

Civil Law, Common Law, Customary Law

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



Second Report

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 July 2018 to October 2019.

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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 medieval 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 medieval 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 past year has concentrated on three main areas:

(i) He has completed an online edition of the Balliol manuscript of *Glanvill*. Further interpretative work on *Glanvill* has been informed by the project’s collaborative sessions on the *Libri feudorum* and the so-called *Très Ancien Coutumier* of Normandy.

(ii) He has been conducting research for his book on the emergence of the English Common Law in comparative context. He has been paying particular attention to the French *coutumiers*, but also working on case material, for example the records of the Norman Exchequer up to c. 1250.

(iii) He has continued work on later perceptions of the differences between English and Continental legal traditions. Study of A.V. Dicey’s *Law of the Constitution* has provided an additional counterpoint to the views of Maitland, Maine and others. The current stage of this work produced a lecture on ‘Common Law, Civil Law, and English Identity’, delivered in Melbourne in December 2019, which will be made available on the project website.

Further activities include the publication of ‘Reading terminology in the sources of the early Common Law: Seisin, simple and not so simple’, in *English Legal History and its Sources: Essays in Honour of Sir John Baker*, ed. D. Ibbetson, N. Jones, and N. Ramsay (Cambridge, 2019), pp. 79-99; the holding of a workshop on ‘Forensic Rhetoric and the History of Emotions’, at St Andrews in August 2018; and delivery of a lecture on ‘Exploring patterns of legal development in twelfth-century Europe’ at Zurich in October 2018.

In 2019 he was elected a member of the Academia Europaea.

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 has taught as visiting professor in many universities in Spain, France, Australia, and the US. 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).

During the past year, Emanuele has been visiting fellow at Wolfson College, Oxford, and at Columbia University, New York. His research has focussed primarily on the actual relationships between Italian legal culture and the Anglo-Norman environment. As a case study, he worked intensively on a dispute between the archbishop and the monks of Canterbury, which took place in 1187. A famous Italian lawyer, Pillius de Medicina, played a key role in this dispute, and Emanuele was able to describe the actual arguments he used in the trial.

Emanuele also edited a book on Cultural History of Law (Bloomsbury 2019), where he suggests a new interpretation of medieval law as a "practical science".

A part of his research has been devoted to reconsidering traditional historiographical interpretations: he published articles on the German social history and its connection with legal historiography of the romantic era, and on the impact of Harold Berman's book on Law and Revolution on European historiography.

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.

Having seen the publication of his encyclopedia entry 'Madison, James (1751-1836)', in *Encyclopedia of Diplomacy*, edited by Gordon Martel, vol. III, Wiley-Blackwell, Hoboken, 2018, pp. 1181-1183, Andrew has been working on the following:

- (i) An article on William Blackstone as 'Interpreter of the European Legal Tradition'.
- (ii) An English edition and translation of Calasso, F., *Introduzione al diritto comune*, Giuffrè, Milano, 1951, to be published as *Introduction to the Ius commune* by Brill.
- (iii) A chapter entitled 'The Nature of Custom: Legal Science and Comparative Legal History in Blackstone's Commentaries,' to be published in the forthcoming proceedings of the 2019 British Legal History Conference.
- (iv) The postscript published in Calasso, F., *Medio Evo del diritto*, Adelphi, (forthcoming).
- (v) An article entitled "Diritto e Rivoluzione", L'educazione giuridica di Thomas Jefferson', *Il Formichiere*, (forthcoming).
- (vi) Andrew has also submitted the manuscript for his monograph *Reading Law in Revolutionary Times: Thomas Jefferson and the Western Legal Tradition*, for review for publication.

During the past year he has held the following fellowships:

- October-December 2019: Postdoctoral Fellowship at the Max-Planck Institute for European Legal History.
- July 2019: Visiting Fellowship at the Robert H. Smith International Center for Jefferson Studies.

