

Book Reviews

Martyn Rady, *Customary Law in Hungary: Courts, Texts and the Tripartitum*, Oxford, Oxford University Press, 2015, 266 p, ISBN: 9780198743910

This new study authored by Martyn Rady brings a topical theme to our attention: common law in the Kingdom of Hungary. Due to the novelty of its approach, it is worthy of being signalled in Romanian historiography. The volume proposes a successful combination between elements of social and legal history.

The author is a close friend of the Hungarian and Romanian scientific environment. Currently, he holds the position of professor at University College London, where he teaches History of Central Europe at the School of Slavonic and East European Studies. His research focuses on the area of the Kingdom of Hungary, and implicitly on Transylvania, whose destiny was tightly linked to Hungary until late in the Modern Age. Martyn Rady's preoccupation for legal history also manifested by collaborating with Hungarian scholars on republishing the Kingdom of Hungary decrees (*Decreta Regni Medievalis Hungariae*). The last of this series, volume five, includes the bilingual (English and Latin) version of the *Tripartitum*. The time span which comprises the studies of the historian is a generous one. The lower limit is represented by the Middle Ages, and the upper one ends with the twentieth century. Analyzing the customary law (from the above-mentioned era), the work under scrutiny continues the author's preoccupations for the customary and legal history of the Kingdom of Hungary.

In *Customary Law in Hungary: Courts, Texts and the Tripartitum* the focus is upon the private, public, constitutional and procedural law in Hungary. The nature of the book is analytical and informative; by analyzing different sources, the author explains the interaction between written norms and their practical application, namely the function of this interaction in the case of Hungarian customs. The main source is the 16th century customary law code: The *Tripartitum*, written in 1514 by Ștefan Werbőczy (1458-1541). Other sources successfully used in a comparative way are as follows: attempts to codify the customary law posterior to the work of Werbőczy, as well as documents from the archives of Hungary and Romania.

The book is structured into twelve chapters. The first chapter represents the introduction and the following seven chapters contain

information regarding the *Tripartitum*: genesis and content of its apparition, and the last four chapters deal with the customary laws of Hungary until the Modern Age. At the end we can find the conclusions, the bibliography and the index that includes the important subjects to be considered, the historical figures and also names of places used in the text of the present study.

Although the convergent point of the paper is the constant reference to the *Tripartitum*, the chapters can create the impression of autonomous studies. Some of the directions of study approached in the work will be signalled as follows. The author discusses the appearance of a set of customs as a result of repetitive practices or actions. It is reported that in the first years of the Hungarian Kingdom these customs were initially transmitted orally. It is argued that local practices are the first to be recorded since the 12th century, but the places of their occurrences are not mentioned. An important point is the role played by the canonical tradition as a landmark for the custom. The church stimulated the laity, due to the custom of the canonicals to enact documents. The author has a good knowledge of the royal decrees and of the court documents issued by the county authorities. This assertion is verified by assessing the role played by the clergy as a witness and an instrument that records (through testimony or report) legal events in the Kingdom of Hungary after the 13th century.

The reviewed paper manages to relate to the image of the relation between the nobility and the king, as evidenced by the *Tripartitum* data. Rady proposes two directions for this relationship, pointing out that this link is based, first of all, on land ownership and, secondly, on the legal protection provided by the king for the nobles.

Another issue present in the *Tripartitum* is that of the courts of justice and the cases they judged; the author clarifies the issues related to the procedure, the assembly and the sentences. At the same time, criminal cases are analyzed, especially those concerning the fine of the head or *nota infidelitatis* (crimes committed against the king or the kingdom).

Furthermore, there is an interesting point in the ample analysis of the Hungarian legislative situation in the Modern Age. The Hungarian legislative point of reference was the *Corpus Iuris Hungarici*, and it contains the *Tripartitum* alongside other decrees. By this statement one can see how the customary code of the 16th century remains a reference point. It is characteristic for Transylvania to contribute to the legal life by drafting the Approved and Compiled Constitutions (from 1653 respectively 1669). It is also noted that the 18th century Enlightenment was a negative element that tended to reduce the noble privileges.

