

SOZZINI, MARIANO (Mariano Sozzini, il Vecchio), *Recollectae super quibusdam libri II Decretalium*  
In Latin, decorated manuscript on paper  
Italy, Tuscany, probably Siena, dated 1451-1454

492 ff., followed by a single paper flyleaf, apparently missing a leaf between ff. 471 and 472, else complete (collation: i<sup>16</sup>, ii<sup>10</sup>, iii<sup>9</sup> [10-1, missing x, likely a cancelled blank], iv<sup>9</sup> [10-1, missing x, likely a cancelled blank], v<sup>16</sup>, vi-viii<sup>10</sup>, ix<sup>11</sup> [of 12, missing vii, a cancelled blank], x<sup>12</sup> [of 12, missing vii, a cancelled blank], xi<sup>16</sup>, xii<sup>12</sup>, xiii<sup>10</sup>, xiv<sup>6</sup>, xv<sup>10</sup>, xv-xvi<sup>12</sup>, xvii-xviii<sup>10</sup>, xix<sup>4</sup>, xx<sup>19</sup> [of 20, missing xx, a cancelled blank], xxi-xxii<sup>8</sup>, xxiii-xxvii<sup>10</sup>, xxviii<sup>12</sup>, xxix<sup>11</sup> [of 12, missing xii, a cancelled blank, the scribe has indicated "nichil deficit" (nothing is wanting), xxx-xxxi<sup>10</sup>, xxxii-xxxvii<sup>12</sup>, xxxviii-xliii<sup>10</sup>, xliiv<sup>7</sup> [of 8, missing viii (between ff. 471-472), xlv<sup>12</sup>, xlvi<sup>10</sup>], on paper from a variety of paper stocks (watermarks, including Briquet, "Ciseaux," close to no. 3767, Venice, 1482; Briquet, "Char," close to no. 3533, Genes, 1454-1458, Pise, 1464 etc.; Briquet, "Etoile," close to no. 6077, Rome 1459, Venice 1460-1471, Fabriano, 1457; Briquet, "Huchet," close to no. 7693, Rome, 1461-1479, mantoue, 1462 and others), written by a number of hands (a different hand when there is a quire change, some hands responsible for more than one quire, at least a dozen hands can be distinguished), in a cursive and highly abridged bookhand, in brown ink, on up to 52 lines (justification 220 x 115 mm.), contemporary or near contemporary foliation, catchwords with some horizontal, a few quire signatures, headings in brown ink, paragraph marks generally in brown ink (a few paragraph marks in red, e. g. f. 2v), a few manicha, space left blank for opening initial (left blank), many colophons at the end of each textual break all stating the texts are by Marianus Sozzinus, but apparently never revealing the names of the scribes, numerous contemporary marginal annotations in brown or darker brown ink. Binding without leather covering, back sewn on 3 raised thongs, spine left exposed with no covering, thick wooden boards also left bare, traces of red wax on the upper board, remnants of ties with grooves and nails, traces of previous leather used in half-binding, parchment pastedowns (Overall good condition, acidity of ink has damaged paper in the first quire, with small losses of text; paper restorations to first quire; binding lacking leather covering). Dimensions 305 x 217 mm.

Grand copy of "recollectae" (student notes) of the courses held by the canonist Mariano Sozzini in Siena between 1451 and 1454 on the Decretals of Gregory IX. Apart from its great rarity (three manuscripts, no copies in the Schoenberg Database), the interest of this collection -- lacking a modern critical edition -- lies in the many contemporary marginalia, the method of copy and assembly, with at least a dozen different scribes, and the frequent colophons. This is a fine example of book production in late medieval Siena associated with the famous Studium.

## PROVENANCE

1. Copied in Italy, by a number Italian hands, on paper with watermarks that clearly point to Italian paper stocks. This is in keeping with the content of this manuscript, which contains fair copies of notes taken by students of lectures heard in Siena between 1451 and 1454. The colophons reveal the dates the courses were held by Marianus Sozzinus, and there is little reason to believe these courses were copied much later than when they were delivered.
2. European Continental Collection.

