§ 23: Abailard’s Scholastic Method

Course of the twelfth century, was widely adopted not only by theologians but by canonists also. The *Sic et Non*, compiled some time after 1120, consists of a collection of contradictory statements on particular questions assembled from the writings of the Fathers. In the body of the book there is no attempt to harmonize the contradictions, but the Preface contains hints as to how to do so. The *Sic et Non* was a syllabus from which Abailard intended that his students should work.


§ 23

Extracts from the Prologue to the *Sic et Non* of Peter Abailard: Migne, P.L., 178, 1339-49.

Although, amid so great a mass of verbiage, some of the sayings even of the saints not only seem to differ from but also actually to contradict one another, we must not be so bold as to judge those by whom the world itself must be judged, as it is written: "The saints shall judge nations,"1 and, again, "And you too shall sit in judgment."2 Let us not presume to denounce them as liars or despise them as mistaken, for the Lord said to them: "He who listens to you, listens to me; he who despises you, despises me."3 Reflecting upon our own feebleness, let us suppose that we lack the gift of understanding rather than that they had no gift for writing, for it was said by the very Truth itself: "It is not you who speak, but the Spirit of your Father, which speaks in you."4 Small wonder, then, that we should fail to understand these things, for the Spirit by means of which they were written and spoken and imparted to the writers is absent from us. A particular bar to understanding is the unfamiliar language and the different meaning of a great many identical words, since the same word is used sometimes with one and sometimes with another meaning. For as everyone has plenty of his own meaning, so also has he plenty of his own words. And since, as Cicero says,

§ 23: Abailard's Scholastic Method

pronouncements of different men on a great many matters, so that, as St. Gregory bears witness in the fourth book of his Dialogues, he is rather regarded as a creator of confusion. We should, again, consider whether the saints left the matters in question in a spirit of inquiry rather than settle them with a definite decision. . . . From the testimony of St. Jerome, we know that the Catholic doctors were in the habit of inserting among their own pronouncements in their commentaries even some of the worst opinions of heretics, since, striving after completeness, they delighted in including everything that the ancients had said . . . .

Again, some things in the Gospel are stated according to human opinion rather than the actual truth—as when Joseph is called ‘the father of Christ’ even by the mother of the Lord in accordance with the common opinion and practice, for she says: ‘Your father and I have been seeking you, sorrowing’. . . .\footnote{1} Small wonder if the Holy Fathers sometimes propounded or even wrote down what they thought was true, but was not in fact true.

When different things are said about the same matter, it is necessary to discuss thoroughly what is intended as a binding precept and what as a dispensation relaxing the law or an exhortation to perfection, so that we may seek to resolve the conflict by taking into account the difference of intentions. If it is a commandment, is it general or particular—addressed to all men in common or to some men especially? It is necessary to bear in mind the occasion and the reasons for dispensations, because what is permitted at one time is often found to be prohibited at another; and things that are usually strictly commanded are sometimes modified by dispensation. It is especially necessary to take account of these points in considering what ecclesiastical decrees and canons have laid down. We can easily resolve a great many disputes if we can maintain that the same words have been used with different meanings by different authors.

A diligent reader will try to resolve disputes in the writings of the saints by all the aforesaid methods. But if it happens that there is such an obvious conflict that it cannot be resolved by any argument, then the authorities must be compared, and the one whose testimony is more robust and more fully confirmed should be preferred . . . . It is generally agreed that even the prophets sometimes lacked the gift of prophecy, and, out of the habit of prophesying, put about falsehoods by means of their own spirit when they thought that the spirit of prophecy was upon

