

## MEMORIAL SERVICE FOR DECEASED CANONISTS

In the Church of St. Francis Xavier, Saint Louis University, 22 July 2022, 3:30 p.m.

**Prelude:** Louis Vierne – *Préambule* (No. 1, *Vingt-quatre pièces* op. 31)

**Greeting:** Grátia Dómini nostri Jesu Christi, et caritas Dei, et communicatio Sancti Spiritus sit cum omnibus vobis. *All:* Et cum spiritu tuo.

**Reading:** Wisdom 3: 1–6, 9: « *Iustorum animæ in manu Dei sunt* ».

Lectio libri Sapientiae:

Iustorum animæ in manu Dei sunt, et non tanget illos tormentum mortis.

Visi sunt oculis insipientium mori,

et aestimata est afflictio exitus illorum

et, quod a nobis est iter, exterminium;

illi autem sunt in pace.

Étenim, si coram hominibus tormenta passi sunt,

spes illorum immortalitate plena est;

et in paucis correpti, in multis bene disponuntur,

quoniam Deus tentavit eos et invenit illos dignos se.

Tamquam aurum in fornace probavit illos et quasi holocausti hostiam accepit illos.

Qui confidunt in illo, intelligunt veritatem,

et fideles in dilectione acquiescent illi,

quoniam gratia et misericordia est sanctis eius et visitatio electis eius.

Verbum Dómini.

*All:* Deo grátias.

### Remembrances

Of Joseph Avril, formerly director of research at the Centre national de la recherche scientifique, by Franck Roumy, professor of the history of law at the university of Paris Panthéon-Assas.

Of Federico R. Aznar Gil, emeritus professor of canon law at the pontifical university of Salamanca, by Nicolás Álvarez de las Asturias, professor of the history of canon law at the university of San Dámaso.

Of James A. Brundage, Ahmanson-Murphy distinguished professor emeritus of history and law at the university of Kansas, by R. H. Helmholtz, Ruth Wyatt Rosenson distinguished service professor of law at the university of Chicago.

Of Katherine Christensen, professor of history at Berea College, by Anne Duggan, emerita professor of history at King's College London.

Of Linda Fowler-Magerl, private scholar, by Gero Dolezalek, emeritus professor of civil law at the university of Aberdeen.

**Organ Interlude:** Louis Vierne – *Építaphe* (No. 4, *Vingt-quatre pièces* op. 31)

### Remembrances

Of Stephan Haering, O.S.B., professor of church law in the Catholic theological faculty at the university of Munich, by Martin Rehak, professor of church law in the Catholic theological faculty at the university of Würzburg.

Of Richard L. Kay, emeritus professor of history at the university of Kansas, by John Phillip Lomax, emeritus professor of history at Ohio Northern University.

Of Peter Landau, emeritus professor of legal history at the university of Munich and director of the Stephan Kuttner Institute of Medieval Canon Law, by Andreas Thier, professor of legal history, church law, legal theory, and private law at the university of Zürich.

Of Peter Linehan, fellow of St. John's College Cambridge, by David d'Avray, emeritus professor of history at University College London.

Of F. Donald Logan, emeritus professor of history at Emmanuel College (Boston), by Peter Clarke, professor of medieval history at the university of Southampton.

**Organ Interlude:** Louis Vierne – *Berceuse* (No. 19, *Vingt-quatre pièces* op. 31)

### **Remembrances**

Of Elizabeth Makowski, emerita professor of history at Texas State University, by Robert Somerville, Tremaine professor emeritus of religion and emeritus professor of history at Columbia University.

Of Andreas Meyer, professor of medieval history and auxiliary sciences of history at the university of Marburg, by Gisela Drossbach, professor of European regional history at the university of Augsburg.

Of Knut Wolfgang Nörr, emeritus professor of Roman law, church law, and civil law at the university of Tübingen, by Mathias Schmoeckel, professor of German and Rhenish legal history at the university of Bonn.

Of Brian Tierney, Bryce and Edith M. Bowmar professor emeritus in humanistic studies at Cornell University, by Kenneth Pennington, Kelly-Quinn professor of ecclesiastical and legal history emeritus at the Catholic University of America.

Of Raoul van Caenegem, emeritus professor of legal history and medieval history at the university of Ghent, by R. M. J. Meens, university lecturer in medieval history at the university of Utrecht.

### **Canticle**

The Canticle of Simeon (with the antiphon *Lux æterna*):

*All:* VIII

**L** UX ae-térna \* lú-ce- at e- is, Dómi-ne, cum sanctis

tu- is in aetérnum, qui- a pi- us es.

*Cantor:* Nunc dimíttis servum tuum, Dómine, secúndum verbum tuum in pace. Quia vidérunt óculi mei salutáre tuum. *All:* Lux æténa, etc.

*Cantor:* Quod parásti, ante fáciem ómnium populórum. Lumen ad revelatiónem géntium et glóriam plebis tuæ, Ísraël. *All:* Lux æténa, etc.

*Cantor:* Glória Patri et Fílio et Spíritui Sancto. Sicut erat in princípío et nunc et semper et in sáecula sáeculórum. Amen. *All:* Lux æténa, etc.

### *Conclusion*

*Presider:* Orémus. Præcéptis salutáribus móniti et divína institutióne formáti audémus dícere:

*All:* Pater noster, qui es in cælis, sanctificétur nomen tuum.

Advéniat regnum tuum.

Fiat volúntas tua, sicut in cælo et in terra.

Panem nostrum quotidiánum da nobis hódie.

Et dimítte nobis débíta nostra, sicut et nos dimíttimus debitóribus nostris.

Et ne nos indúcas in tentatiónem.

Sed líbera nos a malo.

Amen.

*Concluding Prayer:* Omnípotens sempitérne Deus, vita mortálium et exsultatio sanctórum, te súpplīces exorámus pro fámulis tuis

Josépho, Federíco, Jacóbo, Catherína, Linda, Stepháno, Richárdo, Petro, Petro, Donáldo, Elizabéthá, Andréa, Canúto, Briáno, et Radúlpho

ut, mortalitátis nexibus expediti, regnum tuum in glória possídeant sempitérna.

