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Anonymous French translation of the Decretals of Gregory IX (*Quinque libri decretalium* or *Liber Extra*)

In French, decorated manuscript on parchment
Northern France (possibly Paris), c. 1250-1275

72 folios on parchment (pronounced difference between hair and flesh side, occasional original imperfections, e.g. f. 65, notched hole bottom edge, or ff. 66-70, irregularly shaped at the lower edge), modern foliation in pencil top outer corner recto, incomplete at the beginning and end, missing a quire after quire six (ending f. 40v), and lacking eight additional leaves internally, quire 4 should be examined more closely, since Gregory's rule (hair facing hair and flesh facing flesh) is broken several times, although nothing is obviously missing (collation i^s [lacking three leaves with loss of text, -1, 2, and 8, after f. 5] ii^s [lacking three leaves with loss of text, -1, before f. 6, -4, after f. 7, -8, after f. 10] iii^s iv^s [lacking one leaf with loss of text, -1, before f. 19] v^s [lacking one leaf with loss of text, -6, before f. 31] vi-x^s), no signatures (possibly a few ad hoc signatures in hardpoint), horizontal catchwords lower inner margins in quires 5-10, ruled in lead with single full-length vertical bounding lines (justification 213-210 x 140-138 mm.), written below the top line in a fairly quick upright gothic bookhand in two columns of 40 lines, layout changes after f. 41 (see below), but there is no obvious change of hand, notes for the rubricator lower margin (some trimmed), guide letters for initials within the initial, red rubrics, red and blue running titles, one-line red or blue initials, three-line alternately red and blue initials with pen decoration in the opposite color, eight-line parted red and blue initial on f. 53v, with red and blue pen decoration, first leaf detached, and heavily stained, especially in the lower and bottom margins (text is legible), frayed at the bottom and outer margins, a large notch excised from the lower margin of f. 3, ff. 1v-17, some staining in the lower and outer margins, fairly minor after the first few folios, cockled, minor damp staining in the upper and outer margins in the second half. Unbound (lacking front and back boards), a few inches of parchment (loosely attached), either the spine or spine lining remain at the bottom of the spine, sewn on four bands with head and tail bands, tail band loose. Dimensions 315 x 225 mm.

This unedited Old French translation of the Decretals of Pope Gregory IX survives in just twelve other manuscripts, in addition to this substantial fragment, none in the United States, and all but one in institutional collections. The existence of this translation, once owned and used by high-ranking nobles in the Capetian court, is a vivid reminder of the importance of canon law beyond the confines of the clergy when the language of the secular courts was in French, not Latin. Thirteenth-century texts in French are rare on the market; this text is very rare indeed.

PROVENANCE

1. Written in Northern France, possibly in Paris; our manuscript must date after 1234, the year when the Latin *Decretales* were promulgated by Pope Gregory IX, and presumably before 1280 when a near contemporary hand wrote that date near the top of f. 29, "anno domini m cc° lxxx°" and "Martinus episcopus servus servorum dei" below col. a on f. 72,; Pope Martin IV, of French origin, was elected February 22, 1281. The date of the translation of the *Decretales* is not known (Fournier, 1936, pp. 262-265, suggested a date between 1238-1245), but based on the script and style of the pen initials, this is likely an early example, dating c. 1250-1275. Its layout and the style of the pen initials are very

similar to Boulogne-sur-Mer, Bibliothèque municipale, MS 123 (Online Resources); both manuscripts include distinctively narrow initials placed in the margin alongside the text.

2. On f. 14 there is a remarkable contemporary correction on a separate sheet of parchment, measuring c. 150 x 90 mm., ruled in lead, stitched onto the lower margin; it is now folded closed, but extends below the bottom of the page when open; corrections like this are very rare survivals in manuscripts (we know of no other examples of a correction exactly like this one; contemporary marginal notes in Latin, f. 41v, 42, but otherwise no marginal notes.
3. Modern notes in French on ff. 2, in pencil, and f. 10v, in ink.

TEXT

ff. 1-72v, [begins imperfectly in book 2, in titulus 15(58)] "//urences. Cum sicut. Quant plez estoit si come ...; f. 30v [book 2 ends imperfectly], Uenerabilis. Noz honorabiles freres ... legaz del siege//; [f. 31, book 3 begins imperfectly, in tit. 1(74), "// de continence soient puni ...; f. 53v, [tit. 29(102)] *Ci comence li tierz liures*, incipit, "As die menches et as et asionz ...; ...f. 71v, [tit. 38(111)] *Cist titres est de la droiture de patronage*, ... a lapostole et ce qui deura//"

Anonymous Old French translation of the Decretals of Gregory IX (*Quinque libri decretalium* or *Liber Extra*), beginning abruptly in book 2, titulus 15 [here numbered 58], and ending abruptly in book 3, titulus 38 [here numbered 111]. The text is not complete, and there are two leaves missing after f. 5, single leaves missing after ff. 7, 10, 18, and 30, and a break in the text after f. 40v where a quire is missing.

