

HENRICUS HOSTIENSIS (DE SEGUSIO), *Summa super titulis decretalium* [*Summa aurea* or *Summa Hostiensis*]

**In Latin, decorated manuscript on parchment
Italy, Bologna?, c. 1300-1325**

8 detached folios, on parchment, fragmentary and unbound (single leaf + bifolium + single leaf [all originally from the same quire signed "b"] + strip of parchment (left portion of a single leaf) + bifolium + single leaf [all originally from the same quire, no apparent signature, presumably "c" or "d"]), with two horizontal catchwords in decorative cartouches, two leaf signatures in lower right corner ("b" and "b1"), text in two columns, 74 lines, ruled in ink (justification 285 x 180 mm), beginning below top ruled line, written in a rounded gothic bookhand (*littera bononiensis*) in brown ink, some capitals touched in yellow, some words underlined in yellow, rubrics in bright red, paragraph marks and running titles with numbers of chapters alternately in red and blue, 2-line high initials in red or blue with pen flourishing in either mauve or red, larger 3-line high parti-colored initials in red and blue with pen flourishing in red and blue, some guide-lines for the rubricator or for the binder in the upper right corner of certain leaves, contemporary annotations in the margin, with the abbreviated word "questio" repeated a number of times, referring to a "questio" found in text. Dimensions 390 x 260 mm.

These surviving leaves come from what must have been quite a grand and refined manuscript, containing a copy of the very popular and well-respected *Summa Hostiensis*, the standard text for the study of canon law in the later Middle Ages. The present leaves include many special paleographic and codicological details, the study of which reveals some of the procedures of manuscript-making and using, including guide words, leaf signatures, and contemporary annotations.

PROVENANCE

1. Leaves cut out from a copy of Hostiensis's *Summa*, of large format with wide margins, clearly of Italian origin, likely Bologna to judge from the script and penwork decoration, all consonant with Bolognese work of the period. However, it is important to note that recourse to the famous "*littera bononiensis*" does not necessarily mean the manuscript was produced in Bologna. This distinctive script was adopted by many scribes, also outside of Bologna. Gathered here are a few leaves from Book II, with the remainder from Book III, with some gaps. Perhaps other leaves from this manuscript will resurface on the market or in institutional holdings.

2. Private collection.

TEXT

f. 1, Hostiensis, *Summa aurea*, Liber II, incipit (begins incomplete), "[...] [appel]lasse constiterit super quo iudicium..." (Summa on preceding Decretal *De appellationibus*); rubric, *De recusationibus rubricella* [Decretal. Gregor. IX. Lib II. Tit. XXVIII; Friedberg, 1881, II, col. 409-443], incipit, "Hic videndum est..."; explicit, "[...] offeratur s. tit. I. causam quae ad fi." [published Hostiensis, ed. 1588, ff. 160-160v];

The term "rubricelle" is coined by Hostiensis and is used to indicate the presence of chapters which do not refer directly to the titles of the decretals, or that differ from the original title of the decretal. This term is apparently unique to Hostiensis.

f. 1v, rubric, *De relationibus rubricella* [Decretal. Gregor. IX. Lib II. Tit. XXVIII; Friedberg, 1881, II, col. 409-443], incipit, "Tria circa hanc materiam..." [published Hostiensis, ed. 1588, f. 161];

f. 2, rubric, *De peregrinationibus r[ubricella]* [Decretal. Gregor. IX. Lib II. Tit. XXIX; Friedberg, 1881, II, col. 443], incipit, "Nedum per appellationem..." [published Hostiensis, ed. 1588, ff. 161-161v];

f. 2v, rubric, *De confirmatione utili vel inutili* [Decretal. Gregor. IX. Lib II. Tit. XXX; Friedberg, 1881, II, col. 444]; incipit, "Superioribus proximis..."; explicit (text breaks off), "[...] qui non potest infirmare [...]" [published Hostiensis, ed. 1588, ff. 161v-162];

f. 3, guide words in upper right corner: "De concessione prebende et ec[clesie] non [vacantis]" [Decretal. Gregor. IX. Lib III. Tit. VIII; Friedberg, 1881, II, col. 488-500], incipit (begins incomplete), "[...] s[ilicet] quando impetratur..." [published Hostiensis, ed. 1588, ff. 170v-171v];

f. 3v-4, rubric, *De sede vacante aliquis innovetur* [Decretal. Gregor. IX. Lib III. Tit. IX; Friedberg, 1881, II, col. 500-501], incipit, "Premissa prohibitionem..." [published Hostiensis, ed. 1588, ff. 171v-172v];

f. 4v, rubric, *De hiis quae fiunt a prelato sine consensu ca[pituli]* [Decretal. Gregor. IX. Lib III. Tit. X; Friedberg, 1881, II, col. 501-506], incipit, "Quoniam concessionem et institutionem..." [published Hostiensis, ed. 1588, ff. 172v-173v];

f. 5, rubric, *Ne ecclesiastica beneficia sive differentie* [Decretal. Gregor. IX. Lib III. Tit. XII; Friedberg, 1881, II, col. 509-512], incipit, "Quia beneficia ecclesiastica..." [published Hostiensis, ed. 1588, ff. 174-174v];