Per Dóminum nostrum Iesum Christum Fílium tuum,

qui tecum vivit et regnat in unitáte Spíritus Sancti, Deus, per ómnia sácula sæculórum.

*All:* Amen.

*Presider:* Dóminus vobíscum.

*All:* Et cum spíritu tuo.

*Blessing:* Benedícat vobis Dóminus et custódiat vos!

Illúminet Dóminus fáciem suam super vos et misereátur véstri!

Convértat Dóminus vultum suum ad vos et det vobis pacem!

Et benedíctio Dei omnipoténtis, Patris, et Fílii, † et Spíritus Sancti, descéndat super vos et máneat semper. *All:* Amen.

✠. Benedicámus Dómino.

✠. Deo grátias.

**Closing hymn:** 'Now Thank We All Our God'

(text: vs. 1, 2, 4 M. Rinckart † 1649, trans. C. Winkworth † 1878; vs. 3 J. Franck † 1677, alt.;  
music: J. Crüger † 1662 'Nun danket', harm. J. S. Bach † 1750)

1. Now thank we all our God With heart, and hands and  
2. O may this bounteous God Through all our life be  
3. Lord God, we worship thee! In loud and happy  
4. All praise and thanks to God, The Father, now be

1. voices, Who wondrous things hath done, In whom his world re-  
2. near us, With ever joyful hearts And blessed peace to  
3. chorus, We praise thy love and power Whose goodness reigns eth-  
4. given, The Son and him who reigns With them in high-est

1. joy-ces; Who from our mothers' arms Hath blessed us on our  
2. cheer us, And keep us in his grace, And guide us when per-  
3. o'er us. To heav'n our song shall soar, For ever it shall  
4. heav-en. The one eternal God, Whom earth and heav'n a-

1. way With count-less gifts of love, And still is ours to-day.  
2. plexed, And free us from all ills In this world and the next.  
3. be Re-sound-ing o'er and o'er: Lord God, we wor-ship thee.  
4. dore, For thus it was, is now, And shall be ev-er more.

**Postlude:** Louis Vierne – *Carillon* (No. 21, *Vingt-quatre pièces* op. 31)

*The presider is* The Reverend Steven Schoenig, S.J. *The organist is* Dr. Steven Ball. *The cantor is* Scott Kennebeck.  
*The master of ceremonies is* Charles Donahue. Music: *Liber Usualis* © 1961, Desclée & Co.; *Psalms, Hymns and Spiritual Canticles* © 1983, BACS Publishing Co. Used with permission. Further reproduction prohibited.

## *Tributes*

### ***In memoriam:* Joseph Avril (1928–2018), by Frank Roumy**

Joseph Avril was born on March 30, 1928, in Saint-Laurent-de-la-Plaine, near Angers. Ordained a priest on June 29, 1954, he studied history, first at the University of Angers, then at the Sorbonne in Paris. His first professor, who had marked him and of whom he often spoke, was the great medievalist Édouard Perroy (1901–1974), known for his open anti-clericalism, but with whom he maintained excellent relations. He prepared his master's thesis under his direction, but he was also trained by Michel Mollat du Jourdain (1911–1996). Under his direction, he prepared a doctoral dissertation on the government of bishops and religious life in the diocese of Angers, 1148–1240, defended in 1977 at the University of Paris IV before a jury that included the legal historian Jean-François Lemarignier (1908–1980). After this doctorate, Joseph was recruited as director of research at the Centre national de la recherche scientifique (CNRS), as a researcher attached to the Institut de recherche et d'histoire des textes (IRHT), in Paris. He spent his entire career there, until his retirement in 2008. During this time, he also exercised parish ministry at the church of the Holy Trinity (Sainte-Trinité) in Paris, then at the church of St. Peter (Saint-Pierre) in Charenton-le-Pont. He often attended the conferences of the French Society of Legal History (Société d'histoire du droit) in Paris, and regularly participated in the International Congresses of Medieval Canon Law, where he liked to meet his very dear friend Gérard Fransen. His scholarly work was almost entirely devoted to the study and editing of French synodal and conciliar legislation of the thirteenth century. In particular, he edited alone the last three volumes of the French synodal statutes of the thirteenth century, devoted to the provinces of Rheims, Bordeaux, Auch, Sens, Rouen, Bourges, and Narbonne. He also edited the councils of the province of Tours from the thirteenth to the fifteenth century. Joseph is also the author of more than eighty contributions, mainly devoted to the history of episcopal government, parish administration, and the relationship between seculars and regulars. Extraordinarily warm, he loved to receive and guide young researchers, to whom he could devote long afternoons, during which he dispensed, with equal generosity, his immense erudition and the wonderful wine of his country of Anjou. Those who knew him also remember his caustic humor. Retired since 2008 at the Saint-Joseph retirement home in La Pommeraye, Anjou, he died there on January 18, 2018. *Requiescat in pace.*

### ***In memoriam:* Federico R. Aznar Gil (1953–2021), by Nicolás Álvarez de las Asturias**

Federico Aznar Gil was born in Zaragoza, Spain, on February 25, 1953. He studied in the seminary of his diocese and later at the Pontifical University of Salamanca, receiving priestly ordination in 1979. He spent his entire academic life in the Faculty of Canon Law at the Pontifical University of Salamanca, where he taught numerous subjects and was dean from 1998 to 2004. His dedication to the study of current canon law went through two stages: an initial one, linked to the study of the 1983 Code of Canon Law, and a later one, of deepening in two fundamental areas: matrimonial law and criminal law. From the first stage, *El nuevo derecho matrimonial canónico*, published just four months after the promulgation of the Code, must be highlighted. From the second stage are his manuals *Derecho matrimonial canónico* and *La administración de los bienes temporales de la Iglesia*, both of which have gone through several editions, attesting to the importance they have had in the formation of Spanish-speaking canonists. The absence of a handbook on canonical criminal law is due to his

