LEGAL RHETORIC OF GLOSSATORS: PERSPECTIVE BETWEEN UNIVERSITIES AND PRAXIS OF COMMENTATORS

Dimas Ferreira Lopes[1]
Henrique Zanola Paiva[2]

Abstract
The history of the revival of Roman law in universities in the late Middle Ages is intertwined with the social and political role of the Catholic Church at that time. Under the methodological framework of the Trivium, the Digest was taught in rhetoric classes at nascent universities, allowing its contents to be unraveled and handled first by professors during the period of the glossators, and later by jurists linked to the school of commentators. With the development of the school of commentators, the metalanguage (glosses) produced at the founding of the universities was linked to Canon Law, which functioned as the hermeneutic mechanism for updating the law, thus enabling a shift from theory to practice. Consequently, with the commentators, the knowledge produced in universities enabled a new social and political role for that institution, since it was an instrument for the resolution of disputes submitted to the law.

Keywords
Method of the Glossators. Method of the Commentators. Decree.

Summary

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[1] Professor, Pontifical Catholic University of Minas Gerais - Brazil. PhD, Complutense University of Madrid – Spain.
[2] Lecturer, Pontifical Catholic University of Minas Gerais. LL.M, Pontifical Catholic University of Minas Gerais - Brazil.

1. INTRODUCTION

The history of the rebirth of Roman law is intertwined with the creation of universities, as an expression of the scientific model adopted by Irinério and his students in Bologna, starting in the 11th century. Under the methodological framework of the Trivium, a method that had already been consolidated since the classical period of the Western Roman Empire as a model for citizen education, the Digest was subjected to scrutiny, allowing its contents to be unraveled and handled by professors with an initial perspective of teaching rhetoric at universities.

The foundation of universities can be traced back to multifaceted circumstances that must be considered if one wishes to understand their genesis and consolidation. Their emergence resembles the sociocultural and spiritual phenomena observable in the development of the Catholic Church and the Christianized empire. These institutions are characterized as an attempt to realize the ideals of life that surrounded society at the time, so that it can be concluded that, despite their particularities, they are all parts linked to the same phenomenon. It was characteristic of the medieval mentality to materialize its ideals through institutions, which will also be observed in similar years, as was the case with the Jury Court, Parliaments, among others.

From the 12th century onwards, the school of glossators conceived legal texts and, in parallel, monitored canon law. Both laws were of a general nature, as they referred to topics of social interest. At the time, law did not come from the State, which explains the prominence of customs and doctrine as legal sources for some localities in later centuries.[3] The multifaceted nature of law is structured in different schools, including in this research, the relationship of continuity established between the glossators and commentators.

[3] SCHIOPPA 2014, 59.

2. THE SCHOOL OF GLOSSATORS AND THE REDISCOVERY OF ROMAN LAW

2.1 UNIVERSITIES AT THE HEART OF SCIENTIFIC GERMINATION

In France, the victory of the barbarians over the Romans and the ecclesiastical legislation originating from Charlemagne meant that education was linked to monasteries and cathedrals. In Italy, education was not completely extinguished—as it was in part of Europe—and teaching was provided partly by lay people and partly by ecclesiastical teachers. Although studies remained at a modest level since the sociocultural paradigm of the Carolingian period, the use of *the trivium* and *quadrivium* became traditional, being employed by lay people – with the aim of entering public office or legal practice – and by clergy – who prioritized dialectics and rhetoric, while theology was secondary.[4]

Consulting the *Corpus Iuris* was a demanding task, due to limited contact with the work, lack of proficiency in Greek, and the challenge of interpreting the texts. The legal school of Bologna emerged in response to the need for qualified professionals to interpret and apply Roman law. In the Western European context of the 12th century, jurisconsults and defenders were individuals trained at the University with a focus on legal practice.

Throughout Europe, the seven liberal arts were taught, but one or another liberal art was considered particularly important and received greater attention from teachers and students. The choice of which art deserved greater attention was largely due to the socio-political mindset that transcended educational models. In northern France, intellectual life was restricted to the cloisters, since access to education belonged to the clergy and military, and the latter did not demand learning.

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[4] GILSON 2007, 281.

