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### Book Review (reviewing Paul Brand, Kings, Barons, and Justices: The Making and Enforcement of Legislation in Thirteenth-century England (2003))

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seven hundred years; a history supported with...extensive footnotes in the form of charters" [p. 147].

As a source companion, then, Davies's work makes a valuable contribution to the discourse on one of Britain's most significant medieval sources. As a more general text, however, it is of less value. His analysis is at times fragmented and prone to repetition and his terminology can be confusing and misleading (he frequently employs terms such as "Anglo-Norman," "Cambro-Norman," and "Norman" in an ill-defined and interchangeable manner). Furthermore, Davies fails to draw any far-reaching conclusions concerning what the *Liber Landauensis* might reveal about the impact of twelfth-century reform upon the Welsh church and society. Moreover, he does not explore the implications of Llandaf's allegiance to the primacy of Canterbury, especially in relation to the sensitive ethnic and political divisions within this border region. In this respect and others, Davies might have employed William Aird's *St Cuthbert and the Normans* as a fruitful comparative study. Aird's book examines the way in which the bishops of Durham sought to establish a similar "textual community" in the clearly analogous border region of Scotland during the same turbulent post conquest period. Nevertheless, Davies makes an important case for analyzing difficult sources such as *Liber Landauensis* within their political and social context and he convincingly highlights Urban's central role in the composition of this fascinating text.

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DAVID WYATT

Paul Brand. *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-Century England*. (Cambridge Studies in Medieval Life and Thought.) Cambridge, Cambridge University Press, 2003. Pp. xix, 508. \$90.00. ISBN 0-521-37246-1.

This book provides a detailed reconstruction of the enactment and enforcement of the two most important English statutes enacted during the reign of Henry III (1216–72): the Provisions of Westminster (1259) and the Statute of Marlborough (1267). Except incidentally, the author does not deal with the reissue of Magna Carta in 1225 or its later confirmations. Nor does he cover the more numerous statutes enacted during the reign of Edward I (1272–1307). Within this restricted field, however, he makes impressive use of both the plea rolls, the formal records kept by the royal courts, and the case reports that were just beginning to be compiled by contemporary lawyers. The book shows what can be done with these sources. Not much given to theory or grand theme, the author nevertheless provides a reasoned catalogue of the legal problems that were important to contemporaries, and he provides new evidence about some recurrent topics in English legal history.

Suit of court, the tenurial obligation to appear in the court of one's lord, makes a good example of the book's coverage. It survives today in the attenuated form of the citizen's duty to serve as a juror, but in the thirteenth century it was a frequent and burdensome obligation. Seigneurial courts met something like every three weeks, and in them suitors often found themselves obliged to pay a fine as a result of a default of one kind or another. A desire to escape from the obligation was shared by many suitors. Yet suit of court could not be abolished. It was a long established legal duty, and the courts could not have functioned without the suitors. Suit of court also raised difficult legal problems. By this time, it was not an invariable feature of feudal tenure. Liability to perform it was based either upon agreement, usually in the charter of feoffment, or upon prescriptive usage. How was proof of the obligation to be made? There were sometimes conflicts in proof—as where the charter

said nothing about suit or expressly freed the tenant from the obligation but the tenants had nonetheless been performing suit. Which prevailed? Or what should happen when land subject to the obligation was divided among more than one tenant, as by succession at death? This book shows the urgency these questions had in the thirteenth century and gives an account of the attempts made to solve them by legislation. Then it traces their success and failure into the later case law.

Similar problems were raised in many contexts. Among the subjects treated in the book are: alienations into mortmain, beaupleader fines, essoins and delays in litigation, the scope of the remedy of distraint, the origins of the law of damages, the enforcement of dower rights, the availability of default judgments, expansion in the reach of writs of entry, the abuse and reform of *murdrum* fines, the law of replevin, refinements in the institution of wardship, changes in the writ of *quare impedit* to meet the problem of lapse, and development of the law of waste. It is a miscellaneous list. But the two statutes in question were themselves quite miscellaneous in their coverage. If anyone had been asked—What has gone wrong?—very likely he would have received just such a list. Law moved slowly. In Henry III's reign, legislation attempted to make the existing system work more efficiently and fairly. That is a theme of this exhaustively researched and consistently informative volume.

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R. H. HELMHOLZ

Pierre Chaplais. *English Diplomatic Practice in the Middle Ages*. London: Hambledon; dist. by Palgrave, New York, N.Y. 2003. Pp. xiii, 277pp. \$34.95. ISBN 1-85285-395-6.

“Masterpiece” is a notoriously overused term in book reviews. However, if it be taken to imply the exploration of a field of enquiry into which the writer has unique insight, that transcends everything that has previously been written on a particular subject and that not only sets an entirely new standard but establishes criteria that are likely to prove definitive for future research, then Chaplais' book is indeed a masterpiece. Here, limpidly and concisely set out, are the fruits of half a century's exploration of the diplomatic archives not only of England but of a dozen or more European states. Conceived as the first part of a commentary on the three volumes of texts and facsimiles that Chaplais published between 1975 and 1982, under the title *English Medieval Diplomatic Practice*, the remit of Chaplais' new book might appear a narrow one, being limited to two principal themes: the forms and classification of diplomatic correspondence, and the constitution of diplomatic missions. Yet within these confines, Chaplais achieves for medieval diplomacy what Liebermann and Maitland long ago achieved for medieval English law and what Delisle and Giry attempted to achieve for medieval *diplomatie*: the establishment of a coherent system of rules whose application extends far beyond the circumstances of any particular time or place. The wealth of the detail is as remarkable as the depth of the author's insight. Thus, in the course of a mere ten pages, devoted to the title, address and language used in diplomatic correspondence, Chaplais delivers one gemlike dictum after another: that chanceries tended, in their response to particular letters, merely to copy the titles used in incoming correspondence; that any departure from this rule is likely to denote diplomatic tensions; that an address to a fellow ruler as “dominus” or the adoption the title “fidelis” by the sender of a letter implies feudal relations of overlordship or subjection, and that, to descend from the general to the particular, in their search for politeness in difficult circumstances, by the 1430s, French negotiators preferred that their king be styled “our adversary” by the English rather than that he be