CANON LAW:
HISTORY, SOURCES, AND
A PROPOSED CLASSIFICATION SCHEME*

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I. INTRODUCTION

Canon law, in addition to reflecting the pastoral, doctrinal, and administrative philosophy of the Catholic Church, also represents a broad area of historical study. The importance of this branch of scholarship for an exploration of medieval, Renaissance, and modern legal and political thought cannot be overestimated. Canon law as a salient factor in general history, and in particular in legal history, has been for centuries included in the legal curricula of all European universities.1 In the United States, the trend in the past decade to encourage historical studies in American law schools calls for a response on the part of law librarians. To meet the impending demands of scholars and students involved with studies of legal history, librarians face two interrelated intellectual and technical demands imposed by the emerging field: to acquire some basic knowledge of the discipline and to work out a method of organizing the material pertinent to the discipline.

This essay concerning canon law aims to offer basic information on the very complex historical background of the development of this law, as well as to suggest a classification scheme for its history and, in particular, for the history of its sources.

The notion of sources can be understood in two ways: as the authority (a king, a pope, a council) that created the law and as the written documents evidencing this fact. It has to be emphasized that the study offered here, and in particular the segment of the proposed schedule KBG, is restricted only to the history of the written sources, called in European legal scholarship “monuments of law.” In general, the historical aspect of the discipline that covers sources viewed as physical or legal persons responsible for the origin and contents of the law has been comprehensively and masterfully elaborated by the Library of Congress in the schedules BR and BX.

Similarly, the proposal does not include any suggestions concerning classification of canon law from the point of view of its meritorial, that is theological,

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1. The Institute of Medieval Canon Law at the University of California in Berkeley, established by Professor Stephan Kuttner, represents this discipline in the United States.
dogmatic, and administrative, premises. This part of the job must be left to an expert in canon law and must be understood as a compilation of legal provisions serving the Church conceived as a congregation of the faithful, not as an element of European history.

II. FROM THE BEGINNING OF THE CHURCH TO THE GREGORIAN REFORM

As the history of mankind proves, religion and religious practices have determined law and the philosophical ideas of the human race for millenia. Babylonians and Israelites believed that their leaders received laws directly from their gods. The old Greek cult of Dionysus elevated intoxication with wine to an act of unification with the deity. Elements of this cult, sublimated later by the Orphic beliefs in the purification and immortality of the soul and in its salvation earned by the high quality of life on earth, were transmitted through the teaching of Pythagoras into Platonic philosophical and legal concepts.

In the ancient world, only the Romans elaborated a rational, intellectual, objective, and cosmopolitan system of law, which—due to these attributes—outlived for centuries the nation that created it. Oddly enough, in times when barbarian invasions continually weakened the Roman empire and debased its institutions, Roman legal thought survived, not in the centers of learning or in official cancellariae, but among a persecuted religious sect of people who met in the catacombs to worship their God and recognized one another by the sign of the fish.

By only two deeds, Constantine I (306-337) secured for himself an extraordinary position in history. He transferred the empire's capital from Rome to Byzantium, a fortified city located at the meeting point of all the parts of the contemporary world, and he converted to Christianity.

The eventual division of the empire into western and eastern parts amounted, in reality, to the creation of two separate political entities. Even though the empire was still governed by two emperors who represented the one and only institution of the Roman emperor, the two parts of the empire soon drifted apart. This was due to essential differences in defining all the components that create an image of "the state."

It became obvious, as soon as Christianity emerged from the underground at the beginning of the fourth century, that the relationship between the Church and the state would be one of these problematic components. Thus, while the Western Church firmly refused any imperial interference into its affairs, the Eastern Church tended to conform with imperial supremacy. The reason for this difference may be summarized in three points that concern three inseparable and interacting factors. One of them was the traditional attitude of the Greeks who, from the oldest times, recognized the political significance of their religion as one of the main forces unifying their independent city-states. The Romans never attributed such a meaning to their religion. The second factor was the conflict between Rome and Constantinople (as Byzantium came to be called) concerning the primacy of their respective bishops. Thus, when as early as the fifth century the primacy of Rome became an unquestionable fact, the Eastern Church found it more prestigious and more convenient to accept the leadership of its own emperor than to accept that of the distant Roman competitor. The last political factor was linked to the imperial power itself. While the Christians of the Eastern Roman Empire felt safe and comfortable under the protection of their strong emperor, the West suffered from a dramatic decline in lay leadership. Barbarian invasions weakened the Western Roman Empire internally so
that it grew increasingly unable to defend its extensive provinces and even its own capital. Eventually, it was the pope who took over the actual governing of Italy, performed all the political duties of an emperor, and resisted all the political problems that arose from the disintegration of Western Europe.

Already in 451, when the Huns threatened Rome, it was Pope Leo, not any imperial official, who rode out to meet them and who negotiated on behalf of the people. By the time of Gregory I (590-604) the pope was clearly de facto ruler of the city...  

Today, looking back from the perspective of several centuries, modern historians have no doubt that the era of violence and anarchy that began with the barbarian invasions represented a far-reaching and extremely fruitful confrontation of three powerful forces: antiquity, represented by the fading Roman Empire; the vitality of the emerging national elements, represented by the barbarian newcomers; and the spiritual values of Christianity. It has, therefore, become obvious to modern scholars that this confrontation influenced the entire course of Western European history, leading eventually to the establishment of independent nation states during the thirteenth century.

The history of mankind also confirms that violence and anarchy intensify spiritual needs—the search for an answer as to the meaning of human existence. Furthermore, there is no doubt that the Christian faith offered its followers all the desired consolations: promoting poverty to the rank of virtue, elevating suffering as the means of achieving salvation, promising justice after death, and perceiving death as a return to God.

The interaction between Christianity, Roman law, and classical culture began immediately after the legalization of the Church in the Roman Empire. This interaction found its expression in works of the early church fathers: Jerome, Augustine, and Ambrose. These three men, who were endowed with varying personalities, interests, and talents, complemented each other in elaborating the cultural, philosophical, and political foundations of Christianity. Jerome, a scholar and a devoted follower of classical culture, translated the Bible into Latin, thereby Latinizing the main tool for spreading "The Word" among the nations. Augustine, a philosopher, introduced Platonic elements into Christian doctrine, while Ambrose, an excellent statesman, consolidated the institutional power of the Church.

The process of the Church's adoption of Roman law began even earlier. This process was twofold: shaping the organization and government of the Church and elaborating ecclesiastical jurisdiction. Regarding the former process, it was Tertullian who in his writings incorporated the Church, the mere congregation of the faithful, into the framework of the Roman legal system. He first defined the Church as a legal body, a juristic person, a corporation, whose activities and procedures were determined by Roman legal concepts and defined by Roman legal terminology. Regarding the latter, ecclesiastical jurisdiction, limited in the time of the catacombs to solving conflicts within the Christian flock by the bishops, involved the bishops directly with the imperial judicial and administrative system after the legalization of the Church by Constantine and the subsequent proclamation of Christianity as the official religion of the state by Theodosius. The bishops depended on Roman law for the simple reason that no other legal system was available at this time in the

Roman world. Thus the emerging law of the Church (canon law) was "in substance Roman law modified in accordance with medieval ideas."

