

BARTHOLOMAEUS DE CHAIMIS, *Confessionale* (Confessional); with ANTONINUS FLORENTINUS, *Confessionale* (Confessional, selections) and *De matrimonio* (On Marriage); POPE MARTIN V, *Ad evitanda scandala* (On Avoiding Scandal); LEONARDO GIUSTINIAN and JACOPONE DA TODI, vernacular devotional poems; and other texts
In Latin and Italian, manuscript on parchment
Northern Italy (very likely Milan), February 14, 1468

ii (paper) + 156 + ii (paper) folios on parchment, unidentified watermark, second flyleaf, banner with three points on top edge, one at bottom edge, and scrolled bottom corners, holding two crossed arrows(?) with a small cross on top, countermark on penultimate flyleaf, same banner with name "GIO BUGNO | LEGRENZI," not in Laurentius and Laurentius, 2016 (see also Online Resources), original foliation in red ff. 10-156, with errors, at top corners, correct modern foliation in pencil at top corners, lacking at least two leaves (i¹⁰ [-1, one folio missing at front, with loss of text] ii-xiv¹⁰ xv⁶ [ff. 142-145 bound out of order, original structure uncertain] xvi¹² (-one leaf at the beginning before f. 146), trimmed leaf signatures in red at bottom corners, catchwords at center of lower margin, ruling in pencil of vertical bounding lines only, often invisible (justification c. 100 x 70 mm.), written by at least three scribes in a minute Gothic Rotunda on 37-27 lines, rubrics and occasional running titles in red, paragraphs and simple initials in alternating red and blue, one red and blue penwork initial on f. 11, 6-line gold initial, f. 10, on a rectangular blue ground infilled with a salmon pink and blue and flower with large leafy green acanthus and with touches of gold from extending from two circular shapes (resembling beets with their leafy greens attached) at the corners of the initial forming a partial border in the inner and upper margins, initial f. 10 with slight damage from damp, moisture staining at inner and top margin throughout with text damage and loss in second half of manuscript, with around 20 leaves (on one side or both) with significant damage to the text, heavy wear and text abrasion on first and last folios, minor worming on first 15 folios affecting text. Late nineteenth-century binding of thinly cut wood covered in textured red paper with twisting vine motif, brown leather spine with a geometric fleur-de-lis pattern at top and bottom title in gilt, "DE CAIMUS BARTH. CONFESSIO 1498 M.S.," pastedowns and facing flyleaves marbled, traces of paper label once glued to front cover, wear and abrasion of covers and spine, especially at edges. Dimensions 145 x 105 mm.

Although tiny and compact like many miscellanies used by the mendicant friars, this manuscript was an expensive production. It is copied in a formal script by well-trained scribes and includes an illuminated frontispiece at the beginning of the main text, the *Confessionale* of Bartholomaeus de Chaimis, an influential but rare text that still lacks a scholarly edition. Dated by the scribe, this is perhaps the oldest surviving copy and may have been produced under the direct supervision of the author.

PROVENANCE

1. The main text in the manuscript was completed on 14 February 1468 (dated by the scribe on f. 108). Several scribes were involved in this manuscript's production, but all sections are roughly contemporary to one another. This copy of Bartholomaeus de Chaimis's *Confessionale* is thus earlier than the first printed edition (Milan, 1474).

The opening rubric of the *Confessionale* on f. 10 begins, *Incipit confessionale siue Interrogatorium per venerabilem fraterem Bartholomeum de Caymis de mediolano ordinis minorum compositum in loco sancta Maria de angelis apud Mediolanum* (Here begins the Confessional or Interrogatory by Venerable Brother Bartholomew of Chaimis composed at St. Mary of the Angels in Milan). In 1466, Bartholomew was appointed guardian of Santa Maria degli Angeli (Gennaro, 1973). The rubric in our manuscript may be recording the fact that fBartholomew composed this text at Santa Maria

degli Angeli (suggesting its exemplar may have even have been the author's own copy), but it is also possible that the scribe was stating that this particular manuscript was copied there. In either case, this is an early and important witness to Barholomew's text, and one that is closely linked to the author. He may have personally provided its exemplar, and perhaps even supervised its production.

