

Civil Law, Common Law, Customary Law

*Consonance, Divergence and Transformation in Western Europe
from the late eleventh to the thirteenth centuries*



A highly significant division in present-day Europe is between two types of legal system: the Continental with foundations in Civil Law (law with an ultimately Roman law basis), and English Common Law. Both trace their continuous history back to the twelfth century.

The Civil Law, Common Law, Customary Law project re-evaluates this vital period in legal history, by comparing not just English Common Law and Continental Civil Law (or “*ius commune*”), but also the customary laws crucially important in Continental Europe even beyond the twelfth century. Such laws shared many features with English law, and the comparison thus disrupts the simplistic English:Continental distinction.

Proper historical re-examination of the subject is very timely because of current invocation of supposed legal histories, be it politicised celebration of English Common Law or rhetorical use of *ius commune* as precedent for a common European Law.

This report contains details of the activities of the project from September 2017 (when the first post-doctoral researchers took up their positions) to June 2018.

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University of
St Andrews

Researchers and Current Research Activities

Project Director

Professor John Hudson



John Hudson joined the University of St Andrews School of History at the beginning of October 1988. His research then concentrated on law and land-holding in twelfth-century England, and this subject has remained central to much of his subsequent work, leading up to his volume of *The Oxford History of the Laws of England, 871-1216* (2012). Some of his legal history work plays with the applicability to mediaeval situations of ideas from modern legal theory; this work is furthered by his visiting association with the University of Michigan Law School, where he enjoys the title of William W. Cook Global Law Professor.

John has two other main areas of research interest. One is mediaeval historical writing, mostly in England – as in his two-volume edition of the *History of the Church of Abingdon*, an important twelfth-century monastic text – but also more widely, as in his contribution on ‘Local Histories’ in the *Oxford History of Historical Writing*. The other is nineteenth-century writing on the Middle Ages, and in particular the work of the greatest of legal historians, F. W. Maitland.

John’s work during the current year has concentrated on three main areas:

(i) He has written an article on the notion of seisin in *Glanvill* and the early Curia regis rolls, complementing these sources with examination of *Bracton* and the earliest Norman custumal. The article explores how the term came to be used in more technical and specific ways, concentrating on three particular developments: (i) the use of adjectives to describe types of seisin, for example ‘simple’ and ‘full’; (ii) the distinguishing between seisin of fee, of a free tenement, and of other forms of holding; (iii) the possible distinction between being seised and being in seisin. It aimed to discover whether usage simply became more technical, or whether more general usage continued alongside the increasingly technical.

(ii) He also delivered the Fulton Lecture in Legal History at the University of Chicago, on the topic of ‘F. W. Maitland, Common Law, and Civil Law’. The aim was exposition rather than judgement, to explore and explain rather than to criticise and correct, thereby making some contribution to the intellectual and jurisprudential history of the late nineteenth century, if not to the legal history of the twelfth and thirteenth. The lecture compares Maitland’s views first with those of writers up to the end of the eighteenth century, and then with those nineteenth-century authors with whom he engaged. It ends by considering what these comparisons reveal as peculiar to Maitland’s own work. A video of the lecture is available at <https://www.law.uchicago.edu/news/fulton-lecture-explores-f-w-maitland>.

(iii) He has continued working on an online edition of the Balliol manuscript of *Glanvill*, and is nearing completion on a draft that can be posted the project website.

Researchers and Current Research Activities

Senior Researcher

Professor Emanuele Conte



Emanuele Conte is Professor of Legal History at Roma Tre University (Italy) and Directeur d'études at the Ecole des Hautes Etudes en Sciences Sociales of Paris (France). He served as Director of his Department, and as president of the libraries of his university. He taught as visiting professor at: University of Wollongong (Australia) (2015); Australian National University Canberra (2015); University of Pennsylvania, School of Law (2014); École des Hautes Études en Sciences Sociales (EHESS) – Chaire Yan Thomas, Paris, France (2010); EHESS, Paris, France (2008; 2004; 1998); Ecole des Chartes, Paris (2011); Ecole Normale Supérieure

Lettre et Sciences Humaines, Lyon, France (2009; 2006); Univ. de Paris X, Nanterre, Fac. de Droit, France (2005); Univ. de Toulouse I, Fac. de Droit, France (2000); Univ. de Paris II Panthéon, Fac. de Droit, France (2000); Univ. Autónoma de Barcelona, Spain (1996). He has been Bok Visiting International Professor at the School of Law of the University of Pennsylvania, Philadelphia US (2014). In 2010 he was awarded the Sarton Medal for the History of Science (University of Gent, Belgium).

