

DECRETALES PICTAE

***Le miniature nei manoscritti
delle Decretali di Gregorio IX (Liber Extra)***

Atti del colloquio internazionale
tenuto all'Istituto Storico Germanico
Roma 3-4 marzo 2010

a cura di

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e

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Nota editoriale: La presente nuova e definitiva pubblicazione di “Decretales Pictae” sostituisce la precedente edita on line il 21 febbraio 2012, che presentava dei seri difetti nella struttura e nella riproduzione di molte immagini. Questi sono stati superati nella attuale edizione, che è organizzata in un unico pdf e perciò consente una lettura continua, semplifica l'utilizzo degli indici e inoltre rende disponibili le consuete ampie funzioni di ricerca. Per l'uso pratico e la consultazione del volume si vedano gli avvisi pratici (p. 7, 8).

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Il volume costituisce un prodotto del progetto di ricerca FIRB 2008 “Manoscritti giuridici medievali: descrizione, digitalizzazione, fruizione informatica in standard XML per la loro diffusione in rete. La ricomposizione di un mosaico”. I curatori, M. Bertram (Istituto Storico Germanico di Roma) e S. Di Paolo (Dipartimento di Storia e Teoria Generale del Diritto dell'Università degli Studi Roma Tre), hanno partecipato al progetto nell'ambito dell'unità di ricerca di Roma, responsabile il Prof. E. Conte (Università degli Studi Roma Tre).

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Premessa dei curatori

L'iniziativa di organizzare un colloquio interdisciplinare intorno al tema delle Miniature nei manoscritti delle Decretali di Gregorio IX è nata dalla collaborazione tra il Dipartimento di Storia e Teoria Generale del Diritto dell'Università Roma Tre e l'Istituto Storico Germanico di Roma nell'ambito del Progetto Firb *Manoscritti giuridici medievali: descrizione, digitalizzazione, fruizione informatica in standard XML per la loro diffusione in rete. La ricomposizione di un mosaico*. Un progetto di durata triennale, finanziato dal Governo italiano, che vede coinvolte più unità di ricerca e sotto diversi profili, come spiega Emanuele Conte nella sua presentazione.

Se dal punto di vista scientifico, la pubblicazione degli atti rappresenta un momento conclusivo di una delle linee di ricerca contemplate dal progetto Mosaico, da un punto di vista editoriale, invece, costituisce l'avvio del progetto *Verso una University e-press a Roma Tre* promosso da Conte e dalla sottoscritta.

Questo volume è dotato di un numero identificativo (ISBN) con il quale è compreso nel censimento bibliografico nazionale. E' pubblicato esclusivamente in formato elettronico nell'Archivio Aperto d'Ateneo dell'Università degli Studi Roma Tre (ArcAdiA), dove è possibile consultarlo e stamparlo liberamente in formato pdf (*open access*), anche nelle sue singole parti. ArcAdiA prevede inoltre di offrire al lettore la possibilità di usufruire di un servizio esterno di stampa e distribuzione del volume (*printing on demand*).

La pubblicazione in formato elettronico appare la più idonea alla divulgazione di atti di convegni e ricerche a più mani, poiché consente l'accesso rapido ai singoli contributi e permette di elaborare apparati

di corredo ampi e interconnessi fra loro: nel nostro caso, sezioni illustrative e indici dei manoscritti. Ciò consente, tra l'altro, di abbattere drasticamente i costi di produzione, che sempre nel nostro caso sarebbero stati condizionati dalla presenza di immagini a colori.

La pubblicazione è realizzata senza il supporto di una casa editrice deputata a svolgere i tradizionali compiti editoriali. Da qui il carattere artigianale della sua veste grafica e la totale assenza di scopo di lucro.

Accanto alle evidenti difficoltà editoriali, vanno considerate quelle legate al carattere interdisciplinare dell'iniziativa scientifica.

Riteniamo che solo dall'incontro dei saperi storico, artistico e giuridico possa derivare una corretta comprensione del valore delle miniature nei testi giuridici medievali. Tuttavia, nel preparare il volume ci siamo resi conto di una sorprendente distanza tra la metodologia e lo stile scientifico, ai quali da storico e storica del diritto siamo abituati, e quelli seguiti dai colleghi storici dell'arte. La pubblicazione ci ha consentito quindi di iniziare un percorso di avvicinamento tra discipline che dovrà esser proseguito: per ora esso si è limitato a chiarire e circostanziare profili e concetti lasciati talvolta troppo imprecisati. Restano infatti alcune metodologie e affermazioni che non sempre ci trovano concordi.

La presente pubblicazione degli atti giunge con un certo ritardo, causato dalle circostanze appena denunciate, e lamenta alcune gravi lacune rispetto al programma originale. Non comprende infatti dei lavori che pure hanno stimolato un vivace dibattito durante le due giornate di studio: quello del Dr.

Bernd Michael (Berlin), *Die Miniaturen zum Titel De summa Trinitate*; della Dr. Alixe Bovey (Canterbury), *Text as Context: The Smithfield Decretals* (London, BL MS Royal 10 E IV); dei Professori Giovanna Nicolaj (Roma) e Stefano Zamponi (Firenze), *Scritture universitarie del Due e Trecento*. Non possiamo che esprimere il nostro dispiacere per questo impoverimento del volume.

Speriamo comunque che questa esperienza possa in futuro favorire un dialogo sempre più ravvicinato tra gli storici del diritto e gli storici dell'arte, entrambi appassionati delle miniature nei manoscritti delle Decretali di Gregorio IX, per esplorare più a fondo questo campo di ricerca, tanto ristretto quanto sorprendentemente complesso.

Oltre alle appendici illustrative ad alcuni contributi, il volume presenta una ricca sezione generale di immagini non fornite dagli autori, che pertanto resta indipendente dai loro testi. La scelta delle miniature è stata condizionata esclusivamente dalla disponibilità delle Biblioteche coinvolte e dalla ristrettezza delle nostre risorse finanziarie.

Le immagini sono in formato pdf e in modalità *open access*, ma – nel rispetto della normativa nazionale e internazionale sul copyright e delle condizioni imposte dalle Biblioteche - sono state sottoposte ad alcuni accorgimenti tecnici, quale una bassa risoluzione in dpi, a discapito purtroppo della loro visibilità nel dettaglio, e una marcatura (*watermark*) indicativa del copyright della singola Biblioteca in possesso del manoscritto.

Anche in questo caso, l'assenza di una casa editrice se da una parte ha abbattuto i costi altrimenti insostenibili di una lavorazione professionale delle immagini, dall'altra ha comportato una preparazione completamente

artigianale, per noi non facile. Non essendo infatti dei tecnici della fotografia, non disponiamo né delle necessarie competenze né della relativa strumentazione.

Concludendo questa premessa, desideriamo ringraziare Emanuele Conte, Direttore del Dipartimento di Storia e Teoria Generale del Diritto di Roma Tre, per aver sostenuto e finanziato questa proposta scientifica, e Michael Matheus, Direttore dell'Istituto Storico Germanico di Roma, per aver gentilmente ospitato le giornate di studio. Questa iniziativa non avrebbe trovato realizzazione senza la fiducia e il sostegno di Maria Palozzi, coordinatrice dell'Ufficio Centrale del Sistema Bibliotecario dell'Ateneo di Roma Tre, e la collaborazione di Flaminia Stinco, Lucia Staccone, Marco Boncristiani, Riccardo Fazio. Anche a loro va perciò il nostro sincero ringraziamento. Inoltre siamo veramente grati a Niklas Bolli (Istituto Storico Germanico) e a Federico Melograno (Roma Tre) per tutti i loro preziosi consigli di editoria digitale.

Infine desideriamo ringraziare quelle Biblioteche che hanno dimostrato una particolare sensibilità nei confronti dell'indole esclusivamente scientifica e del carattere sperimentale di questa pubblicazione, snellendo procedure burocratiche, riducendo tempi di riproduzione delle immagini e di concessione dei diritti di pubblicazione e, in alcuni casi, concedendo persino generose riduzioni dei costi.

Martin Bertram e Silvia Di Paolo

Avvisi pratici

rinvii, sigle

Il volume si articola in più sezioni, come di seguito specificato, cui è possibile accedere in duplice modo: dall'indice generale cliccando sul titolo di ciascuna di esse o dalla scheda bibliografica (*bibliographical page*) cliccando sul nome dell'autore di ciascuna di esse. In questo secondo caso, si apre allora una scheda bibliografica intermedia, che in fondo contiene il riferimento al testo pdf. E' sufficiente cliccare sulla voce "visualizza/apri" per accedere alla parte desiderata. Ogni pdf è liberamente consultabile, scaricabile e stampabile.

Il volume si compone di alcune parti introduttive (pag. 1-22), dei contributi dei singoli autori (pag. 23-303), di indici dei manoscritti (pag. 304-337) e di una sezione illustrativa (Fig. 1-339).

