Commentators on the Roman Law

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Ulpian, the noted Roman jurist of the third century A.D., tells us that the study of Roman civil law is "*sanctissima sapientia.*"[1] Whether or not it is the most holy of sciences, the study of the *ius civile* is surely the most venerable, for the juridical practices of Rome have been systematically examined continuously for over two thousand years. Indeed, the scientific study of law has been called "the outstanding particular contribution of Rome to the cultural evolution of mankind,"[2] and it is a contribution which continues in vitality and importance. The modern law of France is largely based on the Roman law, while the law of Louisiana is derived from the *Code civil.* Until very recently, extensive study of Roman law was required by law schools in both places. Since the law of almost every European nation except England is heavily influenced by Roman law principles, any scholar who is interested in European societies may benefit from some knowledge of the Roman law. It is therefore most fortunate that The University of Iowa Libraries contain an unusually large and varied selection of works on Roman law. Very few libraries in this country can boast of such a rich collection in this field.

I.

Study of the Roman law today focuses largely on the codification issued by the Emperor Justinian in 533 and 534 which has been known since the Renaissance as the *Corpus Iuris Civilis.* This is as it should be, for the *Digest,* the oldest and largest of the three parts of the *Corpus,* contains selections from jurists covering five hundred years of Roman legal history and it, along with the *Code* and the *Institutes,* represents law that has been practiced as living law, in one form or

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1 Dig. 1.1.10.

2 Hans Julius Wolff, *Roman Law: An Historical Introduction* (Norman, Oklahoma, 1951), p. 91.

another, for over two thousand years. Nevertheless, the scholar who undertakes to master the Roman law armed only with the *Corpus* of Justinian will find himself in great difficulty, for, as a noted Romanist has observed, "it is a paradox of rare pointedness that the most influential codification of all time was not in real force at any time."[3] Since much that is contained in the *Digest* had passed out of use long before the time of Justinian, and since other parts of the *Corpus* bore different interpretations at different times, it is necessary that the student who wishes fully to understand the Roman law as contained in the *Corpus Iuris Civilis* be familiar with the circumstances of its compilation and have at least a rudimentary understanding of Roman legal development before and after its promulgation.

When Justinian ascended the imperial throne on April 1, 527, the famous code of the XII Tables was probably about one thousand years old, but legal development during that period had seen no serious discontinuity. The jurisconsults of the early Republic claimed only to interpret and extend the principles of the Tables, which Livy called "the source of all public and private law."[4] The praetors and jurists of the later Republic and the Principate (27 B.C.E.-285 C.E.) claimed only to follow in the footsteps of their predecessors. Even imperial legislation of the Dominate (after 285) was held to be only a further clarification and extension of the old law. This was, of course, a fiction: legal practice had changed significantly under the later Republic when formulary procedure replaced the older actions at law (*legis actiones*), and an even greater change came with the growing absolutism of the emperors under the Dominate which made the so-called *cognitio extraordinaria* or special jurisdiction of the imperial courts the normal means of procedure. Changes had also occurred in the substance of the private law, notably in regard to the law of marriage and contractual obligations. Nevertheless, the fiction was preserved, so much so that the pressing need at the time of Justinian was for a guide through the vast maze of legal materials inherited from the past and still held to have the force of law. It was to remedy this problem that Tribonian was directed to undertake the compilation of the *Digest,* which eventually condensed the contents of some two thousand law books, more than three million lines, into about one hundred and fifty thousand lines representing the collected wisdom of the greatest jurists of the past. Most of what was included was drawn

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3 E. Levy, "Westen und Osten in der nachklassichen Entwicklung des römischen Rechts," in *Zeitschrift der Savigny Stiftung für Rechtsgeshichte, Romanistische Abteilung,* Vol. XLIX (1949), p. 240n.

4 Livy, III.34.

from the later classical period: one-third of the whole was taken from the works of Ulpian, one-sixth from Paulus. An effort was made to bring these writings into line with current practice and to eliminate contradictions among them, but this was only partially successful, and it is therefore dangerous to assume that any of the selections in the *Digest* represent actual legal practice in Justinian's empire.

Justinian completed his law by ordering Tribonian to prepare a similar compilation of imperial constitutions and statutes, the *Code,* likewise including laws drawn from five hundred years of legal history, and an elementary textbook for beginning law students, the *Institutes,* which attempts to provide a systematic introduction to the whole body of the law.