He is a member of editorial boards for many journals and book series, and has taken part in international research projects, funded by the European Union and by the Italian Government, among which are the Marie Curie international projects on European Legal Cultures (2007-2009) and on Power and Institutions in Medieval Islam and Christendom (<http://www.pimic-itn.eu/>) (2013-2016).

Emanuele's work during this year focussed primarily on manuscript witnesses of the increasing interest of Anglo-Norman theologians in Roman law between the latter half of 12th Century and the beginning of 13th. A survey of manuscripts containing both theology and Roman law in the British library has been started, and a similar work on manuscripts preserved in Oxford libraries has been done during a fellowship at Wolfson College (May 2018).

Emanuele also delivered an article connecting the learned doctrine of *dominium utile* with the evolving customs of the city of Modena in 1182, an article about the relationships between constitutional historiography and the legal history of 19th Century ("The Order and the Volk. Romantic Roots and Enduring Fascination of the German Constitutional History", to be published in the Festschrift for Hallebeek), and - as an editor - a volume on Cultural History of Law in the Middle Ages (Bloomsbury).

Researchers and Current Research Activities

Postdoctoral Researcher

Dr Andrew Cecchinato



Andrew has a first-class honours degree in Law and a PhD (*cum laude*) in 'Comparative and European Legal Studies – History of Roman Law and European Legal Thought Curriculum' from the University of Trento. He has been a Visiting Fellow at the Robert H. Smith International Center for Jefferson Studies, as well as a Visiting Researcher at the Library of Congress, the Georgetown University Law Center, and the Robbins Collection in Civil and Religious Law at the University of California, Berkeley.

Andrew joined the St Andrews Institute of Legal and Constitutional Research in 2017 to work on the comparative legal history project *Civil Law, Common Law, Customary Law: Consonance, Divergence and Transformation in Western Europe from the Late Eleventh to the Thirteenth Centuries*. His research focuses primarily on the relevance of the common scientific heritage of European jurisprudence in William Blackstone's construction of a scientific understanding of English Law.

Andrew has devoted his first year as research fellow to a close reading of the *Commentaries* and of the relevant scholarly literature. After having sketched the preliminary trajectory of his research in a paper presented in Roma Tre earlier this year, he has begun working on an article on Blackstone's engagement with Medieval and Modern European jurisprudence. The article, provisionally entitled "In which we are not singular in our notions': William Blackstone as interpreter of the European Legal Tradition", intends to suggest the possibility of looking at Book I of the *Commentaries* from the vantage point of interpretative concerns that do not seem to have been hitherto fully explored by the literature. Combined together, these concerns raise a common question: did Blackstone conceive the scientific interpretation of English municipal law according to the common principles of the European legal tradition or did he rather conceive the interpretation of English law according to the principles of an entirely national jurisprudence? In answering this question, the paper will argue that Blackstone offered a scientific account of the dialectical relationship between English law and the general science of law by closely engaging with the entire body of European jurisprudence available to him either directly or indirectly.

Andrew has also begun two secondary projects: (i) the publication of his first book (*Reading Law in Revolutionary Times: Thomas Jefferson and the Western Legal Tradition*), based on an extensive revision of his PhD dissertation, and; (ii) the English translation of one the classical works of 20th-century legal historiography, Francesco Calasso's *Introduzione al diritto comune*.

In May 2018, Andrew took part in the inaugurating conference of the Centre of Excellence in Law, Identity and the European Narratives at the University of Helsinki, where along with Chiara Cristofolini (University of Trento) he delivered a paper entitled: "The crisis of social organizations and democratic institutions."