Quattro contributi (Bombi, L'Engle, Nieuwenhuisen, Schimmelfennig) presentano delle appendici particolari, di cui due (Nieuwenhuisen, Schimmelfennig) con immagini di miniature che non sono comprese nella sezione illustrativa generale del volume e per questo presentano una differente numerazione, come indicato sotto.

Per la consultazione della sezione illustrativa si veda la relativa premessa (pag. 338-344).

RINVII

“Fig. x”: rinvio alla sezione delle immagini con l’apposita numerazione; si noti che questi rinvii si riferiscono soltanto alla serie completa sistemata per manoscritto (Fig. 1-150), tralasciando la seconda serie sistemata secondo i libri delle Decretali (Fig. 151-289).

“N-Fig. x”: rinvio alle immagini nell’appendice di K. Nieuwenhuisen (N-Fig. 1-18).

“S-Fig. x”: rinvio alle immagini nell’appendice di B. Schimmelpfennig (S-Fig. 1-7).

“(Internet: see/vedi/siehe Indice III)”: rinvio all’indice III “Manoscritti delle Decretali con miniature riprodotte in Internet”.

SIGLE

ACA: Archivo della Corona de Aragón

BAV: Biblioteca Apostolica Vaticana

Bibl. Capit.: Biblioteca Capitolare, Capitular

Bibl. Com.: Biblioteca Comunale

BL: British Library

BM: Bibliothèque Municipale

BN: Biblioteca Nazionale, Biblioteca Nacional

BNF: Bibliothèque nationale de France

Bodl.: Bodleian Library

BSB Clm: Bayerische Staatsbibliothek Codex latinus monacensis

BU/UB: Biblioteca Universitaria,
Universitätsbibliothek

MICHAEL MATHEUS

Grusswort

Es ist wenig bekannt, daß unter dem Dach des Deutschen Historischen Instituts in Rom nicht nur Geschichtswissenschaftler und seit 1960 Musikhistoriker arbeiten. Auch andere Disziplinen fanden hier zeitweise eine Heimstatt, so die Kunstgeschichte unter dem Direktorat Paul Fridolin Kehr's bis zum Ersten Weltkrieg. Von 1906 bis 1910 arbeitete zudem ein evangelischer Theologe am damaligen Preussischen Historischen Institut, Hans Freiherr von Soden (1881-1945), der zur Zeit der Nationalsozialisten in der Bekennenden Kirche eine wichtige Rolle spielte.

Nach dem Ausscheiden des evangelischen Theologen 1910 plante Kehr weitere neue Forschungsschwerpunkte am Institut „über die Grenzen seines Ressorts hinaus“. „Jetzt, nachdem ein historisch und philologisch geschulter Theologe am Institut tätig gewesen ist“ – so Kehr im Jahre 1910 – böte er gern auch „einem historisch und kanonistisch geschulten Juristen die Mittel zu selbstständiger Forschung: ich denke da in erster Linie an eine kritische Inventarisierung der kanonistischen Sammlungen der italienischen Bibliotheken“.

Eine institutionelle Verfestigung rechtsgeschichtlicher und insbesondere kanonistischer Studien gelang Kehr nicht. Unter seinen Nachfolgern, insbesondere unter den Direktoren Walther Holtzmann und Reinhard Elze haben sie aber immer eine wichtige Rolle gespielt. In den letzten Jahren waren diese Arbeiten vor allem mit einigen dem Institut eng verbundenen Namen

verknüpft, mit Emanuele Conte, Ludwig Schmutge, Martin Bertram. Mit Emanuele Conte und Sarah Menzinger führt das DHI ein interessantes Projekt durch: die kritische Edition der *Summa Trium Librorum* von Rolandus de Luca. Erinnerung sei zudem an den 2005 erschienenen, von Martin Bertram herausgegebenen Sammelband in der Institutsreihe: „Stagnation oder Fortbildung? Aspekte des allgemeinen Kirchenrechts im 14. und 15. Jahrhundert“. Martin Bertram und seinen Kooperationspartnern sei für die Initiative zu diesem Workshop herzlich gedankt: dem Dipartimento di storia e teoria generale del diritto dell'Università degli Studi Roma Tre sowie dem Progetto Mosaico. Ein herzlicher Dank gilt allen, die zum Gelingen der Veranstaltung sowie zu der Drucklegung der Referate beigetragen haben, last but not least Paola Maffei.

Einen Bericht über das derzeitige Profil des römischen DHI schloss ich mit einem Ausblick auf künftige Forschungsaufgaben vor wenigen Tagen mit dem Satz: „Im Rahmen des Konstanzer Historikertags im Jahre 2006, der unter dem Motto ‚Geschichtsbilder‘ stand, wurde auf die Bedeutung von Bildquellen erneut hingewiesen; es gilt, diese Quellen auch in der interdisziplinär ausgerichteten Institutsarbeit mehr zur Geltung zu bringen“. Die jetzt vorliegenden Akten des Workshop „Die Miniaturen in den Handschriften der Dekretalen Gregors IX. (*Liber Extra*)“ bieten hierzu ein gutes Beispiel.

EMANUELE CONTE

*Il progetto Mosaico
e la centralità dei manoscritti
per la storia del diritto europeo*

“Mosaico” è l’abbreviazione del titolo di un progetto di ricerca finanziato per tre anni dal Governo italiano sotto il titolo “Manoscritti giuridici medievali: descrizione, digitalizzazione, fruizione informatica in standard XML per la loro diffusione in rete. La ricomposizione di un mosaico”. Il progetto si propone di impostare la digitalizzazione di manoscritti della scolastica giuridica medievale secondo linee che tengano conto della tradizione storiografica europea, indirizzando un processo di passaggio ai nuovi supporti informatici che non si limiti alla riproduzione fotografica, ma ponga il manoscritto al centro di una rete di informazioni scientifiche.

I manoscritti giuridici sono stati in effetti al centro dell’attenzione degli storici del diritto medievale fin dalle origini della scuola storica tedesca: alcuni di essi hanno attratto una quantità di studi e di osservazioni che non è facile tenere sotto controllo. In certi casi, il riferimento di talune ricostruzioni dottrinali alla pergamena di alcuni manoscritti è così scontato da apparire ormai quasi invisibile. Perciò, il progetto si propone di riassumere i risultati di due secoli di ricerca storica giuridica sui manoscritti, ricomponendo grazie all’informatica le tessere di un mosaico che in certi casi è ormai difficile leggere come una figura unitaria.

In effetti, gli storici del diritto si sono rivolti allo studio diretto dei manoscritti in ondate successive: molto intensamente alle origini della scuola storica, quando Savigny e i suoi allievi hanno costruito l’immagine della dottrina giuridica medievale intorno alle fonti giustiniane. Costruendo la storia del diritto come successione di personalità di giuristi, con le loro opere, la *Geschichte des Römischen Rechts im Mittelalter* fa ricorso intenso ai manoscritti, in molti

casi reperiti e sfruttati per la prima volta da Savigny stesso. Divisi fra la ricostruzione e l'edizione delle fonti romane antiche e di quelle della scolastica giuridica medievale, i suoi allievi più sensibili al fascino della filologia hanno pubblicato le prime edizioni critiche di opere giuridiche medievali. Nello stesso tempo, alcuni di essi inaugurano il genere della *Quellengeschichte*, che per la verità aveva qualche precedente nell'erudizione settecentesca. In entrambi i casi la ricerca, la descrizione, l'analisi dei manoscritti medievali è premessa indispensabile per la ricerca storica e – nella mentalità della scuola storica – anche per la conoscenza profonda del fenomeno giuridico in generale.

A questo entusiasmo iniziale per la letteratura giuridica manoscritta, la storiografia ha fatto seguire fasi di predilezione per la dogmatica storica, che inevitabilmente induceva a concentrare l'attenzione sulle edizioni critiche e su quelle a stampa pubblicate durante la prima età moderna. Ma il riemergere di interessi propriamente storici indusse nella seconda metà dell'Ottocento a tornare alla ricerca sui manoscritti: e al lavoro sul diritto romano si aggiunse allora una poderosa opera di descrizione, di classificazione e di edizione di fonti del diritto canonico. Da Maassen a Friedberg, la dottrina canonistica appare pienamente consapevole dell'impossibilità di comprendere il pensiero canonistico senza passare per il mondo intricato della letteratura che non è mai andata a stampa.

Si inaugura così un'attenzione al manoscritto che sembra non si sia più interrotta nella cerchia non troppo ampia dei cultori di diritto canonico medievale. Da Stephan Kuttner agli organizzatori di questo convegno, gli storici del diritto canonico non hanno mai cessato di lavorare intorno ai manoscritti, mentre i loro colleghi interessati alla letteratura

medievale sul diritto romano hanno talvolta pensato di potersi basare quasi esclusivamente su testi a stampa.

