

[MISCELLANY] including ANTONINUS FLORENTINUS (ANTONIO PIEROZZI), *Confessionale defecerunt* (Confessional); excerpt from IOHANNES DE LEGNANO, *De censura ecclesiastica* (On Ecclesiastical Censure); IOHANNES DE DEO, *Decretum abbreviatum* (Summary of Gratian's Decretum); IOHANNES CAPISTRANUS, *Constitutiones* (Constitutions of 1433, chapter 11); *PSEUDO-AUGUSTINUS*, *Sermones ad fratres in eremo commorantes* (Sermons to the Brothers in the Desert); biblical chapter lists; Grammatical Primer, and other texts

In Italian and Latin, manuscript on parchment and paper  
Italy, c. 1440-1500

152 folios on parchment and paper (ff. 1-7, 124-127, and 132-137 are paper), modern foliation 1-151 with f. 19bis, lacking two leaves (collation i<sup>7</sup> [all original singletons] ii<sup>5</sup> [all original singletons] iii<sup>10</sup> [with f. 19bis] iv-viii<sup>10</sup> ix-xii<sup>12</sup> xiii<sup>8</sup> [all singletons, 1-4, parchment, 5-8, paper] xiv<sup>10</sup> [-1, before f. 128, and 10, after f. 135, with loss of text, all singletons, 2-5, parchment, 6-9 paper] xv<sup>2</sup> [paper] xvi<sup>2</sup> xvii<sup>12</sup>), horizontal catchwords, middle lower margin (quires ii-xii), and quire signatures in pencil, bottom inner recto, parchment folios: ruled very lightly, often invisibly, in lead with single full-length vertical bounding lines, ff. 8v-123v and ff. 140-152v (justification 80-84 x 70-72 mm.), ff. 128-131v (justification 70 x 60 mm.), ff. 138-139v, inconsistent justification, pricking for bounding lines survives very occasionally in bottom margin, most (if not all) quires ruled for two columns but all written in single column, paper folios: variable mise-en-page, ruled in lead and ink and unruled, single column with limited margins, written below the top line in a skilled semi-gothic bookhands in twenty-four to twenty-eight lines parchment quires primarily written by one scribe with short insertions by several additional slightly later hands, the main scribe copied ff. 8v-123v and ff. 140-end, red rubrics, many red paraps and red-stroked majuscules, elegant two-line red initials with minute guide-letters for rubricator, occasional near-contemporary marginal annotations including several *maniculae*, a few folios with marginal staining and light ink abrasion (particularly to final verso), minor worming to last few folios. Bound in a rare CONTEMPORARY (c. 1500) PARCHMENT WALLET BINDING wrapping around opening edge from front to back, with three tooled tawed-leather thongs extending from inner spine to outer front and back, while worn and requiring gentle handling, remarkably intact for a folded limp binding of this kind. Dimensions 135 x 95 mm.

Remarkable portable Franciscan manuscript surviving virtually untouched in its "wallet" binding. Suitable for an itinerant mendicant, the Miscellany includes a confessional, a commentary on the Rule, sections of the Constitutions of the Franciscans, a grammar, some sermons, and much else. The manuscript's small format, medieval binding, and physical complexity with texts both on paper and reused parchment lend special interest to it as a material object.

## PROVENANCE

1. Language, script, and contents all attest to an Italian origin for this manuscript. It was certainly produced within a Franciscan milieu, as indicated by the texts, including several papal privileges to the Franciscans, a commentary on the Order's Rule, and a text by Franciscan reformer St. John of Capistrano. Based on the script and texts, the manuscript's central section was copied around the middle of the fifteenth century, c. 1440, with sections added over the course of the century; there are two dates written (f. 137, 1440 and f. 139, 1498), and several more inferred by datable material, but these relate to the creation of the texts, not the date of this manuscript; they do, however, offer a *terminus post quem* for sections of the manuscript, and allow us to date the binding to c. 1500.

Note, now illegible, inside back cover, may be by the manuscript's first owner (and appears to be in the same humanistic cursive hand of ff. 139r-139v).

