

to the present day. The second section deals with legal education and the universities, and contains five separate pieces, two of which deal specifically with the Cambridge faculty of canon law. The third and final section brings us down to the hard realities of fees and legal practice, including the now fashionable subject of legal aid to the poor. This section also contains a fascinating study of the consistory court of Ely in the fourteenth century, which gives extensive biographical information about the advocates and proctors in the court at that time.

All the articles contain a wealth of footnotes, and readers should not miss the section headed 'addenda and corrigenda' at the end of the volume, which brings the material up to date in certain important respects. There is also an index to the whole collection, including a list of legal citations which will be of immense value to researchers. As with all Variorum reprints of this kind, the book does not have consecutive page numbers; instead, each article is given a Roman numeral, and the page numbering of the original publication is maintained. This may be disconcerting at first, but it has the great advantage that it is possible to cite the original source without having to look it up separately.

Inevitably, a book of this kind is more likely to appeal to historians than to modern lawyers, though the latter might be surprised to discover just how much of what they do has roots in the bygone middle ages. However, Professor Brundage's style is readily accessible, even to non-specialists, and since each article stands on its own, those with little or no prior knowledge of the subject need not feel unduly intimidated by it. Anyone who has worked his way through this volume will certainly have his appetite whetted for the forthcoming monograph, but in the meantime he can feel confident that in these pages he will have grasped the essence of the medieval canon law profession at work.

Gerald Bray, Anglican Professor of Divinity, Beeson Divinity School, Samford University, Birmingham, Alabama, USA

*RITUAL, TEXT AND LAW: Studies in Medieval Canon Law and Liturgy Presented to Roger E Reynolds*, edited by KATHLEEN G CUSHING and RICHARD F GYUG, Ashgate, 2004, xiv + 326 pp (hardback £50.00) ISBN 0-7546-3869-3, from the series Church, Faith and Culture in the Medieval West.

These collected essays in honour of Professor Roger Reynolds successfully reflect his scholarly interests: the title itself points to the interdisciplinary work he has done over decades on the relationship between medieval canon law and liturgy, chiefly through the investigation of texts and their transmission. The volume includes several plates, recalling Reynolds's attention to illustrations in liturgical and canonical manuscripts. The bibliography of his principal publications extends from 1968 to a

surprisingly long list of works in press or in preparation. There is, however, no substantial appreciation of Reynolds's life and work to date.

Reynolds has combined minute scholarship with popular presentations. His distinguished academic career has been mainly in Canada, but he has long been a corresponding member of the *Monumenta Germaniae Historica* (the famed MGH initials in learned bibliographies). Fittingly, the eighteen essays include three in German and two in French. The editors have divided the chapters into Part I on 'Ritual' and Part II on 'Text and Law', providing each Part with a helpful introduction.

A reader might well begin with T M Thibodeau's accessible piece on lessons learned from medieval liturgy, going from Bishop Durand of Mende (that most significant medieval canonist and liturgist) to St Thomas More. Here we glimpse Reynolds in conversation at a French *café*, and are told of his groundbreaking work on the Investiture controversy and liturgical reforms: new perspectives from an affable man. The other essays in Part I are more for the specialist, and include studies as delimited as the one on necrological evidence of the place and permanence of the subdiaconate (C Hilken), and as wideranging as the study by P De Clerck on the angel of peace. The contribution by V Brown on Latin and Italian prayers in a 16th-century Beneventan manuscript from Naples covers a subject close to Reynolds's interests.

The same can be said of the essays that deal with ordination and clerical orders. As Richard Gyug notes, Reynolds has used legal sources to move liturgical scholarship in new directions. The implications of this scholarship for the liturgical reforms initiated at Vatican II by the Roman Catholic Church is mentioned by Gyug, and indeed Reynolds's contributions on liturgy and ritual also have a contemporary relevance for all Christians engaged with those fundamental topics. I would draw attention to the two volumes of collected essays by Reynolds himself, one entitled *Clerics in the Early Middle Ages*, the other *Clerical Orders in the Early Middle Ages*, both published by Aldershot in 1999.

Turning to Part II, 'Text and Law', we immediately learn from Kathleen Cushing's introduction that from his 1968 Harvard dissertation onwards, Reynolds's work on liturgy and canon law has been characterised by a nuanced understanding of context and intellectual activity, never neglecting linguistic considerations. It is fitting that so many contributors to this Part (Keefe, Mordek, Brett and Blumenthal explicitly, others implicitly) stress, following Reynolds in this, the artificiality of distinguishing liturgical from canonical and even theological sources. To give an example, Susan Keefe offers a well-documented chapter on canon law collections as a source for the compilers of creed commentary collections. Cushing rightly applauds the contribution now made by computer databases, facilitating the kind of linguistic analysis advocated and vindicated by Reynolds.

