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Robert Somerville, Bruce C. Brasington, eds. *Prefaces to Canon Law Books in Latin Christianity: Selected Translations, 500-1245.* New Haven, Conn. and London: Yale University Press, 1998. viii + 247 pp. $32.00 (cloth), ISBN 978-0-300-07146-7.

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Prefaces to Medieval Canon Law Books

From the earliest days of Christianity, the faithful devised rules governing relations among themselves, and they defined the rights and obligations of various groups. They also set liturgical standards, regulated the spiritual lives of members, and provided for the governance of the early Church. In short, they developed laws. Scripture was the earliest source upon which these rules and regulations were based, but as time went on and Christianity grew to become an integral part of the Roman Empire, new sources of regulation emerged. Church councils and synods met to answer questions of doctrine and practice, and also to settle disputes arising within the Christian community. In addition, bishops authorized by the emperors to address spiritual and moral issues regulated practice within their individual jurisdictions by means of both legislation and interpretation. By the fifth century, the Bishops of Rome began to stake out their claim to primacy over other Church leaders, and as this claim was strengthened and ultimately accepted in the West, the decisions of the Roman Bishops (decretals) took on a growing importance. The sources mentioned above, together with Patristic writings, form the nucleus of the legal tradition known as Western canon law.

As Christianity spread across Europe and the Church expanded its administrative and spiritual role, councils and synods continued to meet, and bishops continued to rule on questions of practice within their local jurisdictions. One new source of law, although rarely promulgated formally, was the penitential literature which began to appear in the seventh century. Designed to help priests who heard confessions, the penitentials catalogued sins and suggested various kinds of penance depending on the type of sin being confessed. The penitentials reflect a move away from public penance and contain useful information about what constituted unacceptable behavior. Far more important for later developments, however, were the collections of canon law compiled from at least the early fifth century. In large part, these collections, drawing on the sources already discussed, were intended to make the law more readily accessible and to ensure that clerics, particularly bishops, were familiar with canonical rules. Over time, of course, the content and organization of these collections changed as did the intentions of the compilers. What had started out as an ad hoc collection of rules and regulations was, by the mid-thirteenth century, a legal system that formed a part of the "common law" (ius commune) of Europe. In *Prefaces to Canon Law Books in Latin Christianity*, Robert Somerville and Bruce C. Brasington provide a unique approach to the history of medieval canon law that is useful for specialists and non-specialists alike.

Using prefaces from thirty-five canon law collections (and one decretal), Somerville and Brasington seek to "map out the contours and describe the evolution of collections of canon law from antiquity through the High Middle Ages" (p. 17). Their intent is to provide previously untranslated primary source material containing clues to the methodology and intentions of the medieval compilers. The prologues, they argue, are useful sources of historical information in their own right; that is, as entities separate from the works they prefaced. In no way is this work a detailed history of medieval canon law sources or doctrines. Rather, it is a new and highly original approach to one facet of medieval jurisprudence.

The book begins with an introductory chapter detailing the authors' goals, a brief description of the role of canon law in the Middle Ages, its sources, and the usefulness of canon law prefaces. Throughout, Somerville and Brasington address a non-specialist audience, in most cases providing sufficient detail for a reader untrained in the complexities of medieval law. There are times, however, when more information would have proven useful, particularly for readers with little grounding in general medieval history. On page 6, for example, they mention

the mid-second century Montanist crisis in Asia Minor as an impetus for Church councils, but provide no explanation as to the nature of the crisis, or even an idea of the principles of Montanist doctrine. They also assert that "by the mid-fifth century and long before Pope Gregory's day, the Roman Church saw papal approbation as the decisive factor in conciliar acceptance" (p. 7). Some idea of just when "Pope Gregory's day" was would have been useful. These examples are certainly minor flaws in an otherwise well thought out introduction, but they, together with similar oversights in later chapters, lead one to question to whom the authors are referring when they say the book is intended for non-specialists (p. 18). Do they mean people with a good grounding in medieval history who are less familiar with the specialized topic of canon law? Or do they mean those who have very little knowledge of the period at all? Certainly, readers from the former group will have little trouble filling in the occasional gaps, but those from the latter may well become confused or simply frustrated by references to topics or time periods not explained more fully.

Each of the remaining five chapters covers, chronologically, a particular period in the development of medieval canon law and translations of the prefaces selected for each period. The essays introducing each chapter provide historical background and details about the compilers (where known), the works from which the prefaces were taken, and their influence in later periods. Taken singly, each chapter convincingly brings out the major trends operating on the compilers of the individual periods, their motivations, and their intentions. Each could very well stand alone as a contribution to our understanding of the development of medieval canon law. Taken as a whole, however, the book more successfully fulfills the objectives of Somerville and Brasington. The reader working his or her way through the translations can clearly see the changes that took place over time, and the slow evolution from chronological lists of canons to a full-fledged legal system.

In the earliest prefaces (presented in Chapter Two), medieval compilers were concerned to reproduce accurately in Latin sources that had been originally composed in Greek, and to determine which texts were canonical and which were not. There is also a clear sense of the regional, even local, diversity that existed within the early Church. The four successive chapters bring clearly to light the ever-changing influences and motives of the medieval compilers, including the impact of the various reform movements (Chapters Three and Four), and the relationship between systematization and the foundation and growth of the law schools in the latter twelfth and thirteenth centuries (Chapters Five and Six). Other themes also emerge: the move away from chronological organization of the canons and towards topical ordering, the development of the theory of papal supremacy, the effort to reconcile contradictions within the sources, the incorporation of Roman law into canonical jurisprudence, and the creation of "new law" through the agency of decretals. Throughout, the choice of prefaces for inclusion is well-done; the translations are rendered in clear, often elegant English that rarely obscures the original Latin; and the medieval compilers are allowed to speak for themselves, unencumbered by unnecessary footnotes.

There are a few problems, although none seriously detracts from the success of the work. The section on penitential literature in Chapter Three fails to define clearly what penitentials were or how they were used as sources of law. The volume also lacks any discussion of the links between scholarship and developments in legal practice. Such a discussion would have been particularly useful in Chapter Four. In addition, while footnote 28 on page 182 points out the medieval compiler's use of both *lex* and *ius*, a fuller discussion of the difference between the two terms is necessary. Finally, a brief description of scholastic method would have proven beneficial, as would a fuller discussion of the links between theology and canon law, particularly in the period before 1140.

None of these caveats, however, seriously weakens the usefulness of *Prefaces to Canon Law Books in Latin Christianity*. Somerville and Brasington have provided a significant and unique contribution to the field of medieval legal history, and their work will benefit the specialist and non-specialist alike. The former, all too often focused on a narrow time period or even a single text, will gain insight into the larger trends and movements in canon law over time, and will be able to glean additional historical information from the prefaces which have, to date, received little attention as a discrete body of work. The non-specialist will receive a coherent, thought-provoking introduction to the history of medieval canon law, while the availability of the sources in translation makes this book an obvious choice for students who would otherwise have little opportunity to deal with medieval legal texts firsthand. Indeed, it is to be hoped that other scholars will follow in the footsteps of Somerville and Brasington and dedicate their energies to producing translations of other early legal texts, for it is only in this way that wider audiences will be exposed to the history of medieval law and its influence on our own day. In fact, one of the greatest assets of the work under review may be its ability to stimulate further interest in

the medieval canon law.

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