THE MEDIEVAL WORLD

MEDIEVAL CANON LAW

SECOND EDITION

Melodie H. Eichbauer and James A. Brundage

ROUTLEDGE

MEDIEVAL CANON LAW

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.

Melodie H. Eichbauer is Professor of Medieval History at Florida Gulf Coast University, USA. She is the editor of *A Cultural History of Genocide*, *Vol. 2: The Middle Ages* (2021) and co-editor of *The Use of Canon Law in Ecclesiastical Administration* (2018). Her research focuses on the dissemination of legal knowledge; the interpretation of law; and the ways in which social, political, and intellectual developments and trends shaped both between ca. 1000 and ca. 1500.

James A. Brundage (1929–2021) was Professor Emeritus of History and, prior to his retirement, Ahmanson-Murphy chair of Medieval European History at the University of Kansas, USA. His publications included *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (2008), *Handbook of Medieval Sexuality* (1996) edited with Vern L. Bullough, and *Law, Sex, and Christian Society in Medieval Europe* (1987).

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MEDIEVAL CANON LAW

Second Edition

Melodie H. Eichbauer
Expanded and revised version of the
First Edition by
James A. Brundage

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For Prof. Brundage who inspired so many

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JAMES BRUNDAGE'S PREFACE TO THE FIRST EDITION

This book attempts to sketch the broad outlines of the development of the canon law of the Western church from its beginnings to the end of the Middle Ages, which, in this context at least, means until the commencement of the Protestant Reformation in the early sixteenth century. Growing numbers of medievalists during the second half of the twentieth century have come to realize that canon law formed a crucial component of medieval life and thought. Its rules affected the lives and actions of practically everyone, its enforcement mechanisms were increasingly able to reach into everyday affairs at all social levels, from peasant villages to royal households, and the ideas debated in the canon law schools constituted an influential and pervasive element in medieval intellectual life. The records of contentious matters that came before canonical courts as well as the archives of ecclesiastical administrators who applied (or failed to apply) canonical rules make up a very large fraction of the evidence that survives from the Middle Ages.

Serious study of medieval canon law quickly becomes highly technical. "[Law] schools make tough law," observed Frederic William Maitland, and as usual he was right on the mark. Canon law was extremely tough indeed, not only in the sense that it was institutionally strong and sturdy, but also in the sense that it was difficult and technical. Medievalists have usually preferred to shy away from its technical mysteries. I have tried in this book to avoid most technical details. I should, however, alert readers that canonical waters, although alluring, can also be treacherous and warn historians that they must be prepared to steer carefully when they embark on investigations that may bring them into the vicinity of canonical shoals.

I have incurred numerous debts in the course of writing this book. David Bates suggested the project to me during a chance encounter in the British Library tea room and I want to say here how glad I am that he did—it is a book that has long needed doing. Andrew MacLennan and his staff at Longman have been

both courteous and helpful throughout the process of bringing it to fruition. I am grateful as well for the institutional support I have consistently received from the University of Kansas, especially from its libraries and their staffs. I owe many debts to Kenneth Pennington, and not least among them is my gratitude, not only for reading the book in manuscript, but also for numerous suggestions that have improved it. I am likewise grateful to Charles Donahue Jr, for suggesting additional improvements and for saving me from some imprudent generalizations. Any faults that remain are mine alone.

MELODIE EICHBAUER'S PREFACE TO THE SECOND EDITION

The words from Prof. Brundage's original Preface continue to ring true and bear repeating: Canon law formed a crucial component of medieval life and thought. Its rules affected the lives and actions of practically everyone, its enforcement mechanisms were increasingly able to reach into everyday affairs at all social levels, from peasant villages to royal households, and the ideas debated in the canon law schools constituted an influential and pervasive element in medieval intellectual life. The records of contentious matters that came before canonical courts as well as the archives of ecclesiastical administrators who applied (or failed to apply) canonical rules make up a very large fraction of the evidence that survives from the Middle Ages.