The contributions in this Part cover the period from the 4th to the 14th

centuries. A hallmark of Reynolds is close attention to the context, purpose and limits of authors and collections, a perspective adopted by various contributors. Perhaps the place to begin reading Part II is the chapter by M Brett on editions, manuscripts and readers in some pre-Gratian collections. The title is already revealing, as well as in tune with Reynolds's thinking. With characteristically trenchant vigour, Brett makes a number of valuable points. Among them is that to consider the distribution and evidence of use in the manuscripts of pre-Gratian collections as a whole is to find a way into the 'horizontal axis' of canonical experience – what was being read, where and how it was being read – on its own terms, rather than as mere mileposts on the road to the *Concordia discordantium canonum*. J St H Gibaut's contribution, on the peregrinations of Canon 13 of the Council of Sardica in canonical collections from the late patristic period to Gratian, has a bearing on contemporary re-examinations among some Anglicans and Roman Catholics of the inherited patterns of sequential ordination.

It is never easy to select for comment when reviewing volumes of collected essays, yet Richard Gyug's impressive study of the illustrations in a Vatican manuscript of the *Collection in Five Books* can be highlighted (unfortunately the chapter has no plates). A number of Reynolds's interests are brought together in examining this influential 11th-century canonical collection, particularly the illustrations of councils, popes, doctors and others to be found in MS Vat.lat.1339. Gyug argues that the illustrations reflect more closely the contents of the *Collection* than the contents of any other contemporary collection. The twofold conclusion, meriting consideration, is that this close relationship is remarkable testimony of how one illustrator assessed the contents of a canonical collection, and how familiar medieval illustrators and canonists must have been with the specific range of authorities that legitimated the canons within the collection. The still underdeveloped study of the nature and aims of illustrations in medieval canonical texts takes a step forward here.

All the essays are worthy tributes to Professor Reynolds, and often touch closely his own interests. Ecclesiastical lawyers are more likely to be drawn to Part II, but to neglect Part I on 'Ritual' would be to ignore Reynolds's achievement precisely in inter-relating law, liturgy and texts. The unconvinced might turn to Reynolds's own collected essays entitled *Law and Liturgy in the Latin Church, 5th-12th Centuries* (Aldershot 1994).

Fr Robert Ombres OP, Dominican Procurator General, Rome

*DIE QUELLEN DES KIRCHENRECHTS* by PÉTER ERDŐ. Adnotationes in Ius Canonicum 23. Frankfurt am Main, Berlin, Bern, Bruxelles, New York, Oxford, Wien: Peter Lang Europäischer Verlag der Wissenschaften, 2002, xx + 186pp, (paperback £24) ISBN 3-361-35305-7

Since the Code of Canon Law of 1917 (CIC 1917 = *Codex Pio-Benedictinus*)

came into force the working conditions of Roman Catholic canon lawyers appear to have changed dramatically. They enjoy now the advantages of a code of law as they are common on the European Continent. This change of law may be compared to the transition, for example in Germany from the former Roman law (and some regional codes) to the *Bürgerliches Gesetzbuch* at the beginning of the last century. A huge mass of legal norms which had developed in the course of centuries, difficult to ascertain and to be systematised by legal scholars, were replaced by a handy little book as it then was.

But this was the appearance only. Indeed, the science of positive law and the history of law were separated, in canon law for the first time. But the history of law did not lose its practical significance altogether. The legal norms of the Church must not be abolished or changed arbitrarily but only in harmony with the apostolical tradition; this appears to be a basic idea of the author of this book, and this principle extends to the interpretation of the law code also. For the understanding of the law codified, history remains important if not indispensable. Therefore, the knowledge of the history of the sources of canon law is not only helpful but indeed necessary.

The author divides the history of ecclesiastical law and its sources, so far quite conventionally, into four periods: the time of the 'Old Law' (*ius antiquum*), which extends from the beginnings of Church history to 1140; of 'classical Church law' (in the older terminology: *ius novum*), extending from 1140 to 1563; of Tridentine Church law (*ius novissimum*), from 1563 to 1917; and eventually the age of the codifications (from 1917 onward). He introduces his book by a discussion of the concepts of sources of law and of canonical collections (*collectiones canonicae*), the different kinds of collections of Church law, viz. collections of customary law, of conciliar canons, of (papal) decretals, and mixed collections like *nomocanons* and *capitularia*.

It is of special merit that the author devotes much space to the sources of the first millennium. His description and discussion of the *ius antiquum* covers more than half of the book (pp 11-103). He subdivides this period in three parts: the Patristic age (from the first century to the middle of the eighth), the time of the Karolingian reform (from the second half of the eighth century to the end of the ninth), and the time from the dissolution of the Karolingian world (to the renovation of the twelfth century). Again, the first of these three parts covers more than half of the space devoted to the whole period. He does not divide this subperiod by the Constantinian change of the fourth century, but emphasises the significance of the tradition of antiquity for the whole time considered here, and he is certainly right in this with regard to the internal law of the Church which is his subject. On the other hand, the author rightly attributes special importance to the time of the Karolingians with its great reform councils; he uses the concept of 'Imperial Reform' (*kaiserliche Reform*) alongside that of the (later) 'Gregorian Reform'.