## TEXT

ff. 1-177v, Marianus Sozzinus, *Recollecta super titulo De foro competenti* (titulus 2), heading, *R[ubrica] de foro competenti*; incipit, "[C]ontinuat ad praecedentes. Quoniam rei vocati ad iudicia frequenter excipiunt de competentia fori de qua sepe dubitatur..."; explicit, "[...] competentie fori non solum competenter"; colophon: "[...] Ita quod bonus scholaris hujus materie sit...bonus magister Marianus Sozzinus die .vi. 1452. Laus deo clementissimo" [for Gregory IX, Decretal (X. 2. 2), see Friedberg, 1881, col 248 et sqq.; "recollecta" published in Lyon, 1547];

ff. 177v-325v, Marianus Sozzinus, *Recollecta super titulo De libelli oblatione* (titulus 3), heading, *De libelli oblatione*; incipit, "[C]ontinuat sic supra visum est de foro competenti ex quibus causis quis possit declinare forum verum..."; explicit, "[...] declarata ordinata ac fundata"; colophon, "[...] Laus deo clementissimo Marianus Sozzinus de Senis anno domini 1453 die .xvi. junii" [for Gregory IX, Decretal (X. 2.3), see Friedberg, 1881, col 255-256; "recollecta" published in Lyon, 1547];

ff. 325v-397v, Marianus Sozzinus, *Recollecta super titulo De mutuis petitionibus* (titulus 4), heading, *De mutuis petitionibus*; incipit, "[C]ontinuat hoc modo supra visum fuit de libelli oblatione..."; explicit, "[...] ordinate et plenissime expeditam"; colophon, "[...] Laus deo clementissimo. Marianus Sozzinus de Senis anno domini 1453 die .xxix.<sup>a</sup> novembris" [for Gregory IX, Decretal (X. 2. 4), see Friedberg, 1881, col 256-257; "recollecta" published in Lyon, 1547];

These three *recollectae* are published in M. Sozzini, *De foro competenti, de libelli oblatione, de mutuis petitionibus, cum additionibus Bartholomaei Socini*, Milano, Ulrich Scinzenzeler, 5-15 Feb. 1494 (Hain, 14848), and again in successive sixteenth century editions (see Nardi, 1974, pp. 173-174).

ff. 397v-430, Marianus Sozzinus, *Recollecta super titulo De litis contestatione* (titulus 5), heading, *Qualiter litis contestatione...*; incipit, "Et rubrica continuatur ad precedentes...qui post libelli oblatione et mutuas petitiones sequi debet..."; explicit, "[...] Et ex hys deo duce habes notabiliter expeditum hunc articulum...cum quo bene contestati sumus"; colophon, "[...] Laus deo clementissimo Marianus Sozzinus u[ro] doctor. Sequitur titulus ut lite non contestata" [for Gregory IX, Decretal (X. 2. 5), see Friedberg, 1881, col. 257-258; "recollecta" published in Lyon, 1547];

Published in Sozzini, M. *Repetitio tituli de litis contestatione*, Siena, Enrico da Haarlem, 20 Aug. 1492 (Hain 14865).

ff. 430v-492v, Marianus Sozzinus, *Recollecta super titulo De litis non contestata* (titulus 6), heading, *Ut litis non contestata*; incipit, "[C]ontinuat ad precedentes...visum fuit qualiter litis contestacio fiat verum..."; explicit, "[...] late clare et ordinate contestationem...reliqui omnes doctores"; colophons: "Laus deo clementissimo Marianus Sozzinus" (f. 430v); "Laus deo clementissimo Marianus Sozzinus die qua speravi a me aniam etc." (f. 432); ; final colophon, "[...] Laus deo clementissimo Marianus Sozzinus de Senis dedit has recollectas a die prima novembris 1451 usque ad diem 1454. Eternas (?) ego laus deo finis est" [for Gregory IX, Decretal (X. 2. 6) see Friedberg, 1881, col 258 et sqq.; "recollecta" published in Lyon, 1547];

This manuscript contains contemporary *recollectae* or *repetitiones* of the courses held by Mariano Sozzini on the Decretals, collected by students who attended the courses between 1451 and 1454 in the Studium at Siena. The name of Mariano Sozzini, author of these *recollectae*, is repeated a number of times in the numerous colophons that pepper this codex (ff. 177v, 325v, 430, 430v, 432 et passim).

