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Introduction

This book explores various assumptions that have been made in public discourse over recent years about the pervasiveness, character and scope of religious law in British society today. It does so by examining the laws and other regulatory instruments of Jewish, Christian and Muslim organisations in the United Kingdom, with a particular emphasis on England and Wales. First, it has been assumed that the religious law of Islam and some Jewish traditions govern the whole of the life of the faithful, whereas those of other Jewish traditions and Christianity do not. For example, in 2012, in a case (about the schooling of children in Haredi Judaism), Sir James Munby stated:

Even for the devout Christian attempting to live their life in accordance with Christ's teaching there is likely to be some degree of distinction between the secular and the divine, between matters quotidian and matters religious. But there are other communities, and we are here concerned with such a community, for whom the distinction is, at root, meaningless, for whom every aspect of their lives . . . of their being, of who and what they are, is governed by a body of what the outsider might characterise as purely religious law. That is so of the devout Muslim, every aspect of whose being and existence is governed by the Quran and the Sharia. It is so also of the ultra-orthodox Jew, every aspect of whose being . . . is governed by the Torah and the Talmud. I therefore agree entirely with . . . Hughes LJ . . . The issue is: 'not simply a matter of choice of school but a much more fundamental one of way of life. "Lifestyle" scarcely does [it] justice. It is a matter of the rules for living.'²

According to the Census of 2011, 59.3 per cent of the population of England and Wales regarded themselves as Christian (c. 33.2 million), 4.8 per cent as Muslim (c. 2.7 million), and 0.50 per cent as Jewish (c. 260,000); and for Scotland: Christians 54 per cent, Muslims 1.4 per cent, and Jews 0.1 per cent. Moreover, the register of the Charity Commission shows over 22,000 religious charities in England and Wales: see M. Hill, R. Sandberg and N. Doe, *Religion and Law in the United Kingdom* (Netherlands: Wolters Kluwer, 2nd edn, 2014) paras. 13 and 178.

² Re G (Education: Religious Upbringing) [2012] EWCA Civ. 1233.



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Secondly, there are assumptions about the accommodation by civil law of religious law - from the view that religious law is not recognised by civil law, through the opinion that they could be recognised by it, to the view that it is not possible to have legal pluralism in society. For instance, in 2008, the then Archbishop of Canterbury, Most Reverend Dr Rowan Williams, proposed that some form of 'transformative accommodation' should be found between English law and sharia; but in Parliament in October 2008, Bridget Prentice MP, Parliamentary Under Secretary, Ministry of Justice, stated: 'Shari'a law has no jurisdiction in England and Wales and there is no intention to change this position.' Moreover, the current Archbishop of Canterbury, Most Reverend Justin Welby, said in an interview in 2017 that sharia should not be part of English law: 'I don't think that we should have elements of sharia law in the English jurisprudence system'; rather: 'We have a philosophy of law in this country, and you can only really cope with one philosophy of law within a jurisprudential system. The English courts always have to prevail, under all circumstances, always.'4

Thirdly, it has been assumed that religious law is fundamentally theocratic and so somewhat incompatible with democracy. In a case in 2010, for example, Sir John Laws stated that to give legal protection to a moral position because it was based on Christianity or any other religion would be 'deeply unprincipled'; he said: 'in the eye of everyone save the believer religious faith is necessarily subjective, being incommunicable by any kind of proof or evidence. It may of course be true; but the ascertainment of such a truth lies beyond' the law 'in the heart of the believer'. To do otherwise, he said, would be 'divisive, capricious and arbitrary', especially 'in a society where all the people [do not] share uniform religious beliefs'. Also: 'our constitution would be on the way to a theocracy, which is of necessity autocratic. The law of a theocracy is dictated without option to the people, not made by their judges and governments. The individual conscience is free to accept such dictated law; but the State, if its people are to be free, has the burdensome duty of thinking for itself.'5

³ For the lecture, 'Civil and religious law in England' (7 February 2008), and the Written Parliamentary Answer by Bridget Prentice MP (23 October 2008), and other reactions to the lecture and the issues raised in it, see R. Griffith-Jones, ed., *Islam and English Law: Rights, Responsibilities and the Place of Shari'a* (Cambridge: Cambridge University Press, 2013) 20–33 and 35 and the other studies therein.

