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Law as Profession and Practice in Medieval

Europe - Ms Melodie Harris Eichbauer

2013-07-28

This volume brings together papers by a group of scholars, distinguished in their own right, in honour of James Brundage. The essays are organised into four sections, each corresponding

to an important focus of Brundage's scholarly work. The first section explores the connection between the development of medieval legal and constitutional thought. Thomas Izbicki, Kenneth Pennington, and Charles Reid, Jr. explore various aspects of the jurisprudence of the *Ius commune*, while James Powell, Michael Gervers

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and Nicole Hamonic, Olivia Robinson, and Elizabeth Makowski examine how that jurisprudence was applied to various medieval institutions. Brian Tierney and James Muldoon conclude this section by demonstrating two important points: modern ideas of consent in the political sphere and fundamental principles of international law attributed to sixteenth century jurists like Hugo Grotius have deep roots in medieval jurisprudential thought. Patrick Zutshi, R. H. Helmholz, Peter Landau, Marjorie Chibnall, and Edward Peters have written essays that augment Brundage's work on the growth of the legal profession and how traces of a legal education began to emerge in many diverse arenas. The influence of legal thinking on marriage and sexuality was another aspect of Brundage's broad interests. In the third section Richard Kay, Charles Donahue, Jr., and Glenn Olsen explore the intersection of law and marriage and the interplay of legal thought on a central institution of Christian society. The

contributions of Jonathan Riley-Smith and Robert Somerville in the fourth section round-out the volume and are devoted to Brundage's path-breaking work on medieval law and the crusading movement. The volume also includes a comprehensive bibliography of Brundage's work. *Medieval Canon Law* - James A. Brundage
2022-08-05

It is impossible to understand how the medieval church functioned and, in turn, influenced the lay world within its care without understanding canon law. This book examines its development from its beginnings to the end of the Middle Ages, updating its findings in light of recent scholarly trends. This second edition has been fully revised and updated by Melodie H. Eichbauer to include additional material on the early Middle Ages; the significance of the discovery of earlier versions of Gratian's Decretum; and the new research into law emanating from secular authorities, councils, episcopal acta, and juridical commentary to

rethink our understanding of the sources of law and canon law's place in medieval society. Separate chapters examine canon law in intellectual spaces; the canonical courts and their procedures; and, using the case studies of deviation from orthodoxy and marriage, canon law in the lives of people. The main body of the book concludes with the influence of canon law in Western society, but has been reworked by integrating sections cut from the first edition chapters on canon law in private and public life to highlight the importance of this field of research. Throughout the work and found in the bibliography are references to current literature and resources in order to make researching in the field more accessible. The first appendix provides examples of how canonical texts are cited while the second offers biographical notes on canonists featured in the work. The end result is a second edition that is significantly rewritten and updated but retains the spirit of Brundage's original text. Covering all aspects of

medieval canon law and its influence on medieval politics, society, and culture, this book provides students of medieval history with an accessible overview of this foundational aspect of medieval history.

A Most Detestable Crime - Keith Burgess-Jackson 1999

Rape is one of the oldest crimes, yet in some ways it is the least understood. Criminal law classifies rape as a crime against the person along with murder, robbery, and battery. But in at least one respect rape is unique--with few exceptions its perpetrators are male and its victims are female. The gendered nature of rape raises questions of equality and fairness as well as about the scope of individual rights to autonomy, privacy, security, and bodily integrity. Rape is therefore an important subject for political and social philosophy as well as for ethics, feminist philosophy, and the philosophy of law. This collection of original essays by leading philosophers investigates the