Researchers and Current Research Activities

Postdoctoral Researcher

Dr Will Eves



Will first obtained an LLB, followed by an LLM, at the University of Warwick. After a period working in the legal sector, he undertook an MLitt in mediaeval history at the University of St Andrews. He then completed a PhD in medieval legal history, also at the University of St Andrews, on the use and development of the English Common Law action *mort d'ancestor* in the late-twelfth and early-thirteenth centuries. During the final year of his doctoral research he held a 6-month Scouloudi Junior Research Fellowship at the Institute of Historical Research (University of London). Immediately following the completion of his PhD thesis he worked as an AHRC Cultural Engagement Fellow on a public engagement legal history project at the University of St Andrews.

Will's research for the Civil Law, Common Law, Customary Law project concerns the development of the concept of 'ownership' in England and Normandy in the early thirteenth century, and in particular the influence of the Roman law concept of *proprietas* on legal thought and practice in the period. His work during the current year has focussed on the following:

- i) He has prepared an article on the practice of 'collusive litigation' in the English Common Law. Here, parties to a sale of land would bring a fictitious dispute to court and then immediately settle the case. The purpose was to obtain a written record of the sale in the form of a 'final concord'. After a short term in which third parties could register their competing claims to the land, a final concord would usually preclude any further litigation concerning title. The effect of this on the development of ideas of property similar to, and perhaps influenced by, the Roman law notion of rights '*in rem*', good against the world, within the supposed 'feudal framework' of English law is a consideration of this article, and a springboard for further research.
- ii) He is continuing a search through the plea rolls of the English Common Law courts, noting all instances of particular 'actions of right'. The aim is to discover the relationship, in practice, between these supposedly 'proprietary' actions and other 'possessory' actions available to litigants in the period, and the extent to which this reflects the Roman law distinction between *possessio* and *proprietas*.
- iii) He is completing a transcription of the text of the first part of the *Très Ancien Coutumier* of Normandy, as contained in the Vatican Library manuscript Ott. Lat. 2964. This provides a better version of the Latin text of this part of the treatise than the manuscript used by E.-J. Tardif in his 1881 edition of the *coutumier*. It therefore allows us to make sense of certain provisions which are corrupted in the manuscript used by Tardif. The variations between the two manuscripts are also intriguing. For example, references to the importance of the Church and the duties owed to it by the dukes of Normandy appear more prominently in one manuscript than in the other. The transcription of the text as found in the Vatican manuscript will be published on the project's website.

Researchers and Current Research Activities

Postdoctoral Researcher

Dr Attilio Stella



Attilio completed his MA and PhD on lordship and rural communities in twelfth- and thirteenth-century Italy, respectively at the University of Verona (2010) and the University of Trento (2014), working for a semester at the Ecole Normale Supérieure de Paris (2012). From September 2013 to August 2016 he was an Early Stage Researcher at Tel Aviv University in the Marie Curie Innovative Training Network “Power and Institutions in Mediaeval Islam and Christendom.” In this project, he dealt with modern and medieval conceptualisations of ‘custom’ and ‘customary law’, the interplay of social configurations and specific patterns of law making, such as feudal law, and contextual trajectories from social practice or specific court cases to the legal texts. The findings of these investigations lay at the core of his research at the University of Verona (2016-17), where he started working on a monograph on peasant and vernacular notions of ‘law’ and ‘custom’ in Communal Italy.

As a researcher on the Civil Law, Common Law, Customary Law project, Attilio is conducting further analysis on the relations between the learned law on the one hand, judicial and social practice on the other one, by comparing archival and court evidence from sample areas of northern Italy (Milan, Bologna, Verona, Modena) with the multifaceted production of learned lawyers – treatises, peculiar collections of selected texts, glosses, notes, and commentaries. The main aim is to provide solid ground for comparison with his colleagues’ lines of investigation and try to see from new angles some dominant paradigms on the divide between the regions ruled by the Civil Law and the ones ruled by the Common Law. During the current year:

(i) He took part in the November 2017 Conference ‘Shaping the Officer’ at the German Historical Institute – London and is currently preparing his contribution to the conference proceedings: “Rural élites, communities and the bureaucratisation of justice in Italy (1150-1250)”. He finished a draft article, in which he reappraises the shaping function of practice in the early learned law of fiefs: The making of feudal customs. Social practice and the early feudal lawyers (1100-1250). He is also concluding a first draft of his monograph on law, custom and dispute-solving strategies in rural Italy in the 12th and 13th centuries.