On November 21, 533, Justinian promulgated the *Digest* and the *Institutes,* and on November 16, 534, the *Code.* They were to be an official statement of the law; indeed, study of all other legal works—excepting, of course, later imperial legislation—was proscribed. Nevertheless, the study of the *Corpus Iuris Civilis* is as useful for the student of Roman legal history as for the student of the state of the law in the sixth century.

The law of Justinian's code was not the only Roman law in effect in the sixth century. The empire had been officially divided for more than a century in 534, and the western half was now under the control of various Germanic peoples who were hardly capable of receiving or applying the eastern law. The older Roman law continued to be in force in some places, or rather, for some people in the west; indeed, a generation before Justinian began his codification, three of the Germanic kings had set about the same task. These western codifications, which are much briefer and less complex than the *Corpus Iuris Civilis,* served as official sources of law for men who considered themselves Roman citizens throughout the early Middle Ages and helped to keep the law alive in the west where Justinian's law was unknown.[5] Nevertheless, this so-called West Roman Vulgar Law tended to become more and more barbarized so that by the tenth century its resemblance to the law codified by Justinian is superficial at best, and it is fair to say that little more than the memory of Roman law remained alive in western Europe at the turn of the millenium.

The Roman law was revived as a result of the discovery of manu-

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[5] During the brief time when Justinian regained control of some parts of Italy the *Corpus Iuris Civilis* was theoretically in effect there and was in fact known. When the Lombards conquered Italy in 568 some of the towns attempted to preserve the law, but it very rapidly became vulgarized here, too, though not to the extent that was the case in the rest of the west.

scripts of the *Corpus Iuris Civilis* in the mid-eleventh century, at precisely the time when so many other great works of the Ancients—of Euclid, Ptolemy, Galen and Hippocrates, and, most significantly, of Aristotle—became available in the west for the first time. The *Corpus* did not need to be translated from Arabic or Greek, as did these other works, but it did present unique problems, for while Aristotle and his colleagues arrived in Christendom complete with commentaries representing the fruits of several centuries of Islamic scholarship, only the text of the *Corpus Iuris Civilis* was recovered. The first task facing western legists was, therefore, that of simply understanding the text.

This task was accomplished over a period of about 150 years by a school of civilians known as the Glossators. Beginning with the work of the Bolognese Doctor Irnerius, legal scholars attempted to discover the exact meaning of the texts and to introduce into medieval practice the pure Roman law contained in those texts. In order to do this they concentrated their efforts on the interpretation of individual legal terms, on the linking up of legal rules dispersed throughout Justinian's law books, and on the reconciliation of contradictory statements on the part of the Roman jurists. The life work of the great legists of the twelfth century—for example, Bulgarus, Martinus, Azo—was to produce their own gloss making clear the meaning of the law. By the early thirteenth century what was needed was a synthesis of these glosses, and this monumental task was accomplished by Accursius (d. 1260) with such mastery that the *Glossa Ordinaria* or *Accursiana* supplanted all the other glosses and achieved such preeminence that the courts held it to be of equal force with the law itself: "*quidquid non agnoscit glossa nec agnoscit curia.*" Thereafter no manuscript of the law was prepared without the accompanying *Accursiana.*

Accursius had completed the work of the Glossators, but there had already arisen before his death a new school of civilians with a new method of teaching and practicing the law. The Post-Glossators or Commentators, beginning with Jacques de Revigny (d. ca. 1296), applied a different style, technique, and intention to the study of the law in an effort to achieve a philosophic interpretation of the text and to uncover universally valid general principles behind it. And while the Glossators had treated the *Corpus Iuris Civilis* simply as a text in need of explication, the Commentators saw it as only one part, if the most important part, of the body of living law and attempted to interpret its teachings in light of the conditions of life in the thirteenth and fourteenth centuries. Taking into account various other sources of medieval law—the Canon law, Germanic and feudal customs, imperial and town laws—the Commentators applied the methods of the school

men to Justinian's law and developed a living Romano-Italian law applicable to the conditions of medieval life.

