

8 February 2008

To all Clergy and Lay Readers of the Diocese of St Albans

THE ARCHBISHOP OF CANTERBURY'S LECTURE

Introduction

You will have read or heard a number of comments made by the media and others following the Archbishop of Canterbury's lecture at the Temple Church on *Civil and Religious law in England: a Religious Perspective*. You may also have heard his interview on the BBC about the subject. A number of people have written to me, some expressing dismay, others expressing anger and confusion about what has been reported and I thought, therefore, that the following might be a helpful response.

1. The law in this country derives historically from three main sources: the Graeco-Roman classical tradition; the Judaeo-Christian tradition and, to a lesser extent, from ideas about law and justice brought into England via the Anglo-Saxons and at the Norman Conquest.
2. In a parliamentary democracy such as ours, laws are created by Parliamentarians drawing on these three traditions, but those laws are also addressed to changing cultural and social understandings and ideas.
3. The most recent major innovation in English law has been the incorporation of much Human Rights legislation, deriving from a long civil tradition within Western Europe and which, in itself, owes much to the Graeco-Roman and Judaeo-Christian tradition, as well as to the work of philosophers, particularly of the eighteenth and nineteenth centuries.

In other words, in the Parliamentary democracy of Great Britain, law, whilst drawing on long and careful traditions, is constantly subject to change, debate, reform and renewal.

I believe that all who live within these islands are enormously privileged to be able to live in a country where law is open to constant scrutiny and reform, where there is a careful boundary between law makers and the execution of that law, where there is freedom of speech and where everyone, regardless of race, gender, ethnicity, social status, wealth or power, is subject to the same law. In Great Britain, the rich man in his castle and the poor man at his gate have the same rights and obligations and responsibilities under the law. I recognise, too, that the freedom we have under the law has been achieved over centuries not without struggle and suffering.

We are now in a situation in which the arrival within Great Britain of people from other legal and ethno-religious backgrounds inevitably gives rise to questions about how the law operates and how it should be applied.

The Archbishop's Lecture

In his carefully constructed lecture the Archbishop highlighted a number of questions and issues.

1. What are the appropriate relationships between the law as understood and practised in a Parliamentary democracy and the rights and conscience of religious groups? The law already allows certain rights of conscience, for example, for medical practitioners

over whether or not, for religious/philosophical reasons they should carry out abortions; should those rights be extended in other circumstances?

2. He highlighted the complex relationship between Sharia law as understood in some Muslim communities with its varied interpretation in other Muslim communities, and pointed out that there is no single law code that can be identified as the 'Sharia' law code. He said that Sharia is more like a method of jurisprudence governed by revealed texts rather than a single system.
3. He drew attention to those dangers which occur when assumptions are made that belonging to a religious group implies a betrayal of those laws and beliefs which govern the life of a nation, and similarly, he drew attention to the dangers when religious beliefs take no cognisance of what it means to live in a plural and tolerant society.
4. He argued that within a secular state the rights and sensitivities of religious groups should not be trampled over and that the law needs to develop sensitivity to such needs.
5. He asked therefore what it means for the law in a plural, secularist society, to pay proper regard to the religious beliefs of individuals and groups within that society, and what it means for religious individuals and groups to pay proper regard to the law.
6. Further, he asked how law should operate within a society where there are overlapping identities. He argued that one of the functions of the law should be:
to prevent the creation of mutually isolated communities in which human liberties are seen in incompatible ways and individual persons are subjected to restraints or injustices for which there is no public redress.
7. He argued that the function of law should be to:
*establish a space accessible to everyone in which it is possible to affirm and defend a commitment to human dignity **as such** ... so that when specific communities or traditions are in danger of claiming finality for their own boundaries of practice ... they are reminded that they have to come to terms with the actuality of human diversity.*
8. Very tentatively he suggested that it would be worth exploring whether or not individuals should have the right to choose, in certain very clearly defined circumstances, a particular jurisdictional system for the resolution of problems, for example, involving financial transactions or marital law.

He wants to avoid what he sees as a potential clash between what he calls cultural loyalty and state loyalty.

In brief, then, the lecture is dense and complex. It raises an issue, which is a major one, about how competing rights and understandings in a multi-religious, pluralist society can function within a common legal framework. It is a question which we do well to ponder, whilst avoiding the more sensation seeking headlines.

What has been revealed by the lecture, unwittingly, is the level of unease in Britain about how multi-faith and multi-cultural society can and should work. That unease needs to be treated very seriously, and requires dialogue on all sides but also a real commitment on all sides to live together in peaceful coexistence under the law, and to work together for the common good. It is neither an easy nor a simple task, and it should not require us as

Christians to let go of what we believe to be the core tenets of our faith, nor the Judaeo-Christian underpinnings of our society.

+Christopher St Albans.