

received looks more like a fine than court fees. Perhaps our seventeenth century forebears were more cynical than the bare record suggests!

Looking at the cases as a whole, the overwhelming impression is that of a court exercising its jurisdiction with a goodly slice of common sense. Incontinence and drunkenness were socially undesirable and formally disapproved, but nowhere is there evidence of the repression evident in the more extreme forms of sixteenth and seventeenth century Protestantism. Cases drifted from one session to another without the appearance of those cited, and even when they were excommunicated most defaulters eventually came back to seek absolution, only to later re-offend. As long as the fabric of society remained intact, a blind-eye could be turned to the occasional acts of human frailty. And if we think arguments over what constitutes immorality have progressed far, this collection makes the contrary argument. When Mathew Long was accused of incontinence with Alice Rowsham, he denied that he committed the act of incontinence with her 'but he confesseth that he did kiss and handle her by secrets parts': (p. 124) *Plus ça change, plus c'est la même chose*. At least for Mathew the story had an acceptable ending; although this plea did not convince the court, he offered to purge and found four compurgators to vouch for him, resulting in dismissal of the complaint. He suffered no long term disability as a result and later served as a sidesman. Whether the modern congregation of public opinion is as forgiving remains to be seen.

Mark Lunney, School of Law, King's College London

*CANON LAW IN THE ANGLICAN COMMUNION*, by DR NORMAN DOE, Oxford University Press, 1998, xxv+409 pp. (hardback £60) ISBN 0-19-826-7827.

Dr Norman Doe has done the Anglican Communion a great service. *Canon Law in the Anglican Communion* was published a few days before the commencement of the Lambeth Conference 1998, and launched at Dr Edward Norman's lecture for the bishops sponsored by the Ecclesiastical Law Society. It is a timely and painstaking overview of the core elements to be found in Anglican Churches around the world.

Much has been written about structures of the Anglican Communion, but no comparative study on this scale has previously been attempted. In 1948, the then Bishop of London, J. W. C. Wand, edited a regional survey of the Communion in preparation for the Lambeth Conference of that year: the contributors to that book provided a fascinating 'snapshot' of the cultural and geographical factors then affecting Anglicanism. Others, both before and since, have adopted other approaches: important studies of individual provinces were undertaken in the 1920s and in the 1960s, which were essentially descriptive of particular provincial arrangements; a number of volumes were published at the time of the 1988 Conference, primarily focusing on the issue of authority (notably the collection of essays edited by Stephen Sykes, *Authority in the Anglican Communion* (Toronto, 1987)); but the twelve months running up to Lambeth 1998 saw an unprecedented outpouring of books and articles on the Anglican Communion, both historical (such as W.M. Jacob's *The Making of the Anglican Church Worldwide*, SPCK 1997) and ecclesiological (such as Stephen Platten's provocative study on authority and leadership in the Anglican Communion, *Augustine's Legacy*, (DLT 1997)). What is unique in Doe's ambitious monograph is his grouping together of the details of legal and constitutional arrangements around the Communion, under broad topic headings, as a series of studies in comparative law.

Doe clearly received extensive support for the project from provinces and dioceses around the world, who provided him with copies of relevant Constitutions, Measures, Canons, Standing Orders, Guidelines and other legislative (and, as he

would put it, 'quasi-legislative') material. Thankfully, the Church of England is alone in enjoying a jurisprudence as formidable as the bound volumes of Halsbury's Laws and Statutes: nevertheless, the totality of the material he received was characterised by 'a complex and bewildering set of technical terms' (p. 21). The size of the task will have been mountainous, but the result of Doe's analysis is both impressive, and tantalising.

His broad introductory chapters (beginning with sources of church law in the various provinces, the nature of church structures, and the relationship between the churches and their wider community, including their relationship to the secular legal systems within which the churches operate) and his more detailed analysis of the common structures (in which he covers, *inter alia*, the functions of episcopacy, the ministry of the clergy and the laity, the legal nature of statements of faith, liturgy, and aspects of church property) are alike written in a style which should be accessible for the general reader, but with copious footnotes and technical references for those who want to follow the arguments further.

His analysis is also suggestive of a wide variety of topics for further research. To take only one example, the brief references at several points to the spectrum of treatment of metropolitan authority in different provincial constitutions calls out for full-scale treatment in a doctoral thesis.

Inevitably, there are many points of detail on which issue might be taken. For example, he draws attention to the Australian canons on military chaplaincy as 'perhaps the fullest statement of formal law on the subject in the Anglican Communion' (p. 123), without even a passing reference to the Church of England's own complex and fascinating jurisprudence on the subject (with the Army Chaplains Act 1868 (31 & 32 Vict, c 83) still unimplemented after 130 years, and the present arrangements, apparently based on a mixture of royal prerogative and synodical subordinate legislation, governing Church of England chaplains who minister throughout the whole of the British Isles, and in many places overseas).