Although the work of the Commentators probably reached its peak in the course of the fourteenth century in the works of Bartolus of Sassoferrato (1314-1357) and his pupil Baldus (1327-1400), this process of applying the precepts of the *Code* and *Digest* to contemporary problems continued well into the sixteenth century. By that time, however, another school of civilians had grown up: the so-called French Humanists, who, in the spirit of the Renaissance, refused to accept the Roman law as anything other than the law of the Romans; far from applying its precepts to contemporary legal problems, the *mos gallica* aimed simply at an accurate understanding of its practice under the emperors. With the ascendancy of this school all the medieval glosses and commentaries were expurgated from editions of the *Corpus Iuris Civilis.*

The entire history of the study of Roman law is visible at a glance in the seven editions of the *Corpus Iuris Civilis* found in the Special Collections Department of The University of Iowa Libraries. There are printed copies of medieval manuscript editions, wonderful and complex volumes in which the text of the law at the center of the page is often dwarfed by the bulk of the surrounding *Accursiana,* itself encased within excerpts from the *Commentaries* of Bartolus or Baldus, Cynus or Bellapertica. Printed editions of the law with medieval marginalia all contain the *glossa ordinaria* and rely heavily on the commentaries of Bartolus and Baldus and some half-dozen other Post-Glossators, but since there are always variations in the chosen commentaries, each edition is unique. There are also examples of the so-called Humanist editions, volumes in which the mass of marginalia is progressively peeled away and replaced by references to ancient sources.

To serve the scholar further in discovering the medieval understanding of the law, the Library also has works by some 35 commentators on the Roman law. They range from Bartolus and Baldus, whose commentaries exceed that of Accursius in importance in the later Middle Ages, to Petrus Faber, whose work is almost unknown, and they cover a period spanning four-and-a-half centuries, from the beginning of the fourteenth century to the middle of the eighteenth.

II.

Medieval man lived in a world he believed to have been created and ruled by the will of God. As a result of this simple fact, the medieval world was one which was obsessed with Truth to an extent that

the modern world can never be, for since God is a rational creator and since man is made in his image, not only was it undeniable that eternal and immutable Truth existed but it was equally undeniable that this Truth was, at least in part, accessible to men.

It is only in light of this that the oft-remarked medieval reliance on *auctoritas* becomes intelligible. Scholastics did not pile up reference upon reference to the Authorities because they felt insecure in their own reasoning or because they wished to acknowledge the sources of their material, but because God had disclosed Truth to them in the guise of certain generally accepted authorities. If one could cite part of God's revealed Truth to support his own arguments, they would thus become all the more persuasive; if one could not—indeed, if his arguments could be shown to contradict the body of these authorities—they were patently false.

The most important revelation of divine truth was contained in the Bible, so that references to scriptural material far outnumber citations of any other source. But God's truth has also been revealed in other times and places. Since the created order followed God's plan, which was a rational plan, the will of God was discernible in his creation. Thus, it was possible for individual human reason to attain truth by careful examination of God's handiwork, though it was unlikely that many men would be possessed of enough insight and intelligence to go much beyond the revealed truth of Scripture. Trust could be put only in the teachings of the wisest of men, the *maior et sanior pars.* Thus it was that the writings of Aristotle, for example, attained the status of Authority. And thus it was, after the twelfth century, that in the realm of law and politics the *Corpus Iuris Civilis* came to be regarded as the manifestation of perfection in the science of jurisprudence.

It is at least partly for this reason that the works of political theorists and polemicists and of ecclesiologists, from the time of the Investiture Controversy until well into the early modern period, are full of citations of Roman law. To understand their arguments fully, it is necessary to consult the text of the law, but this is not easy for the modern scholar to do since the allegations are made in a long-since abandoned fashion and there exists no short, comprehensive, modern remedy for overcoming this difficulty.[6] The scholar must make use of a medieval edition of the law.

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[6] This need has recently been supplied by U. Nicoloni and Sinatti d'Amico, *Indices corporis iuris iuris civilis iuxta vetustiores editiones cum collatas* (IRMAE Subsidia I): I, *Index titulorum* (Milan, 1964), II, *Index legum* (Milan, 1967), III, *Index paragraphorum* (Milan, 1970). Though these volumes are most useful to

Premodern citations contain only the information necessary for the finding of the intended passage by a highly trained legist. Thus, when the author of an extremely useful discussion of the law of succession in Burgundy in the second half of the fourteenth century wishes to refer his reader to a passage concerning the adoption of heirs in the Roman law, his allegation[7] reads *ff. de vulgari et pupillari substitutione l. si plures l.*[8] In order for the modern scholar to locate the passage, he must first recognize that the medieval citation lists the *siglum* of the legal work (ff.), the rubric of the title (*de vulgari et pupillari substitutione*), the initial word or words of the law (*si plures*), and, sometimes, the number of the paragraph within that law. He must then turn to a medieval edition of the law, which will contain an index indicating the location of texts and arranged by *tituli* or by *leges*, or both. Equipped with this index, he will easily determine that the passage in question is Dig. 28.6.24.1.

