THE UK PARLIAMENT, LAW, GOVERNMENT POLICY, MONARCHY AND THE ANGLICAN COMMUNION

UNIVERSITY OF OXFORD



A dissertation submitted for the degree of
Doctor of Philosophy

Raivi Shams Rahman
St Peter's College



Trinity 2025

SHORT ABSTRACT

Of the forty-two autonomous self-governing provinces in the Anglican Communion, the Church of England is the only church established by law. There are three "incidents of establishment" that are significant for this dissertation: (1) the monarch is its Supreme Governor; (2) its Second Church Estates Commissioner sits in the House of Commons and twenty-six of its diocesan bishops sit as of right in the House of Lords – "the Church of England in Parliament"; and (3) its draft Measures require the consent of Parliament.

Through these incidents of establishment, the aim of this dissertation is to understand the relationship between the UK Parliament and the Anglican Communion in the modern world. The main argument of this dissertation is that though there is no juridical connection between the Anglican Communion and the UK Parliament, Parliament has recognised, in different ways, the importance of the Anglican Communion as a major global denomination of world Christianity and supports its mission as an international faith-based organisation. From this relationship, there are emerging constitutional conventions.

The dissertation begins with an overview of the established status of the Church of England, the nonjuridical order of the Anglican Communion, and the December 2024 *Nairobi-Cairo Proposals* of the Inter-Anglican Standing Commission on Unity, Faith and Order ("IASCUFO"), which is currently (writing in April 2025) considering the future of the instruments of communion (chapter 1). The dissertation then shows the first parliamentary references to the Anglican Communion in the late nineteenth and early twentieth centuries, arguing that from its very beginnings, Parliament has understood the Communion to be independent from the British Crown (chapter 2). There are then three central chapters which examine how the Anglican Communion features during committee deliberations and parliamentary debates about ecclesiastical law (chapter 3), international development policy, UK law related to human sexuality (chapter 4), the monarchy and the Commonwealth (chapter 5). There is then a chapter that discusses Anglicanism as the established religion of England and a global denomination of world Christianity, with a focus on the office of the Lord Archbishop of Canterbury – an instrument of communion shared with the UK constitution (chapter 6). The dissertation concludes with a discussion about the election of the Labour government in July 2024, its constitutional reform agenda, and how these developments might impact the future relationship (chapter 7).

LONG ABSTRACT

Using a case-study methodology, the backbone of this dissertation is an examination of parliamentary papers. The most important have been the Hansard Reports of parliamentary debates (also called *Official Reports*), along with the Reports of the Ecclesiastical Committee and other Select Committees related to the main topics discussed in the dissertation. The other primary source material that has been considered includes the official reports of the Church of England and the proceedings of the General Synod of the Church of England. The various official documents issued by the instruments of communion have also been considered.

The objectives are divided into two groups of questions. The first group of questions consider the relationship as it relates to law and government policy:

i. How does the Anglican Communion feature in Ecclesiastical Committee deliberations and parliamentary debates about ecclesiastical law?
ii. How does the Anglican Communion feature in Select Committee deliberations and parliamentary debates about Bills?
iii. How does the Anglican Communion feature in parliamentary debates about UK government policy?

The second set of questions consider the relationship as it relates to the incidents of establishment:

i. What is the relationship between the Second Church Estates Commissioner and the Anglican Communion?
ii. What is the relationship between the Lords Spiritual and the Anglican Communion?
iii. What is the relationship between the Supreme Governor and the Anglican Communion?

After setting out the scene and providing historical context in chapters 1 and 2, I then move on to the three central chapters. An analysis of law and government policy forms the foundation for each of the central chapters. Chapters 3-5 are divided into three, each chapter beginning with a brief outline of the relationship between church and state, and then proceeding with two case-studies. Chapter 6 considers the office of the Archbishop of Canterbury as an instrument of Communion shared by both the Communion and the UK constitution. Chapter 7 is the conclusion.

Chapter 1, The Introduction: Establishment and Communion

In this chapter the legal status of the Church of England and the nonjuridical order of the Anglican Communion is explained. The role and functions of Parliament, the national and international context of establishment and the main constitutional incidents of establishment are described. The role and functions of the instruments of communion, and the December 2024 *Nairobi-Cairo*

Proposals published by the Inter-Anglican Standing Commission on Unity, Faith and Order ("IASCUFO") are also discussed.

Chapter 2, The UK Parliament and the emergence of the Anglican Communion

This chapter charts the first parliamentary references to the Anglican Communion and considers how its meaning in Parliament evolved from the late nineteenth century to the early twentieth century. The objective of this chapter is to understand how the UK Parliament understood the Anglican Communion as a family of churches from its beginnings in the late nineteenth century. There is a shift in Parliament's understanding of the Anglican Communion. In the latter half of the nineteenth century, parliamentary references to the Communion related to Anglicans and Episcopalians in churches outside England. By the early twentieth century, this evolved to mean a family of independent churches. The parliamentary debates in which the Anglican Communion is referenced include (1) the Liberals' doctrinal defence of the two Episcopal Churches of America and Scotland, which were independent from the English Church. (2) The Liberals' support for calls of independence from the extra-provincial jurisdiction of the Bishop of London in the Colonial Church. (3) Gladstone's leadership resulting in the dissolution of the constitutional union between the Irish Church and the Church of England, which meant the end of the United Church of England and Ireland. (4) The severance of the Welsh dioceses from the Church of England through English disestablishment in Wales. And (5) the

independence of the Church of India after WWI and the emergence of four united churches in the Indian subcontinent. The central argument in this chapter is that from the very beginnings of the Communion, the UK Parliament has recognised the Communion as a family of autonomous self-governing churches.

Chapter 3, The Law of the Established Church and the Anglican Communion

The objective of this chapter is to understand how the Anglican Communion features when draft Measures are scrutinised by the Ecclesiastical Committee and are laid before both Houses of Parliament. The section on 'The Law of the Established Church' explores how the Anglican Communion was considered by the 1913-16 Archbishops' Committee on Church and State, led by the Earl of Selborne, when it made proposals to set up the National Assembly of the Church of England.

'The UK Parliament, Measures and the Anglican Communion' looks at how Measures have made changes to the Church of England's government, ministry and worship as it relates to the Anglican Communion. The main Measure considered in this section is the Diocese in Europe Measure 1988, which provided the diocese with synodical representation, but not parliamentary representation on the bishops' benches in the Lords. The first emerging constitutional convention is revealed: the Ecclesiastical Committee's and the two House's discussions about how other provinces in the Communion have dealt with similar ecclesiastical issues faced by the Church of England. The

main argument of this section is that the "mother church" has evolved into a "sister church", equal to other churches in the Communion.

'The UK Parliament, Women's Ministry and the Anglican Communion' examines how the Anglican Communion featured when Parliament debated the draft Measures for the three orders of women's ministry. This section outlines how Lambeth Conference resolutions and the status of women clergy in other provinces informed parliamentary debates. The second and third emerging constitutional conventions are revealed: Parliament's concern for intra-Anglican Communion and ecumenical relations once the Church of England had endorsed women's ministry. The main argument of this section is that Parliament was conscious of the Anglican Communion during the debates on women's ministry in the Church of England.

Chapter 4, The Second Church Estates Commissioner, the Lords Spiritual of the Established Church and the Anglican Communion

Having examined in chapter 3 how the Anglican Communion is raised in debates about ecclesiastical law, the objective of chapter 4 is to understand how the Communion is raised during debates about general law (as contained in Public and Private Members' Bills) and government policy. 'The Second Church Estates Commissioner and the Lords Spiritual of the Established Church' begins by examining the role of the Second Church Estates Commissioner and how it relates to the Anglican Communion following the

Speaker's decision in 2012 to allow written and oral questions. The section then goes on to outline the role of the Lords Spiritual, their general contribution to the House and the repeated attempts by successive governments to reform their presence in the Lords.

'The UK Parliament, International Development and the Anglican Communion' considers how the Anglican Communion features during debates on: peacebuilding in conflict zones, migration, gender-based violence, covid-19 vaccine distribution and the conflict in Gaza. The fourth and fifth emerging constitutional conventions are revealed: how the Second Church Estates Commissioner and the Lords Spiritual use their position in Parliament to further the mission of the Anglican Communion by influencing the UK government's international development policy and are held to account by other parliamentarians for the Church of England's intra-Anglican Communion relations.

'The UK Parliament, Human Sexuality and the Anglican Communion' explores how the Anglican Communion featured in debates about the Civil Partnership Bill and the Marriage (Same Sex Couples) Bill. The section also discusses how Parliament reacted to the decision of the Archbishop of Canterbury not to invite same-sex spouses to the 2022 Lambeth Conference and the November 2023 decision of the General Synod to allow blessings for same-sex couples on a trial basis. The main argument of this section will be that the Lords Spiritual, in their opposition to same-sex marriage, sided with conservative primates and bishops of the Communion. This position on same-

sex marriage was completely out of line with the attitude of the rest of the UK Parliament and the British public.

Chapter 5, The Supreme Governor of the Established Church and the Anglican Communion

This is the final central chapter, the objective of which is to understand the relationship between the Supreme Governor and the Anglican Communion. The section on 'The Supreme Governor of the Established Church' outlines the Henrician reforms, the Elizabethan settlement, the Acts of Supremacy, and the Thirty-Nine Articles of Religion. The section then charts the decline of the doctrine of royal supremacy during the seventeenth and eighteenth centuries, and its eventual replacement in the UK constitution with the doctrine of parliamentary sovereignty. The ecclesiological impact of this on authority and provincial autonomy in the Anglican Communion is considered.

The section 'The UK Parliament, the Monarchy and the Anglican Communion' examines how the Anglican Communion was considered when Parliament passed the Succession to the Crown Act 2013. The section then outlines Elizabeth II's and Charles III's personal relationships with the Anglican Communion. The section concludes by considering how Elizabeth II and Charles III have defined their role as Defender of The Faith in the late twentieth and early twenty-first centuries. The central argument of this section is that Parliament has recognised the Royal Family as communicants of a member

church of the Anglican Communion, and the British monarch, as Defender of The Faith, has supported the Communion in the latter half of the twentieth century and in the beginning of the twenty-first century.

'The UK Parliament, the Commonwealth and the Anglican Communion' begins by outlining moments during Elizabeth II's reign when her roles as Supreme Governor and Head of the Commonwealth intersected. The findings of the Church of England's 1991 International and Development Affairs Committee for the General Synod report, *From Power to Partnership: Britain in the Commonwealth, The Church of England in the Anglican Communion,* are outlined. These include the similarities and differences between Commonwealth and Communion. The parliamentary debates are then considered, in which co-operation between the two international organisations through diocesan links and shared humanitarian objectives are explored. The sixth emerging constitutional convention is revealed: the UK Parliament endorses and encourages collaboration on global issues between the UK government, the Commonwealth and the Communion.

Chapter 6, The established religion of England and global denomination of world Christianity

With the growth and rapid expansion of Anglicanism in the continent of Africa, and the continued decline of Anglicanism in the UK, this chapter reflects on the future of Anglicanism as the established religion of England and a global

denomination of world Christianity. How the UK Parliament and the Church of England's General Synod considered the Anglican Communion following the publication of the Baroness Perry's 2001 report, *Working with the Spirit: choosing diocesan bishops,* is examined. An examination of parliamentary papers reveals how the British State has contributed to the ministry of the Archbishop of Canterbury in the Anglican Communion in furthering human rights, the environment, ecumenical and interfaith relations. The seventh and final constitutional convention is revealed: the UK Parliament holds the Church in Parliament to account for the Archbishop of Canterbury's role in the Anglican Communion. The chapter concludes by providing an evaluation of IASCUFO's *Nairobi-Cairo Proposals*. The central argument of this chapter is that in the twenty-first century the moral authority of the office of the Archbishop of Canterbury in the management, leadership and direction of the Communion at a global level has diminished – his role is increasingly as an international spokesperson for the Communion in furthering its global mission.

Chapter 7, The Conclusion: Monarchy, Church, State and Communion

This chapter provides a summary of the main themes and closing remarks on the relationship between the UK Parliament, law, government policy and the Anglican Communion. The direct relationship between the Anglican Communion, the Second Church Estates Commissioner, the Lords Spiritual and the Supreme Governor is explained. Further suggestions for research are also

made, considering global religious demographic trends with the rise of Islam, the accession of Charles III, the 2024 Labour government's constitutional reform agenda, IASCUFO's *Nairobi-Cairo Proposals,* and the nonjuridical relationship between of the American Episcopal Church and the US Presidency. How all these changes might affect the future relationship between the UK Parliament and the Anglican Communion are considered.

ACKNOWLEDGMENTS

I thank my supervisor the Revd. Canon Prof. Mark Chapman for his contribution, help, advice and support.

I thank Prof. Mark Hill KC for providing feedback on the first three chapters.

I thank my college advisors, Prof. Sondra Hausner and Prof. Phil Booth for their advice and support.

I thank the Trust of St Mathias and the Crewdson Trust for providing grants.

DEDICATION

I dedicate this to my former Religious Studies teacher and Head of Philosophy and Religious Studies at The King's School Canterbury, Canon Janice Reid of the Cathedral and Metropolitical Church of Christ, Canterbury.

And to my schools: Haddon Dene Preparatory School in Broadstairs and Chatham House Grammar School in Ramsgate.

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ABBREVIATIONS

AGOW……Anglican Group for the Ordination of Women

AOOIC……...Anglican-Oriental Orthodox Commission

ARCIC…….Anglican-Roman Catholic International Commission

CHOGM…….……..Commonwealth Heads of Government Meeting

CMS……...Church Mission Society

CNC……..……..Crown Nominations Commission

DFID……Department for International Development

FCDO……...Foreign, Commonwealth and Development Office

FCO…….Foreign and Commonwealth Office

GAFCON……...…….Global Anglican Future Conference

GMH……Global Majority Heritage

GSFA……Global South Fellowship of Anglican Churches

IARCCUM……...

.....International Anglican-Roman Catholic Commission on Unity and Mission

IASCUFO……Inter-Anglican Standing Commission on Unity Faith and Order

IATDC……...Inter-Anglican Theological and Doctrinal Commission

PSVI……..International Preventing Sexual Violence in Conflict Initiative

MDGs……...Millennium Development Goals

MPAC……...Mission and Public Affairs Council

OECD……..…..Organisation for Economic Co-operation and Development

PCCs……..Parochial Church Councils

PLO……..Palestinian Liberation Organisation

SPG……Society for the Propagation of the Gospel

WCRC……..World Communion of Reformed Churches

WCC……World Council of Churches

WHO……World Health Organisation

WLF……..World Lutheran Federation

WMC……...World Methodist Council

UNFCCC……...United Nations Framework Convention on Climate Change

UNHCR……United Nations High Commissioner for Refugees

UNRWA……United Nations Relief and Works Agency

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The Introduction Establishment and Communion

— Chapter 1 —

> […Since] the Church of England is the mother church of the Anglican Communion, we can be proud of the stand for racial freedom and equality that has been taken by the Church of the Province of South Africa – by people like the former Bishop of Johannesburg, the Archbishop of Cape Town and others who are really standing up for Christian values in everyday politics in that land. I do not think that the poor old Church of England, or the Anglican Communion, is still quite so sunk in darkest night as my hon. Friend seemed to be suggesting in his Amendment.[1]

It was during the 1962 Commons' debate on an amendment to the Church Assembly (Powers) Act 1919[2] (known as the 'Enabling Act' because it set up the National Assembly of the Church of England), that the Labour MP and High Churchman, Tom Driberg, explicitly referred to the Church of England as the

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[1] HC Deb 14 December 1962, vol 669, col 792.

[2] 9 & 10 Geo 5 c 76.

"mother church" of the Communion – a classical designation given to the English Church rather than a legal title. The amendment tabled by the Labour MP Emrys Hughes (the son of a Welsh Methodist minister) proposed that the Church of England makes 'full use of the machinery provided by the Church Assembly (Powers) Act 1919, under which the Church works out in its own assemblies the details of any reforms it desires, before submitting them to Parliament for approval.'[3] During this debate on the future of church and state in the 1960s, there was a recognition that Anglicanism amongst the UK population had entered into a period of gradual decline. But a handful of MPs saw a glimmer of hope for the future. For these MPs the future of Anglicanism rested not in the British Isles, but pre-eminently in the continent of Africa.

Over sixty years on, the House of Commons Library Briefing Paper, *The Relationship between Church and State in the United Kingdom* (published in September 2023), continues to use the same language: 'the Church of England is the established church of England… the Church of England is also the "mother church" of the international Anglican Communion.'[4] In the twenty-first century, the Church of England is a member church[5] of a communion that has

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[3] HC Deb 14 December 1962, vol 669, col 757. The National Assembly of the Church of England set up under the Enabling Act was reconstituted as the General Synod of the Church of England under the Synodical Government Measure 1969.

[4] David Torrance, 'The relationship between Church and State in the United Kingdom' (Commons Library Research Briefing Number CBP8886, 14 September 2023) 8 <https://commonslibrary.parliament.uk/research-briefings/cbp-8886/> accessed 26 April 2025.

[5] The Anglican Consultative Council ("ACC"), classically considered an "instrument of communion" (as discussed later in this chapter), is a company limited by guarantee under the Companies Act 2006 and has charitable status under English law. The schedule to its constitution lists the 'member-churches of the Council': the Anglican Church of Australia, the

expanded globally, and now there are over eighty-five million Anglicans and Episcopalians worldwide spread across over one-hundred and sixty-five countries.[6] This makes the Anglican Communion the third largest global communion of churches after the Roman Catholic and Eastern Orthodox communions. The World Council of Churches ("WCC") uses the term 'church families' to designate twenty-two international ecclesial communities, federations and communions. There is no legal definition of 'denomination' in UK or international law, but the Church of England's website refers to the Anglican Communion as a global "denomination" of world Christianity:

Anglican Church of Canada, the Church of England, the Anglican Church of Kenya, the Church of Nigeria (Anglican Communion), the Church of North India (united church), the Church of the Province of Rwanda, the Anglican Church of Southern Africa, the Province of the Episcopal Church of South Sudan, the Church of South India (united church), the Anglican Church of Tanzania, the Church of the Province of Uganda, the Episcopal Church (USA), the Episcopal/Anglican Province of Alexandria, the Anglican Church in Aotearoa, New Zealand and Polynesia, the Church of Bangladesh (united church), the Episcopal Anglican Church of Brazil, the Church of the Province of Burundi, the Church of the Province of Central Africa, Anglican Church of the Central America Region, Iglesia Anglicana de Chile, the Province of the Anglican Church of Congo, Hong Kong Sheng Kung Hui, the Church of the Province of the Indian Ocean, the Church of Ireland, Nippon Sei Ko Kai (the Anglican Communion in Japan), the Episcopal Church in Jerusalem and the Middle East, the Anglican Church in Korea, the Church of the Province of Melanesia, the Anglican Church of Mexico, Igreja Anglicana de Mocambique e Angola, the Church of the Province of Myanmar, the Church of Pakistan (united church), the Anglican Church of Papua New Guinea, the Episcopal Church in the Philippines, the Scottish Episcopal Church, the Anglican Church of South America, the Church of the Province of South East Asia, the Episcopal Church of Sudan, the Church in Wales, the Church of the Province of West Africa and the Church in the Province of the West Indies.

[6] The Archbishop of Canterbury's website explains: 'the Anglican Communion is one of the world's largest and most diverse Christian communities…' because 'eighty-five million people in over 165 countries call themselves Anglicans.' See 'The Anglican Communion' (*The Archbishop of Canterbury*) <https://www.archbishopofcanterbury.org/about/anglican-communion#:~:text=From%20Canterbury%20to%20Calcutta%2C%20and,speak%20more%20than%202%2C000%20languages> accessed 26 April 2025. The WorldAtlas website explains: 'with an approximate 85 million followers in the world, it is the third largest branch of Christianity,' see 'Countries With the Largest Anglican Populations' (*WorldAtlas*) <https://www.worldatlas.com/articles/countries-with-the-largest-anglican-populations.html> accessed 26 April 2025.

> [t]he Anglican Communion is one of the world's largest global Christian denominations, consisting of tens of millions of Christians who are members of 46 different [c]hurches. These make up 42 member churches (also called provinces) and five other national or local churches known as Extra Provincials, spread across the globe. Each province is autonomous, with its own system of governance. The most senior of the bishops or archbishops in each province are known as "[p]rimates".[7]

This global expansion of Anglicanism, and the Church of England's historic position as the "mother church" of the Communion, was recognised in the December 2006 Commons' debate on funding for cathedrals.[8] The Conservative MP Sir Patrick Cormack reminded the then Labour Secretary of State for Culture, David Lammy MP (who is the current Foreign Secretary), that Canterbury Cathedral is 'the mother cathedral of the Anglican Communion' and asked if the government could pledge £50 million to fund the maintenance of

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[7] 'The Anglican Communion' (*Church of England*) <https://www.churchofengland.org/about/building-relationships/anglican-communion> accessed 26 April 2025.

[8] Historically cathedrals have been referred to as the "mother church" of the diocese and some law commentaries have classified cathedrals as the "parish church" of the diocese. The Cathedral and Metropolitical Church of Christ, Canterbury is unique. The preamble of the constitution of Canterbury Cathedral explains: it is 'a holy place of pilgrimage, founded by Saint Augustine, for the worship of...God and in honour of Christ', seat of the Archbishop of Canterbury 'who combines...the offices of the Bishop of the Diocese of Canterbury, Primate of All England and Primus Inter Pares of the worldwide Anglican Communion'; thus, its ministry is to the Diocese of Canterbury, the people of East Kent, the Nation, the Anglican Communion of Churches 'of which it is the Mother Church', and those who come as 'pilgrims, worshippers and tourists'. See Norman Doe, *The Legal Architecture of English Cathedrals,* (Routledge 2017) 17, 21. For the constitution of Canterbury Cathedral see 'The Constitution' (*Canterbury Cathedral*) <https://www.canterbury-cathedral.org/media/nibpmud2/canterbury-constitution-july_final-2023_19-7-2023.pdf> accessed 26 April 2025.

Anglican cathedrals in England.[9] Lammy responded that he could not make such a promise but acknowledged that this was an important issue which he would consider when conducting the funding review.

With reference to Canterbury Cathedral, Norman Doe explains how the law facilitates the public life of the Church:

> [t]he law applicable to the church – ecclesiastical law – is part of the general law of England, whether created by the State, the Church, or both, and whether it is enforced in State Courts or those of the Church. Measures are legislation 'passed by the General Synod', with the consent of Parliament and [m]onarch, and have the same force and effect as Acts of Parliament; General Synod may also legislate by Canon, operative once the licence and assent of the [m]onarch are received. This law facilitates and orders the public life of the church in its mission and witness to Christ. The Church of England is also a member of the worldwide Anglican Communion, and Canterbury Cathedral is seen as the 'mother church' of the Communion.[10]

Doe's reference to the Anglican Communion when explaining the status of ecclesiastical law – whether made by Canon without the involvement of Parliament but with the consent of the monarch, by Measure with the consent of Parliament and the monarch, or by an Act of Parliament – reminds us that the Church of England, as a church of the Communion, has its own body of law that forms part of the general law of England. The law is also found in 'soft law'

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[9] HC Deb 18 December 2006, vol 454, col 1138.

[10] Doe, *The Legal Architecture* (n 8).

(rules and regulations), the common law judgments of ecclesiastical and temporal courts, in custom, and in divine and natural law. In *Attorney-General v Dean and Chapter of Ripon Cathedral* "ecclesiastical law" was defined as having both a wide definition in being law that 'relates to a matter concerning the Church of England', and a narrower definition in being law 'administered by ecclesiastical courts and persons and not by the temporal courts.'[11] Russell Sandberg argues that if ecclesiastical law is defined as both the external and internal laws applicable to the Church of England, then this supports the argument that law and religion may be defined as the study of both external and internal laws applicable to all religious groups and individuals. This supports the definitions of "religion law" (external laws affecting religion) and "religious law" (the internal laws made by religious groups).[12] Sandberg explains how the term ecclesiastical law has taken on a technical meaning:

> …the term 'ecclesiastical law' has taken on a technical meaning in relation to the Church of England, being defined [by Doe] as 'the law of the Church of England to the exclusion of all other law applicable to other churches'. This definition has been used by both the legislature and the judiciary. The term is used to label a learned society, a leading journal and a major text. Hill notes that 'the term ecclesiastical law is used to denote the law of the Church of England, howsoever created'.[13]

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[11] [1945] Ch 239, 244.

[12] Russell Sandberg, *Law and Religion* (Cambridge University Press 2011) 9.

[13] ibid 8.

For this dissertation ecclesiastical law may be defined as the law of the Church of England contained in Acts of Parliament, Measures and Canons, applied by the ecclesiastical courts and the secular State courts.[14] This definition is deliberately narrow to reflect the sources of law that are most relevant to the UK Parliament's contemporary relationship with the Anglican Communion – which is the focus of this study. The genre of this dissertation is law and religion.

There has been significant scholarship on the legal position of the Church of England and its laws have been compared to the laws of other churches in the Communion. Doe's *The Legal Framework of the Church of England: A Critical Study in a Comparative Context* (1996),[15] *Canon Law in the Anglican Communion: A Worldwide Perspective* (1998),[16] and Mark Hill's *Ecclesiastical Law* (2018 – now in its fourth edition),[17] provide a comprehensive overview of what may be termed "Anglican and Episcopal Church Law". Both Doe and Hill consider the law of the Church of England in the context of the worldwide Anglican Communion, and Doe's comparative work between the different churches of the Communion is fundamental to understanding its history,

[14] Sandberg (n 12) 8.

[15] Norman Doe, *The Legal Framework of the Church of England: A Critical Study in a Comparative Context* (Oxford University Press 1996).

[16] Norman Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective* (Oxford University Press 1998).

[17] Mark Hill, *Ecclesiastical Law* (4th edn, Oxford University Press 2018). See also Timothy Briden (ed), *Moore's Introduction to English Canon Law* (4th edn, Bloomsbury Continuum 2013).

contemporary issues and future. These texts provide the foundation for the research conducted in this dissertation.

1.1 The aim and central argument of the dissertation

The Second Church Estates Commissioner (who is a backbench MP of the governing party and a lay ex officio member of the General Synod) in the Commons, and the twenty-six bishops in the Lords (the Lords Spiritual), may be termed "the Church of England in Parliament" – this is a factual description rather than a legal category used by the Church of England's Parliamentary Unit.[18] It is the aim of this dissertation to understand the relationship between the UK Parliament and the Anglican Communion through the Church in Parliament, particularly in the twenty-first century. This relationship will be exposed through a critical examination of parliamentary papers. The central argument of this dissertation is that the UK Parliament recognises the importance of the Anglican Communion as a major global denomination of world Christianity – working as a leading international faith-based organisation with ecumenical partners, the Commonwealth, the UN and other international NGOs, the Communion features in parliamentary debates about global issues.[19]

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[18] The term "Church of England in Parliament" is used on the Church of England's official website to describe the presence of the Second Church Estates Commissioner in the Commons and the bishops in the Lords. See 'The Church in Parliament' (*The Church of England*) <https://www.churchofengland.org/about/church-parliament> accessed 26 April 2025. See also 'The Church in Parliament' (*The Church of England's Parliamentary Unit*) <https://churchinparliament.org/> accessed 26 April 2025.

This relationship has led to emerging constitutional conventions which continue to shape the future of the Church of England as the established religion of England and the Anglican Communion as a global denomination of world Christianity.

It should be noted from the outset that there is no formal legal connection between the UK Parliament and the Anglican Communion, as contained for example in primary or secondary legislation or in any international treaty or concordat. Furthermore, the Church of England holds no legal authority over any other church in the Communion. But the Archbishop of Canterbury continues to exercise metropolitical oversight over a small number of extra-provincial churches.[20] Furthermore, both the UK government and the Anglican Communion co-operate at an international level within the framework of international law. The Anglican Communion participates in international development, peace and reconciliation initiatives in partnership with other governments, NGOs, and inter-governmental organisations. In this respect, there is an indirect juridical connection through the norms and structures of

[19] It should also be noted that the cultural life of Parliament is also heavily tied to the rites and liturgy of the Church of England. The Chaplain to the Speaker (currently the Revd. Mark Birch), provides pastoral support to members of both Houses, leads prayers in the Commons daily when it sits in session, and celebrates the eucharist in the Chapel of the Palace of Westminster twice a week. In the House of Lords there is always one Lord Bishop present who leads prayers at the start of each day. Though this Anglican presence in Parliament does not have any direct legal implications, it reminds us of the delicate ecology between church and state at the heart of the UK political system.

[20] Churches that fall under the metropolitical oversight of the Archbishop of Canterbury include: the Anglican Church of Bermuda, the Church of Ceylon, the Parish of the Falkland Islands, the Lusitanian Catholic Apostolic Evangelical Church (Portugal) and the Spanish Reformed Episcopal Church.

international law, particularly in relation to human rights, the environment, and humanitarian aid. A soft-cooperation model best describes this relationship. As will be evidenced in this dissertation, the UK government enters dialogue or joint initiatives with the Communion through the Foreign, Commonwealth and Development Office ("FCDO"). This is in contrast with the model applied to the Holy See, which has a legal personality as a State that allows it to enter concordats and treaties as the juridical equal of another State.[21] The Anglican Communion, by comparison, is a fellowship of churches and is not a State – it has no treaty-making capacity or international legal personality, but holds, since 1985, special consultative status at the UN.

There is currently no scholarship on the direct contemporary relationship between the UK Parliament and the Anglican Communion. As we will see in this dissertation, debates in Parliament when the Anglican Communion is mentioned are related to a range of issues spanning sexuality and gender, international development and climate-change, to the role of the monarchy, and ecumenical and interfaith relations. To understand this relationship better, it is first necessary to consider the role and functions of the UK Parliament.

[21] See Peter Petkoff, 'Legal Perspectives and Religious Perspectives of Religious Rights under International Law in the Vatican Concordats (1963–2004)' (2007) 158 Law & Just-Christian L Rev 30. See also Peter Petkoff, 'Religious Exceptionalism, Religious Rights, and Public International Law', in Malcolm Evans, Peter Petkoff and Julian Rivers (eds), *Changing Nature of Religious Rights under International Law* (Oxford University Press 2015).

1.2 The role and functions of the UK Parliament

Parliament has four main roles. The first is to scrutinise the work of the government though questions, debates and committees; the second is to make and change law through primary and secondary legislation; the third is to debate the important issues of the day; and the fourth is to check and approve government spending. [22] As we will see in this dissertation, there have been instances in which the Anglican Communion has featured in debates when Parliament carries out all four roles.

It should be noted from the outset that in showing the relationship between the UK Parliament and the Anglican Communion, this dissertation concurrently shows the relationship between the UK government and the Anglican Communion. Mark Elliot and Robert Thomas point out that the UK Parliament is dominated by the government of the party that commands a majority in the Commons:

> [t]he UK Parliament is not, and never has been, a legislative body, in the sense of being specially and primarily empowered to make legislation. Instead, it debates, scrutinises, and enacts the government's legislation. Parliament is not a lawmaking, but a law-effecting, institution.[23]

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[22] UK Parliament, 'What is the role of Parliament?' (*UK Parliament*) <https://www.parliament.uk/about/how/role/> accessed 26 April 2025.

[23] Mark Elliot and Robert Thomas, *Public Law* (5th edn, Oxford University Press 2024) para 5.1.2.

Robert Blackburn's contribution to *Halsbury's Laws of England* on the role and functions of Parliament appear to support Elliot's and Thomas' point that the primary function of the UK Parliament is to debate, scrutinise, and enact the government's legislation. Blackburn affirms Dicey's doctrine of parliamentary sovereignty by explaining that 'the King in Parliament is the supreme national legislature.'[24] But goes on to explain that the initiation of primary legislation rests principally with the government, and it is the function of Parliament to debate, scrutinise, propose amendments and approve legislation.[25]

Following the 2019 UK Supreme Court decision in *Miller II,*[26] it is important to note that whilst the UK Parliament is dominated by the government through its majority in the Commons, the Supreme Court has ruled that the government cannot prevent Parliament from carrying out its proper functions as the body responsible for the supervision of the executive. "Parliamentary sovereignty" and "[p]arliamentary accountability" were upheld as fundamental "constitutional principles" that limited the power of the then Conservative government, led by Boris Johnson, to ask the monarch to prorogue Parliament without Parliament's consent when MPs were debating the European Union (Withdrawal Agreement) Bill[27] (the "Brexit Bill"). So, whilst Elliott, Thomas

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[24] *Halsbury's Laws of England* (5th edn, 2023) vol 20, para 92. For a greater discussion see para 5.2 of this dissertation.

[25] ibid.

[26] *R (Miller) v the Prime Minister* [2019] UKSC 41, [2020] AC 737.

[27] HC Bill (2019-21) [7].

and Blackburn are correct to highlight the dominance of the government in the contemporary UK Parliament, parliamentary sovereignty and parliamentary accountability are fundamental constitutional principles that continue to limit the power of the executive.

Another function highlighted by Blackburn is 'the extraction of information from the government and the scrutiny of government policy.'[28] An important role of the two Houses is to scrutinise the work of ministers.[29] For most legislation and government policy this occurs predominantly in the Commons – but in this dissertation we will see that for legislation and policies that might be relevant to the Anglican Communion, the burden is shared equally between the Lords and the Commons because of the presence of the Lords Spiritual. His Majesty's Opposition, backbench MPs, temporal peers and Lord Bishops may ask questions of ministers to elicit information and air concerns – ministers are, in principle, expected to answer parliamentary questions.[30] Answers to questions are given either orally or in writing.[31] Parliamentarians who are not satisfied with the answer they are given may seek to raise the matter in a debate.[32]

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[28] *Halsbury's* (n 24) para 92.

[29] *Halsbury's Laws of England* (5th edn, 2018) vol 78, para 608.

[30] ibid.

[31] ibid.

[32] ibid.

In the Commons, information related to the Anglican Communion is sought from the Second Church Estates Commissioner by prominent backbench MPs (for example from the Labour MPs Ben Bradshaw and Chris Bryant, and the former Liberal Democrat MP Simon Hughes); and in the Lords the Lord Bishops seek information from government ministers (for example Lord Ahmad who was the Conservative minister at the FCDO 2017-24), and temporal peers seek information from the Lords Spiritual. Former bishops and archbishops (including the former Lord Bishop of Oxford, Lord Harries) are also prominent voices in the Lords when the Anglican Communion features in debates (see chapters 3 and 4).

And finally, Blackburn notes that another way in which Parliament exercises its functions is through Select Committees in both Houses established under the standing orders. The efficiency and effectiveness of ministers and their departments are subjected to scrutiny in the departmental Select Committees.[33] A Joint Committee may be appointed, with the concurrence of both Houses of Parliament, either to consider a Bill or draft Bill, or a group of Bills, or to inquire into some particular subject and to report upon it to the respective Houses.[34] In this dissertation we will see the Church of England through its charities, agencies and clergy present information to Select Committees about how the Communion engages with UK government bodies

[33] *Halsbury's* (n 29).

[34] ibid para 687.

and other international agencies. We will also see information presented by thinktanks, other secular charities and NGOs about global issues pertinent to the life of the Communion.

As will be discussed in chapter 3, the Ecclesiastical Committee, which is a statutory body (created by the Enabling Act, s 2) and not a Select Committee, comprises members from both the Lords and the Commons. It is not a parliamentary committee and therefore its proceedings are not considered "proceedings in Parliament". On 22 March 1921 the Ecclesiastical Committee decided to adopt the procedures of a parliamentary Joint Committee. The committee reports on the nature and legal effect of the draft Measure and gives its views on whether the draft Measure should proceed ("is expedient"), especially with relation to the constitutional rights of all His Majesty's subjects. During its consideration of a draft Measure the Ecclesiastical Committee may, either of its own motion or at the request of the Legislative Committee of the General Synod, invite the Legislative Committee to discuss its provisions at a conference. Most recently, this happened on 3 February 2025 in relation to the draft Chancel Repair (Church Commissioners' Liability) Measure and the draft Church Funds Investment Measure.

1.3 The national and international context of establishment

Mark Chapman's chapter: 'Church and State in England: A Fragile Establishment' (in Leo Lefebure's edited book, *Religion, Authority and the*

State (2016)), is the inspiration for this dissertation. In this chapter, Chapman analyses the parliamentary debates on women clergy, civil partnerships and same-sex marriage (issues which will be considered in relation to the Anglican Communion in chapters 3 and 4 of this dissertation). Chapman highlights the death of what he terms "Tory Anglicanism" in the UK Parliament and the disjunction between the attitudes of the Church of England and Parliament on the issue of same-sex marriage. In this chapter Chapman points out that 'of the thirty-eight[35] member Churches of the Anglican Communion the Church of England is the only Church which is formally established.'[36] And Hill similarly states that 'no other component [p]rovince of the Anglican Communion has the constitutional status of being an established church within the state or states where it operates.'[37]

Most non-established churches of the Anglican Communion that are in Commonwealth countries were, like dissenting non-conformists in England during the seventeenth and eighteenth centuries,[38] governed on the basis of

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[35] Writing in April 2025 the number of provinces that make up the Anglican Communion is forty-two. The Church of North India, the Church of South India, the Church of Pakistan and the Church of Bangladesh are united churches that are considered member churches of the Anglican Communion. There are three churches that are in full communion: the Old Catholic Churches of the Union of Utrecht, the *Iglesia Filipina Independiente* and the *Mar Thoma* Syrian Church of Malabar. See Anglican Communion, 'Churches in Communion' (*Anglican Communion*) <https://www.anglicancommunion.org/ecumenism/churches-in-communion.aspx> accessed 26 April 2025.

[36] Mark Chapman, 'Church and State in England: A Fragile Establishment' in Leo Lefebure (ed), *Religion, Authority and the State: From Constantine to the Contemporary World* (Palgrave Macmillan 2016) 199.

[37] Hill (n 17) para 1.01.

[38] Toleration Act 1688 (1 Will & Mary c 18) and the Nonconformist Relief Act 1779 (19 Geo c 3 44).

consensual compacts or associations of co-religionists.[39] The principle of consensual compact was stated by Master of the Rolls, Lord Romilly, in *Lord Bishop of Natal v Gladstone*.[40] He explained that '[w]here there is no State religion… the association is bound by the doctrines, rites, rules and ordinances of the Church of England except so far as any statutes may exist which (though relating to this subject) are confined in their operation to the limits of the United Kingdom of England and Ireland'.[41]

The Church of England, existing as a church established by law, is therefore unique amongst the provinces of the Anglican Communion. But this uniqueness must not be over emphasised, and it should be recognised from the outset that the other churches of the Communion mirror the Church of England legally in many ways (for example in government, worship and ministry) – this will be explored in chapter 3 when we consider how Parliament looks outwards in the Communion to understand how other provinces have dealt with similar legal issues faced by the Church of England.

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[39] Noel Stanley Bertie Cox, 'An exploration of the basis of legal authority in the Anglican Church in New Zealand' (MA thesis, The Archbishop's Examination in Theology 2004) 46–47.

[40] (1866) LR 3 E 1.

[41] *Lord Bishop of Natal v Gladstone* (1866) LR 3 E 1, [35]-[36] (Lord Romilly MR). The doctrine was refined in *Forbes v Eden* (1867) LR 1 SC and Div 568, (Lord Cranworth and Lord Colonsay).

Doe, through his examination of international case law and the national constitutions of different countries, points out that '[d]octrines of establishment are notoriously difficult to construct':[42]

> [j]udicial definitions of establishment, throughout the world, are broadly agreed that establishment involves: action by a state 'to grant legal status, recognition or protection' to a church; 'to confer on a religion or religious body the position of a state religion or a state church'; 'to support a church in the observance of its ordinances and doctrines'; and 'to found or set up a new church or religion'; full establishment may involve duties on the state and the citizen to maintain the established church as well as legal preference to the exclusion of other religious communities. No Anglican church is fully established, and several states forbid the establishment of any church.[43]

Whilst the Church of England is the only church of the Communion that is established, though not fully established, Doe alerts us that 'most churches of the worldwide Anglican Communion engage with the State, its institutions and laws, for the purposes of their own visible organisation.'[44] Non-English churches of the Communion fall into one of three categories as they relate to civil law: (1) non-established (they never were established), (2) quasi-

[42] Doe, *Canon Law* (n 16) 13.

[43] ibid.

[44] Norman Doe, *Christian Law: Contemporary Principles* (Cambridge University Press 2013) 359.

established (with some reliance on State law) or (3) disestablished (achieved by the enactment of State law).[45]

The churches of Commonwealth Caribbean countries[46] and the churches in the Indian subcontinent[47] that are members of the Anglican Communion have been disestablished (Indian disestablishment is considered in greater detail in chapter 2). In the UK there are three other churches that are members of the Anglican Communion: the Church of Ireland, the Church in Wales, and the Scottish Episcopal Church. The Irish Church Act 1869 (which took effect in 1871)[48] explicitly dissolved the constitutional union between the Church of England and the Church of Ireland, stating under section 2 that 'the union created by Act of Parliament between the Churches of England and Ireland... should be dissolved' and that the Church of Ireland 'shall cease to be established by law.'

The Church of England in Wales and Monmouthshire was disestablished in 1920 (enacted in 1914 but its implementation was delayed because of WWI).[49] The Welsh Church Act lists the former marks of establishment which

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[45] Doe, *Christian Law* (n 44).

[46] Barbados – Anglican Church Act 1969 (Barbados); Bermuda – Church of England in Bermuda Act 1975 (Bermuda); Dominica – Laws of Dominica 1961, Ordinance 1878 (Dominica); Grenada – Church of England Disestablishment Act 1959 (Grenada); Jamaica – Church of England Disestablishment Law 1938 (Jamaica).

[47] Indian Church Act 1927 (17 & 18 Geo V c 40); Indian Church Measure 1927 (17 & 18 Geo V No 1). The emergence of four united churches in North and South India, Pakistan and Bangladesh is discussed in greater detail in chapter 2.

[48] 32 & 33 Vict c 42.

included (amongst other marks), the prohibition of future Welsh Church appointments by the monarch (s 1), the abolition of Welsh Lords Spiritual (s 2 (2)) and the end of the Ecclesiastical Court's jurisdiction (s 3(1)).

Both churches will be considered in greater detail in chapter 2. These churches may not have "formal establishment", but the "vestiges of establishment" mean that they continue to operate as national churches to varying degrees through the exercise of, for example, marriage and burial rights.[50] For this reason, Chapman's definition of "formal establishment" is more accurately used to describe the Church of England.

The relationship between Parliament and the Church of England has many implications for both church and state. The focus of this dissertation is an analysis of how the current constitutional connection between church and state relates to the Anglican Communion. This constitutional aspect of establishment has been called "high establishment", as opposed to "earthed establishment". The former term refers to the formal constitutional relationship between church and state, and the latter to the everyday activities of the Church as it encounters people through civic engagement and the parish structure.[51]

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[49] Welsh Church Act 1914 (4 & 5 Geo 5 c 91), s 1 (1): '[o]n and after the date of disestablishment the Church of England shall cease to be established in Wales and Monmouthshire, and the ecclesiastical law of the Church of England shall cease to extend to or be binding in Wales or Monmouthshire...' For a comprehensive overview of the legal status of the Church in Wales and disestablishment see Norman Doe, *The Law of the Church in Wales* (University of Wales Press 2002) 5–8.

[50] Torrance (n 4) para 5.5.

[51] Wesley Carr, 'A Developing Establishment' (1999) 102(805) *Theology* 2.

Whilst formal establishment does not exist elsewhere in the Anglican Communion, it continues to exist in the British Isles. The Presbyterian Church of Scotland ("the Kirk") is a member church of the World Communion of Reformed Churches ("WCRC") and has a lighter form of formal establishment,[52] because, unlike the Church of England, it has independence from the Crown and the UK Parliament.[53] Shortly before Great Britain was formed in 1707,[54] the Parliament of Scotland passed the Protestant Religion and Presbyterian Church Act 1707,[55] an Act that guaranteed 'the Protestant Religion and Presbyterian Church Government.' During the early twentieth century, the Church of Scotland attempted reunion with the Calvinist Free Church of Scotland (which had split during the schism of 1843 when 450 evangelical ministers broke away from the Kirk, a schism is known as "the Great Disruption").[56] The Free Church objected to the relationship the Kirk had with the British State, so the Church of Scotland drafted 'Declaratory Articles' in 1919 which redefined the relationship. But it is important to note that the Church

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[52] Whether the Church of Scotland is established is disputed, for a discussion of this debate see C R Munro, 'Does Scotland Have an Established Church?' (1997) 4.20 Ecc LJ 639.

[53] See Iain McLean and Scot Peterson, "A Uniform British Establishment" in Mark D. Chapman, Judith Maltby and William Whyte (eds), *The Established Church: Past, Present and Future* (Mowbray 2011). For a comparative history see Stewart J. Brown, *The National Churches of England, Ireland, and Scotland, 1801–46* (Oxford University Press 2001).

[54] Union with Scotland Act 1706 (6 Ann c 11) (Scot).

[55] 6 Ann c 8 (Scot).

[56] David Torrance 'Is the Church of Scotland established? House of Commons Library Insight' (*UK Parliament*) <https://commonslibrary.parliament.uk/is-the-church-of-scotland-established/#:~:text=The%20Church%20of%20Scotland%20is%20the> accessed 26 April 2025. See Church of Scotland Act 1921 (11 & 12 Geo 5 c 29).

of Scotland Act 1921 does not use the term "established" – Article III of the Declaratory Articles (contained in the schedule to the Act) describes the Kirk as the 'national Church representative of the Christian Faith of the Scottish people.'

The Scottish Episcopal Church, disestablished in 1689,[57] has a unique history amongst the churches of the Communion, and this will also be explored in greater detail in the next chapter. Though the Scottish Episcopal Church essentially has the same status of other non-established religious groups in Scotland, statute has granted it a small number of benefits and disabilities.[58] But it is a free church: the Crown may not appoint its bishops and it may not be a branch of the established Church of England.[59]

Beyond the British Isles there are across European republics, kingdoms and principalities many different church-state models. For example, in Greece, which has been a republic since 1973, Article 3 of its constitution states that 'the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ.'[60]

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[57] Claim of Right Act 1689 (c 28) (Scot).

[58] For example, under Scottish Episcopalians Act 1711 (c 10 Ann) s 5, Episcopalian ministers have the right to 'administer the sacraments and marry.' See Mark Hill, Russell Sandberg, and Norman Doe, *Religion and Law in the United Kingdom* (2nd edition, Kluwer Law International 2014) paras 46–49, 38–9.

[59] Union of Scotland Act 1706 (6 Ann c 11), s 2.

[60] For an overview see 'Church and State in Western Europe (Excepting Scandinavia)' in Frank Cranmer, John Lucas and Bob Morris (eds), *Church and State A Mapping Exercise* (UCL Constitution Unit 2006) Appendix E <https://www.academia.edu/32445425/Church_and_State_a_mapping_exercise> accessed 26 April 2025.

The Scandinavian constitutional monarchies have historically exhibited church-state relations closest to the English model. Although the Church of Sweden was disestablished in 2000 and the Church of Norway was disestablished in 2012,[61] the Church of Denmark remains established.[62] These Scandinavian churches are Evangelical Lutheran in confession and member churches of the Lutheran World Federation ("LWF").[63] Established in 1992, the Porvoo Communion is a communion of fifteen Anglican, Episcopal and Evangelical Lutheran churches in Europe (which includes the Lutheran Church in Great Britain). The communion was established by a theological agreement entitled the 'Porvoo Common Statement' which establishes full communion.[64] The Church of England, the Scottish Episcopal Church, the Church of Ireland and the Church in Wales are member churches of the Porvoo Communion. In both the Anglican and Lutheran communions, the member churches are autonomous and there is no "magisterium".[65] But what makes the Church of England distinct

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[61] Andreas Henriksen Aarflot, 'The Church of Norway: Before and After its Separation from the State' (YouTube, 3 May 2022) <https://www.youtube.com/watch?v=CFZDaP6aayg> accessed 26 April 2025.

[62] See Frank Cranmer, 'Church/State Relations in Scandinavia' in B Morris (ed), *Church and State in 21st Century Britain: The Future of Church Establishment* (Palgrave Macmillan 2009) 127, which compares establishment in England and Scandinavia.

[63] Miriam Heer 'Authority and Change: The Role of Authority in the Anglican Communion and the Lutheran World Federation' in M D Chapman and V Latinovic (eds) *Changing the Church* (Springer International Publishing 2021) 259.

[64] 'Porvoo Communion – a communion of churches' (*The Porvoo Communion*) <https://porvoocommunion.org/> accessed 26 April 2025.

[65] See 'Constitution of the Lutheran World Federation' Article IV, Scope of Authority: '[a]s instrument of its autonomous member churches the Lutheran World Federation may take action in matters committed to it by the member churches. It may act on behalf of one or more churches in such specific tasks as they commit to it. It may request individual member churches to assume tasks on behalf of the entire Communion.' 'Constitution of the Lutheran

to these other Scandinavian LWF churches, is the relationship the Church of England has with other churches of the Anglican Communion. All the churches of the Anglican Communion can trace their origin either directly or indirectly from the Church of England. This is in sharp contrast to the other historically established Scandinavian churches, which are not "mother churches" to the other Lutheran churches that are members of the LWF; nor do their most senior bishops play any form of automatic leadership role within the formal federation of Evangelical Lutheran churches. Although the LWF was established in 1947 in Lund, Sweden, and the Church of Sweden played a significant role in its establishment – with the Swedish Evangelical Lutheran Bishop Anders Nygren serving as its first president, the LWF does not have a "mother church".

1.4 The Church of the England established by law

The Church of England as the established church is legally different from other religious institutions that operate in the UK. Other denominations and religions have dialogue with the British State through, for example, the Catholic Bishops' Conference of England and Wales ("CBCEW"), the Muslim Council of Britian ("MCB") and the Board of Deputies of British Jews. Many religious bodies, like the Islamic Sharia Council, are recognised by the Charity Commission and are

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World Federation' (*The Lutheran World Federation*) <https://lutheranworld.org/sites/default/files/2024-11/LWF%20Constitution%20EN.pdf> accessed 26 April 2025.

therefore subject to regulatory oversight under English charity law. But none of these bodies of other UK denominations and religions have automatic representation in the UK Parliament and the UK Head of State has no automatic legal status within these bodies.

In assessing what establishment means for the Church of England, Doe has identified the "incidents of establishment". Firstly, while 'there is no 'Establishment Act' as such, the institutional Church of England has been formed at least in part by a series of direct legislative acts of the civil power.'[66] Indeed, during the nineteenth century 'some in the Oxford Movement quipped the English Church was simply "an Act of Parliament Church".[67] This was identified in the second of a series of reports on church and state (the first was the Selborne Report in 1916). The Cecil Report of 1935 suggested that 'establishment has been a growth and not a creation, and dates from an age when Church and nation were indistinguishable one from another.'[68] This was also identified by the Law Lord, Lord Hope, in the 2004 case of *Aston Cantlow:*

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[66] Doe, *The Legal Framework of the Church of England* (n 15) 8.

[67] Norman Doe, ''Legalists and Moralists' in the Historic Portrayal of the Constitution of the Church of England' (2023) 25 Ecc LJ 330, 337. See also Robert Owen, *An Apology for the High Church Movement on Liberal Principles* (1851); Norman Doe, 'Rediscovering Anglican Priest-Jurists: I – Robert Owen (1820–1902)' (2019) 21 Ecc LJ 54, 55.

[68] Cecil of Chelwood, *Church and State – Report of the Archbishops' Commission on the Relations between Church and State,* (Church Assembly 1935) 171. There was a succession of reports on church and state through the twentieth century: Archbishops' Committee on Church and State, *The Archbishops' Committee on Church and State: Report with Appendices* (SPCK 1916); Archbishops' Commission on the relations between Church and State, *Church & State: Report of the Archbishops' Commission on the Relations between Church and State 1935*, 2 vols (The Press & Publications Board of the Church Assembly 1935); Archbishops' Commission on Church and State, *Church and State: Being the Report of a Commission Appointed by the Church Assembly in June 1949* (Church Information Board of the Church

> [t]he Church of England as a whole has no legal status or personality. There is no Act of Parliament that purports to establish it as the Church of England… What establishment in law means is that the state has incorporated its law into the law of the realm as a branch of its general law.[69]

Secondly the Church is treated legally as 'the public or state-recognised form of religion,'[70] but it is not a 'department of State' as the dicta in the 1907 Court of Appeal case *Marshall v Graham* has confirmed:

> [a] Church which is established is not thereby made a Department of State. The process of establishment means that the State has accepted the Church as a religious body in its opinion truly teaching the Christian faith, and given to it a certain legal position, and its decrees, if rendered under certain legal conditions, certain legal sanctions.[71]

Thirdly, the State 'places upon the Church of England a series of rights and duties which are not applicable to other churches.'[72] This was identified in the Chadwick Report of 1970 as 'the laws which apply to the Church of England

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Assembly 1952); Archbishops' Commission, *Church and State: report of the Archbishops' Commission* (Church Information Office 1970).

[69] *Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank* [2004] 1 AC 546 (HL) [61] (Lord Hope).

[70] Doe, *The Legal Framework of the Church of England* (n 15) 8.

[71] *Marshall v Graham* [1907] 2 KB 112 [126] (Phillimore J).

[72] Doe, *The Legal Framework of the Church of England* (n 15) 9.

and not to other churches.'[73] At the earthed levels of establishment Hill points out that there are 'significant burdens attached to establishment, such as the duty to baptise, marry, and bury parishioners irrespective of their religion, and the obligation to maintain thousands of listed church buildings.'[74] At the higher levels of establishment it is the Crown that formally approves the Crown Nominations Commission's ("CNC") decisions for diocesan bishops and archbishops (the College of Canons at the relevant cathedral formally elects the bishop or the archbishop),[75] and the Church's laws require Royal Assent.

And fourthly, as the UK Head of State is its Supreme Governor, there is therefore 'a fundamental identification of the Church of England with the State, the monarch being head of each.'[76] The monarch's Henrician headship and then Elizabethan supreme governorship is derived from the Acts of Supremacy of 1534 and 1558. Royal supremacy in the Church is also maintained in Article 37

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[73] Owen Chadwick, *Church and State – Report of the Archbishops' Commission* (Church Information Office 1970) 2.

[74] Hill (n 17) para 1.21.

[75] Appointment of Bishops Act 1533 (25 Hen 8 c 20), s 3: '[a]ll Elections of the Archbishops or Bishops shall be made by the Deans and Chapters, &c. under the King's Licence and Letters missive naming the Person to be chosen; and in Default of such Election the King shall present by his Letters Patent.' Under this Act the Monarch instructs the dean and chapter of the relevant cathedral on whom they should elect as the diocesan bishop; if the relevant dean and chapter do not comply, the appointment proceeds in any event under letters patent. The Church of England's 1990 report states that 'the machinery established by Henry VIII basically continues in all outward appearances to this day.' See *Episcopal Ministry: the report of the Archbishop's Group on the Episcopate*, GS 944 (London, 1990), 222. See further Stephen Coleman, 'The Process of Appointment of Bishops in the Church of England: A Historical and Legal' Critique' (2017) 19 Ecc LJ 212.

[76] Doe, *The Legal Framework of the Church of England* (n 15) 9.

of the Thirty-Nine Articles of Religion, approved by Parliament, and ratified by Elizabeth I in 1571.

Whilst the Church of England is established by law, citing *Aston Cantlow*, Hill explains that 'the Church of England as a whole has no legal status or personality.'[77] Instead, legal personality is dispersed among various office-holders and bodies which exist within its overall structure.'[78] In *Aston Cantlow* the Law Lords recognised that historically the Church of England played a central role in the life of England.[79] As the established Church, it continues to have special links with central government.[80] But the Church of England remains essentially a religious organisation, even though it may have some governmental functions.[81]

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[77] *Aston Cantlow* (n 41). The legal status of Parochial Church Councils (PCCs) was considered in this case. Lord Nicholls said of PCCs: 'their constitution and functions lend no support to the view that they should be characterised as governmental organisations' [14]. On PCCs see Hill (n 17) paras 3.11–15.

[78] Hill (n 17) para 1.1. See also the written evidence submitted to Joint Committee on Human Rights from The Centre for Law and Religion at Cardiff Law School, where the issue of whether the Church of England is a "core" public authority in the meaning of the Human Rights Act 1998 is discussed. Norman Doe, Mark Hill, Frank Cranmer, Javier Oliva and Christiana Cianitto, 'Memorandum from The Centre for Law and Religion, Cardiff Law School: Written Evidence to the Joint Committee on Human Rights' (UK Parliament website) <https://publications.parliament.uk/pa/jt200304/jtselect/jtrights/39/39we22.htm#note184> accessed 26 April 2025.

[79] ibid para 1.19.

[80] ibid.

[81] ibid.

1.5 The fellowship of the Anglican Communion

Unlike the Roman Catholic Church's 1983 *Code of Canon* (as it applies to Latin-rite Catholic Churches), the Anglican Communion does not have a centralised body of canon law that is binding on all member churches. Consequently, whilst the Church of England is inextricably linked to Parliament – the State legislature for the UK, the Anglican Communion is not directly linked to any legislative body, and none of its institutions 'possess juridical or legislative authority.'[82] However, juridical authority runs through the life of its individual member churches from which common principles of canon law have emerged.

Each church 'is self-governing but belongs to the Communion by virtue of a common tradition, ecclesiology, and doctrine.'[83] Hill alerts us that '[t]he Anglican Communion is nowhere defined in ecclesiastical law.'[84] Each church has its own legal system created by a synod or other assembly representative of bishops, clergy and laity.[85] Doe points out that whilst each church has its own legal system, there are groupings that have similarities in the substantive law:

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[82] Hill (n 17) para 2.03.

[83] ibid para 2.02.

[84] *Halsbury's Laws of England* (5th edn, 2025) vol 34, para 12.

[85] Norman Doe, 'The Contribution of Common Principles of Canon Law to Ecclesial Communion in Anglicanism' in *The Principles of Canon Law Common to Churches of the Anglican Communion* (Anglican Consultative Council 2008), 97 <http://www.anglicancommunion.org/media/124862/AC-Principles-of-Canon-Law.pdf> accessed 26 April 2025. The second edition was published in 2022 and launched at the 2022 Lambeth Conference: Legal Network Advisors, *The Principles of Canon Law Common to Churches of the Anglican Communion Second Edition 2022* (Anglican Consultative Council

> …sometimes churches may be placed in natural groups existing as such as a result of their historical origins and associations. There are similarities between the legal systems of Anglican churches in the British Isles, commonly deriving rules from the legal order of the Church of England. The laws of the Anglican church in the Philippines and some of those in Latin America are, broadly, derivative of the substantive law of ECUSA, the Protestant Episcopal Church in the United States of America. The laws of most of the African churches, organized as provincial churches, resemble closely the law of the church in the Province of Southern Africa. Melanesian canon law has been influenced, at least in part, by the canon law of the church in Aotearoa, New Zealand and Polynesia.[86]

Churches are organised into provinces, and contain assemblies and bishops:

> [h]istorically, there has been a distinct continuity in the institutional organization of Anglican churches, still arranged on a territorial basis of provinces, dioceses, and local ecclesiastical units such as parishes. Constitutional and canonical arrangements of individual churches clearly indicate a legal unity in the Anglican Communion in terms of institutional church organization. Each unit has its own assembly, and the process of democratization in the church has resulted in a general principle that, whilst individual churches may be episcopally led, government by its assemblies is rooted in the concept of representation of both clerical and lay members of the church acting in concert with the bishops.[87]

2022) <https://ecclawsoc.org.uk/wpcontent/uploads/2022/08/9781911007364_paperback_interior.pdf> accessed 26 April 2025.

[86] Doe*, Canon Law* (n 16) 3–4.

[87] ibid 69.

Broadly speaking, churches within the Communion are national, provincial, regional, extra-provincial or united:

> [n]ational churches are those in which the church's territorial boundaries correspond to those of the secular state in which they exist: they may be organized on the basis of a group of provinces (such in the USA), or on the basis of a single province which corresponds to a single secular state (such as Sudan); alternatively a province (as in Wales) or provinces (as in England) may correspond to secular jurisdictional divisions within a state. Regional churches are those operating territorially over a number of secular states: such churches may be organized as a single province (such as in the West Indies), or more (as in Ireland), or as non-provincial (such as the Episcopal Church in Jerusalem and the Middle East). Extra-provincial churches are those organized on the basis of a diocese which is not part of a province: some are under the jurisdiction of the Archbishop of Canterbury (such as Bermuda or Ceylon) or of another church (such as Costa Rica or Puerto Rico which are associated with the Episcopal Church in the USA). United churches are those founded as the result of constitutional union between Anglican churches and other Christian churches (such as in South India).[88]

And fundamental to the Communion is the principle of autonomy:

> [t]he Anglican Communion is one in which there is no formal universal law applicable to all member churches. Each church is, in legal terms, autonomous. Juridically, relations between churches are rooted in a body of ecclesiastical conventions, expressed in the form of rules and

[88] Doe, *Canon Law* (n 16) 9.

> principles; for many the principle of ecclesiastical autonomy itself is treated 'as if it were a fundamental law of Anglicanism'.[89]

Whilst autonomy is central to the Communion's ecclesiology, the Communion is held together by the instruments of communion which are the Archbishop of Canterbury, the Lambeth Conference, the Anglican Consultative Council ("ACC"), and the Primates' Meeting. Each of these instruments has developed at different stages in the life of the Communion. As Doe has explained:

> [whilst] …institutions exist at the global level of the Anglican Communion, namely, the instruments of unity and communion (Archbishop of Canterbury, Lambeth Conference, Primates' Meeting and Anglican Consultative Council), there is no body at this level competent to make decisions binding on individual churches. There is no body of global law in Anglicanism: the decisions of the institutional instruments of unity have persuasive moral authority not enforceable juridical authority, unless incorporated in the laws of member churches.[90]

The first Lambeth Conference, called by Archbishop Charles Longley of Canterbury, was convened in 1867, the first Anglican Consultative Council was held in 1971, and the first Primates' Meeting in 1979. These institutions cannot make decisions that are legally binding on provinces and their legal

[89] Doe, *Canon Law* (n 16) 372.

[90] Doe, 'The Contribution of Common Principles' (n 84).

status in the life of each province is determined by the law of that church.[91] Doe explains that as 'a fundamental principle consonant with provincial autonomy, they enjoy moral authority and not coercive jurisdiction.'[92] Hill points out that 'neither the office of archbishop nor any of these pan-national institutional bodies possess juridical or legislative authority. They are rooted in bonds of affection and respectful collaboration.'[93] The classical 'bonds of affection' are loyalty to scripture, the dominical sacraments, the threefold ministry of deacon, priest and bishop, and the spirit of the Book of Common Prayer 1662.

Doe points out that the 'canon law of a church promotes communion, it is a centripetal force, in so far as it pulls that church towards the See of Canterbury and towards other Anglican [and Episcopal] churches.'[94] Another feature of the centripetal force of individual canonical systems is their explicit (but occasional) incorporation of resolutions of the Lambeth Conference.[95] It is Hill's view that '[r]resolutions are nothing more than the collective opinion of those bishops present and signifying their consent.'[96] But he goes on to point

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[91] Norman Doe, 'The Instruments of Unity and Communion in Global Anglicanism' in Ian S. Markham, J. Barney Hawkins, Justyn Terry, Leslie Nuñez Steffensen, J. Barney, IV Hawkins and Leslie Nuñez Steffensen (eds), *The Wiley-Blackwell Companion to the Anglican Communion* (John Wiley & Sons Ltd 2013) 48.

[92] ibid.

[93] Hill (n 12) para 2.02.

[94] Norman Doe 'Canon Law and Communion' (2002) 30 Ecc LJ 241, 248.

[95] ibid 250. For the incorporation of LC 1948, Res. 37 on duties of church membership see England. Act of Convocation. 1953–54. 173.

[96] *Halsbury's* (n 84) para 13.

out that '[w]hen acted upon and incorporated into the canon law and practice of multiple provinces they gradually acquire enhanced ecclesial and juridic weight.'[97]

Classically these have been considered the four instruments of unity or communion, but the April 2002 Primates' Meeting recognised that the 'law common to the churches of the Communion and expressed as shared principles of canon law may be understood to constitute a fifth instrument of unity'.[98] At the Anglican Communion Legal Advisers' Consultation, which took place in Canterbury in March 2002, Doe pointed out that at least four provinces formally recognise the principles of canon law common to the Communion.[99] The constitution of the Province of the West Indies stated: '[i]f any question or dispute shall arise as to the interpretation or constitutionality of any provision of this Constitution or the Canons, Rules. Regulations or Standing Orders made thereunder, the determination thereof shall be governed by the general principles of Canon Law thereto applicable and ... shall be made by the House of Bishops whose decision shall be final.'[100] The canons of the province of Southern Africa stated: 'it is hereby declared that if any question should arise as

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[97] *Halsbury's* (n 84) para 13.

[98] Hill (n 17) para 2.02.

[99] Norman Doe, 'The Common Law of the Anglican Communion' (2003) 7 Ecc LJ 4. For John Rees' report of the consultation, see 'Anglican Communion Legal Advisers' Consultation' (2002) 6 Ecc LJ 399. The consultation was held at the behest of the Primates' Meeting at Kanuga, North Carolina, USA, 6 March 2001, at which the primates discussed Doe's 'Canon Law and Communion' (2002) paper.

[100] West Indies, Const. Art. 6.2(1).

to the interpretation of the Canons or Laws of this Church, or of any part thereof, the interpretation shall be governed by the general principles of Canon Law thereto applicable.'[101] Similar provisions existed in the provinces of Central Africa and Nigeria (when Doe was writing in 2002).[102]

In September 2002, the ACC established the Anglican Communion Legal Advisers Network. The Legal Advisers Network produced *The Principles of Canon Law Common to the Churches of the Anglican Communion* (hereafter referred to as *"The Principles"*).[103] The first edition was launched at the Lambeth Conference 2008, and in 2009 the ACC encouraged provinces to use the network as a central resource in dealing with legal issues in their own provinces;[104] the second edition was launched at the Lambeth Conference 2022. *The Principles* are a description of legal principles that are common to the provinces of the Communion. This is in sharp contrast to the classical instruments of communion which are (in the case of the Archbishop of Canterbury) a single person or a body of gathered people. Therefore, I argue that *The Principles* are better categorised as a further bond of affection, rather than a fifth instrument of communion.

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[101] Southern Africa, Canon 50.

[102] Central Africa, Canon 32.1; Nigeria, Const. Art. XIX.V.

[103] Hill (n 17) para 2.03.

[104] ACC-14, Res. 14.20.

Hill explains the relevance of *The Principles* to the life of the Communion and the wider ecumenical movement:

> [w]hile not law in themselves, these universal principles of canon law are derived from their express articulation (or implicit recognition) in the canons and other governing instruments of each component church. Since [*The*] *Principles* are powerfully expressive of 'Anglican [and Episcopal] Canon Law', they have proved invaluable in the ecumenical conversations, both bilateral and multilateral. Among other things, as canon law is a form of applied ecclesiology, it may have a role to play in the ongoing work of the Faith and Order Commission of the World Council of Churches.[105]

WCC's Faith and Order Commission paper, *The Church: Towards a Common Vision* (2013)[106] did not consider church law. Following a series of meetings in November 2013 which included a panel of representatives from Anglican-Episcopal, Baptist, Catholic, Lutheran, Methodist, Orthodox, Presbyterian, and Reformed churches, in 2014 the panel started to draft a response to *Common Vision*. In 2016 an agreed-upon *Statement of Principles of Christian Law Common to the Component Churches*[107] was presented to the director of the WCC's Faith and Order Commission, Dr. Odair Mateus, in November 2017. On

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[105] Hill (n 17) para 2.03.

[106] World Council of Churches, *The Church: Towards a Common Vision*, Paper No. 214 (WCC Publications 2013), preface, viii.

[107] The statement has ten sections: churches and their laws; the faithful; ordained ministry; church governance; church discipline; doctrine and worship; rites; ecumenism; church property; and church and state relations. For the full statement see Norman Doe (ed), *Church Laws and Ecumenism* (Routledge, Taylor & Francis Group 2021) Appendix II.

2 September 2022 in Karlsruhe, Germany, at the 11th Assembly of the WCC, a workshop was held on the *Statement of Principles of Christian Law Common to the Component Churches* chaired by Doe, at which Hill and Fr. Aetios (Dimitrios Nikiforos, the Grand Ecclesiarch at the Ecumenical Patriarchate of Constantinople) spoke. The workshop commended the *Statement of Principles of Christian Law* 'for study and use as an essential element of the ecumenical movement.'[108] *The Principles* continue to be used as a useful tool in ecumenical dialogue, particularly with the Colloquium of Anglican and Roman Catholic Canon Lawyers, founded in Rome in 1999, the Colloquium aims to contribute to greater ecumenical understanding between Anglicans, Episcopalians and Roman Catholics from the perspective of canon law as a form of "applied ecclesiology".[109] This work feeds into the Anglican–Roman Catholic International Commission ("ARCIC") and the International Anglican-Roman Catholic Commission for Unity and Mission ("IARCCUM").

1.6 The Anglican Covenant

Following the decision of the Diocese of New Westminster in the Anglican Church of Canada to permit the blessing of same-sex unions in May 2003, and the election of Gene Robinson (who was in an open same-sex relationship) as

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[108] See Mark Hill, 'Church Laws as a Means of Ecumenical Dialogue' in Domingo, R., Hauk, G. and Jackson, T. (eds), *Faith in Law, Law in Faith: Reflecting and Building on the Work of John Witte, Jr.* (Leiden, 2024).

[109] 'Colloquium of Anglican and Roman Catholic Canon Lawyers 2022' (10 October 2022, Ecclesiastical law Society) <https://ecclawsoc.org.uk/carccl22/> accessed 26 April 2025.

the Bishop of the Diocese of New Hampshire in the American Episcopal Church in May 2003,[110] the *Windsor Report* was published in October 2004.[111] Drafted by the Lambeth Commission on Communion, led by the then Primate of All Ireland, Archbishop Robin Eames (who as an independent life peer is the only non-English former primate in the Lords), the report offered its recommendations on the possibility of an Anglican Covenant. It was tasked to make 'practical recommendations for maintaining the highest degree of communion possible in the circumstances resulting from these decisions.'[112] The Lambeth Commission recommended a pause on further consecrations of gay bishops in active same-sex relationships and the blessings of same-sex unions. It also made the recommendation for:

> …the adoption by the churches of the Communion of a common Anglican Covenant which would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion. The Covenant could deal with: the acknowledgement of common identity; the relationships of communion; the commitments of communion; the exercise of autonomy in communion; and the management of communion affairs (including disputes).[113]

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[110] David Skidmore, 'Bishops Approve Robinson: Historic vote called 'a big step' for gays and lesbians' *Episcopal News Service* (New York, 6 August 2003) <https://web.archive.org/web/20110728145206/http://ecusa.anglican.org/3577_18343_ENG_HTM.htm> accessed 26 April 2025.

[111] The Lambeth Commission on Communion, *The Windsor Report, 2004* (Anglican Communion Office 2004).

[112] Doe 'The Instruments of Unity and Communion' (n 91) 48.

[113] The Lambeth Commission on Communion (n 111) para 118.

The *Windsor Report,* using the Church in Wales as an example, suggested a form of law as the device for adoption: '[t]he Governing Body of the Church in Wales authorises the Archbishop of Wales to enter on behalf of this church the Anglican Covenant and commits the Church in Wales to comply and act in a manner compatible with the Covenant so entered'.[114] The Covenant Design Group, chaired by the then Archbishop of the West Indies, Drexel Gomez, submitted to the primates the Nassau draft in February 2007, the St Andrew's Draft in January 2008 (which was considered by the Lambeth Conference in August of that same year), and the Ridley-Cambridge Draft in March 2009 (which was considered by the ACC in May 2009); it was sent to provinces for formal adoption at the end of 2009 with a video foreword by the then Archbishop of Canterbury, Rowan Williams, endorsing the document.[115] Jesse Zink argues that 'Williams framed his support of the covenant in Biblical terms,' as was evident in his February 2008 General Synod speech: 'covenant is about the self-giving, the absolute self-giving of God, which calls out a self-giving on the part of human beings to whom God's love is given … you can say

[114] The Lambeth Commission on Communion (n 111) para 118.

[115] The Anglican Communion's website has links to all relevant documents, see Anglican Communion, 'An Anglican Covenant' (*Anglican Communion*) <https://www.anglicancommunion.org/theology/doctrine/covenant.aspx> accessed 26 April 2025.

that a covenant relationship between Christians is a promise to be willing to be converted by each other.'[116]

Doe argued in 2005 that the Covenant 'is a not a revolutionary document. For the most part it is a restatement of classical Anglicanism.'[117] The Covenant's fundamental maxim was: 'the Communion guides, each church decides' – placing coercive power at the level of each church and moral authority at the level of the instruments of communion. As of 19 January 2015, twelve provinces have adopted the Covenant in full and the Anglican Church of Aotearoa, New Zealand and Polynesia subscribed to sections 1-3 but said it was unable to adopt section 4. Even though the Covenant did not create any centralised legal authority with supranational jurisdiction in the Communion, section 4: 'Our Covenanted Life Together,' was the contentious part because it set out the process for adoption, the Covenant's maintenance in dispute resolution, withdrawal and amendment.[118] The Church of England's General Synod in December 2010 referred the draft Act of Synod adopting the Anglican

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[116] Jesse Zink 'Patiently Living with Difference: Rowan Williams' Archiepiscopal Ecclesiology and the Proposed Anglican Covenant' *Ecclesiology* 9 (2013) 223, 234.

[117] Norman Doe 'The Anglican Covenant Proposed by the Lambeth Commission' (2005) 8(37) Ecc LJ 147.

[118] 'Responses from Churches of the Anglican Communion to the proposed Anglican Communion Covenant as of 19th January 2015' (*Anglican Communion*) <https://www.anglicancommunion.org/theology/theological-education/doctrine/covenant/responses.aspx> accessed 26 April 2025. For a summary of how the Covenant has been received by the provinces of the Communion see Benjamin Guyer, 'Additional Note' in Benjamin M. Guyer and Ephraim Radner (eds) *Pro Communione: Theological Essays on the Anglican Covenant* (Wipf and Stock 2012). See also John Rees 'Covenant and Communion' (2012) 14(2) Ecc LJ 235. For a general overview see Norman Doe, *An Anglican Covenant: Theological and Legal Considerations for a Global Debate* (Canterbury Press 2008).

Communion Covenant to dioceses for consideration.[119] In March 2012, by a majority of thirteen, the dioceses voted against the motion.[120] Overall, of the 1516 members of houses of clergy who voted, 732 (48 per cent) voted in favour and 784 (52 per cent) voted against.[121] Of the 1813 members of houses of laity who voted, 960 (53 per cent) voted in favour and 853 (47 per cent) voted against. Currently the document appears to be at an impasse, but its provisions whilst having no authority in the Communion as a whole, have to some extent shaped ongoing conversations about the future of the Communion.

1.7 The Instruments of Communion

The Lambeth Commission recommended that the Archbishop of Canterbury be regarded as the "Focus of Unity", and that the Lambeth Conference, the ACC, and the Primates' Meeting be regarded as the "Instruments of Communion" when they had previously been referred to as the "Instruments of Unity".[122] The Commission called for greater clarity about the roles of the instruments and did not endorse the establishment of a central curia for the worldwide Communion.

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[119] Synodical Government Measure 1969, s 4 (2)(c).

[120] General Synod, The Anglican Communion Covenant: Draft Act of Synod (GS 1878) <https://www.churchofengland.org/sites/default/files/2018-01/gs-1878-anglican-communion-covenant-report-by-the-business-committee_nov12.pdf> accessed 26 April 2025.

[121] 'The Anglican Communion Covenant: Draft Act of Synod Report by the Business Committee on the Reference to the Dioceses' (GS 1878) Paras 7–11.

[122] Doe, 'The Instruments of Unity and Communion' (n 91) 48.

The *Windsor Report* is a highly disputed document and has no legal authority within the Communion,[123] but its recommendation has been endorsed on the Anglican Communion website which refers to the Archbishop of Canterbury as both an instrument of communion and the focus of unity.[124]

Stemming from Augustine's arrival in Ebbsfleet, Ramsgate and presentation at the Court of King Ethelbert in Canterbury in 597 commissioned by Pope Gregory the Great (reigned 590-604), the See of Canterbury, and the office and role of the Archbishop of Canterbury in the Anglican Communion is also a much-disputed issue; Nigeria, the largest province, having removed the reference to 'in communion with the See of Canterbury from its constitution' in 2005.[125] In February 2023, following the Church of England's decision to bless same-sex unions, the ten members of the Global South Fellowship of Anglican Churches ("GSFA"), rejected the Archbishop of Canterbury's historic role as the *primus inter pares* amongst the primates of the Communion.[126] The newer

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[123] See Jonathan Clatworthy, *Windsor Report: A Liberal Response* (O Books 2005).

[124] The Anglican Communion website explains 'the Archbishop of Canterbury is the Focus for Unity for the three other [i]nstruments of [c]ommunion of the Anglican Communion and is therefore a unique focus for Anglican unity.' See 'Archbishop of Canterbury' (*Anglican Communion*) <https://www.anglicancommunion.org/structures/instruments-of-communion/archbishop-of-canterbury.aspx> accessed 26 April 2025.

[125] Andrew Atherstone, 'In Communion with the See of Canterbury?' (2024) 138(1) *The Global Anglican* 13, 25–24 <https://www.churchsociety.org/wp-content/uploads/2024/04/TGA_138_1_Atherstone.pdf> accessed 26 April 2025. See also 'The Archbishop of Canterbury in Provincial Constitutions', in Alexander Ross, *A Still More Excellent Way: Authority and Polity in the Anglican Communion* (SCM Press 2020) 96–100.

[126] 'Ash Wednesday Statement of GSFA Primates on the Church of England's Decision Regarding the Blessing of Same Sex Unions' (GSFA website) <https://www.thegsfa.org/news/ash-wednesday-statement-of-gsfa-primates-on-the-church-of-englands-decision-regarding-the-blessing-of-same-sex-unions> accessed 26 April 2025.

provinces of Chile and Alexandria are also removing any reference to Canterbury in their constitutions.[127]

But what needs to be understood from the outset is that the Archbishop of Canterbury remains the most important individual person in the life of the Communion even though his office is currently being challenged. Consequently, what he says and how he votes in the UK Parliament is not just relevant domestically but has potential ramifications for the Communion internationally.

The first Lambeth Conference was called by Archbishop Charles Longley of Canterbury in 1867 at the formal request of the Canadian Church and one of its central issues concerned theological disputes in the South African Church (the "*Colenso* affair" is discussed in chapter 2). It was at the 1930 Lambeth Conference that the Communion's place in world Christianity was recognised by its bishops as a global denomination of world Christianity. Andrew Atherstone (one of the Church of England's current representatives to the ACC) has noted that the expansion of Anglicanism 'raised questions about the very purpose of Anglicanism, and its place in twentieth-century global Christianity.'[128] The bishops at the 1930 conference noted that 'our Communion has come to occupy a large place in the thought of the Christian world and

[127] Atherstone (n 125).

[128] ibid.

provokes questionings as a world-wide institution.'[129] Resolution 49 of the 1930 conference identified the Communion as a "fellowship" of churches in the wider Christian world.[130] The resolution spoke of shared communion with the See of Canterbury to 'uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorised in their several Churches.' Whilst noting the absence of 'a central legislative and executive authority in the Anglican Communion' the bishops looked to the 'mutual loyalty sustained through the common counsel.'[131] *The Principles* echo resolution 49 by articulating that the fellowship of churches is 'characterised by their historic relationship of communion with the See of Canterbury' (principle 10.1).

This dissertation will reveal when Lambeth Conference resolutions, reflections (2008) and calls (2022) feature in committee deliberations and parliamentary debates. Hill explains the function and status of the Conference:

> [b]y custom, the Archbishop of Canterbury invites all serving bishops within the Anglican Communion to a conference every ten years or so. It has no legislative competence, and any resolution passed by the Lambeth Conference has no effect unless and until adopted or incorporated in the governing instruments of individual provinces. Resolutions are nothing more than the collective opinion of those bishops present and signifying their assent. When acted upon and

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[129] 'The Lambeth Conference, 1930: Reports of Committees, The Anglican Communion', in *The Lambeth Conferences, 1867–1930* (SPCK 1948) 245.

[130] ibid 173–4.

[131] 'The Lambeth Conference' (n 129).

> incorporated into the canon law and practice of multiple provinces, they gradually acquire enhanced ecclesial and juridic weight.[132]

Doe holds the dominant view that Lambeth Conference resolutions 'are not binding but enjoy moral authority,' Owen Chadwick, however, held the minority view that its resolutions are 'quasi-legislation.'[133] Resolutions are not legally binding on any province of the Anglican Communion, and their status in each province is determined by that province alone (usually through its synod).

The ACC, created by resolution 69[134] at the 1968 Lambeth Conference, also features in this dissertation.[135] Its composition includes some laity, archbishops, bishops, priests, and deacons sent from each member church

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[132] *Halsbury's* (n 84) para 13.

[133] Doe, *Canon Law in the Anglican Communion* (n 16) 346–48. The dominant view is that Lambeth Resolutions are "quasi-legislation". But for the minority view that Lambeth Resolutions are a "body of legislation" see Owen Chadwick, 'Introduction' in *Resolutions of the Twelve Lambeth Conferences 1867–1988* (Lambeth Reports 1992).

[134] LC 1968, Res. 69: [t]he Conference accepts and endorses the appended proposals concerning the Anglican Consultative Council and its Constitution and submits them to the member Churches of the Anglican Communion for approval.

