All Christians are called to pray. The daily offering of Morning and Evening Prayer is a particular obligation of the clergy of the Church of England, as part of the 'manner of life of clerks' laid down in Canon C26. Despite the significant time devoted to these prayers by the clergy on a daily basis, there has been little detailed examination of this canonical obligation. This article explores the historical background to the obligation and its effect today.

Keywords: Church of England, liturgy, ministry

Canon C26(1) provides that ‘Every clerk in Holy Orders is under obligation, not being let by sickness or some other urgent cause, to say daily the Morning and Evening Prayer, either privately or openly.’ I begin by briefly examining some of the historical antecedents of this obligation. I then consider its purpose, whom the obligation binds, the meaning of the phrase ‘privately or openly’, the forms of service that may be used to fulfil the obligation, the meaning of the word ‘say’, the language that may be used, the possible exceptions to the obligation, and the means by which the obligation may be enforced. I then discuss the additional obligations relating to Morning and Evening Prayer which fall upon a minister with a cure of souls. I conclude with some thoughts about the place of the obligation in the church today.
THE HISTORICAL ANTECEDENTS OF THE OBLIGATION

One of the earliest statements of the obligation on the clergy to recite the daily prayers is found in the Code of Justinian in the 6th century:

We further decree that all clergymen in every church shall personally chant the nocturnal, morning, and vesper prayers, and (thereby) shall not appear to be clergy merely by their use of ecclesiastical property, bearing the title but neglecting the duty of a clergyman to the service of the Lord God… and those who are not found to have blamelessly acquitted themselves of their service shall be removed from the clergy.¹

It should be noted that already at this date the obligation to offer prayers personally, rather than by hired proxies, is seen as essential to the office of clergy. Those who do not do so merely ‘appear’ to be clergy, and can be removed from the clerical state.

In 1215, the fourth Lateran council stated

We… strictly command in virtue of obedience that [clerics] celebrate diligently and devoutly the diurnal and nocturnal offices so far as God gives them strength.²

By this time, the term ‘office’ (officium) was used to refer to the daily prayers of the clergy, implying in the very word that these prayers are part of the duty of the clergy. The pastoral concession ‘so far as God gives them strength’ indicates that the duty is not absolute, but tempered by such limits as physical health.

In England, the 1529 Canons assume the divine office is said by the clergy, and further order the clergy to spend 2-3 hours in Scripture study, or reading the doctors, daily– failure to do so was to be punished by the ordinaries during their visitations.³

² Lateran IV, Can 17.
The 1662 *Book of Common Prayer*, in common with earlier editions, states that ‘all Priests and Deacons are to say daily the Morning and Evening Prayer either privately or openly, not being let by sickness, or some other urgent cause.’

### THE PURPOSE OF THE OBLIGATION

The *Book of Common Prayer* approvingly explains that the ‘ancient Fathers’ ordered the daily prayers of the church so that the clergy ‘should (by often reading, and meditation in God’s word) be stirred up to godliness themselves and be more able to exhort others by wholesome Doctrine, and to confute them that were adversaries to the Truth.’ John Cosin, the 17th century Bishop of Durham, called the obligation to recite the daily prayers of the church ‘a precept the most useful and necessary of any other that belong to the ministers of God.’

More recently, a 2015 Act of Convocation declared the Daily Office to be an ‘essential’ foundation of ministry: ‘The given daily prayer of the Church (the Daily Office) is one of the essential foundations of confident ministry centred on Christ, using the resources of the Church such as the *Book of Common Prayer*, *Common Worship*, or other authorized forms of the office.’ The date and formal status of this document should give reassurance, if any were needed, that the obligation is not an otiose or archaic provision.

### WHOM DOES THE OBLIGATION BIND?

According to the Prayer book of 1549, only clergy who served a congregation were bound to say Matins and Evensong. In the later Prayer books, the instruction to say daily the Morning and Evening Prayer is extended to ‘all Priests and Deacons.’ The current Canon C26 makes it clear that the obligation extends to bishops as well, binding ‘every clerk in Holy Orders.’

