A FINDING-LIST OF RENAISSANCE LEGAL WORKS TO 1700

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Part One: Introduction, with Sections I (Roman civil law) and II (Canon law).

(Part Two will include Section III on English Law, French and other customary law, with Section IV, comparative and other works; it will appear in a later issue of the Bulletin.)

General Introduction

It is generally known (thanks to Rashdall) that in most medieval and early Renaissance universities law was the leading faculty; that the lawyer-class was enormously wealthy and powerful; and that legal studies were a potent 'civilizing agency'. No Renaissance and Reformation student therefore can afford to ignore the law, and in fact there has in recent years been a strong revival of legal scholarship in the Renaissance.

This project has grown out of discussions in the Toronto Renaissance and Reformation Colloquium, and this list takes its place alongside earlier lists of Renaissance books and collections published in these pages. The original idea was to identify and locate legal works in the several Toronto collections, and that idea has been expanded to include Buffalo to the south and McGill and Queens to the east, with a scattering of libraries elsewhere.

At Toronto, nearly every book was actually seen by one of the researchers, but in a few cases it was necessary to work from catalogues. Outside of Toronto, we have been almost completely dependent upon the cooperation of librarians, who have wholeheartedly assisted, at times to the point of assigning personnel to prepare a list, at times by providing us with the desired information by Xerox. While acknowledgements will be detailed at the end of this introduction, we do wish to render special thanks to Miss R. McCormick, chief librarian of Osgoode Hall, who has been especially gracious and zealous in her assistance, and to Mr. William Dean, who worked to record many individual copies and who has given much time to the classifying of the English legal materials. Mrs. Vivienne Millenson and Miss Phyllis Sherrin have been valued assistants.

Let us at once admit that this list is not yet complete, even for the libraries covered (for we have been promised supplementary information from some libraries in the process of re-cataloguing or moving); and we are aware that the categories of this list have not been consistently or uniformly handled in all libraries. Further, inasmuch as all libraries are not agreed on procedures for cataloguing microfilms of printed books, we have not endeavoured to include all microfilm references in all libraries.
We shall therefore welcome additions to and corrections of this present list, which can be included in Part Two, or in subsequent numbers of the Bulletin. Specifically, we are looking forward to including material from the rich library of the Bibliothèque de Droit, Université de Montréal.

Editorial principles:

The following list has been assembled from the labours of many hands, and a number of techniques and approaches are necessarily reflected. We must emphasize that this list is not intended for bibliographical specialists; rather, we have wished to aid students and scholars to locate copies of printed editions of and commentaries upon the law in the Renaissance, down to about 1700 (though the terminus ad quem has been flexibly applied in different areas and categories). To that end, we have provided the following information only, but that as consistently as was possible with the resources at hand:

- author and short-title
- place, publisher and date
- number of pages, or folios
- other information -- autographs, etc.

While we have not attempted the precision in collating and description of the modern bibliographer, we have of course aimed at accuracy. The general arrangement into four sections -- Roman civil, canon, customary, and comparative -- and the particular divisions within each section are, to be sure, arbitrary (and rather different at times from the classifications of modern legal historians); but the rationale has always been the desire to enable students to find materials as easily as possible without special knowledge or training.

Where possible (within the limits of space allowable for the list, or time available for the research, or simply our own knowledge), we have made annotations to provide some guidelines to the importance or usefulness of individual books. For example: generally a brief indication has been provided to signal the fact that an author was a humanist (in the case of Budé, e.g.), or a comment has been made to relate a work or an author to the mos italicus or gallicus (for which see the head-note to Roman law, section I).

Considerable effort has been given to recording autograph or provenance information, but that has not always been possible, particularly with items from outside Toronto. It is worth observing that there seems to be no single collector who dominates the materials here listed; certainly, neither the Pontifical Institute of Mediaeval Studies nor the University of Toronto has benefited from anything like the extraordinary expertise, patience and resources which made possible the legal collection of George Dunn that now forms the nucleus of the magnificent Treasure Room of the Harvard Law School Library. Yet it is worth recording that a William Proudfoot, Professor of Roman Law in the University of Toronto at the turn of the century, owned a number of the volumes here recorded. Perhaps these remarks, together with our annotations and comments, will encourage some student to study provenances further, or (a consummation devoutly to be hoped for) inspire collectors with the means and desire to form legal libraries that would reinforce the holdings which our list reveals.

Finally, let it be said that this list is primarily a means to a further end, and we hope that much greater use of these books will now be made by students of law, history and ideas. One can work at Toronto, and to a degree not previously thought possible, with many of the texts actually used by such French writers as Rabelais and Montaigne, or such English writers as St. German and Elyot, as well, of course, as jurists like Coke and Bacon.