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BOOK REVIEW

John C. WEI, *Gratian the Theologian*, Studies in Medieval and Early Modern Canon Law, vol. 13, Washington, DC: The Catholic University of America Press, 2016, pp. xvi + 353. ISBN: 978-0-8132-2803-7[♦]

Gratian is usually considered a canon lawyer. In this fine study, however, he is assessed as a theologian, as indicated by the book's title. His enormous influence is beyond doubt. The *Concordia discordantium canonum* traditionally attributed to him and dated c.1140, or *Decretum* as the book later became known, was the medieval equivalent of a modern best-seller but even more successful. More than six hundred manuscripts of the work are known to survive from the Middle Ages: the standard printed edition remains the first of the two-volume *Corpus Iuris Canonici*, edited by E. (sometimes A.) Friedberg (1879, reprinted 1959).

To what extent was *Decretum* the work of Gratian rather than that of later commentators? Anders Winroth made a ground-breaking discovery in his doctoral thesis of 1996, which led to his book published in 2000 by Cambridge University Press, *The Making of Gratian's Decretum*. He argued that manuscripts previously believed to contain abbreviations to the *Decretum* actually contain an earlier version of the work; this thesis is now generally accepted by scholars. He went on to argue that to this work various additions and alterations were made by one or more commentators to produce *Decretum* as we know it; this second argument has proved more contentious. Moreover, prominence given recently to a manuscript at St Gall in Switzerland, not cited by Winroth, suggests that a still older version may underlie the "earlier version" which he highlighted.

The chronology is important because whereas *Decretum* became foundational for the development of canon law in the medieval West, the approach of the "earlier version" was more theological. Thus,

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largely resulting from *Decretum*, as well as the subsequent collection *Decretalia*, a faculty of canon law distinct from the theology faculty was to be found at the new universities of the twelfth and thirteenth centuries: Oxford and Cambridge, Paris and preeminently Bologna. Indeed one of the key criticisms made of bishops in the later Middle Ages was that collectively they were too interested in canon law, not enough in theology and spirituality – in good measure on account of Gratian.

In claiming that the “earlier version” is more theological, Wei repositions Gratian. He would not have considered himself a systematic theologian, Wei argues, but in this “earlier version” he treats topics that were considered theological by the later Middle Ages and are usually considered such today: the Bible, penance, sacraments and liturgy. Canon law is concerned, of course, with issues relating to theology but in a fundamentally different and much less direct way to that treated by theology faculties. Whereas theology is discourse about God and leads to contemplation, canon law is directed rather towards action and practical solutions: the latter is concerned with *quia* (how things are), theology with *propter quid* (why things are the way they are).

A fundamental difficulty in assessing Gratian’s intentions is that we know very little about him, despite the enormous influence of his teaching and writing. He taught at the nascent university of Bologna in the mid twelfth century, dying before c.1160. He is thought to have been a monk, though to which monastery or religious order he belonged is unclear. Further details are scant: no early biography of him is known to exist, nor an autobiography.

All the above is set out succinctly in the Introduction. The rest of the book expands on these topics through three Parts entitled “Gratian the Author and Biblical Exegete,” “Gratian the Penitential Theologian” and “Gratian, a Theologian of the Sacraments and Liturgy?” Wei has already written extensively on Gratian, so the present work may be considered his crowning achievement. The footnotes and bibliography show his mastery of the primary sources as well as the relevant secondary literature in English, German, French, Italian and Spanish. The book is handsomely produced and finishes with a well arranged General Index.

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