2. Private European collection.

### TEXT

ff. 1-7v, Chapter lists to Genesis, Exodus, IV-I Kings, Judges, Numbers chapters 12-34, Leviticus chapters 10-27, Numbers chapters 3-11, Deuteronomy chapters 30-34, Joshua chapters 2-24, and Deuteronomy, chapters 4-28;

This manuscript contains no biblical texts, and thus these biblical chapter lists do not properly 'belong' to this volume. However, they no doubt served an important purpose for the original owner of this manuscript. This quire, made up of paper singletons, was not only bound out-of-order, but also with the wrong edge stitched to the spine; that is, with rectos set as versos (note the out-of-order appearance of the biblical books and the reversed order of Kings I-IV).

The chapter numbers correspond to that of the modern Bible, a system that was developed by the early thirteenth century. Chapters are identified by a short description of the chapter's key action and/or part of a notable verse; some are omitted from the lists, perhaps because they contain less significant text. Chapter lists corresponding to the modern biblical chapters are unusual and invite further study.

[f. 8, blank]; ff. 8v-87v, incipit, "[added: YHS] Da poi che coluy el quale se vuole confessare hae deto da luy medesimo quello che vuole delli suoy peccati ..."; f. 8v, *Dello primo comandamento* [sic] *vel unus cole deum*, incipit, "Unum cole deum. Circa questo primo comandamento poy a domandare primo delli voti ... [f. 82v], *Della absolutione e ponere la penitentia*, incipit, "Della absolutione e dello ponere la penitentia da poychello penetente ha dicti da se medesini ... [f. 87v] In nomine pater et filii et spiritus sancti. Amen";

Antoninus Florentinus (Antonino Pierozzi), *Confessionale defecerunt* (in Italian); this manuscript contains the second part of St. Antoninus's three-part manual for confessors, abridged to contain the sections deemed most pertinent by the manuscript's user (whether the scribe himself or the cleric who commissioned it). The topics included are practical, offering the confessor a guide to a cross section of penitential cases he might realistically encounter in his pastoral work, including sections on how to interrogate the penitent for a breach of the Ten Commandments, reasons related to the Seven Deadly Sins, and how the confessor should adjust his interrogation to suit people of different social status.

St. Antoninus was a recognized authority even in his own time. Born to a wealthy Florentine family, he entered the Dominican Order at the age of sixteen. He quickly stood out for his aptitude in canon law and theology, serving on several important Church councils. He was consecrated as Archbishop of Florence in 1446, and, well-loved, remained in that position until his death in 1459. The *Confessionale defecerunt* was truly a late medieval bestseller. There are some 265 known manuscripts containing the *Confessionale defecerunt* (Howard, 1996, p. 22; Kaeppli, 1970, no. 256, lists more than 175), and numerous fifteenth-century editions (Tentler, 1977, pp. 39-40); Italian translations were printed in Florence in about 1492 and 1496 (GW 2141 and 2142). The topics selected for inclusion in this copy, the morphological choices of the scribe or

of the text's exemplar, and the place of this manuscript in the early era of print are just a few of the potential avenues for further research.

ff. 87v-89, incipit, "Primum enim quid sit major excommunicatio et minor et Anathema quid sit effectus... Excommunicatio omnes de illa civitatis [sic] vel qui fuerint" [incomplete];

Brief excerpt on excommunication from chapter 21 of Iohannes de Legnano (1320-1383), *De censura ecclesiastica (tractatus universi iuris)*; printed in *Tractatus illustrium*, 1584, pp. 320-21, §1-5 l. 3; the text cuts short abruptly, but no leaves are wanting, as a new text begins on the verso of the same folio. For additional manuscripts, see McCall, 1967 (our manuscript not included in his list of ten manuscripts).

ff. 89v-123v, incipit, "Primum regulae capitulum dicit. Regula et vita minorum fratrum etc. in quo forma edicitur et fundamentum iacitur totius evangelicae perfectionis ... Ex praedictis patet quomodo regula fratrum minorum per summos pontifices est declarata. Deo gratias. Amen";

*Commentary on the Franciscan Rule (Regula bullata, 1223)*; this text, in Latin, contains a short commentary on each of the twelve regulations of the rule; unidentified and apparently unedited, it may be linked to one of several known commentaries, including those of Hugh of Digne, David of Augsburg, Angelo Clarenò, and others (*Early Commentaries on the Rule of the Friars Minor*, 2014-17).

ff. 124-127v, [title trimmed], incipit, "Lo primo e guardare tutte le feste comandate pro la che sono tutte sono comandate pro obedientia ... Uno frate domando labbate per non e disse che faro [io?] che sono malenconi morturbomi ligrermente respose li non cond[...]";

