

University of Chicago Law School

Chicago Unbound

Journal Articles

Faculty Scholarship

1996

Book Review (reviewing Gilles, Henri, ed., L'Eglise et le Droit dans le Midi, 13e-14e Siecles (1994))

Richard H. Helmholz

Follow this and additional works at: https://chicagounbound.uchicago.edu/journal_articles



Part of the [Law Commons](#)

Recommended Citation

Richard. H. Helmholz, "Book Review (reviewing Gilles, Henri, ed., L'Eglise et le Droit dans le Midi, 13e-14e Siecles (1994))," 65 Church History 81 (1996).

This Article is brought to you for free and open access by the Faculty Scholarship at Chicago Unbound. It has been accepted for inclusion in Journal Articles by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

such conventional assumptions as a lack of proficiency in Latin on the part of writers or their audiences.

The second part of the book provides a wealth of primary source material for the study of macaronic sermons. Appendix A lists the sermons Wenzel used in devising his classification system. Appendices B through D present the texts of three fully macaronic sermons along with complete English translations. In both the Latin/Middle English texts and the modern English translations, bold and italic typefaces effectively illustrate linguistic patterns. One can see at a glance the apparently random insertion of English elements into the Latin text. On closer reading, however, one also discerns the rhetorical power of these insertions and begins to appreciate the literary skill of the writers of these sermons. A statistical table of sermons cited and a short bibliography complete this section of the book.

Despite its careful modern English translations and the important insights it provides, Wenzel's book is directed primarily toward specialists. General readers must be prepared to master Wenzel's sophisticated methodology in order to discern some of his most significant observations. Like virtually all studies of medieval sermons, moreover, the book is more effective in evaluating the content and structure of written texts than in capturing the oral component of preaching. We can only surmise how such sermons were preached or how effective they were in actual congregational settings. Nevertheless, Wenzel offers a compelling rationale for examining the macaronic sermon as a distinct literary genre and raises questions about the intentions of the writers of macaronic sermons which will engage scholars for many years to come.

The Church of Our Savior
Brookline, Massachusetts

EDITH WILKS DOLNIKOWSKI

L'Église et le droit dans le Midi (XIIIe–XIVe siècles)—Cahiers de Fanjeaux.
Collection d'Histoire religieuse du Languedoc aux XIIIe et XIVe siècles.
Fanjeaux, France: Editions Privat, 1994. 448 pp. J

The title of this volume suggests that it is either a local history of the application of the law of the church or a study of the legal relationships between church and state in southern France during the later Middle Ages. In fact it is neither. It is a collection of short essays on special aspects of the history of canon law, dedicated to the memory of Marie-Humbert Vicaire, one of the organizers of the study of church history in the Midi. There are fourteen essays in all.

About half of them concern the careers and influence of individual jurists, including assessments of their unpublished work. Particularly impressive is Martin Bertram's treatment of the *Lecturae* on the Gregorian decretals and

the constitutions of Innocent IV written by Pierre de Sampson and Bernard de Montmirat. He lists and analyzes the known manuscripts, reaching the conclusion that the identity of the two men supposed in some recent writing can no longer be maintained. Also the product of painstaking work are essays by Jacques Verger and Henri Gilles on the teaching of canon law at the meridional universities; Gilles appends a valuable list of all professors of canon law at Toulouse during the fourteenth century. Essays on manuscripts by Jacques Krynen and Antonio García y García, the first on the treatment of personal jurisdiction found in the work of a civilian at Toulouse, the second on relations between French and Spanish canonists, also show the richness of the conclusions to be drawn from patient labor with the sources. Such work is the mainstay of canonical scholarship.

Three of the articles, those written by Henri Vidal, Jean-Louis Biget, and Joseph Avril, take up synodal legislation in the Midi. Canons of synods were meant to reinforce and to supplement the church's general law in light of local conditions. These essays illustrate the range of material they covered; they dealt occasionally with doctrinal issues but more often with juridical questions such as the effects of excommunication or relations with local Jewish communities. Especially interesting is the authors' examination of the evolution of these collections. With deep roots in the past, they reached maturity only in the second half of the thirteenth century and the first half of the fourteenth. By then, they had been drawn together into collections that lasted without material alteration until the Council of Trent.

A further four contributions deal with the exercise of jurisdiction by the courts of the church. Christian Raynaud analyzes the illustrations in the canonical manuscript, shedding light on the parties to canonical litigation. Jean-Louis Gazzaniga contributes an informative article on the *Decisiones capellae tholosanae* (about 1400), the collection of judicial decisions and juridical opinions from the see of Toulouse. It was an influential collection well into early modern times, and apparently the only such collection from a spiritual court apart from the Roman Rota. Bernard Guillemain usefully sketches the expansion in the number of separate papal courts exercising defined subject-matter jurisdiction during the Avignon period. In an imaginative essay, Jacques Paul makes use of a notarial register now in the library of Clermont-Ferrand to illuminate the inner nature of the procedure of the Inquisition at Carcassonne. He finds that the widespread use of arbitration, formal oaths, *fideiussores* and *cautiones*, all in a fashion not envisioned in the Roman law from which they were originally drawn, was designed (and was effective) to cause defendants to submit voluntarily to the tribunal's orders.

University of Chicago
Chicago, Illinois

R. H. HELMHOLZ

Copyright of Church History is the property of Cambridge University Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.

Copyright of Church History is the property of Cambridge University Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.