In Italy, the memory of urban life remained, despite the prevalence of the feudal model. This factor, associated with imperial and papal conflicts and the freedom granted to Italian cities under the Treaty of Constance (1183), allowed Italy, in the transition to the 12th century, to become the cradle of intellectual renaissance. An interest in learning emerged, supported by or based on metaphysics and speculative theology[5] , on knowledge linked to social organization, in addition to the rediscovery of Aristotle's writings. This is the space-time context, with political and liberal characteristics that became ideal for the genesis of the first Western university.[6]

It can be observed that the birth of a new science for law took place through the university[7] – originally in Bologna – bringing about significant changes. In fact, Italy, from the 11th century to the mid-16th century, was at its scientific and legal peak, so much so that investigating the history of Italian law means analyzing European and world legal history.

The word University means "all of you," as an expression of a number, that is, a group of people who come together for a specific purpose. In this context, there was the University of masters, the University of academics, etc. The term University was not yet used without other designations, and there was no specific definition that distinguished a higher education institution from other educational institutions. When referring to

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[5] Bernard of Clairvaux (1091-1153) "does not deny the usefulness that dialectical and philosophical knowledge can occasionally have; much less would he allow himself to be led to vituperate in the abstract against philosophers and dialecticians, but he maintains that knowledge of the profane sciences is of negligible value compared to that of the sacred sciences and watches the philosophers of his time closely. St. Bernard may well make some concessions of principle to the study of philosophy, but he expresses his true thought when he declares: my philosophy is to know Jesus, and Jesus crucified!" GILSON 2007, 363.

[6] RASHDALL 1895, 99.

[7] "A complete history of the Universities of the Middle Ages would be in fact a history of medieval thought - of the fortunes, during four centuries, of literary culture, of the whole of Scholastic Philosophy and Scholastic Theology, of the revived study of Civil Law, of the formation and development of Canon Law, of the faint, murky, cloud-wrapped dawn of modern Mathematics, modern Science, and modern Medicine." RASHADALL 1895, 05.

the university (the school itself) or its *campus,* the term Studium was used. The word *Studium* has three similar characteristics: a) it was considered a space for people from many different places to gather; b) it was a place of higher education—at least for one of the three disciplines of the time: theology, law, and medicine; c) the subjects were taught by more than one master. Around the 13th century, some universities were named *Sudium Generale,* indicating a distinction based on the institution's recognition for the quality of education offered. In this sense, we can mention the teaching of Arts and Theology in Paris, Law in Bologna, and Medicine in Salerno.[8]

2.2 THE WORK OF JURISTS FROM THE FIRST WESTERN SCHOOL

In the period from the 6th century to the mid-11th century, fundamental books on Roman law fell into oblivion in Western Europe. During the High Middle Ages in Italy, the *Corpus iuris* was known only in a reduced form, through summaries of the Justinian Code and the Institutes. The Digest, therefore, remained completely unknown[9] . The rediscovery of Justinian law resulted from a movement led by Irinerio[10] in Bologna, who taught the three liberal arts: grammar, rhetoric, and dialectic, using excerpts from the Digest.[11]

The scientific methodology employed by Irinério (the *Trivium*) and the technique for recording comments (glosses) were used at other times in

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[8] RASHDALL 1985, 09.

[9] GUZMÁN BRITO 1976, 13.

[10] Irinério worked as a lawyer and judge. Furthermore, studies indicate that the jurist was of Germanic origin and had been a clergyman during his youth (Mazzanti, 2000; Spagnesi, 2001).

[11] The rebirth of Roman law is accompanied by the story that the Pisans discovered a manuscript of the Digest in Florence in 1135, which was promptly taught in schools and applied in courts. There is no known basis for this story of the discovery of the Digest. Rashdall 1985, 99.

history[12] . The trivium method was used as an educational model in the Roman Empire, and glosses became a resource due to the scarcity of paper. It was customary to add observations to the text itself, inserting explanatory notes between the lines (interlinear glosses) or in the right or left margins (marginal glosses)[13] . Each page contained about one hundred glosses. They clarified meanings, related parallel texts, and discussed their applicability to specific cases.[14]

Irinério's originality lies in his revisiting of the Digest through the application of the method. With Grammar—which involved careful definitions of syntactic and semantic positions—the meanings of words written in classical Latin were elucidated. This grammatical revision was fundamental to understanding the text, not least because, at that time, the Latin used was vulgar. Furthermore, in Rhetoric and Dialectic, metonymies of Philosophy itself, solutions to the contradictions detected between the parts of the Digest were sought in the richness of the arguments[15] .

