

Granting Rome the right to call the East to account and to manage, personally, the fate of every bishop in Christendom might not have been the intention of every bishop at Serdica, but . . . those bishops had implicitly granted that right and set in motion the development of an idea that still dominates the Western Church and which trampled underfoot the Eastern model of ecclesiastical governance. (p 148)

Finally, this study brings out the profound yet ambiguous influence of imperial Roman civilisation on the emerging institutions of the Church. It does this in five respects: (a) the assumption that comprehensive legal regulation was necessary for the governance of a community, and that in this area the Church should emulate the State; (b) the direct influence of Roman civil law as a model for ecclesiastical law and of the register of Roman legal language – its ‘forensic rhetoric’ (p 205) – on ecclesiastical discourse; (c) increasing reliance on the authority of the emperor to enforce the canons and to bring order and relative harmony to a fractious church (Constantine’s single-minded drive for unity was a heaven-sent intervention in chaotic church affairs); (d) the melding of civil, political and ecclesiastical structures as Constantine and his immediate successors bound the bishops and the Church generally to the institutions of state governance with its associated bureaucracy; (e) the example that Constantine and his successors provided of a supreme, central, personal authority, aspiring to a universal reach. Not for the last time, the Church looked to prevailing secular models for its ideas of leadership.

PAUL AVIS

University of Exeter

doi:10.1017/S0956618X17001016

Gratian the Theologian

JOHN C WEI

Catholic University of America Press, Washington, DC, 2016, Studies in Medieval and Early Modern Canon Law 13, xviii + 354 (hardback £59.95)
ISBN: 978-0-8132-2803-7

Gratian’s *Tractatus de Penitentia*: A New Latin Edition with English Translation

ATRIA A LARSON

Catholic University of America Press, Washington, DC, 2016, Studies in Medieval and Early Modern Canon Law 14, xlviii + 312 (hardback £59.95)
ISBN: 978-0-8132-2867-9

Studies of Gratian (about whom very little is known for sure other than that he taught in Bologna) and of his work have blossomed in the last twenty years. Anders Winroth's ground-breaking *The Making of Gratian's Decretum* (2004) demonstrated that the seminal canon law textbook of the Middle Ages, the *Concordia discordantium canonum* (*The Harmony* – a musical reference – of *Discordant Canons*, more usually referred to by the shorthand name of *Decretum*) exists in two recensions: an earlier, shorter version and a later version, showing greater emphasis on papal power and a greater familiarity with Romans law. Winroth posits two authors (conveniently referred to as Gratian 1 and Gratian 2), but Atria Larson, in her 2014 *Master of Penance: Gratian and the Development of Penitential Thought and Law*,¹³ has suggested an even greater complexity of authorship and composition.

Larson's new book presents a critical edition of the lengthy treatise *De penitentia* (C 33 q 3 of the *Decretum*); there is an English translation (the first translation of this section in any modern language) on the facing pages. While many earlier scholars believed that the *De penitentia* was a later addition to the *Decretum*, Winroth has shown that it was added at an early stage in the ongoing composition and redaction of that work. More than 600 manuscripts of the *Decretum* survive; the standard, if somewhat inadequate, modern printed edition of the whole *Decretum* by Emil Friedberg (Leipzig, 1879) used eight. Larson employs seven, all from the twelfth century, and they are judiciously chosen. The introduction to this book deals mainly with textual matters and is somewhat brief, but Larson more than makes up for this with her earlier *Master of Penance*. Although several other scholars have attempted editions of parts of the earlier recension of the *Decretum*, no edition has been produced that is as long, as complete or as fully sourced as this one. It is a milestone of canonical scholarship and deserves to be pondered and celebrated.

Also published by the Catholic University Press in 2016 is John Wei's introduction to and reassessment of Gratian's (here, in Winroth's scheme, 'Gratian 1') use of the Bible and biblical exegesis, his penitential theology (here overlapping very nicely with Larson's work) and his handling of liturgy and sacramental theology. The surprise is not so much that Gratian can be considered a theologian, since in the middle of the twelfth century the two disciplines had not yet become clearly separated from each other either by their subject matter or their methodology, but that Gratian can be seen as incorporating so much into the *Decretum* that was later relegated to, or claimed by, theology alone.

Wei is a master of the sources and does a superb job not only of reviewing Gratian's own sources, both theological and canonical, but also of distinguishing different emphases of the first and second recension. He declares Gratian 1 to be the more 'radical' regarding both the sacraments and the liturgy, while the

13 Reviewed at (2015) 17 Ecc LJ 95–96.

redactor of the second recension ('Gratian 2', who may, or may not, have been the same person) was more conservative. Some of the discussion of the dating of the work can be difficult to follow for non-specialists, but the rewarding romp of the chapter on the 'canon law of magic' more than makes up for this. Wei thus shows that the two recensions differ not only in their knowledge and use of Roman law, which has been recognised since Winroth's original work, but also in their theological outlook. This book admirably advances the study of both mediaeval law and mediaeval theology.

W BECKET SOULE OP

Pontifical College Josephinum, Columbus, Ohio

doi:10.1017/S0956618X17001028

Conciliarism and Church Law: Studies on Franciscus Zabarella and the Council of Constance

THOMAS E MORRISEY

Ashgate, Farnham, 2014, 370 pp (hardback £105) ISBN: 978-1-4724-2387-0

When we read the words 'the Great Schism', we usually think of the tragic divergence of the eastern and western branches of the Christian Church that came to a head in 1054 with mutual excommunications and anathemas. The other 'Great Schism' – the Western Schism, which lasted from 1378 to 1417 and which is the subject of Morrisey's collection of studies – is less well known, and this for two main ideological reasons. First, it does not reflect lustre on the papacy as an institution that stands above all for unity and continuity that it split into first two, then three popes, each with their hierarchical retinue and national allegiances across Europe – that the papacy itself was the cause of one of the greatest traumas ever to afflict Christendom. The second reason is that the Conciliar Movement that was generated by the schism did what the papacy itself could not do: it restored unity to the papacy and thus to western Christendom, both asserting and demonstrating that General Councils were superior in authority to the pope.

It has been gratifying to champions of papal authority through the last seven centuries that the Conciliar Movement eventually overreached itself and was outmanoeuvred by the pope (Eugenius IV) in a way that strengthened the remorseless drive to papal absolutism. So naturally the Roman Catholic Church does not wish draw attention to the Great Schism of the West and the Conciliar Movement that succeeded in healing the fragmented papacy. It does not fit with the supreme papal claims of modern times, articulated above all at the First Vatican Council (1869–1870), that at one time the papacy owed its survival