

vert' canon law, concerning internal regulation. He argues that this is at least in part due to the dominant positivist/duties-based judicial approach within the Anglican church and there is therefore a mismatch between what the church is saying and is doing as regards human rights— clear and convincing argument.

This, then, is a stimulating collection that has as its underlying theme the nature of the relationship between religion and society; between church and state and the problems posed by working that out in the light of the current legal framework. This is not a debate that is going to go away and this volume is a helpful contribution to an understanding of the issues.

Malcolm D Evans, Professor of International Law, University of Bristol

*LOWER ECCLESIASTICAL JURISDICTION IN LATE-MEDIAEVAL ENGLAND—THE COURTS OF THE DEAN AND CHAPTER OF LINCOLN, 1336-1349, AND THE DEANERY OF WISBECH, 1458-1484*, edited by L. R. POOS, Oxford University Press for the British Academy, 2001, lxx + 687 pp (including indexes), (£50) ISBN 0-19-726245-7.

In the days when ecclesiastical courts played a significantly greater role in everyday English life than they do now, it was not always the consistory court that handled the most interesting cases.

On the one hand, the bishop might create peculiars by permanently surrendering parts of his jurisdiction to other ecclesiastical authorities. The Bishop of Lincoln did this around 1160 for his cathedral precincts and for parishes belonging to cathedral prebends or the common capitular endowment. The Ordinary jurisdiction which thus passed to the Dean and Chapter was exercised by a canon appointed annually as *praepositus*; or sometimes, in the case of individual prebends, by the canon locally concerned. It was no longer an episcopal jurisdiction, and any appeal lay to instances further up the ecclesiastical hierarchy.

A bishop's officer might, on the other hand, be commissioned to exercise his own jurisdiction within stated spheres or geographical areas. The rights of English archdeacons, as is well known, later became so entrenched in legal custom that they lost most attributes of a delegated power and became instances in their own right; but in the fifteenth century other units, including the deanery, were occasionally significant. For Wisbech, a portion of the Ely diocese effectively outside archidiaconal authority, the bishop's justice was administered either directly by his Official [Principal] or by a delegate such as the rural dean.

Lawrence Poos of the Catholic University of America is best known as a social and legal historian of the late mediæval to early modern periods. His work under review is a painstaking *editio critica* of (a) the record of

the Lincoln capitular provost's court, covering thirteen years of the reign of Edward III, and (b) the combined minutes and probate register of the court held for the Wisbech Deanery during the Wars of the Roses. The texts, retained in the easily readable church-Latin of their time, are fully annotated and presented with indexes of subject-matter, persons and places.

Students of church legal history, as well as historians preparing to approach the sources themselves, will be able to benefit from the editor's lucid introduction. Besides commenting on the County Record Office manuscripts from which he worked, Professor Poos explains the basis of (and the contrasts between) the two jurisdictions, the types of case encountered—mainly office causes in Wisbech, the peculiar court enjoying a wider scope—and the procedures that were applied.

He concludes with remarks on the texts' value to scholars in several historical sub-disciplines, which is both substantial and wide-ranging. The frequent moral, probate and debt cases throw light on social behaviour and control, popular piety and the local economy; but the records also contain evidence of extra-judicial arbitration, of proto-contract (*fidei latio*) restricting worker mobility, of defamation proceedings investigating villein status, and of feoffment of land being compelled in the course of testamentary enforcement.

The records edited by Professor Poos are of a type sometimes neglected, but whose instructive—and entertainment—potential is clear even from a cursory browse. Even while leaving to others a full analysis of what the records reveal, his book, evidently a product of considerable hard work, deserves to be acclaimed for the masterly reference volume that it is.

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*LAW AND THEOLOGY IN THE MIDDLE AGES*, by G R EVANS, Routledge, London and New York. 2002, viii + 259pp (incl. Index), (Hardback £62.50, Paperback £19.99) ISBN 0-415-25327-6 hardback; 0-415-25328-4 paperback.

The first three centuries of the second Christian millennium saw a great upsurge in learning. It was during this period that the great universities of mediaeval Europe flourished upon foundations that had been laid by the earlier cathedral schools. Not surprisingly, therefore, the study of the faith itself was central to intellectual endeavour within both institutions, and as the works and the skills of the classical past found fresh appreciation and gave new inspiration to the scholars of the twelfth and thirteenth centuries, it was often to the materials of theology that the ideas and techniques of the ancients were applied.

Often this was the case, but not always. Other disciplines developed along-