

THE LAWYERS AND THE CHURCH IN THE ITALIAN RENAISSANCE

It was Edmund Burke who made the remark that you cannot indict a whole nation, and perhaps the same conclusion may be applied to that fraction of a nation which is a learned profession. It is almost as difficult to describe the legal mind—or the academic mind—as it is that mythical entity the national character, and even more difficult to describe an influence on the rest of society. Nevertheless a learned profession does consist of a body of men who have had a common education, often have a high *esprit de corps*, and enjoy to some extent a common social position. Such a group often has an influence extending far beyond its professional function, and it is such a kind of influence which I propose to consider this morning, namely, some examples of the relationship between the legal profession and the church in the period of the Italian Renaissance.

It is a truism to say that in every age the history of law has been shaped by the general characteristics of the civilization of which it is a part. The lawyers' attitude towards their profession and their preparation for that profession have been often determined by intellectual interests that far transcend their immediate horizons. Sometimes, however, the process has been reversed and the lawyers have been found in the role of an *avant-garde* creating a significantly new direction in the intellectual life and interests of the community. Such was the case in the Middle Ages when Irnerius and his followers initiated the revival of the study of Roman Law at the University of Bologna. In the history of medieval renaissances, the recovery of the text of Justinian's compilation marks one of the most important stages. Indeed, it may be

maintained that this legal renaissance, one of the earliest in point of time, was fraught with the most important consequences for the history of European ideas and institutions. Imerius and his immediate followers were concerned with the establishment of the accurate text of Justinian's *Code* and *Digest*. When this had been accomplished, interest centered on an accurate exposition of the meaning of the text. The method by which this was expounded was that of marginal notes called "Glosses." Hence, we call the twelfth and thirteenth centuries the age of the Glossators of whom the greatest representative was Accursius who produced his great Gloss on the text of Roman Law in the twelfth century.

A later generation became more interested in the application of these authoritative texts to contemporary conditions than they were in the further exploration of their historical meaning. This effort to adapt Roman Law to feudal and ecclesiastical conditions culminated in the age of the post-Glossators in the fourteenth century. Bartolus of Sassoferrato who produced enormous volumes of commentaries became recognized as the most significant interpreter. By the time of Bartolus the teaching of civil law was firmly established in many of the Italian and some of the northern universities. A class of notaries, judges, and professors of law had been created whose relationships with the cultural life of the community they served has never been sufficiently explored.

In the earliest period of humanism in Italy we find that many of the lawyers contributed directly to the study of classical texts and the enthusiasm for the better apprehension of the classical past. In the pre-Petrarchan circle at Padua, for example, notaries and judges made collections called *florilegia* in which they assembled literary anecdotes and bits of wisdom culled from various ancient authors. In the follow-

ing period, however, as the interest of humanism became more self-conscious, we notice an increasing split between the interests and activities of the lawyers and those of the scholars who called themselves humanists. This is first apparent in Petrarch's lifetime and it can be illustrated by several examples in the corpus of Petrarch's writings.

Petrarch himself, like many others who afterwards became men of letters, had begun by studying civil law at Bologna. He had, however, afterwards revolted against it, and his judgment is well expressed in a letter written in 1340 to a young man of Genoa who had sought Petrarch's advice on the question of the merits of the legal profession as a career. Petrarch replied with an account of his own studies of the law and related that he had spent seven years first at Montpellier and afterwards at Bologna in the study of this subject. "If you ask," he wrote, "whether I regret this time today, I say I do. For I wish to have seen all things insofar as it may be permitted to me, and I regret and will regret, as long as breath is in me, so large a part of my life passed by. For I could have done anything else during these years which would either have been more noble or more apt to my nature." He says that he recognizes that great glory was formerly sought and achieved by many individuals in the study of the civil law. He cites ancient examples such as Solon who, however, he says gave himself in his old age to the pursuit of poetry. "The greater part of our legists," he declared, "who care nothing for knowing about the origins of law and about the founders of jurisprudence and have no other pre-occupation than to gain as much as they can from their profession, are content to learn whatever is written in the law about contracts, judgments, or wills and it never occurs to them that the knowledge of arts, and of origins, and of litera-

ture, would be of the greatest practical use for their very professions.”

