

Guido Rossi

Representation and Ostensible Authority in Medieval Learned Law

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to Peter Oestmann

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Foreword

The work for this book began in the spring of 2014 in the magnificent Robbins Collection in Berkeley, as a short article on the problem of the jurisdiction of the occult heretic in thirteenth-century canon law. Now it is a study on the problem of ostensible authority in medieval learned law, focusing mainly on the validity of the acts made by the illegitimate representative of a public office. The idea has not changed. Rather, I have found some more connections to the original topic.

None of the main divisions of the legal system that we use (the various ‘branches’ of the law) would have made sense to a medieval jurist, not even that between private and public law. Even the distinction between law and some other social sciences (especially economics, administration and political science) would have seemed curious. We are so accustomed to think in terms of discrete disciplines that doing without requires a conscious and prolonged effort.

In some paragraphs of chapters 11 and 12 I have re-elaborated and expanded some concepts that appeared previously in ‘Baldus and the Limits of Representation’, 86 (2018) *Tijdschrift voor Rechtsgeschiedenis*.

I am very grateful to all the friends and colleagues who helped me, whether debating legal issues or solving palaeographic riddles. This book was written at the University of Münster, thanks to a Fellowship of the Alexander von Humboldt Foundation. During my stay there, Peter Oestmann was the kindest and most generous host. It is my pleasure to dedicate this book to him.

Guido Rossi

Main abbreviations

| | |
|----------|--|
| X | Liber Extra seu Decretalium Gregorii IX compilatio |
| VI. | Liber sextus decretalium D. Bonifacii Papae VIII |
| Clem. | Clementis Papae V. Constitutiones |
| Inst. | Institutiones Iustiniani |
| Nov. | Novellae Iustiniani |
| D. | distinctio (Decretum Gratiani, pars I) |
| Dig. | Digestum Iustiniani |
| Cod. | Codex Iustiniani |
| C. | causa (Decretum Gratiani, pars II) |
| De cons. | De consecratione, Decretum Gratiani (pars III) |
| De pen. | Tractatus de penitentia, Decretum Gratiani (C.33, q.3) |