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 ambivalently 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

Stephan Kuttner Institute
of Medieval Canon Law
President: Peter Landau
Geschwister-Scholl-Platz 2
D-12344 München, Germany
info@kuttner-institute.jura.uni.muenchen.de

Iuris Canonici Medii Aevi Consociatio
President: Kathleen G. Cushing
k.g.cushing@keele.ac.uk

NOVELLAE
News of Medieval Canon Law
Editor: Anders Winroth
P.O. Box 208324
New Haven CT 06520-8324, USA
anders.winroth@yale.edu

www.kuttner-institute.jura.uni-muenchen.de
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):

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

**II. Membership**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Lapsed</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are you an ICMAC member?</td>
<td>10</td>
<td>16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Would you consider becoming an (active) ICMAC member?</td>
<td>18</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Should there be a discounted student membership level?</td>
<td>19</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Should ICMAC return to different levels of membership or opt for the possibility of gradually paying annually up to a life membership?</td>
<td>16</td>
<td>5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RIVISTA INTERNAZIONALE DI DIRITTO COMMUNE

Volume 17 (2006)

Manlio Bellomo, Quattro modi per leggere i Fueros di Sepúlveda, p. 9-21

Kenneth Pennington, The Birth of the “Ius commune”: King Roger II’s Legislation, p. 23-60

Federico Martino, Iacopo Belvisi in Provenza e a Napoli, p. 61-93

Orazio Condorelli, La dialettica tra diritto comune e diritti particolari nell’ordinamento della Chiesa, con particolare riferimento all’esperienza storica delle Chiese orientali, p. 95-160

Osvaldo Cavallar, “Persuadere qui iurisperitiam non profitentur”. Legittima difesa, omicidio e contumacia in alcuni consulti di Francesco Guicciardini, p. 161-250

Andrea Bartocci, Il cardinale Bonifacio Ammannati legista avignonese ed un suo opuscolo “contra Bartolum” sulla capacità successoria dei Frati Minori, p. 251-297

Emanuele Conte, Storia interna e storia esterna. Il diritto medievale da Francesco Calasso alla fine del XX secolo, p. 299-322

Martino Semeraro, Per un codice diplomatico martinese: un inedito privilegio di Filippo II d’Angiò, p. 323-341

Szabolc A. Szuromi, The BAV Pal. lat. 587 as a Textual Witness of the Canonical Work of Ivo of Chartres, p. 343-358

Rosalba Sorice (a cura di), Orientamenti bibliografici, p. 359-380

Volume 18 (2007)

Manlio Bellomo, Giurisprudenza, società e politica. Testi editi e inediti di “quaestiones in iure civili disputatae” fra secolo XIII e XIV, p. 11-42

Kenneth Pennington, The “Big Bang”: Roman Law in the Early Twelfth-Century, p. 43-70

Andrea Padovani, Roberto di Torigni, Lanfranco, Irnerio e la scienza giuridica anglo-normanna nell’età di Vacario, p. 71-140

Pietro Costa, Figure del nemico: strategie di disconoscimento nella cultura politico-giuridica medievale, p. 141-166

Henri Bresc, Commune et citoyenneté dans la Sicile des derniers siècles du Moyen Âge, p. 167-196

Rosa Maria Dessi, “Diligite iustitiam vos qui iudicatis terram” (Sagesse I, 1). Sermons et discours sur la justice dans l’Italie urbaine (XIe-XVe siècle), p. 197-230

Marco Gentile, Bartolo in pratica: appunti su identità politica e procedura giudiziaria nel ducato di Milano alla fine del Quattrocento, p. 231-251

Patrick Gilli, Aux sources de l’espace politique: techniques électorales et pratiques délibératives dans les cités italiennes (XIIe-XVe siècles), p. 253-270

Enrica Salvatori, L’espace politique et l’espace judiciaire à Pise du XIe au XIIe siècle, p. 271-282

Ilaria Taddei, Entre système politique et culture dans la Florence des Albizzi (1382-1434), p. 283-298

Manlio Bellomo, Alla ricerca di un originale perduto: dalle “Institutiones” di Paul Krüger ai frammenti veronesi di Guiscardo Moschetti, p. 299-302

Szabolc A. Szuromi, An Ecclesiastical Source which Aims at Promoting the Latin Culture of the Clergy in the Early 11th Century, p. 303-311

Rosalba Sorice (a cura di), Orientamenti bibliografici, p. 313-356

RECENT INSTITUTE PUBLICATIONS


RECENT PUBLICATIONS


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.  


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 inpingere dicit: 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).  


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.  


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

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 Angar 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” (Grethchen Starr-LeBeau); “Confessors as Hagiographers in Early Modern Catholic Culture” (Jodi Bilinkoff).

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. Hoeftich, Peter Landau, Wolfgang P. Müller, Jassonne Grabher O’Brien, Kenneth Pennington, and †Rudolf Weigand.


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


Untersuchungsgegenstand sind auch das sozioökonomische Umfeld sowie die kirchenpolitisch bedeut-

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/](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/](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.*