

NOVELLAE

News of Medieval Canon Law

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ICMAC

Response of ICMAC Board to the Survey

On behalf of the ICMAC Board, I should like to thank everyone who took part in the survey. Regrettably there were fewer responses than we would have liked and thus it is difficult to interpret the findings in any sort of definitive way. But as we know in the field of canon law, one small text can be the key to many things!

As the old saying goes, ask five people their opinion and you get at least eight different ones. A table is provided below to illustrate the range of opinions on the various proposed initiatives and priorities, along with the issue of membership.

Priorities

Almost everyone agreed that the organisation of the quadrennial International Congresses remains the chief priority. Thereafter, the range of responses to the other possible initiatives was quite diverse. Most respondents felt that the creation of a website was particularly important and indeed (judging from comments) urgent. There was rather more middling support for sponsoring sessions at conferences and supporting colloquia via subventions. A bursary scheme for postgraduate students and early career researchers was the highest priority for most after the website (this matches the high support for a discounted student membership level). Taking a role in developing local networks, however, was viewed somewhat ambiva-

lently though clearly not discounted. My own sense, being involved in a UK based network (Church, Law and Society in the Middle Ages (CLASMA)) that organises the canon law sessions at Leeds among other longer term plans, is that these sorts of networks could be important in bringing our subject to wider audiences of medieval and especially religious historians and research students (e.g. through conferences or sessions at Kalamazoo and elsewhere). There was a rather mixed response to collaboration as was the case with sponsoring research and editing projects; that said this was the highest priority for others. In the shorter term, an ICMAC website could at least play a role in disseminating news of projects and calls for collaboration (as could *Novellae*).

Membership

Interestingly, the bulk of the respondents were *not* ICMAC members and all save two indicated that they would consider becoming members, which is excellent news. As noted above, there was overwhelming support for a discounted student membership level, with a considerable number also favouring the possibilities of gradually paying annually up to a life membership.

Comments

We especially appreciated the comments made by the respondents, most of which indicated their enjoyment of the Congresses and pleasure at our consultation, along with urgent pleas for a website, for discounted

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Back issues of *NOVELLAE* | News of Medieval Canon Law are available at
to be announced

membership, for interim editions, approval of *Novellae* (which I should note is the initiative of Anders Winroth for the Stephan Kuttner Institute), and for a better mechanism for distributing the *Bulletin* (and who would not!).

The way forward....

Doing the survey is one thing and delivery is another. I suggest the following shorter term courses of action, whilst we ponder longer term initiatives.

I am asking the ICMAC Board to form a number of sub-committees to address: the issue of recruitment and membership, the development of an ICMAC website, a finance and bursary committee, along with a programming committee for Toronto, among possible others. Regrettably on the basis of the survey we cannot alter ICMAC's charter vis-à-vis membership levels but I would look for a formal ballot to make these changes as we cannot afford to wait until the next Congress. We also need to have mechanisms and forms in place so that individuals can easily join ICMAC, which could include opening a US\$ account.

It will also be important to distribute a financial statement as soon as possible.

I am hopeful that the design of the website can begin almost immediately.

I would like to see active measures for recruitment among new (and lapsed) members and also for us to bring ICMAC to the attention of other societies and networks through an email-campaign (which could also promote the forthcoming website).

In the coming weeks, in consultation with Joe Goering and other members of the Board, I will be drafting a long-term timetable for planning the congress in Toronto.

I will update you all in a coming issue of *Novellae*. In the meanwhile, please know that we are working hard to deliver for all medieval canonists and please feel free to contact me or the ICMAC Secretary, Greta Austin, with questions and comments.

