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RAYMUNDUS DE PENAFORTE, *Summa de casibus pœnitentialis* (Summa on the cases of penance) and *Summa de matrimonio* (Summa on marriage)

In Latin, decorated manuscript on parchment

Northern France, c. 1245-1255

ii (paper) + 180 + ii (paper) folios on parchment, contemporary foliation in Roman numerals in the upper margin, modern foliation in pencil in the lower margin, 1-178 (including 78bis and 102bis), complete (collation α^2 [unnumbered quire] i-xiv¹² xv¹⁰), catchwords in a very small cursive hand in brown ink (mainly cropped), quire signatures in Roman numerals in brown ink in the middle of the lower margin, vertical leaf signatures in Roman numerals in brown ink in the lower outer margin (generally cropped, but visible on ff. 157-161), ruled in gray ink (justification 94 x 63 mm.), written in dark brown ink in a very small gothic bookhand (textualis) in two columns on 40 lines, rubrics in red, paragraph marks alternating in red and blue, book numbers in red and blue in the upper margin, 3- to 4-line initials alternating in red and blue with contrasting penwork throughout, four 7- to 9-line puzzle initials with penwork (ff. 1, 1v, 47v, 172), added marginal drawings, slight water damage in the upper corners of the last leaves, small tears with medieval repairs on ff. 162 and 166, some thumbing and stains from frequent use, but in overall excellent condition. Bound in the eighteenth century in red morocco, boards gold-tooled with triple filets joined by small flowers, spine gold-tooled with flowers and grape vines and title in gold "SUMMA RAYMUNDI," a red silk bookmark, marbled pastedowns and endpapers, leather very slightly scuffed, otherwise in excellent condition. Dimensions 138 x 92 mm.

Widely used during the later Middle Ages, handbooks (or summae) for confessors guided priests in the administration of the sacrament of confession. This one by Raymond of Peñafort was the first to formalize the Catholic sacrament of penance into a rigorous system based on theology and canon law. As such, Raymond's work became a medieval "bestseller" and was required reading as a textbook at the University of Paris. Its use over centuries is attested to by the donation of this manuscript to the Carthusian monastery of Villeneuve-lès-Avignon by Jean de Montagnac, an important patron of the arts.

PROVENANCE

1. The manuscript was copied in Northern France, perhaps in Paris, c. 1245-1255, as is indicated by the appearance of the script and decoration. The penwork includes short chain links and looping, which suggest a date around 1250, while elements of the third quarter, such as a closed "a" in the script or any incipient frogspawn in the penwork, are absent. For comparisons, see Stirnemann, 1990.
2. In the late fourteenth or fifteenth century a table of chapters was added at the beginning, with folio references, the manuscript was foliated with Roman numerals, notes were added at the end, and the manuscript was annotated in a bold cursive Gothic book hand. A careful study of these annotations, four of which include marginal drawings (sword, head of a king, lance, and hand bearing a cross), will surely shed light on the active use of this very important text.

3. Given by Johannes de Montanhaco to the Charterhouse Notre-Dame-du-Val-de-Bénédiction (Vallis Benedictionis) in Villeneuve-lès-Avignon in the diocese of Avignon, fifteenth-century inscriptions on f. 2: "Iste liber est monasterii Vallisbenedictionis donatus per dominum Johannes de Montanhaco" and f. 177: "Vallisbenedictionis est."

Johannes de Montanhaco must be the same Jean de Montagnac (the French form of his name) associated with two of the most celebrated masterpieces of French art in the fifteenth century. Jean commissioned the *Coronation of the Virgin by the Holy Trinity* (now at the Musée Pierre de Luxembourg, Villeneuve-lès-Avignon) from Enguerrand Quarton (c. 1420-1466) in 1453 for the altar of the Holy Trinity in the church of the charterhouse of the Val-de-Bénédiction. Jean de Montagnac (d. 1477), was a canon of St. Agricole, Avignon, and the chaplain of the Charterhouse. It is also possible that the figure kneeling at the far left in the very famous *Pietà of Villeneuve-lès-Avignon*, now in the Louvre, is this same canon, Jean de Montagnac.

The Charterhouse was founded in 1356 by Pope Innocent VI and became one of the most important houses of the Carthusian Order in the region (Cottineau, 1939, vol. 2, col. 3394). Its important library, inventoried in 1791, contained 9200 volumes; it was confiscated during the Revolution, but stayed for the most part at the Charterhouse, until it was sold by the town of Villeneuve-lès-Avignon in 1852 (Amargier *et al.*, 1988, p. 121; *Patrimoine des bibliothèques de France*, t. VI, 1995, p. 54).

4. Louis Blancard (1831-1902), the eminent historian and specialist of numismatics, archivist and secretary of the Académie de Marseille: his bookplate is inside the front board. There is a brief note about the text in French on the first flyleaf by the twentieth century owner of the volume (see below), identifying the note as Blancard's, 1860.
5. Initials or monogram of a twentieth century owner dated 1938, verso of the front flyleaf; the same initials are found on the recto.

