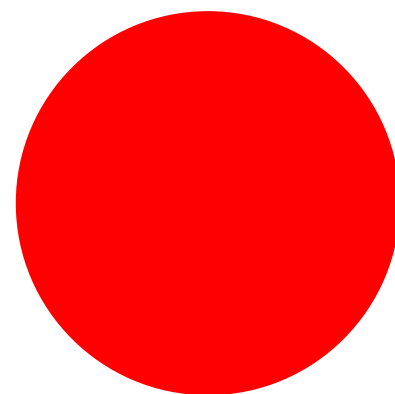


4th Workshop on Legal Culture

JURISTS AND THE MEDIIEVAL STATE 1000-1500

Varieties and Development
of a Symbiotic Relationship



Lisbon
7-9 September 2022

Organisers



Apoiado pela FCT no âmbito do projecto estratégico
com as referências UIDB/00749/2020 e UIDP/00749/2020
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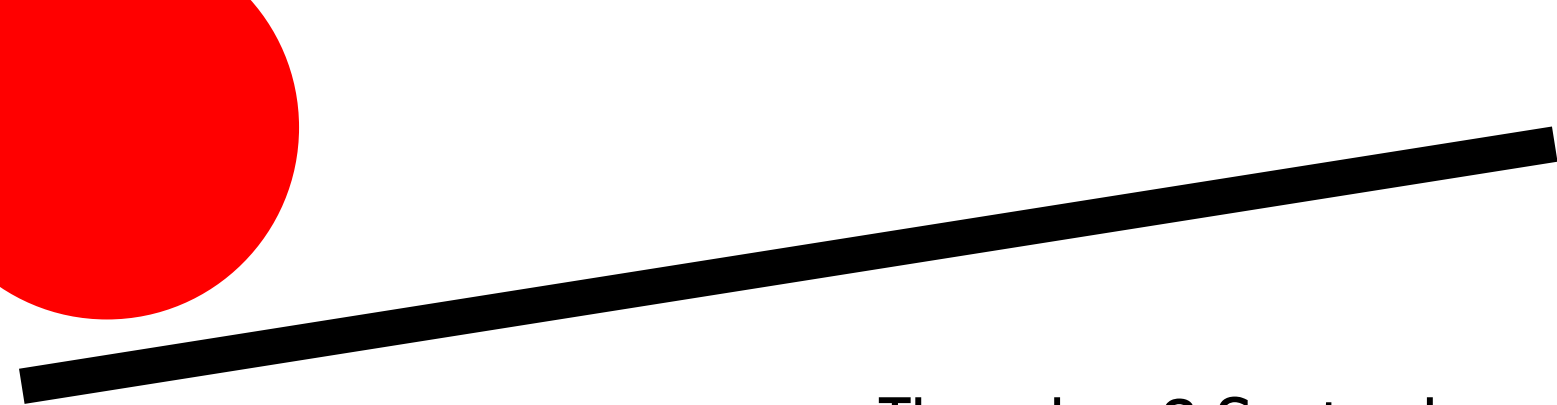
PROGRAMME



Wednesday, 7 September

- 9h30 ● Welcome and brief introduction
- 9h40 ● **Philippa BYRNE**
University of Oxford
« After Bologna, Before Naples: Jurists and Politics in Sicily and Southern Italy in the Twelfth Century »
Discussant: Massimo Vallerani
- 10h30 ● **Maria João BRANCO**
Universidade Nova de Lisboa
« In the Portuguese royal curia between Bologna and Rome: the role of jurists in the consolidation of a budding monarchy (12th-13th centuries) »
Discussant: Caroline Burt
- 11h20 ● Coffee break
- 11h40 ● **Yves MAUSEN**
Université de Fribourg
« William of Paull's use of canon and roman law in the *Epistola ad regem Edwardum III* »
Discussant: Maria João Branco

