me through Professor Waddams's biography of 1992. Others were only names. The last chapter is a brief discussion of the end of Doctors' Commons.

The great strength of this book is that in relatively few pages, but always with useful citation to other sources, often a monograph or major article, Professor Baker makes each of these men interesting. Some were active in the church; others worked in the law. Some were academic; others practical. Some, such as Burn, whose *Ecclesiastical Law* forms a sort of diptych with his *Justice of the Peace*, buried themselves in the countryside. Public lawyers will also be interested to see how Robert Phillimore bridged ecclesiastical law and international law.

The English canonists had an influence beyond their domestic responsibilities prior to Henry VIII. Bateman served in the Rota, and later was instrumental in the foundation of both Trinity Hall and Gonville (later to become Gonville and Gaius). Ayton's collections of the ecclesiastical law particular to England, with his glosses, and Lyndwood's *Provinciale*, had continental editions. Whether they are now highly thought of by our continental colleagues is a question, but it is true that in those days scholarship was not as territorial as it was later to become.

After the Reformation formal instruction in canon law ceased, and others took a different tack. Swinburne, for example, wrote, inter alia, on wills and on matrimonial contracts. As in Scotland, such matters remained a special part of the judicial structure of the kingdom. I was particularly intrigued by Edmund Gibson, whose attempt to compile a collection of the various laws affecting and governing the Church of England, though often despised, was a contribution to the defence of the church at a time when there was much controversy going on.

Throughout the various chapters there are also references to this man and that—minor figures who also contributed to the development of both the law and the church itself. It is good that they are brought to our notice. Apart from the major cannons dealt with in this fascinating book, there were also the pikemen and the infantry.

The book is well-produced and feels well to the hand. I have already mentioned the illustrations, which include title-pages, portraits and prints. In his Introduction Professor Baker indicates that the original articles were interim sketches, and that the book is a collection of lightly revised essays. I would hope that the implication that a larger work may appear will be fulfilled. In the meantime we have a very interesting introduction to the stalwarts of English canon law, and useful pointers for those who would dig further.

Francis Lyall, Professor of Public Law, University of Aberdeen

ROYAL WRITS ADDRESSED TO JOHN BUCKINGHAM, BISHOP OF LINCOLN, 1363–1398 edited by A K HARDY, Canterbury and York Society and Lincoln Record Society, available to non-members from Boydell and Brewer Ltd, PO Box 9, Woodbridge, Suffolk IP12 3DF, 1997, xxx + 178 pp text + 19 pp index (£29.50) ISBN 1-090723-9587.

At first glance, the contents of this volume might appear mundane and prosaic—an English calendar of over 500 writs addressed by the English Crown to a late fourteenth-century Bishop of Lincoln, the great majority of them transcribed into a separate volume of his episcopal register. Nearly all of these writs were *de cursu*, that is, common form available to the clerks of the royal courts, the Exchequer and Chancery, to be issued in set, recurrent circumstances—the apparent royal attestation of Chancery writs was a fiction, and implied no personal volition of the sovereign. The accumulation of such writs, however, represents in fact a vital source for the interaction of royal and ecclesiastical jurisdiction in later medieval England, and

the documents here collected reveal a system devised by royal lawyers and bureaucrats in the thirteenth century to restrain, and indeed to utilise, a rival governmental structure which had an international foundation and a divine mandate. In an earlier age it had been the threat of royal *malevolentia*, the calculated ill-will of kings such as Henry II, which had cowed most ecclesiastics. By the fourteenth century their independent action was controlled less spectacularly by a relentless bureaucratic procedure. Bishops especially were bombarded by mandates from Westminster, and the habit of compliance became engrained the more easily since so many bishops, like Buckingham himself, had served as royal clerks, the senior civil servants of their day.

The general context of these writs is endemic warfare against the French and their Scots allies, and the consequent desperate need of the English government to maximise its revenues to finance the war effort. Writs of summons were directed to the bishop to be present in Parliament, where taxation would be granted, and despite the growing importance of Convocation, he was required to ensure too the presence of two representatives of the clergy of his diocese, whom periodically he was ordered to ensure should organise processions and prayers in their churches for the success of English arms. The largest category of writs was concerned with the taxation of the clergy—the bishop was responsible for the levies in his own diocese and was instructed to appoint senior ecclesiastics to collect dues; he was to certify which churches should be exempt from taxation because of their extreme poverty, but conversely he was ultimately responsible for the collection of every penny due, being ordered to recover arrears from the ecclesiastical goods of defaulters or to consult the episcopal registers to determine who held a benefice at that time from which tax remained unpaid.