intuition that it was a subject that required an in-depth reform, as in fact has happened. Along with these areas of study, Federico deserves to be remembered as a historian of canon law, to which he devoted himself throughout his life. From his teacher, Antonio García y García, he received the rigorous methodology that Kuttner and his disciples had already consolidated and an interest in the history of sources. From his doctoral thesis on the provincial councils and synods of Saragossa from 1215 to 1563, to his participation in the great project of the *Synodicon Hispanicum*, his contribution to the knowledge of late medieval Spanish conciliar sources and their correct edition has been outstanding. In addition, he published valuable contributions on the history of canonical marriage law, including *La institución matrimonial en la Hispania cristiana bajomedieval* (1989). Also remarkable are his studies on the canonical solutions to the problems posed by the evangelization of America, as well as on issues related to the fulfillment (or non-fulfillment) of ecclesiastical celibacy, as reflected in the canonical sources. Federico was a member of the community of canon law historians grouped around the Stephan Kuttner Institute of Medieval Canon Law, being part of its Advisory Board and actively participating in the International Congresses until Washington in 2004, where we saw him for the last time accompanying an already very deteriorated Antonio García y García. After finishing his teaching activity in 2018, Federico returned to his city of Zaragoza, which he had never left, dedicating his last years to pastoral work in a parish and to continuing his work in the ecclesiastical court, which he never abandoned. He rested in peace and in the hope of the resurrection on February 4, 2021.

***In memoriam: James A. Brundage (1929–2021), by Richard Helmholz***

It is altogether right that we should honor the memory of James Brundage at this International Congress of Medieval Canon Law. He was a faithful and productive participant in our meetings and in our work, beginning as a contributor to the Fifth Congress, held in Salamanca in 1976, and continuing through the Twelfth, held in Washington in 2004. At all of them, Jim made friends and won the respect of fellow historians. Few among us can claim to have done more to advance knowledge of the historical importance of our subject. In several ways, his success as a canonist must come as something of a surprise. Born in the American Midwest, he attended the University of Nebraska and pursued graduate study at Fordham University, receiving his Ph.D. in 1955—all of this without indication of any special interest in the history of canon law. It must have been the Crusades that led him in our direction. Although not outside the longstanding interest of medieval historians, the subject did raise legal subjects that would profit from a fresh look. Jim seized the opportunity. From the status of crusading vows to the protection of the property of crusaders, for example, the canon law had a real impact. Dealing with the creation of specific rules on the subject in several studies of their interpretation and implementation, his books, in particular *Medieval Canon Law and the Crusader* (1969), provided an elegant summary of his research. Although his most commercially successful work was *Medieval Canon Law* (1995), most of Jim's later work followed the pattern set by his work on the Crusades. He took up particular legal subjects that repaid a fresh look. An example is the history of the legal profession. In a series of articles, some of which had first been contributions to an International Congress, he surveyed this field. Legal ethics, legal education, and even the fees that accrued to medieval lawyers came to the fore. They now occupy a volume of Variorum reprints (2004), complete with a picture of the author, one which unfortunately makes him look much fiercer than he ever was in fact. This research culminated in his *Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago, 2008), a true achievement. The same pattern appears in the other subjects that attracted his attention. Most prominent among them were his articles related to the canon law of

marriage. There were many of them, and they also led in time to a full-length work, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987). Jim's academic career was spent where it began, the American Midwest, most notably as the Ahmanson-Murphy Distinguished Professor at the University of Kansas. Among other honors, he served as a member of the Board of Directors of the Stephan Kuttner Institute—only one of the several reasons we have to honor his memory today.

***In memoriam:* Katherine Celeste Christensen (1956–2018), by Anne Duggan**

Having obtained her B.A. at Seattle University in 1978, Katherine Christensen went to Berkeley, where she secured her M.A. and Ph.D. in history (1979, 1989). After a short period teaching at St. Mary's College in Moraga, California (1989–1991), she began what became her permanent career as Associate Professor of History at Berea College in Kentucky (1991–2018), a position which suited her particular range of academic and non-academic accomplishments. In addition to the excellent research skills she demonstrated in the Ph.D., she had a fine singing voice and was a gifted artist and an excellent calligrapher. Her beautifully written thesis, "Abbot Samson's Brethren: Benedictine Monastic Leadership in Later Twelfth-century England," sets the career of Abbot Samson of Bury St. Edmunds against a very well-researched study of his forty abbatial confrères, with a particular focus, in Chapter Five, on "the abbots as judges delegate." This latter was the fruit of her research fellowship in the Institute of Medieval Canon Law, and then in Berkeley, where she had access to the Holtzmann papers. For her, the Institute was "a place of rare intellectual challenge and enthusiasm," and she took full advantage of it. "I am grateful," she wrote in her thesis, "to have been part of the *équipe*, and for the opportunity to have my own standards and skills honed by exposure to the example set by Dr. Stephan Kuttner" (p. v). Chapter Five is supported by three very informative appendices. App. I presents five new letters from Abbot Adam of Evesham, including *Rescriptum auctoritatis uestre* (no. 3), a rare example of a judge delegate's report to the pope (Alexander III), on which she contributed a splendid article for a *Festschrift* for Stephan in 1990 (see below); App. II lists fifty-four decretals addressed to English abbots between c. 1160 and 1198; and App. III lists ten notifications or confirmations involving Adam of Evesham, all from the 1170s. It would have made a very good book. Even in its unrevised thesis form, it remains an important contribution to an understanding of what we may call "canon law in practice." By her untimely death we have lost a good friend and a fine scholar.

Thesis (1989):

<http://search.proquest.com/dissertations/docview/303681673/135B964159D4AF3B68C/3261>

Articles on canon law:

"The 'Lost' Gloss on *Si quis suadente* (C. 17, q. 4, c. 29): John of Salisbury and the Canonical Tradition in the Twelfth Century." *BMCL*, n.s. 18 (1988): 1–11.

"*Rescriptum auctoritatis uestre*: A Judge Delegate's Report to Pope Alexander III," in *Two Laws: Studies in Medieval Legal History Dedicated to Stephan Kuttner*, ed. Laurent Mayali (Washington, 1990), 40–54.

