

on secular law in many ways, but there remains a reluctance to apply them with the same rigidity (pp. 50–51).

The French Protestant churches have not been established as in Germany and Switzerland. The two longer and more detailed chapters on France by Roque and by Volff and Birmele concentrate on the external status of the various associations of Protestant churches in France and on their governance structures. They spend little time on internal discipline.

The purpose of this book is to demonstrate that the ecclesiastical laws of Protestant churches in continental Europe are worthy of academic study, despite the paucity of institutions engaging in the activity. With the annexes on the recruitment and appointment of pastors in the National Protestant Church of Geneva and the Reformed Church of France, this book provides a good starting point for comparative study of canon law. Such a study is useful not only because of the different contents of rules and the histories of the different ecclesiastical communities, but also because the different church communities offer contrasts in the conceptions of law in the life of the church.

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*CHURCH AUTONOMY: A COMPARATIVE SURVEY* edited by GERHARD ROBBERS, Peter Lang GmbH, 2001, 716pp (paperback £60.00/€91.00) ISBN 3-631-36223-4

These collected papers originate in a conference held at the University of Trier (Germany) in 1999. All are in generally fluent English, with the odd exception such as ‘Holy Seat’ for ‘Holy See’, in one chapter, and ‘Israelites’ for ‘Jews’ in another. By the term ‘Church autonomy’ is meant the right to corporate self-determination enjoyed by churches and religious communities in the context of civil societies. The 33 chapters reflect the great variety of arrangements that Church autonomy takes in Europe and the USA.

Religious freedom has two distinct components, one corporate and the other individual. Both can be problematic for the State, but they are also in tension with each other—Mark Chopko notes a huge increase in litigation between every religious community in the USA and some of its own members. This trend is likely to affect Europe too. As J. Martínez-Torrón mentions for Spain, but it applies elsewhere too, an important problem for the State is how to define religion in the first place—whether or not, for example, to include the Church of Scientology and the Church of Unification.

Avoiding any systematic ordering, the chapters are arranged in alphabetical order of the surnames of their authors. The exception is the concluding ‘comparative view’ by Cole Durham Jr. This said, the chapters fall into two broad categories. A few papers consider theoretical or generalised issues, while most focus on specific countries. The book has no index, reducing

its usefulness precisely as a *comparative* survey: concepts, cases and topics cannot be traced easily across different legal systems.

The excellent concluding chapter makes the basic point that religion virtually always has a communal dimension so that protecting the right to autonomy in ordering religious affairs is essential to protecting religious freedom. How and why this autonomy is respected by a State can differ significantly. Cole Durham compares the material in the papers without forcing it into inappropriate categories. It is inherently difficult to compare different experiences and understanding when the very terms of comparison are not neutral. Noteworthy is his table (pp. 697–700) of the range of issues that constitute the essential content of church autonomy, that is, of exclusively religious affairs. This consists chiefly of the inner domain of faith, doctrine and polity, together with the core ministry and administration. These large areas are in turn subdivided. Individual legal systems can then be examined to see if and how they protect these key aspects of church autonomy.

The concluding comparative view deals with the United States and Europe, and finds unexpectedly strong patterns of convergence. The bulk of the volume, however, consists of detailed papers on the situation either in the United States or in a scatter of European countries. Even a coverage wide enough to include Kazakstan has to be selective, both as to the countries and the religious groups studied. Thus Mark Hill, with characteristic mastery of litigated cases and attentiveness to the Human Rights Act 1998, concentrates on the Church of England in studying the United Kingdom.

All the chapters are of interest and value, yet two can be highlighted because they offer ways of understanding the plethora of detail and can guide change in a constantly evolving area of social life. Roland Minnerath's account of church autonomy in Europe presents a classification that distinguishes established Churches, legally recognised Churches, State-controlled Churches, and countries where religion is considered a private activity. Taking a different approach, set in the context of the United States but of wider relevance, Kurt Lash's impressive contribution proposes a model-based method of analysis. His five models are those of religious establishment (religion is true), of religious freedom (religion is valuable), of no establishment (religion is private) and finally of secular establishment (religion is dangerous).

This last model, according to which a State considers religion or a religious group with suspicion or hostility, has been a recurring experience for European Jews and various Christian denominations. A related and fundamental issue is that liberal democracies can find it problematic to allow autonomy in organisation and behaviour to religious communities when the outcome, often for theological reasons, is not democratic, accountable, just or acceptable by secular standards. In particular, the unprecedented number of Muslims in Europe challenges both secularisation and the broadly Judeo-Christian understanding of religion that even many non-believers have. In

the context of Greece. G. R. Papastathis notes how the implementation of *Sharia'h* is seen by some as involving flagrant violations of the constitutional rights of Muslims as Greek citizens.

It can be safely concluded that a single model or typology cannot adequately encompass the current variety of juridical approaches by States to church autonomy. Much depends on history, a country's legal tradition, and socio-political realities. Thus, one wonders what led the Luxembourg Criminal Code to include a duty of restraint on priests when delivering a religious sermon (p. 462). This law (article 268) is in fact even more interesting than the tantalising summary provided by A. Pauly.

This book, however, also raises the question of what autonomy religious systems concede to the State. The chapters by Dane, Gaffney and van der Vyver explore the matter, but it would be a separate and more theological task to survey fully what we might call 'State Autonomy in World Religions'. Again, no single model or typology would be adequate.

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*CHRISTIAN PERSPECTIVES ON LAW AND RELATIONISM* edited by PAUL BEAUMONT AND KEITH WOTHERSPOON, Paternoster, 2001, ix + 255 pp.(£17.99) ISBN 0-85364-994-4.

This book is an exploration of a theory called 'relationism' developed by the Christian thinker Michael Schluter and others and the meaning of this for the theory and practice of the law. Interestingly the theory is not, of itself, exclusively Christian. It stands, rather like a middle order axiom, between the world of belief and conviction and the common life of humanity. It is an attempt at providing a discourse which all can use and which will deepen the humanity of our praxis. Schluter and his colleagues do root their development of this idea in the Christian tradition and especially in the interpretation of Biblical texts—they are committed to the unique authority of Scripture—and to the doctrine of the Trinity.

The idea commits us to consider how the practice of the law builds upon and promotes close and appropriate proximity in relationships. It is particularly strong in the area of criminal justice where the needs of the relationships of the offender to the victim and of the offender to his/her own family ought to be taken into account in the character of sentencing policy. Jonathan Burnside explores this at considerable depth.

The book is the outcome of a series of papers given at a Lawyers' Christian Fellowship Conference. It has the courage to hold to the exploration of the theme across a great variety of legal contexts. The law of contract, employment law, trust law, family law and regulatory spheres of law are all brought within the orbit of this idea that relationism offers us the right discourse for