[135] As the consultative body of the Communion the ACC can trace its origin to Lambeth Conference 1878 when a committee was formed to create schemes for discussion. By Lambeth Conference 1930 this was formally recognised as a 'consultative body.' Lambeth Conference 1958 authorised the Archbishop of Canterbury to appoint a full-time secretary. The Anglican Conference in Toronto 1963 endorsed mutual responsibility and interdependence as an ecclesiological principle in the functioning of the Anglican Communion. See Van Culin, Samuel, and Andrew Bennett Terry, 'Anglican Consultative Councils' in Ian S. Markham, J. Barney Hawkins, Justyn Terry, Leslie Nuñez Steffensen, J. Barney, IV Hawkins, and Leslie Nuñez Steffensen (eds) *The Wiley-Blackwell Companion to the Anglican Communion* (John Wiley & Sons Ltd, 2013) 106–7.

(usually two or three) and meets approximately every three years.[136] Established because of a call for greater lay participation in synodical government at extra-provincial level and the desire of the Lambeth Conference 1897 to establish a permanent consultative body,[137] there is a chair, vice-chair and standing committee elected by the members. The current chair is lay Canon Maggie Swinson (a British chartered accountant), the Vice-chair is Archbishop Hosam Naoum of Jerusalem, and the Archbishop of Canterbury is its ex officio president. As mentioned earlier, it is a company limited by guarantee under the Companies Act 2006 and has charitable status under English law. It is governed by a constitution and its Standing Committee act as trustee-members under the Companies Act and the Charities Acts (2011 and 2022), which means that its internal governance processes are legally enforceable in UK civil courts. Furthermore, it has the power to remove or suspend member churches from the schedule appended to the constitution. It publishes reports which also contain non-legal resolutions. The ACC's constitution states that it facilitates the co-operative work of different provinces in mission, advises provinces on the structures of the Communion and seeks to develop common policies for international mission.[138] It also co-operates with the WCC and encourages Anglican and Episcopal participation in the ecumenical movement.[139] These

[136] Van Culin, 'Anglican Consultative Councils' (n 135).

[137] ibid.

[138] Doe, 'The Instruments of Unity and Communion' (n 91) 51.

[139] *Halsbury's* (n 58) para 13.

policies are formulated to guide collaboration between provinces, but lack juridic weight and are therefore not legally enforceable. Such policies function as soft law: they are directive and carry moral authority, but their implementation depends entirely on the voluntary uptake by member churches. Currently the Church of England sends three representatives: the Bishop of Norwich, Graham Usher, as mentioned previously the Revd. Prof. Andrew Atherstone (Oxford) and Lay Canon Jane Evans (Leeds).[140] There have been eighteen meetings to date, and the last meeting (ACC-18) was held in February 2023 in Accra, Ghana.[141]

Finally, the Primates' Meeting was setup in 1978 by the then Archbishop of Canterbury, Donald Coggan, following the recommendation of Lambeth Conference 1978 resolution 12.[142] The Anglican Communion website explains:

> [t]he Primates' Meeting gathers the senior bishops, archbishops, and moderators of the member churches of the Communion every two years.

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[140] General Synod, *Anglican Consultative Council Report to General Synod* (GS Misc 1352) <https://www.churchofengland.org/sites/default/files/2023-07/gs-misc-1352-acc-report-to-gs.pdf> accessed 26 April 2025.

[141] See Andrew Atherstone's reflections on ACC-18: Andrew Atherstone, 'Grieving the Anglican Communion: English Primacy and the Anglican Consultative Council' (*Psephizo*, 21 February 2023) <https://www.psephizo.com/life-ministry/grieving-the-anglican-communion-english-primacy-and-the-anglican-consultative-council/> accessed 26 April 2025.

[142] Doe, 'The Instruments of Unity and Communion' (n 91) 52. LC 1978, Res.12: Anglican Conferences, Councils and Meetings. The Conference asks the Archbishop of Canterbury, as President of the Lambeth Conference and President of the Anglican Consultative Council, with all the Primates of the Anglican Communion, within one year to initiate consideration of the way to relate together the international conferences, councils, and meetings within the Anglican Communion so that the Anglican Communion may best serve God within the context of the one, holy, catholic, and apostolic Church.

> The meetings are planned by the regional primates of the Communion who serve on the Primates' Standing Committee. The meetings include prayer, conversation, Bible study, and fellowship, and provide the primates an opportunity to speak words of encouragement, challenge, and direction to their own churches and to the Communion.[143]

The authority that primates bring to the meeting arises from their own positions as the most senior bishops of their provinces, and their links with their own Houses of Bishops.[144] During the meetings the primates represent their provinces, and in collaboration with each other publish communiqués about Communion wide issues. The Covenant proposed an enhanced role for the Primates' Meeting, stating that along with the Standing Committee of the Anglican Communion, responsible to the ACC, it 'shall monitor the functioning of the Covenant in the life of the Anglican Communion on behalf of the Instruments' (4.2.2). Even though the Covenant has not been formally adopted by the Communion, this dissertation will show that the Covenant's proposal for an enhanced role for Primates' Meeting has, to some extent, been realised in the life of the Communion.

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[143] Anglican Communion, 'Primates' Meeting' (*Anglican Communion*) <https://www.anglicancommunion.org/structures/instruments-of-communion/primates-meeting.aspx> accessed 26 April 2025.

[144] Doe, 'The Instruments of Unity and Communion' (n 90) 52. The Windsor Continuation Group, *Report to the Archbishop of Canterbury*, para 69 <https://www.anglicancommunion.org/media/100354/The-Windsor-Continuation-Group.pdf> accessed 26 April 2025.

1.8 Renewing the Instruments of Communion

Since the first Lambeth Conference, various Anglican Communion bodies and reports have attempted to articulate what it means for churches to be in communion with each other.

The Encyclical Letter of the Lambeth Conference 1920 affirmed that the Communion is a 'fellowship of churches' that are 'indeed independent' but 'are not free to ignore the fellowship.'[145] The Conference recognised that the Anglican Communion was 'a federation of churches, some national, some regional, but no longer predominantly Anglo-Saxon in race, nor can it be expected that it will attach special value to Anglo-Saxon traditions.'[146]

The Lambeth Conference 1930 committee looked at the nature of the Anglican Communion and stated that the freedom of each of the churches of the Communion resembles the 'freedom of a member of a living organism' and that just like the human body, if one part is damaged, the whole body feels pain.[147]

The Toronto Anglican Congress 1963 defined the relationship different provinces have with one and other.[148] Led by the then Archbishop of

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[145] *The Six Lambeth Conferences 1867-1920* (SPCK 1920) 13–4.

[146] Lambeth Conference 1920, 'Report of the Committee Appointed to Consider Relation to and Reunion with Other Churches' in Lord Davidson of Lambeth (ed) *The Six Lambeth Conferences, 1867-1920* (SPCK 1929) 137.

[147] *Official Lambeth Conference Report with Encyclical Letter* (SPCK 1930) 155.

[148] This was a gathering of over sixteen thousand Anglicans and Episcopalians from seventeen different provinces held in Toronto from 13-26 August 1963. See William J Danaher, 'Beyond Imagination: Mutual Responsibility and Interdependence in the Body of Christ (1963) and the Reinvention of Canadian Anglicanism' (Spring 2011) 93(2) *Anglican Theological Review* 219.

Canterbury, Michael Ramsey, the congress adopted Canon Max Warren's ecclesiological model and published *Mutual Responsibility and Interdependence in the Body of Christ*.[149] Interdependence means that provinces have local freedom to adapt to cultural contexts, but also need to respect global responsibility to common values.

In his opening address to the 1988 Lambeth Conference, the then Archbishop of Canterbury, Robert Runcie, reaffirmed these principles when he reflected on the ordination of women: 'it is only by being in communion together that diversity and difference have value.'[150] For Runcie the choice between independence and interdependence was a choice between 'unity or gradual fragmentation.' Resolution 1.1 of Lambeth 1988 emphasised the importance of being in the 'highest degree of communion possible' and called on provinces to uphold the principle of 'open reception' as it related to women's ministry stating that there should be 'no compulsion on any bishop.'

The *Virginia Report* (1997) published by the Inter-Anglican Theological and Doctrinal Commission ("IATDC"), in response to the 1988 Lambeth Conference, also spoke of the 'highest degree of communion' and the 'mind of the Communion.'[151] The *Windsor Report* explained that the autonomy of

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[149] Toronto Anglican Congress, *Mutual Responsibility and Interdependence in the Body of Christ* (1963).

[150] Michael Nazir-Ali and Derek Pattinson (eds), *The Truth Shall Make You Free: The Lambeth Conference 1988* (Church House Publishing 1994) 15.

[151] The Report of the Inter-Anglican Theological and Doctrinal Commission, *The Virginia Report* (Anglican Consultative Council 1997) para 6.18: the '[f]inal Report of ARCIC I which

individual churches originally referred to independence from the British Crown not each other, and that in the modern world provincial autonomy is limited by provincial obligations to the Communion as a whole.[152]

Considering the *Windsor Report* in his presidential address to the 2008 Lambeth Conference, Archbishop Rowan Williams of Canterbury explained that in the exercise of its autonomy each province should consider and promote the common good of other provinces.[153] Provinces should use the instruments of communion for dialogue, consultation, and agreement before taking contentious initiatives. Provinces should be able to depart, where appropriate, and where acceptable, from the standards of the Communion so long as such a departure does not harm the common good of the Communion or risk the unity of the Communion.

Section 3 of the Covenant acknowledged the interdependent life of each church, reliant on the Holy Spirit and sought to respect the constitutional autonomy of all the churches of the Communion, while upholding mutual responsibility and interdependence in the Body of Christ and the responsibility

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expressed a "Communion-wide mind" on the consonance of ARCIC with the faith of Anglicans. This resolution did not just express the mind of the bishops acting entirely alone, but as spokespersons who reflected the mind of their Provinces and were together expressing the mind of the Communion.'

[152] The Lambeth Commission on Communion (n 111) 24.

[153] Rowan Williams, 'Concluding Presidential Address to the Lambeth Conference' (*The Archbishop of Canterbury*, 3 August 2008) <http://rowanwilliams.archbishopofcanterbury.org/articles.php/1350/concluding-presidential-address-to-the-lambeth-conference.html> accessed 26 April 2025.

of each church to the Communion as a whole (3.2.2). The controversial section 4 stipulates that each church freely offers this commitment to other Churches in order to live more fully into the ecclesial communion and interdependence which is foundational to the churches of the Communion (4.1.1).

In November 2013, after the passing of the Marriage (Same Sex Couples) Act (in July of that same year), the Church of England published the Pilling Report.[154] The report was commissioned by the House of Bishops in January 2012, with a working group including the bishops of Gloucester, Birkenhead, Fulham and Warwick. The report acknowledged that the Archbishop of Canterbury is not just the Primate of All England but is also an instrument of communion and focus of unity. The report went on to state that since the emergence of the Anglican Communion, the Church of England has accepted the principle that individual churches have an obligation to consider the views of the Communion as a whole. The report stated:

> [w]hile the Church of England may be legally free to decide its own belief and practice in the area of human sexuality without having regard for the rest of the Communion, it would be unwise for it to do so. It needs to engage in continuing consultation with the other churches of the Communion through the various structures that exist for this purpose and to try to seek an agreed way forward based on Anglicans thinking together about human sexuality…[155]

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[154] Church of England, 'Pilling Report published' (Press Release, 28 November 2013) <https://www.churchofengland.org/media/press-releases/pilling-report-published> accessed 26 April 2025.

[155] The House of Bishops, *Report of the House of Bishops Working Group on Human Sexuality: November 2013* (Church House Publishing 2013) para 97.

The report proposed 'facilitated conversations', so that those in the Church of England who disagree about same-sex relationships should understand each other's concerns more clearly. The House of Bishops' view that the Church of England was legally free to disregard the views of other provinces but was unwise to do so, reminds us that autonomy is fundamentally a legal category with theological aspects, and communion is fundamentally a theological category with juridical aspects. Doe made this point in a paper he presented to the Eames Commission:

> [g]enerally, communion may be classified as predominantly a theological category, and autonomy a juridical category. Though communion also has a prescriptive dimension: it requires unity, common life and action (and these may be expressed juridically); and autonomy has a theological side: autonomy must be exercised for the common good. Fundamentally, in Anglicanism: communion means that each Anglican church recognises that each other Anglican church holds the essentials of the Christian faith, and should hold to the terms of communion; and autonomy means that each church has the right to govern its own (internal) affairs, in a manner compatible with the terms of communion. Communion and autonomy have the same goals: fulfilment of the mission of the church. In this sense, autonomy may be understood as one means by which ecclesial communion is achieved.[156]

Almost ten years later, Part II of the second edition of *The Principles* stipulates that churches are not bound together 'juridically by a central legislative, executive or judicial authority' (principle 11.2) and in the exercise of its

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[156] Norman Doe, 'Communion and Autonomy in Anglicanism:
Nature and Maintenance' A paper presented for the Eames Commission 43–44.

autonomy, should consider 'belonging to and interdependence with the church universal' (principle 12.7). Furthermore, it is up to individual provinces to decide how to regulate relationships with other provinces (principle 13.4).

In Justin Welby's address to the plenary session on the 'Lambeth Call on Human Dignity' at the 2022 Lambeth Conference, he explained that since the Pilling Report the office of the Archbishop of Canterbury has evolved and become more collegial:

> I neither have, nor do I seek, the authority to discipline or exclude a church of the Anglican Communion. I will not do so. I may comment in public on occasions, but that is all. We are a communion of churches, not a single church.[157]

In December 2024 the IASCUFO chaired by the former Bishop of Kensington, Graham Tomlin, published its report, the *Nairobi-Cairo Proposals,* into renewing the instruments of communion.[158] It was commissioned at ACC-18 in 2023. Following on from the call of Lambeth 2022 to review the instruments of communion, the report answered two questions: (1) 'to what extent are the

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[157] To read Justin Welby's opening remarks see Lambeth Conference 2022, 'Bishops at Lambeth Conference discuss the Lambeth Call on Human Dignity' (Press Release, 2 August 2022) <https://www.lambethconference.org/bishops-at-lambeth-conference-discuss-the-lambeth-call-on-human-dignity/> accessed 26 April 2025.

[158] Inter-Anglican Standing Commission on Unity Faith and Order ("IASCUFO"), 'The Nairobi-Cairo Proposals' (*Anglican Communion,* December 2024) <https://www.anglicancommunion.org/ecumenism/iascufo/the-nairobi-cairo-proposals.aspx> accessed 26 April 2025.

instruments fit for purpose?' And (2) 'to what extent might some (or all) of the instruments be reconfigured to serve the Communion of today and the future?' A draft of the paper was presented to the Primates' Meeting in Rome in April 2024, and was revised in conversation with the Primates' Standing Committee, the Archbishop of Canterbury, and the whole of the Standing Committee of the ACC.

It has made two main proposals: firstly, it has offered an updated statement of the nature and status of the Anglican Communion that reflects the 'maturing of the 42 sister churches of the Communion' and secondly it suggests broadening how the meetings of the instruments of communion are called, convened, chaired, and presided over, in order to diversify the face of the instruments of communion.[159] These proposals will be considered at the ACC in 2026 and will be considered in greater detail in chapter 6 of this dissertation.

Conclusion for chapter 1

The Church of England is established by law; there are three constitutional incidents of establishment relevant for this dissertation: the monarch is its Supreme Governor; its Second Church Estates Commissioner and twenty-six of its bishops sit in the UK Parliament – known collectively as "the Church in Parliament"; and its draft Measures require the consent of both Houses. The

[159] IASCUFO (n 158) para 74.

Anglican Communion, of which the Church of England is a legally autonomous member church, and classically considered the "mother church" of the Communion, is held together by the bonds of affection and has no legally binding body of canon law but does have a legal underpinning with each church governed by its own legal and constitutional provisions from which common principles of canon law have emerged. These principles give 'ecclesiological density'[160] to Anglican and Episcopal canon law and help in ecumenical conversations, particularly with the Roman Catholic Church. In this study they will serve as a useful resource to help discern, in the absence of any universal code of canon law, the "legal mind of the communion" on various issues. Through the presence of the Church in Parliament, which includes the Lord Archbishop of Canterbury – classically considered to be an instrument of communion and focus of unity, the Communion features in committee deliberations and parliamentary debates.

The central question for this dissertation is: what is the relationship between the UK Parliament and the Anglican Communion in the contemporary world? Whilst there has been a significant amount of research conducted on the historical origins of Church of England and the Anglican Communion, comparative legal work has been conducted by Norman Doe in this field and

[160] Mark Hill, 'Anglican Canon Law: Identity, Ecclesiology and Ecumenism' (The Second Sharwood Lecture in Church Law, Trinity College University of Melbourne, February 2019) 9 < https://lawandreligionaustralia.blog/wp-content/uploads/2019/03/2nd-robin-sharwood-lecture.pdf> accessed 26 April 2025.

Mark Hill has considered the law of the Church of England in the context of the global Communion – there is yet to be any research on the direct relationship between the UK Parliament and the worldwide Anglican Communion. This direct relationship, which has led to emerging constitutional conventions, is what this dissertation will reveal through a critical examination of parliamentary papers.

The aim of this dissertation is to understand how the relationship between the UK Parliament and the Anglican Communion can inform current debates about the future of the Communion, and how the 2024 Labour government's constitutional reform agenda might affect this relationship in the future. Before understanding this relationship in the modern world, it is necessary to set the scene and construe the earliest references to the Anglican Communion in the UK Parliament during the nineteenth and early twentieth centuries.

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The UK Parliament and the emergence of the Anglican Communion

— Chapter 2 —

> The Church of England, if we use the popular term, or if we speak more accurately the Anglican Communion, is now, of course, a great federal body divided into more or less independent and yet federated parts throughout the world…[1]

When the first Lambeth Conference took place in 1867 the idea of the Anglican Communion as a "federal body" of autonomous self-governing churches started to take root in Parliament. But it was not until the twentieth century, when Archbishop Randall Davidson of Canterbury expressed his support for the independence of the Indian Church in the Lords (quoted above), that the UK Parliament fully understood this reality. By referring to the Anglican Communion as a federal body, Davidson was describing a global family of

[1] HL Deb 17 May 1927, vol 67, col 278.

churches in which each legally autonomous church retained self-governance while voluntarily participating in the Christian fellowship.

At the end of the nineteenth century Parliament identified three international expressions of the English Church. The Episcopal Churches of America and Scotland had no legal connection to the British Crown but were championed by parliamentarians as churches that had fidelity to the doctrines of the English Church. The end of the United Church of England and Ireland with Irish disestablishment in 1870, and the disestablishment of the Church of England in Wales and Monmouthshire in 1920, reinforced in Parliament the idea of the Anglican Communion as a body of communicants independent from the Crown.

2.1 In defence of the Episcopal Churches

The first parliamentary references to the Anglican Communion occurred in the latter half of the nineteenth century. These references related to concerns about growing calls for independence from Colonial Churches, and fears that self-governing autonomy might lead to a deviation from the doctrines of the Church of England. The appointment of bishops for overseas churches, beginning with the consecration of Charles Inglis in Nova Scotia in 1787, became commonplace and bishoprics were founded in the colonies by Royal Letters Patent.[2] The

[2] The See of Nova Scotia, letters patent 9 August 1787 (Bishop Charles Inglish, appointed 12 August 1787).

Colonial Church consisted of two dioceses in British North America, which included Nova Scotia (1814) and Quebec (1793).[3] In the nineteenth century some further dioceses were added: Calcutta (1787), Barbados (1824), Jamaica (1824), Madras (1835), Australia (1836), Bombay (1837), Newfoundland (1839) and Toronto (1839).[4] There were a total of ten dioceses which formed part of the United Church called the Colonial Church.[5]

But these fears were rebutted by Liberal politicians with reference to the doctrines of the American Episcopal Church – which had been independent from the Church of England since the Revolution. In addition, the increasingly positive relationship that was developing with the Church of England and Scottish Episcopal Church (which was not in communion with the Church of England at the time) gave Liberal politicians the confidence that independence did not necessarily mean a potential compromise of what they perceived to be doctrinal orthodoxy.

Before the Declaration of Independence in 1776, there were diverse models of establishment scattered throughout the American Colonies. The Church of England had hoped to unite the colonies under the Crown and the Book of Common Prayer, but churches were virtually independent.[6] For

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[3] Colin Podmore, *Aspects of Anglican Identity* (Church House Publishing 2005) 28.

[4] ibid.

[5] ibid.

[6] David Holmes, *A Brief History of the Episcopal Church* (Trinity Press International 1993) 37.

example, in Virginia the Church of England was established from the start of the Colony of Virginia (the precise date is unknown but thought to be around 1601-24).[7] But in the New England states the Church of England was never established and was a dissenting church because the majority of its population were members of other churches.[8] In the middle colonies, such as the former Dutch colony of New York, the Church of England had to compete with other denominations and existed as a minority church. It became the established church in 1693, but the terms of its establishment were unclear, and it was only established in the City of New York, Queens, Richmond and Westchester.[9] By the time of the Revolution, the Church of England had become the second largest denomination and the most widespread.[10] Since there were no resident bishops it was characterised by lay rule, and lay authority replaced that of clerical authority in the English Church.[11] The American Church was disestablished in New York and other colonies during or soon after the Revolution.[12]

It was anachronistic to call it the "Anglican Church" because the term "Anglican" was exceptionally used in the seventeenth century, but it was not

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[7] Holmes (n 6) 20.

[8] ibid.

[9] ibid 30.

[10] ibid.

[11] ibid.

[12] ibid 37.

until the mid-nineteenth century that it was used to describe the Church of England as distinct from the Roman Catholic Church.[13] It was used by Tractarians during the Oxford Movement to convey an ecclesiological identity that was distinct from the Roman Catholic, Eastern Orthodox and other Protestant churches.[14] It was not an objective descriptive term, but one which denoted a High Church theology that viewed the Church of England as part of the one true Universal Church. But the term "episcopal" (which dated from the struggles with the Puritans in seventeenth century England) was used in New England and in other parts of the American Church during the colonial period.[15] At a convention of clergy and laity in Maryland in 1780 the term "Protestant Episcopal" was used.[16] At the first General Convention in 1784 the American Church decided to maintain the doctrines and liturgy Church of England as far as it was consistent with the American Revolution.[17] At the 1789 Philadelphia General Convention, it was formally adopted as the "Protestant Episcopal Church of the United States of America."[18] Its ecclesiology integrated and

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[13] Mark Chapman, *Anglicanism: A Very Short Introduction* (Oxford University Press 2006) 5.

[14] Paul Avis, 'What is Anglicanism' in Stephen Sykes, John Booty and Jonathan Knight (eds), *The Study of Anglicanism* (SPCK 1998) 460–61.

[15] Holmes (n 6) 50.

[16] Gregory K Cameron, 'Locating the Anglican Communion in the History of Anglicanism' in Ian S. Markham, J. Barney Hawkins, Justyn Terry, Leslie Nuñez Steffensen, J. Barney, IV Hawkins, and Leslie Nuñez Steffensen (eds), *The Wiley-Blackwell Companion to the Anglican Communion* (John Wiley & Sons Ltd 2013) 7.

[17] ibid 7.

[18] Holmes (n 6) 48.

reflected the new democratic constitution of the Republic, but also embraced the liturgy and doctrines of the Church of England, recognised episcopal government and the three traditional orders of ministry.

By the 1830s many in the Church of England started to regard the American Church as truer to the apostolic ideal. The High Churchman, Walter Farquhar Hook, who was the Vicar of Leeds (and later became the Dean of Chichester), preached a sermon at an 1825 ordination titled *An Attempt to Demonstrate the Catholicism of the Church of England and the Other Branches of the Episcopal Church.*[19] He stressed the essential unity of the three branches (the English, Scottish and American churches) of what he called the 'Reformed Catholic Church.'[20]

Another prominent High Churchman was William Palmer of Worcester College, Oxford. During the nineteenth century Palmer's 'branch theory' of the church (outlined in his *Treatise on the Church of Christ,* 1838)[21] argued that the English Church was one branch of the Universal Church alongside the Roman Catholic and Eastern Orthodox Churches.[22] Atherstone has argued that this theory, which was popular in the nineteenth century, 'has long since fallen out

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[19] Podmore (n 3) 31.

[20] ibid.

[21] Mark Chapman, 'The Oxford Movement and Ecumenism', in Stewart J. Brown, Peter B. Nockles, and James Pereiro (eds), *The Oxford Handbook of the Oxford Movement* (Oxford Univeversity Press 2017) 503.

[22] William Jacob, *The Making of the Anglican Church Worldwide* (SPCK 1997) 105–43.

of favour.'[23] Whilst Atherstone is correct to say that the branch theory has since fallen out of favour, it is important to note that in the contemporary world some provinces refer to themselves as being part of the Universal Church; for example the Constitution of the Anglican Church of Australia explains that it is 'part of the One Holy Catholic and Apostolic Church of Christ.'[24] *The Principles of Canon Law Common to the Churches of the Anglican Communion*[25] (second edition 2022; hereafter referred to as "*The Principles*") state that '[t]he Anglican Communion is a fellowship of churches within the One, Holy, Catholic and Apostolic Church, characterised by their historic relationship of communion with the See of Canterbury' (principle 10). *The Principles* also explain that '[t]he church universal is indivisible, and it is the will of God that separated churches should share a more visible communion than exists one with another' and that 'the mission of a church is part of the wider mission of all Christians' (principle 93).

John Henry Hopkins (the future Presiding Bishop, who was at the time the Bishop of Vermont) argued in *Primitive Church* (1835) that the American Episcopal Church resembled the Early Church because it was divided into

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[23] Andrew Atherstone, 'In Communion with the See of Canterbury?' (2024) 138(1) *The Global Anglican* 13, 18 <https://www.churchsociety.org/wp-content/uploads/2024/04/TGA_138_1_Atherstone.pdf> accessed 26 April 2025.

[24] 'Constitution of the Anglican Church of Australia' (Anglican Church of Australia) <https://anglican.org.au/wp-content/uploads/2025/02/Constitution-as-at-10-March-2025-for-website.pdf> accessed 26 April 2025.

[25] 'The Principles of Canon Law Common to the Churches of the Anglican Communion – Resources' (*Ecclesiastical Law Society*) <https://ecclawsoc.org.uk/principles-resources/> accessed 26 April 2025.

patriarchies and governed by general councils where bishops met as equals.[26] This episcopal polity had been preserved by the Church of England. The American Episcopal Church was inspired by a model of bishops rooted in its own traditions of 'primitive' episcopacy.[27] Its primitive pre-Constantinian episcopal polity developed with an ecclesiological understanding that bishops were independent from the State.

In the mid-nineteenth century American Episcopalians were the first to use the term "Anglican Communion" in an ecumenical letter presented to the Eastern Churches in the Dominions and Dependencies of the Sultan of Turkey dated 12 November 1847.[28] The letter was written by a missionary American Episcopal Bishop, Horatio Southgate, in which he explained that the English, Scottish and American branches of the "Church of Christ" were different to the Roman Catholic Church and other Protestant denominations.[29] Essentially Southgate was defending Hooker's doctrine of the *via media*, which was popular amongst the High Churchmen of the time.

At the time of the Revolution, British subjects resident in overseas colonies were declared by an order at the time of Charles I to be under the

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[26] Mark Chapman 'Varieties of Missionary Bishop' in Mark Chapman, Sathianathan Clarke, and Martyn Percy (eds), *The Oxford Handbook of Anglican Studies*, (Oxford University Press 2015) 96–97.

[27] ibid.

[28] Podmore (n 3) 36.

[29] ibid.

jurisdiction of the Bishop of London, and until 1864 foreign bishops were named by the Colonial Office under Letters Patent.[30] In the nineteenth century, legal authority over the Colonial Church fell under the extra-provincial jurisdiction of the Bishop of London. The then Bishop of London, Archibald Tait (who succeeded Longley at Canterbury in 1868), in his capacity as the bishop responsible for the Colonial Church, moved an address in the Lords for papers relating to the United Church (of England and Ireland) and the churches in the Colonies. In February 1867 before the first Lambeth Conference (in September of that same year) Tait explained his reasons for doing this: the fall-out from the *Colenso*[31] case, which included whether the Canadian Church intended to remove the Crown from its constitution, and other calls for independence from colonial churches in Australia, New Zealand and India.[32] Tait was concerned that the fall-out from *Colenso* was the beginning of the end of the Colonial Church.

In *Colenso*, the Judicial Committee of the Privy Council decided that the proceedings of the Bishop of Cape Town, Robert Gray, and his sentence against the suffragan Bishop of Natal, John Colenso, for publishing works[33] that he

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[30] Robert Phillimore, *Ecclesiastical Law* (2nd edn, Sweet & Maxwell 1895) 1770.

[31] *Colenso v Gladstone,* sub nom *Re Lord Bishop of Natal* (1864) 3 Moo PC (NS) 115, 16 ER 43.

[32] HL Deb 15 February 1867, vol 185, cols 378–84.

[33] Colenso was accused of advocating for polygamy in his 1855 publication *The Proper Treatment of Polygamy.* In 1861 Colenso published his *Commentary on St Paul's Epistle to the Romans,* and in 1863 his *Critical Examination of the Pentateuch.* He argued that the Pentateuch was not authored by Moses – this caused a public outcry after it was published. See Peter Hinchliff, 'Colonial Church Establishment in the Aftermath of the Colenso

considered heretical, were null and void in law. The Lord Chancellor, Lord Westbury, who delivered the decision of the Privy Council in the Lords, explained that the Letters Patent of 1853 which created the Diocese of Natal, were ineffective to confer jurisdiction on the Bishop of Cape Town because they were not made in pursuance of any Order in Council, or an Act of Parliament, nor were they confirmed by any Act of the Legislature of the Cape of Good Hope, or of the Legislative Council of Natal.[34] No metropolitan or bishop in any Colony having legislative institutions can, by virtue of the Crown's Letters Patent alone, unless granted under an Act of Parliament, or confirmed by a Colonial Statute, exercise any coercive jurisdiction or hold any Court or Tribunal for that purpose.[35]

According to the former Bishop of Chichester, Eric Kemp, *Colenso* (and its predecessor Privy Council case *Long*[36]) provided a 'marker or warnings' for the different groups of churchmen at the time.[37] For Erastians and the Broad Churchmen, these cases emphasised the secular courts as safeguards against the

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Controversy' in Nigel Aston (ed), *Religious Change in Europe 1650–1914: Essays for John McManners* (Clarendon Press 1997) 34–64.

[34] *Colenso* (n 31) [115] (Lord Westbury).

[35] ibid [145] (Lord Westbury).

[36] *Long v Bishop of Cape Town* (1863) 1 Moo PC (NS) 411, 15 ER 756. In 1856 Gray established a synodical system in the diocese and summoned the clergy and lay representatives to a synod, Rev William Long refused to attend himself or summon people to attend. Long appealed to the Privy Council which supported him. The Privy Council agreed with the Supreme Court of the Cape that the change in constitution of the colony between 1847 and 1853 rendered Gray's second Letters Patent null and void.

[37] Eric Kemp, 'Legal Implications of Lambeth' (1989) 1(5) Ecc LJ 15.

intolerance of ecclesiastical courts and synods. For the High Churchmen, they were an example of the doctrinal chaos that could follow from Erastianism and they showed the importance of synodical government established on primitive models, independent of the State.

With the Privy Council deciding in Colenso's favour, there were apprehensions expressed in Parliament that if Colonial Churches removed the Crown from their constitutions, they would depart from the faithful doctrines of the Church of England. But the prominent British Liberal, Lord Taunton, encouraged a 'voluntary consultation that might take place between the scattered branches of the Anglican Communion' on this issue.[38] Lord Taunton explained that the American Episcopal Church had no 'obedience' to the Church of England, yet its 'views and opinions were sound' and that 'the members of that Church were increasing in number.'[39] The 'voluntary consultation' that was due to be held as the Lambeth Conference, was, according to Lord Taunton, a safeguard against the concerns parliamentarians had raised about deviations from doctrinal orthodoxy.

This point was made more emphatically by Lord Redesdale (who had worked as a diplomat for the Foreign Office) in the Lords. The Earl of Harrowby (who was formally a private secretary in the Colonial Office, and then a member of Disraeli's cabinet) presented a Petition from the Diocese of Sydney 'praying'

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[38] HL Deb 15 February 1867, vol 185, col 395.

[39] ibid.

that no steps were taken for bishops to be consecrated in the Colonial Church in abrogation to the ecclesiastical law of the Church of England. Lord Redesdale attempted to reassure the House that if churches did become independent there would be no 'danger' of there being a 'want of faith in the truth and position of the Anglican Communion' and he argued that the doctrines and ecclesiology of the American Episcopal Church were evidence of this:

> [a]ll the evidence showed that if there had been any danger of that kind, it would have been realised in the Episcopal Church of America. The United States obtained their independence under circumstances ill calculated to foster any affection towards the secular or ecclesiastical institutions of the mother country; yet the Episcopalian body in that country, instead of deviating from the doctrines of the parent Church, came and sought ordination for their bishops in this country.[40]

Lord Redesdale was referring to the first bishop in the American Episcopal Church, Samuel Seabury,[41] who received his episcopal orders from the Scottish Episcopal Church.[42] As an American citizen, Seabury could not take the Oath of Allegiance to the monarch, which all bishops had to take before they were consecrated in the Church of England. English Archbishops and George III had

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[40] HL Deb 22 March 1867, vol 186, col 386.

[41] For a biography of Seabury see Edwards Beardsley, *Life and Correspondence of the Right Reverend Samuel Seabury, D.D. First Bishop of Connecticut, and of the Episcopal Church in the United States of America* (Houghton Mifflin 1881).

[42] Robert Prichard, *A History of the Episcopal Church* (3rd edn, Morehouse Publishing 2014) 119–20.

no legal power to abrogate the consecration oaths required by law. Seabury had to travel to Scotland instead, where the Scottish Episcopal Church was still not in communion with the Church of England. After the Glorious Revolution of 1688, William III and Mary II acceded to the throne. All Scottish bishops (as well as seven English Bishops, including the then Archbishop of Canterbury, William Sancroft) refused to take the Oath of Allegiance to the new joint monarchs.[43] These Scottish nonjuring bishops provided episcopal succession for the new dissenting Scottish Episcopal Church and consecrated Seabury in 1784.[44]

2.2 The interchangeability of ministries with the Episcopal Churches

In the same year Seabury was consecrated Parliament passed the Ordination of Aliens Act 1784,[45] which empowered the Bishop of London, or any other Bishop appointed by him, to ordain citizens resident outside the Dominions, without requiring them to take the Oath of Allegiance to the monarch,[46] but they were still required first to obtain the King's licence authorising them to perform the consecration.[47] Parliament then passed the Consecration of Bishops Abroad

[43] Pritchard (n 42) 37.

[44] ibid.

[45] 24 Geo 3 c 35.

[46] Phillimore (n 30) 1770.

[47] Kemp (n 37) 15–23.

Act 1786,[48] which empowered English Archbishops to consecrate any person that was a citizen of a country outside the Dominions.[49] The Act stipulated that a licence would still be required from the King to authorise the consecration, and the person being consecrated would need to 'profess the public worship of Almighty God, according to the principles of the Church of England.'[50] In February 1787 bishops were consecrated at Lambeth Palace for Pennsylvania and New York.[51]

In those colonies which remained subject to the jurisdiction of the Crown which later became part of Canada, bishops were appointed and the consecrations were authorised by Letters Patent, which contained a clause stating that the bishop should be subject to the Archiepiscopal See of Canterbury in the same manner as any bishop of any see within the province of Canterbury.[52] Between 1787 and 1850 more than thirty bishops were consecrated for overseas dioceses.[53]

Despite growing out of the nonjuring movement, by the early nineteenth century a more sympathetic attitude towards the monarchy brought Scottish

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[48] 26 Geo 3 c 84.

[49] Phillimore (n 30) 1770.

[50] Archibald John Stephens, *The statutes relating to the ecclesiastical and eleemosynary institutions of England, Wales, Ireland, India, and the colonies: with the decisions thereon*, 922–23.

[51] Kemp (n 37) 15–23.

[52] ibid.

[53] ibid.

Episcopalians closer to the Church of England. The Thirty-Nine Articles of Religion were formally accepted by the Synod of Laurencekirk in 1804.[54] The Scottish Episcopal and Other Clergy Act 1840[55] was the first Act passed by Parliament which recognised the validity of the ordained ministries of the Scottish and American Episcopal churches. Through this Act, Parliament recognised these churches as authentic expressions of the Church of England's ecclesiology, even though they had no connection to the British Crown. For the first time, there was now an interchangeability of ministries: Scottish and American clergy did not have to be re-ordained to minister in the Church of England. This addressed the ironic situation which allowed Roman Catholic clergy who had converted to Anglicanism to minister in the protestant United Church without the need for re-ordination but banned Episcopal clergy from the same privilege.

The Bishops in Foreign Countries Act 1841[56] (also known as the Jerusalem Bishopric Act) was passed after an agreement had been reached between the Evangelical Prussian Church and the Church of England for a joint episcopal see to be established in Ottoman controlled Jerusalem. This Act made it possible for an Anglican bishop to exist in non-British territories and permitted consecration without the Queen's licence or the statutory Oath of

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[54] Gerald Stranraer-Mull, *A Church for Scotland – A History of the Scottish Episcopal Church* (General Synod for the Scottish Episcopal Church 2012) 22.

[55] 3 & 4 Vict c 33.

[56] 5 Vict c 6.

Allegiance. Under section 1, the Archbishop of Canterbury has a statutory right to consecrate persons (British subjects and others) to be bishops in 'any foreign country'.[57] In the Lords during its Third Reading stage the then Archbishop of Canterbury, William Howley, explained that there was a need for the Bill for the 'better regulation of the congregations of English persons… particularly on the shores of the Mediterranean and in the Turkish empire.'[58] For John Henry Newman the joint ministration with a church that did not believe in apostolic succession, was one of the catalysts for his conversion.[59] For many other High Churchmen this Act confirmed that the Church of England was indeed protestant.

The Colonial Clergy Act 1874[60] helped to cement the formation of the Anglican Communion as a family of independent autonomous self-governing churches by enabling Colonial and certain other clergy (who under the Clerical Subscription Act 1865[61] assent to the Thirty-Nine Articles of Religion, the Book of Common Prayer and the three traditional orders of ministry) to officiate with the written permission of the relevant English archbishop.[62] By this point the

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[57] Norman Doe, *The Legal Framework of the Church of England: A Critical Study in a Comparative Context* (Oxford University Press 1996) 171.

[58] HL Deb 7 September 1841, vol 59, cols 495–96.

[59] See *Correspondence of John Henry Newman with John Keble and others 1839–45* (Longmans Green 1917) 148; John Henry Newman, 'Newman to Keble, 24 October 1841' in R W Greaves, 'The Jerusalem Bishopric, 1841' (1949) 64(252) *English Historical Review* 328.

[60] 37 & 38 Vict c 77.

[61] 28 & 29 Vict c 122.

first Lambeth Conference had occurred, the Irish Church was disestablished (as discussed below), and some Colonial Churches had become independent. The 1874 Act followed on from a series of legislation passed throughout the nineteenth century that had attempted to regulate the interchangeability of ministries between different international churches in what became the Anglican Communion.[63]

When the Bill was debated in the Lords the Liberal Secretary of State for the Colonies, the Earl of Kimberley, explained it was desirable that the 'position of the Colonial clergy should be placed upon an intelligible and rational basis.' [64] The Tory Earl of Carnarvon explained that the 'status of the colonial clergy was, no doubt, in an unsatisfactory and an anomalous position.'[65] The High Churchman and former under-Secretary of State for the Colonies, Lord Blachford, reminded the House of the difficulties in which colonial bishops found themselves. The Judicial Committee of the Privy Council in *Long* and *Colenso* had recently determined that the prerogative power of creating bishoprics and giving episcopal jurisdiction by Letters Patent had ended due to emergence of colonial legislatures. From this it followed that

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[62] Ss 3 and 4. For the debate see HL Deb 7 May 1874, vol 218, cols 1804-06. This was superseded by the Overseas and Other Clergy (Ministry and Ordination) Measure (No 3) 1967.

[63] For a full list of legislation see Phillip Jones, 'Overseas and other Clergy' (*Ecclesiastical Law Blog*, 29 March 2012) <https://ecclesiasticallaw.wordpress.com/tag/colonial-clergy-act-1874/> accessed 26 April 2025.

[64] HL Deb 7 May 1874, vol 218, col 1805.

[65] ibid.

a number of Bishops in Africa, the Americas, and Oceania, had never had the legal jurisdiction supposed to be conferred on them, and that a large and constantly increasing number of colonial clergy were not able to minister in England. This problem was exacerbated by the British government's decision to discontinue the issue of Letters Patent, which were the only established source of legal jurisdiction.

The Act was significant because for the first time it mentioned the word "communion". Section 12 stipulated that the Church of England recognised the episcopal ministry of 'a bishop in communion with the Church of England.' It was not necessary for foreign clergyman to take the Oath of Due Obedience to the Archbishop of Canterbury to officiate in England. All that was needed, was for the church from which the clergyman emanated to be in communion with the Church of England.

2.3 The disestablishment of the Irish Church

When Parliament started to recognise the legitimacy of Episcopal Churches, concurrently the Irish Church gained its independence and became disestablished through the dissolution of its constitutional union with the Church of England. The Union with Ireland Act 1800[66] enacted that both the Irish and British Parliaments were united,[67] and that the Churches of England

[66] 39 & 40 Geo 3 c 67.

[67] Articles I–IV.

and Ireland were united into 'one Protestant Episcopal Church, called the United Church of England and Ireland.'[68]

The Repeal of the Test and Corporation Acts in 1828 and the Roman Catholic Relief Act 1829[69] meant that Parliament could no longer self-identify as an exclusively Anglican legislature. For many High Churchmen, this invalidated Parliament's ability to legislate for the Church.[70] When Parliament passed the Irish Church Temporalities Act 1833,[71] which reduced the number of Irish bishops in the Lords from twenty-two to twelve (Ss 19-24), High Churchmen were outraged. In July of the same year of the Act, John Keble delivered his *Assize* sermon, which described the actions of the Whig government as a "national apostasy".[72] According to Paul Avis, the failure of Erastianism in the minds of the Tractarians, forced them to look beyond the British State for a truer expression of the Universal Church.[73]

In the March 1868 Commons' debate on the resolutions proposed for Irish disestablishment the focus was on Article V. Gladstone's Liberal government did not have a "secularist mission", disestablishment occurred

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[68] Article V.

[69] 10 Geo 4 c 7.

[70] Paul Avis, *Anglicanism and the Christian Church: Theological Resources in Historical - Perspective* (2nd edn, T & T Clark International 2002) 180–82.

[71] 3 & 4 Will 4 c 37.

[72] Avis (n 70).

[73] ibid.

because of the religious fabric of Irish society: Irish protestants were in a small minority, and all attempts to convert Roman Catholics to Protestantism had failed.[74]

During this debate, Gladstone remarked that if Parliament did enact Irish disestablishment, he would not call it the 'Irish Established Church – but, for the sake of distinction… the Anglican Communion in Ireland.'[75] He went on to remark 'the Irish Church, the Anglican Communion in Ireland – call it what you like'.[76] For Gladstone, the Anglican Communion meant Anglicans in Ireland, who were no longer in an established church.

Gladstone's relationship to the Church of England changed several times during his lifetime.[77] He shifted from evangelicalism in the early part of his life, to High Churchmanship in his *Church Principles* (1840). By 1868 he tended more to Broad Churchmanship in his *Ecce Homo* (1868). While remaining committed to the Catholic inheritance of the Church of England, he became more liberally minded.[78] By 1869 Gladstone claimed that the Act took

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[74] Keith Robbins, 'The Disestablishment of the Church of Ireland' in Kevin Costello and Niamh Howlin (eds), *Law and Religion in Ireland, 1700-1970* (Palgrave Macmillan 2021).

[75] HC Deb 30 March 1868 vol 191, cols 475–77.

[76] HC Deb 30 March 1868 vol 191, cols 475–77. For Gladstone's main arguments in favour of disestablishment see HC Deb March 1869 vol 19, cols 412–70.

[77] David Bebbington, *The Mind of Gladstone: Religion, Homer, and Politics* (Oxford University Press 2004) 306.

[78] ibid.

the Irish Church from one 'defined by statutory conditions into one purely voluntary and severed from State authority.'[79]

During the April 1868 Commons' debate, the Conservative MP and former Lord Mayor of Liverpool, Thomas Horsfall, remarked on Gladstone's reference to the Anglican Communion in relation to the issue of Irish disestablishment: 'the right hon. Gentleman had throughout spoken of the Irish Church, or the Anglican Communion in Ireland.'[80] The Conservative MP and Anglo-Catholic, Alexander Beresford Hope, made an analogy with the Church in Wales: 'as in Ireland, so in Wales, the Anglican Communion is not in the majority.'[81] By referring to 'the Anglican Communion' in Wales, Hope was referring to communicants of the Church of England in Wales. So, by the late nineteenth century there was a view in Parliament that the Anglican Communion meant a body of communicants.

This idea was confirmed in the 1869 Lords' debate on Irish disestablishment when the Bishop of Lichfield, George Selwyn (who was the first bishop and metropolitan of New Zealand)[82] referred to the Anglican Communion. He explained that in the armed forces there are several chaplains

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[79] Robbins (n 74) 255.

[80] HC Deb 2 April 1868, vol 191, col 748.

[81] HC Deb 3 April 1868, vol 191, col 857.

[82] During the Lords' 1878 debate on a Bill to increase the number of suffragan bishops, the Bishop of Lincoln, Henry Mackenzie, paid tribute to the late Selwyn, because he was the 'the greatest missionary Bishop of the Anglican Communion – perhaps even of Christendom.' See HL Deb 14 May 1863 vol 239, col 1863.

from many different denominations: 'if the Roman Catholics had been in the majority, no one would have advised Her Majesty to disestablish the clergyman of the Anglican Communion, or if the Church of England soldiers had been in the majority, no one would have suggested that the Presbyterian chaplain should be disestablished.'[83] For Selwyn, like Gladstone, the Anglican Communion referred to communicants, and not the Church established by law.

Disestablishment was met with considerable opposition from the Conservative Party, and many in the Church of England and the Church of Ireland.[84] Most significantly, the House of Lords initially opposed the Bill, and Archbishop Archibald Tait of Canterbury persuaded temporal peers that they should seek amendments rather than reject the Bill outright.[85] The Irish Church Act[86] received Royal Assent on 26 July 1869, and came into force on 1 January 1871. The 1869 Act repealed the laws prohibiting the holding of synods or conventions (s 19), ecclesiastical courts and ecclesiastical law were abolished (s 21), and Irish bishops were no longer qualified to sit in the House of Lords (s 66). Because of the dissolution of its constitutional union with the Church of England, the Irish Church could govern itself without interference from

[83] HL Deb 18 June 1869, vol 197, col 222.

[84] Robbins (n 74) 255.

[85] Peter Marsh, *The Victorian Church in Decline* (Routledge & Kegan Paul 1969) 28–37.

[86] 32 & 33 Vict c 42.

Parliament and existed as an independent church, its communicants referred to in Parliament as members of the Anglican Communion.

2.4 English disestablishment in Wales

The early twentieth century debates about the disestablishment of the Welsh Church in 1920 (with the passing of the Welsh Church Act 1914[87]), alerted Parliament to the reality that disestablishment would not end communion with the Church of England, or as referred to in the earlier debates about the American and Scottish Episcopal Churches, lead to a deviation from the faithful doctrines of the Church of England.[88] The debates also recognised, for the first time, the centrality of international gatherings of Anglicans and Episcopalians, and the Book of Common Prayer as the template for liturgy throughout the Communion.

The calls for disestablishment came in large part from Welsh Nonconformists who, as the majority in Wales, campaigned for greater religious equality.[89] The Liberal Party supported the Nonconformists, and it had a strong Nonconformist following.[90] After Gladstone disestablished the Irish Church, the

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[87] 4 & 5 Geo 5 c 91.

[88] For a comprehensive overview of the legal status of the Church in Wales see Norman Doe, *The Law of the Church in Wales* (University of Wales Press, 2002), for disestablishment see 5–8.

[89] Norman Doe, 'The Welsh Church Act 1914: A Century of Constitutional Freedom for the Church in Wales?' (2020) 22(1) Ecc LJ 3.

[90] ibid.

Liberals continued to advocate for religious freedom and equality, and separation of church and state.[91] This was in sharp contrast to the "throne and altar" Conservative Party, which had opposed Irish disestablishment, and continued to defend Welsh establishment.[92] Norman Doe explains that the 'legislative battle to disestablish was long and hard. It took half a century from the first Bill to disestablishment day.'[93] The first Bill was introduced in 1870, but it was opposed by Gladstone, who prioritised the issue of Irish Home Rule.[94] But disestablishment became official Liberal Party policy in 1891 and further disestablishment Bills were introduced in 1894 and 1895, but failed.[95]

After a landslide Liberal win in 1906 another disestablishment Bill was introduced by Asquith in 1909 but rejected by the Lords.[96] The Parliament Act 1911[97] was passed and a further Welsh Church Bill was introduced in the Commons in 1912; but was rejected twice by the Lords.[98] The Lords delayed

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[91] Doe, 'The Welsh Church Act 1914' (n 89).

[92] ibid.

[93] ibid.

[94] Gladstone later came to support Welsh disestablishment and supported the Bill that was introduced after his retirement in March 1894. See Jeffrey Gainer, 'The Road to Disestablishment' in Norman Doe (ed), *A New History of the Church in Wales: Governance and Ministry, Theology and Society* (Cambridge University Press 2020) 30–31.

[95] ibid. See also Kenneth Morgan, *Wales in British Politics, 1868–1922* (University of Wales Press 1963) 80–81, 90.

[96] Doe, 'The Welsh Church Act 1914' (n 89) 4.

[97] 1 & 2 Geo 5 c 13.

[98] Doe, 'The Welsh Church Act 1914' (n 89) 4.

the Bill, arguing that there were 'constitutional difficulties about Parliament unilaterally altering the composition of the Convocations of York and Canterbury.'[99] The government invoked the Parliament Act for the first time in its history and the Welsh Church Act 1914 was passed.[100]

During the Established Church (Wales) Bill's Report Stage in the Commons in February 1913, the Conservative MP Montague Barlow explained that he wanted to clarify whether disestablishment would sever communion with the Church of England.[101] He rhetorically asked: 'why should it be impossible for the Welsh Church to remain in vital and actual connection with the English Church?'[102] He explained that the churches in the colonies 'are members of the same religious community as the Church in England.'[103] He alerted the House to the Lambeth Conference which he explained meets every ten years and whose 'pronouncements are of vital importance for the whole Anglican Communion, not only for itself, but for the Free Churches in communion with the Church of England.'[104]

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[99] Gainer (n 94) 30–31.

[100] Doe, 'The Welsh Church Act 1914' (n 89) 4.

[101] HC Deb 3 February 1913, vol 47, cols 1913–14.

[102] ibid.

[103] ibid.

[104] ibid.

During the June 1913 Commons' debate, the radical Liberal MP, Charles Masterman (who was an Anglican), explained his view that the catholicity of the English Church, or as he referred to it as 'the Anglican Communion in England', was universal and not just limited to the shores of England.[105] He explained that 'in so far as the Anglican Communion has the right to make that claim, it is not limited to the two Convocations of Canterbury, but extends to every other church in communion with the Anglican and Episcopal Churches in Scotland, Ireland, America, and all the British Dominions.'[106] He informed the House that he attended the June 1908 Pan-Anglican Congress organised by the Society for the Propagation of the Gospel ("SPG") to discuss mission at the Royal Albert Hall, in which 17,000 clergy and laity had attended immediately before the fifth Lambeth Conference was held in July of that same year.[107] He rhetorically asked the House: 'what is there in this Bill to prevent the Anglican Church in Wales remaining in communion and with the same creeds as these other Anglican Churches [which] are in communion with the Anglican Church in England?'[108]

During the House of Lords Select Committee deliberation its chairman, the Conservative peer Viscount St Aldwyn, examined the Dean of Durham,

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[105] HC Deb 16 June 1913, vol 54, cols 171–72.

[106] ibid.

[107] ibid.

[108] ibid.

Hensley Henson.[109] Viscount St Aldwyn expressed concern that if the Welsh Church is removed from Convocation, then a new Prayer Book might emerge. He was reassured by the Dean of Durham that 'the Prayer-book has become the service book of a very much larger communion than that which is in connection with the State of England; it goes throughout the whole Anglican Communion throughout the world.'[110] For the Dean of Durham Cathedral, disestablishment posed no risk for the Prayer Book, because throughout the Communion disestablished churches continued to use the Prayer Book as a template for liturgy.

The disestablishment of the Church of England in Wales happened on 31 March 1920 (delayed because of WWI). The Act released the Welsh dioceses from the Church of England, reconstituted the Church in Wales on a new legal basis, removed royal supremacy, removed Welsh bishops from the House of Lords and disendowed the four Welsh dioceses.[111] The new legal basis was that of a statutory contract – ecclesiastical law ceased as the law of the land in Wales and continued to apply 'as if' assented to by members of the Church in Wales. In April 1920 Archbishop Randall Davidson of Canterbury 'released the Welsh bishops from obedience' and declared the Welsh dioceses 'to be separate from

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[109] The Church in Wales Select Committee, *1st Report from the Select Committee of the House of Lords on matters affecting The Church in Wales; together with the Proceedings of the Committee, Minutes of Evidence, and Appendices* (HL 238, 21) para 571.

[110] The Church in Wales Select Committee (n 109).

[111] Doe, *Church in Wales* (n 88) 5–6.

the Province of Canterbury, and free to form themselves, should they so desire, into an Ecclesiastical Province.'[112] According to Doe the Act had a 'liberating effect' because the statute led to 'the release of its dioceses by the Archbishop of Canterbury, free to form a separate Anglican province.'[113] As an autonomous Church, Doe argues, like other churches in the Anglican Communion, the Church in Wales contributes to the unwritten common law of the Communion, the *ius commune*:

> [t]he fundamental principles of the law of the Church in Wales – representative government, episcopal oversight, canonical ministry, the participation of the laity in church life, and access to the ministrations of the church – aim towards the pastoral values of facility and order, and provide an essential focus of unity in the characteristics they have in common with all other churches of the worldwide Anglican Communion.[114]

By April 1920, there existed in the UK four independent Anglican and Episcopal churches reflecting its four different nations.

2.5 The United Churches of India and the birth of the modern Anglican Communion

[112] Doe, 'The Welsh Church Act 1914' (n 89) 5.

[113] ibid 13.

[114] Doe, *Church in Wales* (n 88) 8.

In 1813 Parliament renewed the East India Company Charter to govern India.[115] In response to Evangelical agitation Parliament required the East India Company to allow Christian missionary activity and endowed an established Anglican Church.[116] This led to the creation of the bishopric in Calcutta, and archdeaconries in Bombay and Madras. The first Bishop of Calcutta, Thomas Middleton, was consecrated at Lambeth Palace 1814.[117] The Anglican Church in India steadily grew, with the Church Mission Society ("CMS") and the SPG providing an increasing number of missionaries.[118] In May 1857, north-central India experienced a series of uprisings.[119] In the Royal Proclamation of 1858, Victoria affirmed her own Christian faith but proclaimed that she had no desire 'to impose our [religious] convictions on any of our subjects' – so the British continued their imperial rule with religious neutrality.[120] The UK Parliament also made it clear that it would not provide additional grants to the Anglican establishment.[121] After the 1857 Mutiny, the SPG and the CMS rebuilt their mission stations and new Anglican bishoprics were formed.[122] Whilst there was

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[115] Stewart Brown, 'Anglicanism in the British Empire, 1829–1910' in Rowan Strong (ed), *The Oxford History of Anglicanism, Volume III: Partisan Anglicanism and its Global Expansion 1829-c.1914* (Oxford University Press 2016).

[116] ibid 56.

[117] ibid 57.

[118] ibid.

[119] ibid 58.

[120] ibid.

[121] ibid.

[122] ibid 59.

steady growth, according to the 1911 census there were only 492,752 Indian Anglicans, out of an Indian population of over 300 million.[123] Christians as a whole never numbered more than 2.34 per cent of the Indian population.[124]

As calls for independence became increasingly fervent in the twentieth century, Indian Christian nationalism emerged as a movement. Sathianathan Clarke explains that 'affirming commonality as Indians rather than Anglicans, Methodists, Congregationalists, and Presbyterians symbolised such a corporeal countenance of native solidarity in the spirit of the emerging independent nation.'[125] This Christian unity was expressed at the 1920 Lambeth Conference by Indian bishops with the Conference's Appeal to all Christian People as expressed in resolution 9: 'Reunion of Christendom.'[126] Resolution 9 affirmed the Chicago-Lambeth Quadrilateral and called on Christians to unite through their shared belief in scripture, creeds and the sacraments. Chapman notes that 'resolution 9 was drafted by Bishop Palmer of Bombay and V. S. Azariah of

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[123] Brown (n 115) 59.

[124] Sathianathan Clarke, 'Ecumenism and Post-Anglicanism, Transnational Anglican Compactism, and Cosmo-trans Anglicanism' in Mark D. Chapman, Sathianathan Clarke and Martyn Percy (eds) *The Oxford Handbook of Anglican Studies* (Oxford University Press) 344.

[125] ibid 345.

[126] LC 1920, Res. 9: [a]n Appeal To All Christian People from the Bishops Assembled in the Lambeth Conference of 1920. We, Archbishops, Bishops Metropolitan, and other Bishops of the Holy Catholic Church in full communion with the Church of England, in Conference assembled, realising the responsibility which rests upon us at this time, and sensible of the sympathy and the prayers of many, both within and without our own Communion, make this appeal to all Christian people. We acknowledge all those who believe in our Lord Jesus Christ, and have been baptized into the name of the Holy Trinity, as sharing with us membership in the universal Church of Christ which is his Body. We believe that the Holy Spirit has called us in a very solemn and special manner to associate ourselves in penitence and prayer with all those who deplore the divisions of Christian people, and are inspired by the vision and hope of a visible unity of the whole Church.

Dornakal, the first Indian Bishop. It deplored division and called for a visible fellowship between Episcopal and non-episcopal churches of all "who profess and call themselves Christians."'[127] The Appeal also marked an important stage in the growth of the united churches of India.[128] They were expressed most fully at the conference held at Tranquebar in Tamil Nadu under the leadership of Azariah in May 1919, where Anglicans and others agreed (unofficially) to work together to promote "comprehension for the sake of truth."[129]

Following the passing of the Enabling Act for the Church of England in 1919 and the setting up of the Church Assembly in England, in contrast the Indian Church decided not to create a synod whilst independence was pending, and instead created Diocesan Councils and a Provincial Council in Calcutta for all India on a voluntary basis in 1922 – providing the Indian Church with some degree of temporary legislative autonomy.[130] The Indian Church Bill sought to dissolve the legal union between the Church of England and India and thus disestablish the Indian Church. During the May 1927 Lords' debate about the Bill, Davidson voiced his support for Indian disestablishment. The Bill was proposed by the Secretary of State for India, the Conservative peer, the Earl of

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[127] M D Chapman, 'The Lambeth Appeal and the Appeal of Britain' (2020) 72 Ecumenical Review 683.

[128] ibid.

[129] Titus Presler, 'Anglicanism's Twentieth-Century Contribution to Minority Christianity in South Asia' in William L. Sachs (ed), *The Oxford History of Anglicanism, Volume V: Global Anglicanism, c. 1910–2000* (Oxford University Press, 2017) 405–6. See also Bengt Sundkler, *Church of South India: The Movement Towards Union 1900–1947* (Seabury Press 1954) 101.

[130] ibid 388.

Birkenhead. He explained that the legal connection between the established Church of England and the Church in India no longer made sense because of a demographic shift in the Indian Anglican population: 'the total number of adherents in India to the Anglican Communion is over half a million... of those half-million roughly one-fifth are British, the balance being represented by Anglo-Indians and Indian Christians.'[131] For Davidson the Bill 'made more natural the position of the Church in India as a part of the Anglican Communion throughout the world of which the Church of England is the home title.'[132]

During its Second Reading, Davidson explained to their Lordships the newly emerged ecclesiology of the Anglican Communion:

> [t]he Church of England, if we use the popular term, or if we speak more accurately the Anglican Communion, is now, of course, a great federal body divided into more or less independent and yet federated parts throughout the world…
>
> The Archbishopric of Canterbury is by common consent regarded as the centre of that vast organisation and in the overseas provinces I have referred to, although the Archbishop of Canterbury possesses no jurisdiction whatever, his [p]rimacy in the large sense of the word is recognised…
>
> Once in every ten years every Bishop throughout the Communion, whether belonging to what we describe as our Colonies and Dominions overseas, or to the Church of the United States, or to the great missionary regions quite outside His Majesty's Dominions or the

[131] HL Deb 17 May 1927, vol 67, col 270.

[132] HL Deb 17 May 1927, vol 67, col 277.

> jurisdiction of the United States, the mission fields of the world, are invited to London…
>
> The attendance at these conferences marks the close fellowship which exists and which in practice presents no features of difficulty, although the ecclesiastical independence of the various [p]rovinces is quite universally recognised.[133]

Davidson's speech in the Lords was reported in *The Times of India*: 'it [the Church of England] has accorded to its daughter churches in Scotland and Ireland and in the United States of America… the same freedom which it has claimed for itself… the Bill will set his [the Archbishop of Canterbury's] suffragans free from their allegiance to himself.'[134] For Davidson, the Anglican Communion had emerged as a "federal body" of churches: each having ecclesial independence, free from the legal jurisdiction of the Crown and the See of Canterbury, but united through the Lambeth Conference and mutual recognition of the Archbishop of Canterbury who is at its "centre".

The Indian Church Act[135] was passed in 1927 and its preamble explained that its purpose was to 'dissolve the legal union between the Church of England and the Church of England in India.' The Church of India, Burma, and Ceylon came into existence as an autonomous province of the Anglican Communion on

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[133] HL Deb 17 May 1927, vol 67, col 278.

[134] 'The Indian Church Bill' *The Times of India* (Mumbai, 20 May 1927) <https://www.proquest.com/historical-newspapers/indian-church-bill/docview/325154584/se-2> accessed 26 April 2025.

[135] 17 & 18 Geo 5.

1 March 1930.[136] This was highlighted in the July 1931 Lords' debate about Indian independence. The then Archbishop of York (who later became the Archbishop of Canterbury in 1942), William Temple, expressed his support for Indian independence and explained how one of the 'movements of national spirit' was the emergence of the Anglican Church in India, which had attained 'its autonomy as a self-governing Church within that widespread commonwealth of churches which is loosely called the Anglican Communion.'[137] Temple argued that it had 'been set free from any restraints of establishment in India and from all the legal bonds which would bind it to the Church of England', and that in so doing it adapted 'itself in its future life more, easily and quickly to Indian life and thought.'[138] For Temple, the federal and autonomous order of the Anglican Communion meant that churches were able flourish in their indigenous contexts free from the restraints of establishment. From the very beginnings of the Communion, Parliament has sought to celebrate and affirm the independence and autonomy of individual churches.

After partition in August 1947, two united churches emerged. The Church of South India and the Church of India, Pakistan, Burma, and Ceylon.[139] The formation of these two churches led to the setting up of the World Council

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[136] Presler (n 129) 399.

[137] HL Deb 8 December 1931, vol 83, col 332.

[138] ibid.

[139] Presler (n 129) 405.

of Churches ("WCC") in 1948.[140] The 1948 Lambeth Conference looked forward to full communion with the united churches 'with longing' and recommended that all Anglican provinces enter into full communion with the united churches.[141] The Church of North India, the Church of Pakistan, the Church of Ceylon and the Church of the Province of Burma emerged as separate independent churches in 1970, and the Church of Bangladesh as a separate church in 1974.[142] The Churches of South India, Pakistan and Bangladesh are, along with the Church of North India, united churches. The Church of the Province of Burma and the Church of Ceylon are not united churches, and the Church of Ceylon (since 1970) falls under the extra provincial metropolitical jurisdiction of the Archbishop of Canterbury. Bishops from all four united churches were invited to the Lambeth Conferences of 1978 and 1988.[143] The Lambeth Conference of 1988 invited the united churches to join the Anglican Consultative Council (the "ACC", which as explained in chapter 1, has a schedule appended to its constitution listing member churches) and the Primates' Meeting as constituent members of the Communion.[144]

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[140] Bruce Kaye, *An Introduction to World Anglicanism* (Cambridge University Press 2008) 105.

[141] Presler (n 129) 405.

[142] ibid 405–13.

[143] ibid 405.

[144] ibid.

Conclusion for chapter 2

Parliamentary debates during this period reveal a changing understanding of the Anglican Communion. For the UK Parliament, the Communion evolved from being a body of communicants legally divorced from the British Crown to a family of churches that form a Christian fellowship. By enacting for the interchangeability of ministries for the Scottish and American Episcopal Churches with the Church of England, and the independence of the Irish, Welsh and Indian Churches, Parliament recognised the legal autonomy and self-government of member churches, whilst affirming full communion with the Church of England.

The emergence of the Anglican Communion as a family of legally autonomous self-governing churches with no juridical connection to each other, sets the scene for a continued analysis of parliamentary papers in the next five chapters to understand the contemporary relationship between the UK Parliament and the Anglican Communion. Whilst the legal connection between the UK Parliament and the churches of the Communion may have ceased – the Church of England remains established. How does this communion of churches feature during Ecclesiastical Committee deliberations and parliamentary debates about ecclesiastical law? This question is the focus for the next chapter.

The Law of the Established Church and the Anglican Communion

— Chapter 3 —

> …[T]his House [of Commons] congratulates the bishops of the US Episcopal Church on electing Katharine Jefferts Schori as the next leader of the Episcopal Church in the USA… and looks forward to the day when the Church of England consecrates women bishops and archbishops![1]

When the House of Bishops of General Convention voted for Katharine Jefferts Schori to be the Presiding Bishop and Primate[2] of the American Episcopal

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[1] EDM no. 2392, 28 June 2006. Judith Maltby, 'Gender and Establishment: Parliament, "Erastrianism" and the Ordination of Women 1993-2010' in Mark Chapman, Judith Maltby and William Whyte (eds), *The Established Church: Past, Present, Future* (Continuum 2011) 114.

[2] Katharine Jefferts Schori was the first female primate in the Anglican Communion. On 13 July 2019, Linda Nicholls was elected the first female primate of the Anglican Church of Canada, making her the second female primate in the Anglican Communion. For a general overview of female leadership in the Anglican Communion see Katharine Jefferts Schori, 'Experience of Women's Leadership in the Anglican Communion' in Fredrica Harris Thompsett (ed), *Looking Forward, Looking Backward: Forty Years of Women's Ordination* (Morehouse Publishing 2014) 152–59.

Church[3] on 18 June 2006, the Church of England was still nine years away from having its first female bishop. Female bishops of other provinces were not permitted to exercise episcopal ministry in the Church of England because it had not yet changed its law to canonically accept the ministry of women bishops,[4] and when Schori visited the UK in 2010, she was prohibited by Rowan Williams from wearing a mitre when she preached in Southwark Cathedral.[5] The UK Parliament recognised how far behind the Church of England was compared to the American Episcopal Church.[6] In June, July and November of 2006, a number of Early Day Motions to show parliamentary support for Schori's election (such as the one quoted above from Labour MP Chris Bryant), were submitted for debate.[7] Unlike women deacons and priests, Parliament appears to have universally supported women bishops – those parliamentarians who may have been opposed did not voice their opposition in Parliament – and

[3] The official name of the American Episcopal Church as stated in its *Constitution & Canons*, which was adopted and revised by General Convention in 2006 is: "The Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church." See the Preamble to *The Episcopal Church's Constitution & Canons*, 1.

[4] Norman Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective* (Oxford University Press 1998) 352.

[5] Andrew Brown, 'Rowan Williams and the mitre maid' *The Guardian* (London, 21 June 2010) <https://www.theguardian.com/commentisfree/andrewbrown/2010/jun/21/anglicanism-schori-mitre-bishops-synod> accessed 26 April 2025.

[6] For a general overview of the differences in ecclesiology between the Church of England and the American Episcopal Church see Colin Podmore, 'A Tale of Two Churches: The Ecclesiologies of The Episcopal Church and the Church of England Compared' (2007) 10(1) Ecc LJ 34.

[7] Maltby (n 1) 114.

Parliament's desire to support such a Measure was derived, in part, from the position of women bishops in other provinces of the Communion.

This chapter explores how the Anglican Communion features in debates about ecclesiastical law. The first section examines how the Anglican Communion was considered when the Selborne Committee made proposals for the creation of the National Assembly of the Church of England (or 'Church Assembly' as it was more commonly known). The second section carries out an examination of the Reports of the Ecclesiastical Committee and the debates in Parliament when draft Measures are laid before both Houses. The final section focuses on the draft Measures for the three orders of women's ministry in the Church of England.

It is important to note from the outset that the two Houses only debate a small number of draft Measures. Furthermore, the Communion does not have any legislative impact on whether Parliament gives its consent for a draft Measure to receive Royal Assent – as explained in chapter 1, Parliament is sovereign. Instead, the following constitutional conventions have emerged: the Communion is raised during debates to highlight how other provinces have approached similar ecclesiastical issues through their own canon law, and how a change in the canon law of the Church of England might impact intra-Anglican Communion and ecumenical relations. This chapter will argue that the Church of England's historic role as the "mother church" has evolved, and in the twenty-first century it is more apt to call the Church of England a "sister church" of the Communion.

THE LAW OF THE ESTABLISHED CHURCH

3.1 The Selborne Committee

Jeremy Morris has called the Church of England Assembly (Powers) Act 1919[8] 'the most significant single piece of legislation passed by Parliament for the Church in the twentieth century.'[9] This is because it created 'legislative autonomy' for the Church by creating the Church Assembly and thus 'stung the anti-establishmentarian criticism' following the Liberal landslide victory of 1906 which brought into power a government backed by a large number of anti-establishment dissenting MPs.[10] It also created Parochial Church Councils ("PCCs"), which became the bedrock for Church governance at local level.[11]

The catalyst for the 1919 Act was the Selborne Report (1916).[12] The Archbishops' Committee on Church and State, led by the Earl of Selborne, was composed of five peers, six MPs and ten clergy (including the two archbishops).[13] The committee considered the Henrician reforms, the position of the Presbyterian Church of Scotland, what constitutions for Church of

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[8] 9 & 10 Geo 5 c 76.

[9] Jeremy Morris, *The High Church Revival in the Church of England: Arguments and Identities* (Brill 2016) 246.

[10] ibid.

[11] ibid.

[12] Mark Hill, *Ecclesiastical Law* (4th edn, Oxford University Press 2018) para 2.04.

[13] Frank Cranmer, John Lucas and Bob Morris, *Church and State A Mapping Exercise* (UCL Constitution Unit 2006) 49 <https://www.academia.edu/32445425/Church_and_State_a_mapping_exercise> accessed 26 April 2025.

England representative bodies there should be at different levels, and the Anglican Communion.[14]

At the end of the nineteenth century Church of England representative bodies began to emerge and included lay members for the first time.[15] This meant that the Church of England had lay voices from within, and not just those in Parliament. The Convocations of Canterbury and York (which were revived in 1854 and 1861 respectively) were entirely clerical in composition, but both provinces created representative bodies which included laity.[16] These came together in a national Representative Church Council in 1904.[17] The Council passed a resolution in 1913 that led to the setting up of the Selborne Committee.[18]

The purpose of the committee was 'to inquire what changes are advisable in order to secure in the relations between Church and State a fuller expression of the spiritual independence of the Church as well as of the national recognition of religion.'[19] A major issue considered by the Committee was whether Parliament should have a veto over the Church's laws. The Committee stated that 'there is in principle no inconsistency between a national recognition

[14] Cranmer (n 13).

[15] ibid.

[16] ibid.

[17] ibid.

[18] ibid.

[19] ibid.

of religion and the spiritual independence of the Church.'[20] But it also argued that the Church of England had become 'paralysed' because it had no effective structures to reform itself.[21] For the Committee, Parliament was not a church assembly: 'if the Church is to adjust itself adequately to the needs of the present and the future… it must be free to legislate and judge and act for itself. Though subject to a reasonable measure of control by the State...'[22]

By the end of the nineteenth century the attitude of Parliament to Church of England law was 'not so much one of hostility as of indifference.'[23] This was outlined in the Selborne Report itself, where a study of the Public Bill Lists for the years 1880-1913 revealed that of the 217 Church Bills, only 33 were passed and 183 were dropped, 162 were never discussed, and 13 were initiated by the government of the day.[24] The Report noted that 'Parliament has neither the leisure, fitness or inclination to perform efficiently the function of an ecclesiastical legislature' and recommended that the Church of England should have the right to legislate for itself provided 'full powers of scrutiny, criticism and veto are reserved to the State.'[25]

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[20] Earl of Selborne, *Archbishops' Committee on Church and State* (SPCK 1916) 2.

[21] ibid.

[22] Morris (n 9) 2–3.

[23] Cranmer (n 13) 50.

[24] ibid.

[25] Selborne (n 20) see also Hill (n 12) para 2.04.

The committee recommended the creation of an Ecclesiastical Committee of the Privy Council to deal with proposals from a Legislative Committee of the Church of England's Representative Council.[26] If Royal Assent was all that was required, there would be no parliamentary procedure.[27] However, if a Measure was required, then the draft Measure should be presented to Parliament via the Ecclesiastical Committee.[28]

3.2 The Selborne Report and the Anglican Communion

One of the major issues considered by the Selborne Committee was the potential impact of its recommendations for the Communion. The committee argued that if the Church of England was granted greater autonomy, then this would have a positive impact on the future of the Communion. It would improve relations between the Church of England and other churches of the Communion, and the Communion's ecumenical relations. Anglicanism as a major denomination of world Christianity would be free to flourish, and the Universal Church worldwide had the potential to reflect a more authentic voice of the Gospel globally.

The committee explained it would have been '…a grave error to limit its enquiry to the Church in the Provinces of Canterbury and York alone.'[29] The

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[26] Cranmer (n 13) 50.

[27] ibid.

[28] ibid.

[29] Selborne (n 20) 3.

committee therefore '…extended its survey to the other Churches of the Anglican Communion… in view of the close connection between them and the mother church.'[30] The committee noted it was 'not possible to lay down any rule as to the measure of autonomy that constitutes effective spiritual independence.'[31] The various solutions of this problem that had been attempted largely depended upon the circumstances of time and place, and the religious history and character of the polity concerned.[32] An examination of the constitutions of the other churches of the Communion showed a 'great variety of forms of state relationship.'[33]

The 'first in point of importance' was the American Episcopal Church.[34] The committee noted that the American Church, since the Declaration of Independence, remained an independent and voluntary association, only recognised by the State in the same way as all other religions.[35] The Church of Ireland, from the date of its disestablishment in 1869, became an autonomous Church. At its General Synod in 1870 the Church of Ireland declared it was

[30] Selborne (n 20) 3.

[31] ibid 33.

[32] ibid.

[33] ibid 33–4.

[34] ibid 34.

[35] ibid.

governed by its own constitution and canons.[36] The Scottish Episcopal Church was 'in the full sense' a self-governing church.[37]

The committee recognised that many of the colonies began with established churches constituted under Royal Letters Patent and endowed or assisted (exclusively or concurrently) with state grants.[38] Disestablishment was the favoured solution for the problem of church and state.[39] However, many were still affected by State laws resulting from their earlier establishment and endowment, and were tied either by the terms of their legal recognition or by those of their own constitutions in matters of property and contract.[40] But crucially, most attained a large measure of autonomy, which took effect in the shape of synodal action, as exercised by General, Provincial and Diocesan Assemblies.[41] These bodies possessed under their constitutions and canons full legislative powers.[42] The committee noted that these powers carried 'these churches a long way on the road to spiritual independence.'[43]

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[36] Selborne (n 20) 34.

[37] ibid.

[38] ibid.

[39] ibid.

[40] ibid.

[41] ibid.

[42] ibid.

[43] ibid.

There was at the time of the Selborne Comittee an exception to this general rule of disestablishment.[44] The Church in the Indian subcontinent, constituted by ecclesiastical arrangement into the ecclesiastical province of India and Ceylon, remained a branch of the Church of England. Its metropolitan, the Bishop of Calcutta, was 'subject to the general superintendence and revision of the Archbishop of Canterbury.'[45] The committee concluded that whilst there are these nuances to church-state relations throughout the colonies, generally it may be said that in the Communion churches possess autonomy.[46]

In considering the procedure of the Representative Church Council, the committee considered the practice which had 'been largely adopted in other churches of the Anglican Communion.'[47] The committee suggested that on occasions when, under the constitution of the Representative Church Council, the three Houses sit separately, it should be open to the Houses of the Laity and the Clergy to sit together, apart from the House of Bishops.[48] Such a plan was 'worthy of consideration, as likely calculated to promote lay and clerical co-operation.'[49] In considering how other church councils throughout the

[44] Selborne (n 20) 34.

[45] ibid.

[46] ibid.

[47] ibid 55.

[48] ibid.

[49] ibid.

Communion operated, the committee affirmed the ecclesiology of other churches in the Communion.[50]

The committee decided that the effect of these proposals for church self-government 'must be considered, first, in relation to the Churches of the Anglican Communion' and the effect the 'recommendations might be expected to have upon the relations of the Church of England to the other Churches of the Anglican Communion.'[51] There were, generally speaking, two different groups of churches. Firstly those churches in the Communion 'bound, or have bound themselves, to deviate in no particular form from the standards of faith and worship in the Church of England.'[52] Any legislative freedom won for the Church of England to modify its standards and rules 'would involve a gain for them' because they too would enjoy greater freedom from the British State.[53] The second group of churches were those that were completely independent from the Church of England. The effect of the recommendations would also be considerable for them because they still regarded 'with reverence and affection the mother church' to which they continued to look for leadership.[54]

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[50] See Paul Avis, *Church State and Establishment* (SPCK 2001) for a greater discussion about of the involvement of lay and ordained in church government, esp. 29–36.

[51] Selborne (n 20) 55.

[52] ibid 63.

[53] ibid.

[54] ibid.

For the Selborne Committee the Communion was a 'movement of fellowship' which was 'hindered by the disadvantageous position' of the Church of England's closeness to the British State.[55] This was especially apparent at the Lambeth Conference, which the committee noted was 'the chief instrument of Anglican unity.'[56] The Committee recognised that the Lambeth Conference was not a legislative body, and its resolutions were only suggestions.[57] But it was 'an embarrassment to the [Lambeth] [C]onference that the Church of England is not likely to be able to adopt any suggestion which involves a change in standards or rules of worship, in faith or discipline' without the heavy involvement of the British State.[58]

The committee also considered the Communion's ecumenical relations. The report noted that there was 'an important and distinctive witness which the Anglican Communion is divinely commissioned to bear among the Churches of the world.'[59] But this witness could only be effectively borne if the Church of England 'as the premier Church' of the Anglican Communion became free.[60]

The committee concluded that if its recommendations were adopted and there was a greater freedom of self-regulation in the Church of England, 'its

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[55] Selborne (n 20) 55.

[56] ibid.

[57] ibid.

[58] ibid 63.

[59] ibid 64.

[60] ibid.

relationship to the Churches of the Anglican Communion would become far more satisfactory'[61] and 'the Anglican Communion as a whole would have a far better chance of presenting itself in its true character and fulfilling its true mediating function in the whole Church of Christ.'[62] The main argument of the Selborne Report for the creation of a Church Assembly as it related to the Communion was that it would improve the Church of England's intra-Anglican Communion and ecumenical relations.

3.3 The Church Assembly (Powers) Act 1919

After the end of the Great War a Bill was introduced by Archbishop Randall Davidson of Canterbury on 3 June 1919 which received Royal Assent on 23 December 1919.[63] Davidson addressed the Lords: 'I ask your Lordships to give a Second Reading to a Bill to enable the Church of England to do its work properly.'[64] Russell Dewhurst commented that Davidson 'focused almost entirely on the practical issues – the lack of parliamentary time – that necessitated a Church Assembly, and played down any sense in which the Bill would constitute a constitutional change or deprive non-conformists of

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[61] Selborne (n 20) 64.

[62] ibid 63.

[63] For the debate on the National Assembly of the Church of England (Powers) HL Bill (1918-19) [160] see HL Deb 3 June 1919, vol 34, cols 974–1032.

[64] Russell Dewhurst, 'The 'New World' of Ecclesiastical Law: 1901–47' in Norman Doe and Stephen Coleman (eds), *The Legal History of the Church of England: From the Reformation to the Present* (Hart Publishing 2024) 178.

influence in the national church.'[65] This was Davidson's attempt to appease all relevant parties: 'High Churchmen wanted a system of self-governance to reflect the spiritual autonomy of the Church; Evangelicals wanted renewed and effective mission; and Broad Churchmen wanted a truly national system to reflect aspirations for a comprehensive national Church.'[66] Colin Podmore has remarked that Davidson's ability 'to persuade Parliament to delegate the formulation of statute law to an external body whose composition it did not determine was a remarkable achievement.'[67]

Under the Enabling Act the proposed Ecclesiastical Committee of the Privy Council became a joint statutory committee of both Houses consisting of fifteen members from each, newly appointed at the beginning of each Parliament.[68] An attempt by Parliament to prescribe the Representative Council's constitution in the Bill was successfully resisted, and the Church of England created the Church Assembly as recommended by the Selborne Committee.[69] Dewhurst notes that during the Church Assembly era the

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[65] Dewhurst (n 64) 178.

[66] Jeremy Morris, 'The cry for self-government: 100 years of the Enabling Act' *Church Times* (London, 6 December 2019) <https://www.churchtimes.co.uk/articles/2019/6-december/features/features/the-cry-for-self-government-100-years-of-the-enabling-act> accessed 26 April 2025.

[67] Colin Podmore, 'Self-Government Without Disestablishment: From the Enabling Act to the General Synod'" (2019) 21(3) Ecc LJ 317.

[68] Cranmer (n 13) 50.

[69] ibid.