⁴ Church Times (9 February 2018) 6.

⁵ McFarlane v. Relate Avon Ltd [2010] EWCA Civ. 771.



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Fourthly, it is sometimes assumed that religious law is not 'law' properly so-called in so far as it lacks the binding and enforceable qualities of law – that many such laws are conventional or social norms, or else obsolescent 'historical relics'. There are also related questions about whether religious law has a dynamic nature responsive for example to claimed processes of secularisation in wider society, as well as how they are created, interpreted and applied in the contemporary daily life of the faithful.

Fifthly, it has been assumed it may be possible for faith leaders in Britain to formulate a statement of principles which articulate shared values for public life. For example, in the context of faith in society today, the Woolf Commission in 2015 proposed that: 'when so much is dominated by the sole value of individual choice, faith leaders and other opinion leaders need to initiate discussions on the values, political and personal, they have in common with each other'. Therefore: '[a] national conversation should be launched . . . by leaders of faith communities and opinion leaders in other ethical traditions to create a shared understanding of fundamental values underlying public life'; moreover, crucially: 'The outcome might well be, within the tradition of Magna Carta and other such declarations of rights over the centuries, a statement of principles to guide the development and evaluation of policies relating to the common good.'⁸

This book tests these and associated assumptions. It explores whether religious law is more pervasive in society than is often presumed in aspiring to touch the day-to-day lives of Jews, Christians and Muslims alike. It includes primary religious law (traditional, historical or classical religious law) and secondary religious law (the modern regulatory instruments of Jewish, Christian and Muslim religious organisations, most typically in the form of their constitutions). This book also examines whether religious law makes provision for the applicability of civil law to the faithful – and the extent to which elements of religious law, and decisions based on them, are recognised expressly or tacitly by the civil law of the State and its institutions (such as by parliamentary statute, the civil Charity Commission or the decisions of the courts). It is suggested

⁶ A. Huxley, 'Introduction', in A. Huxley, ed., Religion, Law and Tradition: Comparative Studies in Religious Law (Abingdon: Routledge, 2002) 1.

R. Sandberg, 'The Reformation of religious law', *Quaderni di Diritto e Politica Ecclesiastica* (Bologna: Il Mulino, 2017) 97–110.

⁸ Woolf Commission, Living with Difference (2015) 3.14.



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that the modern regulatory instruments of the religious organisations studied here are vehicles for mutual accommodation between State and religion – the State would not recognise them unless they were consistent with civil law, and the religious organisation would not make them if they were inconsistent with primary religious law. The book also assesses the degree to which the fundamentals of religious law are theocratic, dictated by God and sourced in conceptions of revealed divine law – but also whether, at the same time, religion is governed by rational laws, humanly created and how it is more temporal, secular or functional than has been presumed. Indeed, much in the laws of Jewish, Christian and Muslim entities today is driven by civil law and civic standards, which are incorporated into secondary religious law as the product of practical reason.

In turn, the book explores how religion and religious belief are juridified through their deployment in the modern regulatory instruments of Jews, Christians and Muslims, and through the translation of elements of classical Jewish, Christian and Islamic law into their modern norms of conduct. It also uncovers the levels of legal pluralism - and juridical diversity - both within and across the three religions. However, and paradoxically, but critically, there are profound similarities between the laws of Jews, Christians and Muslims, which enable articulation of principles of religious law common to the three Abrahamic faiths. The study, therefore, responds to the call of the Woolf Commission in 2015 for faith leaders to work towards a statement of principles to guide the development and evaluation of policies relating to the common good. It does so by offering for debate a statement of 'the principles of religious law' common to Jews, Christians and Muslims. Therefore, the book seeks to make a contribution to the abundant, rich and rapidly growing scholarly literature and public debate on the prevalence of religious law in modern society and its recognition by civil law.9

The sources examined include materials and literature on the fundamental elements of what for the sake of exposition are here styled as the classical, traditional or historical sources of Jewish, Christian and Islamic law. These fundamental elements are presented as succinctly as possible

⁹ The study may be associated with wider scholarship on the creation of norms in the field of religion: see e.g. H. Årsheim and P. Slotte, *The Juridification of Religion?* (Leiden: Brill, 2017): this explores the juridification of religion in State constitutional law, the expansion and differentiation of State laws on religion, the increase in conflict solving (involving religion) by recourse to State law and the increase in the exercise of State judicial power over the law of the State on religion and religious law.