"Introduction" to *Gratian: The Treatise on the Laws (Decretum DD. 1–20), with the Ordinary Gloss*, trans. Augustine Thompson, O.P., and James Gordley, *Studies in Medieval and Early Modern Canon Law* 2 (Washington, 1993), ix–xxvii.

***In memoriam:* Linda Fowler-Magerl (1939–2017), by Gero Dolezalek**

Linda Fowler (married name: Fowler-Magerl) was born, raised, and university-trained in the United States. There she began an academic career as a lecturer in medieval history in the Midwest and

prepared publications on medieval canon and Roman law. I encountered Linda in 1972 at the International Congress in Toronto and helped to convince her that she should move to Frankfurt, Germany, and work with me at the Max-Planck-Institute. She came, and she observed how I used computers, and learned from this. As a result, Peter Landau recruited her in 1976 for his projected inventory of pre-Gratian *canones*. Linda digitized this inventory and published it first in 1998 on CD-ROM, and then more perfectly in 2003, and last and best in 2005 (*Clavis Canonum*, MGH Hilfsmittel 21). Linda's *Clavis* has revolutionized research on pre-Gratian *canones*. She has furthermore given us a second very important tool: namely, she canvassed the literary genre of treatises on procedure. The German edition is most complete: *Ordo iudiciorum vel ordo iudiciarius* (Frankfurt, 1984, 341 pages). The English version had to be much shorter, unfortunately: *Ordines iudicarii and Libelli de ordine iudiciorum from the Middle of the Twelfth to the End of the Fifteenth Century* (Turnhout, 1994, 130 pages). Linda was honored in a *Festschrift* on her seventieth birthday, *Readers, Texts, and Compilers in the Earlier Middle Ages*, eds. Martin Brett and Kathleen Cushing, Aldershot, 2009. It also lists twelve of her published articles (p. xvii), on treatises of procedure, on pre-Gratian collections of *canones*, and on various special topics in medieval canon and Roman law. Linda left us in January 2017 at 77 years old. Her work, together with her amiable, vivid personality and her steady helpfulness, will not be forgotten.

***In memoriam:* Stephan Haering, O.S.B. (1959–2020), by Martin Rehak**

Bernhard Haering, born on September 15, 1959, in Grafenau, Lower Bavaria (Germany), entered the Benedictine Abbey of Metten after graduating from high school in 1978, taking the religious name Stephan. He first studied philosophy and theology in Salzburg from 1979 to 1984 and was ordained to the priesthood in 1984. After his subsequent doctoral studies in theology in Salzburg, he completed further studies in history (M.A.) and in canon law in Munich from 1987 to 1994. In 1993 a postdoctoral fellowship allowed him to spend a year at the Department of Canon Law at the Catholic University of America in Washington, D.C. After obtaining his licentiate in canon law in 1994, Stephan completed his studies in canon law in the summer of 1996 with his *Habilitation*. In 1997 he became professor of canon law in the Catholic Theological Faculty of the University of Würzburg. The following year saw the death of Rudolf Weigand (1929–1998), his immediate predecessor, who as professor emeritus had intended to edit the three main works of the Anglo-Norman school of canon law, namely the summas *De iure canonico tractaturus* and *De questionibus decretalibus tractaturi* of Honorius of Kent, as well as the summa *Omnis qui iuste iudicat sive Lipsiensis*. In this situation, Stephan took over the administrative management of this project, together with Peter Landau (1935–2019) as scientific director. In 2019 the edition was completed. In 2001 Stephan was appointed professor of canon law, especially ecclesiastical administrative law and the history of canon law, at the University of Munich, a position he held until his death. Stephan was a diligent researcher whose list of publications includes about 900 entries. His professional interests were focused on the law of religious congregations, as well as ecclesiastical property law, the history of canon law, and the state-church relationship. Among his commitments as an editor of series, anthologies, and journals, his role since 2004 as editor of the *Archiv für katholisches Kirchenrecht*, the oldest German-language canon law journal, deserves special mention. At the same time, Stephan, who used to comment on new tasks offered to him with the winged word *non recuso laborem*, was quite familiar with the problems of canon law practice, due to many years of work as an ecclesiastical judge, an advisor to the German bishops' conference, and a sought-after counselor for religious orders and congregations. He participated in the

International Congresses of Medieval Canon Law in Munich (1992), Esztergom (2008), and Toronto (2012) and contributed articles on Rudolf Weigand and medieval canonical studies, as well as the sacrament of baptism in the Anglo-Norman canonical school of the twelfth and thirteenth centuries. He was appointed to the Advisory Board of the Stephan Kuttner Institute of Medieval Canon Law in 2009. After a fulfilled life, Stephan passed away completely unexpectedly on November 18, 2020. On November 23, 2020, after a touching requiem, he found his final earthly rest in the monks' cemetery at Metten Abbey.