Anglican Communion had a degree of influence on Church of England Measures:

> [s]ome [Lambeth] Conference resolutions did influence the development of the law of the Church of England: for example, a 1908 resolution stated that Prayer Book revision would not be *ipso facto* a problem for the Communion, and so encouraged the Church Assembly in its plans for the proposed new Prayer Book of 1928; and a 1930 resolution establishing a doctrine commission with the Old Catholics led to an Act of Convocation in 1932 establishing intercommunion between the Church of England and the Old Catholics.[70]

Accepting Dewhurst's thesis that Lambeth Conference resolutions influenced ecclesiastical law during the Church Assembly era, Selborne's predictions were correct. Greater legislative autonomy for the Church improved the Anglican Communion's ecumenical relations, leading to full communion with the Old Catholic Churches of the Union of Utrecht – a denomination that to the present day continues to be in full communion.

In 1969 Parliament passed the Synodical Government Measure, which renamed and reconstituted the Church Assembly into the General Synod. The 1969 Measure also empowered the General Synod to legislate by Canon – a power that had been hitherto vested in the Convocations of Canterbury and York.[71] Doe argues that the General Synod has "synodical supremacy" in the

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[70] Dewhurst (n 64) 188. See also A Smethurst, H Riley and H Wilson (eds), *Acts of the Convocations of Canterbury and York 1921–1970* (SPCK 1971) 117–22.

[71] Hill (n 12) para 2.05.

Church's "constitutional order".[72] Today the General Synod remains the legislative organ for the Church of England and comprises of three Houses: bishops, clergy and laity.[73] Under the 1919 Act, the General Synod transmits any draft Measure via its Legislative Committee to the Ecclesiastical Committee.[74] This statutory committee exercises the procedures of a Joint Select Committee and its members are appointed by the Speaker and the Lord Speaker respectively.[75] When the Ecclesiastical Committee receives a draft Measure from the Legislative Committee of the General Synod, it prepares a report for Parliament, considering the constitutional rights of His Majesty's subjects, setting out the nature and legal effect of the draft Measure and its views on the Measure.[76] During the process the Legislative Committee has the right to withdraw the draft Measure after it receives the Report of the Ecclesiastical Committee.[77]

A Measure may deal with any Church of England matter and may amend or repeal an Act of Parliament, except those provisions of the 1919 Act relating to the composition, powers, or duties of the Ecclesiastical Committee

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[72] Norman Doe, *The Legal Framework of the Church of England: A Critical Study in a Comparative Context* (Oxford University Press 1996), 56.

[73] Hill (n 12) para 2.08.

[74] ibid.

[75] Hill (n 12) para 2.08.

[76] ibid.

[77] ibid.

parliamentary procedures under section 4 of the 1919 Act.[78] Measures must also be compatible with the European Convention on Human Rights ("ECHR").[79]

If the Legislative Committee chooses not to withdraw the draft Measure, the Measure is laid before both Houses.[80] Parliament does not have the power to amend or vary a proposed Measure, it must decide whether or not to present the Measure to the monarch in the form in which it was drafted by the Church.[81] A resolution is required to present the Measure for Royal Assent, after which the Measure attains the full effect and force of an Act of Parliament.[82] Measures are primary legislation in its strict sense.[83]

Under the Enabling Act, Parliament gave the power to initiate law to the Church Assembly and it has become convention that Parliament does not intervene on matters wholly internal to the Church. But Parliament has retained the power to reject draft Measures – though this power has rarely been used.[84]

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[78] Hill (n 12) para 2.08.

[79] ibid. See also Mark Hill 'The Impact for the Church of England of the Human Rights Act 1998' (2000) 5(27) Ecc LJ 431.

[80] Hill (n 12) para 2.09.

[81] ibid.

[82] ibid.

[83] ibid para 1.30.

[84] See Mark Hill, 'Change and Decay – The Twilight Years of an Established Church: 1994-2023' in Norman Doe and Stephen Coleman (eds), *The Legal History of the Church of England: From the Reformation to the Present* (Hart Publishing 2024) 216. The draft Prayer Book Measures of 1927 and 1928 are the most notable examples of parliamentary rejection. In 1984 the Commons voted against approving the draft Appointment of Bishops Measure, and in July 1989 it had initially declined to approve the draft Clergy Ordination Measure before approving the Measure in February 1990. Hill argues that certain provisions of the Civil Partnership Act 2004 effectively reverse the principle established by the 1919 Act which gave

The rest of this chapter will consider how the Anglican Communion has featured during this process – following on from the recommendations of the Selborne Committee, that greater legislative autonomy for the Church would allow the Anglican Communion to flourish as a global denomination of world Christianity.

THE UK PARLIAMENT, MEASURES AND THE ANGLICAN COMMUNION

3.4 Communion representation at the earthed levels of establishment

Whilst relations between different provinces of the Communion are not considered ecumenical because they form part of the same denomination, in the spirit of the ecumenical movement of the 1970s[85] the Church of England started

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the Church a 'a high degree of autonomy to legislate for itself.' The 2004 Act provides that a government minister may by order amend, repeal, or revoke "Church legislation".

See also Hill (n 12) para 2.07. According to Hill, 'the words of the statute are broad, giving power to the executive to legislate for the Church…' but 'reliance must be placed on the continuance of the constitutional convention that the government does not legislate for the Church of England without its consent.' Hill's point about the convention not being overturned by the 2004 Act is consistent with the position of the then New Labour government. During the July 2005 Grand Committee debate on the proposed Civil Partnership Act 2004 (Overseas Relationships and Consequential, etc Amendments) Order, the then government minister, Lord Sainsbury, reaffirmed this convention: 'by convention the government do not legislate for the Church of England without its consent.'

For the debates on the Prayer Book Measure see HL Deb 14 December 1927 vol 69, cols 924–90 and HC Deb 13 June 1928 vol 218, cols 1004–1139. For an outline of the Prayer Book Controversy see John Maiden, *National Religion and the Prayer Book Controversy 1927-28* (The Boydell Press 2010). For the Commons' debate on the Appointment of Bishops Measure see HC Deb 16 Jul 1984, vol 64, cols 126–44. For the debates on Clergy (Ordination) Measure see HC Deb 3 Jul 1989, vol 509, cols 1012–54 and HC Deb 23 Oct 1989, vol 158, cols 470–71. See further Jacqueline Humphreys 'The Civil Partnership Act 2004, Same-Sex Marriage and the Church of England' (2006) Ecc LJ 8(38) 289.

[85] Stephen Pickard, 'The Lambeth Conference amongst the Instruments of Communion' in Paul Avis and Benjamin Guyer (eds), *The Lambeth Conference: Theology History, Polity and Purpose* (Bloomsbury 2015) 5.

the process of reforming its law to enable Anglicans and Episcopalians from other provinces to work and worship more freely in the Church of England. Parliament considered the Communion when it approved draft Measures related to Church government, ministry and worship. The first example of this was in 1969, when Parliament approved the Synodical Government Measure.[86] As explained above, this Measure created the newly constituted General Synod, which took the place of the Church Assembly.[87] The former Chief Legal Adviser to the General Synod, Stephen Slack, has explained that for over one-hundred years the Anglican Communion has had a distinctive understanding of synodical government:

> [r]epresentatives of the clergy and laity have joined with the bishops in overseeing the affairs of the Church. This experiment in vesting significant authority in a body consisting of bishops and representatives of the clergy and laity can be seen as a distinctive Anglican characteristic.[88]

This is also stated in *The Principles of Canon Law Common to the Churches of the Anglican Communion* (second edition, 2022; hereafter referred to as "*The Principles"*) which state that '[b]ishops, clergy and laity of a church share

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[86] Ecclesiastical Committee, *158th Report of the Ecclesiastical Committee 1969* (HL104, HC282). See HC Deb 11 July 1969, vol 786, cols 1774–80 and HL Deb 16 Jun 1969, vol 302, cols 842–48.

[87] Synodical Government Measure 1969, s 1. See Hill (n 12) para 2.05.

[88] Stephen Slack 'Synodical Government and the Legislative Process' (2012) 14(1) Ecc LJ 43.

authority in synodical government' (principle 15.9) and that 'leadership and authority should be exercised in an accountable manner, within the episcopal and synodical structures of a church...' (principle 16.4). This distinctive Anglican and Episcopal characteristic of synodical government is evident in the Church Representation Rules, which form Schedule 3 to the Measure, and are crucial to the democratic governance of the Church at all levels – at its core lies the electoral roll.[89] One of the issues debated by the Church Assembly related to the qualifications for entry on parish electoral rolls (which is the basis of lay representation at all levels).[90] Before the Measure was passed, residents in a parish required baptism and had to declare their entry on the electoral roll. This was changed by the Church Assembly, so communicants of other Anglican Communion member churches were automatically qualified.[91] This point was reiterated by the Archbishop Michael Ramsey of Canterbury when the draft Measure was presented for debate in the Lords.[92] This Measure enabled Anglicans and Episcopalians from outside the Church of England who resided in the parish, or were regular churchgoers in England, to have equality with Church of England communicants in lay representation at the parochial level.

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[89] Hill (n 12) paras 3.03–05.

[90] Rule 1(2)(b) includes membership of other Anglican and Episcopal Churches, and overseas Churches in communion with the Church of England as a qualification for entry on the electoral roll.

[91] Ecclesiastical Committee, *158th Report* (n 86) 6.

[92] HL Deb vol 16 June 1969 vol 302, cols 842–48, esp. col 844. For the debate in the Commons see HC Deb 11 Jul 1969, vol 786 cols 1774–80.

Whilst the 1969 Measure addressed the issue of Communion representation at the earthed levels of establishment, the Diocese in Europe Measure 1980[93] considered the same issue at the higher levels of establishment. The Measure made provision for the Diocese in Europe to be represented in the General Synod but made it clear that this did not mean representation on the bishops' benches in the Lords. Hill has called the Diocese in Europe 'something of a jurisprudential anomaly,' because off-shoots of the Church of England that fall outside of the British Isles and continue to fall under the metropolitical jurisdiction of the Archbishop of Canterbury (the Channel Islands and the Diocese of Sodor and Man) have their own legal systems and are established – but the Diocese in Europe does not have its own legal system and the canons of the Church of England apply to the diocese.[94] When the 1980 draft Measure was considered by the Ecclesiastical Committee, both that Committee and the General Synod's Legislative Committee were clear that of the churches in the Communion, only the Church of England was established by law. Whilst Anglicans and Episcopalians from outside of England could have equality with Church of England communicants at the earthed levels of establishment, the

[93] Ecclesiastical Committee, *183rd Report of the Ecclesiastical Committee 1980* (HL242, HC558).

[94] See Hill (n 12) para 2.10. The governing instrument for the diocese is a constitution, paragraph 2 states the diocese 'shall be deemed to be within the Province of Canterbury.' Paragraph 22(a) makes the law of the Church of England applicable in the diocese 'so far as the local law of any state or country shall permit' and 'with such modifications or exceptions as… are deemed appropriate by the Archbishop of Canterbury acting with the concurrence of the vicar general of the province.'

same could not be allowed for non-English Anglican and Episcopal bishops at the higher levels of establishment.

The Report of the Ecclesiastical Committee noted that in addition to the two-hundred Church of England chaplaincies under the jurisdiction of the North and Central Europe and the Diocese of Gibraltar, there were six churches that fall under the jurisdiction of the American Episcopal Church. In four places, the Ecclesiastical Committee noted that the English and 'American Anglican Churches' existed in the same cities (Paris, Rome, Florence and Geneva).[95] Except for these four, the chaplaincies which belonged to the diocese found themselves serving British, American, Commonwealth and other expatriates, many of whom were Anglicans, but many of whom were not.[96] Many of the clergy were drawn from England, but over the years clergy from many other provinces, including the other provinces of the British Isles, have served in Europe.[97]

The Ecclesiastical Committee drew attention to the fact that the draft Measure was not concerned with representation in the General Synod of members from 'independent churches' in the Communion: 'in the United States, and throughout most of the Commonwealth, the Church of England has evolved into independent Anglican Churches having their own government and no

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[95] Ecclesiastical Committee, *183rd Report* (n 93) 7.

[96] ibid.

[97] ibid.

longer part of the mother church, though remaining in communion with it.'[98] Representation in the General Synod by any of these 'independent Anglican churches would raise considerations different from those raised by the present proposal.'[99]

Under the constitution, the bishop of the diocese would not be appointed with the involvement of the British State, but by the Archbishop of Canterbury, the Bishop of London, and an episcopal member of the Standing Committee of the ACC.[100] Similarly, suffragan bishops would be appointed by the Archbishop of Canterbury, the Bishop of London, and the diocesan bishop. Because the new diocese would not be part of the established Church, it would be inappropriate for the British State to be involved.[101]

The Ecclesiastical Committee affirmed that the proposal in the constitution was in line with the present position regarding the Bishopric of Gibraltar.[102] Although the first two bishops of the diocese were appointed by Letters Patent (the first by the Letters Patent that established the diocese in 1842) appointments to the Bishopric since 1874 have been made by the Archbishop of Canterbury. The change of practice that took place at that time

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[98] Ecclesiastical Committee, *183rd Report* (n 93) 7.

[99] ibid 5.

[100] ibid.

[101] ibid.

[102] ibid.

was made 'in the light of the celebrated decision of the Privy Council in the Bishop of Natal case of 1864' (the *Colenso*[103] case).[104] The proposed method of appointing bishops in the new diocese was 'accordingly in harmony with constitutional practice as it has evolved over the last 100 years or more.'[105] The Ecclesiastical Committee clarified that under the proposed draft Measure, the bishop of the new diocese, though not appointed by the Crown, would be a member of the Convocation of Canterbury but this would not make him eligible to sit as a bishop in the Lords.[106] During the deliberation, the Ecclesiastical Committee and the Legislative Committee of the General Synod made the boundaries between church and state for provinces of the Communion clear: even those extra provincial dioceses which fall under the metropolitical jurisdiction of the Archbishop of Canterbury, do not enjoy the same privileges as the "mother church" at the higher levels of establishment.

When the draft Measure was presented for debate in the Lords in May 1980, the Bishop of London, Gerald Ellison, reiterated the points made during the Ecclesiastical Committee's deliberation.[107] He explained that the draft Measure was created in November 1975 after the Archbishop of Canterbury

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[103] *Colenso v Gladstone,* sub nom *Re Lord Bishop of Natal* (1864) 3 Moo PC (NS) 115, 16 ER 43.

[104] Ecclesiastical Committee, *183rd Report* (n 93) 6.

[105] ibid.

[106] ibid 5.

[107] HL Deb 14 May 1980, vol 409, cols 344–53.

called a conference which he attended along with the Bishop of Fulham and Gibraltar (John Satterthwaite), the Assistant Bishop of Gibraltar (Harold Isherwood), the Secretary-General of the ACC (John Howe), and representatives from the continental chaplaincies.[108] In conjunction with the policy sub-committee of the Standing Committee of the General Synod an agreed statement was made, and it was upon that statement that the draft Measure came into being.[109]

The creation of one diocese, comprising the Diocese of Gibraltar and the jurisdiction of North and Central Europe, was an administrative matter and therefore did not require the authority of Parliament. The constitution of the diocese had been prepared and a copy of it had been placed in the House of Lords' Library. However, parliamentary approval was required for the diocese to have synodical status. The Bishop of London explained that because it was an extremely large diocese 'stretching from Oslo to Ankara and from Moscow to Gibraltar' it was not practical to have a diocesan synod.[110] He noted that the American Episcopal Church had five congregations on the continent served by seven clergy.[111] They fell under the authority of the American Episcopal Presiding Bishop and remained 'canonically related to their home Church.'[112]

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[108] HL Deb 14 May 1980, vol 409, cols 344–53.

[109] ibid.

[110] ibid.

[111] ibid.

[112] ibid

What the Church of England was hoping to achieve by this Measure was to give to Church of England clergy the same status and relationship to their home church that already existed for American Episcopal clergy in relation to their home church. He explained that it was 'not thought wise or possible to seek to merge the two into one jurisdiction, but we hope and pray that the two branches of the Anglican Communion will work together in the closest possible co-operation with one another.'[113] For the Bishop of London, the Measure protected the provincial autonomy of the American Episcopal Church and the Church of England in the Anglican Communion, and in doing so, provided an opportunity for the two provinces to work more closely together across Europe.

When the draft Measure was presented for debate in the Commons in June 1980 by the Second Church Estates Commissioner, William van Straubenzee (10 May 1979-19 June 1987), he pointed out that the Measure makes 'provision for a diocese not of Europe, but a diocese in Europe. The Measure does not create a diocese. It assumes the relinquishment by the Bishop of London of his historic jurisdiction.'[114] He addressed a concern that he thought some members opposed to the Measure might have: does the Measure give someone who is not a British subject the right to be a member of the General Synod, and therefore could they alter an Act of Parliament? He explained that if there were a Swedish national (this was before the Porvoo Agreement, which,

[113] HL Deb 14 May 1980, vol 409, cols 344–53.

[114] HC Deb 12 June 1980, vol 986, cols 951–72.

as explained in chapter 1, was entered into by the Church of England in 1992) who had been episcopally confirmed by a bishop in Sweden and therefore either by residence or by habitual worship, the Swedish national could be on the electoral roll. As the law stands, the Swedish national would be eligible to be on that electoral roll and eligible to be elected to the General Synod.

The Labour MP Frank White, who supported the draft Measure, explained his view that Parliament would 'provide positive benefit to the work of the Church in Europe, especially our relationships with other European churches with which we enjoy spiritual communion, and even with those of other Christian fellowships.'[115] For White, the provisions of the draft Measure had the potential to improve ecumenical relations between the Church of England and other protestant denominations across Europe.

The Labour MP Michael Field had some reservations. He explained that though its title only contains Europe, the draft Measure covers the Asian part of Turkey and Morocco which is in North Africa. He reminded the House that the draft Measure was not immediately approved by the Ecclesiastical Committee, which held two sessions on the matter. It approved it in principle during the first session, but it redrafted the report in the second session. In relation to the Bishop of London's point about the Measure enabling the Church of England to mirror the American Episcopal Church, Field alerted the House to the ecclesiological differences between the two churches:

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[115] HC Deb 12 June 1980, vol 986, cols 951–72.

> [t]here is an Anglican Church in the United States – a Church in communion with the Church of England – that will not be electing representatives to the General Synod, unlike the Anglican Churches in Europe and part of Africa and part of Asia, which will. In the United States, the Anglican Church, or Episcopalian [sic] Church – whichever one cares to call it; the one in communion with our Church of England – will make rules and regulations governing itself, its own members, its bishops and its priests. It may even admit women to the priesthood, for example, in a way in which the Church of England will not yet do. That does not mean that it becomes part of the law of the United States of America, or of one of its fifty or so states. In Britain, the General Synod can go beyond that and can amend, reverse, repeal or change an Act of Parliament or regulation. It can change the law of the land.[116]

These reservations were also shared by the Labour MP Michael English:

> …will he [Straubenzee] think of an individual who happens to be in the Anglican Communion but who is an American citizen living in America? That person will not have any rights to elect anybody to the General Synod. If he moves to live in, say, Gibraltar and goes to the local Anglican Church, I presume—I do not know—that he will suddenly acquire rights to elect someone to the General Synod … It seems a little odd.[117]

[116] HC Deb 12 June 1980, vol 986, cols 962.

[117] HC Deb 12 June 1980, vol 986, cols 967–8.

To this point the Conservative MP John Selwyn Gummer responded: 'it seems a little odd because it is a little odd. We have to accept that, because the Church of England, in that sense, is a little odd.'[118]

What these exchanges in Parliament reveal is that MPs had an interest in the Communion's ecumenical relations, and the Church of England's intra-Anglican Communion relations. Comparisons between the Church of England and the American Episcopal Church were made, and the differences in their ecclesiologies recognised.

3.5 Anglican Communion worship and clergy in the Church of England

The two Measures discussed thus far were concerned principally with representation; by the late 1990s and early 2000s the Church of England wanted to ensure that Anglicans and Episcopalians from throughout the Communion could worship more freely in the Church of England. When the Ecclesiastical Committee considered the draft Care of Places of Worship Measure 1999 (now repealed),[119] which made provision in relation to the care of certain buildings

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[118] HC Deb 12 June 1980, vol 986, cols 967–8.

[119] Ecclesiastical Committee, *213th Report of the Ecclesiastical Committee 1999* (HL68–II, HC488). Under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, s 56 the faculty jurisdiction extends to all parish churches and churchyards, and under ss 58–59, to buildings licensed for public worship. Church buildings which are included on the list maintained by the Church Buildings Council are subject to the faculty jurisdiction: Ecclesiastical Jurisdiction and Care of Churches Measure 2018, s 38. These provisions replace those of the Care of Places of Worship Measure 1999 (repealed) under which the list was originally created. See Hill (n 12) para 7.02. For the Lords' debate see HL Deb 29 June 1999, vol 603, cols 266–70.

used for or in connection with worship. Churches and their graveyards belonging to the Church of England for ecclesiastical purposes are covered by the faculty jurisdiction controls. However, there were certain buildings of an ecclesiastical nature that, under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994, were subject to neither Church nor secular controls. For the Church it was unsatisfactory that there should be such a gap in the regulatory system. Those buildings included: royal peculiars (which fall outside of the jurisdiction of diocesan bishops), buildings belonging to religious communities, chapels belonging to educational institutions and some buildings shared with other Christian denominations. The Measure provided an opportunity for those responsible for such places of worship to opt into faculty jurisdiction. Otherwise, they would fall under secular control.

The Measure provided that if a place of worship falls within the definitions offered in section 1, the appropriate authorities can have it entered on a list kept by the Council for the Care of Churches, which advises the Church of England on the use, care and conservation of places of worship. It therefore made it clear to all which system of control is in force for any building used for Church of England worship. Under section 3(2), the building and any object or structure fixed to it that is included in the list, shall be subject to the faculty jurisdiction of the Consistory Court of the diocese in which the building is situated.

Because the Measure enabled buildings belonging to religious communities to be included in the list and fall under the faculty jurisdiction,

during the examination of witnesses the former Bishop of Hulme, Colin Scott, explained that the draft Measure referred to religious communities that are in communion with the Church of England. Some of these religious communities conduct worship in accordance with the province from which they emanate and not the Church of England, and it was for this reason that the language of the draft Measure was left deliberately vague when it referred to worship. The then Assistant Legal Adviser to the General Synod, Ingrid Slaughter, reiterated the point that the draft Measure was not specifically confined to Church of England worship 'because other members of other parts of the Anglican Communion have members in these communities and some of their worship, is worship of other provinces of the Anglican Communion.'[120] The Bishop of Hulme responded that this was in 'deference to a representation from religious communities who had members from other provinces of the Anglican Communion and who varied their worship with that of different provinces in the Anglican Communion.'[121]

When the Ecclesiastical Committee considered the draft Churchwardens Measure 2001[122] it sought to abolish the existing disqualifications laid down by

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[120] Ecclesiastical Committee, *213th Report* (n 119) 12.

[121] ibid.

[122] Ecclesiastical Committee, *215th Report of the Ecclesiastical Committee 2001* (HL41–II, HC306). For an overview of the Measure see James Behrens 'The Churchwardens Measure 2001' (2001) 6(29) Ecc LJ 97. For the debates in Parliament see HC Deb 20 March 2001, vol 365, cols 227–28 and HL Deb 30 March 2001, vol 642, cols 540–43. See further 'Parochial Offices: The Churchwarden'

ancient case-law that prevented potential churchwardens from the Communion working in England. Doe makes the point that:

> [t]he ancient position of churchwarden, existing in post-Reformation English canon law and earlier, still constitutes the principal administrative office open to lay people at the level of the parish (or its equivalent). It is not surprising, therefore, that a number of elements of the law on churchwardens currently operative in the Church of England surface in the law of so many churches in the Anglican Communion.[123]

Accordingly, the Church of England's working party accepted that the rule disqualifying people of foreign nationality from holding the office of churchwarden served no useful purpose in the present-day Church and created difficulties for potential churchwardens who came to England from elsewhere in the Communion.

The Church of England (Miscellaneous Provisions) Measure 2014[124] made a range of changes the General Synod described as 'a mixed bag of very miscellaneous provisions, all designed, in a nutshell, to help and speed up the Church's mission.'[125] The draft Measure was the eleventh in a series of

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[123] Doe, *Canon Law* (n 4) 78.

[124] Ecclesiastical Committee, *232nd Report of the Ecclesiastical Committee 2014* (HL178, HC1274). For the debates in Parliament see HL Deb 30 January 2020, vol 801, cols 1608–12; in the Commons the Measure was considered by Delegated Legislative Committee, Church of England (Miscellaneous Provisions) Measure (HC99), 25 February 2020, cols 1–6.

[125] *Ecclesiastical Committee*, 232nd Report (n 124) 9.

Miscellaneous Provisions Measures which dealt with uncontroversial matters that did not merit freestanding legislation. Section 8 of the 2014 Measure: Amendment of Overseas and Other Clergy (Ministry and Ordination) Measure 1967, amended the Overseas and Other Clergy (Ministry and Ordination) Measure 1967. Section 1 of the 1967 Measure: permission for overseas clergymen to officiate, empowered the Archbishops of York and Canterbury to grant permission to an 'overseas clergyman' to officiate in England.[126] The report explained that this 'power is routinely exercised to enable clergy from other provinces in the Anglican Communion to exercise ministry in England.'[127]

There was deliberation about section 8 of the 2014 Measure and whether it should update the language of the 1967 Measure to be gender-neutral, reflecting the Church's recognition of both male and female clergy. This permission enables overseas clergy from churches that are in communion with the Church of England to officiate in England on the same terms as clergy ordained within the Church of England. The process, routinely applied to clergy from other provinces within the Communion, ensures that all clergy, whether male or female can contribute to the ministry of the Church of England.

These Measures highlight the Church of England's commitment to Anglican Communion clergy and laity participating fully in its worship.

[126] The archbishop of York or Canterbury may grant permission for a priest or deacon ordained overseas to officiate in the province. See Hill (n 12) para 4.08.

[127] *Ecclesiastical Committee*, 232nd Report (n 124) 9.

Parliament supported the Church of England's commitment to welcoming those from elsewhere in the Communion as members of the same denomination.

3.6 The Church of England's liturgical and disciplinary reform and the Anglican Communion

How other provinces have dealt with similar ecclesiastical issues facing the Church of England, and the progress made in other provinces has been highlighted during the Ecclesiastical Committee's deliberations and parliamentary debates in the two Houses. In 1965 Parliament approved the Prayer Book (Alternative and other Services) Measure.[128] The then Archbishop of Canterbury, Michael Ramsey (1961-74), explained in the Report of the Legislative Committee that the purpose of the Measure was 'for the Convocations and the House of Laity by two-thirds majorities to authorise services alternative to those of the Book of Common Prayer for experimental use.'[129] Since the Act of Uniformity Amendment Act 1872,[130] there had been no amendment of the Act of Uniformity 1662;[131] for these reasons the Book of

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[128] Ecclesiastical Committee, *148th Report of the Ecclesiastical Committee 1965* (HL34, HC91).

[129] ibid 7. The Measure's introduction as enacted explains: [a] Measure passed by the National Assembly of the Church of England to authorise the use by way of experiment of alternative forms of Service deviating from the Book of Common Prayer and the use of forms of Service for use on special occasions; and to authorise minor variations in public prayer and for purposes connected therewith.

[130] 35 & 36 Vict c 35.

[131] 14 Cha 2 c 4.

Common Prayer had not been altered for over three-hundred years. After the Reformation, uniformity of liturgy was enforced through a single prayer book, which was imposed by the first Act of Uniformity 1548.[132]

Hill explains that 'the 1662 *Book of Common Prayer* carried with it statutory authority, being a Schedule annexed to the Act of Uniformity 1662' (relevant parts of the Act have since been repealed).[133] By the twentieth century, many in the Church of England believed the *Book of Common Prayer* could usefully be supplemented by alternative forms of liturgy.[134] But it was not until 1965 that it became possible for forms of service to be authorised as alternatives to those set out in the Book of Common Prayer.[135]

During the Ecclesiastical Committee's deliberation Ramsey lamented that 'the Church of England is almost the last Church in the Anglican Communion which has not made some revision of its liturgy. It has been impeded by the extreme rigidity of statutory authority.'[136] Doe explains the status of the Prayer Book in the Communion:

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[132] 2 & 3 Edw 6 c 1. Hill (n 12) para 5.02.

[133] ibid.

[134] Hill (n 12) para 5.02. Since the repeal of the relevant sections of the Act of Uniformity 1662 (14 Cha 2 c 4) by the Church of England (Worship and Doctrine) Measure 1974, the rubrics of the Book of Common Prayer carry less legal authority. See Church of England (Worship and Doctrine) Measure 1974, s 6(3), sch 2; see also *Re St Thomas, Pennywell* [1995] Fam 50 (Durham Cons Ct) 65D; [1995] 4 All ER 167, 181j–182a.

[135] ibid.

[136] Ecclesiastical Committee, *148th Report* (n 128).

> [s]uccessive resolutions of the Lambeth Conference have stressed that the Book of Common Prayer 1662 is the standard of worship in the public liturgical life of individual churches. However, the resolutions also recognize the right of each church to make revisions in order to adapt to particular needs and circumstances…
>
> The vast majority of Anglican churches have received or adopted the Book of Common Prayer 1662 as a normative standard of faith and worship, but reserve for themselves the right 'of making at any time adaptations and abridgements of, and additions to, the Services of the Church'. As with the Church of England, the national or provincial assembly of the church is the ecclesiastical institution primarily involved with liturgical development. A fundamental substantive limitation which commonly appears in formal laws on the introduction of new services, beyond the requirement that it should be required by the needs of the church, is that liturgical development must be consistent with 'the spirit and teaching' of the 1662 Prayer Book. Several churches employ the requirement that the form of service must be consistent with Anglican faith, its teaching and spirit, or the Word of God as one of the standards of faith. As with doctrinal development, so too with liturgy, commonly compliance with detailed procedures is mandatory, usually with special majorities, voting in the central assembly by houses, and sometimes reference to the dioceses is required.[137]

This enabling Measure now gave the Church Assembly the power to authorise by Canon new forms of service. When Ramsey presented the draft Measure for debate in the Lords he explained:

> [i]t is not only the Church of England which is interested in this Measure and its outcome, for our Church is one of the world-wide family of

[137] Doe, *Canon Law* (n 4) 223–25.

> Churches of the Anglican Communion, and in nearly all of the Anglican Churches overseas Prayer Book Revision has been accomplished, in some cases recently and in others some while ago. The Church of England, however, has not statutorily revised its Prayer Book for 200 years and without this Measure, it lacks the power to revise it.[138]

Ramsey also referred to other denominations:

> [t]he context of this Measure is, indeed, even wider than purely Anglican concern. Movements for the reform and renewal of public worship are widespread in Christendom. The Church of Rome is very far from being static in this matter…in passing this Measure, Parliament will be doing a service to Christendom.'[139]

For Ramsey, the liturgy of the Church of England was restrained by establishment. This was in sharp contrast to the liturgies of other provinces of the Communion, which were free to reform because they were not constrained by State legislatures. Nevertheless, it was now time for the Church of England's liturgy to reflect the changes that had already occurred in the different provinces of the Communion, and this was also in line with other major world denominations of Christianity.

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[138] HL Deb 18 February 1965, vol 263, cols 652–53.

[139] ibid.

The Clergy Discipline Measure 2003[140] (which replaced the Ecclesiastical Jurisdiction Measure 1963) was a major piece of legislation which provided a new structure for clergy discipline in non-doctrinal cases.[141] Hill explains the inadequacy of the 1963 Measure:

> [t]his had never been a wholly satisfactory piece of legislation, being slow, cumbersome and costly to enforce. Following a report published under the title Under Authority, an entirely new system was introduced in the Clergy Discipline Measure 2003. Undoubtedly it had some advantages over the previous system, but it failed to achieve its potential and was not the panacea intended by its drafters. In particular, with reference to issues of safeguarding, Archbishop Justin Welby declared it unfit for purpose. Its days were numbered from that point on. We now await a revised Clergy Conduct Measure to reset the systems that deal with allegations of misconduct on the part of bishops, priests and deacons. This represents a major reform in church law, which came and went in less than 20 years, something for which there is little by way of precedent in previous eras.[142]

During the Ecclesiastical Committee's deliberations, it considered the 'disciplinary proceedings in other churches in the Anglican Communion.'[143] These included the proceedings of Anglican and Episcopal churches in Australia, Canada, Ireland, New Zealand (which includes Aotearoa and

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[140] Ecclesiastical Committee, *218th Report of the Ecclesiastical Committee 2003* (HL87–II, HC613).

[141] Hill (n 12) para 6.01. For a general overview see chapter 6, 'Clergy Discipline' paras 6.01–88.

[142] Mark Hill, 'Change and Decay' (n 84) 214.

[143] Ecclesiastical Committee, *218th Report* (n 140) 55.

Polynesia), Scotland, South Africa, USA and Wales. For each province the Ecclesiastical Committee considered the types of misconduct that would lead to disciplinary proceedings, the composition of the tribunal, the majority needed, the standard/burden of proof, and whether any such tribunals were held in public or private. Bearing in mind the practice in other provinces of the Communion, the Ecclesiastical Committee noted that the Legislative Committee decided that the civil standard is the appropriate standard of proof for disciplinary procedures (not the criminal standard, which applied under the 1963 Measure). The Archdeacon of Malmesbury, Alan Hawker, explained that 'the civil standard is almost universally used. In our sister churches and in our sister Anglican provinces that is the norm.'[144] The Church of England was now a "sister church".

When the draft Measure was presented for debate in the Lords by the then Bishop of Winchester, Michael Scott-Joynt, he explained that the arrangements for clergy discipline were contained in the Ecclesiastical Jurisdiction Measure 1963.[145] Its procedures, modelled in some ways on those of criminal courts, had been found to be 'inflexible, expensive and slow.'[146] In 1994 the General Synod established a working party to review clergy discipline and the working of the ecclesiastical courts. There followed an extensive consultation and an examination of good practice in other Anglican and

[144] Ecclesiastical Committee, 2*18th Report* (n 140) 55.

[145] HL Deb 21 May 2003, vol 648, cols 917–29.

[146] ibid.

Episcopal provinces, other Christian churches, and the professions and employment in the UK. This led to the Church of England report, *Under Authority.* The Measure that resulted from that process commanded the support, on its final approval in November 2000, of 100 per cent in the House of Bishops, 99 per cent in the House of Laity and 90 per cent in the House of Clergy (in which only 23 voted against final approval, with 200 voting for it). The Conservative peer, Baroness Wilcox, who sat on the Ecclesiastical Committee during the draft Measure's deliberation, explained:

> [t]his Measure now offers to Church of England clergy the kind of disciplinary scheme which is taken for granted by most other professions in the United Kingdom; and, indeed, which is enjoyed by their fellow clergy in many other provinces of the Anglican Communion. This is another reason why we support the Measure.[147]

Similarly, when the draft Measure was debated in the Commons the then Second Church Estates Commissioner, Stuart Bell (12 June 1997 – 21 June 2010), also explained to the House that after extensive consultation and examination of good practice in other Anglican and Episcopal provinces the Measure was carried by an overwhelming majority by the General Synod.[148]

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[147] HL Deb 21 May 2003, vol 648, col 928.

[148] HC Deb 22 May 2003, vol 405, col 1174.

These two Measures were passed by the General Synod because there was a recognition in the Church of England that there was a need to reform its liturgy and clergy discipline. Liturgical reform and disciplinary practices in other provinces of the Communion were raised in Parliament and there was an acknowledgement that these reforms had already occurred in some other provinces. Parliamentarians encouraged the Church of England to learn from its "sister churches", an attitude we shall see in the next section on women's ministry.

THE UK PARLIAMENT, WOMEN'S MINISTRY AND THE ANGLICAN COMMUNION

3.7 Background to women's ordination in the Church of England and the Anglican Communion

The calls for women's ordination in the Church of England may be traced back to the suffragist movement in the early twentieth century. In the 1920s the suffragist Maude Royden held fellowship services in London and preached in the USA, Australia, New Zealand and Japan; in 1930 she established the Anglican Group for the Ordination of Women ("AGOW").[149] In 1944 one of the earliest advocates for women's ministry in the Anglican Communion, the

[149] Jane Shaw, 'Conflicts within the Anglican Communion' in Andrian Thatcher (ed), *The Oxford Handbook of Theology, Sexuality, and Gender* (Oxford University Press 2014) 340–41.

Bishop of Hong Kong and Macao, Ronald "R.O." Hall (1895-1975) ordained a woman to the priesthood to serve in Macao because no priest was available.[150] Florence Li Tim-Oi became the first woman ordained in the Communion in a region of China isolated due to the wartime restrictions. But Archbishop William Temple of Canterbury did not approve. Florence Li Tim-Oi resigned a couple of years after her ordination but she did not renounce her orders.[151] The 1948 Lambeth Conference condemned the decision to ordain women on the grounds that it ran counter to the tradition of the Church and prejudiced ecumenical relations.[152] At the 1968 Lambeth Conference a commission was set up which decided further studies needed to be carried out on the issue of women's ordination.[153]

In this section it will be argued that when Parliament debated the draft Measures for women's ministry in the Church of England, the resolutions of the Lambeth Conference and the status of women clergy in other provinces were raised. The central concern of Parliament was the impact these Measures could have on the Communion's ecumenical relations with the Roman Catholic and Eastern Orthodox Churches. But ultimately, the sharp contrast between North

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[150] Manfred Haue, *Women in the Priesthood? A Systematic Analysis in light of the order of creation and redemption* (Ignatius Press 1988) 48.

[151] Shaw (n 149).

[152] Haue (n 140) 48.

[153] ibid.

American and Oceanic provinces (particularly the American Episcopal Church), led Parliament to universally support women bishops.

3.8 Background to the Deacons (Ordination of Women) Measure 1986

Resolution 49 of the 1920 Lambeth Conference[154] stated that 'the office of a Deaconess is primarily a ministry of succour, bodily and spiritual, especially to women, and should follow the lines of the primitive rather than the modern Diaconate of men.'[155] While the 1920 Conference did not endorse the recommendation that deaconesses should be in Holy Orders on an equal footing with male deacons, they were ready to recognise the order of deaconesses as firmly within the ministry, and recommended that the primitive Diaconate of Women should be restored formally and canonically throughout the Anglican Communion.[156] Lambeth Conference 1968 passed resolution 32, which stated that the diaconate, combining service of others with liturgical functions, be open to men and women remaining in secular occupations. The first woman ordained as a deacon in the Communion was the Rev. Mary Mills in the Anglican Church

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[154] LC 1920, Res. 49: [t]he office of deaconess is primarily a ministry of succour, bodily and spiritual, especially to women, and should follow the lines of the primitive rather than of the modern diaconate of men. It should be understood that the deaconess dedicates herself to a life-long service, but that no vow or implied promise of celibacy should be required as necessary for admission to the order. Nevertheless, deaconesses who desire to do so may legitimately pledge themselves either as members of a community, or as individuals, to a celibate life.

[155] Ecclesiastical Committee*, 192nd Report upon the Deacons (Ordination of Women) Measure 1986* (HL180, HC446) 11.

[156] ibid 11.

of Canada, who was ordained on 22 December 1969 in St. Paul's Cathedral, London, Ontario.[157]

The 1986 Report of the Ecclesiastical Committee noted that the 1930 Lambeth Conference was even more cautious. It too was not prepared to accept the Order of Deaconesses as the third order of ministry, but the 1930 Conference described it as an *Order sui generis* – standing on its own, separate from the Order of Deacons, with its members, though ordained, not receiving Holy Orders and canonically belonging to the general body of the laity.[158] The Ecclesiastical Committee noted that this remained 'the formal position of the Church of England, expressed in its canon law and its synodical practice and in a joint statement issued by the then Archbishops of Canterbury and York.'[159] The 1968 Lambeth Conference voted by a majority (221 votes to 183) that deaconesses should be declared to be within the diaconate, but the Church of England did not pursue this recommendation.[160]

The General Synod began its consideration of these proposals in 1981 following a report from the House of Bishops. In that report the bishops responded to a resolution voted for by the 1978 Lambeth Conference and the

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[157] 'Ordination of Women in the Anglican Church of Canada (Deacons, Priests, Bishops and Primate)' (*The Anglican Church of Canada*) <https://www.anglican.ca/ask/faq/ordination-of-women/#:~:text=These%20two%20resolutions%20in%201969,Ont.%2C%20by%20the%20Rt.> accessed 26 April 2025.

[158] Ecclesiastical Committee*, 192nd Report* (n 155) 12.

[159] ibid.

[160] ibid.

1976 meeting of the ACC in Trinidad.[161] The 1978 Lambeth Conference passed resolution 20:

> [t]he Conference recommends, in accordance with resolution 32 of the Lambeth Conference of 1968,[162] those member churches which do not at present ordain women as deacons now to consider making the necessary legal and liturgical changes to enable them to do so, instead of admitting them to a separate order of deaconesses.[163]

In 1980 the Church in Wales complied with this Lambeth Conference recommendation and ordained women as deacons, five years before the UK Parliament passed a similar Measure.[164]

3.9 The Ecclesiastical Committee and women deacons in other UK provinces

During the Ecclesiastical Committee's deliberation, the then Bishop of Rochester, David Say, explained in his evidence that if Parliament passed the draft Measure the Church of England would be 'coming into line with other

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[161] Ecclesiastical Committee, 192nd Report (n 155) 12.

[162] LC 1968, Res. 32: (a) [t]hat the diaconate, combining service of others with liturgical functions, be open to (i) men and women remaining in secular occupations, (ii) full-time church workers, (iii) those selected for priesthood.

[163] Ecclesiastical Committee, *192nd Report* (n 155) 12.

[164] ibid.

churches of the Anglican Communion following the resolution of the Lambeth Conference in 1978. The Church of Ireland is doing the same, and the Church in Wales has had women deacons for some time.'[165] He went on to say that the 'Measure seeks to provide the same opportunities for Her Majesty's citizens who live in England as for those who live in Wales.'[166] For the Bishop of Rochester, it was natural for the Church of England to follow other UK provinces so that women clergy in England had equality with women clergy in other parts of the UK.

The Conservative MP Patrick Cormack, who was a lay member of the General Synod (1995-2005) known for his traditional views, Vice President of the National Churches Trust and Deputy High Steward of Lincoln Cathedral, asked the Bishop of Rochester whether, in accordance with the Book of Common Prayer, a deacon will normally proceed to be ordained as a priest. In his response, the Bishop of Rochester explained that 'in many parts of the Anglican Communion where the Book of Common Prayer is used there are those who have not gone forward to the priesthood.'[167] For Cormack, there was a concern that the Measure for women deacons might pave the way for women priests. Cormack's apprehensions were correct, because Doe points out that throughout the Communion the office of deacon is usually exercised for one

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[165] Ecclesiastical Committee, 192nd Report (n 155) 12.

[166] ibid 15.

[167] ibid.

year as a transitional ministry prior to ordination as a priest.[168] Cormack went on to ask whether it would be better to decide whether to institute a permanent diaconate for both men and women, as some dioceses were already doing.[169] The Bishop of Rochester referred the question to the then Secretary General of the Synod, Derek Pattinson, who explained that 'this is really a worldwide process in the Anglican Communion... since it has found a wide degree of support in the Church of England, as in other churches, it seems sensible to deal with it.'[170] Pattinson was clear in his remarks that the issue of women deacons was not just an internal issue for the Church of England, but an issue the Church of England had to consider in the context of the worldwide Communion.

3.10 The Lambeth Conference and parliamentary approval of the Women Deacons Measure

When the draft Measure was presented for debate in the Commons, Straubenzee explained to the House that the 1968 and 1978 Lambeth Conferences asked those member churches which did not ordain women as deacons to take the necessary legislative steps to do so. Straubenzee alerted the House that the policy was already in operation in the Church in Wales, there were moves in the Scottish Episcopal Church and in the Church of Ireland, and that 'as part of its

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[168] Doe *Canon Law* (n 4) 145.

[169] Ecclesiastical Committee, *192nd Report* (n 155) 15.

[170] ibid.

place in the Anglican Communion, the Church of England is anxious to respond to this request.'[171] For Straubenzee the Church of England had a responsibility to follow the 1978 resolution as had been done by other UK provinces, and Parliament should play its legislative role in enabling this.

In the Commons there were voices in support and opposition to the draft Measure. One of the voices of support came from the Labour MP Tony Benn – who as we will see in the rest of this section, wholeheartedly supported women's ordination to all three traditional orders of ministry. He reminded the House that during WWII the Revd. Lee Tim Oi was ordained by Bishop Hall of Hong Kong because in wartime circumstances nobody else could administer the sacrament in her diocese.[172] Benn went on to explain that it was 'to the eternal disgrace of the Church of England that after the war it threatened to withdraw its financial support from the Church in China unless the Revd. Lee Tim Oi resigned, which she did.'[173] He explained to the House that 'since then, Anglicans have accepted the ordination of women in other countries. There are women priests in the United States of America and in Australia. They have been considering the appointment of a woman bishop in the United States and it is not impossible that at the next Lambeth Conference the Anglican community will have to receive a woman bishop.'[174] It was not until 1998 that the first women bishops

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[171] HC Deb 28 October 1986, vol 103, col 195.

[172] HC Deb 28 October 1986, Vol 103, col 199.

[173] ibid.

[174] ibid.

attended the Lambeth Conference, but Benn's general point was that the Church of England was lagging on this issue compared to other North American and Oceanic provinces. The Church of England had not even legislated for women deacons, yet the American Episcopal Church was close to legislating for women bishops (which, as will be explained below, happened in 1989, after the 1988 Lambeth Conference).

The Conservative MP John Stokes was an Anglo-Catholic and lay member of the General Synod (1985-90), he opposed the draft Measure because of what appeared to be his belief in the branch theory of the church. He expressed concerns that if the draft Measure was passed, then it would lead to the ordination of women to the priesthood. Also referring to the 1968 and 1978 Lambeth Conferences he also explained that this could cause division in the Church of England, because 'it will only be a question of time before women can become priests.'[175] For Stokes, this was a 'serious step' which he believed needed to be approved by an 'ecumenical church council.'[176] Stokes feared a potential split in the Church of England 'as it has done already in the Episcopal Church in the United States and elsewhere.'[177]

In response to Stokes, the future Second Church Estates Commissioner, Conservative MP Tony Baldry, warned the House that Stokes had 'failed to

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[175] HC Deb 28 October 1986, vol 103, col 203.

[176] ibid.

[177] ibid.

convince other members of the General Synod about the strength of his argument. If he has failed to convince members of the Anglian Communion who have taken a particular interest in theological issues, the House should rightly regard his comments with deep suspicion.'[178] In the spirit of the Enabling Act, Baldry was refocusing the attention of the House to the decision of the General Synod, and in doing so placed weight on the 1978 decision of the Lambeth Conference on this issue.

The Liberal Democrat MP, Simon Hughes, who was a member of the Church of England's Bermondsey and Rotherhithe Deanery Synod in the Diocese of Southwark, reminded the House that it had taken a long time for this provision to reach Parliament:

> [t]he committee set up by the Lambeth Conference recommended to it in 1920 that this Measure should be taken. It took another 58 years, until the Lambeth Conference in 1978, for the conference to resolve that such a step should be taken. As we have heard, the Church in Wales took the same step in 1980, and the Episcopal Church, in Ireland and Scotland is well on its way. Progress has been slow, and even in very recent history, there have been delays. I do not criticise that, but it has been frustrating.[179]

Hughes echoed what Benn had said earlier in the debate, and aptly made the point that the Church of England was lagging behind on this issue compared to

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[178] HC Deb 28 October 1986, vol 103, col 221.

[179] HC Deb 28 October 1986, vol 103, col 205.

other UK provinces. He expressed a general feeling of frustration felt by Parliament over the way the Church of England had handled this issue. There was, as I will show, a feeling of parliamentary frustration during the parliamentary passage of all the draft Measures related to women's ministry.

The Conservative MP Andrew Rowe, like Stokes, also expressed concerns about splits in the Church, but dismissed Stokes's concerns for ecumenical relations and instead advocated for intra-Anglican Communion relations. He explained that when the Church of England considers the unity of the church universal, it frequently looks 'too much to the Roman Catholic Church and too little to those churches, that are expanding all over the world, which have left the Anglican Communion or have grown out of the Anglican Communion partly because of the rigidities that we have forced on it.'[180] For Rowe, it was the Church of England's legislative delay on this issue compared to other provinces of the Communion that was risking further division and potential schism – relations between the different provinces were more important than ecumenical relations with the Roman Catholic Church. It was Field's view that the Church of England ought to follow resolution 20 of the Lambeth Conference 1978.

Rowe's view that intra-Anglican Communion relations should take precedence over ecumenical relations was shared by the General Synod member and chairman of the Churches Conservation Trust, Labour MP Frank Field. In

[180] HC Deb 28 October 1986, vol 103, col 214.

his support for the draft Measure, Field's view was that Parliament should 'draw on in the wish of the Lambeth Conference to initiate this Measure.'[181] He also highlighted the importance of the Lambeth Conference in the Anglican Communion's ecclesiology:

> …given that we do not have synods of bishops in the Anglican community, our Lambeth Conference is the nearest we can get to that. Anglicans listening to the debate ought to consider the request by most of the bishops of most of the Anglican communities in the world for this Measure to be accepted. We ought to consider that carefully before we vote.'[182]

Field echoed what was expressed by Baldry earlier in the debate and highlighted the moral authority of Lambeth Conference resolutions to the life of the Communion.

When the draft Measure was presented for debate in the Lords in November 1986, the Bishop of Rochester reiterated the significance of the Lambeth Conference. He reminded the House:

> …that the Lambeth Conference of Bishops in 1968 and again in 1978 recommended to all the churches of the Anglican Communion throughout the world that the Order of Deacons should be opened to women as well as to men. The Church in Wales and the Episcopal

[181] HC Deb 28 October 1986, vol 103, col 217

[182] ibid.

> Church of Scotland are among the provinces which have already acted on this recommendation, and I understand the Church of Ireland has the matter well in hand.'[183]

The Bishop of Rochester echoed the supporters of the draft Measure in the Commons: the resolutions of the 1968 and 1978 Lambeth Conferences made it clear that the order of deacon should be opened to women. The tension between balancing ecumenical relations with intra-Anglican Communion relations continued when Parliament later considered women priests and bishops. The position of other UK provinces on women's ministry also featured in future debates about women priests and bishops. But the position of women clergy in North American and Oceanic churches will now take the fore.

3.11 Legislative background to the Priests (Ordination of Women) Measure 1993

During the passage of the Women Deacons Measure, which finally completed the legislative process in 1986, debates about women priests continued. As early as 1962 the Church Assembly had called for a study of the subject.[184] The report, *Women and Holy Orders* was published in 1966 and debated in the Church

[183] HL Deb 4 November 1986, vol 482, col 1047.

[184] Colin Podmore, *Aspects of Anglican Identity* (Church House Publishing 2005) 124. For a detailed background see chapter 8, 'Ordination of Women to the Priesthood: A Historical Survey' 124–33.

Assembly in 1967.[185] In 1968 a further report, *Women in Ministry: A Study* was published. In 1971 the ACC asked provinces to consider the question and express a view.[186] In 1972 the Church of England's Advisory Council on the Church's Ministry published *The Ordination of Women to the Priesthood* (GS 104), a consultative document by Dame Christian Howard who was an advocate for women's ordination.[187] Since it was deemed a doctrinal issue, the General Synod referred the matter to diocesan synods in 1973.[188] Thirty diocesan synods passed the motion 'that there are no fundamental objections to the ordination of women to the priesthood', but only fifteen approved a second motion calling for the removal of legal and other barriers.[189] In 1975 the General Synod approved the first motion.[190] A motion calling for legislation to remove the legal and other barriers failed in the Houses of Bishops and Clergy, but a motion inviting the House of Bishops to bring such proposals before the Synod 'when, in the light of developments in the Anglican Communion generally as well as in this country, they judge the time for action to be right' was carried.[191] A motion requesting the presidents to inform the Roman Catholic and Orthodox

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[185] Podmore, *Aspects of Anglican Identity* (n 184).

[186] ibid.

[187] ibid.

[188] ibid.

[189] ibid.

[190] ibid.

[191] ibid.

authorities of the decision and to invite them to share in 'an urgent presentation of the theological grounds for including women in the Order of Priesthood' was carried.[192] At the November 1978 Group of Sessions, the General Synod voted on the motion to 'bring forward legislation to remove the barriers to the ordination of women to the priesthood and their consecration to the episcopate.'[193] The motion was lost in the House of Clergy.

The origin of the draft Measure for the ordination of women priests lies in a motion from the Southwark Diocesan Synod which was debated at the November 1984 Group of Sessions of the General Synod.[194] Similar motions had been debated and carried in other Diocesan Synods. The motion 'that this Synod asks the Standing Committee to bring forward legislation to permit the ordination of Women to the Priesthood in the Provinces of Canterbury and York' was passed in each of the Synod's three Houses.[195] Neil Patterson comments:

> [f]rom a legislative viewpoint, the meaningful start was the passing of a diocesan synod motion (one of eight tabled by that time), in 1984, calling for legislation to be brought forward. In the period when the legislation was being prepared, two related Measures progressed through Synod: the Women Ordained Abroad Measure (which would have allowed them

[192] Podmore, *Aspects of Anglican Identity* (n 184).

[193] ibid.

[194] Ecclesiastical Committee, *203rd and 204th Reports of the Ecclesiastical Committee 1993* (HL99–II, HC565) 11–15.

[195] ibid.

> to celebrate legally in England); and the remarkably uncontentious Deacons (Ordination of Women) Measure. All three reached a crux in the same sessions in 1986: the proposals for women priests moved on to further complex debate; the draft Women Ordained Abroad Measure fell, having been determined to be Article 7 business (as described in section IV)[196] and not reaching the required majorities; and the Deacons Measure passed.[197]

Immediately before the General Synod considered the issue of women priests further, there had been a debate at the at the July 1986 Group of Sessions on a motion for the final approval of the draft Women Ordained Abroad Measure. This Measure would have permitted women ordained priest in other provinces of the Communion to accept invitations in certain specific circumstances to exercise a priestly ministry within the Church of England.[198] The motion (which required a two thirds majority) was lost.[199]

When the matter returned to the Synod in the July 1986 Group of Sessions, it was not in the form of a draft Measure, but of a report (GS 738) of a Group appointed by the Standing Committee of the General Synod outlining

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[196] Article 7 business is synodical business that is concerned with making 'provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof.' Article 7 business is subject to special procedures involving the possibility of references to the Convocations and the House of Laity.

[197] Neil Patterson 'The Post-War Church – Revision and Stability: 1947–94' in Norman Doe and Stephen Coleman (eds), *The Legal History of the Church of England: From the Reformation to the Present* 210–11.

[198] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 11–15.

[199] ibid.

various options as to the content of the Measure.[200] The House of Bishops' report *The Ordination of Women to the Priesthood: First Report by the House of Bishops* (GS 764) was received by the Synod at the February 1987 Group of Sessions. The House of Bishops' report also recommended that there should be two Measures so that questions of principle and safeguards for opponents could be debated and settled before specific financial provisions for opponents were discussed. These were to appear in the second draft Measure: the Ordination of Women (Financial Provisions) Measure.[201] The first Measure would thus deal with the principle of the ordination of women and with safeguards; the second would deal with financial provisions for those stipendiary clergy and licensed lay workers who would no longer feel able to minister in the Church of England if the decision was made to ordain women to the priesthood.[202]

The draft Measure was introduced into the General Synod at the July 1988 Group of Sessions. At the same time the House of Bishops presented its second report *The Ordination of Women to the Priesthood: A Second Report by the House of Bishops* (GS 829) which dealt in detail with the theological issues and the reflection on those issues within the House of Bishops itself and the Synod took note of the report. The General Synod received the House of

[200] Ecclesiastical Committee, 203rd and 204th Reports (n 194) 11–15.

[201] ibid.

[202] ibid.

Bishops' first report (GS 764) again at the February 1989 Group of Sessions but this time, rather than taking note, passed a motion welcoming the report.

The Revision Stage in General Synod took place at the November 1989 Group of Sessions.[203] Following the Revision Stage the draft Measure was referred to Diocesan Synods.[204] The draft Measure was approved in 38 out of 44 Diocesan Synods, only a simple majority being required.[205] The General Synod took note of a report on the diocesan voting at the February 1992 Group of Sessions and completed, at the same group of sessions, the final drafting of the Measure. Each House of Convocation and the House of Laity met in York in July 1992 to consider the draft Measure and each House approved the draft Measure with the required simple majority.[206] Final approval of the draft Measure took place at the November 1992 Group of Sessions of the General Synod. The draft Measure passed with the required two-thirds majority of those present and voting in each of the three Houses and was therefore carried.[207]

3.12 The Women Priests Measure, the Eastern Orthodox Ecumenical Patriarch and the Supreme Pontiff of the Roman Catholic Church

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[203] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 11–15.

[204] ibid.

[205] ibid.

[206] ibid.

[207] ibid.

When the Ecclesiastical Committee considered the draft Women Priests Measure, it noted that one of the arguments against the ordination of women to the priesthood was 'a set-back in the continuing quest for unity between the Anglican Communion and the Roman Catholic Church, and also the Eastern Churches.'[208] In the Roman Catholic Church (Latin-rite), the 1983 *Code of Canon Law* (canon 1024) and John Paul II's Apostolic Letter, *Ordinatio Sacerdotalis,* state that only men may be ordained. Similarly, in the Eastern Orthodox communion of churches, the Church's Holy Tradition is viewed as incompatible with female ministry. Some Eastern Orthodox churches have revived the historic office of deaconess in limited monastic contexts, but there are no canonical provisions for the ordination of women to the order of deacon on the same terms as men. The Ecclesiastical Committee was conscious that there was a need to balance the Communion's ecumenical relations with the Roman Catholic and "Eastern Churches",[209] but also the Church of England's relationship with other churches in the Communion that had already legislated for women priests. There was hope expressed by the Ecclesiastical Committee that:

> [i]n due course Rome and the Eastern Churches might follow and bearing in mind its [the Church of England's] relations with the other churches in the Anglican Communion, many of which have already

[208] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 11–15.

[209] The Ecclesiastical Committee used the term "Eastern Churches", this term could include the Eastern Catholic Churches, the Eastern Orthodox Churches, the Oriental Orthodox Churches and the Church of the East (also known as the Assyrian Church of the East).

> ordained women as priests, and with the free churches, most of which now have women ministers. They point out that ecumenical dialogue continues between the Anglican Communion (including the Church of England) and all other churches.[210]

In a statement by the House of Bishops following its meeting in Manchester in January 1993, the bishops said: 'we all recognise that the vote of the General Synod must be seen as part of a wider process within the Anglican Communion and within the universal Church…we have been greatly helped in our own deliberations by the work of the Lambeth Conference of 1988 and the two reports of the Archbishop of Canterbury's Commission on Communion and on Women in the Episcopate.'[211]

Resolution 1 of the 1988 Lambeth Conference[212] on '[t]he ordination or consecration of women to the episcopate' recommended that the Archbishop of

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[210] Ecclesiastical Committee, *203rd and 204th Reports (n 194)* 4.

[211] ibid 21.

[212] LC 1988, Res. 1(1): [t]hat each province respect the decision and attitudes of other provinces in the ordination or consecration of women to the episcopate, without such respect necessarily indicating acceptance of the principles involved, maintaining the highest possible degree of communion with the provinces which differ. (2) That bishops exercise courtesy and maintain communications with bishops who may differ, and with any woman bishop, ensuring an open dialogue in the Church to whatever extent communion is impaired. (3) That the Archbishop of Canterbury, in consultation with the primates, appoints a commission: a) to provide for an examination of the relationships between provinces of the Anglican Communion and ensure that the process of reception includes continuing consultation with other Churches as well; b) to monitor and encourage the process of consultation within the Communion and to offer further pastoral guidelines. (4) That in any province where reconciliation on these issues is necessary, any diocesan bishop facing this problem be encouraged to seek continuing dialogue with, and make pastoral provision for, those clergy and congregations whose opinions differ from those of the bishop, in order to maintain the unity of the diocese. (5) Recognises the serious hurt which would result from the questioning by some of the validity of the episcopal acts of a woman bishop, and likewise the hurt experienced by those whose conscience would be offended by the ordination of a woman to

Canterbury, in consultation with the primates, appoint a commission to provide for an examination of the relationships between the provinces of the Communion and ensure that the process of reception includes continuing consultation with other provinces.[213] Soon after the 1988 Conference Archbishop Robert Runcie of Canterbury (1980-91) appointed the commission led by the Primate of All Ireland Robin Eames which became known as the Eames Commission (he also led the 2003 Lambeth Commission on Communion which published the *Windsor Report*). The Commission met five times from 1988 to 1993, and in 1994 its three official reports were published in one volume, *The Eames Commission, The Official Reports.*[214]

The Eames Commission noted that the Eastern Orthodox Churches remained committed to dialogue with the Anglican Communion as expressed by the then Ecumenical Patriarch Dimitrios (1972-91) in his Joint Communiqué with the Archbishop of Canterbury, in December 1987 in which they:

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the episcopate. The Church needs to exercise sensitivity, patience and pastoral care towards all concerned.

[213] Eames Commission, Section III.4 (*Anglican Communion*) <https://www.anglicancommunion.org/resources/document-library/lambeth-conference/1998/section-iii-called-to-be-faithful-in-a-plural-world/section-iii4-eames-commission?language=english> accessed 26 April 2025.

[214] After the Commission published its reports the Eames Monitoring Group was created to continue monitoring developments in the Anglican Communion in relation to women's ordination. The monitoring group published its report in August 1997 and presented its findings at the 1998 Lambeth Conference. Its report may be accessed here: The Eames Monitoring Group Report (August 1997) <https://www.anglicancommunion.org/media/127647/The-Eames-Monitoring-Group-Report.pdf> accessed 26 April 2025.

[r]e-affirmed their fullest commitment to the official dialogue between the Churches and expressed their desire for the reinforcement of the dialogue, which neither of the Churches wished in any way to downgrade: the dialogue is aimed at nothing less than that visible and sacramental unity which Christ wills for his One, Holy, Catholic and Apostolic Church.[215]In the report the Commission rejoiced in the 'renewed interest in and commitment to dialogue between the [Eastern] Orthodox Churches and the Anglican Communion. We are encouraged by the first meeting of the reconstituted Anglican/Orthodox conversations held in Finland, June 1989.'[216] The position of the Eastern Orthodox Churches was made clear at an intra-Orthodox Consultation organised by the Ecumenical Patriarchate on Rhodes in November 1988 entitled, *The Place of the Woman in the Orthodox Church and the Question of The Ordination of Women*. The Eastern Orthodox Churches agreed that during the celebration of the eucharist the priest represents Christ, as head of the body, and is given by the grace of the Holy Spirit through ordination in which those ordained are made 'servants of Christ and stewards of the mysteries of God' (I Cor. 4:1).[217] The Ecumenical Patriarch, Bartholomew I (1991-present), spoke to the General Synod of the Church of England in November 1993 of the 'major problem of the ordination of women' which 'became a great obstacle ... to

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[215] The Eames Commission, *The Official Reports of the Archbishop of Canterbury's Commission on Communion and Women in the Episcopate* (Anglican Book Centre 1994) 95.

[216] ibid 32.

[217] ibid 94–5.

resolving the differences between the two Churches.'[218] But he remained committed to ecumenical dialogue: 'we were not discouraged, nor did we halt the dialogue, since discouragement has no place in the lives of responsible persons of faith.'[219]

In relation to the Roman Catholic Church, the Eames Commission noted that as with the Eastern and Oriental Orthodox Churches, the priest sacramentally represents the incarnate Christ within the eucharistic action.[220] At the conclusion of the 1988 Lambeth Conference, Runcie wrote to Pope John Paul II (reigned 1978-2005) to tell him of his general endorsement of the work of the Anglican-Roman Catholic International Commission I (1979-81) and of its resolution on women in the episcopate. John Paul II replied at the beginning of December 1988. In his opening paragraph he thanked Runcie for his graciousness in informing him of the proceedings of the 1988 Lambeth Conference and saw this 'as a further indication of the trust that exists between us and of the strong bond of communion by which we are already linked.'[221] John Paul II noted that the Lambeth Conference's treatment of women's ordination has created 'a new and perplexing situation for the members of the second Anglican-Roman Catholic International Commission by appearing to pre-empt' the study of and 'block the path to the mutual recognition of

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[218] The Eames Commission (n 215) 94–5

[219] ibid 72.

[220] ibid 94.

[221] ibid 97.

ministries.'[222] For the Roman Catholic Church, it considered itself, along with the Oriental and Eastern Orthodox Churches, firmly opposed to the ordination of women because it was a break with tradition.

John Paul II went on to recognise 'the delicate nature' of the Archbishop of Canterbury's own position, 'given the autonomy of each of the provinces.'[223] He also noted that because the Archbishop of Canterbury 'represented the Anglican Communion in its relations with the Catholic Church, a highly problematic situation could certainly arise for those provinces opposed to women's ordination if there were women priests in the Church of England.'[224] The Pope expressed concerns that some provinces of the Anglican Communion had already ordained women to the priesthood and the episcopate and wrote to Runcie:

> [i]t would seem that the discussion of women's ordination in the Anglican Communion has not taken sufficiently into account the ecumenical and ecclesiological dimensions of the question. Since the Anglican Communion is in dialogue with the Catholic Church – as it is with the Orthodox Church and the Ancient Oriental Churches – it is urgent that this aspect be given much greater attention in order to prevent a serious erosion of the degree of communion between us.[225]

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[222] The Eames Commission (n 215) 97.

[223] ibid 72.

[224] ibid.

[225] ibid.

The report noted that the correspondence was 'remarkable both for its frankness and for the twice reiterated affirmation to the communion that already exists between Anglicans and Roman Catholics.'[226] The Pope remained committed to the quest for unity that began with Michael Ramsey and Paul VI in 1966, and whilst the Eames Commission was positive that there was a degree of communion with the Roman Catholic Church, the prospect of the interchangeability of ministries between the two denominations was now set back even further.

3.13 Parliament and women priests: ecumenical and intra-Anglican Communion relations

The January 1993 Bishops' statement made it clear that the decision to ordain women to the priesthood had not been taken without considering the Church of England's relations with other provinces or its ecumenical implications. The House of Bishops affirmed that the decision to ordain women to the priesthood was made as being 'one part of the Universal Church using its own decision making structures, in consultation with the wider Anglican Communion and in knowledge of the different practices of its ecumenical partners.'[227] For the House of Bishops it was important to recognise that the draft Measure was being passed not just because it was, in their view, the right thing to do for the Church

[226] The Eames Commission (n 215) 72.

[227] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 24.

of England, but also because it was in their view the right thing to do in the Communion – taking into full account the ecumenical implications of the decision.

The House of Bishops' position was echoed during the Ecclesiastical Committee's deliberation, in which Professor David McClean, the Chairman of the Steering Committee, reminded the Ecclesiastical Committee that the two draft Measures were 'a product of years of discussion within the Church of England and indeed in the Anglican Communion abroad.'[228] The then Bishop of Guildford, Michael Adie, explained: 'we need to recognise that on the world scale those relationships take place between the Orthodox Church and the Anglican Communion, and the Anglican Communion has been ordaining women to the priesthood in some of its provinces for some time.'[229] He made a second point: 'as looking to our relationships with the Orthodox Church and with the Roman Catholic Communion we also have ecumenical relations with other bodies. I think, therefore, our ecumenical relationship needs to be seen both in the context of the whole of Christendom and also in terms of not just relationships between the Church of England and other provinces of other churches but between the Anglican Communion and other world Christian bodies.'[230] The Bishop of Guildford made the point that ecumenical

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[228] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 63.

[229] ibid 94.

[230] ibid 24.

relationships between the Roman Catholic Church and Orthodox Churches are entered into not by the Church of England alone, but by the Anglican Communion as a whole. Ecumenism also exists with other denominations and Christian bodies, such as the World Council of Churches – of which the Roman Catholic Church is not a member (but has observer status), but many other protestant churches are.

Gummer (a prominent Anglo-Catholic who converted to Roman Catholicism in 1992), questioned the Bishop of Guildford about why the Archbishop of Canterbury, during a recent visit to Moscow, did not fully discuss the issue of women's ordination with the Russian Orthodox Church. In response, Adie explained that discussions about the ordination of women have been ongoing between the Anglican Communion and both the Roman Catholic and Eastern Orthodox Churches, adding that the Anglican Communion has not concealed its position on this matter from other churches.[231] Gummer pressed further, suggesting that both the Eastern Orthodox and Roman Catholic Churches had indicated that the unilateral decision to ordain women could be a significant impediment to unity. Adie responded:

> …the Roman Catholic authorities have made it quite clear that this is an additional barrier between recognising one another's ministries, or at least in their recognising our ministries… This is not a unilateral decision of the Church of England in distinction from the Anglican Communion; it is unilateral by the Anglican Communion and therefore

[231] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 94.

> not in agreement with the Roman Catholic Communion and the Orthodox Communion... Roman Catholic bishops have made it quite clear that this step is not going to affect the continuing relationship between the Church of Rome and the Church of England.'[232]

When Gummer questioned why the Anglican Communion, Roman Catholic, and Eastern Orthodox Churches did not formally come together to seek a collective response, the Bishop of Guildford pointed out the logistical challenges of convening such a conference across these major denominations.[233] He concluded by noting that Anglican Communion relations with the Roman Catholic Church have continued despite previous decisions on women's ordination in Oceania and North America.[234] This exchange highlights that, from the Church of England's perspective, internal relations within the Communion on the issue of women priests were prioritised over external ecumenical relations with the Roman Catholic and Eastern Orthodox Churches – taking into consideration the fact that these ecumenical dialogues are entered into by the Anglican Communion as a whole, and not by individual member churches of the Communion.

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[232] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 24.

[233] ibid 95.

[234] ibid 108–09.

3.14 The Ordination of Women (Financial Provisions) Measure and the Anglican Communion

The draft Ordination of Women (Financial Provisions) Measure, which made provision for compensation for stipendiary clergy who left the Church of England because they could not accept women's ordination, was presented concurrently with the draft Women Priests Measure.

During its deliberation the Ecclesiastical Committee considered resolution 72 (1988)[235] which explained that the bishops of the 1988 Lambeth Conference reaffirmed respect of diocesan boundaries and the authority of bishops within these boundaries, and that it is inappropriate behaviour for any bishop or priest to exercise episcopal or pastoral ministry within another diocese without first obtaining permission. The Ecclesiastical Committee decided that it intended 'to ensure that provision continues to be made by the diocesan bishop for the care and oversight of everyone in his diocese. We commit ourselves to uphold [r]esolution 72 of the 1988 Lambeth Conference on episcopal responsibilities and diocesan boundaries.'[236] The Ecclesiastical Committee's reference to resolution 72 (1988) emphasises the importance of maintaining

[235] LC 1988, Res. 72: [t]his Conference (1) reaffirms its unity in the historical position of respect for diocesan boundaries and the authority of bishops within these boundaries; and in light of the above. (2) Affirms that it is deemed inappropriate behaviour for any bishop or priest of this Communion to exercise episcopal or pastoral ministry within another diocese without first obtaining the permission and invitation of the ecclesial authority thereof. (3) Urges all political and community leaders to seize every opportunity to work together to bring about a just and peaceful solution. With the number of issues that could threaten our unity it seems fair that we should speak of our mutual respect for one another, and the positions we hold, that serves as a sign of our unity.

[236] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 22.

diocesan oversight and order where there are disagreements within the Church over women priests – diocesan bishops were responsible for ensuring pastoral care and oversight for all clergy and parishioners, regardless of their views on women priests.

The Conservative MP, Patrick Cormack, queried whether the draft Measure should be returned to the General Synod to include more safeguards. Prof McClean explained that during the legislative process the Church did look at the experience of other provinces. He informed the Commons that the draft Measure laid before the House is the only legislation in the Communion that has tried to give legislative guarantees.[237] He went on to explain that its provisions went 'far beyond anything attempted in other provinces of the Anglican Communion which have moved on this matter.'[238]

In relation to the entitlement offered to those who disagreed with the Church's decision to ordain women to the priesthood, McClean explained: 'we look at the position elsewhere in other parts of the Anglican Communion and I know circumstances differ in terms of stipend levels and housing provision and so on, but nowhere else has any move been made to meet the financial consequences for those who choose to resign.'[239] The then Archbishop of York, John Habgood (1983-95), also informed the Committee of the position of the

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[237] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 22.

[238] ibid 82.

[239] ibid 119.

Church of England in the Anglican Communion: 'when we set this in the context of the Communion as a whole, we do need to recognise that the Church of England is unique in building in conscience clause after conscience clause on the subject, in a way that has not been done in any other church.'[240]

Patterson has commented that the Measure obscured the decision to legislate for women priests:

> [t]he narrow final approval (by 169:82 in the House of Laity, 67.3 per cent with two-thirds required) of what became the Priests (Ordination of Women) Measure 1993 at Synod on 11 November 1992 is one of the famous moments of modern Church of England history; the culmination of years of campaigning for many, and perhaps a decisive point of doctrinal definition in doing a new thing. From a legal perspective, however, the simplicity of the core decision is almost obscured by the breadth and depth of provision for those unable to receive women's ordained ministry, developed both before and after the decisive vote. The Measure itself provides for parishes, cathedrals and bishops to refuse to receive (in the case of bishops, to ordain) women as priests, and the accompanying Ordination of Women (Financial Provisions) Measure 1993 provided financial compensation for those stipendiary clergy who determined that in conscience they must leave the Church of England.[241]

And Hill has commented that it created further division in the Communion:

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[240] Ecclesiastical Committee, *203rd and 204th Reports* (n 194) 134.

[241] Patterson (n 197) 211.

> [i]t placed the Church of England out of alignment with much of the Anglican Communion, in also making provision for those who in conscience could not accept women priests. General Synod, the Westminster Parliament (in approving the draft Measure) and the Supreme Governor (in giving royal assent) effectively legislated for division.[242]

The legislative framework established for supporting those who opposed women priests went further than any other province in safeguarding conscience. However, as noted by Patterson and Hill, these provisions, while intended to maintain unity, simultaneously accentuated divides both within the Church of England and the wider Anglican Communion.

3.15 The draft Women Priests Measure in the Commons and the Lords

When the draft Measures were presented for debate in the Commons, the Second Church Estates Commissioner, Michael Alison (19 June 1987-12 June 1997) explained the historic role of the Church of England as the "mother church" of the Communion:

> [w]e should not overlook the fact that the Church of England is the mother church of a worldwide Anglican Communion of 70 million adherents. Within that Communion, many provinces have already

[242] Mark Hill, 'Change and Decay' (n 84) 217.

> moved to ordain women as priests. There are now well over 1,000 women priests within the Anglican Communion.[243]

Alison celebrated the Church of England's decision to give compensation to those clergy who could not accept women's ordination: 'the Church of England deserves great credit that, uniquely among these provinces of the Anglican Communion who have ordained women as priests, it is making arrangements for those who do not feel able in conscience to remain in its service.'[244]

Gummer, in his apparent support for the branch theory of the church, opposed the draft Measure as 'devastating arrogance' because it was a departure from the traditional doctrine of the Church which continued to be espoused by the Roman Catholic and Orthodox churches.[245] Benn responded to his remarks and explained that his 'arguments were invalid' and the 'Anglican Communion worldwide has already accepted the ordination of women.'[246] The Conservative MP Patrick Cormack, like Gummer, reminded the House that the number of Catholics and Orthodox Christians outnumbered those in the Anglican Communion, and that the House must not forget that: 'although it is true that 70 million people belong to the Anglican Communion, we must accept that many more millions belong to the Roman Catholic and Orthodox Churches. However,

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[243] HC Deb 29 October 1993, vol 230, col 1089.

[244] HC Deb 29 October 1993, vol 230, cols 1093–94.

[245] HC Deb 29 October 1993, vol 230, col 1103.

[246] HC Deb 29 October 1993, vol 230, col 1108.

the overwhelming view of those of Catholic and Apostolic belief is that it is not possible for a woman to be a priest.'[247]

For the Second Church Estates Commissioner, the status of women clergy in other provinces of the Communion took precedence. For the MPs opposed to women priests, Gummer and Cormack, their concern, in line with the branch theory of the church, was about maintaining doctrinal unity with the Roman Catholic and Orthodox denominations. In the end there were only 21 votes against the draft Measure, with 215 in favour.

When the draft Measure was presented for debate in the Lords by the then Archbishop of Canterbury, George Carey (1992-2002), he explained that Parliament had to consider the Church of England's relations with other provinces and not just its ecumenical relationships:

> [a]s well as considering our relations with other Churches, I must, as head of the Anglican Communion, also have in mind the situation within that Communion. The Communion now numbers well over 70 million baptised members throughout the world. Many provinces within it have already decided to ordain women as priests. There are now well over 1,000 women priests within the Communion. They have brought great richness to the Anglican family. While other provinces continue to adhere to the tradition of an all-male priesthood, the Communion has been markedly successful in finding ways of living with a variety of practice among member provinces on this issue.[248]

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[247] HL Deb 2 November 1993, vol 549, col 1128.

[248] HL Deb 2 November 1993, vol 549, col 1003.

Echoing Alison's remarks in the Commons, he went on to explain that he hoped the 'House will feel that the Church of England deserves some credit for the practical and pastoral arrangements, which alone, I want to say, among members of the Anglican Communion, it has made on this matter.'[249] But Carey's reassurances were not enough for the then Earl of Clanwilliam, the late John Herbert Meade, who was an Anglican. He explained his view that 'ordained priests of the Anglican Communion are being deprived of their vocation, and that deprivation of spirituality cannot be recompensed with notes from the Bank of England.'[250]

Lord Runcie, who now sat as an independent life peer, came to support the draft Measure. He expressed his initial concerns that the Communion was making this decision without the rest of (what he called) "Christendom": 'at first, I was psychologically uncomfortable with the idea of women priests. I then had the feeling that I was not at all sure that the Anglican Communion, let alone the Church of England, had the right to take such a step independent of the other parts of catholic Christendom.'[251]

Archbishop John Habgood of York explained that the Church of England was 'deliberately keeping our eyes on that Universal Church, both that

[249] HL Deb 2 November 1993, vol 549, col 1006.

[250] HL Deb 2 November 1993, vol 549, col 1042.

[251] HL Deb 2 November 1993, vol 549, col 1016.

piece of it that is represented in the Anglican Communion and also that which is represented ecumenically by the whole Church of Christ worldwide.'[252] For Habgood, the Church of England needed to balance its intra-Anglican Communion relations with its ecumenical relations.

The draft Measure received Royal Assent on 5 November 1993, and the first thirty-two women were ordained as priests in Bristol Cathedral on 12 March 1994. Parliament had to wait another twenty protracted years before the Legislative Committee of the General Synod presented it with the draft Measure for women bishops.

3.16 Background to the Bishops and Priests (Consecration and Ordination of Women) Measure 2015

The Church of England started to consider the possibility of women bishops in July 2000, seven years after the Women Priests Measure was passed.[253] In November 2005 a working party ("the Rochester Commission") led by the then Bishop of Rochester, Michael Nazir-Ali, published *Women Bishops in the Church of England?* ("the Rochester Report"). The Rochester Report mentioned the Anglican Communion forty-three times, considered how other provinces might receive the decision of the Church of England to ordain women to the

[252] HL Deb 2 November 1993, vol 549, col 1075.

[253] For a detailed background of the Measure, see Ecclesiastical Committee, *233rd Report of the Ecclesiastical Committee 2014* (HL45, HC622) 7–11, 22–35.

episcopate (the principle of 'open reception') and its ecumenical implications.[254] The Forward in Faith group (which was founded in November 1992 to promote catholic teaching in the Church of England, principally to defend the Anglo-Catholic opposition to women priests), submitted to the Rochester Commission a document which explained there had been an 'impairment of communion' resulting from the ordination of women on a provincial or diocesan basis.[255] According to the Forward in Faith group this affected the authority and credibility of the instruments of communion: for example the Lambeth Conference was now a gathering where church leaders might not regard each other as bishops.

Following the publication of the Rochester Report, the House of Bishops established a group led by the then Bishop of Guildford, Christopher Hill, to look further at the options for achieving the ordination of women to the episcopate and it reported in January 2006.[256] It was at this point that the House heard from Cardinal Walter Kasper (the then President of the Pontifical Council for Promoting Christian Unity) at the invitation of the then Archbishop of Canterbury, Rowan Williams (2003-12). Kasper explained the Roman Catholic

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[254] See *Women Bishops in the Church of England? A report of the House of Bishops' Working Party on Women in the Episcopate* (Church House Publishing 2004) paras 5.2.49–5.2.50.

[255] Forward in Faith's Submission to the Rochester Commission on the Theology of the Ordination of Women to the Episcopate, 17 October 2001 paragraph C3 in Colin Podmore, 'Catholic Contributions to the Theological Debate, 2004-06' in Colin Podmore (ed), *Fathers in God? Resources for reflection on women in the episcopate* (Canterbury Press 2015) 73.

[256] See *House of Bishops' Women Bishops Group: Report to the General Synod from a working group chaired by the Bishop of Guildford* (GS 1605, January 2006).

Church's view on the Anglican Communion's decision to have female bishops and expressed concerns about the Church of England's move to follow other provinces on this issue (his speech is considered in greater detail below).[257]

In July 2006 the General Synod passed a resolution in which the House of Bishops declared that 'admitting women to the priesthood is consonant with the faith of the Church of England.'[258] A further resolution was then passed calling for a group to draft legislation. The then Bishop of Manchester, Nigel McCulloch, was asked to chair the Legislative Drafting Group ("the Manchester Group"), which started its work in January 2007 and reported in April 2008.[259] A draft Measure and draft Amending Canon were introduced at the General Synod's February 2009 Group of Sessions. The draft Measure narrowly failed to secure the necessary two-thirds majority in the House of Laity at the end of the Final Approval debate on 20 November 2012.[260]

In December 2012 the House of Bishops established a working group to prepare fresh legislation. The House set parameters for the new working group by explaining that any new proposals would need to involve 'a clear embodiment of the principle articulated by the 1998 Lambeth Conference that those who dissent from, as well as those who assent to, the ordination of women

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[257] For more information on the views in the Roman Catholic Church see John Wijngaards 'Women Bishops? Views in the Roman Catholic Church, Official and Otherwise' in James Rigney with Mark Chapman (eds), *Women as Bishops* (Mowbray 2008) 31–42.