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in the form of principles of classical religious law, and note is taken where appropriate of contested areas where fundamentals are the subject of disagreement as between traditions within each of the three faiths. The principal focus of the book, however, is the modern regulatory instruments of Jewish, Christian and Muslim organisations operating at national, regional and local levels, including synagogues, churches and mosques. These documents include the constitutions and other formal regulatory instruments of such organisations, as well as their religious soft-law in the form of guidance, codes of practice, policy documents and other informal normative instruments. The book is the first of its type to compare such instruments in the context of the classical religious law of the Abrahamic faiths. It also sets out, where appropriate and briefly, relevant civil law on the areas studied.

As to structure, the book deals with: jurisprudence - the objects of faith communities and the sources and purposes of religious law (Chapter 1); the faithful - the status and duties of believers and their membership of religious organisations (Chapter 2); and faith leaders - training, appointment and functions (Chapter 3). There then follows: governance – institutions of religious organisations, and their authority and structure (Chapter 4); and the resolution of religious disputes – the interpretation of religious law, informal dispute resolution and religious courts and tribunals (Chapter 5); followed by the topics of belief, worship and education - the profession of religious belief, the administration of worship and religious schools (Chapter 6); the rites of passage - in the early years of life and adolescence, the rites of spiritual development and commemoration and funeral rites (Chapter 7); and then marriage, divorce and children - the formation of marriage, the process and effect of divorce and children at home and in the synagogue, church and mosque (Chapter 8). The book next treats property and finance - the ownership of property, the maintenance of the synagogue, church and mosque, and the regulation of finance, income and expenditure (Chapter 9); and religion, the State and wider society - religious approaches to the State and compliance with its law, human rights and religious freedom, and the extent to which the three religions engage with natural law thinking (Chapter 10). For Jewish and Islamic law, the book uses legal terms from both Hebrew and Arabic, 10 and for Christianity, where appropriate, Latin (mostly for terms used in Roman Catholic law).

English spellings of these words will vary, depending on the religious/cultural tradition in question.



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Needless to say, there is a growing body of literature on systems of religious law, but few on comparative religious law – and none on the modern regulatory instruments of Jewish, Christian and Muslim religious organisations in Britain in the context of their primary religious laws. First, there is non-comparative literature on the religious law of individual faiths. There is a vast literature on Jewish law, ¹¹ and on Islamic law, ¹² but, perhaps remarkably, there is very little on Christian law, ¹³ as compared for instance with Buddhist law or Hindu law, ¹⁴ though there are denomination-specific books on the laws of individual churches within Christianity, ¹⁵ and there are also books devoted to Biblical law. ¹⁶ However, with their focus on classical religious law, these books do not generally deal with the modern legal instruments of religious organisations. Secondly, whilst recent years have seen a rapid growth in the literature on the law of the State on religion (national and international), ¹⁷

