

Legal challenges to female leadership in the Church of England: The Mullally case

December 12, 2025

On October 2, 2025, King Charles III confirmed the appointment of Sarah Mullally (63), former Bishop of London, as Archbishop of Canterbury, amid intense institutional and canonical pressure. Her election, which follows the resignation of Archbishop Justin Welby, who was criticized for his handling of internal procedures and lack of transparency, and confirmed by the prime minister on behalf of the sovereign, highlights the legal and canonical significance of the new leadership, but has nevertheless provoked diverse and conflicting reactions¹. While some emphasize the significant turning point represented by the election, for the first time in the history of the Church of England, of a woman as its representative and who, in chronological order of succession, will be the 106th bishop to sit on the primate's throne of the Anglican Communion, others complain that it is contrary to tradition. The announcement of her official installation², scheduled for March 2026 in Canterbury Cathedral—a moment that will mark the beginning of a new era for the Church of England³—has already met with strong criticism, especially from the more conservative sectors of the Anglican Communion, who perceive her election as a radical change⁴.

To fully understand the bishops' choice in appointing her as primate, it is useful to briefly outline her previous career. Before entering the church, the bishop-elect worked as a cancer nurse in the *National Health Service* and served as *Chief Nursing Officer*⁵. After her ordination in 2012, she took on the role of Canon Treasurer at Salisbury Cathedral and in 2015 was consecrated Bishop of Crediton, in the Diocese of Exeter, one of the first women to be appointed bishop after the change in the rules. In 2018, she was transferred to London, the third most important position in the Church of England (after Canterbury and York), succeeding Richard Chartres⁶. As Bishop of London, she has been a prominent figure, but her new mandate will be particularly delicate, as it coincides with a time of intense pressure on the Church due to past scandals.

In her first public speech since her appointment, Mullally reiterated her commitment to promoting protection, listening, and inclusive leadership, declaring herself ready to —*confront the mistakes of the past* and rebuild trust⁷. This position highlighted how her election was also interpreted as an institutional signal: a concrete response to accusations of lack of transparency and an attempt to inaugurate a new course of governance characterized by rigor, pastoral care, and moral regeneration⁸. In this same vein, she stated that, «*in responding to Christ's call to this new ministry, I do so with the same spirit of service to God and others that has motivated me since I embraced the faith as a teenager. At every stage of this journey, through my nursing career and Christian ministry, I have learned to listen deeply—to people and to God's gentle promptings—seeking to bring*

people together to find hope and healing. I simply want to encourage the Church to continue to grow in confidence in the Gospel, to speak of the love we find in Jesus Christ, and to allow ourselves to be shaped by it in our actions. And I look forward to sharing this journey of faith with millions of people who serve God and their communities in parishes across the country and in the Anglican Communion around the globe».

Given her previous professional experience, combined with her ecclesiastical career, her ministry already seems to be characterized by a focus on service and care, values that can translate into leadership attentive to both pastoral and disciplinary and legal aspects⁹. Her election also comes at a complex time internationally, with divisions in the Anglican Communion, especially with conservative African provinces that have expressed reservations about female leadership and some ethical and doctrinal positions. This highlights how Mullally's challenge is also to maintain regulatory consistency and church unity while respecting internal pluralism. The significance of her appointment is therefore twofold: on the one hand, it represents a symbolic break with centuries of male dominance in the ecclesiastical hierarchy; on the other, it draws the attention of canonists and ecclesiastical practitioners to the practicality of disciplinary procedures, the protection of the most vulnerable, and episcopal responsibility.

In this perspective, she represents —an undisputed spiritual guide, and at the same time a crucial point of reference, a compass [...] for the theological-social interpretation of the human events she faces and manages in the exercise of [...] governance¹⁰, constituting a point of balance for the system.

However, the appointment of the Archbishop of Canterbury, which represents not only a historic event of great symbolic significance but also a legal and canonical challenge, will have to face several critical issues, not least, as mentioned, the significant resistance to the innovations that the contemporary Anglican system has introduced in order to ensure the effectiveness of canonical norms and the protection of vulnerable individuals.

From a legal point of view, the most relevant legislation in this context is the *Safeguarding and Clergy Discipline Measure 2016*¹¹, which requires holders of ecclesiastical office to act with —due regard to the guidelines of the House of Bishops, giving these guidelines binding force and defining as misconduct any substantial violation of safeguarding policies, as well as failure to cooperate with civil authorities¹². The *Clergy Conduct Measure* supplements this disciplinary framework by typifying unlawful conduct, including negligence in the exercise of safeguarding duties and abuse of pastoral authority, with express reference to the *Canons of the Church of England*¹³. The reorganization of ecclesiastical jurisdiction, carried out by the *Ecclesiastical Jurisdiction Measure 2018*, has also redefined the ecclesiastical courts, in particular the Court of Arches, presided over ex officio by the Archbishop of Canterbury, and has clarified the procedural tasks, powers, and guarantees for the protection of the parties involved¹⁴. Mullally, as Primate of the Church of England and President of the High Courts, therefore assumes not only a pastoral but also a legal role,

being called upon to ensure consistency in the application of the rules, the effective implementation of protective measures, and the fairness of disciplinary procedures in the dioceses.

