

DIRITTO E ORDINAMENTO DELLE CHIESA D'INGHILTERRA E
DELLA COMUNIONE ANGLICANA (STUDI SUL)

(‘Order and Canon Law of the Church of England
and Anglican Communion’)

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1. The English Reformation legislation of the 1530s resulted in the foundation, through a series of Acts of Parliament, of the Church of England, as a Church established by law. This means that the Church is governed by a variety of rules, norms and laws, some of which are made by the Church itself, others are imposed by the State or are the product of both Church and State. By dint of its ‘established’ status, the Church of England is constitutionally linked to the English executive, legislative and judiciary. The Monarch is the Supreme Governor of the Church of England and appoints Bishops, twenty-six of whom sit in the House of Lords. The courts of the Church are constitutionally linked to the State. Furthermore, historically, at least, membership of the Church of England has been synonymous with citizenship: various legal rights concerning rites of passage are enjoyed by all who are resident in parishes of the Church of England, such as marriage and burial.

1.1 The Church of England is also a member of the worldwide Anglican Communion. It is one of the forty-four member churches which are in fellowship with one another and in historic communion with the See of Canterbury. Offices and institutions existing at the global level of the Anglican Communion are known as the ‘Instruments of Unity’. These are the office of Archbishop of Canterbury, the Lambeth Conference, the Primates’ Meeting and the Anglican Consultative Council. There is, however, no body of global law in the Communion: the Instruments of Unity have persuasive

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moral authority not enforceable juridical authority. It is understood that ecclesial communion in Anglicanism is maintained by non-judicial ‘bonds of affection’.

2. Historically, the study of the law relating to the Church of England and the Anglican Communion has been limited. In England, the termination of Papal jurisdiction in the sixteenth century was accompanied by a prohibition on the teaching of (Roman Catholic) Canon law at Oxford and Cambridge. Since such law continued to apply to the infant Anglican Church unless it be ‘contrariant or repugnant to the law, statutes or custom’ of the realm or to the King’s prerogative (Submission of the Clergy Act 1533), this prohibition effectively restrained juridical scholarship in this area. Although the historical influence of the Church upon secular law was documented by legal treatises, little attention was paid to the modern status of the Church and its law. Likewise, scholars studying the Church or the position of religion in England generally seldom employed a juridical perspective.

2.1 For much of the twentieth century, the law of the Church of England was rarely the focus of research or teaching in English universities. However, despite the general lack of scholarly attention, the law relating to the Church grew as a result of litigation, legislation and secular pressures. In time, this was reflected in a renewal of academic interest in the law of the Church. However, for most of the century, legal works in this area were isolated and piecemeal. Such works were invariably aimed at the practitioner and were ‘black letter’ in approach. They were often practical guides rather than academic treatises. There were no specialist journals, no research clusters and no academics that exclusively specialised in the area. It was only in the last decades of the Century that this picture began to change.

2.2 Typical of the twentieth century literature is Sir William Dale’s *The Law of the Parish Church*. First published in 1932, Dale’s text summarises aspects of the law relating to the Church of England which are most likely to affect the clergy and laity of the Church. A series of appendixes provide the full text of important pieces of primary and secondary legislation. The seven editions of the book, the