The endeavour to follow the source of the Hungarian customary law was completed with the work *Customary Law in Hungary: Courts, Texts and the*

Tripartitum. Martyn Rady's original study approaches the creation, reception and continuation of the customary tradition until the emergence of the 20th century codes of law for Hungarian space. Thus, the *Tripartitum*, the 16th century customary code, remains a landmark for the research conducted by any researchers who are interested in the history of Hungary, both in the medieval and in the modern era.

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Alexandru Ciocîltan, *Comunităţile germane de la sud de Carpaţi în Evul Mediu (secolele XIII-XVIII)* [The German Communities from South of the Carpathians in the Middle Ages (13th-18th Centuries)], Brăila, Editura Istros a Muzeului Brăilei, 2015, 517 p., ISBN: 978-606-654-121-3.

The result of a daring doctoral research, Alexandru Ciocîltan's volume contributes to the historiographical debate through a subject less familiar to the Romanian historical writing, though very rich in first-hand sources – the history of an ethno-confessional community surveyed throughout its entire existence, which had lasted for about five centuries. Put under the sign of several paradigms of historical research – covering local, minority or urban perspectives – the present work is a genuine milestone in this historian's career, more and more specialized in decrypting the medieval and early-modern history of the German communities in Wallachia.

The particularity of the subject allowed the author to undertake a rather exponential approach throughout the seven chapters of his book, which resulted in a linear yet convincing historical monograph, sometimes strongly polemic and demanding when confronting historiographical blunders. In this regard, Ciocîltan resorted to the latest contributions of present-day historians, without ignoring the previous and more or less valuable works, to the results of older or newer archaeological excavations, but also to a multitude of written sources of diplomatic and epigraphic nature, chronicles or reports of Catholic missionaries. From this point of view, perhaps the biggest problem faced by the less-initiated reader in the space, the periods and the themes under scrutiny, is the absence of a critical and broad survey of the primary sources in a distinctive part of this work, afar from the few such aspects mentioned in the introduction.

The traditional and deductive approach of the subject, from general to the specifics, allowed Alexandru Ciocîltan to identify the context of the establishment, or the characteristics and the phenomena behind the evolution

and involution of these four exclusively urban German settlements in Câmpulung, Târgoviște, Râmnic and Argeș, the first one benefiting from the most abundant and varied sources for the entire period challenged by the author. Understood as commercial outposts of the Saxons cities of Brașov and Sibiu in the region, the existence of the four aforementioned communities developed in a highly complex relationship involving both the peculiarities of the Transylvanian relations and the quite fluid local pressures, which manifested themselves especially in demographical, confessional, ecclesial and political terms. The great merit of the present work lies precisely in the scrutiny and the accurate description of all these events that had shaped, in the *longue durée*, these ethno-confessional communities.

However, the discrepancy regarding the accessibility of sources between the community of Câmpulung and the three other settlements determined a disjunctive approach, yet exemplary resolved by the author. If in the case of Câmpulung – where the most important south-Carpathian German community lived until the 18th century –, it was possible to approach issues regarding the urban specifics (such as political, administrative, economic, cultural and church peculiarities), or the relations with the Romanians, which in the second half of the 15th century became the majority, the parsimony of sources referring to the communities of Târgoviște, Râmnic and Argeș allowed only narrow surveys, but essentially with similar evolutions to those of the main settlement. The situation of the mendicant convents in Wallachia was investigated by the author in particular, emphasising their regional missionary role for more than two centuries. At the same time, understanding the scale of the phenomena, perhaps the most valuable part of this work is represented by the very good analysis of the impact of the Reformation and of the Counter-Reformation among the Germans of Wallachia, especially at Câmpulung. Alexandru Ciocîltan pointed out that, in fact, the later event broke their strong confessional ties with southern Transylvania, which led to the loss of their group identity and the extinction of this historical community. I must also mention the two case studies dedicated to the biographies of two clergymen from the same family who acted as parish priests in Râmnic and Câmpulung in the 17th century, as well as the anthroponomical inquiry of a *Status animarum* of the later community, dating back to 1649-1650.