The medieval church and monastery of Santa Maria degli Angeli were largely destroyed in the war between the Spanish and the French in the first quarter of the sixteenth century (on Milan in this era, see Gamberini, 2015). Its ruins were demolished, and the community moved to a new basilica, commonly known as Sant'Angelo, built within the city walls.

2. According to a printed bookplate, with two additional lines in ink (verso of first flyleaf) this manuscript was once part of the expansive collection of Count Paolo Vimercati Sozzi (1801-1883), a scholar of archeology and numismatics. President of the University of Sciences, Arts and Letters of Bergamo, he amassed an immense collection of artifacts, coins, art, incunabula, and manuscripts, effectively converting his home into a large private museum. Much of his collection was dispersed via public auction in 1893 (Caldarini Mazzucchelli, 2004).
3. Three previous shelfmarks: "LVII.," "Af[?] 16," and "G35" (verso front flyleaf); inscription on recto of penultimate flyleaf reading "Scoffale RR = p^o4^o=n.1. integerius Centrale" and "50.

TEXT

ff. 1-6v, *Secundum preceptum scilicet Non assumes nomen dei tui in vanum*, incipit, "Circa secundum praeceptum sic interroga [sic] Si iurant coram indice scientur ... [f. 2v] *Secunda pars huius tractatus est de septem capitalibus viciis superibus et filiabus. Et primo de Avaritia*, incipit, "Circa Avaritiam sic interroga scilicet Si dedit vel promisit ... [f. 6] *De Luxuria*, incipit, "Circa luxuria sic interroga scilicet Si cognovit solutus solutam ... Si habuit orrorem ad vitam futurum peccatum est";

Unidentified interrogatories (questions for the confessor to ask the penitent to define and draw out any sins committed) related to each of the Ten Commandments, followed by interrogatories related to the Seven Deadly Sins. The first Commandment is missing, indicating that there is one folio lacking at the beginning of this manuscript,

ff. 6v-9v, *Quis teneantur ad sigillum confessionis*, incipit, "[Q]ui tenetur ad sigillum confessionis dicit petrus de palu ubi sunt ... "; f. 7v, *De celatione confessionis secundum Antoninum d'Florentia*, incipit, "De cellatione [sic] confessionis. Nota secundum Thomas in 4^o di 21 Qui audies confessionem tenetur cellare ... est sacramenti petrus de palu et cetera. *Quis teneantur ad sigillum confessionis require supra*"; f. 9, incipit, "Notandum secundum Petrus de paludanus in 4^o di 17^o Quid penitentes qui scientur tacuit ... in nomine patris et filius et spiritus sanctus amen";

Selected passage from Antoninus Florentinus, O.P., *Confessionale Defecerunt*; there is no modern edition, but it was printed often in the fifteenth century (GW 2080-2140; Kaeppli, 1970, no. 256): Book 1, part 3 (printed Strasbourg, 1490, ff. 33v-35), outlining responsibilities of confessors with regards both the manner in which they hear confession and their own conduct; Book 1, part 3 (Strasbourg, 1490 edition, ff. 30v-33v), discussing the duty of priests to keep in

confidence everything said in confession (as the scribe noted in the closing rubric this should have been copied before the previous text); Book 1, part 2 (Strasbourg, 1490 edition, f. 17); brief section about cases of reiteration, which identify when a confession is invalid and must be repeated, concluding with a short script for absolution not included in the *Confessionale*.

Antoninus Florentinus (1389–1459), born Antonino Pierozzi, was accepted into the Dominican order at the age of sixteen. He quickly became a successful reforming administrator and was appointed vicar of the strictly observant Congregation of Tuscany in 1443, then archbishop of Florence in 1446, in which role he acted as ambassador of the Florentine Republic to the pope. An authority on Canon Law and accomplished moral theologian, his most famous works were the influential *Confessionale defecerunt* and *Summa moralis*; selections from both these texts are included in this manuscript. He was canonized by Pope Adrian VI in 1523 (see McMahon, 1907 and Michaud-Quantin, 1962, pp. 73-75).