last being published in 1998, indicate that although the laws themselves changed throughout the century, their subject matter did not. A similar but more detailed work is Garth Moore's *Introduction to English Canon Law*. The first edition of this work, published in 1967, formed part of the Clarendon Law Series, Oxford. Books in this series present a concise and analytical overview of an area of law which, although aimed primarily at a student readership, aims to provide a more scholarly review than that found in most textbooks. The series is also intended for the general reader seeking a brief account of the area of law. This in itself is interesting since English canon law was not taught at English universities at this time. It is noticeable that later editions were not published as part of the Clarendon Law Series. A second edition was published in 1983 whilst Briden and Hanson authored a third edition in 1992. Garth Moore and Timothy Briden also collaborated together with Kenneth MacMorran to produce a *Handbook for Churchwardens and Parochial Church Councillors* (1989). A similarly pitched introductory account is John Pitchford's *An ABC for the PCC* (1980). Lynne Leeder's *Ecclesiastical Law Handbook* (1997) provides a comprehensive review of the legal system of the Church of England and anticipates future developments. Legal encyclopaedias also cover similar grounds to these works. The most respected and well-known encyclopaedic treatment of English law is Halsbury's *Laws of England*. The volume on ecclesiastical law was last revised in 1975 but regular updates have been made by paper supplement and now by online annotation. Despite this, the Halsbury volume seems antiquated: although useful for pithy quotations, the work is overly descriptive and is not reflective of the last decades of the twentieth century when the law of the Church of England became a legal discipline in its own right, taught and researched at the universities.

2.3 That said, the earlier decades of the twentieth century witnessed some works in this field which extended beyond 'black letter' description. However, such works were sporadic and often reflected a passing interest rather than an academic specialisation. A notable example is an article published by Alfred Denning in the *Law Quarterly Review* entitled 'The Meaning of "Ecclesiastical Law" in England'. Published in 1944, this article is still read and quoted today. The author subsequently pursued a judicial career and became perhaps the most renowned and influential judge of the century. However, his contribution to

ecclesiastical law was passing. Other writers – some academic, some practitioner – published work on certain aspects of the law relating to the Church of England. For instance, Newsom published two editions on the *Church of England Faculty Jurisdiction* while David W Rees authored a book on *Ecclesiastical Conveyancing* (1989). Towards the end of the century works on liturgy (Bursell, 1996), Church discipline (Evans, 1998) and Church property (Fox, 2000) appeared. In addition to this guides to certain legal issues were published by Church House Publishing, including in 1997, *A Brief Guide to Liturgical Copyright*. These works though important were selective both in terms of their subject-matter and in their intended readership.

2.4 These specialist texts can be contrasted to the ‘law and religion’ literature which emerged in a piecemeal fashion towards the end of the century. These works aimed at a wide but largely academic readership are general in scope but often include a higher level of analytical rigour than previous guides to the law of the Church of England. The first such work, *Religion and the Law*, was written by St John A Robrilliard and published in 1984. This was the first textbook-length summary of English law relating to religious observance and liberty. Whilst the book did not exclusively deal with the Church of England and examined issues such as blasphemy, religious discrimination, religious charities and Sunday trading laws in a manner that would be followed by ‘law and religion’ texts towards the end of the century, Robrilliard’s *Religion and the Law* included a chapter on ‘The Constitutional Position of the Church of England’ which examined the government of the Church and the system of ecclesiastical courts. Robrilliard’s text remains unique in that subsequent English legal texts on state law affecting religious liberty do not consider systematically the law of the Church of England. The works of Bradney (1993), Hamilton (1995), Poulter (1998), Ahdar and Leigh (2005) and Edge (2002, 2006) do not single out the Church of England for special treatment. Although these works collectively form a distinct literature, little ink has been dedicated to the law of the Anglican Church.

3. However, English legal scholarship in this area in the twentieth century was not limited to general descriptive overviews, specialist texts or ‘law and

religion' textbooks. As the century drew to a close, academics and practitioners showed a renewed interest in the detailed and thorough study of the law of the Church of England and its relationship with both State law and the laws or regulatory systems of other religious bodies. This resurgence in interest in Church law can be traced to two developments towards the end of the century: the advent of the Ecclesiastical Law Society and the Centre for Law and Religion at Cardiff University.

