

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*

*Canonum.*

Father Gallagher's work is truly magisterial: not only does he review almost a thousand years of canon law from the law's formative period, but he presents it in a uniformly readable way. By taking several topics such as clerical celibacy, marriage, Church constitution and supreme legislative authority, and tracing them through the various writers and collections, he has managed to highlight precisely the unity and the diversity of the various Churches. The section on the Pseudo-Isidorian decretals in particular is well presented; this is a highly complex topic, and Fr. Gallagher manages to synthesise the various scholarly theories regarding their composition and place it in a context where it is not only accessible but meaningful to a non-specialist. Gratian studies have blossomed (or even exploded) in the last decade, as scholars have increasingly come to the conclusion that the *Concordia Discordantium Canonum* of the Master was composed in stages rather than as a single, completed work; most of this work has appeared since the 1997 D'Arcy lectures were given, but Fr. Gallagher has provided a fine summary of the current state of scholarship on this question in his chapter on Gratian of Bologna. I know of few other works in English which cover this millennium of canon law (aside from some of the handbooks, which tend to be heavy on bibliography and light on narrative), and certainly none which cover Eastern *and* Western development.

The work is couched in a larger context, however. The ecumenical question is never far from the surface, and the conclusion suggests ways of reading the sources that illuminate current controversies. From this vantage point, it is also a welcome, fresh and valuable contribution to literature on ecumenism. The historical presentation in each chapter presupposes no familiarity with the era studied, and the bibliography contained in the footnotes certainly presents an abundance of further reading for the person who so desires. Primary sources, however, tend to be cited from the *Patrologia* rather than from modern critical editions, which is somewhat problematic.

There seem to be two rough spots in the monograph, however, both of which are somewhat 'stylistic' in nature. First, the individual chapters still bear some marks of having been given as separate lectures. There is a fair amount of repetition (in one case amounting to a whole paragraph showing up in two different places); sentences are frequently repeated, almost *verbatim*, and several times.

The second rough spot lies in the citation of sources. In some cases the source is cited in the original language in the text, and translated in a footnote; in others, the source is cited in English in the text, with the original presented in a footnote; in still others, the original is presented in the text and no translation is provided at all. While Fr. Gallagher's erudition is certainly evident, I don't think that one can be sure that the reader's erudition will either match it or be able to interpret it (alas). Most citations, to be fair, have been translated into English in the text, with the original being given in parentheses immediately following or in a footnote, if necessary. The reader is thus not forced either to

refer back and forth to the footnote in order to make sense of the text, or to skip entire sections because his linguistic skills are no match for the original.

In the original lectures, Father Gallagher spent a fair amount of time in his conclusion on relations between the Roman Church and the Anglican Communion: this has been eliminated from the monograph, probably in order to focus the material more closely on the historical situation of Rome and Byzantium throughout the period. The work is, after all, not a treatise on modern Anglican-Roman Catholic relations, but the conclusions drawn in this study have clear implications not only for the ecumenical project between Eastern and Western Christians, but also for relations between Western Churches as well. It would be somewhat difficult to approach this set of conclusions without resorting to 'sloganisation', but the form in which this study is presented, highlighting the unity and the diversity of the Church undivided, as well as after the Schism of 1054 (which was neither as final nor as total as it is frequently presented), points quite clearly to the hope in Rome (and among some Anglicans) that Anglicanism could be 'united, not absorbed' (a quotation attributed to Paul VI).

The final problematic is the very existence of the *Code of Canons of the Eastern Churches (CCEO)*. Father Gallagher states, with evident approval, that 'none of the popes of the first millennium thought it his duty to make laws for the Eastern Churches ... in the way that they came more and more to do for the whole of the Western patriarchate'. Where does that leave the Eastern Catholic Churches? Are the *CCEO* and the four parts of the previous *Code of Eastern Canon Law* promulgated from 1949 to 1957, to which the *CCEO* is heir, so innovative as to be illegitimate? The repeated citation of the *CCEO* throughout the notes with reference to the *ius vigens* begs that rather significant point. On a historical level, furthermore, it is not at all clear whether there ever existed what might be called a 'Western patriarchate'; the model of the patriarchate is an exclusively Eastern institution which was not replicated in exactly the same way in the West. Even during the period under study, the Bishop of Rome staunchly resisted the title 'patriarch', and while writers such as Theodore Balsamon certainly paid great attention to the 'pentarchy' of the five ancient sees of Alexandria, Antioch, Rome, Constantinople and Jerusalem, it is certain that this arrangement was more notional than real. The idea of the 'pentarchy' was kept at arm's length by the Bishops of Rome, and while the title of 'Patriarch of the West' is now included in the catalogue of the pope's titles in the *Annuario Pontificio*, at no point has the pope ever functioned as a patriarch.

I hope that none of these final comments obscures my admiration for this work. It certainly fills a major gap, is far, far superior to another recent work on a similar subject (*Il Diritto Canonico delle Chiese orientali nel primo millennio*, Rome and Bologna, 1997), and is a welcome contribution to scholarship.

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