(ii) His project proposal Multi-Ethnic Communities in the Medieval European Legal Systems has been awarded the 2017 Marie Skłodowska-Curie Actions Seal of Excellence.

(iii) He is continuing his research on the interplay of practice and law by analysing a core body of compilations of short treatises, apparently collected for the use of court practitioners. The aim is to understand the logic underlying the selection of such texts and possibly investigate the identity of the manuscript owners and commitments. The manuscripts he is currently studying are: Berlin SB, Lat. 462; Troyes BM, 1317; Bologna, Collegio di Spagna, 73; Parma Bibl. Palat. 1227.

Researchers and Current Research Activities

Postdoctoral Researcher

Dr Sarah White



Sarah obtained a BA Hons. in Medieval Studies at the University of Victoria, followed by an MA Hons. at the Centre for Mediaeval Studies at the University of Toronto. She then undertook a PhD in medieval legal history at the University of St Andrews, focusing on procedure and legal argument in the thirteenth-century ecclesiastical Court of Canterbury. Sarah is also completing a diploma in manuscript studies at the Pontifical Institute of Mediaeval Studies at the University of Toronto, (funded by a Mellon Fellowship).

As part of her PhD research, Sarah constructed the Canterbury Court Records project: an online database of manuscript images and transcriptions created in collaboration with the Canterbury Cathedral Archives, sponsored by the Institute for Legal and Constitutional Research (ILCR), the Association for Manuscripts and Research Collections in Archives (AMARC), and the Royal Historical Society (RHS). She is also the translator and editorial assistant for The Wills of Medieval England, 1066-1300 project.

Sarah's research for the Civil Law, Common Law, Customary Law project focuses on twelfth- and thirteenth-century procedural treatises, mainly *Ordines iudicarii* and *Ordines iudiciorum* produced in England, and on ecclesiastical and Roman legal procedure more generally. At present:

- i) She is preparing an article on a case study of a tithes dispute between the rector and vicar of the same parish at the end of the thirteenth century, in which the parties produced extended arguments based in written law to support their claims. The presence of explicit citations in the case material suggests that litigants or their representation (and possibly judges) were turning to canon and civil law to resolve disputed points, even in relatively low-level case.
- ii) She is continuing her work on procedure in practice, particularly in the records from the ecclesiastical courts of the late thirteenth century. The aim is to determine how procedure "on the ground" compared to procedure as outlined in the most popular treatises of the time (primarily Tancred's *Ordo* and Durantis' *Speculum*), and the extent to which these treatises were used by legal practitioners to gain knowledge of procedural law.
- iii) She is completing transcriptions of three unpublished English ordines, "Iudicium est trinus actus trium personarum," "Abbas cuiusdam monasterii," and "Iudicium est actus trium personarum," each of which survives in only one manuscript witness (the first two in Oxford BL Selden Supra 87 and the third in Oxford St John's College 178). There are some indications that "Iudicium est trinus actus trium personarum" is based on an earlier English *ordo*, mainly due to similarities in the gloss to the text. The examination of the place of these lesser-known texts in the tradition of English treatise-writing is the next stage of this research. Upon completion of these transcriptions, all the known *ordines* of English origin will be available either in print or, in the case of these transcriptions, online. "Iudicium est actus trium personarum" will be the first to be added to the project website.

St Andrews Comparative Legal History Workshop, May 2018

Report

On 11 and 12 May 2018, researchers on the Civil Law, Common Law, Customary Law project held a workshop at the University of St Andrews on the theme of comparative legal history. The aim was to explore the ways in which comparative legal history could be approached, and to hear examples of these approaches from the variety of papers delivered throughout the workshop

The first day began with a keynote paper delivered by **Alice Rio** (King's College London) which explored comparative approaches to studying early medieval legal culture. Papers were then given by **Susanne Brand** (vice-administrator of the Anglo-American Legal Tradition project) on the early history of bills of privilege in the Common Law, and **Felicity Hill** (Cambridge) on the use of general excommunication of unknown malefactors. This allowed a comparison to be made between the creative use and development of legal process within secular and ecclesiastical spheres.

