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[JOHANNES ANDREAE et alia]. *Summarium clementinorum* and *Summarium sexti libri decretalium*

In Latin, manuscript on paper
Italy, likely Rome?, c. 1500-1515

103 ff. (of which 2 are blank), complete, mostly in quires of 8 (collation i-xii⁸, xiii⁷ [of 8, with last folio of quire cancelled at the end]), on paper (watermarks close to Briquet, "Agneau pascal," no. 49 and variant no. 50 [Rome, 1535], Florence, 1511 and "Chien," no. 3646, Rome 1515), written in a cursive hand on up to 23 long lines, larger part of text most unusually copied for the most part in red ink, rubrics in a darker shade of red ink or in brown ink, ruled in brown ink and plummet, paragraph marks in brown, one and two-line high initials throughout in dark brown ink, the ink having occasionally eaten through the pages leaving a few holes. Bound in late 16th or early 17th century blind-stamped brown calf, with a double frame composed of blind filets, central frame stamped with rosette and leaf tool at angles (rebacked and some restorations to covers; replaced paper endleaves). Generally in fine condition. Dimensions 94 x 65mm. (binding); 92 x 60 mm. (leaves).

This macro-miniature manuscript of canon law includes just the summaries of the Decretals from the Clementines and the Liber Sextus, which are most unusually written out entirely in red ink. Notable also for its original provenance, indicative of the use such summaries served, the manuscript belonged to the prior of the famous church and monastery, Saint Paul fuori le mura in Rome. Near-miniature manuscripts like this one, containing only the summaries, appear to be very rare.

PROVENANCE

1. Script and watermarks confirm an Italian origin for this manuscript, likely Rome based on the rare watermark of a dog in a circle (Briquet, "Chien," no. 3646 (ff. 97 and 100)), where the manuscript appears to have been copied for the prior of the monastery of San Paolo fuori le mura or Saint Paul's Outside the Walls (see explicit below). Ownership inscription in the scribe's hand: "Iste libellus est deputatus usui prioris sancti pauli de urbe" (f. 24v), that is "This book is assigned to the use of the prior of Saint Paul." This is the famous monastery, the Benedictine Abbey (and Basilica) of San Paolo fuori le mura on the via Ostiense in Rome, the site where Saint Paul was buried. The prior might have compiled this small codex himself.
2. Modern shelfmark typed in red and black on a paper label pasted on upper pastedown: "MS. S. I. / .P. 12. N. 22".

TEXT

ff. 1-24v, *Summarium clementinarum*, heading, *De summa trinitate et fide ca[tholica]*; incipit, "Summarium clementinarum. *Fidei catholice*. Titulus primus, capitulum primum. Fatetur concilium unicum dei filium in essentia dei eternaliter..."; ending, "[Titulus .xi. capitulum .ii.] *Sepe contingit*. Determinat et declarat quid significat..." [Friedberg, II, 1133-1200]; explicit, "Explicit summarium clementinorum. Iste libellus est deputatus usui prioris sancti pauli de urbe";

ff. 25-101, *Summarium sexti libri decretalium*, heading, *Liber primus. Summarium sexti libri decretalium*. De su[mma] tri[nitate] et fi[de] ca[tholica]; incipit, "Titulus primus, capitulum primum. *Fideli ac devota professione*. Spiritus sanctus eternaliter a patre et filio..."; ending, "[Titulus .xii. capitulum .v.] *Sicut nobis*. Privilegiato aliquot ut possit conferre beneficio clericorum suorum quid appellatio clericorum suorum designet ostendit." [Friedberg, II, 937-1121];

ff. 101v-103v, blank.

Following the publication of the fundamental five books of Decretals ordered by Pope Gregory IX (1234), Pope Boniface VIII ordered three canonists to compile a collection of supplementary papal decretals, known as the "Liber Sextus" completed in 1298. Other collections of decretals followed shortly afterwards, including the "Clementinae" (named after Pope Clement VII) (1317) and the "Extravagantes Johannis XXII" (named after Pope John XXII) (1325-1327), thus composing the body of ecclesiastical law referred to as the *Corpus iuris canonici*.