[258] Ecclesiastical Committee, *233rd Report* (n 242) 27.

[259] See *Report of the Women Bishops Legislative Drafting Group* (GS 1685, April 2008).

[260] Ecclesiastical Committee, *233rd Report* (n 242) 8.

to the episcopate are both loyal Anglicans.'[261] This principle was outlined in resolution III.2 (1998)[262] on the unity of the Anglican Communion, which called on provinces to uphold the principle of 'open reception,' affirm that those who assent and dissent from the ordination of women are 'loyal Anglicans' and make provisions for episcopal ministry so as to maintain what was described as the 'highest degree of communion' possible. The General Synod gave First Consideration to the draft Measure and the draft Amending Canon in the November 2013 Group of Sessions.[263] The debate on the motion for the Final Approval of the Measure, the Amending Canon and the Act of Synod took place on 14 July 2014, where it received two-thirds majority support in all three Houses.[264]

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[261] Ecclesiastical Committee, 233rd Report (n 242) 8.

[262] LC 1998, Res. III.2: [t]his Conference, committed to maintaining the overall unity of the Anglican Communion, including the unity of each diocese under the jurisdiction of the diocesan bishop, believes such unity is essential to the overall effectiveness of the Church's mission to bring the Gospel of Christ to all people; for the purpose of maintaining this unity, calls upon the provinces of the Communion to uphold the principle of 'Open Reception' as it relates to the ordination of women to the priesthood as indicated by the Eames Commission; noting that "reception is a long and spiritual process." (Grindrod Report); in particular calls upon the provinces of the Communion to affirm that those who dissent from, as well as those who assent to, the ordination of women to the priesthood and eiscopate are both loyal Anglicans; therefore calls upon the Provinces of the Communion to make such provision, including appropriate episcopal ministry, as will enable them to live in the highest degree of Communion possible, recognising that there is and should be no compulsion on any bishop in matters concerning ordination or licensing; also affirms that "although some of the means by which communion is expressed may be strained or broken, there is a need for courtesy, tolerance, mutual respect, and prayer for one another, and we confirm that our desire to know or be with one another, remains binding on us as Christians". (Eames, p.119).

[263] General Synod Report of Proceedings 2013, November Group of Sessions vol 44 no 2, *Women in the Episcopate* 184–92.

[264] General Synod Report of Proceedings 2014, July Group of Sessions vol 45 no 2, *Women in the Episcopate: Report on the Article 8 Reference* 18–25.

3.17 Parliamentary push for Women Bishops 2003-09

During the October 1993 Commons' debate on the draft Women Priests Measure, Benn reminded the House that the Anglican Communion had already accepted the ordination of women not only to the priesthood but also to the episcopate. He explained that Barbara Harris was an 'Episcopalian bishop in America' who would attend the 1998 Lambeth Conference.[265] He went on to recount an encounter he had had with a female priest ordained in the American Episcopal Church who had given communion in England. He lamented that a Church of England vicar bit her on the thumb when she administered the sacrament. Benn was not only trying to highlight the difference between the position of women in the American Episcopal Church and the Church of England, but also people's attitude (in Parliament and in the public) towards women's ministry in the early 1990s.

Both Chapman and Podmore point out that by the twenty-first century the attitude of Parliament and the public had completely changed.[266] There was now almost no opposition to women clergy and universal cross-party support for women bishops. The equality agenda which came to dominate the political

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[265] HC Deb 29 October 1993, vol 230, col 1108.

[266] For a discussion on the changed attitude of Parliament from the passing of the Women Priests Measure 1993 to the passing of the Women Bishops Measure 2015, see Mark Chapman, 'Church and State in England: A Fragile Establishment' in Leo Lefebure (ed), *Religion, Authority and the State: From Constantine to the Contemporary World* (Palgrave Macmillan 2016) 199–214.

discourse of Blair's Britain, was now placing pressure on the Church of England to change its position. [267] Writing in 2019 Podmore emphasised this point:

> [p]arliamentary attitudes to the Church are now very different, reflecting the profound changes in wider social attitudes in the Blair–Cameron era. The change can best be illustrated by contrasting Parliament's treatment of the Priests (Ordination of Women) Measure 1993 with its responses to the defeat of the first Women Bishops Measure in 2012 and to the 2014 package that enabled women to become bishops… There was talk – in Church as well as parliamentary circles – of Parliament legislating by Bill, overturning the 1919 settlement… When the second Measure came before the Ecclesiastical Committee in 2014, the contrast with 1993 could not have been starker: then the questioning had been about the adequacy of provision for the minority; now it was about how such provision could be justified at all.[268]

After Parliament passed the Women Priests Measure in the 1990s, in the 2000s, some parliamentarians started the push for women bishops. It used other provinces in the Communion as examples to show that women could be successful bishops, and that the Church of England, rather than leading the Communion, was lagging on this issue.

In the February 2003 Lords' debate on whether an amendment was needed to remove the exemption of the Church of England in the Sex

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[267] The New Labour government presided over a period of unprecedented constitutional reform. This included devolution, the (almost complete) dissolution of hereditary peers in the House of Lords and the passing of the Human Rights Act 1998. The Equality Act 2010 merged 116 different pieces of anti-discrimination and equality legislation to create a new streamlined legal framework for "protected characteristics".

[268] Podmore, 'Self-Government Without Disestablishment' (n 67).

Discrimination Act 1975 (now repealed),[269] a crossbench peer and Methodist minister, Baroness Richardson, asked the New Labour government to consider the status of women bishops in other provinces.[270] She asked the government minister, Lord McIntosh, if he agreed that it was 'rather odd' that the Church of England (which she reminded the House was 'by law established'), should be exempt from the 1975 Act. She went on to ask whether he would urge the New Labour government to lean more heavily on the Church to consider the experience of other churches, particularly those in the Anglican Communion. Lord McIntosh responded by explaining that this was not a matter for the UK government to deal with, which implied that even though New Labour were fervent in their push for constitutional reform, church-state relations were not on the agenda.

In March 2006 the Labour MP Andy Reed attempted to introduce a Private Member's Bill to amend the Women Priests Measure, the Bishops (Consecration of Women) Bill.[271] The Bill, which had no prospect of circumventing the normal route of Measures emanating from the Legislative Committee of the General Synod, intended to remove the bar on the consecration of women as bishops. When Reed proposed the Bill, he explained that fourteen other provinces already allowed women bishops, including the

[269] The Sex Discrimination Act 1975 was repealed in full by the Equality Act 2010.

[270] HL Deb 27 February 2003, vol 645, cols 417–18.

[271] HC Bill (2005-06) [151]. For the debate see HC Deb 21 March 2006, vol 444, cols 170–72.

Scottish Episcopal Church.[272] He went on to explain that Sudan already had women bishops.[273] He lamented that the earliest date that the Church of England was contemplating a change to its law was 2012.

In the November 2009 Commons' debate (held in the Grand Committee Room just off Westminster Hall) on sex discrimination in religious organisations, the Conservative MP Robert Key explained that the Communion had thirty-eight provinces, twenty-five of which had women priests and sixteen had legislated for women bishops.[274] Nearly thirty women had become Anglican or Episcopal bishops in the past twenty years.[275] The Church of England was 'behind the curve on this issue, and Parliament does not want it to be.'[276] During the February 2012 Commons' debate on Women in the Church of England (which was also held at Westminster Hall), the Conservative MP Peter Bottomley wanted to mention 'for the record' that there were women bishops in other parts of the Anglican Communion.[277] The Second Church Estates Commissioner, Tony Baldry MP (21 June 2010-7 May 2015), responded

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[272] The Scottish Episcopal Church voted for women bishops on 12 June 2003, but it was not until November 2017 that it elected its first female bishop: Anne Dyer, the Bishop of Aberdeen & Orkney. See Ruth B. Edwards 'The Road to Women Bishops: The Scottish Experience' in Harriet Harris and Jane Shaw (eds), *The Call for Women Bishops* (SPCK 2004).

[273] The Episcopal Church of Sudan had at that time voted for the ordination of women and had no legal barriers for women as bishops. See Esther Mombo 'Why Women Bishops are still on the Waiting List in Africa' in Harriet Harris and Jane Shaw (eds), *The Call for Women Bishops* (SPCK 2004).

[274] HC Deb 11 November 2009, vol 499, col 73WH.

[275] ibid

[276] ibid

[277] HC Deb 28 February 2012, vol 541, cols 12WH–14WH.

by explaining that 'there are of course women bishops elsewhere in the Anglican Communion' and he was 'glad' to say that some of them were present at the February meeting of the General Synod (the Bishops of Rhode Island and Nova Scotia).[278] He explained that it was interesting to hear them talk about their experiences as women bishops and how quickly they had become fully recognised in their leadership role as bishops in their own provinces, countries and communities.[279]

3.18 Parliamentary frustration after the failure of the 2012 Draft Measure

2006-12 was, according to Podmore, a period of 'failed legislation'[280] for women bishops in the Church of England. At Prime Minister's Questions the day after the draft Measure failed in the House of Laity, the Labour MP Ben Bradshaw asked what Parliament could do to get women bishops. The then Prime Minister David Cameron responded: 'the time is right for women bishops—it was right many years ago. The Church needs to get on with it...'[281] Cameron, and the Ecclesiastical Committee, made threats to the Church of England.[282] In the Commons, Cameron remarked 'the Church needs to get on

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[278] HC Deb 28 February 2012, vol 541, cols 12WH–14WH.

[279] ibid.

[280] Podmore, 'Catholic Contributions to the Theological Debate' (n 244) 22.

[281] HC Deb 21 November 2012, vol 553, col 579.

[282] Simon Hoggart, 'Prime minister issues prod for God after vote against women bishops' *The Guardian* (London, 21 November 2012)

with it, as it were, and get with the programme.'[283] The Prime Minister's comments were a reflection of the frustration felt by the government on this issue, but by constitutional convention the UK Parliament does not legislate for the Church of England without its consent.[284] The next day Urgent Questions were submitted to Baldry. The SNP MP Eilidh Whiteford explained that 'as one who is part of the wider Anglican Communion' she was 'profoundly saddened and disappointed.'[285] In his response, Baldry explained that Whiteford was 'absolutely right' to remind the House 'that the Church of England is part of a wider Anglican Communion,' and that the 'whole of the Anglican Communion will be looking at how the Church of England conducts itself.'[286]

In the December 2012 Commons' debate on the General Synod vote, several MPs reminded the House of the position of women bishops in other

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<https://www.theguardian.com/politics/2012/nov/21/david-cameron-vote-against-women-bishops> accessed 26 April 2025.

[283] HC Deb 21 November 2012, vol 553, col 578.

[284] During the Grand Committee Stage of the Civil Partnership Act 2004 (Overseas Relationships and Consequential, etc. Amendments) Order 2005 the then Parliamentary Under-Secretary of State in the Department for Trade and Industry, Lord Sainsbury of Turville, laid the draft order before the House and said: '…by convention the government do not legislate for the Church of England without its consent.' Of course, it is the UK government that proposes legislation, and the UK parliament that legislates. See HL Deb 19 July 2005, vol 668, cols GS192–93. This is similar to the Sewel Convention, which applies when the UK Parliament legislates on a matter which is devolved to the Scottish Parliament. It holds that this will happen only if the Scottish Parliament has given its consent. It is named after the then Labour government minister, Parliamentary Under-Secretary of State at the Scottish Office, Lord Sewel, who set out the terms of the policy in the House of Lords during the passage of the Scotland HL Bill (1997-98) [55]. See HL Deb 21 July 1998, vol 592, col 791.

[285] HC Deb 22 November 2012, vol 553, col 723.

[286] ibid.

provinces.[287] The Labour MP Seema Malhotra explained that 'it is vital that the Church of England considers its trajectory and progress, bearing in mind that women bishops are already part of the international Anglican community in Australia, New Zealand, Canada, the United States and elsewhere.'[288] Bradshaw similarly explained that New Zealand, Australia, the United States, Canada, and South Africa all had women bishops.[289] He went on to note that they existed without any laws for alternative episcopal oversight.[290] There had instead been voluntary pastoral care, an arrangement that had worked well.[291] The Conservative MP Eleanor Lang reminded the House that the established Presbyterian Church of Scotland (which because of its presbyterian polity has no bishops) 'had no problems whatsoever of discrimination against women' in relation to women's ministry.[292] It had had women ministers for many years, and indeed a woman Moderator of its General Assembly 'without any adverse effects.'[293] Bradshaw responded by explaining that the 'sister' Scottish Episcopal Church, legislated for women bishops about ten years ago, although it had not yet appointed any.[294]

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[287] HC Deb 12 December 2012, vol 555, cols 379–415.

[288] HC Deb 12 December 2012, vol 555, col 379.

[289] HC Deb 12 December 2012, vol 555, col 390.

[290] HC Deb 12 December 2012, vol 555, col 382.

[291] ibid.

[292] ibid.

[293] ibid.

Simon Hughes reminded the House that there were five Anglican and Episcopal provinces (New Zealand, Aotearoa and Polynesia, Australia, Canada, Southern Africa, and the United States) that already had women bishops, and the United States had a woman primate (the Presiding Bishop of the Episcopal Church).[295] There was also the Episcopal Church of Cuba which is a diocese of the American Episcopal Church. A further twelve provinces had agreed to have women bishops: Bangladesh (united church), Brazil, Central America, Hong Kong, Ireland, Japan, Mexico, North India (united church), the Philippines, Scotland, Sudan and Uganda.[296] There was a remaining group of provinces that had not yet accepted that they could have women bishops, but which had women priests 'so they were clearly on the way.'[297] It therefore appeared to Hughes that 'many people in the Anglican Communion' had 'addressed this issue in theory, theology and in practice.'[298] He went on to explain his frustration: 'for heaven's sake, if all those places have dealt with the theological argument and concluded that this is possible, then the Church of England is far from leading the Anglican Communion; rather, it is following behind.'[299]

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[294] HC Deb 12 December 2012, vol 555, col 382.

[295] HC Deb 12 December 2012, vol 555, col 390.

[296] ibid.

[297] ibid.

[298] ibid.

[299] ibid.

The Conservative MP Geoffrey Cox was not opposed to women bishops, but was sympathetic to those that were opposed, and believed that they should have been protected by the draft Measure. Cox, with reference to the *Virginia Report* (1997), explained that the 1998 Lambeth Conference decided that those who could not accept women priests or bishops should have rules created that allowed them to exist in the 'highest degree of communion with the Anglican Church.'[300] The 1993 Ecclesiastical Committee accepted that these rules should be created in perpetuity for those who took that view. Cox explained that Parliament could not break these promises, and the resolutions of the Lambeth Conference and the decision of the 1993 Ecclesiastical Committee had to be accepted and navigated by both sides of the debate. This view was echoed by Baldry: 'there needs to be a clear embodiment of the principle articulated in the 1998 Lambeth Conference that those who dissent from and those who assent to the ordination of women to the priesthood and the episcopate are loyal Anglicans.'[301]

3.19 Parliamentary consent for Women Bishops in 2014

The 233rd Report of the Ecclesiastical Committee (September 2014) recognised that in 1989 the American Episcopal Church became the first

[300] HC Deb 12 December 2012, vol 555, col 398.

[301] HC Deb 12 December 2012, vol 555, col 415.

province to admit women to the episcopate.[302] The report mentioned by name Barbara Harris, who was consecrated Bishop Suffragan of the Diocese of Massachusetts on 11 February 1989.[303] The report also recognised that there had been women bishops in Australia, Canada, New Zealand, Ireland, South India (united church), South Africa and in the extra-provincial Episcopal Church of Cuba.[304] And that there were also twelve other provinces, including Scotland and Wales, where there was no legal bar to women bishops.[305] The report acknowledged that eleven women bishops had attended the Lambeth Conference in 1998 and eighteen in 2008.[306]

The report recognised the role of the Lambeth Conference in the discernment of this issue.[307] While acknowledging that the Lambeth Conference is not a synod with legislative powers, the report explained that the admission of women to the diaconate and the priesthood was considered by the 1968 and 1978 Lambeth Conferences, and the other bodies of the Anglican Communion.[308] It was recognised that decisions are for each province to take, having 'sought and carefully considered' advice from the instruments of

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[302] Ecclesiastical Committee, *233rd Report* (n 253) 25.

[303] ibid.

[304] ibid.

[305] ibid.

[306] ibid.

[307] ibid.

[308] ibid.

communion.[309] The 1998 Lambeth Conference extended this approach to the admission of women to the episcopate: in resolution I.1 it decided that each province was free to decide for itself, while 'maintaining the highest possible degree of communion with provinces which differ.'[310]

The declaration issued by the House of Bishops and included in the report integrated this resolution. The declaration explained that the Church of England continued to share the historic episcopate with other provinces of the Communion, the Roman Catholic and Eastern Orthodox Churches which continued only to ordain men as priests or bishops.[311] The declaration stipulated that the Church of England acknowledged that its own clear decision on ministry and gender was set within a broader process of discernment in the Communion.[312] And for those in the Church of England who did not accept women bishops, they continued to be in the spectrum of teaching and tradition of the Communion.[313] The declaration was, in part, an attempt by the House of Bishops to affirm the Church of England's adamantine place in the Communion. But more significantly, the declaration referred to the Communion when it could have referred only to the Church of England. The Ecclesiastical Committee

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[309] Ecclesiastical Committee, 233rd Report (n 253) 25.

[310] ibid.

[311] ibid 14.

[312] ibid.

[313] ibid.

recognised that this was an issue affecting the entire Communion, and not just the Church of England.

Although the declaration was not legally binding, it had significant persuasive authority when it was considered by the Ecclesiastical Committee. During the deliberation, the Chairman of the Ecclesiastical Committee the crossbench peer Lord Lloyd, explained that the House of Bishops' Declaration was the 'key document.'[314] Archbishop Justin Welby of Canterbury (2013-25) agreed: 'it is the essential document for the whole conduct of this process. Without it, I have no doubt at all that the Measure would have failed.'[315] Welby went on to explain the centrality of the Anglican Communion to the Five Guiding Principles:[316] 'intra-Anglican Communion processes are going on that raise issues, and the last two principles affirm the recognition of those who, for theological reasons, are unable to accept this step, and commit the Church to seeking, as it says, the highest possible degree of communion and mutual flourishing for all within the Church.'[317] During the deliberation it became apparent that the success of the 2014 Measure in the General Synod, was due in large part to the declaration, which acknowledged and affirmed the different

[314] Ecclesiastical Committee, *Examination of Witnesses: Deliberation of the Bishops and Priests (Consecration and Ordination of Women) Measure* (22 July 2014) 3 in Ecclesiastical Committee, *233rd Report* (n 253).

[315] ibid 4.

[316] The House of Bishops Declaration may be consulted in Annex 5 in the *233rd Report of the Ecclesiastical Committee 2014* (HL45, HC622), 42–43.

[317] Ecclesiastical Committee, *Examination of Witnesses* (n 301) 4.

theological positions held by those not only in the Church of England, but also in the Communion.

During the November 2014 Lords' debate on the draft Measure, Welby explained that at the Reformation the Church of England did not opt for a system of congregational or presbyterian governance.[318] It remained, like the Roman Catholic and Orthodox Churches, an episcopal church, and that 'above all bishops are the "focus of unity" and at the heart of Anglican-Episcopal polity – they are included in the Lambeth-Chicago [sic] Quadrilateral of 1888 as one of the four defining features of Anglicanism.'[319]

As mentioned previously, in 2006, after the publication of the Guildford Report, the House of Bishops heard from Cardinal Kasper, the then President of the Pontifical Council for Promoting Christian Unity. Kasper explained the role of a bishop is not just to unite the local church, but 'is an office of unity' which seeks to unite the Church throughout the world.[320] This understanding of the

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[318] HL Deb 14 October 2014, vol 756, cols 166–67.

[319] ibid. The Chicago-Lambeth Quadrilateral was adopted by the House of Bishops of the Protestant Episcopal Church in the United States of America in 1886 and adopted by the Lambeth Conference in 1888. LC 1888, Res. 11: [t]hat, in the opinion of this Conference, the following Articles supply a basis on which approach may be by God's blessing made towards Home Reunion: (1) The Holy Scriptures of the Old and New Testaments, as "containing all things necessary to salvation," and as being the rule and ultimate standard of faith. (2) The Apostles' Creed, as the Baptismal Symbol; and the Nicene Creed, as the sufficient statement of the Christian faith. (3) The two Sacraments ordained by Christ Himself – Baptism and the Supper of the Lord – ministered with unfailing use of Christ's words of Institution, and of the elements ordained by Him. (4) The Historic Episcopate, locally adapted in the methods of its administration to the varying needs of the nations and peoples called of God into the Unity of His Church.

[320] Walter Kasper 'The Mission of Bishops in the Mystery of the Church' in Colin Podmore (ed), *Fathers in God? Resources for reflection on women in the episcopate* (Canterbury Press 2015) 237.

church universal as *koinonia* is shared by the Anglican Communion and fundamental in the *Windsor Report* (2004).[321] Kasper went on to explain that 'the Catholic Church has always perceived the Church of England as playing a unique role in the Anglican Communion: it is the church from which Anglicanism derives its historical continuity… led by the Archbishop of Canterbury who, in the words of the *Windsor Report*, is the pivotal instrument and focus of unity.'[322] Pope Leo XIII (reigned 1878-1903), in *Apostolicae Curae* (1896), declared Anglican and Episcopal orders of ministry as 'absolutely null and utterly void' but the Second Vatican Council (in *Unitatis Redintegratio*, 13) decided that the Anglican Communion occupied 'a special place.'[323] If the Church of England decided to have women bishops, the Anglican Communion would move closer to the side of the protestant churches of the sixteenth century.[324] It would continue to have bishops, according to the Chicago-Lambeth Quadrilateral, but as with bishops in some protestant churches, it would not have bishops as understood in the Early Church.[325] This address was later delivered in summary at the 2008 Lambeth Conference.

Kasper's speech was an articulation of the concerns the Roman Catholic Church (echoed by the catholic wing of the Church of England) had about

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[321] Kasper (n 320) 237.

[322] ibid.

[323] ibid 241.

[324] ibid.

[325] ibid.

women bishops. Despite these concerns, Welby was clear that passing the draft Measure into law, did not threaten the historic episcopate.[326] This view had been expressed by Barbara Harris in 2004. In a book titled *The Call for Women Bishops* (published in response to the Rochester Report), Harris wrote: 'as a Church claiming Apostolic Succession in the historic episcopate, we would do well to remember to whom we believe Jesus first appeared at his resurrection.'[327]

The former judge Lord Lloyd asked: 'why… has it taken so long to take this last step?... what, in the end, has all the fuss been about?'[328] He reminded the House that women priests make up one-third of all serving clergy and there were already twenty-two women archdeacons and six women deans.[329] The qualities necessary to make a good diocesan or suffragan bishop were found equally among women as they were among men.[330] For Lord Lloyd this proved to be the case 'in the other Anglican Communions [sic] overseas, where women bishops have been in existence for many years'[331] – the success of women

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[326] For more information about Anglican responses to Cardinal Kasper's speech see Tom Wright and David Stancliffe, 'Women Bishops: A Response to Cardinal Kasper' in James Rigney with Mark Chapman (eds), *Women as Bishops* (Mowbray 2008) 31–42.

[327] Barbara Harris, 'Living the Change: On being the first women bishop in the Anglican Communion' in Harriet Harris and Jane Shaw (eds), *The Call for Women Bishops* (SPCK 2004) 27.

[328] HL Deb 14 October 2014, vol 756, cols 168–69.

[329] ibid.

[330] ibid.

[331] ibid.

bishops in other provinces provided evidence for his support of the draft Measure.

Personal encounters with women bishops from across the Communion also informed the debate. The Conservative peer and former Chief Inspector of Schools in England, Baroness Perry (who, as will be discussed in chapter 6, authored the 2003 Church of England report on episcopal appointments) echoed a similar story to the one Benn shared with the Commons in 1993.[332] She told the story of when she was at a meeting in Windsor and was joined by the American Episcopal Bishop Geralyn Wolf from the diocese of Rhode Island. At the end of the meeting, the person who was chairing turned to Bishop Wolf and asked: 'Bishop, would you give us your blessing as we leave?'[333] For Baroness Perry this 'was one of the most moving moments' of her life, and she looked forward to having this in her own church, and for these reasons she welcomed the draft Measure.[334]

In the October 2014 Commons' debate on the draft Measure the Labour MP Susan Elan Jones reminded the House that she thought (incorrectly) it was in 1989 when the first female bishops in the Anglican Communion were consecrated in New Zealand (as mentioned previously Barbara Harris was consecrated bishop in February 1989 in the American Episcopal Church, and

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[332] HL Deb 14 October 2014, vol 756, col 173.

[333] ibid.

[334] ibid.

Penny Jamieson was consecrated bishop in the Anglican Church of New Zealand in June 1990), and that 'we have had a bit of a wait in this country.'[335] She explained that the Church in Wales decided to support women bishops the previous year. She suggested that whilst Parliament debates the issue of alternative episcopal oversight, it should consider the model that the Church in Wales had taken, which did not go down the flying bishop route.[336] The Labour MP Diana Johnson explained that she had just been reading that it was in 1988 that the first female bishops were elected in the United States and New Zealand; like other members of both Houses, she mentioned them by name: Barbara Harris and Penny Jamieson.[337]

3.20 Women Lords Spiritual and the Anglican Communion

The Lords Spiritual (Women) Act 2015 fast-tracks diocesan women bishops to the Lords until 2025. Since the passing of the Act, the women bishops of Gloucester, Bristol, Derby, Chelmsford, Newcastle, Peterborough and Coventry have moved ahead in the queue. The Bishop of London, Sarah Mullally, has not skipped the queue because the Bishop of London has a permanent seat (along with Canterbury, York, Durham and Winchester) in the House. When the Bill[338]

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[335] HC Deb 20 October 2014, vol 586, col 714.

[336] HC Deb 20 October 2014, vol 586, col 714.

[337] HC Deb 20 October 2014, vol 586, col 718.

[338] Lords Spiritual (Women) HL Bill (2014-15) [87].

was debated in Parliament, members of both Houses recognised the importance of women bishops in the House of Lords for the Anglican Communion.

The desire to fast-track women bishops to the Lords was expressed in 2012 by Rowan Williams. In his evidence to the Joint Committee on the Draft House of Lords Reform Bill, Williams explained: '…we do not particularly want women Bishops to have to wait until 2025… we want the discretion and flexibility to allow a little fast-tracking there.'[339] And after the failure of the 2012 draft Measure, SNP MP Eilidh Whiteford (who, as noted above, submitted Urgent Questions to the Second Church Estates Commissioner), reminded the House that the decision of the General Synod preserved 'the continuing anomaly' that the Lords Spiritual would remain exclusively male.[340] For Whiteford, this was not sustainable in a modern democracy, and if the Church did not change its position, Parliament would need to review the Church's constitutional status. It was this attitude, along with a desire from the Church of England, which prompted Parliament to pass the 2015 Act.

In the January 2015 Commons' debate on the Bill, Baldry reminded the House that the Church of England is part of the Anglican Communion.[341] He explained there are thirty-seven other provinces, 'mostly in the Global South,

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[339] House of Lords Reform HL Bill (2016-17) [22]. Draft House of Lords Reform Bill Joint Committee, *Draft House of Lords Reform Bill Report: Volume 2 Oral and associated written evidence; Examination of Witness The Most Rev and Rt Hon Rowan Douglas Williams, Archbishop of Canterbury* (HC 1313-II, HL 284-II, 2010-2012) 261.

[340] HC Deb 22 November 2012, vol 553, col 723.

[341] HC Deb 19 January 2015, vol 591, col 41.

mostly poor, and many in areas of war and persecution.'[342] The Church of England had a worldwide network of contacts and briefings different from the Foreign Office, and through the Archbishops' and Bishops' membership of the House of Lords, was able to share the benefit of those briefings, intelligence, and contacts with Parliament.

During the February 2015 Lords' debate on the Bill, Baroness Berridge explained that whatever one's view might be on church governance, the nation's legislature is a different matter, and women must be represented.[343] She explained that this issue was important due to the global nature of the Communion since women bishops already existed in many provinces.[344] She had learnt from the Bishop of Southwark, Christopher Chessun, that diocesan bishops are sometimes requested to travel overseas as representatives of the Archbishop of Canterbury.[345] For Baroness Berridge, it would be 'a powerful statement' if on such occasions in the future the representative is a woman.[346] The crossbench peer Baroness Howe congratulated the Archbishop of York, John Sentamu (2005-20), on the service of consecration for Libby Lane on 26 January 2015 as the first female bishop (suffragan Bishop of Stockport in the

[342] HC Deb 19 January 2015, vol 591, col 41.

[343] HL Deb 12 February 2015, vol 756, cols 1371–72.

[344] ibid.

[345] ibid.

[346] ibid.

Diocese of Chester).[347] She explained that virtually all bishops of the Church of England laid on hands, along with visiting women bishops from the Communion and Porvoo Churches.[348] The Bishop of Leicester, Timothy Stevens, reminded the House that the Bill followed the guiding principles as articulated in the points of the House of Bishops declaration which affirmed the centrality of the Communion in the Church of England's decision to have women bishops.[349]

The 2015 Act was due to expire on 17 May 2025, but in July 2024 the government announced its intention to extend the Act for a further five years. The Lords Spiritual (Women) Act 2015 (Extension) Act 2025 received Royal Assent on 16 January 2025.

Conclusion for chapter 3

Hill explains that '[t]he ecclesiastical law of the Church of England has no direct application elsewhere in the Anglican Communion, save where expressly incorporated into the governing instruments of a particular [p]rovince...'[350] What then has been the purpose of this chapter? In the Lords' debate on the

[347] HL Deb 12 February 2015, vol 756, col 1379.

[348] Barroness Howe also incorrectly said that female bishops from the Meissen Churches laid on hands, but in fact under the Meissen Agreement 1988, *VI Mutual acknowledgement and next steps*: "a participating bishop or priest may not by the laying on of hands or otherwise do any act which is a sign of the conferring of Holy Orders."

[349] HL Deb 12 February 2015, vol 756, col 1381.

[350] *Halsbury's Laws of England* (5th edn, 2025) vol 34, para 12.

Women Bishops Measure Welby expressed his view that Parliament is not just a 'rubber stamp' for the Church of England:

> '…although the General Synod has taken the decision, we do not believe this House is a rubber stamp. Therefore, although I accept that it would be normal to accept the Measure, we take very seriously the presentation to your Lordships' House and to the other place.'[351]

As noted at the start of this chapter, Parliament cannot amend or initiate Measures for the Church, and whilst Parliament has the power to reject a draft Measure (a power it rarely exercises), Parliament has not rejected any of the Measures discussed in this chapter. But Welby makes the point that the views of Parliament are taken seriously by the Church – arguably, the parliamentary exchanges revealed in this chapter show that this includes the views parliamentarians have about the Anglican Communion.

In this chapter the emergence of new constitutional conventions have been revealed when the Anglican Communion is raised in Ecclesiastical Committee deliberations and parliamentary debates about draft Measures: Parliament has raised the Church of England's intra-Anglican Communion relations alongside the Communion's ecumenical relations with other global denominations of world Christianity – namely the Roman Catholic and Eastern

[351] HL Deb 14 October 2014, vol 756, cols 187–88

Orthodox Churches. The Selborne Committee argued that the creation of the Church Assembly would improve the Church's relationship with other provinces of the Communion and allow Anglicanism as a global denomination to flourish more freely because the laws of its "mother church" would not be constrained by the will of Parliament. After the Enabling Act was passed, power was delegated to the Church Assembly: Parliament lost the power to amend and initiate the Church's laws but retained the important power of veto.[352] Throughout the twentieth and twenty-first centuries the Church was learning from other provinces about how to govern. The Anglican Communion featured in Ecclesiastical Committee deliberations and parliamentary debates after the Church decided to change its laws so that Anglicans and Episcopalians from around the Communion could participate in its government, worship and ministry.

During the December 2023 Lords' debate about legal migration the Bishop of Norwich, Graham Usher, celebrated this participation. He alerted the House that the 'Church of England benefits from the ministry of clergy from all around the Anglican Communion, enriching our communities and resourcing individuals' ministry for life, often equipping them for when they return to their country of origin to minister in places of conflict and abject poverty.'[353]

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[352] For an extensive discussion of the parliamentary power of veto during the passage of draft Measures see: Asma Khan, 'Parliament and the Church of England: The Making of Ecclesiastical Law' (PhD thesis, King's College London 2011).

[353] HL Deb 5 December 2023, vol 843, col 1463.

Following the various resolutions of successive Lambeth Conferences, parliamentarians raised the position of the gathered bishops on this issue. With women priests and deacons some temporal peers and MPs expressed opposition, but with women bishops there was cross-party universal support. It would be an oversimplification to say that in the fourteen years prior to the Women Bishops Measure becoming the law of England, Parliament simply pushed the Church of England to change its position because of the legislative progress it made on equality issues. It is nevertheless true to say, however, that Parliamentarians, including the then Prime Minister David Cameron, demonstrated its frustration at the length of time it took for the Church of England to come to a decision and accordingly applied pressure. It was indicative of the way the Church of England had approached the issue of women's ordination generally. As described by the former Dean of Grace Cathedral in San Francisco (the seat of the Episcopal Bishop of California), The Revd. Prof. Jane Shaw: it was 'a laborious process… stretched out because the orders [of ministry] were split, in an unprecedented way.'[354]

It seemed anachronistic to some parliamentarians that the Church of England had no female bishops when several other provinces did (or had passed laws for it), and the American Episcopal Church had a female primate, Katharine Jefferts Schori. Barbara Harris, Penny Jamieson and Geralyn Wolf

[354] Jane Shaw, 'The Impact on the Church of England and the Anglican Communion' in Fredrica Harris Thompsett (ed), *Looking Forward, Looking Backward: Forty Years of Women's Ordination* (Morehouse Publishing 2014), 49.

were also mentioned by name and celebrated, and several other women bishops were mentioned. Members of both Houses not only used other provinces as examples of progress on this issue, but some recounted personal encounters they had had with female bishops from around the Communion to substantiate their position.

After the draft Measure was passed and women bishops were fast-tracked to the Lords, Parliament continued to apply pressure on the Church of England. In 2013 the pressure group, Christians for Equal Marriage UK, submitted as written evidence a memorandum to the Marriage (Same Sex Couples) Public Bill Committee.[355] They framed the failure of the 2012 draft Measure (misleadingly) as 'the vote against women Bishops'[356] in the General Synod. They went on to explain that 'this has done much to alienate ordinary people from the Church of England.'[357] Furthermore, they did not consider hostility among some African churches to be a valid reason to 'hold back' against allowing same-sex marriage.[358] In the September 2015 Lords' debate on LGBTI[QI+] Citizens Worldwide, the Liberal Democrat Peer, Baroness Northover, explained:

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[355] Christians for Equal Marriage UK, 'Memorandum submitted by Christians for Equal Marriage U'' (2013) Marriage (Same Sex Couples) Public Bill Committee, MB 92 <https://publications.parliament.uk/pa/cm201213/cmpublic/marriage/memo/m92.htm> accessed 26 April 2025.

[356] ibid.

[357] ibid.

[358] ibid.

> …the Church of England must surely move on from appointing women bishops to addressing this issue of human rights. I thought that lay behind the moves quoted today made by… the Archbishop of Canterbury [who] spoke of drawing together the Communion and conversation across the whole Anglican Communion. I wish them well, even if they are frayed at the edges.[359]

Parliament was now telling the Church of England to address the issue of LGBTQI+ rights in the Anglican Communion (the locus of which is now Africa), and not to lag on this issue, as it had done on the issue of women bishops. This is one of the main issues that will now be considered in chapter 4.

[359] HL Deb 17 September 2015, vol 764, cols 2073–83.

The Second Church Estates Commissioner, the Lords Spiritual of the Established Church and the Anglican Communion

— Chapter 4 —

> As your Lordships would expect, I think faith-based organisations are especially important. The case I know best is the Anglican Communion in its 165 countries with its 85 million people. I think I have said this here before, but it is worth remembering that the average Anglican is a woman in her 30s in sub-Saharan Africa on less than $4 a day. Faith-based organisations are there before, during and after conflict… [1]

This point was made by Archbishop Justin Welby of Canterbury in the Lords' December 2017 debate moved by him on the role of reconciliation in British foreign, defence and international development policy. In the March 2024

[1] HL Deb 14 December 2017, vol 794, cols 1521–62.

Lords' debate moved by the Conservative government minister for the Foreign, Commonwealth and Development Office, Lord Ahmad, Welby made a similar point:

> I remind noble Lords that the average Anglican is a woman in her 30s in sub-Saharan Africa, on less than $4 a day, with a 50:50 chance of being in a place of conflict or persecution. The question of avoiding war and making peace applies not only, obviously, in Ukraine and Gaza but, according to the UN's recent figures, in at least 52 other places around the world. Over the last 10 years, in the 165 countries in which we have Anglican Churches, divided into 42 provinces, I have visited all those provinces. I have spent much of that time with people involved in conflicts, seeking to build them up, whether it is in northern Mozambique with training from the UN or other places.[2]

Welby's reference to the Anglican Communion highlights the important insight the Lords Spiritual bring to the House when issues of international development are raised. The global expanse of Anglicanism, its numbers in Africa and its interaction with other international organisations like the UN, means that in the opinion of the Lords Spiritual, the Communion has a role to play in tackling global issues. This is connected to the wider mission of the Anglican Communion worldwide: 'to transform unjust structures of society, to challenge violence of every kind and pursue peace and reconciliation.'[3]

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[2] HL Deb 5 March 2024 vol 836, col 1452.

With the emergence of the Anglican Communion as an international faith-based organisation pursuing missiological objectives, so too have constitutional conventions emerged in the UK Parliament when such issues are raised on the floors of both Houses. In the Commons, the Second Church Estates Commissioner is held to account by other MPs for the way the Church Commissioners manage the Church's relationship with the Communion. In the Lords, the Lords Spiritual through their companion links and personal connections with different dioceses in the Communion, hold the UK government to account for the way it manages the UK's relationship with the Communion as an international faith-based organisation.

In the previous chapter we saw that one of the key roles for the Second Church Estates Commissioner and the Lords Spiritual is to lay draft Measures before both Houses before they receive Royal Assent. In this section we will consider the wider functions of Parliament and how the people that have been the Second Church Estates Commissioner and the Lords Spiritual have come to

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[3] 'Marks of Mission' (*Anglican Communion*) <https://www.anglicancommunion.org/mission/marks-of-mission.aspx> accessed 26 April 2025. There are Five Marks of Mission and their function is to give parishes and dioceses around the world a practical and easily memorised "checklist" for mission activities. These are: (1) to proclaim the Good News of the Kingdom; (2) to teach, baptise and nurture new believers; (3) to respond to human need by loving service; (4) to transform unjust structures of society, to challenge violence of every kind and pursue peace and reconciliation; and (5) to strive to safeguard the integrity of creation, and sustain and renew the life of the earth. They were first developed as four marks at ACC-6 in 1984. The fifth was added in 1990 at ACC-8 in response to the environmental crisis. Jesse Zink argues that in some parts of the Communion the Five Marks of Mission have become ubiquitous, and that after 2000 the Communion's focus shifted to global issues like poverty and HIV/AIDs. See Jesse Zink 'Five Marks of Mission: History, Theology, Critique' (2017) 15(2) *Journal of Anglican studies* 144. See also John Kafwanka, 'The Five Marks of Mission and the Anglican Communion', in Cathy Ross (ed), *Life-Widening Mission: Global Perspectives from the Anglican Communion* (Regnum, 2012).

define Parliament's relationship with the Anglican Communion. In the previous chapter we considered the relationship between the UK Parliament and the Anglican Communion when Parliament gives its consent to ecclesiastical law. In this chapter we consider the way the Anglican Communion is raised when Parliament debates general law and government policy that is not directly related to the Church of England.

The first section considers how the Second Church Estates Commissioner and the Lords Spiritual relate to the Anglican Communion in Parliament. The second and third sections consider how the Communion features in parliamentary debates about international development and human sexuality. The central argument of this chapter is that in a post-colonial world, the Church in Parliament continues to act as a guardian for the Anglican Communion: advocating for Anglicans and Episcopalians living in some of the most challenging parts of the world – particularly those living in Africa, which is now the centre of Anglicanism globally.

THE SECOND CHURCH ESTATES COMMISSIONER AND LORDS SPIRITUAL OF THE ESTABLISHED CHURCH

4.1 The Second Church Estates Commissioner

The Church Commissioners Measure 1947 merged the Queen Anne's Bounty (established in 1703) and the Ecclesiastical Commissioners (created in 1836) to

form the Church Commissioners.[4] The National Institutions Measure 1998 reduced the number of Commissioners from 95 to 33.[5] Today the Church Commissioners manage the Church of England's assets (which are invested in the stock market and property) to generate revenue for the Church's mission.[6] The Archbishop of Canterbury chairs the Church Commissioners, and under schedule 1 of the 1947 Measure its thirty-three members include (amongst others) the Prime Minister, the Home Secretary, the Speakers of the Commons and the Lords, and the Secretary of State for Culture.[7] The Commissioners produce an Annual Report, which, under section 12 of the 1947 Measure, must be laid before Parliament.[8]

There are three Commissioners who represent the Church Commissioners in the General Synod.[9] Of these three, the Second Commissioner is an MP and represents the views of the Commissioners in Parliament.[10] In the Commons, the Second Commissioner is the main link between Church and State in the UK's democracy because their presence in the

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[4] Mark Hill, *Ecclesiastical Law* (4th edn, Oxford University Press 2018) para 2.41.

[5] David Torrance, 'The relationship between Church and State in the United Kingdom' (Commons Library Research Briefing Number CBP8886, 14 September 2023) 15 <https://commonslibrary.parliament.uk/research-briefings/cbp-8886/> accessed 26 April 2025.

[6] ibid.

[7] ibid. For a full list see Hill (n 4) para 2.42.

[8] Torrance (n 5) 16.

[9] ibid.

[10] 'Second Church Estates Commissioner' (*The Church of England in Parliament*, 6 October 2024) <https://churchinparliament.org/second-church-estates-commissioner/> accessed 26 April 2025.

Commons, as a democratically elected MP, maintains the statutory accountability of the Church Commissioners to Parliament.[11]

This role was created in 1850 by Whig politician, Sir John George Shaw-Lefevre, who managed the accountability of the then Ecclesiastical Commissioners to Parliament.[12] After 1926 the Second Church Estates Commissioner came to be regarded as the parliamentary representative for the Commissioners.[13] By convention the monarch (via the Prime Minister through the prerogative power) makes the appointment. They must be baptised and confirmed in the Church of England and are lay ex-officio members of the General Synod.[14] As a Crown appointment it is honorary and unpaid, and the position is included in the published list of Government members.[15] It should be noted that because the Second Commissioner is a backbench MP, there is no government minister responsible for the Church Commissioners, or to represent the views of the General Synod in Parliament.[16] This is in the spirit of the 1919

[11] The Church of England in Parliament (n 10).

[12] Torrance (n 5) 16.

[13] Frank Cranmer, John Lucas and Bob Morris, *Church and State A Mapping Exercise* (UCL Constitution Unit 2006) 19 <https://www.academia.edu/32445425/Church_and_State_a_mapping_exercise> accessed 26 April 2025.

[14] *Halsbury's Laws of England* (5th edn, 2011) vol 34, para 84.

[15] ibid para 85.

[16] Cranmer (n 13) 19.

Act, which sought to maintain establishment of the Church of England with greater independence and autonomy from the British State.

In 1999 the Archbishops' Council was created after the passing of the National Institutions Measure 1998[17] under the leadership of the then Second Church Estates Commissioner, the Labour MP Stuart Bell (12 June 1997 – 21 Jun 2010).[18] This was a partial implementation of the recommendations of the 1994 report, *Working Together as One Body*, produced by the then Bishop of Durham, Michael Turnbull. The Council is a charity, created to co-ordinate, promote, aid and further the work and mission of the Church by providing national support to the Church in dioceses and locally, working closely with the House of Bishops and other bodies of the Church.[19]

In 2012, under the leadership of Conservative MP Sir Tony Baldry (21 Jun 2010-7 May 2015), the Speaker of the Commons allowed the Second Church Estates Commissioner to make written and oral statements, and to be summoned to answer urgent questions.[20] Since 2012 urgent questions have only happened twice. On both occasions the urgent questions were asked by the Labour MP Ben Bradshaw. As explained in the previous chapter, the first time this happened was in November 2012 on the issue of women bishops, and again

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[17] Hill (n 4) para 12.12.

[18] Torrance (n 5) 16.

[19] 'Archbishops' Council' (The Church of England, 6 October 2024) <https://www.churchofengland.org/about/leadership-and-governance/archbishops-council> accessed 26 April 2025.

[20] ibid 16.

in January 2023 on the issue of same-sex marriage in the Church (which will be explored in greater detail later in this chapter).[21] It is now the Second Church Estates Commissioner's primary role to answer oral and written questions from MPs about Church of England matters.[22]

4.2 The Second Church Estates Commissioner and the Anglican Communion

The Conservative MP Caroline Spelman (21 May 2015–12 December 2019) has helped to define the parameters of the office as it relates to the Anglican Communion. In a March 2017 oral question from Chris Bryant MP on why the then Dean of St Albans, Jeffrey John, was barred from becoming a bishop in the Church in Wales because of his sexuality, Spelman responded: 'I am not responsible for the Church in Wales… this is a really serious matter and we should heed what the Archbishop of Canterbury as head of the Anglican Communion said about the need to have radical Christian inclusivity.'[23] Spelman, incorrectly referred to the Archbishop of Canterbury as the "head of the Anglican Communion", but she was highlighting that as an instrument of communion, his words about radical Christian inclusivity carried moral and persuasive weight, and therefore were a challenge to the Church in Wales on its

[21] HC Deb 24 January 2023, vol 726, cols 878–85.

[22] 'Second Church Estates Commissioner', *Church of England in Parliament* (n 10).

[23] HC Deb 2 March 2017, vol 622, cols 430–31.

decision. Again in the October 2019 debate on the use of digital technology for new congregations Spelman explained that her role does not cover the Communion when she remarked: 'I am delighted to say that my responsibility covers only the Church of England, but obviously the [Episcopal] Church in Scotland is part of the Anglican Communion…'[24] In July 2019 the Conservative MP Sir John Hayes asked her whether the Church of England had plans to adopt the approach of the Global Anglican Future Conference ("GAFCON") as a model for the (a) growth and (b) development of the Anglican Communion.[25] She responded: 'the policies, structures and strategic development of the Anglican Communion are not matters for which the Church Commissioners has responsibility.' Spelman was clear that officially her remit did not cover the wider Anglican Communion and therefore there were limits to her ability to answer questions related to the Communion.

Whilst Spelman was clear that officially the office of the Second Church Estates Commissioner does not cover the Communion, there have been several instances in which Second Commissioners have held the executive to account for the way in which the UK government has dealt with the Communion. For Spelman, two issues related to the plight of Anglicans and Episcopalians living in conflict in Africa were raised with the UK government. In the November 2016 Commons' debate on the humanitarian situation in Northern Nigeria, she

[24] HC Deb 31 October 2019, vol 667, cols 505–06.

[25] John Hayes MP, 'Anglicanism: HC Written Question – 281578' (24 July 2019).

explained that 'the UK has excellent links through the Anglican Communion to the Churches in Nigeria.'[26] She went on to ask if the then Secretary of State for International Development, Priti Patel MP, would welcome the willingness of the churches to help with the humanitarian situation to address some of the underlying causes, particularly corruption. Patel explained that Spelman was right about the power and the support of the Anglican Church in Nigeria: 'we have to work with grassroots organisations and religious organisations as well. We welcome the support and the focus on capacity building in particular, and the awareness-raising that is required on many of these challenging issues.' [27] Patel's view that the UK government 'has to' work with grassroots religious organisations like the churches of the Anglican Communion reflects the UK's obligations under international law to develop formal faith-partnerships with international faith-based organisations to defend freedom of religion or belief through humanitarian and development work.[28]

In the February 2017 Commons' debate on South Sudan, Spelman informed Patel that the 'Anglican Communion and the Anglican Alliance have a network of churches in southern Sudan and can help to get aid to those who most need it. How is the Secretary of State engaging with the Anglican

[26] HC Deb 16 November 2016, vol 617, col 220.

[27] ibid.

[28] Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) art 18; and the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

Communion in that area?'[29] Patel responded that 'the Church community – the Anglican Communion – are present there. We are working with all partners because of the nature of the challenging situation on the ground.'[30] Patel was highlighting the fact that the UK government recognised the important work that Episcopalians were doing on the ground at the grassroots level through the Episcopal Church and Anglican Communion agencies to help ease what was a difficult humanitarian situation. What this exchange on the Anglican Communion in South Sudan reveals is that for Spelman, whilst her role as the Second Church Estates Commissioner was connected officially only to the Church of England, this did not preclude her from engaging with Communion issues and taking questions from the floor of the House about the Communion.

MPs have asked Second Church Estates Commissioners questions on international issues, where they think the Church of England, through the Communion, is able to make a positive difference in areas of conflict, post-conflict and social policy. In June 2018 the Labour MP John Grogan asked Spelman what initiatives the Communion is supporting in the diocese of Jerusalem to help promote peace between the Palestinian Christian and the Palestinian Muslim communities. Spelman explained that one of the most important ministries of the Episcopal Diocese of Jerusalem has been the ministry of dialogue and reconciliation between Christians, Muslims and Jews.

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[29] HC Deb 22 February 2017, vol 621, cols 1008–09.

[30] ibid.

The then Episcopal Archbishop and Primate of Jerusalem and the Middle East, Suheil Dawani, had announced the establishment of the diocesan department for peace, reconciliation and interfaith dialogue.[31]

In October 2019 the Conservative MP Pauline Latham asked Spelman what assessment the Church of England had made of the potential merits of ending marriages involving 16 and 17-year-olds.[32] Latham asked whether Spelman agreed that 'given the international reach of the Anglican Communion, the Church of England's support for ending marriages between 16 and 17-year-olds in the UK would send a powerful message to other jurisdictions and faith communities around the world?'[33] Spelman responded that the Communion covers a large number of nations and a large number of peoples whose cultural norms differ from our own, but aid agencies often handle the issue of child marriage very effectively through their health and education programmes.[34]

Andrew Selous (1 January 2020-4 July 2024), like Spelman, has also answered questions related to the Anglican Communion. In September 2020 the DUP MP Jim Shannon submitted a written question for the Church Commissioners in which he asked what support the Church of England is providing to the church and people of Lebanon to recover and rebuild following

[31] HC Deb 7 June 2018 vol 642, cols 436–37.

[32] HC Deb 31 October 2019, vol 667, col 504.

[33] ibid.

[34] ibid.

the explosion in the port of Beirut.[35] Selous responded that Anglican institutions in Beirut were affected by the explosion: '[t]he Diocese of Jerusalem oversees, the Anglican community in Lebanon, and the Church of England, is supporting Archbishop Suheil Dawani's appeal to the Anglican Communion for support to repair damaged buildings and affected lives.'[36]

What these three exchanges between the Second Church Estates Commissioner and the Labour, Conservative and DUP MPs reveal is that even though the UK Parliament has no jurisdiction over the Communion, and the Second Church Estates Commissioner has no formal position in the Communion, establishment has meant that the Communion features in a unique way during oral questions in the House of Commons. MPs do not ask the Second Church Estates Commissioner similar questions about other global church communions. Therefore, the Anglican Communion, as an international faith-based organisation, is present at the heart of the UK's parliamentary system in a way that no other international faith-based organisation is. Of course, this could be viewed as a privilege for the Communion, because it has access to ministers of one of the largest economies in the world – but it also poses challenges – because there are no mechanisms in the Communion to hold the Second Church Estates Commissioner to account or to educate the MPs that hold the office about the vast global network that is the Anglican Communion.

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[35] Jim Shannon MP, 'Explosions Lebanon: HC Written Question – 86668' (8 September 2020).

[36] ibid.

With the Labour government winning the 2024 General Election, Marsha De Cordova MP has been appointed as the forty-third Second Church Estates Commissioner. During the Second Reading of the Lords Spiritual (Women) Act 2015 (Extension) Bill,[37] the Parliamentary Secretary for the cabinet office, Abena Oppong-Asare MP, celebrated her appointment: 'I know she will use all her political and personal skills to provide a bridge between Parliament and the established Church at a difficult time for the Anglican Communion.'[38] The description of the Second Commissioner as a "bridge" between Parliament and the Church aptly describes the role.

Officially Second Church Estates Commissioners represent the views of the Church Commissioners in Parliament and therefore their remit covers only the Church of England. But we have seen how the Second Commissioner has (1) held the UK government to account for the way in which it has managed the UK's relationship with the Communion and (2) been held to account by other MPs for the way the Church of England manages its relationship with the Communion. This highlights the relationship between the House of Commons and the Anglican Communion, we will now consider the relationship between the House of Lords and Anglican Communion.

[37] HL (2024-25) [10].

[38] HC Deb 14 November 2024, vol 756, col 962.

4.3 The Lords Spiritual

In the Lords, bishops' right to sit and vote is established by ancient usage and by statute.[39] The Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester are the 'Named Lords Spiritual' as the most senior bishops and archbishops in the Church of England and have automatic seats .[40] The other twenty-one bishops known as the 'Ordinary Lords Spiritual' are the longest serving diocesan bishops.[41] But as explained in the previous chapter, female diocesan bishops will skip the queue and be fast-tracked into the Lords until 2035.

The existence of bishops in the Lords may be traced to the feudal period. Until the Reformation the bishops and other ecclesiastics (abbots and friars) were the most influential members of the House.[42] This was in part because the size of the House was much smaller: for example in the fourteenth century temporal peers were rarely more than fifty in number.[43] After the Henrician reforms and the abolition of monasteries,[44] abbots and friars no longer attended

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[39] *Halsbury's Laws of England (*5th edn, 2018) vol 78, para 632.

[40] Mark Hatcher 'Bishops in the House of Lords: Fit for the Future? (2024) 26(2) Ecc LJ 147.

[41] *Halsbury's Laws* (n 39) 632.

[42] Samuel White, 'House of Lords: Lords Spiritual' (House of Lords Library Briefing, 4 September 2017) 1–4 <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0056/LLN-2017-0056.pdf> accessed 26 April 2025.

[43] Hatcher (n 40) 151. See further L O Pike, *A Constitutional History of the House of Lords* (Macmillan 1894) chapter IX.

[44] Suppression of Religious Houses Act 1535 (27 Hen 8 c 28) and the Dissolution of Lesser Monasteries Act 1539 (31 Hen 8 c 13).

Parliament, and during the reign of Edward VI the number of Lords Spiritual was twenty-six.[45] The Lords Spiritual were removed by the Bishops Exclusion Act 1642[46] and the entire House of Lords was abolished during the protectorate.[47] With the Restoration of Charles II, the bishops re-entered the House under the Clergy Act 1661.[48]

In the eighteenth century the House of Lords numbered around 220. Until the nineteenth century the Lords Spiritual were partisan figures[49] – the last bishop to hold ministerial office was John Robinson as the Lord Privy Seal: he was the Bishop of Bristol in 1711, and became the Bishop of London in 1713.[50] In the 1830s several Bills were introduced in the Commons to remove bishops completely, because they often spoke and voted in a partisan way with the Conservatives, but all the Bills failed.[51] Since the Bishopric of Manchester Act 1847[52] the number of bishops has been fixed at twenty-six. By the mid-twentieth century their presence and role diminished, with few attending debates

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[45] Hatcher (n 40) 151. See further C H Firth, *The House of Lords during the Civil War* (Longmans, Green & Co 1910) 96–110.

[46] 16 Cha 1 c 27.

[47] Hatcher (n 40) 151.

[48] 13 Cha 2 St 1 c 2.

[49] White (n 42) 1–4.

[50] Hatcher (n 39) 153. See further A Turbeville, *The House of Lords in the VIIIth Century* (Westport, CT, 1927), 40.

[51] White (n 42) 1–4.

[52] 10 & 11 Vict c 108.

due to the burden of pastoral and diocesan duties. With the disestablishment of the Church of Ireland in 1869,[53] and the disestablishment of the Church of England in Wales in 1920,[54] Irish and Welsh bishops lost their seats in the Lords.[55]

Customarily former Archbishops of Canterbury and York are granted peerages under the Life Peerages Act 1958,[56] others that have made a significant contribution either to national life or Parliament have also been appointed. Lord Carey, Lord Chartres, Lord Eames, Lord Harries (who as evidenced in this dissertation has spoken regularly about the Anglican Communion in the House) and Lord Sentamu are current life peers. Lord Williams of Oystermouth has retired from Lords. Following the resignation of Justin Welby in November 2024 after the publication of the *Independent Learning Lessons Review* ("the Makin Review"), it is unclear whether Welby will be given a life peerage.[57]

The Lords Spiritual currently make up approximately 3 per cent of the overall size of the House.[58] Their average attendance in parliamentary sessions

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[53] Irish Church Act 1869 (32 & 33 Vict c 42), Ss 2 and 13.

[54] Welsh Church Act 1914 (4 & 5 Geo 5 c 91), s 2(2).

[55] Hatcher (n 40) 152. See further Mark Hill, Russell Sandberg, Norman Doe, and Christopher Grout, *Religion and Law in the United Kingdom* (3rd edn, Kluwer Law International 2021) 112–15.

[56] 6 & 7 Eliz 2 c 21.

[57] Steerpike, 'Will Justin Welby lose his Lords seat?' *The Spectator* (London, 14 November 2024) <https://www.spectator.co.uk/article/will-justin-welby-lose-his-lords-seat/> accessed 26 April 2025.

[58] ibid.

since 2017 has been around 15 per cent, compared to around 50 per cent for temporal peers.[59] Their participation in votes since 1999 has been 4 percent compared to 40 percent for temporal peers. This shows their limited contribution to the House compared to the temporal peers.

It is therefore clear that in terms of statistics, the Lords Spiritual have very little impact on the legislative output of Parliament. However, by examining their contribution beyond the statistics, Meg Russell explains that the Lords Spiritual do have an impact on the legislative output of Parliament:

> …on the Equality Bill in January 2010, the votes of eight Bishops were decisive on an amendment to widen the exemption for religious groups from requirements for equal treatment in employment. This was an unusually high bishop turnout, and an even more unusual example of influence in the division lobbies, yet it quickly attracted negative attention.[60]

The Equality Act is a landmark piece of legislation that continues to have widespread and far-reaching legal and cultural ramifications on British society.[61] Whilst the statistical impact of the Lords Spiritual on the overall

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[59] Clare Brader, 'Lords spiritual in the House of Lords explained' (House of Lords Library, 5 January 2024) <https://lordslibrary.parliament.uk/lords-spiritual-in-the-house-of-lords-explained/> accessed 26 April 2025.

[60] Meg Russell, *The Contemporary House of Lords* (Oxford University Press 2013) 122.

[61] See *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16, [2025] 2 WLR 879. In this case the Supreme Court held that statutory guidance promulgated by the Scottish Ministers under the Gender Representation on Public Boards (Scotland) Act 2018 s 7 concerning the definition of "woman" in the Equality Act 2010 was incorrect. A person with a

legislative output of Parliament may be low, they have the potential to shape major pieces of primary legislation. In a study carried out in 2008, Anna Harlow, Norman Doe and Frank Cranmer concluded that 'whether or not their contributions are meant to be non-party-political, Hansard shows that the bishops are frequently critical of government.'[62] This was the case before and after 1997, when New Labour had a landslide electoral victory. It is therefore evident that the Lord Bishops play an active role in holding the government of the day to account in the House.

Mark Hatcher has conducted an investigation covering a twelve-month period of legislative activity during the 2021-22 parliamentary sessions to understand 'what the bishops actually do in relation to parliamentary scrutiny.'[63] Hatcher's research was conducted on the premise that the House of Lords has three main functions in the UK constitution. These include: (1) the scrutiny of legislation as the revising chamber; (2) holding the executive to account on policy matters; and (3) acting as a national forum for debate on key issues.[64] These functions were formally recognised by the Conservative and Labour parties at the Bryce Conference in 1918.[65]

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gender recognition certificate ("GRC") in the female gender did not come within the definition of "woman" for the purposes of sex discrimination in s 11 of the 2010 Act.

[62] A Harlow, N Doe and F Cranmer, 'Bishops in the House of Lords: A Critical Analysis' (2008) PL 490. See also J Oliva and H Hall, *Religion, Law and the Constitution: Balancing Beliefs in Britain* (Oxford 2018) 276.

[63] Hatcher (n 40) 150.

[64] ibid.

According to Hatcher, bishops do not speak on behalf of their dioceses or even the Church of England, but they speak when they feel they have something to contribute based on their personal experience and knowledge.[66] They make a 'relatively modest contribution' to the overall legislative scrutiny of the House:

> [a] familiar pattern can be discerned. During the Second Reading debate of a Bill to consider its general principles, a bishop may join others in indicating they will give more detailed attention during 'line by line' scrutiny in committee and possibly thereafter. During committee (which in the Lords is taken on the floor of the House and not limit-timed), a bishop may table his or her own amendment which is designed to probe the Government's intention or possibly to clarify policy. The bishop may lend his name in support of another's amendment to provide an opportunity for debate to elicit a suitable response. Either way the amendment is invariably 'not moved' or 'withdrawn'.
>
> However, that need not represent an unsuccessful outcome. First, it could demonstrate the bishop reserving his or her fire power. Secondly, the bishop may have been sufficiently reassured by the minister not to proceed or been given a helpful interpretation of the text. Thirdly, the bishop may decide to reflect on the debate and the potential for making headway with a related amendment which could be moved at a later stage. Alternatively, the minister may decide to reconsider the Government's policy. Providing a forum for second thoughts is a classic function of a revising chamber.[67]

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[65] Hatcher (n 40) 150.

[66] ibid 170.

[67] ibid 169.

So, whilst it is rare that a bishop's contribution will move an amendment to a division (indeed all Lords' amendments to government Bills may be reversed in the Commons), a bishop's amendment may encourage the government (and indeed the whole House) to reflect on a certain provision or on a policy matter more generally. This may lead to conversations with the Church of England that have the potential to create future policy initiatives.

4.4 Reforming the Lords Spiritual

The Parliament Act 1911, which limited the power of the Lords, was intended to be a temporary measure pending the substitution of the House of Lords with a second chamber based on the popular rather than hereditary principle.[68] Throughout the twentieth and twenty-first centuries there have been repeated attempts either to abolish the House of Lords or reform it, and this has eventually led to questions about the continued presence of the Lords Spiritual in the House. In the twenty-first century there have been three government White Papers on the future of the House of Lords (*The Wakeham Report* (2000), *The House of Lords Completing the Reform* (2001), and *The Second Chamber* (2002)). All three reports suggested that the number of bishops in the House of Lords should be reduced, and the *Wakeham Report* suggested that there needs

[68] Mark Elliot and Robert Thomas, *Public Law* (5th edn, Oxford University Press 2024) para 3.3.2.

to be wider faith representation in the Lords if Church of England bishops remain.

The coalition government led by David Cameron and Nick Clegg introduced a Bill[69] in the parliamentary session 2012-13. This sought to reduce the number to 12, but this Bill also failed. On 20 December 2016, the then Speaker of the House of Lords announced that he was establishing a Lord Speaker's committee to examine the possible methods by which the House could be reduced in size. However, the first report of the Committee (published on 31 October 2017) decided that the number of Lords Spiritual could only be reduced through primary legislation and therefore made no proposals for reform of the Lords Spiritual.[70]

In December 2022, the Labour party, in opposition, pledged to abolish the House of Lords. A commission chaired by former Prime Minister Gordon Brown published the report: *A New Britain: Renewing democracy and rebuilding our economy*. It proposed to 'replace it with a smaller, more representative and democratic second chamber.'[71] The Bishop of St Albans, Alan Smith, who was the Convener of the Lords Spiritual (23 September 2022-31 May 2025), said that the Brown report 'misfires.'[72] He said that the House

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[69] House of Lords Reform HL Bill (2016-17) [22].

[70] Lord Speaker's Committee on the Size of the House, *Report of the Lord Speaker's Committee on the Size of the House* (UK Parliament, 31 October 2017).

[71] Commission on the UK's Future, *A New Britain: Renewing Our Democracy and Rebuilding Our Economy* (Labour Party, 2022), 17 <https://labour.org.uk/wp-content/uploads/2022/12/Commission-on-the-UKs-Future.pdf> accessed 26 April 2025.

needs reform, not abolition, because two elected chambers, using different systems, would create competition between them over which had greatest legitimacy.

After winning the 2024 General Election, Keir Starmer's Labour government has introduced a Bill[73] to remove the remaining 92 hereditary peers from the Lords.[74] During its Committee of the Whole House in the Commons the Conservative MP Gavin Williamson proposed an amendment to remove the Lords Spiritual but it was lost 378 votes to 41.[75] In the Lords, at the same time, the Bishop of Sheffield, Pete Wilcox, defended the continued presence of the Lords Spiritual in a Motion to Take Note debate about the Bill.[76] During its Second Reading in the Lords, the Liberal Democrat peer, Lord Wallace made the point that 'if there should be a direct election, there would be no place in a second Chamber for the Lords Spiritual.'[77] Following the resignation of Justin Welby because of the findings of the Makin Review, Baroness Harriet Harman

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[72] Alan Smith, 'House of Lords needs reform — not abolition' *Church Times* (London, 9 December 2022) <https://www.churchtimes.co.uk/articles/2022/9-december/comment/opinion/house-of-lords-needs-reform-not-abolition> accessed 26 April 2025.

[73] House of Lords (Hereditary Peers) HL Bill (2024-25) [49].

[74] House of Lords (Hereditary Peers) Bill received its First Reading in the Commons on 5 September 2024 and is currently at its Report Stage in the Lords.

[75] HC Deb 12 November 2024, vol 756, col 701.

[76] HL Deb 12 November 2024, vol 840, cols 1714–15.

[77] HL Deb 11 December 2024, vol 841, col 1736.

has considered proposing an amendment to the Bill to abolish the Lords Spiritual[78] – and she may do this during its further stages in the Lords in 2025.

Having considered the historical background to the Lords Spiritual, and their continued presence in the Lords, which has been fixed at twenty-six in number since 1847, we will now consider their role in the House as it relates to the Anglican Communion.

4.5 The Lords Spiritual and the Anglican Communion

The think-tank Theos, in their written evidence to the Draft House of Lords Reform Bill Joint Committee, explained that bishops in the Lords bring a 'degree of "connectedness": through an early ministry in parish life, the life of their diocese/region, the broader life of the worldwide Anglican Communion.'[79] Parliament has recognised and celebrated this "connectedness". During the Immigration and Social Security Co-ordination (EU Withdrawal) Public Bill Committee in June 2020, the Conservative MP Robert Goodwill asked the then government minister for immigration, Kevin Foster MP, to 'pay tribute to John Sentamu, the recently retired Archbishop of York, who came from Uganda…'[80]

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[78] Cathy Newman, 'Debate over bishops in Lords is "no surprise" says Baroness Morgan' *Channel 4 News* (London, 26 November 2024) <https://www.channel4.com/news/debate-over-bishops-in-lords-is-no-surprise-says-baroness-morgan> accessed 26 April 2025.

[79] HC 1313-II, HL 284-II, 2010-2012 Draft House of Lords Reform Bill Joint Committee. Draft House of Lords Reform Bill Report: Volume 2 Oral and associated written evidence. *Theos-Written Evidence,* 283.

[80] HC Deb 16 June 2020, col 178 (Public Bill Committee, Immigration and Social Security Co-ordination (EU Withdrawal) Bill, 5th Sitting).

Foster responded: 'I am only too happy to do so… he broke the mould of what people expect from someone in such a senior position in the Anglican Communion.'[81] He went on to explain that the UK wants 'to see that sort of person, particularly from the worldwide Anglican Communion… be part of that community here in the United Kingdom.'[82] Foster's comments indicate that the then Conservative government welcomed those from around the Communion to serve as bishops and archbishops in the established Church.

The contribution Church of England bishops make to the Anglican Communion has also been appreciated by the House. During the February 2022 Lords' debate on the Housing and the Building Safety Bill, the outgoing Bishop of Winchester, Tim Dakin, gave his valedictory speech.[83] The Bishop of Manchester, David Walker, thanked the Bishop of Winchester for his contributions and praised his advocacy for further and higher education. Walker also explained that Dakin has a 'passion for the global Anglican Communion' and that 'his strong links with Africa will be much missed, both in this House and in the House of Bishops of the Church of England.'[84]

But the contributions made by the Lords Spiritual to the Anglican Communion have not always been celebrated and endorsed by the temporal

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[81] HC Deb 16 June 2020, col 178 (Public Bill Committee, Immigration and Social Security Co-ordination (EU Withdrawal) Bill, 5th Sitting).

[82] ibid.

[83] HL Deb 2 February 2022, vol 818, col 941.

[84] ibid.

peers. In the March 2010 Lords' debate moved by the Labour peer, Lord Harrison, he called attention to the British Humanist Association's reports: *Quality and Equality: Human Rights, Public Services and Religious Organisations*, and *The Case for Secularism: A Neutral State in an Open Society*. Lord Harrison compared the Church of England to other provinces:

> [i]t is undeniable that in its present form, with 26 seats reserved for the Church of England Bishops, the House of Lords presents an odd face to the outside world. It is interesting to note that even within the 38 provinces of the Anglican Communion, only England still insists on an established church. This is a problem…[85]

Lord Harrison alerted the House to the privileged position of the Church of England compared to other provinces, and the ability of Church of England bishops to directly raise matters of public policy with the UK government. A good example of this was in October 1985, when the then Bishop of Gloucester, John Yates, asked the government minister to confirm that the then Assistant Episcopal Bishop of Jerusalem, Elia Khoury, who was also the leader of the Palestinian Liberation Organisation ("PLO"), would be allowed to enter the UK.[86] The Bishop of Gloucester explained that this 'would bring great comfort and help to his many fellow Christians in the Anglican Communion.'[87] He went

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[85] HL Deb 18 March 2010, vol 718, col 675.

[86] HL Deb 15 October 1985, vol 467, cols 482–83.

[87] ibid.

on to say that Bishop Khoury made a visit to Lambeth Palace and that this was entirely consistent and conventional because when Anglican and Episcopal bishops visit the UK it is normal for them to privately meet with the Archbishop of Canterbury.[88] The government minister, Baroness Young, responded that Bishop Khoury had denied allegations of complicity in terrorism and that it was worth recording that he had never been prosecuted by the Israeli authorities for terrorism.[89] This example from 1985 illustrates Lord Harrison's point in 2010: the Lords Spiritual enjoy the privilege of being able to raise global Anglican and Episcopal issues directly with the UK government in a way that no other UK church can.

In the rest of this chapter, we will see the tension between privilege and accountability played out. We will see how bishops' personal connections to the Communion, and their privileged position in the Lords, enable them to hold the UK government to account, and raise the Anglican Communion in debates that are not necessarily related to the activities of the Church of England. But we will also see, as we did in the section on women's ministry, how MPs and temporal peers hold the Church in Parliament to account on the Church of England's relationship with the Communion. Legally, the Church of England cannot be held directly responsible for developments within autonomous provinces, but MPs and temporal peers have held the Second Church Estates

[88] HL Deb 15 October 1985, vol 467, cols 482–83.

[89] ibid.

Commissioner, the Lord Archbishop of Canterbury and the other Lord Bishops accountable vicariously on Communion related issues. This has been on the basis that the Lords Spiritual are not only Church of England bishops, but also bishops of the Communion, who through diocesan links, have direct relationships with other provinces.

THE UK PARLIAMENT, INTERNATIONAL DEVELOPMENT AND THE ANGLICAN COMMUNION

4.6 The United Nations, the World Council of Churches and the Anglican Communion

The Anglican Communion's relationship with the UN may be traced to the League of Nations. The League of Nations created a committee in the 1920s to set a fixed date for Easter.[90] Setting a fixed date for Easter has been enacted through the Easter Act 1928,[91] and the Lords Spiritual have consistently advocated for consensus between the Anglican Communion and other global denominations of Christianity on this issue. The 'Advisory and Technical Committee for Communications and Transit' of the League of Nations included

[90] Kasim Khorasanee, 'The Easter Act 1928: A date with history' (*The Constitution Unit Blog*, 14 April 2017) <https://constitution-unit.com/2017/04/14/the-easter-act-1928-a-date-with-history/> accessed 26 April 2025.

[91] 18 & 19 Geo 5 c 35.

Roman Catholic, Orthodox, and Anglican Communion representatives. The Committee published its report in 1926 and recommended that the date of Easter should be fixed as falling on the Sunday after the second Saturday in April.[92] The Easter Act 1928 sets the date of Easter as the first Sunday after the second Saturday in April. However, the commencement order to bring it into force has never been passed (a type of statutory instrument used to bring into force the whole or part of an Act after the date of Royal Assent).

In the Lords' 1932 debate about the 1928 Act, Archbishop Cosmo Lang of Canterbury informed the House that in 1925, both Houses of Convocation of Canterbury decided that there was no 'dogmatic reason' why the Church of England should oppose a fixed date for Easter, but the Church could not consent to the proposed change unless it was accepted by the other global denominations of world Christianity.[93] In 1929, after the passing of the Easter Act, each House of the Convocation of Canterbury passed a resolution endorsing the terms of the Act. The Archbishop of Canterbury explained that his predecessor, Archbishop Randall Davidson, who also supported a fixed date for Easter, did so on behalf of the Church of England 'after consulting the 250 Bishops from all parts of the world belonging to the Anglican Communion, who were assembled for the Lambeth Conference of 1920.'[94]

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[92] HL Deb 15 March 1932 vol 83, col 837.

[93] ibid.

[94] ibid.

Some decades later, Richard Harries, as the Bishop of Oxford, referred to the 1998 Lambeth Conference and its call across East and West for Christian unity at Easter in the March 1999 Lords' debate on the Easter Act 1928 (Commencement) Bill. The Bill (which was withdrawn on 11 March 1999) set the process for the Easter date. The Bishop of Oxford spoke about Christian denominations worldwide taking new steps to agree a common but not a fixed date for Easter.[95] He explained that British churches would be helped in playing their part in this 'delicate task' if the Easter Act 1928 were not reactivated.[96] The Easter Act would affect only the UK and that would create difficulties for the Church of England and the Roman Catholic Church, which would both continue to observe Easter on the same day as the rest of their 'world communions.'[97] He reminded the House that in the twentieth century churches have 'rediscovered a deep concern for Christian unity. Despite substantial progress towards visible unity, a major stumbling block remains the fact that the Eastern and Western churches calculate the date of Easter in different ways.'[98] This is because of differences in calendars and lunar tables. Since 1582, Western Christians have calculated the date of Easter using the Gregorian calendar, while Eastern Christians have generally continued to use the Julian calendar.[99]

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[95] HL Deb 11 Mar 1999, vol 598, cols 457–58.

[96] ibid.

[97] ibid.

[98] ibid.

The Bishop of Oxford alerted the House that in 2001 the dates of Easter, according to both Eastern and Western Christian calendars, coincide. Chistian denominations were considering a set of proposals that will enable a common date of Easter to be agreed.[100] Churches were being invited to study these proposals in principle with a view to consulting together in 2001.[101] He explained to the House that this was not just a decision of the Church of England, but of the entire Anglican Communion: 'the 1998 Lambeth Conference of all bishops of the Anglican Communion welcomed that initiative, supported the recommendations and invited all the provinces of the Anglican Communion to endorse them.'[102]

Throughout the twentieth and twenty-first centuries, ecumenical partnerships have been a hallmark for the Communion's engagement with the UN. In the June 1992 Lords' debate proposed by the hereditary peer Lord Hylton on the work of the United Nations Relief and Works Agency ("UNRWA") for Palestinian refugees, the then Bishop of St Edmundsbury and Ipswich, John Dennis, explained he was co-chairman of the dialogue between the Anglican Communion and members of the 'indigenous' Oriental Orthodox Churches in the region, which included 'the Copts, the Ethiopians, Syrians and

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[99] HL Deb 11 Mar 1999, vol 598, cols 457–58.

[100] ibid.

[101] ibid.

[102] ibid.

Armenians.'[103] He was firm in his belief that he wanted 'to mention the presence of the Christian Church in that area,' but explained that he was not suggesting that 'relief should go to Christians rather than Muslims or members of any other faith, community or none.'[104] According to Lord Hylton, the presence of Christians from the Oriental Orthodox family of churches is significant, even though Christians make up only 1 per cent of the Palestinian population (Christians make up approximately 15 per cent of the Palestinian population worldwide).[105] He explained that there are also members of other denominations which include the Eastern Orthodox, Roman Catholics and Anglicans.[106] The Christian presence in the area is 'most obvious at the Church of the Holy Sepulchre.'[107] He went on to explain that 'out in the fields, as members of the Middle Eastern Council of Churches' the co-operation of the Oriental Orthodox Church is evident because they are working with UNRWA in the relief work.[108]

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[103] 17 June 1992, vol 538, cols 230–31.

[104] ibid.

[105] ibid. 'World Directory of Minorities and Indigenous Peoples – Palestine: Christians' (*Minority Rights Group International*, May 2018) <https://www.refworld.org/docid/49749cd12.html> accessed 26 April 2025.

[106] ibid.

[107] ibid.

[108] ibid. The Anglican-Oriental Orthodox Commission ("AOOIC") was established in 2001. Its focus has been its work addressing questions of Christology. After a suspension from 2003, the dialogue resumed, with a meeting in the UK in 2013 and in Cairo in 2014. The Cairo meeting saw the signing of the Agreed Statement on Christology. In 2017 the Commission published an Agreed Statement *The Procession and Work of the Holy Spirit.* The Commission is currently working on *Authority in the Church*.

The work of the UN was later highlighted in July 1997 by Harries. He explained that through the World Council of Churches ("WCC") and the Vatican (the Roman Catholic Church has observer status and not full membership), Christianity has been fully supportive of the UN from its inception as an 'effective instrument of human and Christian aspiration,'[109] and that the Communion is 'privileged and glad to be able to have a permanent observer there.'[110]

In the May 2003 Lords' debate on international order, proposed by the Liberal Democrat peer, Baroness Williams of Crosby (who had been the Labour Secretary of State for Education) after the 2003 terrorist attacks in Saudi Arabia (when al-Qaeda militants committed suicide bombings in three residential compounds in eastern Riyadh, inhabited predominantly by western migrants),[111] the then Bishop of Portsmouth, Kenneth Stevenson (who was of Danish heritage and involved in the creation of the Porvoo Communion), made comparisons between the Anglican Communion, the Lutheran World Federation ("LWF") and the Roman Catholic Church.[112] The Bishop of Portsmouth spoke of the role of the churches and faith communities in establishing a new world order. He explained that such religious organisations need to be recognised more fully, as

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[109] HL Deb 29 July 1997, vol 582, cols 144–45.

[110] ibid.

[111] 'Saudi Arabia suicide blasts kill 34' *BBC News* (London, 13 May 2003) <https://news.bbc.co.uk/1/hi/world/middle_east/3021905.stm> accessed 26 April 2025.

[112] HL Deb 14 May 2003, vol 648 col 280.

they are members of already existing international networks that can be forces for stability and change:

> [t]he most obvious is the Roman Catholic Church, with its specific face in the form of the Pope. Others, for good theological and historical reasons, are less personally focused and more dispersed. The Church of England is part of the Anglican Communion, which includes the Church of the Province of South Africa, led by the Archbishop of Cape Town, and the Episcopal Church of the United States of America. The Lutheran World Federation has contributed considerably to post-perestroika recovery in parts of the former Soviet Union, not just the Baltic nations.[113]

In his speech the Bishop of Portsmouth was highlighting the work of Archbishop Desmond Tutu in helping to bring an end to apartheid in South Africa, and the LWF in helping to bring peace and stability to post-soviet Europe after a series of political and economic reforms initiated by Mikhail Gorbachev in the mid-1980s. He was making the point that the two communions are a force for good because they have helped to create a more stable world order.

Currently the Anglican Communion has special consultative status with the UN. This means it is authorised to give feedback, speak out on important topics, or raise questions at UN meetings.[114] In August 2018 Welby was the first

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[113] HL Deb 14 May 2003, vol 648 col 280.

[114] 'Presence at the United Nations' (*Anglican Communion*) <https://www.anglicancommunion.org/mission/at-the-un.aspx> accessed 26 April 2025.

Archbishop of Canterbury to address the UN General Assembly. He opened a debate on the 'Maintenance of International Peace and Security: Mediation and the Peaceful Resolution of Conflicts.'[115]

In areas of conflict and post-conflict, such as in Palestine, the Anglican Communion works closely with ecumenical and interfaith partners. Often, there is significant overlap.[116] In the twenty-first century, the Communion has fully engaged with the UN on international issues, especially those issues related to poverty.

4.7 The UN Millennium Declaration 2000 and the Anglican Communion

There were calls for debt remission for the world's poorest countries at the 1998 Lambeth Conference.[117] Harries explained in 1997 in the Lords that it would be

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[115] 'Archbishop of Canterbury addresses UN Security Council' (*Archbishop of Canterbury*, 29 August 2018) <https://www.archbishopofcanterbury.org/speaking-and-writing/speeches/archbishop-canterbury-addresses-un-security-council> accessed 26 April 2025.

