

ST. PETER'S COLLEGE

THE GREAT REVIVAL: THE RISE OF THE UNIVERSITIES IN THE
MIDDLE AGES

SUBMITTED
TO DR. RABIN

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BY

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To all who are truly wise, there is no doubt that nature, the most merciful parent and the best disposed moderator of all affairs, has raised up human beings, among the other animated creatures it has brought forth, by the privilege of reason and has distinguished them by the faculty of eloquent speech, arranging by obliging diligence and well-disposed law that man, who is burdened and drawn down by the weight of base nature and the sluggishness of the bodily mass, may rise to heights born aloft as though by beating wings, and that by this fortunate advantage he may surpass all others in obtaining the pinnacle of true happiness.

-John of Salisbury

To many, the Middle Ages are thought of as a time of unsurpassed darkness in which the light of civilization, hitherto burning brightly for centuries throughout antiquity, was extinguished until the Italian Renaissance. In this darkness, logic was locked away, reason was restrained, and the rational human consciousness constrained. In this age, it was an epoch of little learning and little human progress.

Yet this sordid picture of the Middle Ages, however prevalent it may be, is a grievous falsehood. From the mid-eleventh century on, we see a society which is in the throes of a great revival of culture and learning – what Charles Homer Haskins coined as the “Twelfth Century Renaissance” – and territorial expansion. It was in this era that majestic cathedrals – true skyscrapers of the medieval world- rose aloft, astounding men of wisdom such as Aquinas and Abelard strode throughout a resurgent intellectual world, revived cities, exponentially increased commerce, and renewed understanding of many fields – such as philosophy, law, and medicine- in the emerging schools and, eventually, the rise of the universities all came to pass. This was no society cowering in darkness and ignorance but a culture bristling with confidence and determination.

The quote at the top of this page, from the twelfth century political philosopher John of Salisbury, is one of extreme importance. If we view it alongside the other great intellectual works of this period it can be viewed as but a single star among a dazzling night sky. Does such a quote

reflect the aforementioned ill-conceived caricature of the medieval period? To the contrary the quote demonstrates a vivacious intellectual climate which did not shun reason and logic but adored them. John of Salisbury was the product of the emerging cathedral schools which were rapidly replacing the monasteries as the intellectual centers of Europe in the twelfth century. These schools, specifically in northern France, quickly became the capitol of theological study. In their studies of theology, the northern masters of these schools made use of a new learning that was coming to be widely appreciated. The massive inundation of Greek and Arabic thought enabled theologians to make use of the liberal arts- especially rhetoric and logic- to further their understanding. Furthermore, the usage of these new methods, which shall be later explained, quickly spread to other fields of study.

Eventually this ever-growing intellectual revival would eventually give birth to the topic I intend to discuss: the universities. The universities were the grand culmination of the growing convergences of masters in revived urban environments. It was a slow process in which these institutions, so vital for the production of educated individuals in our contemporary society, finally emerged. It was the development of various factors – which I will examine and discuss – which coalesced together to finally enable certain of the cathedral schools to develop into the institutions known as universities. The universities at Paris and Bologna, which this paper seeks to examine alongside the scholastic revival which made them possible, are the two archetype universities.¹ For the developing universities north of the Alps, Paris was the model; just as the developing universities of southern Europe turned towards Bologna. Paris was famed for its liberal arts and theology while Bologna was famed for its law. These two universities did not simply spring up but were part of an intellectual revival grounded in scholastic thought.

¹ Hunt Janin, *The University in Medieval Life, 1179-1499* (Jefferson: McFarland publishing, 2008), 55.

Methodology

When writing this thesis I hoped to provide a picture that was not simply of institutions being formed but of the individuals themselves and intellectual movements they were a part of. I feel that this was necessary to give the reader as complete a picture as possible. Furthermore, before even talking about the development of the universities themselves, I found it necessary to discuss the world in which they developed in and the intellectual revival taking place. This intellectual revival encompassed both the scholastic program itself and the influx of Greek and Arabic thought into Europe. Giving an overview of these developments was instrumental for my thesis.

To complete this thesis I employed a wide variety of sources. My primary sources vary from Peter Abelard's *Sic et Non* to the Justinian Code. I utilized a wide variety of sources to further elucidate upon the development of the universities and intellectual climate of Christendom at this time. My sources were selected for either of two reasons. First, I selected sources that assisted in presenting a picture of the world in which the developments I focus upon took place. Second, I wanted to employ sources which would help me expound upon the thought that was developing itself and the methods that the scholars I examined used.

The secondary sources I selected are a diverse group. Initially I based my research upon Haskins, whose ingenious work, such as *The Twelfth Century Renaissance*, was revolutionary for medieval studies. I also relied upon the work of Rashdall, who was also an incredibly brilliant historian. I found myself inspired by what they wrote and it was from them, especially the former of the two, that I decided upon my thesis topic. Nonetheless, they wrote nearly a century ago and

– in spite of the importance of their work – the field of medieval studies has come a long way since then.

I employed a variety of contemporary historians who were responsible for a great deal of new discoveries. R.W. Southern has been the foremost of these contemporary historians I have utilized. Aside from writing in wonderful prose, he had penetrating insights, especially into the history of scholastic thought, which greatly shed light upon this period of history. *Renaissance and Renewal in the Twelfth Century* was an incredible assistance to me. With a large group of historians submitting articles for the book, it was based on what Haskins wrote a century ago and focused specifically on the discoveries since his time. Furthermore, I employed works by Peter Tierney, Hunt Janin and others which greatly deepened my knowledge of the culture and society of the medieval period.

When writing this thesis I found it necessary to dedicate the first chapters to immersing the reader in the nature of the revival occurring at this time. The first chapter is dedicated to present the scholastic program and several of the main individuals who propelled it forward. This chapter serves as a foundation for the rest of the thesis as scholastic thought and methods play a great deal in the development of the universities. The second chapter discusses various individuals – the translators – who worked as hard as possible to translate a variety of Greek and Arabic texts which would come to be disseminated across Europe. They would also be studied in the developing schools with the scholastic methodology. The knowledge contained within would lead to a great deal of development – and controversy – in law, medicine, astronomy, metaphysics and other areas.

The third chapter focused upon the University of Paris and its development. In doing so I further elucidated upon the development of theological and philosophical thought. During the second chapter I spoke of Aristotelian philosophy being among the information that poured into Christendom. One of the purposes of the third chapter was to show the impact of this in the context of the University of Paris. The controversies that appeared at Paris due to this were as much a part of the University of Paris' history as anything else I discuss. The fourth, and final, chapter focuses upon both the development of the University of Bologna and scholastic methodology applied to the study of law. Granted there were other things, such as the liberal arts and medicine, studied at Bologna. Nevertheless, Bologna was most famous for its law and this development would be pivotal for the development of civilization at this time.

I have always been a voracious reader and when encountering this period of history in my readings I became fascinated. The intellectual life of the High Middle Ages was incredible and inspiring and I am proud to have been able to write and learn so much about it. In a way, this thesis was a labor of love for a period I admire greatly. One of my main fears when writing this thesis was that I would not be able to do justice to this era and the extraordinary people in it.

Acknowledgments

I would like to thank the entire community of St. Peter's College for providing an environment conducive to learning and understanding, things which greatly assisted me in preparing this thesis. I would also like to thank the history department for all of the dedication it has to its majors; without it I would most likely not have developed as much as I have these past four years as well as have acquired the skills to complete this thesis. Furthermore, I would like to especially thank Dr. Rabin who has been an important mentor to me throughout my college experience and generously agreed to be my thesis advisor. Her advice was instrumental in my completion of this work.

Chapter One: The Rise of Scholasticism

For even as it is better to enlighten than merely to shine, so is it better to give to others the fruits of one's contemplation than merely to contemplate¹.

-Thomas Aquinas

By the eleventh century the chaotic situation which had emerged following the collapse of the short-lived Carolingian empire had ended. The Magyar and Norse invasions had finally halted and an intellectual and cultural revival could commence. The “scholastic programme” which gradually evolved during the first half of the twelfth century was that movement. During this time the secular schools replaced the monasteries as Europe's chief intellectual centers. These schools were developing in the urban centers which were slowly being revitalized at this time: Paris, Chartres, Laon, and other towns in Europe. These schools studied a variety of texts including the Bible, writings of the Early Church Fathers, Cicero, Lucan, Virgil, Horace, and other Roman writers. These schools were also “rationalistic” and believed in applying human intellect and reason to a variety of endeavors. As we shall see, this rationalistic attitude would be applied to a variety of subjects including theology, philosophy, and law. The scholastic program was an integral part of this development. R.W. Southern tells us that during this time the scholastic program:

was an attempt to create a single complete and unified field of knowledge extending from the sciences of the mind (grammar, logic and rhetoric), through the sciences of the external natural world (arithmetic, astronomy, geometry and music), to the new sciences of the systematic theology and canon law. In its totality, therefore, this programme covered the whole area of the natural world and its relationship with the supernatural universe, and defined the laws of the Christian community of western Europe in the light of this relationship.²

¹ Thomas Aquinas, *Summa Theologica*, “Question 188. The Different Kinds of Religious Life,” <http://www.newadvent.org/summa/3188.htm> (accessed May 4th, 2011).

² R.W. Southern, *Scholastic Humanism and the Unification of Europe*, Volume 1 (Cambridge: Blackwell Publishers Ltd., 1995), 58.

As we can see, this was clearly no program of intellectuals trapped in an ivory tower probing obscure theological questions which had no impact whatsoever on the common man. On the contrary the northern French schools, who we need to specifically look at, were discussing issues of great importance to the development of Christendom. Issues such as marriage, inheritance, and the sacraments, amongst others, were all discussed and ambiguities regarding them erased. The scholastic thinkers wished for humanity to regain “their primordial role of bringing all parts of the created universe into harmony with the divine will.” To fulfill this objective there was “to be accomplished at three levels: first, in understanding the created universe through the study of the liberal arts; second, in elaborating and clarifying the doctrinal system of the Church and developing a corresponding system of individual behavior; and third, in regulating the social life of the Christian community in conformity with ecclesiastical doctrine and natural law.”³ The liberal arts were typically divided into the *trivium* and the *quadrivium*. The *trivium* comprised logic, grammar and rhetoric while the *quadrivium* was composed of astronomy, geometry, arithmetic, and music.

It must be noted, however, that though these were the scholastic program's goals “scholastic thought was not a comprehensive system of ideas, but a method or rather a combination of methods eliciting a stable body of knowledge from authoritative texts, and the Bible formed only a small part of the mass of authoritative materials to be examined.”⁴ Typically, besides the *lectio* the masters of the schools used for instruction, debates were held which comprised three parts: the definition, the disputation, and the determination. The disputation

³ Southern, *Scholastic Humanism*, 1: 44.

⁴ *Ibid.*, 103-104.

was either “a dialogue between master and pupil, proposing questions and replies, difficulties to the teacher's reply and solution of these” or “a formal scholastic debate on a given subject or subjects conducted according to a traditional procedure cognate to that of a disputed question.”⁵ The fact that there was a disputation which involved arguments, in the case of the northern French schools, on theological matters demonstrates the intellectual vivacity of the scholastic program.

Our story of the development of the scholastic program, and its attempts at the systematization of all knowledge lost since the Fall, begins with master Anselm of Laon (d. 1117). Teaching from 1070 to his death in 1117, Master Anselm is one who, quite unwittingly, made a firm mark upon the development of the scholastic program. He was a thinker who was neither exciting nor controversial such as Peter Abelard. Nevertheless, he was sought out by students for his orthodoxy. We must remember that

students who had to make their way in the world did not go to school to be turned into heretics: they went to equip themselves with knowledge that would make them articulate champions of orthodox doctrine with all its social and governmental consequences. Consequently the assured orthodoxy of Master Anselm was one of his greatest assets in teaching theology to a large and ever-changing general audience.⁶

We must remember that the “main purpose was to equip the higher ranks of the diocesan clergy with useful learning.”⁷ Master Anselm and his brother Ralph, who taught at Laon with

⁵ Bernard Wuellner, S.J., *A Dictionary of Scholastic Philosophy*, 2nd edition (Milwaukee: The Bruce Publishing Company, 1966), 82.

⁶ R.W. Southern, *Scholastic Humanism and the Unification of Europe*, Volume 2 (Cambridge: Blackwell Publishers Ltd., 2001), 31-32.

⁷ *Ibid.*, 76.

him until 1130, monopolized learning in the small town of Laon by their reputation for orthodox and firm teaching, not because they were necessarily innovative.

Anselm lived in an era in which a new tool was able to finally be utilized: logic. Standing in what was once the Roman Empire, Boethius' ambitious project of translating the works of Aristotle, though not as successful as he would have hoped, preserved for the west many works. Boethius had, in the early sixth century, done his best to attempt to translate the entire corpus of Aristotelian thought. Unfortunately he was executed for treason before this could be accomplished; yet what he did leave behind was significant. This “old logic,” consisted of the *Categories*, *On Interpretation*, and a commentary to the *Categories* by the Greek Porphyry. In the eleventh century, these translations were first “studied systematically” and “changed the intellectual conception of the world.”⁸ Logic, or dialectic as it was called, was “the orderly discussion and reasoning about matters of general or expert opinion” as well as “a method of arguing and defending with probability and consistency upon open questions.”⁹ It is the “science of valid forms of thought, directions on the use of mankind's acumen and wisdom.”¹⁰ Anselm moved from lecturing on certain secular texts to sacred texts and certainly utilized the *trivium* to expound upon them. To understand how exactly Anselm used logic we must turn to the Bible. The Bible, as the most important text of Christianity, was a book much studied by the theologians of northern France. Yet the problem remains of the apparent contradictions found within the Bible. Anselm began, as many others would do throughout High Middle Ages, to provide notes, called glossing, on portions of the Bible which were of the most doctrinal

⁸ Anders Piltz, *The World of Medieval Learning* (Totowa: Barnes and Nobles Books, 1981), 55.

⁹ Wuellner, 79.

¹⁰ Piltz, 65.

importance. Eventually later thinkers would, by the end of the twelfth century, gloss the whole of the Bible. The *glossa ordinaria*, as they came to be called, were a massive undertaking comprising of many volumes. Anselm's work, however, was much less ambitious-consisting “the Psalms, Epistles, and perhaps part of St. Mathew's Gospel.”¹¹

Anselm's glosses were widely distributed, by his students, and appreciated in monasteries and in diocesan churches throughout Europe. Indeed one hundred years later Archbishop Thomas Becket himself possessed copies of Anselm's glosses. It must be noted, however, that it was not Anselm's intention to create a movement to gloss the whole of the Bible. Nor was Anselm attempting to systematize all theological knowledge. The aforementioned grand aims of the scholastic movement were not Anselm's immediate goals. Yet he understood that these glosses were “an essential tool for later scholars.”¹² R.W. Southern outlines as follows the path in which Anselm's work was not only held in esteem, but also built upon by future scholars, as follows:

1. c.1085-95, when Master Anselm composed the work, turning a disorderly heap of materials into an orderly and - an important characteristic - portable work;
2. c. 1110, when Gilbert [de la Poree] revised it under the master's supervision;
3. c. 1140, when Peter Lombard [the man whose revolutionary *Sentences* we will look at surely] made a further revision which became the standard commentary.¹³

Anselm's work gave great impetus to the development of the scholastic schools of northern France and ensured the development of the scholastic program itself. Anselm's teaching was, however, not limited to these glosses nor the formal morning lectures with his students; Anselm also had informal lectures in the evening in which his students could discuss the formal

¹¹ Southern, *Scholastic Humanism*, 2: 32-33.

¹² *Ibid.*, 34.