Marianus Sozzinus was the father of Bartolomeo di Mariano Sozzini (1436-1507). The former was an important canonist in Siena and a reputed humanist; the latter was called in his day "the first and most famous doctor of all Italy," a leading professor of law (canon and civil) in Italy in the fourteenth and fifteenth century, much sought-after and also involved in diplomacy and politics (on the son Bartholomeo Mariano, see R.

Bargagli, 2000). Hence, Marianus Sozzino (1397-1461) is not to be confused with his more famous son Bartolomeo di Mariano Sozzini (Mariano Sozzini il Giovane).

A famous canonist, Mariano Sozzini began attending the law courses offered at the *Studium* in Siena in 1418. There he followed the courses of Niccolo dei Tedeschi, took his doctorate *in utroque* in 1427, and also developed a deep friendship with Aeneas Silvio Piccolomini (who would become Pope Pius II). With the departure of his master Tedeschi, Mariano Sozzini was promoted to teach the Decretals of Gregory IX. His son Bartholomeo evidently benefited from these relations for his own intellectual development and career.

The present manuscript refers to itself as containing "recollectae" (see colophon f. 492v). *Recollectae*, *recollectiones*, *reportata*, *reportationes*, *additiones*, and *suppletiones* are names given to the copies or notes taken by students at lectures or disputations. The *reportator* quotes the word of the text, *additiones* contain other people's additions to the original, and when a professor takes another author's text in class and adds to it, the result is *suppletiones*.

This particular series of *recollectae* or *reportationes* is based on *tituli* taken from the start of Book II of the Decretals of Gregory IX. Mariano Sozzini is known to have started the examination of tituli 2-7 of Book II of the Decretals after 1450 until c. 1457 when he was forced to flee Siena for a short period (see Nardi, 1974, pp. 83-84). The fact that the present manuscript contains notes taken during courses accounts for the variety of hands. These are not rough copies, as there are very few passages crossed-out or mistakes corrected; rather the students (we distinguish at least a dozen different hands) have provided fair copies of the courses as they were delivered between 1451 and 1454. Once bound together, one had the Master's "complete" *recollectae* on the first tituli of Book II of the Decretals. Hence, this manuscript appears to be the result of a "common effort," with each quire entrusted to a steady hand. When the text seems to break off with the beginning of a new quire, the scribe reassures the reader: "nichil deficit" [nothing is missing] (ff. 223v, 312v et passim). Unfortunately the colophons remain anonymous, although they systematically refer to Mariano Sozzini (commonly "Laus deo clementissimo Marianus Sozzinus"), and at the very end he is said to be the author of the copied "recollectae" (see colophon, f. "Laus deo clementissimo Marianus Sozzinus de Senis dedit has recollectas a die prima novembris 1451 usque ad diem [space left blank] 1454" [Glory be to God most clement, Marianus Sozzinus of Siena has given (delivered) these *recollectae* from 1 November 1451 to 1454]). The dates in this manuscript fit with the chronology of the works attributed to Mariano Sozzini, as indicated by Nardi (1974): "1452, [...] Commento sul tit. *De foro competenti* (X. 2. 2.); 1453, Commento sul *De libelli oblatione* et il *De mutuis petitionibus* (X. 2. 3-4); 1454, Commento sul tit. *De iuramento calumniae* e sul *De litis contestatione*" (Nardi, 1974, pp. 183-184).

A list of all the works (some 45 commentaries on various parts of Canon law) attributed to Mariano Sozzini the Elder and the extant codices is found in Nardi (1974, pp. 150-164) who supplies the best (and for now the only) intellectual biography of Mariano. Nardi's student R. Bargagli (2000) did the same for the son Bartholomeo Mariano. Nardi lists the sixteenth-century editions of the collective works (including the collected *recollectae* or *repetitiones*) by Marianus Sozzinus: "Trattati e repetitiones sul II libro delle Decretali" (see P. Nardi, 1974, pp. 173-174): Pavia, 1514: "Marianus Sozinus super decretales...Tractatus de foro competenti, Tractatus de libelli oblatione, Tractatus de litis contestatione, Tractatus de mutuis petitionibus..."; Lyon, 1533; Lyon, 1547; Francfurt, 1583.