[116] Jack Palmer-White, 'Collaboration between faith and non-faith actors is vital: The Anglican Communion at the UN' (*LSE Religion and Global Society Blog*, 7 November 2018) <https://blogs.lse.ac.uk/religionglobalsociety/2018/11/collaboration-between-faith-and-non-faith-actors-is-vital-the-anglican-communion-at-the-un/> accessed 26 April 2025.

[117] See LC 1998, Res. I.15: International Debt and Economic Justice – (f) [w]e call on the political, corporate and church leaders and people of creditor nations: to accept equal dignity for debtor nations in negotiations over loan agreements and debt relief; to ensure that the legislatures of lending nations are given the power to scrutinise taxpayer subsidised loans; and to devise methods of regular legislative scrutiny that hold to account government-financed creditors, including the multilateral financial institutions, for lending decisions; to introduce into the design of international financial systems mechanisms that will impose discipline on lenders, introduce accountability for bad lending, and challenge corruption effectively, thus preventing future recurrence of debt crises; to introduce measures that will enable debtor nations to trade fairly with creditor nations. Fair trade will allow debtor nations to develop their domestic economies. This in turn will allow them to pay those debts which remain and to take their rightful place in the community of nations; to ensure that each of the OECD

a ‘major theme’ of the conference.[118] After the 1998 conference, in 1999 the then Bishop of Blackburn, Alan Chesters, explained in the Lords that ‘last year's Lambeth Conference of bishops from the worldwide Anglican Communion – many of whom have first-hand experience to bring to our debates – called in a considered resolution for debt remission.’[119] But it was not until Lambeth Conference 2008 that international development became a central focus for Anglican Communion issues in Parliament.[120] Post Lambeth 2008, the focus of Parliament shifted more towards issues related to international relations and development, and how the Communion, as a global faith-based organisation, could work with the UK alongside other NGOs to combat poverty, forced migration, war and conflict, gender-based violence, vaccine distribution and climate change.

Lambeth 2008 happened when the issue of human sexuality dominated the Communion. Many bishops from some of the Communion’s largest provinces (including Nigeria and Uganda), boycotted the 2008 conference and attended the Global Anglican Future Conference (“GAFCON”) in Jerusalem with some other bishops from across the Communion, including North America,

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(Organisation for Economic Co-operation and Development) nations honour their commitment to set aside 0.7% of their GNP for international development.

[118] HL Deb 15 May 1997, vol 580, col 46.

[119] HL Deb 26 April 1999, vol 600, col 86.

[120] The 2008 Lambeth Conference abandoned the plenary process by which resolutions would be discussed and voted on. There were no resolutions passed, and instead bishops engaged in the indaba process whereby bishops met and discussed issues in groups. See Peter John Lee, ‘Indaba as Obedience: A Post Lambeth 2008 Assessment ‘If Someone Offends You, Talk to Him’ (2009) 7(2) *Journal of Anglican Studies* 147.

Oceania and Europe. Amidst this division, the focus of the 2008 conference was on the "real"[121] mission of the Anglican Communion, in an attempt to galvanise the bishops that chose to attend.

Just over a year before the 2008 conference, in his address to bishops from across the Communion at the Towards Effective Anglican Mission Conference in Johannesburg in March 2007, the then Archbishop of Canterbury, Rowan Williams, explained that the UN Millennium Development Goals ("MDGs") provided a key focus for the churches of the Communion amidst ongoing disagreements about human sexuality.[122] The MDGs are eight goals that UN Member States agreed to try to achieve by 2015. The Millennium Declaration, signed in September 2000, committed world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women.[123] In the UK there was cross-party support for the MDGs with all major political parties supporting the increase in aid spending to meet the UN target of 0.7 per cent of Gross National Income, and there was also cross-party support for the work of the Department for International Development ("DFID") was established in 1998 by the New Labour

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[121] Selwyn Mwamba and Musonda Trevor 'The Lambeth Conference 2008 and the Millennium Development Goals: A Botswana Perspective' (2009) 7(2) *Journal of Anglican Studies* 229.

[122] 'Millennium Development Goals are Key Communion Objectives' (*Rowan Williams Archbishop of Canterbury*, 6 March 2007) <http://rowanwilliams.archbishopofcanterbury.org/articles.php/1441/millennium-development-goals-are-key-communion-objectives.html> accessed 26 April 2025.

[123] The MDGs have been superseded by the 17 Sustainable Development Goals. Adopted by world leaders in September 2015, they set out a vision for a world free of poverty, hunger and disease.

Government). There was widespread international support for the MDGs with the UK and Irish "Make Poverty History Campaign" (which included a coalition of charities and churches) calling on G8 governments at their 2005 Gleneagles meeting to commit to $48 billion dollars in aid spending and to cancel debt on some of the poorest countries in the world.

This focus on the MDGs was expressed in the Walk of Witness on 24 July 2008 – when bishops and their spouses from Lambeth 2008, joined by ecumenical and interfaith leaders, walked through Whitehall and Westminster calling for an end of global poverty. At the march, Rowan Williams spoke of the Communion's commitment to the MDGs.[124]

Shortly after the Lambeth Conference and soon after the new parliamentary term had started, in the October 2008 Lords' debate on the MDGs, the then Bishop of Ripon and Leeds, John Packer, alerted the House to the importance of the MDGs to the Communion. He explained that 'in the Anglican Communion, we have been challenged by the Lambeth Conference to pay far more attention to international justice issues.'[125] For the Bishop of Ripon and Leeds, the highlight of the 2008 conference was the day in London when, according to him, the bishops of the Lambeth Conference were affirming their 'pressure on world governments to act in our name to achieve those goals, and

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[124] To read and watch the speech in full see 'Keep the Promise - Millennium Development Goals' (*Rowan Williams Archbishop of Canterbury*, 24 July 2008) <http://rowanwilliams.archbishopofcanterbury.org/articles.php/837/keep-the-promise-millennium-development-goals.html> accessed 26 April 2025.

[125] HL Deb 7 October 2008, vol 704, col 198.

we were immensely encouraged by the Prime Minister's support for those aims.'[126] The Walk of Witness was again highlighted in the December 2008 Lords' debate on the Queen's Speech by the then Bishop of Bath and Wells, Peter Price. He explained that the MDGs were 'a subject on which the Prime Minister addressed the bishops of the Anglican Communion at the Lambeth Conference… Along with the other bishops of the Anglican Communion during the Lambeth Conference, I marched down Whitehall on behalf of those goals.'[127] In his speech at the walk the then Labour Prime Minister, Gordon Brown, called it 'one of the greatest public demonstrations of faith that this great city has ever seen.'[128]

In 2012 the Church of England presented evidence to the International Development Committee on the role of the Communion in fulfilling the MDGs.[129] The Mission and Public Affairs Council ("MPAC") is the body responsible for overseeing research and comment on social and political issues on behalf of the Church.[130] The Council comprises a representative group of bishops, clergy and lay people and reports to the General Synod through the

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[126] HL Deb 7 October 2008, vol 704, col 198.

[127] HL Deb 4 December 2008, vol 706, col 61.

[128] Ibid. To read the speech in full see 'Gordon Brown speech to the Walk for Witness rally 24 July' *Anglican Communion News Service* (London, 25 July 2008) <https://www.anglicannews.org/news/2008/07/gordon-brown-speech-to-the-walk-for-witness-rally-24-july.aspx> accessed 26 April 2025.

[129] International Development Committee, *Post-2015 Development Goals Volume 2. Additional Written Evidence* (2012-13, HC 657) 45–46.

[130] ibid.

Archbishops' Council. In preparing its submission MPAC consulted with the Office of the Archbishop of Canterbury, Church of England dioceses, as well as Anglican mission and development agencies. This reflected the fact that the Church of England is 'part of a worldwide Anglican Communion consisting of some 85 million people in over 165 countries. It recognised that in many parts of the world, but in none so much as in conflict-ridden and fragile states, it is the Church that is the sole provider of basic provisions and services.'[131] In their written evidence, MPAC explained that from the perspective of the Church of England, the MDGs provided a broad narrative within which the Anglican Communion framed development.[132] This narrative animated the Church's networks and its development activities with those around the Anglican Communion. The 2008 Lambeth Conference Walk of Witness was one such example.

MPAC explained that on a day-to-day basis, dioceses, networks and mission agencies have used the MDGs to mobilise parishes and clergy around global justice issues.[133] The companion links between English dioceses and other parts of the Anglican Communion have equipped the Church of England to better understand the MDGs. For the Church of England, the MDGs 'have always been a challenge but they were never formulated as merely

[131] International Development Committee (n 129).

[132] ibid.

[133] ibid.

aspirational… our partners from around the Anglican Communion repeatedly tell us that they hope the post-2015 targets will be challenging but realistic.'[134]

The UK government's progress on the MDGs was debated in the Lords in November 2012. For the Bishop of Bath and Wells the MDGs 'have animated our networks and our relationships around the Anglican Communion, and, on a day-by-day basis, our diocese networks and mission agencies have used the MDGs to mobilise parishes and clergy on global issues.'[135] For the Church of England, the MDGs have been instrumental in strengthening its relations with other provinces in the twenty-first century. These examples appear to be matters of report with no normative effect for Parliament because they did not lead to the UK government implementing direct policies in relation to the Communion. But what they do reveal is how Parliament is holding the Church of England to account as the established Church for its compliance with the MDGs – and how the Church in Parliament is informing the rest of Parliament about the work of the Communion in this field. By bringing the Anglican Communion to Parliament's attention in this way, this could lead, as we will see in the rest of this section, to real international development policy initiatives.

4.8 The UK Government and the Anglican Communion

[134] International Development Committee (n 129).

[135] HL Deb 22 November 2012, vol 740, cols 1948–49.

Under the coalition government, in June 2012 DFID published *Faith partnership principles: Working effectively with faith groups to fight global poverty*[136] in which it outlined how the UK government was working with the Episcopal Church of Sudan in South Sudan through the Basic Services Fund to train teachers and construct schools. Since 2007, the Sudanese Episcopal Church had trained over 1,000 headteachers and constructed ninety classrooms in twenty-two schools. Working together, the Sudanese churches (Episcopal, Roman Catholic and others) built forty-two per cent of all the schools constructed through the Basic Services Fund.[137] The report noted that 'as the largest civil society grouping in South Sudan, the churches' national networks have increased community trust and delivered cost effective services making them key partners for achieving national education goals.'[138]

This example illustrates that the UK government works with the Communion on specific policy issues in international development. The Lords Spiritual have been keen to emphasis their diocese's companion links to other provinces of the Communion as evidence for their understanding of international development. In doing so they have brought insight about how the

[136] Department for International Development, 'Faith partnership principles: Working effectively with faith groups to fight global' (26 June 2012) <https://assets.publishing.service.gov.uk/media/5a78d16ced915d07d35b2ab1/faith-partnership-principles.pdf> accessed 26 April 2025.

[137] ibid.

[138] ibid.

Communion works with the UK government and urged government ministers to take heed of their views in support of international development.

This was first raised in the Lords during the April 2019 debate on anti-corruption measures in aid distribution. The Bishop of Peterborough, Donald Allister, explained that his diocese had 'what the Anglican Communion calls a companion link with a diocese in a very poor area of a very poor African country (Bungoma in Kenya), where corruption is rife at all levels.'[139] The Bishop of Peterborough was able to share his own personal experience of working in this area of international development policy through the companion link his diocese had with an African province.

Bishops' ability to bring their personal experience to the floor of the House was again seen in the September 2020 debate on Aid Spending.[140] The Bishop of Bristol, Vivienne Faull, explained that she had personally seen 'through the Anglican Communion's worldwide partnerships the positive impact that the UK's overseas aid budget had made to alleviating poverty.'[141] The government minister Baroness Sugg responded that like the Bishop of Bristol, she had seen 'first hand the incredible work that church and faith groups do around the world.'[142] Baroness Sugg assured the Bishop of Bristol that the

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[139] HC Deb 2 April 2019, vol 797, col 5GC.

[140] HL Deb 3 September 2020, vol 805, col 351.

[141] HL Deb 6 January 2022, vol 805, col 353–54.

[142] ibid.

UK government will continue to be guided by its responsibilities under the International Development Act 2002,[143] which included a commitment to poverty reduction.

The UK government has been keen to express support for the Communion in international development and has committed to working with the Communion in this policy area. During the February 2022 Lords' debate on the strategy for international development, the Bishop of Chichester, Martin Warner, reminded the House that the Lambeth Conference was due to take place in summer 2022.[144] He explained that 'parishes across England have links through the Communion with international communities where the issues of poverty, conflict and disease are most clearly felt.'[145] He reminded the House that 'bishops from the Anglican Communion gather for the Lambeth Conference this summer' and outlined the main ways in which the UK can work with the Anglican Communion in this area. Firstly, 'the ways in which human rights are trampled on, particularly in the context of persecution of people for their faith – both Christian and other faiths,' and secondly, 'the use of opportunities for partnership with the Anglian Communion in that strategy.'[146] The government

[143] Part 2 of the International Development Act 2002 makes provision about international financial institutions of various kinds. Section 11 deals with the case where the UK government has undertaken obligations to make payments to multilateral development banks. The section makes provision for payments of initial subscriptions and contributions to the capital stock of the bank as well as further payments required to be made by members of the bank.

[144] HL Deb 8 February 2022, vol 818, cols 1393–94.

[145] ibid.

[146] ibid.

minister for international development, Lord Goldsmith, responded by explaining that the UK government is 'committed to working in partnership with a whole range of civil society organisations' and that he is 'very keen to hear the examples the right reverend Prelate cited and very happy to have that discussion on the specifics.'[147] The Bishop of Chichester was able to use the experience he had gained through his dioceses' companion link to leverage UK government support and secure a meeting with a government minister to discuss how the UK can help alleviate poverty throughout the Communion.

Diocesan links were raised again by the Bishop of Leeds, Nick Baines, in a debate about Sudan.[148] The Foreign, Commonwealth and Development Office minister, Lord Collins, explained that what began as a power struggle between military factions escalated into a 'protracted war and a humanitarian catastrophe.'[149] The Bishop of Leeds alerted the House that his diocese has a 'nearly half a century of strong relationships with the Episcopal Church of Sudan.'[150] And Welby explained that 'the Anglican Communion has its largest percentage of members, and through government and the long experience we have of understanding issues there.'[151] Lord Collins recognised the contribution

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[147] HL Deb 8 February 2022, vol 818, cols 1393–94.

[148] Simon Walsh, 'Archbishop Welby in Sudan debate calls for joined-up approach to peace-making' *Church Times* (London, 16 September 2024) <https://www.churchtimes.co.uk/articles/2024/20-september/news/uk/welby-in-sudan-debate-calls-for-joined-up-approach-to-peacemaking> accessed 26 February 2024.

[149] HL Deb 13 September 2024, vol 839, 1771.

[150] ibid.

[151] ibid.

of the Communion: 'I very much welcome the ongoing advocacy and tireless efforts of the most reverend Primate the Archbishop of Canterbury… the United Kingdom recognises the important role of local Sudanese faith-based actors in advocating for an end to this senseless violence and for a peaceful future for the Sudanese people.'[152]

4.9 Peace, Reconciliation and the Anglican Communion

The Lords Spiritual have not only advocated for the Communion in Parliament to garner UK government support for its mission in alleviating international poverty, but have also encouraged the UK government to use the Communion as an instrument of peace building on the global stage. In December 2014 Welby moved a Motion that the House Takes Note of the role of soft power and non-military options in conflict prevention. Welby explained his experience since April 2013 of travelling to all the other provinces of the Communion.[153] He informed the House that in provinces hit by war and/or economic underdevelopment there is 'a great desire for British presence in trade and investment as well as presence and engagement in other ways.'[154] He reminded the House of the credibility of the 'BBC and the British Council, the Commonwealth and the extraordinary collaborative, autonomous but

[152] HL Deb 13 September 2024, vol 839, col 1816.

[153] HL Deb 5 Dec 2014, vol 757, cols 1513–67.

[154] ibid.

interdependent networks of the Anglican Communion, provide unrivalled networks for conflict mitigation.'[155] And alerted the House to the presence of the Anglican Communion globally, which is 'consistently at the forefront of conflict prevention, above all currently in the Great Lakes of Africa, South Sudan and the Central African Republic.'[156]

In the June 2004 Lords' debate on reports of escalating violence in Plateau State Nigeria in which more than 53,000 people were killed during three years of sectarian violence,[157] the then Bishop of Manchester, Nigel McCulloch, informed the House that 'there are more active Anglicans in Nigeria than in any other country of the Anglican Communion.'[158] He asked the government minister if the Anglican Church in Nigeria was among the interested parties with which the government were in contact.[159] Baroness Crawley responded that the UK government was in touch with the churches and supported the Coventry Cathedral project on reconciliation in the Plateau State.[160] Similarly, twelve years later in the July 2016 Lords' debate on the situation in Sudan following military offensives and aerial bombardments by the government of Sudan in the

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[155] HL Deb 5 Dec 2014, vol 757, cols 1513–67.

[156] ibid.

[157] 'Plateau state violence claimed 53,000 lives – report' *The New Humanitarian* (Geneva, 8 October 2004) <https://www.thenewhumanitarian.org/news/2004/10/08/plateau-state-violence-claimed-53000-lives-report> accessed 26 April 2025.

[158] HL Deb 9 June 2004, vol 662, col 257.

[159] ibid.

[160] ibid.

South, the then Bishop of Salisbury, Nicholas Holtam, highlighted the bombing in the Nuba mountains,[161] where Episcopal schools had been repeatedly destroyed. He went on to explain that his own diocese has a link with South Sudan that went back more than forty years, and he was visiting with a delegation from the Communion.[162] The Bishop of Salisbury asked the government minister how it intended to continue to provide leadership in relation to this continuing crisis.[163] Baroness Anelay explained that its commitment to international humanitarian aid was 'undimmed and they were looking to see how it could be strengthened further.'[164]

There has also been one example in which a temporal peer has held the UK government to account for its record of engagement with the Communion. In the February 2017 debate on the how the government intended to respond to the unfolding famine in South Sudan,[165] the crossbench peer, Baroness Cox, explained to the House that people were already dying in large numbers in remote areas, and that the Episcopal bishop of the Diocese of Wau in Bahr-El-Ghazal had to borrow money to buy food to save lives.[166] Baroness Cox

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[161] 'Sudan: Cluster Bombs Used in Nuba Mountains' *Human Rights Watch* (New York, 15 April 2015) <https://www.hrw.org/news/2015/04/15/sudan-cluster-bombs-used-nuba-mountains> accessed 26 April 2025.

[162] HL Deb 6 July 2006, vol 773, cols 2004–05.

[163] ibid.

[164] HL Deb 6 July 2006, vol 773, cols 2004–05.

[165] UNICEF, 'Famine hits parts of South Sudan' (Press Release, 20 February 2017) <https://www.unicef.org/press-releases/famine-hits-parts-south-sudan> accessed 26 April 2025.

explained that the bishop informed her that he could not access DfID funding because the requirements were too bureaucratic and complex.[167] Baroness Cox asked the government minister: 'what can be done to ensure that food reaches people in remote areas.'[168] The government minister, Lord Bates, explained that he was planning to meet with Welby, the former Archbishop of Canterbury Lord Carey, and the Anglican international aid workers to see what more could be done. Lord Bates acknowledged that 'the Anglican Communion can be a real instrument for peacebuilding in that part of the world. We [the UK government] want to do whatever we can to help it.'[169] The UK government, persuaded by the advocacy of the Lords Spiritual (and one temporal peer) has recognised the important and practical role the Communion can play in helping to build peace and reconciliation in conflict and post-conflict zones.

4.10 Forced Migration and the Anglican Communion

This theme of using the Communion as an instrument for a safer international world order, can be seen in the contributions made by the Lords Spiritual to debates on forced migration. In the July 2015 Lords' debate on government proposals for support for Italy and Greece in their efforts to assist people

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[166] HL Deb 8 April 2023, vol 776, col 413.

[167] ibid.

[168] ibid.

[169] ibid.

trafficked across the Mediterranean from North Africa and the Middle East,[170] the then Bishop of Portsmouth, Christopher Foster, asked the government minister whether he was aware of the practical support being given in welcome and support for displaced people by the British community.[171] He highlighted to the House that British people were working in partnership with ecumenical colleagues in the country and were supported by many churches in the UK, donors and the Communion throughout the world, and that the work was focused on the Anglican Church in Athens.[172] The Bishop of Portsmouth asked the government for an assurance of the government's support for that work.[173] Lord Bates explained that he was very happy to give the government's support and that what the Church was doing 'is to be applauded.'[174]

The Lords Spiritual have also shared communication they have had with other dioceses in the Communion to help shed light on UK government policy. In January 2018 the Lords debated the UK government's support for the Greek government, the United Nations High Commissioner for Refugees ("UNHCR") and other NGOs. During this debate the challenges of the winter weather for migrants and refugees stranded on Greek islands were highlighted by the Bishop

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[170] William Spindler, '2015: The year of Europe's refugee crisis' (UNHCR, 8 December 2015) <https://www.unhcr.org/uk/news/stories/2015-year-europes-refugee-crisis> accessed 26 April 2025.

[171] HL Deb 14 July 2015, vol 764, col 457.

[172] ibid.

[173] ibid.

[174] ibid.

of Durham, Paul Butler, who alerted the House about what he had heard from the Diocese in Europe: 'our colleagues in the Anglican Communion in Europe have noted that applications made for family members in Greece to come to this country are currently taking well over a year and that the processes have, sadly, slowed in the past 18 months.'[175] Lord Bates explained that the government were talking about tens of thousands of refugees from Greece but that there were also 5.4 million refugees from Syria and 6.1 million internally displaced people.[176] He reassured the Bishop of Durham that because of the scale of the international problem, the UK government were donating £2.46 billion to help alleviate the global refugee crisis.[177]

Welby's concern for the plight of refugees was raised in the Lords' June 2023 debate on the Illegal Migration Bill[178] (which came into force as the Illegal Migration Act 2023). The then Conservative government introduced the Bill with the aim of stopping small boats from crossing the English Channel. During the fifth day of its Committee Stage in the Lords, Welby proposed amendments to the Bill that would have forced the government to develop a 10-year plan to tackle the refugee crisis and human trafficking. In proposing the amendments (which he eventually withdrew) Welby explained that 'the Anglican Communion has a helpful perspective here, as it is present in 165 countries

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[175] HL Deb, 14 June 2023, vol 830, cols 2069–70.

[176] ibid.

[177] ibid.

[178] HL Bill (2022-23) [133].

around the world. There are Anglicans and other people of faith present in both source and destination countries for migration and trafficking.'[179] He alerted the House to the work of the Anglican Alliance since 2014, 'which has been working on these issues in partnership with the Salvation Army, Caritas Internationalis and the Clewer Initiative.'[180] Welby was keen to emphasis the usefulness of the Communion in tackling this global problem: 'the global reach and connectedness of the Anglican Communion allows us to connect up work that is going on upstream and downstream in the supply chain, to help to ensure that migration happens safely and to prevent trafficking and other forms of exploitation.'[181] In considering the experience of the Communion, Welby advised the government that to tackle the refugee crisis the UK government needed to collaborate with international partners like the Anglican Communion for security and intelligence sharing.

These speeches do not only represent the personal views of the Lord Bishops that spoke on this issue. They reflect the General Synod's support for the Church of England's work in England to help the resettlement of refugees[182] and the Communion's advocacy for refugees in international forums such as the

[179] HL Deb, 14 June 2023, vol 830, cols 2069–70.

[180] ibid.

[181] ibid.

[182] See Church of England, 'General Synod backs work to help vulnerable refugees' (Press Release, 25 November 2015) <https://www.churchofengland.org/media/press-releases/general-synod-backs-work-help-vulnerable-refugees> accessed 26 April 2025.

UN.[183] Therefore, the Lords Spiritual are not only reflecting the views of the Church of England in their contributions to the House, but also the work of the Communion as an international faith-based organisation with observer status at the UN.

4.11 Gender-based violence and the Anglican Communion

One of the major issues the Communion has focused on as part of its mission, has been the eradication of gender-based violence against women and girls – and in Parliament the Lords Spiritual have advocated for this cause. The Communion has run several initiatives in its campaign of Ending and Preventing Gender Based Violence.[184] In February 2014 the General Synod approved the motion moved by Philip Fletcher, the Chair of the Mission and Public Affairs Council ("MPAC"), to act further to combat gender-based violence. The approved motion commended ACC-Res 15.7 on 'preventing and eliminating gender-based violence to dioceses, deaneries and parishes and urge them to seek practical approaches to its implementation.'[185]

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[183] 'Refugee and Migration Crisis' (*Anglican Communion*) <https://www.anglicancommunion.org/mission/at-the-un/refugee-and-migration-crisis.aspx> accessed 26 April 2025.

[184] 'Ending and Preventing Gender Based Violence' (*Anglican Communion*) <https://www.anglicancommunion.org/mission/gender-justice/ending-and-preventing-gender-based-violence.aspx> accessed 26 April 2025.

[185] 'England's Synod affirms work to combat gender violence' *Anglican Communion News Service* (London 10 February 2014) <https://www.anglicannews.org/news/2014/02/englands-synod-affirms-work-to-combat-gender-violence.aspx> accessed 26 April 2025.

During the January 2019 Lords' debate on what steps the UK government were taking to support adolescent girls in fragile and conflict-affected countries, the Bishop of Gloucester, Rachel Treweek, explained that in responding to the challenges of violence and education, 'non-state actors can be effective local partners', she highlighted the 'work being done in partnership with churches throughout the Anglican Communion' and explained that 'she would be interested to hear the minister's thoughts on how these sorts of relationships might be better developed.'[186] The Bishop of Gloucester asked the government minister, the Earl of Courtown, whether the issue of violence against girls would be discussed at the upcoming International Preventing Sexual Violence in Conflict Initiative ("PSVI") Conference,[187] which was to take place in November 2022. The Earl of Courtown reassured the Bishop of Gloucester and confirmed that the conference 'will take a survivor-centered approach, ensuring that the needs, concerns and priorities of all survivors – women, men, boys and girls – are discussed and addressed.'[188]

In the June 2022 Lords' debate, the Bishop of Guildford, Andrew Watson, highlighted the significance of this issue for the Communion and explained that 'gender-based violence has been a major theme in our discussions

[186] HL Deb 8 January 2019, vol 794, col 2197–2206.

[187] In 2012 the UK government launched the Preventing Sexual Violence in Conflict Initiative, a cross-departmental initiative led by the Foreign and Commonwealth Office. A new strategy for preventing sexual violence in conflict was launched in 2022.

[188] HL Deb 8 January 2019, vol 794, col 2197–2206.

across the Anglican Communion, from a wide range of cultures.'[189] He went on to explain that many international communities look to the UK to lead in this area. He reminded the House that the former Prime Minister, David Cameron, originally signed up to the Istanbul Convention on Preventing and Combating Violence Against Women and asked the government minister: 'why has that decision not been ratified by subsequent governments, putting us in the small company of Bulgaria, Hungary, and a few smaller eastern European nations?'[190] The Bishop of Guildford was correct in highlighting that the UK signed the Istanbul Convention in 2012. In response, the government minister Lord Bellamy (who served as the Parliamentary Under-secretary of State in the Ministry of Justice), said that the UK was at the point of ratifying the Istanbul Convention, and he would write to the Bishop of Guildford to confirm this.[191] On the issue of gender-based violence the Bishop of Guildford was able to secure written confirmation from a government minister on a policy that is part of the Communion's global mission.

4.12 Covid-19 and the Anglican Communion

[189] HL Deb 28 June 2022, vol 823, col 580.

[191] On 17 May 2022, Priti Patel MP announced that the UK's laws were compliant with the treaty which the government intended to ratify. The House of Lords International Agreements Committee welcomed the ratification but expressed concern about two reservations the UK wished to make from the treaty.

Another issue which disproportionately affects the Anglican Communion is vaccine distribution in the developing world, especially in the Global South. In an interview given to the CNN, speaking to Christiane Amanpour, Welby warned against reducing spending on international development at a time when the pandemic and its effects 'are hitting the poorest the hardest.'[192] Welby explained that the UK government's commitment to spending 0.7 per cent of gross national income on international development was 'one of the great moral and ethical achievements of this country, and cross-party, over the last ten years,' and he urged the UK government to maintain this record.[193] He said this was crucial so that the vaccine could be distributed amongst the poorest countries in the world and reiterated the Communion's commitment to helping with the vaccine distribution. He said that the Communion was working with the Gates Foundation, and the Roman Catholic Church was doing the same.

At the Anglican Communion Standing Committee (which took place at Saint Andrew's House and Lambeth Palace between 27-29 September 2022) the ACC reiterated the call for a new Anglican Health and Community Network which was made at the ACC-17 meeting in Hong Kong in 2019 – before the

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[192] To read the interview transcript see 'Archbishop urges UK government to keep its promise to the world's poorest' (*The Archbishop of Canterbury*, 32 November 2020) <https://www.archbishopofcanterbury.org/news/news-and-statements/archbishop-urges-uk-government-keep-its-promise-worlds-poorest> accessed 26 April 2025. To watch the interview, see 'Archbishop of Canterbury: UK aid cuts fuel Covid' (CNN Videos, 23 November 2020) <https://edition.cnn.com/videos/tv/2020/11/23/archbishop-of-canterbury-justin-welby-foreign-aid-cuts-uk-aman.cnn> accessed 26 April 2025.

[193] ibid.

pandemic.[194] The Anglican Health and Community Network held successful online international seminars on the role of faith leaders in tackling "fake-news" about covid vaccines. During the 2022 Lambeth Conference, seventy bishops and spouses signed up to join the Network.[195]

In a written question submitted to the Foreign, Commonwealth and Development Office in December 2020, the Bishop of St Albans, Alan Smith, following the communiqué from the November 2020 Primates' Meeting about equitable covid-19 vaccine access, asked the government minister what measures they had put in place to ensure that people living in the least economically developed countries have access to the vaccine.[196] In the communiqué the primates called for 'the equitable roll out of anticipated covid-19 vaccines, to prioritise health workers and the most vulnerable first in a highly politicised world,'[197] the primates also met with the World Health Organisation ("WHO") to discuss vaccine roll out and how the Communion was working with NGOs in the roll-out.[198] The Anglican Alliance was the most crucial NGO

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[194] Report of the Standing Committee, 'Report into a meeting of the Anglican Communion Standing Committee' (Saint Andrew's House and Lambeth Palace, 27-29 September 2022) <https://www.anglicancommunion.org/media/488629/220930_rpt-standing-committee-mtg.pdf> accessed 26 April 2025.

[195] ibid.

[196] Lord Bishop of St Albans, 'Coronavirus: Vaccination: Written question – HL11697' (30 December 2020).

[197] To read the Communiqué in full see The Primates' Meeting, *Communiqué from the Primates' Meeting, November 2020* (6 November 2020) <https://www.anglicancommunion.org/media/422226/2011-pm-communique_en.pdf> accessed 26 April 2025.

[198] 'Anglican leaders in call for "equitable" global access to Covid-19 vaccines after online meeting' *Anglican Communion News Service* (London, 12 November 2020)

working with the Communion to advance the vaccine roll-out.[199] Lord Ahmad responded in January 2021 and explained that the UK government is committed to '…support access to COVID-19 vaccines for up to ninety-two developing countries by contributing to the supply of one billion doses in 2021, and vaccinations for up to 500 million people.'[200] On the same day the Bishop of St Albans submitted another written question to the government on the same issue. He asked the government, further to the communiqué, what plans they have to use global faith-based organisations to encourage the distribution and uptake of the Covid-19 vaccine.[201] Lord Ahmad responded again in January 2021 that Gavi (the Vaccine Alliance) and its partners plan to partner with faith-based organisations, including working with religious leaders, to provide accurate and transparent information on covid-19 vaccines, and encourage the distribution and uptake of the vaccine when rolled-out.[202] The Bishop of St Albans, prompted by the Primates' Meeting, made sure that he encouraged the UK government to work with the Anglican Communion as a global faith-based organisation in the distribution of the covid vaccine in the developing world.

<https://www.anglicannews.org/news/2020/11/global-anglican-leaders-call-for-%E2%80%9Cequitable%E2%80%9D-covid-19-vaccine-roll-out-to-world%E2%80%99s-vulnerable.aspx> (accessed 26 April 2025).

[199] 'How the Anglican Alliance supported the Communion in responding to the pandemic' (*Anglican Alliance*) <https://anglicanalliance.org/how-the-anglican-alliance-supported-the-communion-in-responding-to-the-pandemic> accessed 26 April 2025.

[200] Lord Bishop of St Albans, 'Coronavirus: Vaccination: HL Written Question – HL11697' (30 December 2020).

[201] Lord Bishop of St Albans, 'Coronavirus: Vaccination: Written question – HL11698' (30 December 2020).

[202] ibid.

Partnerships were set-up through Gavi's COVAX Advance Market Commitment programme which funded 'demand-generation and confidence activities' via community and faith networks, and through Communion-level initiatives led by the Anglican Alliance and the Health & Community Network, which convened regional calls to equip local church leaders in India, Brazil, South Sudan, DRC, and Central Africa to address vaccine rollout and confidence.[203]

The Lords Spiritual advocacy for the Anglican Communion as an instrument for vaccine distribution was raised again at the end of 2021. In December 2021 the Bishop of St Albans asked the government minister, Lord Sharpe, what steps the UK government was taking to support vaccination programmes in developing countries following the emergence of the Omicron variant.[204] The Bishop of St Albans asked Lord Sharpe if he was 'aware that the Anglican Communion is working hard with local leaders in grass-roots churches right across Africa and parts of Asia on overcoming vaccine hesitation.'[205] And if the UK government would be willing to meet some of the Communion team to understand how these programmes could be rolled out faster.[206] Lord Sharpe

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[203] See Tim Robinson, 'Government support for non-governmental organisations and churches in developing nations during the covid-19 pandemic' (House of Commons Library, 23 March 2021 Debate Pack CDP 050) <https://researchbriefings.files.parliament.uk/documents/CDP-2021-0050/CDP-2021-0050.pdf> accessed 26 April 2025.

[204] HL Deb 2 December 2021, vol 816 cols 1453–54.

[205] ibid.

[206] ibid.

responded: 'I pay tribute to the Church for the extensive work it does on both Covid and other diseases, in particular in Africa, and of course we would be more than happy to meet and talk about this.'[207] On this occasion, the Bishop of St Albans was able to secure a meeting with the government minister to further discuss this issue.

A few days later Baroness Sugg asked the government how many of the 100 million vaccines they had committed to donate to the rest of the world had been delivered.[208] Lord Ahmad responded that the UK delivered over 21.2 million doses to recipient countries. The Bishop of Leeds reminded the House that 'it is not just a matter of quantity, supply and logistics but, as the minister indicated, of vaccine hesitancy.'[209] He asked the government minister what consideration the government had 'given to working with partners such as the Anglican Communion, which is well placed at local level to work with local leaders to use the right language and to persuade local people to take the vaccines?'[210] Lord Ahmad responded by explaining that he is a 'strong supporter' of the Anglican Communion and other faith-based institutions in different countries as 'key partners on not just vaccine issues but civil society issues.'[211] He assured the Bishop of Leeds that the UK government is working

[207] HL Deb 2 December 2021, vol 816 cols 1453–54.

[208] HL Deb 14 December 2021, vol 817, cols 132–33.

[209] ibid.

[210] HL Deb 14 December 2021, vol 817, col 2110.

[211] ibid.

with the Anglican Communion and other faith communities to tackle vaccine hesitancy, and that vaccine hesitancy was experienced in the UK, and the churches and other faith groups like the Anglican Communion played a 'sterling role in ensuring that it could be overcome.'[212]

In another December 2021 Lords' debate on the government's plan to announce a new international development strategy for 2022, the Bishop of St Albans explained that vaccine hesitancy is an issue that the Anglican Communion is working on.[213] He explained that the pandemic will likely go on for several more years, and that the 'Anglican Communion are seeking to work with our overseas links' to provide 'teaching materials in local languages, led by local community leaders, to try to overcome vaccine hesitancy.'[214] What these parliamentary exchanges on vaccine hesitancy show, is that the UK government recognises the important role the Anglican Communion can play not just in the logistical distribution of the vaccine across the developing world, but its ability, as a faith-based organisation, in changing people's attitudes towards the vaccine. Whilst there has been no quantitative data collected to measure the extent to which Anglicans and Episcopalians throughout the Communion changed their attitudes towards the vaccine, a study on the role of religion and Covid-19 vaccine uptake in England shows that respondents who identify as part of the Church of England have had significantly more Covid-19

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[212] HL Deb 14 December 2021, vol 817, col 2110.

[213] HL Deb 16 December 2021, vol 817, col 457.

[214] ibid.

vaccinations.[215] Conversely, Pentecostal and Evangelical Christians and Muslims have had significantly fewer Covid-19 vaccinations. Whilst it is true that Anglicans in England live in a radically different context to the average Anglican or Episcopalian in the continent of Africa, this is an important point, because in many provinces of the Communion, Anglicans or Episcopalians live alongside Pentecostal Christians and Muslims.

The unique ability of the Communion to help with both the logistical distribution of the vaccine and the issue of vaccine hesitancy was summed up in the January 2022 Lords' debate on vaccine distribution in developing countries. During this debate Lord Ahmad responded to a question asked by the Conservative peer Baroness Blackwood, who asked what steps the Government were taking with the COVAX programme[216] and other programmes to improve uptake of the vaccine.[217] Lord Ahmad explained that the issue of vaccine distribution was not just about supply, but was also about distribution, infrastructure and vaccine hesitancy.[218] He went on to say that the UK government was working closely with UNICEF and other NGOs on the ground, and recently 'met the Anglican Communion to see what its network can do.'[219]

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[215] Ejnar Hansen, Martin Steven and David Pickering, 'The role of religion and COVID-19 vaccine uptake in England' (2024) 42(13) *Vaccine* 3215.

[216] During the COVID-19 pandemic, COVAX aimed to accelerate the development and manufacture of COVID-19 vaccines and to guarantee fair and equitable access for every country in the world. COVAX ended on 31 December 2023.

[217] HL Deb 6 January 2022, vol 817, col 860.

[218] ibid.

[219] ibid.

He explained that he will be convening a meeting of faith NGOs to ensure that the UK Government 'can leverage the networks they have across the world.'[220] What this subsection has evidenced is that by January 2022 the repeated advocacy of the Lords Spiritual was successful, with the government minister responsible for this policy area confirming in Parliament that the UK government had met with the Anglican Communion, alongside UNICEF, and other NGOs, to discuss its strategy for vaccine distribution.

4.13 Gaza and the Anglican Communion

With the ongoing conflict in Gaza, the Church in Parliament has consistently advocated for the people of Gaza, and emphasised the role the Anglican Communion has played in providing humanitarian support. In October 2023 Welby alerted the Lords to the work of the Episcopal Diocese of Jerusalem following the destruction of the Episcopal run al-Ahli Hospital on 17 October 2023.[221] Welby brought to the attention of the House the work of the 'Anglican Archbishop Hosam Naoum… as he spoke of the need for peace and reconciliation.'[222] The role of the Episcopal Diocese was recognised by Lord

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[220] HL Deb 6 January 2022, vol 817, col 860.

[221] Francis Martin, 'Archbishop in Jerusalem: Strike on Anglican hospital in Gaza is 'crime against humanity' *Church Times* (London, 18 October 2023) <https://www.churchtimes.co.uk/articles/2023/20-october/news/world/archbishop-in-jerusalem-strike-on-anglican-hospital-in-gaza-is-crime-against-humanity> accessed 26 April 2025.

[222] HL Deb 24 October 2023, vol 833, col 524.

Ahmad: 'I know I speak for the whole House when I say to him that, when we saw the tragedy unfold at the al-Ahli Arab Hospital, we all recognised its particular link to the Anglican Communion.'[223]

This issue was raised again in the Commons in May 2024 by the Labour MP, Rachel Maskell, who asked Selous what steps the Church is taking to provide support for the people in Gaza. Selous explained that 'the Diocese of Jerusalem and the worldwide Anglican Communion continue to support financially the al-Ahli Anglican Hospital in Gaza City.'[224] In response Maskell asked Selous how the Church of England is using its soft power to bring peace to the people in Gaza.[225] Selous informed the House that Welby had visited in October 2023, and the Bishop of Chelmsford had recently visited and reassured the House that 'the worldwide Anglican Communion, as well as the Church of England, will absolutely continue to play its part.'[226]

What we have witnessed in this section is the Anglican Communion and the UK government working together on shared policy initiatives, and the UK government recognising the positive contribution the Communion is making in helping to build a more just and peaceful world. In the next section, there is a shift in tone, with the government and the rest of Parliament at loggerheads with

[223] HL Deb 24 October 2023, vol 833, col 602.

[224] HC Deb 23 May 2024, vol 750, col 1022.

[225] ibid.

[226] ibid.

the Church in Parliament when it comes to the issue of human sexuality in the Communion. Whist this section highlighted collaboration and unity; the next section will highlight disjunction.

THE UK PARLIAMENT, HUMAN SEXUALITY AND THE ANGLICAN COMMUNION

4.14 Parliament, Human Sexuality and the Anglican Communion

The decision to allow same-sex couples to marry has been the most significant decision taken by Parliament in relation to human sexuality in recent times. But the sharp divisions on human sexuality which have dogged the Communion have penetrated parliamentary debates across a range of issues related to human sexuality. In the 2004 Lords' debate on the findings of the Select Committee on Religious Offences, the then Bishop of St Edmundsbury and Ipswich, Richard Lewis, remarked: '… [based on] my own experience of the last years on the debate on [human] sexuality and the Anglican Communion, it is difficult enough to find a consensus in one religious system. Never mind finding an inter-faith consensus.'[227] He went on remark how his postbag was full of letters from members of the public expressing strong views about the way the Church of England had dealt with this issue.

[227] HL Deb 22 April 2004, vol 660, col 454.

In 2013 Parliament considered the Marriage (Same Sex Couples) Bill,[228] the Lords Spiritual spoke and voted en bloc in opposition to the Bill, and supported a wrecking amendment at its Second Reading. The Lords Spiritual made sure they were not out on a "theological limb" with those bishops of the Communion who are opposed to same-sex relationships, but their vociferous opposition to the Bill meant that they were out on a moral and cultural limb with the rest of Parliament and the British public. But of course, the Lords Spiritual failed in their attempts to stop the Bill, and the Marriage (Same Sex Couples) Act 2013 (hereafter referred to as "the Same Sex Marriage Act") was passed with an overwhelming majority in both Houses.

When Parliament passed the Women Bishops Measure the Lords Spiritual fought for exemptions under the Equality Act. In this section we will consider how the Lords Spiritual went a step further and tried to stop same-sex marriage being legalised in the UK. We will also see that the attitudes towards human sexuality held by some bishops throughout the Communion opposed to same-sex relationships, have shaped the responses given by the different MPs who have held the office of Second Church Estates Commissioner. The Lords Spiritual, in fierce opposition to the rest of Parliament, sought to defend not only the doctrinal position of the Church of England on marriage as found in its canons and liturgy, but also resolution I.10 of the 1998 Lambeth Conference.

[228] HL Bill (2013-14) [29].

4.15 Resolution I.10 of the Lambeth Conference 1998

Resolution I.10 of the 1998 Lambeth Conference affirmed marriage as a union between man and woman, that abstinence is right for people with homosexual orientation, and that the church cannot bless same-sex unions.[229] This resolution reflected the views of the majority of the gathered bishops at the 1998 Lambeth Conference. It followed on from earlier debates at the 1978 Lambeth Conference which stipulated that in the proceeding decade there was a need for 'deep and dispassionate study of the question of homosexuality, which would take seriously both the teaching of Scripture and the results of scientific and medical research'; this was reaffirmed by the 1988 Lambeth Conference resolution 64.[230]

The 2008 Lambeth Conference did not pass any resolutions and instead implemented the *indaba* process based on a Zulu form of conflict resolution and published reflections; similarly, the 2022 Lambeth Conference published documents titled 'Lambeth Calls' which contained declarations and affirmations rather than resolutions. The plenary session called the 'Lambeth Call on Human Dignity' discussed the issue of human sexuality. The drafting group was led by the Archbishop of the West Indies, Howard Gregory. Before

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[229] LC 1998, Res. I.10 (b): in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage.

[230] LC 1988, Res. 64 (1): [r]eaffirms the statement of the Lambeth Conference of 1978 on homosexuality, recognising the continuing need in the next decade for "deep and dispassionate study of the question of homosexuality, which would take seriously both the teaching of Scripture and the results of scientific and medical research."

the conference, Welby wrote to all the bishops 'to affirm that the validity of the resolution passed at the Lambeth Conference 1998, I.10 was not in doubt and that whole resolution was still in existence.'[231] Paragraph 2.3 of the *Lambeth Call on Human Dignity* stated that 'many Provinces continue to affirm that same gender marriage is not permissible. Lambeth Resolution I.10 (1998) states that the "legitimizing or blessing of same sex unions" cannot be advised.' The Call did recognise that there is disagreement, and that the bishops 'remain committed to listening and walking together to the maximum possible degree.'[232]

The then Presiding Bishop and Primate of the American Episcopal Church, Michael Curry, welcomed the Call explaining that for the 'first time a document in the Anglican Communion has recognised that there is a plurality of views on marriage.'[233] But he and five other primates (from Scotland, Wales, Brazil, Canada and Aotearoa, New Zealand and Polynesia) along with other bishops from those provinces, signed a statement that sought to affirm and celebrate LGBTQI+ people.[234]

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[231] 'Letter from the Archbishop of Canterbury to the Bishops of the Anglican Communion' (*The Archbishop of Canterbury,* 2 August 2022) <https://www.archbishopofcanterbury.org/news/news-and-statements/letter-archbishop-canterbury-bishops-anglican-communion> accessed 26 April 2025.

[233] David Paulsen, 'Archbishop of Canterbury's remarks on human dignity lift up traditional and progressive marriage beliefs' *Episcopal New Service* (New York, 2 August 2022) <https://www.episcopalnewsservice.org/2022/08/02/at-lambeth-conservative-bishops-work-the-sidelines-to-reaffirm-majority-opposition-to-same-sex-marriage/> accessed 26 April 2025.

[234] 'Statement from Anglican bishops and primates who are keen to affirm and celebrate LGBT+ people' (2 August 2022) <https://drive.google.com/file/d/1tj1jSLPCOgJ1OFBw6LXX51ZIiFI2HCuF/view?usp=sharing> accessed 26 April 2025.

4.16 The Anglican Communion and the Civil Partnership Act 2004

The Conservative peer, the late Baroness O'Cathain (who was on the conservative evangelical wing of the Church of England) referred to resolution I.10 when she was responding to the Bishop Richard Harries of Oxford's endorsement of the Civil Partnership Bill[235] during the Bill's Grand Committee stage in the Lords in May 2004:

> [t]hose within the Anglican Communion, such as the right reverend Prelate the Bishop of Oxford, who advocate homosexual partnership ceremonies in church, are very much out on a theological limb regarding the Anglican Church worldwide… The 1998 Lambeth conference passed a clear resolution, by 526 bishops to 70, stating that it, "cannot advise the legitimising or blessing of same sex unions" … it rejected homosexual practice as "incompatible with scripture."[236]

Baroness O'Cathain, a temporal peer, used a nonjuridical Lambeth Conference resolution to try to persuade Parliament that the position taken by a Lord Spiritual on a Bill related to human sexuality was inconsistent with the position taken by the majority of gathered Anglican and Episcopal bishops at the 1998 Lambeth Conference. For Baroness O'Cathain, this represented (what the

[235] HL Bill (2003-04) [53].

[236] HL Deb 12 May 2004, vol 661, cols GC136–37.

Virginia Report referred to as) 'the mind of the Communion.'[237] The Bishop of Oxford was, according to her, out on a "theological limb" with the rest of the Communion on this issue.

Baroness O'Cathain went on to explain that societal attitudes towards homosexuality in the West were (and are still) not shared by most people in the Anglican Communion: 'there are more Anglicans in each of the provinces of Kenya, Uganda and Tanzania, for example, than in the whole of the United States, Canada and Britain put together.'[238] Baroness O'Cathain's assertions may be true, but it is important to note that she did not produce any evidence during the debate to support her claims, and there is currently no evidence that tells us what social attitudes towards human sexuality across the different continents of the Communion are. Her lack of evidence during her speech is typical of how parliamentarians have generally handled Anglican Communion affairs in Parliament.

Whilst there is no quantitative data on the attitudes of Anglicans and Episcopalians to this issue, we do have the common principles on canon law on marriage within the Communion. The preamble to Part VI in the second edition of *The Principles* (2022) concludes that 'it has not been possible to discern a common principle of canon law on who may marry whom' and that '[u]nlike the other 2022 revisions, which proceeded by consensus, the revision committee

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[237] The Report of the Inter-Anglican Theological and Doctrinal Commission ("IATDC"), *The Virginia Report* (Anglican Consultative Council 1997) para 4.18.

[238] HL Deb 12 May 2004, vol 661, cols GC136–37.

decided the method to record this development by majority vote.' Principle 70 as agreed in 2008, is included for information in the second edition and it states that marriage is 'between one man and one woman.' So, Baroness O'Cathain, speaking in 2004, could have accurately referred to the canon law of most churches in the Communion as having a canonical doctrine of marriage that affirms marriage is between one man and one woman. Had she made this point, her arguments might have been more persuasive.

It is also important to note that her framing of this issue as one in which North American and European provinces support same-sex partnerships, but African provinces do not is also flawed. There are significant numbers of conservative bishops in these Western regions who do not support same-sex partnerships, and this is one of the reasons why in 2004 some North American bishops formed the Anglican Church in North America, and many non-African bishops have attended GAFCON. And there are of course bishops in Asia, Oceania and South America who do not support same-sex partnerships. It is however correct to assert that the majority of the world's Anglicans and Episcopalians live in Africa, and most primates of African provinces (South Africa is the exception) do not support same-sex relationships. These two facts have shaped the debates in Parliament on this issue.

During the passage of the Civil Partnership Bill[239] the Lords Spiritual did not speak or vote en bloc. The Bill was welcomed at Second Reading by

[239] HL Bill (2003-04) [53].

only two bishops, Richard Harries, and the then Bishop of Peterborough, the late Ian Cundy (who added qualifications).[240] The Lords Spiritual supported Baroness O'Cathain's wrecking amendment six to one. Of course, the wrecking amendment was not successful, but if it had been, it would have ended the Bill.[241]

4.17 The Anglican Communion and the Same Sex Marriage Act 2013

Almost ten years later Parliament passed the Same Sex Marriage Act, but the Church, citing its own legal duties, vociferously opposed the government Bill. At common law, parishioners, whether they are members of the Church of England or not, have the right to marry in the parish church and to have their marriage solemnized by the minister of the parish.[242] Additional rights have been created by statute. A person also has a legal right to marry in a parish church which is his or her usual place of worship, which means having his or her name entered on the church electoral roll of the parish in question.[243] Furthermore, a person also has a legal right to marry in the parish church of a parish with which he or she has a 'qualifying connection.'[244]Therefore, Church of England clergy are automatically able to legally solemnize marriages,

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[240] HL Deb 22 Apr 2004, vol 660, cols 388–40.

[241] Scot Peterson and Iain McLean, *Legally Married: Love and Law in the UK and the US* (Edinburgh University Press 2013) 193.

[242] William Fittall, *Government Consultation on same-sex marriage* (GS Misc 1027, 2012) 7.

[243] Marriage Act 1949 (12, 13 & 14 Geo 6 c 76), Ss 6(4) and 72.

[244] Church of England Marriage Measure 2008, s 1.

whereas ministers of other religions must be appointed as 'authorised persons.' Any changes to the laws surrounding marriage inevitably affect the Church of England in a way that is different from other religions or denominations.

The 2009 Conservative-Liberal Democrat coalition government led by David Cameron and Nick Clegg persistently argued that by allowing same-sex couples to marry, they were strengthening the institution of marriage, not undermining it. The coalition government included in the Bill a 'quadruple lock' to reassure the Church of England and other religious organisations that they would be protected from any potential claims under the Human Rights Act or the Equality Act.[245]

In June 2012 the Church completely rejected the coalition government's consultation process and argued that it was flawed both conceptually and legally in its consultation document.[246] The consultation document was authored by the then Secretary General of the General Synod, William Fittall, who, although the Church's leading civil servant, was known to be on the conservative evangelical wing of the Church. The consultation document did not express the liberal

[245] The so called 'quadruple lock' was firstly, that no religious organisation or minister could be compelled to marry same-sex couples, or to permit such a marriage to take place on the premises for which they were responsible; secondly, an opt-in system for religious organisations that wish to conduct same-sex marriage; thirdly, it amended the Equality Act so it would not be unlawful for a religious organisation or minister to refuse to marry a same-sex couple; and finally, it ensured that the duty on the clergy of the Church of England (and the Church in Wales) to marry parishioners would not extend to same-sex couples. According to the coalition government, this 'quadruple lock' ensured that the Bill did not in any way challenge the Church of England's canon law, pursuant to the Submission of Clergy Act 1533.

[246] Fittall (n 242) 1.

position in the Church and was presented by the Church to the government as its official position on the Bill.

The consultation document explained that there is no distinction in law between civil and religious marriage.[247] If the law changed and allowed same-sex couples to marry, then when Church of England clergy celebrate opposite-sex marriage, they will automatically endorse same-sex marriage.[248] Therefore, the exemptions and amendments granted to them under the Equality Act were not sufficient.

For the Church of England this was a not just a "Christian" issue: marriage for everyone should be a lifelong union between a man and a woman, irrespective of the individual's faith background. The Church therefore viewed its position in relation to this issue 'as the established Church in England, to the common good of all in society.'[249] This was justified on the grounds that the law of the Church of England forms part of the general law of England: 'the consultation overlooks the implications of what is proposed for the position of the established Church.'[250]

The response questioned the use of the law to legalise same-sex marriage, arguing that the coalition government was passing the Bill to 'meet an emotional need among some in the LGBT community' and that this was a

[247] Fittall (n 242) 4.

[248] ibid.

[249] ibid 1.

[250] ibid 10.

'doubtful use of the law' because civil partnerships were sufficient in meeting their needs.[251] In citing the ECtHR case of *Schalk v Austria*[252] it argued: (1) member states of the Council of Europe are not obliged to make legal provision for same-sex marriage; (2) under Strasburg jurisprudence the Convention protects same-sex marriage in the same way as opposite-sex marriage; and (3) same-sex couples are in an analogous position in relation to Article 14 (the prohibition of discrimination). Therefore, the coalition government did not need to legislate to meet the UK's Convention obligations, and more importantly for the Church, there would be a serious prospect of success if there was a legal challenge under Article 14 taken in conjunction with Article 12 (the right to marry).[253]

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[251] Fittall (n 242) 4.

[252] *Schalk and Kopf v Austria* App No. 30141/04 (ECHR 22 Nov 2010), 53 EHRR 20 (2011). In this case there had been no discriminatory treatment of a same-sex couple contrary to the ECHR art.12 or art.14 taken in conjunction with art.8, where the respondent State refused to allow same-sex couples to marry and had not enacted legislation affording legal recognition to same-sex relationships until after the institution of the complaint. The question of whether to allow same-sex marriage was left to regulation by the national law of the relevant State.

[253] The right to marry is guaranteed under the ECHR in art.12, which reads: [m]en and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right. This provision was given effect in the UK through the enactment of the Human Rights Act 1998, which incorporated ECHR rights, allowing domestic litigants to rely on them before UK courts. The express referral to "national laws" in art.12 indicates that States may legitimately impose restrictions on the exercise of this right, such as bars on marriage between persons who fall within the prohibited degrees of a relationship, a minimum marriageable age, and the requirement to comply with certain formalities for the valid celebration of marriages. The Convention institutions maintain the power to scrutinise any such restrictions, and ensure that domestic law strikes a fair balance between the prevention of objectionable marriages and the protection of individual rights against social prejudice. Controversial issues in this area include same-sex marriage, polygamous marriage, underage and religious marriage within ethnic minority communities, transsexuals' right to marry according to the newly acquired gender, the suspension of the exercise of the right in circumstances involving deprivation of liberty, the right to re-marry, and the right to divorce and re-acquire the capacity to marry. See Carmen Draghici, 'The Formalisation and Dissolution of Intimate Relationships' in *The Legitimacy of*

During the scrutiny of the Bill by the Public Bills Committee in February 2013, the then Bishop of Norwich, Graham James, responded to a question from the Labour MP Stephen Doughty.[254] Doughty explained that after his enthronement as the Archbishop of Canterbury, Welby was widely reported as restating the Church's official position on same-sex marriage, but because of the lack of unanimity in the Church, Doughty wanted to know how Welby and other bishops would approach the issue in the future and whether there was any potential for a change in position. The Bishop of Norwich responded that what Welby said was that 'he has to see this in the context of the worldwide Anglican Communion.'[255] He went on to say:

> …what the Church of England does and what the Archbishop does and says is observed by a worldwide Communion that he leads… [F]or a great proportion of the Anglican Communion around the world, this is not even a subject that has been discussed or thought about for understandable reasons…[256]

The Bishop of Norwich explained how Welby's position on this issue could have implications for unity in the Communion. He was also trying his best to explain that most Anglicans and Episcopalians live in radically different contexts to the UK where the issue of human sexuality is not on the agenda.

Family Rights in Strasbourg Case Law: 'Living Instrument' or Extinguished Sovereignty? (Hart 2017).

[254] Marriage (Same Sex Couple) Bill PBC Deb, 14 February 2023, col 156.

[255] ibid.

[256] ibid.

Doughty's points were reiterated by the Liberal Democrat MP Stephen Williams. He asked the then Dean of St Albans, Jeffrey John,[257] whether the Church's opposition to the Bill was 'more to do with the international dimension of trying to keep African churches in particular on board.'[258] The Dean of St Albans responded that 'the majority, or nearly the majority, of Anglicans are now in Africa… what the Church of England does about this subject… is far too much conditioned by a wish to appease the churches in Africa.'[259] It was clear that during the scrutiny of the Bill by the Public Bills Committee, a key concern for the Church was how its position on this issue in Parliament, could affect its relations with some African provinces, because the primates of most African provinces are opposed to same-sex relationships.

Of course, the Church's opposition to the Bill during its passage through the Commons did not prevent it from becoming law. The Bill passed all three readings in the Commons unamended on a free vote with a significant majority after the second reading of 400 to 175, and 366 to 161 on the third. The Commons were overwhelmingly in support of same-sex marriage becoming lawful.

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[257] Jeffrey John was first appointed by Richard Harries as the suffragan Bishop of Reading but was prevented from taking up this post because he was in an open same-sex relationship, and instead was appointed as the Dean of Albans. See Jane Shaw "Conflicts within the Anglican Communion" in Adrian Thatcher (ed), *The Oxford Handbook of Theology, Sexuality and Gender* (Oxford University Press 2014).

[258] Marriage (Same Sex Couple) Bill PBC Deb, 14 February 2023, col 156.

[259] ibid.

During the Bill's Second Reading in the Lords in June 2013, several bishops spoke on the issue, which in broad terms echoed the response the Church of England issued during the consultation period.[260] The Anglican Communion was raised by two Labour Peers. Lord Alli explained:

> [m]any to whom I have spoken in the Church of England have argued that allowing same-sex couples to marry would risk the breakdown of the Anglican Communion – the African churches would pull away…
>
> …The Church should not be opposing same-sex marriage because of the African churches; the Church should be supporting it because of African churches.[261]

Lord Alli urged the Church of England to take the lead on this issue and set an example to those bishops in African provinces that were opposed to same-sex marriage. The second Labour voice asking the Church to change its position was Lord Faulkner (who we shall see later tried his best to force the Church to endorse same-sex marriage). Lord Faulkner reminded the House that not all provinces of the Communion were opposed to same-sex marriage, and explained that the Parliament in New Zealand had recently passed a Bill after consultation with the Anglican Church in that country:

> …it is worth drawing attention to the fact that there is more than one view about the Bill within the Anglican Communion… The Marriage (Definition of Marriage) Amendment Bill was passed [in New Zealand].

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[260] To read the contributions made by the Lords Spiritual see HL Deb 4 June 2013, vol 745, cols 1060–1109.

[261] HL Deb 4 June 2013, vol 745, 1061.

> … As part of the preparation for that Bill, a Select Committee looked at it. It received representations from a retired bishop, Richard Randerson, who is a leading theologian. He said that he supported the purpose of the Bill because he believed that it was consistent with Christian principle. He said that the Anglican definition and understanding of marriage had changed over the years… and could now be modified again to be inclusive of gay and lesbian couples…[262]

The New Zealand select committee heard more than 20,000 submissions, including from Richard Randerson, who was formerly the Assistant Bishop of Auckland and then Dean of Holy Trinity Cathedral in Auckland. In his submissions to the New Zealand select committee, Randerson explained that 'the question of long-term, committed, same-sex relationships was just not an issue that was considered in biblical times.'[263] Again, as we saw in the debates on the Women Bishops Measure, the Anglican Church in Aotearoa, New Zealand and Polynesia was used as an exemplar church, which some parliamentarians urged the Church of England to follow.

Unlike during the passage of the Civil Partnership Bill,[264] during the passage of the Marriage (Same Sex Couples) Bill[265] there were no voices of support from the bishops' benches, and the bishops did not address the issues

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[262] HL Deb 4 June 2013, vol 745, 1076.

[263] Isaac Davison, 'Church groups at odds on their definitions of marriage' *NZ Herald* (Aukland, 14 November 2012) <https://www.nzherald.co.nz/nz/church-groups-at-odds-on-their-definitions-of-marriage/O3GSGEPVKGCGVVGTZIBMHBBU64/> accessed 26 April 2025.

[264] HL Bill (2003-04) [53].

[265] HL Bill (2013-14) [29].

raised by the two Labour peers. Welby focused on three main issues. Firstly, he spoke of other faiths in the UK, explaining that 'the majority remain very strongly against the Bill'.[266] Secondly, he questioned whether the so called 'quadruple lock' would be sufficient to withstand any potential legal challenge, not just for the Church of England but other religions and denominations.[267] Thirdly, he spoke of the issue of LGBTQ+ rights and argued that the Bill was not about equality, but instead uniformity, which he argued had led to marriage being 'abolished, redefined and recreated, being different and unequal for different categories.'[268] Finally, he argued that opposite-sex marriage is 'about a general social good' and that this was not a 'faith issue.'[269] The then Bishop of Leicester, Tim Stevens, argued that civil partnerships were sufficient for LGBTQ people and that the 'complementarity' of opposite-sex marriage would be abolished and that the 'emotional needs of many LGBT people' should not 'outweigh the loss entailed as a society.'[270] He therefore felt that if a wrecking amendment, as suggested by Lord Dear (a former Chief-Constable), was not possible, then he would have no alternative but to abstain.[271] For the then Bishop of Chester, Peter Forster, the Bill was a potential threat to establishment itself.

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[266] 3 June 2013, vol 745, cols 953–54.

[267] ibid.

[268] ibid.

[269] ibid.

[270] 3 June 2013, vol 745, cols 962–64.

[271] ibid.

He reminded the House that the 'Church has no right to simply maintain the status quo' in its 'relationship with the state' and that the 'radical reconstruction of the law on marriage would have implications for establishment.'[272] He argued that the Submission of Clergy Act 1533[273] lays an obligation on Parliament not to pass any laws that are contrary to the canons of the Church of England and therefore Clause 1(3) in the Bill exempts the Church.[274] The Bishop of Chester was incorrect: the 1533 Act places a duty on the Convocations (not Parliament) not to make Canons repugnant to statute. The Bishop of Chester went on to explain that if this were challenged either in the domestic courts or in Strasbourg, then the very foundations of establishment would be shaken.[275] He too supported the wrecking amendment.

The only voice of support that came from the Church was again from Richard Harries, but this time he spoke as an independent life peer. Lord Harries 'warmly welcomed' the Bill and said that those who 'wish to enter into this most fundamental of human relationships should be able to do so legally.'[276] For Lord Harries the ability of same-sex couples to enter marriage was 'beautiful' and 'reflects the mutual love of Christ and his church.'[277] When the Lords Spiritual

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[272] HL Deb 3 June 2013, vol 745, cols 995–96.

[273] 25 Hen 8 c 19.

[274] HL Deb 3 June 2013, vol 745, cols 995–96.

[275] ibid.

[276] HL Deb 3 June 2013, vol 745, col 937.

[277] ibid.

did speak, they reinforced their opposition to the Bill and did everything they could to stop it from becoming law. The views of the Lords Spiritual were not shared with the majority of the House. The Labour peer Baroness Morgan summed up the mood of Parliament on this issue in her speech:

> I share with many in this House and in the House of Commons a growing sadness at the discrimination that the Church continues to practise because of the exemptions it has secured from law.[278]

Another Labour peer, Baroness Mallalieu, said in her speech that the Church of England 'has to change to meet the needs of a changing society or it will simply become an irrelevance.'[279]

Later in June 2013, during a debate on an amendment moved by the crossbench peer Lord Hylton, to leave out the word "Marriage" and insert instead the word "Union", the then Archbishop of York, John Sentamu, expressed his support for the amendment.[280] Sentamu explained that the Bill was 'an exercise in ideological redefinition' and that the proposed amendment was 'designed to limit this ideological damage.'[281] But he reiterated that the Primates' Meeting are opposed to all forms of homophobia: 'in the 2005 *Dromantine Communiqué*, we said that the diminishing of homosexual people

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[278] HL Deb 3 June 2013, vol 745, cols 1012–13.

[279] HL Deb 3 June 2013, vol 745, col 1035.

[280] HL Deb, 17 June 2013, vol 746, col 34.

[281] ibid.

is anathema to the Christian faith.'[282] The February 2005 Primates' Meeting in Dromantine[283] Northern Ireland to which Sentamu referred, focused on how the Communion could move forward following the installation of Gene Robinson. Thirty-five of the Communion's thirty-eight primates attended the Dromantine Primates' Meeting; notably absent was the then newly installed Presiding Bishop of the American Episcopal Church, Katherine Jefferts Schori, who is a supporter of same-sex marriage.

On 29 January 2014 Welby and Sentamu wrote to the other primates of the Communion, and to the Presidents of Nigeria and Uganda in response to questions that had 'been asked about the Church of England's attitude to new legislation in several countries that penalises people with same-sex attraction.'[284] Welby and Sentamu reiterated the commitment made at the February 2005 Primates' Meeting to the pastoral support and care of everyone, regardless of sexual orientation.

But the January 2014 letter was not received well by some African primates. The then Primate of Uganda, Archbishop Stanley Ntagali, responded by reminding Welby and Sentamu that resolution I.10 (1998) 'still stands' and

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[282] HL Deb, 17 June 2013, vol 746, col 34.

[283] Primates' Meeting, 'Primates' Meeting Dromantine, Ireland 20-25 February, 2005' *Anglican Communion* <https://www.anglicancommunion.org/structures/instruments-of-communion/primates-meeting/2005.aspx> accessed 26 April 2025.

[284] To read the letter in full see 'Archbishops recall commitment to care and friendship for all, regardless of sexual orientation' *Anglican Communion News Service* (London, 29 January 2014) <https://www.anglicannews.org/news/2014/01/archbishops-recall-commitment-to-care-and-friendship-for-all,-regardless-of-sexual-orientation.aspx> accessed 26 April 2025.

it was the American Episcopal Church that 'violated this.'[285] The then Primate of Kenya, Archbishop Eliud Wabukala (who was Chairman of GAFCON), explained: 'we cannot therefore allow our time and energy to be sapped by debating that which God has already clearly revealed in the Scriptures.'[286] On the other side of the debate, Schori's response was contained in a press release which maintained the American Episcopal Church's support for same-sex unions: 'the Episcopal Church has been clear about our expectation that every member of the LGBT community is entitled to the same respect and dignity.'[287]

This was echoed by the then Bishop of Coventry, Christopher Cocksworth, in the July 2014 Lords' debate after Uganda passed the Anti-Homosexuality Act 2014.[288] He explained that the Archbishops of Canterbury

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[285] David Pocklington, 'Human sexuality, the Archbishops' statement, and the Dromantine Communiqué' (*Law & Religion UK blog,* 4 February 2014) <https://lawandreligionuk.com/2014/02/04/human-sexuality-the-archbishops-statement-and-the-dromantine-communique/> accessed 26 April 2025.

[286] ibid.

[287] ibid.

[288] (Act No. 4, 2014). Acts Supplement No. 3 to The Uganda Gazette, No. 14, Volume CVII, 10 March 2014.

In March 2014 the Anti-Homosexuality Act 2014, passed by the Parliament of the Republic of Uganda in December 2013, came into force. The stated aim of the Act, which originated five years earlier in the Anti-Homosexuality Bill 2009, was to provide 'comprehensive consolidated legislation' prohibiting 'any form of sexual relations between persons of the same sex' and 'the promotion or recognition of such sexual relations' in order to 'deal with emerging internal and external threats to the traditional heterosexual family' (Memorandum, para 1.1). In August 2014, five months after the 2014 Act was gazetted, the Constitutional Court of Uganda declared that the enactment of the 2014 Act without the quorum of the Ugandan Parliament was inconsistent with, and in contravention of, the Constitution and Parliamentary Rules of Procedure and thus 'null and void' (*Prof. J Oloka-Onyango and Nine Others v Attorney General*, Constitutional Petition No. 8 of 2014, Constitutional Court of Uganda, Judgment of 1 August 2014 [2014] UGCC 14). See Paul Johnson and Silvia Falcetta, 'Beyond the Anti-Homosexuality Act: Homosexuality and the Parliament of Uganda' (2021) 74(1) *Parliamentary Affairs* 52.

and York (Sentamu is originally from Uganda) had written to the President of Uganda in January to reiterate a statement made by all the primates of the Communion, in which they said: 'the victimisation or diminishment of human beings whose affections happen to be ordered towards people of the same sex is anathema to us.'[289]

Ultimately of course the wrecking amendment and the proposed amendment were not successful, the Bill passing its Second Reading in the Commons 390 votes to 148, and after the Third Reading on a voice vote, it received Royal Assent on 17 July 2013.

During the February 2014 Lords' debate on the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014[290] the then Bishop of Wakefield, Stephen Platten, explained:

> [w]e are part of a worldwide communion. One very difficult thing for a worldwide communion is somehow to balance being sensitive to different cultural values in different places...
>
> …Back in the 1988 Lambeth Conference, when there was a fairly heated debate about polygamy in some African countries, the western provinces in the Anglican Communion worked very hard, saying, "We understand that you are in a different place from where we are, and we are not going to take a hard line on this at the moment". We have not yet got to that position in the Communion. For me to stay other than loyal to the House of Bishops' statement would be more than irresponsible because I know that one real concern is that it is not just

[289] HL Deb 23 July 2014, vol 755, col 1171.

[290] Although the Same Sex Marriage Act was intended to apply only to England and Wales, the devolved Scottish Parliament passed a Legislative Consent Motion which allowed Westminster to legislate on behalf of Scotland. These Regulations were passed so that previous Scottish legislation made by the UK Parliament related to different-sex marriage would be repealed or amended to make same-sex marriage legal in Scotland.

> about us and the Church of England, it is also about the Anglican Communion. That is a key issue and may not have been made quite as clear as it might have been when the statement was issued.[291]

The Bishop of Wakefield was referring to *Pastoral Guidance on Same Sex Marriage* issued by the House of Bishops on 15 February 2014 which was drafted in response to the Pilling Report.[292] This guidance was accompanied by a pastoral letter written by Welby and Sentamu in which they explained: 'we are all in agreement that the Christian understanding and doctrine of marriage as a lifelong union between one man and one woman remains unchanged.'[293] They went on to say that they have committed themselves 'to a process of facilitated conversations across the whole Church of England in the light of the Pilling Report' and that these conversations will involve 'the wider Anglican Communion to whom we rejoice to be bound by our inheritance of faith and mutual affection.'[294] The guidance outlined the Church's 'long-standing teaching and rule' as set out in Canon B30 that marriage is 'of one man with one woman' and that the Book of Common Prayer introduces the Solemnisation of Matrimony 'to join together this Man and this Woman.'[295] The statement

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[291] HL Deb 27 February 2014, vol 752, col 1085.

[292] 'House of Bishops pastoral guidance on same sex marriage' *The Church of England* (Press Release, 15 February 2014) <https://www.churchofengland.org/media/press-releases/house-bishops-pastoral-guidance-same-sex-marriage> accessed 26 April 2025. Note the statement also confirmed parishioners in same-sex marriages would still have access to the sacraments but cannot be ordained to any of the three orders of ministry.

[293] ibid.

[294] ibid.

went on to refer to resolution I.10 (1998) and the February 2005 *Dromantine Communiqué*. It informed parishioners and other clergy that 'during the legislation's passage through Parliament, no Lord Spiritual voted for the legislation,' and that Parliament's decision to change the law has meant 'that for the first time, [there will] be a divergence between the general understanding and definition of marriage in England as enshrined in law and the doctrine of marriage held by the Church of England and reflected in the Canons and the Book of Common Prayer.'[296]

For the first time, UK law on marriage, which had until the mid-nineteenth century only been instituted by the Church of England (and a few other denominations) diverted from the Church of England's doctrine.[297]

The endorsement of resolution I.10 (1998) by the Lords Spiritual and the recognition that most Anglicans and Episcopalians live in Africa, where same-sex relationships are not accepted by the majority of primates of most of the continent's provinces, meant that the Church of England's gravitational pull had changed. The Lords Spiritual's position was not aligned with the rest of the UK Parliament and British public opinion but was instead aligned with those

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[295] 'House of Bishops pastoral guidance' (n 292).

[296] ibid.

[297] The Clandestine Marriage Act 1753 (26 Geo 2 c 33), promoted by the then Lord Chancellor, Lord Harwicke, declared that all marriage ceremonies must be conducted by a minister in a parish church or chapel of the Church of England to be legally binding; Quakers and Jews were exempt. The Marriage Act 1836 (6 & 7 Will 4 c 85) allowed non-conformists and Catholics to be married in their own places of worship. See 'From Lord Hardwicke's Act to Civil Marriage and Divorce' in Iain McLean and Scot M. Peterson, *Legally Married*: L*ove and Law in the UK and the US* (Edinburgh University Press 2013) 79.

bishops of the Communion that contain the majority of the world's Anglicans and Episcopalians. The Lord Bishops, whether they were aware of it or not, were perceived to have sided with the primates of the Communion who were vehemently opposed to same-sex marriage and same-sex relationships more generally.

4.18 Human Sexuality, the Commonwealth and the Anglican Communion

There are historical parallels between the emergence of the Commonwealth and the Anglican Communion, but most significantly for Parliament in the twenty-first century, there is a demographic overlap (this issue is considered in greater detail in chapter 5). The UK's historic role in the Commonwealth has meant that the UK Parliament has challenged the Church of England, through the Church in Parliament, on its record of advocating for LGBTI+ rights in Commonwealth countries where there are significant numbers of Anglicans or Episcopalians.

In the October 2017 Commons' debate on the steps the Church of England was taking to support Christians facing oppression and discrimination abroad, the Conservative MP Nigel Evans asked the then Second Church Estates Commissioner, Caroline Spelman, 'when so many gay people are being persecuted in Commonwealth countries, whether she believed that allowing gay people to marry in churches in this country would send the right signal.'[298] Spelman responded with reference to the January 2016 communiqué from the

[298] HC Deb, 26 October 2017, vol 630, cols 437–38.

Primates' Meeting in Canterbury, in which, according to Spelman, 'an important step forward was made by the worldwide Anglican Church in accepting a new doctrine against homophobia, which is part of trying to stamp out such persecution across the wider Anglican Communion.'[299] Spelman was keen to highlight that all provinces of the Communion, whatever their position may be on same-sex marriage, are united in opposing homophobia in all its forms.

The January 2016 communiqué, which was titled *Walking Together in the Service of God in the World* noted that: 'the Primates condemned homophobic prejudice and violence.'[300] During this meeting the primates also addressed the decision of the American Episcopal Church to change its canon law in 2015, which removed all gender-specific language from its definition of marriage, thus allowing clergy to perform marriages for same-sex couples.[301] Primates at the January 2016 meeting voted in a majority for the American Episcopal Church to no longer represent the Communion on ecumenical and interfaith bodies, or take part in decision making on any issues pertaining to

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[299] HC Deb, 26 October 2017, vol 630, cols 437–38.

[300] Communiqué from the Primates' Meeting, 'Walking Together in the Service of God in the World' (Canterbury Cathedral, 11-15 January 2016) <https://www.anglicancommunion.org/media/206035/Communiqu%C3%A9_from_the_Primates_Meeting_2016.pdf> accessed 26 April 2025> accessed 26 April 2025.

[301] General Convention passed resolution A054 which formally approved gender-neutral and same-sex marriage ceremonies, and resolution A036 which changed the current marriage canons to allow clergy to officiate same-sex marriages using either a marriage rite from the Episcopal Book of Common Prayer or a "trial" liturgy. In 2018 the General Convention approved resolution B012, expanding marriage rites for same-sex couples to all dioceses. It also allows clergy who object to same-sex marriage to request episcopal oversight for same-sex couples who wish to be married by priests in their home churches.

doctrine or polity for a period of three years. Whilst Spelman was keen to assure the House that the Communion was committed to opposing homophobia, she did not alert the House to the decision of the primates to place sanctions on the American Episcopal Church for its canonical acceptance of same-sex marriage.

Spelman went on to refer to the January 2016 communiqué explicitly when she responded to the October 2017 written question tabled by the Labour MP Ben Bradshaw. Bradshaw, who is an Anglican and supporter of same-sex marriage in the Church, asked Spelman about the 'steps the Church of England had taken to prevent the imposition of (a) the death penalty and (b) other criminal sanctions on LGBT people on account of their sexuality.'[302] Spelman explained that 'the [p]rimates condemned homophobic prejudice and violence and resolved to work together to offer pastoral care and loving service irrespective of sexual orientation.'[303] For the primates 'this conviction arises out of our discipleship of Jesus Christ' and reaffirmed their 'rejection of criminal sanctions against same-sex attracted people.'[304] Spelman failed to mention that the 1988 Lambeth Conference had passed a resolution urging governments to find alternative punishments to the death penalty[305] and whilst the Church of

[302] Ben Bradshaw MP, 'Church of England: LGBT People: HC Written question – 105618' (6 October 2017).

[303] ibid.

[304] ibid.

[305] LC 1988, Res. 33.3(b): Human Rights – [t]his Conference [u]rges the Church to speak out against all governments who practice capital punishment and encourages them to find alternative ways of sentencing offenders so that the divine dignity of every human being is respected and yet justice is pursued.

England does not have an official position on this issue, Archbishop Michael Ramsey of Canterbury was a strong opponent of capital punishment and campaigned for its abolition in the UK.[306]

In another written question tabled in October 2017, Bradshaw asked Spelman what steps the Church of England had taken as a result of the October 2017 Primates' Meeting in Canterbury on homophobic prejudice and violence, and the rejection of criminal sanctions against same-sex attracted people.[307] The Primates' Meeting published a communiqué titled *God's Church for God's World* having discussed issues related to mission and evangelism; reconciliation and peace-building; climate change and the environment; and migration and human trafficking.[308] Spelman explained that at their meeting the primates reaffirmed their commitment to their statement made in 2016, specifically 'the Communion's sorrow for previous failures to support LGBTI people and its condemnation of homophobic prejudice and violence.'[309]

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[306] See Judith Maltby, 'The Church of England's shameful record on capital punishment' *The Guardian* (London, 11 August 2011) <https://www.theguardian.com/commentisfree/belief/2011/aug/19/church-of-england-capital-punishment> accessed 26 April 2025.

[307] Ben Bradshaw MP, 'Church of England: LGBT People: HC Written question – 105619' (6 October 2017).

[308] Communiqué from the Primates' Meeting, 'God's Church for God's World' (Canterbury Cathedral, 2-6 October 2017) <https://www.anglicancommunion.org/structures/instruments-of-communion/primates-meeting/2017.aspx#:~:text=The%20Primates'%20Meeting%202017%20is,have%20been%20invited%20to%20attend> accessed 26 April 2025.

[309] ibid.

The issue of homophobia was again raised with Spelman by the Labour MP Helen Goodman, who is a member of the Christian Socialist Movement. In the January 2018 Commons' debate on the discussions the Church of England had had with the UK government because of the General Synod's call to ban gay conversion therapy, Goodman remarked that in some English parishes 'anti-gay prejudice masquerades as theology.'[310] Spelman responded that 'Archbishop Justin managed to secure a commitment to stamp out homophobia throughout the Anglican Communion. It has been established unequivocally, from the top of the Church all the way down, that homophobia has no place in the Anglican Communion.'[311] Again, Spelman was keen to highlight the Primates' Meeting opposition to homophobia.

In the March 2017 Lords' debate on the UK's relationship with the Commonwealth, ahead of the UK hosting the Commonwealth Heads of Government Meeting in 2018 ("CHOGM") the Labour peer Lord Cashman explained that the 'criminalisation of LGBTI people is largely excused by reference to culture, tradition or religion.'[312] He went on to say that he 'deeply respected culture, tradition and religion, but not as an excuse for such human rights abuses... Whether from the Anglican Communion, the Roman Catholic Church, Muslim leaders or elsewhere, the silence must end.'[313] For Lord

[310] HC Deb 25 January 2018, vol 635, col 404.

[311] ibid.

[312] HL Deb 16 Mar 2017, vol 779, col 2013.

Cashman, the Primates' Meeting's official position of condemning homophobia was simply not good enough. In his view, the Anglican Communion, as a global denomination of world Christianity, was not exempt from international human rights standards. It was Lord Cashman's view that the Anglican Communion, along with other world religions and denominations, had a role to not only condemn homophobia, but actively work to change the law in Commonwealth countries where homosexuality is criminalised.

