

I had missed an earlier relevant excerpt was unrewarding. Unrewarding for enlightenment on this point, that is, though not without compensation; it brought a smile and a last warning to my lips.

No one should edit a book, especially of this nature, if she is devoid of a sense of humour; a sense of proportion is impossible without a sense of humour. To say "The following texts reveal some discomfort in the Christian Emperors with regard to prostitution — and not a little doubt as to what belongs to Caesar, what to God" is surely inadequate to introduce this excerpt from the Theodosian Code:

If any man should wish to subject to wantonness the women who are known to have dedicated themselves to the veneration of the holy Christian law and if he should provide that such women should be sold to brothels and compelled to perform the vile service of prostituted virtue, no other person shall have the right to buy such women except either those who are known to be ecclesiastics or those who are shown to be Christian men, upon the payment of the proper price (67-8).

I cannot accept such casuistry as typical of anything except the eternal folly of mankind (in its broadest sense) and I could not present such an excerpt except in that light. But maybe my laughter prevents my seeing a wry smile behind the introductory comment.

O'Faolain and Martines would have done us all a service had they produced a much needed survey of the role of women in history. I am libby and lippy enough to object to the standard historical texts in which women appear (if they appear at all) to have had no influence on the serious march of events. History is commonly written as if men were alone on the stage of life; yet a man's political decisions or philosophy may be influenced by the experiences in his family as much as by those in his cabinet. And especially is social history concerned with all members of a society. But the balance is not to be improved by the Rosy Casals of the academic world, deriding some poor cleric like St. Augustine to raise the hackles of twentieth-century woman, preparing her to enter the chauvinist lists of whatever gender woman is. To sneer at a past society which holds different values from one's own is unimaginative, ill-informed and misleading.

I hesitate to call upon a male champion to speak for me concerning the proper attitude towards the past which should guide the preparation of any history, but John Stuart Mill is unexceptionable.

From these remarks it will be seen how greatly I differ... from those, who seeing the institutions of our ancestors to be bad for us, imagine that they were bad for those for whom they were made.... The institutions of our ancestors served passably well for our ancestors, and that from no wisdom of theirs; but from a cause to which, I am afraid, nearly all the good institutions which have ever existed, owed their origin, namely the force of circumstances.... ("The Spirit of the Age". *Examiner*, 6 February 1831).

It is in this spirit that the position of women in history should be studied and studied with scholarly honesty and accuracy. Much may be learnt about a society from an attempt to understand its attitudes towards the roles of both women and men, but the light thus shed must not be refracted by chauvinism, paranoia or (that last temptation for academics) opportunism.

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JOHN BELLAMY. — *Crime and Public Order in England in the Later Middle Ages*. London and Toronto: University of Toronto Press, 1973.

The scope and complexity of this subject are enough to deter all but the most accomplished and courageous scholar. Perhaps as a consequence, L. O. Pike's *History of Crime in England* (1873-6) has had no successor until the present work. Hence, Professor Bellamy's study may fairly be regarded as a pioneer investigation, bringing old problems up to date, opening up vistas and providing a basis for future research.

As such it is to be warmly commended, though some of its general conclusions will probably give rise to debate. Its author may be accused of undue pessimism in interpreting the evidence he has produced. He concedes a measure of progress in the enforcement of law, particularly in the fifteenth century, but he concludes that economic trends, politics and the development of social institutions were each working in a way which was particularly disruptive to public order and they were doing so simultaneously. As he points out elsewhere, the main fabric of the state was imperilled by those who practised crime, to such an extent that a crucial issue arose as to whether royal authority and the structure of the state were to survive in their existing forms or were to wither away. Very few of us believe, he observes, somewhat questionably, that this could happen to-day.

The chief blame, he argues, must fall on the nobility. The increasing local influence of those who were already powerful added to the corruption of the law. This view has long been accepted, but the evidence is not entirely conclusive. In 1283, to quote just one instance on the other side (provided by Professor Bellamy), sheriffs were instructed to summon to arms all who were usually summoned, so as to intercept and arrest all malefactors wandering at large, who were growing bold through the absence of the nobles and others in the Welsh war. Nor can the later Wars of the Roses safely be explained simply as the outcome of the local feuds and ambitions of the nobility. On this subject, Bruce McFarlane had this to say: "The war was fought because the nobility was unable to rescue the kingdom from the consequences of Henry VI's inanity by any other means. It does not follow that they liked the task."

Professor Bellamy has not much to add to existing knowledge on the subject of the gentry, except the suspicion that their criminal gangs represented a will to power, the determination to achieve a position of privilege, or to re-achieve an old one, by fair means or foul. His kindest words are reserved for the lower middle class, whose activities on the petty jury, whilst not free from serious blemishes, helped to ensure that the body of the population did not become alienated from the justice of the king. A tendency to acquit felons was, in the long run, a small price to pay for this benefit. The thirty-ninth clause of Magna Carta had demanded that no man should be condemned without due process of law, and this had come to mean without proper accusation and trial. By the fourteenth century, he concludes, the jury dominated both these legal processes, and their verdicts provided a strong bulwark against royal tyranny.

In spite of these kind words for the lower middle classes, Professor Bellamy must be classed among those who do not see much evidence of political vitality in the later Middle Ages. In part, at least, this may be because he has not provided a sufficiently broad framework of reference. One thing that is conspicuously lacking is a consideration of the broad effects arising from the growth of the centralized territorial state. Despite this, his work begins a new era in the history of crime and punishment in England during the later medieval period. It will provide the starting place for future investigations for a good many years to come.

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