“Opacity, inconsistency and fudge may be intellectually impure, which is why lawyers do not like them. But they are often inseparable from the kind of compromises that we have to make as a society if we are to live together in peace”.

Although 186 years separate Jonathan Sumption’s Reith Lectures from John Keble’s Assize sermon the distance between them is not as great as that statistic suggests. Both provoked reactions from far beyond their immediate audiences; both were delivered at constitutionally testing times; both addressed a perceived deficit in Parliamentary behaviour. Keble’s subject is, of course, National Apostasy. I’d like to suggest that Sumption’s is National Antipathy.

Keble’s concern is that what he calls “the fashionable liberality of this generation” has forced the legislature to adopt a whole series of measures. These he interprets as the nation’s abandonment of its established and apostolic Church, or, apostasy. Sumption’s concern is with the explosion of legislation and regulation, and the extension of its interest into almost every dimension of human living. This exponential proliferation he attributes to the diminishing vitality of our politics.

If in Keble’s opinion Parliament had too tamely followed where public opinion had led, in Sumption’s Parliament has failed to accommodate adequately the divergent interests and opinions of its electorate. A new rigidity of outlook has strangled Parliament’s historic genius for compromise. This is our generation’s apostasy. It signals our abandonment of engaged democracy. National Antipathy has emerged as the default setting of our public discourse: antipathy towards our leaders, antipathy towards our institutions, antipathy towards one another.

In July 1833 Keble asks, “What should be the tenor of their conduct, who find themselves cast on such times of decay and danger?” When Court Sermons are preached, those who interpret the law of the land gather with those who interpret the law of God, and as
Keble and Sumption are linked in their concern for our public life, so too are our vocations linked by more than a fondness for elaborate vesture and a taste for arcane language.

Judges and priests are increasingly asked to operate in managerial systems for which we are ill-prepared, with hierarchies that sometimes appear frustratingly remote from the front-line of our work. We occupy plant that betrays the signs of historic neglect, whether churches or courtrooms, cathedrals or prisons. With diminishing human resources we rely on volunteers: lay ministers, retired priests, witness service supporters, and prison visitors. And we are the subject of unprecedented public scrutiny: whether it’s a sermon preached or a sentence passed, the online commentariat is never shy of telling us its views of our days’ work.

So in this age of antipathy, what should be the tenor of our conduct? How might church and court together contribute to the peaceful future which Sumption fears may elude us?

Asked what God should give him, Solomon opts for “…an understanding mind” to govern his people and to discern between good and evil. An understanding mind. The first point that the Supreme Court made in last month’s judgement was that the power to order the prorogation of Parliament is indeed a prerogative power, properly exercisable by the Sovereign on the advice of the Prime Minister. But “…that situation” the Court went on “places on the Prime Minister a constitutional responsibility, as the only person with power to do so, to have regard to all relevant interests, including the interests of Parliament”. A Prime Minister needs an understanding mind, not a self-interested mind; but a Prime Minister is not alone in that need. The nation as a whole surely needs a little more understanding and a little less self-interest; it needs a little more wisdom. And wisdom, which weighs the merit of every argument and discerns what is true, has long been the stock-in-trade of both theology and jurisprudence. Wisdom is the enemy of antipathy.

“Listen to the defence that I now make before you”. St Paul’s speech, read as the second lesson, is a courtroom plea. It’s made to the Jerusalem mob that’s been baying for his blood; it’s intended to secure his acquittal. But it’s not a forensic account of his faith; it’s not an analysis of the doctrine with which the mob associates him. It’s a story; it’s Paul’s own story, of his birth and early formation, of his zeal for the religion of his fathers, and of his discovery by Jesus of Nazareth. Challenged to make a defence, Paul offers a history. Challenged by an antipathetic public, the Church and the law have the opportunity to do
the same. Keble and Sumption both have a high regard for history. The former is concerned that the nation has lost its grip on its Christian past; the latter criticizes the notion of a written constitution for the United Kingdom because it would have no basis in our historic experience.

Our generation’s grasp of history is slender: I thought that before President Trump’s comment about the Kurds and the Normandy campaign; how satisfying it is to have one’s prejudices confirmed. We are an iconoclastic generation, in which the urge to tear down is powerful; indeed, that urge currently has the appearance of a governing ideology. Jonathan Sumption believes that habits, traditions and attitudes are more powerful than law: but surely it is wisdom that discerns when it is right for law or doctrine to challenge them or order them. We neglect habits, traditions and attitudes at our peril and (I believe) we must be ready to defend their fragile ecosystem.

And, finally, in the face of antipathy’s rampant cynicism, we have a job to do. Solomon asks for what he asks for because he has a job to do. Paul finds himself under armed guard before a baying mob because he has a job to do. Whether the job is administering justice or celebrating the sacraments, reforming our prisons or running our Food Banks, the job, our job, simply needs to be done. Keble gets this. He tells his hearers that in their “…daily and hourly duties” the causes of “…piety, purity, charity, [and] justice” may be served. In the daily and hourly duties.

So: National Antipathy? Neither the zealous lawyer nor the zealous cleric approves of opacity, or inconsistency, or fudge. But if we reject them and the possibility of compromise that they hold out then I fear that we are staring into the abyss. Perhaps we have had our fill of zealotry. Dare to cherish wisdom; dare to be tellers of the story; dare simply to embrace the daily and hourly duties with faithfulness; and then I believe we will have held fast against the rising tide of antipathy, and done something to restore hope in our common future. Amen.