



The Making of Gratian's *Decretum*

Anders Winroth

Making Of Gratians Decretum

John C. Wei



Making Of Gratians Decretum:

The Making of Gratian's Decretum Anders Winroth, 2000-11-23 This book offers perspectives on the legal and intellectual developments of the twelfth century Gratian's collection of Church law the Decretum was a key text in these developments Compiled in around 1140 it remained a fundamental work throughout and beyond the Middle Ages Until now the many mysteries surrounding the creation of the Decretum have remained unsolved thereby hampering exploration of the jurisprudential renaissance of the twelfth century Professor Winroth has now discovered the original version of the Decretum which has long lain unnoticed among medieval manuscripts in a version about half as long as the final text It is also different from the final version in many respects for example with regard to the use of Roman law sources enabling a reconsideration of the resurgence of law in the twelfth century

Gratian the Theologian John C. Wei, 2016-02-19 Gratian the Theologian shows how one of the best known canonists of the medieval period was also an accomplished theologian Well into the twelfth century compilations of Church law often dealt with theological issues Gratian's Concordia discordantium canonum or Decretum which was originally compiled around 1140 was no exception and so Wei claims in this provocative book The Decretum is the fundamental canon law work of the twelfth century which served as both the standard textbook of canon law in the medieval schools and an authoritative law book in ecclesiastical and secular courts Yet theology features prominently throughout the Decretum both for its own sake and for its connection to canon law and canonistic jurisprudence

Gratian's Tractatus de Penitentia Gratian, 2016-07-22 Gratian's Decretum is one of the major works in European history a text that in many ways launched the field of canon law In this new volume Atria Larson presents to students and scholars alike a critical edition of De penitentia Decretum C 33 q 3 the foundational text on penance both for canon law and for theology of the twelfth century This edition takes into account recent manuscript discoveries and research into the various recensions of Gratian's text and proposes a model for how a future critical edition of the entire Decretum could be formatted by offering a facing page English translation This translation is the first of this section of Gratian's De penitentia into any modern language and makes the text accessible to a wider audience Both the Latin and the English text are presented in a way to make clear the development of Gratian's text in various stages within two main recensions The edition and translation are preceded by an introduction relating the latest scholarship on Gratian and his text and are followed by three appendices including one that provides a transcription of the relevant text from the debated manuscript Sankt Gallen Stiftsbibliothek 673 and one that lists possible formal sources and related contemporary texts This book provides a full edition and translation of the text studied in depth in Master of Penance Gratian and the Development of Penitential Thought and Law in the Twelfth Century CUA Press 2014 by the same author

The Papacy and Crusading in Europe, 1198-1245 Rebecca Rist, 2011-11-03 An internal crusade is defined as a holy war authorized by the pope and fought within Christian Europe against those perceived to be foes of Christendom either to recover property or in defense of the Church or Christians This

study is therefore not concerned with those crusades authorized against Muslim enemies in the East and Spain nor with crusades authorized against pagans on the borders of Europe Up to now these crusades have attracted relatively little attention in modern British scholarship This in spite of their undoubted European wide significance and an increasing recognition that the period 1198 1245 marks the beginning of a crucial change in papal policy underpinned by canon law This book discusses the developments through analysis of the extensive source material drawn from unregistered papal letters placing them firmly in the context of ecclesiastical legislation canon law chronicles and other supplementary evidence It thereby seeks to contribute to our understanding of the complex politics theology and rhetoric that underlay the papacy's call for crusades within Europe in the first half of the thirteenth century

Archaeology of Frankish Church Councils, AD 511-768 Gregory I. Halfond, 2010 Despite growing scepticism concerning the evidentiary value of normative legal sources scholars continue to mine the legislative acts of ecclesiastical councils for insight into political religious and quotidian life in Frankish Gaul Between the reigns of Clovis and Charlemagne AD 511 768 at least eighty councils assembled often on royal command to discuss issues of concern to the episcopal and clerical attendees Their published canons were intended to communicate ecclesiastical policy in the Frankish regnum However scholars have paid comparatively slight attention to the institution responsible for this body of legislation This book remedies this lacuna by delineating the functions and modus operandi of the Frankish church council as an administrative body

