



*Law and Private Life in the Middle Ages: Proceedings of the Sixth Carlsberg Academy Conference on Medieval Legal History 2009*, Per Andersen, Mia Münster-Swendsen & Helle Vogt (eds), DJØF: Copenhagen 2011. 257 pp.

Twenty-first century society seems to be characterized by TMI (or ‘too much information’). Flip on the TV and you will easily find numerous shows dedicated to the personal lives of celebrities (and others who are just 15 minute celebrities). Social media allows us to document and share with friends the minutiae of our everyday existence. Sometimes it feels like we are privy to too much information. Yet for the medievalist, reconstructing the lives and relationships of ordinary people living centuries ago is a painstaking task. In a culture where most people were illiterate and thus unable to record their personal thoughts, hardships, and dreams, it is not surprising that historians must look to other sources for answers.

Legal records are a rich source of information on medieval society. Medievalists such as Richard Helmholz and his groundbreaking work, *Marriage Litigation in Medieval England*,<sup>1</sup> and Father Michael Sheehan whose essays were collected in *Marriage and Family in Medieval Europe*<sup>2</sup> were trailblazers in their use of legal records. Many historians subsequently have creatively used legal documents and records to understand the lives of ordinary people. There have been dozens of studies undertaken over the past four decades using the legal resources of almost every medieval European location. In fact, Brill Publishers even has a series called *Medieval Law and Its Practice* which includes such titles as *Marriage Advice for a Pope* and *Regional Variations in Matrimonial Law and Custom in Europe, 1150–1600*.

The volume *Law and Private Life in the Middle Ages* grew out of an interdisciplinary conference held in Copenhagen in 2009 between April 29 and May 1. A total of thirty presenters hailing from thirteen countries spoke about a wide range of topics in medieval legal history spanning 1,000 years and stretching from Byzantium to Iceland. Unfortunately, this volume could not bring together all the papers. Nevertheless, *Law and Private Life in the Middle Ages* comprises a robust sampling of essays illustrating the diversity of the topics covered. The book contains an introduction, fifteen articles and a concluding ‘Contributors’

<sup>1</sup> Cambridge University Press: Cambridge 1974.

<sup>2</sup> James K. Farge ed., University of Toronto Press: Buffalo 1996.

section containing short biographies.

The editors start with an introduction where they outline the theme of the book and conference and provide a summary of the papers included. Fittingly, the first essay is by Richard Helmholz entitled 'Were the English Ecclesiastical Tribunals Courts of Law?' In this, Helmholz seeks to establish whether the church courts followed the letter of the law or whether they sometimes diverged from it in order to make a more appropriate decision. The cases include marriage and divorce, wills and testaments, tithes, ecclesiastical dues, and defamation. Helmholz concludes that they did both, depending on the circumstances of any particular case.

The second essay in the book is Kirsi Salonen's 'The Apostolic Penitentiary and Domestic Violence.' Salonen seeks to understand how the tribunal of the Roman Curia addressed the issue of violence not only between husbands and wives, but also among priests, parents, children and indeed any groups living in close contact with each other. The records date back to the reign of Pope Pius II (1458–1464). Salonen observes that only .0023% of the petitions brought before the papal court dealt with domestic violence.

Christof Rolker's essay 'Marital Economy and Female Naming Practices in Late Medieval Germany' examines the correlation between married women controlling property and the use of maiden names. It seems that women who had control over their property often used their maiden names in business transactions. Frederik Keygnaert's essay 'Canonical Legislation on Incest and Excommunication in Sixth-Century Gaul' discusses whether excommunication during this early Merovingian period had any kind of effect when it came to powerful political figures like King Sigismund. Using both the text of Gregory of Tours (ca. 538–594) and decisions from Merovingian councils of the sixth century, he concludes that excommunication was difficult to enforce.

Frederik Pedersen in 'Privates on Parade: Impotence Cases as Evidence for Medieval Gender' discusses the custom of English church courts seeking to prove impotence in men by using 'good and honest women' who would attempt to excite the men under examination. Looking at a handful of cases, Pedersen discovers that sometimes a man was able to avoid being subjected to this type of trial, and how in other cases, the court seems to have replaced the 'good and honest' women with prostitutes for the task at hand. By the middle of the fifteenth century, even the use of men as 'witnesses' was not unknown. Helge Dedek's 'School of Life: Learned Law and the Scholastic Habitus' examines Scholasticism as an academic way of life rather than simply an abstract philosophy.

In 'Prosecuting and Proving Sexuality Infidelity at the Court of King Arthur: The Case of Guinevere v. Lanval,' Stephen White argues that the famous story actually followed traditional judicial procedures of the late twelfth and thirteenth century. Bruce Brasington in 'Private Life in Canon Law Collections Attributed to Bishop Ivo of Chartres' asserts that it is only in Bishop Ivo's (ca. 1040–1115) *Decretum* that we can find a section in canon law that specifically addresses the laity. Harry Dondorp in 'Civil Custody as Coercive Measure in Medieval Law' discusses the use of confinement in seventeenth century Holland.

'Canon Law and Celibacy: The Sexual Urges of the Secular Clergy in Fifteenth-Century Bruges' by Hendrik Callewier demonstrates that even though canon law demanded that clerics remain celibate, churchmen in Bruges still committed rape, frequented prostitutes, and engaged in sex with married women. Clerical concubinage was ubiquitous. Callewier argues that in the second half of the fifteenth century such behavior was less tolerated, mostly because of pressure from the laity.

Bjørn Bandlien's 'Sexuality in Early Church Laws in Norway and Iceland' examines whether the introduction of Christianity in the early eleventh century affected Norse and Icelandic views of sexuality. The author concludes that it did not initially, because the Church was more interested in ensuring that new Christians took part in the sacraments such as baptism and marriage.

Chiara Benati's 'Voremunde Hebben: Children, Elderly and Impaired People in Eike von Repkow's *Sachsenspiegel*' examines how the oldest book of customary law in Germany considered legal guardianship between 1209 and 1233. In 'Family from a Perspective of Dying – Evaluating the Power of Testaments,' Jakub Wyszumłek observes how last wills became secularized and widely used by wealthy burghers in fifteenth century Poland. The concept of a will was introduced by the Church and challenged the traditional rules of inheritance. Also discussing Poland, Łukasz Truściński's 'Marital Cases of Town Inhabitants in the Church Courts of Medieval Poland' looks at fifteenth-century episcopal records in Cracow and Lublin to see what kinds of marital issues were brought before the courts. Interestingly, most of the people who came before the episcopal court were less affluent townspeople.

In his 'Private Citizens Between Law and Politics in a Tuscan Town,' Mario Ascheri takes a look at Siena in the thirteenth and fourteenth centuries as it entered the modern period. As society became more complex in Siena, new legislation needed to be passed to deal with the changing nature of crime, trade, taxes and the status of foreigners.

The biggest drawback of this volume is that the topics lack cohesion. Some articles examine municipal legislation, others look at ecclesiastical records and one even looks at literature. Aside from examining 'private life', which in and of itself is a somewhat vague category, there is really no larger theme connecting all the articles. However, this does not detract from the importance of the essays selected. Rather, it is illustrative of interdisciplinary conferences. Although conferences almost always have a theme, they welcome studies from a broad range of topics that fit within that theme.

Overall, *Law and Private Life in the Middle Ages* is an asset to any medievalist interested in social history. The wide range of topics and locations treated in this volume is indicative as to how useful legal sources have been in helping us to understand the personal lives of the ordinary people in the Middle Ages.

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