


nonetheless, a hope, and an ideal, worthy of holding on to, and one which is reflective of the corporate struggle of the college of bishops, and of the broader synodality of the people of God, in my own context, as I am sure it is elsewhere in the Anglican Communion. It is interesting to also note that the plea of Archbishop Fisher articulated throughout this book is not altogether dissimilar to the pleas for unity and collegiality associated with the convening of the most recent Lambeth conference in 2022, which, again in a manner not altogether dissimilar to the notion of synodality among Roman Catholic bishops, produced not resolutions but ‘calls’.

Archbishop Fisher writes in conclusion, ‘if our fraternity can be fraught and our communion imperfect’ one answer may be to return to the ‘sources of our faith’ which are our respective vocation and collegiality (p. 121). This returns us to the place where we began, with the plea of Jesus, in the great high-priestly prayer, that they may be one. This is the burden of this work, which is an extended plea for that unity pleaded for by Christ himself, to be a relational and spiritual reality in the context of the episcopate, that the resulting synodality (understood as ‘togetherness’) may find expression in the context of corporate ecclesial decision-making.

doi:10.1017/S0956618X24000279

The Sacraments of the Law and the Law of the Sacraments

Judith Hahn, Cambridge University Press, 2023, ix + 290 pp (hardback £85.00), ISBN: 9781009330169

Benjamin Earl OP 

Procurator General, Order of Preachers

The Council of Chalcedon in 451 confessed that Jesus Christ ‘must be acknowledged in two natures, without confusion or change, without division or separation’.¹ Thus for Christian theology it is not at all a novelty that a person – or indeed a thing – might simultaneously have two natures. The idea is applied to the Church herself, at one and the same time mystical body of Christ and human institutional reality. Likewise it can be applied to the individual sacraments of the Church, which are on the one hand efficacious signs of Christ’s grace, and on the other hand juridical acts which create, modify or extinguish obligations and rights in the Church.

¹ English translation from J Neuner and J Dupuis, *The Christian Faith in the Doctrinal Documents of the Catholic Church* (New York, 1996), n 615.

Judith Hahn's book suggests that the idea that the sacraments might 'serve as religious and legal acts simultaneously' is 'hard to digest'; but perhaps that indigestion is merely antinomian reflux following over-indulgence in 'post-Tridentine legalism' (p. 260). To the relatively settled stomach of a 21st century canon lawyer and sacramental minister with a theological and liturgical formation, the thesis does not appear hugely controversial. Hahn, however, has other stomachs in mind too: hers is an interdisciplinary study, encompassing not just canon law and theology, but also civil law, philosophy and anthropology, applying the speech act theory of J L Austin and the ritual theory of Catherine Bell both to the sacraments as understood and celebrated in the Catholic Church, and to the rituals of various legal systems, both canonical and secular.

Hahn is careful to explain the terminology of these various fields, which is just as well: some of the language would otherwise be somewhat shocking or confusing. A priest celebrating Mass or a public official taking an oath of office might be horrified to hear their pronouncements described as 'magic'; but the word is used simply to indicate an understanding that the act produces an effect that cannot be fully explained by human reason. What in canon law would be considered a 'constitutive act' (i.e. an act which makes something so), in speech act theory is principally a 'declarative illocution'; whereas a merely 'declarative act' in canon law (i.e. formally affirming something to be so without purporting to bring it about) would be an 'assertive illocution' in speech act theory.

In her first chapter, Hahn presents the development of the concepts of 'sacrament' and 'symbol' and their application to the Christian mysteries and to legal acts. In the second chapter she turns to the notion of 'ritual' and looks at sacraments within that frame. The focus in the third chapter moves to changes in status, both spiritual and legal, through the celebration of sacraments and other rituals. The book builds up to the fourth, final, and most substantial chapter, in which Hahn explains the notion of 'speech acts'. As the law is a 'typical field of speech act phenomena' (p. 188), she applies the notion first in that area, before applying it to Catholic sacramental speech, not unsurprisingly seeing that such speech has legal effects too.

Hahn is at pains to reject 'a time when the law took the sacraments hostage [...] and reduced them to magical automatisms' (p. 261), but concludes that, analysed in terms of ritual theory and speech act theory, they can be seen as 'sacro-legal symbols' which 'simultaneously signify and effectuate spiritual and legal realities without the one side taking anything away from the other' (p. 264).

The book does contain occasional surprising errors. For example, in discussing the formulas and gestures of the sacraments, Hahn claims that a bishop of the Latin Church administering the sacrament of orders 'imposes his hands on the candidate while he speaks the consecratory prayer' (p. 217), whereas in the Roman Pontifical the gesture of imposition of hands comes first, followed later by the prayer of consecration with the bishop's hands extended. Readers of this journal may be particularly concerned that the one brief foray into an 'Anglican parallel' confuses the English law on the voidability of a non-consummated marriage with 'Anglican practice' (pp. 252–254). It is indeed the practice of the

Church of England to submit to the laws of England; but the Matrimonial Causes Act 1973² does not even mention the Church of England, most of those to whom it applies are not Anglicans, and most Anglicans do not live in England.

It is not always comfortable to walk a mile in somebody else's shoes, but it is a learning experience. To see how practitioners or theoreticians of other disciplines approach questions that a canon lawyer deals with daily is at times challenging but also instructive and enriching; the same applies to those who celebrate or receive the sacraments, or who are tasked with explaining the 'sacramental economy' to audiences both inside and outside the Church.

The propositions Hahn sets out to demonstrate (pp. 3–5) are not earth-shattering. Lawyers know that juridical acts require for their validity certain essential elements and formalities, functioning much like sacraments; in the canonical system, Canon 124 indicates as much. Those who have studied the 1983 *Codex Iuris Canonici* know that Canon 213 codifies the right of the faithful to the spiritual goods of the Church, including the sacraments. Basic catechesis on the seven sacraments tells us that obligations, rights, and legal status flow from their celebration. The interesting thing about the book is not so much the destination itself, but rather the journey we take to get there: that is, the interdisciplinary guided tour Hahn gives through what for many readers will, at least in part, likely be unfamiliar territory.

doi:10.1017/S0956618X24000309

British Islam and English Law: A Classical Pluralist Perspective

Patrick S Nash, Cambridge University Press, 2021, 308 pp (hardback £95), ISBN: 978-1-108-71360-3

Rebecca Riedel

Lecturer, School of Law and Politics, Cardiff University, UK
Email: RiedelRJ@cardiff.ac.uk

The *Law in Context* series, established in the 1970s and published by Cambridge University Press, seeks to broaden the study of law by publishing works which place law in its wider social, political, technological, environmental and economic contexts. *British Islam and English Law: A Classical Pluralist Perspective* builds on Patrick Nash's doctoral research, and is representative of his focus on contemporary topics. The monograph, like much of his work, seeks to answer difficult questions about the place of Islam in Britain, and about how English law should relate to Islam. The work in this monograph, therefore, is a perfect

² Specifically, s 12(1)(b).