- 12h30 ● **Sara MENZINGER**
Università degli Studi Roma Tre
« Law in government: the contribution of learned legal thought to the Italian communal experience in the 12th century »
Discussant: Philippa Byrne
- 13h20 ● Lunch break
- 15h00 ● **Caroline BURT**
Pembroke College, Cambridge
« The Growth of the State in Thirteenth-Century England through the lens of theory, the common law and its practitioners »
Discussant: Yves Mausen
- 15h50 ● Coffee Break
- 16h10 ● **Richard PARTINGTON**
St John's College, Cambridge
« The law in government service in fourteenth-century England »
Discussant: Hillay Zmora



Thursday, 8 September

- 9h30 ● **Corinne LEVELEUX-TEIXEIRA**
Université d'Orléans
« Translating law to transform it. The French translations of the *Corpus iuris civilis* (XIIIth century) »
Discussant: Sara Menzinger
- 10h20 ● **Massimo VALLERANI**
Università di Torino
« Jurists and consultors facing political legislation against bandits: technical solutions and pragmatic law in medieval Bologna »
Discussant: Frederik Buylaert
- 11h10 ● Coffee break
- 11h30 ● **George GARNETT**
University of Oxford
« Why Bartolus of Sassoferrato was not a toad with feathers »
Discussant: Dante Fedele

- 12h20 ● **Dante FEDELE**
CNRS-Lille (CHJ UMR 8025)
« The sea and islands in late medieval juristic thought »
Discussant: Corinne Leveleux-Teixeira
- 13h10 ● Lunch break
- 15h00 ● **Gisela NAEGLÉ**
Justus-Liebig-Universität Gießen
« Faithfulness and Criticism: Jean Juvénal des Ursins
and his Family. Royal Officers between Town and
Crown »
Discussant: Richard Partington
- 15h50 ● Coffee break
- 16h10 ● **Hilay ZMORA**
Ben Gurion University of the Negev
« Jurists and the Transformation of Politics: Germany in
the Late Middle Ages »
Discussant: George Garnett



Friday, 9 September

- 09h00 ● **María Ángeles MARTÍN ROMERA**
Universidad Complutense de Madrid
« Serving the queen in late medieval Castile: the professionalization of *corregidores* and *continós* »
Discussant: Gisela Naegle
- 09h50 ● **Serena FERENTE**
Universiteit van Amsterdam
« Women in office: late medieval jurists and queenship in Naples »
Discussant: María Ángeles Martín Romera
- 10h10 ● Coffee break
- 11h00 ● **Frederik BUYLAERT**
Universiteit Gent
Kaat CAPPELLE
Universiteit Gent
Klaas VAN GELDER
Vrije Universiteit Brussel
« Princely Legislation and Seigneurial Justice in the County of Flanders, c. 1400-1550 »
Discussant: Patrick Lantschner

11h50 ● **Patrick LANTSCHNER**
University College London
« Living a Jurist's Life in Late Medieval Bologna »
Discussant: Serena Ferente

12h40 ● Closing remarks

13h00 ● Lunch



PREMISE AND GOALS



Historians have long accepted that university trained jurists, both clerical and lay, were instrumental to the development of medieval government. If justice was the cornerstone and the acid test of rulership in the central Middle Ages, its administration and the increasing technicality that is intrinsic to the bureaucratisation of the latter depended on the service of individuals trained in the law, the same ones who made their first headway in the post-Gregorian Church and whom universities in Italy, southern France and elsewhere in the twelfth and thirteenth centuries increasingly turned out in the *ius commune* mould.

The growth of the administrative apparatus of government and the expansion of its claims of authority and control on society combined with the thickening numbers of law graduates to broaden the scope of the service that jurists provided to rulers: from their natural habitats, the court of law and the chancery, they gradually moved into less familiar milieus and roles, such as the treasury and the council, the offices of regional administration and the responsibilities of diplomatic representation. Furthermore, jurists shaped government and politics in more informal and sporadic ways, as publicists and writers of legal consultations, for example.

