

which had once bound communities together, and which had been the subject and location of dispute and disagreement as the nation dallied with the various forms of the reformed faith, became, after the great and exhausting transformation of the mid-seventeenth century, the very means by which society expressed its increasing fragmentation. Energies were now increasingly invested in areas not controlled by the Church. If babies were not introduced to canon law any longer it hardly mattered; the important part of the ritual was the party afterwards—assuming you had been invited.

*RELIGIOUS HUMAN RIGHTS IN GLOBAL PERSPECTIVE*, edited by J. D. VAN DER VYVER AND J. WITTE. 1996. The Hague, Boston and London: Martinus Nijhoff/Kluwer Law International. Two volumes: *Religious Perspectives*, xxxv + 597 pp, and *Legal Perspectives*, xlvii + 670 pp (£124 per volume). ISBN 90-411-0176-4 (vol 1), ISBN 90-411-0177-2 (vol 2), and ISBN 90-411-0178-0 (set of two volumes).

A review by Dr Norman Doe

These volumes are the product of an ambitious project on religion, human rights and democracy undertaken by the Law and Religion Program at Emory University, Atlanta, and the editors are to be congratulated on having brought together contributors from throughout the world to produce what is, quite evidently, a monumental work. The social and political aspect of religious human rights, both their cultivation and their violation, is a theme carried through most of the studies, and is underpinned neatly in the respective prefaces in each volume by Jimmy Carter and by Desmond Tutu.

In one volume, approaching the subject from the legal perspective, a score of eminent jurists assess critically and comparatively secular laws and political practices on religious freedom, both internationally and nationally. In terms of theory, ideas are advanced proposing a comparative framework for the analysis of religious liberty, methodological foundations for the discipline, and tensions and ideals. The role of the United Nations, non-governmental organisations, the media, and documents such as the European Convention on Human Rights, are examined to assess the nurture and protection of religious human rights on the international level. Highly informative overviews are provided with respect to a selected number of regions, including Eastern Europe, Central and Latin America, Africa, the Middle East, and post-communist Balkan countries; the individual states examined are Germany, Russia, Israel, South Africa, the USA, and the United Kingdom. With respect to the last, it is fascinating to read the discussion of the law applicable to the Church of England both in the light of domestic religious liberty and in the context of these other countries; what is especially absorbing is to compare these arrangements with those of 'established' churches in south America. The volume ends with a draft Model Law on Freedom of Religion.

In the other volume, written from the religious perspective, the sacred texts and legal traditions of Christianity, Judaism and Islam are treated, and the score of authors assess their contribution and challenge faiths to adopt 'golden rules of religious liberty'. In addition to introductory chapters on the religious dimension of human rights and its historical development, there are four studies on Christianity and religious rights, focusing on religious activism, and the rights of women and children; a perceptive contribution on human rights 'in the Church' is, however, the only study in this group dealing directly with canon law, Anglican and Roman Catholic. These chapters are followed by religious human rights in Judaic texts, where, in particular, there are discussions on respecting dissenters' rights, women, and education.

The same subjects are dealt with in the three chapters on classical and contemporary Islamic law.

Though expensive, the two books are attractively produced, very readable, and contain extensive bibliographies and indices and an abundance of illuminating verbatim materials from formal legal and religious documents. Whilst they will be of great value to anyone interested in law and religion, the *Legal Perspectives* volume is of particular relevance to those concerned with secular law on religion, and the *Religious Perspectives* counterpart for comparative Christian, Jewish and Islamic law. More significantly, perhaps, the pair of books will prove of considerable importance for the purposes of the inevitable jurisprudence on religious rights law which will grow as a result of the proposed Human Rights Bill.

*THE SPIRIT OF CLASSICAL CANON LAW* by R. H. HELMHOLZ. 1996. Athens and London: The University of Georgia Press, xiv + 514 pp (£47.95) ISBN 0-8203-1821-3.

A review by Dr Norman Doe

The focus of *The Spirit of the Laws* series is the nature of legal systems throughout the world, particularly their relationship with religion and morality. Titles cover studies in Roman, Talmudic and Hindu law, among others, and it is fitting that the series includes a volume devoted to a legal system so fundamental, in its classical form between the twelfth and fourteen centuries, to the growth of the Western legal tradition. This book, written by one of the world's leading and most prodigious scholars of the history of canon law—the Ruth Wyatt Rosenson Professor of Law at the University of Chicago—elucidates the nature of canon law, exploring the moral, social, political and religious values underlying it through to the seventeenth century. Not only is the subject engaged at the level of abstraction—the substantive canon law is treated practically and vividly: throughout the study, Richard Helmholz brings to life the attitudes and techniques of its commentators and practitioners, the lawyerly skills of those whose careers were devoted to it and its objectives.

There are fifteen chapters. Following the first, in which the origins of canon law, the collections of texts, their sources (including scripture, juristic commentary, and, incidentally, Roman law), are discussed, the author considers in turn fourteen general areas of the substantive law. Within each area a particular topic is chosen and examined. These include, for example: for ecclesiastical government, the law of episcopal elections (Ch. 2); for church property and economics, the law of prescription (Ch. 7); for the sacraments, baptism (Ch. 8)); for religious principles and practical problems, the law of oaths (Ch. 6); for the papacy, the law of privileges (Ch. 12); and for sanctions, excommunication (Ch. 14). With each subject the author traces, to the seventeenth century, both change and continuity. Indeed, as to the latter, whilst the studies afford a lively, but meticulous, reconstruction of the medieval canon law, there is much in the material which rings familiar to the modern church lawyer: impediments to ordination (Ch. 3); the problem of divorce and subsequent marriage (Ch. 9); the scope of the offence of blasphemy (Ch. 10); the law of double jeopardy (Ch. 11); co-operation and coercion in the courts of the church and state, and the invocation of the secular arm (Ch. 13); and the challenges posed in the application of a pan-European legal system. The modern lawyer's experience of discomfort with theological questions, arising from the theological setting of canon law, finds a direct parallel in the discussions on the medieval law of baptism. The book is also important in those discussions where the author suggests the wider influence of canonical ideas and institutions on the secular law—in so many instances, the church had developed on subjects a law the equivalent of which was not to be found in civil law