That scholars acknowledge the above observations is a testament to the impact of research in medieval legal and ecclesiastical history. The first edition of *Medieval Canon Law* sought to sketch the broad outlines of the development of canon law in the Western church from its beginnings to the end of the Middle Ages. With almost 30 years since the publication of the first edition, the series editors Piotr Górecki and Warren Brown asked if I would take on the task of producing a second edition, a task that is a deep honor for me, after Prof. Brundage's illness prevented him from doing so. I wanted the core objective of this edition to remain the same, but it quickly became apparent that lightly revising Brundage's excellent volume was simply not possible. A bit of reworking was needed to reframe one of the great introductions to medieval canon law in light of recent discoveries and scholarly trends. What you read here, which in many ways is a substantive rewrite, are the results of that reframing, yet still inspired by the original volume. In some cases, I draw upon the original work, updating the arguments and adding references to current literature and resources to make researching in the field a bit more accessible. In most cases the revisions are substantial and significant with the original text changed to reflect trends in the scholarship. Greater attention, for example, has been paid to

canon law prior to the twelfth century. Exploring canon law's influence in other intellectual arenas serves as another example. Chapters have been retooled to provide more clarity. The chapter on canonical courts and procedure serves as one such example. The second edition also delves more into areas that students and scholars frequently find interesting, as in the case of the chapter on canon law in the lives of people. It, nevertheless, was important to me to end the work with Prof. Brundage. His observations on the influence of canon law in Western society continue to bear weight. This chapter, however, has been reworked to integrate sections from the first edition chapters on canon law in private and public life to emphasize the importance of this field of research. The end result is a second edition in which the spirit of Brundage's original text is retained though the work is significantly rewritten.

As one does, I have incurred a number of debts in the course of this work. First, and foremost, I owe tremendous gratitude to Prof. Brundage. It was his scholarship that made me want to study the Middle Ages. He also shaped, unknowingly, the type of teacher I wanted to become. He was such a generous person, giving his time to chat about legal history with and answer the questions of students at all levels of study. My mentor Kenneth Pennington, who received his MA in History at Wisconsin and studied under Prof. Brundage, embodies these characteristics. From him I learned the art of teaching and drawing the students into the conversation, mentoring students, and sharing whatever materials you might have. In working to honor those lessons, I owe a tremendous debt to David Blikstad who served as my student editorial assistant from the start of this project to its completion. While he was instrumental to compiling the bibliography, editing and formatting, and indexing, his true importance lay with reading, commenting, and talking through each chapter. As a potential user of the text, his eyes were critical to seeing where I assumed too much. He noted where concepts were covered too quickly, the flow from one point to another might be clouded, and where implications were not fleshed out. David is a testament to the fact that students contribute to and benefit our scholarship. I must also thank—and furnish with a few cocktails—the folks at FGCU's Bradshaw Library, Danica Summerlin, Stephan Dusil, Kate Cushing, Greta Austin, and Bruce Brasington for the assistance they provided. Last, and surely not least, I have to thank my husband Paul, who endured me talking out the day's work and setting up the next day's direction while we completely renovated the house in the evening. Even though you had to hear about it every day, Wog, you still have to read it. And if anyone needs renovating tips, email me; I'm happy to share.

My deepest hope is that this second edition honors Prof. Brundage's memory by continuing to serve the wider community of scholars.

Fort Myers, Florida
2022

LIST OF ABBREVIATIONS

Abelard	Abelard, *Sic et non*
AJLH	*American Journal of Legal History*
AKKR	*Archiv für katholisches Kirchenrecht*
BAV	Biblioteca Apostolica Vaticana
BL	British Library
BMCL	*Bulletin of Medieval Canon Law*, New series
BNF/BN	Bibliothèque nationale de France/Biblioteca nazionale
BSB	Bayerische Staatsbibliothek
C.	*Causa*
c.	canon (s), capitulum/capitula
ca.	circa
CCL	Corpus Christianorum, Series latina
CCCM	Corpus Christianorum, Continuatio mediaevalis
CHR	*Catholic Historical Review*
COGD	*Conciliorum oecumenicorum generaliumque decreta*, I: *The Oecumenical Councils of the Roman Catholic Church: From Nicaea I to Nicaea II (325–787)*; II/1*: From Constantinople IV to Pavia-Siena (869–1424)*; II/2*: From Basel to Lateran V (1431–1517)*, eds. Alberto Melloni et al., Corpus Christianorum (Turnhout: Brepols, 2006–2013).
col., cols.	column, columns
CSEL	Corpus scriptorum ecclesiasticorum latinorum
D.	*Distinctio*
d.a.c.	*dictum ante canonem / capitulum*
d.p.c.	*dictum post canonem / capitulum*
De cons.	*De consecratione* (= Part 3 of Gratian's *Decretum*)