- E.g. N.S. Hecht, B.S. Jackson, S.M. Passamaneck, D. Piatelli and A.M. Rabello, eds., An Introduction to the History and Sources of Jewish Law (Oxford: Oxford University Press, 1996), M. Elon, Jewish Law: History, Sources, Principles (Philadelphia and Jerusalem: Jewish Publication Society, 1994), and the seminal I. Herzog (1888–1959, Chief Rabbi of Israel), The Main Institutions of Jewish Law, 2 volumes (London and New York: The Soncino Press Limited, 1939, Paperback Edn, 1980).
- See e.g. G. Picken, ed., Islamic Law, 4 volumes (Abingdon: Routledge, 2010); J. Schacht, An Introduction to Islamic Law (Oxford: Clarendon Press, 1991), C.G. Weeramantry, Islamic Jurisprudence: An International Perspective (London: Macmillan, 1988), and A.R.I. Doi, Shariah: The Islamic Law (London: Ta Ha Publishers, 1984). There are also books on aspects of Islamic law, e.g. M.C. Bassiouni, The Shari'a and Islamic Criminal Justice in Time of War and Peace (Cambridge: Cambridge University Press, 2014).
- ¹³ See e.g. N. Doe, Christian Law: Contemporary Principles (Cambridge: Cambridge University Press, 2013).
- ¹⁴ See e.g. R.R. French and M.A. Nathan, eds., Buddhism and Law: An Introduction (Cambridge: Cambridge University Press, 2014), D.R. Davis, The Spirit of Hindu Law (Cambridge: Cambridge University Press, 2010) and W.F. Menski, Hindu Law (Oxford: Oxford University Press, 2003).
- E.g. on Roman Catholic canon law: G. Sheehy et al., The Canon Law: Letter and Spirit (Dublin, Veritas, 1995); the law of the Church of England: M. Hill, Ecclesiastical Law (Oxford: Oxford University Press, 4th edn, 2018); Presbyterian law: J.L. Weatherhead, ed., The Constitution and Laws of the Church of Scotland (Board of Practice and Procedure, Edinburgh, 1997); and in the Reformed tradition, e.g. P. Coertzen, Church and Order: A Reformed Perspective (Leuven: Peeters, 1998).
- A Rejormed Perspective (Beaven, Pecchs, 1996).
 See e.g. D. Daube, Studies in Biblical Law (Cambridge: Cambridge University Press, 2008), N.J. Ruane, Sacrifice and Gender in Biblical Law (Cambridge: Cambridge University Press, 2013), and J. Burnside, God, Justice and Society: Aspects of Law and Legality in the Bible (Oxford: Oxford University Press, 2010).
- However, books such as L. Zucca, Law, State and Religion in the New Europe (Cambridge: Cambridge University Press, 2012) or N. Doe, Law and Religion in Europe (Oxford: Oxford University Press, 2011) do not deal directly with religious law as such.



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it is increasingly recognised that understanding religious law is required for a fuller appreciation of State law on religion. 18 But there is generally a lack of attention given in these studies to religious law itself so as to enable an understanding of how it interacts with State law and society. 19 At the same time, there is a growing literature on secular law as it applies to Islam.²⁰ Thirdly, there is little on comparative religious law across the major world faiths. There is no English language equivalent to the book by Silvio Ferrari - this publication examines classical religious law (and the Christian component is Roman Catholic canon law only), not the modern regulatory instruments of Jewish, Muslim or other Christian organisations.²¹ The same applies to the book *Religion*, *Law and Tradition* – this publication explores the category 'religious law', but its editor concludes that it is difficult to define, and the materials on the different systems are presented in parallel not comparatively.²² Again, the Christian focus is very narrow - only Roman Catholic canon law.²³ Classical Islamic law and Jewish law are compared, for instance, in the book by J. Neusner and T. Sonn.²⁴ However, the book does not include Christianity based on the (contestable) view that Christianity is not a religion of law. Nor does the

- ¹⁸ See e.g. C. Hamilton, Family, Law and Religion (London: Sweet & Maxwell, 1995), P. Edge, Religion and Law (Aldershot: Ashgate, 2006), A. Bradney, Law and Faith in a Sceptical Age (Abingdon: Routledge, 2008) and P. Cane, C. Evans and Z. Robinson, eds., Law and Religion in Theoretical and Historical Context (Cambridge: Cambridge University Press, 2008).
- E.g. R. Ahdar and I. Leigh, *Religious Freedom in the Liberal State* (Oxford: Oxford University Press 2nd edn, 2013) or J. Rivers, *The Law of Organized Religions* (Oxford: Oxford University Press, 2011). R. Sandberg, in his *Law and Religion* (Cambridge: Cambridge University Press, 2011) and *Religion, Law and Society* (Cambridge: Cambridge University Press, 2014) calls for greater attention to be paid to religious law in these law and religion studies.
- E.g. Y. Sezgin, Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India (Cambridge: Cambridge University Press, 2013), and E. Brems, The Experiences of Face Veil Wearers in Europe and the Law (Cambridge: Cambridge University Press, 2014). A. Shachar, Multicultural Jurisdictions: Cultural Differences and Women's Rights (Cambridge: Cambridge University Press, 2013), on religious tribunals (especially in Canada), is close to aspects of this book.
- 21 Silvio Ferrari, Lo spirito dei diritti religiosi: Ebraismo, cristianismo e islam a confronto (Milan: Il Mulino, 2002). There are also the studies on individual faiths in the Italian journal Daimon: Diritto Comparato delle Religione (Milan: Il Mulino), under the direction of S. Ferrari and others.
- ²² A. Huxley, ed., *Religion, Law and Tradition* (2002).
- ²³ A.-J. Kwak, ed., Holy Writ: Interpretation in Law and Religion (Aldershot: Ashgate, 2009): this compares legal and theological methods of interpretation.
- J. Neusner and T. Sonn, Comparing Religions through Law: Judaism and Islam (Abingdon: Routledge, 1999).