Le possibilità messe a disposizione dalle nuove tecnologie tornano oggi a proporre il manoscritto all'attenzione degli studiosi. Il progetto si propone di porre nel punto di partenza della ricerca, oltre l'immagine digitalizzata delle pagine dei manoscritti, anche le informazioni per la ricostruzione delle descrizioni, delle edizioni, delle dottrine, delle interpretazioni che in questi due secoli si sono sviluppate a partire da questi manoscritti. Senza peraltro rinunciare a porre all'attenzione degli studiosi anche manoscritti che nei decenni passati non abbiano suscitato interessamento da parte di un gran numero di studiosi, ma che appaiono oggi portatori di testi importanti per la ricostruzione del pensiero giuridico medievale.

Oltre a dar conto della profondità diacronica della ricerca storico giuridica sui manoscritti e ad aprire nuovi centri di interesse, il progetto vorrebbe anche fare il punto delle conoscenze storiche sulla diffusione manoscritta dei grandi testi autoritativi su cui si basò la scienza giuridica medievale: il *Corpus Iuris Civilis* e il *Corpus Iuris Canonici*. Un elenco aggiornato di tutti i manoscritti conosciuti può costituire l'indispensabile base di partenza per proseguire la ricerca, tenendo conto di quanto è stato fatto negli ultimi due secoli. Ne scaturiranno liste di centinaia di manoscritti, cui saranno collegate immagini digitalizzate soltanto in casi sporadici.

Un terzo profilo della ricerca progettata intende sfruttare la possibilità di digitalizzazione divulgando

in rete manoscritti particolari perché identificati come portatori di testi significativi non pubblicati a stampa. Si tratta di favorire una buona pratica già ampiamente in uso presso la migliore storiografia giuridica medievale, che attinge a opere di grande importanza per la ricostruzione del pensiero giuridico ricorrendo a singoli manoscritti generalmente considerati come affidabili. Così, proprio grazie all'impegno di Martin Bertram, si è potuto mettere in rete una bellissima riproduzione del ms. Montecassino 266, recante la *Lectura Decretalium* di Goffredo da Trani, corredata da una introduzione al manoscritto dello stesso Bertram. Lo stesso si è fatto per la raccolta di *quaestiones* civilistiche conservata nel manoscritto Olomouc, Státní Archiv C.O.40, studiata e analiticamente indicizzata da Lucia Sorrenti.

Entrambe le opere sono oggi utilizzabili gratuitamente in rete sul sito:

<http://mosaico.cirsfid.unibo.it/>

L'incontro proposto da Martin Bertram intorno alle miniature delle Decretali di Gregorio IX rientra pienamente in questo sforzo collettivo per tornare a valorizzare la centralità dei manoscritti per la storia della cultura giuridica medievale. Gli atti del colloquio vedono la luce in una veste editoriale nuova, anche essa figlia dello spirito di apertura nei confronti delle nuove tecnologie.

MARTIN BERTRAM
Introduction / Introduzione *

* The introduction is reproduced here in its original form as it was read at the workshop. For the details indicated and the suggestions proposed only comprehensively at that occasion, see M. BERTRAM, Dekorierte Handschriften der Dekretalen Gregors IX. (*Liber Extra*) aus der Sicht der Text- und Handschriftenforschung, Marburger Jahrbuch für Kunstwissenschaft 35 (2008), S. 31-65.

From the very beginning this meeting has been conceived as a workshop in the literal sense: we are dealing with an extremely narrow and specialized field of research which only recently has drawn scholarly attention. Now it seems just the right moment to review for the first time the *acta* and *agenda*. For this purpose almost all colleagues who ever did any research in our field agreed to participate,¹ and all of them did so with manifest enthusiasm. This means that we are all thoroughly familiar with our subject and there is no need to dwell on a boring history of previous research nor to insist in detailed elucidations of our topic.

Let me just tell our guests and our future readers, that we are dealing with the small pictures which are to be found in the medieval copies of the Decretals of pope Gregory IX. This key compilation of *constitutiones et decretales epistolae*, published by pope Gregory IX in 1234, known also with its technical title *Liber Extra*, became part of the medieval *Corpus Iuris Canonici* and hence binding law of the Catholic church until 1917. The compilation is arranged in five books, which are dedicated respectively to the institutions of church government, procedure, clerical life, marriage and criminal law (*index, iudicium, clericus, sponsalia, crimen*). In top of the five books we find in many manuscript copies a miniature which tries to visualize the general theme; not so rarely there is a sixth picture for the first title *De summa trinitate et fide catholica*. With only five or six little pictures our stock seems extremely small when

¹ Unfortunately we learned only after the workshop about the project of the french art historian Frédérique Cahu, author of a dissertation: *La collection des Décrétales de Grégoire IX, un modèle de production universitaire*, Université Paris IV Sorbonne, sous la direction de Fabienne Joubert, 2008.

compared for example with the copies of the preceding *Decretum Gratiani*, frequently decorated with no less than 36 miniatures. However, just its narrow limits seem to provide a favourable condition for a complete and thorough exploration of our materials; and indeed this was the basic idea for bringing together the few specialists.

Of course, upon closer investigation, our task becomes much more complex and challenging. The small number of possible pictures in one manuscript is made up by a discouraging amount of extant copies. The checklist which I propose as a base for an overall count (see Indice IV), asking for any kind of additions and corrections, yields the following figures: 181 Extra manuscripts present the complete series of five or six miniatures; 35 other manuscripts were prepared to have the same outfit, which however, for one reason or the other, was never realized at all or remained incomplete; incidentally, just in this group we find some remarkable examples of preparatory sketches revealing the working techniques of the illuminators. Then there is the miserable and embarrassing group of 58 manuscripts presenting just sorrow holes instead of the miniatures which have been cut out by the barbarians of all times. Unfortunately there are very few cases of surviving fragments resulting from this kind of looting. The fundamental problem of manuscript losses in general proves to be so complex that we better leave it aside stressing only the fact that our stock of surviving miniatures represents certainly only a tiny fraction of the medieval output.

Però, da un punto di vista puramente pratico, la massa conservata di più di 300 manoscritti, nei quali sono presenti miniature, comporta per noi un compito molto più complesso ed impegnativo del

previsto, ma anche più interessante e remunerativo. Infatti, nel frattempo, ci siamo tutti resi conto che le nostre immagini, fino a poco tempo fa quasi ignorate per la loro modestia, ad un esame approfondito rivelano una inaspettata varietà formale e di contenuto e promettono di illuminare, nel senso stretto della parola, molti problemi della storia dell'arte, della codicologia e non da ultimo della canonistica.

Il potenziale di ricerca delle nostre miniature si presenta tanto ricco che, per questa occasione, siamo stati costretti ad una scelta metodologica restringendo la gamma dei possibili cammini ad un approccio essenzialmente iconografico. Sono ben consapevole che questa decisione impone ai nostri colleghi storici dell'arte delle rinunce dolorose. Infatti, la distribuzione meccanica dei compiti secondo i cinque libri delle Decretali e la concentrazione sull'iconografia comportano un taglio trasversale per i singoli manoscritti ed impediscono di esaminarli integralmente. Ne deriva il pericolo che si perdano di vista le personalità dei singoli artisti attivi su un dato manoscritto con le loro tecniche e i loro stili individuali che potrebbero emergere solo da un esame integrale di ciascun manoscritto.² Perciò dobbiamo ringraziare i nostri colleghi storici dell'arte, che hanno non soltanto sostenuto il lungo viaggio verso questo Istituto di storia generale, ma per giunta hanno rinunciato a metodologie e traguardi a loro particolarmente cari.

² Proprio per ovviare a questo difetto metodologico, abbiamo previsto nella sezione illustrativa di questo volume una duplice disposizione delle miniature: prima secondo i manoscritti integrali (Fig. 1-150), poi secondo i cinque libri del testo (Fig. 151-289); si veda la relativa premessa.

D'altra parte proviamo tutti la soddisfazione di incontrarci spontaneamente, non ispirati da vane chiacchiere interdisciplinari, ma guidati dalla stessa natura delle nostre cose, in una zona di contatto fra la storia dell'arte, la codicologia e la canonistica, dove ovviamente ci occorre anche l'aiuto dei paleografi e dei codicologi.

