

LES ENLUMINURES

PARIS CHICAGO NEW YORK

www.lesenluminures.com

JOHANNES NICOLETUS DE IMOLA, *Lectura in librum secundum Decretalium*

[Commentary on Book II of the Decretals]

In Latin, illustrated manuscript on paper

Italy, Padua?, c. 1431-1447

332 leaves (later foliation in ink omits f. 11), complete (collation: i-ix¹⁰, xx-xxi⁸, xxii-xxxii¹⁰, xxxiv⁶ [of 10, 8 to 10 are canceled blanks]), on paper (watermark of the very simple "Three Mounts" type, quite widespread, close to Briquet, no. 11656, Genoa, 1438-44; Padua, 1440-1446; Verona, 1443-1447 etc.), catchwords written horizontally, most in *banderoles*, in lower margins of final versos, signatures, vellum sewing guards, written in black ink in a rounded gothic *libraria script*, in two columns of 65 lines between 4 verticals and above 65 horizontals ruled in plummet (justification 300 x 73-35-76 mm.), some headings in red, paragraph marks alternately in red and blue, about four hundred painted initials, up to five lines high alternately in red with blue or purple penwork infills or in blue with red penwork infills, some with marginal extensions, eighteen large decorated initials, up to seven lines high, in red and blue with contrasting penwork, three historiated initials, two with acanthus extensions with birds and a putto forming borders, one with penwork extensions in red and green, one large miniature across both columns, running headings added to upper right corners of rectos, perhaps in the 15th-century hand that accompanies the marginal annotations, with pen sketches on ff. 4, 168, 196, 246, 281, 302, and 316v (profile heads), 16 (Franciscan tertiary), 101 (wolf), 102v (open book), 268 (horse), slips of paper with 15th-century notes at ff. 308 and 310 (cropped into some catchwords and signatures, lower corner of f. 285 folded and so untrimmed by binder, discoloration of some margins, a few wormholes, repair to edge of f. 333). Mottled calf binding of the 18th century, spine gilt in compartments with gilt lettering piece, red edges (slightly rubbed, wormholes to spine). Dimensions 424 x 287 mm.

Many authors composed commentaries on Gregory's Decretals, which constituted the foundation of canon law, but this illustrated manuscript by the "decretalist" Johannes de Imola stands out. It is one of only three known copies of the text, and there is no critical edition. Most remarkable, however, are its marginal glosses, sometimes with small drawings, added by four different readers in the fifteenth century. They shed light on reading practices in legal circles, raising the question as to what kind of access multiple students had to such a codex.

PROVENANCE

1. On f. 1, the arms of Pope Eugene IV (papacy 1431-1447) date the manuscript's completion and decoration to the years 1431-1447, only shortly after the composition of the work (dated 1425 in the colophon). The three men praying at the feet of St. James and the man in the initial below wear similar clothes: gowns of red or deep pink, two with chaperons in the contrasting color, with gray-brown sideless surcoats. They are presumably lawyers and members of a confraternity dedicated to Saint James. It was common for official books in Bologna, part of the Papal States, to bear the papal arms but the style of the decoration, with the free interpretation of Bolognese forms, suggests that this copy might have been made in Padua, where drawings in colored wash were more favored. Johannes de Imola (c. 1372-1436) taught in both Padua and Bologna, and

a Paduan copyist might have preserved the papal reference as a compliment to the author, since Imola was also officially part of the Papal States, or a reference to the highest ecclesiastical authority. The Guild of Notaries in Padua generally revered the local patrons, Saints Prosdocimus and Giustina, but the cult of Saint James had achieved great prominence in the city during the lordship of the Carrara, who dated the establishment of their rule from his feast-day.

2. Unidentified library shelf mark "Tab 22" at top of f. 1.
3. Percy Barnevik, Sweden (2000).
4. Martin Schøyen, The Schøyen Collection, Spikkestad, Norway, his MS 5100.

TEXT

ff. 1-333, Johannes de Imola, *Lectura in II librum decretalium*, rubric, *Incipit Secundus liber decretalium. De iudiciis. Rubrica*, incipit, "Circa rubricam adde quod diffinico actionis [...] *De quo vult*. Casus pactum de non declinando iudicem suum qui excepcione repelli potest..."; explicit, "[...] ob nomen domini benedictum ex hoc nunc et usque in speculum Amen"; colophon, "Et sic est finis lecture domini johanni de ymola famosissimi in orbe utriusque iuris doctoris finite per ipsum anno domini Mo CCCCo XXVo [1425] de mane. Ad laudem et gloriam dei omnipotentis eiusque gloriosissime matris virginis marie tociusque celestis curie triumphantis. Amen. Amen."

