

Loquendi and the *Fallaciae Londinienses*, the link between the two treatises being perhaps Peter's pupil William de Montibus.

But the chief intent of Dr Evans's study seems to be to show how the progress of grammatical skill and of logical reasoning helped medieval exegetes to look more and more favourably and earnestly on the literal sense; an increased ability to solve grammatical problems and logical fallacies helped them greatly to give to the most obscure passages an acceptable meaning without having to resort to the other higher senses.

This very interesting book suffers somewhat from a few cases of carelessness which may amuse or irritate the reader according to his temper: Isaac for Esau (p. 81), Abraham's two daughters (p. 109: if this is not some recent feminine conquest in exegesis), Berthold of Constance for Bernold (p. 136—no reference in the Index), *De sacramento altaris* instead of *De Errore Guillelmi de Conchis* (p. 188, note 6). More damaging are some lapses in the list of sources: there is—fortunately—no edition of Aquinas's *De Veritate* by P. Marc (p. xi); *De gloria et honore Filii Hominis* is placed under Gilbert of Poitiers, which would not have pleased Gerhoch (p. xiii); Dugauquier has edited Peter the Chanter's *Summa de sacramentis* but not the *Summa Abel* (p. xiv). The bibliographical notes are somewhat surprising in their choices: there are entries for authors quoted only once (if we may trust the Index) such as Isidore or Anselm of Havelberg, but we have nothing on more thoroughly studied people such as Cassiodorus, Odo of Soissons, Petrus Helias or William de Montibus.

But these are minor defects and they should not conceal the great value of this book. Many people will certainly be delighted, as I was, to read such clever and sympathetic pages about Rupert of Deutz, Abelard, Peter the Chanter, and, of course (as Dr Evans is one of his most affectionate scholars) Anselm of Canterbury. Also I think that many theologians will be interested to find some clear explanations of technical words and expressions of the esoteric languages of grammarians and dialecticians and, perhaps more deeply, to understand the mechanisms and grounds of some medieval reasonings which may appear at first glance awkward but are actually much more profound than they may seem.

I have left out many other interesting features of Dr Evan's study, such as the development of *disputatio* out of *lectio*, but I hope that this too brief review will incite many people to take profit and pleasure from reading this book.

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THE CODE OF CANON LAW: A TEXT AND COMMENTARY, edited by J.A. Coriden, T.J. Green, D.E. Heintschel. *Geoffrey Chapman*, London. 1985. pp. xxvi + 1152. £29.95

Sporadically, canonists have alarmed Rome. As in other theological disciplines so in canon law, for centuries there have been different schools and tendencies but the existence of tribunals and other decision-making mechanisms means that intellectual trends in law can take on high visibility and practical consequences. Roman authorities have from time to time considered aspects of this generally desirable pluralism to be harmful deviations. A couple of centuries ago, Polish courts were criticised for excessive freedom and it was deplored that Polish marriages were dissolved with undue ease. Of late, various tribunals in the USA have been cautioned against introducing divorce under some other name. In the presence of the pope, Cardinal Felici (then Prefect of the Supreme Tribunal of the Apostolic Signatura) drew attention to the abnormal increase in declarations of nullity and, in an obvious allusion to the USA, noted an increase of 5000 per cent over a ten year period. Greater than usual attention is therefore likely to be focused on the work under review. It is more than a tome—it is an epitome of the legal culture of US Catholicism, a distinctive contribution only possible there. Study of a commentary commissioned by the

Canon Law Society of America, and thus with some claim to representative status, is a good opportunity to assess what are the characteristics, style and concerns of US canonists in every area and not just for marriage.

The actual material production is a sign of the substantial financial and human resources made available for canon law in the States. This is a commentary on virtually every canon of the Code, running to over one thousand pages, massive in size and weight, published in record time and a genuinely collaborative enterprise. Given their material resources, one can see why on a recent tour of the Roman Curia, American canonists were struck by how little modern office equipment was in evidence. When explaining canon 535 (parish registers) these canonists take for granted that now 'more parishes turn to computer systems for storing and processing sacramental data'. As for the human resources, the team of commentators could rely on a solid tradition of joint canonical projects, both theoretical and practical, and a deep concern to educate and be of service to the Catholic community at large. That American canonists are not on the periphery of their Church may be connected with the importance and pervasiveness of lawyers in their society in general.

The Commentary as a whole does not treat rules in abstraction from their theological-pastoral context, refuses to see canon law as unquestionable, given ordinances and is not myopically obsessed with detail; these commentators are against 'juridical positivism and historicism'. Sociology makes a modest appearance, and historical information is more than a decorative preamble. Extensive use is made of the material bearing on the process of revision of the Code. The canonists are at their distinctive best when treating of canon law as applied ecclesiology, ever alert to questions of justice and rights. This emphasis on what might be called the 'constitutional law' of the Church, and this practical concern with what the law can achieve in a given system, are further applications of characteristics often associated with American jurisprudence in a secular sense. Not many other ecclesial legal cultures could comment on canon 221 (protection of rights) in these terms; 'Experience with due process cases in the United States shows that when a bishop is involved the procedures often do not function effectively, even when there is good will on all sides'. Cardinal Felici's complaint that 'in a certain continent' the customary grounds for nullity have been practically abandoned finds no justification in the sections on marriage. The comments on the crucial canon 1095 (lack of due discretion and all that) are solidly founded on Rotal jurisprudence.

