

ANGELO CARLETTI DI CHIVASSO [ANGELUS DE CLAVASIO], *Tractatio de restitutionibus* (*Treatise on Restitutions*); Letter on the Death of Christ attributed to Pontius Pilate and Addressed to Emperor Tiberius (fragment)

In Latin, decorated manuscript on paper
Northwestern Italy (Genoa?), c. 1475-1500

56 folios on paper (watermarks similar to Briquet, no. 11151, Main: Genoa, 1471-1475, 1478-1481, Narbonne, 1479, Lyon, 1470), early foliation written in ink in Roman numerals, upper outer rectos, I-LVI, complete (collation i-vii⁸), inner quire reinforcements of paper, horizontal catchwords, lower center versos, ruled in lead and light brown ink with full-length vertical bounding lines (justification 146 x 100 mm.), written in an attractive, careful semi-Gothic script with Gothico-Antiqua features on twenty-nine long lines, red rubrics, guide-letters for initials, one-line red or blue paraps, two-line red or blue initials, later additions in Gothico-Antiqua hand on ff. 54v, 56rv, marginal annotations in two late fifteenth- or sixteenth-century hands, f. 5 torn in the lower margin, some worming in lower margins, faint staining in some outer margins, otherwise in very fine condition. Bound in sixteenth-century limp vellum, spine with three leather bands, inscription "Angelus de Claues" on spine in Italic script, several overlapping letters and numbers (early shelfmarks?) written at the top of the spine in different inks, vellum slightly wormed and stained, upper wrapping torn along the bottom near the spine. Dimensions 214 x 148 mm.

Crime and punishment in a penitential context are the subjects of this rare and elegantly copied manuscript, housed in an early binding. Likely copied during the lifetime of the author, and quite possibly under his direct supervision, this volume survives as one of the few known copies of an unedited text of broad interest for social and economic history, as well as the history of religion and law. A similarly rare letter on the death of Christ attributed to Pontius Pilate (four recorded manuscripts) complements the treatise – perhaps as an example of the ultimate crime?

PROVENANCE

1. Evidence of script and watermark indicates that this manuscript was produced in Northwestern Italy, possibly around Genoa, in the final quarter of the fifteenth century, c. 1475-1500. Produced during the author's lifetime in a region where he was active, this manuscript may well have been produced with his supervision, perhaps for use by friars of his own Order (see below).
2. Shelfmarks on the spine of the manuscript's sixteenth-century binding and annotations and additions in late fifteenth- and sixteenth-century hands suggest this book was part of a library, perhaps a Franciscan library, and that it was being used early on. The early addition of a table of contents (beneath an inscription, "Iohannes[?] maria Pandeta [sic]") indicates at least one early user took an interest in the book's contents and sought to make it more searchable (see Text, below).
3. A description in Italian of the manuscript and its author, written on paper in a nineteenth-century hand, has been pasted on the inside of the front wrapping.

TEXT

ff. 1-54, *Incipit tractatus egregius restitutionum et ualde utilis confessoribus ordinatus per venerabilem patrem fratrem angelum de clauasio ordinis minorum prouincie Janue pro cuius labore deus eum benedicat et pro alijs. Amen.*
Prologus, incipit, "ET si nescius non sim aliqualem notam presumptionis apparenter incurrere ...

quarum considerationum prima erit quis restituere teneatur, secunda quomodo, tertia quando. *Explicit prologus*"; f. 1, incipit, "Circa primam considerationem in qua quis restituere teneatur est declarandum ... Si autem ob hoc imponeret heredi quia melius per ipsum potest fieri talis restitutio proponens prescriptum facere sic bene posset tunc credo satisfaciat conscientie sue. *Explicit feliciter*";

The *Treatise on Restitutions* of Angelo Carletti di Chivasso was written around 1480. There is no modern critical edition. The full text was edited by Marentinus (1771-1772) who wrote that he worked from an autograph manuscript on paper at "our library in Turin" (1771-1772, vol. 1, p. ix). There is no census of manuscripts containing the *Treatise* and we have not been able to identify this Turin manuscript, but we have located one other copy of the text in a sixteenth-century volume, Padua, Biblioteca Universitaria, MS 1786 (ff. 286-343v). According to the Schoenberg Database, no copies of the *Treatise* have appeared on the market in the last century.