philosophical dimensions of rape in all of its manifestations: act, crime, practice, and institution. The essays examine such issues as the nature of rape; the wrongfulness and harmfulness of rape; the relation of rape to racism, sexism, classism, and other forms of oppression; and the legitimacy of various rape-law doctrines (such as the corroboration requirement, the marital-rape exemption, and the reasonable-belief defense). Each contributor advances a novel argument and seeks to disentangle the conceptual, evaluative, and empirical issues that arise in connection with the crime. Editor Keith Burgess-Jackson provides a substantive introduction, a history of rape law, two extensive bibliographies, and a detailed index to round out this major addition to a much-needed philosophical discussion of rape. A Most Detestable Crime is among the first philosophical anthologies devoted exclusively to the subject of rape--as complex and interesting intellectually as it is pervasive and disturbing

socially. It is an essential reference work not only for legal and feminist philosophers, but for feminist scholars and practitioners in every field, including law, medicine, social work, and counseling. This volume will also be of interest to social, political, and legal theorists of every ideological and methodological persuasion.

The Chronicle of Henry of Livonia - Henricus (de Lettis) 2003

"The pope's call for a renewed holy war at the end of the twelfth century inspired not only the famous crusades in the Middle East but also a series of less celebrated yet undecidedly more successful Northern Crusades. Scandinavian rulers and German military monks conquered and settled the Baltic world, spreading Western values and Christianity. At the time, the region of Livonia (present-day Estonia and Latvia) was a crossroads of Germanic, Scandinavian, and Russian trade, culture, and religion. The Chronicle of Henry of Livonia provides insight into not only military operations in the East

during this tumultuous period but also the conflicted attitudes of an eyewitness, revealing the complex melding of religious motives with political aims."--BOOK JACKET.

Handbook of Medieval Sexuality - Vern L. Bullough 2013-01-11

Like specialists in other fields in humanities and social sciences, medievalists have begun to investigate and write about sex and related topics such as courtship, concubinage, divorce, marriage, prostitution, and child rearing. The scholarship in this significant volume asserts that sexual conduct formed a crucial role in the lives, thoughts, hopes and fears both of individuals and of the institutions that they created in the middle ages. The absorbing subject of sexuality in the Middle Ages is examined in 19 original articles written specifically for this "Handbook" by the major authorities in their scholarly specialties. The study of medieval sexuality poses problems for the researcher: indices in standard sources

rarely refer to sexual topics, and standard secondary sources often ignore the material or say little about it. Yet a vast amount of research is available, and the information is accessible to the student who knows where to look and what to look for. This volume is a valuable guide to the material and an indicator of what subjects are likely to yield fresh scholarly rewards.

The Medieval Origins of the Legal

Profession - James A. Brundage 2008-11-15

In the aftermath of sixth-century barbarian invasions, the legal profession that had grown and flourished during the Roman Empire vanished. Nonetheless, professional lawyers suddenly reappeared in Western Europe seven hundred years later during the 1230s when church councils and public authorities began to impose a body of ethical obligations on those who practiced law. James Brundage's *The Medieval Origins of the Legal Profession* traces the history of legal practice from its genesis in ancient Rome to its rebirth in the early Middle

Ages and eventual resurgence in the courts of the medieval church. By the end of the eleventh century, Brundage argues, renewed interest in Roman law combined with the rise of canon law of the Western church to trigger a series of consolidations in the profession. New legal procedures emerged, and formal training for proctors and advocates became necessary in order to practice law in the reorganized church courts. Brundage demonstrates that many features that characterize legal advocacy today were already in place by 1250, as lawyers trained in Roman and canon law became professionals in every sense of the term. A sweeping examination of the centuries-long power struggle between local courts and the Christian church, secular rule and religious edict, *The Medieval Origins of the Legal Profession* will be a resource for the professional and the student alike.

