

EDITORIAL

The future rôle of the national church was the topic taken for the Ecclesiastical Law Society's residential conference in Durham last April. It was a timely theme coming during a period of armed conflict, the legality and morality of which had become the subject of public pronouncements by leaders of all faiths. The speakers at the conference explored major issues concerning the ongoing relationship of the Church of England and the State. Whilst, inevitably, the focus periodically returned to the emotive question of disestablishment and, with more particularity, the presence of Anglican Bishops in the House of Lords, a broad range of theological, ecclesiological and legal themes were addressed and the lively panel discussion which concluded the conference provided testimony to the divergence of views legitimately held.

On a similar theme, the periodical *Law and Justice* has recently produced a special edition consisting largely of articles based on papers delivered at the Centre for Law and Religion at Cardiff Law School in September 2001. The conference, entitled, 'The Notion of the National Church in the United Kingdom' featured contributions on the Church of England, the Church of Ireland, the Church of Scotland and the Church in Wales, together with papers on the Roman Catholic Church, the Methodist Church and the Baptist Church, and overviews dealing with juridical framework and with territoriality and mission. Copies of this attractive compilation volume may be obtained from Professor Norman Doe at Cardiff Law School, Museum Avenue, Cardiff CF1 1XD at the price of £5 each. Cheques should be payable to 'Cardiff University'.

The concept of the national church features in a number of articles in this Issue. The formulation of criminal offences predicated upon blasphemy and religious hatred is discussed in its historical perspective by Anthony Jeremy. Equally secular law which impacts upon—rather than protects—churches is the subject of articles by Charles Mynors and Philip Petchey. The former examines the Disability Discrimination Act 1995, whose creeping enforcement provisions are bringing an immediacy to the provision of services for those with a disability. The latter considers the controversial subject of the employment status of ministers of religion. Significant changes may result from proposals emanating from the Department of Trade and Industry. This adds to the challenges arising from the Clergy Discipline Measure which has recently been deemed expedient by the Ecclesiastical Committee of both Houses of Parliament and, in due course, will receive the royal assent and pass into law.

In addition Frank Cranmer, continuing the series examining the law of other church communities, teases out the principles of legal regulation for the Quakers who disavow any concept of canon law, while Dr Augur Pearce explores the episcopacy and the common law. In a new comment section, Will Adam casts a critical eye over a perceived lack of consistency in judicial

determinations in the consistory court whilst Richard Castle looks again at *Donoghue v Stevenson*, refracted through the prism of scripture as opposed to that of the ginger beer bottle. But first, marking the growing collaboration between the Ecclesiastical Law Society and the Canon Law Society of Great Britain and Ireland, the text of the Bishop of Chichester's Lyndwood Lecture is reproduced. A thoughtful and passionate reflection on papal primacy, the lecture clearly sets out an agenda for discussion firmly rooted in theology.

The participants in the Fourth Colloquium of Anglican and Roman Catholic Canon Lawyers, convened in Cardiff last May, were fortunate to hold some of their working sessions in St David's Cathedral, still housing the throne occupied by William Lyndwood as bishop from 1442 to 1446. We were reminded of Professor John Baker's scholarly portrait of Lyndwood first published in this Journal (1992) 2 Ecc LJ 268, and reproduced in *Monuments of Endlesse Labours* (1998). It was with great pleasure that we learned of the conferral of a knighthood upon Professor Baker in the Birthday Honours List

On the subject of matters historical and ecumenical, Dr Robert Ombres has drawn to my attention an article which appeared in the Catholic Herald last December. It begins with the bold statement that an English university has awarded canon law degrees for the first time in nearly 500 years. It pointed to twelve graduates who had completed a course at Heythrop College in the University of London, leading to a degree of MA Canon Law, and reminded readers that the last two degrees were awarded by Cambridge University in 1557 prior to the suppression of the study of canon law after the Reformation. Friends in the Principality will doubtless assert that in this—as in so many matters—England is merely following where Wales has already led. Next year will see the tenth anniversary of the first graduations in the Cardiff LLM programme in canon law directed by Professor Norman Doe.

This Issue concludes with a description of the facilities available at the Middle Temple for the study of ecclesiastical law, and a rare letter to the Editor, albeit from the Chairman of the Society. I would very much welcome further letters, and short comment pieces designed to provoke debate and discussion. I am comforted that the new style of the Journal has been so well received and remain indebted to Michael O'Connor and Peter Moore for their unstinting help in the production process.

Mark Hill
Editor