Harvey Cox's essay quotes Bonhoeffer's unfinished Ethics and Dworkin in asking which rights are 'trumps' when rights conflict. While a right over-rides interpretations of collective general interest (provided the judges can construe at least implicit consent from a democratic majority), the trumps cluster not around liberty but around equality – implied rights to equal concern, respect and treatment. Cox's discussion of this benefits from his case-study of Northern Ireland's infringements of human rights in the search for longer-term security (1968–2000).

Together these essayists continue the Quakers' distinguished history of essential Christian thinking for the Church and for the world. They gather much useful material for the debates to go forward.

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Bishops, Texts and the Use of Canon Law Around 1100: Essays in Honour of Martin Brett

EDITED BY BRUCE C BRASINGTON AND KATHLEEN G CUSHING
Ashgate, Aldershot, 2007, xiii + 224 pp. including index (hardback £55) ISBN: 978-0-7546-6015-6

This new edition of essays celebrates the contributions of Martin Brett, whose work focuses on the collections of canon law compiled by or attributed to Ivo of Chartres (c. 1040–1115). Among his many achievements, Brett, in conjunction with other scholars, has produced a draft edition of Ivo's work including the *Decretum*, *Panormia*, and *Tripartita*. The texts are available online and Brett invites scholars to contribute their expertise to the project for 'common profit' (<http://project.knowledgeforge.net/ivo/>). The essays contained in this volume focus on the time period from 1000 to the mid-twelfth century and are of high quality. Scholars and students of pre-Gratian canon law will find the articles useful and interesting.

The essays are divided into two sections. Part I, 'Bishops and Their Texts', explores the compilation and dissemination of various collections of canon law. The second part, 'Texts and the Use of Canon Law', examines aspects of the transmission of canon law collections and focuses on the use of law and its interpretation. Included in this section are articles that explore both the methods and intentions of the compilers of canonical collections. The sections work well together and complement one another. While I do not have the space

to describe every essay in this fascinating *festschrift*, I will briefly mention some of the highlights.

Two articles in the first section of this volume clearly demonstrate Martin Brett's influence on how scholars think about and approach texts. Echoing Brett's methodological approach of close textual analysis, Przemyslaw Nowak examines two manuscripts of Ivo of Chartres' *Tripartita*. Underscoring Brett's contribution to the dating and context of Ivo's work, Nowak traces the two oldest copies of canon law collections in Poland, supporting Brett's contention that the two manuscripts did not use the same exemplar dating to 1103, but rather, relied on different exemplars. Nowak offers further textual analysis of each manuscript, which further supports the claim of two manuscript traditions. Demonstrating another of Brett's contributions, Robert Sommerfelt proves that even a small fragment can lead to insights into the textual history of a document. In his article 'Ivo in America', Sommerfelt assesses two fragments of Ivo of Chartres located in collections available in North America. His brief article argues for the importance of the Missouri Fragment housed at Ellis Library at the University of Missouri as a source that might be 'textually significant' to Brett's continuing collaborative efforts on Ivo of Chartres' *Decretum*.

Greta Austin presents a different methodology attempting to determine the intentions of a compiler when drawing together a collection of canons. In order to do this, she compares two eleventh-century compilations of canon law, Burchard of Worms' (d 1025) *Decretum* and a related collection, the *Collectio duodecim partium*. Austin examines Burchard of Worms' attitude toward secular law, arguing that he 'systematically omitted references to secular law, and replaced them with ecclesiastical sources or punishments' (p 30). The reason for this omission, Austin posits, was not arbitrary but rather reflected a coherent vision; Burchard omitted references to secular law in an attempt to present a vision of canon law that was based on authoritative sources representing the canonical tradition. The article is interesting, especially in light of Anders Winroth's work on the texts of Gratian. Whether it is possible, however, to determine why a compiler chose to include 'x' or exclude 'y' is a much more difficult question to answer.

In a similar approach to Austin's article, Anders Winroth explores the relationship of Gratian to Roman law. In this article, Winroth identifies book six of Ivo of Chartres' *Panormia* as the source of Gratian's Marriage Canons and argues that while Gratian had easy access to Roman law on the subject, he chose to use the *Panormia* instead. The question is why did Gratian consciously leave out the canons present in Roman law, opting for those contained in the *Panormia*? Winroth proposes many possibilities. The larger question is whether Gratian avoided Roman law in compiling his *Decretum*. If so, did Gratian have an aversion to Roman law or did he choose to focus on ecclesiastical canons? Winroth encourages scholars to pursue further study in order to definitely answer these questions about Gratian and his use of sources.

