

BOOK REVIEWS

BIRTH, MARRIAGE, AND DEATH; Ritual, Religion and the Life-Cycle in Tudor and Stuart England by DAVID CRESSY. Oxford University Press, 1997. XVI + 641pp (£25) ISBN 0-19-820168-0.

A review by the Revd Alan Walker

I originally placed David Cressy's *Birth, Marriage, and Death* on my shelves next to Lawrence Stone's trilogy on marriage, separation and divorce in England from 1530 to the present day and Anthony Fletcher's *Gender, Sex and Subordination*. The title suggested a work of sociology which might occasionally touch on the liturgy and theology of early Anglicanism. Then I read the book. Now it stands next to Eamon Duffy's *The Stripping of the Altars* on a shelf dedicated to, or, I might say, largely occupied by, revisionist accounts of the English Reformation, and it stands there in some ways as a counterbalance. Not that Cressy set out to write about the English Reformation or to participate in the debate about its nature and origins, but this is a book, as its author says, that will provide grist for many mills. It looks at life-cycle rituals, rites of passage, the sort of thing that is probably rather old hat in social anthropology, but which is still rather novel and slightly suspect in history, and pretty radical in ecclesiastical history.

The revisionists by now have taught us that it is one thing to look at the official changes that took place in the Church in the sixteenth and seventeenth centuries—the destruction of monasticism, the revision of the liturgy, the tinkering with canon law—but quite another to consider how these changes were received (and most probably resisted) in the parishes. We have learned, if we keep up with our reading, to suspect that the Reformation was something imposed on an unwilling populace, and that the decline of traditional Catholicism was a consequence, rather than a cause, of the break with Rome. If our reading is very up to date we might want to join with those who ask why, if the revisionists are right and if Catholicism was so vigorous, there was a Reformation at all, and how it came about that, by say 1580, that same Catholicism was a lost cause in this realm of England. Cressy provides no answers to such questions; what he does do is to take a magnifying glass to those occasions in the lives of Tudor and Stuart Englishmen and women and children when religion in every sense of that word interacted with their mundane concerns. If Duffy gave us a picture of a people happy to express their social and personal concerns in the language and imagery of medieval Catholicism, Cressy shows us one struggling to do the same in an age of religious competition, controversy and uncertainty, and reminds us, therefore, that medieval Catholic piety was as much about lack of alternatives as it was about unquestioning loyalty.

The Reformation debate, at least in so far as it is conducted within the Christian community, tends even today to turn into a competition between Roman and Anglican loyalists for the prize of legitimacy: reviewing *The Stripping of the Altars* in *The Tablet*, J J Scarisbrick, himself a leading Catholic revisionist, concluded, 'It brings us up against this fact: Anglicanism ... claims to be an historic religion, and it is now a religion without much history'. It would probably be wiser to think of both Churches as in their different ways successor Churches to the one 'founded in England when the English were gradually converted to Christianity between the years 597 and 687' (*Halsbury's Laws of England*, vol 14, ECCLESIASTICAL LAW, para 345).

Cressy shows how ordinary people negotiated their way through the changes that were imposed upon them, that they chose for themselves, or which just happened in their communities. The choices they were obliged to make were perhaps more radi-

cal than those that would have confronted their immediate foreparents, but they were still made from within a religious world view that had much in common with the Catholic past. Cressy sees the Puritan Revolution and the Restoration, rather than the Reformation, as the real time of change in English religion. The Stuarts might have restored the forms of traditional religious ritual in their revised Anglican guise, but they were now divorced from their roots in the consciousness of the people. They had become services to go to rather than essential rituals to perform or participate in. People had become sceptical or cynical about the outward forms of religion. Faith was a private matter as the Protestant fathers had taught, but it was no longer as urgent a matter as they had feared. It is, of course, arguable that this change happened much later than Cressy submits, but he is surely right in suggesting that it might be better to try to understand the changes of the Reformation by showing continuity at least as much as discontinuity. The men and women of the Reformation period, Catholic, Protestant and in between, stand together on the other side of a divide from us, wherever our religious loyalties or sympathies might lie. Their ways are not ours, but with the Books of Common Prayer and the Canons Ecclesiastical of 1604 as our Baedekers, and with Cressy as our dragoon, we can just about get our bearings in the foreign country which is our past. There is plenty here for the canon lawyer, and even if the index is really only of much use if you want to see if any of your ancestors have got a mention, the Notes and Bibliography are full enough of references to Visitations, Articles of Enquiry and Consistory Court Proceedings to sober any mind intoxicated by the wealth of humour, anecdote and detail with which this book brims.