De pen.	*De penitentia* (= C. 33 q. 3 of Gratian's *Decretum*)
DA	*Deutsches Archiv für Erforschung des Mittelalters*
DDC	*Dictionnaire de droit canonique*
DMA	*Dictionary of the Middle Ages*
EHR	*English Historical Review*
fol., fols.	folio, folios
HMCL	*The History of Medieval Canon Law in the Classical Period, 1140–1234*: *From Gratian to the Decretals of Pope Greogry IX*, eds.Wilfried Hartmann and Kenneth Pennington, History of Medieval Canon Law (Washington DC: Catholic University of America Press, 2008)
HCP	*The History of Courts and Procedure in Medieval Canon Law*, eds. Wilfried Hartmann and Kenneth Pennington, History of Medieval Canon Law (Washington DC: Catholic University of America Press, 2016)
JEH	*Journal of Ecclesiastical History*
JK, JE, JL	Jaffé, *Regesta pontificum romanorum*… ed. secundam curaverunt F. Kaltenbrunner (JK: an. ?-590), P. Ewald (JE: an. 590-882), S. Loewenfeld (JL: an. 882-1198)
JMH	*Journal of Medieval History*
LHR	*Law and History Review*
MGH	Monumenta Germaniae historica
Capit.	Capitularia
Conc.	Concilia
Const.	Constitutiones
Epp.	Epistolae (in Quart)
Epp. saec. XIII	Epistolae saeculi XIII
Epp. sel.	Epistolae selectae
Fontes iuris	Fontes iuris Germanici antiqui, Nova series
Ldl	Libelli de lite imperatorum et pontificum
LL	Leges (in Folio)
LL nat. Germ.	Leges nationum Germanicarum
SS	Scriptores
SS rer. Germ.	Scriptores rerum Germanicarum in usum scholarum separatim editi
SS rer. Germ. N.S.	Scriptores rerum Germanicarum, Nova series
SS rer. Lang.	Scriptores rerum Langobardicarum
MIC	Monumenta iuris canonici
PL	Migne, *Patrologia latina*
Potth.	August Potthast, *Regesta pontificum Romanorum* (Berlin, 1874–1875)
q.	*quaestio, quaestiones*
RB	*Revue bénédictine*

RDC	*Revue de droit canonique*
RHD	*Revue historique de droit français et étranger* (4e série unless otherwise indicated)
RHE	*Revue d'histoire ecclésiastique*
RIDC	*Rivista internazionale di diritto comune*
RS	Rolls Series (Rerum Britannicarum medii aevi scriptores)
SB	Staatsbibliothek/Stiftsbibliothek
SCH	*Studies in Church History*
SG	*Studia Gratiana*
Tanner	*Decrees of the Ecumenical Councils*, 2 vols., trans. Norman P. Tanner (Washington DC: Georgetown University Press, 1990)
TRE	*Theologische Realenzyklopädie*
ZKG	*Zeitschrift für Kirchengeschichte*
ZRG Kan. Abt.	*Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Kanonistische Abteilung

The Proceedings of the International Congresses of Medieval Canon Law will be referred to as (e.g.): *Proceedings Toronto 2012*

ABBREVIATED LAW BOOKS

BD	Burchard of Worms' *Decretum*
COD. THEOD.	*Codex Theodosianus*
1 Comp.	*Compilatio prima*
2 Comp.	*Compilatio secunda*
3 Comp.	*Compilatio tertia*
4 Comp.	*Compilatio quarta*
5 Comp.	*Compilatio quinta*
10P	*Collectio decem partium* ("Collection in Ten Parts")
74T	*Diversorum partum sententiae* ("Collection in Seventy-Four Titles")
Clem.	*Constitutiones Clementinae* (a part of *Corpus iuris canonici*)
Cod.	*Code* (a part of Justinian's *Corpus iuris civilis*)
Dig.	*Digest* (a part of Justinian's *Corpus iuris civilis*)
Ep. Jul.	*Epitome Juliani*
Extrav. comm.	*Extravagantes communes* (a part of *Corpus iuris canonici*)
Extrav. Iohan.	*Extravagantes Iohannis XXII* (a part of *Corpus iuris canonici*)
Gloss. ord.	*Glossa ordinaria*
Grat.	Gratian's *Decretum*
Inst.	*Institutes* (a part of Justinian's *Corpus iuris civilis*)
ID	Ivo of Chartres, *Decretum*
Nov.	*Novellae* (a part of Justinian's *Corpus iuris civilis*)
Pan.	*Panormia*
Polyc.	*Polycarpus*
VI	Boniface VIII's *Liber sextus* (a part of *Corpus iuris canonici*)
X	*Liber extra* (Gregory IX's *Decretales*; a part of *Corpus iuris canonici*)