Creating and Sharing Legal Knowledge in the Twelfth Century, 2022-10-31 The Decretum Gratiani is the cornerstone of medieval canon law and the manuscript St Gallen Stiftsbibliothek 673 an essential witness to its evolution The studies in this volume focus on that manuscript providing critical insights into its genesis linguistic features and use of Roman Law while evaluating its attraction to medieval readers and modern scholars Together these studies offer a fascinating view on the evolution of the Decretum Gratiani as well as granting new insights on the complex dynamics and processes by which legal knowledge was first created and then transferred in medieval jurisprudence Contributors are Enrique de León Stephan Dusil Melodie H Eichbauer Atria A Larson Titus Lenherr Philipp Lenz Kenneth Pennington Andreas Thier Jos Miguel Viejo Ximénez John C Wei and Anders Winroth

Denmark and Europe in the Middle Ages, c.1000-1525 Kerstin Hundahl, Lars Kjær, Niels Lund, 2016-05-23 Where medieval Denmark and Scandinavia as a whole has often been seen as a cultural backwater that passively and belatedly received cultural and political impulses from Western Europe Professor Michael H Gelting and scholars inspired by him have shown that the intellectual religious and political elite of Denmark actively participated in the renaissance and reformation of the central and later medieval period This work has wide ramifications for understanding developments in medieval Europe but so far the discussion has taken place only in Danish language publications This anthology brings the latest research in Danish medieval history to a wider audience and integrates it with contemporary international discussions of the making of the European middle ages

New Discourses in Medieval Canon Law Research, 2019-04-09 New Discourses in

Medieval Canon Law Research offers a new narrative for medieval canon law history which avoids the pitfall of teleological explanations by taking seriously the multiplicity of legal development in the Middle Ages and the divergent interests of the actors involved. The contributors address the still dominant master narrative mainly developed by Paul Fournier and enshrined in his magisterial *Histoire de collections canoniques*. They present new research on pre Gratian canon collection Gratian's *Decretum*, decretal collections but also hagiography, theology and narrative sources challenging the standard account. A separate chapter is devoted to Fournier's model and its genesis. *New Discourses* thus brings together specialized research and broader questions of who to write the history of church law in the Middle Ages. Contributors are Greta Austin, Katherine G. Cushing, Stephan Dusil, Tatsushi Genka, John S. Ott, Christof Rolker, Danica Summerlin, Andreas Thier and John C. Wei.

Christianity and Family Law John Witte, Jr., Gary S. Hauk, 2017-10-12. The Western tradition has always cherished the family as an essential foundation of a just and orderly society and thus accorded it special legal and religious protection. Christianity embraced this teaching from the start and many of the basics of Western family law were shaped by the Christian theologies of nature, sacrament and covenant. This volume introduces readers to the enduring and evolving Christian norms and teachings on betrothals and weddings, marriage and divorce, women's and children's rights, marital property and inheritance and human sexuality and intimate relationships. The chapters are authoritatively written but accessible to college and graduate students and scholars as well as clergy and laity. While alert to the hot button issues of sexual liberty today, the contributing authors let the historical figures speak for themselves about what Christianity has and can contribute to the protection and guidance of our most intimate association.

Money in the Western Legal Tradition David Fox, Wolfgang Ernst, 2016-01-28. Monetary law is essential to the functioning of private transactions and international dealings by the state; nearly every legal transaction has a monetary aspect. *Money in the Western Legal Tradition* presents the first comprehensive analysis of Western monetary law covering the civil law and Anglo American common law legal systems from the High Middle Ages up to the middle of the 20th century. Weaving a detailed tapestry of the changing concepts of money and private transactions throughout the ages, the contributors investigate the special contribution made by legal scholars and practitioners to our understanding of money and the laws that govern it. Divided in five parts, the book begins with the coin currency of the Middle Ages, moving through the invention of nominalism in the early modern period to cashless payment and the rise of the banking system and paper money, then charting the progression to fiat money in the modern era. Each part commences with an overview of the monetary environment for the historical period, written by an economic historian or numismatist. These are followed by chapters describing the legal doctrines of each period in civil and common law. Each section contains examples of contemporary litigation or statute law which engages with the distinctive issues affecting the monetary law of the period. This interdisciplinary approach reveals the distinctive conception of money prevalent in each period which either facilitated or hampered the implementation of economic policy and the operation of

private transactions *Pope Innocent II (1130-43)* John Doran, Damian J. Smith, 2016-06-10 The pontificate of Innocent II 1130 1143 has long been recognized as a watershed in the history of the papacy marking the transition from the age of reform to the so called papal monarchy when an earlier generation of idealistic reformers gave way to hard headed pragmatists intent on securing worldly power for the Church Whilst such a conception may be a cliché its effect has been to concentrate scholarship more on the schism of 1130 and its effects than on Innocent II himself This volume puts Innocent at the centre bringing together the authorities in the field to give an overarching view of his pontificate which was very important in terms of the internationalization of the papacy the internal development of the Roman Curia the integrity of the papal state and the governance of the local church as well as vital to the development of the Kingdom of Sicily and the Empire