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book explore the implementation of classical Jewish and Islamic law in modern regulatory instruments. Again, in the field of religious studies, sociology of religion and comparative religion, while little attention has to date been given to religious law itself, some notable scholars are increasingly, but briefly, recognising the importance of religious 'self-regulation'. ²⁵

The present book studies a range of Jewish, Christian and Islamic religious organisations. First, within Judaism, ²⁶ it examines the regulatory instruments of organisations across various Jewish traditions represented in Britain (with about 409 synagogues), including, Orthodox, Conservative, Reformed and Liberal and Progressive Judaism, as well as a selection of their member synagogues and other bodies, including the Board of Deputies of British Jews, 'the representative body of British Jewry'. 27 Organisations studied in the Orthodox tradition are: the United Synagogue (founded 1870) under the religious authority of the Chief Rabbi, with 50 member synagogues, ten affiliate synagogues and one associate synagogue - those studied include the Stanmore and Canons Park Synagogue and the Borehamwood and Elstree Synagogue;²⁸ and the Federation of Synagogues (founded 1887), which provides centralised services to member Orthodox communities that 'retain their individuality and distinct identity' - 19 constituent and eight affiliated shuls.²⁹ Occasional reference is also made to the Union of Orthodox Hebrew

J.A. Beckford and J.T. Richardson, 'Religion and regulation', in J.A. Beckford and N.J. Demerath, eds., The Sage Handbook of the Sociology of Religion (London: Sage, 2007) 396.

United Synagogue (Orthodox) (US): www.theus.org.uk/. Members of the United Synagogue are chiefly in the south east, but also in e.g. Sheffield.

Federation of Synagogues (FOS): www.federation.org.uk/.

It is believed the first Jews came from Normandy with William the Conqueror in 1066. However, the Edict of Expulsion issued by King Edward I, 18 July 1290 (on the Jewish Fast of Tisha B'Av) banished the entire Jewish population. Yet, in 1656, Rabbi Menashe Ben Israel successfully petitioned Oliver Cromwell to allow their readmission. Within 50 years, the offices of the Chief Rabbi and the London Beth Din were set up to provide a religious authority for Jewish communities in London and elsewhere: see Jewish Policy Research Report (for the Board of Deputies of British Jews): Synagogue Membership in the United Kingdom in 2016 (2017), compiled by D.C. Mashiah and J. Boyd (2017).

The Board was founded in 1760 when seven deputies were appointed by the elders of the Spanish and Portuguese Congregations (Sephardic) to form a committee to pay homage to George III on his accession; the Ashkenazi Community also appointed a committee and it was agreed that both committees should hold joint meetings. The book does not deal with the Jewish Leadership Council, a charity bringing together the major British Jewish organisations to work for the good of the British Jewish community; it has Constituent Members, a Council and Trustees: www.thejlc.org/.



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Congregations (founded 1926), which is an umbrella organisation of Haredi communities in London and Manchester (so-called 'Strictly' or 'Ultra-Orthodox'); it seeks 'to protect traditional Judaism', with nearly 90 affiliated synagogues (and over 6,000 members) under the authority of its own Rabbinate. 30 Secondly, the United Synagogue of Conservative Judaism (based in New York) has communities (kehillot) in Britain which offer 'dynamic, pluralistic, accessible, egalitarian and traditional' Iudaism;³¹ and the World Council of Conservative-Masorti Judaism (Masorti Olami), otherwise known as World Council of Conservative Synagogues (established 1957 in New York).³² Thirdly, there is the Movement for Reform Judaism, a national umbrella organisation of 41 autonomous synagogues, among which Finchley Reform Synagogue, Brighton and Hove Reform Synagogue, North London Reform Synagogue and Sukkat Shalom Reform Synagogue Wanstead are studied here.³³ Also studied is the Union of Liberal and Progressive Synagogues (founded 1902) - part of global Liberal Judaism, this seeks 'continuity of Jewish faith, tradition, practice and ethics within a contemporary framework', with 30 or so congregations in the United Kingdom;³⁴ members studied include Elstree Liberal Synagogue, Peterborough Liberal Jewish Community and Wessex Liberal Jewish Community. 35 Other local synagogues are also studied.³⁶

³¹ United Synagogue of Conservative Judaism (USCJ): www.uscj.org/; it succeeds the United Synagogue of America (incorporated 1916).