INTRODUCTION

Most of the written records that survive from the European Middle Ages are legal documents. They include such things as charters, registers, writs, contracts, wills, court rolls, tax records, and other written instruments of civil administration. They also include ecclesiastical legal documents, such as the canons of councils and synods, collections of church law, the act books and cause papers of ecclesiastical courts, bishops' registers, mandates, memoranda, formularies, monastic cartularies, and numerous other artifacts of ecclesiastical administration. Likewise the chronicles, annals, and other narrative sources upon which historians also rely are typically filled with accounts of lawsuits and other legal actions that arise from property disputes, treaties, crimes, and the punishment of malefactors, not to mention domestic matters, such as marriages, dowries, divorces, and the disposition of estates. All of these had profound legal consequences and were governed by legal rules, many of them highly technical. Even medieval poets on occasion employed the language of the law to describe the legal consequences of love and marriage, betrayal and perjury, adultery and rape, death and mourning.

Some grasp of medieval laws and legal conventions is accordingly essential for the study of almost any facet of medieval life. But which laws? Medieval laws came in abundant variety. Multiple legal systems coexisted and overlapped within the same town or region, each with its own complex rules and conventions as well as its own system of courts that applied them. Manorial law, feudal law, municipal law, royal law, maritime law, merchant law, Roman law, and canon law all nestled cheek by jowl with each other in medieval communities. Each claimed its special areas of competence, to be sure, but jurisdictional claims frequently competed with one another and disputes over jurisdictional questions erupted with lamentable regularity.

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Worldly-wise and canny litigants, however, could find ways to manipulate this competition for jurisdiction to their own advantage. Multiple courts and legal systems gave individuals and institutions the opportunity to take their lawsuits to the jurisdiction that seemed most likely to produce the result that they wanted in the shortest time and at the least expense. This does not mean, of course, that all medieval litigants acted rationally, any more than their modern counterparts do. But the situation certainly furnished clear-headed parties with ample opportunity either to stretch out or abbreviate the settlement of their legal claims, depending upon what best suited their interests.

To penetrate the mists of the legal documents that survive from any of the multiple jurisdictions that flourished in the Middle Ages requires some knowledge of the subtleties and conventions of the legal language and procedures peculiar to that jurisdiction. In legal records, as historians have occasionally learned to their sorrow, things are seldom what they seem. The words "By force and arms" (*vi et armis*) in English common law documents, for example, do not necessarily mean that the trespass of which the petitioner complains involved either weapons or physical coercion—at least not in any ordinary meaning of these terms. *Vi et armis* was simply a technical formula necessary to bring the matter under royal jurisdiction. Similarly the "clerics" who appear in ecclesiastical documents were not always religious professionals, while some full-time religious professionals, such as nuns or members of military religious orders, for example, were technically not "clerics" at all. Likewise, a "libel" (*libellus*) in canon law need not be defamatory, nor does it mean a "little book", which is another possible definition—in legal records, however, the term refers to the formal petition for redress necessary to initiate an action before a canonical judge. The terminology of legal documents is often baffling to the uninitiated, and people have complained about this for centuries.[1]

Canon law occupied a unique niche among the legal systems that flourished in the Middle Ages. While most legal systems were confined to a particular region or locality, canon law emerged as a working and often quite effective international law. With relatively few exceptions, the same canonical rules applied everywhere in Latin Christendom and, at least in principle, its rules applied equally to everyone, regardless of gender, class, or social standing. Thus dynastic alliances between royalty at the upper end of the social scale and peasant marriages at its lower end were both subject to the same body of canonical marriage rules. This does not mean, of course, that in practice canonical courts treated princes and ploughmen with even-handed impartiality. The canonical legal system, like any other, often—perhaps too often—fell short of its ideals. What was remarkable, however, was that impartial equality was a canonical ideal at all.