Besides the outstanding historical approach of the subject, the wide scope of the entire work is also given by the assembling of a large appendix organized in four distinctive parts. Containing both the texts of previously unedited historical sources and summaries of the already published ones, a valuable illustrative corpus consisting of historical maps, buildings, archaeological findings, seals and other documents was also included. Of the three parts of the appendix concerning the most important written sources

investigated by the author, one of which addressed the epigraphic ones (gravestones, bells, various stone crosses) exclusively, two of them separately organize the Romanian documentary sources from the Latin and Italian ones. The decision to translate the Romanian conclusions into German and English instead of drafting separate summaries in order to better resume the theses and outcomes of each chapter separately is even more curious.

In the end, it is worth mentioning that the impeccable method used by the historian in the present work – combined with a minimal but desirable reorganization of two monolithic chapters and of several parts of the appendix (for example, the design of original maps with the most important points of interest mentioned by the author) – recommends without hesitation its complete translation into a more accessible language on an international scale. In a historiographical context in which the themes and sources that can be precisely circumscribed to a specific historical space and time can be more easily approached, Alexandru Ciocîltan's book overcomes these self-induced tendencies, contributing (as his doctoral supervisor, Professor Şerban Papacostea, also stated in the Preface) not only to the historical elucidation of an ethno-confessional community, but also to the one of the country that had previously hosted it.

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Roberto Lambertini ed., *Fonti normative francescane: Regola di frate Francesco, Lettere pontificie sulla Regola, Costituzioni narbonensi, Commenti alla Regola*, Padova, Efr-Editrici Francescane, 2016, 568 p, ISBN: 978-88-8135-099-5

Efr-Editrici francescane is a consortium that brings together four Italian Franciscan Publishing Houses: Biblioteca Franciscana from Milan, Messagero from Padua, Porziuncola from Assisi and Libreria Internazionale Edizioni Francescane from Vicenza. The mission of this consortium since its foundation on 31 March 1995 is, among other things, to promote the Franciscan system of thought and spirituality through publications, conferences or study groups. This collaboration has led to the publication of volumes in which various sources concerning both the masculine and feminine branches of the Minor Order were edited: *Fonti Francescane*, *Fonti Clariane*, *Fonti agiografiche* or *Fonti liturgiche francescane*.

Fonti normative francescane was published in 2016 and its purpose is to provide the main testimonies that normalize the life of the Order of the Friars Minor to three categories of readers: firstly to a non-specialized public, secondly to researchers interested in the history of the friars minor and thirdly, for the Franciscans themselves. All the texts are, directly or indirectly, concerned with the Rule that norms the life of the Order. Namely, the translations include texts related to the Rule (only two of the three known texts still exist today, respectively the unapproved rule from 1221 and the approved one from 1223) and sources that derive from it: papal documents, the Constitutions of Narbonne and commentaries on the Rule.

The chronological frame covers the first century of the existence of the Order of the Friars Minor. The limits are represented by the unapproved rule of 1221 and the papal document *Ad conditorem canonum* issued by the bishop of Rome, John XXII in 1322. The editors mention that, if possible, they will continue the project by editing texts that will exceed this chronological interval.

The editors are researchers specialized in medieval history with an insight into the Order of the Friars Minor, and they are also experienced in editing and working with medieval sources. Out of ten collaborators, one is of French origin (Damien Ruiz), while the others are Italians. They come from several Italian major humanities centres: Macerata (coordinated by Roberto Lambertini together with Francesca Bartolacci, Luca Marcelli and Letizia Pellegrini), Pisa (Francesco Mores), Venezia (Antonio Montefusco), and from Rome (Filippo Sedda, Chiara Melatini and Angelo Restaino).