Other articles in this collection also honour Brett and his contributions. Kathleen Cushing's article is a reexamination of a document from Anselm of Lucca's (Bishop Anselm II of Lucca) *Collectio canonum* (MS Barberini lat. 535). Cushing explains that it was Brett who challenged her previous conclusions about the text. As a result, Cushing deemphasises the polemical aspects of Anselm of Lucca's work and locates it in the context of the community in which it was used. While Cushing still certainly views Anselm of Lucca's work as a manual devoted to reform, it also was a text 'reflecting the living community of reformed canons in which it was copied and used' (p 77).

There are other articles that will interest scholars of pre-Gratian canonical collections. Nicolás Alvarez de las Asturias advances Brett's assertion that the Pseudo-Isidore was available in England through other sources than the *Collectio Lanfranci*. Brett successfully demonstrated that there were at least two other versions of Pseudo-Isidore existing independently of the *Collectio Lanfranci*. Through careful textual analysis of the manuscript Hereford, Cathedral Library O ii 7, Alvarez proves that the first nine folia contain passages from Pseudo-Isidore and are not derived from the *Collectio Lanfranci*. Alvarez, therefore, advances Brett's argument by adding a third manuscript to the list of Pseudo-Isidorian sources available in England, in addition to the *Collectio Lanfranci*.

The final article in the collection is Anne Duggan's '*De consultationibus*: the role of episcopal consultation in the shaping of the canon law in the twelfth century'. This is an excellent conclusion to the *festschrift*. Duggan draws on the work of many scholars, whose close textual analysis of manuscripts and evaluations of collections of canon law serve as a basis for her work. These threads are brought together to form a larger picture of the twelfth-century ecclesiastical structure, as she explores the role of bishops in the formation of canon law in the twelfth century. Rather than the reform-minded collections of the eleventh century, the twelfth-century texts demonstrate that the growth of the papacy was not a, 'deliberate programme of papal aggrandizement' (p 191) as argued by Colin Morris. Rather, the twelfth-century collections develop out of consultation and dialogue between bishops and the papacy. Duggan argues convincingly that it was this dialogue, not a 'relentless papal machine' (p 191) that led to the growth and consolidation of papal power in the late twelfth century. This article is a highlight and it demonstrates how textual analysis and careful attention to texts lead to a better understanding of significant historical changes.

This collection of focused essays is best suited for advanced students and scholars interested in the pre-Gratian sources of canon law. It is an excellent tribute to Brett, whose work has advanced the field of canon law in many respects. This is evidenced by the impressive list of Brett's works, which is included at the end of this edition. The list contains the 'working editions' of Ivo of Chartres' three major works. There is also an index of manuscripts, which will help in the identification of sources. The General Index, while welcome, could have been expanded.

Another helpful inclusion would have been an English abstract for the two articles in German, one by Uta-Renate Blumenthal and Detlev Jaspar, and the other by eminent canon law scholar, Peter Landau. This volume is certainly a wonderful tribute to Martin Brett and I can only imagine that he must be pleased.

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Law and Faith in a Secular Age

ANTHONY BRADNEY

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Anthony Bradney's latest book on law and religion makes an important contribution to the debate about law, religion and public policy in the United Kingdom. Like Robert Morris's recent work, *Church and State in 21st Century Britain*, Bradney moves the debate away from more discursive approaches and into a sceptical, empirical arena, arguing that decisions about the constitutional and legal status of religion in Britain must be logically rigorous, must be based upon liberal political premises and must acknowledge the arguable premise that religion has lost all but marginal significance to the social system (p 27). Bradney's reasoning consistently takes the form: policy x is arguably of value because of reasons a, b and c; reasons a, b and/or c are secular and satisfactory/unsatisfactory; therefore, it follows that the policy is/is not of value. He rejects non-secular arguments, which cannot be persuasive to non-religious citizens, but he does not reject religion or religious organisations. Rather, he attempts to justify their existence and integrity in a diverse, secular, liberal state.

The book consists of seven chapters. The first describes the reality of religious belief and participation in Britain, and the second discusses the liberal premises that underlie his arguments. Both positions are highly contested, a fact he acknowledges. The central four chapters address four intersections between religion and law: religious establishment, blasphemy and religious hatred, family law and education. His conclusion: '[I]n contemporary Great Britain, when the law attempts to value religion on its own terms, the law fails.' However, when religious accommodation makes no judgement about the truth of the religion being accommodated and when the accommodation offers an *option* for citizens, legal recognition of religious values can be successful, because it increases the number of choices for pursuing human fulfilment (pp 145–46).