Irenaeus is referred to as the "light of law" for being the first to illuminate legal science with his commentaries on Justinian law. His work was continued in the following century by his students, marking legal culture through short commentaries on Justinian's Compilation.

The school of glossators was born alongside the University of Bologna, attracting tens of thousands of students who flocked to the Italian city, as well as branching out across Europe. Following the same Bolognese

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12 Glosses are not unique to Roman law. Prior to them, biblical glosses were particularly consistent, produced in part with the reactivation of schools built near monasteries, cathedrals, and palaces (around the year 787, in the Carolingian period, with the aforementioned action of Emperor Charlemagne). Worth mentioning is the *Glosarium biblicum codicis augiensis LVIII,* popularly known as the "Glosses of *Reichenau*," which is an 8th-century composition with approximately 5,000 glosses produced to facilitate the explanation of the Latin Bible. LABHARDT 1948, 93.

13 FANTAPPIÈ 2011, 111.

14 SCHIOPPA 2014, 62.67.

15 BRANDÃO 2022, 93.

method, study centers emerged in Padua (1222), Naples (1224), Rome, Venice, Milan, among others[16] . A century earlier, in Bologna itself, students of the monk Gratian, author of *Concordia discordantium canonum,* founded the School of Canon Law.[17]

The science of glosses, to which it owes its success, is based on four pillars: political, dogmatic, philosophical, and scientific.

Politically, glosses are characterized by the legal continuity of the Roman Empire. In the transition from the 10th to the 11th century, the German emperor came to be considered the successor to the Roman emperor, and if Roman law was the official law of the empire, it should apply in the Roman-German empire. Thus, Roman law was conceived as imperial law, applicable throughout Christendom and unifying the entire empire. This mentality is rooted in the writings of the time, indicating that either there is one law, as there is one empire, or there are several laws, as there are several empires .[18]

The dogmatic foundation of the scientific nature of the glosses originates from political ideology. For the glossators, the *Corpus Iuris* is classified as a law in force, specific to the empire, because it is supported by Roman and Germanic imperial ambivalence.

Philosophically, the scientific efforts of early scholasticism are incorporated into the authority of Roman law, granting authority and reason to the affirmation of Roman law as valid law. Authority was proven or demonstrated through theology, based on the Holy Scriptures and patristic texts, and through philosophy, with Aristotle and other widely recognized

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[16] SCHIOPPA 2014, 65.

[17] The 12th-century law course (Roman and canon law) is considered *prior in tempore* to the creation of the theology course, which dates back to 1360, in the 14th century. Cf. The history of the University of Bologna (Alma Mater Studiorum 2024). Canon law, being studied in conjunction with Roman law, conferred on graduates the title of *Doctor in Utroque Jure.*

[18] GUZMÁN BRITO 1976, 16.

scholars. In this context, the work of the glossators consisted of reaffirming the authority of *the Corpus Iuris*.

Scientifically, it can be observed that the method used by the glossators did not differ from scholastic methodology, inspired by the liberal arts. Intellectual activity was expressed through literary genres: glosses and *summas,* the latter being a systematic work, either of *the Corpus* as a whole or of a specific theme, and the former being the incorporation of short comments into *the Corpus Iuris,* with a word or sentence that aided textual comprehension.[19]

The purpose of glossing is textual exegesis, that is, to clarify the content. To this end, they used etymology, history, and textual criticism. The classes taught to glossators consisted of reading the text and explaining it sentence by sentence and word by word. There were no dictionaries or many copies available for consultation. Scholars became so familiar with Justinian's texts that they knew them by heart.

The election of Roman-Germanic law as the law of the empire raised the challenge of making it possible to apply that law to contemporary demands. The Digest and the Codex are compilations of case law from 500 years of history, from the genesis of the empire to Justinian, dealing with random topics—without the systematicity developed in modern codes—with contradictions and repetitions that can be perceived between the content of the text itself or by comparing it with another source.

Towards the end of the 12th century, the school of glossators entered into crisis, a victim of its own scientific method. The glosses, which aimed to compile and reorganize the multifaceted Roman law, generated the

[19] BRANDÃO 2022, 202.

same problem they came to solve. This risk had been pointed out by Azo[20] and it fell to Acursio[21] to deal with its outbreak.

