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### Medieval Handbooks of Penance

Max Rheinstein

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**Medieval Handbooks of Penance.** By John T. McNeill and Helena M. Gamer. New York: Columbia University Press, 1938. Pp. xiv, 476. \$4.75.

This magnificent collection of translations of early medieval penitentials by Professor McNeill of the University of Chicago Divinity School and his philological collaborator, Dr. Gamer, ought to be brought to the attention of lawyers interested in the early history of legal institutions.

The ancient penitentials, *i.e.*, catalogues of dues and penalties imposed upon the sinner for the purpose of his restoration to the privileges of membership in the Church, and, thereby, to grace, not only afford us a vivid insight into the ideals and realities of that world in which early Celtic and Germanic legal institutions were developed, but also allow us to observe the process of a growing "juristification" (*sit venia verbo*) of a field of basically moral and religious character. With the extension of the list of offenses for which penance was required or accepted, and the relaxation by which repeated acts of penance were permitted, a progressive systematization of definition and procedure became necessary. The beginnings of canon law can be found in these documents as well as the interplay of custom, morals, religion and legal regulation in the establishment and preservation of civilized society. The texts give us extensive information on folkways in all fields of life and on customs of a legal or quasi-legal character, on marriage, property, promise, temporal crimes and penalties.

The penitentials advocated the substitution of composition for revenge. Professor McNeill points out that the pattern of composition chiefly exhibited in them is Irish. "Even the documents prepared for use on Germanic soil sometimes employ the language of the earlier Irish works." Should the missionary work of the Irish monks be one of the causes of the development of composition among the Germanic peoples? Numerous striking parallels can be found between the penitentials and the secular laws which were codified at the same period in the Celtic and Germanic lands. Do they indicate an influence of secular law and custom upon ecclesiastical practice, or have Christian thought and Biblical ideas a greater share in the development of the "leges Barbarorum" than it has hitherto been assumed? Professor McNeill properly observes that "it is probably a matter of high historical importance that the secular and ecclesiastical disciplines effectively supplemented each other."

An extensive introduction by Professor McNeill on Penance in the Ancient Church and on Penitentials provides the uninitiated reader with the background knowledge necessary to the understanding of the texts and of medieval practices of "medicine for the soul." Modern psychiatrists might well subscribe to the saying of Gregory the Great that: "the wounds of the soul are more concealed than those of the body and that guidance of souls is the art of arts."

MAX RHEINSTEIN\*

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**Law of Corporate Mortgage Bond Issues.** By Ralph A. McClelland and Frederick S. Fisher, Jr. Chicago: Callaghan & Co., 1937. Pp. xiii, 1077. \$15.

It seems almost unexplainable that so little attention has been given, by writers of legal texts, to corporate trust indentures and the bonds issued thereunder, the instruments being so interwoven with the development of the industrial life of the country, and the means of providing so large a part of the invested capital of corporations.

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