

EDITORIAL

Editing any Journal carries risk. The production process necessitates the submission of copy well in advance of the anticipated publication date. The task of second guessing developments in the ecclesiastical world keeps one in a constant state of alertness. But even my crystal ball is not faultless. Thus I pen this editorial in the penumbral world which lies between the election of a potential bishop for the See of Guildford and the confirmation of such election. And so, dear reader, when you pick up this Issue in early 2005 you will know whether the forensic skills of the bishop-elect's advocate proved sufficient to persuade the Vicar-General of the Province of Canterbury that (on the balance of probabilities) the vacancy should be filled by the Chairman of the Ecclesiastical Law Society.

No stranger to litigation himself, Bishop Christopher will not need reminding of a decision of another era which spans some seventy pages in the law reports namely *The King v The Archbishop of Canterbury and another* [1902] 2 KB 503. It concerned an unsuccessful application for a writ of *mandamus* to compel the Archbishop and the Vicar-General to hear and determine objections to the confirmation of election of the Reverend Charles Gore DD to the Bishopric of Worcester. The court, comprising the Lord Chief Justice and two High Court judges was occupied for six days. Counsel appearing included the Attorney General, the Solicitor General, five other silks, and five juniors; none of whom (I suspect) acting *pro bono*. The objections were raised by various individuals including Captain Alexander William Cobham, chairman of the Church Association, and Edward Henry Garbett. It was maintained that Gore had committed ecclesiastical offences and published false doctrine, was not a 'prudent and discreet man' and was unfit to be entrusted with the care and superintendence of a diocese. In a scholarly judgment which ranges over centuries of ecclesiology, polity and practice, the court concluded that the judicial function of confirmation concerned the procedure of the election itself and not the suitability of the person elected. Thus it had been proper for the Vicar-General not to entertain the objections.

On the assumption, therefore, that Christopher Hill's translation to be Bishop of Guildford is complete, I offer him the warm congratulations of the Society and wish him well in his continuing episcopal ministry. The leadership which he has given to the Society, both through his affability and his learning, is well known and much appreciated. I am pleased to record that Christopher has pledged himself to continue to serve as chairman subject, he reminds me, to the approval of the Society at its Annual General Meetings. The reputation of the Society can only be enhanced by being chaired by a Diocesan Bishop, particularly in the new jurisprudential landscape affecting both the Church of England and the Anglican Communion worldwide.

This new landscape is explored in several articles within the pages of this

Issue. The Reverend Will Adam, now reading for a doctorate at Cardiff University, considers the recognition of orders whilst Bishop Geoffrey Rowell's study of the historical treatment of doctrinal discipline within the Church of England provides background for the recent report on the subject which, as Stephen Slack notes in his report, narrowly failed to win the support of General Synod last July. How Bishop Gore might have fared under the draft Clergy Discipline (Doctrine) Measure is a matter for conjecture. A personal view of the contemporary topography comes from Dr David Hope in the published version of the paper which he delivered at the Society's conference in York last year: personal not merely as to its content but also as his final public act as Patron of the Society. His good humour and equally good sense will be much missed as he is translated to the challenging demands of parochial ministry in Ilkley.

For the more theologically minded the Reverend Anthony Bash provides a lively discussion of the New Testament, Mosaic Law and Ecclesiastical Law, whilst the historian will find intriguing Dr Robert Ombres' analysis of the case of *Connelly v Connelly*. Bob has recently moved from Cambridge to Rome to become Procurator General of the Dominican Order, but will continue to serve on the Editorial Advisory Board of this Journal. The historian will also be intrigued by the result of Paul Barber's researches into the identities of the last of the bachelors and doctors of canon law. Contemporary issues are not neglected, as the expanding Comment section contains an American case study by Scot Peterson on religion in prisons, as well as a discussion by barrister Leslie Samuels of the High Court decision in *R v Secretary of State for Trade and Industry ex parte Amicus*, dealing with the legality of discrimination within religious organisations on the grounds of sexual orientation.

The Windsor Report does not feature in this Issue as the Lambeth Commission's deliberations were made public after the publisher's deadline had passed. The working out of the concept of Covenant within the Anglican Communion will doubtless dominate the world of ecclesiastical law in 2005 ... unless, of course, the search is still continuing for a Bishop of Guildford.

Mark Hill
Editor