Kate Cushing
President, ICMAC

ICMAC Survey Results Fall 2008

I. Please rank the following priorities (1 being the highest):

	1	2	3	4	5	6	7	8	100	x	Yes	?	No
a. Organise the Congress	22	1	1		1						1	1	
b. Promote the study of medieval canon law, in the following ways:													
A website	10	6	2	1	2		1	2	0	1	1		
Sponsoring sessions at conferences	1	6	4	2	4	2	2		1			1	
Funding colloquia or small conferences	1	2	4	3	1	5	3	2	1			1	
Funds for postgraduates/ early career researchers to present papers and/or to visit archives	2	6	6	4	1	1		3					1
Developing local networks (like CLASMA)		2	2	4	4	1	4	1	1	1	1		
Collaborate with other institutions and networks	2	3	2	1	4	3	2	3	1	1	1		
Sponsoring research/editing projects	4	4	3	3	2	2	2	8		1			1

II. Membership

	Yes	No	Lapsed	Unsure
a. Are you an ICMAC member?	10	16		
b. Would you consider becoming an (active) ICMAC member?	18	1		
c. Should there be a discounted student membership level?	19	3		
d. Should ICMAC return to different levels of membership or opt for the possibility of gradually paying annually up to a life membership?	16	5		1

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RECENT INSTITUTE PUBLICATIONS

Peter Landau and Gisela Drossbach, *Die Collectio Francofurtana: eine französische Decretalensammlung. Analyse beruhend auf Vorarbeiten von Walther Holtzmann†*. Monumenta Iuris Canonici, Series B, vol. 9. Città del Vaticano 2007. € 50.

Collectio canonum trium librorum, Pars altera: Liber III et Appendix, edidit Joseph Motta. Monumenta iuris canonici. Series B: Corpus collectionum 8 (Città del Vaticano: Biblioteca Apostolica Vaticana, 2008). 539 pp. ISBN: 9788821008290. € 70.

RECENT PUBLICATIONS

Greta Austin, *Shaping Church Law Around the Year 1000: The Decretum of Burchard of Worms* (Ashgate 2009). 358 pp. ISBN 978-0-7546-5091-1. £65.

This study sheds new light on the development of law and theology before the Gregorian Reform. Practical episcopal concerns and an appreciation of new scholarly methods led Burchard to be dissatisfied with the quality of the texts available to local bishops. Drawing upon new manuscript discoveries, the author shows how Burchard tried to create a new text that would address these problems. He carefully selected and compiled canons from earlier collections and then went on to tamper systematically with the texts he had chosen. By doing so, he created a book of church law that appeared to be based on indisputable authority, that was internally consistent and that was easy to apply through logical extrapolation to new cases. The present study thus provides a window into the development of legal and theological reasoning in the medieval West, and suggests that, thanks to the work of ambitious bishops, the flowering of law and theology began far earlier, and for different reasons, than scholars have heretofore supposed.

http://www.ashgate.com/default.aspx?page=637&calcTitle=1&title_id=7082&edition_id=8090.

Martin Brett and Kathleen G. Cushing, eds., *Readers, Texts and Compilers in the Earlier Middle Ages: Studies in Medieval Canon Law in Honour of Linda Fowler-Magerl* (Ashgate, 2009). ISBN 978-0-7546-6235-8. £ 55.

Contents: The Notitia Galliarum: an unusual Bavarian version (Roger E. Reynolds), Useful guilt: canonists and penance on the Carolingian frontier (Abigail Firey), Authority and the canons in Burchard's Decretum and Ivo's Decretum (Greta Austin), The Collection in 74 Titles: a monastic canon law a collection from 11th-century France (Christof Rolker), 'Intermediate' and minor collections: the case of the Collectio Canonum Barberiniana (Kathleen G. Cushing), Poitevin manuscripts, the abbey of Saint-Ruf and ecclesiastical reform in the 11th century

(Uta-Renate Blumenthal), Another re-examination of the council of Pisa, 1135 (Robert Somerville), Marital consent in Gratian's Decretum (Anders Winroth), Crimina que episcopis impingere dicis: the contribution of the Collectio Polycarpus to an early Ordo iudiciorum (Bruce C. Brasington), Margin and afterthought: the Clavis in action (Martin Brett), The origins of legal science in England in the 12th century: Lincoln, Oxford and the career of Vacarius (Peter Landau), 'My learned friend': professional etiquette in medieval courtrooms (James A. Brundage).

http://www.ashgate.com/default.aspx?page=637&calcTitle=1&title_id=9618&edition_id=10624

Charles Donahue, *Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge University Press 2007).