This evolution of the roles jurists played in government as it developed and became more complex throughout the Middle Ages is precisely the theme of this workshop.

Specialists in different periods and regions of medieval Europe are invited to reflect

- on the nature of the service jurists provided to rulers;
- on the connexion between that service and the transformation of politics and government in a specific period;
- on the extent to which jurists were agents or instruments of that transformation;
- on their social extraction, on their typical training and career structure, on the manner of their recruitment and remuneration;
- on the relative weight of formal and informal service;
- on the extent to which the 'politicisation' of government in the later Middle Ages changed the nature of the service provided by jurists;
- on the contribution of jurists to the theorisation of government and politics, and on the relationship between their intellectual pursuits and their service to government.

Contributors are free to outline a general characterisation or to focus on one or several case-studies, but it is imperative that they reflect on, and try to engage with, the questions above that are relevant to their individual subjects. This will ensure a meaningful basis for discussion and will help to bring out more sharply, and with a modicum of analytical rigour, the stable as well as the dynamic aspects of the service of jurists to the medieval government between 1000 and 1500.

STRUCTURE OF THE WORKSHOP



The workshop quality of this meeting means that work in progress and experimentation are welcome and debate is privileged. To this end, contributors will be asked to provide a substantial preliminary version or extended summary of their papers — or, ideally, the definitive version of their papers — by 24 August. These preliminary texts will then be circulated among contributors, and each contributor will be asked to prepare a developed commentary on one assigned paper.

Papers will be in English. Oral presentations at the workshop will take 20 minutes, followed by 15 minutes for comments by the designated reader and another 15 minutes for general discussion.

We think that a concentrated debate, stimulated by a shared reflection and drawing on different scholarly backgrounds and historical sensibilities, is not only a rich and rewarding experience in itself, but also a sound foundation for envisaging a coherent collective publication. Therefore, and notwithstanding the exploratory and open-ended nature of this workshop, we will encourage contributors, in due course, to expand and rework their papers in light of the ideas discussed during the workshop, with a view to their publication in a peer-reviewed thematic volume.

ABSTRACTS

Philippa BYRNE

« After Bologna, Before Naples: Jurists and Politics in Sicily and Southern Italy in the Twelfth Century »

This paper considers the status and state of Roman law in the Kingdom of Sicily after the death of Roger II in 1154. In European terms, Roger is often depicted as a legal innovator, who used cutting-edge jurisprudence and expertise from Bologna to create a set of royal laws known as the Assizes of Ariano (c.1140). This paper argues that historians have too often failed to consider what happened after the 1140s and during the reigns of Roger's successors, William I and William II. This is a period in which absences in the historical record make it particularly difficult to follow the politics of the kingdom. The paper makes the argument that the royal relationship to law changed after Roger's death: Roger's engagement with formal Roman jurisprudence and school-trained jurists was a high-water mark, and his sons and grandsons did not (or could not) follow his example in defining their kingship through legal authority. Finally, it explores the evidence for legal specialists within the Norman kingdom and way in which legal learning was utilised and deployed in the later twelfth century: this was rarely as a means of enhancing royal authority, as it had been for Roger II.



Caroline BURT

« The Growth of the State in Thirteenth-Century England through the lens of theory, the common law and its practitioners »

In her paper, Caroline Burt looks at how the judiciary was constructed in thirteenth-century England and how it became more professionalised as the century progressed. She discusses the ways in which canon and Roman law influenced both English common law and the development

of the English state in the period, tying England and continental Europe together.



Richard PARTINGTON

« The law in government service in fourteenth-century England »

This paper explores how the creation of the common law in England drove judicial growth, as well as the emergence and expansion of the legal profession and legal education. It further examines how Edward III's extensive and directive embrace of the landed community in his desire to deliver good governance provided opportunities for lawyers who served private lords as well as royal government to contribute to the capacity of a growing state to deliver effective rule.



