
Canon law, and ecclesiastical law more generally, have been described as a form of ‘applied ecclesiology’ in that they systematically articulate the self-understanding of a Church by means of its instruments of internal governance and regulation. The formulation, ordering and indeed the very language of a Church’s laws are steeped in doctrine and are expressive of the aspirations and expectations of its membership and leadership, and of its relationship with the wider world and that world’s secular organs of government in particular. Despite its title, however, this new work by Julian Rivers, is not concerned with the specific laws of organized religions, by which one generally mean the regulatory provisions created by Churches for the admission and expulsion of members, for the declaration and maintenance of doctrine, and for prescribing rites, liturgies and other means by which private faith is made manifest in the public square. For the canon law of the Roman Catholic Church and of the Church of England; the constitutions of the Church in Wales, the Baptist Union, the Methodist Church, the United Reformed Church and the Society of Friends; and the Torah and Sharia one must look elsewhere. For Rivers’ study is not of these laws but of the *ad hoc* secular civil law made by the State which, whether expressly or by implication, has a bearing on their operation: sometimes facilitative (such as the granting of legal personality or charitable status) and sometimes restrictive, such as planning control or health and safety provisions.

It is in the assimilation, description and analysis of this dispersed corpus of the law of the United Kingdom which affects organized religions that the substantial achievement of this book is to be found. The lengthy and well-researched Bibliography which is included at the end of Rivers’ book says something of the expansion in recent scholarship in the field of law and religion. This is of enormous value to the reader, collating the burgeoning literature with well-judged thoroughness, although the comparative brevity of the Index does make navigating the text something of a challenge. The subject matter of *The Law of Organized Religions* is what German scholars would classify as *Grundlagen des Staatskirchenrechts*, the fundamentals of

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the law of the State which affect religion. Whilst this is a mainstream subject in public law courses in continental universities, particularly those which currently or formerly enjoyed a concordatian relationship with the Holy See whereby the Catholic Church was afforded a special status in consequence of high level treaty obligations on the part of the government, the systematic analysis of English law in this field remains in its infancy.

Chapter 1, unsurprisingly, is an historic overview of the Changing Law of Church and State: something of a romp, as Rivers takes as his starting point the arrival of the Romans in Celtic Britain in AD 43. This is a vast subject, meriting a multi-volume work in its own right, but Rivers’ coverage strikes an appropriate balance between depth and pace, giving sufficient history to frame and support the substantive legal analysis which is to follow, without becoming sidelined in the more recondite areas which have little resonance in contemporary English jurisprudence. The emphasis on particular events and places reflects something of the interests of the author, but the coverage is teasingly selective, moving the reader into and beyond the Norman Conquest to the political, sociological and cultural watershed of the Tudor Reformation. The foundations of the present regulatory systems have their origins at the end of the seventeenth century and this is given a mature and insightful treatment, under the theme of toleration which became the hallmark of the distinctively British route to religious pluralism. At p. 25, Rivers boldly states that ‘[a]fter 1870, English law began to move beyond religious pluralism into a more thoroughgoing process of secularization.’ Whilst it is true that established churches subsequently enjoyed an increasing measure of independence from State control, and that the Church of Ireland and the Church in Wales were reconstituted as autonomous Anglican provinces, the relaxing of certain of the privileges which attached to the established church can hardly be described as a process of constitutional secularisation. The fact that so many indicia of establishment still exist nearly a century and a half later, evidenced not least by the House of Lords Reform Draft Bill presented by the Deputy Prime Minister in May 2011 (which commended the retention of a reduced cadre

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3) Cm 8077/2011: In an 80% elected House of Lords, the Government proposes that there would be up to 12 places for representatives of the Church of England: summary p. 8. For a detailed discussion, see paras 91 to 103.