32 Masorti Olami is an International Jewish Organization within the World Zionist Organization.

³³ Movement for Reform Judaism (MRJ): www.reformjudaism.org.uk/. The Associated British Synagogues was founded in 1942, later renamed the Associated Synagogues of Great Britain, and in 1958 adopted the name Reform Synagogues of Great Britain, which in 2005 became the Movement for Reform Judaism.

³⁴ Union of Liberal and Progressive Synagogues (ULPS): Affirmations of Liberal Judaism (London: revised edn, 2006) Preamble. The head office is in London. It is linked to the World Union for Progressive Judaism.

35 Liberal Judaism and the Movement for Reform Judaism have created an alliance, accounting for about one third of synagogue-affiliated Jews in the UK in 82 communities (but these remain within their respective movements), for collaboration in such areas as student chaplaincy and social justice: ULPS: www.liberaljudaism.org/what-we-do/alliance-for-progressive-judaism/.

36 These include Norwich Hebrew Congregation, North Hendon Adath Yisroel Synagogue, Cambridge Traditional Jewish Congregation and Exeter Hebrew Congregation.

³⁰ Board of Deputies of British Jews (BDBJ) (www.bod.org.uk/jewish-facts-info/jews-in-numbers/) classifies the Union of Orthodox Hebrew Congregations (UOHC) as 'Strictly Orthodox'. Its synagogues constitute some 37.4 per cent of all British synagogues. Its spiritual leadership is in the hands of its Rabbinate led by the Av Beis Din.



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The Christian churches and other organisations studied are similarly from a range of traditions represented in British society - Episcopal, Presbyterian and Congregational. From the Episcopal tradition (in which a church is led by bishops) is, first, the Catholic Church, composed of the Roman or Latin Church and the Oriental Churches, a global communion with the papacy in Rome at its centre.³⁷ Oriental Catholic Churches are distinct from Orthodox Christianity; that is, they are a family of churches worldwide but with no central system of government; the Oriental Catholic Churches are not included in this study, though occasional mention is made of Orthodox Churches.³⁸ Secondly, there are those Episcopal churches that belong to the worldwide Anglican Communion (a fellowship of autonomous churches most of which, institutionally, are historical derivatives of the Church of England which was established following separation from Rome in the 1530s during the Reformation).³⁹ They include the established Church of England, disestablished Church in Wales, Scottish Episcopal Church and, as it straddles Northern Ireland and Ireland, the Church of Ireland - the similarities between their laws and those of others in the global Anglican Communion have been articulated in the Principles of Canon Law Common to the Churches of the Anglican Communion (2008).40 Moving to the Protestant churches, products of the sixteenth-century Reformation and beyond, are the minority Lutheran Church in Great Britain⁴¹ and, originally an eighteenth-century development, the Methodist Church in Great Britain and the Methodist Church in Ireland (which, again, straddles Northern Ireland and Ireland).⁴² As well as the

³⁸ For Orthodox canon law, see N. Doe, *Christian Law* (2013).

The Principles of Canon Law Common to the Churches of the Anglican Communion (London: Anglican Communion Office, 2008).

⁴² Methodism was inspired by John and Charles Wesley: salvation by God's grace was possible for all.

³⁷ Catholicism embraces Christians in communion with the Pope. The Catholic Church (Latin and Oriental), with the Pope at its head, has a hierarchy of bishops and priests who are regarded as having authority entrusted by Christ to the Apostles and to St Peter in particular whose successor is conceived to be the Pope. Doctrinally, it adheres to tradition and the teaching authority of the church.

³⁹ The Communion has 44 churches worldwide in communion with the See of Canterbury: see N. Doe, Canon Law in the Anglican Communion: A Worldwide Perspective (Oxford: Clarendon Press, 1998).

Central to Lutheranism, which began with Martin Luther (sixteenth century), are justification by faith, preaching the gospel and administration of the sacraments, received in faith without any human merit.