

EDITORIAL

WILL ADAM

The duties of your editor's newish day job include attendance at sessions of the General Synod of the Church of England. While it seems strange to many, I had before the last few months never attended a session of the Synod. It has been a positive experience, not least owing to the presence of so many friends and members of the Ecclesiastical Law Society. As a newcomer to the synodical world, I found it especially noticeable how many contributions are made by legally qualified members of both the House of Clergy and the House of Laity. Social media chatter, however, showed that there was not universal appreciation of the detailed scrutiny of legislation during the single session of legislative business. To those who find legislative debate on the floor of Synod trying, I do not recommend a session of a revision committee.

But church legislation, and taking care over it, is important. Measures, as we know, have the force and effect of an Act of Parliament and require due care and attention. Law affects the life, status and rights of people and, for that reason too, needs to be scrutinised effectively. The phrase first coined by our Editorial Board member Fr Robert Ombres OP, that canon law is 'applied ecclesiology', is frequently shown to be true in debates about ecclesiastical legislation. In the February 2018 sessions, legislation touching ecumenical relations, marriage law, church land and precedent in ecclesiastical court judgments came before the General Synod for revision. The Church is served well and importantly by those who give up their time to ensure that the laws that govern its life reflect its doctrine and enable its ministry.

In this issue of the *Journal* we see the breadth of the intersection of law and religion. In the first article Dr Russell Sandberg poses the question of how 'religion' is defined in law and proposes a broad, 'functional methodological agnostic approach' to defining religion. Articles on Roman Catholic penal law from Rafael Domingo and on the pastoral aspects of the Latin Code of Canon Law from James Campbell SJ keep the ecumenical focus of the *Journal*. In the Comment section we read a comment on treasure, linking back to the last issue's major article on the custody of silver, and two comments on the treatment of religion in the European Court of Human Rights.

The Church is, of course, of divine institution and built on the cornerstone of Jesus Christ. But it is also made up of human beings, who need law to ensure that the ends of the Church are promoted and fulfilled. While recourse to legal process is a last resort, such process is necessary where fallen and fallible human beings find themselves in need of wise and godly adjudication.