Quanto alla canonistica, mi limito in questa occasione alla constatazione che finora non siamo ancora giunti ad un consenso sul valore normativo del *Liber Extra*. Per parte mia resto convinto che non funzionano etichette semplicistiche e pseudo evidenti, che ci vengono tuttora proposte, perché non riconoscono la composizione eterogenea e le intenzioni originali della compilazione.³ Mi sembra

³ Riassumendo la ricerca precedente, specialmente quella di Stephan Kuttner, ho spiegato il mio punto di vista in: Die Dekretalen Gregors IX., Kompilation oder Kodifikation?, in: C. LONGO (cur.), *Magister Raimundus, Atti del Convegno per il IV centenario della canonizzazione di San Raimundo de Penyafort (1601-2001)*, Institutum Historicum Fratrum Praedicatorum. *Dissertationes Historicae XXVIII*, Roma 2002, p. 61-86, in particolare p. 80-86. – Sbarazzandosi della “filologia dei moderni”, F. LIOTTA torna al concetto semplicistico di “legge”: Tra compilazione e codificazione. L'opera legislativa di Gregorio IX e Bonifacio VIII, in: G. MINNUCCI (cur.), *I poteri universali e la fondazione dello Studium Urbis. Il pontefice Bonifacio VIII dalla Unam Sanctam allo Schiaffo di Anagni*, Atti del Convegno di studi Roma-Anagni, 9-10 maggio 2003, Bologna 2003, p. 69-87, in particolare p. 82-85. – Sbrigativo K. W. NÖRR, *Texturen mittelalterlicher Rechtsfortbildung: Die Dekretale und Dekretalensammlung (von Alexander III. bis Gregor IX)*, in: A. EGLER, W. REES (Hg.), *Dienst an Glaube und Recht. Festschrift für Georg May zum 80. Geburtstag*, Kanonistische Studien und Texte 52, Berlin 2006, p. 263-279, in particolare p.

che il carattere ambivalente della collezione trovi persino riflesso in modo sottile e forse inconsapevole in alcune delle nostre miniature; e sono particolarmente curioso di sapere se le nuove ricerche che ci verranno esposte oggi e domani comportino ulteriori indizi in questo senso.

Comunque domande specifiche di questo tipo ci portano direttamente al problema generale dell'autonomia e dello spazio creativo dei miniatori: quali erano i loro modelli e chi glieli ha suggeriti?; fino a che punto erano consapevoli della base testuale e delle figure giuridiche che stavano illustrando?; dove e come si trasforma la creatività personale in ripetitiva riproduzione di massa? Credo che il nostro materiale si addice in modo particolare a stimolare tali domande di evidente interesse generale, perché proprio per la sua minuzia ci costringe ad una osservazione attentissima e ad esaminare tutti i dettagli con la massima precisione.

276-279. - Più cauto H.-J. BECKER, *Päpstliche Gesetzgebung und päpstlicher Gesetzgebungsanspruch von Innozenz III. bis zu Innozenz IV.*, in: G. DILCHER, D. QUAGLIONI (Hg.), *Die Anfänge des öffentlichen Rechts II: Von Friedrich Barbarossa zu Friedrich II.*, Bologna-Berlin 2008, p. 157-197, in particolare p. 168-176. – Ora tutto il complesso problema va riconsiderato alla luce dell'analisi approfondita delle Decretali recentemente presentata da E. A. RENO, *The Authoritative Text: Raymond of Penyafort's editing of the 'Decretals of Gregory IX' (1234)*, Columbia University Dissertation 2011: <http://academiccommons.columbia.edu/catalog/ac:132233>.

SUSAN L'ENGLE

*Picturing Gregory:
The Evolving Imagery
of Canon Law*

As an art historian specializing in the illustration of medieval manuscripts of canon and Roman law, my approach towards manuscripts has been primarily informed by the graphic and the pictorial, though not completely excluding the textual. Nevertheless, images do not reside in a vacuum, but are copied, adapted, created, and modified within particular social contexts, and for varying social reasons. Political, social, and religious issues may equally shape textual recensions or generate pictorial compositions that evolve over time.

The illustration and ornament in medieval legal texts can inform scholars in multiple disciplines. Certain iconographical themes predominate in specific time periods, only to lose their popularity and be replaced by new ones. The styles and decorative motifs utilized by individual artists can often serve to situate the time and region in which a manuscript was produced. Images not only document changes in theological, devotional, and political thought, but can also be used to help date particular manuscripts when the evidence offered by script and text is inconclusive. In addition, the changing visual commentary can signal how these texts and their interpretation were perceived by or resonated with a medieval audience.

This paper surveys images created for the opening of the *Liber extra* between around 1240 and 1350, from a variety of standpoints: iconography, page layout, patrons and readers - and also suggests possible ideological agendas that might be embedded in the illustrations. The manuscripts under consideration originate from Italy and northern Europe: Italian examples range in date from 1239

through the 1350s, but for the North, most manuscripts I have examined were produced in the late thirteenth century, with only four examples from the fourteenth. Please see the Appendix for the list of manuscripts, separated into northern and Italian and arranged in rough chronological order.

Not long after Gregory IX promulgated his decretal collection in 1234, illuminators created pictures to represent the themes of the five-division format established by Bernard of Pavia (d. 1213).¹ Most manuscripts of the *Liber extra* open with a short prologue, beginning with a large initial *G* for *Gregorius* that prefaces the address of promulgation, and followed by the text of the papal bull *Rex pacificus*. In some early illuminated copies of the *Liber extra* the *G* is historiated, either with a representation of Gregory making a blessing gesture,² a writing nimbed figure,³ or an enthroned Pope Gregory holding a crozier or cross staff.⁴ These iconic configurations function as symbols of

¹ Created between 1188 and 1192, the five divisions comprise 1) on ordination and ecclesiastical offices, opening under the title *De summa trinitate et fide catholica*; 2) on judicial organization and civil cases: *De iudicis*; 3) on issues affecting the clergy: *De vita et honestate clericorum*; 4) on marriage: *De sponsalibus et matrimoniis*; and 5) on criminal procedure: *De accusationibus*.

² Such as Troyes, BM MS 247 fol. 1r (Internet: see Indice III); and Admont, Stiftsbibl. MS 27 fol. 4r (Fig. 1, and also Internet: see Indice III).

³ Munich, BSB Clm. 17737 fol. 1r. (Fig. 89).

⁴ See Berkeley, Robbins Collection, MS 100 fol. 1r (Internet: see Indice III).

authorship and authority that approve and legitimize the text, and continue a long tradition of using officiating figures for this purpose. Before examining the illustrations created for the *Liber extra*, a brief review of comparable images from earlier, related texts, can give us a pictorial context in which to assess later developments.

Particularly relevant are depictions of the early ecumenical councils that survive in frescoes, mosaics, and manuscripts. Roger Reynolds especially has discussed early medieval illustrations of church councils as signs of the authenticity and authority of their conciliar decisions.⁵ Three important early canon law collections found in the ninth-century Vercelli, Biblioteca Capitolare, MS CLXV are preceded by illustrations of the first three ecumenical councils of Nicaea, Constantinople, and Ephesus.⁶ In these pictures contemporaneous emperors supervise and validate the proceedings, accompanied by groups of conciliar clerics; in most manuscripts the emperor is crowned, holds a symbolic object embodying the written law (a book or a scroll), and is attended by armed soldiers, representing the enforcement of civil rule. A mid-eleventh century *Collectio canonum* in the Vatican Library (Vatican City, Biblioteca Apostolica

⁵ REYNOLDS, Rites and Signs of Conciliar Decisions in the Early Middle Ages, in: *Segni e riti nella chiesa altomedievale occidentale*, Settimane di studio del Centro Italiano di studi sull'alto medioevo 33, 2 vols., Spoleto, 1987, vol. 1, p. 207-244 at p. 208.

⁶ Fol. 2v-5r, illustrated in REYNOLDS, Rites and Signs, figs. 4-7.

Vaticana, MS Vat. lat. 1339) is prefaced by a famous sequence of depictions of the first six councils, which place the emperor and his retinue at the top, groups of clerics at center, and images of fallen heretics below.⁷ As in the Vercelli codex, the emperor always occupies the primary position. These compositions epitomize council rituals such as debates in the presence of church and state officials, and the condemnation of heretics.⁸

The most colorful representations of councils are found in two richly illustrated tenth century manuscripts of the *Collectio canonum Hispana*, known as the *Codex Vigilanus* and the *Codex Emilianus*.⁹ Their texts include the acts of church councils and

⁷ See REYNOLDS, *Rites and Signs*, p. 215 and figs. 8–16; see also E. B. GARRISON, *Studies in the History of Medieval Italian Painting*, 4 vols., London, 1993, vol. 4, p. 235–41 and figs. 186–190: Additional Pre-Revival Umbro-Roman Manuscripts II, 1: *Collectio Canonum Farfensis* in the Vaticana.

⁸ REYNOLDS, *Rites and Signs*, p. 221.

⁹ *Codex Vigilanus* = El Escorial, Monasterio de San Lorenzo del Escorial Library, MS D.1.2; *Codex Emilianus* = El Escorial, Monasterio de San Lorenzo del Escorial Library, MS D.1.1. For a discussion of the textual tradition, see G. MARTÍNEZ DÍEZ, *La collection canonica hispana*, 6 vols. (Madrid, 1966–2002), vol. 1: *Estudio*, and especially p. 103–172; on the images, see S. DE SILVA Y VERASTEGUI, *L'illustration des manuscrits de la Collection Canonique Hispana*, *Cahiers de civilisation médiévale* 32 (1989), p. 247–261 and for color reproductions see also EAD., *Iconografía del siglo X en el reino de Pamplona-Nájera*, Pamplona 1984 and *La Miniatura Medieval en Navarra*, Pamplona 1988.

papal decretals, and the illustrations have clearly expressed iconographical details. Bishops and emperors hold staffs and scepters as symbols of office and authority, and again, rolls or codices as symbols of the written law. The emperor Constantine presides in the representations of the Council of Elvira. Depictions of secular authority will appear in later canon law manuscripts at varying levels of importance, especially in the *Decretum Gratiani* and the *Liber extra*, but are of course essential in early manuscripts of civil law. In a ninth- to tenth-century miscellany of early customary laws (Modena, Biblioteca Capitolare, MS O.I.2), full-page images of paired secular rulers open the various texts: enthroned, they are depicted frontally or at three-quarters view and hold staffs and wear swords.¹⁰ In the following discussions it will become clear that twelfth- to fourteenth-century representations of authority and legitimacy were recycled from the past, and many iconographical features remain constant.

