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Law Schools and Legal Education

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Law schools flourished in the Byzantine Empire at the beginning of the Middle Ages, notably in Constantinople and Beirut. They taught, in Latin, the law of the Roman Empire, which also regulated the affairs of the Church (see Chapter 9). The reign of Justinian (527–65) brought the new compilations of law later known collectively as the Corpus iuris civilis (see Chapter 13) and soon also a shift of the language of instruction to Greek. Legal education, including teaching of eastern canon law, continued practically as long as the Empire survived, and beyond, producing notable scholars of canon law, such as John Zonaras (fl. early twelfth century) and Theodore Balsamon (d. after 1195) (see Chapter 9).

Legal teaching in the west, once lively in a law school in Rome itself, declined with the Empire.[1] There is little trace of formal teaching of law in the western Europe of the early Middle Ages, where legal culture instead was passed on from generation to generation in informal ways, in courts, and through notary culture.[2]

The Beginnings of the Law School in Bologna

The resurgence of legal teaching in western Europe is closely connected to the emergence in Bologna of a school teaching first Roman law, and from the time of Gratian (d. c. 1145?) also canon law (see Chapters 6, 7, and 9). Italy had,

[1] Detlef Liebs, *Die Jurisprudenz im spätantiken Italien (260–640 n.Chr.)* (Berlin, 1987); Luca Loschiavo, "Was Rome Still a Centre of Legal Culture between the 6th and 8th Centuries? Chasing the Manuscripts," *Rechtsgeschichte – Legal History: Zeitschrift des Max-Planck-Instituts für europäische Rechtsgeschichte – Journal of the Max Planck Institute for European Legal History* 23 (2015), 81–108.

[2] Wendy Davies and Paul Fouracre, *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986); Charles Radding and Antonio Ciaralli, *The Corpus iuris civilis in the Middle Ages: Manuscripts and Transmission from the Sixth Century to the Juristic Revival*, Brill's Studies in Intellectual History 147 (Leiden, 2007).

to a higher degree than any other former western Roman region, preserved institutes and rules of Roman law without necessarily having direct access to Justinian's legislation. It was, however, there that Justinian's law books again began to be studied in the eleventh century.[3]

Like all early European universities, the law school in Bologna came about and developed in informal ways. Students would pay their teachers to take part in their teaching. Exactly when it is correct to talk about a law school in Bologna remains unclear and to a great degree a matter of definitions. The present university claims to have been founded in 1088, but that date is an approximation arrived at in time for the eighth centenary in 1888; it is not based on the date of any event or extant document.[4]

Documents bear ample witness to a rich legal culture in Italy before any law school was active in Bologna, notably in the courts and among notaries. This culture drew on both Lombard law and non-Justinianic Roman law. From the eleventh century, Italian jurists occasionally referred to Justinian's laws, although this is not necessarily evidence of the formal teaching of law. Narratives from the late twelfth and the thirteenth centuries, in contrast, relate a compelling story of how formal teaching of Roman law was begun by a teacher of the arts by then known as Irnerius (d. after 1125).[5] The Bolognese professor of Roman law Odofredus (d. 1265), who enlivened his lectures with anecdotes about his predecessors, characterized Irnerius as "the lamp of the law" (*lucerna iuris*), a man of deep and extensive knowledge of Roman law. The chronicler Burchard of Ursperg claimed in the late twelfth century that "Wernerius" had renewed (the study of?) Justinian's law books "at the request of Countess Mathilda" (d. 1115) of Tuscany. Odofredus, Burchard, and others telling similar stories, doubtless drew on traditions from Bologna, which by their times identified Irnerius as the author of many glosses found in legal manuscripts signed with the letter y at their beginning.[6] Irnerius was without any doubt a historical person, who appears in several documents dated between 1112 and 1125, mostly from Tuscany, some of which he even signed. He wrote his name "Wernerius," while the notaries producing the documents spelled it in several different ways, e.g., "Guarnerius." Most of the documents are records of legal judgments, for which Irnerius was included in

[3] Radding and Ciaralli, *Corpus iuris civilis in the Middle Ages*. See also Chapter 13.
[4] Walter Rüegg, "Themes," in *A History of the University in Europe*, vol. 1, *Universities in the Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, 1992), 3–34 at 5.
[5] Peter Weimar, "Irnerius," in *Lexikon des Mittelalters* (Munich, 1977–98); Hermann Lange and Maximiliane Kriechbaum, *Römisches Recht im Mittelalter* (Munich, 1997–2007), 1.154–159; Kenneth Pennington, "Irnerius," *BMCL* 36 (2019), 107–122.
[6] Kenneth Pennington, "Odofredus and Irnerius," *RIDC* 28 (2017), 11–27.

the panel of judges deciding the case. They are local cases from northern Italy and were mostly determined according to the Lombard law that was the law of the land at the time.[7]

Scholars differ in how to interpret the existing evidence about Irnerius. Some insist that late traditions such as those reported by Burchard and Odofredus have little evidentiary value and may better be considered to represent an origin myth, "a justification in historical terms of the state of affairs as it existed" later.[8] Others have more faith in the strength of at least the core of the traditions reported.[9] What seems beyond dispute, however, is that there is no good contemporary evidence of Irnerius teaching. If he wrote the glosses that are usually attributed to him on the somewhat shaky basis of the siglum y, this puts him firmly in the tradition of glossing Roman law texts which goes back to the early eleventh century.[10] The only known educational text securely attributed to Irnerius, the *Materia Codicis secundum Irnerium*, was, in the opinion of its editor Hermann Kantorowicz, "very disappointing" and simply "a quite disorderly set of eight observations."[11]

Secure evidence of academic teaching of Roman law meets us a generation later, among the so-called Four Doctors: Bulgarus de Bulgarinis (d. 1158), Martinus Gosia (d. c. 1160), Hugo de Porta Ravennate (d. between 1166 and 1171), and Jacobus (d. 1178). Bulgarus was certainly active as a teacher of Roman law in Bologna by the 1130s, if not before. The many moot court exercises or *quaestiones* that survive in early manuscripts bear witness to Bulgarus training his students in extracting supporting passages from Justinian's law books and in using them to present, as if in court, legal

[7] Enrico Spagnesi, *Wernerius Bononiensis iudex: la figura storica d'Irnerio*, Accademia toscana di scienze e lettere "La Columbara," Studi 16 (Florence, 1969). For the historical Wernerius, see also Gundula Grebner's *Excursus* in Johannes Fried, "... auf Bitten der Gräfin Mathilde: Werner von Bologna und Irnerius," in *Europa an der Wende vom 11. zum 12. Jahrhundert: Beiträge zu Ehren von Werner Goez*, ed. Klaus Herbers (Stuttgart, 2001), 171–206.

