



# Medieval Public Justice (Studies in Medieval and Early Modern Canon Law)

*Massimo Vallerani*

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In a series of essays based on surviving documents of actual court practices from Perugia and Bologna, as well as laws, statutes, and theoretical works from the 12th and 13th centuries, Massimo Vallerani offers important historical insights into the establishment of a trial-based public justice system. Challenging the long-standing evolutionary paradigm of medieval legal procedures, Vallerani argues that public justice was not the triumph of strong inquisitorial procedure over weak accusatory procedure, but rather a process in which the two procedures developed in tandem. He demonstrates that inquisition and accusation shared many features in their intertwining goals of punishment and reconciliation.

The grand narrative of the evolution of criminal justice is dismantled in this work, originally published in Italian and widely cited as a groundbreaking study of legal procedure. Vallerani contends that *accusatio* and *inquisitio* were formed simultaneously to address different needs: to seek and construct different "truths"—the truth of the fact that occurred outside the courtroom as revealed by the probing of the judge, and the truth that emerges inside the triadic model of the courtroom as a result of negotiations between the disputing parties under the guidance of the judge.

Vallerani's rich approach to his sources includes statistical analysis of the court records, revealing the functioning of the courts in terms of the incidence of torture, the proportions of trials initiated by *accusatio* and *inquisitio*, and the percentage of trials suspended at different stages of litigation. Furthermore, he sets legal procedures within the context of a society and political world immersed in violence and conflict and shows how the *supplica*, or petition for pardon, played a major role in the transformation from communal to signorial government in the early fourteenth century.

## ABOUT THE AUTHOR AND TRANSLATOR:

Massimo Vallerani teaches medieval history at the University of Turin. Sarah Rubin Blanshei is dean of the college and professor of history emerita of Agnes Scott College.

## PRAISE FOR THE BOOK:

"Vallerani's profound knowledge of the preserved trial records . . . Combined with a knowledge of the normative provisions of the scholarly trial law and prevailing institutional conditions . . . Deserves the highest praise."?Susanne Lepsius, *Rechtsgeschichte*, on the Italian edition

"An important contribution to the debate on medieval public justice."?Gian Paolo G. Scharf, *Società et*

*storia*, on the Italian edition

"Sarah Rubin Blanshei has done a great service in service in making this work accessible to a wider audience." ?*Renaissance Quarterly*

"A very valuable and stimulating book, deserving of a wide readership . . .The book is characterized by its breadth of approach and by the wide range of sources . . .The result is a book that succeeds admirably in combining technical legal history with the history of disputes and of local politics. Such virtues make the book required reading for legal historians. . .Professor Rubin Blanshei is to be heartily congratulated in bringing this fine book to a wider readership." ?*Catholic Historical Review*

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