

in other states to, at the very best, a marginal status. The inclusion of Pakistan's Blasphemy Law in Appendix 2, without any detailed discussion of it, highlights the limited approach taken. The point of case-studies is to illustrate problems in practice and the approaches taken towards them. Considering the diversity of views and approaches among Muslim thinkers and states on this issue (which the authors are at pains to highlight), it makes little sense to examine only one state and then to draw general conclusions on that basis. It is further the case that the book does not place the discussion in the general context of Islamic legal theory and the attempts to reconcile legally defined human rights standards and certain approaches to Islam. On the plus side, it is well written, has a useful bibliography and is very reasonably priced. On balance, however, I would hesitate to recommend it to anyone other than those with a need to read all of the literature on human rights and Islam and with a particular interest in apostasy in Malaysia.

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CANONICAL COLLECTIONS OF THE EARLY MIDDLE AGES (CA 400-1140): A BIBLIOGRAPHICAL GUIDE TO THE MANUSCRIPTS AND LITERATURE by LOTTE KÉRY, History of Medieval Canon Law 1, The Catholic University of America Press, Washington DC, 1999. xxxv + 311 pp (including indexes), (hardback \$54.95) ISBN 0-8132-0918-8

PAPAL LETTERS IN THE EARLY MIDDLE AGES by HORST FUHRMANN and DETLEV JASPER, History of Medieval Canon Law 2, The Catholic University of America Press, Washington DC, 2001. xiii + 226 pp (including indexes), (hardback, \$39.95) ISBN 0-8132-0919-6

The Catholic University of America Press in 1999 announced an ambitious programme to produce 'The History of Medieval Canon Law' in eleven volumes. The series was to bring together 'a group of distinguished scholars to present a unified history of medieval canon law from the earliest time to 1500'. Many of the projected titles cover subjects that have been virtually untouched in English-speaking scholarship, such as the history of Byzantine and Oriental canon law. The volumes in this series offer studies organised either by period (such as the first two volumes, as well as canon law in the age of reform [1000-1140] or the classical age [1140-1234]) or by subject (such as courts and procedure). While almost all of the volumes have been assigned authors and are now in process, the titles have been somewhat slow to appear, at least in part because of the painstaking editing process each work is put through at The Catholic University of America Press.

The first volume in the series by Lotte Kéry, historian at the Leopold-Wenger-Institut in Munich, appeared in February 2000. It is a bibliographic survey of canonical collections in the Latin West from late antiquity through Gratian's *Decretum* (c. 1140). The earliest dated collection is the *Corpus canonum africanum* (c. 420); the entries are grouped into three broadly

chronological sections (late antique and early mediaeval, Carolingian, and the canonical collections of the Gregorian Reform). Each of the almost 200 entries lists the author, date, place of composition, type of collection, any modern editions, manuscripts, and bibliography. There is an index of manuscripts as well as a final index of collections.

Although the volume bears Kéry's name, it is not the work of a single individual. She has systematised, catalogued, and in many ways completed the work of numerous researchers who have taken part in this work in their individual areas of expertise; their names and areas are mentioned in the general editor's prologue.

Bibliographies are, by their very nature, ephemeral creatures. The literature, particularly on early canonical collections, expands year by year so that no matter how complete a work may hope to be it will become incomplete almost as soon as it is published. Kéry's work, however, is the result of such prodigious scholarship, such indefatigable patience, and such painstaking compilation that it serves as a comprehensive guide both to what has been done in the field, and what remains to be done. This volume enables one to observe both the meagre number of published critical editions, as well as the great work of cataloguing and studying manuscripts that has taken place over the last few decades. The stated desire of the editors of this series to produce a new edition of this volume after the publication of the other titles in the *History of Medieval Canon Law* is surely a sign of the vitality of this research which (one hopes) will render Kéry's book incomplete in a few short years.

Its form of organisation enables those working in the field simply to add to the lists as new manuscripts are identified, as new editions are prepared, and as new modern secondary works are produced. Of particular note and usefulness is Kéry's clear preoccupation with identifying the possible relationship between manuscripts and their differences from the original, where such exist. While the volume is impossible to 'read', it forms the basis for later volumes in the series; the general editor in his preface (rather optimistically) states that this 'will permit authors of individual chapters' in later volumes 'to dispense with similar lists'. On its own, it is the first English work to stand alongside the guides of Maasen, Fournier and Le Bras, van Hove, Stickler and Kurtscheid; in its completeness, it surpasses almost all of them.