Corinne LEVELEUX-TEIXEIRA

« Translating law to transform it. The French translations of the *Corpus iuris civilis* (XIIIth century) »

The paper presents a corpus of translations of learned law made in French during the second half of the 13th century, probably in connection with the *Studium* of Orleans. These documents, known for a long time, have been neglected or even despised by historiography, particularly legal historiography. For the past ten years or so, they have been the subject of identification and publication work, under the aegis of the Ecole des Chartes. The first results of this research invalidate the hypothesis of the minor nature of these productions. On the contrary, the importance and quality of the translations and their proximity to customary books written at the same time in Northern France raises questions about the structuring of medieval legal culture and the relationship between the royal government, statute law and custom during the reign of Saint Louis.



Hilary ZMORA

« Jurists and the Transformation of Politics: Germany in the Late Middle Ages »

This paper is based on research on the reign (1440-1486) of the Hohenzollern Margrave – from 1470 prince-electoral – Albrecht 'Achilles' of Brandenburg, one of the most influential princes in the *Reich* in the fifteenth century. The first part of his reign was characterised by intense power struggles in Franconia. Many of the conflicts in which he was involved in 1440-1460 revolved around the extensive claims to jurisdictional authority made on behalf of his Provincial Court of the Burgraviate of Nürnberg (*Landgericht des Burggraftums Nürnberg*). The paper focuses on the role that jurists in the margrave's service played in formulating, grounding and defending in courts of law these jurisdictional claims.



María Ángeles MARTÍN ROMERA

« Serving the queen in late medieval Castile: the professionalization of *corregidores* and *continios* »

This paper discusses two royal offices (the *continios* and the *corregidores*) as a privileged field for observing the different tendencies and elements that collided in the professionalisation of jurists at the end of the Middle Ages in Castile. Instead of trying to trace a teleological progression, it focuses on how, during the reign of Isabella I (1474-1504) and the following years, different solutions were attempted, turning *continios* and *corregidores* into an experimental field that led to very different results and trajectories for each of these offices.



Patrick LANTSCHNER

« Living a Jurist's Life in Late Medieval Bologna »

We often tend to approach jurists from the perspective of their legal work, but in this paper I want to observe the kinds of lives which some of Europe's finest legal minds led in Bologna. My particular focus is on the involvement of jurists in the many political conflicts which this city

experienced in the later Middle Ages. Jurists were very much part of rebel coalitions: sometimes members of the city's prestigious *Collegio dei dottori* acted together, but often they found themselves on opposing sides of the political argument and were very much absorbed into the volatile political life of the city. The case of Bologna offers an opportunity to reflect about the distinctness of jurists as a social group and to interrogate their role in the development of states.



Frederik BUYLAERT, Kaat CAPPELLE and Klaas VAN GELDER

« Princely Legislation and Seigneurial Justice in the County of Flanders, c. 1400-1550 »

Our paper is concerned with the role of legal specialists in Flanders, a county that came to belong to a composite union known as the Burgundian-Habsburg Low Countries. The Valois Dukes of Burgundy and their Habsburg successors not only centralized fiscal and military resources, but they also articulated an increasingly ambitious project of legal innovations and a strong claim to sovereignty. We explore the nature and impact of these developments with special attention to the Council of Flanders, which functioned as the highest court of law in this principality and as the administrative centre for the proclamation of legal ordinances by the prince. We test the limits of established narratives on legal centralization with a detailed discussion of seigneuries, that is, enclaves in which public authority was the prerogative of a local dynasty rather than the prince. Firstly, our analysis of a corpus of seigneurial regulations shows that the impact of princely legislation on village regulations was fairly limited until the late sixteenth century. Secondly, our review of the workings of the Council of Flanders as a law court suggests that, just as in England, the growing strength of the state was essentially driven by a growing consumption of justice. The result was not radical centralisation, but rather the progressive integration of central and local law and justice.