***In memoriam:* Richard L. Kay (1931–2018), by John Phillip Lomax**

For Richard Kay, investigating the Middle Ages was as natural as breathing in and breathing out. His easy demeanor cloaked a strong scholarly drive. His interests were diverse: law, literature, science, medicine, philosophy, theology, ecclesiology, and textual criticism. He was equally adept at focused studies and broadly imagined inquiries. He excelled at integrating disparate sources. He was given to documentary overkill, a tendency that makes his footnotes a gold mine for scholars. Skip's scholarly foundation was rock solid. After undergraduate study at Ripon College, he studied under Gaines Post and Marshall Clagett at the University of Wisconsin and received the Ph.D. in history in 1959. He did two years of postdoctoral research at the University of Louvain with Gérard Fransen, after which he taught at Knox College, Johns Hopkins University, the University of Kentucky, and the University of Colorado, before he arrived at the University of Kansas, where he taught from 1967 to 1999. He attended the International Congresses from 1963 to 2008. Skip published steadily throughout his teaching career and continued to publish in retirement, which he called the best research fellowship he had ever had. He continued until poor health prevented him from going to the library. Even then, his scholarly urge drove him to edit family letters and to initiate, with his wife Sherry Needham Kay, a revised edition of the *Guide to Kansas Mushrooms*, the first edition of which he was co-author. Skip applied his knowledge of diverse medieval disciplines to his work. His chief areas of inquiry were church councils, pontificals and other ecclesiastical texts, church-state conflict, and the works of Dante Alighieri. His early publications examined church councils in the twelfth and thirteenth centuries from textual and legal perspectives. In the mid-1960s, Skip turned much of his mind to Dante. His multidisciplinary approach won him few friends among Dantists, but it permitted him to unpack Dante's thinking in ways that diverge significantly from the literary criticism that dominates Dante studies. While he did publish one piece of standard literary criticism to prove that he could do it, more typical was his book *Dante's Swift and Strong*, where he exhaustively examines *Inferno* XV, the canto of the sodomites. Skip meticulously demonstrated that the damned whom Dante meets are not physical sodomites but rather those who perverted the natural order of grammar, literature, law, the church, and politics. Not a welcome perspective among Dantists, but Skip's astute integration of multiple perspectives, there and elsewhere, replicates as well as any modern researcher the encyclopedic mastery of subject matter seen in Dante himself. Skip died quietly at his home in Lawrence, Kansas, on July 13, 2018. He was 87 years old. His wife and life companion Sherry was at his side. His labors produced a body of work that is solid, insightful, and enduring. It was my great good fortune to know him as a teacher, mentor, and friend for forty-two years. *Requiescat in pace.*

***In memoriam: Peter Landau (1935–2019), by Andreas Thier***

“We must make progress there”—so often I heard Peter Landau speak these words. Especially in the last decade of his work, the “there” referred above all to the collections of decretal texts of the late twelfth century, to the edition of these texts, and to the identification of their authors and contexts. For Peter, the tireless pursuit of *progress* in knowledge was a duty, a *must*, and not simply an option. It was precisely in this that his conviction about the special responsibility of the researcher manifested itself. This responsibility applied first and foremost to the discipline; it applied to the search for ever new knowledge, which Peter pursued with an almost legendary energy and perseverance. But, for him, the responsibility of the legal historian extended further: it was always directed also at the contributions of legal historical research to the development of what he called in 2013 a “world culture of law,” whose essential foundations included the principles and institutions of medieval canon law. However, Peter did not see only himself bearing this responsibility for legal culture, law, and its history. Rather, he always saw himself as part of a global community of researchers, as part of that *we*, the academic collective, which was responsible for the legal history, and the present, of law. In this respect, Peter was a cosmopolitan citizen of the world from the very beginning, for whom exchanges in English, Italian, or French were a matter of course. To be sure, he was well aware of his prominent position in this community, and he was proud of the multitude of awards and honors he had received. But in the discourse of the scholarly community, he saw no distinction according to academic rank or institutional position; what counted for him was the persuasiveness of the argument and the historical sources alone. He was, therefore, always ready to respect theses and perspectives, even if they were not in line with his own research. As an academic mentor, he was happy to give advice and recommendations, but commitment to a particular topic or thesis would have been strange to him. The International Congress of Medieval Canon Law always had a special importance for Peter. More than any other event, it was for him the continually renewed confirmation of the continuity and viability of the scholarly community of medieval canon law. And that is why it was the Congress that prompted his words of admonition to us, “We must make progress there.” I am sure I speak for so many of us, if not all of us, when I say that we will always remember these words—but above all their speaker. Peter has passed away, but his memory will remain with us, and it will always be associated with the International Congress of Medieval Canon Law.

***In memoriam: Peter Linehan (1943–2020), by Martin Brett***

Peter Linehan entered St. John’s College, Cambridge, as a scholar in 1961, and it remained his base for the rest of his life. He served his College with distinction as teacher, tutor, and not least dean. The ingenuity and wit with which he administered the disciplinary duties of that office provoked the admiration of the whole university. Peter did his graduate work with Walter Ullmann, addressing the relations of the Spanish Church with the papacy and the world in a much broader context than was common in the Franco years. The results of his research in the then poorly understood, and sometimes barely accessible, local archives of Spain soon began to appear in a string of lucid and original papers. By the end of his career, these had been published in four Variorum volumes and eleven books, beginning with *The Spanish Church and the Papacy* (1971), including a splendid example of “thick” history with *The Ladies of Zamora* (1997), and most recently *At the Edge of Reformation: Iberia before the Black Death* (2019). There can scarcely be a more dramatic illustration of the high regard in which he was held in Spain than *Medieval Studies in Honour of Peter Linehan* (2018), in which its twenty-eight

contributors, overwhelmingly Spanish or Portuguese, expanded on themes which Peter had identified as of central importance. Not many scholars have received so signal a tribute from the scholarly community of a country not their own. The point was reinforced by the award of an honorary doctorate from the Universidad Autónoma de Madrid in the same year; he had been elected a Fellow of the British Academy much earlier, in 2002. Peter served as joint editor of the *Journal of Ecclesiastical History* for twelve years and organized the transfer of the whole operation from King's College, London, to St. John's. He met Antonio García y García in the mid-'60s; theirs was a long and close friendship, which contributed to Peter's involvement in the Institute of Medieval Canon Law, where he became an early Board member and spent some time working in the 1980s. He persuaded the Board to hold the 1984 Congress in Cambridge; its success owed everything to his unwearied efforts. He also had a personal motive for taking on the task, to do honor to Christopher Cheney, an early member of Kuttner's band of brothers. Peter was a formidably efficient chairman of sessions—it was his practice to bring two large cards, one reading “5 minutes,” the other “Stop,” and deploy them with quelling authority. Labor how he might, the contributors ensured that even he could not bring the Proceedings to press in less than four years; his correspondence with the backsliders, however, provided great enjoyment to his friends, if not always to the recipients. Peter was fiercely loyal to his College, his friends, and high standards of scholarship, and did all of them great service. He leaves a yawning gap.