ff. 10-18v, *Incipit confessionale siue Interrogatorium per venerabilem fraterem Bartholomeum de Caymis de mediolano ordinis minorum compositum in loco sancta Maria de angelis apud mediolanum. Et distinguitur in quatuor partes principales*, incipit, "Cum ars artium sit regimen animarum ... ut ab huiusmodi se abstineant";

Bartholomaeus de Chaimis, *Confessionale Bartholomei*, part one, printed Heidelberg, 1490, ff. 2-8v. The incipit of this section identifies the text and author, and that it was copied at Santa Maria degli Angeli in Milan. Part 1 discusses the background for confession, outlines the confessor's authority and actions, and describes the characteristics of a good confessor.

ff. 18v-23v, *Incipit 2^a pars principalis huius operis. De penitentis ad confessionem admissione*, incipit, "Circa secundum notandum quod confessor peccatorem ... et aliis sepius occasionem scandali tribuunt";

Bartholomaeus de Chaimis, *Confessionale Bartholomei*, part two, printed Heidelberg, 1490, ff. 8v-15. Part 2 instructs the confessor on how to prepare the penitent for confession.

ff. 23v-101, *Incipit 3^a pars huius opusculi de circumstantiarum peccatorum interrogatione*, incipit, "Circa 3^m principale. Sciendum quod non sufficit confessorem ... fratres vel sorores tertii ordinis excommunicationem incurrit extra de sententiis excommunicationis cum ex eo in clericis";

Bartholomaeus de Chaimis, *Confessionale Bartholomei*, part 3, printed Heidelberg, 1490, ff. 15-97v. The lengthy third part deals with the act of confession itself, guiding the confessor in leading the penitent to adequately describe the circumstances and details of their sins. It provides interrogatories, beginning with sins against the Ten Commandments, then those related to the Seven Deadly Sins, the Seven Spiritual Works of Mercy, and the Seven Corporal Works of Mercy, followed by interrogatories intended for specific categories of people, arranged according to occupation. These span all social strata, from farmers, to lawyers, to clerics of all ranks.

ff. 101-108, *Incipit quarta pars huius opusculi de penitentiae iniunctione et peccatorum absolutione*, incipit, "Expeditis 3^{bus} huius opusculi principalibus partibus ..."; [f. 101v] *Incipiunt canones penitentiales*, incipit, "Primus canon dicet quod si presbiter fornicationem fecit ..."; [f. 105v] *De forma absolutionis a peccatis*, incipit, "Circa absolutionem consideranda est forma ..."; [f. 108] *Interrogationes*

quae debent fieri infirmo morienti secundum beatum anselmum ..., incipit, "Primo interrogare debet ... Si occurrerit tibi inimicus diabolus semper ei propones merita passionis christi. etcetera. Finis 1468 Februarias 14";

Bartholomaeus de Chaimis, *Confessionale Bartholomei*, part 4, printed Heidelberg, 1490, ff. 97v-105v [Part 4]. This final part of the *Confessionale* concerns the administration of penance and absolution. It contains the penitential canons, which outline what penance must be done to atone for different types of sin, followed by different forms of absolution, dependent on circumstances. The manuscript concludes, as does the cited edition, with Anselm of Canterbury's interrogatories, however, only the opening seven interrogatories are followed by responses.

f. 108, incipit, "Martinus episcopus etcetera. In super ad vitanda scandala et multa pernicula ... Datum etcetera 9^o kalendus Augusti. Pontificatus nostri anno primo. *Hec in consilio constantiensi etcetera*"; incipit, "Auctoritate omnipotentis dei et beatorum Petri et Pauli ... Item ego absolvo te ab excommunicationis ... In nomine patris, et filii, et spiritus sancti. AMEN"

Constitution issued by Pope Martin V ("Ad evitanda scandala," 1418); Billuart, 1838, pp. 221-222 (English translation, Online Resources), which decrees that there is no need to avoid excommunicated persons unless denounced officially by name by the Church, or publicly known to have laid "sacrilegious hands" on a cleric; followed by an absolution from excommunication.

ff. 108v-109v, incipit, "Ben mor damor/ ben mor damor/ te mor damor ..."; f. 109, incipit, "Amor yesu diletto/ veni dentro del mio cori ..."; [f. 109v] incipit, "O dolce amor iesu/ che amato may/... [ending abruptly]";

