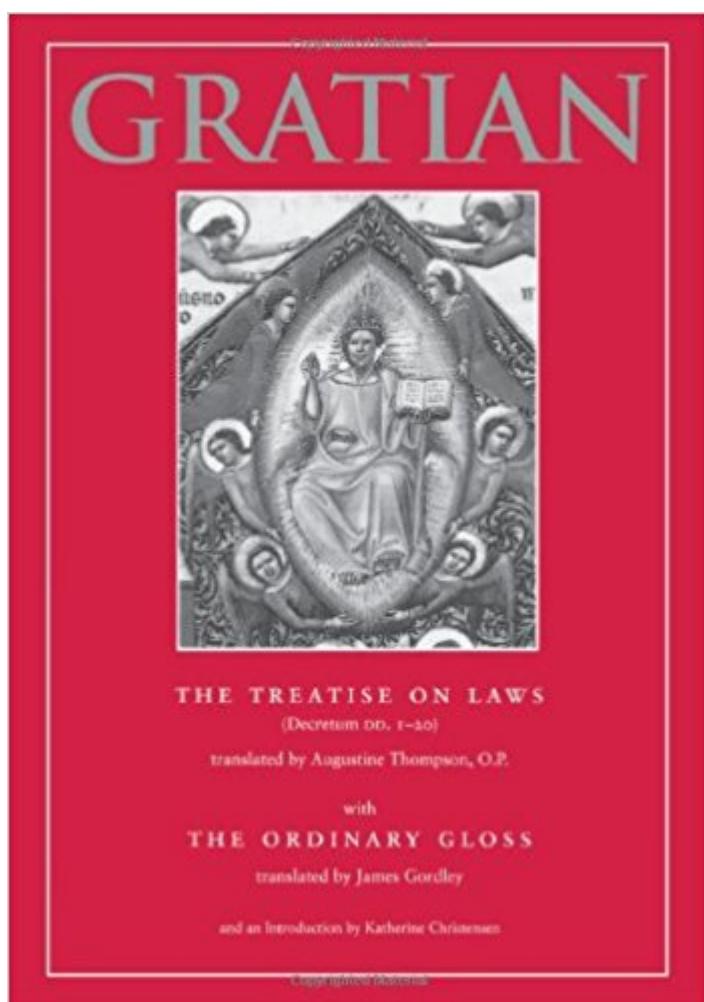


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The Treatise On Laws (Decretum DD. 1-20) With The Ordinary Gloss (Studies In Medieval And Early Modern Canon Law) (v. 2)



Synopsis

The first twenty distinctions of the *Decretum*, which comprise a treatise on law and deal with questions of enduring interest, have now been translated into English. A translation of the ordinary gloss, a scholarly commentary usually found in the margin of the *Decretum*, is also provided."What first strikes the reader in the CUA Press translation is the editorial presentation: Gratian's text is located in the middle of the page, with the gloss arranged around it. In its form, it parallels exactly the appearance of the medieval manuscripts and early printed editions; one could move from the text to the gloss and back again without flipping pages, having to consult another book or losing one's place. . . . The CUA Press translation deserves to be in any law library, at least an introduction and access to the history of this law."¹ Ecclesiastical Law Journal

Book Information

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The first twenty distinctions, translated here, comprise a treatise on law in general and contain a discussion of the nature of law, voluntary action, and the power of popes, bishops, and secular authorities. Accompanying the translation of the distinctions is a translation of the so-called ordinary gloss, a commentary on the distinctions that took its final form in the thirteenth century and was usually found around the margin texts of the 'Decretum.'

Gratian's contribution to jurisprudence cannot be underestimated. This selection of Gratian's work, translated into English, shows how Roman and canon law merged in the 12th century to create an

even more vibrant and comprehensive view of the law and its function in human society. In fact, this may be the only extant English translation of Gratian's treatise on laws. This particular book is useful because it presents Gratian in much the same way that canonists and legal scholars would have read him from the High Middle Ages onward- surrounded by the standard gloss running around the sides of the main text. This form of commentary has since fallen out of fashion, but if you buy this book you will see why it was such a valuable way to carry on and develop the ideas in the main text. An invaluable addition to any lawyer's, judge's, canonist's, or philosopher's library.

Even if you are not a major student of legal history, Gratian's work provides a stellar window into the workings of the 12th century mind, as well as the society itself - the problems it was facing, how it resolved issues, etc. This is a must-have book for legal scholars, but also for anyone interested in the world of the European Middle Ages.

The Decretum or Harmony of Discordant Canons is a compilation of extracts from Church councils, Church fathers, and other ecclesiastical authorities. Compiled in the first half of the twelfth century by Gratian, probably a monk and teacher of canon law at the famous law school of Bologna, it remains one of the most important collections in the history of law. The first 20 sections, translated in this work, comprise a treatise on law in general and contain a discussion of the nature of law, voluntary action, and the power of popes, bishops, and secular authorities. Accompanying the text of Gratian is a translation of the so-called "Ordinary Gloss," a commentary on the text that took its final form in the 13th century and was usually found around the margins of the text, just as it is presented here. An introduction places the Treatise in its historical context, notes critical difficulties, and explains the methods of those who commented on it. This is the first English translation of a sizable part of the Decretum and will be of great interest not only to scholars and students of Church law, but also to students of secular law, theology, philosophy, history, and political theory.

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