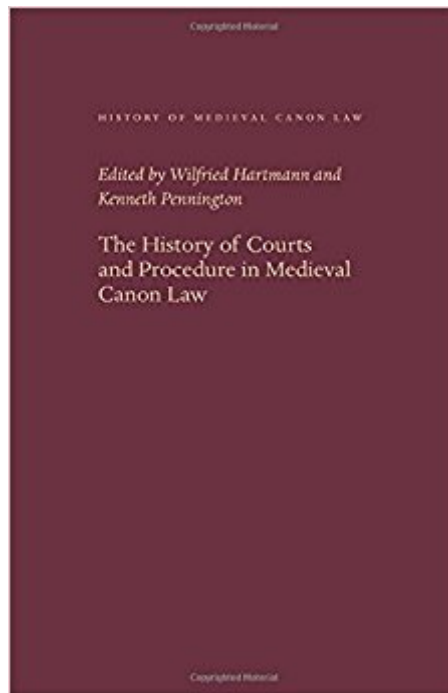




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# **The History Of Courts And Procedure In Medieval Canon Law (History Of Medieval Canon Law)**



## Synopsis

Understanding the rules of procedure and the practices of medieval and early modern courts is of great importance for historians of every stripe. The authors and editors of this volume present readers with a description of court procedure, the sources for investigating the work of the courts, the jurisprudence and the norms that regulated the courts, as well as a survey of the variety of courts that populated the European landscape. Not least, the authors wish to show the relationship between the jurisprudence that governed judicial procedure and what happened in the courtroom. By the end of the thirteenth century, court procedure in continental Europe in secular and ecclesiastical courts shared many characteristics. As the academic jurists of the *Ius commune* began to excavate the norms of procedure from Justinian's great codification of law and then to expound them in the classroom and in their writings, they shaped the structure of ecclesiastical courts and secular courts as well. These essays also illuminate striking differences in the sources that we find in different parts of Europe. In northern Europe the archives are rich but do not always provide the details we need to understand a particular case. In Italy and Southern France the documentation is more detailed than in other parts of Europe but here too the historical records do not answer every question we might pose to them. In Spain, detailed documentation is strangely lacking, if not altogether absent. Iberian conciliar canons and tracts on procedure tell us much about practice in Spanish courts. As these essays demonstrate, scholars who want to peer into the medieval courtroom, must also read letters, papal decretals, chronicles, conciliar canons, and consilia to provide a nuanced and complete picture of what happened in medieval trials. This volume will give sophisticated guidance to all readers with an interest in European law and courts

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"Medieval canon law can seem a forbidding field to non-specialists but is of crucial importance for understanding many key themes in medieval history: marriage and sexual behaviour; relations between Church and State; heresy and its persecution, among others. This distinguished series provides what historians of medieval Europe and of European law have long needed: an accessible, in-depth and authoritative survey of the field, each aspect covered by a renowned expert, and informing non-specialists and specialists alike of the current state of knowledge and latest scholarly debates and research in this vibrant field."-Peter Clarke, University of Southampton

Wilfried Hartmann is emeritus professor of the medieval history of canon law at the University of Tübingen. Kenneth Pennington is Kelly-Quinn Professor of Ecclesiastical History and Legal History at the Catholic University of America.

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