

Buchanan Sharp and Mark Charles Fissel, editors, *Law and Authority in Early Modern England: Essays Presented to Thomas Garden Barnes*, Newark: University of Delaware Press, 2007. Pp. 246. \$50.00 (ISBN 0-87413-959-7).

This collection of seven essays, an introduction, a tribute from the editors, and a bibliography of Tom Barnes's works, brings together contributions from seven historians, five of whom were Barnes's students. To have done justice to all of Barnes's wide-ranging interests in English, American, and Canadian legal history; his essays on the importance of the teaching of legal history; his "Notes from the Editor" accompanying scores of facsimile editions in *The Legal Classics Library*; his invaluable deconstructions of the Whig myths of the Court of Star Chamber; and, perhaps most significant, his pioneering work in English county history, would have been impossible. Yet, the essays in this collection, for the most part built upon the archival record, admirably reflect Barnes's abiding belief in doing history by "getting your hands dirty in the original manuscript sources." It was one of his favorite admonitions to his students.

Mark Charles Fissel, "Early Stuart Absolutism and the Strangers' Consulage," and Stephen J. Stearns, "Military Disorder and Martial Law in Early Stuart England," are prime examples of essays built upon intensive research in the P.R.O. (now the National Archives). Fissel's essay on the "strangers' consulage," fees paid by foreigners who shipped their goods in English vessels, focuses on the contest from the late 1630s through the early 40s between merchants of the Levant Company and Charles I over the right to collect these fees. Fissel observes that the exploitation and expansion of Charles's prerogative made it an unequal contest and concludes that the king's treatment of the merchants, marked by his appropriation of the strangers consulage "was simply a microcosm of Charles's attitude toward his subjects in general" (202) and yet another "manifestation of Caroline autocratic rule" (211). Stearns's essay, another example of sound and productive archival research, examines a number of important seventeenth-century social and political issues. In the first instance, he argues that contemporary prejudices about the criminal character of conscripts were often wide of the mark and that military disorder was as often as not a function of the absence of regular pay, the shortage of food, unnecessarily severe treatment, and poor leadership. Still, at a time of an unpopular war in the late 1620s, problems of disorder and desertion needed to be addressed. The question, then, was whether the appropriate remedies were to be found in the encroachments of an ambiguously defined martial law or, as Coke and others insisted, "discipline could be maintained and public peace guaranteed . . . under the common law" (122). Ultimately, the common law argument prevailed as the political nation determined that "some military disorder was less dangerous than unrestrained summary power left to the king's discretion" (125). Buchanan Sharp, "Shakespeare's *Coriolanus* and the Crisis of the 1590s," is similarly concerned, if in a strikingly different way, with the uses of source material. In this essay he examines the Midlands Revolt of 1607, long taken to have been the contemporary source of the opening crowd protest scene in Shakespeare's play. According to Sharp, a more careful analysis of the play and the playwright's sources reveals that

Shakespeare was more likely to have been informed by “the London food riots of 1595 and more generally the crisis of the 1590s” (28).

The remaining four essays reflect Barnes’s interest in legal procedure, precedent, and the politics of religion. Lamar M. Hill, “‘Extreme Detriment’: Failed Credit and the Narration of Indebtedness in the Jacobean Court of Requests,” is deft in his handling of the intricacies of commercial law and equity procedure. He examines the critical shortage of currency in the early seventeenth century, leading to overextended credit and its effect upon “artisans and the poor caught up in a spiraling cycle of debt” (136). Hill, following the revisionist work of Craig Muldrew, argues that the credit economy rather than originating in the eighteenth century can be traced to the late Elizabethan and early Jacobean era. However, relying on an analysis of the pleadings in four cases in the Jacobean Court of Requests, Hill rejects Muldrew’s view “that trust in one’s neighbour remained the foundation upon which the actual business world depended” (138). Rather, he finds compelling evidence of bad faith, fraud, the failure of trust, and the shortcomings of an assumedly honest commercial society in which misplaced social deference could lead to inequitable results. Allen Horstman, “The Parliament of 1621 Revisited: The Beginnings of Impeachment,” places impeachment in the wider context of Jacobean parliamentary judicature and an emerging legal culture, seeking to understand impeachment more as a legal procedure than a political event. Like Hill, he is attentive to the details of procedure, but goes further in his examination of precedent as necessary to the understanding of parliament’s role as a court of law. William M. Abbott, “Anticlericalism and Episcopacy in Parliamentary Debates, 1640–1641: Secular Versus Spiritual Functions,” deconstructs the debates over the “root-and-branch” bill for the abolition of the episcopacy through an examination of the underlying distaste for the bishops’ temporal powers. He demonstrates that it was the evolution of primitive episcopacy from preaching to coercive governance, not episcopacy per se, that was viewed as the great evil, thereby underscoring the irresolvable “quandary inherent in stripping episcopacy of its lordliness while somehow retaining the office” (177). Finally, in “Topsy and the King: The English Common Law, King James VI and I, and the Union of the Crowns,” the late Conrad Russell revisits some well known seventeenth-century arguments about sovereignty, specifically the contest between the common law, as interpreted by the judges, and statute law as the will of the sovereign, and reexamines the question that vexed so many contemporaries: to what extent is the law immemorial and to what extent might it be changed—and by whom?

Taken as a whole, the collection looks principally at the intersection of law and politics in the wider context of Stuart history. In general, it will be useful to scholars both in law and history; in particular, it should be a delight to the scholar it honors.

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