4.19 Parliament continues to pressure the Church on same-sex marriage

Seven years after the Same Sex Marriage Act the position of the Lords Spiritual had not changed. In February 2019 three Labour peers attempted to introduce an amendment to the Civil Partnerships, Marriage and Deaths (Registration etc.) Bill.[314] These amendments would have compelled the Secretary of State to make regulations within six months to remove the exemptions for clergy in the solemnization of same-sex marriages. Lord Faulkner, when he proposed the amendment, alerted the House to comments made on the Facebook page of the then Dean of Leicester, David Monteith, who entered a same-sex civil partnership in 2008. The comment said, in reference to the Same Sex Marriage Act: 'I have found the Scottish Episcopal Church to be a kinder place.'[315] Lord Faulkner went on to explain:

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[313] HL Deb 16 Mar 2017, vol 779, col 2013.

[314] HL Bill (2017-19) [140].

> [t]he Lambeth Conference of bishops is to be held in 2020. The most reverend Primate the Archbishop of Canterbury has invited "every active bishop" in the Anglican Communion, and the conference planning group is to run a joint programme for bishops and their spouses. The Lambeth 2020 website says that this is, "in recognition of the vital role spouses play across the Anglican Communion and a desire to support them in their ministry"— but not if they are same-sex spouses. I understand that there are three in the Episcopal Church in North America who have effectively been disinvited…
>
> …However, I hope that, by debating this amendment today, this House will send a message to the Church of England and the Church in Wales—and to the Anglican Communion worldwide—that we in this House, at any rate, think it is time that they moved forward at rather more than the glacial speed we have seen so far. This amendment is intended to help them…[316]

Lord Cashman said in support of the proposed amendments that the decision not to invite same-sex spouses 'sends a worrying signal to the worldwide Anglican Communion. It reinforces the concept that it is okay and legitimate to discriminate.'[317]

The then Bishop of Chelmsford, Stephen Cottrell (who is now the Archbishop of York and interim leader of the Church of England) responded to the tabled amendment. He said it was a 'discordant note' in the debate, and that the 2013 Act 'seeks to strike a balance between the right of individuals to marry

[315] HL Deb 1 March 2019, vol 796, cols 388–89.

[316] ibid.

[317] HL Deb 1 March 2019, vol 761, col 391.

a person of the same sex; and the rights of churches.'[318] The tabled amendment was withdrawn by its main proposer, Lord Faulkner, after the government decided it would not support the proposal.

This continued disjunction between the Church in Parliament and the rest of Parliament was raised in the Commons in March 2019 by Bradshaw. He echoed Lord Faulkner's position after it had been announced that same-sex spouses of Anglican and Episcopal bishops would not be invited to the 2020 (rescheduled to 2022) Lambeth Conference:

> [m]ay we have a statement from the Second Church Estates Commissioner… on the outrageous decision by the Church of England to issue the official invitation to next year's Lambeth Conference and explicitly forbid the same-sex spouses of bishops from attending, when the heterosexual spouses of bishops have been warmly invited? This is a totally unacceptable position for our established state Church to adopt, and this House needs to tell the Church we have had enough of it.[319]

Welby's decision not to invite same-sex spouses to the Lambeth Conference led to widespread condemnation from the hosts of the conference, the University of Kent. After calls to ban the hosting of the event from both academic staff and the Student Union at the University, its senior leadership issued a statement explaining that under the Equality Act the Church of England could act in this way, but the University could not.[320] The University issued an open letter

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[318] HL Deb 1 February 2019, vol 795, cols 1299–1305.

[319] HC Deb 14 March 2019, vol 656, col 537.

extending a welcome to same-sex spouses, offering accommodation that could be booked directly through the University, instead of the organisers of the Lambeth Conference.

4.20 The Church of England's Living in Love and Faith project

Following the decision of the Supreme Court in June 2018, Parliament amended the Civil Partnerships Act so that different-sex couples could also enter civil partnerships.[321] The first different-sex civil partnerships were registered in December 2019, and in January 2020 the Church of England's House of Bishops issued a pastoral statement in response to the legal change. The pastoral statement explained that it did not endorse civil partnerships for heterosexual couples because 'sexual relationships outside heterosexual marriage are regarded as falling short of God's purpose for human beings.'[322]

In the February 2020 Commons' debate the Labour MP Stephen Doughty questioned the Second Church Commissioner, Andrew Selous MP, on this pastoral statement.[323] Selous told the House that the archbishops had

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[320] Mary Frances Schjonberg, 'Same-sex spouses not invited to next year's Lambeth Conference of bishops,' *Episcopal News Service* (New York, 18 February 2019) <https://www.episcopalnewsservice.org/2019/02/18/same-sex-spouses-not-invited-to-next-years-lambeth-conference-of-bishops/> accessed 26 April 2025.

[321] *R (Steinfeld & Anor) v Secretary of State for International Development* [2018] UKSC 32, [2020] AC 1. The UKSC declared sections 1 and 3 of the Civil Partnerships Act are incompatible with art. 14 (prohibition of discrimination) taken in conjunction with art. 8 (right to respect for private and family life) of the ECHR.

[322] The House of Bishops, 'Civil Partnerships – for same sex and opposite sex couples. A pastoral statement from the House of Bishops of the Church of England' *The Church of England* (December 2019) <https://www.churchofengland.org/sites/default/files/2020-01/civil-partnerships-pastoral-guidance-2019-2.pdf> accessed 26 April 2025.

apologised for suggesting that sexual relationships outside heterosexual marriage fall 'short of God's purpose for human beings.'[324] Doughty asked Selous whether he recognised the 'great deal of concern within the Anglican Communion that this potentially pre-empts the *Living in Love and Faith* discussions.'[325]

The *Living in Love and Faith* discussions was a project led by the Bishop of Coventry, Christopher Cocksworth. It started in January 2017, after the House of Bishops published a report in which they recommended no change to the Church's canon law on marriage but recommended a change of tone to make people in same-sex relationships feel more welcome in the Church.[326] *Living in Love and Faith*[327] was published in November 2020 and it acknowledged that the Church of England is 'just one small part of the Anglican Communion'[328] and that there is 'substantial common ground between the understanding of marriage in the Anglican Communion.'[329] The report accepted that the Church of England 'is keenly mindful that all decisions will bear great consequence

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[323] HC Deb 6 February 2020, vol 671, cols 447–48.

[324] ibid.

[325] ibid.

[326] General Synod, *Marriage and Same Sex Relationships after the Shared Conversations: A Report from the House of Bishops* (GS 2055, November 2016) <https://cofe-equal-marriage.org.uk/wp-content/uploads/2022/12/marriage-and-same-sex-relationships-after-the-shared-conversations.pdf> accessed 26 April 2025.

[327] The Archbishops' Council, *Living in Love and Faith* (Church House Publishing 2020).

[328] General Synod, *Marriage and Same Sex Relationships* (n 290) Foreword ix.

[329] ibid 133.

around the wider Communion.'[330] Doughty was concerned that the Church's position had the potential to prejudice the outcome the *Living in Love and Faith* discussions – which could have caused greater fractures between those provinces in the Communion that embrace same-sex relationships and those that do not.

4.21 The General Synod's 2023 vote on same-sex blessings

After the *Living in Love and Faith* publication, in January 2023 the House of Bishops released proposals to issue prayers for blessing same-sex couples but not liturgies for same-sex marriages or civil partnerships. During the press conference before the proposals were to be considered by the General Synod, Welby explained that as an instrument of communion he would refrain from blessing same-sex couples.[331] After the proposals were released, the Liberal Democrat MP Christine Jardine asked Selous in the Commons whether the Commissioners had held discussions with senior church leaders on allowing clergy to conduct blessings for same-sex couples.[332] Jardine made the point that a same-sex couple who 'live in the spirit of Christian faith are denied the same right in the Church, even though similar denominations in Scotland offer that

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[330] General Synod, *Marriage and Same Sex Relationships* (n 290) 153.

[331] Egan Millard, 'Church of England releases draft prayers for same-sex blessings; archbishop of Canterbury says he won't use them' *Episcopal News Service* (New York, 20 January 2023) <https://www.episcopalnewsservice.org/2023/01/20/church-of-england-releases-draft-prayers-for-same-sex-blessings-archbishop-of-canterbury-says-he-wont-use-them/> accessed 26 April 2025.

[332] HC Deb 26 January 2023, vol 726, cols 1168–70.

opportunity.'[333] Selous explained that these matters will be 'very livelily debated at the General Synod.'[334] He went on to say:

> …each province in the global Anglican Communion is autonomous. The majority of the provinces in the Communion provide neither blessings nor marriages for same-sex couples: the Scottish Episcopal Church provides marriages, the Church in Wales provides blessings, and the Church of Ireland provides neither for same-sex couples… I will make sure that the General Synod is very well aware of her views and those of others in this House.[335]

Selous was alerting Jardine to the fact that even across the different Anglican and Episcopal provinces of the UK, there is no one common approach to this issue. Taking this into account, Jardine's point is significant, because it highlights the tension between the Church of England's position as the established religion of England and as a province of a global communion of churches. The Church's continued opposition to same-sex marriage has meant that at the earthed levels of establishment, it cannot truly act as the national church for its parishioners who are in same-sex marriages or civil partnerships, when ironically the Scottish Episcopal Church, which of course is not established, can.

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[333] HC Deb 26 January 2023, vol 726, cols 1168–70.

[334] ibid.

[335] ibid.

In February 2023 the General Synod voted to carry a motion to offer blessings to same-sex couples in marriages and civil partnership, but the motion made it clear that it was not contrary to or a departure from the Church's position on marriage. During the debates the General Synod was addressed by the Archbishop of the Province of Alexandria, Samy Shehata, who reminded the General Synod of resolution I.10 (1998) and urged the Church of England: '[p]lease, please, do not surrender your unique position as the mother church of the Anglican Communion.'[336]

In March 2023 the Commons debated the General Synod's decision. Bradshaw asked Selous what steps the Church of England was taking to implement the decisions of the General Synod on same-sex relationships.[337] Selous responded that at the February 2023 General Synod it was agreed that the "Prayers of Love and Faith" would be finalised.[338] Bradshaw explained 'that a number of provinces in the global Anglican Communion have in effect made a unilateral declaration of independence from the Church of England… it would be better to let those people go.'[339] Selous responded, echoing what was said at the 2022 Lambeth Conference that 'there have always been disagreements in

[336] Francis Martin, 'Bishops' proposals to bless same-sex couples carried by Synod, despite sustained opposition' *Church Times* (London, 9 February 2023) <https://www.churchtimes.co.uk/articles/2023/10-february/news/uk/bishops-proposals-to-bless-same-sex-couples-carried-by-synod-despite-sustained-opposition> accessed 26 April 2025.

[337] HC Deb, 9 March 2023, vol 729, col 409.

[338] ibid.

[339] ibid.

the Anglican Communion, as there have been in the Church of England, and we need to learn to disagree well.'[340]

Later in March 2023 Bradshaw introduced the Same Sex Marriage (Church of England) Bill[341] under the 10 Minute Rule.[342] The Bill, which Bradshaw knew had no prospect of success, was introduced to 'enable clergy of the Church of England to conduct same sex marriages on Church of England premises in certain circumstances; and for connected purposes.'[343] Much like in the debates on women clergy, Bradshaw looked outwards to the Anglican Communion to give the Church of England a 'nudge' on this issue. He explained that many other churches including 'the Anglican – or Episcopal – Church in Scotland, the established [Presbyterian] Church of Scotland, and several other provinces of the global Anglican Communion' conduct same-sex marriages.[344] Again, Bradshaw urged the Church of England to accept that there are some Anglicans and Episcopalians that will never accept same-sex relationships and reminded the House that 'some conservative provinces in the global Anglican Communion have disowned the Archbishop of Canterbury.'[345]

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[340] HC Deb, 9 March 2023, vol 729, col 409.

[341] HC Bill (2022–23) [274].

[342] HC Deb, 21 March 2023, vol 730, cols 185–88.

[343] ibid.

[344] ibid.

[345] ibid.

The Bill was opposed by Selous who reminded the House of the delicate relationship between church and state: 'directing the Church of England on doctrine is not the job of Parliament' and that 'the Bill's attempt to give individual freedom and choice would be unworkable and would breach the long-standing convention that Parliament does not legislate for the internal affairs of the Church of England without its consent.'[346]

In July 2023 the Conservative MP Peter Gibson asked Selous whether the Church of England had had discussions with churches in Uganda following the passage of the Anti-Homosexuality Act 2023 in that country.[347] Selous explained that Welby had 'written directly to Archbishop Kaziimba of Uganda reminding him of the commitment made by the Anglican communion to treat every person with the care and respect they deserve as children of God and that the Communion opposes the criminalisation of LGBT+ people.'[348] But Selous reminded the House that 'each province of the Anglican Communion is autonomous' and therefore the Archbishop of Canterbury's influence was limited. Whilst the Archbishop of Canterbury could only express a view on the issue, what had greater force was the Primates' Meeting. Selous pointed out that 'in 2016, however, the primates in the Anglican Communion reaffirmed the rejection of criminal sanctions against same sex-attracted people…' and in

[346] HC Deb 21 March 2023, vol 730, cols 185–88.

[347] HC Deb 20 July 2023, vol 736, col 1009.

[348] ibid.

Selous's view it was 'hard to see how the position taken by the Church of Uganda aligns with the 2016 agreement.'[349]

In November 2023 the General Synod carried a motion to offer special services of prayer and dedication asking for God's blessing for same-sex couples on a trial basis.[350] Welby explained that he had abstained from the vote, because his 'pastoral responsibility extends to everyone in the Church of England and global Anglican Communion.'[351] But despite Welby's best efforts, the Archbishop of South Sudan, Justin Badi Arama, released a statement on behalf of the primates of the Global South Fellowship of Anglican Churches ("GSFA") in which he explained that this issue has 'triggered a widespread loss of confidence in her [the Church of England's] leadership of the Communion.'[352] This was followed up by a formal statement issued by GSFA condemning the General Synod's decision and calling for an end in the historic role played by the Archbishop of Canterbury as the *primus inter pares*.[353]

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[349] HC Deb 20 July 2023, vol 736, col 1009.

[350] The Church of England, 'Synod backs trial of special services asking for God's blessing for same-sex couples' (Press Release, 15 November 2023) <https://www.churchofengland.org/media/press-releases/synod-backs-trial-special-services-asking-gods-blessing-same-sex-couples> accessed 26 April 2025.

[351] Francis Martin, 'Varied stances taken in first reactions to Synod vote on same-sex unions' *Church Times* (London, 17 November 2023) <https://www.churchtimes.co.uk/articles/2023/24-november/news/uk/varied-stances-taken-in-first-reactions-to-synod-vote-on-same-sex-unions> accessed 26 April 2025.

[352] 'Global South archbishops question Welby's "fitness to lead" the Anglican Communion following synod vote on gay blessings' *Anglican Link* (9 February 2023) < https://anglican.ink/2023/02/09/global-south-archbishops-question-welbys-fitness-to-lead-the-anglican-communion-following-synod-vote-on-gay-blessings/> accessed 26 April 2025.

In December 2023 Welby moved a Motion to Take Note in the Lords on the Archbishops' Commission on Families and Households report *Love Matters* in which the commission outlined five ambitions to support and strengthen family life. During this debate the Conservative peer, Lord Cormack, remarked on the change in law in Uganda. He accepted that the Archbishop of Canterbury 'has, in seeking to lead the Anglican Communion, a very difficult task indeed.'[354] But he expressed his bewilderment at the change in Ugandan law: 'I do not see how any Christian can give support to a regime that will punish with a death sentence people who follow particular inclinations in their lives.'[355] Welby reassured the House 'that the [p]rimates of the Anglican Communion, the Lambeth Conference of worldwide bishops and the Anglican Consultative Council have, on numerous occasions, emphasised their opposition to the criminalisation in any way of same-sex relationships…' and reminded the House that 'Archbishop Ramsey was one of those who led the campaign for decriminalisation in this country.'[356] Again, Selous emphasised the resolutions

[353] Global South Fellowship of Anglican Churches, 'Initial Response from The Global South Fellowship of Anglican Churches to The Church of England 'Blessing' of Gay Unions' (*GSFA*) <https://www.thegsfa.org/news/initial-response-from-the-global-south-fellowship-of-anglican-churches-gsfa-to-the-church-of-england-blessing-of-gay-unions#:~:text=The%20Global%20South%20Fellowship%20of%20Anglican%20Churches%20(GSFA)%20deeply%20regrets,mind%20of%20the%20Anglican%20Communion> accessed 26 April 2025.

[354] HL Deb 8 December 2023 vol 834, col 1688.

[355] ibid.

[356] HL Deb 8 December 2023 vol 834, col 1702.

of the collegial instruments of communion as having greater nonjuridical force than the views and comments of the Archbishop of Canterbury.

Conclusion for chapter 4

An examination of parliamentary papers has revealed that the Lords Spiritual and the rest of Parliament have been at loggerheads on the issue of same-sex marriage. For some parliamentarians, the fact that some provinces of the Communion are opposed to same-sex relationships meant that the Church of England should take the lead on this issue and adopt the position of the North American and New Zealand provinces. Labour MP Ben Bradshaw went a step further, and suggested schism in the Communion. For the Lords Spiritual, its priorities were to defend the position of the Lambeth Conference 1998 in resolution I.10, which it argued was in line with the Church of England's official doctrine on marriage. What this case study has revealed is that some MPs and temporal peers sought to apply political pressure on the Church to change its position despite the effect this might have on intra-Anglican Communion relations for the Church of England. In effect, these Parliamentarians said: the Church of England should change its position on same-sex marriage, and the rest of the Communion should follow.

The Lords Spiritual were determined to stop same-sex marriage from being legalised in the UK. The theological reasons for this were expressed in Parliament, but another key reason was the position of certain provinces, not on

the issue of same-sex marriage specifically, but on the issue of human sexuality more generally. When challenged by MPs and temporal peers (which included a former Lord Bishop), the Lords Spiritual and the Second Church Estates Commissioner reiterated the Communion's opposition to homophobia. The Lords Spiritual repeated their theological reasons for their continued opposition to same-sex marriage. This issue highlights the continued disjunction between attitudes in British Society, and the Church's unique position as both the established religion of England, but also as a member church of a global communion.

This chapter has revealed emerging constitutional conventions related to the office of the Second Church Estates Commissioner and the Lords Spiritual. In the Commons we saw that the Second Church Estates Commissioner holds the UK government to account for its engagement with the Communion on international development issues, and MPs hold the Second Church Estates Commissioner to account for the way the Church Commissioners manage the Church of England's relationship with the Communion. The latter has been a relatively new development, following the Speaker's decision in 2012 to allow both written and oral questions from MPs to the Second Church Estates Commissioner.

In the Lords, we saw that the relationship between the Lords Spiritual, the rest of the House, and the Anglican Communion is threefold. Firstly, the Lords Spiritual hold the UK government to account for its record on engagement with the Communion as an international faith-based organisation working on

the ground at the grassroots level. Secondly, the Lords Spiritual are bringing to the attention of the House the work of the Communion in significant international development and conflict issues. And finally, the temporal peers are holding the Lords Spiritual to account for the role the Anglican Communion is playing in places of poverty, conflict and post-conflict. In the Lords, the relationship between the UK Parliament and the Anglican Communion is more direct than in the Commons; this is because of diocesan partnership links that bishops have with other provinces, along with their own personal connections, which are much stronger than those held by the Second Church Estates Commissioner. These relationships expose the British State's co-operation with the Church of England at a national level and with the Communion at an international level in tackling global issues like international development. This co-operation is consistent with the *Statement of Principles of Christian Law* (2016) common to the Catholic, Orthodox, Anglican-Episcopal, Lutheran, Methodist, Reformed, Presbyterian and Baptist traditions, launched at the eleventh Assembly of the WCC in 2022 which state: '[a] church should cooperate with the State in matters of common concern, but each is independent in its own sphere' (X.1.1).[357]

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[357] Mark Hill and Norman Doe, 'Principles of Christian Law' 19(2) Ecc LJ (2017) 138. Article 17 of the consolidated 2012 text of the Treaty on the Functioning of the European Union ("TFEU"), inserted by the Treaty of Lisbon ("EU Reform Treaty" or "EURT"), recognises the status under national law of churches, religious associations or communities, philosophical and non-confessional organisations and commits the EU to 'an open, transparent and regular dialogue' with them. The sixth principle is co-operation with religion. Article 17.3 TFEU provides that 'the Union shall maintain an open, transparent and regular dialogue with … churches and organisations.' See Norman Doe, *Church Laws and Ecumenism: A New Path for Christian Unity* Routledge (Taylor & Francis Group 2021).

In the next chapter we will see how this relationship between the Lords Spiritual, the Second Church Estates Commissioners, and the Anglican Communion, affects the monarch's role as Supreme Governor and Defender of the Faith when Parliament debates issues related to the UK monarchy and the Commonwealth, and the British State's concurrent co-operation with the Commonwealth – which as noted in this chapter, has a significant demographic overlap with the Communion.

The Supreme Governor of the Established Church and the Anglican Communion

— Chapter 5 —

> I express our warm congratulations to His Royal Highness on the occasion of his 70th birthday and associate myself with the sentiments already expressed by those on the other Benches, especially as regards His Royal Highness's work in the Commonwealth…
>
> His Royal Highness has been a leader in speaking out on the plight of persecuted Christians around the world—something for which I am most grateful personally, including, as it does, benefit to the Christians of the Anglican Communion. His deep confidence in his own personal faith has been a basis for, as he has put it, "building bridges across chasms". His own personal clear and orthodox Christianity is, like that of Her Majesty, combined with a proper, informed and profound hospitality to those of other faiths or no faith, and an equal concern for their flourishing…[1]

[1] HL Deb 14 December 2018, vol 793, col 1876.

This quotation is taken from the December 2018 Lords' debate on the birthday of the then Prince of Wales. Archbishop Justin Welby of Canterbury made the point that Charles III, like his mother, will not just be Head of State but will also remain committed to his other roles: Supreme Governor of the Church of England, Defender of The Faith and Head of the Commonwealth. Welby's reference to the Anglican Communion implies that the monarch, in carrying out these roles, furthers the mission of the Communion across the globe as it engages with many of the issues explored in the previous chapter. In this chapter, we will explore how these different roles related to Church, State and Commonwealth impact the debates in Parliament about faith-based issues.

In the previous two chapters we explored the relationship between the Second Church Estates Commissioner and the Lords Spiritual with the Anglican Communion. In this chapter Elizabeth II and Charles III's personal views and relationships with the Anglican Communion will be explored. Whilst chapter 3 focused on ecclesiastical law, and chapter 4 focused on general law and government policy – in this chapter ecclesiastical law, general law and government policy will be considered.

The first section provides a brief historical outline of the relationship between the Crown and the Church of England, and what this has meant for the relationship between the doctrine of royal supremacy and the Anglican Communion. The second part considers the relationship between the monarchy and the Anglican Communion, shaped by Elizabeth II, and how Charles III has come to define the role of the Defender of The Faith. The final section considers

the relationship between the Commonwealth and the Anglican Communion, and how the Church of England has identified both differences and similarities between both international bodies as they engage with global issues. The parliamentary debates in this section evidence the emergence of a further constitutional convention: Parliament encourages collaboration between the Commonwealth and the Communion as both international organisations engage with global issues.

THE SUPREME GOVERNOR OF THE ESTABLISHED CHURCH

5.1 Royal Supremacy

The Acts of Supremacy of 1534[2] and 1558[3] were decisive in bringing an ecclesiological and constitutional shift in the polity and order of the English Church. The 1534 Act declared Henry VIII as 'the only supreme head on earth of the Church of England.' Henry VIII and the Archbishop of Canterbury, Thomas Cranmer, created what was effectively a national church with the monarch, a lay person, at its head – but led by bishops with a catholic liturgy.

Whilst the Church was episcopally led with a catholic liturgy, the newly reconstituted Church of England gradually severed all links with Rome.[4] The

[2] 26 Hen 8 c 1.

[3] 1 Eliz 1 c 1.

Ecclesiastical Appeals Act 1532[5] (also called the Statute or Act in Restraint of Appeals) forbade all appeals made to the Pope in Rome on any matter, and the Submission of the Clergy Act 1534,[6] meant that all Canons passed by the Church required Royal Assent.[7] Russell Sandberg outlines the important legislative changes that occurred:

> [i]mportant legislation included the Act in Restraint of Appeals 1532, Appointment of Bishops Act 1533, Submission of the Clergy Act 1534, Act of Supremacy 1534, Act in Restraint of Annates 1534 and the Ecclesiastical Licences Act 1534. Other legislation followed, such as the Sacrament Act 1547 and Act of Supremacy 1558.[8]

These legislative changes represent what Sandberg identifies as the periodisation of the development of religion law in England before and after the Reformation. The shift was gradual, these legislative changes endured the reign of his protestant son Edward VI (1547-53), but the Henrician Act of Supremacy was repealed during the reign of Catholic Mary I.[9] During Elizabeth I's first

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[4] Mark Hill, *Ecclesiastical Law* (4th edn, Oxford University Press 2018) para 1.12. Roman canon law did not cease to have an effect within the Church of England after the Reformation, see Norman Doe, 'Pre-Reformation Roman Canon Law in Post-Reformation English Ecclesiastical Law' (2022) 3(24) Ecc LJ 273.

[5] 24 Hen 8 c 12.

[6] 25 Hen 8 c 19.

[7] Russell Sandberg, *Law and Religion* (Cambridge University Press 2011) 24.

[8] ibid.

[9] Sandberg (n 7).

Parliament, the Act of Supremacy 1558 was passed. This Act changed the monarch's title from "Head" to "Governor". The Act required anyone taking public office in England to take the Oath of Supremacy, which declared the monarch as Supreme Governor.[10] The legislative changes during this period reflected 'a view of the English Church as nationalised and independent of foreign jurisdiction – but dependent on the royal supremacy. Papal powers were transferred by statute to the Crown and to the royal officials.'[11] Some post-Reformation commentators of ecclesiastical law held the view that the statutes were declaratory of pre-Reformation law in England.

The other source for the doctrine of royal supremacy is Article 37 of the Thirty-Nine Articles of Religion. The Thirty-Nine Articles were agreed upon by the Convocation of Canterbury in 1563 and subsequently approved by Parliament and ratified by Elizabeth I in 1571.[12] Later in 1571, Parliament passed the Subscription Act,[13] officially requiring clergy to subscribe to the

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[10] Section 8 of the 1558 Act is unrepealed and remains in force today. This section maintained that the Crown retains the power for ecclesiastical visitation. This is the act of the bishop or their office, going to their diocese or other district, with a full power of inquiring into matters related to the government and discipline of the Church, and sometimes of 'correcting abuses and punishing excesses.' For more of a detailed guide on ecclesiastical visitation see Peter M Smith, 'Points of Law and Practice Concerning Ecclesiastical Visitations' 2(9) Ecc LJ 189. See also Russell Dewhurst, 'The King and the Law of the Church of England' (2023) 25(2) Ecc LJ 139.

[11] Michelle L Johnson and Will Adam, 'The Reformation and the King's Ecclesiastical Law: 1533–58' in Norman Doe and Stephen Coleman (eds), *The Legal History of the Church of England: From the Reformation to the Present* (Hart Publishing 2024) 27.

[12] Torrance Kirby, 'The Elizabethan Church of England and the Origins of Anglicanism' in Torrance Kirby, Andrew Hiscock and Helen Wilcox (eds), *The Oxford Handbook of Early Modern English Literature and Religion* (Oxford University Press 2017) 63.

[13] 13 Eliz 1 c 12 or 13 Eliz 1 c 10.

Articles, giving them statutory force and thus recognised by post-Reformation commentators as law. Article 37 *Of the Civil Magistrates* explains that 'the King's Majesty hath the chief power… whether they be Ecclesiastical or Civil.'[14] The Preface to the Thirty-Nine Articles of Religion describe the sovereign as 'Defender of The Faith and Supreme Governor of the Church of England.' Torrance Kirby has argued that the Thirty-Nine Articles helped to determine the theology of Anglicanism globally because the initial five titles of the Articles of Religion (the affirmation of traditional Trinitarian and Christological orthodoxy) was affirmed in the four points of the Chicago-Lambeth Quadrilateral.[15]

The Chicago-Lambeth Quadrilateral was adopted by the House of Bishops of the American Episcopal Church in 1886 and endorsed by resolution 11 of the 1888 Lambeth Conference which states that Holy Scripture is the rule and ultimate standard of the faith.[16] But Mark Chapman points out that 'the Chicago Quadrilateral was aimed principally at reconciliation at home and as an invitation to other denominations to unite, rather than as a mechanism for defining any international Anglican principle.'[17] At the 1888 Conference the

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[14] Dewhurst (n 10) 153.

[15] Kirby (n 12) 63.

[16] LC 1888, Res. 11 (a): [t]he Holy Scriptures of the Old and New Testaments, as "containing all things necessary to salvation," and as being the rule and ultimate standard of faith.

[17] Mark Chapman, *Anglican Theology* (Bloomsbury T&T Clark 2012) 193.

bishops 'adopted a slightly revised version of the Chicago Quadrilateral.'[18] Resolution 11 'regarded the four points as "articles", presumably akin to the Thirty-Nine Articles, and therefore as constitutive of Anglicanism and the wider catholic faith.'[19] The Chicago-Lambeth Quadrilateral was more an expression of the catholic faith in an attempt to reunite the church universal, rather than a re-articulation of the Thirty-Nine Articles as some kind of statement about global Anglican doctrine. Writing in 2004, Andrew Atherstone charts the relevance of the Thirty-Nine Articles in the Anglican Communion:

> [t]he Thirty-Nine Articles once acted as a common confession. At the time of the Elizabethan Settlement they were intended to hold the church together in gospel unity, providing agreement on Christian essentials while allowing wide divergence of opinion on non-essentials (otherwise known as a 'principled comprehensiveness'). However, over the last century the position of the Articles has deliberately been demoted within the Anglican Communion. By the early 1960s Stephen Bayne (first Executive Officer for the Anglican Communion) was happily describing them as 'museum-pieces'. The 1968 Lambeth Conference recommended that provinces remove the Articles from their Prayer Books and no longer require ordination candidates to subscribe to them. As Ian Ramsey (Bishop of Durham) stated at the time: '[w]e do not want to sweep the Thirty-Nine Articles under the carpet but to send them to a stately home in England where we can visit them from time to time.' As a result, only eleven provinces now officially retain the Articles and most of the rest do not even refer to them in their constitutions.[20]

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[18] Chapman (n 17).

[19] ibid.

Whilst Atherstone was correct in 2004 to highlight the fact that most provinces do not refer to the Thirty-Nine Articles in their constitutions, the Articles remain a historic source for lawful doctrine. The *Principles of Canon Law Common to the Churches of the Anglican Communion* (second edition, 2022; hereafter referred to as "*The Principles*") at principle 49.4 affirm that the Articles '…are grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the Holy Scriptures'; and at 49.5: '[t]he Thirty-Nine Articles of Religion, the Book of Common Prayer and the Ordinal 1662 as locally adapted represent historic sources or statements of lawful doctrine for a church.' The Anglican Communion's global committee for doctrinal issues is the Inter-Anglican Standing Commission on Unity Faith and Order ("IASCUFO") – established by ACC-14 (which was held in May 2019 in Kingston, Jamaica), its members are appointed by the Archbishop of Canterbury in consultation with the Secretary General.[21] But doctrine is only part of IASCUFO's remit, and it has no legal jurisdiction in individual provinces. Consequently, it is the synods of provincial churches that are the final arbitrators

[20] Andrew Atherstone, 'The Incoherence of the Anglican Communion' (2004) 118(3) *Churchman* 239 <https://www.churchsociety.org/wp-content/uploads/2021/05/Cman_118_3_Atherstone.pdf> accessed 26 April 2025.

[21] IASCUFO brought together work done previously by three different bodies: the Inter-Anglican Theological and Doctrinal Commission, the Inter-Anglican Standing Commission on Ecumenical Relations, and the Windsor Continuation Group. See Report to ACC-15 (ACC15/2012/11/1) <https://www.anglicancommunion.org/media/39744/iascufo-complete-report-to-acc.pdf> accessed 26 April 2025.

of doctrine. *The Principles* at principle 50.4 state that '[t]he development of doctrinal formulas by a church assembly may be subject to such substantive limitations and special procedural requirements as may be prescribed by the law of a church to ensure the protection of the faith of the church universal.' For example, in the Church of England, Canon A5, *Of the doctrine of the Church of England*, stipulates that '[t]he doctrine of the Church of England is grounded in the Holy Scriptures, and in such teachings of the ancient Fathers and Councils of the Church as are agreeable to the said Scriptures. In particular such doctrine is to be found in the Thirty-Nine Articles of Religion, The Book of Common Prayer, and the Ordinal.' The Thirty-Nine Articles, whilst declining in importance, continue to have relevance for many provinces throughout the Communion.

It is also important to note that 'there exists a very large gap institutionally and culturally between the infant Church of England under Henry VIII and the modern worldwide Anglican Communion.'[22] So, whilst there is some coherence with the grounding of theology for the Communion in the four points of the Chicago-Lambeth Quadrilateral as asserted by Kirby, ultimately, individual provinces determine their own doctrine, which may be different from other provinces.

[22] Peter McCullough, '"Anglicanism" and the Origins of the Church of England' (2014) 16 Ecc LJ 319.

5.2 From Royal Supremacy to Parliamentary Supremacy

Since the seventeenth century the role of the sovereign as Supreme Governor has been in gradual decline. Since 1660, with the restoration of the monarchy through the Glorious Revolution, it has been Parliament that has gained sovereignty and become supreme. The current relationship between the Crown and the Church of England is largely a product of the geopolitics of the late seventeenth century. The principal doctrine of royal supremacy is part of what Ian Bradley calls 'the Protestant Project.' It 'was hammered out by Martin Luther and other sixteenth century reformers who promoted the ideal of a godly prince ruling a godly nation to counter papal claims of absolute sovereignty.'[23] When in November 1689 William and Mary were invited by Parliament to rule jointly in the place of Roman Catholic James II, the "covenant theory of monarchy" won over that of "divine right".[24] Sandberg notes that 'William was a renowned Protestant, famed as a champion of the faith due in part to his participation in wars against Catholic rulers such as Louis XIV of France.'[25] It was William's zeal for the protestant project, that secured his succession to the British Crown.

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[23] Ian Bradley, *God Save the Queen: The Spiritual Heart of the Monarchy* (Continuum 2012) 119.

[24] ibid 125.

[25] Russell Sandberg 'The Restoration and Re-Establishment: 1660–1701' in Norman Doe and Stephen Coleman (eds), *The Legal History of the Church of England: From the Reformation to the Present* (Hart Publishing 2024) 102.

According to Jamie Hawkey, the reign of William and Mary established the parameters of royal supremacy, 'where there is a three-way-covenant between God, monarch, and people, in which the monarch rules by consent, answerable to the people as much as to God.'[26] The Bill of Rights 1688[27] was the legal instrument under which the parameters were set. The constitutional settlement heralded by the reign of William and Mary meant that there was now a limited form of monarchy in which sovereignty rested with Parliament. Sandberg alerts us that the foundation of the UK's constitutional monarchy and liberal democracy was laid by the Bill of Rights 1688:

> [t]he conditions upon which William and Mary took the throne were articulated in a Declaration of Rights, which was later incorporated into the Bill of Rights 1688 and confirmed by Act of Parliament [Crown and Parliament Recognition Act 1689].[28] The Bill of Rights underlined how the king was now 'distinctly below statute'. It declared illegal the levying of money, the raising of a standing army and 'the pretended power' of suspending or dispending laws without the consent of Parliament. It confirmed that all subjects had the right to petition the king and that 'excessive bail' or 'cruel and unusual punishments' must not be inflicted. Members of Parliament should be freely elected and have freedom of speech in parliamentary proceedings. The Bill of Rights also secured the succession of the Crown and proclaimed that it was

[26] In a series of lectures delivered at Westminster Abbey in the build up to the coronation of Charles III, the Canon Theologian of the Abbey, Jamie Hawkey, referred to Bradley's definition of royal supremacy. Jamie Hawkey, 'Not to be Served, but to be served' *Church Times* (London, 28 April 2023) <https://www.churchtimes.co.uk/articles/2023/28-april/features/features/a-theology-of-the-monarchy-not-to-be-served-but-to-serve#:~:text=THE%20SO%2DCALLED%20%E2%80%9Ccovenant%E2%80%9D,as%20much%20as%20to%20God> accessed 26 April 2025.

[27] 1 Will & Mar Sess 2 c 2.

[28] 2 Will & Mar c 1.

> 'inconsistent with the safety and welfare of this Protestant Kingdom to be governed by a Popish Prince'.[29]

Royal Supremacy came to prominence in the sixteenth century, but from the late seventeenth century onwards it has developed into the doctrine of the absolute sovereignty of Parliament.[30]

The Protestant nation was saved from so-called 'popery' in 1688 with the Glorious Revolution, preserved in 1689 with the Bill of Rights when Parliament declared that the monarchy should remain Protestant, and secured in 1701 with the Act of Settlement[31] when Parliament enacted for a perpetual Protestant succession. With the Acts of Union 1707,[32] the monarch also had the duty of preserving the Presbyterian Church of Scotland. The cumulative effect of this period of legislative change has meant that for a modern western liberal democratic state, the UK has a unique relationship between the institutions of government and protestant Christianity.

In the twenty-first century, Canon A7 *Of Royal Supremacy* still stipulates that 'the King's excellent Majesty, acting according to the laws of the realm, is the highest power under God in the Kingdom, and has supreme authority over all persons in all causes, as well ecclesiastical as civil.' The

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[29] Sandberg, 'The Restoration and Re-Establishment' (n 25)103.

[30] Dewhurst (n 10) 150.

[31] 12 & 13 Will 3 c 2.

[32] 6 Ann c 11.

headship claimed by Henry VIII, and the supreme governorship by Elizabeth I, was not sacramentally derived from Holy Orders, but rather one of legal oversight or jurisdiction. Paul Avis points out that this does not mean that the monarch should 'impinge on conscience or transgress "the law of Christ", but rather that it is the sovereign who constitutionally and symbolically unifies the spiritual and temporal spheres of national life.'[33] The Church of England's 1990 *Report of the Archbishop's Group on the Episcopate* emphasised this point:

> … the King will not ordain bishops though he will choose who shall be ordained… he will not decide doctrine but will see that Convocation does not meet or proceed to make canons without his consent.[34]

Mark Hill has also made this point:

> [t]he Sovereign is not a minister of the word of God nor of the sacraments, but is supreme Ordinary and visitor and exercises certain powers formerly vested in the Pope, such as the granting of licences and dispensations under the Ecclesiastical Licences Act 1533. Significant rights of patronage vest in the Sovereign, including the appointment of all bishops and archbishops.[35]

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[33] Paul Avis, *Church, State and Establishment* (SPCK 2001) 23.

[34] Archbishops' Group on the Episcopate, *Episcopal Ministry* (London: Church House Publishing, 1990), 209. The legal basis for this is the Submission of the Clergy Act 1533 (1 Hen VIII c 19), s 1: clergy shall not make any Constitutions except in Convocation with the King's Assent; and s 3: no Cannons shall be enforced contrary to the King's Prerogative.

[35] Hill, *Ecclesiastical Law* (n 4) para 120.

There is thus a clear distinction between that power which enables a bishop to exercise spiritual functions, (*protestas ordinas*, i.e., preach, baptize, or celebrate the Eucharist), and the power of jurisdiction, which enables the Crown to appoint those that carry out these spiritual powers. Thus, from the very beginning the monarch had no sacramental authority. In the twenty-first century, diocesan bishops are appointed by the Monarch and, at least in principle, on the advice of the Prime Minister. Accordingly, Sandberg argues that 'the references to royal supremacy in the law of the Church of England could be simply interpreted as a simple reiteration of parliamentary supremacy.'[36] The doctrine of parliamentary sovereignty was formulated by the Oxford jurist A.V. Dicey: (1) Parliament has the right to make or unmake any law that it chooses and (2) no person or body has the right to set aside legislation passed by Parliament.[37] But as a doctrine it has been challenged since its inception. Most notably by Sir Ivor Jennings, a leading constitutionalist of the 1930s. Jennings saw the capacity of Parliament as a body to create law being constrained and controlled by the political reality of the House of Commons, he argued for the political reality of *vox populi vox dei*.[38] There have also been other challenges to this doctrine, most notably EU membership and the Human Rights Act 1998.[39] But as

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[36] Sandberg, *Law and Religion*, (n 7) 61.

[37] A. V. Dicey, *An Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 40.

[38] I. Jennings, *Parliament* (Cambridge University Press 1939) 9.

explained in chapter 1, in 2019 the Supreme Court upheld it as a fundamental constitutional principle,[40] and the UK Parliament website declares its continued dominance as a principle in the UK constitution:

> Parliamentary sovereignty is a principle of the UK constitution. It makes Parliament the supreme legal authority in the UK which can create or end any law. Generally, the courts cannot overrule its legislation and no Parliament can pass laws that future Parliaments cannot change. Parliamentary sovereignty is the most important part of the UK constitution.[41]

5.3 Royal Supremacy and the Anglican Communion

The Reformation statutes of the 1530s meant that 'the Kingdom of England was now seen as being synonymous with the Church of England.'[42] This view was articulated by Richard Hooker (1553-1600), who, according to Chapman 'is one of the most often cited but also one of the most hotly contested voices in the history of Anglicanism' because he provides 'the underlying theology of church order and practice as this relates to divine and human law and order.'[43] In his

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[39] Javier García Oliva and Helen Hall, 'Parliamentary supremacy and the religious character of the Constitution and the wider legal framework' in *Religion, Law and the Constitution* (Routledge 2008) para 5.2.2.2.

[40] *R (Miller) v the Prime Minister* [2019] UKSC 41, [2020] AC 737.

[41] 'Parliamentary Sovereignty' (*UK Parliament*) <https://www.parliament.uk/site-information/glossary/parliamentary-sovereignty/> accessed 26 April 2025.

[42] Sandberg, *Law and Religion*, (n 7) 24.

[43] Chapman (n 17) 96.

publication on *The Laws of Ecclesiastical Polity* Hooker states: 'there is not any man of the Church of England, but the same man is also a member of the Commonwealth, nor any man a member of the Commonwealth which is not also of the Church of England'(*Lawes*, VIII.i.2).[44] Royal supremacy vests in the Crown but is it exercised by the sovereign in Parliament. Chapman explains Hooker's defence of royal supremacy:

> [t]he idea of laws being made by general consent, which had been developed in Book One, implies that the correct legislative body for the Church is the Parliament. In turn, bishops do not hold their authority directly from Christ, but have it granted to them from the spiritual community. This leads him [Hooker] to a defence of the Royal Supremacy. The king, 'whose care is presumed to extend most indifferently over all', was regarded as the 'common parent' who had the lawful supremacy of power 'to order and dispose of spiritual affairs'. The sovereign will persist in the monarch's supreme legislating authority, whose duty is to ensure that good order is maintained in the church and the state.[45]

Hooker's identification of the State with the Church did not pose much of a problem for those churches that existed in British territories because the Crown remained supreme in spiritual matters and bishops continued to be appointed by Letters Patent. But this did pose a problem for the American Church after the Declaration of Independence in 1776.

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[44] Chapman (n 17) 115–16.

[45] ibid.

In parallel to the English Church, the American Church maintained its threefold order of ministry – at its first General Convention in 1785 it decided to be episcopal in polity, making it clear it was 'requesting due episcopal succession' and declared itself as the "Protestant Episcopal Church".[46] It then sought to remove any trace of royal supremacy from its constitution. The doctrine was removed from the Thirty-Nine Articles in 1801 when it agreed to adopt the Articles but revised Article 37:

> [t]he Power of the Civil Magistrate extendeth to all men, as well Clergy as Laity, in all things temporal; but hath no authority in things purely spiritual. And we hold it to be the duty of all men who are professors of the Gospel, to pay respectful obedience to the Civil Authority, regularly and legitimately constituted.[47]

This revision of the Article reflected the fact that by 1801 American followers of the English Church were living in a republic.[48] In the newly reconstituted American Episcopal Church, the monarch no longer had any authority. Instead this authority was transferred and shared between both clergy and laity. In 1801 the Episcopal Church also removed Article 21 from its constitution,[49] which gave the monarch the authority to call councils and gatherings.

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[46] Dewhurst (n 10) 151.

[47] ibid.

[48] ibid

[49] ibid.

The divergence in the ecclesiology of the American Episcopal Church from the Church of England came to shape the eventual ecclesiology of the Communion – where the Crown has no jurisdiction. Whilst each province of the Communion has its own understanding of episcopacy and structure for governance, in all provinces of the Communion, power is vested jointly in bishops and representatives of both the lower clergy and the laity.

Kirby argues that provinces 'share a mutual recognition of provincial autonomy, the inheritance of the ecclesiology of the autocephalous national Church. In this respect, the Church of England can be said to have produced offspring in her own image.'[50] Kirby says provincial autonomy in the modern Anglican Communion reflects the provincial autonomy the Church of England gained from Rome as a result of the Henrician and Elizabethan reforms. Kirby is correct to the extent that the Church of England has no legal jurisdiction in any other province, just as the Church of Rome no longer exercises any legal jurisdiction in the Church of England. But Kirby has failed to recognise that the Archbishop of Canterbury continues to exercise extra-provincial metropolitical jurisdiction in a small number of provinces,[51] and whilst some provinces are in the process of removing the Archbishop of Canterbury from their constitutions, Alexander Ross has outlined those provinces of the Communion where the

[50] Kirby (n 12) 66.

[51] Bermuda, the Lusitanian Church (Portugal), the Reformed Episcopal Church of Spain, and the Church of Ceylon (Sri Lanka).

Archbishop of Canterbury continues to have a role.[52] So, the analogy made by Kirby, whilst correct in the general sense is not entirely accurate.

The shift from royal supremacy to parliamentary supremacy in the UK constitution meant there would be no royal supremacy in the Anglican Communion. This left a vacuum in the Communion, which, as Benjamin Guyer argues, was replaced by the Lambeth Conference.[53] But Guyer says the Lambeth Conference has not been an effective replacement because it has never had the power to legislate by canon. According to Guyer, the Lambeth Conference's inability to legislate by canon is derived from the Church of England's fidelity to royal supremacy.[54] On 12 February 1867 Archbishop Charles Longley of Canterbury gave an address to the Upper House of Convocation in which he rejected any claims that the Lambeth Conference was a synod or in any way in direct opposition to the authority of the Crown.[55] Longley strongly defended the doctrine of royal supremacy in the Church of England, and therefore made sure that the Lambeth Conference was not a synod – for Longley, there could be no instrument in the Communion that had the potential to challenge royal supremacy in the Church of England.

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[52] 'The Archbishop of Canterbury in Provincial Constitutions', in Alexander Ross, *A Still More Excellent Way: Authority and Polity in the Anglican Communion* (SCM Press 2020) 96–100.

[53] Benjamin Guyer 'This Unprecedented Step: The Royal Supremacy and the 1867 Lambeth Conference' in Paul Avis and Benjamin Guyer (eds), *The Lambeth Conference: Theology History, Polity and Purpose* (Bloomsbury 2015) 66.

[54] Dewhurst (n 10) 154.

[55] Guyer (n 53) 66.

Royal supremacy does not exist in the Communion as it does in the Church of England because the Crown has no legal power elsewhere in the Communion. But there is a historic relationship between royal supremacy and the modern Anglican Communion. Firstly, the decision of the Church of England to maintain the threefold order of ministry during the Reformation has meant that all provinces share the same traditional orders of ministry – though as explained above, different provinces have different understandings of episcopacy and authority in their respective churches. And secondly, the autonomous self-governing ecclesiology of the Tudor English Church as it related to Rome, is mirrored in the way provinces of the Anglican Communion relate to each other as autonomous self-governing churches. But it is important to recognise that the Archbishop of Canterbury still exercises metropolitical jurisdictional oversight in a small number of non-English churches.

THE UK PARLIAMENT, THE MONARCHY AND THE ANGLICAN COMMUNION

5.4 The Anglican Communion and the Succession to the Crown Act 2013

The laws relating to the succession enacted after the Glorious Revolution in 1688 were to ensure a protestant monarch – Roman Catholics were barred from the throne. During the seventeenth century the relationship between the monarch and protestant Christianity was confirmed in two respects. Firstly, it was a condition of William and Mary's reign that they would outlaw episcopacy

in Scotland and maintain its presbyterian polity, and in England William retained the position of Supreme Governor. Secondly, the monarchy was now emphatically protestant in character and legislation was shaped to ensure that its protestant character would endure.

The passing of the Toleration Act 1688[56] granted non-conformists freedom of worship as a reward for their refusal to side with James II.[57] The Act of Settlement 1701 was designed to secure a protestant succession and stipulated that no Roman Catholic could be monarch, nor could anyone who married a Roman Catholic be monarch.[58] The monarch is required to be a descendant from the former Electress of Hanover, Princess Sophia (whose son was George I) and is required by the Act of Settlement 1701[59] to 'join in communion with the Church of England as by law established.'[60]

During the reign of Anne (1702-07), the Church of England was strengthened further, as she 'personally established funds to augment the stipends of poor clergy and build new parish churches in London.'[61] By the eighteenth century, the protestant succession replaced 'divine right' as the defining pillar of British monarchy, and in the absence of any ethnic sense of

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[56] 1 Will & Mar c 18.

[57] Bradley (n 23) 141.

[58] Avis (n 33) 31.

[59] s 3 (12 & 13 Will 3 c 2).

[60] Avis (n 33) 31.

[61] Bradley (n 23) 141.

nationhood, became the uniting force in the creation of a new United Kingdom. Linda Colley has argued that 'it was their common investment in Protestantism that first allowed the English, the Welsh and the Scots to become fused together, and to remain so despite their many cultural divergences.'[62]

During the nineteenth century royal supremacy started to lose its anti-Catholic pedigree. This was highlighted by the Duke of Norfolk in the Lords' November 1979 debate when the hereditary peer and former Conservative MP, Lord Dunleath, asked the government whether they would design a framework in Northern Ireland as a first step towards devolution of legislative powers.[63] The Duke of Norfolk rose to explain that he felt urged to address the House as one of the five million committed Catholics of England, Scotland and Wales.[64] He explained that Catholics were excluded from English life in the sixteenth and seventeenth centuries, but gradually emerged through the successive Relief Acts that were passed, especially "the great" Catholic Emancipation Act 1829.[65]

Lord Dunleath went on to explain that in these 'ecumenical times… matters have developed to an amazing degree: Mass is often now said in the churches of the Anglican Communion; last July the Queen visited Westminster

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[62] Linda Colley, *Britons: Forging the Nation 1707-1857* (Pimlico 1992) 367–68.

[63] HL Deb 1 November 1979, vol 402, col 504.

[64] HL Deb 1 November 1979, vol 402, cols 534–37.

[65] Roman Catholic Relief Act 1829 (10 Geo 4 c 7). For a greater discussion of this see Norman Doe 'The Ecclesiastical Law and Religious Pluralism: 1760–1837' in Norman Doe and Stephen Coleman (eds), *The Legal History of the Church of England: From the Reformation to the Present* (Hart Publishing 2024).

Cathedral...'[66] He also explained that at the funeral of Lord Mountbatten in Westminster Abbey, the Archbishop of Westminster, Cardinal Hume, attended and read 'prayers for peace in front of the whole Royal Family.'[67] For the Duke of Norfolk these events related to the improved ecumenical relations between the Roman Catholic Church and the Anglican Communion, represented an end to the anti-Catholic rhetoric which dominated royal supremacy before the eighteenth century.

In the modern period the law banning members of the Royal Family from marrying Roman Catholics has come to have no relevance. When the grandson of George V, Prince Michael of Kent, married a Roman Catholic in 1978, he had to forfeit his succession to the throne.[68] But in 1994, when Catharine, The Duchess of Kent who was married to the Queen's cousin, Prince Edward The Duke of Kent, wanted to convert to Roman Catholicism, the Queen granted her permission. When Princess Anne's son Peter Phillips married Autumn Kelly in 2008 (they divorced in 2021), Kelly (a Canadian from Quebec) renounced her Catholic faith and became a member of the Church of England so Peter Phillips did not lose his succession to the throne.[69]

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[66] HL Deb 1 November 1979, vol 402, cols 534–37.

[67] ibid.

[68] Catherine Pepinster, *Defenders of the Faith: the British Monarchy, Religion and the Next Coronation* (Hodder & Stoughton 2022) 165–66.

[69] ibid.

The former Conservative MP and cabinet minister who had himself converted to Roman Catholicism, John Gummer (who we saw in Chapter 3 was a vocal opponent to women's ordination to the priesthood) had tried to change the anti-Catholic legislation early in 2008 when he remarked: 'it is unacceptable that the part of the Christian Church that has more adherents than any other should be discriminated against in this way.'[70] Unlike Gummer, Tony Blair, who also converted to Roman Catholicism (after leaving office), had been opposed to a change into the law.[71] But in 2010 the then Labour Prime Minister, Gordon Brown (who is the son of a Scottish Presbyterian Minister), explained that he was committed to changing the 'anomaly' that banned the Royal Family from marrying Catholics. Brown spoke out ahead of the debate in the Commons on the Private Members' Bill: Royal Marriages and Succession to the Crown (Prevention of Discrimination) Bill[72] ("the Harris Bill"), which was promoted by the humanist and Liberal Democrat MP, Evan Harris.[73] This Bill proposed to lift the ban on anyone in the line of succession from marrying a Catholic. The Harris Bill also proposed amending the primogeniture rules, which state that the

[70] Pepinster (n 68).

[71] Nicholas Watt & Andrew Sparrow, 'Gordon Brown committed to ending anomaly of royal ban on Catholics' *The Guardian* (London, 27 March 2009) <https://www.theguardian.com/politics/2009/mar/27/gordon-brown-royal-succession> accessed 26 April 2025.

[72] HC Bill (2008-09) [29].

[73] HC Deb 27 March 2009, vol 490, cols 556–629.

first-born son of the monarch takes precedence in the line of succession over older sisters.

The law banning a sovereign from marrying a Roman Catholic was changed with the passing of the Succession to the Crown Act 2013.[74] Prime Minister David Cameron announced at the Commonwealth Heads of Government Meeting ("CHOGM") in Perth on 28 October 2011 that with the agreement of the other (then fifteen, now, writing in April 2025 fourteen) Commonwealth Realms, the UK would change the rules of succession to end the system of male preference primogeniture and end the bar on those members of the Royal Family who marry Roman Catholics from succeeding the throne. It was also decided that the consent of the monarch before marriage was only required for the first six members of the Royal Family in line to the throne.

The Government of New Zealand agreed to coordinate interaction between the Commonwealth Realms. The UK government worked closely with the government of New Zealand to ensure that all Commonwealth Realms were satisfied with the proposed changes. It was agreed that the UK would be the first to draft legislation, but that this would not be introduced until the government had secured the agreement of the other Commonwealth Realms to the terms of the Bill, and it would not be commenced until any appropriate domestic arrangements were in place in the other Commonwealth Realms. On 2

[74] s 2(1) of the Act explicitly states that marrying a Roman Catholic no longer disqualifies a person from the line of succession, and s 2(2) ensures this applies even to existing marriages entered into while the old rule was in place.

December 2012 the coalition government received final agreement in writing from the Prime Ministers and Cabinet Secretaries of all the other Commonwealth Realms, regarding all three elements in the reform of the rules governing royal succession. On 4 December 2012 the then Deputy Prime Minister, Liberal Democrat MP Nick Clegg, declared that 'this is a historic moment for our country and our Monarchy.'[75] During the passage of the Bill the then Parliamentary Under-Secretary, Conservative MP Chloe Smith, explained during its Second Reading that the coalition government remained committed to establishment:

> …let me state again that the Government are absolutely committed to the Church of England as the established Church, with the sovereign as its Supreme Governor. We consider that the relationship between the Church and State in England is an important part of the constitutional framework. It has evolved over centuries and the Government has no intention of legislating to disestablish the Church of England. It is important to state that. The Government's view is that allowing a person of Roman Catholic faith to accede to the throne would clearly be incompatible with the requirement for the sovereign to be in communion with the Church of England.[76]

Smith went on to refer to the Anglican Communion during the debate:

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[75] Office of the Deputy Prime Minister, 'Royal succession rules will be changed' (Press Release, 4 December 2012) <https://www.gov.uk/government/news/royal-succession-rules-will-be-changed> accessed 26 April 2025.

[76] HC Deb 28 January 2013, vol 557 col 254.

> [v]arious Members raised the possibility of an heir entering into a mixed Anglican and Catholic marriage and discussed what would happen under Roman Catholic canon law. Some feared that that could lead to a constitutional crisis, and I want to reassure them. There is an example of that in the royal family in Lord Frederick and Lady Gabriella Windsor, the son and daughter of Prince Michael of Kent. He married a Catholic, but the children have been brought up in the Anglican Communion. I suggest that that is a pragmatic example in the modern monarchy.[77]

It isn't entirely clear whether the references to the Anglican Communion are to the global fellowship or the Church of England. But, what is significant is that Parliament is aware that members of the Royal Family are not just members of the Church of England but are also part of the Anglican Communion. The Church of England was recognised as a church in the Anglican Communion, and not just the only Anglican Church.

The Labour MP John McDonell made the point that a person brought up in an Anglican environment will not always naturally become an Anglican.[78] McDonnell explained that there might be a situation where an 'Anglican Head of State says, "I don't believe any more." And in that situation would we ask

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[77] ibid. Canon 1124 of the Roman Catholic *Code of Canon Law* (1983) addresses mixed marriages, which are marriages between a Catholic and a baptised non-Catholic who is not in full communion with the Catholic Church: [m]arriage between two baptised persons, one of whom was baptised in the Catholic Church or received into it after baptism, and the other a member of a Church or ecclesial community not in full communion with the Catholic Church, cannot be celebrated without the express permission of the competent authority.

[78] HC Deb 28 January 2013, vol 557, col 702.

them to abdicate?' The Conservative MP Edward Leigh remarked (without giving examples): 'the Anglican Church is a very relaxed Church, and many Anglican bishops have fairly broad views about the existence of God.'[79] The Labour MP Chris Bryant (a former Anglican vicar) continued: 'I delight in the relaxed nature of the Anglican Communion.'[80] Again, these parliamentarians recognised that members of the Royal Family are, through their membership of the Church of England, part of the Anglican Communion's global family.

5.5 Elizabeth II, Charles III and the Anglican Communion

Elizabeth II's commitment to the Anglican Communion was raised in the March 2012 Commons' debate about the Diamond Jubilee. The former Labour Foreign Secretary and Lord Chancellor, Jack Straw MP, remarked that when he had the duty of administering the Oath of Homage (which since Henry VIII all new bishops of the Church of England must make to the sovereign) he was able to observe the 'profound seriousness with which the Queen treats her duties as Head of our established Church, as well as her encyclopaedic knowledge of the parishes and personalities of the Anglican Communion.'[81] Straw's comments remind us that Elizabeth II was fully aware of her position as the Supreme Governor (even though he incorrectly referred to her as the "Head" of the

[79] HC Deb 28 January 2013, vol 557, col 702.

[80] ibid.

[81] HL Deb 7 March 2012, vol 541, col 854.

Church of England) of what has historically been considered the "mother church" of the Anglican Communion. During Elizabeth II's reign she expressed on many occasions her deep Christian faith and her unwavering support for the Church of England as its Supreme Governor.[82] This support extended to the entire Anglican Communion. Guyer remarks:

> …in 1885 the monarchy may have remained a mystical symbol and even a moral authority for the English, but it held no analogous position for some churches of the burgeoning Anglican Communion, especially that in the United States and it played no analogous role at the first Lambeth Conference. In the latter half of Queen Victoria's reign, Crown and Mitre travelled in different directions…
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> …it was not until the 1897 Lambeth Conference that Victoria first bothered to greet any of the bishops visiting England for a Lambeth Conference, and when they later attended a reception with the Queen, she remarked to one of her attendants that she had little affection for them. Subsequent monarchs were more active and gracious. King Edward VII received the bishops at Buckingham Palace, and later monarchs held receptions for the bishops as well, as Queen Elizabeth II has done regularly. But it is, at most, an open question whether the British Crown retains any import for the wider Anglican Communion. In place of the Crown, Anglicans today have the Lambeth Conference.[83]

In his assessment, Guyer failed to recognise the difference between the Crown and the monarchy. Robert Blackburn explains that '[m]onarchy today as an

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[82] Particularly in Elizabeth II's opening address to the 2015 General Synod, see 'A speech by The Queen at the Inauguration of the General Synod, 2015' (*The Royal Family,* 24 November 2015) < https://www.royal.uk/queens-speech-inauguration-tenth-general-synod-24-november-2015> accessed 26 April 2025.

[83] Guyer (n 42) 78–79.

institution, and Queen Elizabeth II personally, performs a public role that is essentially ceremonial, providing a symbol for the British state itself.'[84] Whereas the 'Crown provides the legal basis of the unwritten constitution. The legal powers of the Crown, existing since time immemorial and collectively known as the royal prerogative, provide the authority for the basic functions of government.'[85] The royal prerogative is part of the common law and is therefore subordinate to an Act of Parliament. Elements of a prerogative power may be abolished, regulated or codified by an Act of Parliament – for example, the Constitutional Reform and Governance Act 2010 laid down parliamentary procedures regulating prerogative treaty making.[86] The House of Commons Library Briefing paper, with reference to Blackburn, explains:

> [t]he Crown is one of the oldest institutions in the United Kingdom and remains a significant part of its constitution. Professor Robert Blackburn has described it as "fundamental to the law and working of government in the UK". It has, however, no single accepted definition. The term has been used to describe a physical object or as an alternative way of referring to the monarch in their personal or official capacity. At its most expansive, the Crown has been taken as a proxy for "the government" or what in other countries would be known as "the State" …
>
> The terms "the sovereign" or "monarch" and "the Crown" are related but have separate meanings. The Crown encompasses both the monarch and the government. It is vested in the King, but in general its

[84] Robert Blackburn, 'The Constitutional Role and Working of the Monarchy in the United Kingdom' (2022) 70 *Jahrbuch des öffentlichen Rechts der Gegenwart* 181.

[85] ibid.

[86] ibid.

> functions are exercised by Ministers of the Crown accountable to the UK Parliament or the three devolved legislatures.[87]

Whilst it is true that there is no formal juridical relationship between the Anglican Communion and the Crown, Elizabeth II fostered a personal relationship between the UK monarchy and the Anglican Communion. Elizabeth II was involved in every Lambeth Conference from 1948. She hosted a reception at Buckingham Palace in 1958, 1968, 1978, 1988, 1998, and 2008 for bishops and their spouses. In 1958 it was reported in the *Washington Post* that 'nearly 320 archbishops and bishops of the Anglican Communion' were received by the Queen in the 'white and gold state ballroom.'[88] The bishops gathered represented fifteen separate countries and the Queen said in her address to them:

> I am indeed proud that your conference is being held in this mother country from which, in all the course of history, all churches of our communion have sprung. Today we take equal pride in the knowledge that this is now a worldwide family of churches in which none is accounted greater than another.[89]

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[87] David Torrance, 'The Crown and the constitution' (Commons Library Research Briefing Number CBP8885, 14 November 2023) 6 <https://researchbriefings.files.parliament.uk/documents/CBP-8885/CBP-8885.pdf> accessed 26 April 2025.

[88] 'Recovered Queen Greets Bishops' *The Washington Post and Times Herald (1954-1959)* (Washington DC, 6 August 1958) <https://www.proquest.com/historical-newspapers/recovered-queen-greets-bishops/docview/149064431/se-2> accessed 26 April 2025.

[89] 'Recovered Queen Greets Bishops' (n 88).

In her address to the bishops of the 1958 Lambeth Conference Elizabeth II reiterated the Church of England's historic position as the "mother church" of the Communion. But she also emphasised the equality of churches to each other, including the Church of England, which is reflected through provincial autonomy in the modern world.

In 1978 when Elizabeth II was on the royal tour of Canada, The Queen Mother and Princess Margaret hosted the garden party at Buckingham Palace. In 1998, when the first female bishops attended the Lambeth Conference, Elizabeth II greeted all female bishops individually.[90] In 2022, due to the Queen's age, difficulties with mobility and ongoing concerns about the pandemic, Buckingham Palace did not host the traditional garden party. Instead, Elizabeth II sent her own personal message on 3 August 2022:

> [i]t is with great pleasure that I send my warm greetings as you continue your meeting in the fifteenth Lambeth Conference…
>
> …I am reminded that this gathering was necessarily postponed two years ago, when you had hoped to mark the centenary of the Lambeth Conference that took place in 1920, in the aftermath of the First World War. Then, the bishops of the Anglican Communion set out a path for an ongoing commitment towards Christian unity in a changing world; a task that is, perhaps, even more important today, as together

[90] Katie Sherrod, 'Lambeth Conference takes day trip to London' *Anglican Communion News Service* (London, 29 July 1998) <https://www.anglicannews.org/news/1998/07/lambeth-conference-takes-day-trip-to-london.aspx> accessed 26 April 2025.

> you look to the future and explore the role of the church in responding to the needs of the present age...
>
> …I send my warmest good wishes to you all for a successful Conference and may God bless you in your ministry and service in his world.
>
> ELIZABETH R.[91]

On international royal tours and state visits, Elizabeth II would often attend Anglican churches for services. This usually happened when she visited her Commonwealth Realms. For example, during her 2002 Golden Jubilee tour of Canada she attended a service at Christ Church Cathedral in Victoria, British Columbia. She also visited St Alban's Anglican Church in Copenhagen during her state visit to Denmark in September 1957 and St Andrew's Anglican Church in Moscow during her state visit to Russia in October 1994. In 1982 the Queen attended the Royal Maundy service at St David's Cathedral in Wales (where, as a vestige of establishment, the monarch still has a stall in the quire), and in 2008 at St Patrick's Cathedral in Armagh – the only two occasions on which she attended the Royal Maundy Service outside the Church of which she is Supreme Governor.

Following the death of Elizabeth II, Anglican and Episcopal leaders around the world paid tribute to the late Queen. There were national memorial services held in Canada, Australia and New Zealand attended by State officials

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[91] Elizabeth II, 'Queen's message to Lambeth Conference' Lambeth Conference News (London, 3 August 2022) <https://www.lambethconference.org/this-is-a-time-of-great-need-for-the-love-of-god-queens-message-to-lambeth-conference/> accessed 26 April 2025.

including Prime Ministers and Governor Generals. The Primate of the Anglican Church of Canada, Archbishop Linda Nicholls, noted during her sermon that as Supreme Governor of the Church of England Elizabeth II was not formally Supreme Governor of the Anglican Church of Canada 'but she was at the head of an institution whose heritage all provinces of the Anglican Communion share.'[92] The Anglican Communion website noted that tributes were paid by church leaders in her overseas territories, including Canada and Australia.[93] The Secretary General of the Anglican Communion, Bishop Anthony Poggo said: 'she was Supreme Governor of the Church of England, but held the whole Anglican Communion of [c]hurches in great esteem. Over the years, she looked forward to welcoming the bishops of the Communion to Buckingham Palace for a reception during Lambeth Conferences…'[94]

The connection between the monarchy and the Anglican Communion has also been seen through other members of the Royal Family, for example at the wedding of the Duke and Duchess of Sussex. While televised royal weddings continue to be an apt reminder of the ongoing connection between

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[92] Sean Frankling, 'Queen Elizabeth: A Life Lived in Service' *Anglican Journal* (Toronto, 4 October 2022) <https://anglicanjournal.com/queen-elizabeth-a-life-lived-in-service/> accessed 26 April 2025.

[93] Anglican Communion Office, 'Anglican leaders around the world respond to the death of Queen Elizabeth II' (Press Release, 9 September 2022) <https://www.anglicancommunion.org/communications/press-and-media/press-releases/anglican-leaders-around-the-world-respond-to-the-death-of-queen-elizabeth-ii.aspx> accessed 26 April 2025.

[94] Anthony Poggo, 'Death of Queen Elizabeth II: Statement from the Secretary General of the Anglican Communion' *Anglican Communion News Service* (London, 9 September 2022) <https://www.anglicannews.org/news/2022/09/death-of-queen-elizabeth-ii-statement-from-the-secretary-general-of-the-anglican-communion.aspx> accessed 26 April 2025.

Church and State, and the public role of religion in the UK's national life,[95] it should be noted that Prince Harry and Meghan Markle are in a minority of couples who now opt for religious marriage, with less than 30 per cent of modern British couples having a church wedding.[96]

Days before the wedding, Meghan Markle was baptised and confirmed in a private service at which Welby officiated. This was the first modern royal marriage involving a divorced person to take place in the context of a Church of England service.[97] But most significantly, their wedding was striking because for the first time the sermon was delivered by an Episcopalian, and not a bishop of the Church of England or a Royal Peculiar dean. The then Presiding Bishop and Primate of the American Episcopal Church, Michael Curry, delivered a rousing sermon which caught the attention of the worldwide media. The Presiding Bishop was invited to preach by Welby, and his sermon was approved

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[95] Bob Morris, 'Ceremonial Functions of Monarchy' in Robert Hazell and Bob Morris (eds), *The Role of Monarchy in Modern Democracy: European Monarchies Compared* (Hart Publishing, 2020), 103.

[96] Francis Martin, "Figures for 2020 show continued decline in religious wedding ceremonies", *Church Times* (London, 12 May 2023) <https://www.churchtimes.co.uk/articles/2023/19-may/news/uk/figures-for-2020-show-continued-decline-in-religious-wedding-ceremonies> accessed 26 April 2025.

[97] In July 2002, the General Synod passed a motion (by 269 votes to 83) to rescind the marriage resolutions of the Convocations of Canterbury and York, which had urged clergy not to use the marriage service in the case of anyone who had a former partner still living. In November 2002, the House of Bishops issued advice to clergy concerning the procedure to be followed when one of the applicants for a marriage licence is a divorced person with a former spouse still living. The General Synod made it clear that the decision whether to solemnize such marriages rests with the incumbent (or officiating minister, provided the incumbent is prepared for his/her church to be used for the marriage). Whilst parishioners normally have the right to be married in the parish church of the parish where they live, a member of the clergy is entitled by law to refuse to remarry a divorced person in church whilst the former spouse is still living (Matrimonial Causes Act 1965, s 8).

by Buckingham Palace in advance. In a joint interview with Welby for CBS the day before the wedding, Curry was asked about the significance of an American Episcopalian preaching at a royal wedding. He replied: 'the Church of England is the mother church, and so it's always good to be in momma's house!'[98] Justin Welby responded: 'I can't believe you just said that [.] I think that's absolutely fantastic!' The Presiding Bishop drew on the words of Martin Luther King to urge the congregation to consider a world redeemed by the power of love. Quoting the American theologian Charles Marsh (a biographer of Dietrich Bonhoeffer), he described how Jesus 'founded the most revolutionary movement in human history: a movement built on the unconditional love of God for the world and the mandate to live that love.'[99]

At a popular level the Anglican Communion has also been referred to in the Netflix series *The Crown.* Rowan Williams is portrayed by the actor Richard Heap in the final season (season 6) in episode 10, *Sleep, Dearie Sleep.*[100] There is a scene in which the writers depict Church of England bishops visiting Elizabeth II at Buckingham Palace to discuss the potential marriage and wedding of Charles and Camilla. In this scene the bishops raise concerns about

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[98] CBS Mornings, 'Royal wedding officiants provide insight on their roles' (YouTube, 19 May 2018) 1:16–2:22 <https://www.youtube.com/watch?v=Q8PhRhFB40o> accessed 26 April 2025.

[99] Matthew Davies and Lynette Wilson, 'Royal wedding preacher Presiding Bishop Michael Curry shares his love of Jesus with the world' *Episcopal News Service* (New York, 19 May 2018) https://www.episcopalnewsservice.org/2018/05/19/royal-wedding-preacher-presiding-bishop-michael-curry-shares-his-love-of-jesus-with-the-world/ accessed 26 April 2025.

[100] 'Rowan Williams' *The Crown Wiki* <https://the-crown.fandom.com/wiki/Rowan_Williams> accessed 26 April 2025.

the marriage happening in the Church of England. The Archbishop of Canterbury highlights to the late Queen (portrayed by Imelda Staunton) that if the marriage were to happen in the Church, '…it could risk a split in the Anglican Communion.'[101] Whilst there was no risk of division in the Communion over this issue at the time of Charles and Camilla's marriage on 9 April 2005, the writers' reference to the Anglican Communion sought to highlight the global presence of Anglicanism as a major denomination of world Christianity, rooted in the Church of England with its historic and contemporary connections to the British monarchy.

The Anglican Communion was also represented at the coronation of Charles III. For the first time the Vice President of the ACC, the President Bishop and Primate of the Episcopal Church in Jerusalem and the Middle East, Hosam Naoum, held the Bible during the procession and received the ampulla from the Dean of Westminster Abbey. This contained consecrated oil from the Mount of Olives harvested from the Monastery of the Ascension where the King's paternal grandmother, Princess Alice, is buried. So, whilst there is no legal connection between the Anglican Communion and the Crown, the personal relationships between the Royal Family and the Anglican Communion have meant that in the modern age, the monarchy has supported the growth and

[101] 'The Crown (2016) s06e10 Episode Script' *Springfield! Springfield!* <https://www.springfieldspringfield.co.uk/view_episode_scripts.php?episode=s06e10&tv-show=the-crown-2016> accessed 26 April 2025.

emergence of the Communion in a post-colonial world, as a family and fellowship of churches autonomous and equal to each other.

What was also significant at the coronation was the inclusion of other UK based faith communities. At the start of the service there was a procession of ecumenical and interfaith leaders. Before Charles III was crowned, he was presented with the Coronation Regalia by temporal peers from different faith backgrounds. After the King was crowned, he was surrounded and blessed by ecumenical leaders including the Greek Orthodox Archbishop Nikitas Loulias, the Moderator of the Free Churches, the Revd. Canon Helen Cameron (a Methodist presbyter), the Secretary General of Churches Together in England, the Pentecostal Bishop Mike Royal, and the Archbishop of Westminster Cardinal Vincent Nichols. During the 'deeply Anglican service'[102] (which followed the liturgical pattern of the Book of Common Prayer), at the end of the service, before the King and Queen exited the west door, Charles III was greeted by faith leaders who said in unison: 'as neighbours in faith, we acknowledge the value of public service. We unite with people of all faiths and beliefs in thanksgiving, and in service with you for the common good.'[103] This ecumenical and interfaith involvement for the first time in a coronation liturgy

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[102] James Walters, 'The Coronation was not a multifaith service for sound interfaith reasons' (*LSE Global Religion Blog,* 11 May 2023) <https://blogs.lse.ac.uk/religionglobalsociety/2023/05/the-coronation-was-not-a-multifaith-service-for-sound-interfaith-reasons/> accessed 26 April 2025.

[103] Shireen Korkzan, 'King Charles III's coronation will be a Christian "call to serve" while including multifaith leaders' *Episcopal News Service* (New York, 5 May 2023) <https://www.episcopalnewsservice.org/2023/05/05/king-charles-iiis-coronation-will-be-a-christian-call-to-serve-while-including-multifaith-leaders/> accessed 26 April 2025.

that is essentially an Anglican eucharist service, highlighted Charles III's commitment to his role as Defender of The Faith.

5.6 The Defender of The Faith and the Protector of Faith

The title *Defensor Fidei* was conferred by Pope Leo X (1513-21) on Henry VIII as a reward for his work against Martin Luther – a pamphlet entitled *A Defence of the Seven Sacraments (Assertio Septem Sacramentorum)* of the Catholic Church.[104] This title was confirmed by Pope Clement VII (reigned 1523-34) but withdrawn by Rome when Henry VIII was excommunicated by Pope Paul III (reigned 1534-49) in 17 December 1538.[105] Parliament passed the King's Style Act 1543[106] which confirmed this title in English law. The title is ironic because it was originally used to denote Henry VIII's defence of the Catholic Church, but after the Acts of Supremacy, it refers to the faith of the Church of England independent from Rome.

As mentioned above, the title is contained in the preface to the Thirty-Nine Articles which post-Reformation commentators viewed as statute-like. The other source of the title is contained in the proclamation signed by members

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[104] Graham McBain, 'The Religion of the Queen: Time for Change' (2011) 30(2) *University of Queensland Law Journal* 331.

[105] ibid.

[106] 35 Hen 8 c 3. The Act was repealed in 1554 during the reign of Queen Mary I by the Second Statute of Repeal (1 & 2 Ph & M c 8).

of the Privy Council at the Accession Council.[107] Only two of the fourteen Commonwealth Realms (Canada and New Zealand) referred to Charles III as Defender of The Faith upon his accession.[108] The title is in the statutory oath under the Acts of Union 1706/7 ('the Scottish Oath'). It is important to note that statutory oaths do not create law but declare it.[109] The Scottish Oath discharges a treaty obligation in the (then new) state of Great Britain to recognise previous Scottish ecclesiastical legislation.[110] These Acts require the new sovereign to swear 'in all time coming at His or Her accession' to 'inviolably maintain and preserve' the protestant religion and Presbyterian church government of Scotland.[111]

The title was previously in the Accession Declaration, a statutory oath taken at the first State Opening of Parliament of the reign or at the coronation.[112]

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[107] For a detailed overview of the proceedings see Robert Hazell & Bob Morris *Swearing in the New King: The Accession and Coronation Oaths* (UCL The Constitution Unit, October 2022) <https://www.ucl.ac.uk/constitution-unit/sites/constitution_unit/files/197_swearing_in_the_new_king_complete.pdf> accessed 26 April 2025.

[108] ibid 9. Canada enacted a new proclamation on 8 January 2024 which removes the title "Defender of The Faith". See Proclamation Establishing for Canada the Royal Style and Titles, SI/2024-4 (12 January 2024), under the Royal Style and Titles Act, 2023 (SC 2023, c 26, s 510) s 2: [t]he Parliament of Canada assents to the issue by His Majesty of His Royal Proclamation under the Great Seal of Canada establishing for Canada the following Royal Style and Titles: Charles the Third, by the Grace of God King of Canada and His other Realms and Territories, Head of the Commonwealth.

[109] ibid 10.

[110] ibid. The Papal Jurisdiction Act 1560 (c 2) declared that the Bishop of Rome had no jurisdiction in Scotland and the Church Jurisdiction Act 1567 (c 12) confirmed the Church of Scotland as 'the only trew and haly Kirk of Jesus Christ within this realme.' The Protestant Religion and Presbyterian Church Act 1707 (c 6) sought to protect the status of the Church of Scotland and included an oath to be taken by future monarchs of Great Britain.

[111] Hazell (n 95) 10.

Under the 1688 Bill of Rights[113] and the Act of Settlement 1701[114] it stated that the Church in Rome is "superstitious and idolatrous".[115] The Accession Declaration Act 1910[116] changed the formula and omitted the title 'Defender of The Faith'. Since George V's coronation monarchs now swear an oath to 'maintain in the United Kingdom the Protestant Reformed Religion established by law.'[117]

With the accession of Elizabeth II, the UK, like other western democracies after the Second World War, entered a period of radical demographic change. During the first period of her reign Anglicans (including Episcopalians in Scotland) formed the largest Christian denomination in the UK. Elizabeth II's reign coincided with the decline in Christianity and the emergence of a multi-faith UK (this is covered in detail in chapter 6).

The then Prince of Wales, who unlike his mother gave television interviews, openly recognised this change. In an interview given to ITN in a 1994 documentary to mark the twenty-fifth anniversary of his investiture he explained that 'the Catholic subjects of the sovereign are equally as important as the Anglican ones' and that the 'Islamic subjects or the Hindu subjects… are

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[112] Hazell (n 95) 21.

[113] 1 Will & Mar Sess 2 c 2.

[114] 12 & 13 Will 3 c 2.

[115] Hazell (n 95) 15.

[116] 10 Edw 7 & 1 Geo 5 c 29.

[117] Hazell (n 95) 15.

of equal and vital importance.'[118] What is important to note is that the then Prince of Wales, did not, as was misleadingly reported at the time, suggest that the Church of England should be disestablished or that the formal title of Defender of The Faith should be changed.[119] Instead he explained how he saw his role as Defender of The Faith when he acceded the throne: 'I personally would rather see it as Defender of Faith, not the Faith, because it [Defender of The Faith] means just one particular interpretation of faith, which I think is something that causes a deal of a problem.'[120] As we have seen above, Charles III took a statutory oath and has been formally proclaimed as the Defender of The Faith not just in the UK, but also in Canada and New Zealand too.

Elizabeth II was clear about her role as the Defender of The Faith. In her 2002 Golden Jubilee address to both Houses of Parliament in Westminster Hall she commented that 'the consolidation of our richly multicultural and multifaith society – a major development since 1952 – is being achieved remarkably peacefully and with much good will.'[121] In 2006 the service of thanksgiving to mark her eightieth birthday at St Paul's Cathedral included a procession with faith representatives. In 2012 to celebrate her Diamond Jubilee she made a visit

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[118] Pepinster (n 68) 217–19.

[119] William Tuohy, 'Prince Charles Raises Hackles With TV Documentary: Britain: In program airing tonight, he would drop the title "defender of the faith"' *Los Angeles Times* (Los Angeles, 29 June 1994) <https://www.latimes.com/archives/la-xpm-1994-06-29-mn-9947-story.html> accessed 26 April 2025.

[120] Pepinster (n 68) 217–19.

[121] Catherine Pepinster, 'Platinum Jubilee: Queen's firm push to interfaith freedom' *Church Times* (London, 27 May 2022) <https://www.churchtimes.co.uk/articles/2022/27-may3-june/features/features/queen-s-firm-push-to-interfaith-freedom> accessed 26 April 2025.

to Lambeth Palace for an ecumenical and interfaith gathering. At the event she made a landmark speech[122] in which she explained:

> …[h]ere at Lambeth Palace we should remind ourselves of the significant position of the Church of England in our nation's life… Its role is not to defend Anglicanism to the exclusion of other religions. Instead, the Church has a duty to protect the free practice of all faiths in this country…[123]

This was the clearest expression of Elizabeth II's view of what the Supreme Governor's role as the Defender of The Faith should be in the twenty-first century. For Elizabeth II the role of the established Church is not just to defend its own Anglican faith, but all faiths. Elizabeth II transformed the monarch's role as Defender of The Faith from an exclusivist to an inclusivist position.

