seem to emerge from a confused mass of unconscious agencies rather than from the direct action of great lawgivers or from the victory of acknowledged principles. . . . It was a period of private and political faction, of foreign wars, of treason laws and judicial murders, of social rebellion, of religious division, and it ends with a revolution which seems to be only the determination of one bloody quarrel and the beginning of another" (3rd ed., vol. 2, 1887, 319–20).

Specialists will find much to quarrel with in the details of Valente's argument; historians of the fourteenth and fifteenth centuries in particular are likely to feel that their chosen period has been roughly handled. But Valente's insistence that historians need to take seriously the ideological underpinnings of rebellion in later medieval England deserves our respect. Behind the actions of these late medieval rebels, historians will no doubt continue to reveal that predictable mixture of personal pique, pure selfishness, and unconstrained ambition that has characterized the human condition in every age. But it is good to be reminded that personal pique and political principle can reside together in the human heart; and that when rebels took the field against their monarchs, they did so with some awareness of the larger significance of their actions.

Robert C. Stacey
University of Washington, Seattle

R. B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500–1860,* Cambridge: Cambridge University Press, 2006. Pp. xv + 195. $99.00 (ISBN 13-978-0521-86938-6).

Until the nineteenth century ecclesiastical law formed a very important part of the laws of England. The ecclesiastical courts dealt, as might be expected, with various matters concerning the institutional church, such as alterations to church buildings, election and control of churchwardens, and clergy discipline. But the courts also had a jurisdiction (affecting every person, whether or not a member of the Church of England) over matrimonial law, probate of wills, and certain classes of slander. Tithes and church rates (the latter were taxes to support the fabric of the parish church) were enforced by the ecclesiastical courts against all members of society. The courts had what was called a "criminal" jurisdiction, which extended not only to the discipline of the clergy, but to the punishment of any person for certain kinds of conduct, notably sexual conduct, that were not crimes at common law. They could also punish "brawling," i.e., quarrelsome conduct on church premises—not so arcane a jurisdiction as might be supposed, since church premises included vestry rooms where meetings on controversial local questions were often held.

The ecclesiastical courts survived the Reformation, and, though abolished during the Commonwealth, they were revived at the Restoration. After the Restoration the volume of criminal cases diminished, so that, "by 1830 the policing functions of the English ecclesiastical courts against the laity had virtually disappeared" (84). The matrimonial, probate, and slander jurisdiction remained, however, as did the power to punish brawling and to enforce church rates.

By the mid-nineteenth century this situation had come to seem intolerable. It was highly anomalous that judges, many of whom had no legal training, and who were appointed by bishops, should be determining important legal rights of all citizens. The defamation jurisdiction might lead to oppressive consequences, notably imprisonment, sometimes for long periods, for failure to pay costs. The brawling jurisdiction was effectively mocked by Dickens in *Sketches by Boz.* A tax imposed on dissenters to support the Church of England was, as Owen Chadwick put it, a "giant sore."

Reform, however, was not easily attained because the subject matters were diverse and individually controversial. No doubt something needed to be done about divorce, about probate, about defamation, about incest, about brawling, about clergy discipline, and about church rates, but there was no consensus on precisely what ought to be done, and no institutional reform, or set of reforms, that was perceived as beneficial on all fronts. In the end the solution lay in removing matters one by one from the jurisdiction of the ecclesiastical courts: defamation in 1855; matrimonial and probate matters in 1857; brawling in 1860; and church rates in 1868.

Clergy discipline did not quite fit this pattern. Following a notorious case in the 1820s, the subject of a previous book by Brian Outhwaite (*Scandal in the Church: Dr Edward Drax Free, 1764–1843)* a statute of 1840 removed jurisdiction from the consistory (i.e., diocesan) courts and set up new tribunals in their place, retaining the jurisdiction of the ecclesiastical courts of appeal. This was not so much a manifestation of the waning powers of the ecclesiastical courts as an attempt (not altogether successful, as it turned out) to reorganize and strengthen their powers in this particular matter. If the clergy were not to be subject to summary dismissal, some sort of tribunal was necessary to determine disputed questions of fact and to set the limits to permissible conduct, and it was generally accepted that this was one matter truly appropriate to the ecclesiastical courts. When a further statute was enacted in 1892, jurisdiction over certain classes of clergy discipline was restored to newly constituted consistory courts.

There have been several previous historical studies of the ecclesiastical courts, including two excellent studies by Outhwaite himself, *Clandestine Marriage in England, 1500–1850* (1995), and *Scandal in the Church* (1997), but these were restricted to particular topics and periods. The virtue of the work under review is its comprehensive nature. It is a general history, summarizing the available evidence from all sources and offering useful critical commentary on previous historical work. It reads well, is full of valuable information, and will be an essential work of reference to any historian whose work touches on the ecclesiastical courts.

Sadly, Brian Outhwaite did not live to see the book through the press, but fortunately Richard Helmholz undertook to edit the script, and, though he modestly says that "my part in the production of this book has not been significant" (vii), the reader has cause to be very grateful to him, as well as to the principal author, for an excellent publication.

Stephen Waddams
University of Toronto