

BOOK REVIEW

MOORE'S INTRODUCTION TO ENGLISH CANON LAW (Second Edition)

By E. Garth Moore & Timothy Briden

(Published by Mowbray in paperback)

A review by Ven. John Burgess, Archdeacon of Bath

Owen Chadwick records that when Martin Luther visited the parishes he took with him one theologian and three lawyers. The legislative change at the Reformation was, of course, immense, but it has been almost equally matched by the pace of reform since the General Synod came into being. I have filled a substantial binder with Measures, Orders and Regulations, covering the last ten years alone.

So the need for a guide through this maze is extremely important. What is more, General Synod is also using its legislative power to amend and introduce new Canons frequently, so quite apart from Measures, the Canons are changing enough to require a loose-leaf folder as well.

The second edition of "Moore's Introduction to English Canon Law" by E. Garth Moore and Timothy Briden is therefore to be welcomed. Indeed one hopes that it will be possible to issue updated versions of it every five years or so.

One needs to understand that in a volume of less than 200 pages there must be a broad brush approach, and yet there is always sufficient detail and adequate referencing to point one in some further direction if need be.

If one may take a modern example, where pastoral disquiet is more frequently caused than used to be the case, the onus upon the incumbent to perform infant baptism is clearly interpreted, both from Canon law and the Rubric.

The debate in the General Synod, where the House of Laity called for disciplinary measures to be taken against the clear wishes of both the House of Bishops and the House of Clergy, revealed an unease in the House of Laity about our disciplinary procedures. Moore and Briden comment unfavourably upon the Ecclesiastical Jurisdiction Measure and it is good that the Ecclesiastical Law Society is already working away at some sensible reforms both to the Measure and the Rules which could help this very vexed question.

It is interesting to note that the position of the Archdeacon only takes one small paragraph in Moore and Briden, and one does need to look further at Canon law itself and Halsbury to see the nature of the jurisdiction that the Archdeacon exercises. But certainly the duties thrust upon an Archdeacon by virtue of synodical legislation have now become very extensive and, in my view, require far more induction than is generally available, and far more perception by Bishops when they make archidiaconal appointments. But the authors could claim that their work is an "Introduction to English Law" and it more than fulfills that role.

It is clearly laid out and not written in legal jargon, which makes it accessible to a much wider audience than members of the Ecclesiastical Law Society. The parochial clergy would benefit from it and so would the House of Bishops!

I do wonder whether the authors' views, as expressed in the Preface, about the possibility of the Convocations meeting more frequently to prepare the basis for doctrinal matters, is practical. I do not think the laity would now wish to be excluded from such discussions and, indeed, there are some lay theologians of substance in the Church who could well contribute.

Just as Martin Luther required the services of lawyers in this efforts to reform the Church, so it is quite clear that we need those efforts today in order to highlight anomalies that arise on the passage of time, and with changing circumstances.

Further comment by Ven. Bernard Fernyhough, Archdeacon of Oakham

In his preface to the first edition, which is repeated in the second, Chancellor Moore pointed out that the book was and is intended for the practising lawyer unacquainted with ecclesiastical law, not to solve the immediate problem, but to help him approach his problem from a proper angle, with an understanding of the background against which his problem is set. The book was, and still is, intended for the ordinand and ordained man – and now one has to say ordained women too – who then were, and now are, given little or no introduction in a matter which concerns their obligations as well as their rights at every point. Indeed the book should be required reading for every ordinand and clerk in holy orders.

The book deals with the basic principles on which Canon Law is built: its chapters give in outline the constitution of the Church of England, the law relating to its parochial system, to worship, to sacraments, to property and persons. Chapters on ceremonial, furnishing, decorations and the ecclesiastical courts and faculty jurisdiction are included, which give concise and clear accounts of the law relating to them and upon which every assistant curate ought to be examined. Every churchwarden and P.C.C. secretary ought to be made to read the chapter on the parish.