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 medieval 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 past year has focussed on the following:

- i)) The completion and submission of an article on the practice of 'collusive litigation' in the English Common Law.
- ii) The completion and submission of an entry for 'Common Law' in the *Routledge Medieval Encyclopaedia Online*.
- iii) The completion of a new edition and translation of the first part of the *Très Ancien Coutumier* of Normandy, based on the text found in the Vatican Library manuscript Ott. Lat. 2964. This will be sent to the publishers early next year.
- iv) Continuing work on actions of right found in the early plea rolls of the common law. Work has focussed in particular on the so-called 'Roll of those who put themselves on the Grand Assize in the time of Richard I' (*Curia Regis Rolls vol. I* pp. 1—14).

He has also consulted with the BBC for an online feature on trial by ordeal (<https://www.bbc.co.uk/news/uk-45799443>) and consulted with the magazine *Scottish Field* on an article about the trial of the Scottish protestant martyr Patrick Hamilton (January 2020 issue). He has filmed a segment on the early English law contained in the early-twelfth-century *Textus Roffensis* for the Smithsonian Channel's documentary series 'Mystic Britain' (airing Spring 2020).

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 École 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 Medieval 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 past year, Attilio has:

- (i) Published a transcription on the project website of the Pseudo Revigny ‘Summa feudorum’ as found in Parma Biblioteca Palatina, ms. Parm. 1227.
- (ii) Published a transcription on the project website of a Mnemonic Poem for memorising the structure of the second section of the *Decretum Gratiani*, as found in Berlin, SBPK 462.
- (iii) Published a transcription on the project website which reproduces the vulgata version of the *Libri Feudorum* as published in Karl Lehmann’s 1896 edition, with minor typographical improvements. This makes the text easily accessible and searchable online.
- (iv) Published ‘The Summa Feudorum of MS Parm. 1227: a Work by Iacobus Aurelianus (1250ca.)?’, *Reti Medievali Rivista*, 20/2 (2019).
- (v) Completed and submitted an article entitled ‘Bringing Feudal Law Back Home. Social Practice and the Law of Fiefs in Italy and Provence (1100-1250),’ *The Journal of Medieval Studies* (accepted for publication, exp. Summer 2020).
- (vi) Been working on a chapter entitled ‘In aliquibus locis est consuetudo. French lawyers, the *Libri Feudorum*, and the authority of local custom in the thirteenth century’, to be published in the forthcoming proceedings of the 2019 British Legal History Conference.

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 Medieval 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'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 has had two articles accepted for publication.

"Thomas Wolf c. Richard de Abingdon, c. 1293-1295: A Case Study of Legal Argument," *Journal of Ecclesiastical History* (September 2019) First View available online, journal issue to be allocated.

"Witnesses in the Thirteenth-century English Ecclesiastical Courts: The Procedure and Practice of Proof," *Studies in Church History*, Vol. 57. Accepted, in press.

ii) She is preparing a third article on bequests of land in English wills. This article consists of an examination of extant wills from 1066-1300, demonstrating that the strict rules regarding testamentary bequests were not always followed.

iii) She is continuing her work on the English Romano-canonical and Common Law treatises, and is currently examining the treatment of exceptions in Romano-canonical treatises *De edendo, Actor et reus, Ordo Bambergensis, Practica legum, "Olim,"* the *ordo* of Ricardus Anglicus, and the Common law treatise known as *Glanvill*.

iv) She is continuing her work on the 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). "Iudicium est trinus actus trium personarum" will be the next to be added to the project website (upload in February 2020).

v) She was awarded a Marc Fitch Special Projects Grant for further research on marginalia and marginal notes in the *ordines* manuscripts. This project examines the codicological and paleographical aspects of a subset of the *ordines* in order to ascertain both how these manuscripts were used and how this use affected their design.

vi) In March 2019, she gave the John Lewis Memorial Lecture at the University of Cardiff for the LLM in canon law, on the topic of medieval legal practitioners and their education.