¹³ *Ibid.*, 34.

morning lectures. Certain students even took notes on these and it is these notes which would be something else extraordinarily important to the development of the scholastic program. The students, being clerics, took their notes of these lectures to the monasteries or secular churches they were assigned to. Thus these *dicta*, as they came to be called enjoyed circulation throughout Europe. It was in this way that “Anselm of Laon did more than anyone to make the theology of the secular schools acceptable to monks and secular scholars alike.”¹⁴

Although the various statements of theological importance from Anselm's school spread in a fashion which was utterly disorderly, the nature and status of these statements, called *sententiae*, needed to be examined and systematized. Although Anselm's school passed out of existence with his death and that of his brother, in 1117 and 1130 respectively, his work, as we have previously noted, was continued.

From 1115 until 1140 Hugh of St. Victor (1096-1141) demonstrates to us, despite not having a massive impact upon the scholastic program at all, the change towards a “systematic world-view.”¹⁵ Hugh, as his name indicates, came from the monastery of St. Victor in Paris. He demonstrates the increasing importance Paris was beginning to have, which would eventually culminate in it evolving into a university, in the scholastic program. During his time of teaching and writing, Hugh appears to have been an early systematizer. He did not simply lecture upon theological texts. Instead he developed an entire world-view of God's relation to the universe, spanning from the Creation of Genesis to Judgment Day. As a logician, Hugh utilized this discipline to further organize the systematic theology he developed. Hugh “regards the liberal

¹⁴ Southern, *Scholastic Humanism*, 2: 59.

¹⁵ *Ibid.*, 57.

arts and a study of this world as a preparation for the higher science of theology.”¹⁶ Although we do not know what exactly the contents of his class lectures were, we do have outlines of the material he presented. These outlines “exhibit the widely-ranging spirit of the time and give a foretaste of the grandeur of its total intellectual and governmental accomplishments.”¹⁷ Likewise works by Hugh, which spread far and wide throughout Europe, such as the *De sacramentis*, were also highly important for his development of a systematic outlook. Looking at Hugh's outlook we can see clearly the development of the scholastic program at this time.

First Hugh discusses creation and humanity before the Fall. He then proceeds to discuss, in great detail, natural science and cosmology. From there he is able to talk about the seven sacraments. The purpose of this is to show the “restoration” of humanity after the Fall. God works in the Old Testament, through things such as the Ten Commandments, Circumcision, Passover, and others to lead up to the New Testament. Here Jesus comes to redeem the human race with, besides his sacrifice, the sacraments, God's love, and the importance of loving one's neighbor. Hugh is said to be “the first scholastic theologian to give an all-embracing account of the Universe: first, in its original nature as studied in the natural arts and sciences; and, second, as displaying a developing relationship between God and mankind in the stages of redemptive history from the call of Abraham to the end of the world.” Hugh wished to have humanity recognize its own need to realize it must rely upon God. For Hugh, when mankind was able to fully realize the true seriousness of the Fall it was prepared for the old Covenant which was fully

¹⁶ Frederick C. Copleston. *A History of Medieval Philosophy* (South Bend: University of Notre Dame Press, 1990), 95.

¹⁷ Copleston, 60.

established with Moses. Yet “neither reason nor written law” was fully able to accomplish the “recreation” of the human race. Therefore it was necessary for Christ to come.¹⁸

To gain a deeper understanding of these things it was Hugh's intention to explore twelve areas of knowledge which he considered of the utmost importance to his work. Though little more than basic outlines remain, they show the importance of the development of the aforementioned systematization. They are the following:

- 1 .The Creation
2. First Causes
3. The Trinity
4. The Will of God
5. The creation of the Angels
6. The creation of Man
7. The Fall
8. The reasons for Man's restoration
9. The institution of sacraments
- 10.The things necessary for salvation
11. The sacraments of natural law
12. The sacraments of the written law.¹⁹

Hugh is significant in that his own systematization was not a compilation of the work of others, as Peter Lombard was to do. Hugh worked alone. Although he demonstrates clearly the development of systematization his program was not one that could be further worked upon. Instead it would take the likes of individuals such as Gilbert de la Poree and Peter Lombard to compile much of the theological knowledge handed down to them into an organized body of doctrine. It is the former of these two masters, as well as Abelard, who we must now turn towards in order to fully understand and appreciate the development and solidification of the scholastic program as a part of society.

¹⁸ Southern, *Scholastic Humanism*, 2: 62.

¹⁹ Quoted in Southern, *Scholastic Humanism*, 2: 64.

It was in the eleven-forties that a series of great battles were hammered out between, on one side, Gilbert de la Poree and Peter Abelard, amongst the greatest masters of the time, and the great heresy-hunter himself, Bernard of Clairvaux. Peter Abelard, the greatest logician of his time, was a truly brilliant thinker. Making use of the latest developments in logic he tried to apply his logical thought to central doctrines of the faith to increase greater understanding of them. Abelard was truly a giant in this regard, outstripping many of his contemporaries with his vast knowledge of logic. Unfortunately, the trouble began when Abelard began to apply his methods to explain the Trinity. The great difficulty this entailed was astonishing. It must be understood that “reconciling the idea of a Supreme Being - single in essence, will and action - as in any intelligible sense three Persons, when the word 'Person' normally signifies a Being separate from all others in will, action, and essence also.”²⁰ In short, it involved an elaborate discussion in which complicated metaphysical concepts were utilized. There was the danger that a theologian engaging in such discussions could be led down the road of dark heresies, such as tritheism, in attempting this.

In 1121 the Council of Soissons condemned and ordered Abelard to burn his first theological work on the matter, *De unitate et Trinitate divina*. Abelard was not done with philosophizing, however, and continued to teach and write. He was a man who was not only brilliant, but knew it. Confident in his own intellectual prowess and more determined than ever he continued to write and to teach. Never staying in any place for long, twice even attempting to position himself in the city that was becoming the great capitol of systematic theology, Paris, Abelard is significant as he utilized secular sciences, such as logic, to understand the sacred.

²⁰ Southern, *Scholastic Humanism*, 2: 96.

Abelard “elevated the old logic to a science.”²¹ A perfect example of this logical inquiry would be Abelard's most famous work, *Sic et Non*. Setting up one-hundred and fifty-eight apparently contradictory statements, Abelard left it to his students to solve the problems using logic. Set up here are several of Peter Abelard's points in *Sic et Non*:

1) QUOD FIDES HUMANIS RATIONIBUS NON SIT ADSTRUENDA ET CONTRA?

Must human faith be completed by reason, or not?

2) QUOD FIDES SIT DE NON APPARENTIBUS TANTUM ET CONTRA?

Does faith deal only with unseen things, or not?

3) QUOD SIT CREDENDUM IN DEUM SOLUM ET CONTRA?

Is there any knowledge of things unseen, or not?

4) QUOD AGNITIO NON SIT DE NON APPARENTIBUS SED FIDES TANTUM ET?

May one believe only in God alone, or not? ²²

As we view *Sic et Non*, we can see that what Abelard did was very impressive in scope and demonstrates how he did his best to make the most of the old logic. These four excerpts demonstrate to us sorts of questions that a master logician such as Peter Abelard pondered. Though widely criticized, it must be noted that it was “likely used by the two great systematizers of his time, Peter Lombard and Gratian, who effectively gave the method of reconciling divergent authorities described in Abelard's *Sic et Non* a central place in the methods of the schools.”²³ Abelard's persistence on understanding such doctrines as the Holy Trinity may have

²¹ Piltz, 55.

²² Quoted in Blanche B. Boyer and Richard McKeon (eds.), “Peter Abailard, *Sic et Non*: A Critical Edition”, University of Chicago Press, 1977. http://individual.utoronto.ca/pking/resources/abelard/Sic_et_non.txt

²³ Southern, *Scholastic Humanism*, 2: 91.

made him a scholar of extraordinary repute who students flocked to, but he was also a rather combative figure. Not only did he attack William of Champeaux and Anselm of Laon, two of his former masters, but also, as he delved deeper into theology, had “contempt for the famous authors of commentaries that had supplied the norms for medieval interpretation of the Bible, *glossa ordinaria* and *glossa internlineraris*, which were concise summaries of the philological and theological traditions of explaining the running text of the Bible.”²⁴ Attacking such well-regarded sources was dangerous at best. Thus it is no surprise that when Bernard of Clairvaux was alerted to Abelard's teachings by William of Thierry, he was determined to stop him.

William had picked fourteen points on which he disagreed with Abelard. He charged Abelard with introducing “innovations of doctrine through linguistic refinements and ambiguities which put the mysteries of the Faith on the same level as ordinary natural phenomena. It was against this reduction of the supernatural to the level of the natural that William protested.”²⁵ At the Council of Sens, the debate ended with a victory for Bernard. Bernard, passionate and charismatic in his preaching as always, was able to once again have Abelard's work condemned. Yet it was not a defeat for the scholastic program. Abelard's work was absorbed into the growing body of scholastic thought and, as previously mentioned, made use of by the great systematic organizers of Peter Lombard and Gratian. Even William of Thierry's letter to the papal legate and Bernard shows the rapid spread of Abelard's method of combining logic and grammar to look at the most controversial aspects of the Catholic faith. He stated “Why are you so silent when - no one resisting - the Faith is attacked and perilously corrupted on points no less central than the Trinity, the Person of Christ, the Holy Spirit, the Grace of God, and the sacrament of the

²⁴ Piltz, 54.

²⁵ Southern, *Scholastic Humanism*, 2: 122.

Redemption? On these subjects Peter Abelard teaches and invents new doctrines, and his books cross the Alps...where they are said to have authority even in the Roman curia.”²⁶ At any rate, Abelard, protected by Peter the Venerable, retired to the monastery of Cluny to continue to write and further his views. The condemnation appears to have had little effect upon him just as it did not defeat the methods he used in his writings.

The second great battle pitted St. Bernard, once again, against Anselm's old pupil, Gilbert de la Porree. Gilbert had spent sixty years in the schools and had proven to be a deep intellectual. It was he who had further expanded upon the glasses of Anselm of Laon and had even taught on Boethius' *De Trinitate*. Gilbert was well versed, similar to Abelard, in logic, grammar and theology. Also, very much like Abelard, he was a prolific writer. Yet there were several notable differences between the two which yielded an even more positive outcome for Gilbert. First, Gilbert relied more upon authority of intellectuals such as Hilary of Poitier, Bernard of Chartres, and Anselm and Ralph of Laon. Weighted in authority, it was much harder to condemn him. This was in direct contrast to Abelard who always saw himself as the center of attention. Gilbert also followed Boethius in asserting that the three Persons of the trinity were “individual substances” who were united in a divine essence.²⁷

Gilbert's attitude and methods of understanding the Trinity were far different from Abelard. His path was undoubtedly one that would not appear to have led to a confrontation over heresy. Yet nevertheless the passion of Bernard was aroused in 1146 after Gilbert, after giving a sermon on the Trinity during a diocesan synod, was reported by two archdeacons for heresy. The pope, Eugene III, had been traveling north for a council at Rheims and, after hearing of the case,

²⁶ Quoted in Southern, *Scholastic Humanism*, 2: 121.

²⁷ Southern, *Scholastic Humanism*, 2:124-126.

decided to have it settled during the council. Observing were bishops, Parisian masters, and cardinals, as Bernard began his attack. For three days the arguments dragged on. In the end, however, it was a stunning defeat for Bernard. The Parisian masters had rallied, with few exceptions, to Gilbert's defense. Bernard himself, as Gilbert alleged, had not properly understood the items even being debated. Gilbert was determined to defend, "point by point," and to back up with the aforementioned past authorities he utilized, his points and to not, unlike Abelard, concede to Bernard. Gilbert did not have to recant anything he had taught and was left unmolested by Bernard thereafter.

This event is of extraordinary importance for the secular schools and the scholastic program they were constructing. It can be said that this:

made 1148 a turning point in the position of the schools in western society: the masters - despite one or two distinguished deserters - had asserted their corporate authority in the central counsels of the Church. Never again could they be bulldozed into submission by non-academic enemies. The terms on which they preserved their liberty were indeed to change in the course of time, but at least for the next hundred years successive popes were most reluctant to condemn outright any view which had a substantial body of academic opinion in its favor.²⁸

Bernard and his supporters had fought a losing battle against the new scholastic learning which was emerging. Finally, as Gilbert's case shows us, the scholastics were winning the support of the papacy. It can be seen that "the papacy certainly had a final judicial authority over all scholastic decisions, but successive popes were also active in protecting scholastic definitions from the hostile criticism of conservative thinkers when papal decisions on scholastic doctrines were called for."²⁹ Systematizing all past knowledge was merely one of the attributes of

²⁸ Southern, *Scholastic Humanism*, 2: 131.

²⁹ *Ibid.*, 162.

Scholasticism. The Scholastic thinkers of the Parisian schools did not, as Abelard and Gilbert demonstrate to us, simply consider themselves encyclopediasts who merely compiled all previous knowledge of theology; they also strongly believed in utilizing the seven liberal arts and philosophy to deepen mankind's knowledge.

Up until this time, the intellectual trends of the thinkers we have looked at have, as we have seen, been pointing towards a unified system of thought. The theological problems of the *dicta* from Anselm's informal evening sessions, which spread across Europe, meant that solutions would have to be worked out. Logicians like Abelard demonstrate attempts to utilize logic to work out various theological dilemmas. Hugh of St. Victor, despite his system being unsuitable for creating a unified system, also shows the increased “desire for a general outline of doctrine capable of answering nearly every question and of being applied to almost every area of private and corporate life.” Eventually this goal became developed. This question was “for a general body of doctrine that would be both detailed and yet universal in covering almost every aspect of faith and conduct gradually became the most important intellectual goal of the schools of northern Europe.” The evolution of this thought into systematic theology which became a hallmark of the northern French schools, however, only truly came into being with a new thinker from Italy who appeared on the scene in the mid-twelfth century: Peter Lombard.³⁰

Arriving in Paris sometime around 1140, Peter Lombard had been patronized to go by bishop Odo of Lucca. Odo had already spent a few years in northern France and had studied the works of Anselm of Laon and Hugh of St. Victor. He was especially impressed with “those

³⁰ Southern, *Scholastic Humanism*, 2: 134.

elements in their works which pointed towards a systematic view of theology.”³¹ Paris was now emerging as the chief center of the northern French schools of theology. With much room to expand, well maintained supply route on the Seine, and growing body of masters and students, Paris was the ideal place for Lombard to go to. It was here that Lombard was also influenced in a similar way that Odo had been influenced. He studied and spent some time “re-editing and enlarging Anselm of Laon's commentaries on the Psalms and Pauline Epistles.”³² Later Peter attempted to do the same to Odo's work, *Summa Sententiarum*, but instead wound up creating his own systematic work.

Odo's *Summa Sententiarum* demonstrate how influenced he was by Hugh and Anselm as well as his acknowledgement of the importance of creating the aforementioned centralized body of doctrine required. Odo's work can be seen as follows:

Part I: On matters loosely related to God (nineteen sections)

i-iv On faith, hope and charity

vi-xi On the Persons of the Trinity

xii On foreknowledge and predestination

xiii On the will of God

xiv On God's omnipotence

xvi-xix Miscellaneous questions on the divinity and humanity of Christendom

Part 2: The orders of Angels (six sections)

Part 3: God, Creation, and Fall (seventeen sections)

free will and sin

original sin and the various modes of actual sin

³¹ Ibid.,138.

