[Canon Law]. *Summae* and *notabilia* on the *Decretales Gregorii IX*, the *Liber Sextus* and the *Clementinae*
In Latin, manuscript on parchment
[Southern France?, c. 1450-1475]

327 ff., on parchment, mostly in quires of 8 [collation nearly impracticable], contemporary foliation in upper right-hand corner (last folios numbered 386 and 389 [missing ff. 387-388, certain folios disordered, ff. 236, 386, 389, missing ff. 1, 3-6, 19, 25, 72, 81, 88-89, 137-151, 153-170, 175-176, 183, 186, 194, 203, 216, 221, 229-230, 233, 237, 250-251, 259, 264, 288, 291, 293-294, 300, 305, 333, 340, 369, 382, 387-388,]), some quire signatures in red, some catchwords, written in a cursive script in brown ink, on up to 20 long lines (justification 60 x 100 mm), ruled in plummet, some prickings still visible, rubrics and headings in red throughout, paragraph marks in red, some capitals stroked in red, painted initials in red and blue, numerous marginal contemporary annotations, some textual passages or annotations underlined in red or blue. Bound in a modern imitation “Hollandaise” binding of parchment over pasteboards, back sewn on 5 raised thongs (Some inner staining to parchment, upper joint cracked, some marginal cuttings without affecting main body of text (possibly marginal annotations cut out)). Dimensions 105 x 155 mm.

Unique and unpublished manuscript consisting of *summae* (“summaries”) and *notabilia* (“remarks”) on canon law, most likely anonymous, which remains to be studied in comparison with other such manuscript compendia of didactic apparatus on the law that proliferated from the thirteenth through the fifteenth centuries as well as with the sixteenth-century editions that eventually incorporated certain *summae* and *notabilia*, while others fell into disuse.

PROVENANCE
1. Script and layout, corroborated by some early inscriptions in French, suggest southern France as a possible place of origin for this manuscript. Further comparisons are still needed, especially with other manuscripts preserving similar collections of *summae* and *notabilia*, which have been little studied.

3. Inscription in French in a later nineteenth-century (?) hand on f. 159 reads “1340. Ecrit l’an 1340,” erroneously dating the manuscript.

TEXT
ff. 1-1v, [Table of contents], opening “De treuga et pace. xxxiii. / De pactis .xxxiii.”; rubric, Secuntur rubrice secundi libri [lacks beginning and ending];


ff. 14-18v, Manual of Confessors. [Modus instruendi novitios in suis confessionibus faciendis]: lacks beginning (incipit, “Hic est modus instruendi nouchios in suis confessionibus faciendis et primo recurrendum est ad septem peccata mortalia…”) with rubrics in the margin: Invidia / Ira / Accidia / Avaricia / Luxuria / Gula, incipit, “[…] laudari si credidisti bona ex te…”; “Si in aliorum adversitate gaudens fuisti…”; “Si erga proximum motus per iram…”; explicit, […] amara et verecunda ita quod fidendo non est confitendum. Amen”

The database In principio records two other copies of this manuscript: Schlägl, Prämonstratenser-Stiftsbibl., 43 (457.17) (fourteenth century) and Namur, Musée archéologique de la Province de Namur, fonds de la Ville, 87.

ff. 126-126v, [Notabilia Decretalium Gregorii IX], Liber II, titulus VI, “Ut lite non contesta”, ch. V: *Quoniam frequentem*, followed by summary “Lite non contestata regulariter non sunt…” [differing from Friedberg (1881, repr. 2000), col. 263];


From the time of its composition in the thirteenth century, the five books of Decretals of Pope Gregory IX (1227-1241) became the fundamental text of canon law, which governed many aspects of secular as well as clerical life. This was what Gregory intended when he ordered his confessor, Raymond of Peñaforé (died 1275), to organize into one authoritative text the existing five compilations of canon law with their subsequent additions, including his own. In 1234, Gregory sent the newly completed work to the universities of Paris and Bologna, and before 1263 a Glossa ordinaria to the Decretals was composed by Bernard of Parma. Pope Boniface VIII ordered three canonists to compile the next collection of papal decretales, known as the "Liber Sextus" completed in 1298. Other collections of decretales followed shortly afterwards, including the "Clementinae" (named after Pope Clement VII) and the "Extravagantes Johannis XXII" (named after Pope John XXII).