- 3.1 The Ecclesiastical Law Society was formed in 1987. Although the Society is linked with the Church of England with the Archbishop of Canterbury and York serving as Patrons, it boasts a diverse membership of clergy, laity, academics and practitioners from the UK and overseas. The Society holds a bi-annual conference and a series of lectures. It also has its own journal, the *Ecclesiastical Law Journal*, published now by Cambridge University Press. Although in its early days the *Ecclesiastical Law Journal* focussed exclusively on the law of the Church of England from a 'black letter' perspective, more recent editions have broadened the scope and deepened the analysis to include comparative pieces on State law on religion, comparative religious law and the regulation of religion overseas. This is reflected in the composition of the Journal's Editorial Advisory Board which includes respected practitioners and academics from the United Kingdom, the United States and Italy. In addition to the *Ecclesiastical Law Journal*, articles on the law of the Church of England have appeared in a variety of periodicals such as *Law and Justice*, a Christian Law Review. Articles have also been published in general legal journals such as *Public Law* and in the Church of England's newspaper, *The Church Times*. A variety of international journals focussing upon religion have also published relevant articles such as the *Journal for Anglican Studies*, *Sewanee Theological Review*, *International Journal of the Christian Church* and *Journal of the Church Assembly of Canada*.
- 3.2 In 1991, the Ecclesiastical Law Society supported the establishment of a Masters Degree programme in Canon Law at Cardiff University. The LLM scheme, directed by Norman Doe, is the first of its type in the UK since the

Reformation. It provides the opportunity for postgraduate study in the canon law of the Anglican churches of the United Kingdom, particularly that of the Church of England, the Roman Catholic Church and the law of the State applicable to these churches. The degree scheme was a response to the practical need of scholarly study of church law, provides academic training, but with a substantial emphasis on practical application. It is designed in particular for those who practise or are involved in the administration of church law and for those wishing to pursue an interest in this developing field of legal scholarship. The course has attracted students of the highest quality, including secular and ecclesiastical judges, university academics, barristers, solicitors and clergy from both the Anglican and Roman Catholic churches. The dissertations written by students in the course as part of their assessment have become a valuable source for those researching or teaching a wide range of topics in this field. Many dissertations have been published in revised form and Cardiff alumni have authored books and articles on the law of the Church of England.

3.3 The success of the LLM in Canon Law led in 1998 to the development of the Centre for Law and Religion at Cardiff University under the directorship of Norman Doe. The Centre has over a dozen Fellows and Associates engaged in and publishing extensively in a wide range of disciplines falling within its auspices. In recent years, the Centre has been involved in a number of multidisciplinary and interdisciplinary projects. It has broken new ground in combining approaches from, and expertise in, law, sociology and religious studies. In 2000, the Centre launched a ground-breaking undergraduate LLB module Comparative Law of Religion which introduces law students to the laws of religious groups, including the Church of England, as well as State laws affecting religious liberty. The Centre has also successfully encouraged other law schools to introduce similar courses such as at Newcastle, Glamorgan, Bangor and Durham. The Centre has links with a variety of international bodies, of which the centre has membership, including the Colloquium of Anglican and Roman Catholic Canon Lawyers and the European Consortium for Church and State Research, which publishes the *European Journal for Church and State Research*.

- 3.4 As a result of the activities of the Ecclesiastical Law Society and the Centre for Law and Religion at Cardiff, the last decade of the twentieth century witnessed a number of seminal texts on the law of the Church of England which sought to subject the law to the level of academic rigour typical of other mainstream legal disciplines. The two leading works, quoted recently with approval by the highest English court, are Norman Doe's *The Legal Framework of the Church of England* (1996) and Mark Hill's *Ecclesiastical Law* first published in 1995 with a second edition in 2001 and a third due in 2007. Both authors have links to the Ecclesiastical Law Society and the Centre for Law and Religion. Professor Doe is the Director of the Centre for Law and Religion and a member of the general committee of the Ecclesiastical Law Society. Hill is an Honorary Professor at Cardiff and the editor of the *Ecclesiastical Law Journal*. Doe's text, *The Legal Framework of the Church of England*, compares the law of the Church of England with that of the Roman Catholic Church to elucidate the relationship between these substantial legal systems and their relative positions with respect to the State and its law. The book examines in detail Church government, ministry, doctrine, liturgy, rites and property. In addition to its innovative comparative approach, *The Legal Framework of the Church of England* has become the leading academic work on the law of the church. Hill's *Ecclesiastical Law* provides a stimulating and trenchant commentary buttressed by a wide-ranging source of materials. It deals with the laws concerning the constitution of the Church, the Parish, clergy, services and worship, Church Courts, and Cathedrals. It has become the authoritative practitioner text. Both books have become the standard texts for teaching purposes in the UK and overseas.
- 3.5 In addition to these two seminal texts, the closing years of the twentieth century also witnessed other important works on the law of the Church of England. Doe co-edited collections of essays on English Canon Law and a comparison of initiation, membership and authority in Anglican and Roman Catholic canon law (1998, 2005). Hill has written on the impact of the European Convention on Human Rights (largely incorporated into English law by the Human Rights Act 1998) upon the Church of England (2000,

