Law and Disputation in Eleventh-century *Libelli de lite*

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When King Henry IV of Germany summoned his bishops to a synod at Worms in January 1076 and denounced Gregory VII as a usurper of the papacy, accusing him of perjury, immorality and gross abuses of papal authority, he initiated a series of events that would have a profound impact on developments in medieval canon law.[1] Gregory VII's consequent excommunication of the king at the Lenten synod of 1076, the withdrawal of allegiance to the king by his bishops and other supporters, the reconciliation of Gregory and Henry at Canossa in January 1077 and finally the second excommunication of the king and the election of an anti-pope in 1080, prompted an almost unparalleled production and dissemination of polemical tracts—the so-called *libelli de lite*—that relied on canon law to make their respective papal and royal claims, the production of which would continue until the resolution of the conflict at Worms in 1122. Although earlier eleventhcentury treatises—such as the Gallic *De ordinando pontifice* written in the aftermath of the synod of Sutri in 1046, Peter Damian's *Liber gratissimus* to Archbishop Henry of Ravenna written in the summer of 1052, and Humbert of Silva-Candida's *Libri tres adversus simoniacos* written c. 1058—had all made sustained appeals to canon law both directly and indirectly (employing among others, Pseudo Isidore, Burchard of Worms' *Liber decretorum*, conciliar texts and Gregory I), these writings were more self-referential in the sense that they were not in dialogue with other texts or positions, although it is likely that Humbert had knowledge of Damian's arguments in the *Liber gratissimus*, if not of the

[1] Henry IV (1076), *Die Briefe Heinrichs IV.*, ed. C. Erdmann, MGH, Deutsches Mittelalter, 1 (Leipzig, 1937), No. 12, pp. 15–17.

actual text itself.[2] In the period following the synod of Worms in 1076, however, it is evident that pro-papal and pro-imperial writers were familiar with each other's arguments (and treatises) and responded to them in their own works, often with the same legal proof texts albeit in different forms or towards different ends. Much in the same way that the mid eleventhcentury Eucharistic controversy had generated impassioned debates that were in dialogue—indeed, in disputation—with each other (and whose texts in fact had far wider circulation than the later *libelli*), the writers behind these 'little books of struggle' grappled with important legal principles and questions including: what made a ruling binding; whether some sources of law were more authoritative; and indeed how the same rulings could be interpreted to support opposing positions. That contemporaries understood that their ideological battles over what Gerd Tellenbach called 'the right order of the world' were necessarily underpinned by canon law as much as scripture is nowhere more apparent than in the writings attributed to Beno and the schismatic cardinals who defected from Gregory VII after 1083, although the writings are slightly later.[3] The anonymous but well-informed polemicist of the third book of this collection sharply criticized Gregory VII's exploitation of canon law and explicitly condemned those whom he called the pope's evil co-conspirators: Anselm, Deusdedit and Urban II for their perversion of the sacred canons. The text presented the riveting image of Gregory VII leading these men with *dictatus papae* as the primary agenda, which the treatise then sought to refute with other legal authorities.[4]

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[2] *De ordinando pontifice*, ed. H. H. Anton, *Der sogenannte Traktat 'De ordinando pontifice': Ein Rechtsgutachten in Zusammenhang mit der Synode von Sutri (1046)*, Bonner historische Forschungen (Bonn, 1982); *Die Briefe des Petrus Damiani*, vol. 1, ed. K. Reindel, MGH, Briefe der deutschen Kaiserzeit, 5/1–4 (4 vols, Munich, 1983–93), Letter 40, 384–509; Humbert of Silva-Candida, *Libri tres adversus simoniacos*, ed. F. Thaner, MGH, LdL, 1 (Hannover, 1891), 100–253.

[3] G. Tellenbach, *Church, State and Society at the Time of the Investiture Crisis*, trans. R. F. Bennett (Oxford, 1948).

