

*THE LEGAL FRAMEWORK OF THE CHURCH OF ENGLAND, A CRITICAL STUDY IN A COMPARATIVE CONTEXT.* NORMAN DOE, Oxford: Clarendon Press, xxii+543 pp. (£60) ISBN 0-19-826270-5 1996.

A review by Eric Cicestr

The Preface makes plain that the Comparative Context mentioned in the title means comparing the law of the Church of England with that of the Roman Catholic Church. This does produce a somewhat strange book as it is not altogether clear what purpose the comparison is to serve whereas a comparison with the Established Churches of Scandinavia or the Established Church of Scotland might have seemed more relevant to current interests. Indeed the comparisons drawn lead at times into a misleading equation of the monarch with the pope as for example on p. 163 where writing of the appointment of bishops it is said: 'As in Roman Catholic canon law, where the definitive judgment as to suitability of a candidate belongs to the pope, so in the Church of England, legally, this lies with the monarch as head of the church.' The fact of where the decision lies is not in dispute but to call the monarch 'head of the church' ignores a whole passage of history and the changes in title from Henry VIII onwards which led to the monarch being styled 'Supreme Governor'. The phrase 'head of the church' is used elsewhere in the book and ought to have been avoided.

Having made that point, which is theologically important, it should be said that the book contains much that is of interest and gives a good picture of the organisation of the Church of England and the multifarious bodies which operate within it. Its scope is not limited to that which is strictly legal but covers the various kinds of regulations which play a part in the life of the Church. It is accurately described by the first two sentences of the Introduction which read 'This book is about the use of regulation in the Church of England. It studies ecclesiastical regulation on three levels: descriptive, evaluative, and comparative.' The author does not set out to provide a legal text-book and indeed indicates where such can be found. His purpose is rather to give an overview of the various sorts of rules, legal and quasi-legal, which operate within the legal framework of the church.

The attempt has been well worth making and has led to a book which all can read with profit but particularly, perhaps, those who find the untidiness of the Church of England puzzling if not indeed irritating. Dr Doe shows how the whole thing hangs together and makes sense. It may have been easier for one who looks at the Church of England from the detached viewpoint of the Church in Wales than for someone immersed in the day to day legal problems of Church life. Members of the General Synod would be helped to get their activities into perspective by reading this book.