

Gospel & Law

Ascension Edition

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Editorial: Welcome to an edition of Gospel and Law for Ascension Tide. As it is exam season for many of our younger citizens this edition includes some tests of problem-solving skills by way of fun and exercise for the little grey cells. They may bear some but limited connection to real situations. Conferences, lectures and reading are also included. Best wishes in the name of the risen and ascended Lord.

Nuisance, Insurance and Displaced Charnel...

1) A parish accommodates a gentleman of the road in an old hut at the back of the churchyard, which backs onto the local golf club. There are complaints from members of the golf club that the gentleman in question has been appearing on the green in the early mornings in a state of some undress.

- *What responsibility if any does the parish have for the gentleman's conduct?*
- *Do they have grounds to evict him from the hut because of his behaviour?*

2) After some months the gentleman feels at home in the hut but the weather is growing colder so he starts to light a fire in the evening to keep himself warm. One night he fails to extinguish the fire and the hut burns down. The fire also spreads beyond the hut; it burns down part of the golf club hedge, damages a couple of cars parked by the hedge and destroys part of the churchyard wall. The weakening of the churchyard wall causes a landslip with devastating consequences for the safety of several graves.

- *What action can be taken against the homeless gentleman? Has he committed any criminal offence?*
- *Who is liable for the damage to the hedge and the cars?*
- *What should be done about the disturbed graves and repairs to the wall?*

3) In the course of clearing the remains of the hut and effecting repairs to the wall a number of bones are discovered. They look like a human skull, femurs of different lengths and assorted smaller bones, possibly bones from hands and feet.

- *What should be done with the bones?*
- *What legal issues are raised by their discovery?*

4) The bones are taken to an archeologist and the life sciences department of the local university for assessment and dating. At some point they go missing.

- *Who is now responsible for the bones and who is liable for their loss?*
- *What are the legal issues arising from the loss of the bones?*

Altar frontals and vestments:

A parish of an historically low church and now evangelical character acquires a green altar frontal. It has been embroidered by a member of the congregation who has taken part in church embroidery classes at the Cathedral. The vicar welcomes the frontal and asks the lady who has made it to make some more. Most members of the parish like and appreciate it because they want to support their friend's work. A minority of the parish are concerned about the frontal and the creation of further frontals on the following grounds:

- i) Frontals being alien to the tradition of the parish
- ii) Frontals obscuring the carving on the Lancashire low table that has functioned as the altar for over a century
- iii) The fact that the frontals are secured on the table by means of drawing pins

The majority of the parish - both those for and against the frontals - accept that they are somewhat amateurish in design and execution. One member of the PCC asks the vicar if they need a faculty or at least to be discussed by the PCC and is told not to be so silly because the frontals are not fixed.

The parish has no vestments but the vicar has been given a white chasuble and decided that she enjoys wearing it, although hitherto she has tended to wear cassock and surplice or, for family services, no clerical vestments at all. She has now investigated the prices of chasubles for other seasons and has suggested that her husband could buy her a set as a present for the anniversary of her ordination.

- *What can the minority opposed to the altar frontal do to register their opposition?*
- *If you were the Chancellor would you grant a confirmatory faculty?*
- *What factors would you take into account in considering the application?*
- *Does the vicar need a faculty for her vestments? Would it be different if they had been purchased by the parish?*
- *Frontals and vestments are no longer as contentious as when introduced by the Tractarian movement; accordingly they should no longer be included within the Faculty jurisdiction. Discuss*

Clergy Discipline:

At a recent Church Fete, with the theme of 'We do like to be beside the seaside', the vicar and curate dress up in diving costume, complete with flippers and goggles. The costumes are perfectly decent and go down well with most of those

attending the Fete. However, one member of the parish feels that the behavior is unbefitting for clergy and undermines their ordination vows. In addition, during the course of the Fete the vicar trips over a flipper and tumbles into a visitor attending the Fete, spraying him with bubbles from a water pistol. A profuse apology is given but the visitor leaves much-offended. In due course complaints are made by the parishioner and the visitor under the Clergy Discipline Measure and the visitor lodges a claim for damages for assault.

As the Bishop how would you deal with both the complaints and the claim for damages?

Answers will be published as part of the next edition of Gospel and Law with preference being given to the most entertaining.

Conferences and lectures and reading....

Magna Carta, Religion and the Rule of Law: An International Conference at the Temple Saturday 7 June 2014 – 9am to 6pm £45 or £15 for students, including lunch

Convenors: Robin Griffith-Jones and Mark Hill QC, with Professor Robert Blackburn

<http://www.innertemple.org.uk/getting-here/33-news-events/513-magna-carda-religion-and-the-rule-of-law-international-conference>

Booking: <http://www.eventbrite.co.uk/e/magna-carda-religion-and-the-rule-of-law-tickets>

Queries to: master@templechurch.com or re practicalities Catherine@templechurch.com

Future London Lectures – at Winckworth Sherwood, nr Southwark Cathedral

Tuesday 17th June 2014 – 5-7pm – Rt Revd John Pritchard, Bishop of Oxford

Church Schools: a new landscape

Wednesday 29 October 2014 – Professor Mark Hill QC

Judicial Deference and the Non-Justiciability of Religious Disputes

The lectures are free of charge but spaces are limited. Please contact Andrew Male at admin@ecclawsoc.org.uk if you wish to attend.

The Lyndwood Lecture will be delivered by the Attorney General, The Rt Hon Dominic Grieve QC on 11th December 2014 at St Matthew's, Westminster. Watch this space for further details in due course.

The Biennial Residential Conference will be held from 17th to 19th April 2015 in Bristol. Its focus on the Funeral Project, exhumations, memorials and other grave cases will make it dead exciting.... And it is anticipated that committee meetings between now and then will be dominated by appalling puns around death... The conference will also be the final conference presided over by Bishop Christopher as our Chairman...

And some recent publications that may be of interest:

Richard Hooker, Of the Laws of Ecclesiastical Polity: A Critical Edition with Modern Spelling by Arthur Stephen McGrade (17 Oct 2013) – Oxford University Press

Liberty and Law: The Idea of Permissive Natural Law, 1100-1800 (Studies in Early Modern and Medieval Canon Law by Brian Tierney (30 Mar 2014) – Catholic University of America