This indictment by Petrarch was repeated and enlarged by his successors in the next and the following generations. One of the most characteristic preoccupations of the humanists was their interest in history. Their sense of historical time was largely based upon their researches in philology and their discovery that words could have different meanings in different epochs. Hence was born the notion of anachronism, and anachronism could be used as a weapon of historical criticism. This destroyed the basis of the Bartolist position, and the humanist invective against the lawyers became more intense and followed very much the pattern of the indictment already delivered against the scholastic philosophers. We find Maffeo Vegio, for example, in the second quarter of the fifteenth century condemning the lawyers for their lack of history and even blaming the compilers of Justinian's *Digest* for having proceeded in an unhistorical manner.

The most considerable attack on the Bartolists was, however, delivered by Lorenzo Valla in 1433. In that year the young humanist scholar, still in his twenties, had gone to the University of Pavia to take the chair of rhetoric. Like the other Italian universities of this period, Pavia was divided in its organization into the faculty of art and the faculty of law, the latter of which included both civil and canon law. Each faculty had its own Rector and its own organization and there had developed a considerable rivalry between the two schools. One day Valla came upon a group of law professors lavishing uncritical praise on the Bartolists. The remark was made that one small treatise of Bartolus, specifically the *De Insigniis et Armis*, was better than all the works of Cicero. Valla made an incredulous reply, and then immediately

sought a friend from whom he borrowed a copy of the treatise of Bartolus which he read with a growing sense of indignation and amazement that anyone could have made such a comparison. He then sat down and directed a letter to his friend Sacco who, although in the Law Faculty, shared Valla's views on the value of humanist learning. In this letter Valla used the most extravagant language in condemning Bartolus's treatise. He began by bewailing the times in which a judgment could have been made preferring a work of medieval jurisprudence to the golden tongue of Cicero. He pointed out that even in the title of the treatise of Bartolus there was an egregious error: "Insignii" should have been "Insignibus." He made the indictment as sharp as he possibly could and did not limit himself to a scoffing examination of the ideas of Bartolus. The least of the epithets applied to the medieval jurist are those of "ass," "idiot," and "madman." This letter to Sacco was subsequently redirected by Valla to the Milanese humanist, Piero Candido Decembrio. It was widely circulated in Pavia and a tremendous controversy developed around Valla and soon reached such an intensity that he was required to flee from the city and resign the Chair of Rhetoric.

Valla's attack on the medieval jurists marked perhaps the high point of humanist criticism of the Bartolist tradition. This criticism, however, continued in a whole series of treatises for the remainder of the fifteenth century and the repetition of satiric judgments directed against Bartolus and his followers became a commonplace of humanist discourse. In spite of this criticism, however, the prestige of the professional teachers of law in the legal faculties of universities continued to grow. In fact the courses given by the great professors of law became more popular than ever. Students

flocked from all parts of Italy and from the north to the great universities where a tradition of legal instruction had existed from the beginning. At Bologna, at Padua, at Pavia, at the University of Pisa, reconstituted after 1472, the lawyers enjoyed the greatest position and had by far the largest number of followers. To take but one example from the University of Pisa, in the official rolls of the university we find that from 1472 until 1525 there were but thirteen appointments in theology whereas there were over three hundred appointments to lectureships in the canon law and still more in the civil law. The effort to secure the services of the most eminent professors of civil and canon law became even more intense than it had been in the preceding period. We find the Republic of Florence intervening, for example, to prevent Bartolommeo Sozzini from leaving the University of Pisa to accept an appointment at Padua under the authority of Venice. In the first decade of the sixteenth century Filippo Decio became an object of contention not only between the Italian powers but also between the King of France and the Republic of Venice. The French king was willing to risk a diplomatic incident with Venice in order to get the services of Decio. Furthermore the great figures in the profession were paid sums altogether out of proportion to what was earned by anyone else in academic life. Thus Filippo Decio's salary rose to the unheard-of figure of one thousand florins annually in order to retain his services at Florence against invitations from Venice and Milan. His prestige derived in part from the fact that a legal education was regarded as a practical necessity for anyone who aspired to have a career in the affairs of Church or State, whether or not he hoped to become a practising lawyer. When the son of Lorenzo di Medici had become a Cardinal, his father was advised to

