

Le Louvre des Antiquaires
2 Place du Palais-Royal
75001 Paris (France)
tel. +33 (0)1 42 60 15 58 • fax. +33 (0)1 40 15 00 25
info@lesenluminures.com

2970 North Lake Shore Drive
Chicago, IL 60657 (USA)
tel. +773 929 5986
fax. +773 528 3976
chicago@lesenluminures.com

**Commentary on GREGORY IX, *Decretals*, Book 2, tituli 1-3
In Latin, manuscript on Paper
Northern Italy, c. 1400-25**

24 folios on paper (watermark, Boeuf, complete animal, similar to Briquet 2750, Cividale 1347 and Briquet 2751, Fabriano 1341), modern foliation in pencil, top outer corner recto, 1-24, f. 24 is a pastedown, two sets of earlier foliation, in ink, top outer corner recto, 59-82, and upside down, bottom outer corner verso, beginning with f. 23v and proceeding to f. 1, as follows: 174-176, 96, 99, 183-185, 126-139 (collation, i^{iv} ii^{io} [10, pastedown]) horizontal catchword, center, lower margin, no leaf or quire signatures, frame ruled in lead, with single full-length vertical bounding lines, and horizontal rules, full across, prominent prickings in all four margins, with an extra pricking in the inner margin above the top ruled line, written below the top line by one scribe in a very small, quickly-written upright Gothic noting hand with some cursive elements in forty-five to thirty-eight long lines, lemmata copied in a larger upright Gothic bookhand (justification, 206-202 x 133-130 mm.), opening initial of each section in text ink, but larger and with decorative embellishments to the shape of the initial, text is legible and in excellent condition, some of the inside bottom corner of each leaf now missing. Bound in a modern 19th century?) cardboard cover, spine covered in yellow suede-like leather. Dimensions 282 x 207 mm.

An unidentified commentary on Book 2, tituli 1-3 of Gregory IX's *Decretals*; although once part of a longer volume, the text as it stands is complete. The text, most likely notes made by a law student, deserves to be studied in detail to determine its place in the tradition of commentaries on the *Decretals*.

PROVENANCE

1. Written in Northern Italy at the end of the fourteenth century or the beginning of the fifteenth century, perhaps c. 1400-25, based on the content of the manuscript, the script, and the evidence of the paper; it is copied on an unusually thick paper with very pronounced laid lines, with a striking watermark of a bull (showing the entire animal); watermarks of this type can be found from a number of centers in Italy and Southern France, dating from ca. 1340-1387 (see C. M. Briquet, *Les filigranes: dictionnaire historique des marques du papier . . . 1282 jusqu'à 1600*, Paris, 1907, volume 1, pg. 196; nos. 2748-2753; see below, Online Resources). The latest author cited in the text appears to be Baldus de Ubaldis (ca. 1327-1400), whose commentary on the *Decretals* probably dates from c. 1390-1400. The older series of folio numbers show that this manuscript was once part of longer manuscript.
2. Inside back cover, in pencil: "3NQ7S."

TEXT

ff. 1-19, top margin, *De iudiciis*, incipit, "*De quo uult deo* [sic; X 2.1, c. 1], Non dicitur uenisse qui non stetit et si illicem tantus recessit ...; Et dicit Inoc[entus] de officio, <del?> consulit quod si vna ... f. 1v, *Decernimus* [X 2.1, c. 2], Nota que potest et que non laycus in spiritualibus... f. 16, *Dilecti* [X 2.3, c. 3], Hic est <g magister?> et alia est ... eius <fu?> in alios. [ff. 19v-23 blank; f. 24, pastedown].

The text is a commentary on Gregory IX's Decretals, book 2, tituli 1-3; beginning with tituli 1, "de iudiciis," and continuing with tituli 2, "De foro competenti," on f. 7, and concluding with tituli 2, "De libelli oblatione," on f. 15. The commentary on each chapter of the Decretals begins with a key word from the text, copied in a larger display script, followed by the commentary in a very small, less formal script.

Gregory IX's Decretals (the *Decretalium compilatio*, or *Liber Extra*), was written at the request of Gregory IX (Pope from 1227-1241) by Raymond of Penafort (ca. 1180-1275), a Dominican and Professor of Law at Bologna. This collection of decretals (i.e. Papal letters formulating decisions in ecclesiastical law, together with canons of Church Councils, and writings of the Church Fathers) was completed in 1234, and became an authoritative text, which was taught in the Universities, alongside the earlier text, Gratian's *Decretum* or *Concordia discordantium canonum*.

The author of this commentary has not been unidentified (it is not included in Giovanni Murano's "Initia operum iuris canonici medii aevi. A shortlist of works, arranged by their incipit words," see below, Online Resources). Numerous commentaries on the Decretals exist, and the origin of many of these was university lectures on the text. Some of these commentaries are very formal in nature, and were copied in large-format codices that include both the full text of the Decretals and the surrounding commentary.

The content and less formal format of the commentary in this manuscript strongly suggests that it may reflect notes from lectures heard by a student of Canon Law. The one author that seems to be cited frequently is "Innocentus," probably Innocent IV, who composed a detailed commentary on the Decretals ca. 1245, and who was Pope from 1243-1254, but other authors are also cited, including Johannes Andreas (d. 1348) on ff. 2v and 7v, "G," possibly Godefridus de Trano (d. 1245) on f. 5v, and Baldus de Ubaldis (ca. 1327-1400) on ff. 7 and 8v.

LITERATURE

Brundage, James. *Medieval Canon Law*, London and New York, Longmans, 1995.

Canning, Joseph. *The Political Thought of Baldus de Ubaldis*, Cambridge and New York, Cambridge University Press, 1987.

Friedberg, A., ed. *Corpus iuris canonici*, Leipzig, 1879, reprint Graz, 1959, volume 2:6-928.

Hartmann, Wilfried and Kenneth Pennington, eds. *The History of Medieval Canon Law in the Classical Period, 1140-1234: from Gratian to the Decretals of Pope Gregory IX*, Washington, D.C., Catholic University of America Press, 2008

Wiel, Constant van de. *A History of Canon Law*, Louvain, Peeters Publishers, 1991.

ONLINE RESOURCES

Briquet Online (Kommission für Schrift- und Buchwesen des Mittelalters der Österreichischen Akademie der Wissenschaften):

http://www.ksbm.oew.ac.at/_scripts/php/briquet.php

Gregory IX, *Decretalium compilatio*, Intratext edition:

<http://www.intratext.com/IXT/LAT0833/>

Gregory IX, *Decretalium compilatio*, Bibliotheca Augustana:

http://www.hs-augsburg.de/~harsch/Chronologia/Lspost13/GregoriusIX/gre_0000.html

Murano, Giovanni. "Initia operum iuris canonici medii aevi. A shortlist of works, arranged by their incipit words,"

<http://www.uni-leipzig.de/~jurarom/manuscr/dat/initican.htm>

Pennington, Kenneth. "A Short History of Canon Law from Apostolic Times to 1917":

<http://faculty.cua.edu/Pennington/Canon%20Law/ShortHistoryCanonLaw.htm>

Stephan Kuttner Institute of Canon Law:

http://www.kuttner-institute.jura.uni-muenchen.de/index_e.htm

Vervaart, Otto. "Canon Law":

http://home.hetnet.nl/~otto.vervaart/canon_law.htm

TM 391