To understand the implications of the above, it is useful to read the regulatory framework through a comparative analysis, which highlights, as pointed out by Italian doctrine, the importance assigned to the renewal of internal structures to ensure the accountability of ecclesiastical authority¹⁵ and the protection of vulnerable individuals, unlike what is seen in other Christian churches. In particular, it should be noted that the formalization of internal rules on the subject is an essential prerequisite, not only to ensure the effectiveness of ecclesiastical justice¹⁶ and the proper exercise of government, but also to promote internal governance¹⁷ of religious denominations based on greater pluralism and the need to maintain a balance between denominational requirements and gender equality. These elements are particularly significant for interpreting recent reforms and decisions, such as the appointment of Sarah Mullally, with a view to responsible ecclesiastical leadership, expressed in a feminine key and consistent from a legal point of view¹⁸. The comparative approach suggests that the new leadership could constitute a model of governance open to the new sensibilities of the times, in which legal responsibility, the effectiveness of canonical norms, and pastoral care do not exclude the necessary updating, through a more careful reconsideration of women's ministry in the life and action of the churches.

In conclusion, the appointment of Sarah Mullally is not only a historic first, but also a test case for the Church of England, offering a privileged vantage point from which to understand how the Anglican system is addressing the challenges of protection, discipline, and management of government functions in a rapidly changing ecclesial context.

Désirée Pappalardo

¹ https://www.ansa.it/sito/notizie/mondo/2025/10/03/rioluzione-nella-chiesa-anglicana-eletta-una-donna-allaguida_c8731fae-4841-4a82-8670-41453e92380.html

² For an analysis of the institutional and symbolic role of Anglican primacy in relation to the state, compared with continental models of secularism, see ALESSANDRO TIRA, —Fidei Defensor. Il Carlo III tra religione e diritto, Turin, Giappichelli, 2025.

³ <https://www.vaticannews.va/it/chiesa/news/2025-10/chiesa-inghilterra-donne-diritti.html>

⁴ <https://www.osservatoreromano.va/it/news/2025-11/dcm-010/una-donna-arcivescova-di-canterbury-tra-attese-eresistenze.html>

⁵ <https://www.theguardian.com/world/2025/oct/03/sarah-mullally-named-first-female-archbishop-of-canterbury>

⁶ <https://www.terrasanta.net/2025/10/londra-il-nuovo-primate-anglicano-e-sarah-mullally/>

⁷ https://www.repubblica.it/esteri/2025/10/03/news/sarah_mullally_chi_e_donna_capo_chiesa_inghilterra42488221

⁸ <https://it.euronews.com/2025/10/03/sarah-mullally-eletta-arcivescova-di-canterbury-e-la-prima-volta-che-una-donna-ottiene-lin>

⁹ For further information on the law of the Church of England and the institutional dynamics of Anglicanism, see, among Italian scholars: SILVIO FERRARI, Diritto della Chiesa d'Inghilterra (Law of the Church of England), in *Digesto delle Discipline Privatistiche – Sezione Civile* (Digest of Private Law – Civil Section), UTET, Turin, 1991; as well as SILVIO FERRARI– CRISTIANA CIANITTO, Il diritto della Chiesa d'Inghilterra (The Law of the Church of England), in S. FERRARI – A. NERI (eds.), *Introduction to Comparative Law of Religions*, Eupress-FTL, Lugano, 2007.

¹⁰ FABIANO DI PRIMA, Marriage and the Church of England Today, in Jus-Online, July 2015, available at: https://jusvitaepensiero.mediabiblos.it/news/allegati/DiPrima_Matrimonio_e_Chiesa_JusOnline_201507.pdf

¹¹ Safeguarding and Clergy Discipline Measure 2016, s.1(1): obligation of office holders to comply with episcopal guidelines.

¹² SCdM 2016, s.6(3)(a–b): configuration of misconduct for significant violations of safeguarding policies and failure to cooperate with civil authorities.

¹³ Clergy Conduct Measure, s.2(1); Canons of the Church of England, C26, C30: definition of the duties of clergy and obligations of cooperation.

¹⁴ *Ecclesiastical Jurisdiction Measure 2018*, ss.3–5 e 9–13: struttura e funzioni dei tribunali ecclesiastici e della *Court of Arches*.

¹⁵ See ANTONIO INGOGLIA, GIUSEPPE LA BARBERA, Conflict and balance in canon law, between blank criminal law and the principle of legality, *Il Diritto Ecclesiastico*, CXXXII (1 2), 2021, pp. 103116.

¹⁶ On the subject of ecclesiastical responsibility, the internal regulatory structure of religious denominations, and the legal instruments designed to guarantee the protection and effectiveness of government functions, see MARIA D'ARIENZO, Legal responsibility and compensation for damage in the canonical sanctioning system, in *Stato, Chiese e pluralismo confessionale*, no. 32/2015; *ibid.*, Entities of religious denominations other than Catholicism. Institutional dialogue and administrative practice, in *State, Churches and Confessional Pluralism*, no. 13/2022; *ibid.*, The inter-institutional responsibility of ministers of worship. Comparative profiles, report presented at the Conference at the University of Macerata, March 4, 2019.

¹⁷ For further information on the legal responsibility of religious bodies, religious freedom, and civil ecclesiastical law procedures—issues closely related to internal governance and the protection of vulnerable individuals—see ANTONIO FUCCILLO, RAFFAELE SANTORO, *Justice, Law, Religions. Paths in living civil ecclesiastical law*, Turin, Giappichelli, 2014.

¹⁸ MARIO G. FERRANTE, The criminal liability of legal persons in canon law, *Aracne*, Rome 2013; MARIA D'ARIENZO, *State, Churches, and Confessional Pluralism*, *Journal —State, Churches, and Confessional Pluralism*, 27/2012.