f. 5v, missing rubric, *De rebus ecclesie alienandis vel non* [begins incomplete], "[...] et heredibus suis nam... Quae res possunt"; explicit (text breaks off), "[...] licito .xii. q. ii. [...]" [Hostiensis, Summa on Decretal. Gregor. IX. Lib III. Tit. XIII; Friedberg, 1881, II, col. 512-516; published in Hostiensis, ed. 1588, f. 175];

f. 6-6v, rubric, *De pignoribus* [concerning Pledges] [Decretal. Gregor. IX. Lib III. Tit. XXI; Friedberg, 1881, II, col. 526-529], incipit, "Agimus qualiter res..."; explicit (text breaks off) "[...] factus sit dominus regualescit [...]" [published Hostiensis, ed. 1588, ff. 188-191];

f. 7-7v, guide words in upper right corner: "De donacionibus," followed by f. 7v, rubric, *De donationibus causa mortis* [Decretal. Gregor. IX. Lib III. Tit. XXIV; Friedberg, 1881, II, col. 532-537], incipit (text incomplete), "[...] perficiatur qualiter revocetur..."; incipit, "Ex quo s. plene expedivimus..."; explicit (text breaks off), "[...] Secunda est quia in mortis [...]" [published Hostiensis, ed. 1588, ff. 195-196v];

f. 8, guide words in upper right corner: "De decimis" [Decretal. Gregor. IX. Lib III. Tit. XXX; Friedberg, 1881, II, col. 555-569], incipit (begins incomplete) "[...] dari decima non so. Dicit..."; explicit, "[...] de consaguinitate tua" [published Hostiensis, ed. 1588, ff. 210-211];

f. 8v, rubric, *De regularibus rubrica* [Decretal. Gregor. IX. Lib III. Tit. XXXI; Friedberg, 1881, II, col. 569-578] incipit, "Tractatum est..."; explicit (text breaks off), "[...] possit recipi in conversum [...]" [published Hostiensis, ed. 1588, f. 211v].

The present leaves are excised from what must have been quite a grand manuscript. This manuscript contained a copy of Hostiensis's *Summa*, his first systematic work finished circa 1253, when he was bishop of Embrun. It is often referred to as "Summa aurea," although this name was not given to this work until the Roman incunable edition of 1477 (Hain, 8960; see Soetermeer, 1999, p. 2). The manuscripts refer to it as "Summa" or "Summa copiosa." The *Summa* by Hostiensis is an exposition of the five books of Gregorian Decretals of 1234 (Raymond of Penafort had been commissioned in 1230 to make an official and authoritative collection of all papal decretals issued since Gratian), to which Hostiensis added many titles, identified as "rubricellae."

Henry of Segusio (1200?-1271) was born in Segusia (near Torino), and ranks amongst the most brilliant canonists of the thirteenth century. His work had great influence on the development of canonical jurisprudence and was used extensively by later jurists. From the citations he uses from Virgil, Horace, Ovid, Seneca, and Cicero, it appears he was educated in the classics, and Salimbene (died after 1287) praised Hostiensis for his learning, his singing, and his playing the viol (see Lefebvre, 1953, col 1212; K. Pennington, 1977 and 1993 for his biography and study of the textual tradition). He studied law in Bologna, taught in Paris and pursued later advancement in the ecclesiastical hierarchy, to finish Cardinal Bishop of Ostia in 1262, which explains the appellation "Hostiensis."

His testament reveals how carefully he planned to have his juristic legacy live on after his death: he gave copies of the second recension of his *Lectura in Decretales Gregorii IX* to the University of Bologna, the Cathedral of Embrun, and the University of Paris. In the same way, he gave copies of the present *Summa super titulis decretalium* to the University of Paris, no doubt to ensure that the work would be published by the stationers of those universities (see Paravicini Bagliani, 1980; Soetermeer, 1999, pp. 4-5).

Some 100 manuscripts exist of what became a standard text for the study of canon law in the Middle Ages (Schulte, II, p. 125, note 20 lists a few; see also G. Murano, *A Checklist...*, incipit: "Quia secundum beatum Gregorium..."). The *Summa super titulis decretalium* (sive *Summa Aurea*) was first published in Rome, 1473 [Hain, 8959]. It was frequently re-published in the incunable and post-incunable period. In the absence of a modern critical edition, we have followed the 1588 edition (cited below). Legal texts and commentaries of this nature were required in mass quantities to supply the demand and requirements of universities and colleges. The present leaves constitute an excellent candidate for the study of a number of codicological and paleographical features that characterize legal book production in medieval fourteenth-century Italy.

LITERATURE

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Henri de Suze (Hostiensis). *Summa Hostiensis super titulis decretalium compilata* [Petri Albignani Tretii emendatio], Venetiis, per Thomam de Blavis, 1490 [Digitized, see below].

Henri de Suze (Hostiensis). *Henrici de Segusio cardinalis Hostiensis, Summa aurea...*, Lyon, 1588 [here referred to as Hostiensis, ed. 1588].

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Soetemeer, F. "Summa archiepiscopi alia Summa copiosa: Some Remarks on the medieval editions of the Summa Hostiensis," in *Ius commune: Zeitschrift für Europäische Rechtsgeschichte*, XXVI, 1999, pp. 1-25.

ONLINE RESOURCES

Digital version of the *Summa Hostiensis*, ed. Venice, 1574:

<http://visualiseur.bnf.fr/ark:/12148/bpt6k592957>

On Hostiensis, with extensive bibliography (D. Pennington):

<http://faculty.cua.edu/Pennington/1140d-h.htg/HOSTIENSIS.html>

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