Before we study the medieval Danish legal procedure, we must know the background better, starting with the comprehensive and systematic collection of canon law texts known as Gratian’s Decretum which became available in its second revised version around the year 1159.\textsuperscript{1} With its juridical, dogmatic and moral-theological harmonisation of the common rules and conciliar decisions, it created a synthesis that in time was to gain great but unofficial authority amongst the clergy. While never officially promulgated, this frequently distributed and utilised collection of laws provided the Church with a unified legal system. The need for such a unified system of canon law had become urgent because of the increasing institutionalisation of the papal Church, which the Gregorian reform movement organised from the end of the eleventh century,\textsuperscript{2} and in classical Roman law, as found in the Corpus Iuris Civilis, the Church had found a corpus of law whose model it now tried to imitate with regard to ecclesiastical relations and the fabric of the church. The aim of Gratian’s Decretum, the original title of which was the telling \textit{Concordia discordantium canonum}, was an attempt to systematise and harmonise the many, frequently divergent, decisions in individual cases that constituted Canon law. Such a collection could also function as a kind of textbook for teaching members of the clergy.\textsuperscript{3}

\begin{footnotes}
\footnotetext[1]{Winroth, \textit{The Making of Gratian’s Decretum}.}
\footnotetext[2]{Harold J. Berman, \textit{Law and Revolution. The formation of the Western Legal Tradition} (Massachusetts, 1983), p. 118. But whoever Gratian may have been, he was not the first working on or succeeding in working out such a collection. Compare Greta Austen, \textit{Shaping Church Law Around 1000. The Decretum of Burchard of Worms} (Farnham, 2009).}
\footnotetext[3]{Gratian’s Decretum is published in \textit{Corpus Juris Canonici I: Decretum magistri Gratiani}, ed. Lipsiensis secunda post Aemilii Ludovici Richteri curas, ad librorum manu scriptorum et editionis Romanae fides recognovit et annotatione critica instruxit Aemilius Friedberg (Lipsiae, 1879–81). In the following, the Decretum is quoted by indicating the number of the canon and that of the distinction (D.) or of the cause (C.) and the question (q.).}
\end{footnotes}
Gratian’s Decretum was never formally promulgated as the official law book of the Church and did not entirely replace all other collections of canon law, although it was frequently quoted in papal decretals by Pope Clement III (1187–1191). From the end of the twelfth century, it was used and commented on across Europe by those educated in law, the learned Decretists. Thus canon law became a discipline in itself, just like the study of the more secular Roman law. The two disciplines, however, were so interwoven that it must often have been difficult to distinguish between them because the Decretists utilised Roman law as a tool to decode the terminology and methodology of canon law as it was found in Gratian’s Decretum.

The popularity of the Decretum meant that it gained great influence, and from the end of the twelfth century new decretals were added to it. Decretals were decisions in specific cases that, by their inclusion in Gratian’s Decretum, had created precedents. In the first instance, these decisions intended to form precedents were added somewhat haphazardly, but later they were added in more organised collections. Between 1191 and 1226, five such collections were compiled, which were to become known as the Quinque compilationes antiquae. Each of these collections built on the foundations laid by its predecessor, but added decisions that had been made since the previous collection. These collections were commented upon, as Gratian’s collection had been, despite the fact that they too, with one exception, were not officially recognised. The exception was the so-called Compilatio tertia, which in 1209 or 1210 was sent to the University of Bologna to serve as an update on Gratian’s Decretum, to be used in the teaching of canon law.4 The same thing happened in 1234, when Pope Gregory IX (1227–1241) sent a new and updated collection of papal decretals to the universities in Bologna and Paris entitled Liber Extra with instructions that this collection was to provide the basis for teaching in those places in future.5

---


5 Liber Extra is published in Corpus Iuris Canonici II: Decretalium collectiones, ed. Lipsiensis secunda post Aemili Ludovici Richteri curas, ad librorn manu scriptorum et