

Stephen Platten explored, in his 2004 lecture, the question of why it is that human beings behave altruistically so much of the time, in engaging dialogue with Thomas Hardy, William Golding, Iris Murdoch, Graham Greene and Edwin Muir. Finally, in 2005, Nigel McCulloch gave an account of the shifts in Christian understanding of the last judgement, including William Gladstone's concern that the decreasing emphasis on alarming people by the power of God should be reversed.

There is a decidedly dated feel to the expression, theological concerns and dialogue partners in the majority of the lectures. Tom Bingham, for example, takes it to be uncontentious to begin from the assertion that 'the primary focus of religion is on the relationship between God and Man' (p 124), which is archaic not only in capitalisation but also in relation to gender and an appreciation of the theological significance of God's creative endeavour beyond the merely human. Norman's aside that Mohammed might have been a good Christian teacher if he had met better Christians exhibits a similar distant naveté. Much of the discussions about rights and other religions operates without apparent appreciation of recent theological contributions in these areas.

One striking theme that several of the lectures do have in common is their brutal honesty regarding the founder of the lecture series: most of the contributions seem to have a bad word to say about William Warburton, who is variously characterised as making serious doctrinal misjudgements, unimaginative, unspiritual, careerist, quarrelsome, lacking in insight and possessed of 'an angry and pretentious bluster reminiscent of Giant Despair in *Pilgrim's Progress*' (Gordon Rupp, quoted by Geoffrey Rowell, p 107). Those considering endowing such a series would do well to note that it is by no means a guaranteed path to a generous remembering of one's legacy.

DAVID CLOUGH  
University of Chester

doi: 10.1017/S0956618X08001269

## **To Have and to Hold: Marrying and its Documentation in Western Christendom, 400–1600**

EDITED BY PHILIP L REYNOLDS AND JOHN WITTE, JR

Cambridge University Press, New York, NY, 2007, xv + 519 pp (hardback £45.00) ISBN: 978-0-521-86736-8

With twelve interdisciplinary articles and a wealth of accompanying documents in translation, this book presents, in roughly chronological order, an analysis of sources for the making of marriage from 400–1600, prepared by many of the

best people working on the topic. The introduction by Philip Reynolds sets out the goal of the collaboration, which is to answer: ‘how, why, and when pre-modern Europeans documented their marriages’. Examining dotal charters, marriage contracts, marriage litigation and property deeds, the contributors explain the values, processes and procedures involved in contracting marriage, seeking therein an understanding of the social changes surrounding these documents.

The articles are occasionally revisions or expansions of work published elsewhere, as is the case with the work of David Hunter, Laurent Morelle and Art Cosgrove; others include some passages from a previous article, as with Philip Reynolds. Frederik Pedersen, Martha Howell and Thomas Kuehn return to familiar territory as well. The individual findings are thus not always necessarily new, but this is a strength of the collection. What these contributors offer as a whole is all the more authoritative for the depth of research involved, and these are scholars who not only know their sources intimately but also perform brilliantly together. Combining such solid scholarship under one umbrella sheds light on the complex tangle of matrimonial practices in pre-modern Europe and provides a unique opportunity to grasp at change over time, regional variations, and deep traditions and concerns involving marriage.

We can see first of all what was and was not present in ancient Roman rituals, and conclude with what did and did not remain intact of medieval marriage practices at the hands of John Calvin in his Genevan marriage liturgy. We can learn what was consistent between late-medieval Douai and Renaissance Florence, and what was different about Occitan and northern French marriage in the twelfth century. Recurrent themes include a shifting emphasis on publicity, use of a handclasp or kiss in the making of a contract, the wide range of ways couples received and gave marital gifts, the role of the church, the use of oral or written contracts, and the emphasis on the role of the couple or their families in the making of marriage.

Pre-modern men and women regarded marriage as a process rather than a single event and practised marriage this way, despite the efforts of medieval theologians and canonists to encourage a focus on an exchange of vows, preferably with church participation and sanction. A proper, public marriage, as described in Frederik Pedersen’s litigation records from fourteenth-century York, included marriage negotiations with the intended spouse’s family, a present-tense exchange of vows in the bride’s family chapel, and the solemnisation of the marriage before more than a hundred guests in the parish church, the banns having been announced on three previous Sundays (pp 310–311). Thomas Kuehn presents Renaissance Florentine marriage as a process involving three successive documents recording the betrothal, exchange of present consent and dowry (pp 392–403). For many of these marriages, a procession, the leading of a bride and her trousseau to her new husband’s home, seems

to have served as the moment at which spouses became completely, indissolubly married. This description fits the procedures described by Kuehn and also Cynthia Johnson for twelfth century Occitania (p 227). Reynolds discusses a related 'handing over' of the bride for Frankish marriages (p 123), as does David Hunter for Roman North Africa (p 103).