Miscellaneous notes in Italian; four paper leaves written in what appears to be a late fifteenth-century or early sixteenth-century hand, with no ruling and apparent loss of titles at tops of ff. 124 and 125v. Some text is unclear at the gutter as there was no margin to allow for binding; these were probably never intended by the scribe to be bound and were perhaps written as a loose-leaf guide for reflection and prayer. The excerpts and notes here are varied: ff. 124r-v deals with sacraments, articles of faith, and the Creed; ff. 125r-v with virtues and works of mercy followed by a list of holy days and saints' days; ff. 125v-127v recount miracles of saints and prayers.

ff. 128-133v, [beginning imperfectly], incipit, "//esse sine crimine. In XXVI De viro unius uxoris cuius occasione tractat continentiam ... Explicit libellus in quo continentur sub paucis verbis omnes decretorum cause omnes questiones et cuiuslibet questionis solutio rationabiliter determinata ad laudem dei";

Iohannes de Deo, *Decretum abbreviatum*, written by the same hand and in the same format as the previous sections, and lacking its introduction. The text, by a Portuguese jurist, Iohannes de Deo (c.1190-1267), who was a master of canon law at the University of Bologna, was an abbreviated summary or guide to the *Decretum Gratiani* (c. 1140), the first legal textbook and general summary of canon law. It circulated widely in manuscript and print, often with the *Decretum*.

ff. 134-135v, incipit, "Hodie ogi, heri ieri, nunc ora, nuper novallamente, cras domane ... Super figurat soperoritatem [sic] longique ut celum est super omnes montes. Iusta figurat propinquitatem ut cola ista vicum sedet. Ob figurat obpositionem ut ego..." [incomplete];

Grammatical primer, unidentified; this is an excerpt, or perhaps summary, in Latin (despite the bilingual Latin-Italian opening line), from a grammar used to teach children Latin. It contains some material lifted from or inspired by Donatus's *Ars minor* and *Ars major*, but does not follow either closely enough to identify it as such. On grammar instruction in Italy, see Black 2001, pp. 45-55. Its purpose in this manuscript is not immediately clear; it may suggest that the manuscript's first user wished to develop his own Latin skills, or that he wished to teach it to others using this tool as a guide.

ff. 136-137, incipit, "Secundus de incendiariis. Tertius ubi indicenda esset penitentia solemnitas ... Ego frater Jacobi de Primadiciis de bononia ordinis minorum de observantia omnibus predictis interfui que dominus papa Eugenius noster benigne et gratiose concessit. Anno domini 1440 die tertia et decima Januarii";

*Concession of Pope Eugene IV to the Franciscan Order*, missing the opening address, but written in a consistent and upright script with multiple red paraphs and a single red rubric on ruled paper with no visible watermark. This text guarantees Franciscan friars the right to distribute the Eucharist in the province of Bologna, among other concessions. It was issued to Jacobus de Primaticii (or Primadiciis), who later became the Vicar General of the Order of Brothers Minor in January 1440. The copy of the concession in this manuscript was produced within decades of its issue.

ff. 137-137v, incipit, "Undecimus. Circha XIIm capitulum dico et ordino immo, sicut regula dicit ... Et nullatenus audiant confessiones quarumcumque mulierum non receptarum in aliquo monasteriis antedictis. Et nullo numquam tempore ingredi presumant ..." [incomplete];

Iohannes Capistranus, *Ordinationes seu constitutiones super Regulam fratrum minorum*, chapter 11; this text, also fragmentary, is written in another neat and upright hand after the preceding text.

St. John of Capistrano (1386-1456), Franciscan preacher and reformer, was the Vicar General of the Observant Franciscans from 1443-1446, and again from 1449-1452. The text here is chapter 11 of the Constitutions of General Chapter of 1443, which discusses the relationship between the friars and the Poor Clares, reiterating the teaching that Friars should avoid contact with the nuns, and emphasizing that only those appointed by the Vicar General may interact with them if it was strictly necessary. As a reformer and administrator, John was heavily involved with the observance of the Franciscan sisters and wrote a commentary on their Rule in 1445 (Knox, 2008; Roest, 2013).

ff. 138-138v, incipit, "///mentis et semel in intra de reservatis. Item 9o [Nono], concessit omnibus fratribus non potestibus persolvere ... Item quod fratres sacerdotes familie possint benedicere paramenta altaris et missalia indumenta exceptis corporalibus dum taxat. Finis";