[8] J.K. Hyde, "Commune, University, and Society in Early Medieval Bologna," in *Universities in Politics: Case Studies from the Late Middle Ages and Early Modern Period*, ed. John W. Baldwin and Richard A. Goldthwaite (Baltimore, 1972), 17–46 at 20; Anders Winroth, *The Making of Gratian's Decretum*, Cambridge Studies in Medieval Life and Thought, 4th ser., 49 (Cambridge, 2000), 162–168; Fried, "... auf Bitten der Gräfin Mathilde."

[9] Lange and Kriechbaum, *Römisches Recht im Mittelalter*, 1.154–159; Peter Landau, "The Development of Law," in *The New Cambridge Medieval History*, vol. 4.2, *c.1024–c.1198*, ed. David Luscombe and Jonathan Riley-Smith (Cambridge, 2008), 113–147; Pennington, "Odofredus and Irnerius"; Pennington, "Irnerius." See Chapter 13.

[10] Radding and Ciaralli, *Corpus iuris civilis in the Middle Ages*.

[11] Hermann Kantorowicz and William Warwick Buckland, *Studies in the Glossators of the Roman Law: Newly Discovered Writings of the Twelfth Century* (Cambridge, 1938), 36–37.

arguments. Bulgarus not only maintained a lively classroom, but also possessed deep and detailed knowledge of Roman law. Bologna clearly had become a center for the teaching of law by his time.[12]

Gratian (d. c. 1145?) taught canon law in Bologna with some of the same methods at about the same time as Bulgarus, certainly by 1140. He produced his own textbook, the *Decretum*, for this purpose (Figure 14.1). It contains thirty-six "cases" (*causae*), each of which sets up several legal questions for discussion. Gratian's *Decretum* is more stylized than the exercises of Bulgarus, so it is more difficult to discern exactly what was happening in his classroom, whether his questions reflect teaching similar to that of Bulgarus or rather some other kind of teaching. His text, at any rate, soon became the subject of lectures under Gratian's immediate successors in Bologna, rather than classroom exercises. They also expanded the *Decretum* to about double its original size, to provide more grist for their lectures.[13]

Minor Twelfth-Century Law Schools

Law schools appeared and grew organically at many places in the twelfth century without much internal organization or external regulation. Students simply followed individual teachers, who taught them in exchange for payment. The creation of law schools in the twelfth century responded to a strongly felt need for educated administrators at a time when government in Europe grew enormously. Bologna was only the tip of the iceberg, albeit by far the most advanced and sophisticated school in western Europe.

Many of the twelfth-century law schools outside of Bologna were small and ephemeral, each probably run by one person or a few teachers. Several of them clearly offered shortened courses, using as textbooks abbreviated

[12] The most extensive edition of these exercises is found in Friderico Patetta, "Quaestiones in schola Bulgari disputatae," in *Bibliotheca iuridica medii aevi*, ed. Augusto Gaudenzi (Bologna, 1892), 195–209. See also Kantorowicz and Buckland, *Studies in the Glossators*, 246–253; Hermann Kantorowicz, "The Quaestiones disputatae of the Glossators," *Tijdschrift voor Rechtsgeschiedenis* 16 (1939), 1–67; repr. in Hermann Kantorowicz, *Rechtshistorische Schriften*, ed. Helmut Coing and Gerhard Immel, Freiburger rechts- und staatswissenschaftliche Abhandlungen 30 (Karlsruhe, 1970), 137–186; Annalisa Belloni, *Le questioni civilistiche del secolo XII da Bulgaro a Pillio da Medicina e Azzone*, Ius commune Sonderhefte 43 (Frankfurt am Main, 1989); Anders Winroth, "The Teaching of Law in the Twelfth Century," in *Law and Learning in the Middle Ages*, ed. Helle Vogt and Mia Münster-Swendsen (Copenhagen, 2006), 41–62, at 56–57.

[13] Winroth, *Making*, 175–192. See also Chapter 6.

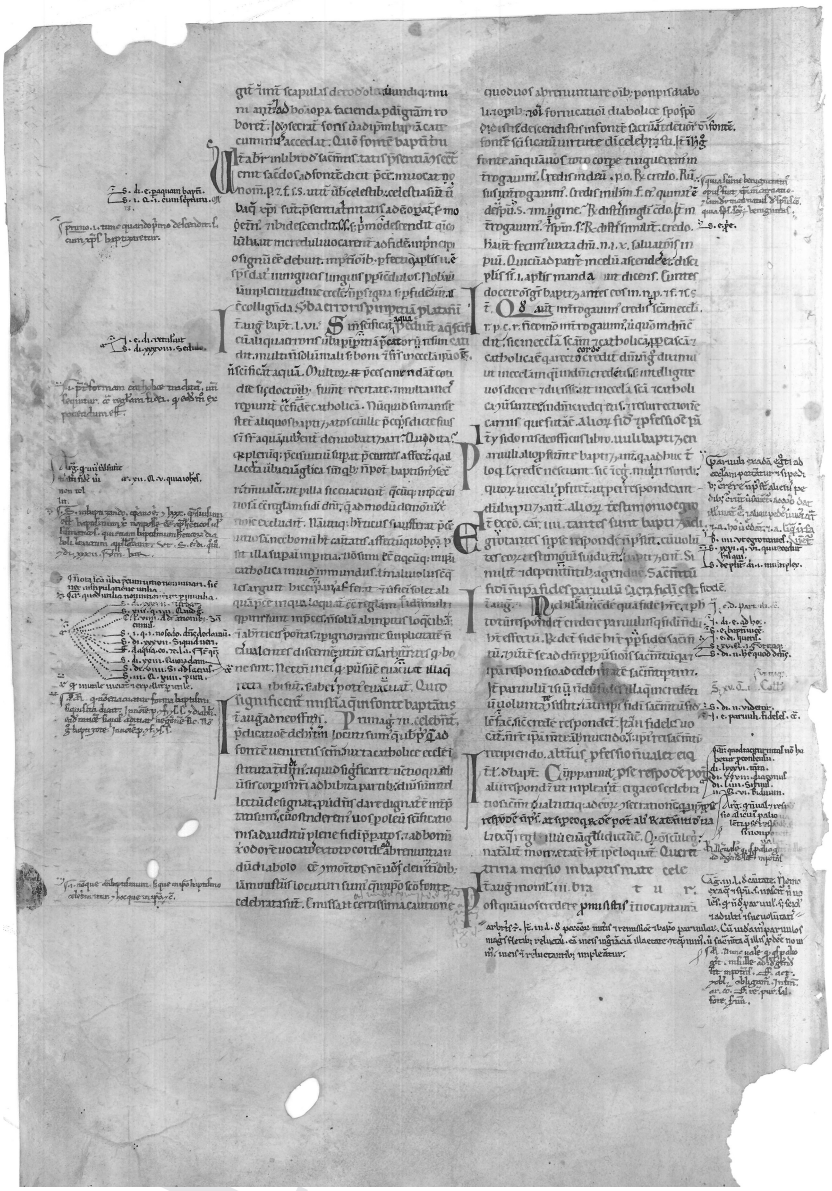

Figure 14.1 Gratian, *Decretum* De cons. D. 4 cc. 70–78, with glosses. Italy, c. 1180. The differentiation among types of glosses is clearly visible in the left margin. Allegations are indented and one notabilia-gloss is given a vaguely triangular shape approximately at the middle of the left edge. Fjellhamar, Anders Winroth, fragment 1.