***In memoriam:* F. Donald Logan (1930–2022), by Peter Clarke**

Like our Congresses, Donald Logan oscillated between both sides of the Atlantic for around sixty years. On the North American side, his home city was Boston, where he was born on March 9, 1930, taught for over two decades at Emmanuel College, and died on February 22, 2022, aged 91. On the European side, he spent every summer from the 1960s in London for research. He built up an impressive friendship network on both sides, extending beyond Boston and London, and at his death comprising eighty-eight devoted friends on the North American side alone. As his former pupil Elizabeth McIntyre remarked, Donald had an “amazing gift for friendship.” His generous, enthusiastic, caring, and charming personality attracted many such friends. Michael Robson relates a typical example of Donald's acts of friendship: when Hugh Lawrence embarked on his edition of Adam Marsh's letters, Donald gave Lawrence his own copy of the old Rolls Series edition to dismember and carry parts for comparison with the principal manuscript in the British Library. Donald's pupils describe him as an inspiring teacher and encouraging mentor who became a life-long friend and followed their careers with interest. One of them, Karen Corsano, recalled at his funeral that the same interest and respect which Donald gave to his friends he also showed to the ordinary people he met in medieval archival records. This is evident in his pioneering studies on runaway religious in medieval England, the education of parish clergy in the fourteenth-century Lincoln diocese, and his other distinguished contributions to scholarship on the medieval church and its law, too many to enumerate here. As David d'Avray sums it up: Donald did more for his subject in his retirement than most good scholars do in a lifetime. His scholarship was indeed remarkable in quality and breadth, ranging from student textbooks on the Vikings and the medieval Western church, through scholarly editions of records of the medieval Court of Arches and Archbishop Sudbury's register, to research monographs and articles. His early scholarly promise was recognized by Cardinal Richard Cushing, archbishop of Boston and patron of our second Congress, who sent him as a young priest to study at Toronto. At PIMS he completed his doctorate, published as *Excommunication and the Secular Arm in Medieval England* (1968). This established his reputation as a historian of medieval canon law, and he became a regular participant

at our Congresses in the 1970s and '80s. It also demonstrated Donald's capacity for painstaking archival research, as he reconstructed from hundreds of royal writs the procedure whereby English bishops invoked the secular arm's aid to coerce obdurate excommunicates—a striking example of cooperation between Crown and Church in enforcing ecclesiastical discipline. He explored another example in his book on runaway religious (Cambridge, 1996), where the Crown likewise aided religious superiors by enforcing the return of religious who fled their convents without permission. Donald, therefore, maintained his interest in medieval canon law well into his retirement.

***In memoriam: Elizabeth Makowski (1951–2021), by Robert Somerville***

Elizabeth Mary Banaszynski Makowski was born in March, 1951, in Milwaukee, Wisconsin, and earned B.A. and M.A. degrees from the University of Wisconsin, Milwaukee, where she met James Brundage, who introduced her to the study of medieval canon law. She also received an M.A. in History from Harvard University, and after several years working in publishing, entered the doctoral program in history at Columbia University. In 1993 she earned a Ph.D. in medieval history, specializing in the study of female religious in medieval canon law, working with Robert Somerville and Caroline Bynum. Liz was then appointed to the History Department at Texas State University in San Marcos, where she remained until 2019, having been honored in 2010 by being named Ingram Professor of History. Her contribution to the history of canon law can be seen in her four scholarly books, which all span the boundary of canon law and women's studies. Liz's first book combined the study of late medieval church law with the study of women's religious communities. *Canon Law and Cloistered Women* (1997) centered on Pope Boniface VIII's bull, *Periculosus*, and the canonists who discussed it in their fourteenth-, fifteenth-, and early sixteenth-century commentaries. Along with a study of this text and its late-medieval-early-modern *fortuna*, this work provided basic information about the development of canon law very useful for those entering the field. Liz's second book, *A Pernicious Sort of Woman: Quasi-Religious Women and Canon Lawyers in the Late Middle Ages* (2005), won the History of Women Religious Distinguished Book Award from Notre Dame University in 2007. In her third book, *English Nuns and the Law in the Middle Ages* (2012), Liz showed the tenacity with which nuns in England defended their endowments using legal means and employing lawyers and the English courts. In her last historical volume, Liz dealt with an especially intriguing topic: *Apostate Nuns in the Later Middle Ages* (2019), examining cases of women who for a variety of reasons left convents. The reviewer in *Speculum* (2021) wrote: "Engrossing and informative, Makowski's book is a wonderful addition to her already impressive body of work on women, agency, and the law." In the just published *Cambridge History of Medieval Canon Law* (2022), Liz contributed a chapter on religious life. And then there is her novel (that's right!): *The Case of the Reluctant Novice: A Mother Phillipa Mystery* (2021) (shades of the great G.K. Chesterton's Father Brown mysteries). With Liz's passing, her colleagues and former students lost a treasured colleague and mentor. One colleague wrote of Liz's Ingram Lecture in 2013: "That lecture was typical Liz: smart, intellectual, witty, and yet understandable to non-specialists. I think that was why she was such a successful teacher. She was able to take complex ideas and distill them in such a way that undergraduates 'get it.'" I, as a sometime mentor of that polite, somewhat shy woman with a laser-like focus on studying canon law, can only agree. *Requiescat in pace.*