DIRECTIONS

From the airport to the hotel

You will be staying at **Hotel Príncipe**, in the Avenidas Novas neighbourhood of Lisbon. The full address of the hotel is: [Avenida Duque de Ávila 201, 1050-082 Lisboa.](#)

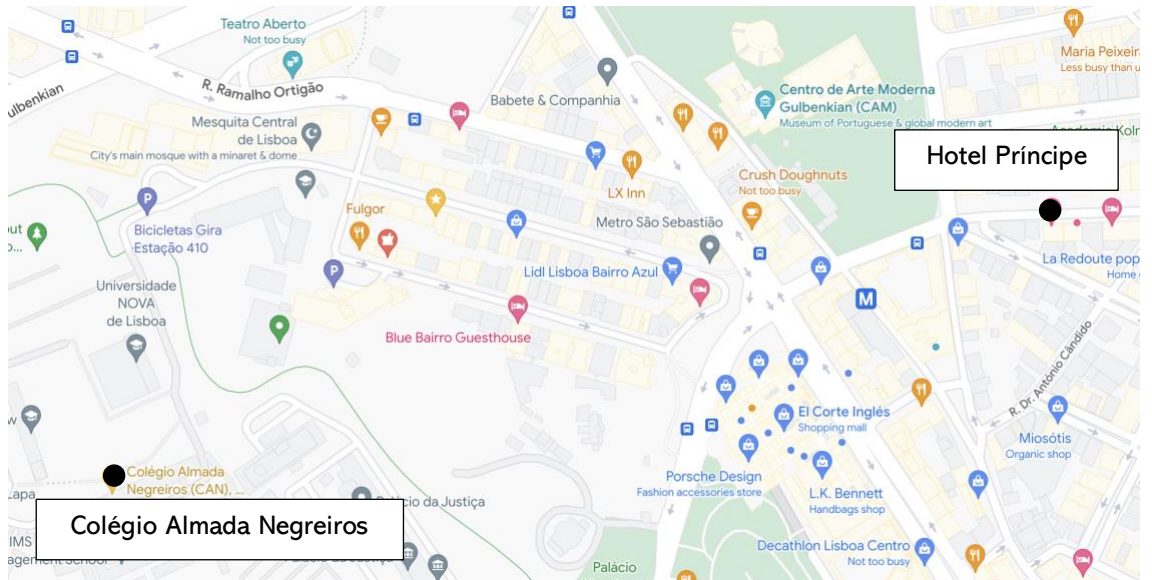
One way to reach the hotel from the airport is by **taxi** or one of the two ridesharing companies operating in Lisbon: **Uber** and **FreeNow**. Uber and FreeNow can be booked through their respective apps. If you prefer to take a taxi to the hotel, you can either hail one from the rank at the airport or book it through the IzzyMove app.

Alternatively, the **Red Line** of the Lisbon metro takes you directly to the hotel. The airport's metro station is opposite the terminal. Rechargeable tickets can be purchased from the ticket machines located in the station's concourse. To get to the hotel, take the metro bound for São Sebastião all the way to  **SÃO SEBASTIÃO** metro station. This station has several exits. Look for the Avenida Duque de Ávila exit: the hotel is immediately across the street from it.