Jacopone da Todi, "Sopra il XLVIII. Cantico; Bene morrò d'amore etc.," printed, 1617, pp. 903-904; Jacopone da Todi[?], "Amor Jesù diletto | ven dentro del mio core," in Tenneroni, 1909, p. 56; Jacopone da Todi[?], "O dolce Amor, Jesù, ch'amato m'hai | senza amar te," in Tenneroni 1909, p. 173. The first poem is by Jacopone da Todi, and appears in a volume of his annotated poetry printed in Venice in 1617. The other two are uncertainly attributed to him by Tenneroni. He identifies the first poem in thirteen manuscripts (p. 71), the second poem in four manuscripts (p. 56), and the third in four (p. 173), all in Italian institutions. This manuscript was not included in his survey, and thus offers new examples of these texts.

Jacopone da Todi (c. 1230-1306) was a Franciscan friar from a wealthy Umbrian family. He was trained as a lawyer in Bologna. Upon the accidental death of his wife, he renounced his profession to join the Friars Minor, and began composing *laudi* that were at times critical of opponents. He was a vehement proponent of the Spiritual, or *Fratricelli*, movement, for which he was excommunicated by Pope Boniface VIII until the latter's death in 1303. Jacopone himself died just a few years later in the care of Poor Clares at Collazzone (Oliger, 1910).

ff. 110-117, *Infrascripte digestum excommunicationes quorum absoluto sedi apostolice deservantur. Et primo In decretis*, incipit, "Si quis manum in clericum in iecerit violentam ...";... [f. 117], *Differentia excommunicationum*, incipit, "Excommunicatio. Alia maior scilicet que separat ... Seu ab eius superiore extra eodem dicto confessor nuper AMEN";

Short text on excommunication and conditions of absolution; cf. Paris, BnF, MS latin 3727, where it is described as part of Antoninus's *Confessionale defecerunt* (see above).

ff. 117-119v, *Incipit tractatus contra confessiones quotidiendas. Et primo de excommunicationibus papalibus*, incipit, "Primo et ante omnia confessor interroget ..."; ... [f. 119] *FORMA absolutionis prohibentibus plenariam indulgentiam in articulo mortis ...*, incipit, "Auctoritate dei et beatorum petri et pauli apostolorum eius ... In nomine patris + Et filii + Et spiritus sancti + AMEN. *Faciendo ter signum crucis*";

Unidentified tract against daily confession which also provides further instructions for confessors, interrogatories, and a script for absolution.

ff. 120-145v, *Incipit tractatus de matrimonio Reverendi fratris Antonini archiepiscopi Florentinae et primo de impediendis matrimonis*, incipit, "DE RELINQUET homo patrem et matrem ... [f. 145v] sine periculoso propterea praescere ..."; [if bound correctly, the text would end abruptly at f. 143v with "...de licentia coniugis sui. Et quamvis//"]

Antoninus Florentinus, *Summae Sacrae Theologiae*, Part 3, *De matrimonio* (Titulus 1, Capitulum 2-21 [pp. 5-31]); Kaepelli, 1970, p. 89, list seven manuscripts; only two are held outside Italy at the Bodleian Library, and the present copy is not represented in his survey.

This treatise discusses a variety of topics related to the legalities of marriage under Canon Law. This copy is heavily abbreviated and somewhat abridged; it now ends abruptly just before the conclusion of chapter 21 (the complete work has 25 chapters). One of the lacking chapters, which was probably part of the original quire, comprises an alphabetized, and very misogynist, list of the sins of women.

ff. 146-155v, *Incipit prologus in sequens pium et devotem exercitium passionum christi yesu et dolori suae benedictae semperquae Virginis gloriosae Mariae. Prologus*, incipit, "Currite gentes curramus ad propositum nobis ... deus benedictus in saecula saeculorum Amen";

Anonymous, *Devotissima, ac multum proficua meditatio passionis domini Iesu Christi...*, 1688, pp. 3-63. These 100 meditations and 30 readings on the Passion of Christ and the Virgin Mary are apparently anonymous but appear in a 1668 edition prepared for the Franciscan Order.

