

JOHANNES ANDREAE, *Summa de sponsalibus et de matrimoniis* [*Summa on Betrothals and Marriages*]

In Latin, decorated manuscript on paper
Central Italy, Rome?, c. 1450-1475

iv (paper) + 15 + iii (paper) folios on paper (with watermark similar to Briquet no. 3668, Ciseaux: Rome, 1454), contemporary foliation in Arabic numerals, upper outer rectos, 1-15, complete (collation i¹⁶ [-16; final leaf canceled with no loss of text]), ruled in hard point with full-length horizontal and vertical bounding lines (justification 152 x 99 mm.), written above the top line in dark ink in a gothico-antiqua hand on twenty-one long lines, rubrics and initial word or words in nearly every paragraph written in capital letters, initial capitals touched in red, rubrics underlined in faint red, one-line red paraps, two-line blue initial with faint red pen decoration (f. 1), some corrections by scribe, including the cancellation of repeated text on f. 11rv with ".VA." and ".CAT." (ie. "vacat") written into the upper and lower margins and highlighted in red, some waterstaining at edges of margins with no damage to text, slight worming to ff. 10-15 with no loss of text, otherwise in very good condition. Bound in seventeenth-century(?) re-used vellum, smooth spine with gilt-stamped inscription, "VITA / DI / MONSI / FILIPI," overwritten with hand-written inscription in brown ink, "Jo / Andre / Summa," shelfmarks(?) written in brown ink on upper left edge of upper cover above traces where a sticky label was removed, edges tinted red, slight soiling and worming of binding. Dimensions 197 x 152 mm.

Presenting an unedited and little studied treatise on the legal ramifications of betrothal and marriage by one of the most renowned canon lawyers of the late Middle Ages, this manuscript allows us a glimpse of a crucial intersection between ecclesiastical law and private life in the Middle Ages. Johannes Andreae's *Summa de sponsalibus et matrimoniis* is extremely rare on the market (no other copies have sold in the last century to our knowledge), and this complete, carefully produced copy affords an excellent impetus to produce an edition.

PROVENANCE

1. Judging from evidence of script and watermarks, this manuscript was produced in central Italy, perhaps around Rome, likely in the third quarter of the fifteenth century, c. 1450-1475.
2. Two inscriptions written in brown ink in the upper left corner of the upper cover of the binding, "1040" and "C. 4.," may be old shelfmarks.

TEXT

f. iv, recto, [in eighteenth-century hand:] *Summa Johannis Andree De Sponsalibus, et Matrimonio extracta super quarto Decretalium Libro*; [f. iv, verso, blank];

ff. 1-15, *SVMMA BREVIS ET VTILIS MAGISTRI IOHANNIS ANDREE SVPER QVARTO LIBRO DECRETALIVM*, incipit, "XRISTI nomen ad ipsius et Reverendissimi in christo patris mei domini Bononiensis Archidiaconi ... ad secundam partem Rubrice et non ad propositum quid dicant vide per te. EXPLICIT. *Svmma brevis et utilis de sponsalibus et matrimonijs extracta super Quarto decretalium per Jo. Andree*"; [f. 15v, blank but ruled].

Johannes Andreae's *Summa de sponsalibus et de matrimonio* [*Summa on Betrothals and Marriages*] was written between 1303 and 1313. There is no modern edition of this text, nor is there any list indicating how many manuscript copies survive (we have been able to identify at least nine other copies, all in European libraries). This version of the text appeared in six print editions before 1500 (GW 1751-1756). While Johannes Andreae's legal writings in general are far from rare on the market, according to the Schoenberg Database no other copies of this text have been sold in the last century.

Dubbed by his contemporaries "iuris canonici fons et tuba" ("the fount and trumpet of canon law") and today considered "the most renowned and successful canonist of the later Middle Ages" (see Pennington, in Online Resources), Johannes Andreae (c. 1270-1348) was a prolific writer and teacher of canon law. Born in Rifredo, near Florence, he studied Roman law and canon law at the University of Bologna, the preeminent law school of the time. After teaching at Padua and Pisa, he taught canon law as a professor at Bologna from 1301/1302 until his death, save for two brief stints in Padua (1307-1309 and 1319), and even wrote the university's statutes of 1317. He had many important pupils, including Johannes Calderinus, who later became an adoptive son, and important humanists like Cino da Pistoia and Petrarch numbered among his friends. Among his considerable writings, his commentaries on the *Decretales* of Gregory IX stand out, along with commentaries on other important decretal collections.

Johannes Andreae's *Summa on Betrothals and Marriages* essentially offers a commentary on Book IV of the *Decretales* of Gregory IX, dedicated to the canon law touching on betrothal and marriage. The text first addresses several questions regarding betrothals, including what they are, how and at what age they may be entered into, and how they may be dissolved. In similar fashion, it then addresses some of the same questions in respect to marriage, as well as a number of questions touching on the many potential impediments to marriage. It concludes on a happier note, with an enumeration of the good qualities of marriage. The *Summa* seems to have been a reworking of an earlier treatise or lecture on the subject by Johannes de Anguissola (also known as Johannes de Cesena), set down at some point after 1295 (see Schulte, 1877, pp. 132-35, 214-15 and Coing, 1973, p. 379). Schulte suggests that Andreae might have heard Johannes de Anguissola lecturing at Padua during his own 1307 to 1309 stint at that university (1877, p. 134) and then compiled his notes from that lecture into this treatise.

LITERATURE

Coing, Helmut. *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, vol. 1, Munich, C. H. Beck'sche Verlagsbuchhandlung, 1973.

Schulte, Johannes Friedrich von. *Die Geschichte der Quellen und Literatur des Canonischen Rechts von Gratian bis auf die Gegenwart*, vol. 2, Stuttgart, 1877.

Stintzing, Roderich. "Johannis Andreae Summa de sponsalibus et matrimoniis," in *Geschichte der populären Literatur des römisch-kanonischen Rechts in Deutschland am Ende des fünfzehnten und im Anfang des sechszehnten Jahrhunderts*, Leipzig, 1867, pp. 186-193.

ONLINE RESOURCES

Andreae, Johannes. *Tractatulus seu summula breuis de sponsalibus et matrimonijs famosissimi iuris vtriusque interpretis Johannis an. bononiensis vtilis ac fere necessari*, Basel, Martin Flach, 1472/1475 [Basel, Universitätsbibliothek, Inc 657:10]

<http://www.e-rara.ch/id/5118379>

Murano, Giovanna, *Initii Operum Iuris Canonici Medii Aevi*

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

Pennington, Kenneth. "Johannes Andreae (occasionally Bononiensis)," *Medieval and Early Modern Jurists: A Bio-Bibliographical Listing*

<http://legalhistorysources.com/biobibl.htm>

Tamba, Giorgio. "Giovanni d'Andrea," *Dizionario Biografico degli Italiani*, vol. 55, 2001

[http://www.treccani.it/enciclopedia/giovanni-d-andrea_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/giovanni-d-andrea_(Dizionario-Biografico)/)

Walsh, Thomas. "Giovanni d'Andrea," *The Catholic Encyclopedia*, vol. 1, 1907

<http://www.newadvent.org/cathen/01469d.htm>

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