

1969, not in the first edition), but all the important material of the last six years has been added with appropriate deletions where earlier material has been rendered obsolete.

So far as the text of the chapters is concerned, recent legislation has required a deal of rewriting. Much of the chapter on cathedrals is new and gives a very clear account of the Cathedrals Measure 1999. Chapter 2 on the Constitution of the Church of England reflects the establishment of the Archbishops' Council and the reconstitution of the Church Commissioners by the National Institutions Measure 1998. The Faculty Jurisdiction Rules 2000 led to many adjustments to chapter 7 on the faculty jurisdiction.

A detailed comparison of old and new editions shows the care with which the text has been revised. For example, the publication of the report of the Royal Commission on Reform of the House of Lords prompts the inclusion of a brief section on Establishment; the implications of the Human Rights Act 1998 may not be as profound as the author believes, but the possibilities are fully noted; there is a new paragraph on judicial review; and Chancellor Hill, as he now is, refers to the recent publication by the Ecclesiastical Judges Association on costs in faculty cases. There are full references to articles in this *Journal* and to some of the fascinating theses produced by candidates on the Cardiff LL.M. course.

Within five days of its publication, this new edition was cited in argument in Sheffield Consistory Court. Every reviewer must find something to disagree with, and it happens that the particular material cited (paras 7.69–7.71 on changes to listed churches) provides an example. I wonder whether it is right to continue to give such prominence to Sir John Owen's formulation in *Re St Mary's, Banbury*. As Mark Hill rightly argues, the apparent disagreement between the Court of Arches and the Court of Ecclesiastical Causes Reserved may be more apparent than real, not least as the reconstituted Court of Arches has twice revisited the matter: the second occasion was in *Re St Mary the Virgin, Sherborne*, which he does not cite on this point. And my reference to the reconstitution of the Arches Court leads me to suggest that in the third edition, for there surely will be one, the fact that section 3(2)(d) of the Ecclesiastical Jurisdiction Measure 1963 makes all chancellors judges of that court should be more fully reflected in the text; notes 135 and 142 do not quite make the point. Apart from that, initial testing suggests that this new edition is as reliably accurate and as readable as the first.

Some law publishers, to their shame, persist in treating ecclesiastical law as almost a non-subject. All credit to Mark Hill and OUP for producing this splendid and wholly modern account of a living branch of English law.

David McClean, Professor of Law, University of Sheffield.

THE CANON LAW OF THE ROMAN CATHOLIC CHURCH AND THE CHURCH OF ENGLAND. A HANDBOOK by RHIDIAN JONES, T&T Clark, Edinburgh, 2000, xxi + 153 pp. (hardback £19.95) ISBN 0-567-08717-4

An extraordinary amount of work has gone into the production of this valuable little book. It is misleading to call it a 'handbook', for its entries are pithy and stick largely to well-referenced definitions. In the Preface, the author rightly calls it a 'dictionary'. As such, it covers the canon law of the Catholic Church both of the East and of the West, the Church of England, and, to a small extent, the Anglican

Communion. In so doing, it shows the diversity of the canon law of the Catholic Church and the extent to which, though the canon law of the Church of England is derived from that of Rome, it has developed as a mature body of law with its own tradition and integrity.

The book's first use will be to clarify obscure or confusing terms of art, especially those with Latin or Greek origins ('commissary', 'curtilage', 'dicastery', 'defender of the bond', 'eparchy', 'exarchy', 'stauropégiacus'). Its second will be to define how ecclesiastical terms in common use are used in canon law ('concordat', 'electoral roll', 'rota', 'vicar'). Its third will be to indicate respective canonical positions on such matters as 'abortion', 'contraception', 'divorce and remarriage' and 'reservation of the eucharist'. Its fourth will be to inform ecumenical discussion ('papal document', 'General Synod') and to facilitate ecumenical comparisons ('bishop', 'doctrine', 'impediment', 'jurisdiction').

It is as an ecumenical resource that this book will have most value. The dialogue between Roman Catholicism and the Church of England has been conducted by theologians who have believed that if there could be established a common body of theological teaching, which sets communion-dividing issues in a context of wider agreement, ways of resolving such disagreements could be found. The Anglican-Roman Catholic International Commission (ARCIC) has now produced three joint agreed statements on authority, which have established a great deal of common ground. However, if we are to make progress in this area, the problem of acceptable degrees of divergence in canon law will have to be addressed. This book will help in that process because it lays out the positions of the two communions side by side, and notes some of the points at which 'the position is the same'.