Distinctiveness also entails limitations, however. The study of the metaphysics and theory of canon law is deeper in Italy, Germany and Spain; illustrations from non-American legal systems do not come readily; and the ancient and sophisticated canon law of the Anglican communion is bypassed. Once or twice there is the distinct suspicion that this Commentary shares the perspective of the articulate intelligentsia. One sign is that these canonists have little interest in those canons governing areas close to popular religion—shrines, sacramentals, the veneration of the saints, sacred images and relics. The references to the process of canonization are completely out of date. There is also the tell-tale comment on canon 273 to the effect that in the matter of the reverence owed to the Supreme Pontiff and to their own Ordinary, 'The reverence expected of the clergy hardly differs from that of the well-educated laity'. Admittedly the intended audience of the Commentary is 'the literate Catholic leadership personnel' but the concerns of the Code are wider than the personal preoccupations of this group and they should be reflected in the comments. Apart from the characteristic *brio* of Ladislav Orsy's style, the language of the Commentary is generally matter-of-fact, workmanlike and occasionally colloquial. It is not a prose designed to convey law as arcane or majestic. One phrase made me shudder, until I visualised it and then I smiled. We are told that clerics are no longer looked upon 'as semi-cloistered individuals on a pedestal'.

There would be scope for disagreement on points of detail. Somewhat surprisingly

given the marked interest in 'due process' and so on, the sections on processes seem underdeveloped. To leave canon 1606 without exposition is a real loss, for that canon allows the parties in a trial simply to entrust themselves in certain circumstances 'to the knowledge and the conscience of the judge', surely a provision needing comment as to its scope and desirability. Instead of listing detailed points of disagreement, it might be best to draw attention to the unexamined use of one major category of understanding. The Commentary points out that in the Code 'the terms used to name the pope vary' (e.g. bishop of Rome, Supreme Pontiff etc.). These titles in one sense express his various functions, while in another sense they represent the differing views of the relative position of the pope and the college of bishops as the subject of supreme power. Each title has its own history; only when taken as a whole do they present a comprehensive view of the role of the pope. These observations are illuminating. What is missing from the analysis is any explicit awareness of the fact that the Code itself never uses the (ancient and complex) title 'pope', and that although the Commentary makes extensive use of the term it gives us no idea why it has chosen to give it such prominence.

The final comment on the Commentary? As a large working-manual on the whole Code, designed for persons in various pastoral responsibilities, this Commentary is definitely a success and is not likely to be displaced in the English-speaking world for at least a decade. And Rome need not be anxious.

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HUME'S SKEPTICISM IN THE *TREATISE OF HUMAN NATURE* by Robert Fogelin.
London, Routledge and Kegan Paul, 1985. P. xii + 195. £12.95.

In a passage of the *Abstract* which is, perhaps surprisingly not quoted here Hume said of the *Treatise* "that the philosophy contain'd in this book is very sceptical". Fogelin's justification for his own book is "that most recent Hume scholarship has either neglected or downplayed this important aspect of Hume's position" (p. xi). Certainly Fogelin has an agreeably astringent way with some of the nowadays infrequently examined skeptical arguments: thus Hume has, Fogelin says, "in general, ... a bad head for questions concerning infinity" (p. 17); and, again, "Hume's second argument, ... obviously pleased him, and it is, in fact, perfectly awful" (p. 112).

In general, again, whereas some of us have argued that Hume's radical (as opposed to Academic) skepticism is logically incompatible with (what surely are supposed to be) his rational commitments to scientific inquiry and to the proportioning of belief to the evidence, Fogelin propounds the seemingly contrary contention that "it coheres with Hume's naturalistic program" (p. 146). Whether it really is contrary becomes less clear when a little later Fogelin writes: "The mitigated skepticism that Hume recommends is the causal product of two competing influences: Pyrrhonian doubt on the one side, natural instinct on the other ... In this way Hume's skepticism and naturalism meet in a causal theory of skepticism itself" (p. 150).

By emphasizing throughout that interest in the causes as opposed to the grounds of belief Fogelin claims for Hume his rightful but rarely recognised position in the development both of the historiography of ideas and of the sociology of 'knowledge' (pp. 80ff.). Unfortunately Fogelin is himself impatient of those who want to "draw a sharp distinction between logical and psychological considerations" (p. 147).

Perhaps even more unfortunately, he regularly introduces such terms as 'empiricism', 'naturalism', 'subjectivism', 'foundationism', and the like, without the essential parenthetical explication of the senses in which they are to be employed. Apart from the present confusion about what and how much is involved in Hume's naturalism, it really is much too late in the day to be asking, without first distinguishing broader and narrower sense of that word, whether his moral philosophy was subjectivist. In the former the subjectivist