***In memoriam:* Andreas Meyer (1955–2017), by Gisela Drossbach**

Andreas Meyer was born on December 19, 1955, in Suhr in the Swiss canton of Aargau. He studied history and German and English literature at the University of Zurich. In 1984 he was awarded his doctorate with the dissertation “Zürich und Rom: ordentliche Kollatur und päpstliche Provisionen am Frau- und Grossmünster, 1316–1523,” published in 1986. In it he drew on archival records from Zurich and Bern as well as Rome, and made use of digital techniques for the first time in that field; he thus proved to be “a pioneer who always sought to break new ground,” as his doctoral advisor Ludwig Schmutge said. After his assistantship at the Historical Institute of the University of Bern (1983–1989), Andreas was a grantee of the Swiss National Science Foundation at the Istituto Svizzero di Roma (1989–1993). In 1993 he submitted his *Habilitation* thesis “*Felix et inclitus notarius*: Studien zum italienischen Notariat vom 7. bis 13. Jahrhundert,” published in 2000. In it he traced the history of the Italian notarial office by using normative and documentary sources for the first time. This was followed by his two-volume edition of the “imbreviature” of the Lucchese notary Ciabattus. His new approach of combining diplomatics and legal history and the resulting usefulness for medieval social and political history will occupy generations to come. Next came a visiting lectureship at the Istituto Storico Germanico di Roma in 1993/94, various chairs in Zurich, Tübingen, and Bern, and an assistant professorship at the University of Zurich (1998–2001). In 2001 he became professor of medieval history and historical ancillary sciences at the Philipps University of Marburg and head of the Lichtbildarchiv älterer Originalurkunden bis 1250. He also served on various committees, such as the advisory board for the New Cantonal History of Ticino and the Commission internationale de diplomatique. Starting in 2015, he co-edited the *Archiv für Diplomatie, Schriftgeschichte, Siegel- und Wappenkunde* with Irmgard Fees. The range of his research was enormous. In 2005, for instance, he edited the volume *Il volto santo in Europa* with Michele Camillo Ferrari, delved into hospital research, edited a *Festschrift* for his predecessor K.H. Schulze, and more. Marburg became his new home, where he met his wife and his daughter Lucia was born; but he also remained faithful to his Swiss homeland, which he visited regularly. Unfortunately, Andreas was unable to complete his last project, a new edition of the *regulae cancellariae apostolicae*. Many of us attended his last Congress lecture in Paris, in a hall filled to the utmost capacity. Due to the malicious disease of pancreatic cancer, Andreas had to cancel his teaching and succumbed to his illness on February 6, 2017. In the obituary published in the *Frankfurter Allgemeine Zeitung* on February 24, ninety-nine friends and colleagues from Germany and abroad expressed their appreciation for Andreas as a person and a researcher. It stated: “For his friends, colleagues, and students, in teaching and research, he is immortal.”

***In memoriam:* Knut Wolfgang Nörr (1935–2018), by Mathias Schmoeckel**

Knut Wolfgang Nörr was born on January 15, 1935, in Munich and died on his eighty-third birthday in 2018 in Tübingen. His father served as a judge of the Federal Court, the highest civil and criminal law court in Germany, and his brothers became famous lawyers as well. Knut Wolfgang studied law in Heidelberg and Munich, finishing his state examinations in 1957 and 1962. His doctoral dissertation on Panormitanus was supervised by Johannes Heckel. In 1960–61 he stayed with Stephan Kuttner at the Catholic University of America in Washington, D.C. His *Habilitation* was written in Munich with the Romanist Wolfgang Kunkel and Siegfried Grundmann, a specialist in Protestant church law; this work on the private knowledge of judges in Roman-canon law displays his extensive knowledge and mastery of the field. His handbook *Romanisch-kanonisches Prozessrecht: Erkenntnisverfahren erster Instanz*

*in civilibus* (2012) sums up his phenomenal knowledge of canon law procedure. In 1966 he became Ordinary Professor of civil law and canon law history in Bonn, and in 1971 he changed to Tübingen, where he accepted one of the most prominent chairs in civil law. There he stayed, despite prominent calls from Augsburg in 1974, from the Max-Planck-Institute in Frankfurt in 1978, and from Berkeley, California, in 1984, to be the successor of Stephan Kuttner. From 1967 to 2007 he was co-editor of the *Zeitschrift für Rechtsgeschichte – Kanonistische Abteilung* and helped to internationalize its scope. Besides his expertise in medieval canon law, he created a new research field on the relation of German civil law and economy in the twentieth century. In addition, he was co-editor of the Duncker & Humblot series *Comparative Studies in Continental and Anglo-American Legal History* and the important *Beiträge zur Rechtsgeschichte des 20. Jahrhunderts* with Siebeck-Mohr. He was a member of the Max-Planck-Gesellschaft and the Heidelberg Academy of Science, and a corresponding member of the academies of Siena and Messina; the universities of Siena and Yokohama (Toin-University) conferred on him the title of *doctor honoris causa*. Knut Wolfgang himself was a devoted supervisor of doctoral theses. Many colleagues have been interested lately in the way judges make their decisions; in this respect, Knut Wolfgang's *Habilitation* is still relevant, especially as the canon law of procedure marks the European tradition until today. As a judge cannot serve as a witness in his own lawsuit, for example, does he have to acquit a person whom he knows to be guilty due to inadequate evidence? Lawyers since the thirteenth and fourteenth centuries developed very different perspectives on this problem and display the originality and quality of the legal debate at this time. Knut Wolfgang analyzed this approach in a very precise yet elegant style. With the canon law sources at his fingertips and his profound understanding of legal procedure, perhaps going back to discussions in his family, his analysis makes it sound like an easy matter. His mastery of historical and legal perspectives has set a lasting benchmark.

***In memoriam:* Brian Tierney (1922–2019), by Ken Pennington**

Brian Tierney was born in Scunthorpe, Lincolnshire, England. He enlisted in the Royal Air Force in July, 1941, and was trained as a navigator. He flew thirty missions on Wellington bombers and another sixty on Mosquitoes with the 105th Squadron of the Pathfinder Force. He was awarded the Distinguished Flying Cross and Bar for his service. After the war, he pursued a shortened undergraduate degree for veterans and graduated in 1948 with First Class Honors. He continued his graduate studies at Cambridge to take a degree in medieval history and received his Ph.D. in 1951. He began his academic career in the History Department of the Catholic University of America in 1951. In 1959 he moved to Cornell University, where he remained until he retired from teaching, but not from scholarship, in 1992. In 1955 Brian published his dissertation *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*. The book provided a historical dimension to the constitutional issues debated at the Second Vatican Council; he published an enlarged edition of the book in 1998. In his introduction to the new edition, he wrote that his book opened up two important paths of research that he and other scholars have followed. The first path led to his book *Origins of Papal Infallibility, 1150–1350* (1972), in which he argued that papal infallibility did not derive from canonical jurisprudence but from the theological literature surrounding the controversy over Franciscan concepts of poverty in the thirteenth century. The second path led to the question of whether conciliar theories influenced the development of Western constitutional thought in the secular realm. In 1979 he delivered a series of lectures at Belfast's Queen's University entitled *Religion, Law, and the Growth of Constitutional Thought, 1150–1650* (1982), in which he traced four important elements of medieval and early modern legal thought that were essential elements of all