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4 ‘Concerning the Service of the Church’, *Book of Common Prayer* 1662.  
5 Ibid.  
9 ‘Concerning the Service of the Church’, *Book of Common Prayer* 1662.
Whereas certain canons are concerned only with ministers who hold ecclesiastical office (e.g. C28 Of the occupations of ministers), Canon C26 includes no such restriction. It binds all clergy, even after resignation, retirement, or suspension.

PRIVATELY OR OPENLY

The obligation is fulfilled by saying Morning and Evening Prayer either ‘privately or openly’. The daily office said privately might be said alone, but is not necessarily so: praying at home with family or friends would be a case of fulfilling the obligation privately rather than openly.

The Declaration of Assent made by clergy states ‘in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by Canon,’ However, Morning and Evening Prayer are forms of service according to Canon B1(1), and by Canon B1(2), ‘Every minister shall use only the forms of service authorized by this Canon, except so far as he may exercise the discretion permitted by Canon B5.’ The obligation to say daily the Morning and Evening Prayer therefore requires the use of authorized or allowed forms of service even if said privately.

AUTHORISED FORMS OF SERVICE

Four authorised forms of service fulfil the obligation at the time of writing:

i. Morning and Evening Prayer in the Book of Common Prayer. These forms of service are what the canonical obligation is primarily referring to.

ii. The forms of service in (a) may be varied according to the ‘Schedule of permitted variations to the Book of Common Prayer Orders for Morning and Evening Prayer’ authorised by the General Synod for use from December 2000.

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11 See also the definition of ‘form of service’ in the Measure which enables this Canon, in Worship and Doctrine Measure 1974 s5(2).
iii. The shortened forms of Morning and Evening Prayer which were set out in the Schedule to the Act of Uniformity Amendment Act 1872.  

iv. A Service of the Word. This service was authorized for use from December 2000 as part of the Common Worship family of services. It ‘consists almost entirely of notes and directions and allows for considerable local variation and choice within a common structure.’ In the notes to the service is stated, ‘This service is authorized as an alternative to Morning Prayer and Evening Prayer.’

A form of the daily office frequently used by clergy is found in the book (or smartphone app) Common Worship: Daily Prayer. This book was published at the request of the House of Bishops of the General Synod of the Church of England. The forms of Morning and Evening Prayer contained in this book are not themselves authorized, but are said to conform to the notes and directions for ‘A Service of the Word’– and therefore to be examples of services permitted under that authorization.

VARIATIONS TO THE AUTHORISED FORMS OF SERVICES

At one time, it was held that ‘uniformity ... is one of the leading and distinguishing principles of the Church of England - nothing is left to the discretion and fancy of the individual.’ This is, however, no longer the approach of the Church of England, and the authorized services do not always have to be followed with unvarying strictness. Canon B5 provides that ‘The minister who is to conduct the service may in his discretion make and use variations which are not of substantial importance in any form of service authorized by Canon B1 according to particular circumstances.’ The canon continues ‘All variations in forms of service and all forms of service used under this Canon shall be reverent and seemly and shall be neither

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13 See Canon B1(1)(b).
15 Common Worship p 26. It should be noted, therefore, that ‘A Service of the Word’ is authorized as an alternative to Morning and Evening Prayer not only for the purposes of Canon C26. Wherever the law of the Church of England refers to Morning or Evening Prayer, ‘A Service of the Word’ may be used as an alternative (subject to the provisions of Canon B3, ‘Of the form of service to be used where alternative forms are authorized.’)
16 Newbery v. Goodwin (1811) 1 Phillim 282 at 282f.
17 Canon B5(1).
contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.¹⁸

