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GREGORY IX, *Decretales*, with Glosses by BERNARDUS PARMENSIS DE BOTONE
In Latin, decorated manuscript on parchment
Northern Italy (Bologna?), Italy, c. 1263-1280

ii (paper, f. i recto, marbled) + ii (unnumbered parchment) + 316 + ii (parchment) + ii (paper, f. ii verso, marbled)
on very thin parchment, foliated in ink in early arabic numerals in the fifteenth-century, bottom outer margin, recto,
with one error: 1-258 [f. 259 excised] 260-267 [f. 268 excised] 269-316*, 318-319 [cited here], foliation in another hand,
possibly earlier, sometimes visible top outer margin, recto, including the tituli caption (collation, i⁸ ii-xxvi¹⁰ xxvii¹⁰ [-1
and 8, ff. 259 and 268, with loss of text] xxviii-xxxi¹⁰ xxxii¹⁰ [misfoliated, so f. 316 is followed by f. 318]), very small
horizontal catchwords, boxed, at the bottom of the page near the middle, often trimmed, no leaf or quire signatures, text
ruled very lightly in lead, with single full-length bounding lines in the inner and outer margins and with three lines
between the columns of text, extra bounding lines occasionally visible for the gloss, horizontal rules for the gloss
sometimes visible, and probably added as needed, prickings, top margin, for the vertical bounding lines, text and gloss,
and in the outer margin for the text only, text copied below the top line in a dark brown ink in an early textualis in
two columns of thirty-six lines (justification, 137-133 x 81 mm.), gloss copied in a lighter brown ink by another scribe in
a rotunda script in two columns on either side of the text, and sometimes above and below the text, amount of gloss
varies, ranging from sixty-four lines (for example, f. 29) to one hundred and six lines (for example f. 26v),
(justification, 283-175 x 185-163 mm), front parchment leaf, f. ii (added table of contents) copied in a Bastarda script,
notes for the rubricator and some guide letters for the initials, red rubrics, red and blue running titles, one-line
alternately red and blue initials within the text, two-line alternately red and blue initials outside the text space with ink
flourishing in the other color, 5-7-line illuminated initials at the beginning of each book, ff. 1, 78v, 149, 225, and 249v
(initial, f. 1, smudged), blue pigment initials on rose ground or rose or violet pigment initials on blue, letterforms
patterned in white and infilled with vine-work including anthro- and zoomorphs, initials are followed by 5-7 line red
and blue elongated majuscules, inserted decorated title page with title in majuscules underlined in blue, with a red and
blue border, edges are darkened, ff. 1, 146v-147, and the back flyleaves were treated with reagent, leaving part of the
text illegible or obscured, some cockling and many leaves have small slits, middle, outer margin, some have been sewn in
red thread, margins of ff. 1, 135, 178, 216, 236 have been repaired, f. 193, is torn, f. 312, corner cut-away, and f. 316,
portion of blank margin trimmed, overall in very good condition. Bound in eighteenth-century brown speckled leather,
spine with six raised bands forming compartments for fine gilt floral decoration and title "Decreta Gregori IX MS,"
fountain on Turkish marbled paper pastedowns and endleaves, front and back covers with scuffs and other signs of
wear, outer corners worn, top and bottom of spine worn and slightly detached. Dimensions 313 x 208 mm.

Well-preserved, near-complete copy of one of the most important texts of medieval Canon Law, dating within fifty years or so of the composition of the *Decretals* in 1234. Its overall quality and the successful execution of a very intricate layout are evidence of the skill of the professional book trade in thirteenth-century Italy. Later additions to the gloss testify to its use by generations of law students. Remarkable provenance also distinguishes this copy, which belonged to Guy de Feysigny, the fifteenth-century legendary political martyr from Savoy. Most extant copies are in institutional libraries; few have been available for sale in recent decades.

PROVENANCE

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1. Written in northern Italy, mostly likely in Bologna, in the third quarter of the thirteenth century, after 1263; the version of the Gloss in this manuscript must date after 1263 (see the discussion of the text, below).
2. The two parchment endleaves following the text preserve extensive notes relevant to the ownership of the volume in the fifteenth century. Although a number of passages are too faint to be easily legible, and most were treated by a reagent, the most interesting are evidence that the manuscript was in Italy in the fifteenth century, when it was owned by Iohannes de Orliaco in 1448 and 1449 (see for example the second parchment endleaf, "Anno domini 1448 die 24 mensis augusti ego Io deorl... [24 August, 1448, I, Johannes de Orliaco]." This man, Johannes de Orliaco, can probably be identified with Jean d'Orlier (b. ca. 1425), a native of Ferrara, and preceptor at the Antonite Convent in Ferrara in 1454. He served as the preceptor of the Antonite Convent in Isenheim from 1459 to 1466 or 1470, where he was instrumental in commissioning Martin Schongauer to paint the side panels for the Altar, now in the Musée Unterlinden in Colmar.
3. The manuscript then belonged to Guy de Feysigny (Guigo de Feysigniaco), doctor of law, and a man of considerable importance in Chambéry, where he served as the chief Justice of the Supreme Court. Guy was beheaded in 1465 in the infamous act of revenge exacted upon him by his neighbor and feudal overlord, Jacques de Montmayeur; the history of this event is told in detail by François Mugnier, *Orgueil Féodal: Guy de Feysigny et Jacques de Montmayeur*, Paris, Champion, 1894.