cease any further education in classical Latin and put him to the study of the law, which would be of the greatest value to him in his future high situation. Decio had among his pupils at the University of Pisa Cesare Borgia, Francesco Guicciardini, and Giovanni di Medici, the future Pope Leo X. Even rulers and governments deigned to take a particular interest in the harangues and lectures of the jurists. Lorenzo de Medici himself, accompanied by his friend, Poliziano, came to the University of Pisa to hear a debate between the Milanese lawyer Giasone del Maino and the Siense professor Bartolommeo Sozzini. This debate created an intense interest among the audience and so keen was the competition between these two eminent scholars that each of them was afterwards accused of having forged texts of the *Digest* in order to win his case. The very fact that the charge could be made indicates how much stock was put in the victory in such a contest. At a later date in the period when the French were occupying the Duchy of Milan, King Louis XII came to the University of Pavia to hear Del Maino expound a text of the *Digest*. These incidents are sufficient to indicate the high esteem in which the legal profession was held and the degree of influence that could be exerted by the most eminent professors of civil law. It is hardly possible that these men who taught thousands of students, many of whom were not bound for conventional legal careers, should not have influenced their students' thinking even on subjects which were not directly related to the texts of the Roman law. One of the most interesting questions to consider is their relationship to the church and the ideas that they may have imparted to their pupils about the ecclesiastical establishment.

In discussing the attitude of the men of the law towards the Church I will select examples from the period roughly

between 1490 and 1520 and from among the men whose reputation with their contemporaries was highest.

Jason or Giasone del Maino was perhaps the most prominent figure among professors of law in the latter part of the fifteenth century. He was born in 1435 at Pesaro where his family was living in exile from Milan because they had taken part in a conspiracy against the ruling Visconti. He considered, however, that Milan was his *patria* because it had been his father's home and, as the family were connected with the Sforza, they came to occupy a prominent position in the Duchy after the change of dynasty in 1450. Jason entered the University of Pavia in 1454 where he embarked upon the study of law. One of his masters was the same Catone Sacco to whom Valla had written his letter attacking Bartolus and the medieval jurists. Thus in Jason's education we find mingled elements of the humanist tradition and the medieval jurisprudence. At first Jason seemed to take but little advantage of his opportunities. He wasted his time in riotous living and a series of student escapades. His father agreed to pay his debts and apparently Jason entered upon a reformed career and gave himself to serious study learning classical languages as well as the law. Of Latin authors Sallust became his favorite and quotations from Sallust appear frequently in his later works. In 1461 he moved to Bologna, the oldest and at that time the most celebrated of legal faculties, in order to study with Alexander Tartagna of Imola and with Francesco Accolti who were the most respectable representatives of the Bartolist tradition. Returning to Pavia he took his doctorate in civil law in 1467. This was immediately followed by his nomination as Professor at Pavia, a nomination undoubtedly influenced by the connections his family enjoyed with the Sforza.

From the beginning Jason's lectures were extraordinarily successful. He commenced his course with commentaries on the *Code* and continued by taking up the first book of the *Digest*. His first publication was a treatise on tenures in 1477 and this was followed by extensive volumes of commentaries on the *Digestum Vetus*, on the *Infortiatum* and on the *Digestum Novum*. In 1485, after his reputation had been brilliantly established, he was called to the University of Padua and the service of Venice, and there he remained for three years and then removed to Pisa, the university which had recently been reconstituted by Lorenzo di Medici. His career at Pisa was exceptionally stormy, involving prolonged controversy with Filippo Decio, who had formerly been his pupil, and with Bartolommeo Sozzini, the irascible jurist of Siena. Under these circumstances his professorship of Pisa was soon terminated and he returned to Pavia where he taught for most of the remainder of his life during the period of the French occupation as well as during the last days of the Sforza dynasty. He died in 1519 full of honors and in possession of a considerable fortune. He had been made Councillor and Senator by Ludovico il Moro and by virtue of his connection with the Sforza family he assumed the title of Count and Knight. He served the state of Milan as Ambassador on the occasion of the election of Alexander VI to the papacy and he was given many titles and rewards by Louis XII who honored him on one occasion, as I have noted above, by coming in person with members of his court to hear Jason expound a text of the *Digest*. His motto was, appropriately enough, "Fortune comes to him who deserves it."

In his will he provided for numerous charitable bequests and also made regulations for the erection of his tomb with

the curious inscription, "Here lies Jason del Maino, whoever he was" [*quisquis ille fuit*]. This epitaph is still to be seen in the church of St. Anthony in Pavia. Another and much more elaborate epitaph was circulated and is recorded in contemporary eulogies of Jason, but so far as I know it was never inscribed on a monument. This epitaph in Latin verses consists in a curious dialogue of which I give the following free translation: "Who lies in this tomb?" "Who?" "The great Jason." "Do you mean he who was enriched by the golden fleece?" "One far more famous than that Jason." "Who then, I beg of you?" "Jason del Maino, the great glory of the Imperial law. There was no one more learned in the law than he, nor anyone who could better restore the dead law of the ancients."