Sex and Society in the World of the Orthodox Slavs 900-1700 - Eve Levin

2018-09-05

In this pioneering book, Eve Levin explores sexual behavior among the peoples of Serbia, Bulgaria, and Russia from their conversion to Christianity in the ninth and tenth centuries until the end of the seventeenth century. By ranging across all these societies, Levin is able to fulfill three basic aims: to delineate the general character of sexuality among the Orthodox Slavs, to enrich that account by drawing our attention to regional variations in the sexual mores of these peoples, and to draw suggestive comparisons between the world of the medieval Orthodox Slavs and their contemporaries in the Latin West. Levin begins with a study of the ecclesiastical image of sexuality as expressed in didactic and literary texts, showing that the Orthodox Church was deeply suspicious of sexuality. Her second chapter, on canon law and marriage, examines the conditions for marriage, divorce, and remarriage, the obligation of the conjugal

relationship, and the impact of these rules on social order. Levin looks at church regulations concerning sexual relations among relatives by blood, marriage, spiritual kinship, and adoption in Chapter Three, and she devotes Chapter Four to prohibited sexual practices, both inside and outside of marriage. In the fifth chapter she studies Russian and South Slavic responses to rape, and demonstrates that these societies simultaneously censured violence against women and sanctioned the attitudes and social structures that justified it. Chapter Six deals with the rules on sexual conduct for the clergy, whose job it was to enforce sexual precepts. Throughout her work, Levin argues that, despite its conviction that sexual expression was diabolical, the medieval Orthodox Church approached sexual matters in a surprisingly practical way; its official sexual ethic corresponded to a great degree with popular views. Historians of the Slavic world, both medieval and modern, will welcome this

accessible study. It should also attract comparativists who work in such fields as church history, the history of women and the family, and the history of sexuality.

Christianity and Sexuality in the Early Modern World - Merry Wiesner-Hanks 2005-06-20
Christianity and Sexuality in the Early Modern World is the first global survey of such for the early modern period. Merry Wiesner-Hanks assesses the role of personal faith and the church itself in the control and expression of all aspects of sexuality. The book ranges over developments within Europe and beyond to the European colonies including Brazil, Mexico, South Africa and Goa, which were establishing themselves around the world. Christian missionaries and rituals and structures accompanied all of the imperial powers and the control of the sexuality of both indigenous peoples and colonists was an essential part of policy. The book is introduced with a clear, original and engaging account of the central

concepts in the study of sexuality in Christianity, such as shame, sin, the body, marriage and gender. Drawing on diverse evidence including literary, medical and historical the following sections chart changes in Western Christianity in the Late Middle Ages, Protestantism and Catholicism in Europe, Orthodoxy in Eastern Europe and Russia, and finally the Spanish, Portuguese, English and Dutch Colonies. Merry Wiesner-Hanks exciting book covers both the ideas and effects in each period. Christianity and Sexuality in the early Modern World includes discursive bibliographies which discuss major books and articles at the end of each chapter.

Marriage in Medieval England - Conor McCarthy 2004

A survey of attitudes to marriage as represented in medieval legal and literary texts. Medieval marriage has been widely discussed, and this book gives a brief and accessible overview of an important subject. It covers the entire medieval period, and engages with a wide range of

primary sources, both legal and literary. It draws particular attention to local English legislation and practice, and offers some new readings of medieval English literary texts, including Beowulf, the works of Chaucer, Langland's Piers Plowman, the Book of Margery Kempe and the Paston Letters. Focusing on a number of key themes important across the period, individual chapters discuss the themes of consent, property, alliance, love, sex, family, divorce and widowhood. CONOR MCCARTHY gained his PhD from Trinity College Dublin.

Retelling U.S. Religious History - Thomas A. Tweed 2023-09-01

This collection marks a turning point in the study of the history of American religions. In challenging the dominant paradigm, Thomas A. Tweed and his coauthors propose nothing less than a reshaping of the way that American religious history is understood, studied, and taught. The range of these essays is extraordinary. They analyze sexual pleasure,

colonization, gender, and interreligious exchange. The narrators position themselves in a number of geographical sites, including the Canadian border, the American West, and the Deep South. And they discuss a wide range of groups, from Pueblo Indians and Russian Orthodox to Japanese Buddhists and Southern Baptists.