New Researchers

2019 saw the appointment of two more postdoctoral researchers:

Dr Matt McHaffie



B.A. (Hons) (University of Victoria), PhD (University of St Andrews)

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Matt is a specialist on the formation and nature of customary law in France during the period c.1050–c.1250, focussing particularly upon western France. His specific research interests centre upon violence as a legal concept, the relationship between law and political structures, and the historiography of so-called ‘feudalism’. He has published on the subjects of violence, courts, and the intersection between law and ritual. Matt joined the ‘CLCLCL’ project in January 2019.

Since joining the project, Matt has been conducting research on warranty obligations in western France (1040–1270), using warranty as a lens through which to examine the formation of customary law in light of two divergent historiographical traditions (one Franco-phone, the other Anglophone). He is currently writing-up an article to submit for publication to a specialist legal history journal. Additionally, he continues to prepare his monograph on the development of a possessory remedy in western France before c.1150. He is also co-investigating a British Academy funded project on the nature of jurisdiction during the central Middle Ages in the medieval west, which runs from September 2019 to March 2021. This year, Matt gave papers at the University of Sheffield and at the American Society for Legal History in Boston (Ma.). He has also published an article in the journal *French History* (vol. 33, no. 1: 2019) entitled ‘The “Just Judgment” in Western France (c.1000–c.1150): Judicial Practice and the Sacred’; and has another journal article on the pardoning of fines for acts of violence in western France currently under review.

Postdoctoral Researcher

Dr Cory Hitt



B.A. (Hons) (College of William & Mary), PhD (University of St Andrews)

Cory received her PhD from the University of St Andrews in 2017. Her doctoral thesis, ‘“Establishing justice and telling stories”: Paradigms of norm transmission in 12th- and 13th-century Anglo-Norman and Old French literary and legal texts’, took a comparative approach to the rhetoric of medieval law and literature. She received her Bachelor’s degree in English from the College of William & Mary in 2011.

During her doctoral studies, Cory was an Early Career Researcher on the ERC-funded project ‘Power and Institutions in Medieval Islam and Christendom’. Her research focuses primarily on a comparison of the rhetoric of the various Old French and Anglo-Norman *coutumiers* by way of a detailed analysis of redemption of property and status. Her work takes a particular focus on status law as it relates to freedom and un-freedom, succession and contested alienation, and the gendered aspects of the heritability of status.

Doctoral Researchers

The project's doctoral researchers and associated doctoral researchers are now in their posts and progressing with their research:

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'. This 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. Dan's 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.

Dan's work over the last 12 months began with finishing his study of the marginalia in the Trinity College, Cambridge MS B.16.44 copy of the *Collectio Lanfranci*, discussing how it provides an insight into Anglo-Papal Relations, during Lanfranc's life. Since then he has been working on a comprehensive assessment of letters sent both to and from the papacy, in the years 1070-1140, which will form the second chapter of his PhD thesis.

Dan has presented his work at two conferences. Firstly, in Rome at the Workshop 'From Case to Rule, from Theory to Facts: at the Origins of the European Legal Culture', where he discussed his work on the *Collectio Lanfranci*. Then in Lancaster, at the BCMH Conference, where he presented his research on the 'The Norman Conquest of England, the Papacy, and the Papal Banner', which he has now submitted as an article to a journal.

In 2020 Dan will be involved in organising the final project Workshop in May and he is also part of a team of PhD students at St Andrews who have organised a whole day of papers on 'New Frontiers in Norman Scholarship' for the Leeds International Medieval Congress.

Doctoral Researchers (cont.)

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 findings of this work are the starting point of his PhD research for the CLCLCL project, entitled ‘The development of legal texts in late twelfth-century England and Italy’.

This year, David has completed both a transcription and a translation of the ‘*Summula de presumptionibus*’, as found in the ms. Vatican, BAV, Pal. lat. 653.[1] This is a treatise on legal presumptions in the form of brocards, which constitutes the first part of an unpublished collection of brocarda known as ‘*Perpendiculum*’. He has also published an article entitled ‘Moneta e cultura giuridica: Un brocardo di Azzone nella costruzione del diritto pecuniario medievale’ (*Tijdschrift voor Rechtsgeschiedenis* 87 (2019), forthcoming).

