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[ANONYMOUS], [*Liber de legibus et praeceptis*]
In Latin, decorated manuscript on paper
Northern Italy, circa 1375-1400

73 ff., complete (collation: i-viii^s, ix^{s+}), on paper (watermarks close to Briquet, "Cercle traversé par un trait et croix latine," no. 2939 or close variant: Verona, 1350; Treviso, 1351-1357; Bologna, 1353; and other watermark of the type Briquet, "Monts," no. 11684, Fano, 1400), catchwords, written in dark brown ink in a rounded gothic bookhand, on up to 27 long lines (justification 140 x 88 mm.), light plummet ruling, wide margins with prickings still visible, quires reinforced with vellum sewing-guards from strips of earlier documents, rubrics in red, numerous line-high initials in alternating red or blue, opening 3-line high initial in blue with red penwork extending in the margin, many medieval sidenotes and notabilia. Contemporary binding of pink-stained alum-tawed skin over thick beveled wooden boards, back sewn on 3 raised thongs, traces of bosses, clasps and catches on covers, holes from a chain hasp at lower edge of upper cover, remains of a paper title-label on lower cover, later title-piece pasted on back: "*Liber de legibus et praeceptis*. [Thomas Aquinas]" (Joints broken, rebacked with brown leather). Dimensions 218 x 147 mm.

Unique copy of an unrecorded and otherwise unstudied treatise devoted to the Old Law, in particular its ceremonial and judicial precepts, inspired by Thomas Aquinas, *Summa Theologiae*. The anonymous author produced a work of classic medieval exegesis with a conspicuously legal slant, confronting literal and figurative senses of the Old Law in order to better sort out the Christological meanings essential to both medieval theologians and canonists. The present work is also noteworthy for its contemporary binding and its many marginal notes on Jewish ceremonial traditions and ritual practices.

PROVENANCE

1. Script and watermarks both suggest an Italian origin for this manuscript. The watermarks point towards a northern Italian region of production (Verona, 1350; Bologna 1353 and others to 1391, but none later). Spelling particularities of the type "in chopia" for "in copia" also confirm Italian origin.
2. Ex-collection Dr. André Rooryck, his MS. 13.

TEXT

f. 1, [*De legibus et praeceptis*], Preface, incipit, "Rogatus pluries a tua caritate quod causas et rationes preceptorum ceremonialium etc. iudicialium figurales et literales tibi scriberem ut cognoscas

quomodo Moyses in ceremoniis quas proprio [?] dedit Christum et eius passionem prophetaverit volens tue devotioni satisfacere rationes et causas tam literales quam figurales ceremoniarum et iudiciorum quas beatus Thomas assignat quasi in quodam opusculo congregates sub brevitates transcribo ..."; explicit, "[...] In presenti ergo opusculo omissis preceptis moralibus solum de ceremonialibus et iudicialibus tractabo dividendo ipsum in quinque tractatus. Hanc divisionem facio ut facilius capias et sine tedio";

ff. 1-6, [De legibus et praeceptis], Book I, rubrics, *Primus tractatus erit de preceptis ceremonialibus per se / Secundus de causis et rationibus ipsorum / Tercius de duratione ipsorum / Quartus de iudicialibus preceptis / Quintus erit de quibusdam dubitationibus literalibus circa precepta iudicialia / Primus tractatus continent .iii. [4] capitula [...]*; incipit, "Circa primum capitulum primi tractatus considerandum est..."; explicit, "[...] et ista sunt dicta quam ad primum tractatum";

ff. 6-45v, [De legibus et praeceptis], Book II, rubrics, *Explicit primus tractatus / Incipit capitula secundi tractatus [...]*; incipit, "Quantum ad primum capitulum sciendum est quod precepta cerimonialia..."; explicit, "[...] vitium scismatis non incurant. Explicit tractatus secundus. Incipit tractatus tertius";

ff. 45v-52, [De legibus et praeceptis], Book III, no rubrics; incipit, "Circa primum capitulum considerandum quod ante legem fuerunt quaedam cerimonie..."; explicit, "[...] gentiles non reputabant eam esse peccatum. Explicit tertius tractatus";

ff. 52-60, [De legibus et praeceptis], Book IV, rubrics, *Incipiunt capitula quarti tractatus. Capitulum primum ubi ostenditur in quo consistat ratio praeceptorum iudicialium vetis legis [...]*; incipit, "Circa primum capitulum sciendum est quod iudicialia praecepta videntur dici illa que pertinet ad ordinationem hominum..."; explicit, "[...] hec distinctio sine tractatus capitula ceto [for "cetero"?]";

ff. 60-73, [De legibus et praeceptis], Book V, no rubrics; heading, *Incipit tractatus quintus*; incipit, "Circa primum capitulum quam ad precepta iudicialia pertinentia ad principes dubitatur..."; explicit, "[...] ita latere sive infidelitas mulieris adultere. Explicit tractatus quintus".

A later humanistic hand in the lower margin of the first folio gives the title of this anonymous and hitherto unrecorded work as "Liber de legibus et praeceptis" [Book on Laws and Precepts]. The work contains an account in five books of both the literal and figurative meanings of ceremonial and legal precepts, as prescribed by the Old Law, prefiguring the New Law of Christianity contained in the Gospels.