---

1. Matthew, xxvii, 45; John, xix, 14; Mark, xv, 25. 2. 1 Cor., xvii, xii, 7.
ASPECTS OF THE CHURCH AND ITS GOVERNMENT

them. In order to preserve their humility, they were permitted more truly to understand which prophecies originated through the Spirit of God, and which through their own, and to understand that the Spirit which knows not how to lie or to be mistaken came to them as a gift—when it did come. The Spirit, when it is upon a man, just as it does not confer all gifts upon one person, likewise does not enlighten the mind of the one whom it fills upon all matters, but reveals only so and so or only such and such, and, when it discloses one thing, hides another. St. Gregory points this out with clear examples in his first homily upon Ezekiel: that St. Peter, the very Chief of the Apostles, resplendent with so many miracles and gifts of the grace of God, even after the Lord had promised him that special outpouring of the Holy Spirit which teaches his disciples the whole truth, lapsed into error concerning the observance of circumcision and of certain other ancient rites. When he was weightily and salutarily corrected in public by his fellow-apostle Paul, he was not ashamed to give up this harmful deception. 8 Small wonder, then, when it is generally agreed that the very prophets and apostles were not altogether strangers to error, if, among the so numerous writings of the Holy Fathers, there appear to be certain things which have been propounded and written down erroneously for the reason set down above. But it is not seemly to reproove the saints as guilty of lying, if they sometimes think that some things are other than they really are and say so, not out of duplicity, but from ignorance. Nothing which is said out of love for any constructive purpose must be ascribed to presumption or sin, for it is well known that the Lord considers all things according to the intention behind them...

The outstanding canonical authority of the Old and New Testaments is in a different category from the books of later writers. If anything in the Bible strikes you as absurd, it is not permissible to say: ‘The author of this book did not uphold the truth’, but that either the manuscript is false, or the translator made a mistake, or that you do not understand it. But if the little works of later men which are contained in innumerable books are thought to diverge from the truth (perhaps because they are not understood in the original sense), then the reader or listener is free to judge, and to approve what he likes and condemn what he dislikes and anything of that kind, unless the argument or account in the book is supported by sure reasons or by such canonical authority as will demonstrate that it was wholly so or could have been so. Otherwise, if somebody does not like it or does not want to believe

§ 23: ABAILARD’S SCHOLASTIC METHOD

it, he cannot be blamed. So Augustine calls the canonical texts of the Old and New Testaments such documents that it is heretical to proclaim that anything in them departs from the truth...

After these preliminaries, we have decided to assemble various sayings of the Holy Fathers dealing with particular questions, when they occur to our memory, on account of a certain discord which there appears to be between them, so that they may arouse inexperienced readers to the most vigorous activity in seeking out the truth, and that they may sharpen their wits by these inquiries. For assiduous and frequent asking of questions is termed the first key to wisdom. That most penetrating of all philosophers, Aristotle, exhorts scholars to take it up with all their hearts, saying in his work ‘ad alicium’: ‘But perhaps it is difficult to make confident pronouncements on matters like this, unless they are frequently discussed. But it will be of some use to entertain doubts about each of them’. For by doubting we come to inquiring and by inquiring we perceive the truth—as the Truth himself says: ‘Seek’, he says, ‘and you will find; knock and it will be opened to you’. 1 Giving moral teaching by his own example, he wished to be found, in about his twelfth year, sitting among the doctors and asking them questions,—by asking questions he revealed himself to us in the guise of a pupil, rather than by preaching showing himself a master, although there is in him the full and perfect wisdom of God.

When any sayings of the Scriptures are cited, they rouse the reader and entice him into seeking out the truth all the more effectively the more the authority of the Scripture is commended. Hence we have decided to preface this work of ours, which we have compiled by gathering sayings of the saints into one volume, with the decree of Pope Gelasius concerning authentic books, from which it shall be known that we have not cited anything apocryphal here. And we have added extracts from the Retractions of St. Augustine, from which it shall appear that none of those things which he corrected by retracting them have been included here.

THE AUTHENTICA HABITA

§ 24. The Authentica Habita was a pre-university charter—a general privilege to the student class on imperial territory, and an important basis for future privileges. It was issued by the Emperor Frederick I in

1. Matthew, vii, 7.


11
ASPECTS OF THE CHURCH AND ITS GOVERNMENT

1158, probably because he saw the advantages to himself of encouraging the study of Roman law.


See also below, Part III, no. 22.

