

to develop and enforce consistent rules. Having a fixed notion of what monogamy should be, they had trouble distinguishing between different forms of marriage and cohabitation, and courts could not prosecute for bigamy or polygamy unless they could show that the sanctity of a “real” first marriage had been violated. Furthermore, even as authorities sought to protect and preserve recognized marriages, Aboriginal people were learning that divorce was unattainable, even in instances of desertion or severe abuse. Paradoxically, the binding nature of “legal” marriage as defined by Canadian authorities in these years led many who came from other traditions to avoid it in the first place.

The book ends with an Appendix entitled “Administering First Nations Marriage and Divorce to 1951.” It notes how “the male line of descent was emphasized as the major criterion for inclusion on a band register” and how women lost their “Indian” status if they married outside those with registered status; the *Indian Act* revisions of 1951 even imposed new restrictions on “legal” marriage (p. 295). This brings to mind a topic not mentioned: Bill C-31 (1985), which removed the gender bias of women losing status by out-marriage, created whole new categories of “Bill C-31 Indians.” A sequel to this excellent book could usefully follow these themes from 1951 forward.

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DONAHUE, Charles Jr. — *Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts*. Cambridge: Cambridge University Press, 2007. Pp. 672.

Charles Donahue Jr.’s book *Law Marriage, and Society in the Later Middle Ages* is, in the author’s own words, “a study of marriage litigation . . . in the archiepiscopal court of York and the Episcopal courts of Ely, Paris, Cambrai, and Brussels.” But the book goes far beyond the Harvard professor of law’s modest description of his lifelong research. Starting in the 1960s when he became interested in the marital legislation of Pope Alexander III (1159–1181), Donahue has built a brilliant career in studying and explaining mediaeval society through marriage laws. The present book summarizes the results of his research in the field.

The study begins with a chapter describing the book’s main themes: the laws defining marriage in the Middle Ages, the problematical points (and possible loopholes) in ecclesiastical marriage legislation, and the kinds of cases brought before the ecclesiastical courts. The author thus ties the institution of marriage into a broader concept of networking in the surrounding society. The second chapter is introductory as well, in the sense that it gives — through four well-documented English litigation cases — an idea of the litigants and their strategies before the courts.

In the following seven chapters (chap. 3–9), Donahue carefully presents all the information he has gathered from court records during decades of research. He

compares cases to find similarities and dissimilarities between the different territories that are his focus. He handles the information from each court separately, starting with York (chap. 3–5), then Ely (chap. 6), Paris (chap. 7), and finally Cambrai and Brussels (chap. 8–9). He begins each section with a statistical analysis that he compares with the previous findings, then discusses the material in further detail. This is not an easy task, since the content and form of the surviving source corpuses from the five courts are so different from each other. Donahue succeeds, however, in his task of taming the ecclesiastical records sufficiently to be able to juxtapose them in an intelligible comparison.

In chapters 10 and 11, the author discusses two additional problematic areas of marriage litigation, namely divorce/separation and incest. Here, too, he succeeds in finding similarities and differences in the patterns he explores, this time almost without statistic analysis.

Donahue concludes the book with an Epilogue (chap. 12), which demonstrates how the variety of source material points towards two different social models: English and Franco-Belgian. He argues that these different models formed as a result of territorial variances in local legislation in matters such as marriage, property, and inheritance. He also considers rural-urban variations, as well as the court practices (office cases versus instance cases) to be causes of regional differences. At the end of this chapter, Donahue contextualizes his discoveries by comparing them with the results of the Spanish and German researchers — and, especially, very recent Italian scholarship — and concludes that different marital patterns can be detected in various parts of Christendom, but that there is still very much work to be done before we can fully explain them. In the Epilogue he returns to his scholarly roots and absolves Pope Alexander III from having caused all this trouble through his marital legislation.

Donahue demonstrates with this study how one person can master a vast amount of material from five different ecclesiastical courts (York, Ely, Paris, Cambrai, and Brussels) in three different countries (England, Belgium, and France), ranging from 1300 to 1500. He has made the archival material speak through both statistics and lively case studies. The inclusion of statistics in numerous tables enables the reader to see varying patterns in local courts and to place the results in the context of late mediaeval history. The case studies illustrate a qualitative, human point of view, which in too many scholarly books is overshadowed by statistics and patterns. Donahue's examples are not just isolated case studies, but highlight the litigants' (futile or desperate) motives and their ways of arguing, as well as the involvement of surrounding families, communities, or society at large. The case studies are often accompanied by the author's scepticism as to the litigants' truthfulness, which is a good reminder for all scholars studying mediaeval court records.

In addition to a huge quantity of original papers from the five courts, Donahue's study draws on numerous other types of source material such as records from other European ecclesiastical courts, codes of ecclesiastical and civil legislation, commentaries on legal texts, and synodal decisions, for example. The author masters all these categories of sources: he is not merely using them to pad his

footnotes. The references in the printed book are — as the author himself states in the “Notes About This Book” (p. xv) — limited to the minimum necessary, while the richer note structure can be examined in the online version of the book (<http://www.cambridge.org/9780521877282>). The decision to minimize can also be seen in the limited literature list of “only” 10 pages (pp. 645–654), which is very useful for those interested in the topic.

With its nearly 650 text pages, Donahue’s volume is an impressive contribution to the knowledge on mediaeval societies, legal systems, and the different kinds of marriage institutions. Reading through such an immense amount of detail is an exhausting — but at the same time exceptionally inspiring — experience.

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ELLENZWEIG, Sarah — *The Fringes of Belief: English Literature, Ancient Heresy, and the Politics of Freethinking, 1660–1760*. Stanford: Stanford University Press, 2008.

At a moment of intense debate over the nature of the Enlightenment, Sarah Ellenzweig’s *The Fringes of Belief* comes as an added reminder of just how complex and contrapuntal intellectual history can be. By challenging the conventional secularization story that ties the advance of freethinking to the progress of radical and republican thought, Ellenzweig considers a string of literary figures, from Restoration to Augustan England, whose scepticism led them to make a series of conservative religious and political arguments. Focusing on John Wilmot, Aphra Behn, Jonathan Swift, and Alexander Pope, Ellenzweig emphasizes a shared debt to the freethinking rejection of Christian dogma that sharpened these authors’ sense of the importance of traditional religion for the stability of political society. Despite an occasional oversimplification, this engaging study will be of interest to literary scholars, historians, and scholars of the Enlightenment more generally.

The first part of *The Fringes of Belief* moves beyond Rochester’s and Behn’s libertine critique of Christian sexual morality by exploring the significance of their more philosophical and theological reflections. In the “Satyre against Mankind” and “Addition,” for example, Ellenzweig connects Rochester’s identification of reason and enthusiasm as indistinguishable to his correspondence with the freethinker Charles Blount. Rochester’s poetry embraces Blount’s contention that traditional religion should be upheld prudently, rather than rationally. In criticizing the religious enthusiasm of the English civil war, Rochester and Blount were thus at one in lauding the political benefits of traditional religion as a pious fraud. Contextualizing Rochester in this way makes good historical sense, as several scholars have previously demonstrated. However, the contrast made between Anglican traditionalists and freethinkers, on the one hand, and rationalists like the Cambridge Platonists, on the other, is made too quickly. Aside