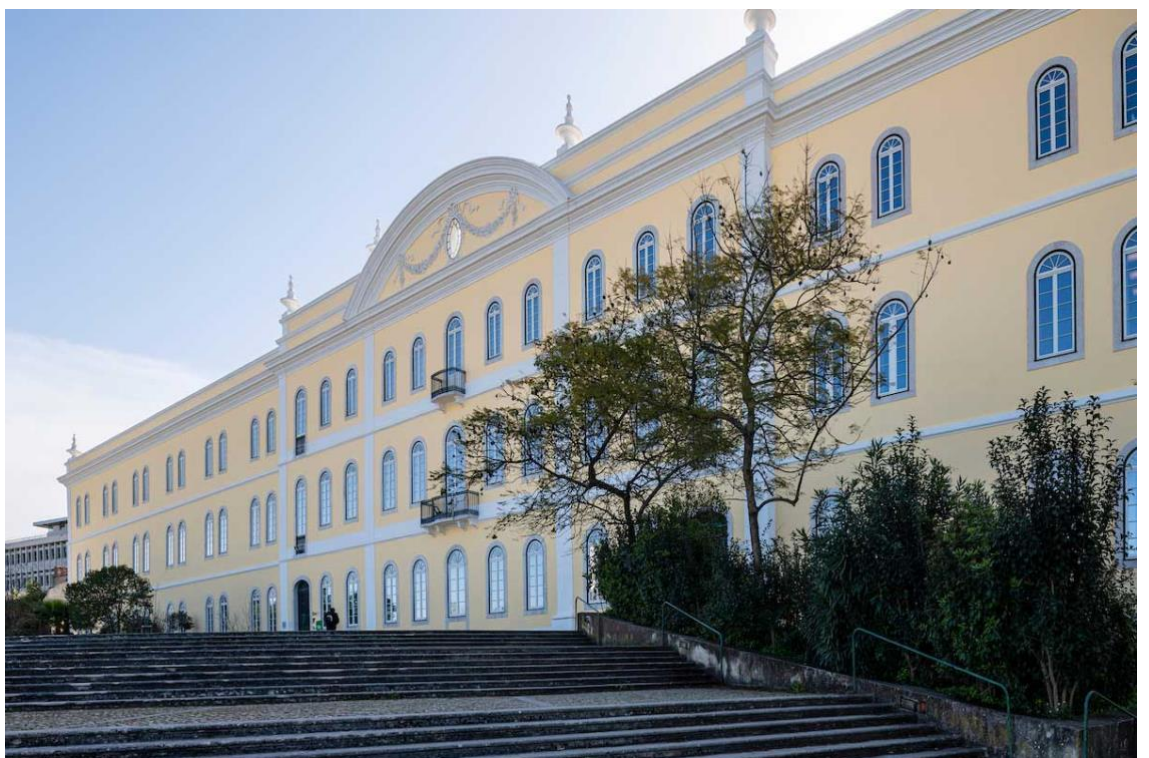


From the hotel to the conference venue

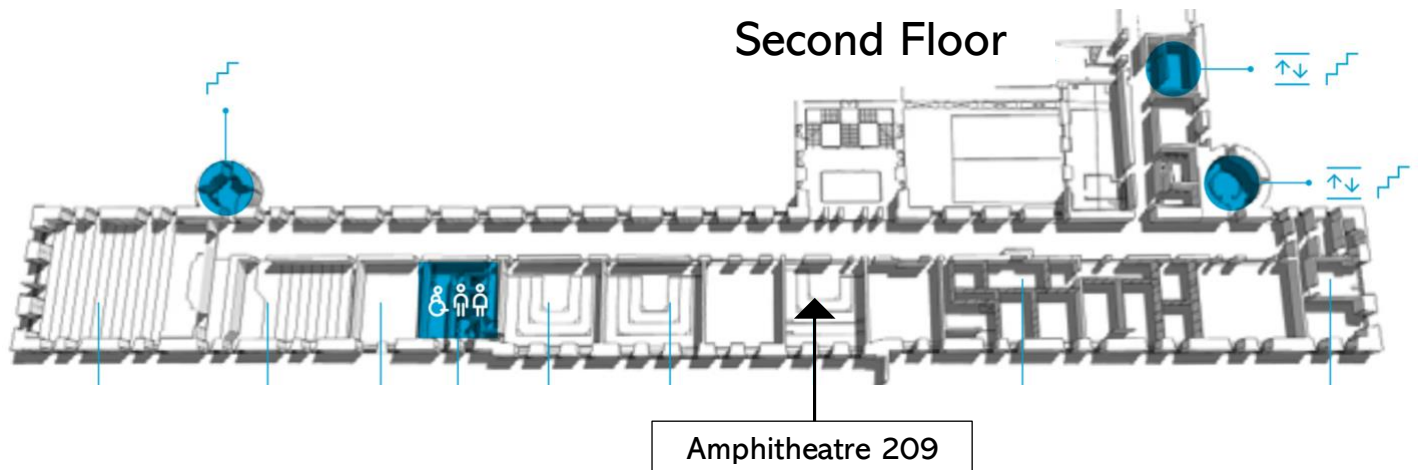
The workshop will take place in **amphitheatre 209** of the **Colégio Almada Negreiros**, a former Jesuit college built in the nineteenth century, which is nowadays part of the Campolide campus of the Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa. The college is a (leisurely) fifteen-minute walk from the hotel.