[4] *Bennonis aliorumque cardinalium schismaticorum contra Gregorium VII. et Urbanum II. scripta*, MGH, LdL, 2 (Hannover, 1892), 366–422, here 399–400. Such a characterization was echoed by the ever well-informed Sigebert

In his seminal book *Authority and Resistance in the Investiture Contest*, Ian Robinson long ago argued for the use and exploitation of canon law as a key element of the polemical literature of the later eleventh century.[5] In the decades after the synod of Sutri in 1046, where King Henry III of Germany deposed Pope Gregory VI as a simonist, condemned the anti-pope Silvester III and subsequently excommunicated Benedict IX (who had retired in favour of Gregory VI) before his own candidate Bishop Suidger of Bamberg was elected as Clement II, ecclesiastical writers turned both implicitly and explicitly to the canons to bolster the authority of their arguments on matters concerning: simony, the validity of the sacraments and ordinations of simonists, what made for legitimate excommunication, clerical marriage, lay investiture, the nature of papal authority and the relation of that authority both to episcopal and royal power.

Yet apart from Robinson's monograph in 1978, there has been surprisingly little attention to these texts (beyond their place in the history of political thought) as evidence of legal knowledge and legal disputation apart from Martin Brett's important article in 2007 for the Carlsberg conference and Leidulf Melve's fine analysis of the *libelli* that was somewhat undermined by his problematic attempt to use them as evidence of a medieval public sphere.[6] This lack of attention is regrettable in that the polemical literature of the later eleventh and early twelfth centuries offers us one of the most important sources for the use of canon law in practice beyond a court or council. With their appeal to law as a practical tool to deal both with a political and an ideological crisis, these texts permit important insights into legal knowledge and use of canon law in the era before Gratian.

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of Gembloux who noted that Anselm compiled a work that contained the '*doctrinam Hildebrandi*': Siegebert of Gembloux, *Chronica a. 1086*, MGH, SS, 6 (Hannover, 1844), 365.

[5] I. S. Robinson, *Authority and Resistance in the Investiture Contest: The Polemical Literature of the Late Eleventh Century* (Manchester, 1978).

[6] M. Brett, 'Finding the Law: The Sources of Canonical Authority before Gratian', in *Law before Gratian: Law in Western Europe c. 500–1100*, eds. P. Andersen, M. Münster-Swendsen and H. Vogt (Copenhagen, 2007), 51–72; L. Melve, *Inventing the Public Sphere: The Public Debate During the Investiture Contest c.1030–1122* (2 vols, Leiden, 2007).

The *libelli de lite* are significant examples of law in practice in two ways. In the first place, whilst the three-volume edition in the *Monumenta Germaniae Historica* gives the writings a unity that they did not have in their time, the texts nevertheless point to an evolution in the use and citation of law as part of advancing both ideological arguments and practical mechanisms for dealing with the crisis that resulted from the break between Gregory VII and Henry IV and its aftermath. Contemporaries clearly felt that they were on uncharted ground. Weinrich of Trier's letter written for Bishop Theoderic of Verdun (c. 1081), for example, makes the extent of the damage to the Church and perception of a breakdown in social order all too evident.[7] As the ramifications of the papal schism, with its rival ecclesiastical hierarchies, made themselves felt, the validity of the ordinations and sacraments of Wibertine supporters came into question, among other problems. The effects of the sweeping sentences of excommunication were clearly also problematic given the canonical tradition that went back to the *Canones Apostolorum* (and reiterated thereafter, especially via the Pseudo-Isidore) which held there was to be no communion with excommunicates under penalty of an immediate similar sentence. The challenge made to the nature of royal authority by Gregory VII as well as the pope's right to absolve sworn oaths of fidelity presented not just ideological but real chaos for a society bound in vertical as well as horizontal alliances. It is worth underlining the extent to which Gregory's successor, Urban II, recognized this dilemma. Although he consistently claimed to be Gregory's utmost follower in all things, Urban spent much of his pontificate outside Rome following a judicious policy of reiterating the 'Gregorian' programme whilst carefully permitting exceptions and dispensations where they seemed advantageous, for instance, allowing former supporters of the anti-pope to continue in their orders and benefices. At the same time, in the face of the

[7] Wenrich of Trier, *Epistola sub Theoderici episcopi Virdunensis nomine composite*, ed. K. Francke, MGH, LdL, 1 (Hannover, 1891), 280–99, esp. 286–87.

reformers' claim to a dominant truth (with Gregory VII having famously repeated Jesus' words: 'I am not custom but truth'), western European intellectuals were presented with a series of almost unanswerable questions. In response, the *libelli* witness the appropriation and emergence of dialectical techniques to present and refute arguments. The subsequent shelf life of these writings only underlines this contention. Most of the texts were copied and preserved in twelfth- century cathedral schools, not for their arguments or political battles but as models for presenting arguments with proof, counter-proof and refutation.[8] The development of the language of disputation that has been argued to come only from the legal revival in the twelfthcentury law schools is, I would contend, already here in this supposed age of 'law without lawyers'.[9]

