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 As a basic primer it is to be highly recommended (save that much of the Anglican contribution will soon be out of date).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.

The Ven. Alan Hawker, Archdeacon of Malmesbury

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-

ing both the abstract universalism of traditional legal reasoning and the 'particularity void' which Michael Detmold finds in the act of judging, they argue for the ethical need for lawyers to occupy 'the middle' (in Gillian Rose's sense) between the two. The practical outworking of this appears in a greater attention to detail and particularity in the application of legal norms to cases.

The other two essays require the reader to draw a deep breath before launching into the murky depths of postmodern jurisprudence. Adam Gearey finds in Augustine's City of God the roots of a 'political atheology' based on a set of radical and irresolvable contradictions (between *eros* and *agape*, *cupiditas* and *caritas*) which perpetually puts into question any existing temporal resolution. '[The state] (and by implication the law) is both legitimate and illegitimate: a consequence of the fall and the need to restrain sin, but itself a great sinner' (p. 66). This essay shares much in common with the tradition of critical legal scholarship which optimistically finds dynamic potential in law's ethical contradictions and tensions. Unusually however, Gearey sees Christianity as itself a bearer of radical openness to 'the Other', rather than a closed ethical system offering one contentious resolution. By contrast Victor Tadros' essay pours a dose of scepticism on postmodernism's optimism that by revealing the underlying power-structure of traditional ethical and legal discourse one can free up the individual to new possibilities of authenticity: 'The experience of contingency has not resulted in the substitution of radical aesthetic self-creation for the liberal conservative subject. It has resulted in a boring repetition of fragmentary experiences' (p. 110). This leads him to question whether theory should have anything to do with 'the proposal of solutions to practical problems' (i.e. law) at all.

It would be unfortunate to finish this brief review on such a pessimistic note, but it is perhaps not uncharacteristic of the current impasse of much jurisprudence. Put very crudely indeed: justice is not possible without ethics; law is not possible without justice; life is not possible without law. But ethics (in the sense of inter-subjectively binding norms of conduct) is not possible, so nor are justice, law, and even in one sense life itself. Can faith break that counsel of jurisprudential despair, or is law condemned to a life of unethical pragmatism? These essays begin to point the way forward. They are not for the intellectually faint-hearted, but must be on the essential reading-list for those who believe in law's ethical nature. Given the challenge they represent, the editors' hope that they represent just a 'starting point for further theoretical work' (p 18) will surely not go unfulfilled.

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THE CHURCHYARDS HANDBOOK (4th edition) edited by T. Cocke. F.S.A., Church House Publishing (for the Council for the Care of Churches), 2001, ix + 149 pp. (£10.95) ISBN 0 7151 75831

The Churchyards Handbook was first published in 1962, appeared in a second edition in 1976, and in a full revision in 1988. This fourth edition is a significant new revision. The legal chapters in this new compilation have been drafted by David Harte of the Newcastle Law School and there are valuable appendices on the marking of churchyard plans (by Dr Christopher Brooke who is also responsible for the chapter on the archaeology of the churchyard) and (a new departure) on Health and Safety in the churchyard, recognising the need to be alert to claims resulting from accidents in the churchyard. There are some important cautionary notes and warnings here.