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Chapter 0

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Prologue

The purpose of the following short introduction is to indicate the importance of Gratian's *Decretum*, and to contextualize the composition of the *Decretum* within the broader twelfth-century revolution in legal science.

The *Decretum* is *not* the kind of document, like the Fournier Register, the record of an episcopal inquisition into Albigensian heretics surviving in a single manuscript, that many non-specialists, with a journalistic eye for the exotic and the extreme, take to be the central concern of medieval studies.¹ The *Decretum* was, instead, both a normal and a normative text in its own time, and for centuries thereafter. The *Decretum* survives in an unusually large number of manuscripts – around 150-200 from the twelfth century

¹ The manuscript is Vat. Lat. 4030. Jean Duvernoy, ed., *Le Registre d'inquisition de Jacques Fournier, évêque de Pamiers (1318-1325)*, Bibliothèque Méridonale. 2. Ser, t. 41 (Toulouse: É. Privat, 1965). See also [Inquisition Records of Jacques Fournier](#) ("An on-going English translation of the Inquisition Records of Jacques Fournier, Bishop of Pamiers, France, 1318-1325") by Nancy P. Stork (SJSU).



and around 600 for the medieval period overall.² The *Decretum* was the fundamental textbook for first-year university instruction in canon law through the seventeenth century. As the first volume of the *Corpus iuris canonici*, the *Decretum* remained valid law in the Roman Catholic Church right up until 1917, and exercised enormous influence over the 1917 and 1983 codifications of canon law that replaced the old *Corpus*. The relevance of the *Decretum* extends to everyday contemporary life. It is quite common for twenty-first century American Roman Catholics to have had some experience with diocesan marriage tribunals and the marriage annulment process (for example, my wife once had to submit written testimony to a diocesan marriage tribunal in support of her sister's petition to have her first marriage annulled). When they come into contact with the marriage annulment process, contemporaries become participants in a legal system that, at least in its conceptual outlines, was first systematized by Gratian in cases 27-36 in Part II of the *Decretum*, the so-called marriage *causae*.

² "My listing of more than 600 manuscripts containing the *Decretum* will appear in Kenneth Pennington and Wilfried Hartmann, eds., *History of Medieval Canon Law*, 11." Anders Winroth, *The Making of Gratian's Decretum* (Cambridge: Cambridge University Press, 2000), 122n2. This list has never made it into print to my knowledge. For a reasonably complete and current list, see the entry for [Gratian](#) in Kenneth Pennington's Bio-Bibliographic Guide to Medieval and Early Modern Jurists hosted by the Ames Foundation at Harvard University.

Bibliography

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