³² Southern, *Scholastic Humanism*, 2: 139.

the seven gifts of the Holy Spirit

Part 4: Sacraments, Law, Ten Commandments (eight sections)

Part 5: Baptism (thirteen sections)

Part 6: Confirmation, Eucharist, penance and extreme unction (fifteen sections)

Part 7: Marriage (twenty-one sections) ³³

Odo's work is highly important and we can fully commend him for his pushing forward the scholastic program. There are, however, certain problems which make it understandable as to why Peter Lombard chose to attempt to revise and, later on, create his own work. Odo does not create a satisfactory system as a whole due to ambiguities and an unsatisfactory organization of his material. He is going to great means to compile this material yet it is not as thorough as it can be. This is where Lombard came along with a better system: the *Sentences*. Lombard's *Sentences* would become incredibly famous throughout Christendom and be able to become the standard theological textbook for several centuries. Lombard's work is as follows:

Book 1: On God (forty-eight sections):

the three Persons of the Trinity

Book 2: On the Creation (forty-four sections):

the supernatural orders of Angels

the six Days of Creation

the origin of sin: free will

Book 3: On the Incarnation, and nature and teaching of Christ (forty sections):

the outcome for mankind: faith, hope and charity

the seven gifts of the Holy Spirit

the Ten Commandments

³³ Quoted in Southern, *Scholastic Humanism*, 2: 141.

Book 4: On the sacraments of the Church (fifty sections):

baptism

confirmation

Eucharist

penance and confession

Holy Orders

marriage

the Last Judgment³⁴

Lombard's list is obviously a more comprehensive and more thorough treatment of what Odo had set out to do. Lombard's *Sentences* “had an immense success in the schools because it provided precisely the kind of clarity which was the aim of all scholastic thought.”³⁵ The scholastic program of theology had been further solidified. Lombard's work was groundbreaking for the scholastic program and would retain influence for hundreds of years. What he had done was not particularly revolutionary; Odo and Hugh had tried to create a systematic account of all theological knowledge. Peter Lombard's intellectual aptitude is actually shown by how he had a more sophisticated understanding of how to go about creating a clear and detailed account of theology.

In the context of its time, the success the *Sentences* had demonstrates that it was something which was representational of the new attitudes of the intellectual culture. Previously, it had been necessary to look through vast arrays of biblical, conciliar, and patristic documents. Yet here we see Lombard creating a “finding device” of sorts. By the time of Lombard, the

³⁴ Quoted in Southern, *Scholastic Humanism*, 2: 142.

³⁵ Southern, *Scholastic Humanism*, 2: 144.

schools and scholastic program had become well established enough that the value of Lombard's work was fully appreciated as something which was highly beneficial to the growing community of scholars not only in northern France, but throughout the Christendom. The objective of acquiring and presenting lost knowledge was now maturing; the *Sentences* was an impressive step forward.³⁶

The scholastic thinkers of this early period were of enormous importance for the development of western civilization. The work they did would influence other aspects, such as law, and would create a thriving and impressive intellectual climate. These early scholastics, pioneers in the use of the liberal arts, including applying them to theological dilemmas, would further develop the liberal arts. Future thinkers such as Thomas Aquinas, Duns Scotus, Bonaventure, William of Occam would be permitted to become immersed in the world of Scholasticism and make further progress as a result of the early thinkers we have looked at. The scholastic program is important because it demonstrates to us the aforementioned revival of culture and the intellectual life taking place at this time. This was an age where Christendom was confident in its own abilities to not only understand the past, but to build upon it. After centuries of deterioration in the wake of the collapse of the Roman Empire, Europe was finally coming into its own again. Most importantly, for our purposes, the scholastic thinkers were creating an entire class of educated men who were beginning to come together in the important cities of Christendom. These men would eventually unite to defend their own interests and become a powerful force in their own right as they came to form corporate bodies called universities.

³⁶ Richard Rouse and Mary Rouse, "Statim Invenire," in *Renaissance and Renewal in the Twelfth Century*, ed. Robert Benson and Giles Constable (Toronto: University of Toronto Press, 1991), 206.

Chapter Two: The Influx of Knowledge

Learn Everything. You will find nothing superfluous.

-Hugh of St. Victor

In the late tenth century, Richer of Rheims, a monk, embarked upon an exciting journey. To his delight, Herribrand of Chartres, a great teacher who possessed Hippocrates' *Aphorisms* – an ancient writing on healing - invited Richer to Chartres to spend some time studying with him. An ebullient Richer gladly accepted and engaged in an adventurous journey to Chartres. Along the way he and his companion faced various obstacles including adverse weather, losing their direction, the death of their pack animal, and a lack of food and supplies. Richer, however, was persistent and soldiered on regardless of such obstacles, eventually reaching Herribrand. In a letter he wrote, reminiscing of the event in question, he stated that “then I diligently began the study of the *Aphorisms* with Herribrand, a highly cultured and scholarly man. I learned the ordinary symptoms of diseases and picked up a surface knowledge of ailments. This was not enough to satisfy my desires. I begged him to continue to guide my studies on a deeper level, for he was an expert in his art and in pharmaceuticals, botany and surgery.”³⁷ The intrepid Richer had completed his difficult journey, discovering what was, to him, an invaluable treasure.

This story is extremely revealing about status Europe at this time. It demonstrates the deterioration of education in Christendom. The days of men such as Augustine going to established schools for the liberal arts had ended long ago. A morose situation had set in where learning was few and far between, confined only to a few places and people. Yet we see a glimmer of shimmering hope; for although learning had become severely attenuated, there were

³⁷ Richer of Rheims: Journey to Chartres, 10th century.
[Http://www.fordham.edu/halsall/source/richer1.html](http://www.fordham.edu/halsall/source/richer1.html) (Accessed on July 10, 2010).

intrepid individuals with an unconquerable passion for knowledge which still existed. Although they did not have schools on the level of those of the Roman Empire they nonetheless ventured forth, even taking great risks as Richer did, to keep alive the learning of the classical world. Such men would be a great part of an impressive intellectual revival which would take place across Western Europe during the High Middle Ages. This intellectual revival did not simply encompass the scholastic masters who taught but was also comprised of men such as Richer. These men travelled to distant lands, across deserts, seas, mountains, and rivers, to acquire and bring back the wisdom of the ancients Greeks and the Arabs into Europe.

The increasing stabilization of Europe in the eleventh century permitted numerous texts to be studied once more. Boethius' translations and commentaries on Aristotle were made available along with "the main linguistic, grammatical, logical and rhetorical parts of the Greco-Roman inheritance together with the greater part of Plato's *Timeaus* were available in Latin and ready for use in the schools when western Europe began its rise to political and economic prosperity."³⁸ As the schools rose this store of knowledge was eagerly studied by various masters and their eager students. Great thinkers such as Abelard, Gilbert de la Poree, and William of Conches rose to prominence in this regard. Yet by the mid-eleventh century new Arabic and Greek thought was pouring into Europe. During this time it was Christendom which was advancing. Bristling with confidence, Europe was expanding and having increased contact with other lands. Not only in commerce but in war – such the crusades into Sicily, Spain, and the Middle East- further brought Europe into contact with other cultures– did this encounter between

38 R.W. Southern, *Scholastic Humanism and the Unification of Europe*, Volume 1 (Cambridge: Blackwell Publishers Ltd., 1995), 37.

Christendom and the Greek and Islamic cultures come about.³⁹ The great wealth of knowledge obtained in these encounters would further lead to the development of the intellectual climate of Christendom.

Until the twelfth century the great corpus of Greek and Arabic thought was completely unknown to the west. Due to a combination of factors, such as increased commercial activity and the crusades, Christendom came into increasing contact with the east. R.W. Southern tells us that this expansion, both territorially with invasions of Spain, Sicily and Palestine, and internally, with the revival of cities, commerce and culture, “brought the Latin mind into closer contact than it had ever been before with the results of Greek science and speculation as translated through Arabic and Byzantine channels.” Throughout the Mediterranean “in Spain, in Sicily, at Constantinople, in Palestine-the intellectual and artistic influences were encountered which profoundly modified the course of European history”.⁴⁰ A great program of cultural diffusion was taking place with scholars such as Adelard of Bath, James of Venice, John of Seville, Moses of Bergamo, and others translating Greek and Arabic materials. There were several areas which were great conduits of this program which we must now turn towards.

North Africa was a “great highway between the east and Spain.”⁴¹ Two translators which concern us are Constantine the African and Leonard of Pisa. Constantine is famous for translating the medical works of Galen, Hippocrates, and Isaac the Jew.⁴² These medical works would have an important impact upon the medical faculties which would be developed in the

39 R.W. Southern, *The Making of the Middle Ages* (New Haven: Yale University Press, 1961), 77.

40 Ibid., 31.

41 Charles Homer Haskins, *The Renaissance of the Twelfth Century* (Massachusetts: Harvard University Press, 1927), 283.

42 Marie-Therese d’Alverny, “Translations and Translators,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert Benson and Giles Constable (Toronto: University of Toronto Press, 1991), 422-426.

universities and schools of Europe next future decades. Leonard of Pisa was an Italian customs official in North Africa. While serving in that position he appears to have developed a proclivity towards the mathematics of the Arabs and became the leading European mathematician of the thirteenth century by mastering this knowledge, publishing a book on arithmetic called the “*Liber abbaci*.”⁴³ Considering that arithmetic was an integral part of the liberal arts this was an extremely important development.

Close to North Africa was a second, and even more important, conduit through which the new learning flowed: Sicily. Ruled by Muslims since the tenth century, it was acquired by Norman adventurers in the eleventh. Fortunately, the new Norman kings were tolerant monarchs who presided over a land of diverse beliefs and cultures. Here Arabs, Greeks, Jews and Normans lived side by side in a Mediterranean melting pot. The Norman monarchs kept educated Muslims in important positions within the Sicilian bureaucracy. They also made extensive use of the great cities, such as Palermo, of the island and its important contacts with the Islamic world. Sicily’s diverse demographics and tolerant monarchs, as well as central position in the Mediterranean Sea, made it an important focal point of trade. As a great way point of commerce and cultural diffusion, Sicily was a center of learning with its contacts with the Byzantine and Islamic lands.

The Sicilian Norman and subsequent Hohenstaufen kings, patronized learning. The Sicilian court was a place welcome to learned scholars of diverse origins. Thus the Norman and Hohenstaufen monarchs worked hard to encourage the work of the translators. King Roger, for example, ordered a composition of the “Geography of Edrisi” and had Eugene the Emir translate

⁴³ Guy Beaujouan, “Transformation of the Quadrivium,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert Benson and Giles Constable (Toronto: University of Toronto Press, 1991), 469.

Ptolemy's *Optics*. In 1160 a copy of Ptolemy's *Almagest* made its way to Sicily from Constantinople. The *Almagest* was an incredibly important astronomical and mathematical work whose importance cannot be underestimated. It had widespread influence on the ancient, medieval and renaissance intellectual establishments and was one of the most important scientific texts at this time. In the thirteen century, King Frederick II saw Michael the Scot and Theodore of Antioch write on Arabic zoology for himself. Frederick also kept up a discourse on scientific topics with monarchs and scholars in the Arabic lands. Under Frederick's son, Manfred, this translation process continued further.⁴⁴

Closely affiliated with Sicily, as it was ruled by Normans and subsequently the Hohenstaufens, was Southern Italy. During King Roger II's reign (1095-1154), the Norman principalities in Southern Italy were likewise united into one central state along with Sicily. Southern Italy was also a culturally diverse region which still maintained, in certain areas, a strong Greek culture. It was in Southern Italy that even more translations flowed into Europe. Most of these translations were done by Greek scholars who were natives. For example, Henricus Aristippus, the archdeacon of Catania, translated Plato's *Phaedo* and *Meno* as well as Aristotle's *Meteorologica*, an important work of Aristotle's on natural science. King William I of Sicily (1131-1166), who succeeded Roger II in 1166, had him also translate Gregory of Nazianen and Diogenes.⁴⁵ Other important translations which were accomplished were works by Euclid, Proclus, and Hero of Alexandria. The most important example, however, of the thriving intellectual revival and dissemination of knowledge was the medical school at Salerno. The fact that, until the eleventh century, Sicily and Southern Italy were controlled by either the Arabs or

⁴⁴ Haskins, *Renaissance*, 289 – 291.

⁴⁵ *Ibid.*, 292-293.

the Greeks ensured that they never lost contact with the science of those two peoples. Salerno's medical school became a place where scientific knowledge could be disseminated across Europe.

Even in Constantinople – although to a much lesser extent- there were several important translators. James of Venice was an important translator of Aristotle's works on logic. Logic, the art so much elaborated on by Aristotle, was a tool in which reasoning was honed. In the decades following the fall of the Roman Empire of the west, the kingdom of the Goths had arisen in Italy. Under the command of Theodoric the Great, the Goths sought not to destroy the culture of antiquity, but to preserve it. The erudite scholar Boethius, who I briefly mentioned earlier, became head of Theodoric's administration, began a campaign to translate the entire body of Greek scientific and philosophical works into Latin. Unfortunately, he did not get very far; his murder on false charges of treason, as well as the collapse of the Gothic Kingdom, put an end to his ambitions. Nonetheless, he did translate pieces of the Aristotle's works on logic. This *Logica Veta* (Old Logic) consisted of the *Categories*, *On Interpretation*, and a commentary to the *Categories* by the Greek, Porphyry – all important parts of, with the exception of the last, written by Aristotle which developed the field of logic significantly. The *Logica Veta* was all the west had until the translators of the twelfth and thirteenth centuries began their work. The *Logica Nova*, which consisted of the rest of Aristotle's logic which was discovered by the translators in the twelfth century, were some of the most important texts to be translated at this time and, as we shall later see, greatly impacted the intellectual culture of Europe. James of Venice translated the *Analytica posteriora*, an important logical work, as well as the “*Libri naturales; Physica, De anima*, part of the '*Parva naturalia*' (*De memoria, De Iuventute, De longitudine vitae, De Vita, De respiratione*) and of the so-called “*Metaphysica vetstissima...*”⁴⁶ Such works further

46 Richard Rouse and Mary Rouse, 206.

enhanced the understanding of logic, which would applied to a variety of subjects, physics, and metaphysics.

The *Libri naturales*, books of nature, were on natural philosophy, which sought to understand the nature of the material world around us. The latter two, the *De anima* and the *Parva naturalia* are important pieces of Aristotelian psychology. In Aristotelian metaphysics, all creatures are thus seen to have a soul, the existence and functions of which can be rationally proven to exist. The *Parva naturalia* is directed towards an empirical study of, as Aristotle put it, the “phenomena common to soul and body.” On the other hand, the *De anima* wishes to understand if “all psychological states are also material states of the body.” Thus we are presented with a more abstract and theoretical sort of philosophical knowledge.⁴⁷ The fact that James of Venice translated these texts – and that they were disseminated across Europe – demonstrates the intellectual vivacity of the period. There is no way that an era where the intellectual life was scorned, a so-called 'Dark Age', could have devoted such effort towards understanding a matter so complicated.

Although Burgundio of Pisa and Moses of Bergamo were two other translators who worked in Constantinople, the translations from that area simply could not compete with the Arab lands. Deteriorating relations between the Greeks and the Latins, among other factors, would ensure that Constantinople was but a minor source of material to translate. We are reminded by Haskins that “with interest came method: a rationalistic habit of mind and an experimental temper. These, of course, could have been found among the ancient Greeks and were inherent in their writings, but they had been fostered and kept alive in the Mohammedan

⁴⁷ Christopher Shields, Stanford University. Stanford Encyclopedia of Philosophy. “Aristotle’s Psychology.” (January 11, 2000), <http://plato.stanford.edu/entries/aristotle-psychology/#3>: (Accessed January 1st, 2011).

countries, and\ it was chiefly from these that they passed to Western Christendom.”⁴⁸ Thus it was to the Islamic nations that many of the translators turned.