The history of the sources of canon law faithfully reflects the history of the Church itself: its origins in Asia Minor, its organizational impediments resulting from barbarian invasions in Western Europe, its peaceful development in the Eastern Roman Empire. Thus, it is not surprising that the sources relating to the earliest history of the Church originated in the East.*

Chronologically, these sources can be divided into two groups: the so-called pseudo-apostolic law and the laws enacted after the legalization of the Church in the fourth century. To the first group belong the anonymous Testamentum Domini Nostri Jesu Christi encompassing the last orders and recommendations of Christ and the first Apostles; the Didache of ca. A.D. 75; the Didascalia Apostolorum of ca. 150 from Syria and Palestine; and the Constituciones Apostolorum of ca. 400 from Syria. The Traditio apostolica, written by St. Hippolytus in 217, was addressed to the Roman Church in an effort to protect the Church from unorthodox innovations. This work, which is believed to be the oldest compilation of church law, became the basis of Canones Hyppolyti compiled ca. 500 in Arabic and Ethiopian.

The later sources clearly reflect the subordination of the Church to the imperial authority. Due to this subordination, the Church, being a promulgator of its own laws, became also an object of lay legislation. The law enacted by the Church, mainly represented by canons of general councils, is preserved in the chronologically arranged Corpus canonum orientale, in the topically organized Collectio sexaginta titulorum, and in collections relating to particular councils and synods. Imperial decrees were compiled in collections, called Nomocanones, that combined both ecclesiastical and imperial laws on a given subject; from among them 25 Capitula and 85 Capitula Joannis Scholastici included legislation from the Codex, while the Collectio tripartita covered the entire Justinianian codification, his Novels, and some novels of Heracleius (610-640).

The weakness of the imperial power in the West encouraged Justinian to take action with the intention of reconquering that troubled part of the Roman empire and to unite the empire under his sole power. Justinian’s plan involved two stages: to have the papacy on his side and then to subordinate the pope under his imperial authority. He achieved the former through diplomacy, while he owed some success in the latter to the weakness of the contemporary popes. Two events prevented a submission of the papacy to the authority of the eastern emperor: the invasion of the Lombards, which stopped Justinian’s conquest of the West, and the pontificate of Gregory I, one of the most outstanding popes in the history of the Church. Gregory the Great came to be, not only a political leader performing imperial functions, but also an excellent reformer and administrator of Italy’s economy and, consequently, a restorer of Rome’s primacy in the Church. It should be emphasized, however, that Justinian was the last emperor who was successful in averting the schism between Eastern and Western Churches. Following his reign, the dogmatic

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4. The history of canon law sources is elaborated on the basis of the following literature: C. VOELLUS & H. IUSTELLUS, BIBLIOTHECA IURIS CANONICI VETERIS (Paris 1661); J. PITRA, IURIS ECCLESIASTICI GRAECORUM HISTORIA ET MONUMENTA (Rome 1864-1868); I. SUBERA, HISTORIA ŹRÓDEŁ I NAUKI PRAWA KANONICZNEGO [History of sources and studies of canon law] (Zarys prawa kanonicznego, Vol. 1, Pt. I, Warsaw 1970) (This work was most helpful for arranging the classification scheme).
and political cleavage between Rome and Constantinople gradually intensified and, eventually, resulted in the Great Schism of 1054 that separated these two centers of Christianity up to our times.

The growing wealth of the Church adversely affected its morale. The Church, viewed as a juristic person, was suffering—as any other affluent corporate body—from all the worldly evils of its members: corruption, struggle for power, lack of discipline. The evil crept in everywhere and spared no level of the ecclesiastical hierarchy. This trend, determined by the weakness of human nature, was also reinforced by the general chaos and anarchy that—with few intervals—permeated the first ten centuries of the new era. Finally, the changing political and socio-economic circumstances that resulted in the establishment of feudalism became another powerful factor in complicating the organizational and moral discipline of the Church and the mutual relations between the Church and the state. In addition, two distinctive areas of conflict between the Church and the state emerged during this historical period: the controversy of lay versus ecclesiastical jurisdiction over both private and public legal issues and the controversy of the investiture.5 The first conflict was rooted in the distant past and gradually intensified with the advancement of medieval Christian philosophy concerning law, religions, and the political role of the pope. Already Pope Gelasius I (492-496) defined the ecclesiastical and the lay authorities as coexisting, cooperating, and destined to fulfill varying responsibilities in governing the Christian world, even if he claimed superiority of the sacerdotium over the imperium as a matter of principle.4 Moreover, it looked as if the Master himself, who taught “render to Caesar the things that are Caesar’s, and render to God the things that are God’s,” had drawn a line between the secular and the ecclesiastical control over man’s life. Yet it appeared that, in reality, this line was very difficult to establish. Since it was believed that all power derived from God, who was represented on Earth by the pope, the question emerged as to who was to be regarded as the superior guardian of moral and social order, the emperor or the pope? Similarly, since breaking the law was perceived as conflicting with God rather than with the social order, who then should judge murderers, unfaithful spouses, and those who broke a contract—the Church or the emperor?5

5. The controversy of the investiture, called in scholarship the Investiture Contest, focused on the issue of who was to appoint provincial bishops: a ruler of a province or the head of the Church.

To understand the issues involved in the ensuing conflict, we must recall the way in which the imperial government was organized in mid-eleventh century. Henry III gave great temporal power and wealth to his bishops, but he chose them himself and used them as royal servants. Their support was essential to the stability of his government.

B. Tierney & S. Painter, Western Europe in the Middle Ages 300-1475, at 207 (3d ed. 1978). For the genesis and development of feudalism, see id. at 135-38. This is an excellent and enjoyable textbook to read while studying the historical background of the question discussed here. For a lucid, comprehensive account of the background of the Roman world before Justinian that was written “for the general public . . . rather than for the scholar,” see J. Barker, Justinian and the Later Roman Empire 3-63 (1966).

6. Gelasius wrote to the Byzantine emperor Anastasius: “Two there are, august emperor, by which this world is chiefly ruled, the sacred authority of the priesthood and the royal power. Of these the responsibility of the priests is more weighty insofar as they will answer for the kings of men themselves at the divine judgment.” Quoted in B. Tierney & S. Painter, supra note 5, at 86-87. For more detailed information on the background of the conflict between the Eastern and Western Church, see P. Charanis, Church and State in the Later Roman Empire (1939).