In his attitude towards the ecclesiastical establishment and towards the doctrines of the church Jason appears to have been a comfortable conformist. There was even published at one time a rumor that he aspired to be named a Cardinal by the Borgia pope. His lectures opened with the appropriate invocations and in his writings and in his will we find the formulas of the conventional religious appeals. Furthermore he participated fully in such contemporary observances as pilgrimages and the glorification of relics. On one occasion he asked the Venetian government to grant him a safe conduct in order that he might make a visit to the bones of St. Anthony at Padua.

With all this there are nevertheless indications that Jason's interests were only conventionally directed towards the observances of religious beliefs. Certainly in the period of the intense struggle between Louis XII and Julius II at the time of the Council of Pisa in 1511 Jason preserved a neutrality which made it possible for him to continue his career without

opposition from either king or pope. Most interesting in this connection is an exhortation which Jason gave to his students at the opening of his course in Padua in 1487. This exhortation is printed at the beginning of his commentaries on the first part of the *Digest*. It consists almost entirely of a paraphrase of Sallust's first paragraph in his history of Catiline's conspiracy. Jason pointed out to his students that humankind was divided into body and soul, that the body was mortal while the soul was immortal and that it was necessary therefore to cultivate those virtues which partake of the soul rather than those pursuits which are served by the body. He closed by quoting Isocrates who had said to the King of Cyprus, "Since your body is mortal and your soul immortal, strive that by the benefits of your virtues you may have an immortal memory of your soul." It is the immortality of the memory of the soul in this world for which Jason is pleading, that is to say, fame rather than immortality in a conventionally Christian sense. Indeed, although Jason had changed a few words in Sallust's paragraph in order to make the language more palatable to Christian ears, there is very little in the passage which would not be found perfectly acceptable in a world which had not known Christianity. To argue from this one exhortation to his students that Jason was less Christian than many of his contemporaries would doubtless be to go too far. We can, however, see in this passage how much the familiar theme of fame and the interest in the survival of one's reputation had gripped him and, to this extent, he represents both medieval and renaissance traditions. A far more apparent revolt against the church can, however, be traced in his celebrated pupils.

Among these was Filippo Decio, the younger son of a family of the minor nobility in Milan during the period of the

Sforza rule. Educated originally in literature and the arts to serve the Sforza as a humanist secretary, Decio was attracted to the profession of the law by the example of his elder brother. He attended the University of Pavia and had so successful a career there that he acquired a reputation as a prodigy and began at a very young age to hold public disputations which gained for him the admiration of both students and faculty. In 1473 he was called to the University of Pisa at first in a minor capacity but his talents soon won him an appointment from Lorenzo de Medici to a regular position in the academic hierarchy. Decio then entered upon a stormy career in the university marked by rivalries and dissensions not only with other professors but also with the officials of the University in Florence. He complained of his salary, of the hours in which he had to lecture and of the degree of prestige which was accorded him. In spite of these difficulties his salary was regularly advanced until he was receiving more than any other professor. After the French invasion of 1494 the university entered upon a difficult period and Decio was willing to listen to invitations from elsewhere. He accepted a post at Padua in the service of the Venetians in 1501 but left abruptly four years later on the urgent request of King Louis XII himself to return to the University of Pavia. When the French king entered into his conflict with the pope in 1510, the legal advice of Decio was solicited to support the French dominated Council of Pisa and Decio was willing to argue for the king that the legal power to convoke an ecumenical council resided not only in the college of cardinals as a whole but also in a part thereof or even in certain circumstances in the cardinals as individuals. Decio's advice to the King of France on this occasion was afterwards published in a *consilium* which is of interest in

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indicating the position which an eminent lawyer of professed orthodoxy could take towards the papacy on the eve of the Reformation. It cost Decio an excommunication from Rome but it became a document frequently cited during the Reformation debates.

In his argument Decio maintained that a pope can be brought to trial for scandal or crime as well as for heresy. In the event of manifest delinquency a part or even one of the college of cardinals can act for the whole body. Decio no doubt built on theories already developed in the time of Marsilius and Occam and elaborated during the debates of the conciliar period. Nevertheless, his *consilium* contains some ingenious reasoning on the *ius collegii* and it represented a considerable attack on the institutional position of the papacy.