§ 24

The *Privilegium Scholasticum* or *Authentica Habita* issued by the Emperor Frederick I at Roncaglia, November 1158: ed. Koeppler, ‘Frederick Barbarossa and the schools of Bologna’, 606–7; another text was edited by L. Weiland in M.G.H., Const., I (1893), 249.

Bishops, abbots, dukes, and all the judges and most eminent men of our sacred palace having diligently considered the matter, we grant this favour of our dutiful love to all scholars who are travelling for the sake of their studies, and especially to teachers of the divine and sacred laws: that they and their representatives may safely come to the places in which letters are studied and safely live in them. For we consider it fitting, since those who do good deserve our praise and protection, that we should with a certain particular love defend from all harm all those by whose knowledge the world is enlightened and the lives of subjects are moulded into obedience to God and to us, his servants. They all excite compassion, for they have made themselves exiles for love of knowledge; they reduce themselves from riches to poverty, expose their lives to every danger and suffer gratuitous bodily injuries, often at the hands of the lowest of men—a thing which must cause them serious annoyance.

We therefore decree by this general law, which is to be valid forever, that henceforth no one shall be so bold as to presume to do any injury to scholars or to cause them any loss on account of a debt incurred by another man from the same district, which, we have heard, has sometimes been done as the result of a depraved custom.

§ 25: PRIVILEGES OF PARIS UNIVERSITY

Be it known to all those who violate this sacred law, and also to all local authorities for the time being who fail to punish the crime, that a fourfold restitution of the goods that have been carried off shall be exacted from them, that the stigma of dishonour shall automatically attach to them, and that they shall be perpetually deprived of their office.

Moreover, if anyone presumes to bring suit against them on any matter, the scholars shall be allowed to choose whether he shall cite them before their own governor [dominus] or master or before the bishop of the city, for upon them we have conferred jurisdiction in this matter. If anybody attempts to cite the scholars before another judge, his case, even if it is a very good one, shall lapse because of this attempt.

We have ordered this law to be inserted among the imperial constitutions under the heading ‘*ne filius pro patre*’, etc.

PRIVILEGES OF THE UNIVERSITY OF PARIS

§ 25. Gregory IX’s Bull ‘Parens scientiarum’, issued in 1231, restated and extended the privileges already granted to the scholars of Paris. It also approved the use which the University had made of the weapon of ceasing to lecture in order to secure its demands and protect its privileges. It followed the ‘great dispersal’ which lasted from the spring of 1229 to the beginning of 1231. This, in turn, had resulted from a brawl between townsfolk and gowmsmen for which the civil authorities held the students responsible. In protest against the drastic action which the authorities took, the masters determined to suspend lectures.


§ 25


Bishop Gregory, servant of the servants of God, to his beloved sons, all the masters and scholars of Paris, greeting and the apostolic blessing.

May Paris, the mother of sciences, be famous in her riches like
§ 25: PRIVILEGES OF PARIS UNIVERSITY

making progress and the other qualities which are to be sought in such people. Having thus inquired what is proper and expedient, he shall in good faith either grant or deny the licence asked for according to his conscience. Masters of theology and the canon law, when they begin to lecture, shall take an oath publicly that they will give faithful testimony on these points. The Chancellor shall swear that he will in no way disclose the recommendations of the masters to their detriment. The canons of Paris shall continue to enjoy the rights and liberty which they have had in inceptor. The Chancellor shall also promise to examine masters in physic and arts and other faculties in good faith, and shall admit only the worthy, and reject the unsuitable.

Since untidiness can easily creep in where there is no order, we grant you the power to make prudent statutes and ordinances concerning the time and the manner of lecturing and disputing; on the regulation dress; on the burial of the dead; and on which of the bachelors must lecture, and when and on what subject they must do so. You may also assess the rents of lodging houses and put them out of bounds. We also empower you suitably to punish those who rebel against these statutes and ordinances by removing them from the society.

And if perchance the right to assess the rents of lodgings is withheld from you, or (which God forbid) some monstrous injury or offence is committed against you or any of your people, such as homicide or mutilation of a limb, unless satisfaction be made within fifteen days of the issue of a proper warning, it shall be lawful for you to suspend lectures until you receive suitable amends. And if any of your people happens to be imprisoned without due cause, it shall be lawful for you, if the wrong does not cease on the issue of a warning, to cease lecturing at once if you see that this is expedient.