7. This religious factor behind the philosophy of politics and the philosophy of law is best illustrated by a court case of Thomas Samson, concerning an act of piracy, thus a crime of a lay character, par excellence. Yet Thomas was tried by an ecclesiastical court because he was looting a shipwreck on Sunday.
The controversy of the investiture was linked directly to the establishment of feudalism. To understand the problem, one has to remember the implications of this socio-economic formation with respect to the administration of the Church. Two coexisting processes contributed to the emergence of feudalism. One of them began at the top of the social hierarchy with the king’s policy to alienate some of his land, along with all authority pertinent to the administration of this land, to the lords in order to secure their loyalty. This process was accelerated and complemented by a parallel tendency at the very bottom of the social scale, where small land owners surrendered property to more powerful ones in return for military protection against invaders and robbers. The Church, owning extensive estates in all parts of Europe, automatically became a major component of the new socio-political structure on all levels. During the era of general unrest and anarchy when feudalism emerged and gathered its political strength, the Church fully supported the idea of having a powerful lay protector, an idea that eventually led to the development of the theocratic concept of imperial authority during the tenth and the first half of the eleventh centuries.

During the first centuries of Christianity, the law of the Western Church consisted basically of translations of Greek canons and papal decretales and of the canons of western provincial councils, whose activities began to intensify during the fourth century. Chronological or systematic collections of canon law began to appear only towards the end of the fifth century in various parts of the western Christian world, from Africa and Italy in the South to Ireland in the North.

Among the various collections of canon law, the works linked to Dionysius Exiguus seem to be of the greatest importance. The first collection, called Collectio Versio Dionysiana (ca. 500), organized all legal sources of the Eastern Church in Latin translation. Later on, the collection was augmented by inclusion of papal decretales from the fourth and fifth centuries. His collection of council canons and the decretales, known as the Collectio Dionysio-Hadriana, was proclaimed by Charlemagne as an official law of the Frankonian kingdom in 802. The Collectio Avellana (ca. 555) aimed to fill the gaps of other compilations; its author, utilizing archives of the Holy See, incorporated into his work a variety of papal documents and imperial acts from ca. 370 to ca. 560 that had been omitted by other compilers. Also, several collections on Church discipline and the liturgy existed; among them, the Libri poenitentiales and the Sacramentalia ordinis Romani deserve mention. The former, dealing with public punishment and public penitence, originated mainly in Ireland and England during the sixth and seventh centuries and reached the peak of their popularity in continental Europe during the ninth and tenth centuries. The liturgical works, to which Gregory the Great was the main contributor, covered rules and formulas relating to the administration of the sacraments, the celebration of the Mass, and other devotional services.

Among the collections of forged laws and documents, the Collectio Pseudo-Isidoriana played an extremely important role in the history of canon law. These collections of forgeries, dictated by pious and political objectives alike, aimed to improve clerical discipline, which had been disrupted by the incursion of lay authorities into the administrative affairs of the Church. In general, the forged collections were a manifestation of the desperate efforts of the provincial churches (the forged documents never originated in Rome) to free the Church from the control of local

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when—according to the Third Commandment—he was supposed to be in Church and to abstain from work. B. Woodcock, Medieval Ecclesiastical Courts in the Diocese of Canterbury 80 (1952).
lay authorities. For a long time, the Pseudo-Isidorianum, being considered an original document, acquired importance as a tool of the Church's relationship with the imperial power; only Gregory VII disqualified this document during his thorough reform of the Church administration.

The Western Church was also an object of royal legislation (Capitulares). Yet provisions of this legislation were—unlike in the Eastern Empire—elaborated in public meetings and in cooperation with the bishops.

III. FROM THE GREGORIAN REFORM TO GRATIAN

The growth of imperial power over the ecclesiastical administration promoted the historical movement of the Church, a movement that culminated in the Cluniac reform and in the endeavors of Pope Gregory VII. The imperial involvement with Church affairs began when Otto I deposed Pope Leo VII on criminal charges in 963, an act that opened a new epoch in the history of the Church, marked by the nomination of popes by the German emperor. The appointed popes developed the framework of the reform that covered moral, spiritual, and administrative matters. The progressing reformation movement strengthened, in turn, the papacy and thus put before the reformers a new political objective: to abolish imperial supremacy over the administration of the Church. However, restoring the papal supremacy over the lay rulers and winning the Investiture Contest was not the ultimate goal of the reformers. They aimed at much more. The papacy wanted to convince the western world that Christianity must be perceived as a universal spiritual force, dominating the world at large, and thereby dictating its ideology, shaping its social order, and determining its political concepts.

All these ambitious plans called for a strong uniform and effective system of canon law. Yet, unexpectedly, the most urgent incentive to codify canon law came from outside the Church.

At the beginning of the eleventh century, a copy of Justinian's Digest was found in Italy.

[S]ome historians have exercised their imaginations by marveling at how the possibly chance discovery of this one manuscript transformed the whole history of European law. But this kind of speculation misses the main point. Manuscripts could easily have been obtained from Byzantium if anyone had felt the need for them. The new development around 1100 was the emergence of a society capable of understanding and admiring classical jurisprudence. . . . Roman law reintroduced into Western thought the idea of the state, of government as a public authority endowed with powers of legislation.*

For this reason also "their elegance and equity became the immediate object of universal admiration." Moreover, these laws themselves were not entirely new; they had germinated and grown on Italian soil. Thus, the rediscovered Roman law did not have to work its way into the minds of contemporary philosophers, politicians,
and lawyers. In fact, it had been everywhere, living just under the surface of the establ
ished social and political order: in provisions of the barbarian codes, in provi
sions of canon law, in scholarly and literary writings, in the Bible.

The rediscovery of the Digest was conducive to a great advancement of scholar
ship and to the development of academic centers of legal studies. Among them, the Bolognan school soon acquired the leading role. Bolognan glossators, who aimed to eliminate all conflicting points, ambiguities, discrepancies, and interpolations from the Digest, utilized and perfected a new dialectic method of reasoning in which the synthesis of a controversial problem was reached by contrasting its thesis with its antithesis. This new deductive art of logic, first applied by Peter Abelard in his Sic et Non (Yes and No), has been known in scholarship as the scholastic method.

The increasing popularity of Roman law, which was by no means limited to the academic sphere, alarmed the Church. The discovery of the Digest appeared to be an event of enormous political significance. Numerous kings replaced their existing codes with Roman law to improve the legal systems of their own territories. More importantly, Justinian's codification was easily adapted to the political climate of contemporary Europe because of the general political spirit of the codification. This spirit clearly expounded the main premise of Byzantine philosophy regarding the relationship between the state and the Church: the acceptance of imperial supremacy over the spiritual life of the emperor's subjects. This philosophy had its solid historical genealogy:

The policy of Byzantium up to and during the VIth Century was directed to preserving the Empire intact. This was assured by adherence to the principle that the Empire was universal. Orbis Romanus (the Roman World) was ruled by the Emperor, who had also become leader of the Christian universe. . . . The last exponent of this idea of a united and undivided Roman Empire was Justinian. His strong personality blocked the path which the Empire was to follow as a natural consequence since, it was destined to survive among Greek or hellenized populations from which it was to derive its strength.18

The analogy between the western papacy of the eleventh century and the eastern imperium of the sixth century is striking. During both eras the "Roman World" was confronted with strong and revitalizing foreign ethnic elements; during both eras the idea of Christian universalism constituted a political objective of any ruler who claimed to be the substitute for God on the Earth.