The writers of the *libelli* used a range of canonical sources and canon law collections, including Burchard of Worms' *Liber decretorum*, the Pseudo-Isidorian *Decretals*, the *Collectio Dionysio-Hadriana* as well as the writings of Gregory I, Augustine and other Fathers likely derived from patristic florilegia that increasingly circulated after 1050, especially in Italy. Some writers also exploited Roman law, such as the *Defensio Heinrici IV* written after 1084 and attributed to Petrus Crassus.[10] Other authors were even more creative. In his *Liber canonum contra Heinricum IV.*, written sometime after the synod at Mainz in April 1085 and addressed to Archbishop Hartwig of Magdeburg (who seemed to be tottering on the edge of abandoning the pro-papal Gregorian party), Bernard of Hildesheim resorted to an unusual rhetorical device. In an effort to justify the case against Henry IV and the policy of non-communion with

[8] For example, British Library, MS Harley 3052, dated 1150 from the Premonstratensian house at Arnheim which contains an abbreviated text of Anselm of Lucca's *Liber contra Wibertum*. See R. Sommerville 'Anselm of Lucca and Wibert of Ravenna' in *Papacy, Councils and Canon Law in the Eleventh and Twelfth Centuries*, Variorum Collected Studies Series, 312 (Aldershot, 1990), Essay III, 1–12.

[9] J. A. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians and Courts* (Chicago, 2008), 46–74.

[10] Petrus Crassus, *Defensio Heinrici IV.*, ed. L. De Heinemann, MGH, LdL,1 (Hannover, 1891), 432–53. The text survives only in a sixteenth century copy.

excommunicates , Bernard made the narrator of his treatise Mother Church herself, who in the course of the text pronounced the authoritative law that supported the argument.[11]

It must, of course, be conceded that the *libelli* circulated within a restricted audience. Although writers such as Manegold of Lautenbach claimed that the lies invented by their opponents: '…are heard everywhere in the streets and in the marketplaces and are gossiped over by the women in the weavers' shops',[12] the treatises were addressed to a very small audience within the ruling elite, usually to bishops or princes whose obedience was held to be vital to the survival of either the papal or imperial parties and it is difficult to judge how much wider the subsequent transmission may have been—something that hampered Melve's attempts to see the *libelli* as producing a medieval public sphere. Although the extant manuscript evidence suggests restricted transmission (although this may not reflect actual transmission), it is abundantly clear that pro-papal and pro-imperial writers were familiar both with each other's arguments and, in some cases, with the texts themselves. For example, Wido of Ferrara's *De scismate Hildebrandi* composed in 1086 responded to arguments made in Anselm of Lucca's *Liber contra Wibertum* (c.1085) while Manegold's *Liber ad Gebhardum* (1085) sought to refute Wenrich of Trier's letter on behalf of Theoderic.[13] Moreover, many of the authors—whether pro-imperial or pro-papal—were aware of the arguments and indeed the actual text of Gregory VII's second letter to Bishop Herman of Metz, *Registrum* 8.21, written in March 1081. For example, the anonymous author of

[11] Bernard of Hildesheim, *Liber contra Henricum IV*., ed. F. Thaner, MGH, LdL, 1 (Hannover 1891), 471–516, here preface, 472 where Mother Church addresses Hartwig, setting the narrator for the rest of the collection: 'Age, quod agis operare, quod operaris, dulcissime fili, insiste patrocinium matris, quod suscepisti'.
[12] Manegold of Lautenbach, *Liber ad Gebhardum*, ed. K. Francke, MGH, LdL, 1 (Hannover, 1891), 300–430, here 420. Cf. L. Melve, *Inventing the Public Sphere*, 77–81. This was a widely used topos.
[13] Wido of Ferrara, *De scismate Hildebrandi*, ed. R. Wilmans, MGH, LdL, 1 (Hannover, 1891), 529–67; Anselm of Lucca, *Liber contra Wibertum*, ed. E, Bernheim, MGH, LdL, 1 (Hannover, 1891), 517–28; Wenrich of Trier, *Epistola sub Theoderici episcopi Virdunensis nomine composite*, ed. K. Francke, MGH, LdL, 1 (Hannover, 1891), 282–99.