The Decretals of Gregory IX or the *Liber Extra* is divided into five books (*Iudex, Iudicium, Clerus, Connubia/Sponsalia*, and *Crimen*, that is, Judge, Trial, Cleric, Marriage, and Crime). Our manuscript includes parts of Book II on trials, discussing topics including confessions and witnesses and most of Book III on the laws governing the lives of the clergy, including discussions related to married clergy, non-resident clerics, benefices, monks and canons, and many other topics. Each of the five books were in turn divided into sections known as *tituli* (singular, *titulus*), 185 in total. It is a well-organized copy that includes rubrics in French with the title of each *titulus*, each of which is numbered with a small roman numeral in the margin (the *tituli* are numbered consecutively through the books, rather than beginning again with one at the start of each book as is customary in modern lists of the *tituli*). The initial and rubric on f. 53v announcing the beginning of book three is an error, since the text here is actually the 29th *tituli* of the third book. The running titles are correct, beginning with the third book on f. 31. Each chapter on ff. 1-41 begins with a Latin word or short phrase, underlined in red; with the French text following beginning with a one-line alternately red or blue initial; the Latin is not included from f. 41v to the end.

This anonymous translation lacks a modern scholarly edition and indeed has never appeared in print. It survives in twelve manuscripts, not including this one, and in one fragment (the most up to date list in Martin Bertram, *Signaturenliste* and Jonas (both Online Resources): Boulogne-sur-Mer, Bibliothèque municipale MS 123 (Fournier, sigle G, Cahu, p. 405ff.); Bourg-en-Bresse, Bibliothèque municipale MS 9 (Fournier, sigle I, Cahu, p. 406ff.), Brussels, Bibliothèque Royale,

MS 11082 (van den Gheyn 2508, Fournier, sigle C, Cahu, p. 83, note 4); Caen, Bibliothèque municipale MS 49 (in fol. 23) (book one and two only, Cahu, p. 410ff.); Montpellier, BU section Médecine MS H. 51 (Fournier, sigle A, Cahu, p. 421ff.); Paris, Bibliothèque de l' Arsenal, MS 5215 (Fournier, sigle F); Paris, BnF, MS français 491 (Fournier, sigle E), MS fr. 492 (Fournier, sigle B; Cahu, p. 428ff.), MS fr. 493 (Fournier, sigle D, Cahu, p. 429ff.), MS NAF 5120; Rouen, Bibliothèque municipale MS 726 (Fournier, sigle H, Cahu, p. 489), Saint-Gaudens, Madame Desgranges, private collection (listed only in Jonas), and Glasgow, University Library, Hunterian fragment 1 (listed only in Jonas).

In 1230, Pope Gregory IX (1145-1241), Pope from 1227-1241) directed his chaplain and confessor, the Dominican Raymond of Peñafort (c. 1175-1275), to compile a new collection of canon law to bring Gratian's *Decretum*, from the mid twelfth century, up to date. The *Decretals* of Gregory IX, also known as the *Liber Extra* (The book outside Gratian's *Decretum*), promulgated in 1234, was the first collection of canon law for the Catholic Church invested with papal authority. The utility of the new collection is abundantly clear in the number of surviving Latin manuscripts (Martin Bertram, Online Resources, lists 675).

The surviving copies of the French translation of the *Decretals* all appear to date from the thirteenth century, many from the third quarter of the century. A number were illuminated by artists active in Paris, and Cahu has suggested that the translation may have been made by a Dominican from the Parisian convent at St. Jacques (Cahu, 2013). Certainly, the thirteenth-century French translation of these *Decretals* was not prepared in a vacuum. All the most important legal texts were translated into French in the thirteenth century, including Gratian's *Decretum* (surviving in one manuscript, now in Brussels; its editor suggested that this translation was by Thomas Becket in the twelfth century, see Löfstedt, 1992-2201 and 1992, although this theory was not generally accepted, and Noble, 1998, suggests it is thirteenth century), Roman law, including Justinian's *Institutes*, beginning in the 1220s (Kuskowski, 2018), and the commentary on Justinian by Azo (Biu, 2009). Moreover, over the course of the thirteenth century, although Latin remained the language of record, the language of the secular courts in both France and England was French.

In general, the utility of French translations of Roman law seems easier to understand than translations of canon law, since canon law is often thought of as the special province of the clergy, and certainly higher ranking clerics were literate in Latin. But this viewpoint underestimates the importance of canon law in the lives of everyone, lay and clerical, in medieval Europe. The French translation of the *Decretals* was embraced by secular rulers who needed to understand the laws governing the church and the clergy, and to understand jurisdictions proper to the church and proper to the state. The context of the translation of the *Decretals* of Gregory IX is likely found in the interests of the Capetian court and high-ranking nobles of the realm. The French court was certainly interested in translations; the first complete translation of the Latin Vulgate in western Europe, the Old French Bible, dating c. 1220-1260, may have been sponsored by Blanche of Castile and her son King Louis IX, continuing a tradition of religious texts in French that started in earnest in the twelfth century. In the French Royal Library in the Louvre in the fourteenth century, there were a remarkable ten copies of the *Decretals* in French (Delisle, III, 1881, p. 135, nos. 417-426; only one is identifiable today, no. 420 = BNF, MS fr. 493).

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