This manuscript contains the commentary to the second book of the *Decretales* of Gregory IX (papacy 1227-1241) written by Johannes de Imola (c. 1372-1436). The *Decretales* were compiled in 1234 by Raymond of Penaforte at the demand of Pope Gregory IX in an attempt to provide the Bolognese and Parisian university masters with a uniform and complete canonical collection. They became the basis for the complete course of instruction on canon law, and they were soon followed by a series of commentaries by the most distinguished canonists, known as "decretalists."

Johannes de Imola (Giovanni Nicoletti da Imola) was teacher of canon and civil law at the universities of Bologna and Padua, commentator on both the Decretals and the *Digesti novi*, and an author of *Consilia*, or new decisions (cf. A. Belloni, 1986, 1986, pp. 236-242). In the sixteenth and seventeenth centuries the text in this manuscript was confused with the *Glossarium in VI decretalium librum* of Giovanni d'Andrea, a confusion preserved on the title on the spine and on the manuscript note visible through the paper of the front pastedown.

The text of Gregory's Decretals is divided in five books, each subdivided into two parts, an arrangement followed by Johannes de Imola's commentary. The present manuscript comprises the commentary to the central part of the Decretals dealing with legal justice procedures and trials. According to the colophon on f. 333, this part of the commentary was completed by Johannes de Imola on the morning of 26 June 1425: "Et sic est finis lecture domini johanni de ymola famosissimi in orbe utriusque iuris doctoris finite per ipsum anno domini Mo CCCCo XXVo [1425] de mane. Ad laudem et gloriam dei omnipotentis eiusque gloriosissime matris virginis marie tociusque celestis curie triumphantis. Amen. Amen." When Johannes de Imola died, he was still writing the commentary to Books IV and V.

Perhaps due to its unfinished state, manuscripts of Johannes de Imola's *Lectura* are extremely rare: only two manuscripts are recorded by A. Belloni, one of them incorrectly: Madrid, Bibl. Nac., MS 1915 (which is in fact a Commentary on the *Digestum novum*) and Siena, Bibl. Comunale degli Intronati, MS G IV 28 (see A. Belloni, 1986, p. 240). The latter manuscript (Siena, Bibl. Comunale degli Intronati, MS G IV 28) was owned by a Siennese lawyer, once the owner in all probability of all three books, with only Book II and Book III (in 2 volumes: Siena, Bibl. Comunale degli Intronati, MS G IV 29 and G IV 30) having survived (see E. Mecacci, 1981, pp. 85-90). Another imperfect copy of Book II, interspersed with sections from the commentary of Prosdocimus de Comitibus (died 1438) is in the British Library (Royal MS 9 C. VIII). This is the third manuscript, and it is listed twice in the Schoenberg Database, which records no other copy for sale in the last century (London, Sotheby's, 7 June 2000, lot 63; and Christie's, 7 November, 2002, lot 25). No manuscript in the United States is listed by de Ricci and Supplement.

Incunables show that Book III was in the greatest demand; it was dedicated to the conduct and duties of the clergy and first published circa 1480 (1486?) in Bologna by Henricus de Colonia (IGI 5284) and in Venice in 1489 by Bernardinus Stagninus (Goff, J-347). Book II (as well as Book I) was printed in 1500 in two Venetian editions (cf. D. E. Rhodes, *A Catalogue of Incunabula in all the Libraries of Oxford University outside the Bodleian*, 1982, p. 196, no. 1024; see Hain 9139 and Hain 9138). There is no modern critical edition.