2002), a topic also examined by John Burgess (2005). Hill has also edited a volume on Clergy Discipline in Anglican and Roman Catholic Canon Law (2001). Rhidian Jones, who like Mark Hill is a graduate of Cardiff's LLM in Canon Law, published a dictionary of *The Canon Law of the Roman Catholic Church and Church of England* (2000). The publication of such a book, together with the works of Doe and Hill, not only indicates that Anglican canon law is beginning to be seen as an articulation of the identity and mission of the Church but also as a means of ecumenical dialogue. Such works meet the needs for the first time of legal practitioners, the clergy and the laity. Together with the 'law and religion' corpus of publications, to which Cardiff has also made a contribution, these works on the law of the Church of England illustrate the development of a scholarly community.

4. It is clear, therefore, that the final decades of the twentieth century witnessed a revival in the interest of the law of the Church of England buttressed by the Ecclesiastical Law Society and the Centre for Law and Religion at Cardiff. The same period also saw a renewed interest in secular law relating to religion generally. However, this is only part of the picture. In addition to these legal texts, other general texts produced throughout the century by scholars both in England and overseas reflected upon the legal status of the Church and upon the historical development of its law and its effect upon the State legal system.

4.1 Throughout the twentieth century, a steady stream of publications was produced describing and analysing the legal status of the Church of England. Many works were published on the Church's status as an 'established' Church. These texts varied in approach and style but often included some legal elements. Most, however, focussed on formulating an argument for or against 'establishment' and used political rather than legal arguments. The most renowned texts are Peter Cornwell's *Church & Nation* (1983), Stewart Lamont's *Church and State: Uneasy Alliances* (1989), Colin Buchanan's *Cut the Connection - Disestablishment and the Church of England* (1994), John Moses' *A Broad and Living Way - Church and State, a Continuing Establishment* (1995), Monica Furlong's *CofE – The State It's In* (2000), Paul Avis' *Church, State and Establishment* (2001) and Theo Hobson's *Against Establishment – An Anglican Polemic* (2003). The leading

political science account is *Church and Politics in a Secular Age* by Kenneth N Medhurst and George H Moysier whilst David Ferguson's *Church, State and Civil Society* (2004) provides a critical analysis using political theology. *Time for a Change* by Paul Weller, published in 2005, contends that perspectives drawn from the Baptist Christian theology and ecclesiology offers more adequate resources than what is perceived to be the theologically and politically inadequate reasons for the establishment of the Church of England. There are also many multidisciplinary and popular collections of essays and articles on the status and state of the Church of England such as *Called to Account: The Case for an Audit on the State of the Failing Church of England* (2003) edited by Digby Anderson and *Public Life and the Place of the Church* (2006) edited by Michael Brierly. Although these works employ a wide variety of approaches, they contain some reflection upon the legal status of the Church. It is noticeable, however, that this general literature is sporadic and often polemic.

