

BOOK REVIEW

AN INTRODUCTION TO CANON LAW

By JAMES A. CORIDEN

Geoffrey Chapman, 1991, xiv + 232 pp.

(Paperback £14.95)

A review by The Reverend R. D. H. Bursell, Q.C.,
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This is an excellent book, written by one of the editors of *The Code of Canon Law: A Text and Commentary*. I recommend it wholeheartedly within its own clearly stated parameters. Apart from a brief overview of the history of canon law (there is also a useful guide to the citation of the *Corpus Iuris Canonici* in Appendix I), it is an introductory guide to the study and use of the Code of Canon Law promulgated by Pope John Paul II in 1983. As the author says in the Introduction,

'This is a teaching and learning tool . . . It gives an orientation to the more important areas of canon law, and it provides a background and context within which more detailed rules can be understood.'

The author knows that he is writing for non-lawyers as well as for beginners; his final chapter 'Applying The Rules' is an admirable guide for those wishing to turn theory into practice. Indeed, anyone wishing to write an introductory legal textbook would do well to read this book first.

The book is, of course, primarily for those needing to learn about the Roman Catholic canon law but it provides food for thought for those concerned with other Churches too. For example, the first main heading in the chapter 'Processes' is concerned with *Avoiding Trials*:

Judges and administrators should encourage such alternative dispute resolution procedures at the outset of disputes or even during litigation (p. 183).

Moreover, Pope Paul VI told the Commission that produced the new Code to give it a *novus habitus mentis*, implying 'that the old canonical style of formalism, legalistic hairsplitting and secular juridicism had to be transcended' (p. 35). Hence, 'exhortation and persuasion are to be preferred to an insistence on rights' (p. 36). Above all, everything must defer to one overriding consideration: 'The salvation of souls is the supreme law' (pp. 5-6). Anglican canon lawyers will also be interested in the different jurisprudential approach of the Roman canonist from the Anglican.

The author also gives a brilliant rationale of the need for church discipline but he does not fail to remind the reader that 'leniency and mercy should temper the severity of a canonical penalty' (p. 173). Furthermore, Anglicans may be interested in the paragraphs on the *Removal of Pastors* and *Transfer of Pastors* (pp. 188-189): pastors are appointed for an indefinite term or 'more commonly [in America, at least] for a relatively long term, e.g., six years, renewable once' (p. 187); moreover, the transfer of pastors from one parish to another 'does not imply any deficiency in the pastor's performance'. If a pastor is removed, his bishop must either give him some other assignment or support for his retirement (p. 188).