the *Liber de unitate ecclesiae conservanda* (1090–93) cited the letter directly before refuting its conclusions with other canonical sources:

> He wrote, along with much else to Hermann, Bishop of Metz, in order to convince his party that they might safely abandon their king, as if this example proved that he had the power to depose him…[14]

Interestingly the author also queried the precise location of Gregory VII's apparent source for his use in *Reg.* 8.21 of Innocent I's excommunication of the Emperor Arcadius, noting:

> Where this is taken from is still unknown to us but we know for certain that it is not found in the *Gesta Romanorum Pontificum* or in the *Liber decretorum* or in the *Historia Tripertita*, where we find more about that sentence of deposition than anywhere else…[15]

Here, the anonymous author was correct; however true the event, the text came from a widely-transmitted if spurious letter of Innocent I.[16] Concerns such as this over lacking canonical precedent were a common feature of the *libelli*, particularly of pro-imperial tracts. In Sigebert of Gembloux's *Leodicensium epistola adversus paschalem papam* composed early in 1103 in response to the papally-sanctioned attack of Count Robert of Flanders on the city of Cambrai, he noted the utter lack of legality and precedence:

> Until now, we relied on the testimonies of the Gospels, the apostles and the prophets; and whatever was lacking, an abundant supply of examples increased. But I do not know what to say; I do not see where to turn. For if I read through the library of both laws, if I look through all the ancient expounders of the entire library, I find no examples of this apostolic command. Pope Hildebrand alone imposed the final hand on the sacred canons [Hildebrand] who, as we read, ordered the countess Mathilda to wage war against the emperor Henry for the remission of her sins. Whether he or others did this justly, we learn from no authority.[17]

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[14] *Liber de unitate ecclesiae conservanda*, ed. W. Schwenkenbecher, MGH, LdL, 2 (Hannover, 1892), 173–284, here 187.
[15] Ibid., 196. Cf. *Registrum Gregorii VII.*, ed. E. Casper, MGH, Epp. sel., ii.2, 8.21, 553–54. Translated by H. E. J. Cowdrey, *The Register of Pope Gregory VII: An English Translation* (Oxford, 2002), 391.
[16] Innocent I, Ep. 1.3, PL 20, 631; JK 290.
[17] Sigebert of Gembloux, *Leodicensium epistola adversus paschalem papam*, ed. E. Sackur, MGH, LdL, 2 (Hannover, 1892), 449–64, here 464. English translation by W. North at http://www.acad.carleton.edu/curricular/mars/sigebert.pdf accessed 14 September 2016.

The second way in which the *libelli de lite* are significant examples of law in practice are found in some treatises where we see the authors disputing about matters of law in the broader sense of what made law and law-giving authoritative. Sentence 7 of Gregory VII's famous undated text on papal authority, *Dictatus papae*—inserted in his *Register* at 2.55a—stated: 'That he alone is permitted according to the necessity of the time to impose new laws…'[18] This text was widely known. As noted above, there is reference to it in the writings of Beno and the schismatic cardinals who probably had access to papal records in Rome before their defection in 1083 who cited the text to refute it.[19] This principle, moreover, raised serious concerns as much among committed reformers such as Bernold of Constance, Bonizo of Sutri and Deusdedit as their opponents, who hurled accusations of novelty and complained of Gregory's perversion of the canonical tradition. In his *Liber de honore ecclesiae*, Placidus of Nonantola, writing after the tumultuous events of 1111–12 which had seen Pope Paschal II imprisoned by Henry V, ignored the claim that the pope was to be the sole judge in questions concerning the faith and insisted on the supplementary function of law, noting that there should be no new law where none was required.[20] In the *Defensio Heinrici IV*, which contained series of arguments called *rationes*, Petrus Crassus accused Gregory VII of violating natural law in deposing Henry IV, a right given in *Dictatus papae*, sentence 12. Crassus supported his contentions by authorities from 'the divine and human laws', including notably twenty texts from the *Justinian Code*, five from the *Institutes* and one from the *Epitome Juliani*.[21]

[18] *Registrum Gregorii VII.*, 2.55a, 201–08; transl., 149.
[19] *Bennonis aliorumque cardinalium schismaticorum contra Gregorium VII. et Urbanum II. Scripta*, 399–400.
[20] Placidus of Nonantola, *Liber de honore ecclesiae*, c. 70, ed. L. de Heinemann, MGH, LdL 2 (Hannover, 1892), 568–639, here 597 where the pope is admonished to keep the laws of the fathers: 'Romano pontifici summon studio procurandum est, ut sanctorum instituta serventur'.
[21] Petrus Crassus, *Defensio Heinrici IV*. Among the most interesting legal discussion was the use of Roman property law to defend Henry's inheritance and enjoyment of the realm.