In 1220, the glossator undertook the compilation of the main glosses produced, constituting a single document known as *the Magna Glosa*. Acursio's gloss became the law of the empire, with great authority, even centuries later, when in the 14th century, in Germany, the gloss became a measure of interpretation for legal practice.[22]

Accursio devoted himself for about two decades to compiling, revising, and updating the glosses produced by his predecessors. Based on the analysis of historian Emil Seckel (1864-1924), it is stated that Accursio compiled 96,940 glosses, including 22,365 glosses from the Digestum Vetus, 17,969 from the Infortiatum, 22,243 from the Digestum Novum, 17,814 from books 01 to 09 of the Code, 7,737 from the Institutes, 4,119 from the Tres Libri, 7,013 from the Authenticum, and 680 from the Libri Feudorum. This portentous work was named Magna Glosa.

The jurist is represented in the history of law as the last of the glossators, concluding the era of the first Western school. His work is of great importance to Western law, and his compilations were taught until the early 17th century.[23]

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[20] The texts of Azo Porcius were often mentioned by Accursio in his Magna Glosa (Wijffels 2016, 25). Azo was born in Bologna around 1170 and died in the same Italian city in the mid-1230s. He studied at the University of Bologna's law school, receiving his doctorate in 1190, and by the mid-1200s, he was considered the most influential professor of civil law. Azo practiced law and served as an expert in *the commune* of Bologna, but his main concern was academic dedication, an area to which the Italian jurist devoted himself with great care, writing commentaries and explanations on Justinian's text, focused on assisting teachers. These civil writings were used as the basis for Accursio's ordinary gloss (Conte 2016, 22).

[21] It is believed that Accursio was born around 1180 in Florence and died after 1263. He studied at the University of Bologna, where he became a professor and taught for forty years. He was even Azo's teacher. WIJFFELS, 2016, 24.

[22] GUZMÁN BRITO 1976, 23.

[23] WIJFFELS 2016, 25.

2.3 THE SCIENTIFIC DEVELOPMENT OF THE METHOD

They considered the Justinian Digest to be a perfect and inspired text because it could resolve any concrete demand in the Roman period, with the jurist having to clarify its scope of application. The glossators linked teaching to literary activity, intertwining the scientific method with the didactic. The master read the textual fragment from the chair and clarified its meaning using concrete examples (*casus).* He then undertook exegesis, explaining the words and prepositions individually. Contrasts (*solutio contrariorum)* were resolved with other legal norms from the Compilation itself, extracting a statement (*distinctio).* Finally, he would return to the text fragment, now clarified, to propose hypotheses that would help in choosing the thesis applicable to the case under analysis. The alternatives (*quaestio)* led to a definition by the master (*solutio).*

The intrinsic link between teaching and science points to the importance of the university institution, which, since the 12th century, has linked teaching and research; brings together the figure of the master who teaches his disciples; and expresses its historical continuity through the use of the study of law in concrete cases, in research, and in practice.[24]

The glossators had refined reasoning, based on the liberal arts: rhetoric and dialectic, and especially Aristotelian logic. Consequently, the techniques of interpretation and combination of Roman sources proved to be more important than the resources derived from the three liberal arts.

The legal method of glossators allows for different types of interpretation: restrictive, extensive, or even one that alters the meaning of the precept used. r restrictive interpretation is characterized by the application of *distinctio.* Two or more categories were created, which distinguished the application of the norm to real cases that differed from each other, since the norm was not permanently suitable for all cases.

[24] SCHIOPPA 2014, 69.

Extensive interpretation was quite frequent in the work of the glossators, who used it to broaden the application of the norm, due to factual necessity.[25]

From a contemporary perspective, which considers the Digest to be a legal work rife with conflicts and conceived by many hands, the mechanism of distinctions is reasonable because it facilitates the resolution of conflicts between similar norms. Even though, at the time, there was a firm belief in the coherence of Roman sources and, consequently, in the inseparability of their contents, interpretation by distinction was fundamental to the method of the glossators.

The glossators selected the legal sources that could be used for the actual case, systematized and categorized them, assigning each one a specific purpose; thus, the interpretative method was not based on opposition between norms, that is, on accepting one norm to the detriment of another, but on logical reasoning that considers the importance of each gloss and uses them in a conciliatory manner.