Once the allegation has been identified with the help of the medieval edition, the careful scholar may wish to turn to a modern edition for the reading of the passage in order to be sure that he has the best possible reading of the text. In many cases, however, the allegation was not to the law itself, but to the commentary on that law by one of the glossators or commentators. There is no alternative in this case to using one of the printed editions of the law which contains all of the medieval marginalia. Thus, when the author of the tract on Burgundian succession refers to a passage *in glossa ff. de legibus l. quod viro contra rationem,*[9] the scholar must first locate the passage at Dig. 1.3.14, using the same method as above, and then consult the *glossa ordinaria* of Accursius, which he will readily find printed beside the law itself in any medieval edition of the law. More difficulty may arise if the reference is to the gloss of a different legist (for example, *Jo An in ff. de religiosis et sumptibus funerum l. cum in diversis:* Johannes Andreae on Dig. 11.7.43),[10] for not all medieval editions contain the

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the Romanist, they have not yet made their way into most libraries and are thus somewhat hard to come by. Indeed, for many scholars it is easier to find a printed edition of the medieval law.

7 The word allegation comes from the latin *ad legem,* indicating a reference "to the law."

8 *Consultation sur la succession du duché de Bourgogne, attribuée à Ancel Chocart,* Arch. nat. JJ 255, no. 140. published in Ernest Champeaux, "La Succession de Bourgogne à la mort de Philippe de Rouvres," *Société pour l'histoire de droit et des institutions des anciens Pays bourguignons, comtois et romands* (Dijon), fasc. 3 (193?), p. 104.

9 *Succession,* p. 109.

10 *Succession,* p. 109-110.

same glosses. It is therefore fortunate that our library has several editions.

Even if the allegation refers to the law and not to the gloss, it is usually a wise procedure to consult the *glossa ordinaria* and those other glosses which are roughly contemporary to the author of the tract in question, for it is likely that the author's understanding of the law is not unlike that of the glossators and this understanding may differ from modern interpretations. This is particularly true for writers of the fourteenth and fifteenth centuries who were struggling to apply Roman legal principles to a society very different from that of the Principate.

Medieval editions of the law and the works of the Glossators and Post-Glossators are thus essential tools for the scholar who seeks to understand the tracts of many late medieval and early modern philosophers and polemicists. The important works of Jean Bodin or the *Vindiciae contra tyrannos,* books which are used by scholars in many fields, are filled with allegations to the Roman law and cannot be fully appreciated without consulting the *Corpus Iuris Civilis* and its medieval marginalia. To understand their arguments it is necessary to track down the allegations; to understand the law cited it is often necessary to consult the glosses.

The works of the Commentators themselves are fruitful, if largely ignored, sources for the history of European law. It is quite possible that an accurate perception of the development of Continental law can be gained only through close study of the works of the Glossators and Post-Glossators. To take but a single striking example, the concept of the corporation, so important to the development of economic institutions in Europe, was very slow in emerging both in the common law of England and in the various Continental laws, and the fact that it was finally arrived at was largely the result of the speculations of the Roman law jurists of the Middle Ages. The Glossators saw the *universitas,* the medieval word for our "corporation," as the sum or aggregate of its component members in a time when business associations were limited to various forms of partnership. In the thirteenth century the Commentators and the Canonists added an institutional element derived from the history of the Church, and invested the corporation with a fictional personality of its own, thus preparing the way for the first joint-stock companies. Finally, Commentators of the fourteenth century who were puzzled by the mystery of a *persona ficta,* determined that only the king could create such a fiction: "*solus princeps fingit quod in rei veritate non est.*" Thus, as Maitland ob-

served, "the 'Fiction Theory' leads us to the 'Concession Theory,'" and all corporations must be chartered by the Crown.