At the time Justinian's Digest was rediscovered, there was no comparable collection providing a full uniform system of Church law that could match this codification of civil law. The collections that did exist originated in various times and in various places and encompassed only law pertinent to the needs of local congregations, operating under varying social and cultural circumstances. Legal acts of a more general character, such as canons of the councils and papal decretals, suffered from a similar lack of uniformity. In addition, their heterogeneous character derived from the changing philosophies of the successive councils and the successive popes with respect to the doctrine as well as to the policies concerning the relationship between the Church and the state. More nearly satisfactory but still not adequate was the Decretum of Burchard of Worms, the largest collection of the pre-Gregorian era, a "work . . . of veritably encyclopedic dimensions,"11 inspired by ideas of the

11. W. ULLMANN, supra note 8, at 132.
Cluniac reformers. But on the other hand, Burchard, who evidently emphasized the problem of papal authority, had also recognized some rights of lay rulers to influence the internal affairs of the Church.

Hence, the times of Gregory VII's pontificate (1073-1085) witnessed a growing movement that aimed to organize the vast volume of ecclesiastical legal materials. This movement, however, was shaped by two leading motives of Gregorian moral and political reformatory concepts: basing the codification on the ancient laws of the apostolic times and producing a document both justifying and supporting the idea of papal supremacy over lay rulers. Among the collections reflecting this trend, the pre-Gregorian Diversorum sententiae patrum, ascribed to Cardinal Humbert, was most popular. It influenced collections that originated in the Gregorian era: Capitulares of Cardinal Atto, Collectio canonum of Anselm de Lucca, and Collectio canonum by Cardinal Deusdedit. However, the character of these collections, which were in fact mere tools of the ideological struggle between the sacerdotium and the imperium, conflicted a priori with the concept of a comprehensive, consistent, and universal code. Yet these collections undoubtedly expressed the "Gregorian" principle that all canon law is valid which is not in contradiction with the law-making authority of the Roman Pontiff . . . ."12

Political developments of the Gregorian era created a favorable atmosphere for the gradual increase of papal authority. Henry IV's penitence in Canossa (1076), his subsequent military conflict with Gregory VII, which ended in the emperor's defeat, and civil wars that weakened the German empire during the rule of Henry IV strengthened the ideological leadership of the pope. For the next decades the Investiture Contest became a subject of philosophical and political writings rather than military action. The debates concerning the problem whether the pope or the emperor had a stronger case to become the Justinianian dominus mundi led, finally, to a compromise solution. Towards the last quarter of the eleventh century, the pope worked out a mutually accepted modus vivendi first with the English, then with the French, and finally with the German king (in 1122 with the Concordat of Worms). Eventually, the pope won the right to nominate bishops and other high-ranking Church officials, and the kings won the right to approve the papal candidates.

It was mainly Ivo de Chartres whose writings paved the way to reconciliation between papal and imperial claims for the superiority of their respective, God-given powers. Starting from the basic premise of scholastic dialectics that all contradictions were not real but only apparent, Ivo argued that these two claims were not mutually exclusive. Thus, it was not surprising that Ivo was the first to apply the method of reconciliation of ecclesiastical, legal, and theological texts and to produce an unbiased canonical collection. Ivo's Panormia compiled in 1091-1115 still retained all the colorful variety and discrepancy of the heritage of the near and distant past. But in the preface [entitled De consonantia canonum, a milestone in the history of the art of interpretation] he set forth the hermeneutical principles by which all contradiction could be resolved into harmony.13


13. Id. It is generally believed that Ivo produced his collection with a team of co-workers. His Panormia, the final product of many years of work, was preceded by two earlier collections produced by Ivo or under Ivo's direction. These were: Collectio trium partium (Tripartita), based mainly on Pseudo-Isidorian texts, and Decretum, influenced by the work of Burchard of Worms. In the Panormia, Ivo
The ideas introduced by Ivo de Chartres to the political philosophy of Western Europe opened new prospects for the modification of canon law as well. The postulate of reconciliation, compromise, and harmony was totally compatible with the needs of the impending codification, where those notions were to be viewed both as the method to achieve the goal and as the goal itself.

The benefit of the hitherto accumulated experience and the pressure of the organizational and political objectives of the Church prepared a solid ground for a final codification of canon law. Eventually,

[t]he great work of systematization was accomplished by Gratian, a monk of Bologna who, about 1140, produced the immensely influential work that became known as the Decretum. The Decretum was a systematic treatise on the law of the Church, arranged in dialectical form. Gratian’s method was to state a problem, then cite all the authorities that he considered relevant for its solution. He first gave the texts that could be adduced in support of one side of the case, then those that favored the opposite side, and, finally, a summing up in which he set out his own opinion and explained how the apparently conflicting texts could be reconciled, or why one set was more acceptable than the other. (Gratian’s own title for this work was Concordia Discordantium Canonum.)

IV. FROM GRATIAN’S DECRETUM TO THE DECRETALS
OF GREGORY IX

Gratian’s Decretum entered the Western European scene during a vast revival of culture and scholarship. Its appearance, in turn, further stimulated the cultural development of the Christian Renaissance. Church law and theology, which had been closely identified fields, developed into two distinct areas of study. The new discipline of canon law began to flourish in all European academic centers; the canonists (“decretists”) taught and commented upon canon law, trying to compete with the “civilians” who did the same with respect to Roman law. On the other hand, the canonists began to interpolate Gratian’s Decretum with excerpts from Roman law in order to master the system of canon law, especially in its procedural aspects.

The lack of stability in Germany and Italy during that time considerably impeded papal endeavors to gain and maintain universal control over Christianity. Yet, at the same time, the authority of the Church grew rapidly, building up strong backing for the ultimate objectives of papal policies. Among the wealth of the twelfth century’s historical events, two distinct lines of development conducive to the growth of the Church’s authority occurred: a great advancement of Christian learning and a great upsurge of Christian following.

The advancement in Christian learning (other than the canon law) manifested itself in the great philosophical and theological writings (Peter Abelard, Peter Lombard, Bernard of Clairvaux, St. Anselm, Peter the Venerable, to mention only the most influential authors) as well as in political disputes concerning the problem of sacerdotium and imperium. These disputes originated from the attempt to reconcile

combined and organized selected material that was covered by previous collections along with new sources that also included documents issued by lay authorities. See A. VETULANI, DEKRET GRATJANA I PIERWSI DEKRETYŚCI W ŚWIETLE NOWEGO ŹRODŁA. [The Decree of Gratian and the First Decretists in the Light of a New Source] (Kraków-Wroclaw 1955). A French translation of the part of Vetulani’s work in which he presents his own findings is published in Vetulani, Le Décret de Gratien et les premiers décretistes à la lumière d’une source nouvelle, 7 STUDIA GRATIANA POST OCTAVA DECRETI SAECULARIA 273-353 (1959).