The case listed below—the consequence of failure to appear at trials—is an example of the glossators' methodology:

> The institute had undergone a significant evolution in Roman law: while the process in the classical era required the presence of both parties and determined the automatic loss of the case to the detriment of the contumacious party, in the post-classical era a series of imperial interventions made the position of the absent party less drastic, until, with Justinian, the judge was given the power to evaluate the reasons of both parties, imposing on him the obligation to reach a decision that could also be favorable to the contumacious party. It was

[25] SCHIOPPA 2014, 71.

> Irinério himself who initiated this theme with a transparent gloss. He preliminarily distinguished between absence from the trial before or after the dispute was contested; in the latter case, he further distinguished between the absence of the plaintiff and that of the defendant. In the latter case (certainly the most frequent), Irinerius listed three types of absence: by necessity, by negligence, and by contumacy. He assigned different consequences to each of the three types with regard to the outcome of the dispute and the possibility of challenging the eventual conviction by the contumacious losing party. Subsequent generations of glossators, from Piacentino to Azzone and Hugolino, revisited the topic repeatedly. And the result reached, after doctrinal oscillations of varying signs, was the following, recorded in Acursio's Gloss: the school, in fact, distinguished between "true" contumacy and "false" contumacy, limiting the drastic general prohibition of appeal by the contumacious party - established by the sources - to the first hypothesis only.[26]

The interpreter begins his analysis from the text, and the method allows the jurist to go beyond the textual limit, using techniques of categorization, intention, and systematization[27] . For this reason, Accursius

[26] SCHIOPPA 2014, 73.

[27] The distinctions resemble the ancient and contemporary biblical interpretive method which—abandoning a fundamentalist stance—considers the sacred text as a whole: "Since Holy Scripture must be read and interpreted in the sacred spirit in which it was written, (9)

stated in one of his glosses that everything can be found in the Justinian writings.

This interpretative technique was not a completely unknown creation on the European continent at that time. The Church Fathers, as well as Gregory the Great, applied it to the texts of Scripture. The glossators, it is recognized, brought the interpretative method to law.

3. THE DECREE OF GRATIAN

The work of the monk Gratian should be mentioned as a product of the school of glossators. He undertook the Herculean task of compiling and methodologically structuring a collection of normative and theological texts produced over a period of a thousand years. Just under four thousand texts were used, dealing with "sources of law, appointments and powers of the secular and regular clergy, procedural rules in ecclesiastical cases, crimes and sanctions of a religious nature, and the legal discipline of the sacraments"[28] .

The final version of *the Decretum* can be divided into three parts: 1) Law in general and its sources, ecclesiastical institutions, clergy and their obligations, and hierarchy; 2) Criminal law, property law, relations between secular and regular clergy, matrimonial law, and penance; 3) Some of the sacraments, liturgical issues, and certain theological topics of canonical importance.

Little is known about the life of the Camaldolese monk, who probably lived in Orvieto or Chiusi (where he may even have become bishop) and died around 1145. Gratian responded concretely to the demand to present a comprehensive anthology through an organic body, developing

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no less serious attention must be given to the content and unity of the whole of Scripture if the meaning of the sacred texts is to be correctly worked out" POPE PAUL VI 1965, 12

[28] SCHIOPPA 2014, 75.

a highly relevant collection or treatise within the Church[29] . His work stands out for the rich coexistence between the theological (moral-religious rules) and normative (legal rules) planes.

Furthermore, the methodology employed by the monk is evident, as he wrote brief comments alongside the texts, aiming to overcome conflicting passages. In addition to other methodologies, Gratian used *distinctio*, valuing the tradition of Western canon law without renouncing any of its parts in the name of consistency. Gratian's effort to reconcile the compiled works earned him the title *Concordia discordantium canonum.*[30]

Canonical science, structured as a legal science with its own method, is irrelevant before the monk Gratian. Canonists were characterized as local legislators (*e.g.*, bishops) who drew up practical rules for the organization of the particular Church. With the scientificity achieved from the 11th century onwards, canon law reached a higher level, with contributions to other branches of law.[31]

The Decree of Gratian is considered a dividing line between the phase of "*docens legem canonicam sine* iurisperitis" (teaching of canon law without jurists) and the phase of "*ius canonicum cum iurisperitis* docens" (teaching of canon law with jurists).