It was Spain where the vast bulk of the new translations came from. From beyond the Pyrenees, scholars across Europe were taking an interest in Spain during the High Middle Ages. Men such as Adelard of Bath, Plato of Tivoli, Robert of Chester, Herman of Carinthia, Rudolf of Bruges, Gerard of Cremona, Dominicus Gondisalvi, Hugh of Santalla, Petrus Alphonsi, John of Seville, and Abraham ben Ezra were amongst the large class of intellectuals did what they could to further translate various texts into Latin. By simply glancing at the names of this sample of individuals involved in this enterprise one cannot but help to be impressed at the great diversity of these translators. They came from England, France, Flanders, Germany, Hungary, Italy and elsewhere to further their understanding of the great corpus of thought which Islamic Spain presented.⁴⁹

It was in city of Toledo, an incredible capitol of culture, where many new translations and intellectual discourse took place. Under Archbishop Raymond of Toledo (1125-52), there were the beginnings of the great enterprise of translating the wisdom of the Arabs and Greeks; an enterprise which only intensified further under Raymond's successor, Iohannes. Archbishop Iohannes (1152-66), became an important patron of translators and under his rule the translators of Toledo truly flourished.⁵⁰ To further illustrate the types of translations being made, it is important to examine several of these translators.

⁴⁸ Haskins, *Renaissance*, 302.

⁴⁹ D'Alverney, 444 – 448.

⁵⁰ *Ibid.*, 445-446.

Translating in the second quarter of the eleventh century, Iohannes Hispalensis preoccupied himself with the astronomical works of the Arabs. Al-Farghani's *Scientia astrorum* and a variety of other works by famed Arab astronomers such as Messahala and Albumasar were translated by him.⁵¹ The great advances in natural philosophy – that is, the study of the world around us – made by the Arabs were as important as the theoretical and abstract philosophical treatises. It should be understood that the “first generation of translators from Arabic and exclusively scientific interests, with mathematics and astronomy/astrology heavily predominate; even occult science was accepted. Although astrology and “occult science” may not seem particularly impressive, we should remember that they were predecessors for other important advances; for example, alchemy was the predecessor of chemistry.

Another of the Spanish translators, Plato of Tivoli, did an outstanding job translating a variety of texts and demonstrates the admiration of Arabic and Greek learning which was common among the translators. Plato worked with a famed Jewish scientist in Barcelona, Abraham bar Hiyya, to further his understanding of the scientific knowledge of Spain. Abraham was skilled in Arabic and thus able to assist Plato in understanding and interpreting a variety of texts on astronomy, astrology, and geometry. Plato is enthusiastic about his work and speaks of the great riches of Arabic and Greek learning which he harshly contrasts to the “poverty” of the Latins.⁵²

Gerard of Cremona, the most prolific of the translators, is a fascinating figure. Translating Arabic works in the latter half of the twelfth century, Gerard initially came to Toledo to study Ptolemy's *Almagest*, a work dedicated to mathematics and astronomy. He developed an

⁵¹ D'Alverney, 447.

⁵² Ibid., 450 – 451.

immense love for his work, and for disseminating it to his fellow Latins, and decided to devote his life to translating. The texts Gerard translated covered philosophy, mathematics, geometry, optics, catoptrics, weights, astronomy, astrology, medicine, surgery, alchemy, geomancy, and divination. Arabic intellectuals such as Razi, Qasim al-Zahrawi, Avicenna and others were carefully studied as translated by Gerard. Furthermore, he delved into the works of classical authors such as Galen and Aristotle.⁵³ It must be noted that universities such as Paris and Bologna had, as we shall soon come to see, medical faculties. The knowledge obtained by Gerard and other translators would be deeply studied and taught at these universities.

Portrait of a translator: Adelard of Bath (c.1080-c.1160)

Scientist, philosopher, cleric, traveler, and musician- Adelard is a prime example of the ambitious translators that have thus far been mentioned. Born in Bath, Adelard was educated at the local Benedictine monastery and eventually sent to the famed cathedral school of Tours to study the seven liberal arts. Adelard's ambitions took him to Spain, Sicily, Italy, Asia Minor and even North Africa. His acute mind was quick to pick up on a plethora of subjects. It was Adelard who was one of the main purveyors of Arabic science to the west. He extensively studied works ranging from authors such as Euclid to Al-Kwarizmi. Of great importance for us is Adelard's *Quaestiones Naturales* (Natural Questions). The *Quaestiones Naturales* contain a dialogue between Adelard and his nephew. Throughout this text Adelard answers seventy-six questions on natural world such as “where do tides come from” and “how is the Earth supported in the air?”⁵⁴

⁵³ Ibid., 452-453.

⁵⁴ Fordham University. Fordham Medieval Sourcebook. “Adelard of Bath: The Impact of Muslim Science. Preface to His Very Difficult Natural Questions.” (March 1996), <http://www.fordham.edu/halsall/source/adelardbath1.html>: (accessed August 1, 2010).

From the dialogue we can ascertain a great deal not only about the views of Adelard and his nephew but of the greater intellectual movement which was progressing at this time.

In the introduction, Adelard reveals that he first undertook his mission to publish works on Arabic science due to the requests of his friends. We must recall that during Adelard's life the aforementioned scholastic program in the cathedral schools was truly blossoming and a vivacious intellectual climate had reemerged. The fact that Adelard's acquaintances were interested in his works shows the intellectual curiosity that was growing. Yet it was not only interest from those around him that stirred Adelard to dedicate his entire life to the acquisition of dissemination of knowledge. In the *Quaestiones Naturales*, Adelard appears as someone who – not unlike the school masters of Northern France – genuinely had a thirst for knowledge and truth. He derides many within his own country itself saying:

After the first natural inquiries about my own health and that of my friends, my particular desire was to learn all I could about the manners and customs of my own country. Making this then the object of my inquiry, I learnt that its chief men were violent, its magistrates wine-lovers, its judges mercenary; that patrons were fickle, private men sycophants, those who made promises deceitful, friends full of jealousy, and almost all men self-seekers: this realized, the only resource, I said to myself, is to withdraw my thoughts from all misery.⁵⁵

During the dialogue between Adelard and his nephew, we see Adelard further disparage the learning of his people by stating to his nephew “it was agreed between us that I should devote myself to the best of my ability to the study of Arabic, while you on your part were to acquire the inconsistencies of French ideas.” His nephew even goes so far as to complain of Adelard's admiration for the “Saracens” and his derision of his own people. Although Adelard's withering critiques of his own countrymen appears rather harsh we nonetheless are able to understand him

⁵⁵ Fordham University. Fordham Medieval Sourcebook. "<http://www.fordham.edu/halsall/source/richer1.html> (accessed July 15, 2010).

as one who genuinely had a passion for sharing the progress being made outside of Christendom with his own people. A culture which is cut off and xenophobic towards foreign ideas is a culture which will wither on the vine. Adelard was not an anomaly but a part of a broader movement.⁵⁶

Although his task was different from the hitherto examined masters of the French schools they were both a part of the same vivacious intellectual program of the time. We must understand that “the desire to recover Plato, Aristotle, Euclid, Galen, and Ptolemy was the main invective that provoked the flood of translators from Greek and Arabic into Latin.”⁵⁷ It was this exact same spirit, this exact same passion and hunger for knowledge which drove forth these wandering translators. Things had indeed progressed a long way since the days of Richer of Rheims. Men such as Gerard of Cremona Adelard of Bath were paving the way for the future; the harvest of knowledge the translators would reap would be used by the burgeoning schools.

⁵⁶ Fordham Medieval Sourcebook. <http://www.fordham.edu/halsall/source/richer1.html> (accessed July 15, 2010).

⁵⁷ D'Alverny, 422.

Chapter Three: The Rise of the University of Paris

“The most striking characteristic of the atmosphere of the universities was that everything was continually questioned.”¹ - Anders Piltz

The year twelve hundred is one typically assigned as the “founding” of the University of Paris due to it being the year in which the university received its first charter. The charter, issued by the French King Philip II, was to safeguard the university's increasingly prominent role in his realm after a “town and gown” - as Haskins coined the term – riot had taken place in Paris. Leaving aside the riot for the present moment, it must be noted that the university had already existed by this point. It had slowly come into being from the various personal schools run by the ubiquitous masters that had come to Paris throughout the twelfth century. Truth be told, these early universities had no endowments, dormitories, sports programs or many of the other things a modern university is expected to have. The University of Paris was a university because it was a corporate body, a guild that is to say, of masters; it was in the masters that the university subsided.

However, we must ask ourselves why did Paris become the most prominent – so prominent in fact that it evolved into a university – as opposed to the other cathedral schools in northern France? The answer is as much to do about practicality and economics as it is to do with learning. The twelfth century was a fabulous era of growth for Paris. In addition to population growth – among which were a growing number of clerics who were the intellectual class- a serious commercial build-up on the northern banks of the Seine within Paris further increased the importance of the city. Paris was also the center of the astonishing Notre Dame cathedral and home to numerous clergy. The south bank of the Seine in Paris had plenty of room for expansion

¹Anders Piltz, *The World of Medieval Learning* (Totowa: Barnes and Nobles Books, 1981), 148

as well as monasteries free from the control of the local chancellor of the cathedral. Furthermore, by the late twelfth and early thirteenth centuries, Paris was becoming an important political center for a rejuvenated French monarchy. It was here, amid this economic and religious prospering, that the “greatest area of freely-ranging scholastic development in Europe from the earliest years of the twelfth century to the early fifteenth century” took place.²

The ready supply of food, living space, and vitality within Paris made it a perfect setting for the masters and their students to settle to further conduct the great scholastic enterprise. Various schools existed in Paris such as the cathedral school of Notre Dame, St. Victor monastery, the Petit-Pont, and monasteries such as Mon-Ste-Genevieve. In addition to these were those schools centered around single masters such as Abelard. Men no longer had to strive to find areas, as Richer of Rheims had done, to find men who possessed learning. In the decades following the death of scholars such as Abelard- during the second half of the twelfth century – the schools continued to grow with more masters and students arriving. We have already examined how Master Anselm of Laon had applied his secular knowledge of the *trivium* to further understand theological texts such as the Bible as well as the development – and reaction to- of this method with further thinkers like Abelard and Gilbert. It became necessary, as more knowledge of the liberal arts filtered into Europe, to have masters gathered in a single place who were well versed in a plethora of these topics. An eclectic body of learned men, able to impart their knowledge, gathered together in a central location was highly convenient.

Yet this growing body of scholars did indeed encounter certain difficulties which threatened their work. Increasing amounts of these scholars was a good thing for local business.

² R.W. Southern, *Scholastic Humanism and the Unification of Europe*, Volume 1 (Cambridge: Blackwell Publishers Ltd., 1995),201. `

Landlords, merchants, booksellers, vendors and other groups of townspeople were able to make a profit off of the intellectuals filtering into Paris. They were a further boon for the growing commercial successes already occurring in the city. Unfortunately, there were also the less scrupulous among the city dwellers that were prepared to squeeze as much money as possible out of these outsiders. It was attitudes such as that which undoubtedly led to tensions. The “university was a social invention. Like other social inventions – the guild system, trade unions and the other ombudsman – the university developed to protect the collective interest of one group of people against other forces in society.”³ The “town and gown” riot previously mentioned was neither a first nor an uncommon event for the growing body of scholars.

Medieval cities such as Paris possessed guilds: corporate bodies of craftsmen engaged in a specific trade. Guilds for weavers, smiths, tanners, dyers, textile workers and others existed throughout urban centers in Medieval Europe. The guilds were responsible for setting prices, training apprentices, promoting master craftsmen, and looking after their members and their families. By the late twelfth century, a guild of masters had been established within Paris to look after the welfare of the ubiquitous masters teaching there. The formation of such an organization would enable the masters to collectively bargain with the townspeople and, if conditions were deemed unsatisfactory, threaten to leave and take their students – and their money – with them.

Yet the Parisian scholars would, quite fortunately, have two powerful allies prepared to support them: the French monarchy and the Papacy. The 1200 riot, which saw the bishop-elect of Liege killed, led to King Phillip II, fearful of the masters and students leaving, issuing a charter. The stipulations for the charter entailed that students arrested were to be tried in ecclesial courts,

³ Piltz, 126.

had leading citizens of Paris swear to respect the rights of the students, and ensured that each successive provost (chief official of Paris) to swear to respect the privileges awarded to the students.⁴

The French monarchy was the first monarchy to truly promote the development of universities. Philip II of France ensured that the fledgling university of Paris received generous help from the royal government. Yet such assistance cannot be seen as an act of great benevolence on the part of the French monarchy. Philip protected the university for the same reasons he further centralized governmental authority in France: to further increase his power as a feudal lord. In an era of growing complexity, where men who could be relied upon to manage the growing apparatus of government were in great demand, the universities were such an institution which could furnish the intelligentsia needed.

The second great advocate of the University of Paris – actually of the universities in general – was the papacy. The royal governments had no monopoly upon the growing need for the cultivation of bureaucracies to handle increasingly complex government affairs. To understand the role of the papacy in the development of the universities we must examine several popes and their relationship to the universities. We have already seen how, after the “battles” undertaken in the 1140's between Abelard and Gilbert de la Poree against St. Benard, the popes generally supported the program of the scholastic thinkers in the cathedral schools. Yet by the late twelfth century it had become apparent that the future lay within the universities which were emerging out of these schools.

⁴ Hunt Janin, *The University in Medieval Life, 1179-1499* (Jefferson: McFarland publishing, 2008), 74.

One of the most famous of papal patrons was Pope Innocent III (1160-1216). Innocent III was a man whom had firmly imbibed the aims of the scholastic program; he had, after all, been a graduate of the developing university of Bologna – which we shall come to examine shortly – which specialized in the study of civil and canon law. A puissant man, Innocent III was quite the power broker: interfering in the affairs of states across Christendom. He called crusades, ordered the suppression of heresies, and intervened in imperial elections in Germany. Yet, as one trained in law, Innocent had an intense dislike of ambiguities, especially in Church law. The dissonance exhibited by many in regards to Church teaching was something that Innocent despised. Innocent's calling of the Fourth Lateran Council (1215) to resolve many such issues was only one of the steps he took.

To further his aims in clarifying the Church's doctrine, Innocent also supported the universities, especially in Paris. The theological doctrines being clarified and debated within the university were – as we have seen in regards towards marriage and the inheritance of property – vital towards being able to establish laws regarding the welfare of society. Innocent's issuing of the decretal *Tua Fraternitatis*, was one such incentive offered. The decretal stipulated that clerics studying at the university would be permitted to draw money from their benefices while abroad. Such a move further allowed university students, who at this time were all clerics anyway, to finance their studies without being completely inundated in overwhelming debt.⁵

Furthermore, Innocent also decreed that the university masters of Paris would be able to obtain and utilize their own representatives for legal disputes. He also guaranteed the various rule and regulations the Parisian masters of the law, theology, and medical faculties chose to

⁵ Janin, 75.

serve under. The Fourth Lateran Council convened by Innocent also recognized the mendicant orders (the Dominicans and the Franciscans). Both of these orders would further have widespread influence in medieval intellectual life, including the University of Paris where the famed Thomas Aquinas would one day teach.⁶

Throughout the High Middle Ages, and beyond, the future popes protected the universities. In regards to Paris:

The popes intervened on the university's behalf on numerous occasions as when Pope Honorius III sided with the scholars at Bologna in 1220 against infringements on their liberties. When the chancellor of Paris insisted on an oath of loyalty to himself personally, Pope Innocent intervened. In 1231, when local diocesan officials encroached on the institutional autonomy of the university, Pope Gregory IX issued the bull *Parens Scientiarum* on behalf of the masters of Paris. In this document, he effectively granted the University of Paris the right to self-government, whereby it could make its own rules pertaining to courses and studies. The pope also granted the university a separate papal jurisdiction, emancipating it from diocesan interference.⁷

Gregory IX's defense of the University of Paris in 1231 is highly significant for our purposes. If we examine his words we can understand a great deal about the university as well as the papacy's relationship to it. Gregory begins the document by stating "Paris, the mother of the sciences, like another Carthage, a city of letters, shines forth illustrious, great indeed, but concerning herself she causes greater things to be desired, full of favor for teaching and students."⁸ By this time the papacy indeed viewed Paris as an admirable institution which they intended to fully support. Furthermore we can also gain, via the following, important insights into the university:

⁶ Janin, 75-76.