Gelasius' text concerning his concept of divided imperial and papal authority and Justinian's texts concerning imperial supremacy with the current needs and policies of the Holy See. Gelasius' concept interpreted from the perspective of the twelfth century resulted in two schools of thought. The first school believed that the Christian world should be ruled by the pope and the emperor, each of whom would control distinct spheres of the world's affairs (Huguccio of Piza); the second school claimed that the pope should be the only head of the Christian world and control all spheres of its affairs alike (Alan Anglicanus). The interpretation of Justinian's provisions such as "law is what pleases the prince" and "the prince is above law" was a much easier task. The canonists, armed both with the art of hermeneutics and with an assumption that the concept of "the prince" during Justinian's times was synonymous with the concept of the pope in the times following the Concordat of Worms, came promptly to the conclusion that the reconciled text should read: "law is what pleases the pope" and "the pope is above the law."  

These statements that clearly supported the pope's absolute power also evoked anxiety on the part of some Christian thinkers who feared a potential abuse of this power. Consequently, they began to develop a concept of collegiality, which would prevent vesting the ultimate authority in an individual who, although a pope, still retained his human nature which made him "more prone to evil than to justice." This concept, which assumed superiority of the general council over the pope, soon developed into a basic principle for governing the Church. The new role of the pope as the leader of the council was a reconciliation of the old and the new approach to the political doctrine of papal supremacy.

Simultaneously with these developments, the number of Christians increased greatly in Western Europe. The quantitative growth of the congregation of the faithful resulted largely from an enormous revival of monastic life, in particular of the so-called mendicant orders, which were in constant touch with the populace and living among simple people while preaching God to the poor.

The risky enterprise of the Crusades, encouraged by the Church and organized by lay Christian leaders, was a test for the internal strength of Christianity. The impulse to defend Eastern Christendom against the Turks was of unprecedented dimensions. Everyone "took the cross": kings, princes, lords, knights, women, peasants, children. Even though the Crusades, which eventually degenerated into a tool of private ambitions and selfish economic goals, resulted in the loss of Constantinople instead of the defeat of the Turks, the Holy War revealed the enormous popular support for Christian ideology and the enormous potential of papal political leadership.

Finally, toward the end of the twelfth century, the Church was blessed with a pope who was both sufficiently wise and strong enough to benefit from all these developments. The pontificate of Innocent III (1198-1216) proved, indeed, that a reconciliation of the concept of strong papacy with the concept of collegiality was not only a matter of dialectic skills. Innocent III elevated the general council to the leading role in governing the Church; the Roman Curia gained influence and authority during his pontificate; a network of papal delegates operating all over

15. See, e.g., D1G. Just. 1.4.1 (Quid principi placuit legis habet vigorem); D1G. Just. 1.3.31 (Prinçoeps legis habet vigorem). H. F. Jolowicz explains that the commentators of the Digest took these two sentences out of Ulpian's context, in which their meaning was quite different, and thus interpreted Justinian's texts to fit contemporary political realities. Jolowicz, The Stone That the Builders Rejected: Adventures of Some Civil Law Texts, 12 Seminar 34, 40-41 (1954). See also W. Ullmann, supra note 8, at 57 n.2. For the emperor as dominus mundi, see Dis. Just. 14.2.9 ("I am indeed the Lord of the World").
Europe, which took over the appellate responsibilities of the Roman court, marked the decentralization of papal judicial power; a network of papal legates accredited at royal courts marked the decentralization of Rome’s diplomacy. Yet the individuality of Innocent III unquestionably dominated historical developments and impressed its seal on every aspect of collegial management.

Innocent III had achieved the degree of political power that all the popes starting with Gregory VII could only dream about. He was not only in full command of the means to implement and secure the advantages of the Concordat of Worms regarding the nomination of high-ranking Church officials; in fact, Innocent III became the sole ruler of the Christian world. He selected and crowned kings of all major European states, controlled their actions, and coordinated them with his own political goals. Innocent III came also to be known as a great lawyer as well as a great lawgiver and, in particular, as an organizer of the Fourth Lateran Council of 1215, one of the most important councils in Church history. Its canons dealt with manifold aspects of Christian life: clerical discipline, the sacraments, the condemnation of ordeals in judicial procedure, the introduction of obligatory yearly provincial councils, the refutation of heresies.

The matter of heresies appeared to be beyond the control of Innocent III, even though he tried to eradicate them by means ranging from lenient and legal to bloody and ruthless “crusades.” Since the rapidly spreading heresies originated within the Church and gained their strength from its weakness, these heresies soon became the most alarming threat to Christian unity. The two most popular movements—Waldenses and Albigenses—arose from the spiritual need to return to the traditional ways of Christian life, practicing poverty and denying worldly excesses—virtues that were, indeed, hard to find among the clergy of that time. The establishment of the Franciscan and Dominican orders during the pontificate of Innocent III represented the most “Christian” method of fighting the heresies. Preaching the same ideology of returning to poverty and to the simplicity of Christian life, these orders became one of the main forces to defuse the key arguments of the heretic ideology.

Pope Gregory IX (1227-1241) created another force to support and to supplement the anti-heretical activities of the mendicant orders. He established the office of the Inquisition, which persecuted, tried, and punished the heretics. Because the confiscation of property became a standard consequence of being accused as a heretic and persecuted as such, the Inquisition promptly succeeded in gaining the cooperation of the lay authorities.

V. FROM GREGORY IX TO MODERN TIMES

In the post-Gratian era, canon law was further developed by papal decretals. The decretals communicated papal decisions in all dubious questions raised by lay and ecclesiastical officials about matters of Church discipline, interpretation of existing laws, and so forth. Since all these decisions constituted binding law, the decretals became a subject of legal studies in the schools along with Gratian’s Decretum and the provisions of Roman law. Official collections of the decretals began to appear in the thirteenth century with the Decretals of Gregory IX (1234), a collection that became the next landmark in the history of the sources of canon law.

16. Ordeals represented a means of obtaining “the evidence” by supernatural forces. There were several forms of ordeals, such as burning with a hot iron or hot water; the defendant was innocent if the wounds healed in three days. See Brown, Society and the Supernatural: A Medieval Change, Daedalus, Spring 1975, at 133-51.
However, these official collections were preceded by *Quinque compilationes antquae*, which encompassed old material not utilized by Gratian as well as new material issued between Gratian’s *Decretum* and the *Decretals* of Gregory IX. These collections illustrate the evolution of canon law during the classical period of its history and permit a better understanding of the collection of Gregory IX.¹⁷

The times of Gregory IX and of his successor Innocent IV (1243-1254) witnessed a revival of the conflict between the pope and the German emperor. The longlasting armed confrontation with Frederick Barbarossa, who attempted to overpower Italy and Sicily, came to an end only in 1250 with the emperor’s death. The weakness of his successors eventually led to the disintegration of the German empire into a number of duchies. Simultaneously, France and England consolidated their statehood by strengthening the royal power and, at the same time, by counterbalancing this power with the newly adopted parliamentary forms of government.

The Western European political trends conducive to the development of parliamentary institutions were influenced by the political philosophy of the Church expounded in the principle of collegiality in government. The emerging independent states absorbed much more from the Church, from its law, and from its scholarship than from the principle of collegial government. Many sectors of public and private life (e.g., marriage, inheritance, poor laws) had remained under ecclesiastical jurisdiction. Christian moral teaching shaped the social image of medieval Europe by discouraging unnecessary warfare, upgrading the status of women, promoting education, and mitigating the harshness of everyday relations among simple people.