versions of the complete law books taught in Bologna.[14] An interesting example is the abbreviation of the *Decretum* known by its incipit as *Quoniam egestas*, which survives in seven manuscripts, often containing glosses that reflect teaching.[15] In the preface of the abbreviation, its author states explicitly that poverty prevented him from acquiring Gratian's full *Decretum*, but that his shortened version included all the important points that students of canon law needed to know. The abbreviation is usually dated to 1150. One of its manuscripts, Prague, Knihovna Metropolitní Kapituli, J.74, also contains the so-called *Exceptiones Petri*, which is a brief compendium of Roman law. The glosses accompanying the text of *Quoniam egestas* in this manuscript refer to the *Exceptiones Petri* rather than to the complete Justinianic law books. *Quoniam egestas* was clearly used in a law school in Provence; it has been argued on flimsy evidence that this law school was situated in Avignon and that its teacher was a local jurist called (H)elisiarius.[16] Anyone studying with *Quoniam egestas* as a textbook would learn about all aspects of canon law covered in the full *Decretum*, only with fewer proof texts, and without having to delve into the Justinianic compilations. The fact that the abbreviation survives in as many as seven manuscripts suggests either that it was adopted by several teachers or that the Provençal school for which it was produced attracted many students.

Other abbreviations were similarly successful, including the *Exceptiones evangelicarum* (or *ecclesiasticarum*; preserved in nine manuscripts), and that of Omnibene, later bishop of Verona (nine manuscripts).[17] The latter case is particularly intriguing, since Omnibene taught at Bologna, suggesting that abbreviations were used also there. Many more abbreviations survive in single or a few copies, providing more evidence for smaller law schools, which thus must have been widespread.[18] One notable example is the

[14] Anders Winroth, "St. Gall 673 in Context: Twelfth-Century Transformations and Abbreviations of Gratian's Decretum," in *Generating and Transferring Legal Knowledge in the 12th Century: The Manuscript Sankt Gallen, Stiftsbibliothek 673*, ed. Stephan Dusil and Andreas Thier (Leiden, 2020). See also Chapters 6 and 13.

[15] Kenneth Pennington and Charles Donahue Jr., "Bio-Bibliographical Guide to Medieval and Early Modern Jurists," http://amesfoundation.law.harvard.edu/BioBibCanonists/ [illegible]3 and a594.

[16] André Gouron, "Le manuscrit de Prague, Metr. Knih. J.74: à la recherche du plus ancien décrétiste à l'Ouest des Alpes," *ZRG: KA* 83 (1997), 223–248; repr. in André Gouron, *Pionniers du droit occidental au Moyen Âge*, Variorum Collected Studies Series CS865 (Aldershot, 2006), no. I.

[17] Pennington and Donahue, "Bio-Bibliographical Guide," a004 and a363.

[18] Alfred Beyer, *Lokale Abbreviationen des Decretum Gratiani: Analyse und Vergleich der Dekretabbreviationen "Omnes leges aut divine" (Bamberg), "Humanum genus duobus regitur" (Pommersfelden) und "De his qui intra claustra monasterii consistunt" (Lichtenthal, Baden-Baden)*, Bamberger theologische Studien 6 (Frankfurt am Main, 1998); Anders Winroth,

abbreviation surviving uniquely as codex 673 in St. Gallen, Stiftsbibliothek, where Gratian's *dicta* have been reformulated, apparently for the purposes of oral delivery (see Chapter 6).[19]

It is often impossible to determine the location of the minor law schools where canon law was taught in the twelfth and early thirteenth centuries. Many towns north and south of the Alps have been suggested as sites of law schools. Provence seems to have housed several schools at different times.[20] A school in Cologne flourished especially during the schism between Emperor Frederick Barbarossa (1155–90) and Pope Alexander III (1159–81), producing several important canonistic works.[21] It seems clear that almost every more important city in, at least, northern Italy at some point during this period housed a law school, sometimes even tempting Bologna teachers and students to move as a group, at least temporarily, as when they decamped to Padua in 1222.[22] The background was often tensions with and within the city of Bologna, which in the thirteenth century began to require law teachers to swear an oath not to move away.[23]

Institutionalized Law Schools from the Thirteenth Century

In the thirteenth century, legal education was institutionalized. The earliest legal regulations of studies came as early as 1155 and 1158, when Emperor Frederick I issued a law known by its incipit as *Habita*. Frederick took under his protection students and teachers, "and especially those professing divine and sacred laws," who "out of love of knowledge become exiles from riches and make themselves poor, expose their lives to all dangers, and often endure corporal injury from the most vile people, which is heavy to endure." The emperor determined that they could only be judged by their masters or the local bishop, thus extending clerical *privilegium fori* to academics. This

Abbreviatio Treverensis decreti Gratiani in codice 91 seminarii episcopalis Treverensis reperta: Causam secundam (New Haven, 2018).

[19] Titus Lenherr, "Ist die Handschrift 673 der St. Galler Stiftsbibliothek (Sg) der Entwurf zu Gratians Dekret? Versuch einer Antwort aus Beobachtungen an D. 31 und D. 32," www.mgh-bibliothek.de/dokumente/a/a117039.pdf.

[20] Gouron, *Pionniers du droit*.

[21] Peter Landau, *Die Kölner Kanonistik des 12. Jahrhunderts: Ein Höhepunkt der europäischen Rechtswissenschaft* (Badenweiler, 2008).

[22] Hastings Rashdall, F.M. Powicke, and A.B. Emden, *The Universities of Europe in the Middle Ages* (2nd ed., Oxford, 1936), 2.10–11; Peter Classen, *Studium und Gesellschaft im Mittelalter*, ed. Johannes Fried, MGH: Schriften 29 (Stuttgart, 1983), 29–45; Lange and Kriechbaum, *Römisches Recht im Mittelalter*, 2.48–49.

[23] Rashdall et al., *Universities in the Middle Ages*, 1.167–173.

privilege would continue to apply far into post-medieval times. Bologna is not mentioned in the text, which the emperor prescribed should be inserted into Justinian's *Code* as an *authentica* (see Chapter 13), but the new law was issued at a time when Frederick had met several Bolognese teachers of Roman law, notably the Four Doctors.[24]

In the early thirteenth century, we begin to see secular rulers as well as the pope regulating individual universities and law schools. Such regulations often came about because of conflicts within the universities, or between them and their localities. Their effect was to standardize education in a way that strengthened the larger law schools at the expense of smaller institutions.[25]

Pope Honorius III in 1219 ruled that the archdeacon of Bologna had authority over examinations there. This may have been written specially for the incumbent, the distinguished jurist Gratia of Arezzo, but later archdeacons certainly had authority over the law school and its examinations. Similarly, the cathedral chancellor in Paris had jurisdiction over aspects of the university there, leading to considerable conflicts with the masters. The jurisdiction of leading members of cathedral chapters over institutions of higher learning derived from the local bishop's ancient authority over teaching within his diocese, which was strengthened through the *authentica Habita*.

