

audiences. In short, this book is an excellent collection of carefully selected essays and has much to commend it.

CHRISTOPHER GROUT

Fellow of the Centre for Law and Religion, Cardiff University

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The Cambridge History of Medieval Canon Law

EDITED BY ANDERS WINROTH AND JOHN C WEI

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Readers of this journal should need no encouragement to consider the Medieval Canon Law as an important source for the development of political, social as well as legal concepts and practices within western Europe over the past millennium. This collaborative venture brings together a score of scholars to illuminate this potent but generally under-recognised history. There are many general accounts already available, for example James Brundage's excellent little survey and Richard Helmholz's *Spirit of Classical Canon Law*, to name but two.¹ If this larger volume has an edge it is in the strength and variety of its contributors, many of them already considerable contributors to the detailed exposition and understanding of aspects of the subject.

A review cannot engage with all of the elements of an encyclopaedic work, and any selection betrays the bias and interests of the reviewer. Nevertheless, some elements can be usefully highlighted. The volume starts with surveys of the chronological history of the subject from antiquity through to the end of the fifteenth century. Although it is perhaps surprising to find a book on medieval history beginning with the Roman emperor Domitian (81–96 AD) this does permit Caroline Humfress to provide a stimulating account of law in the early church, stressing the importance of local traditions of living law and regulation, particularly in the period before the Constantinian revolution in church affairs.

Anders Winroth, whose writing has revolutionised our understanding of the author(s) of the *Concordia Discordantium Canonum*, provides a masterly summary of the renewal of the twelfth century. Together with his chapter on Legal Education and Gero Dolezalek's chapter on Roman law in the second section, this provides an elegant if compressed account of the essential period

1 J A Brundage, *Medieval Canon Law* (London, 1995); R H Helmholz, *The Spirit of Classical Canon Law* (Athens, GA, 1996).

of transformation and consolidation of the western tradition. Two elements which for different reasons work less well are Martin Bertram's reflections on the Late Middle Ages and Péter Erdö's account of the canon law of the Eastern Churches. Erdö (incidentally suggested in some quarters as a possible successor to Pope Francis) has a difficult task to encompass the whole history of the law of several diverse rites, from the Melchites to the Chaldeans, the Ethiopians to the Russians and the result is more of a catalogue than a systematic guide. Bertram provides an analysis of the state of research in canon law together with suggestions for future work which sits rather uneasily within the encyclopaedic context of the work.

The second section deals with sources, literature and education and includes, beyond the chapters already referred to, a valuable summary of the theological sources of canon law by John C Wei. Gisela Drossbach's useful account of the Decretal collections is in places overly historiographical in detail for such a volume. Antony Perron's chapter on local knowledge of canon law emphasises the importance of local synods for the transmission and application of much papal and conciliar legislation.

Lastly, the third section of the book addresses substantive topics of canon law utilising the traditional topics *Iudicium* (courts and procedure), *Clerus* (ecclesiastical property, the sacraments and relics), *Conubium* (marriage and family law) and *Crimen* (including just war theory and the crusades). Courts and procedure are covered in a single contribution by Wolfgang Müller, which although stimulating is rather restricted in scope for a topic with such a fecund influence upon secular legal developments. Under ecclesiastical property Charles de Miramon provides a masterly three-page summary of the history of tithe. Dealing with the complexities of the law of marriage, Sara McDougall again stresses the diversity of local practice.

Each chapter concludes with a bibliography and there is a concluding short bibliography of primary sources which lists both manuscript and printed material whilst, perhaps understandably, ignoring the growing number of electronic sources.

Whilst the range of contributors brings depth to the diversity of the issues addressed in this volume, the absence of an overall authorial, as opposed to editorial, voice brings limitations. There are some, perhaps necessary, divergences in treatment and repetitions of detail. But above all there is a lack of a general consideration of the place and importance of the study of the history of canon law in the present day. Peter Landau's conclusion, entitled *The Spirit of Canon Law*, simply surveys the various dimensions of the subject. It does not, unlike Helmholz's concluding chapter in his *Spirit of Classical Canon Law*, seek to engage with the nature of canon law scholarship and its influence or, unlike Brundage, make a special point of indicating the extent to which western canon law has pervaded the institutional structure and

organisation of professedly Protestant bodies, like the Anglican and Lutheran churches. Whilst it might be argued that such treatment would go beyond the functions of an encyclopaedia, the absence of overall assessment of the heritage of canon law within western culture generally weakens the impact of the otherwise excellent treatment of the individual topics within this volume.

ANDREW LEWIS

University College London

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Religion in Schools: Learning Lessons from Wales

RUSSELL SANDBERG

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Religion in Schools: Learning Lessons from Wales is the leading text on the law of religion in Welsh Schools. Sandberg's work is succinct and informative, giving the reader a clear understanding of both the current law in Wales and the historical development up until this point alongside the many challenges the new Welsh provisions pose. The book is divided into two sections: religious education and worship under English law; and the new Welsh law on Religion, Values and Ethics.

In 2021, Wales saw substantial changes to its education law through the introduction of the Curriculum and Assessment (Wales) Act 2021 ('the 2021 Act'), the first of its kind in many decades. The Act introduced Religion, Values and Ethics ('RVE') into the curriculum as a replacement for Religious Education. The Act also made RVE compulsory for those of compulsory school age and consequently removed the parental right to opt out. Sandberg highlights the difficulties of the previous approach in applying English law to Welsh schools given the differences in culture and language.

Chapter 2 provides an outline of the law prior to the Butler Act (as it applied to England and Wales). It highlights the substantial historical role churches had in the founding of educational institutions. But for the role of the churches, the education system as we know it would not exist. Chapter 3 highlights how the provisions of the Butler Act served to strengthen rather than weaken the position of the Church of England. Nevertheless, the financial implications of maintaining such a large schools estate continued to cause the Anglicans problems. This led to the creation of voluntary controlled and voluntary aided schools as detailed in chapter 4. Catholic schools opted to retain the higher