

at burials. The Established Church followed suit. So as far as burial ritual in Scotland is concerned, it might be argued that the opposite of secularisation took place.

Smith depicts the changing scene in Edinburgh through chapters on the Kirk's place in burial, its role in the burial of the poor and its attitude to the Anatomy Act; the onset and activities of the private cemetery companies; the development of trading undertakers; and two chapters on funerals and mourning. The first of these final chapters consists of case studies of Scottish ecclesiastical reactions to the funerals of Princess Charlotte in 1817 and Prince Albert in 1861 and of the funerals themselves of a cross-section of eight local dignitaries, including an episcopalian and two Roman Catholic bishops. The other chapter is a study of the sentiments expressed in private letters of condolence and consolation to the bereaved.

Smith's book is an important addition to the recently growing academic interest in death, funerals and mourning in Scotland. It is sad, therefore, to have to warn readers, first, that the ten plates to which reference is made in the text (and which are obviously intended to be collected in a section at the end of the book) are missing from my review copy (although I have seen another copy in which they are present) and, second, that the index is poor. It has too few entries and more than half (by my calculation) of the page references are inaccurate. Things start to go wrong about page 5 and by the end of the book are at least ten pages out of kilter. This is only partly offset by the unusually large print and spacing between lines for a book of this type, which makes skimming through them in search of a reference easier than usual. So my advice would be: if you are interested in the social and ecclesiastical history of Scotland, read this book – it's important – but have pencil in hand to mark the margins and amend the index (by addition of items and correction of page numbers) for anything you are likely want to come back to later.

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## **Papal Justice in the Late Middle Ages: The Sacra Romana Rota**

KIRSI SALONEN

Routledge, London and New York, 2016, Church, Faith and Culture in the Medieval West, xv + 199 pp (hardback £95) ISBN: 978-1-472-48226-6

In this original and convincing study, Professor Kirsi Salonen examines closely over 27,000 entries concerning 5,439 processes as they relate to the workings of

the papal court (generally known as the Roman Rota) in the period from the 1460s to the 1520s. The principal source is the material in the *Manualia Actorum*, and the sample years chosen are 1466, 1486, 1506 and 1526. To this is added material from one representative Rotal judge, Johannes de Ceretanis (1471–1492), selected because the records relating to his activity are preserved particularly well over a relatively long period. The single case examined in greatest detail is the litigation of Henricus Meyer over the parish of Mynämäki in the Diocese of Turku in present-day Finland; Salonen is a professor at the University of Turku.

In sum, Salonen confirms various received findings concerning the Rota with additional authority because of the sheer quantity of material examined and its temporal and geographical spread, but also casts new light on the court. As one would wish, there are brief but reliable presentations of the Rota, its organisation and personnel, and an outline of the stages of the processes. The auditors (judges), notaries, advocates and proctors are presented first, and then the stages of a case from supplication to the pope to the possibility of an appeal. The important statement is made that ‘many petitioners’ justified their requests by claiming that they would be unable to obtain an impartial sentence from the local judges because their adversaries were too powerful (p 43). Regrettably no references are given to secondary works, and this statement is not illustrated by quoting actual cases. This matter should be considered in conjunction with the findings of Chapter 11 on ‘appellants’, and its conclusion that it was relatively common for clerics with good contacts in the papal Curia, and especially in the Rota, to initiate litigation in that court. This fits with the received assumption that numerous Rotal processes may have been initiated to intimidate the adversary.

Salonen can also confirm, on the basis of the evidence presented, that, while benefice litigation was predominant, one case in five concerned other disputes (property, marriage and miscellaneous ‘other kinds’). Moreover, benefices relating to the higher ecclesiastical offices were not the only ones litigated over. While we should not forget that many cases ended prematurely, long processes were only a small fraction of the cases heard by the auditors. A very informative finding is that the inhabitants of four regions – Italy, the Iberian Peninsula, France and Germany – used the services of the Rota much more than those from the British Isles, Scandinavia or Eastern Europe. This matches the results of similar analyses of other papal offices. This aspect is complemented by an analysis over time. As for litigation of a miscellaneous nature, this included cases concerning ecclesiastical authority and jurisdiction, such as rights of patronage or presentation, visitation rights (for example, of a bishop to conduct visitations of parishes, monasteries and cathedrals), disputes about precedence, burial rights, parish rights, *iniuria* by defamation or physical damage, ecclesiastical penalties, and the authenticity and validity of papal letters.

In all this, one should bear in mind the poor survival rate of the *Manualia Actorum* (as is the case with other series in the papal archives). In any event, the *manualia* consist of procedural entries which do not contain much information about the content of the litigation. Copies of the materials relating to the cases, however, such as the initiating claim (*libellus*), the documents presented in evidence (*articuli*) and detailed notes from the questioning of witnesses or the contents of sentences were not recorded in the *manualia* but in the *acta* of the process, handed over to the parties at the end. Such as survive are usually to be found in local archives and libraries. Mention is also made of the series of *Decisiones* in the Rotal archives, comprising the legal explanations given by the auditors in the course of litigation. Collections of early decisions circulated widely and affected the wider European legal culture.

Salonen's study is very valuable on its own terms, but it also prompts wider sociological and, where appropriate, ecclesiological reflection: why and by whom is there resort to a court of law? When it comes to the Roman Rota, one recalls Maitland's phrase about 'a centripetal, Romipetal' jurisprudence.

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## Freedom of Religion or Belief: An International Law Commentary

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Oxford University Press, Oxford, 2016, xxxix + 660 pp (hardback £125) ISBN: 978-0-19870398-3; (paperback £39.99) ISBN: 978-0-19-881361-3

Before beginning the review of *Freedom of Religion or Belief*, I would like to consider the task set before the authors. Since the launch of the Universal Declaration of Human Rights in 1948, there has been a vast expansion of international human rights law. We have a UN Human Rights Council (replacing the UN Commission on Human Rights), a UN High Commissioner for Human Rights, a UN Human Rights Committee and a growing list of human rights-focused UN 'special procedures', to name but a few of the mechanisms in existence. These bodies in turn produce a mountain of resolutions, reports, recommendations, decisions and declarations, all compiling something that we can loosely call an international human rights framework. The authors concede at the outset of this volume that they are dealing with a 'huge patchwork of hard and soft law' (p vii), but in my view Jacob Mchangama and Guglielmo Verdirame best describe the current state of affairs, astutely