TEXT

ff. 1-2v, [modern foliation followed throughout the description; these two leaves have no numbering in Roman numerals, which begins on the first page of the text proper, f. 3], Contents list of the four books, written in a late fourteenth-century cursive script;

ff. 3-47v, incipit, "Quoniam ut ait Ieronimus secunda post naufragium tabula est culpam ..."; [book one, beginning with a list of chapters], "De symonia. De prelati vices suas sub annuo censu concedant. De magistris et ne aliquid erigant pro licentia docendi..."; f. 1v, *De symonia*, incipit, "Quoniam inter crimina ecclesiastica symoniaca heresis optinet primum locum ...," *explicit liber primus*;

ff. 47v-81v, [book two, beginning with a list of chapters], *incipit liber secundus*, incipit, "De homicidio. De torneamentis. De duello ...; [f. 48v] De homicidio. In prima parte dictum est de quibusdam criminibus ...," *explicit liber secundus*;

ff. 81v-153v, [book three, beginning with a list of chapters], *incipit liber tertius*, incipit, "De qualitate ordinandorum. Quod ordinandus sit sine crimine. De bigamis ...; [f. 82], Expeditis per dei gratiam duabus particulis ... venite benedicti percipite regnum. Amen."

ff. 153v-178, [book four], "*Incipit prologus in summa matrimonii*, incipit, "Quoniam frequenter in foro penitentiali dubitationes circa matrimonium..."; [f. 153v, list of chapters], "De sponsalibus. De matrimonio ... sed benigno corrigat et emendet";

f. 178v, Remarks concerning excommunication written by the owner who added the list of chapters on ff. 1-2v.

This is a copy of the second version of Raymond of Peñafort's *Summa de casibus penitentialis* (Summa on the cases of penance). Raymond composed a first version of the *Summa* around 1222-1225, and a decade later, c. 1234-1236, he updated it, bringing it in line with the new law code, taking advantage of his work on the *Decretals* of Gregory IX, which he completed in 1234 (Kuttner, 1953, pp. 419-434). At the same time, he composed his *Summa de matrimonio* (Summa on marriage), which was a complete revision of Tancred of Bologna's work of the same subject, written c. 1211-1213. There are modern critical editions of Raymond's second, final version of *Summa de casibus penitentialis*, and of his *Summa de matrimonio*, by Xavier Ochoa and Aloisio Diez (1976, cols. 277-884; 1978, cols. 901-998), and an English translation of the *Summa de matrimonio* by Pierre Payer (2005). The *Summa de matrimonio* is usually found, as in our manuscript, following the *Summa de casibus penitentialis*, as an additional fourth book, "Liber III", but it also circulated independently (Pérez de Heredia y Valle, 2002, pp. 115-116; García y García, 1967, p. 417).

The *Summa de casibus penitentialis* was immensely successful, circulating essentially in the second version, which is known in more than 311 manuscripts, not including this one (cf. Robles, 1972, pp. 15-33). Although some extracts of Raymond's *Summa* were printed in the sixteenth century, the complete text (the second version, including the fourth book) was printed relatively late in 1603, in Rome, with glosses by William of Rennes (although in the edition the glosses were attributed to John of Freiburg).

Raymond of Peñafort (c. 1175-1275) was a Dominican friar known especially for the officially sanctioned collection of canon law that he compiled at the request of Pope Gregory IX and completed in 1234. He was born near Barcelona in Catalonia, and became a teacher of canon law at Bologna, where he entered the Dominican Order c. 1222-1223. It was at this moment that he wrote the *Summa* on penance to help his confreres when listening to confessions. It remained the most significant work on penance and confession until the end of the century (Robles, 1972, p. 1). On returning to Spain Raymond spent the rest of his life converting Jews and Muslims, teaching Hebrew and Arabic to missionaries as an aid to proselytizing; it was at Raymond's instigation that Thomas Aquinas wrote his *Summa contra gentiles*. Raymond was canonized in 1601 and is venerated especially as the patron saint of canon lawyers.

Raymond's *Summa de casibus penitentialis* and *Summa de matrimonio* concern secular and religious life, and are destined to aid those hearing confessions, an important role of the Dominicans ever since the order was founded. Raymond states in the prologue to his work that he compiled it "...so that if the brothers of our order, or others, should perhaps have doubts concerning the

judgment of souls in sacramental confession, through using it, as much in their counseling as in their judgments, they may be able to untangle many questions and various cases, both difficult and perplexing" (Ochoa and Diez, 1976, p. 277; translation in Mulchahey 1998, p. 535). The texts in our manuscript are divided into four large domains: God, society, holy orders and marriage. The first book, which discusses sins against God, begins with simony, the selling of ecclesiastical privileges. The second book concerns sins against one's neighbors, including homicide, theft and usury and the evils of duels and tournaments. The third book, dealing with holy orders, includes a chapter discussing the doctrine and administration of penance. The fourth book on marriage includes reflections on betrothals, impediments to marriage, divorce, legitimacy of children, and dowries.

The large number of surviving manuscripts of the text can be explained, in part, by the fact that Humbert of Romans, master general of the Dominicans from 1254 to 1263, included it among the seventeen essential works that were to be kept in Dominican libraries for reference. It was also among the works considered essential for students at the University of Paris, where it was included in the lists of exemplars in 1275 and 1304 rented through the *pecia* copying system (Murano, 2005, no. 801).

Our manuscript can be dated by details of its decoration and script. It would be worthwhile to study the entire corpus, in which a number of copies share a similar physical appearance: they are small, written in a minute hand, and were undoubtedly copied around the same time. The early history of the production and circulation of this manual has yet to be clarified and this manuscript would be a key element in such a study.

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