This is a study of marriage litigation in the archiepiscopal court of York (1300–1500) and the episcopal courts of Ely (1374–1381), Paris (1384–1387), Cambrai (1438–1453), and Brussels (1448–1459). All these courts were, for the most part, correctly applying the late medieval canon law of marriage, but statistical analysis of the cases and results confirms that there were substantial differences both in the types of cases the courts heard and the results they reached. Extensive additional material (over 300 pages) can be found and downloaded for free on the Cambridge University Press website. <http://www.cambridge.org/us/catalogue/catalogue.asp?isbn=9780521877282>

Gisela Drossbach and Hans-Joachim Schmidt, eds., *Zentrum und Netzwerk. Kirchliche Kommunikation und Raumstrukturen im Mittelalter*, *Scrinium Friburgense* 22 (Berlin: de Gruyter 2008), 369 pp. € 98. \$ 157.

This volume of collected papers approaches this topic from a number of directions, dealing above all with the organisation of papal power, legal processes and the ways in which religious ideas were communicated. The basic approach of the papers is to examine the history of communication and to analyse the paths of information exchange and the barriers to communication in a

Church which regarded itself as having universal authority and laboured to establish this claim.

www.degruyter.com

Abigail Firey, ed., *A New History of Penance*, Brill's Companions to the Christian Tradition, 14. (Leiden, 2008), 464 pp. ISBN 978-90-04-12212-3. € 125. \$ 200.

Contents: "Truth, Tradition, and History: The Historiography of High/Late Medieval and Early Modern Penance" (R. Emmet McLaughlin); "The Historiography of Early Medieval Penance" (Rob Meens); "Juridical Administration in the Church and Pastoral Care in Late Antiquity" (Kevin Uhalde); "Spiritual Guarantors at Penance, Baptism, and Ordination in the Late Antique East" (Claudia Rapp); "Topographies of Penance in the Latin West (c.800–c.1200)" (Dominique Iogna-Prat, translated by Graham Robert Edwards); "Blushing before the Judge and Physician: Moral Arbitration in the Carolingian Empire" (Abigail Firey); "Cum aliquis venerit ad sacerdotem: Penitential Experience in the Central Middle Ages" (Karen Wagner); "The Scholastic Turn (1100–1500): Penitential Theology and Law in the Schools" (Joseph Goering); "Penitential Theology and Law at the Turn of the Fifteenth Century" (Henry Ansgar Kelly); "Between the Reality of Life and the Order of Canon Law: The Holy Apostolic Penitentiary and the Supplications from Norway 1448–1531" (Torstein Jørgensen); "At Heresy's Door: Borromeo, Penance, and Confessional Boundaries in Early Modern Europe" (Wietse de Boer); "Embracing the 'True Relic' of Christ: Suffering, Penance, and Private Confession in the Thought of Martin Luther" (Ronald K. Rittgers); "Lay Piety and Community Identity in the Early Modern World" (Gretchen Starr-LeBeau); "Confessors as Hagiographers in Early Modern Catholic Culture" (Jodi Bilinkoff). <http://www.brill.nl/default.aspx?partid=227&pid=9562>.

Wilfried Hartmann and Kenneth Pennington, eds., *The History of Medieval Canon Law in the Classical Period, 1140-1234* (Washington, D.C.: Catholic University of America Press, 2008). 442 pp. \$ 64.95.

