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BONIFACE VIII (1294-1303), *Liber Sextus*, with the *Glossa Ordinaria* of Johannes Andreae and the *Regulae Iuris*

In Latin, illuminated manuscript, on parchment
[France, likely Avignon, c. 1350]

228 folios, parchment, complete (1-9¹⁰, 10⁸, 11¹², 12⁸, 13-14¹², 15-19¹⁰, 20¹¹, 199 is a folio detached, 21-22¹⁰, 23⁴, 225 and 227 are detached folios), quires 21 to 23 bear an old foliation that goes from 1 to 22 and are distinctive both by their mise-en-page and their texts, horizontal catchwords for quires 1-9 and 21-22, vertical for quires 10-20, ruling in pen: for the *Liber Sextus* 2 columns of variable length with surrounding glosses (57-60 lines of gloss, justification 295/325 x 195/200 mm); in quires 21-23, 2 columns (52-54 lines, justification 310 x 185), written in littera bononiensis by several hands, smaller and more compressed for the gloss, of middle size, more regular and larger for the *Regulae iuris*, decoration of numerous initials in red and blue, that of quires 1 and 5 is a little more finished, the initials there are delicately calligraphed with penwork in red with violet and blue with red, large 4 ILLUMINATED INITIALS on ff. 2r and 4r, a little deteriorated in blue, pale green, pink, orange, and gold and silver on black ground with white foliage, containing rinceaux and animals, the first surmounted by a rabbit, at the beginning of the text a large initial with penwork and foliage, ending in a floral frame separating the text from the gloss, with an erased shield in the lower margin. Modern binding in medieval style, light brown binding on strong card, the covers and the spine with 4 false bands, blind-stamped, the rectangular frames in the form of a losenge on the covers, at the corner and in the compartments of the spine parallel filets, two clasps of brass, on which one is decorated with three incised rosettes. Dimensions 390 x 250 mm.

Large, well-preserved early manuscript of the *Liber Sextus* with glosses, wide margins, many marginal notes, marginal apparatus, and illuminated initials, this one probably from Avignon during the papal schism. Excellent example of the type of books used in the juridical schools and by canonists, and French copies are rarer than those from Italy.

PROVENANCE

1. This manuscript of Canon Law is of French origin, even though it preserves the address to the University of Bologna on the incipit page (probably from the exemplar it copied). Not only is its decoration of French style but certain technical

features, such as the underlining of the *lemmata* in red, are found only in French, not Italian manuscripts. During the Avignon papacy, the center was quite active in the production of legal manuscripts, and the University of Avignon was founded in 1303 by a decree of Boniface VIII.

2. At the bottom of f. 2r, there is a date and a name: "MCCCCXXI die ultimo Octobris. Iohannes."
3. On f. 1r, there are a few notes from the seventeenth century in Italian, now almost indecipherable, concerning a transaction having the manuscript as an object: "Questo libro Io Giuliano fui presente a questo. Io. Jonito Bernero fui presente a questo."

TEXT

f. 1r, Table of contents, added later;

ff. 2r-204v, *Liber sextus*. Incipit, "Bonifacius episcopus servorum Dei. Dilectis filiis doctoribus et scholaribus universis bononiae commarantibus salutem et apostolicam benedictionem; explicit, Explicit sextus liber decretalium Datum Ramae apud santum Petrum quinto nonas martii pontificatus Bonifacii anno quarto. Amen."

ff. 205r-226v, Johannes Andreae, *Regulae iuris*, followed by the list of the juridic rules, referring to the foliation of this part of the codex;

f. 226v, Rules of Roman law, copied by a later hand and whose authors are the Roman jurists Ulpian (first to third century), Paul (beginning second century) and Pomponius (second century).