⁷ Thomas Woods, *How the Catholic Church Built Western Civilization* (Washington D.C.: Regnery Publishing, Inc.), 50.

⁸ Fordham Medieval Sourcebook. <http://www.fordham.edu/halsall/source/UParis-stats1231.html> (accessed on August 10, 2010).

each chancellor, appointed hereafter at Paris, at the time of his installation, in the presence of the bishop, or at the command of the latter in the chapter at Paris - two masters of the students having been summoned for this purpose, and present on behalf of the university - shall swear that, in good faith, according to his conscience he will not receive as professors of theology and canon law any but suitable men, at a suitable place and time, according to the condition of the city and the honor and glory of those branches of learning; and he will reject all who are unworthy without respect to persons or nations. Before licensing anyone, during three months, dating from the time when the license is requested, the chancellor shall make diligent inquiries of all the masters of theology present in the city, and of all other honest and learned men through whom the truth can be ascertained, concerning the life, knowledge, capacity, purpose, purpose, prospects and other qualities needful in such persons; and after the inquiries in good faith and according to his conscience, he shall grant or deny the license to the candidate as seems fitting and expedient. The masters of theology and canon law will give true testimony on the above points. The chancellor shall swear, that, he will in no way reveal the advice of the masters, to their injury; the liberty and privileges being maintained in their full vigor for the canons of at Paris, as they were in the beginning. Moreover, the chancellor shall promise to examine in good faith the masters in medicine and arts and in the other branches, to admit only the worthy and to reject the unworthy.⁹

The importance of this quote cannot be underestimated. In viewing it, we can see how far things had come since the early days of Anselm and Abelard. Ceremonials, ranks and other developments were now all a part of the process of acquiring a degree. An entire process had become initiated whereby standards were set – for the whole of the university rather than standards set by individual masters.

In 1292, Pope Nicholas IV declared Paris to be a *studium generale*. This important distinction confirmed Paris as a university and led to certain privileges. An institute designated as a *studium generale* was regarded as more prestigious and higher ranking than many religious and political organizations for starters. Yet aside from such prestige, the designation also permitted one who, once getting a degree from Paris, would be permitted to teach anywhere in Christendom. Why such support on the part of the papacy? The Church had always had a keen interest in education. It was necessary for priests to be educated so that they could properly say

⁹ Fordham Medieval Sourcebook. <http://www.fordham.edu/halsall/source/UParis-stats1231.html> (accessed on August 10th, 2010).

the mass and instruct the faithful in the tenets of the faith. We have already discussed how the growing complexity of society coupled with the scholastic program ensured the need for the universities. Yet there was something else very significant: many of the popes of this period of the development of the universities were products of such university centers as Paris and Bologna. For example, Pope Innocent III was a graduate from the legal faculty of Bologna. The protection and influence upon which the popes extended to the fledgling universities was merely a reciprocation of the universities influence upon them.

What is of further interest to us is how was the university organized? We have already seen how the initial bare bones layout of the University of Paris did not consist in copious amounts of endowments, buildings, and funds but in the guild of the teaching masters. Aside from the threat of unscrupulous townsmen, the universities organically developed from the need for there to be institutions, aside from the individual schools of masters, to fully provide a foundation of European intellectual life. Anders Piltz tells us that “personal magnetism of one individual is not an adequate basis on which to build a new institution. Economic resources and a stable system of organization are also needed.”¹⁰ Thus an organization for Paris, which was certainly copied by other universities north of the Alpine mountains, slowly evolved into being.

Over time various institutions developed within the University of Paris. The university was divided into four faculties: the liberal arts, canon law, medicine, and theology. The liberal arts, especially the *trivium*, were of great necessity for students. We have already seen the great importance attached to the *trivium* by the early scholastics such as Abelard and Anselm. The skills acquired in gaining knowledge of the *trivium* granted students the ability to succeed in

¹⁰ Piltz, 126.

many other fields. For example, we shall come to see, in the next chapter, how the liberal arts were applied to the field of law.

The students who went to Paris, who we will soon come to speak of, were not only native Parisians but came from across France and abroad. Normans, French, English, Piccards, Germans, and Scandinavians were all represented at Paris. In the masters of arts, these students became represented by four “nations.” These four nations comprised the “French, including the Latin peoples; the Normans; the Picard, including also the Low Countries; and the English, comprising England, Germany, and the North and East of Europe.”¹¹ Such divisions made sense as those studying for a master of the arts were far more numerous than in the other faculties. These four nations were provided with their first constitution in 1220. By 1240 it had been established that the a rector would be elected from the masters of the faculty of arts – which is to be considered the lower of the faculties and what we would term “undergraduate”- to lead the nations. Likewise the three aforementioned higher faculties of Paris established their own statutes and were led by their own deans by the year 1260.¹² Furthermore, by the year 1249, a single rector was in a premier leadership role of the universities four nations. He was also a “leading figure in the guild of masters” and “presided over university meetings, directed university finances, and was the university's representative to the non-academic world.” Yet he was only in office for a mere one to three months which limited the amount of influence he would be able to attain.

It was always important for the medieval university student who wished to proceed to the higher faculties to first study in the liberal arts. What of the higher faculties? A

¹¹ Haskins, *The Rise of the Universities* (Binghamton: Cornell University Press, 1957), 16.

¹² Janin, 78.

document, written in 1271 A.D., gives us an important glimpse into exactly what was entailed in certain of the higher faculties. The beginning of the document in question lets it be known that the books the document lists as the main texts to be used are to be loaned out the university's poorer students and it further states "I will and command that my books on theology shall be delivered to the chancellor of Paris who, for the sake of piety, shall lend them to poor students studying theology at Paris who are without books; in such a manner, however, that each chancellor each year, shall receive back the aforesaid books and after receiving them shall again deliver and lend them, each year, to the poor students, as shall seem expedient."¹³ It must be noted that although the universities had by this point become "the chief centers of the book trade" that books were nonetheless expensive and therefore certain measures were undertaken to relieve the poorer students.¹⁴ The document further states:

The names of the books are as follows: the Bible complete with a glossary. Also, Genesis and Exodus, glossed, in one volume. Also, the books of Solomon, glossed, in one volume. Also, Exodus, glossed by itself. Also, Job, glossed by itself. Also, Ezekiel, glossed by itself. Also, the Gospels, glossed by themselves, in one volume. Also, the psalter, with a complete glossary. Also, the four books of Sentences [of Peter Lombard]. Also, the books of Numbers. Also, Joshua, Judith, Ruth, Deuteronomy, glossed, in one volume. Also, the four books of Kings, Chronicles, first and second. Also, Esdras, first and second of Maccabees, Amos, glossed, in one volume. Also, the Twelve Prophets, glossed, in one volume. Also, the Psalter, glossed and complete. Also, the Epistles of Paul, glossed. Also, the Psalter, glossed and complete. Also, the Scholastic Histories. [probably the Scholastic history of Peter le Mangeur] Also the four Gospels, glossed. Also, the Epistles of Paul, glossed, with a smaller glossary. Also, the Psalter, glossed and complete. Also, the first and second books of Maccabees, glossed as far as the tenth chapter. Also, the Gospel of Mark. The Gospels, glossed.¹⁵

¹³ Fordham University. Fordham Medieval Sourcebook. "Stephen of Canterbury, Courses in Theology [1271] and Medicine [1270-74]." (February 1996), <http://www.fordham.edu/halsall/source/uparis-theol.html>.

¹⁴ Haskins, *The Rise of the Universities*, 38.

¹⁵ Stephen of Canterbury, <http://www.fordham.edu/halsall/source/uparis-theol.html> .

We must note the importance of Peter Lombard's text. By this time, although it is clear that the Bible was to be extensively studied in the faculty of theology, it was the text of Lombard's *Sentences* which was to be the basic, and most comprehensive, text in regards to theological matters. Issued around the same time, a similar document on the study of medicine at the University of Paris is also of great interest to us. The document first details that “this is the form for licensing bachelors of medicine. First, the master under whom the bachelor is, ought to testify to the chancellor, in the presence of the masters called together for this purpose, concerning the suitability of licensing the bachelor. He ought to prove his time of study by at least two examinations; and the time which he ought to have studied is five and one-half years, if he has ruled in arts or has been a licentiate; or six, if he has not.”¹⁶ It is here that we can see even more clearly the full extent to which the university had developed. Things had indeed progressed significantly from the days of individual masters like Abelard attracting students to them in their own individual schools.

The course of studies in regards to Paris' faculty of medicine shows to us the influence upon medieval learning the influx of information from the Arab and Greek worlds which we have previously taken into consideration. We read that:

The course of study is as follows: he ought to have read the *Medica* [perhaps the *Liber Tegni* of Galen] twice in the regular courses and once in an extraordinary course with the exception of Theophilus [a 7th century Byzantine physician] *On Urines*, which it is sufficient to have heard once in either a regular or an extraordinary course; the *Viaticum* [composed by Abd Jafar Ahmed] twice in regular courses; the other books of Isaac [a Jewish physician who wrote a *Liber dietarum universalium*, *Liber itarum particularium*, *Liber urinarium*, *Liber febrium*, all translated from Arabic by Constantine the African] once in a regular course, twice in extraordinary courses, except the *Particular Diets*, which it is sufficient to have heard in an extraordinary or regular course; the book of *Antidotes* of Nicholas, [Antidotes was then used in about the same sense as *Book of Medicaments*. This one was by Nicholas of Salerno] once. The *Verses* of Aegidius [of

¹⁶ Fordham Medieval Sourcebook. <http://www.fordham.edu/halsall/source/uparis-theol.html> (accessed on August 10th, 2010).

Corbeil, who taught at Paris under Philip Augustus. He wrote his works in verse] is not required. Also, he ought to read the books on Theory and Practice. [by this is perhaps meant the Opus Pantegni, by Ali ben Abbas. This was divided into Theory and Practice. It was sometimes attributed to Constantine the African.]¹⁷

One can truly be impressed by the diversity of sources that were to be studied by the medieval student of medicine in Paris. The great strides forward made by the prolific translators were being absorbed by the intellectual community of Christendom. Society was marching forward and we can indeed be impressed. It was a far cry from the days of Richer of Rheims going to study Hippocrates based on hearing about someone who owned a copy of a text.

The rise of the Dominican order and their influence in Paris

It was in this era that widespread changes were taking place throughout society. Growing cities, burgeoning commerce, and increasingly powerful bureaucratic monarchies were just a few of the many facets of a changing world in Europe. Civilization was marching forward and progressing throughout Christendom at a pace hitherto unseen. A part of this growing progress was a great religious revival that was commencing. In the Bible, Christ preached the necessity of poverty and humility to enter the kingdom of heaven. Christ warned that there is a heavy penalty to be paid to the man who accumulates and centers his life around riches. It is in the Acts of the Apostles we are first notified of the early Christian practice of holding communal property. Throughout the medieval period, monasteries further reinforced the concept of the importance of living simply for Christ.

Yet the religious zeal that was growing in the High Middle Ages led to various groups of heretical zealots to emerge. Groups of heretics such as the Albigensians and Waldensians rejected

¹⁷ Fordham Medieval Sourcebook. <http://www.fordham.edu/halsall/source/uparis-theol.html> (accessed on August 10th, 2010).

the Church and its sacraments. In southern France and even the cities of northern Italy, heretics began to abound. Alas, corruption and greed of certain prelates merely fed on the growth of such heretical communities. Alarmed at this, a young cleric named Dominic was determined to take up the cross and fight for their souls. Dominic's quest eventually led to the establishment of the Order of Preachers, colloquially known as "Dominicans." The order was unusual in that it maintained a deep emphasis upon the intellectual life. Dominic believed that through poverty, humility, and a focus on rational argument, the heretics could be convinced to recant their errors and return to the bosom of the faith. The 1215 Fourth Lateran Council confirmed the rapidly growing Dominicans as a legitimate order, along with the Franciscans, and they were fully supported by the papacy hereafter.¹⁸

It was in the year 1217 that the Dominicans became established in the University of Paris and came to – eventually – dominate the faculty of theology. The Dominicans were a great boon to the renaissance occurring in that – aside from becoming greatly cemented into the intellectual climate of Paris – they produced several fantastic intellectual giants. Great scholars such as Thomas Aquinas and Albertus Magnus rose. Aquinas himself was once a student and eventually became a teacher of Paris. The intellectual climate fostered at Paris permitted him to acquire the knowledge to develop his impressive, nay, genius philosophy. One of their great contributions to the flourishing around them was the combining of the wisdom of Aristotelian philosophy with Catholic theology. The harmonizing of these things did indeed meet resistance – as we shall later see – but fully insured and cemented the place of the universities as locations of rational inquiry. The Dominicans of Paris would continue to make contributions to philosophical and theological knowledge as time wore on and would indeed be an important facet of the university.

¹⁸ Brian Tierney, *Western Europe in the Middle Ages: 300 – 1475* (McGraw Hill, 1990), 365 – 367.

Albertus Magnus demonstrates to us a man who was a true polymath. Known as the “doctor universalis,” Albertus was an encyclopaedist who wished to “summarize all the new learning in an enormous encyclopedia and assess it critically to see how it might be used fruitfully within the confines of orthodox Christian beliefs. He regarded this as a suitable and pressing task for himself and his order. He pleaded therefore for the study of all branches of knowledge in the Dominicans' own schools”¹⁹ although such an endeavor was met without apprehension by some. A prolific author, Albertus wrote tomes on mathematics, metaphysics, ethics, physics, geometry, theology and more. Eclectic in his interests, he was also motivated to conduct empirical research. He writes “I have examined the anatomy of different species of bees. In the rear part, i.e. behind the waist, I discovered a transparent, shining bladder. If you test this with your tongue, you find that it has a slight taste of honey. In the body there is only an insignificant spiral-shaped intestine and nerve fibres which are connected with the sting. All this is surrounded with a sticky fluid.”²⁰ Such a quote demonstrates the changing intellectual environment in which the universities were becoming a part of the impact upon which the Dominicans were having.

Paris and Intellectual Orthodoxy

The great intellectual progress that was being made at this time was not, however, unimpeded. The battles between the schools and Bernard of Clairvaux had been fought and won but in the thirteenth century a new series of engagements began. The influx of Aristotelian philosophy had caused a considerable stir in the world of medieval academia. The Islamic world had translated, between the years 750 to 1000, all of the works of the ancient Greeks on

¹⁹ Piltz, 174.

²⁰ Quoted in Piltz 176.

philosophy and science. Some Islamic philosophers, such as Averroes, attempted to harmonize Aristotelian reason with divine revelation. The attempts caused Averroes and others, such as Avicenna, to fall into heresy, causing a severe backlash. The “fundamentalist Muslim religious leaders successfully denounce Averroes, and the scandal caused by his heterodoxy aroused a fanatical anti-intellectualism that cut short the whole tradition of rational philosophy amongst the Arabs.”²¹ In the west, other groups of hardliners engaged in a similar assault upon the new discourse that was occurring and the University of Paris was one of the main battlefields.