¹⁰ Modena, Bibl. Capit., MS O.I.2; on this manuscript see most recently: *Leges Salicae, Ripuariae, Longobardorum, Baioariorum, Caroli Magni*: Archivio del Capitolo della cattedrale di Modena O.1.2, Modena 2008, with a CD ROM and texts by P. GOLINELLI and G. Z. ZANICHELLI; on illustrations of early customary law in general see L. SPECIALE, *Immagini della regalità longobarda*, *Cahiers Archéologiques* 47 (1999), p. 39–53, and G. Z. ZANICHELLI, *Tra oralità e scrittura: le immagini del legislatore nei codici altomedievali*, in: A. C. QUINTAVALLE (ed.), *Medioevo: arte e storia*, Atti del Convegno internazionale di studi, Parma, 18-22 settembre 2007, Milano 2008, p. 165-177.

By the time that canon law became an academic discipline independent from theology, shortly after the appearance of Gratian's *Decretum*, this and the subsequent *Liber extra* became the fundamental texts in the formal study and teaching of canon law. While the compositions created for their openings derive many visual components from earlier imagery, they are deployed with a different focus, since they interpret the beginning passages of their texts. In the *Decretum Gratiani*, for example, in contrast with the *Liber extra*, its opening words do not celebrate an author but rather define the dual forces that rule humankind, that is, natural law and usages, the divine and the human. This concept was pictorialized in various ways. In the initial *H* (*Humanum genus*) a few twelfth-century compositions actually privilege a divine ruler in a superior position, presiding from the upper space of the *H* over the two temporal rulers in the lower (pope and emperor), or reigning as ruler of heaven and dictating the law to the writing figure of Gratian as a monk as he composes the *Decretum*.¹¹ The most common twelfth-century configuration shows pope and emperor side by side in a situation of parity, with the pope, however, always on the left, representing the favored right hand side of the invisible divinity. An alternative composition more clearly favors the ecclesiastical ruler, who occupies the upper space of the initial. By late thirteenth century and into the fourteenth the divine ruler

¹¹ The first is exemplified in Beaune, BM MS 5 fol. 4r and the second by Douai, BM MS 586 fol. 2r, both viewable on Internet (see Indice III).

assumes primary status in Italian manuscripts, and fourteenth-century miniatures feature the Division of Secular and Ecclesiastic Powers motif, in which the presiding, central figure of the deity presents directly (or indirectly from the hands of winged figures) objects of symbolic power to the hands of the ecclesiastic and secular rulers (either books to each, or a book to the pope and a sword to the emperor or king).¹² Some of these elements are also incorporated into Italian copies of the *Liber extra*. Among thirteenth- and fourteenth-century northern copies of the *Decretum*, however, compositions are divided between those that feature both temporal rulers, and those that depict the pope alone, who represents both laws.¹³

For the opening of the *Liber extra*, three pictorial topics are suggested in the address of promulgation by Pope Gregory IX, and in the following text of his papal bull: the name of the promulgator (*Gregorius episcopus*); the compiler of the *Liber extra*, (*frater Raymundus*), the Dominican Raymond of Peñafort; and the peaceful king (*Rex pacificus*). As mentioned above, some of the earliest illuminated copies of the *Liber extra* produced in Italy and in the North open modestly with single representations of Pope Gregory IX within the initial G. In others, however, the Prologue illustration honors not only Gregory as

¹² See illustrations in A. MELNIKAS, *The Corpus of the Miniatures in the Manuscripts of the Decretum Gratiani*, 3 vols., *Studia Gratiana XVI–XVIII*, Roma 1975, vol. 1, p. 79–86, figs. 34, 36, 37, 39, 40, 41, and 42, and color plates VIII and IX.

¹³ Examples of all compositions, Italian and northern, are found in MELNIKAS, vol. 1, p. 65–104.

sponsor but in addition Raymond as the actual executor of the literary work. In the earliest dated Italian manuscript (1239) the miniature depicts Gregory initiating the enterprise and Raymond in the act of writing;¹⁴ in another dated 1241 the enthroned Gregory receives the finished book from the kneeling Raymond, garbed in the Dominican habit.¹⁵ This iconographic theme - the presentation of a completed text to the patron by its author - was used as an opening motif in many manuscript genres, although it would be phased out of the *Liber extra* during the fourteenth century. A minimal composition pairing Gregory with Raymond prevails in northern manuscripts along the thirteenth century,¹⁶ except for a more populated miniature executed around 1300 by an illuminator with roots in Toulouse.¹⁷ Here Pope Gregory, attended by a large group of ecclesiastics and laymen, blesses with his right hand and receives a nicely bound codex

¹⁴ Firenze, Laurenziana, MS S. Croce III sin. 9 fol. 1r; illustrated by G. VALAGUSSA, in: M. MEDICA (ed.), *Duecento: Forme e colori del Medioevo a Bologna, Venezia 2000*, p. 166–168, cat. no. 38.

¹⁵ Oxford, Bodleian, MS lat. theol. b.4 fol. 1r, (Fig. 116 and also Internet: see Indice III).

¹⁶ Examples are Nürnberg, Stadtbibl., MS Cent. II.43 fol. 1r (Fig. 105); Reims, BM, MS 697 fol. 1r; Bourges, BM, MS 189 fol. 1r; and Philadelphia, Free Library, MS Lewis 158 (77) fol. 1r. For MSS Bourges and Reims see Internet (Indice III).

¹⁷ Cambridge, Fitzwilliam Museum, MS McClean 136 fol. 1r, described and reproduced in S. L'ENGLE, R. GIBBS, *Illuminating the Law: Legal Manuscripts in Cambridge Collections*, London and Turnhout 2001, p. 196–204.

from Raymond, now depicted as a Franciscan. Another French exception is initially difficult to interpret in the context of the *Liber extra*: a quadripartite panel presents four stages of the Creation, ending with the extraction of Eve from Adam's side.¹⁸ However, this composition has migrated from earlier sources: a representation of Adam and Eve being tempted in the Garden of Eden appears in both tenth-century copies of the *Collectio canonum Hispana*,¹⁹ Marta and thereafter a number of northern European copies of the *Decretum Gratiani* incorporate one or more parts of the story of Adam and Eve, to exemplify divine law and its authority over humankind.²⁰

Thirteenth-century Italian miniatures present a few variations on the Gregory/Raymond paradigm. In a couple of manuscripts the enthroned Gregory occupies a central position on a semi-circular platform, flanked by members of his curia. Because of this layout, Raymond, holding his book, is obliged to enter from the left.²¹ Various artists

¹⁸ Toledo, Bibl. Capit., MS 4-8 fol. 1r (Fig. 129).

¹⁹ Illustrated in DE SILVA Y VERASTEGUI, *Iconografía del siglo X* (see n. 9), color plates 1, 2 (facing page 168).

²⁰ Barcelona, ACA, MS S. Cugat 1 (già 8) fol. 1r, Douai, BM MS 588 fol. 1r (Internet see *Indice III*) and Cambridge, Fitzwilliam Museum, MS 262; see MELNIKAS (see n. 12), vol. 1, p. 91-92, figs. 49-51.

²¹ BAV, MS Pal. lat. 629 fol. 1v (Fig. 13; and also reproduced in color in W. BERSCHIN, *Die Palatina in der Vaticana: Eine deutsche Bibliothek in Rom*, Darmstadt 1992, p. 76 and 78, color plates 60 and 60A) and Vicenza, Bibl. Com., MS 11 fol. 2r; described and illustrated in N. GIOVÈ

working in the Byzantinizing style added to the foreground a cleric in proskynesis, kissing or embracing Gregory's feet.²² Unusual iconographical elements appear from time to time. A complex composition present in two manuscripts illustrated by the same Italian workshop depicts the enthroned Pope Gregory energetically promulgating his book, which takes the form of a long, unwound roll launched diagonally across the page.²³ The extended roll serves as a vehicle and sign of speech, transmitting the written word directly from the pope's hand to the doctors and scholars of Bologna, who stretch out their hands to receive it.

The last pictorial topic treated on the Prologue page is associated with the initial R that introduces the papal bull *Rex pacificus*. This initial is usually executed in ink or paint and decorated with vegetal or geometric motifs. Occasionally it is historiated, and in this case there seems not to have been consensus as to the identity of the "peaceful king." Among both northern and Italian works, the "king" is interpreted variously as Christ or God the

MARCHIOLI et al. (ed.), *I manoscritti medievali di Vicenza e provincia*, Venezia 2007, p. 24–25 and tav. 11.