This paper gives an account of the Medieval legal theories on coinage and money in the Glossators’ era, and especially of the role played by a brocard of the jurist Azo (12th-13th century) in the elaboration of these theories. ‘David has presented his current research at two conferences. Firstly, in Rome at the Workshop ‘From Case to Rule, from Theory to Facts: at the Origins of the European Legal Culture’, where he presented a paper on ‘Dialectic in the development of medieval legal thought: a European history’; then in Frankfurt-am-Main, at the Max-Planck Summer Academy for Legal History 2019”.

Cinnamon Ducase



Cinnamon began to establish an interdisciplinary approach to legal history during her undergraduate degree at Birkbeck College. Here, she received the Chris Willis Prize, for her bachelor thesis on ‘Music in The Slave Laws of the C18th British Caribbean’.

Cinnamon was awarded a research scholarship in support of her Mlitt in Legal and Constitutional Research at St. Andrews. During this Mlitt, she turned her focus towards Roman Law and late antique literature.

As an ERC-funded doctoral researcher within the CLCLCL project, Cinnamon is conducting research into ecclesiastical property law in the Sixth-Century *Corpus Iuris Civilis*, with a view to its Twelfth-Century ‘reception’. Under the joint supervision of John Hudson and Caroline Humfress, she seeks to address the as yet unanswered question over how best to understand ecclesiastic ‘ownership’ in the late Roman East, both as it is presented in the legal sources and as it may have materialised in practice. Ultimately, this research aims to address questions over how property law may have functioned in the context of wider sociocultural conflicts in this period, with a view to the twelfth century.

Doctoral Researchers (cont.)

Associate Doctoral Researcher

Kim Thao Le



Kim's research interests aim at combining legal history with social and anthropological approaches.

She first obtained an LLB in French Law and Anglo-American Law, then a BA in History, followed by an LLM in Legal History and Anthropology, at the University of Paris Nanterre. In November 2016, she was awarded a three-year doctoral contract by the Doctoral School of Law of the University of Paris Nanterre where she worked as a teaching assistant in legal history, since she started her PhD under the supervision of Professor Christophe Archan.

In November 2018, Kim moved to the University of St Andrews to pursue her PhD in co-tutelle under the co-supervision of Professor John Hudson. The preliminary title of this thesis is 'Jurors as witnesses of reputation? From the legal value of reputation in criminal procedure to the issue of the origins of English medieval jury systematisation (c.12th-13th.)'. Kim's PhD project intends to address the issue of the origins and the progressive expansion of the jury system in English common law through the central notion of reputation. With research methods taking benefit from a multidisciplinary approach, her thesis will attempt to draw a theory of reputation in the medieval criminal jury system. This project also aims to contribute to the exploration of the influences and parallels of common law with Roman canon law. More largely, Kim's research focuses on the links and interactions between the English lay society and the central government.



University of St Andrews Department of Medieval History

Project News and Activities

Ordo Iudiciorum Workshop (Roma Tre), December 2018

On 1 December there was a workshop at Roma Tre University concerning the *ordines iudiciorum* in theory and in practice. It was opened by presentations by Sarah White (St Andrews) and William Sullivan (Chicago/Harvard), who are both currently working on medieval *ordines*.

Talking Law: The Jury on Trial, February 2019

In England on 26 January 1219 a royal order was issued to the king's travelling justices, to put into effect the decree of a Papal Council that had the effect of abolishing trial by ordeal. The need for a new mode of trial in criminal cases ended up with the use of jury trial, for so long a defining characteristic of English Common Law.

On 11 February 2019, at 7pm in the Arts Lecture Theatre, the Institute of Legal and Constitutional Research, in association with the CLCLCL project, put the institution of the jury itself on trial, with a debate on the motion 'This house believes that jury trial remains a virtue of the Common Law'.