The Origins and Role of Same-Sex Relations in Human Societies - James Neill 2011-10-03

This groundbreaking work draws on a vast range of research into human sexuality to demonstrate that homosexuality is not a phenomenon limited to a small minority of society, but is an aspect of a complex sexual harmony that the human race inherited from its animal ancestors. Through a survey of the patterns of sexual expression found among animals and among societies around the world, and an examination of the functional role homosexual behavior has played among animal species and human societies alike, the author arrives at some provocative conclusions: that a

homosexual or bisexual phase is a normal part of sexual development, that same-sex relations play an important balancing role in regulating human reproduction, that many societies have institutionalized homosexual traditions in the past, and that the harsh condemnation of homosexuality in Western society is a relatively recent phenomenon, unique among world societies throughout history. This well researched and meticulously documented book is the first that integrates into a coherent picture the startling revelations about human sexuality coming from the recent work of sexual researchers, psychologists, anthropologists and historians. The view that emerges, of an ambisexual human species whose complex sexual harmony is being thwarted by the imposition of an artificial understanding of nature, represents a new way of thinking about sex.

Sex, Law, and Marriage in the Middle Ages - James A. Brundage 1993

Carnal delight, marriage, concubinage, coital position, rape, impotence and frigidity as grounds for annulment, the status of women both within and outside of marriage, intermarriage between Christians and Jews, prostitution, and sodomy are among the topics discussed in 17 essays reproduced from their original publication, 1975-91. Much attention is paid to Canon Law and church policy.

Distributed in the US by Ashgate. Annotation copyright by Book News, Inc., Portland, OR *Sexual Practices & the Medieval Church* - Vern L. Bullough 1982

The book analyzes Christian assumptions about sexuality, chronicles the early institutionalization of these assumptions, and explores the theological debate about the meaning of marriage and the role of sex in marriage. The theological conception of sex, including issues such as rape, seduction, impotence, and prostitution, is then examined as it came to be developed by canon lawyers and

justified by medical and scientific writers. The book concludes with an overview of late medieval sex practices as seen in the literature of the period and in demographic studies.

Sexuality in Medieval Europe - Ruth Mazo Karras 2005

'The best short introduction to medieval sexuality that I have read: a remarkable book.' - Vern Bullough, *Reviews in History*

'Undergraduate and graduate students will find in Karras' book an extremely helpful guide to what can be a confusing and perplexing body of scholarship. Even established scholars are likely to find it enlightening as well as enjoyable.' -

James Brundage, *Journal of Ecclesiastical History* 'An impressively synthetic and highly readable survey of current scholarship on medieval sexuality that will be of considerable use in undergraduate and postgraduate teaching.' - Emma Campbell, *Signs* Sexuality in medieval Europe has become a vital scholarly field that is now recognized as central to the

study of the Middle Ages. Using a wide collection of evidence from the late Antique period up until the fifteenth century, this new edition of the standard overview on the topic demonstrates that medieval culture developed sexual identities that were quite different from the identities we think of today, yet that were still in some ways ancestral to our own. Challenging the way the Middle Ages have been treated in general histories of sexuality, Ruth Mazo Karras shows how views at the time were conflicted and complicated; there was no single medieval attitude towards sexuality any more than there is one modern attitude. The well-known lusty priest and the 'repressed' penitent have their roles to play, but set here in a wider context these figures take on fascinating new dimensions. Focusing on acceptable marital sexual activity as well as what was seen as transgressive, the chapters cover such topics as chastity, the role of the church, and non-reproductive activity. Combining an overview of

research on the topic with original interpretations, now updated with the latest scholarship and additional material from medieval Christian Europe, Jewish medieval culture and the Islamic world, *Sexuality in Medieval Europe* is essential reading for all those who study medieval history and culture, or who have an interest in the way sexuality and sexual identity have been viewed in the past. *Medieval Canon Law* - James A Brundage 2014-06-11

It is impossible to understand how the medieval church functioned -- and in turn influenced and controlled the lay world within its care -- without understanding the development, character and impact of 'canon law', its own distinctive law code. However important, this can seem a daunting subject to non-specialists. They have long needed an attractive but authoritative introduction, avoiding arid technicalities and setting the subject in its widest context. James Brundage's marvellously fluent and accessible

book is the perfect answer: it will be warmly welcomed by medievalists and students of ecclesiastical and legal history.