The economic and intellectual transformation of thirteenth century European society was determined by two phenomena: the demise of feudal institutions and the introduction of rational elements to Christian philosophy by Thomas Aquinas. The new socio-economic forms that replaced the feudal institutions had dramatically changed the forms of land tenure; the philosophy of Thomas Aquinas, which combined the Aristotelian idea of rational cognition through the senses with the Christian idea of spiritual cognition through faith, opened the door for new philosophical concepts that, even if not entirely based on Christian revelation, were still acceptable to the Church.

Thomas Aquinas’ philosophy, which promoted the advancement of scientific disciplines, also affected modern economic and legal doctrines. Economics owes the concept of just price and the condemnation of usury to the teaching of the Church reinforced by Thomism; international law owes the concept of just war to these teachings.

This essay concludes at the point of medieval history that marked the emergence of a new era in the development of European political, economic, social, and religious institutions: the dawn of the Reformation, the establishment of independent states, the growth of the cities, the disappearance of feudal forms from land tenure, and new prospects before scholars. Although numerous problems arising from differences between the viewpoints of lay and spiritual authorities are still with us today, all of the fundamental historical processes that influenced the character and functions of canon law were completed by the end of the fourteenth century.¹⁸

Gregory IX ordered in his *Decretals* that his successor on the Holy See had the moral obligation to continue his task. In 1298, Boniface VII issued the next official collection of decreets named the *Liber sextus* (since the Gregorian one consisted of

five books). Another official compilation, *Constitutiones Clementis V* (*Clementinae*), followed in 1317. Finally, two sets of the *Extravagantes*, unofficial compilations of legal documents issued between 1317 and 1500 consisting of *Extravagantes Ioannis XXII* (1317) and *Extravagantes Communes* of 1500, close a list of the six collections (including *Decretum Gratiani*) that together were officially designated as the *Corpus iuris canonici* by Gregory XIII in 1580.19

*Corpus iuris canonici* and the law that originated after its promulgation (*ius novissimum*) was again codified by a papal commission appointed in 1909. After eight years of organizing and reconciling the material accumulated over three centuries, the *Codex iuris canonici* was promulgated on May 27, 1917, by Benedict XV in his bull *Providentissima Mater Ecclesia*. The code consists of five books: (1) General Provisions; (2) Persons; (3) Things; (4) Procedures; (5) Crimes and Punishments. The Papal Interprettary Commission, appointed simultaneously with the promulgation of the Code, provided the authentic interpretation of canon law.

Pope John XXIII, almost immediately after his election in 1958, officially called for a revision of the *Codex* in order to adjust it to the realities of the modern world. During the Second Vatican Council of 1963, John XXIII appointed a commission for the revision of the canon law code. The commission, augmented by Paul VI, outlined the main guidelines for the modernization of the code in 1967. Several areas of ecclesiastic affairs were to be reformed in the spirit of progress and collegiality in the Church administration. The latter aspect of these reforms resulted in (1) strengthening of the episcopal prerogatives in the disciplinary matters that previously were restricted to the Holy See (such as dispensation and the annulment of marriages), along with establishing national, regional, and diocesan jurisdictions to handle them; (2) granting the bishops the legislative authority to adjust the generally binding ecclesiastical laws to the regional needs of their provinces and dioceses; (3) reforming both the criminal law, in which the number of the *latae sententiae* (excommunications) would be limited to the gravest offenses, and the procedures relating to the application and execution of criminal law; (4) modernizing the liturgy by replacing Latin with national languages in celebrating the Mass and allowing laymen to perform some functions at the altar during the Mass.

The new *Code*, which also "permits cremation... drops excommunication for members of Masonic lodges... [and] permits clergy to visit taverns," but "retains a ban on priests' holding political office,"20 was signed by Pope John Paul II in the Vatican at the beginning of February 1983. It will take effect in November 1983—the first step towards adjusting the formal structure of the Roman Catholic Church to the imperatives of Christian life in the modern world.

VI. PROPOSED CLASSIFICATION SCHEME

The Library of Congress has not yet published a classification scheme for canon law, although the letters KBG have tentatively been reserved for eventual use in such a scheme. The following is a suggested outline for classifying the written sources of canon law, excluding theological and dogmatic aspects. This proposal is intended to aid libraries with canon law collections and to contribute to the eventual development of a canon law classification scheme by the Library of Congress.

19. According to I. Subera, *supra* note 4, at 136, the best and most critical edition of this codification is *Corpus Iuris Canonici* (E. Friedberg 2d Liepzig ed. 1879-1881) (with other editions published in 1922 and 1879-1928 under the same title).

CLASSIFICATION OF CANON LAW

1982]  

KBG

Matters concerning social, doctrinal, economic, and political background for
the history of canon law class in history of the Church or in general history.

General works.
1
   Bibliography.
2
   General sources of church law and its earliest collections.
3
   Collections of Eastern Church law.
4
   Collections of Western Church law to Charlemagne.
5
   Ecclesiastical reforms and codification of canon law. Gratian.
6
   Classical period of canon law. Papal decretals.
7
   Modern sources of canon law.
8
   Special topics, A-Z.
(10)
Periodicals (Class in K 1-30, BX 800-806 or BR 1-9 as appropriate).

Treatises.
20
   English.
21
   French.
22
   German.
23
   Italian.
24
   Latin.
25
   Others (by language, A-Z).
30
   Compendia, outlines, syllabi, etc.
35
   Addresses, essays, lectures.
36
   Festschriften (by person or organization honored, A-Z).
37
   Conference publications.
38
   Collected essays by one author.
39
   Collected essays by several authors.

100 * General sources of Church law and its earliest collections.
102
   Natural law.
103 ** God's positive law (the Revelation) (Table I).
104 ** Old Testament (Table I).
105 ** New Testament (Table I).
106 ** Apostolic law (the Epistles) (Table I).
107
   Tradition.
108
   Positive law of the Church.
109 * Papal law (Table V).
110 * Conciliar law (Table V).
111 * Practice of the Roman Curia and its agencies (Table V).
112 * Judge-made law (Table V).
113 * Monastic laws and regulations (Table V).
114 * Law of local synods (Table V).
115 * Local bishops' law (Table V).
116 * Local customary law (Table V).

* Class here works discussing the sources of Church law for both the Eastern and the Western
   Church, in several periods. For collections of texts, in the original languages and in translation, prefer
   appropriate numbers in BS, BV, and BX. For specialized libraries, in which it is important that editions and
   translations of these texts be classed as sources of Church law, restrict these numbers to general collections
   of sources covering more than one period, or sources for both Eastern and Western Church law.