Some of the most interesting discussions of the implications of *Dictatus papae*, sentence 7, however, are found in the works of committed reformers who were writing as defenders of Gregorian principles. Whilst Ivo of Chartres would find a measured way to remind Hugh of Lyon in 1097 that 'one should not cast doubt on the decisions of the Apostolic See in so far as they are supported by cogent reasons and by the evident authority of the ancient fathers',[22] others such as Deusdedit, in his *Libellus contra invasores* written c. 1097, would write of Pope Nicholas II's promulgation of the papal election decree in 1059 (against which he never ceased to rail) that he 'had no power to establish a principle contrary to the councils of all the patriarchs because he was only one of them, was human and could be persuaded to act wrongly'.[23] In both his *Liber de vita christiana*, compiled between 1089 and 1095, and the *De investitura*, Bonizo of Sutri tackled the question matter-of-factly.[24] In the *De investitura*, with reference to the so-called imperial version of the Papal Election Decree, Bonizo noted that even if the popes had conceded a role to the emperor in elections (which he did not believe) they had no power to do so for it was not in their right. He then went on to cite Leo I on the right of the pope to create new laws but carefully set limits: only those that did not contradict or destroy the old laws were advisable. For Bonizo, papal law should change things for the better, not for the worse. He reiterated this in the *Liber de vita christiana*, noting that not everything that was allowed was expedient.[25]

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[22] Ivo of Chartres, *Epistola ad Hugonem archiepiscopum Lugdunensem*, ed. E. Sackur, MGH, LdL, 2 (Hannover, 1892), 640–47, here 646.

[23] Deusdedit, *Libellus contra invasores et simoniacos et reliquos schismaticos*, ed. E. Sackur, MGH, LdL, 2 (Hannover, 1892), 292–365, here 310, 312.

[24] Bonizo of Sutri, *Liber de vita christiana*, ed. E. Perels, Texte zur Geschichte des römischen und kanonichen Rechts im Mittlelater, 1 (Berlin, 1930), 1.44; idem, *De invesititura*, in *Bonizo von Sutri: Leben und Werk*, W. Berschin, Beiträge zur Geschichte und Quellenkunde des Mittelalters, 2 (Berlin-New York, 1972), 76: '...sed ut primus Leo papa dicit: Novas canones possunt quidem cudere, sed tales, qui veteribus non obvient, et veteres non destruere, sed pro consideratione temporum immutare: hoc est in melius et non in peius mutare. Et de hoc de dispensatoriis canonibus sentiendum est, non de necessariis'.

[25] Bonizo, *Liber de vita christiana*, 1.44: 'Ut enim beatus Nicholaus scribens ad Michaelem imperatorem ait, licuit semper semperque licebit Romanis pontificibus novos canones cudere et veteres pro consideratione temporum immutare. Set non omne quod licet expedit'.

One of the most thoughtful and sophisticated discussions of the pope's right to make law was that of Bernold of Constance. In his early *De sacramentis excommunicatorum,* he noted that papal judgements were not necessarily transparent and as a consequence were not necessarily to be received as binding especially if they conflicted with the deliberated positions of the Fathers.[26] In his *Statuti ecclesiae sobrie legendis*, in which he responded to Wido of Ferrara's *De scismate Hildebrandi*, Bernold made an even stronger contention:

> All the decrees of the holy Roman pontiff should be received with complete reverence, for their authority has made even the general councils themselves canonical. The blessed Gregory in his *Synodica* even compares them to the gospels and he anathematizes all who dissent from them. In addition holy Pope Hadrian anathematizes kings who are not afraid to violate the decrees of the see of the apostles. Yet the decrees themselves require a sober reader and a most circumspect interpreter (*intellector*), someone who knows how to persevere patiently, even if he does not fully understand everything on the first try. For many different things are found in them which should be considered in no way in opposition to truth, if they are suitably understood.[27]

