

Abstract

Glossators a Commentators in the Strahov Library

Private law in the Czech Republic, but also in many countries of the world, has its origin in the law of ancient Rome, the development of which reached its peak in the form of a codification compiled at the initiative of Emperor Justinian I in the 6th century AD. However, modern civil codes do not draw their content, theoretically defined institutes, and systematics directly from the sources of Roman law, but from the results of their processing by medieval and early modern period jurists. This process is referred to as the reception of Roman law and, in addition to the discovery, or rather realization of importance, of Justinian codification, it involved its detailed study, the search for a system in the insufficiently organized compilation of the statements of classical Roman lawyers, the abstraction of theoretical concepts from casuistic norms and the transfer of ancient norms to the contemporary world.

This thesis focuses on the first two stages of the process of reception of Roman law, which are referred to as schools of glossators and commentators according to the typical ways of work of lawyers, and which extend from approximately the second half of the 11th century to the end of the 15th century. It searches manuscripts, incunabula, and printed books in the library of the Royal Canonry of Premonstratensians at Strahov, looks for preserved works of glossators and commentators, describes them and revises the data kept in the current form of the library catalogue. In an effort to create a comprehensive handbook not only for future researchers, it adds biographical information about the authors and data about their treatises and methods of work. The beginnings of the reception of Roman law are also discussed in general, as well as the two schools. Literary forms that glossators and commentators used in their research are illustrated on samples from the Strahov Library.

A total of 26 authors, 344 items in 186 separate physical volumes were processed. The works of glossators and commentators are not represented in the Strahov library in the form of manuscripts, a smaller number of incunabula published before 31 December 1500 are available, and the number is clearly dominated by printed books published from the beginning of 1501.

In addition to the introduction and conclusion, the work is divided into three main chapters. The first chapter provides general information about the development in the period from the promulgation of the Justinian codification to the beginning of the existence of the school of glossators. It thus represents an initial insight into the topic. The second chapter focuses on the glossators, introduces this school in general, the way they worked, and then, in five sub-chapters, specific authors, including a description of their works in Strahov. The third chapter presents the school of commentators in a similar way. After a general insight into the topic, it focuses on specific authors and their works in 21 subsections.

Appendix 1 includes a list of processed authors, Appendix 2 a visual accompaniment to the interpretation of literary forms, and Appendix 4 a list of processed signatures. Appendix 3 offers a catalogue of processed works, which also serves as an overview of the work of glossators and commentators in the Strahov Library and as a possible addition to the current catalogue of the library.

Keywords:

Roman law; reception; Middle Ages, legal science; Corpus iuris civilis