

On pp. 33 and 41 two different translations are given for the same passage from an address of John Paul II. The date 1620 for the Synod of Moscow's declaration that William Palmer's baptism was invalid cannot be right.

I read this book with absorption and even with excitement. It should be in the hands of everyone engaged in ecumenical discussions.

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LIBERTÉ ET LOI DANS L'ÉGLISE. *Les quatre fleuves* 18, Paris, 1983. pp 152 65 francs.

When our own national Canon Law Society gathered to celebrate its silver jubilee in 1982, its President noted how in the beginning those pioneering canonists met more or less clandestinely, under the auspices of another organisation and not in their own name. Why? It seems so as not to pose too much of a threat to the hierarchy. Those in authority have not always welcomed lawyers and legal procedures, and the relationship of law to freedom is not simply that of opposition. This French collection of essays explores the 1983 Code on its own terms and in the light of its antecedents. It must be admitted that there is no obvious unifying theme, certainly not that of law and freedom, and that the nine essays appear to contain whatever their distinguished writers chose to include. Mgr. Charles Lefebvre, learned man that he is, missed a huge opportunity by largely limiting himself to a bare chronicle of canon law from the 12th to the 15th century. This is history as lists.

The pieces by Jean Gaudemet and Vincenzo Fagiolo are particularly stimulating. Gaudemet takes up a critical stance in outlining the operation of the 1917 Code, and canon law generally, up to John XXIII. The canon law of that period, as practised and studied, is found seriously wanting despite the early promise of a single, coherent Code with a full apparatus of authoritative sources. Bereft of history, comparative law and sociology on its academic side, remote and over-clerical in its Latin language, the study of canon law did not yield spectacular results; and the creation of new law was centralised and limited. By now, however, the defects of that style of doing canon law are well-known and Gaudemet does not try to list them all. Fagiolo concentrates on the 1983 Code in his excellent contribution. Contemporary canon law has been reformulated not only in detail but also in its whole self-understanding and its relationship to other sources of christian living; it is more pastoral, conscious of rights, favourable to subsidiarity and decentralisation. Basically it is the end-product of another ecclesiology, the last document of Vatican II as the present Pope likes to say.

The merits and potential of the new Code are undoubtedly great, and these essays give assorted if uncoordinated examples. Yet even in these early days one has reservations. The 1983 Code may not be that perfectly aligned to Vatican II; the restrictions in ecumenical matters and in certain areas of sacramental life will soon be out of step; religious will not feel wholly free; the active protection and vindication of rights needs to be taken further. And it does not end there. Canon 1399 still provides too much uncertainty when it comes to punishing offences, whilst canon 1321(3) may stack the odds too much against the innocent. Elsewhere, canons 285 and 287 limit political/social activity too much for too many, and the need for a mandate to teach theological subjects in any Catholic institute of higher studies is not necessarily the best way to ensure responsible freedom. The renewed vigour of law-making agencies, other than Rome, is well brought out by Passicos and de Lanversin in their essays. Yet canon 19 will either stifle judicial creativity or soon become a dead-letter, at least in part. That canon gives due influence to the jurisprudence and practice of the Roman Curia but not to other tribunals. This is rigid, timid and even ironic given the important contribution made by several tribunals, not least those in the English-speaking world, to advances in matrimonial law.

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