Foundations of American Criminal Due Process at Trial Francis R. Herrmann, Brownlow M. Speer, 2025 A combination of media personal experience and education have introduced the average American to their right to a fair trial by jury a protection set out in the Bill of Rights of the American Constitution However the specific rights that set the jury system up for fair trial procedure have roots far older than the Bill of Rights *Foundations of American Criminal Due Process at Trial* delves into a subject whose historical horizon includes the pulpit of St Augustine a workshop of ninth century forgers the prosecution of pirates in medieval England and defendants demands for basic safeguards in English common law trials Francis R Herrmann and Brownlow M Speer scrutinize previously overlooked primary sources underline the influence of canon law and classic writings on English law and trace the fundamental protections of accused persons to Judeo Christian principles A text sure to be of interest to practitioners scholars and lay readers *Foundations of American Criminal Due Process at Trial* anchors American fair trial rights in the geography and chronology of a Western legal tradition that encompasses Rome medieval Europe and England

The Cambridge History of Medieval Canon Law Anders Winroth, John C. Wei, 2022-01-27 Canon law touched nearly every aspect of medieval society including many issues we now think of as purely secular It regulated marriages oaths usury sorcery heresy university life penance just war court procedure and Christian relations with religious minorities Canon law also regulated the clergy and the Church one of the most important institutions in the Middle Ages This *Cambridge History* offers a comprehensive survey of canon law both chronologically and thematically Written by an international team of scholars it explores in non technical language how it operated in the daily life of people and in the great political events of the time The volume demonstrates that medieval canon law holds a unique position in the legal history of Europe Indeed the influence of medieval canon law which was at the forefront of introducing and defining concepts such as equity rationality office and positive law has been enormous long lasting and remarkably diverse

The Oxford Handbook of European Legal History Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey, 2018-06-28 European law including both civil law and common law has gone through several major phases of expansion in the world European legal history thus also is a history of legal transplants and cultural borrowings

which national legal histories as products of nineteenth century historicism have until recently largely left unconsidered The Handbook of European Legal History supplies its readers with an overview of the different phases of European legal history in the light of today's state of the art research by offering cutting edge views on research questions currently emerging in international discussions The Handbook takes a broad approach to its subject matter both nationally and systemically Unlike traditional European legal histories which tend to concentrate on heartlands of Europe notably Italy and Germany the Europe of the Handbook is more versatile and nuanced taking into consideration the legal developments in Europe's geographical fringes such as Scandinavia and Eastern Europe The Handbook covers all major time periods from the ancient Greek law to the twenty first century Contributors include acknowledged leaders in the field as well as rising talents representing a wide range of legal systems methodologies areas of expertise and research agendas

Order in the Court: Medieval Procedural Treatises in Translation Bruce Brasington, 2016-03-17 In Order in the Court Brasington translates and comments upon the earliest medieval treatises on ecclesiastical legal procedure Beginning with the eleventh century Marturi Case the first citation of the Digest in court since late antiquity and the jurist Bulgarus letter to Haimeric the papal chancellor we witness the evolution of Roman law procedure in Italy The study then focusses on Anglo Norman works all from the second half of the twelfth century The De edendo the Practica legum of Bishop William of Longchamp and the Ordo Bambergensis blend Roman and canon law to guide the judge advocate and litigant in court These reveal the study and practice of the learned law during the turbulent Age of Becket and its aftermath

