

## **EXTRA: The Decretals, early modern science of canon law and legal commentaries today**

### **Research objective and justification**

For ages thick volumes of commentaries to statutes have been the most typical output of scientific endeavours of legal scholars in Europe. This form of communication within legal science has recently drawn the attention of legal historians and comparatists. The universality of this practice allows us to study its nature in the past and relate the conclusions also to contemporary issues which in many ways resemble the past challenges.

**EXTRA aims at the examination of the methods and development of the early modern science of canon law through the study of the most relevant legal commentaries of the time.** Moreover, the conceptualizations developed to approach the early modern science of canon law will serve as the framework for addressing the current challenges of legal writing such as legal data overload or the impact of technological revolutions on law. Another broadly discussed issue today is the very nature of legal commentary and its 'scientific' character and EXTRA will contribute to this topic as well.

There are many **research questions** which will be addressed within the project, i.a.: what was invariable in commentary and what was evolving? What were the functions of commentary for legal discourse? How much were the new commentaries indebted to the old ones? How was canon law commentary influenced by civil law and its methods? How did the invention and development of print influence the shape of commentary? What were the methodological premises of the early modern canon law science? How did commentaries implement the new ecclesiastical regulations? How were the commentaries to old sources of law adjusted to meet the social, economic and religious changes? How did the early modern canon law cope with legal information overload? How was the print perceived by canonists and how did it influence their scholarly workshop? Does the early modern approach to societal challenges resemble the current approach to the analogous challenges?

The project fills the gap in research on the early modern canon law science and its method by the examination of the relevant legal genre of legal discourse of the time. It applies novel methodological approach to the sources by the implementation of the recently developed tools for analysis of the legal genre of commentary along with standard legal historical method. The expected result of this innovation is a more comprehensive answer to the research questions and contribution to related research areas. Moreover, EXTRA offers a new insight into the contemporary challenges for legal writings which are founded on the legal experience from the past.

### **Research design**

The textual basis for the research is **commentaries to the Decretals** (so called *Liber extra*, hence the project acronym) **written by canonists c.1450-1650**, which were usually several-hundred-pages-long multi-volume works in Latin. In the early modern period the Decretals were still the pivotal legal text handled within canon law science and canon law formed still a relevant part of the universal legal system of European *ius commune*. Therefore *commentaria* were a vehicle for addressing all currently relevant legal issues in Europe and were a tool for updating old laws to the new times. During the preliminary research there were listed sixteen works fulfilling selection criteria, the most relevant of which were those written by such authors as Felino Sandeo, Filippo Decio, Hendrik Zoesius, Emanuel González Téllez, and Prospero Fagnani.

The research team consisting of PI and two co-investigators from Leuven and Münster will examine: the structure and extrinsic attributes of commentaries; the heritage of late medieval commentaries; the influence of civil law on canon law commentaries; the impact of early modern commentaries on later canon law works; the scholarly method applied in commentaries. The final task will be research on commentaries and societal challenges then and now to provide the adequate framework for comparison and to open the possibilities for inspiring the contemporary legal discourse with past legal experiences. The most relevant method applied in this project will be the legal historical method but it will be supplemented with other recently developed research approaches, such as comparative legal history, book history and digital legal history, as well as with the tools established for the analysis of legal commentaries.

### **Research outcomes**

The research results will be disseminated in the **research articles** in internationally recognized journals and in a **research monograph** published by a renowned publishing house dedicated to the history of early modern commentaries to *Liber extra*. In addition to this, there will be delivered **conference talks** at various international congresses and meetings, there will be held **seminars** dedicated to the subject of research, and there will be set up a **webpage** for communication of EXTRA results and providing tools for further research on legal commentaries.