John Hudson introduces 'The Jury on Trial'

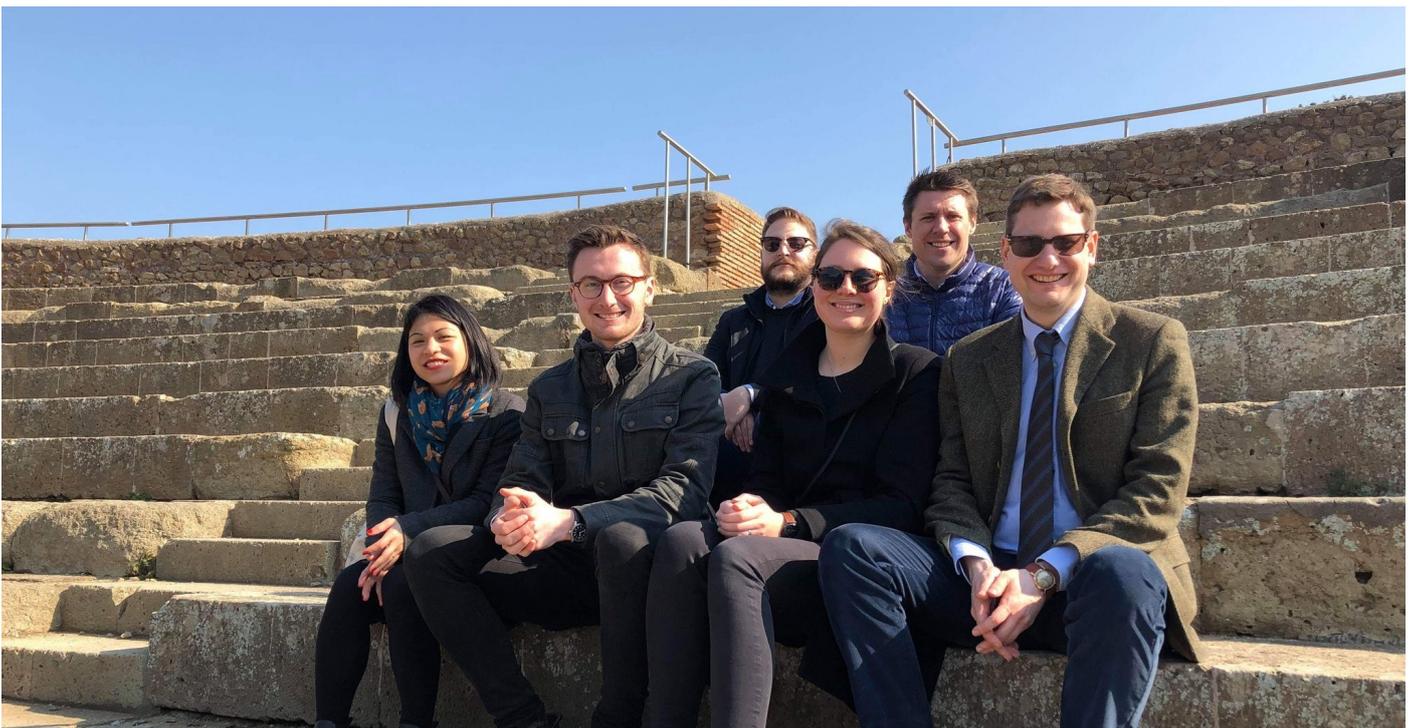
Atelier Doctoral at the École Française in Rome, February 2019

On February 18-23, Project director Professor John Hudson, senior researcher Professor Emanuele Conte, project post-doctoral researchers Dr Andrew Cecchinato, Dr Will Eves, Dr Attilio Stella and Dr Sarah White, and doctoral researchers Dan Armstrong and David de Concilio participated in the *Atelier Doctoral* at the *École Française* in Rome, on the theme: *'Dal caso alla regola, dalla teoria ai fatti: alle radici della cultura giuridica europea'*.



The doctoral week provided the opportunity for PhD and early career researchers to present their research and act as discussants to papers delivered by other attendees. Professor John Hudson delivered a keynote lecture on the subject of *Learning from casuistic approaches to Common Law*. Dan Armstrong gave a paper entitled *Politics, Law, and Ecclesiology in Anglo-Papal relations*, and David de Concilio presented on the topic of *Dialectic in the development of medieval legal thought: a European history*. The event was attended by a number of senior scholars from around Europe, who offered advice and support to the junior scholars who were present.