Enquiries on how to get to amphitheatre 209 can be made directly at the porter's desk, which is located in the main entrance to the college, seen here.



Amphitheatre 209 is on the second floor.









A detailed plan of the building (in Portuguese) can be downloaded here:

<https://www.fcsh.unl.pt/static/documentos/informacao/ColegioAlmadaNegreiros.pdf>

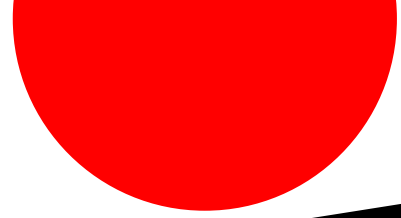
From the hotel to the city centre

The Avenidas Novas neighbourhood is a fairly central part of Lisbon, but it is still some way off from the city centre proper. The easiest and quickest way to get there is to take the metro.

At  SÃO SEBASTIÃO metro station, across the street from the hotel, you can get on the **Blue Line** (bound for Santa Apolónia), which services the central stations of  ROSSIO,  BAIXA-CHIADO and  TERREIRO DO PAÇO. From these you can easily explore the historic neighbourhoods of Alfama, Castelo, Bairro Alto/Chiado, Príncipe Real, as well as the Baixa Pombalina.

At  BAIXA-CHIADO, you can change to the **Green Line**, bound for  CAIS DO SODRÉ. Here there are connections by train (direction Cascais), bus (728 bound for Restelo) and tram (15E bound for Algés-Jardim) to the western neighbourhoods of Santos, Alcântara and Belém.

VISITING LISBON



Museums and historic sites (by neighbourhood)

Avenidas Novas

There is plenty to do and see in Lisbon, including near the hotel. The eclectic Museu Calouste Gulbenkian¹, with its lovely gardens, is only a stone's throw from it. Further afield, the Parque Eduardo VII, one of the city's main parks, connects the Avenidas Novas neighbourhood to the Avenida da Liberdade, which slopes down to the historic centre of Lisbon.

Castelo/Alfama

The São Jorge Castle, the Sé de Lisboa (Lisbon cathedral), the church of Santo António de Lisboa, the Panteão Nacional (national pantheon) and the church of São Vicente de Fora are all within a small walking distance. You can visit one of the sites of the Museu de Lisboa², devoted to the history of Lisbon, as well as the Museu do Aljube Resistência e Liberdade³, established in a former prison for political prisoners and dedicated to their resistance to the dictatorial regime that ruled Portugal from 1933 until 1974. Tile aficionados may wish to push further to the east and look into the Museu Nacional do Azulejo⁴.