Decretals are papal letters which have the force of law. The *Liber Sextus* is the official compilation of decretals and conciliar canons produced after the publication of the *Decretales* of Gregory IX, and it was promulgated in 1298 by Pope Boniface VIII. Though it actually is the third text in the *Corpus iuris canonici* (following two texts of the *Decretales*, the first composed between 1139 and 1158 by Gratian, and the second promulgated in 1234 by Gregory IX), its title comes from the fact that it is the supplement to the five books of the *Decretales* as edited by Raymond of Penafort for Pope Gregory IX, thus the sixth book. It embraces some 64 years of papal and conciliar legislation. It is especially notable for the inclusion at the end of a series of eighty-eight *regule iuris*.

Of the many major commentaries on the *Liber Sextus* written after 1300 by the canonists, the commentary composed in 1304 by the renowned Bolognese lay canonist Johannes Andreae (c. 1270-1348) is the most common. According to L'Engle and Gibbs: "Andrea was notably prolific He had an encyclopaedic knowledge of decretalist literature going back to the thirteenth century... (p. 29).

General rules or principles serving chiefly for the interpretation of laws. In a specific sense, *regulae iuris* are fundamental laws in the form of axioms found in the *Corpus Juris*. Some of the axioms are applicable in all matters, others are confined to judicial trials, benefices. As

examples the following are taken from the *Liber Sextus*: No one can be held to the impossible (6); Time does not heal what was invalid from the beginning (18); What is not allowed to the defendant, is denied to the plaintiff (32); What one is not permitted to do in his own name, he may not do through another (47).

As L'Engle and Gibbs have demonstrated the layout of legal manuscripts is basically the same; yet, there are individual details that distinguish not only types of legal manuscripts but also where they were made. For example, canon and Roman law manuscripts were treated visually as distinct genres: in canon law texts alternating two-line red and blue initials are used in both text and gloss, as well as capitals and paragraph marks of alternating colors; whereas civil law texts were assigned blue initials in the text proper; and one-line red capitals beginning the subsequent sentences. Our manuscript follows the system for canon law texts. Typically, Bolognese manuscripts were composed of 8 or 10 leaves to a quire; while, manuscripts made north of the Alps were composed of 12 leaves. Our manuscript appears to be a hybrid since it employs both 10 and 12 leaf quires.

Special *sigla* invented by glossators and text scholars appear frequently in legal manuscripts. In our manuscript, there is an astonishing variety of pointing hands, some elegantly gloved, as well as faces, towers, and so forth.

There is no census of the *Liber Sextus* tracing the number of extant copies, but it was produced in great numbers; French copies are rarer than Italian ones.

LITERATURE

E. L. Richter. and Friedberg, E., eds. *Corpus Iuris Canonici*, 2 vols. Leipzig, 1879-81, reprint Graz, 1959 (for the *Liber Sextus*, II, 933-1124).

Susan L'Engle and Robert Gibbs. *Illuminating the Law. Legal Manuscripts in Cambridge Collections*. An exhibition in Cambridge, Fitzwilliam Museum, 3 November-16 December 2001. Brepols, 2001.

Online Resources

An Exhibition of Legal Manuscripts at the Fitzwilliam Museum, Cambridge

<http://www.fitzmuseum.cam.ac.uk/gallery/law/index.htm>

Canon Law Homepage

<http://canonlaw.anglican.org/>

History of Medieval Canon Law in 11 volumes edited by Wilfried Hartmann and Kenneth Pennington, esp. vol. 11 (in progress)

<http://faculty.cua.edu/pennington/djhftit.htm>

and

<http://faculty.cua.edu/pennington/12981-z.htm>

for preliminary information on the *Liber Sextus*, including a partial list of manuscripts
Law Library Microform Consortium (non-profit library cooperative that makes available the
world's largest collection of legal literature and government documents in microform).
Section 12 on Canon Law.
<http://www.llmc.com/>

Medieval Manuscripts of Canon Law and Roman Law: Dr. Giovanna Murano's (University
of Florence) list of canon law incipits; and Professor Dolezalek's (University of Leipzig)
data base. With many useful links.
<http://decwww.rz.uni-leipzig.de/~jurarom/manuscr/>