We command the Bishop of Paris to punish the transgressions of offenders so that the honour of the scholars may be preserved and evil acts shall not remain unpunished; however, no innocent men shall be taken on the score that they have offended. If a plausible suspicion of anyone arises, let him be honourably arrested and later be released after giving a suitable security; the exactions of the jailers shall then end. But if the culprit has committed such a serious crime that imprisonment is necessary, the Bishop shall keep him in prison; the Chancellor shall be utterly forbidden to have his own prison. Moreover, we forbid that in future any scholar be arrested for contracting a debt, since this is forbidden upon canonical and lawful penalties. Neither the Bishop nor any official of his nor the Chancellor shall demand a money penalty for

another Cariath Sepher or city of letters. For she is great indeed; but she herself creates a desire for greater favours to be conferred on her teachers and pupils. She is like a special workshop for wisdom where seams of silver are made and there is also a place where gold is correctly manufactured, and hence the wise masters of eloquence forge golden collars inlaid with silver, and necklaces adorned with precious or rather priceless stones, and thus they beautify and honour the bride of Christ.

There in Paris iron is extracted from the earth, for, when earthly frailty is shored up with strength, the breastplate of faith, the sword of the spirit and the rest of the armour of Christian knights, which prevails against the brazen powers, are formed from it. The stone melted by heat is turned into brass, for when stony hearts are kindled by the heat of the Holy Spirit they burn and become with their preaching the sonorous trumpets of the praise of Christ.

Hence there is no doubt that it would be gravely displeasing to God and to men if anyone should strive in any way to disturb these exceptional benefits in the city of Paris or should fail to oppose both vigorously and openly with all his might anyone who did so. Having assiduously listened to the lawsuits which have been referred to us as the result of a quarrel which has, at the instigation of the Devil, arisen at Paris and monstrously disturbed the University [studium], we have with the advice of our brothers decided that they should be settled by precautionary measures rather than by judicial sentence.

Concerning the constitution of the schools and scholars, we decree that hereafter, when any Chancellor of Paris is to be appointed, the masters shall be summoned, and when they are present on behalf of the corporation of scholars [uniuersitate sclarium], the Chancellor shall at his installation swear before the Bishop or, if the Bishop command it, before the chapter of Paris, that he will grant only to worthy persons the licence to teach theology and the canon law [decreta] in good faith according to his conscience, at the proper time and place, and bearing in mind the situation in the city and the honour and reputation of the faculties; that he will not admit unworthy men, and that he will not make exceptions for either persons or nations. Before he grants a licence to anybody, he shall, within three months of the date of the application, make thorough inquiries of all the masters of theology present in the city and of other honourable and learned men through whom the truth may be known concerning the life, knowledge and eloquence and also the intentions of the candidate and his hopes of

removing an excommunication or any other sentence; nor shall the Chancellor demand any oath, obedience or other pledge from the masters he is to license; nor shall he receive any payment or promise of payment for granting the licence, but shall be content with the oath mentioned above.

Moreover, the summer vacations shall not in future exceed one month; the bachelors may, if they wish to, continue their lectures during the vacation.

We expressly forbid scholars to go armed through the city; the corporation of scholars shall not defend disturbers of peace and of the University. Those who pretend to be scholars but do not attend the schools or acknowledge any master shall in no way enjoy the liberty of scholars.

We further ordain that masters of arts shall always give one lecture on Priscian and shall lecture on one book after another in an orderly fashion. They shall not use at Paris those books of natural philosophy which have on sure grounds been prohibited at a provincial Council until they have been examined and cleansed of every suspicion of error. Masters and students of theology shall strive to employ themselves in the faculty which they profess, and shall not parade as philosophers; they shall content themselves with becoming learned in divinity. They shall not speak in the language of the people, nor confound the sacred language with the profane, but shall discuss in the schools only those questions which can be determined by means of theological books and the treatises of the Holy Fathers.