modern constitutions: consent, popular sovereignty, corporate theory, and electoral theory. In the late 1980s Brian began to explore theories of natural and civil rights and published *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625* (1997), in which he explored the various meanings of natural law and rights for women, clergy, indigenous peoples, and many other areas in which the idea of natural rights occurred. From that work there was a natural progression to his last book, published when he was ninety years old, *Liberty and Law: The Idea of Permissive Natural Law, 1100–1800* (2014). Natural law was considered permissive when one of its principles conflicted with human customs. As the dates embedded into the titles of his books indicate, he stretched chronological limitations and his historical imagination to follow the paths of ideas that captivated him. Brian was a superb teacher and delivered lectures that matched his writing: clear, organized, and pellucid.

***In memoriam: Baron Raoul van Caenegem (1927–2018), by Rob Meens***

Four years ago (June 15, 2018) Raoul van Caenegem passed away at the age of 90, after a long and distinguished career as a historian. He began to study law at Ghent University, but soon came under the spell of François-Louis Ganshof, under whose tutelage he became one of the foremost historians of the Middle Ages. He had a pronounced interest in law and legal history and was immensely prolific in this field, focusing on the Middle Ages, when according to him the groundwork was laid for modern Europe. Geographically, his interest focused on Flanders and England. His literary production (his bibliography lists thirty-two books or monographs and no less than 160 articles) is astonishing, if you take into account that sometimes he taught twenty-two hours a week! He published historical introductions to private law, constitutional law, and English common law, a history of England from Stonehenge to the Thatcher era, and an introduction to the sources of medieval history, a book with which I grew up as a student—all of these highly successful and translated into many modern languages. His publications could be general—already at the age of 33 he published an article entitled “Les études médiévales: quelques réflexions”—but he also wrote on punctuation in the polyptych of the abbey of St.-Bertin when he was a mature scholar. After his retirement as professor in Ghent in 1992, he taught for a number of years as a visiting professor at the European law school in my home town of Maastricht. This teaching led to the publication in 2002 of his book *European Law in the Past and the Future: Unity and Diversity over Two Millennia*, a work that exemplifies his eagerness to contribute to contemporary issues from a historical perspective. Even at an advanced age, he remained active and continued to publish regularly. In some of his later publications, he looked back at his life and colleagues, resulting in contributions such as “Legal Historians I Have Known: A Personal Memoir” and “How I Came to Write my Books,” but he also continued to publish scholarly articles such as “Women in Twelfth-century English Lawsuits” for *The Legal History Review*. For someone with such wide-ranging interests, it is remarkable that over such a long career he devoted only a single article to canon law: his contribution on canon law books in medieval Belgian booklists, submitted to the *Collectanea Kuttner* published in the *Studia Gratiana*. Since, as a young scholar, he had studied in Paris with Gabriel Le Bras, he must have had an interest in the topic, but for some reason or other he shied away from canon law. The deep rift between the secular University of Ghent and the Catholic University of Leuven may have played a part in this. Yet it is not inappropriate for canonists to remember this historian who did so much to further the study of law from a historical perspective.

## THE CHURCH OF ST. FRANCIS XAVIER

St. Francis Xavier (“College”) Church at Saint Louis University is both the church serving the university community and a parish in the Archdiocese of St. Louis. It has been staffed by members of the Society of Jesus (the Jesuits) since its foundation.

In 1836, Bishop Joseph Rosati gave the Jesuits permission to found a parish in conjunction with their recently founded college. The congregation met for several years in the College Student Chapel dedicated to St. Aloysius located on Washington Ave. between 9th and 10th Streets. Plans for a church building were soon begun, and on April 12, 1840, the cornerstone of the church was laid at 9th Street and Christy (Lucas) Ave. The church was dedicated to St. Francis Xavier, but from the beginning it was familiarly known as the College Church. It was the first English-speaking parish in the city and the second regular church to be opened for public services (the Old Cathedral was the first).

As the city grew westward, Saint Louis University decided to move with it. In 1867, property was purchased in Lindell’s Grove at Grand Blvd. (then Ave.) as a new site for the university. In 1879, Archbishop Peter Kenrick gave the Jesuits permission to build a new church on the site to replace the old one downtown. Plans were drawn up by the prominent architect Thomas Walsh, and on June 8, 1884, the cornerstone was laid. For many years, work on the church steadily continued as funds became available, and after Walsh’s death the project was taken over by the Chicago architect Henry W. Switzer. Fr. Henry C. Bronsgeest, S.J., pastor from 1884 to 1914, asked that the church be modelled after the Cathedral of St. Colman in Cobh, Ireland, which is a product of the neo-Gothic architectural revival of the nineteenth century.

A thorough restoration and renovation of both exterior and interior in 1986–1990 cleaned and highlighted the church’s Gothic details and brought the space into conformity with the requirements of the reformed liturgy—but in such a way that the Gothic quality was enhanced, not destroyed. The glory of any Gothic church is its stained glass windows, and the College Church is no exception. The windows in the apse were designed by Emil Frei, Jr., and installed in 1929; he considered them to be his masterpiece, and some say that they are the closest approximation to the windows of Chartres to be found in the United States. The windows in the nave, also made by Frei in 1936–1938, are chiefly devoted to the saints of the Society of Jesus. The windows in the transepts depict Christ’s place in education and in society, as well as Jesuit missionary activity in the Americas and beyond. The stunning rose window, formerly concealed by organ pipes, was made visible again by the renovation.

The College Church is a very active parish with many charitable outreaches to the local community. It also serves the spiritual needs of the faculty and students of the university. A great many of its faithful come from all over the city, far beyond its parochial boundaries, in order to listen to its beautiful choir, to hear its priests’ renowned preaching, and to experience the guidance of its Jesuit confessors.

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