It may seem odd to consider what variations to the authorised forms of service of Morning and Evening Prayer are allowed. ‘Common Worship: A Service of the Word’, described above, already provides remarkable latitude as an authorized form of service. Nevertheless, there may be occasions when a minister wishes to vary the form of service even beyond what is authorized in ‘A Service of the Word.’ We can take a single example. Note 5 to ‘A Service of the Word’ states, ‘The readings are taken from an authorized lectionary during the period from the Third Sunday of Advent to the Baptism of Christ, and from Palm Sunday to Trinity Sunday.’ This note appears to cause a problem for those clergy who wish, for example, to use traditional monastic patterns of the daily office, where Morning and Evening Prayer (also known as Lauds and Vespers) are rich in psalmody and canticle but include only one short biblical reading. In this pattern, the fuller diet of Scripture is provided for at a separate Office of Readings. This is the daily practice at many Anglican Benedictine and other religious communities. While in other respects this daily office may fulfil the criteria for ‘A Service of the Word’, an authorized lectionary is not used at Morning and Evening Prayer.

Nevertheless, we have reason to believe that such a variation from Note 5, quoted above, is, in fact, permitted. Common Worship: Daily Prayer itself states ‘the Common Worship weekday lectionary may be used at Prayer During the Day, whilst the short reading set for Prayer During the Day may be used within Morning or Evening Prayer.’¹⁹ This option provides exactly for the ‘monastic’ pattern of the daily office described above, but following it would mean the service no longer conforms to the use of any authorized lectionary. If this is permitted, it can only be because such a variation is allowed under Canon B5. Common Worship: Daily Prayer accordingly states that ‘Use of other material in Common Worship: Daily Prayer falls within the discretion canonically allowed to the minister under Canon B5’²⁰— and because Common Worship: Daily Prayer is published at the request of the House of Bishops, this interpretation of Canon B5 presumably carries with it the authority of the House of Bishops.²¹

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¹⁸ Canon B5(3).
¹⁹ Common Worship: Daily Prayer, p xi.
²⁰ Ibid, p 877.
²¹ In Re St John the Evangelist, Chopwell [1995] Fam 254, Bursell Ch. states that ‘the final arbiter of the legality of any such variation or service used pursuant to Canon B5, paragraphs 1 and 2, is the ecclesiastical court.'
If this holds true for *Common Worship: Daily Prayer* it can be used for other interpretations of ‘A Service of the Word.’ Ordained members of Benedictine and other religious communities can, therefore, fulfil their obligation by use of services in the ‘monastic’ pattern. This same pattern (where longer bible passages are read in an Office of Readings separate from Morning and Evening Prayer) is also found in the Roman breviary. This pattern, if prayed by clergy of the Church of England for ecumenical reasons, could on the above argument be compatible with ‘A Service of the Word’, and enable such clergy to fulfil their obligation.

**THE MEANING OF THE WORD ‘SAY’**

‘Saying’ Morning or Evening Prayer does not necessarily mean officiating at the service. Being present in the congregation and making the responses has always been understood as fulfilling the obligation, and indeed to pray with others is generally preferable.

The notes to *Common Worship: Daily Prayer* say, ‘In the rubrics, ‘said’ and ‘sung’ are interchangeable.’ Canon B11 also refers to the services of Morning and Evening Prayer in church as being ‘said or sung’. The word ‘say’ in Canon C26 should be understood as including singing.

On several occasions, the order for Morning and Evening Prayer in the BCP specifies that ‘a loud voice’ be used. This may be thought unsuitable when saying the office on public transport, and appropriate adaptation may be required. *Common Worship: Daily Prayer* recommends, but does not require, praying aloud when alone, leaving open the option of

Nevertheless, because of the commendation of [certain] service books by the House of Bishops, it is extremely unlikely that any ceremony enjoined within them will be contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter.” The same principle would doubtless apply to variations found in *Common Worship: Daily Prayer.*

22 We have considered the example of authorized lectionaries, and the way in which *Common Worship: Daily Prayer* indicates the extent to which Canon B5 allows variation from the use of those lectionaries. A parallel example is the requirement of ‘A Service of the Word’ that authorized Collects must be used. It appears that this rule too can be varied, as in *Common Worship: Daily Prayer* some of the services said to be ‘within the discretion canonically allowed to the minister under Canon B5’ do not use an authorised Collect (e.g. Night Prayer in CW:DP pp 344–355).

