

Robert Somerville and Bruce Brasington have produced within the last year selected translations of and commentary on canonical sources from 500 to 1245 in *Prefaces to Canon Law Books in Latin Christianity* (New Haven and London: Yale University Press, 1998). The CUA Press translation of the beginning of the *Decretum* does not indicate whether further translations of additional parts of Gratian's work are forthcoming in a similar format. One can only hope so, given the significant contribution that this short first step has already made.

Another series of medieval canonical sources, this time from the editions du Cerf in Paris, has been started within the past three years. The first volume, containing the *Prologue* of Ivo of Chartres (1040–1115), promises three more volumes containing Gratian's treatises on marriage and penance. The editions provide an edited Latin text and French translation on facing pages, with fairly complete annotations and bibliography, and a full introduction.

Unlike the CUA Press translation, this work is not one which could be profitably used as an introduction to medieval canon law. Ivo, Bishop of Chartres and the most famous canonist of his generation, compiled several collections of canons in defence of the Gregorian reform of the eleventh and twelfth centuries, and much more study needs to be done on this canonist's life and work. In the prologue to his collection entitled *Panormia*, Ivo set forth rules for the interpretation of canonical texts that became central to the work of later canonists (and especially to the work of Gratian).

The text of Ivo's *Prologue* which was printed in Migne's *Patrologia Latina* vol. 161 (1855) is a poor one, and, in Professor Brundage's words, 'is not very reliable as a representation of what Ivo originally wrote'. Jean Werckmeister has produced an improved Latin text, and a fluid French translation; his notes to the text point out problems in the text or translation, as well as modern editions of the sources. The introduction, however, is rather meandering and somewhat polemical. The major modern study of Ivo against which Werckmeister takes aim (and on which he rather shamelessly then proceeds to base his text and annotations) is that of Bruce Brasington; unfortunately, this is only available as a typescript thesis from the UCLA Library. His criticisms of Brasington (most of which are clearly petty or regard simple typographical errors) take up an inordinate amount of the introduction, and regard a work to which the vast majority of Werckmeister's readers could not possibly have access.

The texts of Ivo and Gratian presented and translated in these works are clearly important, and vital to any understanding of medieval canon law (or, indeed, of modern law understood in the light of its medieval antecedents). The CUA Press translation deserves to be in any law library, at least as an introduction and access to the history of this law. The Werckmeister edition of Ivo, for all the faults of its introduction, presents a crucial text of medieval canon law in a readily accessible form, and deserves to be studied by those with the desire and background to evaluate it.

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*THE 'BAWDY COURT' OF BANBURY: The Act Book of the Peculiar Court of Banbury 1625–1638*, transcribed and calendared by the late E.R.C. BRINKWORTH, edited by R.K. Gilkes, Banbury Historical Society, Banbury, Vol. 26, 1997, 256 pp. (£15) ISBN 0 900129 24 7. Obtainable from Banbury Historical Society, c/o Banbury Museum, 8 Horsefair, Banbury, OX16 0AA.

Recent events from the United States may be evidence for some of the declining state of the morals of our society. If anyone is of that ilk, they would be well advised to read this fascinating account of proceedings in the Peculiar Court of Banbury. Whilst the task of editing court records can be both thankless for the editor and

fairly turgid reading for the uninitiated reader, the vibrant subject matter of this volume keeps the reader's attention throughout and provides an insight into early seventeenth century life in the midlands.

The editor begins with a tribute to the preliminary work done by the late E.R.C. Brinkworth, but he has added an excellent introduction which makes what follows much more enlightening. The history of the 'peculiar', together with its personnel and procedure, are explained. This section highlights one mechanism by which an offender was brought before the court: churchwardens and sidesmen were responsible for issuing 'presentments' against those whom they suspected to be guilty of 'Adultery, Whoredom, Incest or Drunkenness, or by Swearing, Ribaldry, Usury, or any other Uncleaness and Wickedness of Life'. Perhaps those responsible for the presentments were more realistic in their assessment of anti-social behaviour, for when the editor turns to summarise the types of cases dealt with by the court, it turns out that the main volume of business related to the court's testamentary jurisdiction. As most of these entries are in standard form, they are the least interesting for anyone other than an historian of this area. Fortunately for the more general reader, there is a wealth of other entries, dealing with drunkenness, incontinence, absence from church and the like. Although it is impossible to do justice to the range of cases described, a couple of themes stood out for this reviewer.

First, the number of repeat offenders is remarkable. The nature of the records tends to exaggerate this, because, as the editor notes, cases were almost never disposed of at one sitting. Thus several references to one offender may only relate to one presentment. Even allowing for this, however, there are certain names that keep appearing. Edmund Smalebone and Mary Bentlie, whose husband had recently been deceased, were clearly living together and were repeatedly presented for incontinence. Not only did these presentments have no effect on that arrangement, but it seems to have angered Smalebone, because he later ensured that his daughter would be married in Oxford 'in spite of Mr Sweit, the Commissary of this jurisdiction' (p. 129). Repeat presentments against individuals for drunkenness were also common, and one wonders whether the churchwardens and sidesmen, when stuck for anything to report, simply resorted to citing those who were always guilty. Even though such persons were frequently excommunicated, it appears as though they usually attended at some later sitting of the court and were absolved, although much of this process seems to have been informal.

