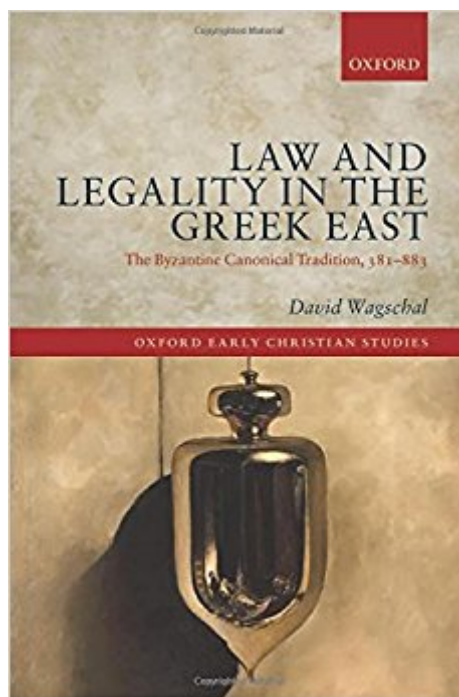


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# Law And Legality In The Greek East: The Byzantine Canonical Tradition, 381-883 (Oxford Early Christian Studies)



## Synopsis

Byzantine church law remains terra incognita to most scholars in the western academy. In this work, David Wagschal provides a fresh examination of this neglected but fascinating world. Confronting the traditional narratives of decline and primitivism that have long discouraged study of the subject, Wagschal argues that a close reading of the central monuments of Byzantine canon law c. 381-883 reveals a much more sophisticated and coherent legal culture than is generally assumed. Engaging in innovative examinations of the physical shape and growth of the canonical corpus, the content of the canonical prologues, the discursive strategies of the canons, and the nature of the earliest forays into systematization, Wagschal invites his readers to reassess their own legal-cultural assumptions as he advances an innovative methodology for understanding this ancient law. *Law and Legality in the Greek East* explores topics such as compilation, jurisprudence, professionalization, definitions of law, the language of the canons, and the relationship between the civil and ecclesiastical laws. It challenges conventional assumptions about Byzantine law while suggesting many new avenues of research in both late antique and early medieval law, secular and ecclesiastical.

## Book Information

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## Customer Reviews

"Wagschal's *Law and legality* is an impressive synthesis of various schools of scholarship and a thoughtful analysis of the Byzantine canonical corpus. It deserves to become a standard entrÃ©e

for anyone interested in Byzantine law and the canon law of Eastern Christianity more generally.

--Zachary Chitwood, Humboldt University of Berlin

David Wagschal studied medieval history and Byzantine theology at the University of Toronto and St. Vladimir's Orthodox Seminary before embarking upon his doctoral studies at the University of Durham, England in 2005-2010. A former Assistant Professor of Church History and Canon Law at St. Vladimir's Seminary in New York, he has also taught at the Toronto School of Theology, University of Toronto.

This book helped to better understand the mind and the spirit of the Eastern Christian Church. Wagschal proposed three principal characteristics of the basic conceptual architecture of Byzantine canon law as a legal phenomenon. Its first and foremost characteristic is to "preserve, transmit, and exegete one corpus of continuously fossilizing [sic] quasi-sacral traditional texts. These traditional texts ARE the law. . . . '[C]anon law' is not . . . an abstract project or doctrinal construct." (Pp. 278-279.) Secondly, "Byzantine canon law is a 'substantive justice system' . . . . [T]he system is not primarily designed as a coherent and predictable mechanism of legal concepts and techniques, safely isolated from 'values' . . . . quite the opposite, the system is deeply and intentionally invested in embedding itself in broader narratives by which truly just decisions might be measured." (P. 279.) Thirdly, "the entire system . . . is dominated by the notion of tradition. . . . [A]uthoritative legislation always emerges from the past; more recent authorities, however exalted (council, pope, jurist, etc.) always remain subordinate to past traditions." (P. 280.) How important it is for Christians today to be of the same mind. If we were, we would not be faced with an endless series of schisms, heresies and apostasies, or situations where, within one generation, what is the traditional teaching of the church begins to be viewed as bigotry.

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