23 *Guidelines for the Professional Conduct of the Clergy*, 7.2.

purely mental prayer when necessary.\textsuperscript{25} When Morning and Evening Prayer are required to be said in a church or cathedral, however, they must be said or sung ‘distinctly, reverently, and in an audible voice.’\textsuperscript{26}

In response to the restrictions on public worship during part of 2020, many parishes in the Church of England made greater use of online services, including, for example, Morning Prayer said over video-conferencing platforms such as Zoom or Google Meet. This would seem to be another adaptation necessary to circumstance, just as forms of services have to be adapted to the circumstance of praying alone.\textsuperscript{27}

**THE LANGUAGE TO BE USED**

The *Book of Common Prayer* orders that ‘when men say Morning and Evening Prayer privately, they may say the same in any language that they themselves do understand.’\textsuperscript{28} Canon B42 also considers the use of languages other than English.

The authorised Latin translation of the 1662 *Book of Common Prayer*\textsuperscript{29} was edited by Jean Durel and published in 1670.\textsuperscript{30} Latin services have frequently taken place in the Church of England since the Reformation\textsuperscript{31}—they have in practice used one of a number of translations of authorized services.\textsuperscript{32}

\textsuperscript{25}‘Even when praying alone, individuals may find that their act of praise and prayer is transformed by reading aloud.’ *Common Worship: Daily Prayer* p xv. We can also compare the Roman Catholic *General Instruction of the Liturgy of the Hours*, (Liturgy Office of England and Wales, 1974) s. 103, which contemplates occasions when the psalm ‘is said silently in private.’

\textsuperscript{26}See Canons B10 and B11.

\textsuperscript{27}As early as 1997, the Legal Advisory Commission were considering the adaption of services to use modern technology, see the ‘Legal Opinion on Baptism: the presence of godparents at baptism’ at <https://www.churchofengland.org/about/leadership-and-governance/legal-services/legal-opinions-and-other-guidance/legal-opinions#calibre_link-51> accessed 3 June 2021.

\textsuperscript{28}‘Concerning the Service of the Church’, *Book of Common Prayer* 1662.

\textsuperscript{29}A translation required by the Act of Uniformity 1662, in which s 14 provided ‘that it shall and may be lawfull to use the Morning and Evening Prayer and all other Prayers and Service prescribed in and by the said Booke in the Chappells or other publique places of the respective Colledges and Halls in both the Universities in the Colledges of Westminster Winchester and Eaton and in the Convocations of the Clergies of either Province in Latine Any thing in this Act contained to the contrary notwithstanding.’


\textsuperscript{31}Canon B42 now permits Latin to be used in ‘Provincial Convocations; Chapels and other public places in university colleges and halls University churches; The colleges of Westminster, Winchester and Eton; Such other places of religious and sound learning as custom allows or the bishop or other the Ordinary may permit.’

\textsuperscript{32}The translation most commonly used since the publication of its first edition in 1865 is by Bright and Medd.
Canon B42(3) sets out a procedure whereby translations of authorized services into other language can be approved— but, aside from Latin, no authorized translations of Morning and Evening Prayer have been published at the present time.

Therefore, in order to avail themselves of the permission granted by the Book of Common Prayer to use languages other than English (in private), clergy will need to use the discretion permitted by Canon B5 in selecting the most appropriate translation available.

“LET BY SICKNESS OR SOME OTHER URGENT CAUSE”

The 1662 Prayer book and canon C26 both except clergy from the obligation when they are let (that is to say, hindered) by ‘sickness or some other urgent cause.’ The word ‘urgent’ carries the sense of an immediate need.

We can compare this exception to similar provisions in the canon law of other churches. In the Anglican Church of Southern Africa, for example, Canon C24.1 orders that every cleric should say the daily Morning and Evening Prayer ‘in the absence of reasonable hindrance.’ In the Roman Catholic Church, the Congregation for Divine Worship has stated ‘A serious reason, be it of health, or of pastoral service in ministry, or of an act of charity, or of fatigue, not a simple inconvenience, may excuse the partial recitation and even the entire Divine Office… If a priest must celebrate Mass several times on the same day or hear confessions for several hours or preach several times on the same day, and this causes him fatigue, he may consider, with tranquillity of conscience, that he has a legitimate excuse for omitting a proportionate part of the Office.’

