

This is a prescient book, which relates theological questioning to political and legal realities with power and conviction. As I write this review, the forces of Islamic State continue their advance in Syria and Iraq and the West is beginning to revise its view of President Assad. Given the fate of Osama bin Laden, and the relative lack of international condemnation of the way in which he was killed, one must ask, if members of Islamic State were taken prisoner or Assad were arrested, how the churches think they should be treated. Reed – thank God – gives us theological grounds for arguing that they should appear before an international criminal court.

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## Armsbearing and the Clergy in the History and Canon Law of Western Christianity

LAURENCE G DUGGAN

Boydell and Brewer, Woodbridge, 2013, xiv + 264 pp (hardback £60) ISBN: 978-1-84383-865-4

Recently there have been a number of books published in relation to ministers of religion and warfare: *The Redcoat and Religion* by Michael Snape (2005), *The Church of England and the First World War* by Alan Wilkinson (1996) and *Loyalties Betrayed* by Peter Appelbaum (2014, on Jewish chaplains in the German Army in the First World War), as well as the book currently under review. This fascinating book, however, is the only one concerned with the legality of the involvement of ministers of religion in warfare and amply demonstrates the argument put forward, namely that, 'contrary to what is widely assumed, the clergy in western Christianity (at least in the Roman Catholic and the Episcopal traditions) have not been categorically forbidden to bear arms since the High Middle Ages (c.1100–1300) and are not today' (p 1). Indeed, as the author indicates (pp 2–3), that assumption was shared both by the Archbishops' Commission on Canon Law in *The Canon Law and the Church of England* (although any argument based on desuetude is open to question, as Professor Norman Doe points out in *The Legal Framework of the Church of England* (1996)) and in *The Oxford Dictionary of the Christian Church* (2005). Indeed, each would have greatly benefited from the research in the present book if it had then been available. My only caveat flows from the fact that the author is a historian and not a lawyer, as he himself is at pains to point out (p 8).

The first five chapters are concerned primarily with the law in the Western Catholic Church, although they also include a discussion of the views of the Reformers, as well as the practice in the various churches in the United States and elsewhere. From a general prohibition against the clergy bearing arms the Western canon law was altered through force of circumstance and changes of attitude within society to recognising circumstances in which the bearing of arms was at least permissible, primarily in relation to necessity and self-defence. And in any event what constitutes 'arms-bearing'? Does it include the picking up or carrying of a stone, to be used as an offensive or even as a defensive weapon (see pp 12, 60, 140 and 191)?

As to the Roman Catholic canon law the author concludes that 'Armsbearing priests in Latin America, the Philippines, or elsewhere in the world today may be prosecuted by the state, but they may not be by the Roman Catholic Church, which conveys the appearance of being indifferent on the matter' (p 228). However, this seems to be in contradiction to his earlier discussion of the present-day canon law (pp 176–180). Canon 289 of the 1983 Code states: 'Since military service is hardly consistent with the clerical state, clerics and candidates for sacred orders are not to volunteer for military service without the permission of their own ordinary' (note the exception when conscription is compulsory). Nonetheless, Canon 285 states:

1. In accordance with the prescriptions of particular laws, clerics are to refrain completely from all those things which are unbecoming to their state;
2. Clerics are to avoid those things which, although not unbecoming, are nevertheless alien to the clerical state.

Arms-bearing may not be addressed directly by the 1983 Code but surely it is subsumed in whatever may be 'unbecoming' of a cleric in any particular situation? Is it 'unbecoming', for example, for a priest to protect women and children in hospital?

Chapter 6 is entitled 'Armsbearing in the English legal tradition' and it is here that the author's lack of legal training is (at least to this reviewer) most apparent. For example, I do not accept that it is accurate to say that at the Reformation the English clergy became 'unambiguously officers of the Crown' (p 204). Moreover, it is inaccurate to say that the Revised Canons Ecclesiastical supersede 'all earlier canon law in the Church of England' (p 220), unless by 'canon law' the author means only those rules promulgated by canon. What, then, was the canon law on clerical arms-bearing in England and did it survive the Reformation statutes? It is certainly true that no canon since the Reformation has directly dealt with arms-bearing by the Anglican clergy and, as the author readily recognises, Anglican clergy have been both

chaplains and combatants in the two world wars; indeed even chaplains, my father among them at the siege of Kohima, have been authorised (at least by the military authorities) to bear arms in defence of others. As far as the author has been able to ascertain, none of those clergy were ever brought before the ecclesiastical authorities for so doing. Today any arms-bearing by Anglican clergy (whether in times of peace or war) is likely to be considered by any clergy tribunal in relation to Canons C 27, 28 and 29. The author is clearly correct when he says that ‘these canons do not in any explicit way prohibit any manner of armsbearing’ (p 220) but, again, I doubt that he is correct when he goes on to comment that ‘one would be hard put to defend such an interpretation as implied by the language of the canons’ (ibid). Hopefully time will not be called upon to tell who is right!

Finally, it is excellent to see in such an academic work references to both the Ecclesiastical Law Society and this *Journal* (p 17). This is surely a proof of the coming of age of both.

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## In Order to Serve: An Ecumenical Introduction to Church Polity

LEO J KOFFEMAN

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In 1974 the Faith and Order Commission of the World Council of Churches (WCC), in ‘The ecumenical movement and church law’, suggested that ‘churches differ in their order and their constitution’, that ‘differences in the structures and legal systems of the churches have their roots in different confessional traditions’ and that these differences concern ‘not only the actual order which the churches have, but also the general orientation by which their legislation is inspired’.<sup>2</sup> The document called for further exploration of the subject, but this was not pursued. The principal focus of the ecumenical movement, in the practice of ecumenism (for example, bilateral and multilateral dialogues) and in ecumenical theology (the study of ecumenism), has been the quest for agreement at the level of doctrine achieved through theological debate. The juridical instruments of churches have not thus far featured as part of the staple diet of ecumenical discourse. This has led some, such as the distinguished

2 World Council of Churches, Faith and Order Commission, Document IV.8 (1974).