In 1219, Pope Honorius III outlawed the teaching of Roman law in Paris, leading to a migration to, especially, Orléans, which for the rest of the Middle Ages remained a distinguished center of Roman law while also teaching canon law.[26] Pope Gregory IX allowed such teaching there in 1235. Without teachers in Roman law close at hand, the teaching of canon law in Paris developed a character different from that of other schools, for example in emphasizing Gratian's *Decretum* at the expense of the decretals.[27]

[24] Heinrich Appelt, ed., *Die Urkunden Friedrichs I. 1158–1167*, MGH: Diplomata 10.2 (Hanover, 1979), 37–40 (no. 243); Johannes Fried, *Die Entstehung des Juristenstandes im 12. Jahrhundert: Zur sozialen Stellung und politischen Bedeutung gelehrter Juristen in Bologna und Modena*, Forschungen zur neueren Privatrechtsgeschichte 21 (Cologne, 1974), 52–56 and 255–257; Paolo Nardi, "Relations with Authority," in *History of the University*, ed. de Ridder-Symoens, 77–107 at 78–79; Kenneth Pennington, *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley, 1993), 13.

[25] Winroth, "Law Schools in the Twelfth Century."

[26] Rashdall et al., *Universities in the Middle Ages*, 1.322. Stephan Kuttner, "Papst Honorius III. und das Studium des Zivilrechts," in *Festschrift für Martin Wolff: Beiträge zum Zivilrecht und internationalen Privatrecht*, ed. Ernst von Caemmerer et al. (Tübingen, 1952), 79–101; repr. in Stephan Kuttner, *Gratian and the Schools of Law* (London, 2018), X. Edition and translation into English of the letter of Honorius available in Claes Gejrot, "The Bull *Super speculam* of Pope Honorius III," in *Swedish Students at the University of Paris in the Middle Ages*, ed. Elisabeth Mornet et al. (Stockholm, 2020), 551–567.

[27] Rashdall, et al., *Universities in the Middle Ages*, 1.433.

For the later Middle Ages, university statutes offer detailed rules for, among other things, programs of study, examinations, professors, beadles, and other university officers, discipline, book trade, dress, and lodging. Some were imposed from outside authorities, while others sprang from the school's own self-regulation. The earliest preserved statutes come from the middle of the thirteenth century, e.g., the partially preserved Bologna statutes of 1252.[28] Most universities, however, acquired statutes only in the fourteenth and fifteenth centuries. When comparing statutes to other documentation, it appears that they were not always strictly observed.[29]

As the major law schools grew in importance, rulers realized the advantages of housing a law school, both for their economic impact and for the utility of law graduates. Cities and rulers began to pay salaries to law teachers, making their teaching less expensive for their students.[30] The city of Bologna paid a salary to a teacher of canon law from 1280. All Bolognese law teachers seem to have been similarly paid by the middle of the following century. No less than twenty-three doctors of law stood on the municipal payroll of Bologna in 1384.[31] In 1474, the commune of Ferrara, to give another example, paid seven teachers of canon law at the local university, which had been refounded in 1430; those who gave the ordinary lectures on the *Decretum* and the *Liber extra* were paid 300–350 lire, while the two extraordinary lecturers on the *Liber sextus* and the *Clementines* were paid 150 lire each, and a Messer Antonio was paid only 30 lire for lecturing on canon law on feast days.[32]

In 1224, Emperor Frederick II founded a university with legal education in Naples, at the same time prohibiting his south Italian subjects from studying anywhere else. Many other medieval rulers followed Frederick's example, leading to the creation of distinguished legal faculties in cities such as Rome (curial university 1245), Prague (1348), Leipzig (1409), and elsewhere (see Map 14.1 for the most important law school locations).[33] We get a sense of which law schools were considered most important in noting that Pope Boniface VIII in 1298 sent his newly finished canon law book, the *Liber sextus*,

[28] Domenico Maffei, "Un trattato di Bonaccorso degli Elisei e i più antichi statuti dello Studio di Bologna nel manoscritto 22 della Robbins Collection," *BMCL* 5 (1975), 73–101 at 93–101.

[29] Aleksander Gieysztor, "Management and Resources," in *History of the University*, ed. de Ridder-Symoens, 108–143 at 113–114.

[30] Rüegg, "Themes," 19; Jacques Verger, "Teachers," in *History of the University*, ed. de Ridder-Symoens, 144–168 at 151–153.

[31] Rashdall et al., *Universities in the Middle Ages*, 1.211.

[32] Lynn Thorndike, *University Records and Life in the Middle Ages*, Records of Civilization: Sources and Studies 38 (New York, 1944), 360–361.

[33] Nardi, "Relations with Authority," 90, 95, 97, and 103.

Map 14.1 Locations of medieval law schools.

to the universities in Bologna, Padua, Naples, Orléans, Toulouse, Paris, Oxford, and Salamanca (see Chapter 8), a list that, however, leaves out the important law school at Montpellier.

Forms of Teaching

The forms of teaching in medieval law schools mirror those used elsewhere in medieval higher education. From being less strictly defined, those forms became standardized in the thirteenth century and then slowly developed throughout the rest of the Middle Ages. They were regulated in university statutes and may also be traced through the literary production of university teachers, which often more or less directly reflect their teaching. Individual components of teaching inspired different genres of canonical literature.

The language of teaching was Latin, although later in the Middle Ages, teachers might mix in some vernacular expressions. Students were advised to find teachers who spoke audibly and who paid attention to the matter at hand, rather than to pomposity and verbal ornament.[34] Translations into Romance vernaculars of several books in the Corpus iuris canonici existed, but had limited manuscript transmission.[35] No other prerequisites than Latinity were required from the students, although many had already studied in arts faculties of universities.[36] Law students were generally older than arts students, perhaps typically between 23 and 30 at Bologna, although there are examples of students there being as young as 15 and as old as 40.[37]

There is no evidence of women formally studying canon law in law schools, although many abbesses and others must have been familiar with this legal system to carry out their administrative work. The poets Christine

[34] L. Frati, "L'epistola De regimine et modo studendi di Martino da Fano," *Studi e memorie per la storia dell'Università di Bologna* 6 (1921), 22–29 at 26; Sven Stelling-Michaud, *L'Université de Bologne et la pénétration des droits romain et canonique en Suisse aux XIII. et XIV. siècles*, Travaux d'humanisme et renaissance 17 (Geneva, 1955), 75.