¹ <https://gulbenkian.pt/museu/en/>

² <https://museudelisboa.pt/en>

³ <https://www.museudoaljube.pt/en/>

⁴ <https://www.visitlisboa.com/en/places/national-tile-museum>

Baixa/Chiado/Bairro Alto

The grid-like expanse of streets known as Baixa Pombalina, roughly comprised between the squares of Rossio (or Dom Pedro IV square), to the North, and Comércio, to the South, is one of the most coherent examples of eighteenth-century civil architecture in Europe. For those who prefer queueing to walking (uphill), the *Belle Époque* Santa Justa lift, built in 1902, offers quick and elegant transportation from the Baixa Pombalina to the adjacent neighbourhoods of Chiado and Bairro Alto. In addition to several baroque churches (São Roque, Nossa Senhora da Encarnação, Nossa Senhora do Loreto and *more*) and the Café A Brasileira, this part of Lisbon is home to several museums: the Museu Arqueológico do Carmo⁵, the Museu Nacional de Arte Contemporânea do Chiado⁶ (with a focus on Portuguese contemporary art), the Museu Nacional de História Natural e da Ciência⁷ or the Cinemateca Portuguesa⁸. Even though it is, alas, too early for the opera season, the São Carlos theatre may still be worth a detour. Diagonally opposite to each other across Rossio square, the roofless arches of the Carmo convent (struck by the 1755 earthquake) and the charred walls of the church of São Domingos (heavily damaged by fire in 1959) stand as a Hubert Robert-like reminder of the fatal strength of nature and the transience of human achievements. Consolation or oblivion may be found in the thimbles of cherry liquor sold nearby at A Ginginha.

Santos

The Museu Nacional the Arte Antiga⁹, the city's main fine and decorative arts museum, is located in Santos. It is definitely worth a visit, not least for its gardens overlooking the river Tagus. The Fundação Oriente¹⁰, devoted to Southeast Asian art, is not far from it.

⁵ https://www.museuarqueologicodocarmo.pt/info_en.html

⁶ <http://www.museuartecontemporanea.gov.pt/en>

⁷ <https://www.museus.ulisboa.pt/en/visit>

⁸ <https://www.cinemateca.pt/Entrada.aspx>

⁹ <http://www.museudearteantiga.pt/english>

¹⁰ <https://www.foriente.pt>

Belém

The Western neighbourhood of Belém is home to some of Lisbon's most famous historic sites and museums: the Jerónimos monastery, the tower of Belém, the Museu Coleção Berardo¹¹, the MAAT¹² (Museu de Arte, Arquitetura e Tecnologia) and the Museu Nacional dos Coches¹³. The latter – an entire museum dedicated to horse-drawn carriages – is a Portuguese oddity that is certain to appeal to those who privilege panache over comfort in their travels. The *pastel de Belém*, Portugal's culinary gift to the world, has its origin in the eponymous neighbourhood of Belém and is produced there to this day, in aristocratic indifference to the inferior versions of it (the demotic *natas*) sold across the rest of Portugal and the world. The longest queue marks the spot.

Flânerie

Lisbon is a city that lends itself to aimless exploration by foot, its seven hills notwithstanding. The village-like atmosphere of Alfama, with its narrow, winding streets; the bracing symmetry and perpendicularity of the Baixa Pombalina; the sloping prospects of the Tagus offered by the streets that stretch down from the Chiado all the way to the river front: all of this contributes to the architectural charm of Lisbon and is best experienced on foot. Moreover, weary walkers can expect to find physical solace and aesthetic contentment in the many belvederes or *miradouros* of the city. Here are a few of them, arranged by neighbourhood: Castelo/Alfama (besides the castle itself, *miradouros* of Graça, Portas do Sol, Senhora do Monte, and the Jardim do Torel); Chiado/Bairro Alto (Jardim do Príncipe Real and *miradouros* of São Pedro de Alcântara and Santa Catarina).

¹¹ <https://en.museuberardo.pt>

¹² <https://www.maat.pt/en>

¹³ <http://museudoscoches.gov.pt/en/>

Useful links and addresses

Turismo de Lisboa (Tourism Office)

Rua do Arsenal 21

1100-038 Lisboa

www.visitlisboa.com

Polícia de Segurança Pública – Tourism Police Station

Rua dos Restauradores 22

1250-096 Lisboa

Landline: 00351213421623

Hotel Príncipe

Avenida Duque de Ávila 201

1050-082 Lisboa

Landline: 00351213592050

Metropolitano de Lisboa (metro network)

<https://www.metrolisboa.pt/en/>

CARRIS (bus network)

<https://www.carris.pt/en/>

CP – Comboios de Portugal (railway)

<https://www.cp.pt/passageiros/en>

Emergency number: 112