Such a crucial text rapidly acquired commentators and glossators, known as “decretalists,” whose writings were destined to facilitate the use of the massive body of material. The present manuscript with its pedagogical apparatus is an example of the numerous practical works produced to accompany law books as aids for teachers and students in the fourteenth and fifteenth centuries; these included abstracts (summae), illustrations (casus) and remarks (notabilia), assembled into the apparatus, lecturae and commentarii (on this body of literature, see corresponding articles in Naz, as cited below). Many of these took the form of abridged compendia of canon law, such as this one.

This manuscript supplies incipits and excerpts of decretales taken from the five books of Decretaales Gregorii IX and some from the Liber Sextus and Clementinae, followed by brief summae and notabilia as composed and codified by canonists from the thirteenth to the fifteenth centuries. Some of these notabilia can be ascribed to important canonists. One in particular for Book IV in the present manuscript may be John of Legnario (c. 1320-1383), whose Commentaria in Decretaales are still unpublished (cf. f. 232, “Matrimonium solo consensus …”; manuscripts in Florence, Bibl. Laurentiana, MS Edili, 54, ff. 1-47r, and Naples, BN, MS I.A.9 (b)). John of Legnario (c. 1320-1383) was professor of law at Bologna, closely connected to the papal activities of his day, and author of the Commentaria in Decretaales, completed by 1366, a date given in several of the extant manuscripts, and the Commentaria in Clementinae (for a list of manuscripts, see McCall, pp. 415-437). An alternative author,
whose work contains the same incipit, is Antonius de Butrio (c. 1338-1408) whose *Commentaria in quinque libros decretalium* was published in 1473 (MSS. Vat. Lat. 2242, ff. 303ra-390vb; Nürnberg, MS Cent. II, 63, ff. 1r-107v; and Krakow, BJ, 349, ff. 97r-194v). Born in Bologna, Antonius de Butrio (c. 1338-1408) was celebrated primarily as a teacher of law and composer of juristic writings.

Here is how the manuscript is organized. Either the first words (in a larger script) or a lengthy excerpt of the chapter of a given book (signaled by a paragraph mark and the abbreviation “tex”) come first. These are followed by *summae*, short abstracts destined to summarize in a few sentences the content of a given chapter. The *summae* are in turn followed by *notabila* (indicated to the reader by rubricated “nota”), which are shorter remarks used to express even more concisely a law (also called “brocards”) (Berlioz [1994], p. 172, pl. 2. Not found in the incunabula editions, a certain number of these *summae* and *notabila* became an integral part of the more elaborate apparatus found in sixteenth-century editions where precede the actual chapters and present short summaries of them. In these editions of the *Corpus iuris canonici* they are accompanied also by various glosses or commentaries.

The extensive manuscript tradition of *summae* and *notabila* is so complex that a full study of it would be unusually daunting. Most collections of *summae* and *notabila* are unique, composed as school books, exercises, or vademecum that extract material from diverse sources of special interest to the compiler. Usually anonymous, unedited, and without uniform incipits and explicits, they are poorly identified and described in library catalogues. Any such study would need to begin with the task of identifying the manuscripts and their authors, when possible, and placing them in their particular contexts. In such a way, a clearer idea of the evolution of this genre would emerge. The present manuscript contributes an important element to future research, the most promising of which would be to determine why certain *summae* and *notabila* eventually became “canonical” in sixteenth-century editions whereas others fell into disuse.

**LITERATURE**


Michaud-Quantin P. *Sommes de casuistique et manuels de confession au moyen âge,* Louvain, Montreal, Librairie dominicaine, 1962.


ONLINE RESOURCES
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

Canon Law Homepage

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) database
[http://decwww.rz.uni-leipzig.de/~jurarom/manuscr/](http://decwww.rz.uni-leipzig.de/~jurarom/manuscr/)
[http://www.uni-leipzig.de/~jurarom/manuscr/dat/initican.htm](http://www.uni-leipzig.de/~jurarom/manuscr/dat/initican.htm)
History of Medieval Canon Law in 11 volumes edited by Wilfried Hartmann and Kenneth Pennington, esp. vol. 11 (in progress)

Bio-Biographical Listing of Medieval Canonists
http://faculty.cua.edu/pennington/biobibl.htm