of monk-bishops, as well as the major abbeys of his day.
This is an exact and thorough study. It will be indispensable to students of the ecclesiastical law of the period.

Professor Gillian Evans, Faculty of History, University of Cambridge.

*CHURCH DISPUTES MEDIATION* by JAMES BEHRENS, Leominster, Gracewing, 2003, xviii +553 pp (paperback £30) ISBN 0-85244-578-4

A book that can attract forewords by both the Lord Chief Justice and the Archbishop of York must be of some significance. Whilst I was reading the book for review, the Department for Constitutional Affairs website has reported that as from 1 April 2004 the London Civil Justice Centre will automatically refer around twenty randomly selected cases to mediation; also that the government will shortly be announcing new proposals to encourage the use of mediation in residence and contact disputes following the breakdown of marriages. Mediation is clearly going to play an increasing role in the resolution of disputes in the secular courts. The thrust of James Behrens' book is to argue that mediation is much underused as a means of settling conflicts within the Christian Church, and to suggest models and methods for increasing its use.

He begins by reviewing the Scriptural material in both Old and New Testaments which promotes mediation and reconciliation as the proper response of God's people to conflict. He then takes the reader on a brief journey through church history and argues that the inquisitorial manner of resolving disputes that traditionally was followed by bishops and judges was one that was well adapted to reconciling the parties and that judgment was only pronounced when attempts to mediate had failed. He suggests that the adopting of a more adversarial approach since the mid-nineteenth century may have made the settlement of disputes more difficult.

He then takes the dispute at Westminster Abbey between Dr Martin Neary and the Dean and Chapter as being one example of what happens when a church does not seek mediation but instead goes down the route of resolving its disputes through legal processes. Although the author has had personal involvement in many of the disputes which he uses as illustrations, he had no professional or other personal involvement in this dispute. He uses newspaper cuttings to tell the history and to make his points. Those are that this method of conflict resolution is costly, unproductive, destructive and a poor reflection of the Christian gospel.

The book has sprung from the author's PhD thesis in which he carried out much research into disputes within (mostly) the Anglican Church. He wrote to all diocesan secretaries and archdeacons, receiving a response from 72 % of the dioceses.

An analysis of the many different types of church dispute that have taken

place is then embarked upon. The response to his diocesan inquiries and quotations from many local newspaper archives provides an exhaustive account of the different types of dispute that there have been. Extensive footnotes contain the details of many of these disputes. An attempt is made to categorise them so that we can later see which may be better fitted to different types of mediation. I did find myself wondering whether a book rather than a thesis needs the amount of itemised detail that is contained at this point.

Three lengthy chapters then explain that there are essentially three models of mediation. They are described respectively as commercial mediation, community mediation and consensus building mediation. Respectively they are shown to be better suited to solving Problems or dealing with Facts, to dealing with People and helping them deal with their Feelings and finally to focus on the Process or the Form (note the author's three point double alliteration).

Each of these chapters goes into great detail about the particular model. The commercial model is the one that is used in the English Civil Justice system. CEDR and other organisations provide training of which full details are provided. The process and cost are also fully described. There is then a discussion about which of the categories of dispute are likely to be best suited to this means of mediation. The Community model that is illustrated is the Camden Mediation Service used in neighbour disputes between council tenants in the borough. Consensus building is the model that the Mennonites and Quakers use. For each type again there is a very thorough analysis of who can be involved as mediators, what their training consists of, what process is followed in the mediation and what sort of disputes it is best suited for.

Chapter 7 reveals more of the author's raw research data. Recognising that a number of other countries use mediation much more extensively and effectively than happens within the English legal system, Dr Behrens decided to write to all Anglican bishops in South Africa, Hong Kong, Australia, New Zealand, Canada and USA. He received a 52 % response across the board. He asked his correspondents about the extent to which they used mediation, what sort of disputes they regarded as susceptible of mediation and if there were any issues for which they thought that mediation was not suitable. Again we are supplied with detailed identification of who said what and about what. The outcome of this research was that it became clear to the author that who was involved in the dispute was perhaps as important as what the issue was when deciding whether mediation was appropriate and if so who the mediator should be.

The book concludes with a summary of the author's findings and conclusions. Not surprisingly he has persuaded himself and probably all his readers by now that mediation is a good thing, that it is entirely consistent with the Christian gospel and is therefore a more Christian way of resolving conflicts that arise between Christian people than becoming

adversaries in a conflictual legal process.

Given that it is the product of a PhD thesis it is a surprisingly readable book. The footnotes are footnotes rather than endnotes and you can choose to read them or not depending whether you feel the need to know which church can possibly have behaved in the way described in the text. Who will benefit from reading this book? The answer has to be anyone who is concerned with disputes between Christians: Bishops and Senior Staff who may want to give thought to setting up a diocesan policy and training people to act as mediators; Chancellors and Registrars who may feel able to suggest to potential petitioners that there might be alternative ways of resolving some disputes; and any Christian people who have become embroiled in a conflict and want help in resolving it.

Peter Collier QC, Chancellor of the Dioceses of Lincoln and Wakefield

*THE CANON LAW AND ECCLESIASTICAL JURISDICTION FROM 597 TO THE 1640s* by R H HELMHOLZ, [THE OXFORD HISTORY OF THE LAWS OF ENGLAND volume I], Oxford University Press, 2004, xxxii + 693 pp (hardback £125) ISBN 0-19-825897-6

In 1888 Maitland gave his celebrated lecture 'Why the History of English Law is not Written'. He and others, not least Holdsworth, made excellent contributions towards writing that history, and under the general editorship of Sir John Baker a whole series of volumes on the history of the laws of England has just started publication. In 1984 Charles Donahue lectured to the Selden Society on 'Why the History of Canon Law is not Written'. As far as England is concerned, Professor Richard Helmholz has now built on his own distinguished researches and those of others to publish a history of canon law, in the series edited by Baker, that is truly monumental and accomplished.

To appreciate the scale of Helmholz's achievement, one need only recall what Donahue thought were the failings of existing general histories of canon law: they did not take sufficient account of the unpublished sources, they dealt hardly at all with the practice of the ecclesiastical courts, and their focus on the history of institutions made them something different from the history of canon law. Helmholz has now set standards for legal historians of other countries and of canon law in general. He admits to approaching the history of English ecclesiastical jurisdiction with four convictions: the study of the implementation of the law of the church, as shown in the court records, is worthwhile for a historian interested in the *ius commune*; the jurisdiction of the English ecclesiastical courts will be best understood by taking account of the Roman and canon laws, as found in the medieval jurists; the history of ecclesiastical law in England should be treated as part of the history of the canon law in the Latin church as a whole; it will be profitable to be conscious of possible links with the English common law.