[35] Leena Löfstedt, *Gratiani Decretum: la traduction en ancien français du Décret de Gratien*, Commentationes humanarum litterarum 95, 99, 105, 110, and 117 (Helsinki, 1992–2001); Edouard Fournier, "L'accueil fait par la France du XIIIe siècle aux Décretales pontificales: leur traduction en langue vulgaire," in *Acta Congressus iuridici internationalis VII saeculo a Decretalibus Gregorii IX et XIV a Codice Iustiniano promulgatis* (Rome, 1936), 249–267; Ada Kuskowski, "Translating Justinian: Transmitting and Transforming Roman Law in the Middle Ages," in *Law and Language in the Middle Ages*, ed. Jenny Benham, Matthew McHaffie, and Helle Vogt, Medieval Law and Its Practice 25 (Leiden, 2018), 30–51.

[36] Rainer Christoph Schwinges, "Admission," in *History of the University*, ed. de Ridder-Symoens, 171–194 at 172.

[37] Antonio García y García, "The Faculties of Law," in *History of the University*, ed. de Ridder-Symoens, 1.388–408 at 402.

de Pizan and Jehan Le Febre recount that once when the great Bologna teacher of canon law Johannes Andreae (c. 1270–1348) was sick, his daughter Novella (whose existence is known also from other evidence) filled in for her ailing father, giving a lecture. Historians of canon law have generally been highly skeptical of this story, which has no exact parallels, while others accept it, pointing out, for example, that Christine's father had connections to scholarly circles in Bologna.[38]

The academic year generally began at some point in October but seems to have gotten later as the Middle Ages progressed. The 1252 Bologna statutes determine that it began around 8 October, those of 1317/47 around 10 October, while the statutes of 1432 specify that the year began on the first day that is not a feast day after St. Luke's Day (18 October).[39] Teaching continued, with some holidays at Christmas, the Carnival, and Easter, through the summer. The teacher of Roman law Petrus Peregrossi in Orléans stated that he would finish his lectures on Justinian's *Code* (begun in mid-October) around 1 August and those on the *Digestum vetus* (begun in early October) by the middle of August.[40] The academic year of canon lawyers would have been similar. Law schools did not offer lectures on the many major feast days of the Church year. The law school in Montpellier, for example, specified in its 1339 statutes seventy feast days on which lectures were not given, in addition to weeklong breaks at Christmas and Easter.[41] The academic year typically contained some 130–150 *dies legibiles*, days on which lectures could be given.[42] In some law schools, Thursdays were generally lecture-free days, so that time lost due to feast days might be made up by scheduling extra teaching on Thursdays.

Lectures

The central form of teaching in medieval law schools was the lectures on the canonical texts, which in law amounted to the two Corpora. Mornings were

[38] Stephan Kuttner, "Joannes Andreae and his Novella on the Decretals," *The Jurist* 24 (1964), 393–408 at 396; repr. in Stephan Kuttner, *Studies in the History of Medieval Canon Law*, Variorum Collected Studies Series (Aldershot, 1990), no. XVI, with *Retractationes* on pp. 24–25; Rainer Christoph Schwinges, "Student Education, Student Life," in *History of the University*, ed. de Ridder-Symoens, 195–243 at 202.

[39] Maffei, "Un trattato," 94; Carlo Malagola, *Statuti delle Università e dei collegi dello studio bolognese* (Bologna, 1888), 40 and 101.

[40] Peter Weimar, "Die legistische Literatur und die Methode des Rechtsunterrichts der Glossatorenzeit," *Ius commune* 2 (1969), 43–83 at 48; repr. in Peter Weimar, *Zur Renaissance der Rechtswissenschaft im Mittelalter*, Bibliotheca eruditorum: Internationale Bibliothek der Wissenschaften 8 (Goldbach, 1997), 3*–43*.

[41] *Cartulaire de l'Université de Montpellier*, vol. 1 (Montpellier, 1890), 311–312.

[42] Verger, "Teachers," 155.

devoted to the more prestigious "ordinary lectures" of professors, which lasted from the hour of the morning bell to tierce, in other words two hours or longer until about nine o'clock. Extraordinary lectures of about the same length were held in the afternoon, or in the late morning. The ordinary books in most canon law schools were Gratian's *Decretum* and the *Liber extra* of Gregory IX, although in Paris (where the afternoon lectures were called cursory rather than extraordinary), only the former was an ordinary book. The *Liber sextus* and the *Clementines* were everywhere extraordinary books. The imbalance in length between the two kinds of books meant also that ordinary books had to be treated in extraordinary lectures. Some time might also be found on holidays or at other times for *repetitiones* or reviews of the material that had been covered in the morning lecture.[43] At larger law schools, the ordinary and extraordinary books were distributed among the teachers so that the entire Corpus was treated every year or at least within two years. Lectures were at first held in the home of the teacher or in a space that he rented. Only in the fifteenth century did universities begin to acquire buildings of their own.[44]

A few medieval law teachers spelled out their method for working through the texts they lectured on.[45] The famous canonist Henry de Segusio (d. 1271), cardinal bishop of Ostia and hence usually called "Hostiensis," outlined an ideal lecture in his commentary on the decretal title "de magistris" (X 5.5) in his *Summa aurea*. His words represent the practice of the thirteenth century:

> And this is how one should teach:
> first, by positing the case and stating the meaning of the text;
> second, by reading and explaining the text and even construing it (grammatically), if it appears difficult;
> third, by adducing similar passages;

[43] Mario Ascheri and Elena Brizio, *Index repetitionum iuris canonici et civilis*, Quaderni di "Informatica e beni culturali" 8 (Siena, 1985).

[44] Rashdall et al., *Universities in the Middle Ages*, 1.207 and 217–218; Rüegg, "Themes," 43–44; Verger, "Teachers," 148–149, 157.

[45] Stelling-Michaud, *Université de Bologne*, 48–50; Weimar, "Legistische Literatur"; García y García, "Faculties of Law," 398; Gero R. Dolezalek, "Wie studierte man bei den Glossatoren?," in *Summe, Glosse, Kommentar: Juristisches und Rhetorisches in Kanonistik und Legistik*, ed. Frank Thiessen and Wulf Eckart Voß, Osnabrücker Schriften zur Rechtsgeschichte 2.1 (Osnabrück, 2000), 55–74; Lange and Kriechbaum, *Römisches Recht im Mittelalter*, 2.363–369; James A. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago, 2008), 249–254; Rudolf Weigand, "The Development of the *Glossa ordinaria* to Gratian's *Decretum*," in *The History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX*, ed. Wilfried Hartmann and Kenneth Pennington, HMCL (Washington, DC, 2008), 55–97 at 57.

