

Conference Reports

ANGLICAN COMMUNION LEGAL ADVISERS' CONSULTATION

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Thanks in part to grant funding from the Society, a Consultation took place from 6 to 13 March 2002 between principal legal advisers drawn together from around the Anglican Communion. The venture was experimental, from a number of perspectives: those who took part were the first group to fill the new Education Centre at Canterbury, built beside the Cathedral—inviting a group of lawyers as guinea pigs for the new facilities either demonstrated supreme confidence, or made a statement about lawyers' expendability in the Communion's ordering of its affairs! In the event, the staff and premises could not have been better, and are to be highly recommended to those looking for a small conference venue.

The initiative for the gathering had come from the Archbishop of Canterbury who, throughout his archiepiscopate, has taken a close interest in Anglican Communion affairs. This has manifested itself not only in his widespread travels throughout the Communion during the last eleven years, but also in his encouragement of groups such as the Provincial Secretaries' meetings, support for the work of the Inter-Anglican Theological Commission (resulting in publication of the *Virginia Report*, edited by Archbishop Robin Eames, in 1996),¹ and of course the success of the Lambeth Conference in 1998. His vision for this Consultation was that it might provide a further undergirding to strengthen the unity of the autonomous churches that make up the Anglican Communion, through recognition of their common inheritance of law and ecclesiological structure.

The Consultation itself was the fruit of lengthy preparation, beginning before the Primates' Meeting in 2001, at Kanuga in the United States of America. The Archbishop had invited Professor Norman Doe to address the Primates on the significance of Anglican canon law, and Professor Doe had delivered a paper on the *ius commune* of the Anglican Communion (a revised version of that paper has been published in this Journal).² Responding to that paper, Canon John Rees had noted the historical resistance to recognition of any centralised jurisdiction, and the difficulty that had been encountered repeatedly in defining a core body of Anglican ecclesiology that went much beyond the Chicago-Lambeth Quadrilateral.³ But he had also noted how the Archbishop of Canterbury had been effective, notwithstanding his lack of any formal jurisdiction, in his interventions in the troubled Provinces of Rwanda and the Sudan, when all primary sources of legal authority appeared to have failed.

The Primates' Meeting in Kanuga in 2001 had requested that further work be undertaken, and that a Consultation of Legal Advisers be convened, to report to its own meeting in April 2002. Each of the Primates of the Communion were therefore requested to nominate a person within their Province who might best represent their

¹ See *Being Anglican in the Third Millennium* (Morehouse/ACC, 1997).

² (2002) 6 *Ecc LJ* 241.

³ On the Chicago-Lambeth Quadrilateral generally, see Draper, *Communion and Episcopacy* (Oxford 1988).

Province at the Consultation. Not all the Primates were able to suggest a name, and not all those who were nominated were able to attend, but well over twenty representatives participated in some or all of the Consultation, representing seventeen individual Provinces, out of a total of thirty-eight Provinces in the Communion as a whole. There was a rich cultural and racial mix amongst the participants, with representatives from Burma, Korea, the Seychelles, Papua New Guinea, Nigeria, Tanzania, South Africa, and Sri Lanka, as well as the more predictable Anglo-Saxon representation from North America, Australia, New Zealand and the British Isles.

The methodology was highly interactive. Four complete sessions, chaired by the Dean of the Arches, Sheila Cameron, were devoted to hearing descriptions from participants of their own Province's circumstances, their needs and aspirations, and their own individual roles within each Province. The range of experiences shared by the participants was impressive, and some of the problems that were shared were of stupendous proportions: representatives of the Church of Canada told of the financial crisis facing the Church there as a result of litigation consequent upon allegations of sexual and cultural abuse in previous generations; others told of the problems faced by Churches separated by civil war (as in the Sudan and Sri Lanka). More hopefully, some reported highly creative developments in their Provinces, for example successful strategies adopted to bridge cultural and racial divisions through carefully constructed arrangements for extended episcopal oversight (as in New Zealand).

In addition to these more informal sessions, there were more formal contributions, by Prof Richard Helmholz (providing historical background to the development of Anglican canon law, with particular reference to the contribution of Richard Hooker and his *Laws of Ecclesiastical Polity*),⁴ Canon David Hamid (whose provocative paper is reprinted in this issue of the Journal),⁵ and Professor Norman Doe (who introduced the paper he had presented to the Primates' Meeting in Kanuga, and expanded upon it).

In a series of seminars led by Professor Doe, participants explored the extent to which common principles could be said to emerge from detailed consideration of the canon law of individual Provinces. This was exemplified by the concept of canonical obedience, looking at the way in which the principle may be found in a range of constitutional and liturgical material deriving from many different Provinces.

Out of this examination, the following six propositions were established by participants:

1. There are principles of canon law common to the Churches within the Anglican Communion.
2. Their existence can be factually established.
3. Each Anglican Province or Church contributes through its own legal system to the principles of canon law common within the Anglican Communion.
4. These principles have a strong persuasive authority and are fundamental to the self-understanding of each of the Churches in the Communion represented amongst us.

⁴ See his paper on Hooker, given in the Inner Temple last year, reproduced at (2002) 6 Ecc LJ 189.

⁵ On page 352.

5. These principles have a living force, and contain in themselves the possibility for further development.
6. The existence of these principles both demonstrates unity and promotes unity within the Anglican Communion.

In addition, it was found that there was broad agreement on forty-four principles, which could be grouped into six sections dealing with church order, ecclesiastical government, ministry, doctrine and liturgy, church property and inter-Anglican relations; and fifteen major problems were agreed upon as common to Churches throughout the Communion.

Professor Doe and Canon Rees reported the results of the Consultation to the Primates' Meeting in Canterbury in April 2002. The Consultation's work was warmly received, and the Primates went so far as to suggest that the canon law of the Churches might constitute a fifth 'instrument of unity'.⁶ After further consideration by the Primates of the propositions, principles and problems identified at the Consultation by their legal advisers, the Primates endorsed the work which had been undertaken in March, and further refined it by prioritising ten principles and five problems for further detailed consideration by a Network of canon lawyers drawn from around the Communion to be established by the Anglican Consultative Council at its meeting in Hong Kong in September 2002.

The work of the Society was particularly noted, both by the legal advisers themselves and by the Primates. Its contribution to raising the profile of the study of canon law was particularly welcomed, and several of those who had taken part spoke of establishing regional groups affiliated to the Society, in the light of their experience.

CHURCHES AND RELIGIOUS COMMUNITIES IN THE EUROPEAN STATES

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In an English context the legal relations between the church, the state and society as a whole are covered by the historic form of establishment of the Church of England. This framework is constantly developing and the Ecclesiastical Law Society's own conference in 2003 will offer opportunity for stock taking at a time when there is great pressure for change from many areas. One such area is Europe. The Society's last residential conference, at Trinity Hall, Cambridge, in 2001, was particularly concerned with the impact of the European Convention on Human Rights following the implementation of the Human Rights Act 1998. The Human Rights Act has perhaps distracted attention from the implications for the Church of the increasingly pervasive body of European Community Law. This was the subject of a colloquium in a round table format held at Perugia between 20th and 23rd March 2002 at which the Centre for Law and Religion at Cardiff University was invited to participate.

⁶ On the 'instruments of unity' generally see J Rees, 'The Anglican Communion—Does it Exist?' (1998) 5 *Ecc LJ* 14. See also D Hamid's article on p 352.