

In so far as the minster model provides a framework for us to reflect on those issues and how we should be handling them in relating to current society it is useful, but just as that minster model emerged out of a particular economic, social and religious context, so we have to wrestle with what our context suggests is the best way for God's mission to be revealed in our age.

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*THE LAW OF THE CHURCH IN WALES* by NORMAN DOE, Cardiff, University of Wales Press, 2002, xii + 390pp (£45) ISBN 0-7083-1748-0

The Church in Wales is a small member of the Anglican Communion, both geographically and in terms of membership. For example, Easter communicants for 2004 were 74,712, by contrast with around 1,500,000 attending Easter services in the Church of England. However, the foreword of this book, written by Archbishop Rowan Williams as Archbishop of Wales before his translation to Canterbury, is a reminder that proximity to England and its origins as part of the Church of England make the Church in Wales a particularly significant partner Church for the Church of England. The value of the Church in Wales as a subject for comparative study in ecclesiastical and canon law has been underlined by the presence in Cardiff of the Centre for Law and Religion and by the LLM programme in Canon Law at Cardiff University. It was therefore fitting that Professor Doe, the architect of those academic landmarks for the subject, should write a comprehensive study of the law of the Church in Wales.

This book may not have been intended so much as another academic *tour de force* following the author's seminal works on *The Legal Framework of the Church of England* (1996) and *Canon Law in the Anglican Communion* (1998) but rather, as the preface states, to provide 'a systematic and practical statement' of the law of this small denomination. In the time that it has taken for this review to catch up with it the book will already have proved its practical value for clergy and others concerned with the day-to-day administration of Church law in the principality. However, the volume is also of considerable interest for its still established neighbours over the immediate border, and for those interested in the law of Church and State much further afield. Professor Doe's lucid account of the law of the Church in Wales to some extent suggests how ecclesiastical law could change in England after disestablishment, but perhaps more instructive are examples of how the laws of the two Churches differ now. Such alternative models are valuable, not necessarily as examples to follow or indeed to avoid, although they may serve as both, but simply as points of comparison which may make for greater understanding of institutions elsewhere.

By way of contrast with the law of the Church of England, this book offers insight in three particular respects. There are the internal constitutional arrangements for a small national Church independent from the State. There

is extensive law at a diocesan and parish level, where parallels with English dioceses and parishes and similarities and differences in canon law may be noted. Third, there are the relics of establishment which have survived after the Welsh Church Act 1914, the Welsh Church (Temporalities) Act 1919 and the Welsh Church (Burial Grounds) Act 1945. Generally, the book is an interesting supplement to Professor Doe's earlier work on the canon law of the Anglican Communion. Comparative examples which are covered there in general terms are focussed here as variations from the fully stated law of one individual Church in the Communion.

Among the features which stand out for the reader looking in on the law of the Church in Wales from outside are the centralised structures appropriate to a small province which might perhaps be better compared with the province of York rather than with the Church of England as a whole. These include the office of the Archbishop as elected from among the diocesan bishops and not attached to a particular see, and also the single Representative Body by which church property, particularly church buildings, churchyards and parsonages, are held on trust for the Church as a whole. This is an arrangement of particular interest at a time when the Church of England is debating the future of the parish freehold and the consequences for benefice property

Perhaps of greatest general interest, however, is what the Law of the Church in Wales says about the legal framework which expresses the nature of *State-Church relations*. Doe demonstrates that it is simplistic to describe the Church in Wales as disestablished. What was actually disestablished was not the Church in Wales but part of the Church of England. The analysis suggests that future attempts to disestablish the Church of England could in fact result in a 'qualified re-establishment' there too. Meanwhile, the Law of the Church in Wales illustrates a continuity with the ecclesiastical law of the Church of England. The point has often been made that ancient Canon Law survived in the Church of England where it had not been expressly or implicitly changed by the Reformation or by later legislation and so was preserved even when the Roman Catholic Church relegated it by the successive Codes of 1917 and 1983. In turn, Anglican ecclesiastical law survived in Wales under the Welsh Church Act 1914 as terms of a new contract implied between the members of the newly created Church in Wales. However, this contractual internal law has subsequently been modified by the Church and the exact status of such changes does not seem fully resolved.

Thus, public rights to marriage and burial are obvious instances of establishment remaining in the Church in Wales. Historically, these rights depended on residence in a parish. Ostensibly they have been extended to those on parish electoral rolls. In England, that extension is clearly a development in public ecclesiastical law, but its legal nature in Wales is less clear. As to baptism, Doe states that the duty of the minister to baptise infants survived as a rule within the internal Canon Law of the Church in Wales and that this continues to generate a right to infant baptism. He

identifies a common problem of canon law that it is uncertain whether this right vests in the infant or in the parents. However, it would have been interesting had he had space to reflect here further on the effects of disestablishment.

For example, what standing would Christians from a denomination, perhaps a house church, have if they were refused baptism for their child? If they were denied marriage or burial, Doe demonstrates that they could have a residual right to redress from the secular courts but he does not suggest this possibility for baptism. Here, it is significant that under the internal law of the Church in Wales a resident in a parish or a regular worshipper is entitled to entry on the electoral roll, provided that he or she is a communicant, but only if they are 'not members of any religious body which is not in communion with the Church in Wales'. The prohibition of simultaneous membership of another trinitarian Christian denomination appears difficult to reconcile with the ethos of a national Church in a plural society. It sits strangely with the growing legal provisions for ecumenical relations which are the subject of a particularly instructive chapter in the book

There is a duty on clergy of the Church in Wales to admit to communion those who have been confirmed or are ready and desirous to be confirmed. A Christian from another tradition who forswears their membership of their previous Church and has become a communicant in the Church in Wales would seem to have a right to membership. However, if a member of another denomination were refused communion or were refused baptism for a baby or if a baptised Christian from another Church were admitted as a regular communicant and indeed confirmed but was excluded from the electoral roll, it is difficult to see how any right could be claimed by such outsiders to enforce a contract to which they were not parties. In practice such a problem may be unlikely to arise. If it did, doubtless those concerned might find members of the Church in Wales who would have standing to initiate proceedings on their behalf. Presumably these could in theory take the matter to the secular courts as a last resort. Nevertheless, read as a whole, this book illustrates the difficulty of a national Church which has been repatriated by a process of partial disestablishment reconciling its internal law on membership with functions expected of it by wider society, such as blessing rites of passage.

In summary, this book should be warmly welcomed as an addition to ecclesiastical and canon law libraries in England and further afield, both as a general comparative study and for its treatment of the legal issues raised by the distinctive history of the Church in Wales. It will be an indispensable volume for lawyers working in Wales and for others with a serious role or interest in church administration there. Given its relatively specialist nature, at £45 it is very well priced. If a paperback reprint were available even cheaper there would be no excuse for any parish in Wales to be without a copy.

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