Despite the Reformers' mockery of canon law and the abolition of its study at the universities, the child of the Reformation was introduced to canon law almost before it was introduced to its mother. Midwives came within 'ecclesiastical cognisance' at some point in the late Tudor period because reforming bishops wanted to regulate the practice of emergency baptism even if they had serious reservations about the ministry of women. On the other hand, the 'negotiable quality' of Anglicanism is reflected in the many examples of the law being violated to avoid disharmony or to promote harmony in a community, for example by allowing dissenters' baptisms (and burials) with the minimum of conformity to the Prayer Book. Then by the late seventeenth century we hear the bishops complaining about the abuse of the Prayer Book provision for private baptism (intended originally for those too weak to come to church) as upper class families, who had used domestic baptism as a way of maintaining their loyalty to Anglicanism (and the old regime) during the Interregnum, maintained the practice as a sign of social superiority.

Despite the possibility of marriage by present consent until Lord Hardwicke's Marriage Act (the Clandestine Marriages Act 1753), Cressy shows how successful the Church of England was in bringing marriage under its control and into the public arena. Puritans and conformists alike agreed that marriages should take place in church, and the vast majority did. Many even of those marriages investigated by the courts, and sometimes described in consequence as 'clandestine', in fact were irregular only in terms of circumstance (for example because they took place outside the canonical hours) rather than conduct (because, for example, there had been no banns, or they had taken place before a papist 'mass priest'). Even those disreputable enough to marry in an alehouse, either by consent alone or before a clergyman (there seems to have been no difficulty finding clergymen in such places, only in agreeing a fee), liked to use the words of the Prayer Book as a guarantee of validity if not regularity. But after the Reformation there was an increase in the practice of marriage by licence, quietly and without publicity, by those same classes whose offspring would be baptised in the parlour by a socially acceptable cleric. It was this kind of withdrawal of the elite from the ordinary life of the parish and the accommodation of religious ritual to social convenience that typified the post-Reformation period. Ritual,

which had once bound communities together, and which had been the subject and location of dispute and disagreement as the nation dallied with the various forms of the reformed faith, became, after the great and exhausting transformation of the mid-seventeenth century, the very means by which society expressed its increasing fragmentation. Energies were now increasingly invested in areas not controlled by the Church. If babies were not introduced to canon law any longer it hardly mattered; the important part of the ritual was the party afterwards—assuming you had been invited.

RELIGIOUS HUMAN RIGHTS IN GLOBAL PERSPECTIVE, edited by J. D. VAN DER VYVER AND J. WITTE. 1996. The Hague, Boston and London: Martinus Nijhoff/Kluwer Law International. Two volumes: *Religious Perspectives*, xxxv + 597 pp, and *Legal Perspectives*, xlvii + 670 pp (£124 per volume). ISBN 90-411-0176-4 (vol 1), ISBN 90-411-0177-2 (vol 2), and ISBN 90-411-0178-0 (set of two volumes).

A review by Dr Norman Doe

These volumes are the product of an ambitious project on religion, human rights and democracy undertaken by the Law and Religion Program at Emory University, Atlanta, and the editors are to be congratulated on having brought together contributors from throughout the world to produce what is, quite evidently, a monumental work. The social and political aspect of religious human rights, both their cultivation and their violation, is a theme carried through most of the studies, and is underpinned neatly in the respective prefaces in each volume by Jimmy Carter and by Desmond Tutu.

In one volume, approaching the subject from the legal perspective, a score of eminent jurists assess critically and comparatively secular laws and political practices on religious freedom, both internationally and nationally. In terms of theory, ideas are advanced proposing a comparative framework for the analysis of religious liberty, methodological foundations for the discipline, and tensions and ideals. The role of the United Nations, non-governmental organisations, the media, and documents such as the European Convention on Human Rights, are examined to assess the nurture and protection of religious human rights on the international level. Highly informative overviews are provided with respect to a selected number of regions, including Eastern Europe, Central and Latin America, Africa, the Middle East, and post-communist Balkan countries; the individual states examined are Germany, Russia, Israel, South Africa, the USA, and the United Kingdom. With respect to the last, it is fascinating to read the discussion of the law applicable to the Church of England both in the light of domestic religious liberty and in the context of these other countries; what is especially absorbing is to compare these arrangements with those of 'established' churches in south America. The volume ends with a draft Model Law on Freedom of Religion.

In the other volume, written from the religious perspective, the sacred texts and legal traditions of Christianity, Judaism and Islam are treated, and the score of authors assess their contribution and challenge faiths to adopt 'golden rules of religious liberty'. In addition to introductory chapters on the religious dimension of human rights and its historical development, there are four studies on Christianity and religious rights, focusing on religious activism, and the rights of women and children; a perceptive contribution on human rights 'in the Church' is, however, the only study in this group dealing directly with canon law, Anglican and Roman Catholic. These chapters are followed by religious human rights in Judaic texts, where, in particular, there are discussions on respecting dissenters' rights, women, and education.