> fourth, by adducing contradictory passages in order to solve them and distinguish them;
>
> fifth, by posing questions and resolving them;
>
> sixth, he should state *notabilia*, for which the decretal may be used, and how to do so.
>
> But all this cannot always be observed in this order, either because it is forgotten, or because insufficient attention is given to it.
>
> There are also those masters who read the gloss as if it were text, as the uneducated do. And this makes them correct the apparatus (of glosses), and thus they only care about the words. But certainly, this will not help either the master of the student to understand the intention and to remember it.[46]

For each chapter (or paragraph) in the Corpus iuris canonici, the teacher would start by summarizing its contents, for example by outlining an imagined legal case for which the chapter provides a resolution. So in lecturing on the conciliar decision that makes up the first chapter in the title of Gregory IX's *Liber extra* which is devoted to law about Christian relations with Jews and "Saracens" (X 5.6.1), Bernard of Parma (d. 1266) stated the case at hand in simple terms: "Some Jews retained Christian slaves." He then went on to summarize the chapter: "This council stated that from that point on, Jews may not retain Christian slaves, but that it is allowed for any Christian to redeem such a slave for twelve shillings per slave, either to free him or to make him his own slave."[47] This part of the lecture gave rise to the literary genre of *casus* collections, which provided introductory treatment of the main points of each chapter in a law book.[48] Since they were so useful, the *casus* were inserted into the gloss in sixteenth-century printed editions of the volumes of the Corpus iuris canonici; they appear, thus, in the 1582 official Roman edition.[49]

The teacher would then read out the chapter, so his students would know the text even if they did not have a copy at hand. If they had brought the book to lecture (as required, for example, by the Parisian statutes of 1340), this was

[46] Henricus de Segusio, *Summa aurea*, quoted by Weimar, "Legistische Literatur," 48–49. I have compared the text with Munich, Bayerische Staatsbibliothek, Clm 14006, available through digitale-sammlungen.de (Bild 341a), which is practically identical to Weimar's text.

[47] Bernardus Bottonius, *Casus longi super quinque libros Decretalium* ([Basel], not after 1479) ad X 5.6.1 (available via digitale-sammlungen.de).

[48] Weimar, "Legistische Literatur," 79; Kuttner, *Repertorium*, 228–232 and 397–407. For this and other genres of literature commenting on the Corpus iuris canonici, see Knut Wolfgang Nörr, "Die kanonistische Literatur," in *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, vol. I, *Mittelalter (1100–1500): Die gelehrte Rechte und die Gesetzgebung*, ed. Helmuth Coing (Munich, 1973), 365–382.

[49] Weigand, "Development of the Glossa ordinaria," 91.

an opportunity for correcting any errors in that book.[50] This is an important reason why the manuscript traditions of medieval legal works so often are confused, exhibiting textual contamination and mixed recensions. If the text was difficult to understand, the teacher would explain it, for example by clarifying the grammatical construction.

After reading the text, the teacher would make allegations, referring to parallel and contradictory passages elsewhere in canon and Roman law (and occasionally also in feudal or local law). He would draw distinctions or otherwise explain apparent inconsistencies.

If the text raised but did not directly answer important questions, the teacher might discuss them in greater depth. If it became necessary, because of their difficulty or the time needed to answer them, individual questions might be set aside for a lengthier disputation, for example in the evening. Central to the disputations were the chains of allegations *pro et contra* which the teacher had included in the lecture.

Finally, the teacher would highlight "notable passages" (*notabilia*) that contain general rules of law, which could provide useful arguments, especially for disputations and for arguing in court. Hence they are also sometimes called *argumenta*. Collections of such *notabilia* circulated, sometimes with apparently contradicting statements juxtaposed and reconciled ("Brocard[ic]a").[51]

As Hostiensis emphasized, each individual chapter or paragraph in the Corpus would not necessarily be given this full treatment. If the text was clear enough in itself, the teacher might read it aloud and simply comment that the meaning is plain ("planum est") and that the students can understand it for themselves.

All the components of the lecture are reflected in the *apparatus* of glosses that appear in the margins of medieval legal manuscripts. In the second half of the twelfth century, scribes distinguished carefully between those components. Allegations were written on lines indented by about 1 centimeter. *Notabilia* (*argumenta*) were generally written in triangular shapes and sometimes with colored initials. Readers could easily find what they were looking

[50] A Roman law teacher who spelled out his teaching method (probably Petrus de Peregrossi at Orléans) stated that he read out the text "corrigenda causa," so that his students could correct their books. See Weimar, "Legistische Literatur," 48. For the requirement to bring books to lecture, see *Chartularium universitatis Parisiensis* 2 (Paris, 1891), 504.

[51] Peter Weimar, "Argumenta brocardica," in *Collectanea Stephan Kuttner 4*, Studia Gratiana 14 (Rome, 1967), 91–123; repr. in Weimar, *Zur Renaissance*, 45⋆–77⋆; Kuttner, *Repertorium*, 232–241 and 408–422.

for. As lectures and glosses became more voluminous, there was not enough space to observe these distinctions. By the time of the *Glossa ordinaria* to Gratian's *Decretum* (c. 1215), the glosses, now more discursive, were written in large, undifferentiated blocks around the text (see Chapter 16). Whatever their layout, glosses allow us to observe, however indirectly, teachers of canon law lecturing on the standard books of medieval canon law courses.

In the late Middle Ages, lectures became ever more detailed and they focused less on the law text itself and more on the opinions of other jurists.[52] This is likely what Hostiensis complained about at the end of the quotation above, where he dismisses as a useless exercise the reading out of the gloss as well as the text. The lectures of law teachers became less closely connected to the exact wording of the law texts. Instead, they treated systematically the problems raised by the passage in wide-ranging and sophisticated discussions, drawing on many relevant passages elsewhere in the legal *corpora*. As a consequence, lectures no longer conveyed more elementary explanations that students could access in the *Glossa ordinaria*, while lecturers also simply skipped parts of the law books.[53]

The great canonist Nicolaus de Tudeschis, also known as Panormitanus and *Abbas Siculus* (1386–1445), provides an example. He never commented on the whole of the *Liber extra* in his *Lectura*. His commentary goes into greatest depth in books 2 and 3, while being rudimentary for books 4 and 5. In book 1, he only wrote (and, one assumes, lectured) on the first six titles, bypassing the rest of the book (many of the printed editions of his work instead supply the commentary by his teacher Antonius de Butrio).[54]

Missing from the lecture outline of Hostiensis are introductory summaries on each title in the decretals, summarizing the content of the title at the same time as the connection to previous title(s) is highlighted. Such "continuationes" appear in *apparatus* of glosses. They could grow into separate works summarizing the legal contents of each title, in a systematic fashion rather than in the chronological order of decretals found in the law books themselves. The genre is known as *summae titulorum*.[55]

[52] See also Dolezalek, "Wie studierte man?" 73. [53] Weimar, "Legistische Literatur," 70–76.

[54] Kenneth Pennington, "Panormitanus's Lectura on the Decretals of Gregory IX," in *Fälschungen im Mittelalter: Internationaler Kongreß der Monumenta Germaniæ Historica München. 16.–19. September 1986*, vol. 2, MGH: Schriften 33.2 (Hanover, 1988), 363–373; repr. in Kenneth Pennington, *Popes, Canonists and Texts, 1150–1550* (Aldershot, 1993), no. XXII; Kenneth Pennington, "Nicholaus de Tudeschis (Panormitanus)," in *Niccolò Tedeschi (Abbas Panormitanus) e i suoi Commentaria in Decretales*, ed. Orazio Condorelli (Rome, 2000), 9–36.