In a 2015 interview given to the Sunday Hour on BBC Radio 2 the then Prince of Wales quoted this speech and endorsed his mother's position.[124] He clarified that upon accession he would retain the monarch's traditional title as

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[122] Catherine Pepinster, 'The monarch's role as Defender of the Faith in an increasingly secular society' *UCL Constitution Unit Blog* (London, 3 May 2023) <https://constitution-unit.com/2023/05/03/the-monarchs-role-as-defender-of-the-faith-in-an-increasingly-secular-society/> accessed 26 April 2025.

[123] Elizabeth II, 'A speech by The Queen at Lambeth Palace, 2012' (*The Royal Family* 15 February 2012) <https://www.royal.uk/queens-speech-lambeth-palace-15-february-2012> accessed 26 April 2025.

[124] The Tablet, 'Charles clarifies Church of England role, saying he will be Defender of the Faith' *The Tablet* (London, 29 October 2015) <https://www.thetablet.co.uk/news/4280/charles-clarifies-church-of-england-role-saying-he-will-be-defender-of-the-faith> accessed 26 April 2025.

‘Defender of The Faith’, whilst ‘ensuring that other people's faiths can also be practised.’[125] After Charles III acceded the throne, he followed in his mother’s footsteps, and just days after his accession held an unprecedented reception for different faith leaders at Buckingham Palace. During the event he delivered an address in which he explained:

> I am a committed Anglican Christian, and at my Coronation I will take an oath relating to the settlement of the Church of England… an Oath which pledges to maintain and preserve the Protestant faith in Scotland…
>
> …the Sovereign has an additional duty… the duty to protect the diversity of our country, including by protecting the space for Faith itself and its practise through the religions…[126]

In this address he stressed he was a committed Anglican and Presbyterian and explained that because of his Christian faith he saw his role as protecting all faiths, accordingly one could say that as monarch Charles III is not just the Defender of The Faith but also the “Protector of Faith”. So, in practical terms, whilst the monarch may be formally titled the Defender of The Faith, both Elizabeth II and Charles III have declared that in practice this title means they are Defenders of Faith, and Charles III may be described as the “Protector of

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[125] National Secular Society, ‘Charles vows to keep “Defender of the Faith” title as King’ (*National Secular Society* 9 February 2015) <https://www.secularism.org.uk/news/2015/02/charles-vows-to-keep-defender-of-the-faith-title-as-king> accessed 26 April 2025.

[126] Charles III, ‘The King's remarks to Faith Leaders’ (*The Royal Family*, 16 September 2022) <https://www.royal.uk/kings-remarks-faith-leaders> accessed 26 April 2025.

Faith". Unlike the title of Supreme Governor, this title does not have statutory force, and it is unlikely that any future Parliament will pass a Bill that strengthens the monarch's religious identity in an increasingly secular UK (an issue discussed in the next chapter). Therefore, the practice of a monarch shaping their public religious role could generate the evolution of an anticipatory duty-imposing constitutional convention on any future UK Head of State.

During the first two years of his reign Charles III has actively promoted his interpretation of the role as Defender of The Faith. A reception at Lambeth Palace for all faith leaders was held in November 2023,[127] and an interfaith summit at Buckingham Palace was held in December 2023 where he heard about how different faiths were preserving harmony following the Gaza conflict.[128] During the State Visit of the Emir of Qatar, in his speech at the banquet the King remarked that he is the patron of the Oxford Centre for Islamic Studies.[129] During his 2024 Christmas broadcast the King explained his belief that 'diversity of culture, ethnicity and faith provides strength, not weakness.'[130]

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[127] Archbishop of Canterbury, 'Archbishop of Canterbury welcomes King and UK faith leaders to Lambeth Palace' (The *Archbishop of Canterbury,* 16 September 2022) <https://www.archbishopofcanterbury.org/news/news-and-statements/archbishop-canterbury-welcomes-king-and-uk-faith-leaders-lambeth-palace> accessed 26 April 2025.

[128] Tony Jones, 'King hears how faith leaders are promoting harmony in face of Israel-Hamas war' *The Independent* (London, 13 December 2023) <https://www.independent.co.uk/news/uk/andrew-smith-charles-israel-hamas-buckingham-palace-b2463469.html> accessed 26 April 2025.

[129] King Charles III, 'The King's speech at the Qatar State Banquet' (*The Royal Family* 3 December 2024) <https://www.royal.uk/news-and-activity/2024-12-03/the-kings-speech-at-the-qatar-state-banquet> accessed 26 April 2025.

In February 2025 Muslim and Jewish leaders presented the King with the Drumlanrig Accord – 'a structured framework for sustained Muslim-Jewish collaboration.'[131] And following the death of the Aga Khan IV, the hereditary Imam of the global Shi'a Ismaili Muslim community, the King, following in the tradition of the Queen Victoria, granted Prince Rahim Al-Hussaini Aga Khan the title "His Highness".[132] Charles III's interest and support for other world religions, is aligned with his headship of the Commonwealth – the topic that will now be discussed.

THE UK PARLIAMENT, THE COMMONWEALTH AND THE ANGLICAN COMMUNION

5.7 The Commonwealth

[130] King Charles III, 'The King's Christmas Broadcast 2024' *The Royal Family* (London, 25 December 2024) https://www.royal.uk/news-and-activity/2024-12-25/the-kings-christmas-broadcast-2024 accessed 26 April 2025.

[131] Scotland Office and The Rt Hon Ian Murray MP, 'Historic interfaith peace accord presented to The King' (*GOV.UK* 12 February 2025) <https://www.gov.uk/government/news/historic-interfaith-peace-accord-presented-to-the-king> accessed 26 April 2025.

[132] Records show that the title "His Highness" was accorded to Aga Khan III by Queen Victoria in 1886 when he was just 9 years old, the year after his accession to the role of Imam. The title of 'His Highness' was accorded to Aga Khan IV by Elizabeth II in July 1957 approximately a fortnight after he succeeded his grandfather. See Charles III, 'The King is pleased to grant the new Aga Khan the title "His Highness"' (*The Royal Family,* 10 February 2025) <https://www.royal.uk/news-and-activity/2025-02-10/the-king-is-pleased-to-grant-the-new-aga-khan-the-title-his-highness> accessed 26 April 2025.

The monarch's position in the Commonwealth is a product of the UK's imperial legacy. Blackburn makes the point that most Commonwealth member states had a juridical connection with the UK or another Commonwealth member;[133] some were dependent territories such as India, whilst others had treaty arrangements, such as Brunei. There are three exceptions to this general rule. Namibia was 'never within his majesty's dominions or protection save in so far as it was administered by the Union of South Africa'[134] and became a member of the Commonwealth in 1990. In 1995, Mozambique, formally Portuguese East Africa,[135] joined the Commonwealth, and in 2009 Rwanda, formally German East Africa,[136] followed. The Commonwealth is a "family" of autonomous nation states, and all are equal partners in the Commonwealth's global mission. Similarly, the Communion is a family of autonomous churches. Neither the Commonwealth or the Communion has a single legal system applicable globally, but like the Communion, there are common principles of law reflected in the individual constitutions of commonwealth member states and in the jurisprudence from the Judicial Committee of the Privy Council.[137]

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[133] *Halsbury's Laws of England* (5th edn, 2021) vol 13, para 607.

[134] ibid para 668.

[135] ibid para 667.

[136] ibid para 674.

[137] The Commonwealth countries, UK territories and Crown Dependencies that still use the JCPC as their final court of appeal include: Antigua & Barbuda, The Bahamas, Grenada, Jamaica, Saint Kitts & Nevis, Saint Vincent & the Grenadines, Belize, Brunei, Jersey, Guernsey, Isle of Man, Bermuda, Cayman Islands, British Virgin Islands, Montserrat and Anguilla. The JCPC can hear every kind of case: international, constitutional, civil or criminal. Over the years, rulings have been made in different kinds of law from many countries,

Vernon Bogdanor identifies that the term 'commonwealth' was first used by Lord Rosebery (the future British Liberal Prime Minister) in a speech at Adelaide in 1884.[138] He rhetorically asked Australians about the future of their nation: 'does the fact of your being a nation… imply separation from the Empire? God forbid! There is no need for any nation, however great, leaving the Empire, because the Empire is a commonwealth of nations.'[139] Like the Anglican Communion, and unlike other international or supranational organisations (such as the UN, NATO, or the EU) most 'Commonwealth countries are not linked through contract or treaty, but instead are linked through a shared history.'[140] The UN, NATO, and the EU seek to bind together independent nations, but the Commonwealth is based on voluntary cooperation – the Commonwealth has no formal constitution or rules,[141] but it does have a founding document and charter. Blackburn explains the Commonwealth's status in international law:

> [t]he relationship between the United Kingdom and the self-governing dominions, from which was to emerge the modern Commonwealth, was refashioned by the Balfour Declaration of 1926 and the Statute of Westminster of 1931. However, the origin of the modern Commonwealth can be traced to the Declaration of London of 1949, which has been described as the 'founding document of the modern

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including Roman Dutch law from South Africa, pre-revolutionary French law from Quebec, and Muslim, Buddhist and Hindu law from India.

[138] Vernon Bogdanor, *The Monarchy and the Constitution* (Clarendon Press 1995) 240.

[139] ibid.

[140] ibid.

[141] ibid.

> Commonwealth'. The monarch was recognised as the symbol of a free association which could embrace republics and also other independent monarchies…
>
> With the Singapore Declaration of 1971, the Harare Declaration of 1991 and the Commonwealth Charter of 2013, the Commonwealth may seem to be a body more likely to receive legal recognition. However, legal texts and commentators pay it minimal attention and refer to it merely as a community of states without a strong legal basis of association, although at times it seems that the Commonwealth has acquired the status of an international organisation… [T]here is still no binding instrument conferring legal powers and capacity upon the organisation, as in the case of the United Nations Charter and the Treaty of Rome... Thus it remains the case that international personality resides in the members of the Commonwealth as sovereign states and not the Commonwealth itself.[142]

There are currently fifty-four sovereign member states of the Commonwealth.[143] Since Elizabeth II's accession in 1952, 'the Crown has been divisible':[144] at the time of her death in September 2022, Elizabeth II was monarch of fourteen other Commonwealth Realms, which included two of the world's largest economies (Canada and Australia). In the Commonwealth Realms, the functions of the monarch are undertaken by a Governor-General, appointed by the sovereign on the advice of the country's head of government (usually called the Prime Minister). But since 1949, it has been possible for members of the Commonwealth to be republics, and today, of the fifty-six

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[142] *Halsbury's Laws* (n 133) paras 607–08.

[143] ibid para 606.

[144] Bogdanor (n 138) 288.

countries of the Commonwealth, the majority are republics or have their own indigenous monarchies.[145] At the April 2018 CHOGM, leaders agreed that the then Prince of Wales would be the next Head of the Commonwealth upon his accession. The Commonwealth website explains that whilst King Charles III is Head of the Commonwealth, his role is an important symbolic one, has no maximum fixed term, is not hereditary, and future Heads will be chosen by Commonwealth leaders.[146] The Commonwealth website also explains that the position 'is not an office but rather an expression of a symbolic character without any separate constitutional standing or capacity.'[147] This was echoed by the current Prince of Wales, Prince William, during his first overseas Commonwealth trip to the Caribbean in March 2022. He explained that he accepts he may not be the Head of the Commonwealth upon his accession and is happy for the position to be taken by someone from outside the Royal Family.

5.8 The Supreme Governor and the Commonwealth

In her 1952 Christmas broadcast, Elizabeth II asked people of the Commonwealth and British Empire to remember her at her forthcoming coronation: 'whatever your religion may be, to pray for me on that day.'[148] The

[145] Bogdanor (n 138) 250.

[146] 'About us' *The Commonwealth* <https://thecommonwealth.org/about-us> accessed 26 April 2025.

[147] ibid.

[148] Pepinster (n 68) 150.

interaction of Elizabeth II as Supreme Governor and Head of the Commonwealth was most notable at the Commonwealth Day Services, held each year at Westminster Abbey. Commonwealth Day, established in 1958, was a post-colonial reinvention of Empire Day, created at the start of the twentieth century to encourage a sense of 'collective identity and imperial responsibility' among young citizens.[149]

In 1963 and 1964 Commonwealth Day services were held for the first time in Westminster Abbey.[150] In the 1960s leaders of Commonwealth countries asked for the service to be multi-faith so it reflected the diverse faiths of the nations of the Commonwealth.[151] The then Dean of Westminster Abbey, Eric Abbott, did not approve, and the service was transferred to the secular space of the City of London Guildhall.[152] The Church Assembly debated the issue and expressed unease about an interfaith service in the Abbey.[153] But the Abbey, as a Royal Peculiar, does not belong to any diocese or fall under the ecclesiastical jurisdiction of any Bishop, and the Dean answers to the monarch alone.[154] Elizabeth II, aware of her supremacy in Royal Peculiars, asked the Dean of

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[149] Pepinster (n 68) 149–150.

[150] ibid 150.

[151] ibid.

[152] ibid.

[153] ibid.

[154] ibid. Henry VIII retained Royal Peculiars; the Ecclesiastical Licences Act 1533 (25 Hen 8 c 21), s 1, confirmed by Elizabeth I in the Act of Supremacy 1558 (1 Eliz 1 c 1), s 1, transferred to the Sovereign the jurisdiction which had previously been exercised by the Bishop of Rome.

Westminster Abbey to restore the service to the Abbey with an interfaith component.[155] Abbott agreed, but only on the condition that it was called an "observance" rather than a service.[156] This was a moment when the 'Queen led and the Anglican primacy later followed.'[157]

The Commonwealth Day event at the Abbey has since become an annual event with senior members of the Royal Family in attendance.[158] It has come to represent a 'vivid expression of the Church of England's commitment to interfaith dialogue.'[159] In 2006 John Hall was appointed Dean of Westminster Abbey, and for thirteen years led the Commonwealth Day Services.[160] Over the years, prayers from other traditions have been integrated into the service. Hall remarked that 'the Queen was actively happy about that… at the same time it also became a more outwardly liturgical, Anglican service. At one time we had just cassocks, but then we introduced copes.'[161] Whilst others in the British establishment may have found the changing fabric of British society challenging, Rowan Williams believes that Elizabeth II's 'experience with the Commonwealth helped her not to panic about diversity.'[162] Elizabeth II's role

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[155] Pepinster (n 68) 150. See Paul Barber, 'What Is a Peculiar?' (1995) 3(16) Ecc LJ 299.

[156] ibid.

[157] ibid.

[158] ibid.

[159] ibid.

[160] ibid 151.

[161] ibid.

as Supreme Governor and Defender of The Faith was informed by her role as Head of the Commonwealth, which meant she embraced religious diversity and was at ease with its presence in an Anglican liturgical context.

This commitment to the headship of the Commonwealth as the Supreme Governor continues with the reign of Charles III, who, as explained above, considers himself as the defender and protector of all faiths. He attended the Commonwealth Day services in 2023 and 2025 (he was unable to attend in 2024 due to health reasons). And during his reign, Westminster Abbey has appointed a Commonwealth Theologian in Residence, The Revd. Dr. Ishaya Anthony, Canon Theologian of the Diocese of Kwoi in Nigeria.

5.9 Commonwealth and Communion, the similarities and differences

In the May 1965 Lords' debate on the Commonwealth Archbishop Michael Ramsey of Canterbury explained that his interest in the Commonwealth was bound up with the fact that in his 'day-to-day work as a churchman' he was 'always discovering analogies between the Commonwealth and the Anglican Communion of Churches.'[163] He explained that originally, Anglican churches overseas were largely directed from London, with bishops appointed and consecrated in England. But now (speaking in the 1960s) Anglican Churches overseas are, with the Church of England, 'a community of autonomous

[162] Pepinster (n 68) 152.

[163] HL Deb 5 May 1965, vol 265, cols 963–65.

churches in a transition period where leadership was ceasing to be English and coming instead from the country itself.'[164] Whilst the Anglican Communion provided an analogy to the Commonwealth in its structure, it was Ramsey's belief that all churches in the Commonwealth 'greatly served the Commonwealth fact and ideal, by the constant coming and going of people engaged in educational work, in medical work, in the arts, in the cure of souls, and in the striving to build up a partnership between the races.'[165]

In the September 1972 Lords' debate the Lord Privy Seal, Earl Jellicoe, paid tribute to former Archbishop of Canterbury, Geoffrey Fisher, following his death.[166] Earl Jellicoe explained that he played a key role 'in bringing independence and self-government to the Anglican Church overseas, a development in the ecclesiastical sphere which in its way matched the transformation in the political sphere that has brought independence to many of the dependent territories of the Commonwealth.'[167] For Fisher, the independence of Anglican Churches in the Communion from the Church of England, mirrored the independence of Commonwealth countries from the British State.

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[164] HL Deb 5 May 1965, vol 265, cols 963–65

[165] ibid.

[166] HL Deb 18 September 1972, vol 335, cols 710–11.

[167] ibid.

This parallel shift to independence in both the ecclesiastical and constitutional spheres for Commonwealth countries was considered by the Church of England in the early 1990s. *From Power to Partnership: Britain in the Commonwealth, The Church of England in the Anglican Communion,* [168] was the report of the International and Development Affairs Committee for the General Synod Board for Social Responsibility of the Church of England. It was prepared in 1991 by a working party chaired by the then Dean of Westminster, Michael Mayne. The team set itself the threefold task of assessing the Commonwealth as an international political grouping, evaluating the UK's changing role in it, and comparing the opportunities awaiting the UK in the Commonwealth with opportunities which might open for the Church of England in the Anglican Communion. The report explained that its purpose was to explain the Church of England's perspective of the Anglican Communion's position in the Commonwealth, whilst recognising that other Christian denominations may be stronger in certain parts of the Commonwealth and important ecumenical dialogue with these other denominations was ongoing in the Anglican Communion.

The comparison between the Anglican Communion and the Commonwealth is complicated because membership of the Commonwealth is of the UK, but the Church of England is one Anglican Church among four UK

[168] See Chapter 5 "The Anglican Communion" in the Report of the International and Development Affairs Committee of the Church of England, *From Power to Partnership: Britain in the Commonwealth, The Church of England in the Anglican Communion* (Church House Publishing 1991).

Anglican and Episcopal Churches. The report noted that the Church in Wales, the Church of Ireland and the Scottish Episcopal Church have historically shared the Church of England's relationship to other provinces of the Anglican Communion, but also share some of the same feelings towards the Church of England as other Anglican or Episcopal churches outside the UK.[169] There are also obvious differences in both style and substance between a relationship of ecclesial communion and one of political association. Whilst there are obvious differences, both have arisen out of British expansion into other parts of the world, 'both are based on co-operation between autonomous bodies with minimal theorising about principles and no organisational control of members.'[170]

Both organisations think of themselves as families. The pastoral letter from the 1988 Lambeth Conference entitled *The Family as a Gift from God* was mainly about marriage and children but it also applied the family idea to local congregations, and this can be extended to suggest that the worldwide Anglican Communion is a gift from God, an ecclesial family held together by 'bonds of affection,' and perhaps also to a family of nations.[171]

According to the report, the Chicago-Lambeth Quadrilateral resembles Commonwealth principles, such as 'partnership, equality, and being multi-

[169] International and Development Affairs Committee (n 168) 40.

[170] ibid.

[171] ibid 48.

racial.'[172] Like the Chicago-Lambeth Quadrilateral, the Commonwealth affirms what members share with others outside the organisation rather than anything that differentiates them from the rest.

The report also notes that it would be difficult to make a comparison between the Commonwealth and the Baptist World Alliance, the World Methodist Council or the World Alliance of Reformed Churches (of which the Presbyterian Church of Scotland is a member) because the UK is the progenitor of the Commonwealth, as the Church of England is the progenitor of the Anglican Communion.[173] It would also, according to the report, be difficult to make a comparison between the Roman Catholic Church because, unlike the Roman Catholic Church, both the Commonwealth and the Communion have no magisterium with a centralised curia.[174]

Another parallel may be found between extra-provincial dioceses under the Archbishop of Canterbury's extra-provincial metropolitical jurisdiction and the monarch's Commonwealth Realms and Dependencies.[175] Of the monarch's Commonwealth Realms and Dependencies, the Falkland Islands is a Crown Dependency that also falls under the metropolitical jurisdiction of the See of Canterbury.[176]

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[172] International and Development Affairs Committee (n 168) 41.

[173] ibid.

[174] ibid.

[175] ibid 43.

The last similarity noted by the report was the changing demography of the Anglican Communion, as it was growing rapidly in the Global South, but gradually declining in the West. The growth of the Anglican Communion in Africa was noted: 'there are probably more Anglicans in church on Sunday in Nigeria than in Britain and the United States combined. It is among black people that the Anglican Communion is growing while it declines numerically among whites.'[177] In the twenty-first century Anglicans and Episcopalians number almost 90 million worldwide, with almost 60 per cent in Africa.[178]

After pointing out similarities and parallels between the Anglican Communion and the Commonwealth, the report considered the differences. They are not coterminous, but there is a substantial overlap between the two. Of the 551 Anglican and Episcopal dioceses listed at the 1988 Lambeth Conference, some 244 were in the Commonwealth and 307 outside it.[179] In addition, there were 53 dioceses of the United Churches of Bangladesh, Pakistan, North India and South India in the Commonwealth.[180] Some of the non-Commonwealth dioceses are in countries such as Korea or Peru, which have always been outside the British sphere of influence, while others in

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[176] International and Development Affairs Committee (n 168) 43.

[177] ibid.

[178] David Goodhew, 'Is Anglicanism Growing or Dying? New Data' (*Covenant, The Living Church*, 22 February 2022) <https://livingchurch.org/covenant/is-anglicanism-growing-or-dying-new-data/> accessed 26 April 2025.

[179] International and Development Affairs Committee (n 168) 43.

[180] ibid.

countries such as Mozambique (which as mentioned above, joined the Commonwealth in 1995) or Madagascar which were part of other European empires.[181] Outside the Commonwealth the American Episcopal Church has had its own spheres of influence in Latin America and East Asia (Taiwan, Haiti and Brazil).[182]

The report posed a fundamental question about the Church of England and the Anglican Communion, which parallels the relationship between the UK and the Commonwealth: 'can a nation or church which has been the progenitor of others cope with ordinary membership of the organisation which has evolved to hold them all together?'

> [i]n the family analogy, the mother country and the mother church are having to consider how to join in family life alongside the children. The dilemma is focused on the question, sometimes wryly asked by Anglicans overseas, whether the Church of England will join the Anglican Communion...[183]

The report recognised the then divisions in the Communion over the ordination of women and acknowledged that 'it has seemed to some that, until the Church of England decides, the question about women as Anglican priests or bishops is

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[181] International and Development Affairs Committee (n 168) 43.

[182] ibid.

[183] ibid 47.

not answered.'[184] So, whilst the Church of England is equal to other provinces, as we saw in chapter 3, its decisions influence the Anglican Communion on major issues like women's ordination. The report drew an analogy with the issue of sanctions against the apartheid government in South Africa, explaining that when the UK government changed its position and imposed sanctions, other commonwealth countries followed. [185] Both these issues illustrate the manner of membership of the Anglican Communion and the Commonwealth, as well as raising broader questions about the handling of divisive issues in the two global families.

5.10 A 'joined up approach' with the Anglican Communion

In the twenty-first century many of the themes highlighted in the 1991 report have been once again realised by the Lords Spiritual in Parliament. In the March 2013 Lords' debate proposed by the Liberal Democrat peer Lord Wallace on the Commonwealth and the Commonwealth Charter, he explained that a 'strong Commonwealth is important to the national interests of all its member states. It can help us to promote democratic values, good governance and prosperity.'[186] Blackburn explains the status of the Commonwealth Charter:

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[184] International and Development Affairs Committee (n 168) 48.

[185] ibid.

[186] HL Deb 7 March 2013, vol 743, cols 1673–74.

> [t]he Charter of the Commonwealth which was proposed at the 2011 CHOGM in Perth, Australia, was adopted on 19 December 2012 and officially signed by Queen Elizabeth II at Marlborough House, London, on 11 March 2013. The Charter is a consolidation of past communications and rules, and sets out the values of the Commonwealth as well as the commitment of its 52 member states to matters such as democracy, human rights, international peace and security, tolerance, respect and understanding, freedom of expression, separation of powers, rule of law, good governance, sustainable development, protecting the environment, access to health, education, food and shelter, gender equality, etc.[187]

The Commonwealth Charter is not legally binding and cannot be enforced – it is an aspirational document that places the onus on member states to promote Commonwealth values[188] – in this sense, there are parallels with the 2022 Lambeth Calls. As discussed in this dissertation, many of the issues set out in the Commonwealth Charter engage the Communion across the Commonwealth.

The then Bishop of Leicester, Tim Stevens, reminded the House of the connections between the Commonwealth and the Anglican Communion on these shared issues, and highlighted the work of Roman Williams as the Archbishop of Canterbury in the Commonwealth, because he brought 'a unique experience of global affairs through his visits to all parts of the Anglican

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[187] *Halsbury's Laws* (n 133) para 607.

[188] Jon Lunn, *In brief: the Commonwealth Charter* (House of Commons Library SN06611, 18 April 2013) 1 <https://researchbriefings.files.parliament.uk/documents/SN06611/SN06611.pdf> accessed 26 April 2025. See also P. Murphy, 'What is the Point of a Commonwealth Charter?' (2013) 102(1) *The Round Table: The Commonwealth Journal of International Affairs* 1.

Communion' and is held in 'extremely high esteem… in so many of the countries of the Commonwealth.'[189]

In March 2013 the Bishop of Leicester also drew attention to the capacity of the Anglican Communion's network of partnerships with dioceses in Commonwealth countries to 'plan and execute exchanges between individuals and communities for mutual learning and understanding.'[190] He explained that twenty-four junior clergy from towns and villages across the diocese of Leicester visited Trichy Tanjore in Tamil Nadu in South India, followed by a group of young adults from sixth forms and colleges, experiencing at first hand a range of development programmes with tea planters, Dalits and fishing communities.

In the March 2018 Lords' debate moved by Lord Ahmad on CHOGM 2018, the Bishop of Rochester, James Langstaff, made the point again that 'the Anglican Communion extends significantly beyond the nations of the Commonwealth.'[191] And that 'for obvious reasons of history, there is a very substantial Anglican presence in many Commonwealth countries.'[192] He went on to explain that within the Anglican Communion the Church of England has 'a rich network of companion links between dioceses' in different parts of the

[189] HL Deb 7 March 2013, vol 743, cols 1681–82.

[190] ibid.

[191] HL Deb 22 March 2018, vol 790, cols 434–36.

[192] ibid.

world, whereby most Lords Spiritual will have an active engagement with the life of at least one Commonwealth country.[193] He echoed the Church of England's International and Development Affairs Committee' 1991 report:

> [t]he nature of the Commonwealth as a network of autonomous free nations also has some parallels with the life of the Anglican Communion, wherein each province is autonomous yet links together through what one might call family likeness, and the position of honour granted to the most reverend Primate the Archbishop of Canterbury.[194]

He went on to say that the theme of the forthcoming CHOGM, "Towards a Common Future", resonates with the Lords Spiritual. The Church of England with its relationships through companion dioceses within and beyond the Commonwealth, are conscious of a shared past. The Church of England is also conscious of some of the ambivalences of that shared past, 'especially the mixed legacies of colonialism. But these companion links that we nurture are devoted to sharing our common present and building our common future.'[195] The Anglican Communion shares with the Commonwealth 'a great number of areas of concern,' these include: 'climate change, resilience, sustainability, issues of human trafficking, modern slavery and gender violence, the roles of women and

[193] HL Deb 22 March 2018, vol 790, cols 434–36.

[194] ibid.

[195] ibid.

young people, and the building of positive frameworks in civil society.'[196] The Bishop of Rochester explained that the Lords Spiritual were pleased that people from across the Anglican Communion were participating in some of the forums held at the CHOGM 2018; for example, those from Swaziland, Mozambique and Sri Lanka in the forums concerned with women and young people. Prior to CHOGM 2018, which was held in April in London, Welby remarked that 'the majority of the 39 provinces of the Anglican Communion are part of the Commonwealth, and we in the Church of England learn much from them to our mutual benefit.'[197] Welby appointed a special representative to the Commonwealth, Flora Winfield, and the Church of England published a prayer for the Commonwealth in the build-up to the summit.[198]

5.11 The Church of England's Anti-slavery Projects in the Commonwealth

In the March 2021 Lords' debate on what steps the UK government is taking to promote anti-slavery projects throughout the Commonwealth, the Bishop of Leeds, Nicholas Baines, intervened during the debate to explain that anti-slavery has been a major focus of the Church of England and it has been working with

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[196] HL Deb 22 March 2018, vol 790, cols 434–36.

[197] 'Anglican Communion to play active role in next week's Commonwealth leaders' meeting' *Anglican Communion News Service* (London, 10 April 2018) <https://www.anglicannews.org/news/2018/04/anglican-communion-to-play-active-role-in-next-weeks-commonwealth-leaders-meeting.aspx> accessed 26 April 2025.

[198] 'The Commonwealth Heads of Government Meeting' (*The Archbishop of Canterbury*, 10 April 2018) <https://www.archbishopofcanterbury.org/about/anglican-communion/commonwealth-heads-government-meeting> accessed 26 April 2025.

the Anglican Communion to combat this issue.[199] He highlighted the work of the Clewer Initiative UK – a charity created by the Church of England to combat modern slavery funded by the Order of St John the Baptist (the Clewer sisters are an order of Anglican nuns, until recently based in Cuddesdon, Oxfordshire).

In 2017 the then Conservative Prime Minister Theresa May (the daughter of a Church of England vicar) backed the Clewer Initiative.[200] In June 2020 the Church of England's House of Bishops agreed to the creation of an Archbishops' taskforce on this issue that mandated the Church to implement cultural and structural change on issues of racial justice within the Church of England. In response to this important report, the Archbishops of Canterbury and York established the Archbishops' Commission for Racial Justice to drive change within the Church and implement the recommendations of 'From Lament to Action'. The Church of England's website explains:

> [t]he Church of England is engaged in a process of reflection and learning in recognition that it has not been the welcoming 'spiritual home' it aspires to be for many people whose family heritage lies within Commonwealth countries and the wider world.[201]

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[199] HL Deb 4 March 2021, vol 810, col 461GC.

[200] 'Prime Minister backs Church of England drive to eradicate modern slavery' *Church of England* (Press Release, 12 October 2017) <https://www.churchofengland.org/media/press-releases/prime-minister-backs-church-england-drive-eradicate-modern-slavery> accessed 26 April 2025.

[201] 'Racial Justice', *Church of England* <https://www.churchofengland.org/mission-ministry/inclusivity/racial-justice> accessed 26 April 2025.

This was echoed by the Bishop of Leeds in the Lords when he explained that 'many of the links across the Anglican Communion in Commonwealth countries are key partnerships for effective work.'[202]

The other organisation that has been working on this issue is the Anglican Alliance. According to the Bishop of Leeds (speaking in the Lords), the Anglican Alliance has 'raised a number of questions and initiatives at United Nations level, but the most powerful agents of change are rooted in local communities in some of the most vulnerable places… local networks are often key to the effective rooting-out or identification of perpetrators of modern slavery.'[203]

Pursuing his agenda that the UK government needs to work at the grassroots level with the Communion to tackle this problem, the Bishop of Leeds asked the government minister: 'if the Government can use their powers to work in partnership at every level to eradicate this scourge?'[204] Lord Ahmad responded that the new Foreign, Commonwealth and Development Office ("FCDO") brings together diplomatic and development expertise and assured the Bishop of Leeds that since the creation of the FCDO, he initiated regular round-table discussions with the UK government's faith partners, including the

[202] HL Deb 4 March 2021, vol 810, col 461GC.

[203] ibid.

[204] ibid.

Church of England and its connections with the Anglican Communion, who are involved directly in humanitarian aid delivery and development programmes.[205]

5.12 The Anglican Communion, Christian persecution and the Commonwealth

In March 2018 the Bishop of Rochester, James Langstaff, reminded the Lords that it is the case that some of the 'worst-offending countries when it comes to religious freedom are found within the Commonwealth.'[206] He informed the House that the Archbishop of Canterbury, working with the Commonwealth Initiative for Freedom of Religion and Belief, was convening a gathering of parliamentarians and religious leaders to discuss how they might hold their governments and constituencies to account in relation to concerns about religious freedom.[207]

When Caroline Spelman took over the role as Second Church Estates Commissioner in May 2015, in the Commons, she emphasised the experience and knowledge Justin Welby had of working in Africa and the breadth of the Anglican Communion throughout the continent. In April 2018 the Conservative MP Martin Vickers asked Spelman what discussions the Church of England had at CHOGM 2018 on freedom of religion or belief, and if she will make a

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[205] HL Deb 4 March 2021, vol 810, cols 468GC–470GC.

[206] HL Deb 22 March 2018, vol 790, col 509.

[207] ibid.

statement.[208] Spelman explained that Welby and the Commonwealth initiative for freedom of religion or belief convened a two-day summit at Lambeth Palace which included forty parliamentarians and religious leaders from eleven Commonwealth countries.[209] The aim of the meeting was to look at ways in which parliamentarians and leaders from across the Commonwealth could champion freedom of religion or belief. Vickers remarked that this 'is encouraging to hear. The Commonwealth and the Church of England have similar values where they overlap.'[210] He went on to ask Spelman whether she would ensure 'that the two organisations continue to work in unison to influence Governments in countries where freedom of religion is not respected?'[211] Spelman accepted that 'the geography of the Anglican Communion and the Commonwealth do overlap.'[212] But she pointed out that the Anglican Communion is larger than the Commonwealth.[213] Spelman explained that although the Charter of the Commonwealth contains a commitment to freedom of religion or belief, not all its member states/territories abide by it.[214] The

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[208] HC Deb 26 April 2018, vol 639, col 1009.

[209] ibid. 'Anglican Communion to play active role in next week's Commonwealth leaders' meeting' *Anglican Communion News Service* (London, 10 April 2018) <https://www.anglicannews.org/news/2018/04/anglican-communion-to-play-active-role-in-next-weeks-commonwealth-leaders-meeting.aspx> accessed 26 April 2025.

[210] ibid.

[211] ibid.

[212] ibid.

[213] ibid.

[214] ibid.

personal relationships built at Commonwealth meetings and across the Anglican Communion mean that 'faith communities must advocate for the same global standards for freedom of religion and belief.'[215]

During this April 2018 Commons' debate, the Labour MP Nick Thomas-Symonds lamented that 'it is sad to see Commonwealth countries on Open Doors UK's world watch list of Christian persecution around the world.'[216] He asked Spelman what more the UK government can do following the Heads of Government conference to promote tolerance between people of faith and none in the long term in the Commonwealth.[217] Spelman explained that several actions were agreed at that seminar: 'for Lambeth Palace and the Anglican Communion, freedom of religion remains an important priority. Every time the Archbishop of Canterbury visits a Commonwealth country where there is a problem you can be sure, Mr Speaker, that he will raise it.'[218] Part of the initiative in the Commonwealth involves developing a toolkit that MPs can use to champion issues of freedom of religion and belief in their constituencies.[219]

In January 2019 the then Bishop of Truro, Philip Mounstephen, was asked to review what more the Foreign and Commonwealth Office ("FCO") could do to address the persecution of Christians around the world. In January

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[215] HC Deb 26 April 2018, vol 639, col 1009.

[216] ibid.

[217] ibid.

[218] ibid.

[219] ibid.

2019 several Conservative MPs (Jeremy Lefroy, Henry Smith, Sir Desmond Swayne, Bob Blackman, Kevin Foster and Diana Johnson) asked Spelman what steps the Church of England is taking and recent discussions the Church of England has had with the FCO on tackling this issue.[220] Spelman reminded the House that 'the Anglican Communion is the third largest global organisation in the world, after the United Nations and the Catholic Church' and was working with the UK government to tackle this issue.[221] She informed the House that the then Foreign Secretary, Jeremy Hunt MP, invited the Bishop of Truro to lead the independent review.[222] The Conservative MP Jeremy Lefroy asked Spelman whether the Bishop of Truro would talk to as many MPs as possible because they hear from their constituents and from around the world about individual cases of persecution. Spelman responded by explaining that she would pass the message on to the Bishop of Truro.[223] The Bishop of Truro's report was published in July 2019. In a written statement made when the review was published, the Foreign Secretary welcomed the report, and the government accepted the recommendations in full.[224] The implementation of the recommendations was a Conservative Party 2019 manifesto commitment.

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[220] 17 January 2019, vol 652, cols 1314–16.

[221] ibid.

[222] ibid.

[223] ibid.

[224] Charley Coleman, 'Supporting Persecuted Christians: Government Policy' UK Parliament (House of Lords Library, 19 March 2024) <https://lordslibrary.parliament.uk/supporting-persecuted-christians-government-policy/> accessed 26 April 2025.

5.13 CHOGM 2022 and the Lambeth Conference 2022

The Bishop of Guildford, Andrew Watson, sought to alert the House to the forthcoming 2022 Lambeth Conference.[225] He reminded the House that 'this summer sees the coming together of three significant international gatherings.'[226] This included: CHOGM in Rwanda, the International Ministerial Conference on Freedom of Religion or Belief in London, and the Lambeth Conference in Canterbury. He reminded the House that this was the 'bringing together of bishops from all but three of the thirty-eight provinces of the Anglican Communion' and that 'there are many parallels between the Commonwealth and the Anglican Communion' and that this is 'unsurprising' because of its 'shared history.'[227] He explained that 'both draw together autonomous units of nations and provinces,' and both are held together by what the then Conservative Prime Minister, Boris Johnson, described as the 'invisible thread of shared values, history and friendship,' which for the Anglican Communion are the 'bonds of affection.'[228] He acknowledged that both the Anglican Communion and the Commonwealth have inevitable stresses and

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[225] HL Deb 1 July 2022, vol 823, cols 825–26.

[226] ibid.

[227] ibid.

[228] ibid. See Boris Johnson, 'Prime Minister Johnson's Opening Speech at CHOGM 2022' (*The Commonwealth*, 24 June 2022) <https://thecommonwealth.org/news/prime-minister-johnsons-opening-speech-chogm-2022> accessed 26 April 2025.

strains and both need to work hard at developing a sense of mutual interdependence because of the complexities of UK's imperialistic past.

The Bishop of Guildford was critical of the way the UK government managed the issues that were discussed in these conferences. He lamented that '…the Prime Minister and the British Government possibly missed a trick' during CHOGM 2022.[229] The summit highlighted global warming, educational discrimination against women/girls, and food security due to the war in Ukraine, which he said: 'we will also do at the Lambeth Conference.'[230] But the issue of freedom of religion and belief seemed 'hardly to have featured in those conversations, despite its terrifying and growing prevalence in the three Commonwealth nations with the largest populations of them all.'[231] He argued for a 'joined-up approach' with the UK's Commonwealth and trading partners, to create a 'better and fairer world for all.'[232] During the 2022 Lambeth Conference, the Lambeth Call on Human Dignity referenced topics of post-colonialism and the trans-Atlantic slave trade, inequalities of land use, health, education, religious persecution, oppression of human rights, war, conflict and exploitation or prejudices on the basis of race, age, gender or sexuality.

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[229] HL Deb 1 July 2022, vol 823, cols 825–26.

[230] ibid.

[231] ibid.

[232] ibid.

Conclusion for chapter 5

The legal and political power of the monarchy has shifted to Parliament, which is now sovereign and supreme. Whilst there is no juridical connection between the Anglican Communion and the monarchy, a greater prominence of issues which engage the Communion in global affairs, has meant that Parliament not only defends the Anglican faith of those living in England, but also the Anglican and Episcopal faith of those living in other parts of the global Communion.

It has been argued that there have been several different stages in the development of the title Defender of The Faith. The first stage was its defence of the Roman Catholic Church: the title was used in reference to Henry VIII's defence of the seven sacraments in opposition to Martin Luther. The second stage was its defence of the English Church independent from Rome: after the Acts of Supremacy the title referred to the monarch's defence of the newly reconstituted Church of England. The third stage was its defence of protestant Christianity in opposition to Roman Catholicism: after the Acts of Union, the title referred to the monarch's defence of the episcopally-ordered Church of England and the Presbyterian Church of Scotland. In its fourth stage the title lost its anti-Catholic relevance: with the emancipation of Catholics during the nineteenth century and the complete removal of catholic disabilities in the beginning of the twentieth century, the title was no longer anti-Catholic but continued to refer to the monarch's defence of protestant Christianity in England and Scotland. With the accession of Elizabeth II, the title entered its fifth and final stage: with the transformed demography of the UK, it slowly evolved to

encompass all Christian denominations (including Roman Catholics) and other major world religions. This fifth stage also encompasses the Anglican Communion.

This has led to real policy initiatives in relation to Christian persecution, the Commonwealth and the emergence of new constitutional conventions. The UK parliament has acted as an instrument for the promotion of human rights in the Anglican Communion and Parliament has been used a mechanism to hold the Church Commissioners to account for the Church's record of engagement on this issue. The Lords Spiritual have continued to highlight their diocesan links and emphasis the significant size and scope of the Communion at a global level. Most recently this has led to change not only in relation to UK government policy, but also at the UN. In July 2023 the Prime Minister's Special Envoy for Freedom of Religion or Belief (December 2020-July 2024), Fiona Bruce MP, asked Selous what recent steps the Church of England had taken to help protect freedom of religion and belief in other countries.[233] Selous informed the House that the UN Security Council adopted a resolution[234] to produce an annual report on freedom of religion and belief, sponsored by the UK, the resolution was based on the Bishop of Truro's review and incorporated many of his recommendations. Selous also explained that he had recently spoken to the Archbishop of Canterbury's advisor on the Anglican Communion,

[233] HC Deb 20 July 2023, vol 736, cols 1010–12.

[234] UNSC Res 2686 (14 June 2023).

Sammy Wainaina, about the situation in Pakistan where a number of priests had been murdered.

The office of the Archbishop of Canterbury has been pivotal – shaped largely by Justin Welby and his experience of working in Nigeria and familiarity with the African continent. The office of the Archbishop of Canterbury and the other instruments of communion were considered in the Church of England's 1991 report. It noted that the Anglican Communion and the Commonwealth have evolved as free associations of autonomous bodies. As member States of the Commonwealth have their own national constitutions that no other member State may interfere with, so in the Anglican Communion each province has its own legal system which no other province can interfere with. As Commonwealth countries have parliaments, provinces have synods. The Primates' Meeting closely resembles the Commonwealth Heads of Government Meeting. Anglican Communion networks dealing with issues like family, peace and justice, and refugees, can be compared with Commonwealth associations. The Secretary General of the ACC has a similar function to the Secretary general of the Commonwealth. In both cases 'the secretariats serve the purposes of consultation and co-operation rather than administering any kind of central authority.'[235]

There is a 'partial parallel between the role of the monarch as Head of the Commonwealth of independent nations, and that of the Archbishop of

[235] International and Development Affairs Committee (n 168) 43.

Canterbury in the Anglican Communion.'[236] The respect for the monarch as the symbolic Head of the Commonwealth, is to some extent reflected in the respect Anglicans and Episcopalians around the world have towards the Archbishop of Canterbury. Both the monarch and the Archbishop of Canterbury act as a focus of unity (though this is now in dispute), embracing a considerable number of countries or churches without necessarily having formal authority. At the Lambeth Conference in 1988 George Carey (who was at that time Bishop of Bath and Wells) spoke of the Archbishop of Canterbury trying to be 'a personal and visible presence of the whole Anglican family.'[237] But whilst the monarch is Head of State in some Commonwealth countries, the Archbishop of Canterbury is the Primate only of All England. The office of the Archbishop of Canterbury and the other instruments of communion have evolved considerably since 1991, issues that will now be examined in the next chapter.

[236] International and Development Affairs Committee (n 168) 43.

[237] ibid.

The Lord Archbishop of Canterbury, the Established Religion and Global Denomination

— Chapter 6 —

> Ninety-eight per cent of the Anglican Church is outside England, and much of it is growing numerically very quickly.[1]

The quotation above is taken from the Conservative peer and former minister for women and equalities, Baroness Berridge. During the debate on the draft Women Bishops Measure she reminded the House of the role British women had played in the Colonial Church, and that their missionary work had contributed to the growth of Anglicanism outside the British Isles. The growth of Anglicanism outside the British Isles was also emphasised by the Conservative peer, Baroness Denton, during the debate on the draft Women

[1] HL Deb 14 October 2014, vol 756, col 170.

Priests Measure. She reminded the House that 'the Church of England is not just the State church of these islands; its influence touches all the global Anglican Communions [sic], among whose members several have already ordained women, including New Zealand.'[2] Of course the Church of England is not the "State Church" of the British Isles, but her broader point was that in considering the issue of women's ordination, the UK Parliament recognised the Church of England was only one province of a Communion that spreads across the globe but also understood that its decisions "touch" the global Communion.

Baroness Berridge and Baroness Denton were correct in their assertions. Writing in 2004, Andrew Atherstone noted this demographic change:

> [i]n recent decades Anglicanism has grown significantly in francophone Africa, Latin America, Asia and the Pacific, and we have seen the rise of movements such as 'Afro-Anglicanism'. More than half the dioceses in the Communion today are outside the British Commonwealth. It is thus no longer tautologous to speak of Anglo-Anglicanism—in other words, that Western subsection of the Anglican movement which remains English-speaking.
>
> The centre of gravity of the Communion has been moving steadily from the North and West to the global South. In 1950 there were just twelve Anglican provinces, inhabited largely by the British and their descendants (England, Wales, Scotland, Ireland, the United States, Canada, Australia, New Zealand, South Africa and the West Indies, as well as China and Japan). By 1980 there were 27 provinces. Today there are 38. And while orthodox Anglicans in the Global South continue to prosper, liberal Anglicans in the West continue to empty churches. There

[2] HL Deb 2 November 1993, vol 549, col 1036.

> are now more Anglicans in Nigeria than in the whole of Europe and North America put together.[3]

Writing in 2015, Todd Johnson and Gina Zurlo carried out a study on the changing demographics of Anglicanism between 1970-2010:

> [a]lthough global expansion of the Church occurred during the nineteenth century, it was in the twentieth century that Anglicans experienced profound changes in their demographic make-up. According to the Atlas of Global Christianity, the statistical centre of gravity of Anglicanism shifted from France in 1910 to Chad by 2010...[4]
>
> …In the twenty-first century global Anglicanism continues its shift to the south. While the number of Anglicans nearly doubled from 47 million in 1970 to 86 million[5] in 2010, the concentration of Anglicans in Africa grew. In 1970, 62 per cent of all Anglicans were found in Europe. By 2010 this had dropped to just 31 per cent. During the same period, Africa grew from 16 per cent of all Anglicans worldwide in 1970 to 59 percent in 2010. In essence, Europe and Africa changed positions over the 40 years. Northern America fell from 9 per cent of global Anglicans in 1970 to 3 per cent in 2010.[6]

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[3] Andrew Atherstone, 'The Incoherence of the Anglican Communion' (2004) 118(3) *Churchman* 235, 237–38 <https://www.churchsociety.org/wp-content/uploads/2021/05/Cman_118_3_Atherstone.pdf> accessed 26 April 2025.

[4] The 'statistical centre of gravity' is the geographic point at which equal numbers of Anglicans and Episcopalians can be found to the north and south and to the east and west. It does not reflect the Anglican or Episcopalian population of the countries in which it lies.

[5] It is important to note that the four united churches are not included in these figures.

[6] Todd M. Johnson and Gina A. Zurlo, 'The changing demographics of global Anglicanism, 1970-2010' in David Goodhew (ed) *Growth and Decline in the Anglican Communion: 1980 to the Present* (Routledge 2016) 37.

There has been a significant demographic shift in Anglicanism, with the majority of the world's Anglicans and Episcopalians now living in Africa. There are some provinces where the numbers have grown at extremely high rates, for example in Uganda averaging 5.83 per cent annually and Tanzania 5.52 per cent annually.[7] It should also be noted that Anglicans in many West-Asian countries experienced significant losses (Lebanon, -6.19 per cent; Kuwait, -6.12 per cent and; Iraq, -2.39 per cent), which could be because of the persecution of Christians, war, and migration.[8]

Whilst the Anglican Communion has grown rapidly in the Global South, particularly in Africa, it has entered a period of gradual decline in the UK (-0.27 per cent) and the USA (-1.26 per cent).[9] Justin Welby has spoken in Parliament of the "average Anglican" being a woman in sub-Saharan Africa living on less than four dollars per day. This is in sharp contrast to the 'historical image of the average Anglican as an affluent, cosmopolitan Episcopalian in Boston, or a hereditary middle-class parishioner in London.'[10] Johnson and Zurlo predicted in 2015:

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[7] Johnson (n 6) 45.

[8] ibid.

[9] ibid.

[10] Dominic Nozzarella 'The Anti-Colonial, Conservative Revolution in the Anglican Communion' (*LSE Religion and Global Society Blog,* 11 December 2023) <https://blogs.lse.ac.uk/religionglobalsociety/2023/12/the-anti-colonial-conservative-revolution-in-the-anglican-communion/> accessed 26 April 2025.

> …by 2050 Anglicans could number 165 million globally. Nigeria likely will be the country with the most Anglicans (50 million) and Uganda second (38 million), with Britain falling to a distant third.[11]

The rapid growth of Anglicanism in the Global South has occurred concurrently with the decline of the Church of England. Linda Woodhead, writing in 2017, has charted this decline:

> Anglican numbers have halved since the 1980s, as has attendance in the Church of England, and the decline continues. BSA data reveal that for every one convert, the C of E currently loses 12 people, mainly through death.[12]

The British Social Attitudes Survey has reported a decline in the number of people identifying with the Church of England from 40 per cent in 1983 to 12 per cent in 2018.[13] The 2021 UK census (though it did not provide information about specific denominations) revealed for the first time that the majority of the people in the England and Wales no longer identified as Christian (46 per

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[11] Johnson (n 6) 50.

[12] Linda Woodhead, 'The rise of 'no religion' in Britain: The emergence of a new cultural majority' in Janet Carsten and Simon Frith (eds), *British Academy Lectures, 2015-16, British Academy Lectures Series* (The British Academy Lecture, 19 January 2016) 248.

[13] 'Just 12% of Brits are affiliated to C of E, major survey reveals' (*National Secular Society*, 11 July 2019) <https://www.secularism.org.uk/news/2019/07/just-12-percent-of-brits-are-affiliated-to-c-of-e-major-survey-reveals> accessed 26 April 2025.

cent).[14] Though "Christian" remained the most common response, "No religion" was the second most common response, increasing by 12 percentage points to 37.2 per cent (22.2 million) from 25.2 per cent (14.1 million) in 2011.[15] There were increases in the number of people who described themselves as "Muslim" (3.9 million, 6.5 per cent in 2021, up from 2.7 million, 4.9 per cent in 2011) and "Hindu" (1.0 million, 1.7 per cent in 2021, up from 818,000, 1.5 per cent in 2011).[16] When the Lord Speaker's Committee on the size of the House heard evidence, the British Humanist Association stated: 'average weekly Church of England attendance now stands at under one million people, out of a population of over 65 million, or 1.5 percent.'[17] This failed to note that this does not count for the last three years (writing in 2025) because there has been a slight recovery in Church of England attendance,[18] but overall adult average weekly attendance in 2023, based on in-person attendance in October, was 19 per cent lower than in 2019, and 4.5 per cent higher than in 2022.[19] We now live

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[14] 'Religion, England and Wales: Census 2021' (*Office for National Statistics*, 5 December 2022) <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021> accessed 26 April 2025.

[15] ibid.

[16] ibid.

[17] Samuel White, 'House of Lords: Lords Spiritual' (*House of Lords Library*, 4 September 2017) <https://lordslibrary.parliament.uk/research-briefings/lln-2017-0056/> accessed 26 April 2025

[18] Church of England, 'Weekly Church attendance up five per cent in third year of consecutive growth (Press Release, 20 May 2024) <https://www.churchofengland.org/media/press-releases/weekly-church-attendance-five-cent-third-year-consecutive-growth> accessed 26 April 2025.

in a society where people of no faith and other non-Christian faiths outnumber those who are Christian, and the number of Anglicans and Episcopalians number only 19 per cent[20] of the UK population, with only 1.5 per cent of the population actually taking part in weekly Anglican and Episcopal worship.

It is in this national and international context of changing demographics, that debates about the continued presence of bishops in Parliament, the office of the Archbishop of Canterbury and the future of the instruments of communion have been ongoing and led to the emergence of further constitutional conventions

6.1 The Perry Report and the Anglican Communion

In 2007 the New Labour Government published the *Governance of Britain Paper*. Proposals were made for the removal of Ministers of State in the selection process. The New Labour Government, while remaining committed to establishment, argued that 'the government believes in principle that the Prime Minister should not play as active a role in the selection of individual candidates,' and that the 'Prime Minister should not use the royal prerogative to

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[19] Ken Eames, 'Statistics for Mission 2023' (*Church of England Data Services*, 2024) <https://www.churchofengland.org/sites/default/files/2024-12/statisticsformission2023.pdf> accessed 26 April 2025.

[20] Harriet Sherwood, 'People of no religion outnumber Christians in England and Wales – study' *The Guardian* (London, 23 May 2016) <https://www.theguardian.com/world/2016/may/23/no-religion-outnumber-christians-england-wales-study> accessed 26 April 2025.

exercise choice in recommending appointments of senior ecclesiastical posts, including bishops.'[21] It went on to state that 'the Church should be consulted as to how best arrangements can be put in place' and that to this end 'the Prime Minister proposes that from now on he should ask the Crown Nominations Commission to put only one name to him.'[22]

During this process the Church of England has considered how bishops in other provinces are appointed. The Report of the Archbishops' Commission on *Church and State,* published in 1970, explained that in most provinces bishops are elected through a diocesan or provincial electoral college, which are formed either jointly or separately as 'Houses' with lay and ordained membership.[23]

The use of an electoral college for the appointment of bishops was considered again in 2001 when the Perry Report reviewed the operation of the Crown Appointments Commission and made a number of proposals to 'increase the transparency of the selection process.'[24] Baroness Perry's report, *Working with the Spirit: choosing diocesan bishops,* recognised that 'the present bench of bishops commands widespread respect, not just in this country but also in the Anglican Communion' and that 'Bishops also represent the Church of England

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[21] The Lord Chancellor (Jack Straw), *The Governance of Britain* (Cm 7170, 2007) 25–26.

[22] ibid.

[23] Report of the Archbishops' Commission, *Church and State* (Church Information Office 1970) 40–41.

[24] Bob Morris, *Church and State in 21st Century Britain: The Future of Church Establishment* (Palgrave Macmillan 2009) 55.

within the Anglican Communion.'[25] The report explained that it had 'been alert, throughout, to the Anglican Communion dimension.'[26] Baroness Perry considered that in most provinces 'a bishop is normally elected either by a diocesan or a provincial electoral college.'[27]

The findings of the Perry Report were debated in the Lords with reference to the Anglican Communion. During the February 2002 debate on episcopal appointments, Lord Faulkner asked the Lord Privy Seal, Lord Williams, whether there were any plans to change the arrangements for the appointment of bishops and archbishops. Lord Williams responded by explaining: '…currently there are not. In 1998 the Church of England set up a review to examine the working of the Crown Appointments Commission and related matters, but within the existing framework of the 1976 agreement between Church and State on the appointment of bishops and archbishops.'[28] Lord Faulkner suggested to Lord Williams:

> [w]ould it not be the most satisfactory solution for the Prime Minister to make it clear that the choice of the new archbishop – and of future bishops – should be a matter entirely for the Church… as happens in other [c]hurches that are part of the Anglican Communion? Those arrangements are described with great clarity in the excellent report of

[25] Baroness Perry, *Working with the Spirit: choosing diocesan bishops* (Church of England Publishing House 2001) 36.

[26] ibid 112.

[27] ibid 109.

[28] HL Deb 11 February 2002, vol 631, cols 882–83.

> the committee chaired by the noble Baroness, Lady Perry of Southwark.[29]

Baroness Perry gave her support to the remarks of Lord Faulkner: 'I entirely support the remarks of Lord Faulkner, about the extremely odd situation in which the leaders of our Church are still chosen in great secrecy and by a programme that often seems to involve the Prime Minister asking the Church to keep guessing until it comes up with the name that she or he first thought of.'[30] It was evident that some temporal peers had recognised that the Church of England's appointment process was out of line with the rest of the Communion, and there was cross-party parliamentary support for it to be more transparent, with greater participation from the laity.

In the May 2002 Lords' debate on Church and State, Lord Lester reminded the House that 'of the 38 provinces that make up the Anglican Communion, 37 are disestablished and none of them regrets it. Establishment has been rejected in countries the world over, but not in England.[31] Lord Faulkner quoted the words of Lord MacLennan in the February 2002 Lords' debate:

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[29] HL Deb 11 February 2002, vol 631, cols 882–83.

[30] ibid.

[31] HL Deb 22 May 2002, vol 635, col 787.

> "[t]here is an admirable model to the west of the border between England and Wales, where the Church…has an entirely different method of choosing bishops and archbishops and has, at the moment, an admirable archbishop who certainly speaks his mind on every appropriate occasion". [Official Report, 11/2/02; col. 883.]

Lord Faulkner went on to comment:

> [o]ther [c]hurches in the Anglican Communion follow a similarly inclusive approach for selecting their bishops… These are matters which will be considered by the General Synod of the Church of England in July, when the report of the review group chaired by the noble Baroness, Lady Perry of Southwark, will be considered.[32]

Baroness Perry had in fact presented her findings to the General Synod in July 2001, and a motion was moved that a steering group consider the proposals and report back to the General Synod. The steering group was chaired by Professor Michael Clarke and published its findings in three reports in 2002-3.[33] By November 2003 some of Baroness Perry's recommendations were implemented.

In line with other provinces there was a greater involvement of the laity, with the number of those members of the relevant vacancy-in-see committee on

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[32] HL Deb 22 May 2002, vol 635, col 774.

[33] See 'Choosing Diocesan Bishops: The Report of the Steering Group' (GS 1465, 2002); 'Choosing Diocesan Bishops: Further Report from the Steering Group' (GS Misc 706, 2003); and 'Choosing Diocesan Bishops: Third Report from the Steering Group' (GS 1510, 2003).

the Crown Nominations Commission ("CNC") increasing from four to six, with at least three being lay people. There was also greater transparency: from 2003 extra information, which has not been filtered by the appointment's secretaries, has been provided to CNC members by the archbishops' secretary and candidates are now interviewed at the second CNC meeting.

In September 2016 the Church set up a theological review group under the chairmanship of Professor Oliver O'Donovan, which concluded its work in Autumn 2017. The report, *Discerning in Obedience: A theological review of the Crown Nominations Commission,* argued that the 'overall structure of the CNC process is positive… though as a whole it is unique to the Church of England, it contains many elements in common with procedures of other churches of the Anglican Communion.'[34] The report explained that there are three processes that dominate in the Communion:

> (i) [t]here are systems that give the initiative to existing bishops; (ii) there are systems that culminate in a public election at a synod; (iii) there are systems that involve a nominating body of members equipped with appropriate gifts of insight and knowledge. Within the churches of the Anglican Communion all are found, though the third type predominates. The Church of England's CNC is a typical example of the third type, though set uniquely within the framework of the Crown Nomination, the Prime Minister and the Queen acting to monitor its decisions.[35]

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[34] Review of the CNC – Report from the Theological Review Group, 'Discerning in Obedience: A theological review of the Crown Nominations Commission' (GS Misc 1171, 2017) para 1.7.

Following on from this report, the General Synod decided to maintain the CNC process, but in July 2019 changed its Standing Orders so that the CNC is no longer required to choose a second name, with only one name submitted to the Prime Minister.[36] The second name, if there is one, is held in reserve in case the first name becomes unavailable.

In December 2023 the Carlisle CNC failed to appoint its diocesan bishop and in July 2024 the Ely CNC failed to appoint its diocesan bishop.[37] Following on from this, in September 2024 the Bishop of London, Sarah Mullally, who chairs the Advisory Group for Appointments and Vocations, presented a paper to the House of Bishops.[38] She proposed three changes: (1) reducing the threshold required for a nomination to 60 per cent; (2) removing the secret ballot; and (3) giving the presiding archbishop an additional vote in the event of

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[35] Review of the CNC (n 34) para 2.8. See also *The Principles of Canon Law Common to the Churches of the Anglican Communion* (2nd edn, 2022), principle 36: [a]dmission to the office of diocesan bishop, which explains that 'election to the office of diocesan bishop is carried out by an electoral college or other such body, which may consist of representatives of the episcopate, clergy and laity.'

[36] See Church of England*, Standing Orders of General Synod 136–141: Crown Nominations Commission* (updated July 2019) <https://www.churchofengland.org/sites/default/files/2020-06/cnc-general-synod-amendments-to-standing-orders-136-141-july-2019.pdf> accessed 26 April 2025.

[37] Archbishop of Canterbury, 'Statement on Crown Nominations Commission process for next Bishop of Ely' (Press Release, 15 July 2024) <https://www.archbishopofcanterbury.org/news/news-and-statements/statement-crown-nominations-commission-process-next-bishop-ely> accessed 26 April 2025.

[38] 'Bishops back proposals to simplify nomination process for diocesan bishops' *The Church of England* (Press Release, 18 September 2024) <https://www.churchofengland.org/media/press-releases/bishops-back-proposals-simplify-nomination-process-diocesan-bishops> accessed 26 April 2025.

a deadlock. In her report, the Bishop of London also explained that 'there is a lack of diversity on the CNC, including gender, race, and theology, which has led to a loss of trust in the process'[39] and therefore recommended that of the places reserved for clergy at least one should be a female priest, commenting:

> [t]he requirement for female representation already exists in the Canterbury CNC regulations for the five representatives from the Anglican Communion, so there is a precedent. The Canterbury CNC reps from the Anglican Communion are also required to include some of Global Majority Heritage ("GMH"), and GMH representation on all CNCs has already been addressed through amendments to Synod Standing Orders agreed in July 2024 (see paper GS 2355). It would, therefore, make sense for the representation of women (including in a voting capacity) to be included in wider CNCs.

The House of Bishops approved a motion welcoming the recommendations by 27 votes to 9, with 3 abstentions. The proposals were put to the General Synod in February 2025 but not one of the three main proposals made by the Bishop of London passed.[40]

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[39] *House of Bishops, Crown Nominations Commission* (HB(24)30, September 2024) <https://www.churchofengland.org/sites/default/files/2024-09/hb2430-cnc.pdf> accessed 26 April 2025.

[40] 'Synod retains voting threshold for nominating new bishops' *The Church of England* (Press Release, 13 February 2025) <https://www.churchofengland.org/media/press-releases/synod-retains-voting-threshold-nominating-new-bishops> accessed 26 April 2025.

6.2 The appointment of the Archbishop of Canterbury and the Anglican Communion

In relation to the See of Canterbury, the Perry Report made the following recommendation for the Church of England:

> [w]hen a vacancy in the See of Canterbury is discussed, the Secretary General of the Anglican Communion is invited to serve as a non-voting member of the Commission. We note the growing importance of the Archbishop of Canterbury's role within the Anglican Communion, and do not consider that the present arrangements any longer do justice to this. We doubt whether one individual can adequately represent the diversity of the Anglican Communion. In our judgement it is also now appropriate for the representatives of the Anglican Communion to be voting members of the Commission. We therefore recommend that for consideration of a vacancy in the See of Canterbury, the membership of the Episcopal Nominations Commission should include, as voting members, the Chairman of the Anglican Consultative Council (ACC) and the Secretary General of the Anglican Communion (with the Vice-Chairman of the ACC as a substitute if the Chairman or Secretary-General is unable to serve). This would increase the membership of the Commission by one, and the voting membership by two, for this one particular vacancy…
>
> …Given the Archbishop of Canterbury's role in the Anglican Communion, we further recommend that in the case of a vacancy in the See of Canterbury the joint standing committees of the Anglican Consultative Council and the Primates' Meeting should be invited to submit a Statement of Needs of the Anglican Communion.[41]

[41] Perry (n 25) 57–58.

Before the changes made to the Canterbury CNC in July 2022, the only differences to the Canterbury CNC compared to other diocesan CNCs was that there was one communicant lay member of the Church appointed by the Prime Minister to chair the CNC, and one member of the Primates' Meeting (elected by the Joint Standing Committee of the Primates Meeting and the ACC). The Secretary General of the Anglican Communion also joined the CNC but did not have voting rights.

In 2015 the Canterbury Diocesan Synod invited the Archbishops' Council to put forward proposals to change the composition of the CNC for the See of Canterbury and to extend the role of the CNC to include nominations to the suffragan See of Dover. The proposal from Canterbury was to reduce its diocesan representation from six to three, but it did not offer any view on what the representation of the Communion should be. The Archbishops' Council addressed this issue in September 2018 following the conclusion of Professor Oliver O'Donovan's theological review.

In January 2022 the Archbishops' Council launched an open consultation on a proposal to change the make-up of the CNC. As part of this consultation, Buckingham Palace, Downing Street, the primates of the Communion, and the ACC, all received the consultation document directly.

In a letter sent to the Communion by the Secretary General of the Archbishops' Council, William Nye, he explained that the purpose of the change was to enable the representation of the Communion to be increased in a

Communion that is at least 75 per cent from the Global South.[42] Nye noted that at the last Canterbury CNC the entire Communion was represented by the Primate of the Church in Wales, Barry Morgan. The role profile drawn up by the Canterbury CNC in 2012 suggested that 20 per cent of the job would relate to Communion responsibilities. But Justin Welby considers this to be an underestimate and has suggested that 25 per cent may be more accurate. Welby has also suggested that only about 5 per cent of his time is spent on diocesan work (with the suffragan Bishop of Dover effectively being the diocesan bishop).

Nye also explained that it is important to recognise that many of the national church responsibilities of the Archbishop of Canterbury are also closely connected with Communion responsibilities. As has been explored in this dissertation, this includes global issues – including the environmental crisis, migration and health-related matters (HIV, Covid etc). These issues call for a Communion-wide response and engagement, which is demanding in terms of time and resources:

> [t]he Communion-wide brief of the Archbishop of Canterbury can help facilitate learning from churches whose life is vibrant and growing. This dynamic enhances the role of the worldwide Communion and its significance for the Church of England. These considerations alone

[42] Secretary General William Nye, *See of Canterbury: Membership of the Crown Nominations Commission* (Archbishops' Council, January 2022) <https://www.anglicancommunion.org/media/465888/Consultation-Document-Changes-to-the-Membership-of-the-CNC-for-the-See-of-Canterbury_2201_en.pdf> accessed 26 April 2025.

> suggest that the balance of representatives on the CNC does not reflect the current nature of the role. Secondly, there is a socio-political background to be taken into consideration. The Church of England's role within the Anglican Communion is rooted in England's colonial history. These roots are neither monolithic nor simple, but nevertheless, as nations and peoples across the world seek to find better ways of relating internationally than the inherited and often unbalanced patterns still shaping our lives, the Church of England and the Communion cannot escape asking why a British cleric should always be *primus inter pares.* It is not within the gift of the Church of England to change this unilaterally, nor should it be. This is a question for the Communion as a whole to consider, consultatively and collaboratively… It may only be a small step, and a first step, but changing the composition of the CNC recognises the immense importance of the Communion and seeks to work with them as partners by listening more carefully and inviting them into the discernment process.[43]

Following on from the consultation, a motion was passed by the General Synod in July 2022 to change its Standing Orders. When the motion was presented by Canon Dr Jamie Harrison, chair of the House of Laity, he reminded the House that these were the proposals of the Perry Report and had the full support of the primates:

> [w]e have seen the support from the [p]rimates and from the Anglican Consultative Council. They want to strengthen the Communion's participation in this discernment process. That has been the view over many years. If you go back 20 years to the Perry Report *Working with the Spirit: Choosing Diocesan Bishops*, Lady Perry was quite clear she thought there should be greater participation for voting members from the Communion. That was not accepted, but we are here today, I hope,

[43] Nye (n 42) paras 15–16.

> to fulfil Baroness Perry's hopes. I would ask that you would vote for Item 8 unamended.[44]

The Church of England's current representative to the ACC, the Revd. Prof. Andrew Atherstone, drawing on his experience of working with the ACC proposed an amendment:

> I bring my amendment to establish for us this morning the basic principle that future Archbishops of Canterbury should be chosen by the Church of England, not by members of other churches.
>
> …[W]e do not have Anglican popes, we do not have a monolithic worldwide Anglican Church, but lots of local, national and regional expressions of the Anglican faith. And, therefore, it is wrong in principle for future Archbishops of Canterbury, which is an English See, to be chosen by the world. It is actually a major shift in the nature of our Anglican ecclesiology if we go ahead with this…[45]

I do not agree with Atherstone's use of language when he suggested that there is a possibility that the next Archbishop of Canterbury could be an "Anglican pope" because of greater representation from the Communion in the appointment process. His reference was to the Bishop of Rome, who, unlike the Archbishop of Canterbury, does exercise international jurisdiction as the

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[44] General Synod, *Report of Proceedings 2022: July Group of Sessions* (University of York, Friday 8 July 2022-Tuesday 12 July 2022) 184 <https://www.churchofengland.org/sites/default/files/2023-01/general-synod-group-of-sessions-july-2022_0.pdf> accessed 26 April 2025.

[45] ibid 191–94.

Supreme Pontiff through legislative, administrative and judicial authority. But it is important to note that the title "pope" is an honorary one, traced back to the reign of Pope Gregory VII (reigned 1073-85) in the eleventh century. In mainstream Christianity there are three other bishops who hold this honorary title: the Eastern Catholic, Oriental Orthodox and Eastern Orthodox Patriarchs of Alexandria. The use of the title "pope" for the Patriarch of Alexandria predates the use of the title for the Bishop of Rome and may be traced back to the third century to Heracles, the thirteenth Patriarch of Alexandria (reigned 232-248 CE). Furthermore, the Bishop of Rome's authority is not derived from the global composition of the Electoral College of Cardinals – indeed, the papal election in 2025 is the first time that the electoral college is not dominated by Italian and other European cardinals – with about fifty per cent of the voting cardinals drawn from outside of Europe. But most significantly, there will be laity involved in the selection of the next Archbishop of Canterbury, which is in sharp contrast to the Roman Catholic Church, where governance is vested in the clergy alone. I therefore agree with Harrison, who successfully resisted the amendment, and in doing so explained that it was not a 'huge change' and that 'each Archbishop will of course define their ministry in relation to Communion.'[46] He reminded the Synod that the changes that were being proposed had the support of the primates, and that the Synod should therefore not vote against 'their desires and ideas.'[47] I predict that when the next

[46] General Synod, *Report of Proceedings 2022* (n 44) 194–95.

Archbishop of Canterbury is appointed, this change will not make any difference to the moral authority of the office, and legally of course, its impact will be nil.

There will now be five representatives of other churches of the Anglican Communion – one each from Africa; the Americas; Middle East and Asia; Oceania and Europe, chosen by the Joint Standing Committee of the Primates' Meeting and the ACC. The new rules will also ensure the inclusion of laity and clergy as well as bishops; a balance of men and women and that at least three of the five will be of GMH. Under these changes the Canterbury CNC will now have 17 voting members, with the number of representatives from the Diocese of Canterbury reduced from six to three. Meanwhile the appointment process for the suffragan Bishop of Dover, will be carried out by a diocesan CNC rather than being appointed directly by the Archbishop of Canterbury. With the unexpected resignation of Welby on 13 November 2024 the Cabinet Office confirmed these changes on 15 November 2024.[48]

As we saw in the General Synod proceedings both Atherstone and Harrison confirmed that the Archbishop of Canterbury defines his ministry in the Communion. In the rest of this chapter an examination of parliamentary papers reveals how the British State has contributed to this ministry.

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[47] General Synod, *Report of Proceedings 2022* (n 44) 194–95.

[48] Cabinet Office, 'Archbishop of Canterbury appointment process' (Press Release, 15 November 2024) <https://www.gov.uk/government/news/archbishop-of-canterbury-appointment-process> accessed 26 April 2025.

6.3 First in the Order of Precedence and First Among Equals

Whilst there is no juridical connection between the UK constitution and the Anglican Communion, the Archbishop of Canterbury, an instrument of communion, is shared by both the UK constitution and the Communion. In 1994 George Carey referred to himself in the Lords 'as leader of the worldwide Anglican Communion.'[49] In 2012 the former leader of the Labour party in the Lords, Baroness Royall misleadingly referred to Rowan Williams as the 'Head of the worldwide Anglican Communion' in a tribute upon his retirement.[50] Norman Doe explains the status of the Archbishop of Canterbury in the Communion:

> [t]he office of Archbishop of Canterbury is governed both by the laws of individual churches and by ecclesiastical convention of the Anglican Communion. Under English ecclesiastical law, for the purposes of the Church of England, the archbishop is 'Primate of All England' and metropolitan of the Province of Canterbury. According to ecclesiastical convention, and for the purposes of the Anglican fellowship of churches, 'the Archbishop of Canterbury … serves as the principal focus of unity in the Communion'. Juridic expression is given to both of these ideas in the laws of many churches. The churches fall into two broad groups: those in which the law assigns a limited jurisdiction to the archbishop; and those in which the archbishop is given full metropolitical authority.[51]

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[49] HL Deb 29 March 1994 vol 553, col 988.

[50] HL Deb 14 December 2012 vol 741, col 1320.

As noted previously, Alexander Ross has outlined the provinces in which the Archbishop of Canterbury has a formal status.[52] Both Doe and Ross note that the strongest affirmation of the Archbishop of Canterbury's status in the Communion is to be found in the constitutions of the Church of Central Africa and the Episcopal Church of South Sudan and Sudan, 'as holding the first place among the Metropolitans of the Anglican Communion.'[53]

In July 2000 the then Bishop of Gloucester, David Bentley, remarked that the job of Archbishop of Canterbury 'is probably the most difficult in the Church of England. It is certainly the busiest, the most demanding and the one with the most expectations thrust upon it.'[54] Most recently with the resignation of Justin Welby, the Labour peer, Lord Griffiths, alerted the House to the three roles of the Archbishop of Canterbury: (1) constitutional – 'he officiated at the funeral of Her late Majesty Queen Elizabeth and crowned the brand-new King and Queen in his turn'; (2) provincial – 'he has been a great campaigner for women's consecration to the episcopacy and to see that happen'; and (3)

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[51] Norman Doe, *Canon Law in the Anglican Communion: A Worldwide Perspective* (Oxford University Press 1998) 343.

[52] 'The Archbishop of Canterbury in Provincial Constitutions', in Alexander Ross, *A Still More Excellent Way: Authority and Polity in the Anglican Communion* (SCM Press 2020) 96–100.

[53] Doe (n 51).

[54] HL Deb 12 July 2000, vol 615, col 223.

international – 'he has travelled to every province of the Anglican Communion.'[55]

During the May 2002 Lords' debate on Church and State, the Labour peer Lord Williams of Elvel voiced his opposition to disestablishment. Lord Williams believed it would undermine the work of the Archbishop of Canterbury in the Communion:

> [t]he Archbishop of Canterbury, whoever he – or, perhaps in the future, she – may be, is not only the Primate of All England but the leader of the Anglican Communion worldwide. As such, of course, he has great spiritual responsibilities… a figure who at one and the same time is a spiritual leader and someone who has the immediate ear of the British government...[56]

Lord Williams' speech reminds us that the office of Archbishop of Canterbury is an extraordinary one: in the UK constitution he is first in the Order of Precedence after the Royal Family and the most senior member of the Lords, being the first Lord entitled to take the Oath of Allegiance at the start of a new Parliament (after the Lord Speaker).[57] At the beginning of a new Parliament, the Archbishop of Canterbury also leads a service of blessing and gives an address

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[55] HL Deb 5 December 2024, vol 841, 1316–17.

[56] HL Deb 22 May 2002, vol 635, col 795.

[57] David Torrance, 'The relationship between Church and State in the United Kingdom' (Commons Library Research Briefing Number CBP8886, 14 September 2023) 14 <https://commonslibrary.parliament.uk/research-briefings/cbp-8886/> accessed 26 April 2025.

to new members of the Commons and the Lords.[58] The Archbishop of Canterbury is also named as one of the Lords Commissioners, a Privy Counsellor who can open or prorogue Parliament on the monarch's behalf.[59]

A critical examination of parliamentary papers has revealed that in the Commons MPs hold the Second Church Estates Commissioner to account for the Archbishop of Canterbury's role in the Communion, and not just his roles related to the Church of England and the UK constitution. One of the issues raised in the Commons has been the cost of international visits. In March 2007 Labour MP Chris Bryant asked the then Second Church Estates Commissioner, Stuart Bell MP, about the cost of the visit of the Archbishops of Canterbury and York to the Primates' Meeting in Tanzania, Dar es Salaam in February 2007.[60]

At the meeting, which occurred soon after Katharine Jefferts Schori was elected as Primate and Presiding Bishop of the American Episcopal Church, Rowan Williams asked the primates for guidance about the upcoming Lambeth Conference and considered the American Episcopal Church's response to the *Windsor Report* in light of a special report from a sub-committee of the ACC and Primates' Standing Committee.[61] Hellen Wasanga of Uganda was also

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[58] Torrance (n 57).

[59] ibid.

[60] HC Deb 5 March 2007, vol 457, cols 1281–82.

[61] 'Primates' Meeting Tanzania 14-19 February 2007' (*Anglican Comminution*) <https://www.anglicancommunion.org/structures/instruments-of-communion/primates-meeting/2007.aspx> accessed 26 April 2025.

welcomed as the new Anglican Observer at the UN.[62] This was also the first time an Archbishop of York officially attended a Primates' Meeting.[63] At an official press conference the then Secretary General of the ACC, Kenneth Kearon (who in 2015 became the Bishop of Limerick and Killaloe in the Church of Ireland) said: 'it is the hope that the presence of Dr Sentamu will allow more discussion of Church life in Britain, as the Archbishop of Canterbury's focus is heavily global during these gatherings.'[64] So, whilst the Archbishop of Canterbury was present at the meeting to discuss global issues, the Archbishop of York attended in order to represent, to a far greater extent, the views and interests of the Church of England.

Bell explained that the Archbishop of Canterbury's costs in attending the Primates' Meeting were £2,094, the Archbishop of York's was £2,866, and cost of the supporting staff was £5,128.[65] Bryant responded that the reason for the visit was so that the archbishops could meet other bishops from around the world to discuss the situation in the American Episcopal Church.[66] Bryant went on to ask Bell: 'is it not particularly depressing, however, that the two British archbishops chose to side with the fundamentalist bigots from some other parts of the Anglican Communion, rather than represent the ordinary faith of most

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[62] 'Primates' Meeting Tanzania 14-19 February 2007' (n 61).

[63] ibid.

[64] ibid.

[65] HC Deb 5 March 2007, vol 457, cols 1281–82.

[66] ibid.

Anglicans in this country, which is entirely tolerant and decent?'[67] Bryant was referring to Williams' and Sentamu's decision to uphold resolution I.10 (1998) in response to the American Episcopal Church's decision to consecrate Gene Robinson as the Bishop of New Hampshire.[68] Bell responded: 'the costs were well invested and well spent… the meeting concluded with an agreed communiqué…[69] this good result came about because the Church of England has two archbishops brought up in other Churches of the Anglican Communion…'[70] Bell was making the point that both primates of the English Church were not English by origin (Welsh and Ugandan) – reflecting in their appointment the global nature of the Communion and the evolving role of the Archbishop of Canterbury.

In the same debate, the Conservative MP Robert Key asked Bell whether he agreed that the 'Archbishops of Canterbury and of York should be congratulated on saving the Anglican Communion from itself, with remarkably

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[67] HC Deb 5 March 2007, vol 457, cols 1281–82.

[68] ibid. See Rowan Williams, 'Final Press Conference at Tanzania Primates' Meeting' (Press Release, 19 February 2007) <https://rowanwilliams.archbishopofcanterbury.org/articles.php/1742/final-press-conference-at-tanzania-primates-meeting.html> accessed 26 April 2025. During this press conference Williams explained: '[w]e're still as a Communion in a place where our doctrinal position is that of Lambeth 1.10 and where that position has been reiterated in a number of Primates' Meetings, ACC meetings and a number of other forums.'

[69] ibid. See Primates' Meeting, *Communiqué of the Primates' Meeting, Dar es Salaam, Tanzania* (14-19 February 2007) <https://www.anglicancommunion.org/media/68393/communique2007_english.pdf> accessed 26 April 2025.

[70] ibid.

good value for money…'[71] Bell responded: 'the agreed communiqué specifies practical steps to address the tensions surrounding the recent actions of the Episcopal Church in the United States. The Archbishop of Canterbury's presidential address to General Synod last week gives a full account of the significance of this outcome.'[72] At the Presidential Address to the opening of the General Synod in February 2007, Williams reflected on the Primates' Meeting and explained that it was 'a serious attempt to go beyond the surface problems and to give us some space to look at the underlying and neglected theological factors,' and that he was 'aware of the continuing obstinate will to make the Communion work, and to work as some sort of properly Catholic and Reformed unity.'[73]

The unity of the Communion was again raised in January 2015 in the Commons by the Conservative MP, David Nuttall, who asked Baldry what discussions the Commissioners have had with the Archbishop of Canterbury on lessons learnt for the Church from his year-long tour of the Communion.[74] Baldry explained that Welby 'visited thirty-six of his fellow archbishops during his pilgrimage around the Anglican Communion.' In his presidential address to

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[71] HC Deb 5 March 2007, vol 457, cols 1281-82.

[72] ibid.

[73] To read the Presidential Address in full see "The Anglican Communion – Archbishop's Presidential Address to General Synod," 26 February 2007, <http://rowanwilliams.archbishopofcanterbury.org/articles.php/1524/the-anglican-communion-archbishops-presidential-address-to-general-synod.html> accessed 26 April 2025.

