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# Editorial

The action by the Church Society in seeking a judicial review of the Ecclesiastical Committee of Parliament's refusal to allow their legal counsel to make representations concerning the validity of General Synod's action in passing the Priest's (Ordination of Women) Measure has, understandably, caused some predictable reactions in the Church of England.

There are those who see this as a mere attempt to obstruct the passage of the Measure, an honest but misguided attempt to thwart the will of General Synod. Some feel that the Society is wrong to go to law before 'heathen courts' and 1 Corinthians 6 is being regularly quoted amongst some other texts of a more dubious exegesis.

The first question that needs to be raised is whether or not the action is intended simply to obstruct the passage of the Measure through Parliament. If that is the intention, it is surely a most expensive operation for the Society, and the Church of England. But Church Society is not litigious and takes no pleasure in having to raise the problem before the courts.

Rather, there is a sincere intention to seek the court's legal interpretation of the present position of the Established Church which involves the status of General Synod and particularly its relationship to Parliament which may be in the process of being radically revised by the Measure.

While there is no doubt that Parliament is sovereign and can change the doctrines of the Church of England—in the seventeenth century the Rump Parliament abolished the Crown and the Church of England, but not the church in England—the point at issue is, can General Synod change the biblical formularies of the Church by law established in this country by initiating legislation which obtains a two-thirds majority in each House and which is rubber-stamped by Parliament?

That is a very serious question and it needs to be said that many would feel that the Church of England should not be in this position in relation to Parliament, and that this is a pale form of Erastianism which should be abolished. This may be true and in some minds desirable, but it is actually beside the point in this case. The law must deal with the situation as it is and not what it might be, nor even what it should be.

To understand the position of the Church of England, it has to be recognized that behind the actual formularies there is a very serious concept. That is the relationship of the Crown and Parliament to the Church of England which can be traced from the reign of Elizabeth I.

The intention was of the nation 'availing itself of a divinely called ministry to perform its duties in accordance with the interpretation of the Word of God accepted and professed by the nation'. This idea is enshrined in the Coronation Oaths, Acts of Parliament and in the formularies of the

Church of England to which the clergy have to assent.

In this scheme, Parliament is objectively the defender of those formularies, a fact which few Parliamentarians today seem to recognize. And that is why Archbishop Davidson in his speech in the Lords concerning the Enabling Act of 1919 was at pains to reject the notion that the Parliament's devolution of powers upon the old Church Assembly represented a transfer of power and the right of the established Church of England to change its own formularies. The question now is whether or not the General Synod Act of 1969 did so, as maintained by some. And this needs the interpretation of the courts.

While Church Society is against the ordination of women to the presbyterate [priesthood], based on the whole sweep of Scripture, it should be understood that there is a deeper issue at stake. The fact that the ordination of women to the priesthood has become the centre of the action is in one sense irrelevant but not unimportant. It is the presenting problem which indicates the removal of the confessional standards.

If the challenge had arisen in relation to the divinity of Christ, there is no doubt that many Evangelicals, who are opposed to Church Society's present action, would have supported it. The fact that this is the issue which is being challenged is due to the question of precedent. If General Synod can proceed by way of a Measure to promulge a Canon which essentially changes the received biblical doctrine of the Church of England in this instance, it can in many others. In effect, this places the formularies of the Church of England at the disposal of a two thirds majority in the three Houses at any time, and means that reason, not revelation, is now the foundation of the faith. This is disestablishment by degree in doctrine and practice.

If the courts allow Church Society's action to proceed, whether it is won or lost, it will clarify the present position of the Established Church and whether or not the claim of many Evangelicals to stand upon the formularies of the Church is a reality or has already become a legal fiction. And for that reason there is need for a legal determination.

**GERALD BRAY**