Another merit is to be seen in the inclusion of Old Oriental Church law, for example the so-called Coptic Collection, which is used in the Coptic Church of Egypt. This may help to end the widespread neglect of Old Oriental canon law. The Old Oriental Churches still mainly use the pseudo-apostolical collections. The author observes that their reticence in attributing even conciliar decisions a prominent place shows that besides the difference of faith there is also a cultural divide between Chalcedonian and non-Chalcedonian Churches. The author rightly points out that against this background the study of those collections of old customary law is very important with regard to ecumenical relationships of our own time (p 26). Regrettably, the Coptic Collection does not appear in the index.

In the framework of a comprehensive description of collections of canons and decretals of the early Middle Ages the collections which originated in the British Isles and especially the penitentials take a prominent place. The author does not only list the more important sources of this kind but also explains their nature and follows their influence on continental collections.

Another chapter is devoted to the many faked collections, especially the most important of them, the '*Collectio Pseudo-Isidoriana*', their tendencies and techniques, their spreading and consequences.

It is neither possible nor necessary to give particulars of the comprehensive and penetrating exposition of the sources of the classical and Tridentine periods. A most valuable overview of the development of Church legislation since 1917, including the CIC of 1983 and the *Codex Canonum Ecclesiarum Orientalium* of 1990, rounds the book off.

Especially useful for the student is that the author shows very clearly the differences in the manner of citation as it was used in the Middle Ages, up to the CIC 1917, and as it is common nowadays (cf pp 114, 124, 128 seq.).

The author does not include the sources of Eastern canon law after the Great Schism, and likewise those of Anglican or Protestant ecclesiastical law from the sixteenth century onward. This may be due to the origin and purpose of the book, namely the teaching of canon law to Roman Catholic priests or aspirants for the priesthood. Nonetheless, this restraint appears to be regrettable, especially at a time of ecumenical endeavours in which canon law may play a substantial part. Therefore, the reviewer would be happy to see this gap filled in a future edition.

An ample bibliography which even includes some relevant web pages like [www.members.xoom.com/canonicum](http://www.members.xoom.com/canonicum) (administrated by the Consociatio Internationalis Studio Iuris Canonici Promovendo) is prefixed to the book. It enables the reader to enter more deeply into the problems connected with the sources of canon law.

The author of this book, meanwhile appointed Archbishop of Esztergom-Budapest and Primate of Hungary, has fulfilled his task in an admirable way. His book was originally written in Hungarian and published in 1998. As this language is, sadly, not so well known outside Hungary, the German translation reviewed here makes the book available to a much greater number of readers. It can be most useful for scholars in the English speaking world also as the author presents the most recent state of canon law sources research in a singularly clear and concise manner. An English translation is therefore to be highly recommended.

Hanns Engelhardt, formerly Judge of the Federal Supreme Court of Justice, sometime Lecturer in Ecclesiastical Law, Gießen University

*THE LAITY AND THE CHURCH OF IRELAND, 1000-2000 : ALL SORTS AND CONDITIONS*, edited by RAYMOND GILLESPIE and WG NEELY, Dublin, Four Courts Press, 2002, xvi + 368 pp incl index (hardback €39.95/£37.50/\$45) ISBN1-85182-716-1.

This set of essays marks a late entrant in the emergence of social history at the table of the Irish historical banquet, at which the discipline had long sat so far below the salt as to be at a separate table. The collection raises the social history of the Irish Church and the Church of Ireland a little further up the table, but offers thin fare for canonists and ecclesiastical lawyers. There are, however, one or two tantalising glimpses of interest, particularly in Adrian Empey's essay *The layperson in the parish : the medieval inheritance, 1169-1536*. More broadly, the book exposes some reasons for the particular theological approaches the Church of Ireland has expressed in its present canon law, and in particular the polemical nature of that highly unrevised and much neglected law.

The remit is broad — a history of the laity over a millennium which stretches from the coming and integration of the Normans to dis-establishment and independence. Raymond Gillespie provides an excellent Introduction and critique of the applied discipline, the conclusion of which seems to be that the laity have long considered the Church of Ireland in the south first and foremost as a social institution, and in the north as a cultural institution. The overall aim of the work is to produce an insight into ordinary parish life, and what it meant to be a member of the Church during those thousand years.

Adrian Empey's essay is the one in the book which proves of most interest to the historian of canon law in Ireland, although limited to the *inter Anglicos* — those areas under 'English' control. It should be read not so much for its answers, but for the wealth of questions it raises. What was the law of burial from 700 which led to so many legal squabbles? What of the pre-Norman canon and secular law was actually observed? What was the process of the Church/State or laity/clergy struggle for supremacy before 1170, which so occupied the legal energies of the day? Did the Normans