4.2 In addition to these general texts, legal texts on the status of the Church of England have been produced, usually in the context of legal discussion of Church-State relations in the UK. The catalyst for most of this work is the European Consortium of Church and State Research. The Consortium has published books and conference proceedings on a given theme. In each case, essays are provided on a range of different European countries by a leading scholar. The UK entries in such volumes – which invariably focus on England to the exclusion of Wales, Scotland and Northern Ireland – provide important analytical overviews of the legal status of the Church of England and certain legal issues such as the financing of religious communities, which include the established church. Examples of this literature includes David McClean's contribution to *State and Church in the European Union* edited by Gerhard Robbers and published in 1996 with a second edition in 2005, Norman Doe's contribution to *Religions in European Union Law* published in 1998 and Mark Hill's contribution to *Church Autonomy* published in 2001. Aside from the work of the Consortium, a number of important legal analyses of the position of the Church of England have been made by scholars. Tariq Modood edited a collection of essays by members of religious minorities on the relationship between Church and State in the UK whilst Peter Edge published a stimulating analysis of what 'establishment' means in English law. Edge and

Charlotte Smith have written on the place of Bishops in the English State legislature. James A Beckford and Sophie Gilliat, two sociologists of religion, co-authored an in-depth examination of the relations between the Church of England and other faiths in the Prison Service Chaplaincy. Members of Cardiff's Centre for Law and Religion have also contributed to this literature. David Harte, an associate of the Centre and a senior lecturer at Newcastle Law School, has examined the legal boundaries of public and private religion as well as whether the Church of England can be regarded as a voluntary body. Augur Pearce, a lecturer at Cardiff, has also written about whether the Church of England is a denomination or a public religion. Together with Peter Edge, Pearce carried out an empirical study of the role the Bishop in the constitution of the Isle of Man. Frank Cranmer, a research fellow of the Centre for Law and Religion, has also written about Church-State relations in the UK. Javier Oliva, an associate of the Centre and a lecturer at Bangor University, has also examined the legal relationship between the State and the Church of England. Oliva's book, *El Reino Unido: un Estado de Naciones, una pluralidad de Naciones* ('The United Kingdom: A State of Nations, a Plurality of Churches'), published in Spanish, examines the relationships between the State and religious groups using a range of legal, sociological and historical materials. Outside the UK, there has been little work on the legal position of the Church of England with the exception of a number of articles by Silvio Ferrari and Cristiana Cianitto. It is noticeable that the legal literature on the position of the Church of England grew considerably towards the end of the century; this may be attributed in part to the work of the Consortium, the Ecclesiastical Law Society and the Centre for Law and Religion.

4.3 In addition to the literature on 'establishment' and the works on the legal position of the Church of England, a considerable number of works have been published on the history of the Church and its effect upon secular law. Such works of legal history are most commonly published in book-form and can be distinguished from the rest of the literature by virtue of their Anglo-American authorship and readership. Furthermore, a number of texts are written by and for historians rather than academic lawyers. Such works were published intermittently throughout the twentieth century with some texts published in various volumes. Some texts examine general themes from a historical perspective such as Jordan's, Coffey's

Henriques' and Outwaite's respective volumes on religious toleration in England. General historical overviews have been published by David Edwards and Robert E Rodes. Doe and Gunn have written shorter summaries of the history of religion in England while Richard H Helmholz has authored a number of seminal works on the historical development of Canon law in England. A number of works have focussed upon specific institutions of the Church of England at specific historical periods. In addition to Helmholz, Michael Smith, Peter Smith and Donald Logan have examined the Church courts. Charlotte Smith's doctoral study explored the impact of Church-State relations on ecclesiastical court reform in the nineteenth century. Waddans has published *Sexual Slander in Nineteenth Century England: Defamation in the Ecclesiastical Courts 1815-1855*. Other areas of the law relating to the Church of England have been examined from a historical perspective including Gerald Bray's analysis of the Anglican Canons, Robert Palmer's study of the role of the English parish in commerce, Chandler's study of the Church Commissioners and Pinnock's study, *The Law of the Rubric and the Transition Period of the Church of England*. These works of legal history clearly form a literature in their own right which often touch upon the law of the Church of England. However, such works serve different purposes than the legal texts in that they provide the context of the law but do not seek to describe or analyse the current legal position. Authors such as Richard H Helmholz have made an important contribution to scholarship concerning the Church of England which compliments the legal and general literature.