4. THE SCHOOL OF COMMENTARY

In the 13th century, because of the rediscovery of Aristotle's writings (High Scholasticism), a renewed scientific perspective emerged with the formation of a new legal school, the commentators[32] . The school engaged in dialogue with other rights, hitherto disregarded by the glossators:

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[29] CAMPITELLI 2014, 59.
[30] SCHIOPPA 2014, 76.
[31] SALINAS 2018, 89.
[32] The term "commentators" is used in the text, rather than "post-glossators", GUZMÁN BRITO, 1976, 23.

customary law and state and municipal law. In the medieval context, each macro and micro region had its own law, eminently marked by customs. However, from the Late Middle Ages onwards, with social complexity, citizens needed robust legal norms.[33]

The commentators focused on the legal insufficiency of regional laws, and, *a priori,* the glossators began the movement to insert Roman law into social life. On this basis, the commentators elevated the scientific level of customary, state, and municipal materials through their "Romanization."

The process of Romanization not only qualified the legal texts, but also made it possible to elevate their *status* to current law. The integration between Justinian law and regional laws became known as *ius commune.*

The city of Rome, in the heyday of the 2nd century, can be cited as one of the attempts to produce a common law for the entire empire. By granting Roman citizenship to foreign citizens, the aim was to apply civil law throughout the empire. The attempt was unsuccessful, given the impossibility of equalizing such different races, cultures, religions, and ways of life. In Germany, in the 15th century, there was a movement to "receive Roman law," in which the law was applied in the lower courts through the tribunals. Despite the generalization of the law, it was adapted to local realities. Another model can be seen in the civil codifications of the 18th and 19th centuries, ushering in the (successful) era of codifications in all corners of the globe.[34]

During the Late Middle Ages, uniform law was an intangible reality for Italians. The concept of general law, enriched by various legal expressions and needs, was developed by commentators. They were professors, and not only did they teach academic followers, but they also acted as legal advisors to individuals and courts. In this context, the concept of *communis opinio doctorum* emerged to indicate opinions on similar points.

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[33] GUZMÁN BRITO 1976, 24.

[34] In this sense: "That common law (ius commune) is the foundation upon which the European civil codes were built" MERRYMAN, 1965, p.41.

Naturally, these legal assessments were respected. The role of commentators in the courts is characterized as a fundamental point for the realization of common law.

The application of scholastic dialectics to law originated in French legal thought, although the methodology did not take root in that country. The ideas were taken by Cino da Pistoia to Italy, where they were widely accepted and gave rise to the school of commentators. The method comes from Aristotelian logic, consisting of critical analysis of the text, presentation of the problem, analysis of the various elements of the problem, retrieval of examples and analogies, enunciation of the four Aristotelian causes, formulation of general rules, recapitulation and presentation of the results obtained, and formulation of objections and corresponding resolutions. While glossators preferred specific texts, on which they wove explanatory comments, commentators selected a set of contents with a view to developing them.[35]

Cino was succeeded by two other great jurists: Bartolo of Sassoferrato and Baldo of Ubaldo. Bartolo, a disciple of Cino, was traditionally considered the greatest jurist of the school of commentators. Born in 1313, he became a doctor in Bologna and held various positions, such as judge and, above all, academic. He produced several legal volumes (equivalent to 120 volumes in modern format), with commentaries on a collection of documents, including three parts of the Digest. Baldo was his disciple, continuing his master's work and going even further. The jurist commented on almost the entire *Corpus iuris,* as well as canon law and feudal law.[36]

The school of commentators replaced the glossators in prestige, achieving a level of excellence. They believed that good law could only come from Bartolo's followers. The comments and judicial decisions became common law (linked to the codified source that gave them authority).

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[35] GUZMÁN BRITO 1976, 26.
[36] SCHIOPPA 2014, 117.

The dual methodological approach—glossators and commentators—was complementary and developed modern legal science over four centuries, earning them the honorary title of *mos italicus* from Europeans.

4. **CONCLUSION**

The use of Roman law in Bologna in the founding of universities had a specific purpose: the development of argumentative skills through rhetoric. In this context, without the intention of using that law to resolve disputes, the university enabled a revival of Roman law for this purpose. Its association with canon law and scholastic philosophy, beginning in the 14th century, enabled the knowledge produced at the university to be turned into praxis.

Canonical content, from this perspective, is characterized by historical-dogmatic rigor, taking care of a long-standing tradition that has advanced through the centuries without losing its genuine characteristics. However, it must be linked to historicity, the living and existential reality of canonical experience, since the entirety of canon law is not limited to its positivizations, but is open to original manifestations.