In 1210, a local Church council in the city of Paris forbid the study of Aristotle. In 1231, Pope Gregory IX eased the ban and wished to set up a study as to which books contained acceptable information that was not incompatible with doctrine. Gregory stated:

Moreover, we order that the masters in arts shall always read one lecture on Priscian, and one book after the other in regular courses. Those books on natural philosophy which for a certain reason were prohibited in a provincial council are not to be used at Paris until they have been examined and purged of all suspicion of error. The masters and students in theology shall strive to exercise themselves laudably in the branch which they profess; they shall not show themselves philosophers but strive to become God's learned. And they shall not speak in the language of the people, confounding the sacred language with the profane. In the schools they shall dispute only on such questions as can be determined by the theological books and the writings of the holy fathers.²²

In 1263, Pope Urban IV renewed the ban on the study of Aristotle. Aristotelian philosophy, like much of the new information that had entered Europe, needed time to be absorbed and understood. The fact that much of it was in disagreement with various theological and philosophical orthodoxy of previous Catholic thought caused considerable fear and led to condemnations of it. How fortuitous it was, then, that few people cared about the

²¹ Tierney, 419.

²² Fordham Medieval Sourcebook, <http://www.fordham.edu/halsall/source/UParis-stats1231.html> (accessed August 15, 2010).

condemnations. In 1255, amidst the so-called “ban” of the knowledge of Aristotle, it became mandatory to study the scientific works of Aristotle for a degree in the Masters of Arts.²³

At this time there were three philosophical schools which had emerged. The first was the Augustinian school of thought which, although recognizing the importance of the intellect, placed a heavier importance on will. Determined to maintain the doctrines of Augustine, they can be seen as the more conservative school of thought. St. Bonaventure was the greatest intellectual of this school. Nonetheless, it was not completely opposed to the new philosophical doctrines being studied. St. Bonaventure, for example, accepted the Aristotelian doctrine ofhylomorphism. It must be noted that at this time “all the thinkers of the mid-thirteenth century were influenced by the flood of translations from Arabic and Greek, and all the major scholastic systems of thought were syntheses of Aristotelian, Neoplatonic, and Christian doctrines.” Bonaventure may have believed in hylomorphism but, aside from focus on the will, there were other emphases. Bonaventure “was skeptical about the ability of the human mind to attain truth by the exercise of its own natural facilities” and believed in divine illumination – a philosophical doctrine which held that the cognitive functions of humans needed divine assistance to fully function properly. Although understanding the importance of reason, Bonaventure held philosophy to be second to theology and merely an aid to theological thought.²⁴

The second school of thought was the Christian or Latin Averroists. This group's views led to the famed condemnations of 1277. During the mid-thirteenth century, masters of the Parisian faculty of arts began to teach on Aristotle. The Latin Averroists sought to understand the full thought of Aristotle and relied heavily upon the Islamic philosophical commentator,

²³ Tierney, 419.

²⁴ *Ibid.*, 420.

Averroes. Unfortunately for them, certain of Averroes' theories, such as his belief in the eternal existence of the world, were regarded as theologically unorthodox. Siger of Brabant, the greatest of this school, eventually was exculpated of suspicions for heresy. The aforementioned condemnations of 1277, however, were an entirely different matter.

In 1277, Pope John XXI commissioned Stephen Tempier, bishop of Paris, to investigate supposed errors which were being propagated in Paris. Tempier, however, did not simply investigate for the pope but went beyond what he was commissioned to do and decided to officially condemn two hundred and nineteen “errors.” He also went as far as to blame the faculty of arts of teaching the “double-truth theory” which held that “a proposition could be true in philosophy and false in theology.”²⁵ Granted, thinkers such as Siger of Brabant did indeed reject the double-truth theory and considered that the theology which was defined as doctrine must be true, even if philosophy disagreed with it. At this point, intellectual inquiry in regards to philosophy was anything but homogenous. Thinkers such as Siger, Thomas Aquinas, Bonaventure, John Peckham and others, engaged in fierce clashes over the new Aristotelian knowledge that was being studied. Tempier's actions were merely the results of the increasing suspicion of the new knowledge.

Yet this was not the end of intellectual inquiry, actually it was far from it. This event cannot be seen as some sort triumph of fundamentalism over reason. Nor, for that matter, did the same impact which was had upon the Arabic world by the condemnation of Averroes occur in this case. Albertus Magnus journeyed to Paris to defend certain propositions of Thomas Aquinas,

²⁵ Frederick C. Copleston. *A History of Medieval Philosophy* (South Bend: University of Notre Dame Press, 1990), 206.

some of whose teachings had made it onto Tempier's list. In addition to this, the Dominican order continued to fight for the 'Thomistic' philosophy which had developed.

Thomism is a branch of philosophy that was established by Thomas Aquinas, widely regarded as a genius and the greatest of medieval thinkers. He studied at the University of Naples and later in Paris and Cologne. His studies at the latter two saw him as the pupil of Albertus Magnus, the first thinker who was able to truly master the thought of Aristotle. Aquinas shows us the development of scholastic thought since the days of Abelard and Anselm of Laon. The *Summa Theologia* and the *Summa Contra Gentiles*, two of Aquinas' most famous works, were monuments to his thought. The former “was a treatise on 'natural religion,' that is, on those tenets of religion that could be established by human reason” and the latter dealt with the “doctrines of Christianity as divinely revealed truths and wove them into a vast synthesis dealing with the whole nature of the universe and the human place in it.”²⁶ The *Summa Theologia* greatly demonstrates the “dialectical method” which the scholastic thinkers utilized. Aquinas' method may remind us of Abelard's, and indeed a century after Abelard it had developed significantly as a main point of scholastic thought.

The work:

is divided into Questions, each covering some broad field of inquiry. The Questions are subdivided into Articles, each posing a specific question. Thus the first Question is 'Concerning sacred doctrine, what it is and what it extends to'; and the first Article is 'Whether besides philosophy any further doctrine is required?' Thomas' treatment of the problem provides a good illustration of his method. He first posed objections for the Old Testament and from Aristotle suggesting that rational philosophy provided all the knowledge that man needed on earth. Then, in opposition to this view, he cited a text of St. Paul, 'All scripture inspired of God is profitable...' At this point Thomas presented his own conclusion. Divine revelation was necessary for humans because certain truths essential to salvation could not be attained by human reason. Then, last of all he answered

²⁶ Tierney, 421.

the initial objectives. All subsequent Articles were discussed in exactly the same fashion. The Summa contained more than six hundred Articles and, in discussing them, Aquinas raised and answered some ten thousand objections.²⁷

To men such as Aquinas, Aristotle was “The Philosopher”- the science of his thought deeply regarded and looked at as a grand monument to rational achievement. Yet what did Aquinas think in regards to the double-truth dilemma that Siger of Brabant and the Latin Averroists had run into? What if Aristotle contradicted divine revelation? Unlike Siger of Brabant, Aquinas did not think it enough to simply say that divine revelation trumped philosophy. For a Thomistic philosopher, faith and reason can never contradict. Aquinas instead strove to rationally demonstrate, via philosophy, why Aristotle was incorrect. Rationalistic in his approach, Aquinas believed that human reason constituted a bridge between the natural world and God. The glorification of reason that men such as Abelard and John of Salisbury maintained had reached a culmination in the thought of Aquinas. It also eased the animosity being raised against Aristotelian thought which had climaxed in the condemnations of 1277. Canonized fifty years after his death -in 1324 -and coupled with the increasingly powerful Dominicans defended many of Thomas' propositions, Aristotelian thought was not silenced but continued to flourish well after the condemnations of 1277.

The intellectuals produced at Paris, the debates that took place, and the nature of the university, demonstrate to us the growing intellectual climate that was flourishing at this period. The Parisian theologians indeed important in that they further helped in the process of clarifying Church doctrine, vital for the work of the great law schools rising in cities such as Bologna. The thinkers of Paris had great impact upon the society around them and the intellectual development of western civilization.

²⁷ Tierney, 421 – 422.

Chapter Four: The Revival of Jurisprudence and the Rise of Bologna

*Thrice, says Ihering, did Rome conquer the world: by her arms, by her church, and by her law; and, we may add, the ultimate conquest of her law was a spiritual conquest, after her empire was dead and her armies turned to dust. Nothing was more characteristic of the genius of the Romans than their law, and nothing has been more persistent and pervasive. The revival of Roman law was an essential part of any Roman renaissance. Such a revival belongs to intellectual quite as much and institutional history, indeed at this point the two are indistinguishable.*¹ - C.H. Haskins

The scholastic program that was flourishing at this time was necessary for the progression of law. A person who demands organization and strict adherence to regulation will be very disappointed when viewing law as it related to Western Europe by the beginning of the twelfth century. Far from homogenous, we are confronted by a patchwork of laws issued by kings and customary laws, coupled with innumerable variations of local law. By this point, the old Roman jurisprudence that had once mightily held sway throughout Europe had disintegrated. Although jurisprudence was dead there most certainly were, in certain areas such as the south of France and in Italy, areas in which the Roman law had become customary law.² Bishop Agobard of Lyons said, around the middle of the ninth century, that whenever he was speaking to a group of five people it was not unusual that each of them followed their own law code!³

By the twelfth century, however, things were beginning to undergo a profound change. This was an era in which bureaucratic governments were beginning to reemerge, magnificent cathedrals were rising, and education being revolutionized; in short, it was an era far more complex than the centuries of the Early Middle Ages. The patchwork of legal codes and customs

¹ Haskins, *The Rise of the Universities* (Binghamton: Cornell University Press, 1957), 193.

² Ibid., 194.

³ Paul Vinogradoff, *Roman Law in Medieval Europe* (London: Harper and Brothers, 1909), 16.

which varied from locality to locality across Europe was not suited for the emergence of this bright new era. Rather what was needed was clarity. It was at this time that once again the wisdom of Roman law was studied and Italy would be at the forefront of its analysis, similar to how northern France was becoming a center of study for theology. Similar to the masters of northern France, the scholars of Italy would also strive to apply scholastic methodology to their subject. It would be the city of Bologna – at times even referred to as *Bononia docta* (Bologna the learned) – which would become most famous for this legal revolution.⁴

By this time, northern Italy was divided into a variety of city-states, each with their own identity and pride. Unlike the nobility of much of the rest of Europe, the ruling classes of the Italian cities did not derive their power from simply dominating the fertile fields but often through commerce. The great merchants in the cities of Italy were at the forefront of a veritable commercial revolution which was beginning. Trade through northern Italy increased perhaps as much as twenty-fold by the twelfth century.⁵ Furthermore, the way Italy was situated ensured that it was a focal point for communications. It also had remains of the old imperial administration and tradition of Roman law and law schools.⁶ Positioned at a vital crossroads, whereby much news, commerce, and travelers passed, Bologna was one of the most important cities in all of Italy. Yet, by the twelfth century, Bologna became an intellectual center for the study of law as well.

Despite the diminution of learning which had occurred in the wake of the collapse of the Roman Empire, Bologna had been a haven for private law schools for many years. Similar to the

4 Hunt Janin, *The University in Medieval Life, 1179-1499* (Jefferson: McFarland publishing, 2008), 55.

5 R.W. Southern, *The Making of the Middle Ages* (New Haven: Yale University Press, 1961), 44.

6 R.W. Southern, *Scholastic Humanism and the Unification of Europe*, Volume 1, 264.

masters of Paris, these laws schools would eventually coalesce, by thirteenth century, into a university; actually, Bologna is given the honor, although the exact date is not known, of being known as the very first university.⁷ It would become an integral part to the new program for revitalizing jurisprudence in Europe. But there was a long road of development in legal thought and in Bologna before it could reach the status of a university.

Law Reborn

The influence of the Roman Empire cannot be overstated, its armies and bureaucrats dominated an empire that spanned three continents for centuries. Aside from its powerful military, impressive monuments, incredible system of roads, and efficient public works, it was also famed for its system of law. The law of the empire ensured that order would be maintained so that an efficient order would prevail. Nonetheless, that law was incredibly complex in nature. Similar to the history of British law, there was no great constitution promulgated in which all subsequent laws were to be measured against. Rather there were a variety of sources of law, from the praetors (judiciary officials) to the Ten Tablets, in which combined together to create the law. Additionally, there were various competing schools of law, such as the Proculians and Sabinians, which debated over the application of such sources and their principles.^{8 9}

Keeping this in mind, we must turn to the *Corpus Iuris Civilis* - commonly known as the Justinian Code - one of the greatest accomplishments of the Roman Emperor Justinian I (527-565). It was a monumental work which had as its focus the complete and total codification of

7 Janin, 56.

8 Andrew Borkowski, *Textbook on Roman Law 3rd Edition* (Oxford: Oxford University Press, 2005), 27.

9 Ibid., 47-48.

Roman law. Roman law was coherent, organized, rational and centered upon increasing the power of the emperor. The emperor is from where the law derives and he alone has supreme authority to interpret the law. Judges in courts of law are responsible for representing the emperor. Furthermore, the Justinian Code was written specifically to streamline the law to make it less complex, an attribute that very much became favored by twelfth and thirteenth century jurists.¹⁰ This is important for our purposes as this view of law stands in direct contrast to the Germanic and customary law which dominated Western Europe by the eleventh century.

Following the collapse of the Roman Empire in the west, local communities had to maintain their own law, often by military means. What transpired was that, in various areas, sometimes German customs and sometimes handed down Roman practices were what counted as law; sometimes it was even a combination of both. By the eleventh century, as civilization recovered, the study of law became important and profitable. Bureaucratic governments were beginning to once again come into existence; men trained in the liberal arts and in applying those skills to law were needed to assist in maintaining the new civil services emerging. Furthermore, law courts were coming back into usage.¹¹ It was obvious that the study of law would need to be recognized as important both for the organization of civil services and for the clarification of ambiguities in the plethora of laws.

We have already seen that Roman law was supposed to be efficient, wise, and clear. However, it was promulgated in a different era. This meant that there were many obscure terms and references for an age long gone. Like the schools of northern France, it was up to scholars to utilize the tools of the liberal arts, especially logic, in order to clarify and explain the application

¹⁰ Ibid., 54-61.

¹¹ Anders Piltz, *The World of Medieval Learning* (Totowa: Barnes and Nobles Books, 1981), 65.

of the law. What emerged was a movement of “judicial scholasticism” whereby the previously seen scholastic methods were applied to the study of law.¹²

Yet the *Corpus Iuris Civilis* had been promulgated long after the fall of the Roman Empire in the west. There was an attempt to reintroduce it into the west following the sixth century attempt of the Byzantine Empire to retake Italy; failing at that, however, the Byzantine possessions gradually diminished to a few hold outs in the west and the code was largely lost. Nonetheless, the twelfth century was marked by the reappearance of this magnificent work. We have records of the *Digestum*, one of the major portions of the Justinian Code, in Pisa in the early twelfth century. There are several stories as to how exactly it was rediscovered. Some say that it was carried to Pisa in a war, others that it was found in a library, long forgotten. The precise nature of how it was rediscovered is unknown but it began to be studied by several early legal masters in Bologna.¹³

Clear and logical, the *Digestum* begins with the following words:

Public law is the legislation which refers to the Roman state, *Private law* on the other hand is of value to the individual. Common law contains statutes about sacrifices, the priesthood and civil servants. *Private law* can be divided into three parts: it comprises regulations based on natural law and regulations governing the intercourse of nations and of individuals. Natural law is what is taught to all living creatures by nature itself, laws which apply not only to mankind but to every living creature on the earth, in the heavens or in the seas. It is this that sanctions the union of man and woman, which is called marriage, and likewise the bearing and upbringing of children: we can see that other living creatures also possess understanding of this law.¹⁴

12 Piltz, 65.

13 Stephan Kuttner, “Revival of Jurisprudence,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert Benson and Giles Constable (Toronto: University of Toronto Press, 1991), 206.

