

Reviews

ECCLESIASTICAL LAW by **Mark Hill** *Oxford University Press, Oxford, 2nd ed., 2001 Pp. lxi+761, £68.00 hbk.*

The Church of England (unlike its Welsh counterpart) remains an Established Church. The two provinces which form the Church of England, like all the provinces of the Anglican Communion, stand in a relationship to the local 'State' as legislative authorities. This geographical variability of the duty to submit ecclesiastical legislation to secular approval or ratification means that the Anglican Communion cannot in practice create and sustain a single canon law. The tradition of the autonomy of the provinces, first clearly defined in the 19th century, has encouraged a degree of local contentment with this state of affairs. The law of the Church of England reflects these facts, but there is also a continuity of the ecclesiastical law of the Church of England with its ancient and medieval sources in the common tradition of the Church in the West.

These sources are briefly set out in the first chapter, with the pragmatic restriction that their relevance is considered primarily from the point of view of the modern practitioner. For example, there is a useful section on the proliferation of modern quasi-legislation in the Church of England, and its implications for judicial review. This same angle of view encourages an extremely brief treatment of dispensation. Hill's preliminary remarks on all this, set against his detailed working out of the realities of the 'local' English Anglican scene, afford a tantalising glimpse of a world which will be both familiar and foreign to canon lawyers of the Church of Rome.

Hill deliberately keeps clear of the 'complex' problems of 'history, ecclesiology, sociology and politics' which surround Establishment. These and other gaps are occasionally frustrating but Hill's objective is not to provide a stimulus to debate but a handbook to the ecclesiastical law of the Church of England for practitioners. The relationship of ecclesiastical to secular law in England has practical consequences of some importance for individuals. For example, as a recent case indicated, a matter which would in principle be subject to judicial review were a Church of England cleric involved would not be a public law matter in Wales. A strong sequence of precedents holds parish clergy (indeed all ministers of religion) not to be employees, so a Welsh priest might have no avenue of recourse by a private law route either. A discussion of the chain of cases which appear to establish the lack of employment protections for clergy would have been a useful addition to this survey.

It is not easy to review a second edition, for the book has, by definition, established itself, and fundamental criticisms of this already authoritative work may now be out of place. The first task of a reviewer of a second edition

is in any case to look at what is new. In the present revision, the concentration has sensibly been upon a tightly focussed account of the exact differences recent developments have made in the governance of the Church; the parish structure; liturgy; faculty jurisdiction (always the most numerous cases recently in the Church of England); cathedrals. The General Synod has been busy with legislative activity, there has been a series of new cases, primary legislation such as the Human Rights Act 1998 and the Data Protection Act 1998 have considerable potential to affect the Church and its doings. It is a pity that these two Acts have not been looked at in their relation to the other two statutes with which they will form a quartet: the Investigatory Powers Act and the Freedom of Information Act. Perhaps that can be done in a third edition. The need for it is already hinted at in the brief discussion of the forthcoming revisions of clergy discipline procedures, the result of a less than happy process of consultation, and some watering-down of the principles of *Under Authority* (1996), which it is easy to foresee are likely to lead to testing of their implications on a number of fronts. They are likely to be already out of date under the 'quartet' of statutes just mentioned, if and when they gain Royal Assent.

There is a useful and substantial reference section, including the Canons of the Church of England, Statutes and Measures, Statutory Instruments, Church Representation Rules and a selection of reports of cases, now gathered together at the end.

G. R. EVANS

THROUGH OUR LONG EXILE by Kenneth Leech *Darton, Longman & Todd, London 2001, Pp.268, £15.95 pbk.*

Kenneth Leech recalls admiringly some of the clergy and layfolk who have worked, often heroically, in London's East End: Henry Scott Holland, Stewart Headlam, John Groser, Jack Boggis, Stanley Evans, Bill Sargent, George Lansbury, Mary Hughes, Ethel Upton and Edith Ramsey (p.211). Some of these names, Fr Groser's in particular, still resonated in Bethnal Green in the early 1990s. To this roll of honour, Fr Leech's own name must be added. An Anglo-Catholic priest who has dedicated the greater part of his life to Christian Socialist ministry in this area, his devoted pastoral work has expressed the incarnationalist principle upon which Headlam based the Guild of St Matthew in 1877. He exemplified that tradition of daring, prophetic ministry in the East End which has been one of the glories of the Anglican Church.

At intervals during my life, I have met him. Indeed, I was at the preliminary meeting at St Botolph's Aldgate when his appointment as community theologian was discussed—a role which has focussed the sharp-eyed analyses and sometimes revolutionary reflections in the second half of the book. It has for me a particular appeal—in a far less significant and effective way, I too have ministered 'In the shadow of the towers of commerce...where very different stories are being lived out' (Andrew Davey in *Theology* May/June 1998). These are communities strongly marked by