The canonical text resembles the Holy Scriptures. There is a set of narratives received as Revelation, which were officially established at different historical moments, at the Ecumenical Council of Rome, at the regional councils of Hippo and Carthage, and reaffirmed by the Ecumenical Council of Trent. Public Revelation thus appears as a group that is impervious to change. The immutability of the canon does not refer solely to a question of method. The definition of the books that comprise the written Catholic Tradition is given the *status* of dogma of faith.

Despite the textual fixity, Revelation qualifies as a reservoir that concentrates in its core a driving force—because (it is believed) inspired by the Holy Spirit—that updates its writings according to the needs brought to it. In this sense, the Scriptures resemble the canons, because they are

realities formed by the intrinsic relationship between dogma and experience, that is, between the static and the dynamic.

It refuses to accept that the antonym of dogma is skepticism. This philosophical movement refrains from making firm judgments about realities, based on the conviction that the individual is unqualified to know the truths and principles that govern the universe. The Christian anthropological mindset agrees with this premise when considering the fragility of the human person, who falls short in the face of the mysteries of life. However, it believes in the apex of Revelation, conceived through the incarnation, death, and resurrection of Jesus, providing human beings with knowledge that transcends the inaccuracies of the creature.

In the same vein as the canonical tradition, the dichotomy between the method of the glossators and the method of the commentators points to two different but complementary views with points of convergence, both of which are widely necessary. In this context, Law materializes in distinct metalanguages because it is based on different paradigms, as is the case with the Holy Scriptures, which, beyond their literal meaning, must have an interpretation linked to the Spirit.

REFERENCES

ALMA MATER STUDIORUM. **La nostra storia**. Bologna: Università di Bologna, 2024. <https://www.unibo.it/it/ateneo/chi-siamo/la-nostra-storia>.

BRANDÃO, Cláudio. **Lições de história do direito canônico e história do direito em perspectiva**. Belo Horizonte: D'Plácido, 2022.

BRITO, Alejandro Guzmán. **"Mos Italicus" y Mos Gallicus".** Santiago: Universidad de Chile, 1976.

CAMPITELLI, Adriana. **Europeenses: presupposti storici e genesi del diritto comune**. Bari: Cacucci, 2014.

CONTE, Emanuele. **Azo, *Summa Aurea***. In: DAUCHY, Serge et al (ed.). The formation and transmisson of western legal culture: 150 books that made the law in the age of printing. Switzerland: Springer, 2016.

FALCHI, Gian Luigi; FERME, Brian Edwin. **História das fontes do direito canônico**. São Paulo: Paulus, 2024.

FANTAPPIÈ, Carlo. **Storia del diritto canonico e delle instituzioni della Chiesa**. Bologna: Il Mulino, 2011.

GARRISSON, J. (1995). **Domestic Politics under François I and Henri II**. In: A History of Sixteenth-Century France, 1483–1598. European Studies Series. Palgrave, London. <https://doi.org/10.1007/978-1-349-24020-3_7>.

GILSON, Étienne. **A filosofia na Idade Média**. São Paulo: Martins Fontes, 2007.

LABHARDT, Andreas. Glossarium biblicum codicis Augiensis CCXLVIII, Neuchatel-Paris:Griffon. 1948.

LARRAINZAR, Carlos. **La investigación actual sobre el Decreto de Graciano**. Milano: Pontificia Università dela Santa Croce, 2002.

MERRYMAN, Jhon Henry. **The italian style I: Doctrine**. Stanford Law Review, v.18, n.2, p.39-65, 1965.

POPE PAUL VI. **Dogmatic Constitution on Divine Revelation Dei Verbum**. Vatican, 1965. < https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651118_dei-verbum_en.html>.

RASHDALL, Hastings. **The Universities of Europe in the Middle Ages**: Salerno. Bologna. Paris. Vol. 1. Oxford, 1895.

SALINAS, Santiago Bueno. **Tratado general de derecho canónico**. Barcelona: Atelier, 2018.

SCHIOPPA, Antonio Padoa. **História do direito na Europa: da Idade Média à Idade Contemporânea**. São Paulo: Martins Fontes, 2014.

WIJFFELS, Alain. **Accursius, Standard Gloss**. In: DAUCHY, Serge et al (ed.). The formation and transmisson of western legal culture: 150 books that made the law in the age of printing. Switzerland: Springer, 2016.