

BOOK REVIEWS

ENGLISH CANON LAW edited by Norman Doe, Mark Hill, Robert Ombres, University of Wales Press, 1998, xvii + 153 pp (£30) ISBN 0-7083-1478-3.

Throughout this collection of essays in honour of Bishop Eric Kemp references are constantly made to his writings and lectures which have been hugely influential in the considerable and welcome resurgence of interest in English Canon Law.

In particular his *Introduction to English Canon Law* written in 1957 seems now to have been particularly prophetic, for in that work he keenly endorsed a proposal emanating from the report of the Canon Law Commission that 'The success of a new Code of Canons will to a great extent depend on a wider knowledge than at present exists among the clergy of the law of the Church of England, its nature, history, development, and particular characteristics.' The same report went on to propose the formation of a society for the purposes of studying the ecclesiastical law and by way of bringing together clergy and the professional historians and lawyers, such a society also to 'train up' people competent to advise in ecclesiastical law.

Eric Kemp considered such proposals 'timidly based on the voluntary principle of those who have time to spare and like this sort of thing', and urged strongly that the Church of England make the necessary resources available to implement these proposals without delay—'so long as the Church of England maintains contact with its past, and so long as it remains the established church of this country, the legal officers will be necessary to its proper functioning'.

That this series of essays has been produced at all represents a remarkable and truly worthy tribute to a distinguished canonist, Bishop Eric Kemp, the silver jubilee of whose consecration falls this year. That it should also, given the format in which it has been produced, provide an attractive entrée into the world of canon law for those who hitherto may have shuddered at the mere thought, is an added bonus.

It is a bonus of which the subject of this tribute will undoubtedly approve. For he has been a consistent and tireless advocate of Canon Law as a valuable tool, not only in the ordering of the routine of ecclesiastical life, but also in assessing and adjusting the direction and development of the worship and doctrine of the Church of England as it moves towards the Third Millennium and into closer relationships with its sister churches.

The editors of this fascinating collection of essays are to be congratulated in having secured contributors and contributions, immensely varied yet always full of interest and, perhaps bearing in mind the arcane and detailed subject matter of some of them, surprisingly relevant to contemporary issues and concerns.

The twelve essays fall into three broad categories: with four offering historical perspectives, four addressing theological themes, while the final four deal more particularly with matters of contemporary moment.

To attempt any credible evaluation of each and every essay is beyond the scope of this review, whilst to be selective in such august company would also be invidious. In any case, we are not invited either to sift the arguments or to sit in judgment on the relative merits of the contributors. Instead, we are simply called to appreciate—and indeed to enjoy—the offerings presented in this little book: a book so aptly described by its editors as a *festschrift*.

That said—and perhaps to tempt still further the sceptic who remains unconvinced that Canon Law could ever be either interesting, worthwhile or still more entertaining—it is only right to try and give some flavour of what awaits the reader.

And there is something here for everyone. For the liturgist, Rupert Bursell, taking the order for the consecration of churches as his starting-point, examines the appeal to the *Ius Liturgicum* on the part of bishops, and concludes that there is no minister,

bishop included, who is not bound by the Canons relating to worship and that any broad appeal to a vestigial *Ius Liturgicum* 'in relation to services falling outside the ambit of the Book of Common Prayer has now been entirely abrogated'. That seems about as final as it can be. I wonder whether it really is as final as that.

For the ecumenist, Robert Ombres and Christopher Hill make the point that ecumenical progress has uncovered a shared heritage and a shared past and that this extends into the reaches of a 'shared canonical past'. Drawing out the theological and ecclesiological developments, particularly of the ARCIC statements on Ministry and Ordination, the relationship between the local and the universal is carefully examined, in particular the critical question of the nature of Papal authority and jurisdiction. Which takes us back to one of those earlier 'historical' essays by Brian Ferme which in the context of some reflections on William Lindwood—'a key figure in the history of Canon Law in Mediaeval England'—makes a close examination not only of the Papal *Plenitudo Potestatis*, but also the *potestas* of the College of Cardinals. For even in the fifteenth century questions were raised against the Papal *Plenitudo Potestatis*, for example what to do in the case of an heretical Pope—or a case in which 'the specific command of a Pope should not be obeyed as for example the provision of a boy to a benefice *cura animarum*'!

In more contemporary vein Norman Doe touches the subject of what he describes as ecclesiastical quasi-legislation and marshals in evidence the *Salisbury Diocesan Handbook*, Rochester's *Bishop's Guidelines*, the *Chelmsford File*, the *Sheffield Diocesan Handbook*, *Regulations for Reader Ministry*, the *Pastoral Measure 1983 Code of Recommended Practice* and so on, and examines not only the considerable variation in the use of language and therefore the extent to which some kind of coercion may or may not be expected, but as well raising the very interesting question of the status, legality and enforceability of such 'quasi-legislation'. There is no doubt that such a body of material is on the increase, but whether it represents 'a new form of regulation by exhortation or persuasion is unclear', Doe concludes. Which takes us back to where we began with Eric Kemp's own allusions in his *Introduction to Canon Law in the Church of England* to the distinction between coercion and exhortation.

Again in a taut but informative piece on the *Reformatio Legum Ecclesiasticarum* (dubbed by the writer 'The Loose Canons of 1553') the reader is shown how, from the moment of their initial presentation by Cranmer (and their subsequent rejection by the Duke of Northumberland), the effects of these 'canons'—which were never accepted, still less promulgated—have nevertheless continued to reverberate down the centuries.

Finally—and as proof positive that even a book which treats of Canon Law can have its lighter side—did you know that Henry VIII forbade the study of Canon Law in the Universities? Or that Archbishop Lanfranc felt it necessary to charge Herfas, Bishop of Hereford, to give up dicing—in favour of serious study? No? Well, neither did I! But I do now—and though not necessarily better for it, I am certainly the better for having been able to share in this most engaging of compilations.

Eric Kemp is by nature a modest and retiring man but one whose contribution has in so many ways of church and national life been substantial and significant. In this sense this slim but substantial volume is a mirror to the man and a well deserved celebration of the unique contribution which he has made to the study and promotion of ecclesiastical law in the Church of England. The Editors are to be congratulated in having assembled so compelling, informative and attractive a *festschrift*.

†David Ebor: