

GREGORY IX, *Decretales*

In Latin, decorated manuscript on parchment

Northern France or Belgium (Southern Netherlands), c. 1260-1285

2 volumes, respectively 70 + 58 ff. (vol. I) and 63 + 21 ff. (vol. II), multiple contemporary foliation with four parts in two volumes, wanting entire Book V (collation vol. I: i-vi¹² vii-xi¹² xii¹⁰ xiii⁶; vol. II: i-vii¹²), written in a fine regular gothic bookhand, text copied in two columns on up to 35 lines per page, parchment ruled in plummet (justification 110 x 70 mm.), guide letters and guide words for initials and rubrics, rubrics in red, paragraph marks in red and blue, small capitals in red or blue, numerous larger 3-line high initials in alternating red or blue with a single stroke in the opposing color, first words of beginning of each book copied in a larger (display) script decorated with calligraphic pen flourishing, five large puzzle initials in red and blue with filigree infill and calligraphic pen flourishing extending in the margin (vol. I: initials on ff. 1 and 70v; vol. II: initials on ff. 1 and 63v), some manicule pointing to passages in the text, marginal and interlinear annotations (contemporary or near contemporary hands). Bound in 18th-century polished and marbled havana calf, smooth spines gilt with fleurons and red morocco title-pieces, boards framed with double gilt filets, gilt inner friezes, marbled pastedowns, traces of gilt edges (good overall condition, binding a bit sunned, upper portion of manuscript cropped with loss of running Roman numerals, some leaves cut short of their lower margin, not affecting text, for ex. vol. I, f. 9). Dimensions 188 x 140 mm.

Very unusual "pocket" format for the Decretals of Gregory IX, here copied in small quarto-size volumes, practical to handle and easy to carry. The present copy is skillfully written and has wide clean margins. (Book V is missing, perhaps there was a third volume?). The interesting marginal and interlinear notes that pepper the volumes throughout certainly merit further study as they inform us on legal reading practices. Further comparisons should be sought for the introductory puzzle initials composed of interesting geometric patterns and opening each book.

PROVENANCE

1. Manuscript copied in Northern France or Southern Netherlands, based on script and style of ornamentation, with very characteristic puzzle initials and delicate pen flourishing (compare Watteuw and Reynolds, 2013, pp. 100-101: Gratian, *Decretum*, France, late 13th c.; see also Watteuw and Reynolds, 2013, p. 225: Statius and Claudian, Northern France/Southern Netherlands, dated early 13th c., with similar opening letters copied in larger display script). The puzzle initials in the present Decretals adopt very original geometric patterns that might allow for further stylistic comparisons and perhaps a better identification of place of production for this codex. The style of these puzzle initials, which lack the "filled in" floral details often found in manuscripts from this region in the last quarter of the thirteenth century, as well as the script, suggest a date more towards the middle or third quarter of the century, c. 1260-1285. Note the upright nature of the script, and the consistent use of 'a' with the top loop still open.
2. Library of M. Scourion, municipal librarian in Bruges, as signaled in the note found on the lower flyleaf, in French, "Ce beau manuscrit contenant les Constitutions et les decrets du pape Gregoire IX est du 15e siècle, écrit sur deux colonnes et il est superieurement bien conservé. Il vient de la bibliothèque de feu Mr. Scourion, secrétaire de la régence de Bruges et bibliothécaire de la ville. Il a été adjugé le 24 octobre 1840

pour quarante-six francs à Mr. Anselme Van den Bogaerde [a note adds "de la fin du 15^e siècle ou du commencement du 16^e siècle]." Needless to say that this inscription is erroneous with regards to the date of the manuscript. Scourion is discussed as being a very competent paleographer and connoisseur of medieval manuscripts in "Notice sur les archives de la ville de Bruges," in Gachard, *Collection de documents inédits concernant l'histoire de la Belgique*, 1833, pp. 37-38.

3. European Continental Collection.

TEXT

Volume I (double foliation):

f. 1, Gregory IX, *Decretales*, Papal Bull 5 September 1234 [Rex pacificus], incipit, "Gregorius episcopus servus servorum dei dilectis filiis doctoribus universis parisiis...Rex pacificus..." [published in Friedberg, II, 1881, col. 2-3];

This is Gregory IX's address to the universities: "Gergorius episcopus servus servorum dei dilectis filiis doctoribus universis parisiis." This allows the modern student of Gregory IX's Decretals to know in what city the university is and where the individual manuscript is authorized to be taught. Generally when one reads an address in Paris it means northern Europe, as opposed to Italy. The two most often addressed cities are Paris and Bologna, although occasionally you find manuscripts individually addressed to smaller centers, like Padua, Avignon, Oxford, and this may indicate either place of production, or location of patron. We thank Susan L'Engle for this information.

ff. 1-70v, Gregory IX, *Decretales*, Book I, incipit, "Firmiter credimus et simpliciter confitemur quod unus solus est verus deus...."; explicit, "[...] si de ipsis non caveatur ibidem. *Ex consilio de affricano* [published in Friedberg, II, 1881, col. 4-238];

f. 70v-ff.1-48v, Gregory IX, *Decretales*, Book II, incipit, "De quovultdeo centuriensi episcopo..."; explicit, "[...] de justiciis suis integre respondere. *Ex concilio maguntinensis*" [published in Friedberg, II, 1881, col. 240-448];

Volume II (double foliation):

ff. 1-63v, Gregory IX, *Decretales*, Book III, rubric, *De vita et honestate clericorum*, incipit, " Ut laici secus altare..."; explicit, "[...] post firmiter observari. *Ex concilio triburniensi* [published in Friedberg, II, 1881, pp. 449-660];

f. 63v-ff. 1-21v, Gregory IX, *Decretales*, Book IV, incipit, "De Francia nobilis quidam nobilem..."; explicit, "[...] dignentur sacros canones imitari [published in Friedberg, II, 1881, pp. 661-732]. Missing Book V.

This manuscript contains four of the five books of Decretals of Gregory IX (c. 1145-1241). The text is devoid of the gloss usually copied in the margins (the most ancient glossator was Vincent of Spain; also Goffredus de Trano (died 1245), Bonaguida Aretinus (thirteenth century) and Bernard of Botone or Parmensis (died 1263), the author of the "Glossa ordinaria" which would earn authoritative credence). On the illustrations and general lay-out questions of the Decretals, see L'Engle and Gibbs, 2001, esp. pp. 15-19, 69-71. The strikingly small "pocket" format of this

copy of the Decretals would certainly have complicated the task for the scribe and thus it is probable that it was never intended to include a gloss, but the scribe did leave ample margins. One should note the very early and interesting corrections, both interlinear and marginal notes (in ink and drypoint) that are found throughout this copy (see for instance the representative notes found in Book II, ff. 10-11). They are by a variety of hands. Comments might have been later added in the margins by lawyers to reflect the changing opinions and interpretations of canon law, to clarify a particular point of law. Some notes are cut a bit short by the binder, but most can be read and should be studied in order to document legal reading practices in the thirteenth and fourteenth centuries.

Gregory IX's Decretals were copied often; see the preliminary list by Martin Bertram, ("Signaturenliste der Handschriften der Dekretalen Gregors IX," Online Resources), listing around 675 manuscripts, seventeen of which are in the United States or Canada. His list does not include this manuscript as his census covers only institutional holdings. Bertram's list does not include the dates of the surviving manuscripts of the Decretals; however, the manuscript described here is a relatively early copy of the text.

In 1230, Pope Gregory IX ordered his chaplain and confessor, Raymond of Peñafort, a Dominican, to form a new canonical collection destined to replace all former collections. It has been said that the pope by this measure wished especially to emphasize his power over the Universal Church. The utility of a new collection was so evident that there may be no other motives than those the pope gives in the Bull "Rex pacificus" of 5 September 1234, that is the inconvenience of recurring to several collections containing decisions most diverse and sometimes contradictory, exhibiting in some cases gaps and in others tedious length; moreover, on several matters the legislation was uncertain. However, Peñafort did more than simply compile the documents of former collections. He left out 383 decisions, modified several others, and omitted parts when he considered it prudent to do so, filled up the gaps, and to render his collection complete and concordant, cleared up doubtful points of the ancient ecclesiastical law by adding some new decretals. The new compilation bore no special title, but was called "Decretales Gregorii IX." The Decretals of Gregory IX, promulgated in 1234, was the first collection of canon law for the Catholic Church invested with universal and exclusive authority, and was the culmination of a century and a half process by which the a now papal-led Church came to be the leading institution within medieval European society.

LITERATURE

Brundage, James. *Medieval Canon Law*, London and New York, Longmans, 1995.

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

Cahu, Frédérique. *Un témoin de la production du livre universitaire dans la France du XIIIe siècle: la collection des décrétales de Grégoire IX*, Turnhout, 2013.

Fransen, G. *Les décrétales et les collections de décrétales*, Typologie des sources du Moyen Age occidental 2, Brepols, 1972.

Friedberg, E. *Corpus iuris canonici editio lipsiensis secunda post Ae. L. Richteri curas ad librorum manu scriptorum et editionis romanae fidem recognovit et adnotatione critica instruxit*, I-II, Lipsiae 1879-1881 (reprint Graz 1955).

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.

Michaud-Quantin, P. "Remarques sur l'œuvre législative de Grégoire IX," in *Etudes d'histoire du droit canonique dédiées à Gabriel Le Bras*, Paris, 1965, pp. 273-281.

Watteuw, L. and C. Reynolds. *Catalogue of Illuminated Manuscripts Museum Plantin-Moretus*, Paris and Leuven, Walpole, 2013.

ONLINE RESOURCES

The Medieval Canon Law Virtual Library:

<http://web.colby.edu/canonlaw/tag/gregory-ix/>

<http://web.colby.edu/canonlaw/2009/09/24/early-decretals-decretalists/>

Friedberg, *Corpus iuris canonici* (edition 1839)

<http://books.google.fr/books?id=ngJFAAAAcAAJ&printsec=frontcover&dq=friedberg+corpus&hl=fr&sa=X&ei=hA-fUverLtHwhQfBg4H4Dg&ved=0CEkQ6AEwBA#v=onepage&q=friedberg%20corpus&f=false>

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

Illuminating the Law. Medieval Legal Manuscripts from Cambridge Collections:

<http://www.fitzmuseum.cam.ac.uk/gallery/law/index.html>

Pennington, Kenneth, A Short History of Canon Law from Apostolic Times to 1917":

<http://faculty.cua.edu/Pennington/Canon%20Law/ShortHistoryCanonLaw.htm>

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