A still more daring attack on the institutions of the contemporary church came from the pen of Andrea Alciato, who was universally regarded as the leading jurisconsultant of his generation. Likewise a pupil of Del Maino, Alciato was a Milanese educated at Pavia but his influence extended far beyond that of his masters. He taught in France in the universities of Avignon and Bourges as well as in the great Italian centers. He became the friend and correspondent of Erasmus and many other humanists of his generation and combined to a previously unprecedented degree a knowledge of classical literature, history, and the sources of Roman law. Indeed he became the founder of a new school of jurisprudence, based on the principles of humanist exegesis with an appreciation of the importance of the interpretation of the Roman law as a living common law as it had been developed by Bartolus and other practitioners of his school. He lived through the first half of the sixteenth century and although in

the end he remained loyal to Rome, some of the works of his early career, particularly in the period before Luther made his protest, show how tenuous was his acceptance of the orthodoxy into which he had been born.

Among these works is a little treatise *Contra vitam monasticam* written probably in 1515 or 1516. This is in the form of a letter to a friend who Alciato had heard has entered a monastic order. This step has so distressed Alciato that he marshals all the arguments he can think of against the institution of monasticism in an effort to dissuade his young friend from this decision. He attacks the issue on its most fundamental basis by examining not only the abuses but the very *raison d'être* of the monastic vows. Although the times he feels are such as to prevent him from being entirely frank, he is willing to maintain that the life of Christians who live in the world as Christians but free from sacred vows is more acceptable to God than a separate order set apart from the world and presumed to accumulate a special merit in heaven. This is the original and striking note in Alciato's argument; he raises a question which was to find an answer in the revolutionary rejection of monasticism by so many of the leading figures in his own and the immediately succeeding generation. An institution that had lasted more than a thousand years in western Christendom crumbled in the sixteenth century. Erasmus, Luther, Rabelais, and many lesser figures repudiated a conventual existence and in different ways proclaimed that the true Christian life could be realized in the world. The letter of Alciato shows that this revolution was by no means limited to those who had experienced the monastic discipline.

The less original line of argumentation in the letter contrasts the early history of monasticism with its present mani-

festations. Alciato denies that monasticism was an institution of the primitive church but even after it was established, it existed in a purity which has sadly degenerated in recent times. Although monks in the early days were ready to suffer martyrdom for the faith, the monks of today shrink from any sacrifice even when much of Christian Europe is oppressed by the alien Turk. Monasticism in the time of St. Francis was devoted to the poor and St. Francis himself lived by this rule. If he could return to life now what would he think of the Franciscan order? Turning to a different line of argument and one which was to find an echo in the eighteenth century in Gibbon, Alviato voices the opinion that perhaps the Roman empire fell because there were too many monks and men were deflected from patriotic and military service. He maintains that it requires no courage to embrace the monastic life and concludes that on every ground—historical, moral, or dogmatic—there is no justification for the step his friend has taken.

Alciato confided his treatise to a scholarly friend of his who was a bookseller in Bologna. This friend in turn sent the manuscript to Erasmus who he rightly thought would be interested in it because of the strictures on monasticism in the *Praise of Folly* which was then circulating in the European world. After the condemnation of Luther, Alciato began to fear for his own reputation and he wrote to Erasmus to see whether he could recover the manuscript of this work on so dangerous a subject. Erasmus replied saying that Alciato's work was in safe hands and that he need fear nothing; but he did not return the manuscript. Later appeals met with a similar fate and Erasmus in fact never returned the treatise nor did he destroy it as Alciato had begged him to do. On Erasmus' death it passed with his other manuscripts to his

heir Boniface Amerbach of Basel and from him eventually found its way to the Netherlands where it was published in the seventeenth century and immediately put on the Index by the Roman Church. The deviations from orthodoxy of Alciato were thus known to but few in his lifetime and the most respected lawyer of his generation was able officially to dissociate himself from protestantism.

