

*LE DROIT ECCLESIAL PROTESTANT* edited by FRANCIS MESSNER and SOLANGE WYDMUSCH, Editions Oberlin, 2001, 143 pp (paperback €9.06) ISBN 2-85369-233-7.

Continental western European Protestantism has had an ambivalent attitude towards canon law. In reaction to the very broad role for law within the Catholic Church, the sixteenth century Reformers relied more on secular authorities to maintain order in the Church and did not consider internal rules to constitute a 'canon law'. In the twentieth century, the clearer separation of church and state forced the Protestant churches to develop more clearly their own ecclesiastical rules, both in terms of structures of governance, and in relation to internal discipline. This collection provides a short, readable and informative account of the current situation in France, Germany and Switzerland.

The first chapter in the book by Wydmusch provides a helpful analysis of the different types of rule and regulation adopted within the Protestant churches under consideration. This involves both a brief account of the views of the various Reformers, with their emphasis on the spiritual function of the church, and a summary of the different issues covered by the various internal church rules (*la discipline*) which have been developed (ministries and governance, sacraments, pastoral acts and catechesis; see especially pp. 25–27). Wydmusch concludes with an analysis of the typology of the kind of church law which is involved. He prefers the analysis of Willaime that, in the countries studied, Protestant church law exemplifies an institutional ideological model, where the internal law serves to preserve both the group and the individual to achieve specific purposes. Willaime's alternative is to see other Protestant law as a charismatic association for the preservation of the Truth, whose authority revolves around the position of a prophetic leader. The former model applies to the traditional institutional churches which are the principal subject of the book, though the latter model applies to some Christian communities within the countries studied.

The chapters by Kiderlen and Winzeler provide an overview of the institutional churches in Germany and Switzerland respectively. Each chapter gives the historical setting, and the importance of the secular law of the region (*Land* or *canton*) in the past. The greater freedom of religion in the nineteenth century and the secularisation of the state have forced the churches to define a more distinct place for internal law. For Kiderlen, church law in Germany is neither part of the private law of associations, nor part of public law. It is a *sui generis* form of law in which regional churches are accorded certain privileges by the state in parity with the Catholic Church. This external structure is essentially 'a political law' (p. 39). By contrast, the internal discipline of the church is a kind of 'soft law' setting out standards giving rise to spiritual advice, rather than legal sanctions (p. 38). In Switzerland, the special legal position of Protestant churches has weakened with both the recognition of freedom of belief and a greater parity accorded to the Catholic Church. Internal disciplinary rules are modelled

on secular law in many ways, but there remains a reluctance to apply them with the same rigidity (pp. 50–51).

The French Protestant churches have not been established as in Germany and Switzerland. The two longer and more detailed chapters on France by Roque and by Volff and Birmele concentrate on the external status of the various associations of Protestant churches in France and on their governance structures. They spend little time on internal discipline.

The purpose of this book is to demonstrate that the ecclesiastical laws of Protestant churches in continental Europe are worthy of academic study, despite the paucity of institutions engaging in the activity. With the annexes on the recruitment and appointment of pastors in the National Protestant Church of Geneva and the Reformed Church of France, this book provides a good starting point for comparative study of canon law. Such a study is useful not only because of the different contents of rules and the histories of the different ecclesiastical communities, but also because the different church communities offer contrasts in the conceptions of law in the life of the church.

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*CHURCH AUTONOMY: A COMPARATIVE SURVEY* edited by GERHARD ROBBERS, Peter Lang GmbH, 2001, 716pp (paperback £60.00/€91.00) ISBN 3-631-36223-4

These collected papers originate in a conference held at the University of Trier (Germany) in 1999. All are in generally fluent English, with the odd exception such as ‘Holy Seat’ for ‘Holy See’, in one chapter, and ‘Israelites’ for ‘Jews’ in another. By the term ‘Church autonomy’ is meant the right to corporate self-determination enjoyed by churches and religious communities in the context of civil societies. The 33 chapters reflect the great variety of arrangements that Church autonomy takes in Europe and the USA.

Religious freedom has two distinct components, one corporate and the other individual. Both can be problematic for the State, but they are also in tension with each other—Mark Chopko notes a huge increase in litigation between every religious community in the USA and some of its own members. This trend is likely to affect Europe too. As J. Martínez-Torrón mentions for Spain, but it applies elsewhere too, an important problem for the State is how to define religion in the first place—whether or not, for example, to include the Church of Scientology and the Church of Unification.

Avoiding any systematic ordering, the chapters are arranged in alphabetical order of the surnames of their authors. The exception is the concluding ‘comparative view’ by Cole Durham Jr. This said, the chapters fall into two broad categories. A few papers consider theoretical or generalised issues, while most focus on specific countries. The book has no index, reducing