The week was punctuated by a visit to Ostia Antica on Wednesday 20 February, during which the *Atelier Doctoral* delegates were given a guided tour of the ancient Roman site. On the evening of the 21 February, the delegates were kindly welcomed to *Le Palais Farnèse*, the French Embassy in Rome, and given a tour of the library of the *École Française*, which is located in the building.



Ostia Antica on Wednesday 20 February

British Legal History Conference, July 2019



The twenty-fourth British Legal History Conference was held in St Andrews, 10–13 July 2019. The organizing team welcomed over 200 delegates to St Salvator's Quadrangle in St Andrews, where almost 80 speakers across 24 panels and four plenary sessions spoke about the conference's theme 'Comparative Legal History'.

The first day started with parallel sessions on topics in medieval, early modern and modern legal history, followed by the first keynote, given by Alice Taylor (King's College, London), who spoke about the Scottish legal tractate *Regiam Majestatem*, asking the question 'What's does Scotland's earliest legal tractate actually say (and what does it mean)?'. The day ended with a wine reception in Lower College Hall and sunny Sallie's Quad.

The next morning saw everyone reconvene for the second plenary session, where Janet McLean (Auckland) presented on 'Constitutional History, as History'. A day of parallel sessions followed, with panels on, among many other things, William Blackstone, medieval wills and testamentary cases, Scottish law, colonial and wartime law, as well as early medieval Irish and English law. Thanks to the unusually accommodating weather gods, delegates were invited to a wine reception in St John's Garden at the Department of Medieval History, before setting off to enjoy an evening in St Andrews.

The third day started with another round of parallel sessions on late medieval English, Tudor and colonial law, before Rebecca Probert (Exeter) gave the third plenary talk: 'What Makes a Marriage? Religion, the State, and the Individual in the Long Nineteenth Century'. The start of the afternoon was set aside for a walking tour of St Andrews, with Dr Bess Rhodes telling the fascinating medieval and Reformation story of the town. The final part of the day saw the third plenary session, which offered something different, namely legal practitioners, who spoke about legal history and their own work. The panel was made up of Justice Geoff Lindsay from the Supreme Court of New South Wales (whose paper is available [here](#)), Lorna Drummond QC, Sheriff of Tayside and Fife, and Hector McQueen, formerly of the Scottish Law Commission.



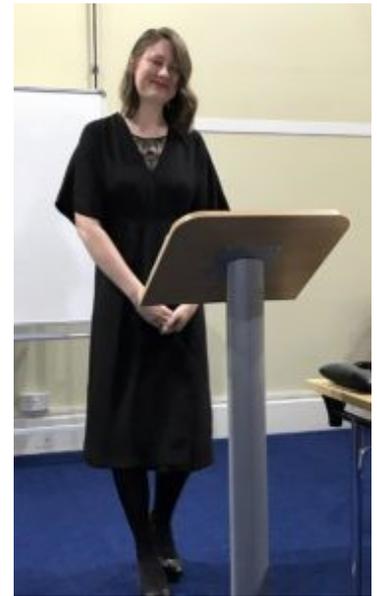
Another evening saw another wine reception, kindly sponsored by the Journal of Legal History, before the conference dinner, where it was also announced that the 2021 BLHC will be held in Belfast. A successful ceilidh put a fitting end to the final full day of the conference.

After an evening of Gay Gordons and Dashing White Sergeants, delegates reconvened for a final morning of parallel sessions with papers on topics such as maritime law, divorce law and language choices in medieval law. The final plenary – and the final session of the conference – was given by Ian Williams (UCL), on 'James VI and I, *Rex et Iudex*: One King as Judge in Two Kingdoms'.

Sarah White gives John Lewis Memorial Lecture (Cardiff), March 2019

Sarah White gave the annual John Lewis Memorial Lecture at the Centre for Law and Religion in Cardiff. Professor John Lewis, an associate of the Centre and professor at Windsor University Ontario, taught regularly from 1993 until his death in 1999.