ENFORCEMENT

Disciplinary proceedings under the Clergy Discipline Measure 2003 may be instituted against a member of the clergy for ‘failing to do any other act required by the laws ecclesiastical,’\(^{34}\) which could include a failure to fulfil the obligations of Canon C26. However, the Clergy Discipline Measure ‘deals only with allegations of misconduct which are serious in nature,’\(^{35}\) and allegations respecting the obligation to say Morning and Evening Prayer may not always pass this test, especially if they solely concern a minister’s private devotions.\(^{36}\) Furthermore, if the proceedings relate to matters involving doctrine, ritual, or ceremonial, they are to be determined by the Ecclesiastical Jurisdiction Measure 1963. In practice, it seems unlikely that either Measure would be used to enforce the daily obligation to pray Morning and Evening Prayer.\(^{37}\)

Enforcement therefore principally takes place \textit{in foro conscientiae}, that is, the conscientious desire of the clergy to carry out the duties of their office. It is hoped that this essay may contribute to the informing of consciences, so that clergy may be better able to fulfil their obligation.

In addition, there are certain ways in which the obligation may feature in the oversight and education of the clergy. The practice of the daily office is part of the formation of those preparing for ordained ministry in the Church of England: ‘Ordained ministers are sustained by disciplined personal and corporate prayer shaped by the responsibilities of public ministry and corporate worship in the tradition of the Church of England.’\(^{38}\) The purpose of the daily office, and the obligation laid upon clergy, can be included in programmes of Continuing Ministerial Education, as exemplified by the presence of Canon C26 and other canons in

\(^{34}\) Clergy Discipline Measure 2003 s 8(1)(b).

\(^{35}\) Clergy Discipline Measure 2003: Code of Practice, April 2021, p 14. This latest revision includes a suggested procedure for the resolution of minor complaints, formulated by a working party of the Ecclesiastical Law Society and endorsed by the Clergy Discipline Commission.

\(^{36}\) Nevertheless, private devotions might in theory be the subject of clergy discipline. In \textit{Rector and Churchwardens of Capel St. Mary, Suffolk v. Packard} [1927] P 289, certain books used by the Rector for private devotions were alleged to be contrary to the doctrine of the Church of England. In his judgment, the Dean of Arches stated, ‘I do not think it would be right to interfere with the Rector's private devotions.’ However, that reluctance may relate solely to the faculty jurisdiction, as he went on to say, ‘If action is to be taken with reference to these books or their use, as is conceivable, that seems to me to be a disciplinary matter with which the Bishop must deal.’ Furthermore, the Guidelines for the Professional Conduct of the Clergy 2015 state at s 10.1 that ‘there is no separation between the public and home life of the clergy.’

\(^{37}\) The use in public prayer of forms of service which are not authorized or allowed by canon would also constitute a breach of the Declaration of Assent. For a discussion of the effect of this, see R Bursell, ‘The Clerical Declaration of Assent’, (2016) 18 Ecc LJ 165-187.

MORNING AND EVENING PRAYER IN CHURCHES AND CATHEDRALS

As we have seen, the obligation in Canon C26 binds all clergy of the Church of England. An additional duty is imposed upon a priest having a cure of souls in Canon C24:

Every priest having a cure of souls shall provide that, in the absence of reasonable hindrance, Morning and Evening Prayer daily and on appointed days the Litany shall be said in the church, or one of the churches, of which he is the minister.41

We should note that the obligation here is not that the priest should officiate or be present at these services, but that the priest should provide for these services to be said. The ‘reasonable hindrance’ of this canon seems a lower bar than the ‘urgent cause’ of Canon C26. The Book of Common Prayer suggests that the priest’s absence from home may count as a ‘reasonable hindrance’ to Morning or Evening Prayer being said in church.42