Secondly, there are times when the churchwardens and sidesmen decided on a 'blitz' of some particular conduct. The most notable example relates to the misuse of the churchyard. There are no presentments for this between the commencement of the records, in 1625, and 1634, but between 1634 and 1635 there were seven. One can feel for some of those cited; Titus Buckingham acknowledge that he brought four loads of hay through the churchyard 'having no other way for such his carriage' (p. 166) (he escaped with a monition), whilst William Perrin had stored his hay in the churchyard with the leave of William Wheatley, the Vicar of Banbury (p. 172). Whether or not this clean up was linked to increasingly hostile divide between high and low church is unclear; although presentments over Puritan practices do appear in the records they are the exception rather than the norm.

Thirdly, some cases illustrate a disarming level of inconsistency of result, at least to the modern lawyer. Take the cases of Michael Clerke and Margery Judd, who were presented for incontinence. Clerke denied the incontinence and purged himself by producing four witnesses (his compurgators) who swore he was telling the truth, which had the effect of acquitting him of the charge. A little earlier, however, Margery Rudd had confessed to a sexual relationship with Clerke, and at the same time Clerke was denying incontinence the court received certification that Margery had served penance for the same crime! The record does, however, provide a glimpse that the result was not all that it seemed; the fee of eighteen shillings which the court

received looks more like a fine than court fees. Perhaps our seventeenth century forebears were more cynical than the bare record suggests!

Looking at the cases as a whole, the overwhelming impression is that of a court exercising its jurisdiction with a goodly slice of common sense. Incontinence and drunkenness were socially undesirable and formally disapproved, but nowhere is there evidence of the repression evident in the more extreme forms of sixteenth and seventeenth century Protestantism. Cases drifted from one session to another without the appearance of those cited, and even when they were excommunicated most defaulters eventually came back to seek absolution, only to later re-offend. As long as the fabric of society remained intact, a blind-eye could be turned to the occasional acts of human frailty. And if we think arguments over what constitutes immorality have progressed far, this collection makes the contrary argument. When Mathew Long was accused of incontinence with Alice Rowsham, he denied that he committed the act of incontinence with her 'but he confesseth that he did kiss and handle her by secrets parts': (p. 124) *Plus ça change, plus c'est la même chose*. At least for Mathew the story had an acceptable ending; although this plea did not convince the court, he offered to purge and found four compurgators to vouch for him, resulting in dismissal of the complaint. He suffered no long term disability as a result and later served as a sidesman. Whether the modern congregation of public opinion is as forgiving remains to be seen.

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*CANON LAW IN THE ANGLICAN COMMUNION*, by DR NORMAN DOE, Oxford University Press, 1998, xxv+409 pp. (hardback £60) ISBN 0-19-826-7827.

Dr Norman Doe has done the Anglican Communion a great service. *Canon Law in the Anglican Communion* was published a few days before the commencement of the Lambeth Conference 1998, and launched at Dr Edward Norman's lecture for the bishops sponsored by the Ecclesiastical Law Society. It is a timely and painstaking overview of the core elements to be found in Anglican Churches around the world.

Much has been written about structures of the Anglican Communion, but no comparative study on this scale has previously been attempted. In 1948, the then Bishop of London, J. W. C. Wand, edited a regional survey of the Communion in preparation for the Lambeth Conference of that year: the contributors to that book provided a fascinating 'snapshot' of the cultural and geographical factors then affecting Anglicanism. Others, both before and since, have adopted other approaches: important studies of individual provinces were undertaken in the 1920s and in the 1960s, which were essentially descriptive of particular provincial arrangements; a number of volumes were published at the time of the 1988 Conference, primarily focusing on the issue of authority (notably the collection of essays edited by Stephen Sykes, *Authority in the Anglican Communion* (Toronto, 1987)); but the twelve months running up to Lambeth 1998 saw an unprecedented outpouring of books and articles on the Anglican Communion, both historical (such as W.M. Jacob's *The Making of the Anglican Church Worldwide*, SPCK 1997) and ecclesiological (such as Stephen Platten's provocative study on authority and leadership in the Anglican Communion, *Augustine's Legacy*, (DLT 1997)). What is unique in Doe's ambitious monograph is his grouping together of the details of legal and constitutional arrangements around the Communion, under broad topic headings, as a series of studies in comparative law.

Doe clearly received extensive support for the project from provinces and dioceses around the world, who provided him with copies of relevant Constitutions, Measures, Canons, Standing Orders, Guidelines and other legislative (and, as he