

THE SOCIETY AND ITS FUTURE

CHANCELLOR GRAHAM ROUTLEDGE

“Nonsense, Steerforth!” I exclaimed. “You don’t mean to say that there is any affinity between nautical matters and ecclesiastical matters?”

“I don’t indeed, my dear boy,” he returned; “but I mean to say that they are managed and decided by the same set of people down in that same Doctors’ Commons. You shall go there one day, and find them blundering through half the nautical terms in Young’s Dictionary, apropos of the ‘Nancy’ having run down the ‘Sarah Jane’ or Mr Peggotty and the Yarmouth boatman having put off in a gale of wind with an anchor and cable to the ‘Nelson’ Indiaman in distress; and you shall go there another day, and find them deep in the evidence, pro and con, respecting a clergyman who has misbehaved himself; and you shall find the judge in the nautical case, the advocate in the clergyman’s case, or contrariwise. They are like actors; now a man’s a judge and now he is not a judge; now he’s one thing, now he’s another; now he’s something else, change and change about; but it’s always a very pleasant profitable little affair of private theatricals, presented to an uncommonly select audience.”

Such was the picture Charles Dickens painted of ecclesiastical lawyers and their activities. He found it easy to poke fun at them; but even then, their days were numbered. The jurisdiction of the ecclesiastical courts was soon much reduced, and ecclesiastical law and its practitioners gradually faded from the view of most members of the Church, clergy and laity alike. Perhaps, after the religious controversies of the nineteenth century, this was a relief. However, it could not continue, nor has it.

In recent decades it has become apparent once again that law is a necessary and important ingredient in the life of the Church. The Canons have been revised, the Ecclesiastical Courts have been reformed, Synodical Government has been established and given the Church its own legislature, matters of worship and order have been dealt with by Measures, Canons and Acts of Parliament. There has been a considerable body of new legislation, and more has to come; for example, there is the possibility of the ordination of women to the priesthood, the need to implement the recommendations of the Faculty Jurisdiction Commission, and the legal consequences and requirements of ecumenical progress.

Law cannot, therefore, be avoided; it (both ecclesiastical and secular) impinges on all aspects of the life and activities of the Church. What we have to ensure is that it promotes its mission, and not hinders or obstructs it. The law can and must be an instrument to further the Gospel. As the Canon Law Commission urged in 1947, ‘The true aim and end of all law in the Church is to be of use to the Church and its work of bringing divine life to men’. Our Roman Catholic brethren are well aware of this, and their own new Code of Canon Law illustrates how they see it being achieved.

Unfortunately, the ingrained suspicion of the English for the law and lawyers often lingers on to inhibit a proper appreciation of the place of law in the life of the Church and any desire to know about it. In 1950 Archbishop Garbett, in his 'Church and State in England', bemoaned the general ignorance of Canon Law within the Church, and Bishop Ward in his forward to our President's Lichfield Lectures observed that 'the study of Canon Law has been too much neglected in the Church of England during recent generations'. And it is still not yet systematically taught in our Theological Colleges, nor is it to be found in any University law course. It was for such reasons that the Canon Law Commission hoped for a better understanding and greater respect for the law of the Church among its members. To this end it recommended 'that those responsible for the training of ordination candidates and for post ordination training of clergy should be asked to consider what steps can be taken to give both ordinands and clergy a more professional knowledge of the Church's law and constitution'. Our President and Chancellor Garth Moore made valiant efforts to promote the Commission's aspirations, and it is on their earlier endeavours that our Society is being built. Those of us who have been concerned with its establishment hope that the Canon Law Commission's aims can be achieved. We cannot revive Doctors' Commons, but the Society can try to revive a more serious and sustained interest in the study and practice of ecclesiastical and canon law.

It is clear that, if progress is to be made, it must be based on a close understanding between clergy and lawyers. 'The Church of England's long continuing love/hate relationship with the law', described in the Clark Report on Diocesan Registrars, must be resolved in favour of charity. It is, therefore, very heartening that so many Bishops and clergy, especially Archdeacons, have already joined and are taking part in our activities. We are much encouraged by the good wishes and support of the Archbishops of Canterbury and York, and delighted that they are now our Patrons.

It is also important that a greater awareness of ecclesiastical law is to be found in the legal profession itself. Like any other branch of the law, ecclesiastical law requires a high degree of knowledge, understanding and experience. Apart, therefore, from existing Chancellors and Registrars, we need to recruit from the profession generally. No subject survives without scholarship, historical awareness and academic criticism; we have, therefore, to attract academic members into our activities. We are already pleased with the interest and help we have received from them.

There is much to be done. The Society's Working Parties need support and enlargement both in numbers and the topics they tackle. Not only should we be concerned with 'lawyers' law' but should try to make our contribution to the discussion of wider ethical and social issues in which there is a legal aspect or element. We can also help to foster ecumenical relations, especially with the Roman Catholic Canon Law Society. Please, therefore, spread an awareness of our existence and activities.

Recently the Bishop of Bristol advised the O'Connor Working Party on the work of Diocesan Registrars that 'the expertise required for Registrars' work must be attractive enough for the next generation of ecclesiastical lawyers to invest their time and intelligence in acquiring it'. Adapted for all concerned with law in the life of the Church, both clergy and laity, that advice is salutary. I hope our Society can, by its life, activities and membership, be part of that attraction.