Law, Sex, and Christian Society in Medieval Europe - James A. Brundage 2009-02-15

This monumental study of medieval law and sexual conduct explores the origin and development of the Christian church's sex law and the systems of belief upon which that law rested. Focusing on the Church's own legal system of canon law, James A. Brundage offers a comprehensive history of legal doctrines—covering the millennium from A.D. 500 to 1500—concerning a wide variety of sexual behavior, including marital sex, adultery, homosexuality, concubinage, prostitution, masturbation, and incest. His survey makes strikingly clear how the system of sexual control in a world we have half-forgotten has shaped the world in which we live today. The regulation of marriage and divorce as we know it today, together with the outlawing of bigamy and

polygamy and the imposition of criminal sanctions on such activities as sodomy, fellatio, cunnilingus, and bestiality, are all based in large measure upon ideas and beliefs about sexual morality that became law in Christian Europe in the Middle Ages. "Brundage's book is consistently learned, enormously useful, and frequently entertaining. It is the best we have on the relationships between theological norms, legal principles, and sexual practice."—Peter Iver Kaufman, Church History

Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies - Angeliki E. Laiou 1998

This collection of essays addresses a number of questions regarding the role of consent in marriage and in sexual relations outside of marriage in ancient and medieval societies. Ranging from ancient Greece and Rome to the Byzantine Empire and Western Medieval Europe, the contributors examine rape, seduction, and the role of consent in establishing

the punishment of one or both parties; the issue of marital debt and spousal rape; and the central question of what is perceived as coercion and what may be the validity or value of coerced consent. Other concepts, such as honor and shame, are also investigated. Because of the wide range--in time and place--of societies studied, the reader is able to see many different approaches to the question of consent and coercion as well as a certain evolution, in which Christianity plays an important role.

Before the Closet - Allen J. Frantzen 2000-05
Examining the intolerance of homosexuality in the early medieval period, this study challenges the long-held belief that the early Middle Ages tolerated same-sex relations. The work focuses on Anglo-Saxon literature but also includes examinations of contemporary opera, dance and theatre.

Mediation and Love: A Study of the Medieval Go-Between in Key Romance and Near-Eastern Texts - Leyla Rouhi 1999-02-23

This study offers a comprehensive typology of the Figure of the Medieval go-between across several Near-Eastern and European genres, and pays special attention to the role of intertextuality and history in the conception of the figure.

Women and Gender in Medieval Europe - Margaret C. Schaus 2006-09-20

From women's medicine and the writings of Christine de Pizan to the lives of market and tradeswomen and the idealization of virginity, gender and social status dictated all aspects of women's lives during the middle ages. A cross-disciplinary resource, *Women and Gender in Medieval Europe* examines the daily reality of medieval women from all walks of life in Europe between 450 CE and 1500 CE, i.e., from the fall of the Roman Empire to the discovery of the Americas. Moving beyond biographies of famous noble women of the middle ages, the scope of this important reference work is vast and provides a comprehensive understanding of

medieval women's lives and experiences. Masculinity in the middle ages is also addressed to provide important context for understanding women's roles. Entries that range from 250 words to 4,500 words in length thoroughly explore topics in the following areas: · Art and Architecture · Countries, Realms, and Regions · Daily Life · Documentary Sources · Economics · Education and Learning · Gender and Sexuality · Historiography · Law · Literature · Medicine and Science · Music and Dance · Persons ·

Philosophy · Politics · Political Figures · Religion and Theology · Religious Figures · Social Organization and Status Written by renowned international scholars, *Women and Gender in Medieval Europe* is the latest in the Routledge Encyclopedias of the Middle Ages. Easily accessible in an A-to-Z format, students, researchers, and scholars will find this outstanding reference work to be an invaluable resource on women in Medieval Europe.

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