This particular copy is most interesting because of its very large format, its wide margins, and its elegant page layout. In addition, it contains a large number of marginal annotations, by at least four different late fifteenth-century cursive humanistic hands. It is impossible to account for all these annotations. Many clearly point to specific points of legalistic and canonical aspects, sometimes simply echoing the text. They should be studied in their entirety for the light they shed on reading practices in legal circles. However, it is worth signaling a few of these annotations. There are a number of allusions to the Brothers Minor, suggesting perhaps a Franciscan tie: "De fratribus tertii ordinis sancti francisci" with a small drawing of a Franciscan monk in the margin (f. 16). There is a small drawing of an open book associated with the marginal inscription "An libri antiqui faciant fidem" (Do ancient books structure faith) (f. 102v). Another marginal inscription discusses the interdiction of chants ("Contra facientes cantilenas famosas in ludis" (f. 164). Much of Canon Law discusses the reciprocal obligations and status of married couples; there is a note on the power of men over women "Licitum est viro tenere uxorem in vinculis si expediat" (It is licit for a husband to maintain a woman tied [bound up] if necessary) (f. 209). The many annotations surely merit further study. More extensive notes were included on slips of paper in two places (d) (ff. 308 and 310). So many different annotators from roughly the same time is intriguing; was this manuscript in a library where students had access to it by the late fifteenth century? [TM 505]

ILLUSTRATION

f. 1, Supplicants at the feet of Saint James, enthroned, who holds a book in one hand and his pilgrim's staff, on which rests his pilgrim's hat, in the other; above are the arms of Pope Eugenius IV and those of the papal function; below a historiated initial with the bust of a praying pilgrim.

f. 36v, Historiated initial "Q", a male profile;

f. 327v, Historiated initial "C", Male bust, arms crossed on his torso (A pilgrim? rubric, *De peregrinatione*).

The large half-page miniature on f. 1, a drawing with watercolor wash, shows supplicants at the feet of Saint James, who is enthroned and holds a book in one hand and his pilgrim's staff in the other. Above are the arms of the papacy and of Pope Eugene IV. The historiated initial "C" on f. 327 seems also to contain a portrait in bust of a stylized pilgrim. The exact nature of the relations between pilgrimage and Imola's work – or this specific codex – still awaits elucidation.

The alternating red and blue initials are typical of Italian canon law texts. Their pen flourishing and the decoration in general of the manuscript display an energy and quirkiness not typical of the highly systematized book production of Bologna. The watermarks are of the "three hill" type widely used in the fourteenth and fifteenth centuries. Stylistic connections can be found with Padua, in the use of watercolor drawings and in the free interpretation of Bolognese forms (Mariani Canova, 1999, esp. pp. 209-231). Johannes de Imola was evidently highly regarded in Padua, where he himself could have made Bolognese manuscripts of his work available for copying. Alternatively, the miniatures have been attributed to an artist influenced by the Master of the Statuti della Società dei Drappieri, dated 1411 (Bologna, Museo Civico Medievale, MS 640, f. 6r). The artist of the present manuscript seems to anticipate the manner of Bartolomeo del Tintore especially in the features of the bearded Christ. Bartolomeo was the most innovative painter of the time, active between 1454 and 1479. He collaborated with others on the decoration of the Statuti del Comune in 1454, as well as other projects.

LITERATURE

Belloni, A. *Professori giuristi a Padova nel secolo XV: profili bio-bibliografici e cattedre*, Frankfurt am Main, 1986.

Blason-Berton, M. "Una nota sull'insegnamento padovano di Giovanni di Imola (1414)," *Bollettino del Museo civico di Padova* 54 (1965), pp. 177-181.

Medica, M. *Haec sunt statute, Le corporazioni medievali nelle miniature bolognesi*, Bologna, 1999, pp. 82, 104, 164, nos. 4 and 31.

Mariani Canova, G. *La miniatura a Padova dal medioevo al settecento*, Modena, 1999.

Mecacci, E. *La Biblioteca di Ludovico Petrucciani docente di diritto a Siena nel Quattrocento*, Milan, 1981.

Naz, R. (dir.) "Jean d'Imola" in *Dictionnaire de droit canonique*, Paris, Le Touzey et Ané, vol. VI, col. 107-110.

Schulte, Johann Friedrich von, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf die Gegenwart*, t. II, *Von Papst Gregor IX bis zum Concil von Trient*, Stuttgart, E. Enke, 1877, pp. 296-298.

ONLINE RESOURCES

Giovanna Murano, *Initia Operum iuris canonici medii aevi*: A shortlist of works, arranged by

their incipit words:

<http://www.uni-leipzig.de/%7Ejurarom/manuscr/murano/initican.htm><http://www.uni-leipzig.de/%7Ejurarom/manuscr/murano/initican.htm>

TM 505