This book aims to provide an introduction to the fascinating field of medieval canon law. It seeks to provide an orientation to its history, development, and

1 John of Salisbury, *Policraticus, sive de nugis curialium*, 2 vols, ed. C. C. J. Web (Oxford, 1919), 5.19, 1:350–351; cf. E. K. Rand, "Ioannes Saresberiensis sillabizat," *Speculum* 1 (1926): 447–448. Jonathan Swift made a similar complaint in *Gulliver's Travels*, pt. 4, ch. 4.

interaction with the world in which it operated. The first edition of this book, authored by James Brundage, sought to sketch the broad outlines of the development of canon law in the Western church from its beginnings to the end of the Middle Ages. The core objective of this second edition remains the same, but after almost 30 years since its publication a light revising was simply not possible. A bit of reworking was needed in the light of recent discoveries and scholarly trends. The second edition, rooted in the original volume, is in many ways a different work. Chapter 1, "Law in the Early Christian Church," lays the foundation for canon law with the norms that developed in the early Christian Church to guide its members and to help individual communities navigate questions confronting its faithful. These norms originated in the Bible, in the writings of the Patristic Fathers, in decrees of church councils, and in papal decretals. Alongside these sources, Roman emperors of the fourth century would have a tremendous impact on the status of the Church and Roman law would serve as a secondary source for the canonical tradition. Norms that regulated Christian monasticism would also complement the canonical tradition. Texts found in these sources would be recopied into the canonical collections that began to appear at the turn of the fifth century.

Chapter 2, "Canon Law in the Early Middle Ages," delves into the realization that canon law in the early Middle Ages was truly an era in which law did not emanate from one centralized authority in the form of a "state". Law was not simply a top-down measure. Law, rather, came from a diverse variety of legislative bodies, be it secular rulers, church councils, the papacy, penitential manuals, or monastic rules. These sources were not isolated from but rather crisscrossed one another. The products of these legislative bodies—along with Scripture and the writings of the Church Fathers also discussed in Chapter 1—were then selected for their applicability and gathered into a wide assortment of collections that served the needs of both the compiler and its community of users, needs that included the administration of justice, ecclesiastical governance, liturgical services, pastoral care, and overall spiritual welfare of both the religious and the laity. The early Middle Ages also saw the secular and the sacred becoming more intertwined as Frankish kings sought to harness the political advantages ecclesiastical institutions could offer. With the ascension of Charlemagne and the birth of the Carolingian empire, the secular and sacred came closer together. As the Carolingian empire faced headwinds and there was a perception of disarray, canonical collections and episcopal handbooks offered some mechanism for safeguarding, at least in theory, societal norms.

Chapter 3, "Canon Law amid the Eleventh-Century Reform Efforts," explores how canon law was used to address complaints about the influence of the secular sphere on ecclesiastical institutions and the drastic deterioration in the discipline of the clergy and of the spiritual services that began to surface by the beginning of the tenth century. From the pontificates of Leo IX (1049–1054) through Calixtus II (1119–1124), a key focus of papal and conciliar policy was to eliminate lay inference by ridding the church of the twin vices of simony and nicolaitism (clerical marriage). The papacy's interjection of its authority led to clashes with the

German emperors, known as the Investiture Controversy, and with it a wide use of legal sources to justify each party's position. Yet calls for reform were not isolated to the papacy. During this extremely active period in the proliferation of legal texts, compilers created and adapted to the law to create collections that suited the needs of its users, be it to preserve monastic privileges, bolster episcopal rights, or administer the diocese more effectively. There existed a negotiation of the legal material to suit a purpose shaped by the individual's environment, and since every compiler's environment was different, each collection would be different in order to suit the needs of that environment.

Chapter 4, "Gratian and the Decretists," places one of the most important canonical collections of the Middle Ages into the overall intellectual revolution taking place at the turn of the twelfth century. Irnerius's teaching of Roman law in Bologna revived the *Corpus iuris civilis* (Body of Civil Law), the product of the sixth-century Eastern Roman Emperor Justinian's call for a reform of the legal system. As Irnerius was reviving the study of Roman law in Bologna, schools in northern France—the cathedral schools of Chartres, Reims, and Notre Dame in Paris; and the monastic schools of Bec, and Ste-Geneviève and St. Victor on the Left Bank of Paris—were likewise thriving for their focus on the *artes liberales* (liberal arts) and the development of the scholastic method, a method of inquiry that provided tools to analyze, cross-reference, and reconcile texts. The face of these two movements was Gratian, a Bolognese *magister* (teacher) of law whose *Decretum* became the textbook for the teaching of law across Europe and England, which, in turn, sparked new methods of commentary to facilitate teaching as well as to further clarify or correct Gratian's understanding of the law. These commentors, known as Decretists, hailed from Anglo-Norman region, northern France, the Rhineland, and Italy. They sought to clarify, elaborate, and even contradict Gratian's understanding of the law.