The second volume in the series, published in May 2001, covers much of the same period, but deals with a different type of canonical literature. *Papal Letters in the Early Middle Ages* begins with the reign of Pope Siricius (384-399) and concludes with a chapter on the Pseudo-Isidorian forgeries (compiled around the middle of the ninth century). This volume is the work of two scholars well known for their work in precisely this area: Horst Fuhrmann, the president emeritus of *Monumenta Germaniae Historica* and Bayrische Akademie der Wissenschaften, and Detlev Jasper, a collaborator at the *Monumenta Germaniae Historica* in Munich. The

volume essentially consists of two separate monographs concerning the legislative value of papal letters and their appearance in canon law. In the first section, Jasper describes the transmission of papal decretals in the Latin West over the period, and in the second, Fuhrmann describes the extent, purpose, origin and immediate influence of the Pseudo-Isidorian decretals. There are three indices: an index of manuscripts, an index of papal letters (organised according to reign and Jaffé *Regesta* number), and a general index.

The greatest value of this work lies in its footnotes, which, as one might expect from constipated German scholarship, are voluminous. The scholarly questions are presented in each essay in a full and balanced manner, although in a number of places one realises that this volume must have originally been written in German, as the English does not always read smoothly. While the essays can be used as a bibliographic guide, parallel to Kéry, they can also be read with profit by someone with a basic knowledge of the ecclesiastical history and law of the period. The book quite explicitly skims over the beginning of the papal decretal tradition and the earliest collections of the fourth and fifth centuries (leaving this to the standard introductions and histories); although Jasper states that his essay traces the transmission of papal letters through the *Decretum* of Gratian, in fact he ends with the letters of Stephen V (885-891), leaving the letters of subsequent pontiffs to be dealt with in another volume.

Papal decretals were responses to legal problems and answers to questions sent to Rome; in the West, rather early on, these responses gained an authority on a par with the conciliar canons and formed part of the foundation of early ecclesiastical law. The greatest part of modern scholarship deals with the decretal literature of the high middle ages (particularly the twelfth and thirteenth centuries); little has been done on the papal letters of the late antique and early medieval period, and almost nothing has appeared in English (as even a cursory glance at the literature cited in the footnotes reveals).

Fuhrmann's massive, three volume (and 1100 page) work on the Pseudo-Isidorian forgeries, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen* (Stuttgart, 1972-1974), set new standards when it was published, but is really only available to those who read German well. His essay in this volume presents one of the longer expositions of the forgeries available in English, with thoroughly updated references to secondary literature.

As is well known, research on the forged decretal collections is conditioned on the defective critical edition of the *Decretales Pseudo-Isidorianae* and of the *Capitula Angilramni* made by Paul Hinschius in the nineteenth century. Fuhrmann's critical analysis of the manuscript tradition of these collections (and of Hinschius' incorrect evaluation thereof) is thus particularly interesting. This section permits one to perceive the complexity of the manuscript tradition, and the difficulty which must inevitably attend

any attempt to make a new, truly critical edition.

A comment should be made concerning an implicit methodological presupposition of the entire series: The first volume is dedicated to a bibliographic *repertorium*, and to the identification and differentiation of manuscripts, which seems to point to an acceptance of the conviction so forcefully expressed by the late Stephan Kuttner years ago, that the history of canon law cannot be completely told because so much of the necessary work in producing editions of the sources has yet to be done. The priority of these volumes is not simply a realistic option in organising the series, but is also an invitation to continue the research, making available the results already obtained.

A recent introduction to the history of canon law lamented that there has been a 'stagnation' in historical scholarship on the canonical sources and institutes since the 1950s. This author then adduced as proof for this the fact that most of the work has been done by Germans and Americans (stagnation, indeed!). The production of these first two volumes, and even a cursory review of their contents, shows how ridiculous such a claim is. These works are obligatory references, and deserve a place on the shelf of every medievalist and historian of canon law; they fill a yawning gap in English-speaking scholarship, and set a high standard for the remaining parts of the series to live up to.

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CHURCH LAW AND CHURCH ORDER IN ROME AND BYZANTIUM: A COMPARATIVE STUDY by CLARENCE GALLAGHER SJ, Birmingham Byzantine and Ottoman Monographs Volume 8, Ashgate Publishing Limited, Aldershot, 2002. xi + 279 pp (including index), (hardback £47.50) ISBN 0-7546-0685-6

This monograph has its origin in the Martin D'Arcy Memorial Lectures given by Father Gallagher at Campion Hall, Oxford, in Hilary Term 1997. He moves through several periods, for the most part 'pairing' roughly contemporary canonists or canonical works, in order to compare and contrast the development of canon law and Church order in East and West, beginning with Dionysius Exiguus and John the Scholastic in the sixth century, and ending with Gratian and Theodore Balsamon in the twelfth century. An additional chapter is added on the development of canon law outside the Roman Empire, focusing on the persons and work of Bar Hebraeus (a Syrian Orthodox writer of the mid-thirteenth century) and Ebedjesus ('Abdisho Bar Berikha, the most famous canonist of the Church of the East, from the late thirteenth century). Four appendices provide summary charts or outlines of the *Synagoge* in 50 Titles, the *Nomokanon in XIV Titles*, the Chronological Collection of Conciliar Canons, and Gratian's *Concordia Discordantium*