

## The Ascent of Christian Law: Patristic and Byzantine Formulations of a New Civilization

**John A. McGuckin**

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2012 (279 pages)

John Anthony McGuckin, Professor of Early Church History at Union Theological Seminary and Professor of Byzantine Christian Studies at Columbia University, and author of twenty-three books, turns in this present work to a question he has found unanswered through decades of work as a theologian, historian, and Byzantinist: "What did Christianity do to build civilization?" (12). The question is more precise than "how did Christianity change or impact human society," and it affords McGuckin the opportunity to look at the Scriptural mandates for the life in Christ and the legal code of the Roman Empire in which the early church found itself to see how the church crafted an intelligent synthesis of the two. His focus is on the Byzantine East, but he does not neglect the early Latin Fathers in the least.

In a preemptive defense against peevish reviewers, McGuckin notes that he is not a canonist, a lawyer, or even a historian of law (11); neither is his book about canon law *per se*. This is for the better because it allows him to write a fine introduction to canon law for the educated layperson. He sets out to trace the

evolution of a sense of Church law ... alongside Roman civil law ... for Roman civil law was softened, refined, and rendered attuned to master principles of compassion, justice, and reformation by the parallel presence of Church law in ways that other modern systems of law ... simply cannot attain to. Here in the Byzantine Church's system of juxtaposing two distinct but deeply conscient systems of law next to one another, almost as two wings of the imperial administration, a uniquely sensitized system that reflected both civic virtues and moral values could be promulgated (235).

McGuckin succeeds admirably in sketching this synthesis.

The chapters of the book include considerations of Old Testament law from the perspective of the New Testament and the rise of postapostolic authority in the early office of the bishop; the classical foundations of law and polity in ancient Greece and Rome; early Christian proto-canonical collections; the canonical Epistles of the twelve Eastern Fathers; Tertullian and Lactantius; Augustine; the development of the Eastern Church's synodal process; the canons of the Seven Ecumenical Councils; later Byzantine codifications of Roman imperial law; and the work of late Byzantine canonists. Each chapter of the book concludes with a recommendation of primary and secondary texts for further reading.

Throughout, McGuckin's command of history and theology informs his consideration of the canons and, in many places, makes for fascinating reading on that score alone (those who are mainly interested in church history will not be disappointed with the book). With regard to the canons themselves, he highlights the more interesting and influential ones, considers them in their own milieu, and often shows their continuing importance.

For example, St. Athanasius's rules for readmitting Arian heretics to the church informs contemporary Orthodox involvement with ecumenism (82–83). Apostolic Canon 66 and St. Basil the Great's Canon 13 are why the Eastern Church has never developed a just war theory as the Latin West has done (84–85, 143–44). Canon 4 of the First Council of Nicea establishes that bishops rule their dioceses, but they are subject to the synod of bishops, of which the metropolitan is the president; this canonical structure is “the backbone of all Eastern Christian legal polity” (200). Indeed, this backbone is the norm everywhere in the Orthodox world to this day, and it is the main reason why the Eastern Church never developed anything resembling the Roman papacy.

An interesting note: McGuckin points out repeatedly (e.g., 181, 187, 197, 205) that for each set of canons issued by a synod of bishops, the very first canon sets the tone, as it were, for the whole collection. This is a helpful rubric, and the author is able to apply it effectively in his exposition of the various canonical collections. How he explains, therefore, the first canon of the First Ecumenical Council of Nicea, which concerns castrated clergymen, is simply fascinating, and well worth the time to read it.

McGuckin considers the place of the old Roman “Household Code” in forming early Christian behavior (23, 64–65). He suggests that the early Latin Fathers, Tertullian and Lactantius, who were lawyers, are the ones who gave the legal cast to subsequent Latin theology (95). The (in)famous Canon 28 of Chalcedon, concerning the juridical status and precedence of Constantinople (“New Rome”) vis-à-vis “Old Rome” is treated very fairly (218–21). There are *passim* discussions of the difference between *auctoritas* and *potestas*, natural law, freedom of conscience, the balance between equity and justice, strictness and “economy” and episcopal discretion in the application of canonical strictures, *symphonia* and the separation of church and state, and other themes for which scholars might want to consult the book. Hence, the lack of an index is the only substantive weakness that it has.

Given the subject matter, it might be supposed that the book is dense and dry, but that is not so. The book is well organized, and the author writes clearly with a deftness often leavened with a little humor. For example, at one time the nobility of Constantinople discovered that a tax break could be realized by endowing monastic communities with capital and property, which the nobility sometimes took back after the passage of time. Canon 24 of Chalcedon forbade these temporary gifts to monasteries. McGuckin notes (216n38), “The canonist Joseph the Egyptian rendered this into Arabic in his collection of canons in the form, ‘If anyone turns a monastery into a private home for himself ... let him be cursed and held anathema.’ It has never seemed to trouble the English aristocracy, doubtless because of their small acquaintance with Arabic.”

There is one subject this reviewer would like to have seen addressed that was not. The author notes in passing (225n60) that Emperor Justinian II was nicknamed *Rhinotmetos*, which means “sliced nose” because he was mutilated after he was deposed the first time in an attempt to keep him from reascending the imperial throne (he had a golden prosthetic made and returned to power anyway). There is evidence from the sixth century that the Byzantines had begun to use physical mutilation as a form of punishment for certain crimes, and the practice was codified in later Byzantine civil law. McGuckin does not address

the issue in his book. A consideration of mutilation, and whether the Church had a role in softening earlier, harsher methods of punishment, would have been a fine discussion.

At one point the author shows the underlying idea of certain canons to be that “civilization is built in cities, and must be protected by systems; that Christianity is in the business of building civilization in real-world political communities, not in deserts on the fringes of cities; and that such a civilization can only be sustained by law and order” (185). This idea he bluntly affirms in the *Postludium* of the book: “Christianity endorses the rule of law. It does not have a grudging acceptance of law” (275). For the Byzantines and the Eastern Church, law was an ethical construct “fundamentally concerned with the moral structuring of society” (274). Based on the equality of everyone before the throne of God, taking Scripture as its charter, and preferring a conciliar and ecumenical model to a monarchical one, the early church was able to soften the harshness of late Roman and Byzantine law, transforming an instrument of retribution into one of correction, and raising a persecuted minority into a symphonic partner for the ordering of society. These are ideas that retain their interest and their value today, and for persons interested in them, McGuckin’s book is an excellent place to begin.

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## Restored to Earth: Christianity, Environmental Ethics, and Ecological Restoration

**Gretel Van Wieren**

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*Restored to Earth* is a revision of Gretel Van Wieren’s doctoral dissertation from Yale University. The thesis of her book is that “fundamental, significant, and lasting environmental change will occur only when avenues are created for people to physically, intellectually, socially and spiritually connect with the natural world” (viii). In this volume, Van Wieren presents a case for community involvement in efforts to bring about ecological restoration, arguing that it is spiritually essential for humans to alter the way they interact with the environment.

This volume is divided into two parts. The first part consists of four chapters focusing on the ethical basis for restoring the environment. Van Wieren begins with a helpful explanation of different types of ecological restoration. She outlines many of the approaches to environmental ethics that focus on restoration, including religious, scientific, and philosophical approaches. In this introductory chapter, Van Wieren also provides a definition of the relationship between Christianity and ecological restoration. The second chapter moves into a discussion of perspectives on nature, relating these perspectives to the methods of restoration that they drive. Van Wieren recognizes that ideas have consequences and demonstrates the connection between approaches to ecological restoration