The work of the Commentators also illuminates the history of the development of more strictly political institutions. Fascinated by the question of the sources of the law, they very early turned their attention to the discussion of the relationship between the divine law or natural law and positive human law and thence to the relationship between the prince and the law. The Roman law clearly taught that the prince was the source of law (*quod principi placuit legis habet vigorem*: that which pleases the prince has the force of law),[11] and, moreover, that the prince was not to be bound by the law (*princeps legibus solutus*: the prince is not bound by the law),[12] maxims supporting the most ardent champions of nascent royal absolutism. But these principles were clearly in opposition to the Germanic and medieval conceptions of kingship, which required the prince to be subject to the law to the same extent as anyone else, if not more so. To read the disputes of the Post-Glossators on this apparent paradox is almost to be present at the intellectual conception of the modern state.

Careful study of the works of the Glossators and Commentators, finally, may provide useful insights into the social history of medieval Europe, particularly of Italy. Bartolus's attempts to describe the government of Lombard towns in terms of the Roman administrative law certainly tell us more about the class structure of fourteenth-century Italy than about second-century Rome, while Lucas de Penna's discussion of just wages and private property provides useful insight into the structure and function of guilds in medieval industry.[13]

In the nineteenth and early twentieth centuries the study of Roman law was flourishing in European and American universities; today there are only a handful of competent Romanists. This is particularly unfortunate in light of the many areas which can be illuminated by studying the law and the legists. Political scientists, philosophers, and historians of social and economic institutions, as well as legal historians, will all find an acquaintance with Roman law materials to be an invaluable scholarly tool. Few libraries can boast of a richer supply of these books and commentaries than The University of Iowa Libraries.

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[11] Dig. 1.4.1.

[12] Dig. 1.3.31.

[13] Examples of this kind of work are rare, but see A. T. Sheedy, *Bartolus on Social Conditions in the Fourteenth Century* (New York, 1942), and Walter Ullmann, *The Medieval Idea of Law As Represented by Lucas de Penna* (New York, 1946), especially chapter VIII, "Social and Political Conceptions," pp. 163-98.

III.

Roman Law Materials in The University of Iowa Libraries

Editions of the Law:

Corpus Iuris Civilis. Digest and Novels. Paris, 1526-27.
Corpus Iuris Civilis. Antwerp, 1575.
Corpus Iuris Civilis. (Vol. 5 lacking). Venice, 1592.
Corpus Iuris Civilis. Venice, 1606.
Corpus Iuris Civilis. Lyons, 1612.
Corpus Iuris Civilis. Lyons, 1650.
Corpus Iuris Civilis. Code and Novels. Frankfurt, 1663.
Institutiones. ed. Antonio Perez (1583-1672). 1652.

Commentaries on the Law:

Adduensis, Ferdinandus (fl. c. 1550). *Ad omnes iuris civilis interpretes (oratio pro iure civili).* Venice, 1546.

Alciati, Andrea (1492-1550). *Opera in tomis quatuor.* Basle, 1550. Alciati studied at Milan under Jason Maynus and later taught there. He founded the French Humanist school when he moved to Bourges in the 1530s.

Alciati, Andrea. *Commentaria et tractatus, orationes, emblemata.* Lyons, 1560.

Alciati, Andrea. *Ad rescripta principum commentarii.* Lyons, 1537.

Baldo degli Ubaldi (1327?-1400). *Commentaria in Corpus iuris civilis.* Lyons, 1585.

Baldo degli Ubaldi. *Consiliorum, sive, responsorum.* Frankfurt, 1589.

Bartolus de Saxoferrato (1314-1357). *Opera.* Lyons, 1581.

Brant, Sebastian (1458-1521). *Expositiones titulorum.* Venice, 1536.

Budé, Guillaume (1468-1540). *Annotationes in quatuor et viginti Pandectarum libros.* Paris, 1527. Budé, cofounder of the French Humanist school with Alciati, was called by G. R. Elton a "more influential humanist than Erasmus."

Connan, François de (1508-1551). *Commentariorum iuris civilis libri x.* Basle, 1557. Connan was the most prominent student of Alciati at Bourges.

Decius, Philippus (1454-1535). *De regulis iuris.* Lyons, 1539. Decius was the leading pupil of Tartagni at Padua.

Duaren, François (1509-1559). *Opera omnia.* Lyons, 1554. Duaren, who studied with Alciati at Bourges, was another leading light of the second generation of French Humanists with Connan.