The afternoon sessions began with papers from **Danica Summerlin** (Sheffield) and **Ashley Hannay** (Cambridge) on a panel discussing the nature and emergence of sources of legal authority, from the impetus behind the Statute of Richard III (Hannay) to the emergence of decretal collections in the twelfth century (Summerlin). This was followed by a panel discussing lordship and law in twelfth and thirteenth-century England and Normandy. **Hannah Boston** (Oxford) gave a paper on private charters and seigneurial courts in twelfth-century England, and **Cory Hitt** (St Andrews) discussed the nature of twelfth and thirteenth-century Anglo-Norman and Old French legal texts, and what we can learn about their authors through a close reading of the texts.

Next was a panel featuring the postdoctoral researchers on the Civil Law, Common Law, Customary Law project. Each researcher outlined their research and the directions they intend to take during the course of the project. **Andrew Cecchinato** spoke about Blackstone, English law and Roman law; **Sarah White** discussed the potential influence of Roman Law on English Common Law through the medium of procedural treatises used in the English church courts; **Will Eves** spoke about the Roman Law concepts of *possessio* and *proprietas* in Roman law, and their potential influence on the early English Common Law; **Attilio Stella** discussed feudal law in twelfth and thirteenth-century Italy and the way in which feudal practices were framed in reference to Roman legal categories.



St Andrews Department of Medieval History

(Contd.)

Comparative Legal History Workshop, May 2018, (contd.)

The first day concluded with a roundtable which offered thoughts on comparative methodology and issues emerging from the preceding papers. The panellists were: **John Hudson** (St Andrews); **Thomas Gallanis** (Iowa); **Jacqueline Rose** (St Andrews); and **Danica Summerlin** (Cambridge). This was then followed by a wine reception at the University of St Andrews Department of Medieval History.

The second day of the workshop began with a panel discussing various aspects of community involvement in legal process. **Anna Peterson** (Pontifical Institute of Medieval Studies, Toronto) discussed procedures concerning corruption in hospitals in Narbonne, 1240-1309. **Gwen Seaborne** (Bristol) then discussed the role of women as witnesses in medieval English law, with reference to the evidential problems raised by claims to tenancy by curtesy if an infant died shortly after birth.

The second panel of the day compared different types of legal literature in early modern England. **Jacqueline Rose** (St Andrews) discussed the writing of the English lawyer Bulstrode Whitelocke and his attitude to legal change in seventeenth-century England. **Mary Dodd** (St Andrews) then discussed pamphlet literature and constituent power in the English Civil Wars.

Following the lunch break, delegates had the opportunity to take a walking tour of St Andrews, kindly offered by medieval historian and expert of the medieval history of the town, **Alex Woolf** (St Andrews).

There followed two keynote lectures. **George Garnett** (Oxford) discussed the great English legal historian F. W. Maitland's approach to legal history, and the nature of legal history as practiced by historians and as practiced by lawyers. The second keynote lecture was given by **Magnus Ryan** (Cambridge) on the *Libri Feodorum* and the practice of medieval lawyers in the later middle ages.


The workshop concluded with an interview forming part of the St Andrews Institute of Legal and Constitutional Research's 'Law's Two Bodies' project. This project investigates the question of 'what is law' from the perspective of legal practitioners. As befitting the workshop's focus on legal history, **William I. Miller** (Michigan) was interviewed by John Hudson about the nature of law and legal practice in medieval Iceland. The answers were given from the imagined perspective of Njáll Þorgeirsson, a tenth and eleventh-century Icelandic legal expert featured in the eponymous thirteenth-century *Njáls Saga*.

A wine reception and workshop dinner were then held at the Byre Theatre in St Andrews.

The next workshop, *Legal History, Legal Historiography*, will take place 12 and 13 June, 2020 in St Andrews.

Project Roundtable at Roma Tre, March 2018

On 7 March 2018, **Andrew Cecchinato**, **Attilio Stella**, **Sarah White** and **Will Eves** took part in a roundtable at the University of Roma Tre to discuss their work and the nature of the project.

**SEMINARI
STORICO-GIURIDICI
DI ROMA TRE**


March 7
h. 1:30 p.m.
Department of Law,
University of 'Roma
Tre', II floor, Room
278.