f. 155v, *Parole del devote Bernardi*, incipit, "O chi[?] <?> visati[?] amatissime lacrimae ... lavrati[?] Amen";

This brief poem is presently unidentified as most of the text is lost to water damage. Could it be by Bernardinus de Chaimis (better known as Bernardino Caimi), Bartholomaeus's more famous brother?

f. 156rv, *Lauda del spirito sancto*, incipit, "Spirito sancto amore consolatore interno ... [f. 156v] L anima zousa torni al suc [illegible] AMEN."; "Balsemus ac munda cera ... retinet ab hoste triumphum."

Leonardo Giustinian, "Spirito santo, amore," in Ferruccio, 2004, pp. 229-231; and Pope Urban V[?], *Balsamus et munda cera*, Wright, 2016, p. 333; Walther, 2058. The first, longer poem in Italian was composed by Venetian reformer and humanist Leonardo Giustinian (1388-1446), who was famous in his own time for his spiritual and secular vernacular poems. They were intended to be sung with musical accompaniment and were so popular that they sparked a new literary fashion (see Ferruccio, 2004, p. 228). Tenneroni, 1909 lists six manuscripts (p. 245). The following short poem in Latin is often ascribed to Pope Urban V (r. 1362-1370). It was set to music and published in 1431 by Guillaume Dufay (1397-1474), who has since his death been considered one of the most important European composers of the fifteenth century.

First appearing c. 1200, manuals for confession were important practical guides to ensure the ritual of confession was performed consistently and correctly. The spread of the mendicant orders, and especially the Dominicans, increased the need for instructional guides for confessors, as these itinerant clergy focused on the pastoral duties of preaching and hearing confession, as opposed to the traditional liturgical duties of the secular clergy and monastic orders (Biller, 1998, pp. 9-10). In response to the growing focus on confession, and the abundance of friars performing the sacrament with ordinary people in the cities, towns, and countryside of Europe, the composition and production of confessionals exploded in the fifteenth century (Michaud-Quantin, 1962, p. 68).

Bartholomaeus de Chaimis (d. 1496) was an expert in Canon Law, having graduated from the University of Bologna, and a well-known preacher in his time. He belonged to the Friars Minor; from 1449 he served as a provincial vicar of the Observant branch of the Order, and from 1558 as provincial commissioner (Gennaro 1973). Bartholomaeus was inspired by the manuals of those before him, especially Angelus Carleti de Chivasso's *Summa* and Antoninus Florentinus's *Confessionale defecerunt*, whose formula he adopted. Bartholomaeus's *Confessionale* is, however, presented in a more juridical form than Antoninus's manual, accentuated by the frequent division of his text into 'causes' (Michaud-Quantin, 1962, p. 76). It was considered so thorough that it was recommended to confessors at the synods of Basel in 1503 and Augsburg in 1548 (Roest and van der Heijden, 2018 in Online Resources).

There is no modern edition of Bartholomaeus's *Confessionale*, and although it was printed in at least fifteen early editions (see "Bartholomaeus de Chaimis," Online Resources), the first appearing in Milan in 1474 (GW 6540), it is uncommon in manuscript, and certainly rare on the market (three sales recorded in the Schoenberg Database, the most recent in 1979). There are two copies in the United States, New York, St. Bonaventure University, and Yale, Beinecke Library, another in the Bodleian, nine in German and Austrian institutional collections, and at least two more in the Vatican. One, BAV Vat. lat. 13984 is from Santa Maria degli Angeli, but dates to the end of the fifteenth century.

The present manuscript may well be the oldest extant manuscript; it predates the first printed edition by six years and may have been made at the monastery of Santa Maria degli Angeli in Milan while Bartholomaeus himself was guardian. It is thus possible that he supplied the exemplar from which it was copied, making it a valuable early insight into the tradition of this text worthy of further study. The appearance of several complementary confessional texts alongside it, combined with the unexpected inclusion of vernacular and Latin devotional poetry – some of

both genres yet unidentified – make this manuscript a particularly curious and engaging reflection of the various interests of a Franciscan confessor in later fifteenth-century Italy.

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