Three notes on the first back parchment endleaf document events in Guy de Feysigny's life, filling in details not recorded by Mugnier; the first note, dated 1453, records business accomplished at Ferrara, and is signed, "...G. de feysigniaco legum doctor filius spectabilis domini militis rodulphi de feysigniaco anno domini <?> cccc 53 die v mensis Iunii [G. de Feysigny doctor of law, son of the lord knight Sir Rodulph de Feysigny 5 June, 1453]"; the second much longer note states that Guy left the Savoy in 1448 to study law in Bologna, spending part of his time in Ferrara on account of the plague, and becoming a doctor of civil law at Bologna in 1452. The third note records that the book was subsequently owned by Guy's son, Petro de Feysigniaco (Pierre de Feysigny), perhaps even passed on during Guy's lifetime: Guy's hand writes "Ista decreta lex sunt mei guigonis de feysigniaco" and this inscription is immediately followed on the same line by a second, less-practiced hand writing "pertinent michi petro de fesigniaco eius filius" [These Decretals are mine, Guy de Feysigny...they belong to me, Pierre de Feysigny, his son]."

4. Guy de Feysigny must have brought the manuscript back to France, where the Table of Contents was added in a fifteenth-century French hand, and the manuscript was foliated. It remained in France until the eighteenth century, the date of the present binding.
5. The manuscript was MS 3960 in the collection of the renowned book collector, Sir Thomas Phillipps (1792-1872): front flyleaf, f. i, in ink, "3960/ MSS Ph"; front flyleaf, f. ii, his lion ink-stamp, "Sir T. P. Middle Hill, 3960"; in ink, top margin, added parchment

title page, "Phillipps MS 3960"; and fragment of his paper label on spine; it was included in his catalogue; see *The Phillipps Manuscripts. Catalogus librorum manuscriptorum in bibliotheca D. Thomae Phillipps, Bt., impressum typis Medio-Montanis 1837-1871*, reprint with intro by A. N. L. Munby, London, 1968, p. 55, MS 3960, but his source of the manuscript is unknown, since it was listed with a group of manuscripts under the heading "incerti" (no further information in A. N. L. Munby, *Phillipps Studies*, Cambridge, 1951-60, volume 3, appendix).

6. Phillipps Sale, London, Sotheby's, 1903, lot 516; and *Catalogue of Valuable and Rare Books including a Selection from the Library of W. Le Queux, Esq. and Other Collections*, London, Sotheby's, 1904, lot 32.
7. Private continental collection.

TEXT

flyleaves, added before f. 1, *Decretales Gregorii Papae IX* [verso blank]; table of contents, *Incipiunt Rubrice decretalium, Sequitur liber primus*, incipit, "De summa trinitate et fide Catholica, De Constitutionibus Incipiunt Rubrice quintus libri, De accusationibus, De Regulis Iuris," *Expliciunt Rubrice Quinti libri et decretalium, Scriptor Scripsisset melius si potuisset, Deo Gratias, Amen*;

ff. 1-319v, f. 1 [Papal Bull, Rex pacificus] incipit, "GREGORIUS, Episcopus servus servorum dei dilectis filiis doctoribus et scholaribus universis Bononiae commorantibus salutem et apostolicam benedictionem. Rex pacificus pia miseratione disposuit ...; f. 1 [book one] *De summa trinitate et fide catholica*, incipit, "<opening lines expunged> confitemur quod unus solus uerus deus [Book 5, titulus 41, cap. 11] ... Indignum est et a romane ecclesie consuetudine alienum, ut pro spiritualibus facere quis homagium compellatur."

This text is that of Gregory IX, *Compilatio decretalium*, with the Ordinary Gloss by Bernardus Parmenis de Botone. This manuscript includes a reference to Octavian, who was elected Bishop of Bologna in 1263 on f. 22, and thus must belong to Bernard's latest redaction of his commentary, dating from 1263-66; see Kuttner and Smalley, 1945, pp. 97-105, esp. p. 97. Folio 259 is now missing with text from Book 5.3, *De simonia*, ch. 21 and 22; f. 268, is also excised, with text from Book 5.7, *De haereticis*, ch. 11-13. Large portions of the gloss on f. 1 were treated by a reagent and are now illegible; the reagent also used on ff. 146v-147; added glosses on ff. 145v-146 have been erased.

ILLUSTRATION

Each book of the *Decretals* begins with pigment initials (ff. 1, 78v, 149, 225, and 249v). The initials are dark rose, violet, or blue on contrasting grounds, and infilled with vine decoration that sometimes includes a zoomorph or anthromorph. Although small, and lack any gold, the initials are carefully executed, even elegant. The style of these initials, as well as the style of the pen initials, suggests the manuscript was made in northern Italy around third quarter of the thirteenth century. Although the manuscript lacks many of the typical attributes of Bolognese illumination of this period (a brighter palette, knotted vine decoration, and lush foliage), it does show some influence from contemporary French manuscripts, especially in the pen decoration and the small zoomorphs (cf. Pfändtner, 1996, p. XXIII, no. 17, Escorial, Royal Library MS d.IV.26, Bible, Bologna, um 1260-70, plates 5 and 37).