Faber, Iohannes (c.1300-1350). *In Iustiniani imperatoris Codicem*

breviarium. Paris, 1545. Also known as de Runcinis, Faber was perhaps the teacher of Bartolus.
Faber, Iohannes. *In quatuor libros Institutionum eruditissima commentaria.* Venice, 1572.
Faber, Petrus (1540?-1600). *Commentarius.* Lyons, 1566.
Fachinei, Andrea (d.c.1607). *Controversiarum iuris libris decem-tridecem.* Venice, 1619-20.
Gambilioni, Angelo dei (d.1451). *In quatuor Institutionum Iustiniani libros commentaria.* Venice, 1580.
Hotman, François (1524-1590). *Opera in tomis tres.* Geneva, 1589. Hotman was perhaps the premier legist of the third generation of French Humanists.
Hotman, François. *Commentariis in quatuor libros Institutionum iuris civilis.* 1567.
Luca, Giovanni Battista de (1614-1683). *Theatrum et veritatis et iustitiae.* Venice, 1706.
Maino, Giasone del (1435-1519). *In primam Digesti vetus partem commentaria.* Venice, 1598. One of the first jurists of the Humanist school at Milan, Maynus was the teacher of Alciati.
Maino, Gaisone del. *In secundam Digesti vetus partem commentaria.* Venice, 1598.
Nonias, Thobias (d.1570). *Consilia, seu, responsa.* Venice, 1589.
Oldrado da Ponte (d. 1335). *Consilia et quaestiones.* Venice, 1490. Oldrado taught at Padua and Bologna, where Bartolus was among his students. A good friend of Petrarch, he was brought to the Papal court at Avignon by John XXII in 1316.
Paulus de Castro (fl. 1400). *In primam et secundam Infortiati partes commentaria.* Venice, 1593. One of the most important civilians of the fifteenth century, de Castro was almost alone among jurists in his extreme support for the Papacy.
Paulus de Castro. *In primam et secundam Codicis partes commentaria.* Venice, 1593.
Paulus de Castro. *In primam et secundam Digesti novi partes commentaria.* Venice, 1593.
Paulus de Castro. *In Pandectarum Iustinianeique Codicis titulos commentaria.* Venice, 1592.
Paulus de Castro. *In secundam Digesti veteris partem commentaria.* Venice, 1593.
Paulus de Castro. *Avenionicae praelectiones.* Venice, 1593.
Peck, Pierre (1529-1589). *Opera omnia.* Antwerp, 1666.
Perez, Antonio (1583-1672). *Praelectiones in xii libros Codicis.* Amsterdam, 1661.

Tartagni, Alessandro (d.1447). *Commentaria.* A student of Johannes de Imola, Alexander taught at Padua for 30 years where he held a great reputation. He was called the "docteur de la verité" by his pupil Decius.

Dictionaries, lexicons, etc.:

Brisson, Barnabé (1531-1591). *De verborum quae ad ius civile pertinent.* Brisson was *avocat-général* of Parlement 1575-83 and was a trusted counselor and agent of Henry III. He was a very active polemicist during the wars of religion. This was the most popular French lexicon for centuries.

Calvinus, Iohannes (fl. 1598-1614). *Lexicon iuridicum iuris caesari simul et canonici.* 1645? Calvinus was a professor at Heidelberg where he enjoyed some reputation. His lexicon is noted for its clarity and conciseness.

Calvinus, Iohannes. *Magnum lexicon iuridicum.* 1759.

Craig, Sir Thomas. *Ius feudale.* Includes Lombard code with British and Scottish laws and lexicon. 1716.

Du Rivail, Aymer (c.1490-1557). *Civilis historiae iuris, sive in xii tab. commentariorum.* Moguntiae, 1533.

Ferrière, Claude de (1639-1715). *La jurisprudence du code Justinian. Conferée avec les ordonnances royaux, les coutumes de France, et les decisions des cours souveraines.* Paris, 1684. Ferrière was the first man to translate the Roman law into French. He completed only the Institutes and commentaries on the rest. Unfortunately, his knowledge of French law is deficient and has little value.

Otto, Evehard (1685-1756). *Thesaurus iuris romani.* 1733-35.

