

2000

Book Review (reviewing Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (1999))

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Recommended Citation

Richard. H. Helmholz, "Book Review (reviewing Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (1999))," 32 *Albion* 274 (2000).

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Test-driving the volume confirms that it lives up to its promise. Cogent descriptions of broad topics such as agriculture, art, liturgy, peasants, and settlement patterns provide basic information and seminal bibliography. At the same time, miniature biographies and descriptions of individual manuscripts and literary works provide a surprising amount of detail; particularly impressive, for instance, are the analyses of composite manuscripts. The balance among disciplines is generally good, although some over-sensitive historians among us might feel that it is skewed a bit toward literature.

As for omissions, it goes without saying that some must be expected in a project of this breadth and depth. It is worth mentioning, however, that one of the subjects of this reviewer's work, and a man of tremendous significance to pre-Conquest history—Archbishop Stigand—is not included. Doubtless this omission was unintended, but it does point to one possible weakness in the volume: its tendency to focus on early Anglo-Saxon England. While it is possible to describe this as a comprehensive treatment across disciplines for the history and culture of early Anglo-Saxon England, the same is not true for later periods, the eleventh century in particular. Stigand is not the only significant eleventh-century figure to be ignored while at the same time obscure monks mentioned once by Bede manage to find a place. The handbook is thus a particularly valuable companion to the ages of Bede and even Alfred, but perhaps less so to the pre-Conquest period. Still, omissions do not diminish the quality and usefulness of what *is* included, and the volume should find welcome space on any scholar's shelf. It is just unfortunate that at around \$100 the *Encyclopedia* is probably beyond the reach of most graduate students, because it is they who would probably benefit most from easy access to a veritable feast of reliable information and substantial bibliography, all at one's fingertips.

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MARY FRANCES SMITH

Patrick Wormald. *The Making of English Law: King Alfred to the Twelfth Century, Volume I: Legislation and its Limits*. Malden, Mass.: Blackwell. 1999. Pp. xviii, 574. \$99.95. ISBN 0-631-13496-4.

This is the first half of a much anticipated history of English law before the reign of Henry II. Prior to the rise of systematic study of the sources of English legal history towards the end of the last century, English writers were accustomed to trace the roots of the common law directly back to Anglo-Saxon England. For example, William Blackstone (d. 1780) attributed to Alfred the Great (d. 901) the establishment of a constitution "on a plan that should endure for ages" (*Commentaries*, IV, p. 411). Such an attribution of an immemorial character to the institutions of English law, it later came to be concluded, could not be squared with the facts. Although Frederick Pollock and F. W. Maitland's great *History of English Law* (1895) dealt with the law as it stood before and immediately after the Norman Conquest, its account of the enduring institutions of the common law began effectively with what Maitland called "The Age of Glanvill" in the second half of the twelfth century. Patrick Wormald regards this as throwing the baby out with the bath water. Maitland's influence has meant, he writes, "that scholars largely stopped looking before 1066 for what mattered in English legal history" (p. 4). In Wormald's view, this has been a mistake. In this volume, he seeks to establish, first, that the dooms and other legislation of the Anglo-Saxon kings are full of significant, if difficult, legal material; and second, that this material made an important difference for the long-term course of English law and institutions.

At the center of this first of Wormald's two volumes is an extended analysis of the law-making of the Anglo-Saxon kings. Its subject is not so much a development of the author's argument and conclusion, just referred to, as it is preparatory work on the sources. Felix Liebermann, editor of the texts, never provided a systematic commentary on them, although there is much to be drawn from his *Rechts- und Sachglossar*, and Wormald seeks to provide one. Taking them in rough chronological order, the volume begins with an assessment of the origins and background of the early laws, making useful connections with contemporary events on the Continent and showing the "pervasive effect" of Carolingian example on Anglo-Saxon law making (p. 445). Then it moves to tracing how the laws were used in fact; a real gulf separated their aspirations from their "spasmodic impact" (p. 300). They were, for example, rarely if ever cited in the settlement of disputes, but the Roman model to which the laws aspired was counted as much as practical consequence in courts. The following chapter takes up the manuscript traditions of the laws, and there are many tangles in their transmission. Then the author discusses the later law codes "as legal texts" from Alfred through the Laws of Cnut, with an addendum for anonymous codes and post-Conquest materials. In this chapter he seeks to uncover what the assumptions and goals of the laws were. How to explain their style, incompleteness, and connection with the intellectual life of the times? Although answers to the questions posed are rarely obvious, scholars interested in these puzzles will find suggestive answers in these pages. For example, the explanation of some of Alfred's legislation—that his concern was "less with legal consistency than with legislative continuity" (p. 417)—lifts one veil from it. Wormald's treatment of Wulfstan's role in legislative drafting is also judicious and convincing. This will be an essential book for consultation by legal historians, particularly because the author candidly admits that the evidence of Anglo-Saxon law often looks more like a "pile of slivers" than a "model of law-making" (p. 299).

Rich in suggestions made and possibilities raised, the book is unlikely to attract a wide readership among undergraduates or even law students. It is not easy to read. The author mixes discussion of paleographical problems, the lives of the great, linguistic dilemmas, uncertainties of court practice, modern historiography, and Continental parallels in disconcertingly close proximity. The volume contains brilliant perceptions and many well-turned phrases, but it also contains discussion that requires an effort to understand. This matches the nature of much of underlying evidence, it may be said, and this reviewer found the effort entailed worthwhile. He looks forward eagerly to the second volume, in which there will be fuller development of the author's thesis, stated here in arresting fashion: "[T]he only unquestionable change in twelfth century English law was in the nature of the evidence for it" (p. 142).

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Berenice Kerr. *Religious Life for Women c.1100–c.1350: Fontevraud in England*. (Oxford Historical Monographs.) New York: The Clarendon Press, Oxford University Press. 1999. Pp. xx, 299. \$75.00. ISBN 0-19-820752-2.

The subject of this book is less general than its main title suggests. It is in fact a specialized study, based on an Oxford doctoral dissertation directed by Barbara Harvey, of three English monasteries belonging to the order of Fontevraud. It falls into two parts of unequal length. The first part is concerned with the order of Fontevraud generally and the life of Robert of