It is obviously impossible to suggest conclusive generalizations from the few examples I have been able to consider this morning. It is nevertheless a significant fact that two lawyers as eminent and influential as Decio and Alciato should have attacked such fundamental parts of the ecclesiastical structure as the position of the papacy and the institution of monasticism. The *consilium* of Decio was public while the treatise of Alciato was privately circulated but we cannot help wondering whether the thousands of students who heard these men lecture imbibed similar views or at least hints of antagonism toward the contemporary church. In any age gifted lecturers give to their students far more than a mass of professional information and in the view of the world presented by the great lawyers of the Renaissance we should not be surprised to find a considerable strain of anticlericalism, manifest in many different ways. It appears not only in formal treatises on points of institutions and dogma such as the ones we have considered this morning but also in hundreds of *consilia* and records of particular cases. Lawyers who entertained doubts on the validity of monasticism were apt to deal severely with monasteries in cases involving property rights. Even lawyers who taught courses in canon law as Decio did could whittle away the rights of clerics when these were invoked in particular cases. The many tomes of *consilia*, case books, commentaries and treatises on special

subjects need to be searched to investigate further the attitude of the lawyers toward the ecclesiastical establishment.

On the basis of the indications before us a few tentative generalizations on this subject may be suggested.

In the first place it is clear that the lawyers not only reflected but also positively contributed to the growth of a secular attitude in fifteenth and sixteenth century Italy. When Guicciardini, for example, states his low opinion of the church which he nevertheless served so well, may we not trace one element in that attitude to his experience under Decio on the benches of the University of Pisa?

Secondly, among the lawyers the long discussion in the fifteenth century of the correct method of studying the law led at least some to be more receptive initially to the reformers. After all, the latter proposed to teach the Christian texts in the same way in which the lawyers were expounding the *corpus iuris*. A difficult passage in St. Paul was to be understood by the application of the same techniques of historical and philological explanation as had been applied to a difficult text in Justinian's *Digest*. Was not the attack on Trebonian by the humanist lawyers parallel to the attack on the scholastic theologians by the followers of the new learning? Not only in Italy but also in the rest of Europe the early years of the Reform show a significant number of adherents to the new doctrines recruited from the legal profession. The Piedmontese Nevizzano was one of the earliest in Italy to express sympathy for the doctrines of Luther. Later Matteo Gribaldi Mofa was among the significant figures who repudiated the church of Rome. Both these men were distinguished lawyers and the Sozzini family of Siena which represented one of the great legal dynasties in Italy gave to the world the famous heretics identified by their name. In the north the constella-

tion of legal names initially attracted to the Reformation is even more striking. In France it includes the great legist Dumoulin, the great humanist student of the law Budé, and among later figures Connan, Hotman, and Bodin. In Germany and Switzerland Zasius and Amerbach received the first manifestoes of the Reformation as the dawn of a new age. Nor must it be forgotten that the legal training of Calvin in a school of interpretation founded by Alciato was an important part of his education, and one that shaped his method and style.

In spite of this widespread and indeed natural connection between the humanist lawyers and the Reformation, however, it is also among this same group of lawyers that we find the earliest expressions of disillusionment with the doctrines of the Reform. There is no better illustration of this than a letter of Boniface Amerbach written to Alciato from Basel in August of 1524. Amerbach, a student and subsequently professor of the civil law, had returned to Basel to find the Reformation in full course. He wrote to his friend deploring the extremes to which the followers of the new doctrines were resorting. He reports that Erasmus who was formerly regarded as the very prince of theologians is now considered to be absolutely ignorant of sacred theology, that all disciplines are under attack, and that even the Latin language would be abolished by the most extreme in the belief that all that it was necessary for a Christian man to know was a little Greek and Hebrew. This is Amerbach's reaction to the extremes of the new Christian humanism. With these interpreters language had become more than an aid to understanding, it had become the only way in which a text could be explained. Amerbach continues: "And although among all the disciplines jurisprudence has the least evil repute be-

cause they admit that it is necessary on account of the malice of wicked men, yet they maintain that Bartolus and all the other interpreters even including Accursius should be thrown out and reliance placed on the texts alone so long as they are in agreement with the Evangel. We have one particular example of this attitude now among us, a man who is the successor of our Claudius in the lectureship, who, although he is completely ignorant of the knowledge of the law which he has never studied, with the glosses set aside and Bartolus and all the other interpreters driven into exile, has undertaken to expound the *Pandects* as if he were interpreting Plautus or Terence." Thus the circle was completed. The lawyers who had been the first to develop and apply a new method for understanding a text were also the first to see its limitations when it was carried too far. Texts like the Bible and the *Code of Civil Law* which were intricately entwined with the history of human institutions could not be understood by neglecting the commentaries and resorting to philology alone. The "new criticism" of one generation was rejected by the historical sense of the next.

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