Furthermore, we have decided that the following steps must be taken to deal with the property of scholars who die intestate or fail to entrust others with ordering their affairs: that the Bishop and one of the masters appointed by the University to this task shall receive all the property of the deceased and, having deposited it in a safe and suitable place, shall fix a day on which the student's death shall be announced in his home town [patres]. Those who are to succeed to his property may then come to Paris or send there a suitable representative, and if they come or send somebody the property shall be restored to them, together with the security the student will have had to give. But if nobody appears, then the Bishop and the master shall bestow the goods for the soul of the deceased as they consider expedient, unless it happens that his heirs have for some good reason been unable to come. In that case they shall put off disposing of the goods until a suitable time.

The masters and scholars who, having suffered much damage and many wrongs, took an oath among themselves, disbanded the University and departed from the city of Paris, appear to be promoting not their own so much as the public welfare. We therefore, having carefully considered the needs and interests of the Church as a whole, wish and command that when privileges have been extended to the masters and scholars by our dearest son in Christ [Louis], the illustrious King of the French, and when the amends to be paid by their malefactors have been assessed, they may lawfully study at Paris, and shall not incur any stigma or be deemed disobedient on account of their absence or return.

To no man whatsoever shall it be lawful to offend against this our decree, statute and grant, or boldly to ignore its prohibitions and restraints. But if anyone attempts to do this, let him know that he will incur the wrath of Almighty God and that of St. Peter and St. Paul his apostles.

Given at the Lateran on the thirteenth of April, in the fifth year of our pontificate.
Almost all the students at Paris, foreigners and natives, did absolutely nothing except learn or hear something new. Some studied merely to acquire knowledge, which is curiosity; others to acquire fame, which is vanity; others still for the sake of gain, which is cupidity and the vice of simony. Very few studied for their own edification, or that of others. They wrangled and disputed not merely about the various sects or about some discussions; but the differences between the countries also caused dissensions, hatreds and virulent animosities among them, and they impudently uttered all kinds of affronts and insults against one another.

They affirmed that the English were drunkards and had tails; the sons of France proud, effeminate and carefully adorned like women. They said that the Germans were furious and obscene at their feasts; the Normans, vain and boastful; the Poitevins, traitors and always adventurers. The Burgundians they considered vulgar and stupid. The Bretons were reputed to be fickle and changeable, and were often reproached for the death of Arthur. The Lombards were called avaricious, vicious and cowardly; the Romans, seditious, turbulent and slanderous; the Sicilians, tyrannical and cruel; the inhabitants of Brabant, men of blood, incendiaries, brigands and ravishers; the Flemish, fickle, prodigal, glutinous, yielding as butter, and slothful. After such insults from words they often came to blows.

I will not speak of those logicians, before whose eyes flitted constantly “the lice of Egypt,” that is to say, all the sophistical subtleties, so that no one could comprehend their eloquent discourses in which, as says Isaiah, “there is no wisdom.” As to the doctors of theology, “seated in Moses’ seat,” they were swollen with learning, but their charity was not edifying. Teaching and not practicing, they have “become as sounding brass or a tinkling cymbal,” or like a canal of stone, always dry, which ought to carry water to “the bed of spices.” They not only hated one another, but by their flatteries they enticed away the students of others; each one seeking his own glory, but caring not a whit about the welfare of souls.

Having listened intently to these words of the Apostle, “If a man desire the office of a bishop, he desireth a good work,” they kept multiplying the prebends, and seeking after the offices; and yet they sought the work decidedly less than the preeminence, and they desired above all to have the uppermost rooms at feasts and the chief seats in the synagogue, and greetings in the market.” Although the Apostle James said, “My brethren, be not many masters,” they on the contrary were in such haste to become masters, that most of them were not able to have any students, except by entreaties and payments. Now it is safer to listen than to teach, and a humble listener is better than an ignorant and presumptuous doctor. In short, the Lord had reserved for Himself among them all, only a few honorable and timorous men who had not stood “in the way of sinners,” nor sat down with the others in the envenomed seat.