** Class in BS editions and translations of the Bible and its parts, and general and theological
   works about the Bible. Class here works on the Bible as a source of Church law, and selections of
   passages on which Church law is based.
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<td>A16</td>
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<td>A2A-Z</td>
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<td></td>
<td>For editions, translations, and criticism of the Didascalia alone (Constitutiones Apostolorum, books I-VI) see KBG 132. The Constitutiones Apostolorum may include the Canones Apostolorum, often as book VIII, section 47. For editions, translations and criticisms of the Canones Apostolorum alone, see K BG 134.</td>
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<td>Class here ecclesiastical jurisdiction in civil matters.</td>
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<td>Class relations between the Church and the empire in BR 144, D 133; relations between Eastern and Western Church in BX 324.3.</td>
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<td>Canon law of the Eastern Church (Table V).</td>
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<td>Specific general councils, A-Z by place and date.</td>
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<td>e.g.</td>
<td>.C45 Chalcedonian, 451.</td>
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<td>.C61 Constantinopolitan, 381.</td>
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<td>.C63 Constantinopolitan, 553.</td>
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<td>.C65 Constantinopolitan, 680.</td>
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<td>.C67 Constantinopolitan, 869.</td>
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<td>.E6 Ephesian, 431.</td>
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<td>.N51 Nicaean, 325.</td>
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<td>153</td>
<td>Canons of provincial synods (Table V).</td>
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<tr>
<td>154</td>
<td>Specific provincial synods, A-Z by place and date.</td>
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<tr>
<td>e.g.</td>
<td>.A56 Ancyra, 314.</td>
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<td>.A57 Antioch, 341.</td>
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<td>.C3 Caesarea, ca. 315-325.</td>
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<td>.T7 Trullo, 691-692.</td>
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<td>155</td>
<td>Chronological collections of Church law (Table V).</td>
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</table>
Corpus Canonum Orientale (or Syntagma Canonum) (Table I).
Collectio Trullanae (Table I).
Collectio Nicaeana (Table I).
Others, A-Z (by title or author) (Apply Table II or Table IV, as appropriate).

Collections of imperial ecclesiastical law and Church law (Topical) (Table V).
Collectio LX (Sexaginta) titulorum (Table I).
Collectio L (Quinquaginta) titulorum Joannis Scholastici (Table I).
LXXXVII (Octoginta septem) capitula Joannis Scholastici (Table I).
XXV (Viginia quinque) capitula (excerpts from Capitula Joannis) (Table I).
Collectio tripartita (excerpts from the entire Corpus iuris) (Table I).
Nomocanones (Divide by date) (For each, apply Table I).
Others, A-Z, by title or author (Apply Table II or Table IV, as appropriate).

Canon law of the Western Church.
Collections of canon law (Table V).
Italian group (Table V).
Versio Isidoriana seu Hispana (Table I).
Versio Prisca seu Itala (Table I).
Collectio-versio Dionysiana (Table I).
Collectio decretalium Dionysiana (Table I).
Collectio Dionysio-Hadriana (Table I).
Codex Ecclesiae Romanae (or Collectio Quesnelliana) (Table I).
Collectio Frisingensis (Table I).
Collectio Avellana (ca. 555) (Table I).
Others, A-Z (Table II).
African group (Table V).
Breviariwm Hippomense (397) (Table I).
Collectio Concilii Cartaginensis (419) (Table I).
Breviatio Canonum Fulgentii Ferrandi (ca. 546) (Table I).
Concordia Canonum Cresconii (ca. 690) (Table I).
Others, A-Z (Table II).
Gaulian group (Table V).
Statuta Ecclesiae Antiqua (2d half of 5th century) (Table I).
Collectio Arelatensis (ca. 450) (Table I).
Collectio Dacheriana (ca. 800) (Table I).
Others, A-Z (Table II).
Spanish group (Table V).
Epitome Hispanica (end of 6th century) (Table I).
Collectio Novarricensis (middle of 6th century) (Table I).
Collectio Hispana chronologica (ca. 633) (Table I).
Collectio Hispana systematica (between end of 7th and middle of 9th century) (Table I).
Others, A-Z (Table II).
Irish group (Table V).
Collectio Hibernensis (ca. 700) (Table I).
Liber ex lege Moysi (ca. 700) (Table I).
Others, A-Z (Table II).
220 Libri poenitentiales (divide by country A-Z).
   e.g. .17 Ireland.
   .G3 Gaul.
   .G4 Germany.
225 Liturgical works (Table V).
226 Sacramentarium Leonianum (Leo I, 440-461) (Table I).
227 Sacramentarium Gelasianum (Gelasius I, 492-496) (Table I).
228 Sacramentarium Gregorianum (Gregory I the Great, 590-604) (Table I).
229 Ordines (Rubricae) (Table II).
230 Others, A-Z, by title (Table II).
233 Libri formularum (how to write documents) (Tables II or IV as appropriate).
235 Imperial legislation (Table V).
236 Capitulares of Merovingian kings (Table II or IV as appropriate).
237 Capitulares of Carolingian kings (Table II or IV as appropriate).
239 Diplomatic acts (Table II or IV as appropriate).
240 Others (Table II or IV as appropriate).
245 Apocryphal collections (Forgeries) (Table V).
246 Capitulares of Benedict Levita (Table I).
247 Capitula Angilramni (Table I).
248 Collectio Pseudo-Isidoriana (ca. 850) (Table I).
249 Others (Table II).
250 Ecclesiastical reforms and codification of canon law. Gratian.
251 Pre-Gratianian compilations of canon law (Table V).
252 Italian group (Table V).
253 Collectio Anselmo dedicata (ca. 882) (Table I).
254 Diversarum sententiae Patrum (or Collectio 74 titulorum, ca. 1074-1076) (Table I).
255 Breviarium Cardinale Attonis (ca. 1075) (Table I).
256 Collectio Anselmi Lucensis (ca. 1083) (Table I).
257 Collectio Cardinale Deusdedit (1083-1087) (Table I).
258 Collectio Bonizonis (1089 or 1090) (Table I).
259 Collectio Britannica (because found in British Museum, ca. 1090) (Table I).
260 Polycarpus (or Collectio Cardinale Gregorii, ca. 1104-1106) (Table I).
261 Others, A-Z (Table III).
265 German group (Table V).
266 Regionis Prumiensis libri duo de synodalibus, causis et disciplinis ecclesiasticis (ca. 906) (Table I).
267 Decretum Burchardi Wormatiensis (ca. 1012) (Table I).
268 Collectio XII partium (1020-1050) (Table I).
269 Others, A-Z (Table II).
270 French group
271 Collectio trium partium (Tripartita) (11th century) (Table I).
272 Decretum XVII librorum (1020-1050) (Table I).
273 Panormia of Ivo de Chartres (Table III) (class here his prefatory works as well).
   Gratian and his Decree (Consonantia discordantium canonum, The Decretum).
CLASSIFICATION OF CANON LAW