There are apparently three other codices that contain either all (as found in our manuscript), or only certain or other additional *recollectae* on the tituli from Book II of the Decretals, listed by Nardi (1974), pp. 152-155. These are: Lucca, Biblioteca Capitolare Feliciana, cod. 397, ff. 12-228, "Lect. Super quibusdam titulis libri II Decretalium" (X. 2. 2-5); the same text in Bologna, Biblioteca del Collegio di Spagna, cod. 215, ff. 56-280; - Vatican, BAV, cod. Ross. 840, ff. 244v-256v, "Rep. Quod di super rebus et Si autem in c. Quoniam frequenter, Ut lite non contestata (X.2.6.5, 7-8), with a colophon very close to the one in the present manuscript: "Laus deo clementissimo Marianus Sozzinus de Senis dedit has recollectas a die prima novembris 1451 usque ad diem 1454 quas ego Firmanus domini Angeli de Guidonibus de Perusio sub eo scripsi. Laus Deo"; the same text in Lucca, Biblioteca Capitolare Feliciana, cod. 397, ff. 252-266. In addition, for information an example of Marianus Sozzino's own hand is found in Ascheri (ed.), 1996, fig VII, p. 26 (Archivio dell'Università, ms 1., f. 76v: "Sottoscrizione autografa e sigillo di Mariano Sozzini"). Are some of the annotations in this manuscripts by the hand of the Master? Only an in-depth investigation of the codices might allow for further conclusions.

The division of labor found in this manuscript is quite interesting, and the scribes have tried hard to make sure the text flows even if there are so many different hands at work. Similar colophons in other codices seem to point to a common milieu of production for these fair copies of Sozzini *recollectae* or *reportationes*. Proper comparison of the extant manuscripts and also a larger study on "recolleatae" (how they were assembled, who copied them, how the fair copies were put together, who annotated them) would certainly prove enlightening. This is a wonderful manuscript for the student of canon law, both for the material lay-out and its content.

## LITERATURE

Ascheri, M. *Lo Studio e i testi. Il libro universitario a Siena (secoli XII-XVII)*. Catalogo della mostra, Biblioteca comunale, 14 settembre-31 ottobre 1996, Siena, 1996.

Bargagli, R. *Bartolomeo Sozzini: giurista e politico (1436-1506)*, Milano, 2000.

Friedberg, E. *Corpus iuris canonici...*, 2 vol. Leipzig, 1879-1881.

Minucci, G. and L. Kosuta. *Lo Studio di Siena nei secoli XIV-XVI. Documenti e notizie biografiche*, Milano, 1989.

Nardi, P. *Mariano Sozzini. Giureconsulto senese del Quattrocento*, Milano, 1974.

Nardi, P. "Note sulla scuola giuridica senese negli anni della caduta della repubblica," *Studi senesi*, 87 (1975), pp. 195-200.

Nardi, P. *Maestri e allievi giuristi nell'Università di Siena. Saggi biografici*, Milan, 2009.

Troncarelli, F. "'Grata et iocunda est aequalitas' Mariano Sozzini tra Medioevo ed Umanesimo," *Quaderni medievali* 18 (1994), pp. 45-62

## ONLINE RESOURCES

Mariano Sozzini, funeral sculpture (Museo Nazionale del Bargello)

<http://www.insecula.com/oeuvre/O0028179.html>

Giovanna Murano, Shortlist of Canon Law Works – Go to incipit ["Continuatur hec rubrica"](http://www.uni-leipzig.de/~jurarom/manuscr/murano/itican.html)  
<http://www.uni-leipzig.de/~jurarom/manuscr/murano/itican.html>

E. Friedberg, Corpus iuris canonici, Book II Liber secundus  
[http://www.columbia.edu/cu/lweb/digital/collections/cul/texts/ldpd\\_6029936\\_002/index.html](http://www.columbia.edu/cu/lweb/digital/collections/cul/texts/ldpd_6029936_002/index.html)

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