



Great Christian Jurists and Legal Collections in the First Millennium

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This book belongs to a well-established and eminent series on Christian jurists throughout history, although as the title suggests, the focus of this volume includes not only jurists but legal collections. Philip L Reynolds explains this choice very lucidly in the preface to the volume—for the first millennium, we are rather short on jurists whose lives and careers can be traced with clarity equal to those in later periods; thus, the choice to extend the volume to legal collections as well. Reynolds' opening chapter, which functions partly as an introduction and partly as a survey of normative texts, helps to define the categories of writing examined in the volume and provides some very helpful summaries, especially for readers unfamiliar with canonical writing in the early medieval period.

The book is divided into two parts—the first on collections and the second on jurists—and consists of 24 chapters. In line with other volumes in the series, 'jurist' and indeed 'collection' are defined broadly. The collections chosen for Part I range from the ever-present and pivotal *Corpus Iuris Civilis* of Justinian through conciliar laws, canonical collections, penitentials, and monastic rules, among others. The jurists in Part II begin with Lactantius in the late third and early fourth centuries through the more familiar names of Augustine of Hippo, Gelasius I, Gregory the Great, Isidore of Seville, Hincmar of Reims, and Burchard of Worms, to name but a few. The volume thus presents a wide-ranging and thorough (although not exhaustive) selection of key collections and persons, as well as some that are less well-known. All the collections and jurists merit inclusion—although the process of narrowing the chapters down to these must have been a difficult one, given the many developments that took place over the first millennium. These chapters are, as a whole, rigorously researched and accessibly written, with brief but useful footnotes and very helpful and well-selected bibliographies at the end of each chapter.

Jill Harries sets the stage for the rest of the volume with her clear, wide-ranging discussion of pluralism in the Roman Empire—a theme that remains relevant through the rest of the volume. This theme is continued by Alexander Callander Murray's chapter on post-Roman kingdoms, which untangles some of the difficulties regarding 'Germanic' law and the important role of Roman law in administration and practice in this early period. The importance of administration for legal development also appears in Gregory I Halfond's contribution, which emphasises episcopal corporatism in conciliar history. The inevitable role of the papacy in this period is expertly handled by Clemens Gantner and Stefan Schima, who discuss the institutional, political and legal

changes that the Roman episcopacy underwent during the first millennium. This chapter is closely linked with the later chapters on Leo the Great and Gregory the Great. Mayke de Jong's chapter (which appeared in French as 'Sacrum palatium et ecclesia. L'autorité religieuse royale sous les Carolingiens (790–840)' in *Annales HSS*, 58.6 (2003): 1243–69) brings in the role of kings and emperors in the Carolingian period and the important place of public penance in secular and ecclesiastical interactions. Roy Fletchner's chapter brings together the large body of canonical collections we have from the first millennium, examining the process of compilation and development of the genre as regards their sources, authority, motivations and impact. One of the key topics in church councils in the period was penance—a topic covered in Rob Meens's chapter, which considers the close connection between penitential texts and canonical collections. Part I closes with Albrecht Diem's chapter on monastic rules—perhaps a less obvious inclusion in the volume, but a very important one, especially as regards the concept and application of a rule.

Part II opens with Elizabeth DePalma Digeser's work on Lactantius, an imperial professor of Latin rhetoric and ground-breaking legal thinker. This chapter can be read in combination with the following two on Ambrosiaster and Augustine by David G Hunter and Brian Gronewoller. These three chapters introduce a set of early and essential figures in the development of church law, whose works emerged in conversation with each other. Susan Wessel's chapter on Leo the Great highlights key theological aspects of an ecclesiastical court structure based on equity. More politically motivated themes emerge in the chapter on Gelasius I by Bronwen Neil, where she discusses his 'two powers' theory and secular and ecclesiastical jurisdictions. David Heith-Stade discusses the production of one of the basic collections of canonical law in the sixth century, assembled by Dionysius Exiguus in an effort to make the sources of church law more accessible. Hugh Feiss' chapter on Benedict's rule ties in well with the chapter in Part I on monastic rules. The chapter is a slight anomaly within the volume, but as Reynolds points out in the preface, Benedict is inseparable from his rule. The following piece on Gregory the Great by Carole Straw brings together many of the themes in the preceding chapters, as one might expect, given Gregory's wide-ranging initiatives. Next in the series of key figures is Isidore of Seville, one of the most influential intellectuals of the early Middle Ages, whose work and ideas are covered by Luca Loschiavo.

This chapter is followed by the second slight anomaly—the chapter on the forged decretals of Pseudo-Isidore by Clara Harder. The inclusion of these texts is justified, however, due to their wide circulation and extensive citation by contemporaries. Francesco Veronese's chapter on Jonas of Orléans highlights the writings of one of the slightly lesser-known authors from the

first millennium and his role in shaping the Carolingian church. This is followed by Charles West's thorough treatment of Hincmar of Reims and his emphasis on written text and the application of his ideas in legal debate. Penitential collections appear once again in Greta Austin's chapter on Regino of Prüm, who wrote a handbook for clerics on the correction of offences. Regino was a precursor to Burchard of Worms, whose life and work Austin also covers in the penultimate chapter of the volume. Burchard's *Decretum* was one of the best-known texts from the period and can be seen to bridge the gap between the ecclesiastical world of the first millennium and that of the second. Robert Somerville's final chapter expands the 'millennium' into the early twelfth century and considers the transmission of these earlier texts and authors through to the later period, paving the way for Gratian and Peter Lombard.

Having considered the 24 chapters on texts and jurists both, we can return to the comments highlighted by Reynolds in the preface. The book contains much that is of interest and value, regardless of the background and experience of the reader. The collection of these chapters does not stand in opposition to intellectual, institutional or doctrinal histories of canon law—instead, it offers glimpses of methods, of learning, of teaching, and of the complex interaction of law and Christianity. The chosen texts and jurists are familiar, but the approach that the authors take is fresh, comprehensive, and very much in keeping with the high quality of the volumes in this series.

The approach (dictated very much by the series) provides vivid and illuminating glimpses into the development of church law in the first millennium and provides an important reminder that to gain a fuller understanding of this development, we must consider not only the authors but the texts as well, and that the crossover between the two is not as tidy as we might hope. This situation presents us with challenges, but also opportunities to see the picture of early canon law as a literary environment rather than a domain governed by a few chosen writers. It also provides a tonic to the assumption that the key developments in church law were those following the appearance of the *Decretum* in c. 1140—this shift in perspective owes much to the excellent work of those scholars involved in the production of the present volume here and elsewhere. In sum, it is an excellent guide to key texts and figures in a crucial period of Western legal development and essential reading for legal and ecclesiastical historians of all levels of experience.

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