274 General works.
275 Bibliography.
276 Monographs.
277 Addresses, essays, lectures (including conferences, Festschriften).
278 Original text of the Decretum (Table I).
279 Alterations, abridgements, excerpts (Table I).
280 Study and teaching of canon law between Gratian and Gregory IX (Table V).
281 Bolognan school (Table V).
282 Glossators.
   .A1A-Z General works (Table V).
   .A2-Z Individual glossators (Table IV).
283 Decretists.
   .A1A-Z General works (Table V).
   .A2-Z Individual decretists (Table IV).
284 Other schools (A-Z).
   e.g. .09 Oxford.
   .P38 Pavia.
285 Interpretation and construction (Class hermeneutics and dialectics here).
286 Gratian's Decretum and Roman law.
287 Classical period of canon law. Papal decretals (Table V).
288 Early post-Gratianian collections of decretals (Table V).
289 Collectio Parisinis (Table I).
290 Appendix Concilii Lateranensis III (Table I).
291 Collectio Bambergensis (Table I).
292 Collectio Lipsiensis (Table I).
293 Other collections from 1140-1234 (Table II).
294 Quinque compilationes antiquae (Table V).
295 Bernard of Pavia, Breviarii extragantum (Collectio prima, ca. 1191) (Table I).
296 Peter of Benevent (Collectio secunda, 1209) (Table I).
297 John of Walens (Collectio tertia, 1210-1212) (Table I).
298 John Teutonicus (Collectio quarta, 1216 or 1217) (Table I).
299 Tancred (for Pope Honorius III) (Collectio quinta, 1226) (Table I).
300 Official collections of papal decretals (Table V).
301 Decretals of Gregory IX (1234) (Table I).
302 Decretals of Boniface VIII (Liber sextus, 1298) (Table I).
303 Constitutions of Clemens V (Clementinae, 1317) (Table I).
304 Unofficial collections (Extravagantes) (Table V).
305 Extravagantes of Pope John XXII (1317) (Table V).
306 Extravagantes communies (from 1325-1500) (Table V).
307 Other papal documents by individual popes and anti-popes (Table IV).
308 Medieval works on papal decretals (Table V).
309 Decretalists.
   .A1A-Z General works (Table V).
   .A2-Z Individual decretalists (Table IV).
310 Glossators (Commentators).
   .A1A-Z General works (Table V).
   .A2-Z Individual glossators (Table IV).
Glossa ordinaria (Table I).

Modern sources of canon law (Table V).

Corpus Iuris Canonici (1500).

.A2-Z7 Private editions, A-Z by editor or publisher.
.Z9A-Z Criticism, commentary, etc.

Ius novissimum (Table V).

Council law (Table V).

Conciliorum omnium generalium et provincialium collectio (1644) (Table I).

Sacrosancta Concilia ... by Philip Labeo and Gabriel Cossatri (1671-1672) (Table I).

Nova collectio Conciliorum by S. Balusius (1683) (Table I).

Acta Conciliorum et epistolae decretales, ac constitutiones Summorum Pontificium by John Harduin (1714-1715) (Table I).

Sacrorum Conciliorum nova et amplissima collectio by John D. Mansi (1759) (Table I).

Others, A-Z (Table II).

Papal law (Litterae Apostolicae or Pontificae; Epistolae RR. Pontificum; Constitutiones Pontificiae—all synonyms for papal law, not titles of collections) (Table V).

Regestra (archives and documents of Roman Curia) (Table I).

Bullaria (divide by author’s name) (Table I).

Codex Iuris Canonici, 1917-1983 (Table I).

Criticism, commentary, 1917-1983.

Second Vatican Council. John XXIII.

Council documents.

.A1 Latin texts, by date.

Papal documents

.A4 Latin texts, by date.
.A5A-Z Translations, by language, A-Z.
.A7-Z Criticism, commentary.


.A1 Latin texts, by date.
.A4-Z General works about the Commission.

Revised Codex Iuris Canonici, 1983 (Table I).

Study and teaching of modern canon law.

Schools, societies, etc. (including curricula), by institution, A-Z.

Interpretation and construction of modern canon law.

Comparative studies (class here only works which clearly emphasize canon law. Class other works for the topic related to canon law).

.C5 Canon law and common law.
.E3 Canon law and economics.
.P3  Canon law and philosophy (e.g. Neoplatonism, Thomism).
.P6  Canon law and political sciences (e.g. Law of nations, just war).
.S63 Canon law and sociology.
.R8  Canon law and Roman law.
.T8  Canon law and theology.

**TABLES**

**TABLE I** (Separate works with one number. Adapted from Tables x and xa, PN, PR, PS, PZ classification.)

<table>
<thead>
<tr>
<th>Texts</th>
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<tr>
<td>.A1</td>
<td>By date</td>
</tr>
<tr>
<td>.A2A-Z</td>
<td>By editor</td>
</tr>
<tr>
<td>.A25</td>
<td>Selections, by date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Translations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>.A29</td>
<td>Medieval versions</td>
</tr>
<tr>
<td></td>
<td>e.g. Latin versions of Greek works</td>
</tr>
<tr>
<td></td>
<td>Byzantine Greek versions of Latin works</td>
</tr>
<tr>
<td>A3-39</td>
<td>English</td>
</tr>
<tr>
<td>.A4-49</td>
<td>French</td>
</tr>
<tr>
<td>.A5-59</td>
<td>German</td>
</tr>
<tr>
<td>.A6-69</td>
<td>Other languages. By language</td>
</tr>
<tr>
<td>.A7-Z</td>
<td>History and criticism</td>
</tr>
<tr>
<td>.5</td>
<td>Special part. By title, A-Z</td>
</tr>
</tbody>
</table>

**TABLE II** Separate works with Cutter number. (Adapted from Table XI, PN, PR, PS, PZ classification. In Table II, .x represents the Cutter number for the work.)

<table>
<thead>
<tr>
<th>.x date</th>
<th>Texts</th>
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<tbody>
<tr>
<td>.x-A-Z</td>
<td>Translations. By language</td>
</tr>
<tr>
<td>.xA1-19</td>
<td>Medieval versions</td>
</tr>
<tr>
<td></td>
<td>e.g. Latin versions of Greek texts</td>
</tr>
<tr>
<td>.xA2A-Z</td>
<td>Other languages</td>
</tr>
<tr>
<td>.xA3-Z</td>
<td>History and criticism</td>
</tr>
</tbody>
</table>
**TABLE III.** Authors with one number. (Adapted from Table VIII, PN, PR, PS, PZ classifications).

| .A1  | Collected works  |
| .A11-19 | By date  |
| .A2-29 | Translations  |
| .A3-39 | English. By translator  |
| .A4-49 | French. By translator  |
| .A5-59 | German. By translator  |
| .A6 | Other. By language  |
| .A61-79 | Selections. By date  |
| .A8-Z | Separate works. By title  |
|     | Biography and criticism  |

**TABLE IV.** Authors with Cutter number. (Adapted from Table IX, PN, PR, PS, PZ classification.) x = the author’s Cutter number.

| .x  | Collected works  |
| .xA11-19 | By date  |
| .xA2-29 | Translations  |
| .xA3-39 | English. By translator  |
| .xA4-49 | French. By translator  |
| .xA5-59 | German. By translator  |
| .xA6 | Other. By language  |
| .xA61-79 | Selections. By date  |
| .xA8-Z | Separate works. By title  |
|     | Biography and criticism  |

**TABLE V.** Collections.

| .A1 | Editions in the original language  |
| .A11-19 | By date  |
| .A3-Z | History and criticism  |