further devolution will also be a compromise. However, the principle of tempering one’s own wants for the good of wider society is a legitimate one. For better or worse, people find themselves together. Seeking, within reason, to balance the freedoms of each for the flourishing of all is a reasonable and right purpose of law, be it in the Church, in a particular state or in the international community.

2 General Synod, ‘Women in the episcopate – new legislative proposals: report from the House of Bishops’ (2013, GS 1886), para 12.