All other debts to the Crown were rigorously pursued, and the debtors were very frequently clerks, both because such men were so active in the royal administration and might not have rendered proper account of monies received, and also because they were frequently the executors of deceased debtors to the Crown. When a clerk had no lay fee which the sheriff might confiscate, the bishop was required to distrain upon his ecclesiastical revenues to ensure the payment of Crown debts (*levari faciatis*) or appearance in the royal court (*venire faciatis*). The collective memory of the Exchequer clerks was long—in 1370 the Crown was still seeking to recover part of the estate of Roger Mortimer, Earl of March, executed for treason forty years before, and in the 1360s and 1370s the pursuit continued, through their executors, of those who had evaded customs duties in 1337, when the government had artificially pushed up wool prices. A prominent contemporary 'debt' to the Crown resulting from political vicissitudes was that owed by the forfeiture of Michael de la Pole, Earl of Suffolk, after judgment against him in the 'Merciless Parliament' of 1386.

Individuals and corporations could avail themselves of the mechanisms of the royal courts to recover debt. In most examples in this collection the plaintiff was a religious house, the defendant a clerk who allegedly owed money by reason of some charge on his benefice. As a consequence of the war, the so-called 'alien priories', daughter houses of Norman monasteries, were periodically taken into the king's hands and farmed out, initially to their own priors but increasingly in the late fourteenth century to royal clerks; the Crown thus had a vested interest in ensuring that money owing to such houses was paid. The line between private debt and debt to the Crown also became blurred when a creditor died with an heir below the age of majority and in royal custody.

The secular government also required the bishop's assistance in many other ways. He was mandated to administer oaths to newly-appointed royal officers, and it was necessary for him to furnish the king's courts with information on matters which fell within the ambit of ecclesiastical jurisdiction. Advowson cases were heard in the *curia regis*, but the judges might need information concerning the status of a benefice

and if it were, indeed, vacant. Inheritance suits might turn on the issue of legitimacy of birth or the validity of a marriage, matters which lay within the purview of the church courts. Two cases were dependent on whether a woman was a nun, or merely a boarder within a nunnery. On one occasion the royal justices required the bishop's assistance to determine which of two conflicting wills was genuine.

The bishop's returns of the writs contain various 'uncovenanted blessings', for example, a summary from 1393 of the beliefs of a group of Lollards in Northampton and two valuable eye-witness accounts of marriage ceremonies; and there are incidental appearances of notable figures such as John Wyclif and Philip Repingdon, heretic turned Abbot of Leicester and ultimately himself Bishop of Lincoln. Yet the real value of this well edited and annotated volume in fact lies in the very repetition of common form, which reveals the articulated and constant pressure of the English government on a diocesan bishop and his staff. In the longer term, this interaction of the two jurisdictions, and the habit of instant compliance with governmental demands acquired by bishops, was perhaps one of the underlying reasons why, despite the religious conservatism of the English people and their satisfaction with the Catholic Church, the Reformation could be put into effect in the 1530s.

Christopher Harper-Bill, Professor of History, University of East Anglia.

SACRED TRUST; The Medieval Church as an Economic Firm, by ROBERT E EKELUND, ROBERT F HÉBERT, ROBERT D TOLLISON, GARY M ANDERSON, and AUDREY B DAVISON, Oxford University Press, 1996, viii+210 pp (£25.00) ISBN 0-19-510337-8.

From an economic perspective the Medieval Church was a powerful and sophisticated institution.

Before AD 900 the church owned directly between 30–40% of all cultivated land in Western Europe, including 31% of all such land in Italy, 35% in Germany and 44% in Northern France. After AD 1300 roughly 1% of the population of England (50,000 people) was comprised of clergy, and even this figure excluded monasteries and certain other clerics. The Cistercians alone operated 525 separate abbeys in Europe. In the early Middle Ages the Church controlled most of the liquid capital in Europe and its annual income from tithes, rents, donations, fees, bequests, indulgences and monastic agricultural production greatly exceeded the annual revenues of any European government. Bishops often owned large estates and the Pope owned a major portion of Italy.

While much has been written over the years on the economic impact of the Medieval Church, most of it has dealt with the effect on the macro-economy and the debate between Weber and Tawney on the one hand and Sobarts and Schumpeter on the other. This book marks a new departure. It attempts to apply the modern micro-economic theory of public choice to the behaviour of the Church. Instead of assuming that decisions taken by the Church were dominated by 'other worldly' interests, this study assumes that the economic element played a significant role; and instead of assuming that the Church provided certain 'public' goods for the common good (the entire system of law and courts, social welfare and education), this study focuses on the provision of 'private' goods, namely services provided by the Church and purchased in something resembling a private market. The result is that the behaviour of the Medieval Church is analysed as if it comprised rational, self-interested individuals who sought to maximise individual or group utility subject to certain constraints.

The claim made by the authors is that the Medieval Church should be analysed as a multi-divisional, multi-national corporation, similar for example to General