

*FAITHFUL DISCIPLESHIP: Clergy Discipline in Anglican and Roman Catholic Canon Law* edited by MARK HILL, *The Centre for Law and Religion, Cardiff University, in collaboration with The Pontifical University of St Thomas Aquinas, Rome, Italy*, 2001, xxi + 297pp (£15 or £10 to members of the Ecclesiastical Law Society), obtainable from the Centre for Law and Religion, Cardiff University, Law Building, Museum Avenue, PO Box 427, Cardiff CF10 3XJ.

In 1998 a group of Anglican and Roman Catholic lawyers met in Rome to confer together. This proved such a helpful gathering that a repeat meeting was arranged. This took place at Windsor in the early summer of 2000. 'Faithful Discipleship' consists of the edited papers presented at this second Colloquium.

The chosen subject for the sharing was Clergy Discipline. This was divided into five facets, for each of which there is an Anglican and a Roman input, plus a jointly provided 'Comparative Summary'. These five areas are topped and tailed by an overview of Anglican Communion discipline, and by a final comparative chapter drawing it all together.

With my own heavy involvement in drafting a new Clergy Discipline procedure for the Church of England, I found this volume fascinating and frustrating in equal parts. Fascinating in the comprehensiveness of its survey; frustrating in how little is discussed. For these are but the position papers to provide a context for discussion. A resumé in each area of the issues raised in discussion and the consensus reached would have enriched this volume immeasurably.

The Anglican contributions are Church of England and United Kingdom biased. Relatively little is provided about clergy discipline in the Anglican Communion. The English material relates to the Ecclesiastical Jurisdiction Measure 1963, long since repudiated as a dated and unsatisfactory procedure. Reference to the new Clergy Discipline Measure (substantially completed at the time of the Colloquium) is sparse and, in places, ill informed, reflecting the writer's own preferences. So this introduction to Anglican Canon Law on clergy discipline comes close to being a retrospective historical resumé.

The Roman Catholic contributions approach the subject area from a quite different angle. Less interested in technical minutiae, they tend towards discussion of broader principles and philosophical perceptions. For them the discipline of clergy is part of a code which relates also to the laity. They emphasise in a way the Anglicans do not the place of discipline within the wider concern to nourish discipleship and to encourage a living relationship to a living and risen Jesus. Hopefully, this omission by the Anglicans is but an accident of presentation. But one was left wondering how far Anglican Canonists allow for the insights of theology in their thinking.

Where both sides are especially weak is when we move from theory to practice. None of the papers attempt this transfer. So we are presented with fascinating theoretical positions often divorced from reality. No system is better than the people who operate it. So the de facto Church of England reality currently is an informal episcopal response of turning a blind eye or seeking a resignation. The Roman Catholic emphasis on imputability, gathering proofs 'with due care for the good name of the accused' and its 'great reluctance' to coerce with penal sanctions, may help to explain the apparent reluctance in recent years to face and deal properly with certain allegations of inappropriate priestly behaviour.

The Anglican position recognises the jurisdiction of the state through the civil courts. By way of contrast, Melanie Di Pietro's chapter contains a fascinating insight into Roman Catholic thinking, based upon the American context. To what extent is the Church a part of the society in which it is placed, or is it clearly separate and a free standing community in its own right? Apparently conviction for a secular crime is insufficient for an ecclesiastical offence to be proven. So compulsive paedophilia does not of itself constitute an habitual offence in Canon Law!

And so one could continue... For in nearly three hundred pages we have a useful introduction to Clergy Discipline, and the beginnings of a wider discussion. As a basic primer it is to be highly recommended (save that much of the Anglican contribution will soon be out of date). But for more detailed study of issues and principles, it may prove to be frustrating and inadequate.

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*FAITH IN LAW: ESSAYS IN LEGAL THEORY* edited by PETER OLIVER, SIONAIDH DOUGLAS-SCOTT and VICTOR TADROS, Hart Publishing, 1999, 153 pp (hardback £ 25.00) ISBN 1-901362-95-7.

The seven essays in this collection stem from a seminar series held at King's College, London, in 1997 which considered the relationship between law and faith. The result is a set of challenging and exciting pieces of jurisprudential writing which amply justify the editors' attempts to redress the neglect the topic has suffered. In an extended introduction, the editors helpfully identify and explore three themes which run through the essays: first, the relationship between reason and faith, along with the extent to which some conception of 'faith' is present in law and legal reasoning; secondly, the extent to which law can respect the rights of minority religious believers; and thirdly, the standpoint from which one can evaluate competing claims of religious identity and difference.

Taking the essays out of order for the purposes of this review, practical lawyers (as distinct from legal theorists) will find the essays by Anthony Bradney and Timothy Macklem the most accessible. Bradney considers how 'obdurate believers' have fared when they come into conflict with British legal norms. His rather pessimistic thesis is that secular legal discourse 'inevitably conflicts' with faith-based perspectives, and that it is not clear where the solution lies. By contrast, Timothy Macklem thinks it is possible to develop a conception of 'religion' underlying the legal system's commitment to religious liberty, which while explaining why religious belief is morally valuable, is both pluralistic and objective. Maleiha Malik also sees the possibility for progressing a multiculturalist agenda, albeit not by way of a foundational definition of the value of religion. Malik's route in is by way of a hermeneutic strategy which eschews 'objective' modes of representation in favour of a hermeneutic of understanding.

The essays by John Gardner on the one hand and Zenon Bankowski and Claire Davis on the other challenge an unreflective opposition between law/reason and love/faith. Gardner argues that Socrates' dilemma about the relative priority of God and the Good can be resolved by accepting both that God is the personification of goodness and that his will provides additional moral reasons for action. He then suggests that a parallel solution underlies Kelsen's concept of the *Grundnorm*. Law—like religion—is based on faith, but not an unreasoned faith. Zenon Bankowski and Claire Davis make the connection between law and faith at a different point. Reject-