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'Consensual and non-consensual politics in medieval Roman Law'
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The author

Magnus Ryan read History as an undergraduate at Queens' College, Cambridge, where his studies were directed, and his understanding of medieval history and political thought was shaped by George Garnett. He was then supervised by Peter Stein for his doctorate on the feudal law in later medieval jurisprudence. He held a Junior Research Fellowship at St John's, Cambridge, followed by a Post-doctoral Research Fellowship at All Souls, Oxford. His first teaching position was a university lectureship at the Warburg Institute; in 2006 he returned to Cambridge as University Lecturer in the History of Political Thought, and Fellow of Peterhouse. He is a frequent visitor to the Max Planck Institut für europäische Rechtsgeschichte in Frankfurt, and to the University of Rome 3, where he has a long-standing collaboration; he has also been a visiting professor at the Ecole des Hautes Etudes in Paris. He gave the Carlyle Lectures in Oxford in 2004 on 'The Legal Framework of Political Thinking, 1150-1600'. The author of several articles, he has two books in preparation, on Roman and Feudal law in the middle ages. Persistently neglected in Anglo-Saxon scholarship on the history of political thought (but not by German or Italian scholarship), these traditions were the foundations on which Europeans erected their political thinking from the Roman Empire to the eighteenth century: this history of the state in Europe cannot be written without them.

Abstract of the paper

The paper explores how the medieval glossators and commentators of Roman law construed various relations of rule and subjection such as those in the Roman Empire, various national Kingdoms and some other less well-defined polities without admitting any obvious or robust principle of consent. This is a striking feature of their thought because several prominent texts in the Roman law itself might easily be understood in the opposite sense, that is as endorsements of popular political capacity. The paper focuses on the people (*populus*) as the most important term to watch as legal theory changed in the course of the thirteenth and fourteenth centuries.

Relevant to the theme are the following articles:

'Bartolus of Sassoferrato and the free cities', *Transactions of the Royal Historical Society*, Sixth Series, 10 (2000), 65-89

'Freedom, Law and the medieval state', in *States and Citizens: history, theory, prospects*, ed Quentin Skinner and Bo Stråth (Cambridge, 2003), 51-62