



Characteristics of a Medieval State and Law in Europe

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ABSTRACT

First of all, it should be noted that in the countries of the West and the East, feudal land ownership has its own characteristics that distinguish it from the period of slavery. For example, in Western countries, the supreme owner of the land is the monarch (king, prince, emperor), from whom other feudal lords received land in exchange for services or other conditions. They transferred the land to a third party under certain conditions. The land was given to the feudal lord, and the recipient was called a vassal.

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Thus, the peculiarities of land tenure in Western European countries is its hierarchical (phased) nature, which gave rise to the suzerainty-vassal relationship, expressed in special agreements (investments).

In the East, without such property, land was considered state property. Large landowners were subordinate to the state, and farmers and artisans paid the rent tax directly to the state.

The existence of state ownership of land was an important factor in the relative centralization of the state in the Middle East, but by the 16th and 18th centuries it impeded the development of capitalist production relations.

Since feudal relations emerged at the heart of society, there were changes in its political structure, which also reflected the nature of this foundation.

With the development of feudal production relations, statehood also developed. In Europe, this process went through basically the following four stages: the first feudal monarchy, the seigneur monarchy

(feudal disintegration), the class-representative monarchy and the absolute monarchy. However, not all European countries went through these stages simultaneously and completely. Hence the peculiarities of the national history of each country.

It should be noted that the countries of the East did not fully survive such periods in their development. Many scholars note that the East has been in the form of an absolute monarchy since the formation of feudal states, a period that lasted a long time.

In feudal society and its political organizations, church ideology played a major role, and believers were considered a privileged class. Christianity was the dominant religious ideology in Eastern and Western Europe, Islam in many Asian countries, Confucianism in China, and Buddhism in Japan.

Christianity is the only religion in Europe that conquered people all their lives, from the moment of their birth to the moment of their death, under the control of the church. Christianity, although it originated as a religion of the poor and slaves, later spread throughout Western Europe. In 325, the first council (meeting) of the Christian church was convened.

In 1054, after centuries of strife between the churches of Rome and Constantinople, two churches, two confessions - Orthodoxy and Catholicism - firmly established themselves in Christianity. In 1232, the Pope issued a decree according to which all issues concerning atheists were decided by the community of Dominican monks.

In 1252, the newly formed Inquisitional Church Court was allowed to use torture in its investigation. Thus, the medieval ecclesiastical inquisition (court) was formed, which included atheism, fortune-telling, apostasy, incestuous marriages, infidelity, perjury, libel, forgery of documents, forgery of weight and length, usury, as well as all cases arising under its jurisdiction. from marriage and family relations.

In 1481, a "divine tribunal" was established in Spain. For 15 years of work of the Chief Inquisitor in Chorkvem, 8,220 people were accused of atheism and burned, and 89,326 people were sentenced to other punishments. According to Voltaire, more than 100,000 people in Western Europe were burned at the stake for fortune telling and atheism.

Western European cities became centers of trade and crafts in the 10th and 11th centuries. The cities initially depended on them, since they were formed on the lands of religious and secular feudal lords.

They soon gain independence as a result of the struggle against the suppression of their freedoms, and some even become city-states in the form of republics (in Italy). Some receive the right to self-government (in England), others - the status of imperial free cities (in Germany). The most important aspect of cities was the recognition of the freedom of all citizens.

To protect themselves from the nobility and more evenly distribute city taxes, the townspeople began to unite in unions. Hu-narmands set up their own workshops, and merchants set up their own guilds. Medieval workshops are a trade union of masters of the same profession.

Each gender, guild had its own charter and elder, as well as a court. The structure of stores is a natural result of feudalism. Therefore, there are stores not only in Western Europe, but also in Japan, China and Central Asia.

By the 16th century, signs of a crisis in feudalism began to appear in Europe. With the approach of antifeudal revolutions, political and legal doctrines developed, substantiating new democratic principles of the state and legal system and often embodying the experience of ancient democracy.

Along with the development of Western European countries, their legal systems also developed. An important feature of this process during the period of feudal disintegration was the particularism of law, that is, the absence of a single law for the entire country. The elimination of the "partisanship" of the law has accelerated, especially since the time of the class-representative monarchy.

In the countries of the continental part of Western Europe, there is a convergence of legal forms. English feudal law developed independently. Thus, signs of the division of Western European law into two: Anglo-Saxon and Continental soon began to appear.

In the East, the history of the feudal state and the law of the great countries of the Middle Ages was different. Here a form of despotic government has been preserved, largely based on a strong bureaucratic state apparatus. Certain national differences in the use of monarchical power have not largely changed its content and essence.

Here, the head of state as a whole has always acted as the supreme owner of all land in the country. This right has been passed down from generation to generation. It can also be noted that in relation to land use in the East, communal land use persists for a long time and is sustainable. The main forms of exploitation were equally preserved, primarily the collection of rent in favor of the ruling class from melons and gourds.

Handicraft production and trade flourished in the cities. Improved items, large architectural structures and other royal works of art were created for the time, many inventions were made. We even see cases when they went out of their time in this area.

But the city's products were mainly used to meet the needs of the ruling class and for trade abroad. Rural communities were mostly natural, sustainable economies, developed only by the internal market, did not adapt to the growth of commodity production and, therefore, hindered the formation of new social relations. This, of course, does not mean absolute stagnation, society continued to develop, albeit slowly.

Naturally, the period of development of feudalism consisted not only of positive events. In no society in the history of mankind, the personal freedoms and rights of the representatives of the ruling class have not been raised to the level of endless selfishness, as in a feudal society. In turn, the position of ordinary citizens has never been as difficult and humiliating as under feudalism. Never in the history of mankind have we encountered a society in which existing laws and regulations had to be observed only by the weak, as under feudalism.

In the Middle Ages, the peoples of the world experienced many calamities: famine, plague, war and plunder. They staged riots to change their humiliating and difficult life. As a result, humanity entered a new era as a result of revolutions such as the English and French revolutions, which ended the Middle Ages and, in turn, the system of absolute monarchy.

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