[55] Weimar, "Legistische Literatur," 77–79; Kuttner, *Repertorium*, 386–396.

In lecturing, the teachers in Bologna were forced to maintain a certain pace, reaching specific points in their texts by predetermined days. They had to do so without reading with undue haste and without skipping passages. If they failed, they had to pay a fine. In the 1252 statutes, for example, the professor lecturing on the *Liber extra* had to cover X 1.1.1–X 1.3.26 as well as X 3.1.1–X 3.5.26 before the end of October. If he failed to do so, his fine was 3 pounds, to be deducted from the 25 pounds he was required to deposit with the rector before Michelmas (29 September). Repeated offenses led to higher fines.[56] Such regulations were clearly no longer taken seriously toward the end of the Middle Ages, and they did not apply in the twelfth century, when teachers themselves selected which passages to lecture on.[57]

Disputations

When reading the texts of the law books in lecture, many problems and questions arose that needed more in-depth treatment. Law teachers reserved such issues for disputations, often held in the evening, on holidays, or in Lent. In the disputation, the teacher would describe a legal case, actual or fictitious, for which the law was in doubt. Two students would argue *pro* and *contra* on opposite sides of the issue, alleging passages in canon and Roman law that supported their arguments. The teacher would in the end determine how the problem should be solved. Disputations were offered at several different levels of formality. Teachers would organize them "in their schools" (*in scholis*) for their students to practice, while other disputations were formal and regulated by university statutes.[58]

The earliest known disputations within canon law are the *quaestiones* that appear in Gratian's *Decretum*, if they in fact are records of actual disputation, as remains uncertain. Gratian sketched a legal situation and derived a set of questions from that situation. In *Causa* 34, for example, Gratian imagined a wife hearing a report of the death of her husband, who had previously been captured in war. She remarries, but then the long lost first husband returns. The wife does not want to leave her second husband, with whom she has fallen in love. Gratian asks whether the second marriage should be

[56] Maffei, "Un trattato," 94, 99, and 101; García y García, "Faculties of Law," 398.
[57] Dolezalek, "Wie studierte man?" 60–61.
[58] Bernardo C. Bazan, John F. Wippel, Gérard Fransen, and Danielle Jacquart, *Les questions disputées et les questions quodlibétiques dans les facultés de théologie, de droit et de médecine*, Typologie des sources du Moyen Âge occidental 44–45 (Turnhout, 1985), 225–277; Jacques Verger, "Patterns," in *History of the University*, ed. de Ridder-Symoens, 35–73 at 43–44; Brundage, *Medieval Origins*, 255–257.

considered adulterous and whether the wife should be forced to go back to her first husband.[59]

Bulgarus, who was roughly contemporary to Gratian, certainly organized disputations in Roman law. The skilled teacher can be recognized in his propensity for using interesting and amusing examples as subjects: Do laws preventing women from warranting payments necessarily apply to a woman who successfully pretends to be a man? Can you sue the King of Africa for his unpaid debts? When you buy a horse from Seius and the horse turns out to be lame, for which reason you are captured by the enemy in war, are you able to sue Seius to recuperate not only the price of the horse but also the ransom you had to pay to be released?

Canon law disputations appeared soon after Gratian and grew in importance during the Middle Ages. Thousands of disputations on thorny questions of canon law exist. Their records were collected and circulated, eventually also in print.[60]

Examinations and degrees

Many students who studied law never aimed for a degree; simply studying law earned them enough merit for distinguished careers, especially earlier in the Middle Ages, and the costs associated with acquiring a degree could be prohibitive. Later on, degrees became more common, but most students still left law school without having achieved a formal title.[61]

When a student had studied canon law in Bologna for four years, he could ask the rector for permission to lecture on a single title in the decretals. If he had studied for five years, he might get permission to lecture on an entire book in the Corpus.[62] The purpose of these lectures was more to provide training for the lecturer than instruction for other students. Such a lecturing student was called a *baccalarius* (bachelor), which was not yet the name of a degree. Other law schools beyond Bologna had similar requirements, typically spelled out in their statutes. At the middle of the fourteenth century, the University of Paris required forty-eight months of study spread out over

[59] Gratian, *Decretum* C. 34 d. init.

[60] Kuttner, *Repertorium*, 243–256 and 423–430; Kantorowicz, "Quaestiones disputatae"; García y García, "Faculties of Law," 398–399; Gérard Fransen, *Canones et quaestiones: évolution des doctrines et système du droit canonique*, Bibliotheca eruditorum 25 (Goldbach, 2002), esp. vol. 1.2; Alex J. Novikoff, *The Medieval Culture of Disputation: Pedagogy, Practice, and Performance*, The Middle Ages Series (Philadelphia, 2013); Andrea Padovani, "Sull'uso del metodo questionante nel Decretum: un contributo," *BMCL* 34 (2017), 61–87.

[61] Verger, "Teachers," 146–147.

[62] According to the statutes of 1432, see Malagola, *Statuti*, 111

six years for a student to be permitted to lecture as a *baccalarius* in canon law.[63]

If a bachelor in canon law in Bologna had given a course of lectures, or at a minimum a repetition, and also studied for at least six years, he could apply for admission to the doctorate (*doctor decretorum*). If he had also studied Roman law, both laws together for at least ten years, he could apply to become a *doctor utriusque iuris*, something that became increasingly common toward the end of the Middle Ages. To achieve a doctorate in Bologna, the candidate had to go through a "rigorous and tremendous examination," which was also very costly. The process had two steps. The first was the "private examination," in which the candidate was in the morning given two passages (*puncta*), one from the *Decretum* and the other from the *Decretals*, on which he would be examined. Later in the same day, the candidate would lecture on the two passages in front of the Bologna archdeacon and all the professors of the school, two of whom would ask him questions. Other professors could then ask more widely on matters that did not directly arise out of the assigned passages. A candidate who passed such a private examination became styled "licentiate" and had the right to become a doctor.

To achieve the doctorate, the licentiate was required to hold a second, "public examination" or "conventus." Unlike the private, this was not an actual test of knowledge and skills, but an expensive occasion for pageantry. In the ceremony, which took place in the cathedral, the soon-to-be doctor took possession of his teaching position by giving a first disputation on a point of law he had himself chosen, defending his thesis against friendly student opponents. Afterward he would be installed with the symbols of his doctorate, most importantly one of the books that he would teach, but also a ring and a *biretta*. The candidate would give gifts to the professors. The day ended with a magnificent banquet.[64] Doctors had the right to teach at the law school that had given them the degree. Pope Nicholas IV in 1291 formally gave Bologna graduates the right to teach at any university without a new examination, the *ius ubique docendi*. Various popes extended the same right to other law schools (e.g., Montpellier in 1289 and Paris in 1292), sometimes, however, excepting Bologna and Paris.[65]

[63] Rashdall et al., *Universities in the Middle Ages*, 1.438

[64] Rashdall et al., *Universities in the Middle Ages*, 1.220–230; García y García, "Faculties of Law," 399; Lange and Kriechbaum, *Römisches Recht im Mittelalter*, 63–71.