The collection also engages with Georges Duby's influential idea of two competing models of marriage: aristocratic, or secular, defined as endogamous, dissolvable and controlled by families; and the opposing ecclesiastical ideal of exogamous, indissoluble and based on the free consent of the couple. Some authors, such as Agnes S Arnósdóttir and RH Helmholz, prefer to view their documentation of marriage through other lenses. Arnósdóttir argues that Icelandic marriage documentation is better understood as a process of Christianisation than within Duby's model of a competition between sacred and secular. Art Cosgrove offers another example of Christianisation in Gaelic Ireland where, rather than continuing traditional practices of keeping concubines, divorcing wives and generally ignoring church regulations on incest, noble families in the later Middle Ages increasingly included in their marriage planning both a request for a dispensation and a contract stipulating that any children produced before the union was approved would still be treated as legitimate.

Responding to Duby's model, Helmholz demonstrates how the two competing models of marital documentation coexisted in England for centuries, making little reference to each other and not necessarily coming into direct conflict. For Helmholz, to ask which side was winning or won is not necessarily the most profitable question to apply to the sources. Both Helmholz and Pedersen present the English litigants and those seeking to contract a marriage as well-educated consumers, who made use of whichever type of court or contract was best suited to their needs, sacred or secular or both.

Cynthia Johnson confesses that her Occitan sources do not seem to provide any evidence that could either support or challenge Duby's model. She can, however, corroborate the work of another prominent scholar, the anthropologist Jack Goody, by demonstrating that the gifts described in documents she analysed were specifically designated as inheritances, and thus served as a form of premortem inheritance, supporting Goody's construction of dowry in those terms. Perhaps most importantly, she argues that the 'Romanized' dotal regime and its supposed disempowerment of women merits reconsideration.

One of the great pleasures of this collection is the possibility for comparison and contrast, the discovery of common themes or trends and of divergences. For example, the distinction between wife and concubine provides a recurrent thread throughout the collection. Judith Evans-Grubbs, who quotes the jurist Ulpian as arguing that the only difference between a wife and concubine is their rank (*dignitas*), shows how the legal and social role of concubines begins

to change by the fourth and fifth centuries. At that time, matrimonial documents, which once had served only to record financial transactions, with increased Christian influence became an indicator of morality, proof of the man's intention to treat a woman as his wife with legal rights and legitimate offspring. This treatment of marriage tables or charters as moral as well as legal documents also appears in Roman North Africa, as presented by David Hunter, and the Renaissance Florence of Thomas Kuehn. In all three cases, contractual documentation distinguished an honourable marriage from a clandestine union or concubinage.

Faced with the wealth of information made available by this publication, the reader might only wish for more, for contributions covering other parts of the medieval west, such as Spain, Germany or Central Europe. Perhaps a second volume is in order? To make one small quibble, while Reynold's treatment of marriage law, liturgy and particularly dotation is excellent, the description of sources for ecclesiastical courts (p 40) denigrates the survival of records in northern France, Belgium and Germany. Most recently, scholars have also tapped into Italian ecclesiastical court records, with very promising results.

SARA MCDUGALL

Doctoral student, Yale University

doi: 10.1017/S0956618X08001270

## **The Rise and Fall of the English Ecclesiastical Courts, 1500–1860**

RB OUTHWAITE

Cambridge University Press, Cambridge, 2006, xv + 195 pp (hardback £55.00)  
ISBN 978-0-521-86938-6

Until as late as 1860, the ecclesiastical courts exercised jurisdiction over many of the activities and disputes that arose in the course of ordinary life. Many people, then, whether members of the Church of England or not, were obliged to have recourse to them, or to appear before them, at some point in their lives. It is thus incredible that no book has previously been written that sets out and explains the ecclesiastical court system, its areas of jurisdiction, procedure and how these things changed over time. Yet in doing precisely this, Outhwaite's book breaks new ground.

The first two chapters sketch the general structure of the ecclesiastical court system and the parameters of its business. Chapter one introduces the court system as it stood in the sixteenth century. It explains the hierarchy of the courts and personnel, and how they linked into the organisational structures of the Church. It highlights the almost inescapable reach of a jurisdiction that