

on writing seriously about almost any aspect of burial-ground provision in England and Wales from the 1850s onward will ignore this book at their peril.

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doi:10.1017/S0956618X14001082

Christian Law: Contemporary Principles

NORMAN DOE

Cambridge University Press, Cambridge, 2013, xiv + 434 pp (hardback £75)
ISBN: 987-1-107-00892-8.

In the first paragraph of the preface, Professor Doe tells us that the germ of this book was a 2007 invitation to contribute an essay on ‘Christian law’ for a book being edited by John Witte. He had demurred because he felt that the category did not exist and instead wrote on modern church law. However, his interest had been piqued. This volume is the fruit of the research he then embarked on. The last sentence in this book acknowledges that Witte’s speculation that there is such a category was correct: there is a theological and juridical category of the contemporary principles of Christian law. These book-ending comments also summarise my own reaction.

Over the last few years I have been working on space law. Remote sensing by satellite is a major use of space, presenting its own legal problems. Again and again as I have gone through this text I have been conscious of an analogy. From space you can perceive data – vegetation cover, thermal currents in oceans, weather patterns – and on occasion track threats. You can also detect the geologies underlying the surface of the Earth. From Doe’s book you become aware of the underlying geology of the varieties of the institutions that manifest Christ’s Church in this world. Following in the train of Scottish Presbyterianism, I have often found awkward the assumptions of many of the churches covered here. But that awkwardness may precisely nail the utility of this volume. There is a commonality uniting the main Christian traditions. Without putting aside all my reservations, I need to broaden my mind. This book is a marvel, and marvellous. It is a marvel in the extent of its coverage of the ten varieties of Christian churches or denominations from which it draws: Catholic, Orthodox, Anglican, Lutheran, Methodist, Reformed, Presbyterian, United, Congregational and Baptist. It is marvellous in the way in which it illuminates.

This volume will be a valuable resource for academics as well as for those practically involved churches, in the relationships of churches *inter se* and between them and the state. It should trigger – even provoke – further, more

detailed studies. More than one hundred legal systems have been investigated. Sources are indicated but (understandably, given the volume of potential material) many footnotes contain only selected examples. There is a thematically arranged bibliography of primary and secondary materials.

The first five chapters deal with the internal life of churches, considering the sources and purposes of ecclesiastical regulation, the laity, the ordained ministry, ecclesiastical governance and discipline. All churches with an ordained ministry necessarily have a 'laity', both ordained and lay forming part of 'the people of God'. The layperson is the average church member. As such, under different ecclesial structures a layperson has a variety of rights and duties, many of which are very similar in the different traditions. Ordination sets someone apart for particular ministry. How this is done varies greatly, but the basic fact is that it is done. Reading that chapter put me in mind of the current civil law question 'who is a minister?' but without getting me much further on it. Ecclesiastical governance inevitably varies enormously, particularly between episcopal tradition and the others. Nonetheless, structures have been established and generally work. Some structures operate globally, others very locally. The point is that a structure is needed. Within such structures there is bound to be a need for discipline and conflict resolution. Again, common principles are found.

The last five chapters cover churches in their external relations, including doctrine and worship, rites, ecumenical relations, property and finance, and finally, church, state and society in the civil law. Doctrine is, of course, a tricky area. There is a long history of difference and divergence as to legitimate belief, its development and how it is manifested in worship. Churches mark key stages in life by a variety of ceremonies, baptism, confirmation, communion, marriage and divorce, confession and funeral rites; these are carefully reviewed using many sources. Property and finance are always major questions, and many different ways of dealing with them are considered. Church, state and society then takes the reader into what can be vexed areas: the control that a state may exercise over a church or its members; human rights, including freedom of religion and belief and freedom of expression; social responsibility and so on. There is much divergence here. In most legal systems there have been civil and/or criminal cases arising from the matter of each of these five chapters, but these must be sought elsewhere.

Each chapter ends with a short conclusion summarising what has been found. A longer, general, conclusion follows Chapter Ten. Finally, an appendix sets out fifty 'principles of law common to Christian churches'. These express 'a basic theological truth or ethical value' (p 388) and are drawn from the commonality of the regulatory systems that the several chapters have exposed. Here the underlying geology, often concealed by ecclesiastical vegetation, is set out.

If I have a reservation it is that this volume is concerned with the institutional churches or denominations. While there is an occasional note as to independent

congregations, the explosion of such churches in the UK has come at a time of apparent decline in the major churches. There are also the ministries that are often derived from the US: the Gospel ‘crusades’ and the stable of television practitioners, not to say hucksters. There is no way to include such aspects in a work like this: their material is not available. But my point is that there may be more to Christ’s Church than the institutional manifestations that this book covers.

Contemporary Principles is the subtitle of the book. The fifty propositions of the appendix should interest all those involved in the life of Christ’s Church. Culled from the data of the preceding chapters they range widely. Study of these principles, and their root, is called for.

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doi:10.1017/S0956618X14001094

The Protections for Religious Rights: Law and Practice

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Oxford University Press, Oxford, 2013, lxi + 555 pp (hardback £125) ISBN: 978-0-19-966096-4

Sir Bernard Rix, recently retired from the Court of Appeal, perceptively observes in his foreword to *The Protections for Religious Rights* that it is ‘essentially a new subject to English law’ (p v). Accordingly, it gives to the authors a blank canvas upon which to paint, and to reviewers a free hand to carp and criticise. What may appear systematic and comprehensive to one is disjointed and selective to another. And there are few areas of law as subjective as those which touch personal belief systems and the very core of one’s being. Detachment and objectivity are at a premium, and the wisdom of multiple authorship cannot be criticised, with varying perspectives and religious heritages adding shade and nuance, balance and clarity.

Unsurprisingly for a volume where the lead author was a distinguished advocate in both the United Kingdom domestic courts and the European Court of Human Rights in Strasbourg until his departure to the High Court bench, the emphasis of the text is very much on substantive legal provisions and the practical manner in which claims of a religious nature are prosecuted and defended. This is a practitioners’ book, densely written and heavily footnoted. It demonstrates an understanding of the embryonic – but now extensive – case law that is unrivalled in other texts and monographs, which tend to be more theoretical or sociological in nature.