²² Such as Padua, Bibl. Capit., MS A.28 fol. 1v; BAV, MS Pal. lat. 632 fol. 1r (color illustration in BERSCHIN, *Die Palatina*, p. 79, color plate 61) and Laon, BM MS 357 fol. 1v.

²³ Lucca, Bibl. Capit., MS 137 fol. 4r and Piacenza, Bibl. Capit., MS 59 fol. 1r; both illustrated by M. BOLLATI, in: MEDICA, *Duecento* (see n. 14), p. 257–261, cat. nos. 75 and 76.

Father;²⁴ a crowned monarch;²⁵ the Virgin Mary with Child;²⁶ and Pope Gregory himself.²⁷ These variations might express the personal views of a patron or an illuminator or the socio-political viewpoints of a region or time period.

One more theme doubtless reflects the important role of the *Liber extra* in the university curriculum, and this is the portrayal of scenes of teaching and study. As far as I can determine, this initiates in northern late thirteenth-century manuscripts such as San Marino, Huntington Library, MS 19999 fol. 1r, where we find a tonsured professor seated before a bookstand, lecturing to a group of seated students, neatly inserted into the initial *G*; or the miniature in Cambrai, Bibliothèque municipale, MS 619 fol. 1r, which depicts a master clothed as a secular lawyer, also lecturing to students.²⁸ This subject matter was

²⁴ In Frankfurt, Stadt- und Univ.bibl., MS Barth. 11 fol. 5r (described in G. POWITZ, H. BUCK (ed.), *Die Handschriften des Bartholomaeusstifts und des Karmeliterklosters in Frankfurt am Main*, Frankfurt am Main 1974, p. 26–27) and Munich, BSB Clm 14011 fol. 2v (Fig. 83).

²⁵ Toledo, Bibl. Capit., MS 4-7 fol. 2r and San Marino, Huntington Library, MS HM 19999 fol. 1r.

²⁶ Angers, BM MS 378 fol. 1v (Internet: see Indice III) and New York, Morgan Library and Museum, MS M.716 fol. 1v (Internet: see Indice III), illustrated in A. CONTI, *La miniatura bolognese: scuole e botteghe, 1270–1340*, Bologna 1981, fig. 236.

²⁷ Cambrai, BM, MS 619 fol. 1r and Graz, Univ.bibl., MS 40 fol. 1v.

²⁸ For the Huntington and Cambrai images see Internet (Indice III).

especially popular in fourteenth-century Bologna, where it was executed in monumental format on the tombs of famous Bolognese jurists and canonists, and used for the opening miniatures to civil and canon law texts, underscoring the importance of the author and the utility of his work. In two large *Liber extra* miniatures of similar design from the 1320s the pope and his enclave occupy the lefthand half of the picture plane, while on the right a figure lectures from a raised architectural throne to a group of students seated below around a continuous study table that angles around the base of the throne.²⁹

In Italy there is a constant evolution of layout and opening compositions for the *Liber extra* from the late thirteenth century onwards, and we must ask who was responsible for these innovations, and why they were implemented. In terms of layout, the two earliest dated Italian manuscripts discussed above opened with the Prologue miniature on the first folio recto, having only penwork initials for the opening of Book One; slightly later, an illustration was created for Book One, but it was either placed on the verso of the Prologue leaf or on the next

²⁹ Toledo, Bibl. Capit., MS 4-7 fol. 2r and Oxford, Bodleian, MS Add. A. 188, this latter a fragmented leaf existing as opening and ending flyleaves to its host manuscript, described and illustrated in O. PÄCHT, J. J. G. ALEXANDER, *Illuminated Manuscripts in the Bodleian Library Oxford II: Italian School*, Oxford 1970, p. 13, cat. no. 122 and pl. XII.

recto page.³⁰ Abruptly an elaborate and more dramatic opening was devised, repositioning the Prologue page to the verso side of the opening folio. This probably initiated around 1300 with the extraordinary Vatican City, BAV MS Pal. lat. 629, although it is difficult to date manuscripts of this period precisely. Its Byzantinizing illumination was executed by an artist we call Jacopino da Reggio who has also been credited with the overall planning and design.³¹ In the new arrangement the manuscript would begin with a blank recto, and a turn of the page revealed a symmetrical double-page arrangement for text and gloss of the Prologue and Book One, having the text on each page preceded by a one-column miniature and a historiated initial.³² Now the reader is compelled to consider the Prologue and Book One as a single entity, visually and conceptually, pairing the representation of authority and legitimization with the expression of

³⁰ Some examples are Frankfurt, Stadt- und Univ.bibl., MS Barth. 11 fols. 5r, 6r and Lucca, Bibl. Capit. MS 137 fols. 4r, 4v.

³¹ On this illuminator see first CONTI, *La miniatura bolognese* (see n. 26), p. 9, 14 and note, p. 16, 25, 35 note, p. 42, 43 and note, p. 44–48 and note, p. 49, 50, 51 and note, p. 52, 53, 54, 55, 59, 63, 69.

³² Illustrated in P. BURKHART, *Die Dekretalenhandschrift Vat. Pal. Lat. 629 und die bologneser Buchmalerei am Ende des XIII. Jahrhunderts*, in: W. BERSCHIN (ed.), *Palatina-Studien, Miscellanea Bibliothecae Apostolicae Vaticanae V, Studi e Testi 365*, Città del Vaticano 1997, p. 33–51 and figs. 2–3 on Taf. II–III; fol. 1v reproduced also in color in BERSCHIN, *Die Palatina* (see n. 21).

the doctrine of Catholic faith. With few exceptions, this format was maintained for the most elaborately illuminated manuscripts produced in Bologna and Padua through mid fourteenth century, and for this reason the two opening images will henceforth be considered together.³³

Although in previous years I had assigned the concept and planning of the new layout entirely to the illuminator of Pal. lat. 629 (Fig. 13-18), today I hesitate to attribute extreme changes to the craftsman alone. There were indeed many talented and proficient illuminators working in northern Italy and we have some splendid manuscripts as witness. But when a variation in layout or iconography occurs unexpectedly during a time period or within a distinct geographical region, as Jonathan Alexander reminds us, "in each case specific historical explanations are needed to explain how and why ... alterations or new departures could have been made."³⁴ It is necessary to consider the social and political concerns of the period, and in this context, suppose that a manuscript's patron had a concept that he wished to be represented pictorially and forcefully, and that he discussed with the illuminator how this could best be expressed.

³³ These include BAV, MSS Pal. lat. 631, Urb. lat. 159, Vat. lat. 1386, Vat. lat. 1389 and Graz, UB, MS 40; Lucca, Bibl. Capit., MS 287; New York, Morgan Library and Museum, MS M.716 fol. 1v, 2r (illustrated by the Master of 1328 and reproduced in CONTI [see n. 26], figs. 236, 237); Padua, Bibl. Capit., MS A.1 and Toledo, Bibl. Capit., MS 4-6.

³⁴ J. J. G. ALEXANDER, *Medieval Illuminators and their Methods of Work*, New Haven 1992, p. 52.

In fourteenth-century *Liber extra* manuscripts illuminated in Bologna and Padua there are not only radical changes in layout but also transformations in composition and iconography. There is first the entry of a variety of sacred figures and theological concepts into the composition for Book One: the central figure alternates between the cross-haloed deity and a Trinity; and is accompanied by angels and prophets,³⁵ signs of the Evangelists,³⁶ the Virgin and St. Peter³⁷ and the Virgin and John the Baptist,³⁸ Peter and Paul;³⁹ and a large audience of haloed figures.⁴⁰ In a few cases the Division of Powers motif is borrowed from the *Decretum Gratiani* and incorporated into Prologue and Book I miniatures.⁴¹ In the contemporaneous BAV MS Vat. lat. 1385,

³⁵ BAV, MS Pal. lat. 632 fol. 1v; Chantilly, Musée Condé, MS 216 fol. 1v; Graz, UB, MS 40 fol. 3r; Padua, Bibl. Capit., MS A.28 fol. 2r.

³⁶ Frankfurt, Stadt- und Univ.bibl. MS Barth. 11 fol. 6r; Siena, Bibl. Com., MS H.III.14 fol. 1r.

³⁷ Frankfurt, Stadt- und Univ.bibl., MS Bart. 11 fol. 6r.

³⁸ BAV, MS Vat. lat. 1390 fol. 2v; New York, Morgan Library & Museum, MS M.716 fol. 2r.

³⁹ BAV, MS Vat. lat. 1387 fol. 2r; Baltimore, Walters Art Museum, MS W.158 fol. 1v.

⁴⁰ Angers, BM MS 378 fol. 2r (Internet: see Indice III); BAV, MS Vat. lat. 1389 fol. 4r. (Fig. 26); New York, Morgan Library & Museum, MS M.716 fol. 2r.