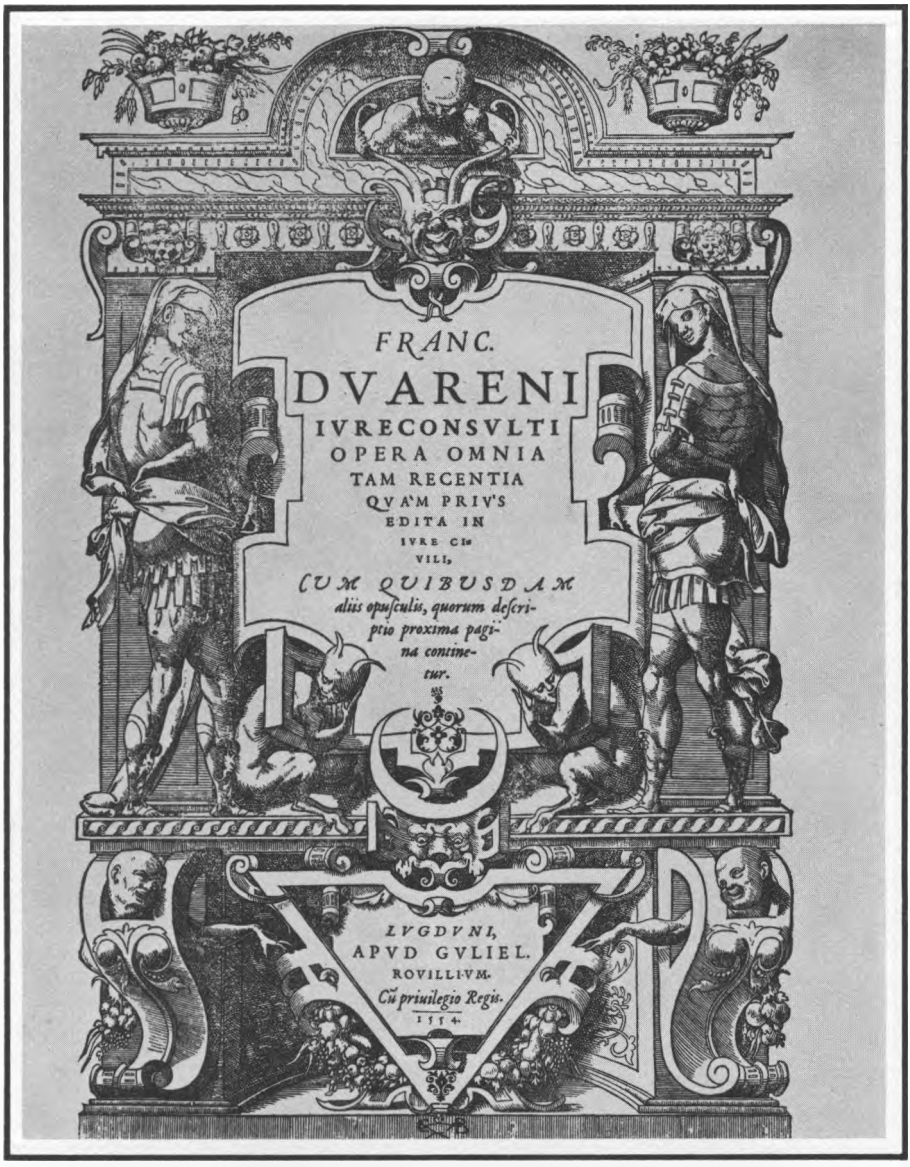
Petrucia, Antonio de. *Tractatus de viribus iuramenti.* 1522.

Pithou, Pierre (1539-1596). *Observationes ad Codicem et Novellae . . . Mosaycarum et romanarum legum collatio.* Paris, 1689. A student of Cujas, Pithou was an able scholar with a considerable reputation. He was a devout Calvinist and an important pamphleteer during the wars of religion.

Rebuffi, Pierre (1487-1557). *In titulos Digesti de verborum et rerum significatum commentaria.* Lyons, 1581. Rebuffi so impressed Paul III with his knowledge when pleading before the Rota that he was repeatedly offered offices and legatine duties, which he always declined. His output was tremendous.

Sigonio, Carlo, (1524-1584). *De antiquo iure civium romanorum.* Venice, 1563.

Taisand, Pierre (1644-1715). *Histoire du droit romain.* Paris, 1678. *Tresorer de France* in 1680, Taisand was a prolific writer and noted expert on French custom law.



Title page of a volume by a sixteenth-century commentator on the Roman law, François Duaren's *Opera Omnia,* published in 1554.