The volume opens with a general introduction, a crucial part in the better understanding of the purpose, methodology, sources and the chronological frame of the editorial project. At the same time, it clarifies essential aspects regarding the importance of the selected sources for the history of the order: the role played by the Rule in the life of a religious order, the stages that lead to the formation of a normative text (from a form of life, *forma vitae*, to the norm), its individuality in relation with other similar texts (the Benedictine or the Augustinian rule), the peculiarity produced by the founder (Francis of Assisi) by drafting a new rule in comparison with other contemporary orders (the Preachers, the Augustinians) which adopted an already existing one (due to the Fourth Council of the Lateran from 1215). Furthermore, the introduction continues by indicating the time when the constitutions were made, namely when the initial group, in which the lay element was predominant, switched to a primarily sacerdotal one. It can be noticed

that this fundamental text of the Order contains a core, the rule, and elements which prove that the Order suffered changes, for there was a need to adapt to different situations from everyday life as time went on. Next, the editors also included the papal documents, as normative texts for the Order. These documents are crucial in the evolution of the Order, since they settle or explain situations that often aroused internal or external controversy. In the end, the commentaries on the Rule are also represented as an outcome of the sacerdotal predominance.

Further on, the work is divided into four sections, each of which follows the same structure: an introduction, notes and the translation of a Latin text, presented only in its Italian version. In general, each of these sections is entrusted to another historian. The first one belongs to Francesca Bartolacci, and it takes into account the two texts that are kept from the evolutionary course that led to the formation of the approved Rule. In fact, the editor translates the unapproved Rule of 1221 and the approved one by Honorius III in 1223; the attempt from 1209 to regulate the life of the initial community is not preserved. In the introduction one can find the elements that distinguish the two texts, the persons and the institution that influenced their form. The second part, under the mark of Francesco Mores, highlights five representative papal documents relative to the first century of the Order's existence: *Quo elongati* (1230), *Ordinem vestrum* (1245), *Exiit qui seminat* (1279), *Exiit de Paradiso* (1312) and *Ad conditorem canonum* (1322). Mores chooses to present each document in the context that generated it; this aspect helps to outline a proper understanding of the papacy's activity in the Order's evolution. The Constitutions of Narbona are the subject of the third section, a work done by Luca Marcelli. This Constitution was chosen because it serves as a reference text for the following constitutions. After a short introduction about the context in which the aforementioned texts were formed in general, the discussion moves to the case study, the constitution from 1260. The largest space in *Fonti normative francescane* is held by the last section containing the commentary on the Rule. In this respect the following scholars collaborated: Luca Marcelli, Damien Ruiz, Rebecca Ghisellini, Letizia Pellegrini, Antonio Montefusco, Angelo Restaino, Chiara Melatini and Filippo Sedda. Likewise, this part contains an appropriate selection of five of the most representative commentaries on the rule. These belong to the "Four Masters", to Ugo de Digne, John Peckham (Johannes Pecham), John of Wales (Johannes Galensis) and to Pierre de Jean Olieu (Petrus Johannis Olivi) respectively. The edited texts expose the transition from a community to an organized institutional order. In addition, their purpose is to explain the rule to the friars.

Ultimately, they confirm the presence of the friars in the disputes of the epoch, between the parochial clergy and the religious orders.

The last part from their edition that is worth mentioning takes the form of two appendices. The first one includes abbreviations for the most consulted works (namely: The Holy Scripture, the writings and biographies of Francis of Assisi, texts translated into the present volume, constitutions of the friars, canonical works), while the second made by Filippo Sedda, contains indexes of the names of the persons and places. Of course, in the end, one can find the general index of the volume.