This manuscript contains the *summaria* ("summaries" or "resumés") of the decretals included in the Clementines as well as the *summaria* of those contained in the Liber Sextus. These "summaries" were composed by decretalists, whose writings were destined to facilitate the use of the massive body of material. Thus compiled, the *summaria* included in this manuscript offered the professor of canon law, the canonist or, as in the present case, the prior of an abbey, a practical *vademecum* of canon law, easily carried given its very small, macro-miniature format. Granted the enormous (and somewhat unmanageable) mass of legal texts that make up the *Corpus iuris canonici*, these didactic "summaries" certainly came in handy, allowing the reader to assimilate rapidly, almost at a glance, the basic points of a given decretal without having to read the entire chapter.

The manuscript is organized in the following manner: the first words of a title and chapter of the papal decretals included in the Clementines and the Liber Sextus are immediately followed by *summae* (or *summaria*), short abstracts destined to summarize in a few sentences the content of a given chapter. The *summaria* were composed and codified by canonists from the thirteenth to the fifteenth centuries, and in the case of the Liber Sextus and Clementines, most of the *summaria* are excerpts from the "ordinary gloss" composed by Johannes Andreae (1270-1348), canonist having taught at Padua and Bologna (see Berlioz, 1994, p. 174, who defines these concise resumés as "sommaries": "[...] *Resumé du texte rédigé a posteriori pour les besoins de l'enseignement par les professeurs de droit canonique*"). In early sixteenth-century editions, these *summaria* were eventually inserted immediately after the title, preceding the actual decretal, offering the reader a practical and concise overview of the content of the decretal (they still figure in Friedberg's 1881 edition).

An unusual and striking feature is the copying of virtually the entire manuscript in red ink, with only the first words of the titles and chapters of the Decretals copied in brown ink. This might

reflect the widespread practice of using red ink to print titles, headings and such “summaries” in early printed editions of the different books that compose the *Corpus iuris canonici*. Very soon after the invention of printing, a number of editions of the *Corpus iuris canonici*, with or without the gloss and critical apparatus, were published (for example, Hain records some 43 editions of the Decretals of Gregory IX printed between 1473 and 1500). It seems quite possible that the present near-miniature manuscript of *summaria* could be a copy of an early sixteenth-century edition that included the ordinary gloss, these *summaria* (attributed to famous decretalists, here mostly Johannes Andreae) and other critical apparatus designed to facilitate the understanding and study of the Corpus.

Still to be determined is exactly when the brief *summaria* were included in printed editions of the Corpus and whether they figure independently in earlier or contemporary manuscripts. For example we have verified that the *summaria* do not appear independently in the lay-out of incunable editions but can be found in the body of the surrounding gloss attributed to Johannes Andreae (we have looked at Rome, Georgius Lauer and Leonardus Pflugel, 1472), but the same *summaria* appear independently in the lay-out in late incunables and early sixteenth-century editions (for example Venice, Baptista de Tortis, 1496). Another singularity in the present manuscript: the scribe (or prior?) chose here to have the Clementines (1317) precede the Liber Sextus (1298), though the collections were promulgated chronologically in the reverse order.

The present manuscript with its concise summaries is an example of the numerous practical works produced to accompany law books as aids for teachers, students and canonists in the fourteenth to sixteenth centuries. These included such “summaries” or resumsés (*summaria*), abstracts (*summae*), illustrations (*casus*) and remarks (*notabilia*), assembled into the *apparatus*, *lecturae* and *commentarii* that facilitated the reader’s understanding of the decretals (on this body of literature, see corresponding articles in Naz, *Dictionnaire de droit canonique...*).

LITERATURE

Berlioz, J. ed. *Identifier sources et citations*, Turnhout, Brepols, 1994.

Friedberg, E., ed. *Corpus Iuris Canonici. Pars secunda, Decretalium Collectiones*, Leipzig, 1881 [reprint Union (New Jersey), 2000].

Naz, R., ed. *Dictionnaire de droit canonique...*, Paris, Letouzey et Ané, 1924-1965, 7 volumes.

Tarrant, J. “The Manuscripts of the Constitutiones Clementinae,” *Zeitschrift der Savigny Stiftung für Rechtsgeschichte Kanonistische Abteilung* 70 (1984), pp. 67-133 and 71 (1985), pp. 76-146.

ONLINE RESOURCES

Canon Law Homepage

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

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/>

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>

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