Via Ostiense 159,
00154, Rome, a few
steps away from 'St.
Paul' Metro B.

**Consonance,
Divergence and
Transformation**
in Western Europe from the late
eleventh to the thirteenth centuries

Dr. Andrew Cecchinato
Dr. Will Eves
Dr. Attilio Stella
Dr. Sarah White

Round Table coordinated by
Prof. Emanuele Conte
and Prof. Sara Menzinger


University of
St Andrews | founded
1413

**ROMA
TRE**
UNIVERSITÀ DEGLI STUDI

The paper **Andrew** presented in Rome outlined the general purpose of the project and presented an overview of his individual research. Andrew took this opportunity to present a select reading of the *Introduction* to the *Commentaries*, by focusing on Blackstone's analysis of the relationship existing between English municipal law and the *ius commune*. He then compared Blackstone's analysis with a number of English and Continental sources equally addressing the relationship between *ius commune* and municipal laws and highlighted their commonalities. During the discussion, Andrew was able to expand on Blackstone's engagement with Medieval and Early Modern European jurisprudence

Sarah outlined the main area of her research: specifically, how the development and implementation of Romano-canonical procedure in England, mainly through treatises, may have influenced elements of the developing Common Law. She discussed the treatises used in this investigation and outlined some possible avenues of inquiry relating to theory and practice. Sarah received questions concerning the use of Roman law actions in both Romano-canonical and Common Law treatises, and discussed how this could affect the understanding and organisation of procedure in either system

Will spoke about the concepts of *possession* and *proprietas* in Roman law, and their potential influence on the legal reforms introduced by Henry II in England in the twelfth century. He highlighted the problems we encounter when we try to describe actions introduced in England during this period as either 'possessory' or 'proprietary', and discussed whether the Roman law idea of 'ownership' could be used to describe landholding in England during the High Middle Ages. During the discussion Will considered the terminology of 'right' in English law, and spoke more on the relationship between lordship, tenure, and ideas of ownership in medieval Europe.

In his talk on the making of feudal law in 12th- and 13th-century Italy, **Attilio** developed three major points: (1) the question of how practice and real litigation related to the *Libri Feudorum* and later legal literature on fiefs; (2) how practices which were foreign to the Roman law tradition could be framed into Roman law categories, in particular the legal *actiones*; (3) the contextual construction of the *ius commune*, from real facts and actual court cases to universal rules.

Law and Humanities: The Wire, October 2017

In mid-October **John Hudson** taught classes in Emanuele Conte and Angela Condello's 'Law and Humanities' course at the University of Roma Tre. The classes concentrated on the presentation of law within the acclaimed HBO series '*The Wire*'.

Comparison was made between the state-based law of police and judicial system on the one hand, and on the other the customary norms of 'The Game', that is, the culture and practices of the drug trade and its participants, as well as the customary norms of medieval Icelandic law as revealed by *Njál's Saga*. Also considered were the differences of Common and Civil Law practices for televisual presentation; does the Common Law's adversarial trial system particularly suit dramatic purposes, be it for depiction of straightforward contests between good and evil or of more nuanced conflicts? does the audience stand in the same place as the Common Law jury? may an inquisitorial system in the Civil Law break down some of the genre differences between police and legal drama?

With a class from four continents and ten countries, we were able to assess such questions not just in terms of authorial aims, but also of audience reception. Those from Civil Law systems watched *The Wire*'s trial scenes in subtly different ways than those from Common Law systems, whereas that difference of legal tradition had less effect on perception of the customary norms that can be uncovered in 'The Game' or in *Njál's Saga*.

Public Engagement 'Explorathon' Roundtable, September 2017

On Friday 29 September members of the CLCLCL project participated in a panel discussion about the nature of legal development in the middle ages. This event took place as part of the 2017 Explorathon Scotland, (www.explorathon.co.uk) an event designed to promote public engagement with recent developments in academic research.



'Explorathon' Panel, L-R: Will Eves, John Hudson and Andrew Cecchinato

Appointment of PhD Students

Two PhD students have been appointed to undertake doctoral research within the framework of the Civil Law, Common Law, Customary Law project. They will take up their positions at the beginning of the 2018—19 academic year.