5. It is thus clear that although there is a plethora of works that include reference to the Church of England, it was only in the last decades of the twentieth century that a distinct literature on the law of the Church was developed fostered by the development of societies and research clusters and a more general interest in church-State relations and 'law and religion'. In relation to the Anglican Communion, it was only in the closing years of the century that similar legal interest was aroused. Although some general works were published in the latter half of the century, it was only in the late 1990s that legal works on the Communion were published by Norman Doe at Cardiff. Doe's descriptive work developed into proposals for legal change as the century came to a close meaning

that the literature on the Anglican Communion at the close of the twentieth century is likely to shape the law of the Communion in the twenty-first century.

5.1 In the latter half of the century, a few general books were published on the Anglican Communion which touched in part upon its legal status in its description of the organisation of the Communion. Gray's *The Anglican Communion*, published in 1958, provided an early brief sketch of global Anglicanism. A number of edited works were also published such as a collection of essays in *Authority in the Anglican Communion* edited by Sykes in 1987. James Rosenthal's *The Essential Guide to the Anglican Communion*, published in 1988, included chapters on the history and vision of the Communion, the history of the Lambeth Conference and the key elements of the Anglican faith. The book, clearly aimed at a general readership, also included maps of the Anglican world, a list of Saints Days and Archbishops of Canterbury and a glossary of Anglican terms. Colin Podmore's *Aspects of Anglican Identity* builds upon these works providing a collection of essays on the identity of the Anglican Communion using a historical perspective. The essays examine a number of topical and controversial issues such as church decision-making, the roles of Synods, Bishops and Primates, the role of the Archbishop of Canterbury and how this would develop, the meaning of 'Communion' and the significance of diocesan boundaries in an age of globalisation.

5.2 Legal analysis of the Anglican Communion remained undeveloped for most of the twentieth century. The Ecclesiastical Law Journal published several pieces from authors such as Kemp, Rees and Norman throughout the late 1980s and 1990s. The title of one such piece by John Rees in 1998, 'The Anglican Communion: Does it Exist?' illustrates the peripheral nature of this subject at this time. However, at the end of the century this changed with the publication of *Canon Law in the Anglican Communion: A Worldwide Perspective* by Norman Doe in 1998. This ground-breaking book examined the laws of the 44 member churches of the Anglican Communion, focussing upon a wide range of legal topics. The work examined definitions of the Church and their relationship with the state, the forms, process and effects of regulation and

law-making, the institutional organisation of churches and the resolution of ecclesiastical conflict. The book also used the laws of the Anglican Churches to elucidate the position of Archbishops, Bishops, Priests, deacons and the laity, as well as Church law concerning doctrine, worship, liturgy, rites of passage, property and finance. The work concluded with a chapter examining inter-Church relations and Ecumenical law. This chapter expounded the legal position of the Communion and the Principle of Autonomy in addition to the offices and institutions of the Anglican Communion (the Archbishop of Canterbury, the Lambeth Conference and the Anglican Consultative Council). The legal relations between Anglican Churches and ecumenical law relating to the union of churches, ecumenical concordats, local ecumenical projects and the recognition and sharing of Ministries including admission to Holy Communion. *Canon Law in the Anglican Communion* provided the leading legal account of the Anglican Communion as it stood in the twentieth century focusing mainly upon the laws of the Anglican Churches that make up the Communion with some reference to the limited global regulatory framework.

