challenge. It is unfortunate that, doubtless to improve stylistics, Smail chooses to provide the Provençal or Italian terms somewhat inconsistently. His text cannot, therefore, serve as a reliable translation tool for household items. Still, such trifles detract neither from the book's importance nor from its significant accomplishments.

For Smail, ownership is co-evolutionary, and even mundane objects have historical agency. "The point is," Smail relates, "that things, like plants, animals, and microorganisms, are perfectly capable of using humanity in order to reproduce themselves" (272). If true, then Smail's book matters enormously because it provides an analytic framework, backed up by diligent, scientific research, to explain not only the world of the fourteenth century, but also that of today. As our species becomes awash in plastics, strangled by our own conspicuous consumption, we should all consider its cultural lessons.

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Stefan Jurasinski, *The Old English Penitentials and Anglo-Saxon Law*, New York: Cambridge University Press, 2015. Pp. xiii, 238. $103.00 cloth (ISBN 978-1-107-08341-7).
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The main thesis of Stefan Jurasinski's *The Old English Penitentials and Anglo-Saxon Law* is that ecclesiastical law, as preserved in Anglo-Saxon penitential handbooks, was adjusted to fit local secular legal norms by the scribes who translated these handbooks from Latin into Old English. Jurasinski suggests that these penitentials can therefore illuminate otherwise elusive questions of secular law and reveal aspects of customary law not expressed by royal legislation. The bulk of the book (Chapters 3–6) is devoted to applying this thought to some areas about which the secular laws are relatively silent: attitudes toward slavery and slaves, marriage law, the existence and function of sick-maintenance in England, and the role of intention in determining guilt.

In addition, Jurasinski offers a convincing case for re-dating the composition of these texts from the tenth to the ninth century (Chapter 2). He shows that none of the standard arguments (the state of Latin learning in Anglo-Saxon England, dialectal variants in the text, and the legal content of the penitentials) necessarily prove that the texts were composed near the time of the Benedictine reform in the tenth century, which has been previously assumed. Having removed the impediments to a pre-Reformation dating,

Jurasinski presents his case for a new date near the time of Alfred in the ninth century.

Chapter 1 establishes a core part of his argument; namely, that the differences between the Old English penitentials and the Frankish originals composed in Latin are not evidence of the translators' poor Latin, but rather represent deliberate adaptations of the texts to an Anglo-Saxon context. By dismissing the assumption of the translators' ignorance, which has dominated previous scholarship, Jurasinski convincingly argues that the Old English penitentials should be seen as "normative texts in their own right" (44), edited rather than just translated by Anglo-Saxon scribes. Recognizing a degree of autonomy on the part of the Anglo-Saxon penitential writers could be an important step in the study of otherwise obscure questions of legal knowledge and expertise in Anglo-Saxon England.

Close reading of the differences between the Latin originals and the Old English translations provides much of the evidence for Jurasinski's arguments. This approach leads him to novel and interesting conclusions; for example, that in Anglo-Saxon England, sick-maintenance could have been aimed at providing inner penitence rather than compensation for monetary loss (166). Such insights will be of great value in further study of both legal and other texts, for example, of those written by Archbishop Wulfstan, in which the relationship between penitence and punishment is highly relevant. Similar close analysis of the Latin originals and Old English translations leads Jurasinski to overturn previous ideas about attitudes to slaves in Anglo-Saxon England, arguing that the penitentials, rather than seeking to protect slaves, reveal a society with attitudes more unfavourable to slaves than those on the continent (96).

Perhaps the greatest value of Jurasinski's method is the joint consideration of sources somewhat artificially segregated into distinct genres. He convincingly justifies his reasons for doing so, arguing that penitentials offer a view of how secular norms and legal attitudes might operate in practice, on account of their "characteristic willingness to compromise" between episcopal ideals and local realities (6–7). Part of Jurasinski's achievement is, therefore, to open up the way in which we interpret Anglo-Saxon normative texts, allowing us to see these sources as part of the same expanded legal sphere. Jurasinski's argument throughout the book—that we should dismiss the view that penitentials existed merely as "supplements" to help reinforce secular laws (30–33)—makes a convincing case for taking a broader view of legal sources in Anglo-Saxon England.

Very occasionally, the book could have benefited from more elaborate discussions of the production and purpose of secular law. Statements such as "English kings and their counselors sought to make [production of written law] their exclusive domain" (25) could be evidence of a rather one-sided view of royal secular laws, which does not take into account the different types of secular legislation surviving from Anglo-Saxon England, including

the extant non-royal legislation. Perhaps the similarities between what is presented as permeable penitentials, open to absorbing practical legal norms, and non-royal legislation could have yielded even more insights into the practical legal attitudes of Anglo-Saxon England.

Jurasinski's study is a very valuable step toward opening up the field of Anglo-Saxon normative texts—both secular laws and penitentials—and away from the restrictions imposed by perceived genres. As a result, the book offers not just a new approach to the source material, but also several original and interesting substantive arguments in a number of areas.

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Paul Garfinkel, *Criminal Law in Liberal and Fascist Italy*, Cambridge: Cambridge University Press, 2016. Pp. xviii + 536. $99.99 hardcover (ISBN 978-1-107-10891-2).
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Italy boasts a distinguished group of legal historians, such as Guido Neppi Modona, Luigi Lacchè, and Floriana Colao, who have spent many decades explicating nineteenth and twentieth century criminal law. The results of their research have not been sufficiently integrated into the grand narrative of modern Italy, perhaps because these scholars are most often affiliated with law schools rather than history departments. *Criminal Law in Liberal and Fascist Italy*, therefore, promises to provide a useful guide to this overlooked field. In a work that reaches back to the period of the restoration and ends with fascism, Paul Garfinkel focuses on three issues that were thought to explain the supposedly high rates of crime in Italy: recidivism, juvenile delinquency, and alcoholism. To trace the relevant debates among jurists and members of Parliament, he analyzes not only the two criminal codes of modern Italy—the Zanardelli Code of 1889 and the Rocco Code of 1930—but also numerous more specialized proposals debated in Parliament, only a few of which were ever translated into penal law.

Garfinkel argues that one unified legal approach, which he labels "moderate social defense," characterized the entire era from the fall of Napoleon until the Rocco Code. He defines "moderate social defense" as a two track system that combined criminal law, based loosely on liberal Beccarian principles, with preventive "security measures," often enforced by police (13). This approach held wide appeal for members of Parliament, who saw rising crime as a threat