Dan Armstrong



Dan graduated from Downing College, Cambridge, in 2017 with a Double First BA Hons. in History. During his time at Downing he was the President of the Maitland History Society (2016-17), and was the recipient of two essay prizes: the J.C. Holt Undergraduate Essay Prize (2015) and the R.J. White Essay Prize (2017). After graduating from Cambridge, Dan moved to the University of East Anglia, where he was awarded an AHRC Studentship to fully-fund my MA in Medieval History.

Dan's PhD, under the supervision of Professor John Hudson, is provisionally titled: 'Politics, Law, and Ecclesiology in Anglo-Papal Relations, c.1066-c.1154'. The thesis will re-assess the relationship between the Anglo-Norman kings, bishops, and the papacy. In doing so, Dan's PhD will seek to address the remarkably uneven historiographical coverage of Anglo-Papal diplomacy. A misleading narrative of conflict has been accepted as the norm, with the historiography primarily focussing upon the 'crises archbishops' of Anselm, Beckett, and Langton. The thesis will attempt to correct this imbalance, whilst placing the Anglo-Norman Church and kingdom within its wider European context, seeking to show the centrality of the often ignored 'periphery' for papal policy. The crusades, the developments and the diffusion of Canon Law, the role of Peter's Pence, and the increasing centripetal shift amongst the English episcopate towards Rome will be among the topics considered.

David de Concilio



David obtained a MLaw at Roma Tre University, Italy (2018), with a thesis on money and law in medieval juridical doctrine, awarded as a thesis of particular academic value by the Roma Tre Department of Law. The finds of this work are the starting point of his PhD project on the ERC funded project 'Civil Law, Common Law, Customary Law: Consonance, Divergence and Transformation in Western Europe from the Late Eleventh to the Thirteenth Centuries'.

The findings of David's MLaw thesis will be the starting point of his PhD project. More specifically, his research will focus on a comparative study of the correlation between monetization, the rise of learned law and the development of customary law in medieval Northern Italy between the eleventh and the thirteenth centuries.

Recent Publications

Andrew Cecchinato:

— *Madison, James (1751-1836)*, in *Encyclopedia of Diplomacy*, edited by Gordon Martel, Wiley-Blackwell, Hoboken, forthcoming.

Will Eves:

— 'Justice Delayed? Absent Recognitors and the Angevin Legal Reforms, c.1200', in Travis R. Baker, ed., *Law and Society in Later Medieval England and Ireland* (Routledge, 2017), 1-24.

— 'Threats and Intimidation in Anglo-Norman Legal Disputes', in Kate Gilbert and Steven D. White, eds, *Vengeance, Violence Emotions and Law in the Middle Ages* (Brill, 2018), 80-102.

Emanuele Conte:

— (ed., with Laurent Mayali) *A Cultural History of Law in the Middle Ages* (London, 2018)

John Hudson:

— *The Formation of the English Common Law: Law and Society in England from King Alfred to Magna Carta*, (Routledge, 2017). A much expanded second edition of *The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta*, (Longmans, 1996).

— 'Emotions in the early Common Law (c. 1166-1215)', *Journal of Legal History* 38 (2017), 130-54.

— 'The place of Henry I in English legal history', *Haskins Society Journal* 28 (2017), 63-81.

Sarah White:

— "Legal Arguments and Citations in the 13th-Century Court of Canterbury," *Proceedings of the Fifteenth International Congress of Medieval Canon Law: Paris, 17-23 July 2016* (Città del Vaticano: Biblioteca apostolica vaticana). Forthcoming.

Awards

Andrew Cecchinato's doctrinal dissertation on *The Legal Education of Thomas Jefferson*, defended in April 2017 in front of Prof. Gerhard Dilcher, Prof. Diego Quaglioni, and Prof. Lea Campos Boralevi, has been recently awarded by the University of Trento the annual prize for best PhD dissertation in Comparative and European Legal Studies

Attilio Stella's project proposal *Multi-Ethnic Communities in the Medieval European Legal Systems* has been awarded the 2017 Marie Skłodowska-Curie Actions Seal of Excellence.