List of papal privileges granted to the Franciscan Order, written on the same ruled paper as the previous text, and perhaps by the same scribe; apparently incomplete at its beginning; it starts

mid-clause at the end of Item 8 and continues to Item 20. The privileges sometimes include the Poor Clares alongside the Brothers Minor. The final privilege listed was granted by Sixtus IV (*Compendium priuilegiorum*, 131), which places this copy between 1471 and 1484.

ff. 139-139v, incipit, "Gratie concesse mihi fratri Ludovico de la Torre ordinis minoris observantie familie Cismontis ... die 23 octobris 1498 ... determinationem et quorum ad hunc non habiti illas non ex primo";

Concession of Pope Alexander VI to the Franciscan Order, dated 1498; this short concession is written on parchment, ruled to the edge, that had once been folded both horizontally and vertically; it seems to be a recycled scrap. The hand is a humanistic cursive and is likely the latest in this manuscript. The concession was presented to Ludovico de la Torre, and contains nine items, including certain rights of Conventuals, women who take up the habit of the Clares right before (or even after) death, and the rights of provincial Vicars General.

ff. 140-151v, incipit, "Fratres mei dilectissimi in omnibus operibus vestris semper mementote ... ; [f. 140v], *de utilitate discreti*[...] (tear in inner margin), incipit, "Apostolus Petrus, fratres dilectissimi de nostra admonent ... [*De institutione vitae regularis*], incipit, "Fratres mei et leticia cordis mei corona mea et gaudium meum ... In hac autem vita permaneamus et nos ipsos in ipsa deo auxiliante fortiter teneamus quia qui perseveravit usque in finem salvus erit. Si quis autem de saeculo ....";

Pseudo-Augustinus, *Sermones ad fratres in eremo commorantes: De inobedientia* (*Patrologia latina* 40, Sermon 16, col. 1262); *De vigilatione* (S. 17, 1263-64); *De obedientia* (S. 7, 1248-50); *De obedientia, ad sacerdotes suos* (S. 5, 1242-46); *De pace* (S. 2, 1237-39); *De silentio* (S. 3, 1239-40); *De fide trinitatis* (S.15, 1259-62); *De ieiunio* (S. 23, 1273-74); *De institutione vitae regularis* (S. 1, 1235).

Although ascribed to St. Augustine (354-430) in the Middle Ages and Renaissance, these sermons are now known to have been composed many centuries after his death, likely in the twelfth century, with additions as the text was transmitted in the thirteenth and fourteenth centuries (Elm, 2002; Saak, 2012; see also Bonnes, 1945-46; Rano, 1987; Walsh, 1988-1990). They were extremely popular, surviving in at least 425 manuscripts (Elm, 2002) and numerous early printed versions. The selection of sermons chosen for this manuscript appear in a different order, and with some variation in the text, from that of Migne's *Patrologia latina*, which is based on the 1685 Maurist printed edition of seventy-six sermons.

This manuscript is remarkable, both materially and in terms of its varied contents. It remains in its original parchment wallet binding, which was designed to be lightweight – ideal for volumes meant to be carried on one's person, but consequently fragile, and rarely surviving intact. Compared to contemporary bindings with wooden boards, parchment bindings exhibit diverse techniques, studies of which remain largely unpublished.

The Franciscans (the mendicant Order of Friars Minor) were founded by a medieval saint with enduring popularity, Francis of Assisi (1181/2–1226). Through dreams he was called to a life of poverty, and, giving up all comforts, took to preaching penance, charity, and peace. The Order expanded rapidly throughout Europe, leading Francis to modify his first rule in 1223 to better suit the now large and diverse Order. This *Regula bulla*, on which an unidentified commentary is

found in this manuscript, still stands as the Rule of the Franciscan Order. Additionally, the manuscript holds an unrecognized Grammar, perhaps used to instruct children in Latin, and a confessor's guide in Italian, with practical topics focused on being a good Christian. It is supplemented with a brief summary of canon law, texts guaranteeing the rights and confirming the duties of friars like himself, and a stern warning, selected from a longer treatise, to avoid the company and confidence of women. The mix of texts chosen are thought-provoking and worthy of deeper study, separately and as a collection which speaks to the practical needs and daily concerns of the Franciscan friar who carried them as he performed his daily duties.

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