

BOOK REVIEWS

CANON LAW AND THE LAW OF ENGLAND

R.H. HELMHOLZ

Hambleton Press, 1987. xvi+364 pp.

This volume contains eighteen papers published in various journals by Dr Helmholz between 1969 and 1983. They deal with various aspects of the Canon Law and its practice in England with special reference to its influence on English Law from the thirteenth century to the seventeenth. Much of what Dr Helmholz writes here is based on a detailed examination of manuscript records of proceedings in the English Ecclesiastical Courts and anyone who has attempted this will be aware how many hours of tiring and often tedious work lies behind these finished papers. Readers must be grateful to Dr Helmholz not only for his scholarship and presentation but also for the physical and mental labour involved.

As in his book on Marriage Litigation in Medieval England Dr Helmholz shows here also how important it is to look behind doctrinal statements and the textbooks of Canon Law to what actually happened in its administration. Such an examination reinforces the view which he has expressed elsewhere that F.W. Maitland overstated his case against Bishop Stubbs in the famous controversy about the Canon Law in England and that the extent to which the general law was modified locally needs more recognition than it has received.

Some of the papers are technical, such as the discussions of *Legitim* in English Legal History and *Assumpsit* and *Fidei Laesio*, but there are several which are of more general interest. The first paper is a discussion of the relationship between the Canon Law and English Common Law, particularly in the post-Reformation period, arriving at the conclusion that there was movement back and forth to the enrichment of both. The next two deal with standards of impartiality for papal judges delegate and ethical standards for advocates and proctors. Others deal with excommunication as a legal sanction, crime and compurgation, infanticide, bastardy litigation, bankruptcy and probate jurisdiction, and usury. As the medieval Canon Law touched on so many different aspects of life so do these papers.

For anyone who has some acquaintance with legal language and concepts and wishes to become more acquainted with the ecclesiastical background to our present law, I cannot think of any collection of essays which would answer his purpose so well. Dr Helmholz is a careful, learned and reliable guide, his learning modestly worn and his work written with charm.

ERIC CICESTR

THE CHURCHYARDS HANDBOOK

Third Edition 1988 by P. BURMAN and H. STAPLETON

Church Information Office £7.95

This third edition of the Churchyards Handbook will be a great help to Archdeacons and those concerned with enabling the rules and regulations to be kept and in a position to give advice to parish clergy. I am less sure of its value to the parish clergyman faced with a pastoral dilemma.