Dr White's lecture was about the beginnings of the canon law profession in England and focused on three individuals: Roger de Cantilupe, a lawyer from the 1240s, Richard de Clyve, a judge from the 1290s, and an unnamed lawyer, also from the 1290s. Although we know a considerable amount about legal education at the universities, the details of the men who studied and practiced law are often less well known. Using the case records from the Court of Canterbury, this lecture highlighted elements of these men's careers – who they were, where they worked, and how they used their legal education.



Doctoral Researcher Dan Armstrong wins prize, July 2019

Dan Armstrong was awarded the prize for the 'Best Poster by a PhD Student' at the 42nd Battle Conference for Anglo-Norman Studies, which took place at Battle Abbey on the 19th-22nd July. He was able to attend the Conference having been granted one of the generous postgraduate bursaries awarded in honour of Muriel Brown.

ANGLO-PAPAL RELATIONS, C.1070-C.1150

DAN ARMSTRONG

The 4 Central Aims

1. Show the **periphery's** centrality for the **papacy**
2. Test a more **collaborative** and **consensual** model of **Anglo-Papal Relations**
3. Use a wide range of **sources**, as a corrective to the often **retrospective** and **polemical** monastic chronicles
4. Challenge the **'barrier'** thesis of **pope and king** in conflict over **competing** and **mutually exclusive** claims of **sovereignty**

Background

- c. 1070-c.1150 is a period when **Anglo-Papal** contact was **transformed**.
- The last comprehensive study of **Anglo-Papal Relations** was Z.N. Brooke's **'The English Church and the Papacy'** (1931).
- Since then the **relationship** has only been studied through the lens of particular **'types'** of history (ecclesiastical, legal, crusading etc.), creating silos of understanding.
- A narrative of **'conflict'** has dominated, rooted in **historiographical peaks**, focussed on moments of **crisis**.
- A more **comprehensive study** is needed to re-assess the **triangular relationship of Popes, Bishops, and Kings** after the **Conquest**.

Initial Findings: Lanfranc, the Papacy, and the *Collectio Lanfranci*

- Lanfranc was central in **shaping** the **relationship**, after the carefully choreographed events of 1070.
- The **'A/a'** marginalia and additional **documents** in Lanfranc's copy of the ***Collectio Lanfranci*** - **Trinity MS B.16.44** - give an insight into Lanfranc's **thought**, at Bec and Canterbury.
- Lanfranc's use of **Trinity** suggests that his **vision of reform** **'overlapped'** with **'the early reform papacy'**.
- The assessment shows a **relationship of compromise** - between **Popes, Bishops, and Kings** - whose aims **differed**, though they were **not mutually exclusive**.

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Online Dictionary and Video Encyclopedia

The CLCLCL project's encyclopedia of terms for students of medieval history has been launched. When complete, this encyclopedia will consist of several 'levels', each offering a more detailed discussion of various topics of importance to the study of legal history and the research concerns of the project.

'Level 1' provides a dictionary, containing short definitions of legal terms that may be encountered by those looking into medieval law. This is now available on the project website.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

abatement: The cessation of something, for example, a nuisance.

abduction: Leading a person away by force or deception; especially with reference to a woman.

abeyance: A gap in succession or ownership, during which no one is vested with title; temporary disuse.

abjuration: To leave a specified area, for example the realm, under oath never to return.

absolutio legibus: see *potestas absoluta*.

The rest of the encyclopedia will consist of longer definitions ('Level 2') or discussions of various subjects ('Level 3'). These will be filmed and made available online. Filming is almost complete.



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Andrew Cecchinato:

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Sarah White:

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Awards

Dan Armstrong was awarded the prize for the Best Poster by a PhD Student at the 42nd Battle Conference for Anglo-Norman Studies, which took place at Battle Abbey on the 19th-22nd July. He was able to attend the Conference having been granted one of the generous postgraduate bursaries awarded in honour of Muriel Brown.

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

In 2019 **John Hudson** was elected a member of the Academia Europaea.

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.