Bernold then went on to state that excerpts from the decrees were not sufficient, before conceding that:

> It is of course the privilege of the apostolic see that it may be the judge of canons or decrees and may at one moment observe them for a time, at another remit them as it sees befits the *utilitas ecclesiae*.[28]

The ideas of Bernold, Bonizo, Deusdedit and their imperial counterparts reflected the practical, ideological and legal problems faced in the Latin west after 1080, especially in Germany but

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[26] Bernold, *De sacramentis excommunicatorum*, ed. F. Thaner, MGH, LdL, 2 (Hannover, 1892), 89–95, here, 93: 'Ipse etiam Romanus pontificalis, unde illa exempla protulistis, saepenumero non tam facienda quam facta hystorica simplicitate prescribit; nec solum legitimas instituciones, sed nonnullorum inconsideratas usurpaciones referre consuevit. Unde non omnia, quae in eo scripta leguntur, pro ecclesiasticis sanctionibus recipere debemus...'

[27] *Statuti ecclesiae sobrie legendis*, ed. F. Thaner, MGH, LdL, 2 (Hannover, 1892), 156–59, here,156–57: 'Omnia decreta sanctorum Romanorum pontificum omni reverentia sunt recipienda, quorum auctoritas etiam ipsa generalia concilia canonizavit, quae beatus Gregorius in synodica sua et euangelis comparat, et omnes ab eis dissentientes anathematizat. Sanctus quoque Adrianus papa et reges anathematizat, qui sedis apostolicae decreta violare non formidant. Ipsa vero decreta sobrium lectorem et circumspectissimum intellectorem requirunt, qui patienter ferre sciat, etiamsi non omnia in primo aditu pleniter intelligat. Nam multa in eis diversa reperiuntur, quae veritati nequaquam repugnantia deputanda sunt, si competenter intelligantur. Sed ad hoc dinoscendum non solum excerptiones decertorum sufficere possunt, immo integrae eorum considerationes studiosis vix satis sufficiunt'.

[28] Ibid., 157: 'Est utique sedis apostolicae privilegium, ut iudex sit canonum sive decretorum et ipsa pro tempore nunc intendat, nunc remittat, sicuti ad presens ecclesiasticae utilitati magis competere videat'.

above all in Italy, at a time when those claims were literally being fought out. The events of the second half of the eleventh century were challenging contemporaries to understand and justify their respective positions, perhaps especially among the reformers whose political and military predicaments in the mid-1080s—despite the best efforts of Matilda of Tuscany—left them with no claim for divine approval for their cause. This was something that troubled Archbishop Lanfranc of Canterbury to no small degree. Writing in 1084 to a supporter of the anti-pope, Clement III (traditionally identified as Hugh Candidus), Lanfranc noted that whilst he had not yet rejected Gregory VII's claims to the papacy, he was convinced that the 'glorious emperor' (Henry IV) could not have 'gained so notable a victory without great assistance from God'.[29] The response of the reformers as well as that of their pro-imperial opponents was thus as much an appeal to law, to notions of legality and ideas that universal standards existed in law as to scripture.

The still-prevailing legal historical narrative posits that legal knowledge and real jurisprudence developed only after the 1130s, when canon law became rational, systematic and professionalized under the influence of the study of Roman law in the schools and as a consequence lost its theological orientation and became procedural. As Abigail Firey, among others, has noted, 'there is danger in seeming to reduce "law" and "jurisprudence" to learned law and the written opinions of professional jurists', a danger in envisaging this learned law as universal and prescriptive and unaffected by cultural context.[30] When the authors of the *libelli* actually appear in such a narrative (which is admittedly seldom), their exegetical methods, their

[29] Lanfranc of Canterbury, *The Letters of Lanfranc Archbishop of Canterbury*, ed. and trans. H. Clover and M. Gibson, Oxford Medieval Texts (Oxford, 1979), Letter 52, pp. 164–66.
[30] A. Firey, 'Getting Rid of the Lawyers with High Explosives: The Strange History of Medieval Canon Law', Paper presented at the Medieval Academy of America's annual meeting, Chicago, 26–28 March 2009. I am grateful to Prof. Firey for permission to cite this unpublished paper here.

approach to law and their canonical interpretations have been argued to *foreshadow* the methods of the twelfthcentury schools. This characterization needs to be abandoned once and for all.