

**THE CANON LAW OF THE ROMAN CATHOLIC CHURCH AND THE CHURCH OF ENGLAND : A HANDBOOK** by Rhidian Jones *T&T Clark, Edinburgh, 2000. Pp. xxi + 153, £19.95 hbk.*

Comparative law has discovered contemporary canon law rather late. While treatises discussing the relationship between medieval canon law and various other legal systems have appeared regularly, modern Roman Catholic canon law has been unaccountably neglected for some time - and if that is true of Roman Catholic canon law, the canon law of the Church of England has had an even greater problem. At least Roman Catholic canon law has its faculties, journals, as well as the recognition of its status as a scientific discipline (although whether it comes under theology or under law is a matter of some dispute). Anglican canon law, until fairly recently, has lacked even these advantages.

This state of affairs, however, has been changing. Publications on topics of comparative canon law embracing both Roman Catholic and Anglican canon law have multiplied in the past decade, and the growth of the LL.M. programme in Anglican canon law at the Cardiff Law School has been a welcome assertion in these islands of the identity of this body of knowledge as a scholarly discipline.

Not all of the treatises in comparative law have been worthy of the name, unfortunately. So often works which go under the title 'comparative law' are merely listings of the provisions of different legal systems on the same topic, without any attempt to study or explain the differences, or the underlying reasons. This sort of book simply introduces a topic, and then produces a *catena* of quotations from the legal sources ('Canon 1453 of the 1983 Code of Canon Law says, 'x'; Title III, canon 14 of the Constitution of the Protestant Episcopal Church in the United States of America says, 'y'; the Incumbents (Vacation of Benefices) Measure of 1993 says, 'z';...), with a literary style that is only one step removed from a telephone book. There are, thankfully, works which do produce a valuable analysis of the law and its context, but there is still much more work to be done.

The first step in the process is certainly the definition of terms, and in this Rhidian Jones's book provides some service. It is a reference source for terms found in Roman Catholic and Anglican canon law, with some additional references from the 1990 Code of Canons of the Eastern Churches (governing the Eastern Catholic Churches). The definitions are concise, to the point, and practical. Particularly in entries in which the same term is used by Roman Catholic and Anglican canon law, it is even more illuminating of the similarities and differences between the two systems. The brevity, however, is also this handbook's major drawback. Since neither this, nor any other lexicon, can really present the language of 'the law in its text and context' (cf. 1983 *Code of Canon Law*, canon 17), the

interpretations the author or compiler makes are not all that obvious - and certainly not to one who is not a specialist.

Some of his statements are simply incorrect: Jones states that a particular church is 'territorial units of the Latin Church *sui iuris*' and then lists the various territorial circumscriptions presented in the *Code of Canon Law* in canons 368-374. Canon 372, however, quite explicitly refers to non-territorial particular churches; a particular church is 'a portion of the people of God' and not simply a plot of ground. No mention is made of the quite different use of the term 'particular church' in the documents of the Second Vatican Council and Eastern canon law, for here the whole Latin Church itself is a particular church! Certain important terms, such as 'parish priest' (in American terminology, 'pastor', used to translate *parochus*) and 'parochial vicar' do not readily appear, although parochial vicars do show up under 'vicar'.

This deficiency is more obvious and unfortunate in the case of Eastern terms, where entries would be far more useful as the terminology is so much more unfamiliar to most English-speaking Christians. The Latin and Greek terms given at the beginning of each entry are only occasionally helpful, and in some cases are blatantly erroneous. The Latin term for 'deposit of faith' used in the *Code* is *depositum fidei*, and not *depositio*, which means 'deposition'. 'Venial sin' is *peccatum veniale*, not *veniabile*, and 'universal law' is *ius universale*, not *universum*, which would mean 'the whole law'. The fact that these terms appear correctly in the text of the law itself makes these lapses all the more egregious. There is also a smattering of typographical errors and misplaced accent marks on Greek terms, which could have been corrected by a more careful proof-reading.

Any lexicon, but particularly a legal one, is limited by its own nature. Exceptions cannot be listed exhaustively, and to every rule there is an exception, or so it often appears. For this reason, if for no other, the 'context' of a law is of paramount importance in interpretation. But the other factor, the 'text', is inevitably the starting-point, and ignorance or misinterpretation of that will only lead to confusion worse confounded. It is to avoid this latter pitfall that a legal lexicon is valuable and necessary, and Jones's work has appeared at a critical juncture in the development of comparative law, particularly comparative canon law, and ecumenism. This book fills an enormous gap in the legal literature, and with all its defects is a useful tool for the one who uses it with care. A corrected, and perhaps expanded, version would be most welcome.

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