Chapter 5, "Decretal Collections and the Decretalists," engages in the papacy as a driver of law in the twelfth century. Papal decretals, which had been a feature of the canonical tradition since late antiquity, began to play a more important role. Popes took an active role in holding councils, whether in person or via their legate, which resulted in conciliar legislation. Jurists gathered these papal decretals and conciliar acts into new collections to keep lawbooks current since the circulation of Gratian's *Decretum* earlier in the century. Just as canonists had commented on the *Decretum*, some of these same jurists, along with others of the age, commented on the decretal collections compiled. Known as Decretalists, they were steeped in both the law found in Gratian as well as Roman law, which was burgeoning at places such as Bologna. The "new law" (*ius novum*) found in these decretal collections, together with the "old law" (*ius vetus*) found in Gratian's *Decretum*, produced a unified body of canon law studied at universities and used by administrators. Despite a unified body of law, the source of law had taken a distinct turn with the thirteenth century. No longer was it the mining of the wide variety of texts from older collections which included texts from a diverse variety of legislative bodies: ancient church councils and papal decretals, the writings of Church Fathers, secular rulers,

penitential manuals, and monastic rules. With the thirteenth century, legal norms largely emanated from the centralized authority of the papacy.

Chapter 6, "Canon Law in Intellectual Spaces," explores canon law's place in the wider intellectual climate. Penitentials and confessors' manuals of the twelfth and thirteenth century drew on the principles and sources of canon law to instruct the priest in the salvation of the sinner's soul. The treatises of thirteenth-century theologians saw the natural and divine law as found in the canonical collections as critical to keeping the faithful on the path to salvation. The twelfth and thirteenth century also ushered in the age of the *ius commune*, principles found in Roman and canon law, that established a set of universal legal principles and concepts, jurisprudential norms, customary legal norms, and constitutional norms. They factored into the courtroom, as seen with expert legal opinions known as *consilia*. They filtered into secular and customary legal collections across Europe as rulers and administrators considered—or were forced to consider—what was fair and just. The principles of the *ius commune*, principles which were woven into and inseparable from canon law, were neither the musings of law faculty nor the ideals of their students; they were the reflections on, and the application of, equity.

Chapter 7, "Canonical Courts and Procedure," delves into the evolution of the canonical courts and procedural norms. This chapter begins by laying bare the various ecclesiastical courts, their personnel, and their purpose. Diocesan and synodal courts served in most cases as the court of first instance, with the court of the archbishop, or metropolitan's court, serving as a court of appeals or court of first instance in egregious cases. By 1325, the decisions of the papacy's external forum, the Roman Rota, had overtaken decretal letters as the principal vehicle for legal innovation in the Western church while the papacy's internal forum, the Apostolic Penitentiary, served as the "tribunal of conscience." Canonical procedural law grew increasing systematized between the twelfth and fourteenth centuries. Persons with formal legal training came to shape and operate this sophisticated, technical, and complex body of law. Under these circumstances, it is scarcely surprising to discover that jurists also became progressively more concerned with problems of procedural law and jurisprudence. Thus, they produced manuals and treatises to help judicial personnel navigate these waters. These works served as indispensable tools to the trial process and creating an atmosphere in which due process and justice could be upheld. The second part of this chapter turns from courts to procedure. It explains the evolution of the principles of due process, the different types of procedure, the course of a trial, and the development of procedural manuals used by officers of the court.

With canon law permeating the entire medieval social order, Chapter 8, "Canon Law in the Lives of People," uses the case studies of deviation from religious norms and marriage to explore ways in which law was imposed on people, but also how people used the law for their own ends. The papal inquisition is probably the most famous example of how the institutional Church and its legal apparatus involved itself in the lives of people who had strayed from accepted belief. Serving penitential and punitive functions, it was *the* forum for detecting and correcting deviant