Canon B11 lays down slightly different requirements from Canon C26 about when Morning and Evening Prayer must be said in churches. On Sundays and certain other days, Morning and Evening Prayer must be said in church, but on other days, following certain consultations, these services may take place ‘elsewhere as may best serve to sustain the corporate spiritual life of the benefice (or benefices) and the pattern of life enjoined upon ministers by Canon C 26.’43 Furthermore, instead of the ‘reasonable hindrance’ of Canon

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40 See Ecclesiastical Offices (Terms of Service) Regulations 2009, Reg. 18.
41 Canon C24(1).
42 ‘And the Curate that ministereth in every Parish-Church or Chapel, being at home, and not being otherwise reasonably hindered, shall say the same in the Parish- Church or Chapel where he ministereth, and shall cause a bell to be tolled thereunto a convenient time before he begin, that the people may come to hear God’s Word, and to pray with him.’ ‘Concerning the Service of the Church’, Book of Common Prayer 1662.
43 Canon B11(2).
C24, Canon B11 says ‘The reading of Morning and Evening Prayer as required by this Canon may only be dispensed with in accordance with the provisions of Canon B 14A.’

Canons C26 and B11 are at odds with one another. Whereas the clergy and PCC might decide, for example, that under B11(2) Morning Prayer on a certain weekday should be said in one of the parish’s schools or care homes instead of in church, this would only be permitted under Canon C26 if there were a ‘reasonable hindrance’ to Morning Prayer being said in church.

Canons C26 and B11 ought to be brought into alignment so that a conscientious priest does not have to seek to fulfil both sets of conditions simultaneously.

CONCLUSION

To conclude, I will suggest some areas where the law of the obligation may need to be developed, and where the continuing importance of the obligation should be upheld.

There often arises the situation where a member of the clergy attends a daily morning or evening service of another Christian church, perhaps while travelling, visiting friends, or as a formal ecumenical guest—Vespers at Westminster Cathedral, for example. Strictly speaking, the member of the clergy may not thereby have fulfilled the obligation to say Morning or Evening Prayer as they are defined by the canons of the Church of England. However, the ecumenical canons as recently revised offer an encouragement to see the services of ecumenical partners as in some sense ‘equivalent’ to those of the Church of England, and members of the clergy might reasonably consider that praying the daily prayers of and with other Christians should be sufficient on such occasions. St Thomas Aquinas, discussing a certain question of which office to say, holds that ‘debet se conformare illis cum quibus conversatur’ (‘one should conform oneself to those with whom one associates’). An authoritative statement to this effect might assist both the ecumenical endeavour and ease the conscience of the clergy.

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44 Canon B11(3).
45 This discrepancy is also noted in M Hill, Ecclesiastical Law: Fourth Edition (Oxford, 2018), p 134.
In the Roman Catholic Church, permanent deacons are required to recite only a certain portion of the office, taking less time than that required of their priestly colleagues. This is because permanent deacons often spend time in secular employment and the time required for the full daily recitation of the divine office may be difficult to find. In parallel, the question might be asked whether it is reasonable to expect non-stipendiary clergy in the Church of England to say the same daily prayers as their stipendiary colleagues. In response, I would refer to the findings above as to the flexibility in the forms of service which can fulfil the obligation. Several brief forms of Morning and Evening Prayer are able to satisfy the canonical obligation on those days when a minister’s secular employment fills the working hours.

In today’s church, the ministry of the clergy takes many different forms. Some might ask whether it makes sense for any obligations to be imposed on all clergy in their varied situations. In response I would consider that, stretching back even before the Code of Justinian, the daily prayers of the church have been understood as integral to what it is to be a member of the clergy. As we have seen, this belief was reinforced in the Book of Common Prayer and latterly by the Guidelines for the Professional Conduct of the Clergy 2015. Perhaps we can rather argue that in a church where the ministry of the clergy is so varied, we should treasure all the more the unifying principle of a ‘manner of life’ which is enjoined on ‘every clerk in Holy Orders’ by Canon C26.

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47 Canon 276 of the Code of Canon Law 1983 states ‘permanent deacons, however, are to carry out the [liturgy of the hours] to the extent defined by the conference of bishops’.