f. 54v, *Pontij pillati ad Ty. cesare Romanorum Imp. de x^o epistola*, incipit, "Pontius pilatus procurator Iudee tiberio cesari Imperatori salutem dicit plurimam ... Vigent illius discipuli opere et vite continentia magistrum non mentientes //"; [f. 55rv, ruled but blank];

Nearly complete fragment of a letter on the death of Christ attributed to Pontius Pilate and addressed to Emperor Tiberius, added in an early sixteenth-century hand. First edited by Fabricius (1719, pp. 300-301); four other copies are cited. See Elliot (1993, pp. 207-208) for an English translation. The letter describes Christ's extraordinary character, proclaims the good works of his disciples after his death, and recounts Pilate's qualms at condemning him to death. As with *Treatise*, our manuscript preserves a relatively early copy of the text, which was written in Renaissance Latin (Elliot, 1993, pp. 206-207) and has been dated tentatively to the sixteenth century (Izydorczyk, 1997, p. 8). The letter is part of a broader tradition of apocryphal writings elaborating on the events surrounding Christ's life and death.

f. 56rv, [table of contents for *Tractatio de restitutionibus*] incipit, "Prologus, I. Primus articulus vtrum quis possit damnificare in bonis anime ... 54. Circa terciam et ultimam considerationis scilicet quando restitutio fieri debeat."

Central to this volume is a complete and very fine copy of the *Treatise on Restitutions* of Angelo Carletti, very likely copied within the author's lifetime, possibly with his oversight.

Angelo Carletti (1411-1495), a noted moral theologian, was born to a noble family in Chivasso, near Turin. He received the degree of Doctor of Civil and Canon Law at the University of Bologna before entering the Franciscan Order at Santa Maria del Monte in Genoa. He went on to serve as vicar general of the cisalpine Observants and to preach across Northern Italy. He would eventually preach a crusade against the Ottoman Turks and broker a peace agreement between Catholics and Waldensians, members of a proto-Protestant movement. Angelo's best-known work, the penitential handbook called, after him, the *Summa Angelica*, exerted a marked influence in the late fifteenth century. By the time Martin Luther burned a copy in 1520 in protest against Catholic penitential practice, it had been printed in over fifty editions. His work has since received particular attention for his ideas on economic ethics.

To date, very little scholarly attention has been given to the *Treatise on Restitutions*. Restitution was a penitential issue, typically arising in connection to financial crimes. When someone who had unjustly enriched him- or herself participated in the sacrament of confession, the confessor's absolution could often depend upon the restitution of the confessing sinner's ill-gotten gains, either to the injured party or in the form of a charitable donation. This treatise addresses three primary considerations (*considerationes*): who may be held to make restitution, in what way he or she may be held to make restitution, and when he or she may be held to make restitution. The first of these three considerations occupies the bulk of the text, enumerating as it does for what actions – from robbery to forgery to simony to bad behavior in buying, selling, providing surety, taking on debt, or gambling – someone might be required to make restitution. The text is carefully organized throughout, with considerations subdivided into articles (*articuli*) and articles further subdivided into distinctions (*tituli*) and/or questions (*dubia*).

With its careful organization and attention to practical penitential issues, this treatise would have served as a useful reference work for a priest or friar administering the sacrament of confession. The late fifteenth- or sixteenth-century reader who added a table of contents to the back of the volume was almost certainly using the book in this way; the table renders the book far more easily searchable. Marginal additions similarly point to practical use and highlight some economic misdeeds that an early user might have encountered more often. (For example, the *titulus* on debt is by far the most heavily annotated.) Both these annotations and the text itself are of interest to a wide range of scholars, from specialists on medieval religious life and law to urban, economic, and social historians.

LITERATURE

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