⁴¹ BAV, MSS Pal. lat 631 fol. 2r and Vat. lat. 1385 fol. 1v; Morgan M.716 fol. 2r; Munich, BSB, Clm. 23560 fol. 2r (Fig. 91), this last, illuminated by the B 18 Master, duplicates the composition he executed for the opening miniature of a *Decretum Gratiani*: Madrid, BN, MS Res. 198 fol. 3r.

clerics kneel behind the pope who receives a mitre from an angel, and a corresponding group of lay figures kneel behind the king being crowned. These are not random iconographic increments, but images responding to a particular vision.

The miniature created for Book One in Morgan M.716 fol. 2r reveals such a comprehensive visual interpretation of the words of Innocent III in Title 1 that its details must surely have been specified by an individual for whom they resonated deeply. Here are described the articles of Catholic Faith, featuring belief in the Trinity, the immaculate conception of the son of God in the Virgin Mary, and Christ's human birth. This two-column miniature, complemented by marginal vignettes, provides an elaborate allegorical illustration.⁴² At upper center the enthroned Trinity is flanked by the Virgin on the left, and John the Baptist on the right, attended by kneeling angels. Two groups of six figures, most likely the twelve Apostles, are seated lower down on either side of the throne. In the foreground, two angels enact the Division of Secular and Ecclesiastic Powers by consigning a sword to a king and a book to a pope. In the marginal spaces below a warrior saint stands at center, exemplifying the militant defense of the faith; at his left and right the Angel Gabriel and the Virgin portray the Annunciation, representing the conception of the Son of God to save humankind. Just above the rubric, two monks in prayer evoke the contemplative life.

⁴² Besides the black-and-white reproductions cited in n. 33 above, see Internet (Indice III).

Another case of patron input is the unusual layout of two manuscripts, both inscribed with *pecia* indications that give evidence of controlled university production.⁴³ Instead of having the text surrounded by its gloss, Toledo 4-7, datable to the 1320s, has text and gloss written in two parallel columns, side by side. Vat. lat. 1388 was designed in five columns to hold text, gloss, and excerpts from Johannes Andreae's *Novella*. Supposedly prepared for the jurist Brunetto Andrea of Florence, its apparatus was signed in a colophon by Laurentius Petri of Florence and dated 1342.⁴⁴ In both manuscripts the large and impressive miniatures are also exceptional for the period in that they were not planned to face the composition for Book One; the manuscripts' many codicological anomalies point toward personalized commissions.

In the majority of cases, fourteenth-century Italian Prologue miniatures fall on the verso, opposing the Book One illustration on the next recto. Questions of layout aside, I see progressive changes in the physical presentation of Pope Gregory within an architectural environment, changes that cannot all be due to the influence of

⁴³ BAV, MS Vat. lat. 1388 and Toledo, Bibl. Capit., MS 4-7.

⁴⁴ Described in S. KUTTNER, R. ELZE, *A Catalogue of Canon and Roman Law Manuscripts in the Vatican library*, 2 vols., Studi e Testi 322, 328, Città del Vaticano 1986, 1987, vol. 1, p. 174-75; Giovanna MURANO notes that script and decoration are comparable with production standards at the University of Bologna, see EAD., *Copisti a Bologna (1265-1270)*, *Textes et études du Moyen âge* 37, Turnhout 2006, p. 73-74.

Giotto's monumental works in fresco. The simple, single level composition in which the pope is surrounded or flanked by members of the *consistorium* (e.g. Vat. lat. 1387, Padua A. 28, Pal. lat. 629 and 632, Chantilly 216, Vienna, Österreichische Nationalbibliothek, MS 2066, and Nuremberg, Stadtbibliothek, MS Cent. II.45) dissolves, and throughout the late 1320s and early 30s the pope is gradually separated from the other *consistorium* members and placed upon an ever higher isolating throne that encloses and frames him within an escalating architectural structure (exemplified in Toledo 4-6, Walters Art Museum W.158, Morgan M.716, and Pal. lat. 631). At the same time, secular figures begin to enter the composition. Then in the 1340s, the arrangement metamorphoses once more into a closer-knit *consistorium*-like arrangement; cardinals and bishops are more closely associated with the pope; and lay figures interact in the foreground (such as Morgan M.716 fol. 2r; Angers 378 fol. 2r; BAV Vat. lat. 1389 fol. 2r, and Padua A 1).

I suspect these progressive changes are deliberate, and I suggest that the evolution of *Liber extra* iconography may also reflect contemporary ideas about the sources of Christian truth, the nature and limits of ecclesiastical authority, and questions about the sovereignty and infallibility of the pope. The transfer of the compositions for Prologue and Book One to a single visual identity at the manuscript opening implies that their iconography is co-dependent. The power and authority of the pope on the left is balanced by, and

perhaps subject to, the authority of the divine ruler and his holy associates, according to the articles of Catholic Faith expressed by Innocent III. Can we read this in two ways? Is this juxtaposition meant to imply that the pope's authority is supported by divine powers, or rather, that his authority is secondary to them? Does the appearance of biblical figures into the composition for Book One illustrate developments in theological thought and attitudes towards the Scriptures taking place at this time? Was the incorporation of the Division of Powers motif from the *Decretum Gratiani* for the Prologue composition meant to emphasize that authority was granted equally to both temporal rulers, negating the pope's sovereignty? Does the closer association of the pope with a larger group of members of the *consistorium*, side by side with an immense council of heaven, reveal a current belief that general councils in the church should have more authority, in order to limit the pope's centralized power? Questions of this sort were being discussed among philosophers, theologians, and canonists from the late thirteenth century and all along the fourteenth.⁴⁵ Another

⁴⁵ Some of the references I have consulted are B. TIERNEY, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*, Leiden 1998; B. SCHIMMELPFENNIG, *The Papacy*, New York 1992; A. J. DUGGAN, *Conciliar Law 1123–1215: The Legislation of the Four Lateran Councils*, in: W. HARTMANN, K. PENNINGTON (ed.), *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, p. 318–366; J. LECLERCQ, *Questions des XIIIe et XIVe siècles sur la juridiction de*

factor that surely influenced the tone of Italian compositions is the move of the papacy to Avignon in 1303, and the rule of seven successive French popes. Does this circumstance somehow relate to the fact that so few fourteenth-century northern illuminated copies of the *Liber extra* survive?

From another perspective, a great number of the Italian manuscripts I have examined were produced under university auspices by the *pecia* system, doubtless for the use of students, masters, and canon lawyers. While there certainly were wealthy students, I am inclined to believe that most of the richly illuminated manuscripts I have mentioned were commissioned by established professionals, probably with well-paying jobs, and perhaps working for church courts. The evolving iconography would be informed by contemporaneous political and juridical issues about which the manuscript patrons had definite opinions. Among these expensive commissions some (like Pal. lat. 629) show little sign of reader annotation and could have been prepared as gifts, perhaps to win favor from a person whose views were pictorially expressed on its pages. I must admit that there are many questions for which I have no concrete answers, and a great deal more research will be needed to reach any more

l'Église et le pouvoir séculier, in: *Studia Gratiana* 12 (1967), p. 311–324; and J. C. MAIRE VIGUEUR, *Religione e politica nella propaganda pontificia (Italia comunale, prima metà del XIII secolo)*, in: P. CAMMAROSANO (ed.), *Le forme della propaganda politica nel Due e nel Trecento*, Roma 1994, p. 65–83.

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definite conclusions. I hope this paper will provide readers with food for thought and conjecture.

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Appendix

List of dated and located Decretal Manuscripts

Italy, mostly Bologna or Padua

Florence, Bibl. Laurenziana S. Croce III sin 9 Address <i>universis doctoribus et scholaribus</i>	dated 1239
Oxford, Bodl. Lat. theol. b.4 Address <i>doctoribus et scholaribus universis</i>	dated 1241
Salzburg, UB M. III 97 Address Bologna	1260-1270
Amiens, BM 357 Address Bologna; Pecia text; 14 th c. additions	1260-1280; 1320?
Avranches, BM 150: Bologna, Padua/Venice Address Paris	1260-1280
Lucca, Bibl. Capit. 137: Bologna, Padua? Address Bologna	1270-1280

Piacenza, Bibl. Capit. 59: Bologna/Padua? Address Bologna	1270-1280
Paris, BNF lat. 3944 Address Bologna; Pecia text; gloss	1270-1280
BAV, Santa Maria Maggiore 123 Address Bologna	1270-1290
Durham, Cathedral C.I.9 Address damaged; Pecia text; gloss	1275-1285
Oxford, Bodl. Canon misc. 496: Bologna/Padua Address?; Pecia text; gloss	1280-1290
Vorau, Stiftsbibl. 153 Address Bologna	1280-1290?
BAV, Urb. lat. 159: Bologna/Padua Address Bologna	1280-1290