[74] HC Deb 29 January 2015, vol 591, col 1006.

the General Synod in November, he reported that it was a 'flourishing…but also a divided Communion.'[75] In his November 2014 address, Welby explained 'the Anglican Communion exists and is flourishing' and that whilst there is a diversity of thought on human sexuality there is 'profound unity.'[76] He alerted the General Synod to the practical work of the Communion in international development and peace in reconciliation.[77] He explained that he did not call a Primates' Meeting, even though he has the moral power to do so, and explained that if it was in the majority view of the primates that a meeting should be called, then he would call one, and the agenda would not be set centrally but by the primates themselves.[78] He reflected on plans for the next Lambeth Conference and explained that one will be held once the Communion decides there should be one, that it will be radically different to other conferences because it will reflect a post-colonial world where the majority live in the Global South.[79] For Welby, the work of the office of the Archbishop of Canterbury was changing in a post-colonial world into a more collegial office, where the Archbishop of Canterbury does not take the traditional decisions, such as calling the Primates'

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[75] HC Deb 29 January 2015, vol 591, col 1006.

[76] The Archbishop of Canterbury, 'Archbishop Justin's address to General Synod, November 2014' (*YouTube,* 17 November 2014) <https://www.youtube.com/watch?v=MHWayLKXbyQ> accessed 26 April 2025.

[77] ibid.

[78] ibid.

[79] ibid.

Meetings or Lambeth Conferences unilaterally but makes these decisions in collegiality with the other primates and bodies of the Communion.

In October 2019 the Conservative MP Michael Fabricant asked the then Second Church Estates Commissioner, the Conservative MP Caroline Spelman, what assessment had been made of the effect of the workload of the Archbishops of Canterbury and York on their ability to carry out their functions effectively, because in Fabricant's view, the two archbishops could share the role of the See of Canterbury.[80] Spelman explained that the 'Archbishops of York and Canterbury have many duties… and the Archbishop of Canterbury is also the "spiritual leader" of the Anglican Communion, a global network numbering tens of millions of members.'[81] Spelman's statement that the Archbishop of Canterbury is the spiritual leader of the Communion, was made in October 2019 before the ten members of the Global South Fellowship of Anglican Churches ("GSFA"), rejected the Archbishop of Canterbury's historic role as the *primus inter pares* amongst the primates and the newer provinces of Chile and Alexandria started removing any reference to Canterbury in their constitutions.[82] Spelman did not endorse or express any comment on Fabricant's

[80] HC Deb 31 October 2019, vol 667, cols 500–1.

[81] ibid.

[82] 'Ash Wednesday Statement of GSFA Primates on the Church of England's Decision Regarding the Blessing of Same Sex Unions' (*Global South Fellowship of Anglican Churches*, 13 February 2023) <https://www.thegsfa.org/news/ash-wednesday-statement-of-gsfa-primates-on-the-church-of-englands-decision-regarding-the-blessing-of-same-sex-unions> accessed 26 April 2025.

view that the role could be shared between York and Canterbury, but alerted the House to the key difference between the Sees of Canterbury and York – Canterbury has responsibilities that extend beyond England, whereas York does not.

In February 2020 DUP MP Jim Shannon submitted a written question in which he asked Selous what the outcomes were of the January 2020 Primates' Meeting in Jordan.[83] Selous explained that the primates of the Communion are:

> [a]rchbishops, presiding bishops, moderators and chief pastors of the forty provinces. Their churches are autonomous yet inter-dependent in their relationships with each other. The thirty-three primates who attended the meeting discussed preparations for the Lambeth Conference 2020 and approved the formation of the new province of Alexandria… they also discussed the proposal for the creation of the new province of the Church of Ceylon (Sri Lanka).[84]

Selous did not mention that the Primates of Nigeria, Uganda and Kenya did not attend because of ongoing tensions over human sexuality in the Communion.[85] The primates had in fact met in advance of Lambeth 2022 in Jordan, where they met with King Abdullah to discuss the situation in the Holy Land, the

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[83] Jim Shannon MP, 'Anglicanism: HC Written question – 14669' (10 February 2020).

[84] ibid.

[85] Madeline Davies, "'Grown-up' Primates' Meeting affirms Anglican links with Canterbury," *Church Times* (London, 15 January 2020) <https://www.churchtimes.co.uk/articles/2020/17-january/news/world/grown-up-primates-meeting-affirms-anglican-links-with-canterbury> accessed 26 April 2025.

safeguarding of children and vulnerable adults, the environment and the findings of the task group set up by the primates in 2016 to look at the issues of division.[86] What this reveals is that the leadership and moral authority traditionally yielded by the Archbishop of Canterbury is increasingly being borne by the Primates' Meeting. This is a step further than what was proposed in the Anglican Covenant, which suggested that '[a]s a focus and means of unity, the Archbishop gathers and works with the Lambeth Conference and Primates' Meeting, and presides in the Anglican Consultative Council' and that '[t]he Primates' Meeting is convened by the Archbishop of Canterbury for mutual support, prayer and counsel.'[87] This significant change in the Communion's management and direction at the global level has been recognised by the UK Parliament.

6.4 The Archbishop of Canterbury and UK foreign policy in Africa

In a speech given to the Council on Foreign Relations (an American think-tank specialising in US foreign policy and international relations) in October 2015, Welby explained that the UK is 'uniquely placed' to offer leadership on reconciliation 'given our history and ties to nations around the world, not least

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[86] Primates' Meeting, *Communiqué of the Primates' Meeting Jordan* (*Anglican Communion,* 13-15 January 2020) <https://www.anglicancommunion.org/media/355576/primates-meeting-2020-communique.pdf> accessed 26 April 2025.

[87] *The Anglican Communion Covenant: the Ridley Cambridge November Text* (2009)*,* para 3.1.4.

through the Commonwealth and the Anglican Communion.'[88] It is significant that Welby did not refer to the Church of England, but instead to the UK as a country on the global stage – alluding to his national role in the life of the UK. During Williams' and Welby's tenures the office of the Archbishop of Canterbury has increasingly had an international dimension to it, particularly in the UK's African foreign policy. Williams and Welby have not only acted as spiritual leaders, but in some instances as international diplomats.

The earliest example of this was in October 2011 when the Conservative MP Richard Graham asked Baldry about the outcome of Williams' visit to Africa.[89] Baldry explained that the Archbishop of Canterbury, as 'spiritual leader to the worldwide Anglican Community, was invited to make a pastoral visit to Malawi, Zimbabwe and Zambia... The purpose of the visit was primarily to meet with bishops, clergy and parishioners to celebrate the life and ministry of the Anglican Church in the region and to strengthen ties with the Anglican Communion.'[90] He went on to explain that during the visit he met the Presidents of Malawi, Zimbabwe and Zambia and that 'the Archbishop of Canterbury in Africa has made a direct challenge to tyranny and given words of hope for the oppressed.'[91] The Archbishop of Canterbury made it clear to the then President

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[88] Justin Welby, 'A Conversation With the Archbishop of Canterbury' (*Council on Foreign Relations,* 13 October 2015) <https://www.cfr.org/event/conversation-archbishop-canterbury> accessed 26 April 2025.

[89] HC Deb 13 October 2011, vol 533, col 475.

[90] ibid.

[91] ibid.

of Zimbabwe, Robert Mugabe, that he should 'use his powers as Head of State to guarantee the security of Zimbabweans who worship with the Anglican Church…'[92] During his visit to Zimbabwe, Williams presented a dossier to Mugabe outlining the human rights abuses and other illegal activities allegedly committed by the Zimbabwean government.[93] The Foreign and Commonwealth Office, which had cut all ties with the Mugabe regime, issued a press statement making it clear that Williams' meeting with Mugabe did not reflect a change in the UK government's foreign policy – which was at that time a policy of non-engagement with the Mugabe regime.[94]

In February 2014 the Conservative MP Fiona Bruce asked Baldry what reports he had received on the recent visits to South Sudan, Rwanda, Democratic Republic of the Congo and Kenya by the Archbishops of Canterbury and York.[95] Baldry explained that both had been overseas; Williams' recent visit to South Sudan, Burundi, Rwanda and the DRC were part of his programme of visits to all parts of the Communion.[96] During the trip Williams 'saw at first hand the devastating impact of conflict and the huge difficulties that are faced by the Church.[97] It was becoming increasingly apparent in the Commons that

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[92] HC Deb 13 October 2011, vol 533, col 475.

[93] ibid.

[94] Riazat Butt, 'Rowan Williams seeks meeting with Robert Mugabe' *The Guardian* (London, 6 October 2011) <https://www.theguardian.com/uk/2011/oct/06/rowan-williams-meeting-robert-mugabe> accessed 25 April 2025.

[95] HC Deb 13 Feb 2014, vol 575, cols 1014–16.

[96] ibid.

MPs were holding the Second Church Estates Commissioner to account for the Archbishop of Canterbury's Communion responsibilities.

In the July 2019 Lords' debate on what plans the UK government had to work with European leaders and the leaders of the Christian, Jewish and Muslim faiths to develop a comprehensive plan for inter-faith dialogue in areas of religious conflict, the Bishop of Newcastle, Christine Hardman, alerted the House to Welby's April visit to South Sudan with Pope Francis.[98] Together they hosted a spiritual retreat at the Vatican for civil and religious leaders of war-torn South Sudan and the Pope kissed the feet of South Sudan's leaders.[99] For the Bishop of Newcastle, this was a 'clear demonstration of the kind of ecumenical joint initiative between religious leaders that can promote reflection and reconciliation in troubled parts of the world.'[100] She asked the government minister whether she agreed that such initiatives 'benefit all communities, not only those of faith, and that the global Anglican Communion would be a valuable partner in any scheme?'[101] The government minister Baroness Goldie explained that the UK government are working closely with the Archbishop of

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[97] HC Deb 13 Feb 2014, vol 575, cols 1014–16.

[98] HL Deb 17 Jul 2019, vol 799, col 231.

[99] Giada Aquilino, 'Spiritual retreat with South Sudan leaders in Vatican: time to choose life' Vatican News (Rome, 11 April 2019) <https://www.vaticannews.va/en/vatican-city/news/2019-04/spiritual-retreat-south-sudan-leaders-vatican-choose-life.html> accessed 26 April 2025.

[100] HL Deb 17 July 2019, vol 799, col 231.

[101] ibid.

Canterbury to 'enhance the UK's work in this area,' and that mediation requires a concerted approach from a range of actors, including regional and sub-regional organisations, civil society, religious leaders and the meaningful participation of women.[102] Baroness Goldie confirmed that the 'UK government are happy to facilitate a telephone conversation between the most reverend Primate and the leader of Nigeria's Muslims, should he require such assistance.'[103] In South Sudan, the Archbishop of Canterbury was working with the Pope, as a mediator in the conflict. This work was supported by the UK government, and the government was willing to facilitate this mediatory work.

In a written question submitted in February 2020 by the DUP MP Jim Shannon, Selous was asked what the outcomes were of the Archbishop of Canterbury's recent visits to the Democratic Republic of the Congo and South Sudan.[104] Selous explained that the Archbishop of Canterbury visited the DRC in November 2019 when he spent four days travelling to see Ebola treatment centres and meet doctors, patients and survivors.[105] The Archbishop's Office had also been working with aid agencies to promote resources and best practice for clergy who were working in areas of outbreak.[106] In relation to South Sudan,

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[102] HL Deb 17 July 2019, vol 799, col 231.

[103] ibid.

[104] Jim Shannon MP, 'Archbishop of Canterbury: HC Written Question – 14668' (10 February 2020).

[105] ibid.

[106] ibid.

Selous explained that Welby and the Pope remained committed to finding a peaceful way forward, and the Communion and the Roman Catholic Church have been jointly at the forefront of efforts to bring peace to the country.[107]

In March 2020 Shannon submitted another written question asking what progress had been made on Welby's plans to make a joint visit to South Sudan with the Pope.[108] Selous explained that Welby remained committed to making a visit to South Sudan following the formation of the transitional government and discussions were underway to assess opportunities for a joint visit together with the Pope and a senior representative of the Church of Scotland.[109] Welby had a meeting with key regional figures which included President Museveni of Uganda and Special Envoy Kalonzo of Kenya to discuss this.[110]

What these parliamentary debates and questions reveal is that since the tenure of Rowan Williams, the Archbishop of Canterbury plays an important international role in furthering diplomacy, advocating for Anglicans and Episcopalians facing persecution, and building peace and reconciliation. This dimension of his office combines his ministry with a diplomatic agenda, and arguably combines his positions in the House of Lords, the Church of England

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[107] Jim Shannon MP, 'Archbishop of Canterbury: HC Written Question – 14668' (10 February 2020).

[108] Jim Shannon MP, 'Archbishop of Canterbury: South Sudan: HC Written Question – 29876' (16 March 2020).

[109] ibid.

[110] ibid.

and the Anglican Communion. Evidence of these roles fusing together can also be seen in his advocacy for Anglicans that experience terrorism throughout the Communion.

6.5 The Archbishop of Canterbury and international terrorism

In January 2012 the then Second Church Estates Commissioner, Tony Baldy, highlighted the efforts of Rowan Williams in advocating for this issue. The Conservative MP David Nuttall reminded the Commons that attacks against Anglicans in Nigeria had increased due to the activities of the Boko Haram group.[111] This followed a series of bomb attacks in Nigeria, including two at Christmas Day church services in 2011, which left almost forty people dead.[112] Nuttall asked Baldry what plans the Church Commissioners had to provide support for Christian communities in Nigeria.[113] Baldry explained that Lambeth Palace is in regular contact with the Anglican Church in Nigeria.[114] Following a meeting with the Primate of Nigeria, Nicholas Okoh, the Archbishop of Canterbury continued to be closely in touch with him about the ongoing situation in the region.[115] In 2012 Welby, at the time Bishop of Durham, visited

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[111] HC Deb 19 January 2012, vol 538, cols 878–79.

[112] 'Nigeria churches hit by blasts during Christmas prayers' *BBC News* (London, 25 December 2011) <https://www.bbc.co.uk/news/world-africa-16328940> accessed 26 April 2025.

[113] HC Deb 19 January 2012, vol 538, cols 878–79.

[114] ibid.

Nigeria on behalf of the Archbishop of Canterbury.[116] Baldry explained that the Church of England supported the work of the Anglican Communion in working with the Church of Nigeria to end the violence and was putting its efforts into supporting movements for peace and reconciliation.[117] This was an issue debated in the February 2012 General Synod, when Rowan Williams urged the UK government 'to do all it can to support those in Nigeria seeking to protect religious minorities of all faiths and enable them to practise their religion without fear.'[118] The General Synod passed a unanimous resolution (344 votes to 0) which called upon the UK government to support those in Nigeria seeking to protect religious minorities of all faiths and enable them to practice their religion without fear.[119] Welby told the General Synod that the violence in the north-east and mid-section of the country was pervasive with the 'vast majority of attacks against Christian churches of all kinds' and Canon Chris Sugden (Oxford diocese) suggested that 'the leverage of trade and investment must be used to safeguard freedom of worship' by the UK government.[120]

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[115] HC Deb 19 January 2012, vol 538, cols 878–79.

[116] ibid.

[117] ibid.

[118] 'Archbishop of Canterbury speaks on recent violence in Nigeria' *Anglican Communion News Service* (London, 14 February 2012) <https://www.anglicannews.org/news/2012/02/archbishop-of-canterbury-speaks-on-recent-violence-in-nigeria.aspx> accessed 26 April 2025.

[119] Martin Revis, 'Anglicans urge UK action for Nigeria's threatened Christians' *Anglican Communion News Service* (London, 9 February 2012) <https://www.anglicannews.org/news/2012/02/anglicans-urge-uk-action-for-nigerias-threatened-christians.aspx> accessed 26 April 2025.

[120] ibid.

During the January 2012 Commons' debate the Liberal Democrat MP Simon Hughes was able to convey his suggestions to Lambeth Palace through the Second Church Estates Commissioner. Hughes explained that his London borough (Southwark) contains the largest African community in Britain, and he asked Baldry whether the Church Commissioners might communicate better to African Christians in Britain about what is being done by the Church in Nigeria and in Zimbabwe.[121] Hughes asked Baldry if the Church Commissioners would consider sending a small group of Church representatives who are from Nigeria and Zimbabwe to those countries, where they may be able to 'build a bridge.'[122] Baldry agreed that he made two very good suggestions and confirmed that he would discuss the issue with those responsible at Lambeth Palace.[123]

In June 2018, the Conservative MP John Howell asked Spelman what steps the Church of England and the Anglican Communion were taking to tackle violence against Christians in Nigeria.[124] Spelman explained that 'Welby has a great deal of knowledge about Nigeria, having lived and worked there' and that he 'cares deeply about the persecution of Christians around the world.'[125]

Spelman was right to highlight Welby's efforts. In 2018 Welby appealed publicly and directly in face-to-face meetings to the Nigerian President, to try

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[121] HC Deb 19 January 2012, vol 538, col 1006.

[122] ibid.

[123] ibid.

[124] HC Deb 7 June 2018, vol 642, cols 440–41.

[125] ibid.

to bring the violence against Christians to an end. Welby met with Nigeria's President, Muhammadu Buhari, at Nigeria's High Commission in London on 11 April 2018.[126] In July 2018 during the Lords' debate on Boko Haram, following the publication of a report that found that more than 230 people were killed during attacks in Plateau state, Welby raised concerns for the Nigerian Archbishop of Jos, Benjamin Kwashi, who suffered an attack to his compound.[127]

After an Islamist group launched a series of attacks through suicide bombings in Sri Lanka in April 2019, in May 2019 the Labour MP Helen Goodman asked Spelman what support the Church of England was offering to the Christian community in Sri Lanka.[128] Spelman condemned the attacks and explained that the 'Anglican Church in Sri Lanka is small but active, and it is working closely with the Anglican Communion to build its capacity in the local community and to better protect itself.'[129] The Conservative MP Jeremy Lefroy asked Spelman whether she would pass on to Christians in Sri Lanka just how much the House admires 'their peaceful and dignified response.'[130] Spelman explained that she will pass that on and that the 'Archbishop of Canterbury

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[126] 'UK Archbishop raises profile of Nigeria attacks as new humanitarian crisis emerges' *World Watch Monitor* (London, 3 July 2018) <https://www.worldwatchmonitor.org/2018/07/uk-archbishop-raises-profile-of-nigeria-attacks-as-new-humanitarian-crisis-emerges> accessed 26 April 2025.

[127] HL Deb 17 Jul 2018, vol 792, col 1130.

[128] HC Deb 9 May 2019, vol 659, col 658.

[129] ibid.

[130] ibid.

immediately called the Bishop of Colombo after these attacks and has offered support and help to bring the perpetrators to justice.'[131] What these parliamentary exchanges reveal is the ability of the Second Church Estates Commissioner to raise this issue directly with the UK government and the Archbishop of Canterbury – this has led to the real policy initiatives which the UK government, the Archbishop of Canterbury and the Anglican Communion have worked together on. Similar policy initiatives have been entered into on environmental issues.

6.6 The Archbishop of Canterbury and climate change

Climate change and the environment has been part of Communion's global mission. Caring for the environment has been an issue considered at every Lambeth Conference since 1968 and the conference has accordingly passed several resolutions.[132] The 1998 Lambeth Conference expressed their concern that efforts to address such issues be given greater visibility and be better coordinated across the Anglican Communion.[133] Following ACC-11 in Dundee (1999), the Anglican Communion Environmental Network received recognition

[131] HC Deb 9 May 2019, vol 659, col 658.

[132] LC 2022, Call on the Environment and Sustainable Development; LC 2008, Refl. s D 59-70; LC 1998, Res. I.8-I.9; LC 1988, Res. 35, 40; LC 1978, Res. 1, 2; LC 1968, Res 6.

[133] LC 1998, Res. I.8-I.9 on creation and ecology emphasised that Christians have a God given mandate to care for, look after and protect God's creation and called on the UN to s to incorporate the right of future generations to a sustainable future in the Universal Declaration of Human Rights.

as an official network of the Anglican Communion at ACC-12 in Hong Kong (2002).

The significance of climate change and the environment as a major issue throughout the Communion has meant that it forms one of the Five Marks of Mission and was adopted as the fifth Mark of Mission at ACC-6: 'to strive to safeguard the integrity of creation and sustain and renew the earth.' It is an issue that has been raised in both Houses of Parliament. It was brought to the Lords' attention by the Bishop of Peterborough, Donald Allister, when in November 2019 he reminded the House that 'caring for the earth is part of the Church's mission. It is one of the five marks of mission enunciated and taught by the worldwide Anglican Communion.'[134]

In the Commons, Spelman and Selous have both outlined the work carried out by the Archbishop of Canterbury on this issue. Shortly before COP21 in Paris in November 2015, during the September 2015 Commons' debate, the Labour MP Kerry McCarthy asked Spelman what steps the Church Commissioners were taking to support the Church of England's international efforts to tackle climate change.[135] Spelman responded that 'the Anglican Communion has an unrivalled network through which to encourage laggards in the quest to tackle climate change' and explained that the Archbishop of

[134] HL Deb 4 Nov 2019, vol 800, col 1104. This was during the Lords' debate tabled by the Conservative peer, Baroness Jenkin, on the government's international development work to promote the sustainable use of natural resources and prevent biodiversity loss.

[135] HC Deb 10 September 2015, vol 599, cols 535–36.

Canterbury was going to send his representative to the upcoming Paris Conference because she believed that the 'Anglican Communion could play a positive role at the conference in Paris.'[136]

In the October 2021 Commons' debate on COP26, Conservative MP John Lamont, asked Selous 'what steps the Church of England is taking to help ensure tangible outcomes for COP26.'[137] Selous explained that 'the Archbishop of Canterbury will be attending COP26 with Anglican Communion colleagues.'[138] COP26 was the first time the Anglican Communion had been accredited to the United Nations Framework Convention on Climate Change ("UNFCCC"). This meant that the Communion was able to make a formal written submission to the convention and send a delegation.

Following on from COP26, Welby alerted the Lords to the upcoming Lambeth Conference in the March 2022 debate on the Conservative government's decision to disband the Behaviour Change for Net Zero working group. During this debate Welby explained how climate change affects the Anglican Communion: 'like the government, the Church of England has targets for reaching net-zero carbon' and that 'churches across the Anglican Communion are deeply affected by climate change.'[139] He went on to say that

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[136] HC Deb 10 September 2015, vol 599, cols 535–36.

[137] HC Deb 28 October 2021, vol 702, col 392.

[138] ibid.

[139] HL Deb 31 March 2022, vol 820, col 1680.

Anglicans and Episcopalians 'are working right across the Communion on this question.'[140] He explained that at the 2022 Lambeth Conference climate change would be on the agenda.[141] Welby was keen to emphasises that faith communities like the Anglican Communion 'have unique distribution and contacts, from the grass roots to the highest level, both nationally and internationally' and the UK government should take heed of this in formulating its policy.[142]

Again, during the March 2023 Lords' debate on plans to introduce new economic policies to address the challenges of climate change in developing countries, Welby emphasised that the UK government should work with the Anglican Communion to tackle this issue. Welby explained that the Organisation for Economic Co-operation and Development's ("OECD") most recent *States of Fragility* report found that, in 2022, twenty-three per cent of the world's population were living in fragile contexts, often linked to climate change, but of the world's extreme poor were it was seventy-three percent.[143] In Welby's view, climate change is something which disproportionately affects the Anglican Communion: 'for the Anglican Communion, within 165 countries over 150 of them are affected by such changes,' and he was keen to ensure that

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[140] HL Deb 31 March 2022, vol 820, col 1680.

[141] ibid.

[142] ibid.

[143] HL Deb 30 March 2023, vol 829, col 399.

UK government and the rest of Parliament were aware of this reality in the formulation of climate-change and environment related policy.[144]

In the previous three subsections parliamentary debates about the Archbishop of Canterbury's role in advocating for global justice for Anglicans and Episcopalians as an international faith leader have been highlighted. In the next two subsections, parliamentary debates about the Archbishop of Canterbury's role as an ecumenical and interfaith leader will be discussed.

6.7 The Archbishop of Canterbury's ecumenical role

Ecumenical relations with the Roman Catholic Church and generally with the Eastern Orthodox and Oriental Orthodox Churches are usually entered into not by individual provinces but by the Communion as a whole. Since the 1970s the UK Parliament has become aware of this, particularly the Archbishop of Canterbury's role in furthering ecumenical dialogue with the Roman Catholic Church. In the September 1972 Lords' debate the then Archbishop of Canterbury, Michael Ramsey, paid tribute to his predecessor Geoffrey Fisher:

> [i]t is, however, in terms of the outreach of the Church of England in Christendom that history is likely chiefly to remember Fisher's Primacy. The immense change in the fraternal relations of churches, Catholic, Anglican and Protestant, to one another, a change as widespread as it is increasing, owes very much to Archbishop Fisher's energy; and his visit

[144] HL Deb 30 March 2023, vol 829, col 399.

> to the Pope in the last year of his Primacy was a courageous and imaginative gesture, the effects of which have, I believe, been growing in every subsequent year. His strenuous journeys to distant parts of the Anglican Communion greatly helped the widespread Anglican churches to be a closely knit family, and because Fisher was the man that he was, a visit by him to another country used to have more than ecclesiastical significance: it helped friendship between this country and the country to which he went.[145]

Ramsey made the important point that Fisher, through his ecumenism, not only strengthened relations between difference denominations, but also improved diplomatic relations between the UK and other countries where Anglicanism is not the dominant denomination.

Fisher's ecumenical endeavours with the Roman Catholic Church were also highlighted by the Lord Privy Seal, Earl Jellicoe, who praised Fisher 'for his interest in ecumenical relationships,' in particular, 'his visit to Pope John in December 1960' which was 'a landmark in the development of closer relations between the Church of England and the Roman Catholic Church.'[146] Preceded by the Malines Conversations in Belgium between 1921-25,[147] this was the first

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[145] HL Deb 18 September 1972, vol 335, cols 713.

[146] HL Deb 18 September 1972, vol 335, cols 710–11.

[147] Led by the lay Anglican Lord Halifax, who had initially merely informed Archbishop Randell Davidson, but had eventually gained his official commission. Paul Avis argues that whilst the conversations did not achieve any formal agreements, they established the tone for later initiatives, especially the meetings between the Archbishop of Canterbury and the Popes, and the work of ARCIC. See Paul Avis, 'Anglicanism and Christian Unity in the Twentieth Century' in Jeremy Morris (ed), *The Oxford History of Anglicanism, Volume IV: Global Western Anglicanism, c.1910-present*, Oxford History of Anglicanism (Oxford 2017) 204.

visit of an Archbishop of Canterbury to Rome since the Reformation, and instrumental in building ecumenical relations between the Anglican Communion and the Roman Catholic Church in the twentieth century.[148] This visit was followed by Ramsey's visit six years later.[149] Both of these visits were pivotal in building ecumenical relations and led to the creation of the Anglican–Roman Catholic International Commission in 1967.

In July 2000 the then Bishop of Gloucester, David Bentley, referred to Archbishop Runcie's contribution to ecumenical dialogue in the 1980s. According to the Bishop of Gloucester, Runcie was able 'to relate pastorally and naturally… not only in our own Church of England and with our ecumenical partners, but throughout the Anglican Communion… giving a high priority to the role of the Archbishop of Canterbury in our world-wide and expanding Communion.'[150] For the Bishop of Gloucester the office of the Archbishop of Canterbury as it relates to the Communion has an important ecumenical dimension. He informed the House that Runcie invited Pope John Paul II to pay a historic visit to the UK in 1982, and he still 'remembered those wonderful pictures of two great Christian leaders praying together in Canterbury Cathedral.'[151] Paul Avis describes the meeting:

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[148] Stephen Platten 'An Anglican View of the Papacy Post-Vatican II' (2016) 14(1) *Journal of Anglican Studies* 29.

[149] ibid.

[150] HL Deb 12 July 2000, vol 615, col 223.

[151] ibid.

> [i]n 1982 John Paul II accepted Archbishop Robert Runcie's invitation to pray together in Canterbury Cathedral and to meet other Church leaders. The [A]rchbishop and the Pope prayed at the nave altar, reverenced the Canterbury Gospels (sent by Gregory the Great to Augustine of Canterbury in 601), jointly blessed the congregation, and knelt silently at the shrine of the martyred Archbishop St Thomas Becket.[152]

According to the Bishop of Gloucester, whilst Runcie furthered ecumenical relations with the Roman Catholic Church, he was 'cautious' about the proposed covenant of the Church of England with the Methodist Church[153] but he 'had a deep love for unity – the unity of our Church and nation – and felt great pain at any action that could lead to disunity or schism.'[154] The Bishop of Gloucester was referring to the English Covenant between the Methodist Church, the United Reformed Church and the Moravian Church, which failed to secure a two-thirds majority in the General Synod's House of Clergy in 1982. The Bishop of Gloucester was making the point that for Runcie, ecumenical unity should not lead to disunity or schism in the Church of England. The Bishop of Gloucester was highlighting the Archbishop of Canterbury's dual role in

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[152] Avis (n 147) 208.

[153] The covenant was entered into with the Church of England and the UK Methodist Church. In June 2017, the Faith and Order Commission of the Church of England and the Faith and Order Committee of the Methodist Church published *Mission and Ministry in Covenant*. In June 2019 a further report from the faith and order bodies of the two Churches was made available.

[154] HL Deb 12 July 2000, vol 615, col 223.

advancing ecumenical relations between the Church of England and other English denominations whilst concurrently advancing the Anglican Communion's ecumenical relations with other global denominations of world Christianity.

In October 2016 the Conservative MP Victoria Prentis asked Spelman what assessment she had made of the effect on relations between the Anglican Communion and the Roman Catholic Church of the Archbishop of Canterbury's visit to Assisi and Rome in October 2016.[155] Spelman explained that Welby visited Assisi and Rome to deepen and strengthen relationships with Pope Francis, and the relationship between the worldwide Anglican Communion and the Roman Catholic Church. That visit coincided with the fiftieth anniversary of the founding of the Anglican Centre in Rome, which was itself the 'beginning of a process of healing and reconciliation' between the two denominations.[156] It was during this visit that Welby and Pope Francis both commissioned nineteen pairs of Anglican-Episcopal and Roman Catholic bishops from across the world to take part in united mission in their local areas.

In the same debate Prentis asked whether Spelman agreed that the visit of Patriarch Kirill of the Moscow Patriarchate gives the Anglican Communion

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[155] HC Deb 13 October 2016, vol 615, col 443.

[156] ibid. The current ecumenical dialogue with the Roman Catholic Church began shortly after the Second Vatican Council concluded its work in 1965. There are currently two commissions for Anglican–Roman Catholic co-operation: the Anglican–Roman Catholic International Commission ("ARCIC") and the International Anglican–Roman Catholic Commission on Unity and Mission ("IARCCUM").

an opportunity to build bridges with the Eastern Orthodox Church at a time when the UK governments relationship with Moscow 'is perhaps not all it should be.'[157] Spelman explained that the Archbishop of Canterbury believes that deeper relations between all Christian Churches is a contribution to the peace that we all desire in such turbulent times.[158] The visit by the Patriarch of Moscow and all Russia 'is an opportunity not only to celebrate the 300 years of Russian Orthodox worship in London, but no doubt to discuss current affairs.'[159] During Patriarch Kirill's visit in October 2016, he met with the Queen at Buckingham Palace and with Welby at Lambeth Palace. This was the first time that Welby and Patriarch Kirill met, but it was the second time a Patriarch of Moscow and an Archbishop of Canterbury have met at Lambeth Palace in recent times. The first meeting was between Ramsey and Patriarch Alexey I in 1964. Both Welby and Kirill acknowledged the difficult diplomatic relations between the UK and the Russian Federation but spoke of the unity of the Eastern Orthodox Church and the Anglican Communion in working together in the Middle East to tackle Christian persecution.

What these exchanges reveal is that the Archbishop of Canterbury's role in building bridges between the different provinces of the Communion, goes hand-in-hand with building bridges with other Christian denominations. The

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[157] HC Deb 13 October 2016, vol 615, col 443.

[158] ibid.

[159] ibid.

most significant of these for the Archbishop of Canterbury being those with the Roman Catholic Church.

6.8 The Archbishop of Canterbury's interfaith role

In the October 1999 Lords' debate proposed by George Carey on religions and international order, with reference to other world religions he explained that he wanted a 'healthy, outward-looking Church of England and Anglican Communion.'[160] The earliest example of Parliament considering the Archbishop of Canterbury's interfaith role was in the early 1990s, when Carey and the Grand Imam, Sheikh Mohamed Sayed Tantāwī of al-Azhar University in Cairo, set up the 'Permanent Committee of al-Azhar for Dialogue with the Monotheistic Religions.' Between 1995 and 1999, Carey and Sheikh Tantāwī exchanged lecture visits. In October 1999 the Labour peer, Lord Ahmed, explained in the Lords the importance of religion in conflict resolution and referred to the important dialogue between the Islamic university and the Anglican Communion through Carey's visits to al-Azhar:

> … the dialogue convention signed by the Vatican and al-Azhar, the great seat of Islamic learning. This is a signpost in the way of co-operation between Islam and Catholicism. It is my hope that in his forthcoming visit to Egypt the most reverend Primate the Archbishop of Canterbury

[160] HL Deb 15 October 1999, vol 605 cols 735–36.

> will conclude a similar accord between the Anglican Church and aI-Azhar.[161]

In September 2001 a group of Anglicans and Episcopalians were invited to a meeting at al-Azhar at which they were to 'listen and explain' answering such questions as 'what is the Anglican Communion?' and 'what is the Office of the Archbishop of Canterbury?'[162] Ironically the meeting concluded on 11 September 2001 and led to an agreement to maintain ongoing dialogue which was signed on 30 January 2002.[163] The then Bishop of Rochester, Michael Nazir-Ali, who led the dialogue from the Anglican Communion side explains:

> [m]ore recently, there has been a desire, often expressed from the Muslim side, for bilateral dialogue with particular Christian traditions, such as the Roman Catholic, the Orthodox, and the Anglican. Archbishop George Carey and Sheikh Tantāwī initiated the important dialogue with [a]l-Azhar which I led from the Anglican side. George Carey also co-sponsored the tripartite Alexandria process for dialogue between Muslims, Christians, and Jews. In the aftermath of 9/11, I assisted him and Prime Minister Blair in organizing a dialogue between Muslim and Christian scholars which continued under Archbishop Rowan Williams' chairmanship. There has also been Anglican–Shia dialogue related to the ulemā in the Holy city of Qom in Iran.[164]

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[161] HL Deb 15 October 1999, vol 605, col 688.

[162] Michael Nazir-Ali, 'Anglican Relations with Islam' in Mark D. Chapman, Sathianathan Clarke, and Martyn Percy (eds), *The Oxford Handbook of Anglican Studies*, Oxford Handbooks (Oxford Academic 2016).

[163] ibid.

[164] ibid 604.

In the March 2004 Lords' debate on the Israel-Palestine conflict, the then Bishop of Coventry, Colin Bennetts, alerted the House to the Alexandria process and the declaration signed by Carey, along with Muslim and Jewish leaders.[165] After considerable preparatory work by the International Centre for Reconciliation at Coventry Cathedral, and by Canon Andrew White (known as the 'Vicar of Baghdad'), Lord Carey chaired a three-day meeting in Alexandria. This meeting was attended by senior religious leaders representing the three Abrahamic faiths in Israel and Palestine. It was co-chaired by Sheikh Tantāwī. The resulting declaration contained a joint condemnation of all violence in the name of religion.

The UK government has recognised the work of Carey in furthering dialogue between the Communion and the Islamic world. In the December 2005 Lords' debate on the Foreign and Commonwealth Office's spending, the Parliamentary Under-Secretary (Foreign and Commonwealth Office), Labour peer, Lord Triesman, explained that the FCO was increasing engagement and understanding with the Islamic world on issues including counterterrorism, climate change and energy issues.[166] He explained that expenditure in these areas would increase by £15.6 million from 2003-04 levels. He went on to say

[165] HL Deb 31 March 2004, vol 659, cols 1341–42.

[166] HL Deb 8 December 2005, vol 676, col 791.

that 'they are big figures and there are real projects at the heart of them. I mention one by way of illustration – the agreement between the Anglican Communion and the al-Azhar University in Cairo to exchange scholars to help improve understanding of the teaching of different religions and to promote tolerance. Behind the big figures are real stories.'[167] Carey's role in securing the agreement between al-Azhar and the Communion helped to improve interfaith dialogue in the Middle East and led to a major UK government policy initiative.

During the December 2016 Lords' debate tabled by Welby on shared values following the EU referendum in that same year, the Conservative peer, Lord Cormack, spoke about what he believed was the important role of the Archbishop of Canterbury in bringing different faiths together:

> I have said something similar to the most reverend Primate in the past, but I think he is in a unique position. As the senior Bishop under the Supreme Governor, Her Majesty the Queen, in the Anglican Communion he has a unique role. He can act as a catalyst. I would like to see, built on his splendid debate today, his taking a lead in bringing together the leaders of all faiths, whom I know he meets with regularly, and people of good will, including the humanists, to try and work out a charter of true values which can be inculcated in the young via their schools and universities. [168]

[167] HL Deb 8 December 2005, vol 676, col 791.

[168] HL Deb 2 December 2016, vol 777, col 646.

For Lord Cormack, the Archbishop of Canterbury is in a unique position as being both the spiritual leader of the established religion of England and the leader of a worldwide denomination of Christianity. This places him in a unique position that enables him to build dialogue with different faith leaders.

During the Lords' October 2018 debate moved by the Conservative peer, Lord Bourne, on the challenges posed by religious intolerance and prejudice in the UK, Welby was able to provide an example of how he combined both his national and international roles in furthering interfaith dialogue:

> [t]he rising tide of antisemitism, with which I am deeply familiar through work with the Chief Rabbi, and islamophobia, which we in the Church are deeply familiar with through working with Muslim leaders across the country, are just two illustrations of the narrowing of those who feel truly at home in the UK today… Freedom of belief and freedom of speech are fragile plants that need to be intertwined if they are to flourish. They are both menaced by the chill that comes from constraining their expression, except when freedom of speech is promoting hatred. They easily wither, as I have found in many of our churches across the 165 countries of the Anglican Communion. We stand against that, through the Commonwealth and the United Nations, but it is the call of religious leaders to bring them together and stand up for them.[169]

Again, Welby was able to draw on his experience of being the national spiritual leader of the established church and his international experience in the Communion, working in collaboration with the UN and the Commonwealth to

[169] HL Deb 17 October 2018, vol 739, col 506.

help end antisemitism and islamophobia, and defend freedom of religion by working with interfaith leaders.

As Anglicanism has evolved into a global denomination and retained its status as the established religion of England, the office of the Archbishop of Canterbury has evolved to respond to the Communion's global needs. Whilst preserving the Archbishop of Canterbury's constitutional connection to the British State, this has led to both tension and collaboration between the Archbishop of Canterbury and the UK government. In 2024 this tension and collaboration between establishment and communion underscored IASCUFO's consideration for the future of the instruments of communion.

6.9 The Nairobi-Cairo Proposals

Published in December 2024, IASCUFO's *Nairobi-Cairo Proposals* explain that they should 'be read not as an end but as the beginning of a new conversation. We offer our suggestions for next steps to all four [i]nstruments of [c]ommunion for their consideration and wise response.'[170] It also provides an updated description of the Communion as articulated in resolution 49 of the 1930 Lambeth Conference. The Lambeth Conference does not have a written constitution and there is no formal amendment process for resolutions

[170] Inter-Anglican Standing Commission on Unity, Faith and Order, *The Nairobi-Cairo Proposals: Renewing the Instruments of the Anglican Communion* (Anglican Communion, December 2024) para 9 <https://www.anglicancommunion.org/media/526999/Nairobi-Cairo-Proposals-Advent-2024.pdf> accessed 26 April 2025.

(reflections (2008) or calls (2022)). An older resolution is effectively "updated" only when a later resolution addresses the same topic – but this process is only implied and there have been no formal rules created to regulate this system of precedence. As explained previously, the last time the Lambeth Conference produced resolutions was in 1998. Rather than the Lambeth Conference, the ACC, which does have a written constitution and does have the power to remove or suspend member churches from the Communion, will review the *Nairobi-Cairo Proposals* at its nineteenth session in 2026 and decide whether to forward its proposals for reception to individual provinces. The report notes that 'all conversations about Anglican identity since 1930 have returned, explicitly or implicitly, to this resolution, lending it a *de facto* authority. No other statement has taken its place.'[171] IASCUFO has suggested that resolution 49 (1930) should be updated to include the following changes:[172]

> [t]he Anglican Communion is a fellowship, within the One Holy Catholic and Apostolic Church, of those duly constituted dioceses, provinces or regional Churches ~~in communion with the see of Canterbury~~, which have the following characteristics in common:
>
> > a. they ***seek to*** uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorised in their ~~several~~ ***distinct*** Churches;

[171] IASCUFO (n 170) para 12.

[172] The words in italics have been added.

> b. they are ~~particular or national~~ ***autonomous*** Churches, and, as such, promote within each of their territories a ~~national~~ ***local*** expression of Christian faith, life and worship; and
>
> c. they are bound together ~~not by a central legislative and executive authority, but by mutual loyalty sustained through the~~ ***through their shared inheritance***, ***mutual service***, common counsel (of ~~the~~ bishops and others) in conference, ***and historic connection with the See of Canterbury***, ***by which they seek interdependently to foster the highest degree of communion possible one with another.***
>
> ***We make*** ~~[The Conference make]~~ this statement praying for and eagerly awaiting the time when the Churches of the present Anglican Communion will enter into ***full*** communion with other parts of the Catholic Church not definable as Anglican in the above sense, as a step towards the ultimate reunion of all Christendom in one visibly united fellowship.[173]

The 1930 resolution noted that churches of the Communion were (1) in communion 'with the See of Canterbury'; (2) would 'uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorised in their several Churches'; and (3) noted the absence of 'a central legislative and executive authority' and instead were held together through 'mutual loyalty sustained through the common counsel.' Atherstone has argued that resolution 49 'should best be understood as a contemporary description of the Anglican Communion as perceived by the gathered bishops in 1930, rather than as a fixed definition of the Anglican

[173] IASCUFO (n 170) Appendix 42.

Communion in perpetuity.'[174] Atherstone also makes the broader point that Lambeth Conference resolutions convey the position of bishops at a particular conference, and because they have no legal authority, only moral authority, they do not create a precedent.

The suggested updated resolution removes communion with the See of Canterbury, and instead recognises 'a historic connection with the See of Canterbury,' recognises that churches in the Communion are 'distinct', 'autonomous' and 'local' and are held together 'through their shared inheritance' and 'mutual service' rather than mutual loyalty. This is in sharp contrast to the *Virginia Report* (1997) which states that the Archbishop of Canterbury is a 'touchstone of what it was to be Anglican.'[175] And the *Windsor Report* (2004) which states that he is 'the pivotal instrument and focus of unity' and the 'touchstone of what it was to be Anglican'[176]

Atherstone makes the important distinction between 'in communion with the See of Canterbury' and 'in communion with the Archbishop of Canterbury.' He explains that the 'former phrase emphasizes historic roots in the sixth century (e.g. Augustine), the latter phrase emphasizes contemporary

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[174] Andrew Atherstone, 'In Communion with the See of Canterbury?' (2024) 138(1) *The Global Anglican* 13, 15–16 <https://www.churchsociety.org/wp-content/uploads/2024/04/TGA_138_1_Atherstone.pdf> accessed 26 April 2025.

[175] The Report of the Inter-Anglican Theological and Doctrinal Commission, *The Virginia Report* (Anglican Consultative Council 1997) para 3.32.

[176] The Lambeth Commission on Communion, *The Windsor Report, 2004* (Anglican Communion Office 2004) para 99.

relationships in the twenty-first century (e.g. Justin Welby).'[177] Indeed, Augustine's arrival on the shores of Ebbsfleet, Ramsgate in 597 CE did not mark the beginning of Christianity in the British Isles. Christianity was already present in the third and fourth centuries, with the Celtic Church in Wales predating Augustine of Canterbury by several centuries. He goes on to point out that 'there are therefore now many churches which are 'in communion' with Anglicans globally, but which are not part of the Anglican Communion because they do not derive their episcopal and presbyteral orders, or their family history, from Augustine's mission.'[178]IASCUFO's 2012 document *Towards a Symphony of Instruments* explains this:

> [t]hrough communion with the Archbishop of Canterbury, Anglican Churches are held in communion with the Church of England and with each other, while those Churches that are in communion with the Anglican Communion are also in communion with the See of Canterbury.[179]

Atherstone says the 'complexities and illogicalities are rife' and concludes that 'it is better to reimagine the Anglican Communion not as a denomination but as an evolving network of ecumenical partnerships, and to remove Canterbury as

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[177] Atherstone, 'In Communion with the See of Canterbury?' (n 174) 21.

[178] ibid.

[179] ibid. See Inter-Anglican Standing Commission on Unity, Faith and Order, *Towards a Symphony of Instruments: A Historical and Theological Consideration of the Instruments of Communion of the Anglican Communion* (Unity, Faith & Order Paper No. 1, 2012) para 3.4.3.

guardian of the entrance door to the Communion.'[180] Since many provinces no longer recognise the historic role played by the Archbishop of Canterbury, Atherstone is correct to suggest that Canterbury is no longer the 'litmus-test' of membership of the Communion.[181]

In my view Atherstone has overstated the historic significance of Canterbury in his assessment. *The Principles* state that ecclesial communion is based on one or more of the following: (a) the See of Canterbury; (b) the Church of England; (c) all the churches of the Anglican Communion; (d) all churches in communion with the See of Canterbury; (e) all churches which profess the apostolic faith as received within the Anglican tradition (principle 10.3). So, whilst Atherstone is correct to highlight the significance of Canterbury, and Nigeria's decision to change its constitution by removing any reference to it – ecclesial communion has, and continues to be, determined principally through communion with all other Anglican and Episcopal churches that profess the apostolic faith, and not the See of Canterbury alone.

In relation to the other instruments of communion, the report made the most significant proposals for the Primates' Meeting and the Lambeth Conference. It suggested that the Primates' Meeting should elect from among its membership a first President of the ACC, from one of the five regions of the Communion, that the primates consider casting lots to determine the order of

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[180] Atherstone, 'In Communion with the See of Canterbury?' (n 174) 22.

[181] ibid. See Paul Avis, *The Identity of Anglicanism: Essentials of Anglican Ecclesiology* (Bloomsbury 2008) 62.

rotation of the regions, and that the primates of each region elect the president.[182] The report noted that the Primates' Meeting should also consider an enhanced role for its Standing Committee of five regional primates, to broaden the leadership of the Communion. The Primates' Standing Committee could play a part in the calling and convening of both Primates' Meetings and the Lambeth Conference, in collaboration with the Archbishop of Canterbury and Secretary General of the ACC.

The report acknowledged that the 'Lambeth Conference should continue as the oldest Anglican gathering, to enable bishops to pray, confer, and discern together, as well as to address and, where possible, resolve matters affecting their shared life and mission.'[183] Rather than being called solely by the Archbishop of Canterbury, it suggested that it should be called and organised by the President and Chair of the ACC (representing the Standing Committee), and the Secretary General, who would together with the Archbishop of Canterbury oversee the work of a Design Group. The report suggested that the Design Group might consider limiting attendance to diocesan bishops, to meet somewhere other than Canterbury, and the prospect of other regional gatherings of bishops, as a complement to the Lambeth Conference.

IASCUFO's concerns about immigration difficulties with the Lambeth Conference being based in the UK were highlighted by the Lords Spiritual in

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[182] IASCUFO (n 170) para 95.

[183] ibid para 98.

Parliament during debates in 2019 and 2022. In the February 2019 debate on immigration procedures the Bishop of Durham, Paul Butler, raised this issue with the government: 'I hope that faith literacy training across the Home Office might also alleviate some of the difficulties faced by many bishops from across the Anglican Communion as they try to navigate the application process for short-term visas, particularly as we approach the Lambeth Conference in 2020.'[184] There were some difficulties, but overall the Home Office successfully managed the process. This success was highlighted by Welby after the 2022 Lambeth Conference took place. He explained that because of 'the good work of the Home Office last summer' with 'almost 700 Anglican Communion bishops from 162 countries coming here, with much help, and not one of them overstayed.'[185] If the report's proposals to have the Lambeth Conference outside the UK are implemented, then the UK visa issues faced by many of the bishops might be overcome.

In relation to the ACC and the Archbishop of the Canterbury, the report noted that the ACC might in the future want to change its name to the "Anglican Communion Council".[186] The report accepts that the Archbishop of Canterbury 'should continue to provide historic and pastoral service to the Anglican family, and to the wider Christian world' and 'is invited to serve, encourage, and

[184] HL Deb 14 February 2019, vol 795, col 2011.

[185] HL Deb 9 December 2022, vol 826, 369–441.

[186] IASCUFO (n 170) 96.

persuade, as a brother or sister among siblings and peers, particularly in the college of the Lambeth Conference and the Primates' Meeting.'[187]

Conclusion for chapter 6

This dissertation has evidenced that when it comes to the management of the Communion at a global level, the Archbishop of Canterbury's role has diminished. These decisions are now taken collegiately by the Primates' Meeting, with its communiqués increasingly being raised in Parliament. Arguably, the Primates' Meeting is now the most powerful instrument of the Communion and is replacing the historic communion-wide leadership of the Archbishop of Canterbury. Due to the frequency of these meetings, and the fact that these meetings are composed of the most senior bishops of each province, these communiqués are presented in Parliament, to provide a panoramic view about what the Communion's position is on major global issues. The ACC continues to be a body that facilitates and manages the work of the Communion at grassroots level, and the Lambeth Conference, since 2008 has become a gathering not to issue formal resolutions, but a place for bishops to reflect and learn from each other. Furthermore, the absence of predominantly African bishops from some the Communion's largest provinces has severely undermined any moral authority it once had. The Archbishop of Canterbury continues to play an important and unique role in the life of the Communion –

[187] IASCUFO (n 170) 97.

furthering ecumenical and interfaith dialogue and working as an advocate for global justice. But it seems more appropriate that decisions taken about the life of the Communion, if such decisions are understood as moral and persuasive collegial guidance rather than juridical control, should be taken collectively by the Primates' Meeting and the ACC so that decision-making is shared with the different provinces and with the laity, rather than being made by one primate from one province alone. This provides a more representative and inclusive mode of decision making for the Communion in a post-colonial world where the centre of Anglicanism has shifted from the UK and North America to the continent of Africa. So, whilst I agree with IASCUFO's recommendation for an enhanced role for the Primates' Meeting, it may be that IASCUFO did not go far enough in redefining the role of the Archbishop of Canterbury in the Communion.

I would suggest that his role needs to be redefined as having no moral authority to unilaterally call gatherings or make other decisions about the instruments of communion – and instead should be limited to furthering ecumenical and interfaith dialogue. The Archbishop of Canterbury may also take a lead on the Five Marks of Mission at a global level, working with international NGOs, the Commonwealth and the UN. Effectively the Archbishop of Canterbury should continue to operate as an international spokesman for the Communion, reflecting the views of its various commissions and bodies, but have no broader moral authority to make unilateral decisions about the life or future of the Communion.

Another feature in the life of the Communion that this dissertation has revealed has been the significance of Episcopal Churches. Most significantly for historic reasons and the global dominance of the USA in international affairs, the American Episcopal Church, and in the contemporary world, because of geopolitical reasons the Episcopal Churches of Jerusalem (and the Middle East) and South Sudan. The revised resolution 49 (1930) suggested by IASCUFO does not refer to the Episcopal Churches and only refers to Anglican Churches – failing to recognise that Episcopal identity is distinct from Anglican identity. What this dissertation has evidenced is that it is not just the "Anglican Communion" but the "Anglican and Episcopal Communion".

Atherstone is correct to identify the High Church roots of the Communion, and the theological and ecclesiological baggage this brings. Full membership of the united churches vindicates Atherstone's point about Canterbury no longer being the gatekeeper for the Communion. But it is also an objective fact of history that all the provinces of the Communion can trace their origin either directly or indirectly to the Church of England – including the four united churches which have a shared history with other Christian denominations. It is this objective historical reality that makes the churches of the Anglican Communion distinct from the Porvoo, Old Catholic, Independent Philippines and Mar Thoma churches. In this sense the Church of England was historically considered the "mother church", but this dissertation has evidenced that it is now a "sister church".

As IASCUFO's process is ongoing, I would suggest it considers more closely how the other world Lutheran, Reformed, Methodist, and Baptist communions operate at an international level. Doe alerts us to the two different basic models of ecclesial policy that span all three forms of church government (Episcopal, Presbyterian and Congregational):

> [o]n the one hand, the Catholic and Orthodox churches employ a hierarchical system of global church government. In the Catholic Church (Latin and Oriental) the Pontiff and College of Bishops exercise supreme authority over the universal church. Whilst there is no global institution with jurisdiction exercisable over all Orthodox churches worldwide (and some international Orthodox alliances exercise no coercive jurisdiction over their member churches), an autocephalous patriarchate exercises juridical authority internationally through its patriarch and Holy Synod (and sometimes a Council of ordained and lay persons) over its autonomous member churches. In this model, authority descends to the localities. On the other hand, the institutions of the international Anglican, Lutheran, Reformed, Methodist and Baptist communities exercise moral or advisory authority but not coercive jurisdiction over their autonomous member churches: coercive jurisdiction is retained as a prerogative of the national, regional or local church. In this model, authority ascends to international bodies either from the national level (Anglicanism, Lutheranism and Methodism), through the national level from an ecclesial source of authority at local level (Reformed and Congregational), or both (Baptist).[188]

Reflecting on how these communions operate at an international level avoids any potential risk of the Anglican Communion transforming into a hierarchical

[188] Norman Doe, *Christian Law: Contemporary Principles* (Cambridge University Press 2013) 130.

system of government with a pontiff or College of Bishops with supreme juridical authority. With the diminished moral authority of the Lambeth Conference and the Archbishop of Canterbury, as evidenced in parliamentary papers, I also suggest that IASCUFO considers how the ACC, a body that is composed of all orders of ministry and laity, could be further reformed, considering how the Lutheran World Federation's General Assembly operates, as highlighted by Miriam Haar:

> [i]n the AC [Anglican Communion] where the provinces are autonomous and regulate doctrinal questions and ecumenical relations independently, the debate is about the "moral" authority of the Archbishop of Canterbury and the authority of primates and bishops in times of change. As a conference of bishops, the Lambeth Conference holds a certain moral and spiritual authority and its resolutions are influential, but they do not carry legislative authority.
>
> The situation is different in the LWF [Lutheran World Federation] and its member churches. Unlike the Archbishop of Canterbury, neither the LWF General Secretary nor the President hold "moral authority". There is no conference of bishops in the LWF. It is the General Assembly that has the highest decision-making authority. At the Assembly, the delegates of the member churches elect the members of Council which decides on finances, staff, and programs. It further appoints commissions, receives theological reports and ecumenical dialogues and commends them to the member churches for study and reception.[189]

[189] Miriam Heer 'Authority and Change: The Role of Authority in the Anglican Communion and the Lutheran World Federation' in M D Chapman and V Latinovic (eds) *Changing the Church* (Springer International Publishing 2021) 266.

In January 1987 the then Bishop of Derby, Cyril Bowles, made this point in the Lords during a debate about the UK's commitment to supporting international organisations:

> [a]longside the Roman Catholic Church and the World Council of Churches, each group of Christians has its own international organisation. Methodism has worldwide links; Lutherans and Presbyterians have world federations; the Churches of England, Wales and Ireland and the Scottish Episcopal Church have the Anglican Consultative Council, which gives a world expression of Anglicanism between the Lambeth Conferences of bishops which are held every 10 years. The next will be held in 18 months' time and its membership will be more diverse in race and language even than in 1978.[190]

Considering IASCUFO's proposals and the 2024 Labour government's constitutional reform agenda, in the final chapter we will consider how these recent developments might impact the nonjuridical relationship the Anglican Communion has with the UK Parliament.

[190] HL Deb 14 January 1987, vol 483, cols 599–600.

The Conclusion
Monarchy, Church, State and Communion

— Chapter 7 —

The UK Parliament is a sovereign legislature where the prevailing ecclesiology of the Anglican Communion is revealing itself. The shift from mother church to sister church, the diminishing moral authority of the Archbishop of Canterbury, the greater prominence of the collegiate decision-making instruments of communion in its governance, and the locus of Anglicanism shifting from Europe and North America to Africa, have all been highlighted in this dissertation through an examination of parliamentary papers. By revealing how the Anglican Communion features during committee deliberations and parliamentary debates, this dissertation has argued that the UK Parliament recognises the importance of the Anglican Communion as a major global denomination of world Christianity and supports its mission as an international faith-based organisation.

The relationship between the UK Parliament and the Anglican Communion can be traced back to the nineteenth century, when

parliamentarians were concerned about the doctrinal integrity of churches that were calling for independence from the British State. The American Episcopal Church was cited as an exemplar church in Parliament, to show that independence from the Crown did not mean a deviation from the faithful doctrines of the Church of England. With improved relations between the Church of England and the Scottish Episcopal Church, the dissolution of the constitutional union between the Irish Church and the Church of England, English disestablishment in Wales in the late nineteenth and early twentieth centuries, and Indian independence in the mid-twentieth century, Parliament recognised the Anglican Communion as a family, fellowship and federal body of autonomous self-governing churches.

With provincial autonomy and self-government spreading across the Communion, after WWI the Church of England too gained its independence from Parliament and sought to consolidate its law. Through its own legislative mechanisms, the Church changed its laws to enable others from throughout the Communion to particate in its government, worship and ministry with the consent of Parliament. The mother church had evolved into a sister church of the Communion.

By the 1980s and 90s the issue of women's ordination to the orders of deacon and priest in the Church of England meant that some MPs and temporal peers became increasingly concerned about what impact the Church's decision to ordain women might have on the Communion's ecumenical relations with the Roman Catholic and Eastern Orthodox Churches. During these debates

Lambeth Conference resolutions were raised. By the 2000s these concerns were less important, and what now dominated Parliament was the equality agenda championed by the New Labour and Conservative-Liberal Democrat coalition governments following the passing of the Human Rights Act 1998 and Equality Act 2010. Following on from Lambeth Conference 1998, when Parliament debated civil partnerships and same-sex marriage, the Lords Spiritual sided with those conservative bishops and primates of the Communion that were wholeheartedly opposed to same-sex relationships. During the debates on women's ordination and human sexuality, the American Episcopal Church, once again featured prominently in the debates.

By the 2010s women's ministry was on the agenda again. The Anglican Communion re-entered the debates with the Church of England's long-awaited decision to have women bishops. This time, there was universal parliamentary support for women bishops; the female Presiding Bishop and Primate of the American Episcopal Church, Katharine Jefferts Schori, and other women bishops in other provinces were highlighted during the debates in Parliament.

After the Lambeth Conference 2008, the Anglican Communion featured in debates about foreign and international development policy. Now the African provinces of Nigeria, South Sudan and Uganda took to the fore. With the tenures of Rowan Williams and Justin Welby, Parliament recognised that the office of the Archbishop of Canterbury was evolving to take on a much more important role in international, ecumenical and interfaith relations. The office was also

becoming increasingly collegial, and for this reason, the Primates' Meeting communiqués featured more prominently during parliamentary debates.

Amidst the environmental crisis of the twenty-first century, forced migration, gender-based violence, and the covid-19 global pandemic, the Anglican Communion was increasingly being recognised by Parliament as an international faith-based organisation. The overlapping populations of the Commonwealth and the Communion were recognised, and collaboration on global issues was encouraged. We also saw how the Lords Spiritual highlighted the importance of the Anglican Communion in promoting soft power and non-military options in conflict prevention across the globe. Human sexuality appeared to take a backseat, until it reared its head again following Welby's decision not to invite same-sex spouses of Anglican and Episcopal bishops to the 2020 Lambeth Conference. With the onset of the Gaza conflict in the Middle East, the Episcopal Church of Jerusalem and its Primate featured in debates.

In relation to law, both ecclesiastical and general, Parliament's understanding of the Communion is rooted in ecclesiology. It sees the Communion as a global denomination of world Christianity and has persistently raised concerns for its ecumenical relationships, predominantly with the Roman Catholic and Eastern Orthodox Churches. During debates about ecclesiastical law, Parliament looked outwards into the Communion to understand how other Anglican and Episcopal churches dealt with similar liturgical and disciplinary matters. During debates about the law related to human sexuality the dynamic shifts, and some MPs and temporal peers urged the Church of England to be the

exemplar church for other churches of the Communion to follow. The relationship Parliament has with the Communion in relation to law is both collaborative and at times confrontational. When parliamentarians disagreed with the views of some of the Communion's conservative primates and other bishops on same-sex relationships, they made their views clear to the Church in Parliament. In relation to government policy, Parliament sees the Anglican Communion as an international faith-based organisation that works alongside other faith-based organisations (like the Roman Catholic Church) through ecumenical partnerships, and international bodies like the UN and the Commonwealth. The relationship Parliament has with the Anglican Communion on government policy, unlike the relationship related to law, is almost entirely positive and collaborative.

The Church in Parliament has often made mistakes when referring to the Communion during debates. The former Bishop of Rochester, the late David Say, erroneously referred to the Scottish Episcopal Church as 'the Episcopal Church of Scotland'[1] and the former Second Church Estates Commissioner, Conservative MP Caroline Spelman, erroneously referred to the Communion as 'the worldwide Anglican Church.'[2] Both of these errors, which could be classified as technical legal errors, highlight a limited understanding of Anglican polity and terminology even within the Church of England. It reflects

[1] HL Deb 4 November 1986, vol 482, col 1047.

[2] HC Deb, 26 October 2017, vol 630, cols 437–38.

an English-centric perspective that does not recognise that the Communion includes a fellowship of autonomous Episcopal churches, and not just a fellowship of Anglican churches that are a biproduct of British imperialism. For this reason, throughout this dissertation I have consistently referred to "Anglicans and Episcopalians", or "Anglican and Episcopal churches", or "Anglican and Episcopal law". I have also argued that the Communion should formally change its name to the "Anglican and Episcopal Communion".

We have also seen the sometimes naïve and mistaken way in which MPs and temporal peers speak about Anglican Communion affairs, most notably during the parliamentary debates on women's ministry and the role of the Archbishop of Canterbury in the Communion. But predictably the most heated exchanges occurred in the debates related to same-sex relationships. In the Lords, the late Baroness O'Cathain, who was a lay member of the General Synod, inaccurately referred to resolution I.10 (1998) as the 'theological position' of the 'Anglican Church worldwide' on the doctrine of marriage.[3] And in the Commons, the Anglican Labour MP Ben Bradshaw incorrectly said it was the Church of England's decision (when in fact it was the Archbishop of Canterbury and his organising team's decision) not to invite bishops' same-sex spouses to the 2020 Lambeth Conference (later rescheduled to 2022) which he labelled as 'outrageous'.[4]

[3] HL Deb 12 May 2004, vol 661, cols GC136–37.

[4] HC Deb 14 March 2019, vol 656, col 537.

Where are MPs and temporal peers receiving their information and briefings? What conclusions can be drawn from this? We know that during the passage of a draft Measure, the Report of the Ecclesiastical Committee is laid before both Houses, and during the passage of Public Bills, the Church of England prepares briefings. But further research needs to be conducted, perhaps by a political scientist with a specialism in pressure groups, on what other sources parliamentarians are using when they speak on issues related to the Anglican Communion and the Church of England. The evidence suggests that they are relying heavily on simplified press coverage that does not fully grasp the international organisation of the Communion as a Christian fellowship of autonomous churches, and oversimplifies complex theological issues related to gender and human sexuality, framing such issues in secular terms.

To what extent is it possible to claim, "the mind of Parliament" (as the *Virginia Report* (1998) spoke of the "mind of the Communion") or that "Parliament recognises"? To what extent is this "Parliament speaking"? Mark Chapman, in his chapter on 'Church and State in England: A Fragile Establishment' in Leo Lefebure's edited book, *Religion, Authority and the State* (which as explained in chapter 1 is the inspiration for this dissertation), has argued that when Parliament debated the law on same-sex marriage, the Lords Spiritual were united in their opposition to the Bill, revealing '[t]he disjunction between Church and Parliament' on this issue.[5] Chapman concluded that '[i]t

has become obvious that most in Parliament pay little attention to the Church especially when it is so far out of line with popular opinion.'[6] Chapman is correct to assert that most in Parliament pay little attention to the Church, as is evidenced in this dissertation by the short, set-piece, sometimes formulaic, exchanges over Communion related issues, often buried in a written answer or spoken to empty benches. But Chapman's assessment fails to recognise that because the Church is literally in Parliament, it forms part of the UK Parliament. It is therefore conceptually flawed to speak of the 'disjunction between Church and Parliament.'

Throughout this dissertation I have instead explained that on certain Communion related issues there has been disjunction between 'the Church in Parliament and the rest of Parliament' or 'the Second Church Estates Commissioner and other MPs' or 'the Lords Spiritual and temporal peers' – recognising the reality that the Church is present in both Houses. On some Communion related issues, the Church in Parliament and the rest of Parliament speak collaboratively: on these issues we can say that there exists "the mind of Parliament". These issues have been principally those related to furthering the Communion's ecumenical relations, international development, peacebuilding and conflict resolution, the environment, human rights, Christian persecution and the Commonwealth. So, whilst the Communion self-identifies as a

[5] Mark Chapman, 'Church and State in England: A Fragile Establishment' in Leo Lefebure (ed), *Religion, Authority and the State: From Constantine to the Contemporary World* (Palgrave Macmillan 2016), 213–14.

[6] ibid.

fellowship and family of autonomous churches, we can say that the UK "Parliament recognises" the Anglican Communion as a major global denomination of world Christianity that operates as an international faith-based organisation.

Earlier research into monarchy, church and state (such as that carried out by the Constitution Unit at UCL) has been conducted on the premise that the Anglican Communion is not related to the constitutional position of the Church of England. Bob Morris, of the Constitution Unit at UCL, wrote in 2009:

> [t]he focus [of this book] is institutional and domestic. This is not to imply that the wider Anglican Communion is not important. On the contrary, so far as the Archbishop of Canterbury is concerned, it has raised to a very high point in the hierarchy of his continuing responsibilities. However, though the Communion's difficulties appear at times intractable and often noisy, they are not related to the constitutional position of the Church of England in the United Kingdom.[7]

This dissertation has challenged this dominant approach by showing how the nonjuridical relationship between the UK Parliament and the Anglican Communion has (to varying extents) shaped the position of the Church of England in the UK constitution at the heart of the UK's democracy.

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[7] Bob Morris, 'Introduction: Mapping the Issues' in B Morris (ed), *Church and State in 21st Century Britain: The Future of Church Establishment* (Palgrave Macmillan 2009) 4–5.

A major conclusion of this work has been the identification of new emerging constitutional conventions. The Constitution Unit at UCL defines constitutional conventions as 'non-legal rules' that are 'legally unenforceable'.[8] They are rules of 'good political behaviour' typically demonstrating self-restraint.[9] They ensure that the constitution operates in accordance with 'prevailing constitutional values.'[10] New constitutional conventions emerge, in line with 'changing practice and changing attitudes.'[11] In this way, 'significant constitutional change can occur, over time, without any fundamental change in the law.'[12]

This dissertation has evidenced the Church of England's evolution from "mother church" to "sister church" concurrently with the British State's evolution from Imperial power to Commonwealth equal in the twentieth century. Accordingly, reflecting the emergence of the Communion as a fellowship of autonomous sister churches, a major global denomination of

[8] 'What are constitutional conventions?' (*The Constitution Unit UCL*) <https://www.ucl.ac.uk/constitution-unit/explainers/what-are-constitutional-conventions> accessed 26 April 2025. See also Robert Hazell 'The United Kingdom' in Brian Galligan and Scott Brenton (eds), *Constitutional Conventions in Westminster Systems* (Cambridge University Press 2015). See further Geoffrey Marshall, *Constitutional Conventions* (Oxford University Press 1987).

[9] ibid.

[10] ibid.

[11] ibid.

[12] ibid.

world Christianity and as an international faith-based organisation, the following emerging constitutional conventions have been revealed:

i. The Ecclesiastical Committee and the two Houses of Parliament look outwards into the Communion to understand how other provinces have dealt with similar legal issues faced by the Church of England.
ii. Parliament considers intra-Anglican Communion relations when it refers to the Communion in debates about law and government policy.
iii. Parliament considers the Communion's ecumenical relations when it refers to the Communion in debates about law and government policy.
iv. In the Commons, the Second Church Estates Commissioner holds the UK government to account for the UK's record of engagement with the Communion, and MPs hold the Second Church Estates Commissioner to account for the Church of England's intra-Anglican Communion relations.
v. In the Lords, the Lords Spiritual hold the UK government to account for the UK's record of engagement with the Communion, and temporal peers hold the Lords Spiritual to account for the Church of England's intra-Anglican Communion relations.
vi. The Church in Parliament, MPs and temporal peers all encourage the UK government to implement policy initiatives to strengthen and improve collaboration between the UK, the Communion and the Commonwealth in global issues.

vii. MPs and temporal peers hold the Church in Parliament to account for the Lord Archbishop of Canterbury's role in the Communion.

I label these: "Parliamentary Anglican Communion conventions". *Miller II*[13] confirmed that the sovereignty of Parliament remains a fundamental constitutional principle of the UK constitution. This dissertation has also revealed an emerging constitutional principle: the "supremacy of the Commons," which has developed since the passage of the Parliament Act 1911[14] and the Salisbury convention well into the twenty-first century. This development has elevated the constitutional importance of the Second Church Estates Commissioner, who has featured prominently in this study. I argue that the Second Church Estates Commissioner is a major incident of establishment, arguably more significant than the Lords Spiritual – by virtue of being a democratically elected MP in the more powerful chamber, with direct access to the Prime Minister and other senior ministers. Significant research has been conducted on the Lords Spiritual, now more research needs to be conducted on this major incident of establishment. The Second Church Estates Commissioner is a "bridge" between the Archbishop of Canterbury, the Anglican Communion Office, and has the "ear" of the UK government, relaying the views of MPs on Communion issues directly to the Archbishop of Canterbury as an instrument

[13] *R (Miller) v the Prime Minister* [2019] UKSC 41, [2020] AC 737.

[14] 1 & 2 Geo 5 c 13

of communion. The Lords Spiritual are the "voice" of the Communion in Parliament, as they advocate for the Communion in the House of Lords and use their position to directly lobby government ministers on Communion issues and highlight the positive work of the Communion during general debates. In the twenty-first century, the Second Church Estates Commissioner and the Lords Spiritual advocate for the Church of England's equality to other provinces and have unwavering respect for a central principle of the Communion's ecclesiology: provincial autonomy.

Through the supreme governorship of Elizabeth II, the monarch's relationship with the Communion was characterised by mutual affection and respect – the monarch, as the Defender of The Faith, is a "supporter" of the Communion. Parliament has recognised that the Royal Family, through their official membership of the Church of England, are also members of the Anglican Communion. The UK monarchy wholeheartedly supports the Communion through its public statements and receptions at Buckingham Palace. The monarch's role as Head of the Commonwealth has meant that Parliament debates how the Communion can work in collaboration with the Commonwealth on global issues.

With the election of the Labour government in 2024, the relationship between Parliament and the Anglican Communion may change. If the Lords Spiritual are removed, either through a wholesale abolition of the House or their specific removal, then this will lead to a shift in the relationship between Parliament and the Anglican Communion. No longer will the bishops be able to

hold the UK government to account in the House of Lords for its record of engagement with the Communion on global issues. And no longer will the bishops be able to bring their personal insights gained through diocesan links or missionary work in the Communion, or their expertise having engaged with the Communion at grassroots level on issues such as international development to Parliament during debates. The Anglican Communion will continue to have the "ear" of the UK government because the Second Church Estates Commissioner will remain in the Commons, but its ability to convey Communion issues to the government will be drastically reduced. The prevalence of the Communion during parliamentary debates and committees might also occur only when the Communion is directly raised in Parliament by MPs or temporal peers.

The relationship between the UK monarchy and the Communion may be affected by the changes implemented because of the Inter-Anglican Standing Commission on Unity Faith and Order's ("IASCUFO") *Nairobi-Cairo Proposals* (2024). If the Lambeth Conference no longer takes place in the UK, then the monarch will no longer be able to host a reception at Buckingham Palace for bishops and their spouses. Unlike Elizabeth II, Charles III has not made any public statements specifically about the Communion – his focus appears to be more on interfaith dialogue, particularly with Islam.[15] Prince William, unlike his father and grandmother, has not demonstrated any real

[15] See generally Robert Blackburn, *King and Country: Monarchy and the Future King Charles III* (Politico's Publishing Ltd 2006).

interest in public religion. With the death of Elizabeth II, the Communion's relationship with the UK monarchy is now facing a trajectory of decline.

Charles III's continued interest in interfaith dialogue with Islam and his support for the Muslim world reflects broader global religious trends. Islam is currently the fastest growing religion in the world and is expected to overtake Christianity as the world's largest religion by 2050.[16] The Communion's largest province, Nigeria, is the fifth largest Muslim country in the world,[17] and there are significant numbers of Muslims in some of the Communion's other largest provinces, including Uganda and Sudan.

In line with the Communion's interactions with the Muslim world, what an examination of parliamentary papers has revealed has been the number of British Muslim voices that have spoken on Anglican Communion issues. Of the non-Anglican and non-Christian voices in Parliament, British Muslim voices have featured during the debates. The Conservative Peer Lord Ahmad of Wimbledon who was the Foreign, Commonwealth and Development minister (2017-24) and the Prime Minister's Special Envoy for Freedom of Religion or Belief (2018-19) has been pivotal in shaping the relationship between the UK

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[16] Michael Lipka, 'Muslims and Islam: Key findings in the U.S. and around the world' (*Pew Research Center,* 9 August 2017) <https://www.pewresearch.org/short-reads/2017/08/09/muslims-and-islam-key-findings-in-the-u-s-and-around-the-world> accessed 26 April 2025. See also Phillip Jenkins, 'The World's Fastest Growing Religion: Comparing Christian and Muslim Expansion in the Modern Era' in Philip Jenkins and Stanley D Brunn (eds), *The Changing World Religion Map* (Springer Netherlands 2015) 1767.

[17] Saifaddin Galal, 'Muslim population in Africa as of 2024, by country' (Statistica, 30 May 2024) < https://www.statista.com/statistics/1368589/muslim-population-in-africa-by-country/> accessed 26 April 2025.

Parliament and the Anglican Communion. The other Muslim voices that have been audible include the Labour peers Lord Ahmed of Rotherham and Lord Alli of Norbury. Further research on the Anglican Communion, British Muslims[18] and the wider Muslim world is needed to understand this relationship in more detail.

Other avenues for research could include how other denominations and world religions have featured during UK parliamentary debates – especially the UK's other established church, the Presbyterian Church of Scotland and the World Communion of Reformed Churches ("WCRC"). The Methodist Church of Great Britain, which is a member of the World Methodist Council ("WMC") and is in a covenanted relationship with the Church of England could also be explored. Comparative work with the Scandinavian constitutional monarchies, and how they relate to the World Lutheran Federation ("WLF") could also be pursued. Tonga, which has a Methodist monarchy, and the only other Christian country to still have a coronation for its monarch,[19] could also be compared with how it relates to the WMC. Comparative work could also be pursued with other world religions. For example, the constitutional monarchies of Jordan and Malaysia (which is a prominent Commonwealth country) and how they relate

[18] Internationally acclaimed chef, the founder of Darjeeling Express and the first British chef featured on Netflix's *Chef's Table*, Asma Khan completed a PhD in ecclesiastical law at King's College London. See Asma Khan, 'Parliament and the Church of England: The Making of Ecclesiastical Law' (PhD thesis, King's College London 2011).

[19] 'Tonga King Tupou VI formally crowned' (BBC News, 4 July 2015) <https://www.bbc.co.uk/news/world-asia-33393492> accessed 26 April 2025.

to Sunni Islam.[20] The Theravāda Buddhist monarchies of Thailand[21] and Cambodia,[22] and the Vajrayāna Buddhist monarchy of Bhutan[23] could also be compared.

A further avenue for research could be the nonjuridical relationship the Anglican Communion has with the national constitutions of other provinces. Numerically the American Episcopal Church makes up only 1 per cent of the US population – yet a quarter of US presidents have been Episcopalians.[24] Washington National Cathedral serves not only as the seat of the Episcopal Bishop of Washington and the Presiding Bishop, but also as a church for national services such as state funerals and the inaugural service of prayer following a presidential election.[25] The American Episcopal Church has featured prominently throughout this dissertation. Arguably, this is for two reasons: firstly, historic, because it is the first autonomous province of the

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[20] See Haji Awg Asbol bin Haji Mail, *Traditional Malay Monarchy* (Taylor & Francis Group 2024).

[21] See Charles F. Keyes, *Thailand: Buddhist Kingdom as Modern Nation State* (Routledge 2019).

[22] See Robert L Maddex, 'Cambodia' in *Constitutions of the World* (Routledge 1995).

[23] See Marian Gallenkamp, *Democracy in Bhutan: An Analysis of Constitutional Change in a Buddhist Monarchy* (Institute of Peace and Conflict Studies 2010).

[24] Michael Lipka, '5 facts about Episcopalians' (Pew Research Center, 2 July 2018) <https://www.pewresearch.org/short-reads/2018/07/02/5-facts-about-episcopalians> accessed 26 April 2026.

[25] See Richard Benjamin Crosby, *American Kairos: Washington National Cathedral and the New Civil Religion* (Johns Hopkins University Press 2023).

Communion, and secondly because it has been at the forefront of women's ordination and recognising same-sex relationships.

The unique nonjuridical relationship between the Episcopal Church and the US presidency was highlighted in 2020 when President Trump stood outside St John's Episcopal Church in Washington (which is known as the "President's Church") holding a Bible for a photo opportunity amidst civil unrest.[26] The Bishop of Washington, Mariann Edgar Budde and the then Presiding Bishop, Michael Curry, both condemned the action.[27] More recently the Bishop of Washington challenged President Trump on transgender and migrant rights from the Episcopal pulpit during the inaugural service of prayer at Washington National Cathedral following his 2024 re-election.[28] It echoed the Lords Spiritual challenging government ministers from the bishops' benches in the House of Lords on migrant rights, but on this occasion, a bishop of the Anglican Communion was publicly supporting LGBTQI+ rights.

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[26] Martin Pengelly, 'A photo op as protests swirled: how Trump came to walk to the church' *The Guardian* (London, 2 June 2020) <https://www.theguardian.com/us-news/2020/jun/02/trump-washington-walk-to-the-church-photo-op> accessed 26 April 2025.

[27] Michelle Boorstein and Sarah Pulliam Bailey, 'Episcopal bishop on President Trump: "Everything he has said and done is to inflame violence"' *The Washington Post* (Washington, 1 June 2020) <https://www.washingtonpost.com/religion/bishop-budde-trump-church/2020/06/01/20ca70f8-a466-11ea-b619-3f9133bbb482_story.html> accessed 26 April 2025.

[28] David Paulsen, 'Washington bishop's plea to Trump: "Have mercy upon the people in our country who are scared"' Episcopal News Service (New York, 21 January 2025) <https://episcopalnewsservice.org/2025/01/21/washington-bishops-plea-to-trump-have-mercy-upon-the-people-in-our-country-who-are-scared/> accessed 26 April 2025.

The Bishop of Washington's remarks once again point to the challenges that exist in keeping a global communion together. The 1963 Toronto Congress, to the 1997 *Virginia Report*, the 2004 *Windsor Report*, the 2009 *Anglican Covenant*, and 2024 *Nairobi-Cairo Proposals* (a process that is still ongoing) have all attempted to address this challenge. Despite these challenges, what this dissertation has revealed through an examination of parliamentary papers is that the Anglican Communion is a family and fellowship of churches that are learning from each other about how to be a church. The Lords Spiritual are bishops of the Anglican Communion, and in Parliament they advocate for Anglicans and Episcopalians throughout the world. They defend global Anglicans and Episcopalians and urge the UK government to implement policies to improve their lives. Through companion links with overseas dioceses, they are able to bring their personal insight on issues related to international development to Parliament and hold the UK government to account for its record on alleviating global poverty.

Mark Chapman has written about the "fragility" of establishment: what this dissertation has evidenced through an examination of parliamentary papers is the "fragility of communion". The then Bishop of Norwich, Graham James, in the June 2008 Lords' debate on "Britishness" highlighted the tensions between establishment and communion: '…a bishop of the Church of England may recognise that some of the tensions in the worldwide Anglican Communion are fashioned in part by our imperial legacy and we cannot really get away from

it.'[29] This dissertation has shown the continued disjunction between attitudes in British society and the rest of Parliament, with the Lords Spiritual on certain moral issues. The most prominent has of course been human sexuality, but the frustrations expressed by some Parliamentarians during the debates about women deacons and women priests highlighted wider societal issues related to gender and equality more broadly. These debates also revealed a disjunction between some of the primates and other bishops of the Communion, the majority of British parliamentarians, and British society at large.

But this dissertation has also revealed the strength of the Communion as an international faith-based organisation, which arguably outweighs its fractures over the single issue of human sexuality. As IASCUFO considers how best the Communion can move forward in achieving the highest degree of communion, it might want to adopt a more missiological focus and reflect on how the instruments can be reformed not only to hold the Communion together, but also to help the Communion in its mission to transform unjust structures of society, to challenge violence of every kind, pursue peace and reconciliation, and safeguard the integrity of creation. If the Communion does not focus more on operating as an international faith-based organisation working in the developing world at the grassroots level where the majority of its communicants live, then the disjunction over human sexuality in the Communion might persist and may act as the catalyst to end communion.

[29] HL Deb 3 June 2008, vol 702, col 1093.

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