This work is in keeping with the medieval tradition of the fourfold interpretation of Scripture composed of the literal (or historical), allegorical, moral, and anagogical senses. In the medieval approach to the Scriptures, exegetes treated the text as an allegory in which the literal meaning of the text conveys other, more spiritual truths. Exegetes such as Origen, Jerome, and Augustine learned to read the biblical text as symbolic of Christian truths. The literal narratives, practices and prescriptions, especially those recorded in the Old Testament, were valuable not in themselves but in leading the reader to the spiritual truths they represented. De Lubac (1998, esp. ch. 5) studied the nature of medieval allegorization, which read Christological meanings into events and persons of the Old Testament, including in Jewish ceremonial precepts, as they prefigured Christ and the

New Law. Luther would break with the method of scholastic exegetes, arguing that they used allegory to obscure Christ rather than reveal him, rejecting the figurative senses, and championing the literal meaning as the only valid Christological sense.

In the preface the author or compiler of the present work states that he has based his work on Thomas Aquinas's *Summa theologiae*: "ut cognoscas quomodo Moyses in ceremoniis quas proprio [?] dedit Christum et eius passionem prophetaverit volens tue devotioni satisfacere rationes et causas tam literales quam figurales ceremoniarum et iudiciorum quas beatus Thomas assignat quasi in quodam opusculo..." [(...) so that you may learn how, through the ceremonies he prescribed, Moses prophesied Christ and his Passion, and in order to provide you with the reasons and causes both literal and figurative of ceremonies and laws as defined by saint Thomas in his work...] (f. 1). It is clear that the author had access to the chapters of the *Summa theologiae* that deal with Law. Of all the writings of St. Thomas Aquinas, the *Summa theologiae* "was the most widely circulated work both in manuscript and in print" (Weisheipl, 1974, p. 222). In his *Summa*, Aquinas strove to provide an integral theology to his brethren to serve them in their dedication to *cura animarum* (counseling of souls). The position of Thomas of Aquinas regarding the Law is covered in questions 90 to 108, the first part of the second part of his *Summa theologiae* (Prima Secundæ Partis). His famous definition of the Law goes as follows: "Law is nothing other than an ordinance of reason for the common good, made and promulgated by the one who has care of the community" (*Summa Theologiae*, I-II, q. 90, a. 4). In his opening chapter on Old Law (qu. 98), Aquinas addresses a number of objections such as: Was the Old Law good? Whether the Old Law was from God? Whether all men were bound to observe the Old Law? Whether the Old Law was suitably given at the time of Moses? The author of the present work explores the literal and figurative senses of Old Law precepts, here Jewish ceremonies and laws, providing a detailed account of Jewish ceremonial practices and judicial precepts, such as the edification of the tabernacle, on the Sabbath, on feasts of the Hebrew liturgical calendar, on circumcision, on kosher dietary laws *et passim*.

The author of the present work takes as a starting point the chapters of the *Summa Theologiae* directly related to the Old Law: *Of the Precepts of the Old Law* (qu. 99), *Of the Ceremonial Precepts in Themselves* (qu. 101), *Of the Causes of the Ceremonial Precepts* (qu. 102), *Of the Duration of the Ceremonial Precepts* (qu. 103), *Of the Judicial Precepts* (qu. 104), *Of the Reason for the Judicial Precepts* (qu. 105). The author states in his introduction that he has chosen to set aside the problem of moral precepts in the Old Law (Aquinas, *Summa*, I-II, qu. 100) in order to focus solely on ceremonies and laws *stricto sensu* (see f. 1: "In presenti ergo opusculo omissis preceptis moralibus solum de ceremonialibus et iudicialibus tractabo..."), addressed by St. Thomas in question 100. The rubrics on f. 1 that deliver the contents of the five treatises composing the work clearly reflect the author's reading of Aquinas (see Text above).

Most interesting for the study of medieval exegesis, as well as for the anthropological perspectives it offers on Christian perceptions of Jewish ceremonial and judicial practices, this anonymous work appears to be otherwise completely unrecorded and is not found in the *In Principio* database or in any other source. It might very well be unique and remains a historical and exegetical curiosity deserving of further study.

LITERATURE

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Boyle, L. *The Setting of the Summa theologiae of Saint Thomas*, Toronto, Pontifical Institute of Medieval Studies, 1982 [The Etienne Gilson Series 5].

Lindars, B, ed. *Law and Religion: Essays on the Place of the Law in Israel and Early Christianity*, Cambridge, J. Clarke, 1988.

Lubac, H. de. *Medieval Exegesis. Volume 1: The Four Senses of Scripture*, Grand Rapids, W. B. Eerdmans, 1998.

Thomas Aquinas. *Somme théologique. La loi ancienne*. [Tome premier] 1a-2ae, Questions 98-100; [Tome second] 1a-2ae, Questions 101-105. Traduction française, notes et appendices par J. Tonneau, O.P., Paris, Editions du Cerf, 1998 [French translation].

Weisheipl, J.A. *Friar Thomas d'Aquino: His life, Thought and Work*, New York, Doubleday, 1974.

ONLINE RESOURCES

English translation of the *Summa theologiae*

<http://www.ccel.org/a/aquinas/summa/FS.html>

Thomas Aquinas on Law

<http://www.fordham.edu/halsall/source/aquinas2.html>

On the *Summa theologiae* and the Old Law

<http://www.newadvent.org/summa/2.htm>