Lying and Perjury in Medieval Practical Thought Emily Corran, 2018-08-30 Thought about lying and perjury became increasingly practical from the end of the twelfth century in Western Europe At this time a distinctive way of thinking about deception and false oaths appeared in the schools of Paris and Bologna most notably in the Summa de Sacramentis et Animae Consiliis of Peter the Chanter This kind of thought was concerned with moral dilemmas and the application of moral rules in exceptional cases It was a tradition which continued in pastoral writings of the thirteenth century the practical moral questions addressed by theologians in universities in the second half of the thirteenth century and in the Summae de Casibus Conscientiae of the late Middle Ages Lying and Perjury in Medieval Practical Thought argues that medieval practical ethics of this sort can usefully be described as casuistry a term for the discipline of moral theology that became famous during the Counter Reformation This can be seen in the origins of the concept of equivocation an idea that was explored in medieval literature with varying degrees of moral ambiguity From the turn of the thirteenth century the concept was adopted by canon lawyers and theologians as a means of exploring questions about exceptional situations in ethics It has been assumed in the past that equivocation and the casuistry of lying was an academic discourse invented in the sixteenth century in order to evade moral obligations This study reveals that casuistry in the Middle Ages was developed in ecclesiastical thought as part of an effort to explain how to follow moral rules in ambiguous and perplexing cases

Power Over the Body, Equality in the Family Charles J. Reid, 2004-10-29 The

term conjugal rights has long characterized ways of speaking about marriage both in the canonistic tradition and in the secular legal systems of the West This book explores the origins and dimensions of this concept and the range of meanings that have attached to it from the twelfth century to the present Employing far ranging sources Charles Reid Jr examines the language of marriage in classical Roman law the Germanic legal codes of early medieval Europe and the writings of canon lawyers and theologians from the medieval and early modern periods The heart of the book however consists of the writings of the canonists of the High Middle Ages especially the works of Hostiensis Bernard of Parma Innocent IV and Raymond de Peafort Reid s incisive survey provides a new understanding of subjects such as the right of parties to marry free of parental coercion the nature of paternal power the place of bodies in the marriage contract the meaning and implications of gender equality and the right of inheritance **Faith, Force and Fiction in Medieval Baptismal Debates** Marcia L.

Colish,2014-05 Drawing on a wide and interdisciplinary range of sources that goes well beyond the writings of theologians and canonists to include liturgical texts and practices the rulings of popes and church councils saints lives chronicles imaginative literature and poetry Faith Fiction and Force in Medieval Baptismal Debates illuminates the emergence and fortunes of these three controversies and the historical contexts that situate their development Each debate has its own story line its own turning points and its own seminal figures whose positions informed its course The thinkers involved in each case were and regarded one another as being members of the orthodox western Christian communion Thus another finding of this book is that Christian orthodoxy in the Middle Ages was able to encompass and accept disagreements both wide and deep on a sacrament seen as fundamental to Christian identity faith and practice *Heresy and Heretics in the Thirteenth Century* Lucy J. Sackville,2014-08-21 The first book to deal with all the principal treatments of heresy and anti heretical writings during their heyday in the thirteenth century Heresy is always relative the traces that it leaves to us are distorted and one sided In the last few decades historians have responded to these problems by developing increasingly sophisticated methodologies that help to unravel and illuminate the tangled layers from which the texts that describe heresy are built but in the process have made our reading of heresy fractured and disconnected Heresy and Heretics seeks to redress this by reading the different types of anti heretical writing as part of a wider connected tradition considering all the principal orthodox treatments of heresy for the first time Drawn from the mid thirteenth century a time when both medieval heresy and the church s response to it were at their zenith they describe a spectrum of material that ranges from the theological arguments of some of the greatest thinkers of the age to the homely sermons of the wanderingpreachers In considering the whole scope of anti heretical writing from this period it becomes apparent that far from being an artificial construct isolated from reality the church s treatment of heresy in fact had a far morecomplex relationship with its subject matter Dr L J Sackville teaches in the Department of History University of York Regional Variations in Matrimonial Law and Custom in Europe, 1150-1600 Mia Korpiola,2011-12-09 Much research has been done on medieval marriage in the last decades

However few books have a pronouncedly comparative approach This book discusses how much was regional and universal in medieval marriage law and practices in Europe The sources used range from secular and canon law to court practice and from images to private correspondence Articles discuss medieval and Reformation Belgium England France Germany Italy Lithuania and Sweden Both marriage formation and marital property two intertwined aspects are considered in the articles The book offers fresh evidence on the scope of regional variation tolerated by the Church regional practices and European trends Contributors are James A Brundage Cecilia Cristellon Trevor Dean Charles Donahue Jr Caroline Dunn Mia Korpiola Jurgita Kunsmanait Anu Lahtinen Anthony Musson Philip L Reynolds Kirsi Salonen Silvana Seidel Menchi and Monique Vleeschouwers Van Melkebeek

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