In this volume, there are essays on Gratian, the commentaries on Gratian, the beginnings of decretal collections and commentaries on them, and the importance of conciliar legislation for the growth of canon law. There are also chapters on the influence of Roman law on canon law and the teaching of canon law in law schools.

Contributors are James A. Brundage, Anne Duggan, †Charles Duggan, A. García y García, Joseph Goering, Michael H. Hoeflich, Peter Landau, Wolfgang P. Müller, Jasonne Grabher O'Brien, Kenneth Pennington, and †Rudolf Weigand.

Norman Tanner, *The Church in the Later Middle Ages*, The I.B. Tauris History of the Christian Church, vol. 3 (London and New York: I.B. Tauris, 2008). xxvi + 198 pp. £19.50.

Canon law is writ quite large in this survey of the late medieval Church. It features prominently and variously through the book's seven chapters: papacy and councils; clergy and religious orders; laity; knowledge and culture; heresy and dissent; eastern churches; Christendom and the non-Christian world. www.ibtauris.com

WORK IN PROGRESS

Regesta decretalium: Cheltenhamensis

In dem von Peter Landau und Gisela Drossbach getragenen DFG-Projekt über die Erschließung der "Regesta decretalium" arbeitet Gisela Drossbach an der Analyse der *Collectio Cheltenhamensis* (= *Chelt.*). Die bereits erste erstellte Fassung der *Chelt.* ist sodann Textgrundlage für eine Bewertung der Rechtsentwicklung im kanonischen Recht des 12. Jahrhunderts sein. Bei dieser inhaltlichen Analyse stehen Fragen nach der Vernetzung des in verschiedenen Regionen mit dem fast zeitgleich entstehenden *ius novum* im Vordergrund. Gerade anhand der möglichen Vorlagen der *Chelt.* sowie der Rezeption der *Chelt.* durch andere Sammlungen soll die Bedeutung für die Verbreitung des gelehrten Rechts und die Ausbildung des *ius novum* als ein raumübergreifendes, internationales System von Vernetzungen herausgearbeitet werden.

Untersuchungsgegenstand sind auch das sozioökonomische Umfeld sowie die kirchenpolitisch bedeut-

samen Rechtsfälle der *Chelt.* Neuerstes Ergebnis ist auch, dass die Genese der *Cheltenhamensis* bei einer wahrscheinlich monastischen Institution in der Diözese Lincoln, die an Teilen des Prozessrechtes ein besonderes Interesse hatte, zu finden ist. Die Ursprünge, Herkünfte sowie primären Funktionen von Dekretalensammlung können deshalb künftig aus einer umfassenderen Perspektive heraus gesehen werden als es noch vor der Analyse der *Collectio Francofurtana* und *Chelt.* möglich war. Diese angestrebte Publikation der *Chelt.* soll Vorbild und Vorreiter sein für das umfangreichere Digitalisierungsprojekt der *Regesta decretalium*.

WEBLINKS

Indexes to the Corpus iuris canonici 1582

In *Novellae* 1, we linked to the digital version of the original 1582 Roman edition of the *Corpus iuris canonici* at <http://digital.library.ucla.edu/canonlaw/>. Andy Kelly now informs us that edited indexes to the

Liber Extra are available on his website, <http://www.english.ucla.edu/faculty/kelly/>. Here are found both the *Margarita* (index to the *Decretals*) and the *Materiae singulares* (index to the Gloss).

FROM THE EDITOR

I am very grateful to the members of the Kuttner family who permitted us to use the wonderful photo of Stephan and Eva Kuttner: Elizabeth, Tom, and Steve Kuttner.

SUBSCRIPTIONS

For a (free) subscription to *Novellae: News of Medieval Canon Law*, or to unsubscribe, please contact our Subscription manager, Mr. Jin U. Kim at novellaemcl@gmail.com.

Layout by Two Miles Design.



*Stephan (1912-1996) and Eva (1914-2007) Kuttner on their terrace in 1992 or 1993.
Photo: Elizabeth Kuttner.*