Some might question whether the issues of marriage, divorce, confession and funerals deserve to be treated in a separate chapter, rather than simply as an aspect of church discipline. Others might ask why the issue of human rights (which features in a significant number of post-war provincial constitutions, and in the resolutions of countless Lambeth Conferences and ACC meetings) is treated in only a few pages (pp. 164ff.) despite its pervading importance to Anglicans throughout the world: fundamental human rights underpin everything, from the essential freedom to hold and proclaim Christian faith, to an interaction with what that faith may entail (in terms, for example, of gender, race or disability discrimination), and to the Christian duty of a majority not to trample on the conscience of a dissenting minority.

Those who approach this book from a theological point of view will find it frustrating. But that is not the fault of the author. He faithfully captures here that institutional untidiness which is of the very essence of Anglicanism. The Lambeth Conference (in 1988), the Anglican Consultative Council (in 1996), and the *Virginia Report* (Harrisburg, 1997) all affirmed the value of 'dispersed authority' in our structures; I have argued elsewhere (1998, 5 *Ecc LJ* 14) that the diversity of jurisprudence, which is made manifest throughout Doe's book, may yet prove to be more enduring as a contribution to world Christianity than the tidier approach to authority that can be found in some other parts of the Christian Church.

But these are minor points, set against the extent of Doe's accomplishment. This is a very welcome book. The timetable of its preparation for the 1998 Conference has inevitably left its mark; but a second edition will have the opportunity for a longer gestation, and there will be much new material for analysis, not least deriving from the 1998 Conference itself.

There will be a need, for example, to consider any outworkings of its proposal for a new relationship between the Archbishop of Canterbury, the primates, and those

dioceses and provinces where 'the mind of the Church' perceives a need for concerted action; for stronger relationships between the central institutions of the Communion; and perhaps the emergence of new ways in which the focal meetings carry out their deliberations, moving away from a style of debate based on Western parliamentary standing orders, and towards a style which may better reflect African and Asian cultural expectations about consensus, dialogue, and the importance of 'face'. In still more controversial areas, and unwelcome as they might be, there is little doubt that more attention will have to be given to the legal implications of 'impaired communion', as the fissures between different cultural and theological traditions develop in the next few years; and for further analysis of a variety of departures in the Communion from the traditional pattern of territorial jurisdiction (as Doe comments, 'the concept of non-territorial episcopal office is increasingly making its mark in the regulatory instruments of churches' (p. 127)).

We are all in Norman Doe's debt for this major study. Oxford University Press is also to be congratulated on a beautifully produced volume, with very few typographical mistakes. This is an important book. It deserves to be widely read. Perhaps most importantly, it reminds us that the Church of England may not have all the answers to what it means to be Anglican Christians today.

John Rees, Joint Registrar, Diocese of Oxford, Legal Adviser to the Anglican Consultative Council

*THE ART OF REMEMBERING: Memorials by Artists* edited by HARRIET FRAZER and CHRISTINE OESTREICHER, with an introduction by Lucinda Lambton, 1998, Carcanet Press, Manchester, 64 pp. (£9.95) ISBN 1-85754-377-7. Obtainable from: Carcanet Press, Conavon Court, 12-16 Blackfriars Street, Manchester, M3 5BQ.

This is a stimulating book for anyone who cares about the traditional English churchyard. Associated with a significant exhibition of recently made memorials at Blickling Hall in Norfolk, its very diverse illustrations prove that a modern memorial can be an intensely personal thing of beauty, and sometimes an exceptional work of art. Of ninety-eight illustrations, the first is of a restfully proportioned traditional head stone, carved by Simon Verity with an inscription as handsome as it is simple and decorated with an exuberant dove between swags of grapes. This was commissioned by Harriet Frazer in memory of her step-daughter Sophie Behrens, to whose memory also the book is dedicated. The experience of commissioning the memorial and seeing it through to completion inspired Harriet Frazer to found the organisation Memorials by Artists in 1989, to help bereaved people who want to express their feelings in the creation of an individual memorial, rather than buying one off the peg from a catalogue. Ten years of involvement with the work of that organisation prompted the production of this book.

The remaining illustrations punctuate a characteristically impish introduction by Lucinda Lambton extolling the traditional role of burial grounds as morally uplifting oases', a catalogue of examples which form the core of the book and eight short essays, some more informative and some more provocative than others. The most substantial piece, by Alan Powers, entitled 'Living Memorials', reviews the origins of churchyard monuments through to the influence of William Morris and the Arts and Crafts Movement on the major 20th-century school of lettering artists, beginning with Edward Johnston and Eric Gill. Powers strikingly draws attention to the modern tendency of consciously combining image and text with inscriptions which are given impact by the design of the memorial in which they are carved or by additional pictorial carving. He implies that there has been a shift from the Reformation