It is obvious that the purpose of the editors was certainly achieved, that is to make the sources related to the history of the friars minor available, through a faithful translation of the sources, preserving the meaning of the Latin originals. In this respect, manuscripts from Italy (Capestrano, Vatican, Roma, Florența, Pistoia, Ravenna, Siena, Todi), and also from Austria (St. Florian, Graz), Germany (Wolfenbüttel), England (Oxford), France (Paris and Marseille) or Spain (Toledo) were used. However, the fact that the majority of the sources have critical editions (except for the commentary of Ugo di Digne and John Peckham) made by Carlo Paolazzi, Michael Bihl, Cesare Cenci, A. G. Little or David Flood was also taken into consideration. Thus, in making the translations, the editors have taken into account the existing transcripts, not just the original texts. The historiography used to build the context for the introductions to each text was often synthesized. In this respect, references are made to important studies led by Carlo Paolazzi, Giovanni Micoli, Grado Giovanni Merlo, Priamo Etzi, Jacques Dalarun, Cesare Cenci, Théophile Desbonets, or David Flood.

The volume *Fonti normative francescane* is a model on how to group a selection of sources on a particular theme. Even though the texts that the editors propose are already edited in various articles or editions (in *Archivum Franciscanum Historicum*, *Fonti Francescane* or *Constitutiones generales ordinis fratrum minorum*), this work stands out in several aspects. It is innovative, because it groups a series of different sources, concerning the same normative reality of the Order of the Friars Minor (the rule, papal documents, the constitution and the commentaries). It presents a coherent structure that helps readers understand the dynamics and evolution of a religious order formed in the early 13th century.

To sum up, the volume coordinated by Roberto Lambertini, is important to be noted for at least two reasons. Firstly, it provides an important working tool that aids in the understanding of the phenomena that stands out in the centre of the Order (Assisi) and propagates to the mission territories in the Middle Ages. Secondly, it is a well-developed,

well structured edition that is accessible to a large number of social categories through various explanations that make it easier to understand the need to normalize the life of a religious order.

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Michael Weiss, Hassan Hassan, *Isis. Armata Jihadului (Isis: Inside the Army of Terror)*, Bucureşti, Editura Corint, 2016, 346 p.

After 9/11, the book market was practically “invaded” by works concerning the Al-Qaeda, and the same is happening now in the case of ISIS. Some of these works were (and are) poorly written, sensation-seeking compilations, while others are based on serious documentation. Generally speaking, when a subject is “trending” the possibility to reach academic quality seriously decreases. Considering all of these aspects, the two authors of the present book did their best to create a work which is not only easy to read, but also a valuable source and a comprehensive synthesis of the history of ISIS. Although the book itself has some lacunae in its thematic approach - which can be improved in future editions - my general conclusion is that it represents a well-written analysis; it is well documented with original sources and can be very useful in getting to know the organization which shocked the world with its cruelty and efficiency.

Michael Weiss is, first of all, a specialist in the post-Soviet world, having published a series of high quality articles in press products like *Foreign Policy* and *Daily Beast*. Starting with 2011, he became a field correspondent transmitting the riots from Syria, getting acquainted with the depths of Middle Eastern politics. His co-author, Hassan Hassan, is a local intellectual, working as a journalist for the *National* from Abu Dhabi. Co-opted by Weiss, Hassan also has the quality of having been born in Abu Kamal, a town situated on the Iraqi border with Syria, part of the battlefield where, after the demise of Saddam’s Baathist regime, different Arab and international forces are disputing the supremacy of their strategic interests.