[65] Nardi, "Relations with Authority," 94–95; Verger, "Teachers," 145–146.

Society and Education in Canon Law

Law schools had a major impact on medieval society in the late Middle Ages and beyond. This is most immediately obvious in the cities that housed such educational institutions, especially in Bologna, where the school changed the city more than vice versa. The number of students and other persons associated with the university was large enough to have such a significant impact. Scholars estimate that during the thirteenth century, between 500 and 1,000 students or more were pursuing legal studies in the city at any point in time when the school was operating normally (not always the case in a city constantly riven by violent partisan conflict). In the single year of 1269, about 1,211 law students appear in notarial records from Bologna. The entire population of the city at its peak at the end of the century amounted to about 50,000, so the students would have been numerous enough to be noticed.[66]

Law students were less of a presence in most other university cities, making up a minority among students matriculated. Those studying canon law substantially outnumbered those studying Roman law. For example, among the 1,999 who matriculated in the University of Louvain between 1455 and 1495, 179 studied canon law, while thirty-nine studied Roman law.[67] The gap in numbers between the two laws became smaller toward the end of the Middle Ages.

To judge the impact of law studies on European society generally, we would like to know something about how many studied canon law at the different law schools of Europe. No overall statistics exist, but their numbers were clearly substantial. Historians have produced some reliable figures for specific countries and periods. Of the between 6,000 and 7,000 students matriculated at German universities during the second half of the fifteenth century, about 1,000 studied law. Some 15,000 English students are known from the three last centuries of the Middle Ages; among them, 2,359 studied law, slightly more than those who studied theology. The impression conveyed is that law students represented somewhere between 10 and 20 percent of all medieval students, and that most of them studied canon law. The number of persons in active careers who had studied canon law must have

[66] Stelling-Michaud, *Université de Bologne*, 38–39; Fabio Giusberti and Francesca Roversi Monaco, "Economy and Demography," in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah R. Blanshei (Leiden, 2017), 154–184 at 162.

[67] Rainer Christoph Schwinges, *Deutsche Universitätsbesucher im 14. und 15. Jahrhundert: Studien zur Sozialgeschichte des alten Reiches*, Veröffentlichungen des Instituts für europäische Geschichte Mainz: Abteilung Universalgeschichte 123 (Stuttgart, 1986), 470.

numbered in the thousands at any point in the last two or three centuries of the Middle Ages.[68]

This matters, since once they had finished their studies, with or without a degree, former students of canon law typically occupied key positions in administration and governance, certainly within the Church but very often also in secular contexts. They were popes and diplomats, cardinals, archbishops and bishops, judges and secretaries, proctors and advocates, cathedral canons and rural deans.[69] From Gregory IX (1227–41) on, many popes were experts in canon law, for example Innocent IV (1243–54), who authored an important commentary of the *Liber extra*, and Boniface VIII (1294–1303), who as an authority on canon law advised his predecessor Celestine V (1294) on the difficult legal problem of how to resign the papal throne. Of the 134 cardinals active while the pope resided in Avignon (1309–78), sixty-six were university graduates and 71 percent of these had studied law.[70] Many archbishops and bishops in late medieval Europe had studied law, probably more than had studied theology.[71] Many lower clerics had also studied canon law. Of the about 14,000 persons whom Pope John XXII (1316–34) appointed to ecclesiastical benefices in France and Burgundy, no less than 2,836 had studied law, surprisingly many of whom (1,763) had, however, graduated in civil law; 492 were canon law graduates and 385 held degrees *in utroque iure*.[72] Less extreme proportions, but still with a great preponderance of graduates in civil law, are found among the canons of the cathedral chapters of Laon and Paris.[73] Former students of Roman law were clearly more successful in their careers than were students of canon law.

In the high and late Middle Ages, law schools and legislation (both secular and ecclesiastical) interacted in ways that fundamentally changed society. The training of law students manifests itself clearly in field after field, for example in how local law was shaped, framed, and applied. Local law books displayed clear influence from canon and Roman law (see also Chapter 15).[74]

[68] García y García, "Faculties of Law," 400–401.

[69] Peter Moraw, "Career of Graduates," in *History of the University*, ed. de Ridder-Symoens, 244–279 at 247–248.

[70] Moraw, "Career of Graduates," 253.

[71] Brundage, *Medieval Origins*, 473.

[72] Louis Caillet, *La papauté d'Avignon et l'Église de France: la politique bénéficiale du pape Jean XXII en France, 1316–1334*, Publications de l'Université de Rouen (Paris, 1975), 342–343; Moraw, "Career of Graduates," 257.

[73] Hélène Millet, *Les chanoines du chapitre cathédral de Laon 1272–1412*, Collection de l'École française de Rome 56 ([Rome], 1982), 90–91.

[74] Kenneth Pennington, "Learned Law, Droit Savant, Gelehrtes Recht: The Tyranny of a Concept," *Rivista internazionale di diritto commune* 5 (1994), 197–209. For an example, see Anders Winroth, "The Canon Law of Emergency Baptism and of Marriage in Medieval Iceland and Europe," *Gripla* 29 (2018), 203–229.

Beyond the judicial sphere, processes and administration became more and more governed by legal and quasi-legal norms toward the end of the Middle Ages. An example might be the Apostolic Penitentiary, an institution that operated, at least in the fifteenth century, with juristic processes akin to those used in the papal court Rota Romana, all in order to carry out the pope's purely sacramental function of forgiving sins.[75] Another example is how knowledge of the canon law of marriage appears to have been familiar enough to most people in late medieval northern England that they adapted their behavior accordingly and were thus able to manipulate church courts for their own purposes.[76]

The growth in importance of canon law in the late Middle Ages was intimately connected to contemporaneous developments in bureaucratic and administrative government. That growth, in turn, prompted more rulers to create and support law schools, and it inspired more young men to seek out those schools to promote their own careers. As Peter of Blois, himself once a law student in Bologna, expressed it: "There are two things that mightily drive a person to the study of law: pursuit of high office and a vain hunt for fame."[77]

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[75] Kirsi Salonen and Ludwig Schmugge, *A Sip from the "Well of Grace": Medieval Texts from the Apostolic Penitentiary*, Studies in Medieval and Early Modern Canon Law 7 (Washington, DC, 2009).

[76] Frederik Pedersen, *Marriage Disputes in Medieval England* (London, 2000).

[77] Peter of Blois, Ep. 140, ed. PL 207.416D, cited by Classen, *Studium und Gesellschaft*, 8: *Duo sane sunt quae hominem ad legum scientiam vehementer impellunt: ambitio dignitatis et inanis gloriae appetitus*.

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