This collection of Decretals was one of the most enduring legacies of Pope Gregory IX (1227-1241), who was elected Pope at the venerable age of 80. He recognized that there was an urgent need to streamline the existing Canon Law collections – Gratian's *Decretum*, and the five "Compilationes quinque," (1191-1226), and he appointed Raymond of Penafort (c. 1180-1275), a Dominican and Professor of Law at Bologna to undertake the task. The resulting text, known today by a number of titles, most commonly the *Decretals* of Gregory IX, but also as his *Decretalium compilatio* or the *Liber Extra* (i.e. the book outside Gratian's *Decretum*), eliminated abrogated laws, superfluous explanations and repetitions, as well as improving the text, and updating the collection. The resulting collection of decretals (i.e. Papal letters formulating decisions in ecclesiastical law, together with canons of Church Councils) was completed in 1234.

This manuscript of the *Decretals* is accompanied by an extensive commentary or gloss by Bernardus Parmensis de Bottone, a professor and canon lawyer at Bologna, who was born in Parma around the beginning of the thirteenth century and died in 1266. Bernard's commentary incorporated glosses on the text by a number of writers and became the common accompaniment to the text of the *Decretals*, the "Glossa ordinaria." This commentary was printed in Mainz in 1472 and 1477 and in Rome in 1474.

This manuscript has all the signs of a professionally produced book – very thin, well-prepared parchment, script by skilled and careful scribes, a complex layout successfully mastered, textual corrections, and illuminated initials. It was likely produced in Bologna, the home of both a thriving commercial book trade and Europe-leading university law program. The layout of this manuscript, typical of manuscripts of canon law, is of special interest. The text was copied independently of the gloss, and by a different scribe. On pages where the amount of commentary was especially abundant the glosses created the striking page layout with the text completely encircled by commentary. A range of finding aids assisted navigating this substantial corpus. The first words of the text are repeated in the gloss and underlined; on some folios, a series of letters or symbols (dashes, dots, or circles) have also been added to link the two. Over time, readers added further glosses and even more finding aids, including ink drawings in the margin: a cardinal's hat (f. 51), a knight's feathered helmet with aventail (f. 116), a goblet and pitcher (f. 217), and a face with a crown and pointing hand, (f. 222). These mnemonic devices were not uncommon in civilian and canon law books and education.

Though Gregory IX's *Decretals* were copied often and Bertram lists around 675 manuscripts, seventeen of which are in the United States or Canada, he does not include this manuscript (Bertram, 2005). Moreover, the manuscript described here is a relatively early copy of the text, and few similar copies have been available for sale in recent decades.

LITERATURE

Brundage, James. *Medieval Canon Law*, New York, 1995.

L'Engle, Susan and Robert Gibbs. *Illuminating the Law: Legal Manuscripts in Cambridge Collections*, London, 2001.

Friedberg, A., ed. *Corpus iuris canonici*, Leipzig, 1879, reprint Graz, 1959, volume 2:6-928.

Hartmann, Wilfried and Kenneth Pennington, eds. *The History of Medieval Canon Law in the Classical Period, 1140-1234: from Gratian to the Decretals of Pope Gregory IX*, Washington, D.C., 2008.

Kuttner, Stephan. "Notes on the Glossa Ordinaria of Bernard of Parma," *Bulletin of Medieval Canon Law* 11 (1981), pp. 86-93.

Kuttner, Stephan and Beryl Smalley. "The 'Glossa Ordinaria' to the Gregorian Decretals," *English Historical Review* 60 (1945), pp. 97-105.

Mugnier, François. *Orgueil Féodal: Guy de Feysigny et Jacques de Montmayeur*, Paris, 1894.

Pfändtner, Karl-Georg. *Die Psalterillustration des 13. und beginnenden 14. Jahrhunderts in Bologna*, Neuried, 1996.

Wiel, Constant van de. *A History of Canon Law*, Louvain, 1991.

ONLINE RESOURCES

Bertram, Martin, "Signaturenliste der Handschriften der Dekretalen Gregors IX" (October 2005), Deutsches Historisches Institut in Rom,:

http://www.dhi-roma.it/fileadmin/user_upload/pdf-dateien/Online-Publikationen/Bertram/bertram_extrahss.pdf

Gregory IX, *Decretalium compilatio*, Intratext edition:

<http://www.intratext.com/IXT/LAT0833/>

Gregory IX, *Decretalium compilatio*; Bibliotheca Augustania:

http://www.hs-augsburg.de/~harsch/Chronologia/Lspost13/GregoriusIX/gre_0000.html

Sieger, Joerg, "Der Isenheimer Altar und seine Botschaft; Jean d'Orlier,"

http://www.joerg-sieger.de/isenheim/texte/hinweis/i_02e.htm

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