The book is highly readable, due to the simplicity of its language, the complexity of the information and the continuous linear presentation of the processes described. The book is structured into 14 chapters, starting with the cultural and social roots for a jihadist insurgency - which will be materialized in the form of the IS - 101naly the moment of the terrorist attack performed by the Kouchi brothers in 2015. In the first chapters, the key figure - around

whom the presentation of events is centred – is Abu Musaf el-Zarqawi, whom the authors consider to be the spiritual father of the Daesh. For a while Zarqawi was the second in charge in the structures of al-Qaeda, and his views concerning jihadist strategies were different than the ones shared by Osama bin Laden and his acolytes; in the authors' view, the current version of the Islamic State relies much on Zarqawi's system of thoughts. Some other key aspects of the book are present in the analysis of the responsibility for each part involved in the turmoil and the rise of the Daesh. In this respect, we cannot deny that the authors are slightly partial, but this seems to be beneficial in the end. Even if they do not deny the mistakes made by the US strategies for pacifying post-Saddam Iraq – including the failure of the Sons of Iraq peacekeeping project and the mismanagement of the democratic elections in the midst of the Shiite-Sunni conflicts. It is correctly pointed out that through the victory of the majority Shiite forces in the elections, most of the Sunni perceived a threat to their existence and Sunni radicalism represented the lesser evil compared to the domination of the Shiites. On the one hand, one of the strongest points of the book consists of its depiction of how the US-backed Awakening Moment managed to drive out the jihadists from Iraq, but in 2013, when the government suppressed Sunni protesters with fire, they returned, in the new political climate. On the other hand, the book insists on the role played by Iran – and its secret services – and Assad's regime, through their temporary strategic cooperation with violent cells, which became the nucleus of the organization that became their mortal enemy. On the one hand, this might at first appear to be an exaggeration, since ISIS is one of the enemies of the Shiite-Alavite conglomerate of interests. On the other hand, no detail can be neglected in the case of such an analysis. And in that opportune moment, it was in the interest of Assad and his regime to support the turmoil in Iraq, because they were violently suppressing the anti-regime protests in Syria. The slight involvement also represented a covert message that Syria – and Iran – should be left alone. The authors also make a good point in describing the oil – and artefact – smuggling of the IS through Turkey, even if the complete functioning mechanisms of the smuggling networks could not be entirely revealed. Such a quest could be very dangerous, and even if the information is obtained, it will have to be kept top secret due to reasons related to intelligence networks. The smuggling networks are shown to basically be the same ones from Saddam's era, and even if the political situation changed, the mechanisms which make this black market-activity to function basically remained the same.

One of the main strengths of the book is, first of all, its complex documentation that mostly consists of interviews conducted with western officials, people related to the ISIS and opponents of the ISIS from the Arab

world. Another major strength is the large sum of comprehensive information: in this respect, a glossary of terms and an index for names and places, for the previously less informed readers should be included in future editions.

I must mention those subjects about which I would prefer to read about in the future editions of this present book – editions which will surely be published, considering the high level of interest in this subject – or even in separate volumes which will continue the ideas present in this volume. Such would be a geopolitical analysis regarding the interests of regional and global players in the region concerning the role of the IS or of its similar alternatives; Turkey, Israel, Iran, Egypt, Saudi Arabia, the Russian Federation, China, the USA, the European Union and other actors all have their interests in this region. Another subject which could be developed regards the relationship between jihadist ideology and the cruelty shown by the ISIS fighters. In the last chapters, the authors approach the cruelty itself, but its motivation remains largely unrevealed and un-analyzed. A third aspect which could have been exploited is the system of relations within the organization lead by al-Baghdadi. For instance, there is no reference to the Boko Haram, an organization from Nigeria, which swore obedience to Al-Baghdadi, or to the presence of ISIS in Libya. A fourth aspect to be analysed could be the archontology of the ISIS itself because the structure of the organization might seem chaotic, but every single – symbolic or practical – position has its own logic, understandable for the leadership of the ISIS. Compared to al-Zarqawi, the figure of al-Baghdadi was only tangentially approached in this book; perhaps the authors will at some point dedicate a separate volume to the ascension of this character. Even so, there is much original information to be explored on the book's pages.

If we check the Internet for reviews concerning this present work of Michael Weiss and Hassan Hassan, we will generally find positive ones. It is definitely an interesting read and can be counted among the top written works concerning the history of ISIS. It is unsurprising that it became a bestseller and the Romanian translation is a useful initiative of the Corint Publishers.

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