14 Quoted in Piltz, 67.

After this, the passage discusses international law, the distinction between laws which are *ius gentium* and *ius civile*, and other important variations and categories. In short, what we see is a very complex code of law which greatly favors organization and principles. Furthermore, we see that the nature of Roman law as defined by Justinian was far from being based simply on utilitarian purposes or what was most convenient. In other words, the law did not derive simply from what the state sees fit for the present period. Rather we see natural law come into play in determining the order of society. Civil law, by which order is maintained, is not entirely relegated to a subordinate position, but it is, nevertheless, not completely separate from natural law. This can be seen in the sense that civil law comes from a variety of sources such as senatorial decrees and decisions of the praetors of old, but it does not attempt to violate the natural law. The focus and purpose of law are simply to “live honestly, do no man injury, give to every man what he is entitled to.”¹⁵ Scholastic philosophers, such as Thomas Aquinas, would do a great deal of effort to further focus their efforts on clarifying the natural law utilizing the Greek and Arabic philosophical texts which were entering Christendom. These efforts would be important to clarifying natural law and thus further assisting the masters of law.

Additionally, the *Codex Iustinianus*, another major part of the *Corpus Iuris Civilis*, dealt with Christianity and the empire. This law dealt with the Trinity, nature of the Church including its property privileges and ranks, and various ecclesiastical rules and decrees.¹⁶ Along with the rest of the Code, this section would have a great impact upon the Church and developing Church law – also termed Canon law. Since the eleventh century, after the “Gregorian Reform,” the Church had broken away from being controlled by powerful laymen. It was becoming more

15 Piltz, 67.

16 Ibid., 70.

centralized, more bureaucratic, and more in need of organization.¹⁷ Like the various civil laws, the laws which governed the Church could also heavily vary and confused did indeed exist. As we shall later come to examine, Church law would later develop with the help of the growing jurisprudence.

Similar to the slow, but steady, progress made on absorbing ancient knowledge in the northern French schools, the *Digestum* itself was slowly absorbed and applied. What began was, similar to individuals such as Anselm of Laon, the glossing of the *Digestum*. The legal glossators were fascinated by providing glosses on the copies of the *Digestum* they produced and lectured upon so as to provide interpretations to their students. The glossators and jurists now beginning to rise were fascinating individuals. They possessed “a disposition to push a principle to its extreme logical consequences, and an equally strong disposition to harmonize it at all costs with a seemingly contradicted principle; a passion for classification, for definition and minute distinction, a genius for subtlety...”¹⁸ Nonetheless, the progress made by these glossators was monumental. In the eleventh century, the *Digestum* was first glossed at the “school of Pavia” - located in Lombardy – in which commentaries such as the *Expositio* were first published. What is most interesting is that the *Expositio* was a part of the *Liber Papiensis* which was “a compilation of royal ordinance and statues, established for the Lombard (Germanic) population.” This meant that the Roman law was thus seen as able to play a part in the places where the Germanic law was amorphous. In other words, as early as the eleventh century, scholars were

¹⁷ Vinogradoff, 53.

¹⁸ Hastings Rashdall, *The Universities of Europe in the Middle Ages: Volume 1, Salerno, Bologna, Paris* (Cambridge: Cambridge University Press, 2010), 254.

making use, and applying, Roman law to practical matters of governance.¹⁹ Furthermore, not only was the Pavian school a “mine of information” but it also utilized a comparison of different texts and reasoning in addition to its references to Roman law! We can see that several important elements of scholastic methodology were, even at this early stage, coming into usage.²⁰

There were glossators far more influential than those who compiled the *Liber Papiensis*. Irnerius (d. 1125) was a pioneer in glossing the *Corpus Iuris Civilis*. He lectured and performed his legal work in the city of Bologna; eventually his glosses were published and became viewed as authoritative in regards to civil law. Yet what is most significant about the glosses which were published by Irnerius is the fact that they dealt with the practical realities of the era in which he lived in. His glosses did not only elucidate upon the meaning of portions of the text, but strove to demonstrate how the law could be utilized in various contemporary situations. This new method was not only a significant development, but was attractive to other interested scholars who came from across the Alps to learn. Upon his death, several of his devoted disciples carried on his work.²¹

These disciples were very important for continuing the revival of jurisprudence. For example, Bulgarus (d. 1167) wrote the powerful legal commentary, *De Regulis Iuris* (On the Rules of Law). This important work further clarified and provided details about the importance

¹⁹ Kutner, 302.

²⁰ Vinogradoff, 38.

²¹ Borkowski, 365 -366.

of civil law. Bulgarus even arranged mock trials between his students. These trials did not simply involve simply memorizing legal terms, but in utilizing logical thinking and legal precedents.²²

Impetus for the Further Development of the Study of Law

The study of the revival of jurisprudence is not simply a tale of well-meaning scholars working hard to create a better society. Ironically, one of the main impetuses of the study of law was the commencing of hostilities between the papacy and the Holy Roman Empire. Founded by Otto I (912-973), the empire ruled Germany and certain other surrounding areas, such as modern-day Austria and Switzerland, and laid claim territories in Italy. The empire exerted a great deal of control over the papacy during the eleventh century; nonetheless, this came to an end during the great Gregorian Reform of the Church. The second half of the eleventh century was characterized by a dramatic focus upon reforming the corruption and moral depravity seen in sections of the clergy. Not only did the marriage of clerics become banned but a crackdown on clerics keeping mistresses was also enforced. The papacy, weak for centuries, began to take an exponentially more active role in the direction of the Church. Furthermore, an emphasis was put upon taking away lay control over the Church. For a long time the twin evils of simony, the buying and selling of ecclesiastical office, and the control of ecclesiastical affairs by secular lords, including the appointment of popes, had held sway. By 1075, Pope Gregory VII sat on the chair of Peter and was determined to enforce the Church's independence as well as correct such moral failings among the clergy. What began was a ferocious conflict between Gregory and Henry, one which would mean nearly five decades of civil war in Germany which only ended with the Concordat of Worms in 1122.

²² Janin, 67.

The Concordat of Worms did not end the rivalry between the German monarchy and the papacy. The tensions between the two would flare up repeatedly throughout the rest of the Middle Ages. The Emperor Frederick I Barbarossa (1155-1190) devoted his entire reign to rebuilding the power of the German monarchy and got himself into a war with the papacy as a result of his actions. These conflicts are significant for our purposes as they were wars not only fought with swords and hosts of armed men, but with words and armies of scholars. Both sides had propagandists and thinkers who greatly supported them which included theologians and – most significantly for us – jurists.

Irnerius is now primarily remembered for his incredible contributions to the revival of the study of law. Yet he was also extremely politically active and used his knowledge of the law for the benefit of the imperial faction during the Investiture Conflict; it was a move which ensured his excommunication by the Church. As the *Iudex Boloniensis* (judge for Bologna) he was in a great position of influence. He took on legal cases for both anti-papal individuals such as Henry V of Germany and papal supporters such as Matilda of Tuscany.²³ Irnerius in the context of the Investiture Controversy shows us two points. First, Roman law was beginning to become esteemed enough that major political figures – even who of opposing sides – were beginning to consult individuals who understood it. This is an important point as it ensured that impetus would be given for the establishment and further development of law schools. Second, we see how the study of law could be viewed as dangerous.

The “dangerous” aspect of the study of law is encapsulated best in the next chapter of imperial-papal tensions: the aforementioned Frederick I of the Holy Roman Empire. Frederick I

23 Southern, *Scholastic Humanism*, 1: 280-281.

was determined to recover the lost glory of the imperial crown; to do so he realized that it would be important for him to establish a power base. Germany was plagued with dissenting nobles, a fact which would have complicated any attempts for Frederick to build his power up there. Therefore, he decided to turn his eyes to Italy and Burgundy. In what is today Southern France, Burgundy was a prosperous region which Frederick easily acquired through marriage. The real trouble came to exerting his rule over northern Italy. Here Frederick decided to employ the civil law of the Justinian code to defeat two of his problems: the city states of Italy and the need for a foundation for the German monarchy. The latter point was extraordinarily important as the Investiture Controversy had devastated the monarchy's foundation of power which a concept of "sacred kingship."²⁴ This meant that the king was viewed as not only having a divine right to rule but was viewed as a cleric in his own right, as part of the Church. This did not mean that the king could celebrate the sacraments but it gave him his own unique position as monarch whereby he presided both over the civil and ecclesiastical (including the appointment of bishops) matters of his territory. Unfortunately for Frederick, the Investiture Controversy had rendered this notion of kingship to be defunct.

Using Roman law, Barbarossa believed he could justify his attempts to take control of Italy. Norman Cantor states that "By laying claim to the legal prerogatives of the Roman emperor, Barbarossa justified political absolutism and the enhancement of his authority in Germany; in addition, he could use evidence of the Justinian code to assert his sovereignty over the Italian cities." This view makes sense as the Justinian Code put the emperor in a position of supreme interpreter and institutor of the law. The Holy Roman Emperors were considered, after all, to be the reestablished emperors of the west; or at least they claimed to be. The German

²⁴ Tierney, 78.

monarchs were not the only ones who made use of Roman law; other kings moved to introduce Roman law into their kingdoms. The kings of France, for instance, made use of civil lawyers in running their royal administration. This is important as the French monarchy would utilize lawyers to build a bureaucratic state which would further weaken the nobility and strengthen the central monarchy.²⁵ The use, and patronage, of the law by certain secular powers gave further impetus to the study of law. The fact that law was seen as useful to the development of certain kingdoms created a greater demand for skilled individuals with a knowledge of Roman law.

Canon Law

It was not only the secular states which had this fascination with the revival of law. Papal government was becoming a great deal more complex. The Investiture Controversy had largely broken lay control over much of the Church but this meant that the dioceses and monasteries looked directly to the pope now. This meant that a great deal of business and petitions regularly flowed into Rome. Rome became a hub of activity with litigants, petitioners, ambassadors, legates and others flowing into it to see the papal curia. To handle such a tremendously increased flow of traffic, a large body of bureaucrats would be needed. Furthermore, when making decisions on the running of the Church what was needed was the wisdom and decisions made in the preceding centuries. A massive and completely unorganized body of material awaited anyone so intrepid as to undertake the study of it. Nonetheless, by the first half of the twelfth century this is what was happening. What began was the formulation of a Church law, canon law. Unlike Roman law, however, canon law was a constantly changing and evolving law. It was built on the Bible, Church Councils, patristic writings, and the decrees and pronouncements of popes. It was

²⁵ Ibid., 311-312.

the duty of the earlier systematizers of canon law to examine a massive variety of materials, some of which were inconsistent with one another, and to harmonize and interpret. The ground for this was laid by a variety of individual, several of which shall now be examined.

In the late eleventh century, there were scholars in northern France, such as Ivo of Chartres and Burchard of Worms, who attempted to further the organization of canon law. Burchard of Worms (950-1025) put together an early work on canon law which covered a wide range of topics. Divided into twenty books, the work covered a wide range of topics. The first four chapters, for example, were:

1. The pope, archbishops, and bishops : their election, qualifications, an powers;
2. Holy orders in all their aspects;
3. Churches, their alters, masses, burials, powers of sanctuary, and necessary books;
4. Baptism, catechumens, confirmation; and the position of the unbaptized element (the Jews) in a baptized society.²⁶

Other chapters included such topics as contemplation, penance, and fornication, among other elements. Although we can credit Burchard for his attempt to organize canon law, there are various problems with the work. First, certain things contained within have no bearing on legal processes. Second, Burchard drew on a wide variety of sources. Some of these sources, such as Augustine, are very reliable whereas others are not. His sources are also sometimes untraceable as he does not provide enough information. There are quotations whose authenticity we cannot verify.²⁷ Such sloppy errors limit Burchard's work in spite of its historical importance.

²⁶ Southern, *Scholastic Humanism*, 1: 245.

²⁷ Ibid.

Ivo of Chartres (1040-1115) performed a little better. Ivo wanted to organize canon law so as to create a work in which it would be easy to locate certain documents. One can see the similarities this had to Peter Lombard's work. The difference was that Ivo specifically saw his work in the context of canon law itself. This *Decretum*, as it is termed, has its good points but also its limitations. On the one hand, we are told by Ivo that he used a variety of sources including “extracts of ecclesiastical rules, partly from the letters of the Roman pontiffs, partly from the conciliar decrees of catholic bishops, partly from the treatises of orthodox Fathers, partly from the regulations of catholic kings...” All of this material is fine, but it is evident that he is not a lawyer and that his methodology is rather simple in comparison to future scholars of canon law.

He writes not as a lawyer, but as a pastor. For example, he notes that certain material in his work (i.e. the sources he utilized) may appear to contradict one another. He advises the reader that he ought to “consider that there are some things that are to be understood rigorously and others with flexibility. The reason for this is that some extracts represent judgments and others are counsels that are to be interpreted mercifully. The guiding principle of the whole building is charity: that is to say, a concern for the salvation of our neighbours, which requires us to do unto others as we would be done unto.” This quote demonstrates the spiritual importance which Ivo attached to his work. It also demonstrates that it could not be the model text upon which the study of law was to be built. Written from a pastoral perspective it could not, in spite of the large number of texts it used as sources, significantly contribute to the growing program for canon law.²⁸

28 Southern, *Scholastic Humanism*, 1: 257 – 260.

The ground for this was laid by Bernold of Constance (died in 1100). Bernold established a method of “historical criticism” whereby texts which were in conflict with one another would first be described. After that he wrote that:

We can easily show that these different opinions are in harmony with each other... Even when regulations point in different directions we should attempt to establish the validity of their implications so that we do not casually write off their dissimilarities as irreconcilably inconsistent. We do know that they have been promulgated and confirmed by apostolic authority. It is therefore our constant duty to attempt to discover an import in these regulations that will prevent them from ever conflicting with each other.²⁹

Bernold also established rules for interpretation including:

Take the total context into account.

Compare different decisions with each other. One is often explained by another.

Take account of the period and the environment, the people the regulations refer to and the reasons for making it.

Make a clear distinction between discretionary directions which apply until further notice and universal and eternal regulations.

Examine the authenticity of a text carefully and whether it has perhaps been falsely ascribed to an author or has been inserted spuriously in a genuine text.³⁰

These two quotes from Bernold are incredibly important. They demonstrate that like the theologians of northern France, he too was applying logic to his subject. By crafting a methodology to study the sources of canon law, Bernold was making it easier to understand the sources. Apparent contradictions and inconsistencies could not exist in sources of divine

29 Quoted in Piltz, 74.

30 Piltz, 74-75.

authority. Bernold held that there was no contradiction and that by utilizing logic it would be possible to expose the truth.³¹

Bernold was important for the development of the revival of jurisprudence, but he was not the most important thinker. To the contrary, there was a think who was far more influential and whose work was revolutionary: Gratian. We don't know a great deal about Gratian. Writers after his death say he was a member of the Camaldolesian Order, a small branch of Italian Benedictine monks. Due to his writings, it appears that he possessed a familiarity with law courts. He also seems to have been acquainted with the work of some of the schools of northern France. Certain later writers even appear to maintain that he was a teacher of canon law itself.³²

Gratian's work, *Concordia Discordantium Canonum* (Concord of Discordant Canons), was a monumental achievement. There are three main characteristics of the *Concordia Discordantium Canonum* (also commonly called the *Decretum*). First, Gratian wished to collect in “everything capable of being given legal definition” from a wide variety of sources including Ivo of Chartres, and Burchard. Second, addition to this comprehensiveness, Gratian focused on the exact processes of legal situations. Finally, he leans toward seeing “every area of life as a possible subject for litigation in an ecclesiastical court.” Gratian's *Decretum* gives examples of canon law disputes on virtually everything possible. Much of the *Decretum* is hypothetical case after hypothetical case of litigation. Many of these cases, from the fairly trivial to the incredibly serious, are highly complex affairs. Additionally, he does not simply compile but develops. The use of examples is incredibly important as it greatly assisted future lawyers with developing their own knowledge of how to apply the law. Gratian's work is not simply a work of principles but

31 Ibid.

32 Southern, *Scholastic Humanism*, 1: 286-287.

also of practice.³³ Interestingly enough, Gratian's work thus had similarities to Abelard's *Sic et Non*. Throughout the *Decretum*, Gratian writes as a lawyer. This is important as it ensures that the focus is on the inner workings and sources of canon law being applied to possible legal situations – unlike Burchard.³⁴

It makes sense that Gratian had some familiarity with the work of the northern French schools. In the first chapter, we saw how the northern French scholastics were laying the groundwork for future developments. When it comes to canon law, we see that a great deal of theology was required. This was a time when Catholic doctrine was being clarified and cleared of ambiguities. These developments were very important for Gratian as his work had details to consider which the civil jurists, such as Irnerius did not. Gratian was focusing on legal actions that would result due to confrontations arising over points of doctrine such as marriage, the Eucharist, and other facets of life which were theological.