5.3 *Canon Law in the Anglican Communion* also paved the way for reflection on the development of the Communion. The comparative analysis of the laws of the individual churches led Doe to contend that common principles of canon law may be induced from the similarities of the legal systems of member churches. At a meeting of the Primates of the Communion in 2001, Doe proposed that on the basis of these common shared principles the existence of an *ius commune* of the Anglican Communion could be acknowledged. The Primates decided to test the hypothesis and the Anglican Communion Legal Advisers Consultation concluded in 2002 that there are principles of canon law common to the Churches within the Anglican Communion which can be factually established: each Anglican Province or Church contributes through its own legal system to the principles of canon law common within the Anglican Communion, which have a strong persuasive authority and are fundamental to the self-understanding of each of the Churches of the Communion. The Consultation also concluded that the principles have a living force, and contain in themselves the possibility of further development and that the existence of these principles both demonstrates unity and

promotes unity within the Anglican Communion. Following a report by the Legal Advisers Consultation to the Primates Meeting, the Primates recognised the unwritten law common to the Churches of the Anglican Communion and expressed as shared principles of canon law may be understood to constitute a fifth ‘instrument of unity’. The Primates Meeting at Lambeth, October 2003, urged completion of the statement, and the Lambeth Commission, in its *Windsor Report* (2004) ‘fully endorses this and strongly recommends completion of the Statement of Principles of Canon Law as soon as possible’. A draft statement of principles of canon law, drafted by Doe, are to be considered by the Anglican Communion Legal Advisers’ Network who are to report to the Joint Standing Committee of the Primates’ Meeting and the Anglican Consultative Council in the lead-up to the Lambeth Conference 2008. Doe has described and analysed these developments in a variety of journals including the *Ecclesiastical Law Review*, *The Anglican*, the *International Journal for the Study of the Christian Church* and (with Sandberg) the *Sewanee Theological Review*.

5.4 In addition to the *ius commune* proposal, Doe’s work on the Anglican Communion has also led to another reform proposal. His paper presented to the Primate’s Meeting in 2001 also proposed the adoption of a covenant, with the Primates as signatories, as a concordat for incorporation by individual churches within their own canonical systems seeking to increase the profile of communion, to define their inter-church relations, and for the resolution of inter-Anglican conflict. In 2003, the Archbishop of Canterbury at the request of the Primates set up the Lambeth Commission on Communion to address the legal and theological implications flowing from the decisions of the Episcopal Church (USA) to appoint a priest in a committed same sex relationship as one of its bishops, and of the Diocese of New Westminster [Canada] to authorise services for use in connection with same sex unions. The Lambeth Commission, on which Doe sat, proposed a number of short-term and long-term solutions in 2004 including the adoption of an Anglican Covenant. The Commission recommended that each church enact a brief law, to authorise its primate (or equivalent) to sign the Covenant on behalf of that church and commit the church to adhere to the terms of the Covenant. Discussing the

report at their meeting in February 2005, the Primates commended the Covenant proposal ‘as a project that should be given further consideration in the Provinces of the Communion between now and the Lambeth Conference 2008’. A draft Covenant was appended to the Commission’s *The Windsor Report*. Doe has written on the Covenant proposal, reactions to the proposal and possible implementation of the Covenant in a number of legal journals, including the *Ecclesiastical Law Journal* and the *International Journal for the Study of the Christian Church*.

6. The development of a distinct literature on the law of the Anglican Communion can be attributed to the same sources that led to the earlier development of the literature on the law of the Church of England namely the Ecclesiastical Law Society, whose Journal has become the leading periodical in the field, and the Centre for Law and Religion at Cardiff University whose research and teaching has set the agenda for the field. Although other work exists, most notably in the field of legal history, general ‘law and religion’ works and general works concerning ‘establishment’, the development of research clusters and academics specialising in this area arrived very late in the century. The recent developments in relation to the Anglican Communion also indicate that the resurgence of interest in church law is more than just a scholastic pursuit. This field deals with issues that affect the lives of believers and non-believers alike. It also facilitates the development of religious groups by developing innovative forms of governance and offering new ways of facilitating ecumenical and inter-faith exchange. The study of the law of religious bodies is not a mere legal exercise but is also an example of applied ecclesiology. Thus, the development of the field during the twentieth century is to be welcomed. The long shadow cast by the Reformation ban has been lifted. The prospects for the twenty-first century seem very encouraging.

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