The method, however, has its dangers. Bold headings (**RC**, **EC**, **C of E**, **AC**) introduce paragraphs, none of which has more than one heading. Thus, there is no entry on 'patriarch' but there is one on 'patriarchal churches' headed **EC**, drawing solely on material from the Eastern Catholic code of canon law (*Codex Canonum Ecclesiarum Orientalium*). This could easily give the impression that the Roman Catholic code of canon law (the *Codex Iuris Canonici*) has nothing to say about the Pope as Patriarch of the West and that Anglicans would automatically dissent from the use of this title, whereas Canon 438 of the CIC says, 'The Title of the Patriarch or Primate, apart from conferring a prerogative of honour, does not in the Latin Church carry with it any power of governance', a point which is of special interest to Anglicans. Again, under 'bishop' there are three paragraphs. The first, headed **RC**, begins, 'A CLERIC who belongs to the sacred ORDER of bishops.' The second, headed **C of E**, begins, 'The chief pastor in the diocese'. The author, by choosing not to repeat the point made in the **RC** article, may give the impression that the Church of England has a purely functionalist view of episcopacy, which would be theologically mistaken and ecumenically disastrous. Similarly, with the articles on 'eucharist', the **RC** article begins, 'THE SACRAMENT of the Lord's own body and blood, instituted by Christ at the Last Supper', whereas the **C of E** article begins, 'The Holy Sacrament of the Lord's Supper, instituted by Christ'. Not only does this give the impression that Anglicans might think the eucharist something other than 'the sacrament of the Lord's own body and blood', but this impression is reinforced by the remainder of the article, which merely adds:

'It is: 'the continual remembrance of the sacrifice of the death of Christ, and of the benefits which we receive thereby'; its benefits are 'the strengthening and refreshing of our souls by the Body and Blood of Christ' (BCP Catechism).'

This is too bald to be helpful, and should be complemented by reference to sources such as Article XXVIII:

‘The Supper of the Lord is [...] a Sacrament of our redemption by Christ’s death: insomuch that to such as rightly, worthily, and with faith, receive the same, the Bread which we break is a partaking of the Body of Christ; and likewise the Cup of Blessing is a partaking of the Blood of Christ.’

The inadequacy of juxtaposing positions without sufficiently indicating areas of overlap is symptomatic of a deeper difficulty in the whole enterprise. For key sacramental terms, there can be no exhaustive definition. They are polyvalent, and their meaning is often theologically controversial. The function of the law is to regularise the practice they occasion. For ‘baptism’, the RC article begins ‘A SACRAMENT which is necessary for salvation, and “the gateway to the sacraments”.’ The C of E article begins ‘One of the two sacraments (the other being the Eucharist) which are necessary for salvation’, once more raising the spectre of a non-existent divergence between the two traditions with respect to baptism. Both articles go on to discuss ‘conditional baptism’ but not to discuss ‘baptism of desire’ or ‘baptism of blood’ or to give any hint that either tradition might consider salvation without baptism a possibility. It is impossible to deal adequately with central sacramental topics such as ‘baptism’, ‘eucharist’, ‘confession’, or ‘order’ in short articles. The C of E article on ‘order’ fails to mention that a woman can become a priest but not a bishop and the RC articles on ‘order’ and ‘impediment’ similarly make no mention of gender.

A ‘handbook’ should not pass over such issues in silence. As a ‘dictionary’ or glossary this book represents a welcome initiative, but there is a need for an edition in which some of the editorial difficulties are resolved. Jones is at his best when he tells us in plain language what terms used solely by canon lawyers actually mean. At the interface between canon law and theology there is, however, further work to be done to avoid some misleading impressions. There are also errors to be corrected: for instance, it is not ‘the universities of Oxford and Cambridge’ that are ‘peculiar jurisdictions’ (p 105) but certain colleges of those universities, and the use of the term ‘particular Church’ for the Roman Catholic Church (p vii) is inconsistent with Roman Catholic usage as specified by Canon 368 of the CIC. There is also terminology to be brought up to date: The Advisory Board of Ministry (p 67) has become the Ministerial Division of the Archbishops’ Council and the ASB (p 144) has been replaced by *Common Worship*. It is disappointing that there is no reference to the Porvoo or Meissen Agreements, and a future edition will have to take note of the introduction of the Archbishops’ Council and the Clergy Discipline Measure. Readers will have many suggestions for articles that could be included in a second edition. Omissions that surprised me included: ‘general council’, ‘*ius divinum*’, ‘lay rector’, ‘parliament’, ‘sovereign’, ‘universal Church’, ‘validity’, and ‘vestments’. Anglican canon lawyers may also wish to protest against the inclusion of an excellent short note on ‘equity’ under the Heading ‘RC’. Here, it seems, there is ground to be reclaimed not only from Roman Catholic canon law but from the Chancery Division of the High Court as well.

Nicholas Sagovsky, William Leech Professorial Research Fellow in Applied Christian Theology, University of Newcastle