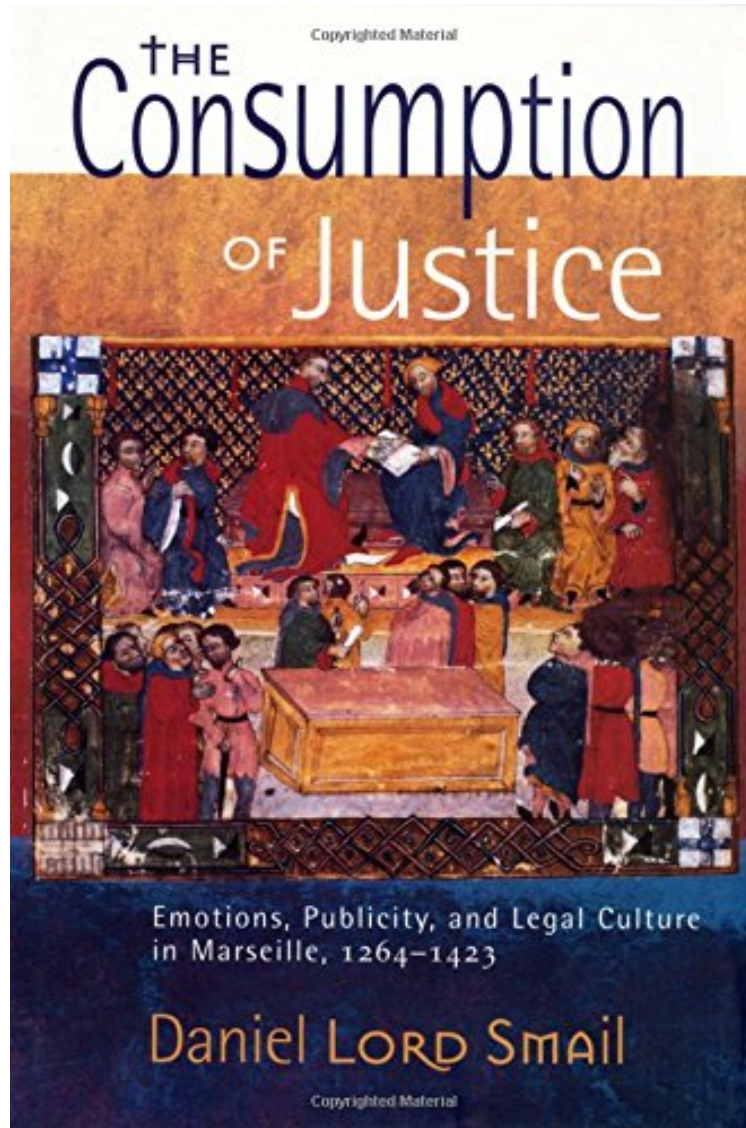


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The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423 (Conjunctions of Religion and Power in the Medieval Past)

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In the thirteenth and fourteenth centuries, the ideas and practices of justice in Europe underwent significant change as procedures were transformed and criminal and civil caseloads grew apace. Drawing on the rich judicial records of Marseille from the years 1264 to 1423, especially records of civil litigation, this book approaches the courts of law from the perspective of the users of the courts (the consumers of justice) and explains why men and women chose to invest resources in the law. Daniel Lord Smail shows that the courts were quickly adopted as a public stage on which litigants could take revenge on their enemies. Even as the new legal system served the interest of royal or communal authority, it also provided the consumers of justice with a way to broadcast their hatreds and social sanctions to a wider audience and negotiate their own community standing in the process. The emotions that had driven bloodfeuds and other forms of customary vengeance thus never went away, and instead were fully incorporated into the new procedures.

"Smail meticulously examines people's reasons for going to court in late medieval Marseilles in this study of litigants, the 'consumers' implied by the book's title. This is legal history of a highly original kind, calling into question several conventional assumptions about the relationship between public authority and private interests. . . . This lively, learned, and well-written book brings the law and litigants to life, as do few others. . . . Highly recommended."Choice (June 2004) "Smail is acutely aware of the value of narratives and uses them with consummate skill. He has a remarkable capacity to piece together the membra disiecta of medieval court protocols into a coherent and captivating story with analytic meaning. The recreation of several such stories, cheek by jowl, brings to life the litigious and rowdy late medieval city in a manner closely resembling micro-historical studies. . . . It is important for anybody studying the social and cultural uses of courts, for all students of emotions, and for all those interested in reading a well-researched, well-written, and fascinating piece of historical writing."Esther Cohen, H-France (May 2004) "Based on a thorough and perceptive reading of the extensive legal records of fourteenth-century Marseille, the author has constructed a detailed and informative analysis of the operation of the courts and their social context."Daniel M. Klerman, Law and History (Fall 2004) "The Consumption of Justice breaks new ground. At once a meticulously researched institutional history and a close reading of voluminous court records, Daniel Lord Smail's book offers to rewrite the late medieval history of law, urban culture, and the symbiotic relationship between the two. In Smail's deft hands, law is rendered the potent tool of its consumers, and legal records become our window onto contemporaries' understanding of themselves and their community."Martha C. Howell, Columbia University "By studying court litigation in late medieval Marseille from the perspectives of litigants rather than legal professionals or rulers, The Consumption of Justice challenges received ideas about the history of medieval European law and law courts. Daniel Lord Smail proposes an original, provocative argument about why medieval people went to court and what they gained by doing so."Stephen D. White, Candler Professor of Medieval History and Director of Medieval Studies, Emory University "Solidly archival, carefully statistical but alert to social texture and the quirks of tales, The Consumption of Justice brings anthropology to legal history, smartly undercutting law's autonomy to exalt bargaining and a premodern culture of disputes and settlements."Thomas V. Cohen, York University, TorontoFrom the Inside Flap"The Consumption of Justice breaks new ground. At once a meticulously researched institutional history and a close reading of voluminous court records, Daniel Lord Smail's book offers to rewrite the late medieval history of law, urban culture, and the symbiotic relationship between the two. In Smail's deft hands, law is rendered the potent tool of its consumers, and legal records become our window onto contemporaries' understanding of themselves and their community."Martha C. Howell, Columbia University, author of The Marriage Exchange "By studying court litigation in late medieval Marseille from the perspectives of litigants rather than legal professionals or rulers, The Consumption of Justice challenges received ideas about the history of medieval European law and law courts. Daniel Lord Smail proposes an original, provocative argument about why medieval people went to court and what they gained by doing so."Stephen D. White, Candler Professor of Medieval History and Director of Medieval Studies, Emory University "Solidly archival, carefully statistical but alert to social texture and the quirks of tales, The Consumption of Justice brings anthropology to legal history, smartly undercutting law's autonomy to exalt bargaining and a premodern culture of disputes and settlements."Thomas V. Cohen, York University, TorontoAbout the Author Daniel Lord Smail is Professor of History at Harvard University.