The *Decretum* weaved theology and legal theory together, something incredibly difficult to do. What made it even more difficult was that Gratian did not have predecessors in the same way that Peter Lombard had when he wrote his great work of systematic theology. Lombard had decades worth of predecessors, some of whom he knew personally, and their writings to make use of. Gratian's work was something that never before existed in his field. In a way it can be seen as an encyclopedia of sorts – only in relation to canon law. It did, however, have its problems. It was nowhere near as systematic as

³³ Southern, *Scholastic Humanism*, 1: 306.

³⁴ *Ibid.*, 287-291.

Lombard; even Ivo of Chartres and Burchard were more organized than Gratian.³⁵

The *Decretum* was most likely completed between the years 1140 and 1142. To complete it, Gratian employed four thousand extracts from a variety of sources including conciliar decrees, writings of the Early Church Fathers, and papal letters and decrees. These extracts most likely dated from the earliest days of the Church until the reign of Gregory VII in the late eleventh century. To locate this work, he used earlier compilations from individuals such as Ivo of Chartres and Burchard. The main difficulty for Gratian was his finding passages which can be employed for the use of canon law in particular from these early compilations. Gratian also employed much contemporary material – such as recent papal decrees – which demonstrated that he was kept well aware of current developments.³⁶

Gratian was also aware of Roman law. We understand that – although exact dates are unknown – Gratian most likely began his work in the 1120's. Early on it would appear that the new findings in Roman law played a minute role in his work. Later portions of the *Decretum*, however, were highly influenced by Roman law. One possible reason is that, due to pro-imperial attempts to utilize Roman law to acquire an advantage over the papacy, Roman law was negatively viewed. Yet from the 1120's to the 1140's, a great change began to take place in which Roman law began to become more positively viewed. This was an era in which society itself was becoming more complex. With re-urbanization, increased commerce, and the reemergence of bureaucratic governments taking place, society itself needed more efficient ways of regulation. For many churchmen this meant disputes over marriages, property in relation to the Church, and clerical appointments.

35 Southern, *Scholastic Humanism*, 1: 290-291.

36 Ibid., 292-295.

We have seen how northern Italy was perfectly situated to become a center for the study of law. With scholars such as Irnerius there at the time, clerics from northern Europe began to come to study law in northern Italy as well.³⁷ Arnulf of Lisieux came from France, for example, to study Roman law in 1133. But it was not only lone churchmen who came; rather various churchmen in positions of power began to encourage others to learn to understand Roman law. Gilbert Foliot, who eventually became a bishop in England, advised on the importance of studying Roman law as a way to more efficiently manage episcopal government. In 1143, the Archbishop of Canterbury, Theobald, found a rapidly increasing number of legal disputes being brought before him. Thus, he recruited the Italian lawyer, Vacarius, to come to England to be a part of his court. These examples demonstrate that throughout the Church Roman law was beginning to be rehabilitated. Gratian was supported by the papacy in his work and thus had been, in his early days of writing, initially hesitant about incorporating Roman law. The fact that Gratian's work would be the foundation of all canon law onward meant that Roman law's incorporation into the *Decretum* virtually ensured that it would not be looked down upon.³⁸

The influence of Gratian's *Decretum* cannot be understated. First, it helped create a “comprehensive and systematic code of church law” which “facilitated the creation of a great international, ecclesiastical, judicial system centered on the papal court during the twelfth and thirteenth centuries.” Second, it greatly helped further develop canon law and was instrumental in furthering the centralizing tendencies of the papacy after the Investiture Controversy. Canon law's development would provide a firm foundation for appeals to Rome and for the Church to

37 Ibid., 298.

38 Ibid., 298-301.

be more efficiently governed and maintained.³⁹ Third, it greatly assisted the development of Bologna as a university because it was intensely studied and assisted in the development of legal thought.

The Rise of a University

Turning back to Bologna it must be once again stressed that the University of Bologna was slowly established. Bologna which took the prize as the capital of legal thought. By the twelfth century, Bologna was home to a rich variety of schools. There was the official cathedral school which educated the clergy and a variety of other schools, which were independent from the Church, which educated clergy and laity as well. One important effect of these schools was to ensure that a degree of literacy, high in comparison to much of Europe, was kept. Being a town of commerce and travelers, which also made it a center by which information was conveyed, the schools were instrumental in teaching, among other things, the art of letter writing. As a model, students studied works by Jerome, Augustine, Cicero, Horace and other classical authors.⁴⁰ Also similar to Paris was the great deal of schools centered around individual masters that were teaching. By the mid-eleventh century, Roman law was viewed in a positive light and an extraordinarily increased interest in it ensured that students from across Christendom would be coming to study. Bologna was assisted by the papacy, now a full ally in the growth of jurisprudence. Pope Alexander III (1159-1181) strongly promoted the teaching of law. Part of this promotion included sending a papal legate to Bologna in 1176 to inquire into the welfare of

39 Borkowski, 365.

40 Southern, *Scholastic Humanism*, 1: 272-273.

the masters and students there. Students would usually meet in the greater halls of convents for classes.⁴¹

The organization of Bologna, however, was a great deal different from that of Paris. This was a difference which would mark universities in Europe which were south of the Alps. Universities which were north of the Alps were built around the corporate body of professors having the greater deal of power. South of the Alps, however, was an entirely different matter. Here the students held complete authority over the running of the university, including the hiring of professors. An exception to this was in the matter of examinations which the professors, of course, maintained their control over. Additionally, the masters had their own college in which they could award advanced degrees which we have seen were instrumental in creating new faculty.⁴²

The precise management of the University of Bologna was rather more confusing than the University of Paris. This is because the University of Bologna was technically several “universities.” Like Paris, Bologna had several faculties including the arts, law, and medicine. Each of these faculties was divided into two “universities.” The first university was for students that were “this side of the mountain,” *universitas citramontanorum*, and only catered to Italians. The second was for students who came beyond the Alps, *universitas ultramontanorum*. This arrangement came about as students found themselves, upon arrival, at the mercy of the townspeople. Many of the students were, after all, foreigners and could be taken advantage of. As a result various student nations – similar to those in Paris - began to form first before they evolved into this system. The aggregate of the *universitas ultramontanorum*, in all faculties, was

41 Janin, 55-56.

42 Ibid., 56.

comprised of fourteen nations by 1265. We must remember that a university was simply a corporation of students. The fact that it was seen as important for separate corporations of students to be formed for foreign students is a sign of how important the study of law was becoming throughout Europe at this time.⁴³ The professors also had their own corporate body, the *collegium doctorum* (association of the masters).⁴⁴

It must also be noted that the university of students elected a rector which the college of masters had to swear allegiance to.⁴⁵ This was challenged by the town which, as we shall soon see, tried unsuccessfully to subject the students to the local law. Nonetheless, the rector remained and the 1245 statutes of the university recognized the right to elect him – citizens, however, were never to be under his authority.⁴⁶

Bologna received in a boost in 1155 when Frederick Barbarossa issued a decree entitled *Authentica Habita*. This decree was designed to protect students in Lombardy and elsewhere. The decree appears to even have been viewed as a founding document of sorts. Possibly petitioned for by the scholars of Bologna, the *Authentica Habita* was to eventually have a wide-ranging influence as it formed a foundation from which jurists could eventually interpret *privilegium scholarium* (scholarly privilege). This is important as *privilegium scholarium* gave certain rights to students. The *Authentica Habita* firmly decreed that “Therefore we promulgate a law, applicable universally and eternally, so that nobody will dare cause any harm to students. Let them not suffer any damage caused by a fault of somebody of the same province as happened

43 Rashdall, 157.

44 Ibid., 57.

45 Ibid., 166 – 168.

46 Ibid., 174.

in connection with some perverse custom, and as was reported to me. Those who fail to repair those damages will be considered violators of this legislation and of the present government.”⁴⁷

The document even states that damages caused to students are to be repaid four times over!⁴⁸

Yet how would a master conduct teaching at Bologna? A typical class on law would usually include a master reading a legal text to the class – every single line; perhaps, if canon law, Gratian's *Decretum*, or maybe, if civil law, something from the Justinian Code. The master would not simply read, but carefully explain what each line meant and its application to his students. As one can imagine this required that the students be prepared to write an abundance of notes. To keep up in class with the professor the students would have to have first memorized a variety of legal vocabulary. Law books were divided into *puncta*, meaning parts, that were assigned to each day.⁴⁹ Odofredus de Denariis, a glossator and instructor, wrote a description of his style of teaching. He tells us that:

First, I shall give you the summaries of each title before I come to the text. Second, I shall put forth well and distinctly and in the best terms I can the purport of each law. Third I shall read the text [aloud] in order to correct it. Fourth, I shall briefly restate the meaning. Fifth, I shall solve conflicts, adding general matters (which are commonly called brocardica) and subtle and useful distinctions and questions with the solution, so far as Divine Providence shall assist me. And if any law is deserving of a review by reason of its fame or difficulty, I shall reserve it for an afternoon review session.

I shall always begin the Old Digest [part of the Corpus Iuris Civilis, the body of Roman law as codified by the Emperor Justinian in the sixth century] on or about the octave of Michelmas [which marked the feast of St. Michael the archangel] and finish entirely, by God's help, with everything ordinary and extraordinary [i.e., two different kinds of lectures], about the first of August. Formerly the doctors [masters] did not lecture on the

47 Quoted in Janin, 57.

48 Rashdall, 144.

49 Janin, 60-61.

extraordinary portions; but with me all the students can have profit, even the ignorant and newcomers, for they will hear the whole book, nor will anything be omitted as once was the common practice here. For the ignorant can profit by the statement of the case and the exposition of the text, the more advanced can become more adept in the subtleties of questions and opposing opinions. And I shall read all the glosses, which was not the practice before my time.⁵⁰

This quote is demonstrable of the manner of teaching in Bologna. It was expected that the instructor would present lucid and detailed explanations of the legal texts involved in the course. There are also certain intriguing elements in the second paragraph which shed light on how these teaching methods were developing. It seems that there was a tendency in earlier days to not cover certain perhaps in as a great a detail a others. Additionally, it would appear certain elements of texts were admitted. Odofredus proudly tells us that these methods of teaching are not practiced by him and that it would appears that things are changing. This makes sense as the increased popularity and importance of the University of Bologna meant that increasing standards would expect to be upheld.

The statutes of the university were formally issued in 1252, quite some time since the early days of its existence. By this time, students had come far and wide to the university and the university itself had accrued power. We have already seen how the masters of Paris had waged a struggle with the local townspeople. Bologna, like Paris, had the support of both secular states and the papacy. It also had the advantage of threatening to leave the city if masters and students were treated poorly. Riots and strikes were common at this time. During certain strikes the university would even follow its word and leave the city until the townspeople would negotiate a settlement with it. These “strikes” often cut off the local shopkeepers and merchants from a great

50 Quoted in Janin, 61.

deal of business that they would otherwise have gotten from the students and were, therefore, unsought. These incidents were often caused by conflict between the townspeople and university, papal decrees, and, among other factors, civil unrest.⁵¹

Despite such disturbances it would appear that the university managed to ensure that its students did indeed receive rights. The city of Bologna, eager to keep the university in spite of any unrest, understood that students had a right for compensation in the case of unfortunate events, such as fires riots. It also gave them a right to reduced food and rent prices and even gave them a status which, legally speaking, was close to a Bologna citizen's status.⁵² The Statutes of 1289 even goes so far as to declare that the city of Bologna must take extensive measures to protect the persons and property of students. They also state that the podesta of Bologna must work to enforce decisions by the rector of the university in cases of disputes between students.⁵³

The papacy was also extremely supportive of the University of Bologna. Not only did Pope Alexander III encourage the study of law, but he himself had training in law. In 1217, the podesta (head of a city) of Bologna required the students to swear an oath to follow the statutes of the town. Pope Honorius III intervened to issue a papal bull to the town to rescind the decree. In 1234, Pope Gregory IX ordered a compilation of all decretals relevant to conciliar and papal laws since Gratian (who died a little before 1160). A decretal was a reply to a letter to the pope

51 Janin, 62.

52 Ibid., 59.

53 Rashdall, 174.

for clarity of a practice of the Church. ⁵⁴Once the decretals were compiled, Gregory ordered that it be sent to the law faculties of Bologna and Paris to be further studied and taught.⁵⁵

The work done at Bologna was vital for the vivacious intellectual revival of the High Middle Ages. As an offshoot of that revival, Bologna's rise to a university would be a tremendous asset to the intellectual climate emerging in Europe at this time. It would form an archetype for universities of southern Europe, a model willing to be emulated. Other Italian universities would spring up – including Bologna's rival of Padua – and further the thirst for knowledge. The legal studies done at Bologna would ensure that the newly emerging bureaucratic governments of the secular states and the Church had a class of educated men to work for them. It also assisted in the further organizing of society, a society that was not governed by custom as it was in the dark days after the fall of the Roman Empire, but by rule of law.

54 Rashdall, 173.

55 Janin, 59.

Chapter Five: Conclusion

The civilization that emerged in the High Middle Ages was different than anything that had come before it. A fusion of Roman, Germanic, and Christian elements, this civilization was one that far surpassed even the ancient Romans themselves. The universities created were different than anything the ancient world had ever known. Neither the Greeks nor Romans ever had educational institutions which wove together such a variety of subjects. Nor did they possess institutions which had such a level of international interaction as the medieval universities. Furthermore, the universities of Paris and Bologna were independent of secular control. This ensured that intellectual exchange could be carried out in a relatively free environment.

The great intellectual pioneers of this era – Abelard, Aquinas, Adelard, Irnerius, Gratian, Odofredus, and others – blazed a trail which had a profound impact upon Western Civilization. We owe them a tremendous debt of gratitude for their intrepid spirit and love of knowledge. They themselves contributed so greatly to the creation of the universities in that the ideas and methods they developed had a profound impact upon the development of the intellectual culture at the time.

The universities were an important development in the history of humanity. They can be seen as so important that, in fact, they are an intrinsic part of our culture. The University of Paris and the University of Bologna both represent incredibly important pieces of this development. The theological and philosophical debates of Paris had a remarkable development upon the Church and the further development of the scholastic program. Bologna had a remarkable impact upon the development of law and the contributions made there would have an incredible impact

upon the development of legal thought across much of Europe. We can be greatly appreciative of the efforts of the great intellectuals who thirsted for knowledge and contributed to these endeavors. They were individuals whose work still has an impact upon us to the present day.

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