El Escorial Ç.I.10: Bologna/Padua Address Bologna	1280-1300
Toledo, ArchBibl. Capit. 4-9: Bologna/Padua No Address; Pecia text; gloss	1280-1300
Siena, Bibl. Com. H III 14 Address Bologna	1290-1300
Frankfurt, Stadtbibl. Barth. 11: Bologna/Padua Address Bologna; Pecia text; gloss	1290-1300
BAV, Vat. lat. 1386: Bologna/Padua Address Bologna	1290-1300
BAV, Pal. lat. 629: Bologna/Padua Address Bologna; Pecia text; gloss	1290-1300
Chantilly, Musée Condé 216: Bologna/Padua Address Bologna; Pecia text; gloss	1290-1300

Padua, Bibl. Capit. A 28: Bologna/Padua Address Bologna	1290-1300
BAV, Pal. lat. 632: Bologna/Padua Address Bologna	1290-1300
Vicenza, Bibl. Com. 11: Bologna/Padua Address Bologna	1290-1300
Nuremberg, Stadtbibl. Cent. II 42: Bologna/Padua Address Bologna	1290-1300
Vienna, ÖNB 2056 Address Bologna	ca. 1300
BAV, Vat. lat. 1387: late Byzantinizing Address Bologna; Pecia text; gloss	1300-1310
Vienna, ÖNB 2066: Bologna/Padua Address Bologna; Pecia text; gloss	1300-1315

Laon, BM 357: Bologna/Padua (dated 1332 at titles) Address Bologna; Pecia text; gloss	1300-1315
Lucca, Bibl. Capit. 287: Bologna/Padua Address Bologna	1300-1315
Graz, UB 40: Bologna/Padua Address Bologna	1300-1315
Toledo, ArchBibl. Capit. 4-6: Bologna/Padua Pecia text/gloss, Address Bologna	1310-1315
Vienna ÖNB 2050: Bologna/Padua Address Bologna; Pecia text; gloss	1310-1320
Toledo, ArchBibl Capit. 4-7: Bologna/Padua Address Bologna; Pecia text; gloss	1315-1325
Munich, BSB Clm 23560: Bologna/Padua Address Bologna; Pecia text; gloss	1325-1330s

Oxford, Bodl. Add. A. 188: Bologna/Padua single cutting	1325-1330s
New York, PML 716.1-4: Bologna/Padua Address Bologna; 4 single leaves	1330-1335
Baltimore, Walters MS W.158: Bologna/Padua Address Bologna	1330-1335
Tarazona, Bibl. Capit. 127: Bologna/Padua Address?	1330-1335
Vienna, ÖNB 2040: Bologna/Padua Address missing; Pecia text; gloss	1330-1335
BAV, Vat. lat. 1385: Bologna/Padua Address Bologna; Pecia text; gloss	1330-1335
BAV, Pal. lat. 631: Bologna/Padua Address Bologna	1330-1340

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Salzburg, St. Peter A.XII.8: Bologna/Padua Address Bologna; Pecia text	1330-1340
Gerona, Seminario S. Felix 28 (160): Bologna/Padua Address Bologna	1330-1340
Baltimore, Walters MS W.159: Bologna/Padua Address?	1335-1340
Paris, BNF lat. 3960: Bologna/Padua Address Bologna; Pecia text; gloss	1335-1345
BAV, Vat. lat. 1389: Bologna/Padua Address Bologna; Pecia text; gloss	1340-1350
Oxford, Bodl. Canon misc. 492: Bologna/Padua Address?; Pecia; gloss	1340-1350
BAV, Vat. lat. 1388: Bologna/Padua Address Bologna; Pecia text	dated 1342

Angers, BM 378: Bologna/Padua
Address Bologna; Pecia text; gloss

dated 1343

Padua, Bibl. Capit. A 1: Bologna/Padua
Address Bologna; Pecia text; gloss

1345

Northern, mostly French

Troyes, BM 247: France Address Paris	1250-1260?
Munich, BSB Clm 17737 Address Bologna	1260-1270
Bourges, BM 186: Paris, France Address Paris	1260-1270
Bourges, BM 189: Spain Address Paris	1260-1270
Berkeley, Robbins MS 100: France Address Paris	1260-1270
Douai, BM 606: France Address Paris	1260-1280

Durham, Cathedral C.II.3: France? Address Paris	1260-1280
Vendôme, BM 81: France Address Paris	1270-1280
Barcelona, Archivo Capítular: Spanish? Address Bologna	1280-1290
Admont, Stift 27: Austria Address Bologna	1280-1290
Philadelphia, Free Library, Lewis MS 158 (77) Address Paris	1280-1290
Vic, Bibl. Capit. 144: illum. French? Spanish? Address Bologna	1280-1290
Douai, BM 602: France Address Paris	1280-1290?

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Reims, BM 697: France <i>doctoribus et scholaribus</i> (no place)	1280-1290
Milan, Ambrosiana Z 50 sup. Address Paris	1280-1290
Nuremberg, Stadtbibl. Cent. II 43 Address Paris	1280-1290
Troyes, BM 1244 Address Paris	1280-1290
Toledo, ArchBibl Capit. 4-8: France Address Bologna	1280-1300?
Berkeley, Robbins MS 6: France Address Paris	ca. 1290
London, BL Royal 10.D.VII Address Paris; Pecia text	1290-1300

Cambridge, Fitzwilliam Mus. McClean 136 Address <i>Parisius Bononieque</i>	ca. 1300
Douai, BM 600: Bologna Address Bologna (corr.: <i>alias Parissius</i>); Pecia text; gloss; miniature Paris 1330?	1310
Angers, BM 376: France Address Paris	1310-1320?
Wien, ÖNB 2051 Address Bologna; miniatures ca. 1400-1410	dated 1329
London, BL Royal 10.E.IV Address Paris (Smithfield Decretals) English illumination	1330-1340

MARTA PAVÓN RAMÍREZ

*Le miniature al Libro II delle
Decretali di Gregorio IX*

Il Libro II delle Decretali, conosciuto tradizionalmente come *Iudicium* nella divisione delle materie del *Liber Extra*, si rivela abbastanza fedele a questa definizione per quanto riguarda la scelta delle immagini che lo illustrano. Al contrario di quanto succede per le miniature del Prologo e il Libro Primo, che agiscono come una sorta d'introduzione al testo, esprimendo concetti generali sulla formulazione della legge o il rapporto con Dio, le miniature del Libro II, salvo alcune eccezioni, invocano la legge ma per mostrarci la sua applicazione pratica.¹

Dall'impostazione monumentale delle immagini iniziali del *Liber Extra*, che riproducono schemi iconografici presi dalla tradizione come la *Traditio Legis* o le rappresentazioni della Trinità si passa, nella decorazione del Libro II, a una serie di riquadri pittorici legati generalmente a situazioni particolari, che fanno sì che le raffigurazioni siano in parte nuove, in un susseguirsi di aule giudiziarie popolate da giudici, avvocati, rei confessi e problematiche processuali. Non è un caso, poiché il diritto processuale, e in modo particolare l'appello, è l'argomento principale del Libro II.

Di fronte al difficile compito di rappresentare concetti in certo modo immateriali come la giustizia

¹ Desidero esprimere la mia riconoscenza a Martin Bertram per i preziosi consigli e per avermi onorato della sua fiducia, che spero di non aver deluso. Ringrazio Paola Maffei per la revisione del testo in italiano e per una serie di osservazioni.

Si veda l'articolo di S. L'ENGLE in questo volume.

o l'*aequitas canonica*, gli artisti si erano sentiti certamente sollevati in passato con l'ampia casistica offerta dal Decreto di Graziano che proponeva loro delle storie facilmente traducibili in resoconti narrativi. Nel nostro caso, il ritmo del processo con le sue fasi ben stabilite, dalla citazione all'accusa, dal dibattimento alla deposizione dei testimoni o l'esecuzione della sentenza, diventa una valida fonte d'ispirazione per gli artisti.

A questo proposito, vorrei porre l'accento sulla diversità di soluzioni adottate dagli artisti per illustrare il testo del Libro II delle Decretali di Gregorio IX. Da una parte, nei codici di tradizione nordeuropea o francese, prevale come fonte d'ispirazione il concetto generale del processo romano-canonico, che prende spunto dal primo titolo del Libro II *De iudiciis*, con una preferenza per la raffigurazione del dibattimento giudiziario tra le due parti in conflitto, o i suoi rappresentanti legali, alla presenza del giudice. Al contrario, nei manoscritti di tradizione italiana, specialmente bolognese, si riscontra l'interesse a rappresentare il contenuto specifico del primo capitolo del titolo primo che racconta la storia del vescovo *Quodvultdeo*.

Nel presente studio desidero chiarire se questa doppia "lettura", che avviene anche per altre miniature delle Decretali, possa o no spiegarsi con un diverso approccio al testo da parte dell'artista o del committente.

La tradizione transalpina o nordeuropea

Il dibattimento giudiziario

Come abbiamo appena accennato, negli esemplari del *Liber Extra* di tradizione transalpina, ma soprattutto francese, miniati tra la fine del Duecento e i primi del Trecento, lo schema iconografico scelto per l'illustrazione del libro II, favorisce il momento del dibattimento giudiziario, quando le due parti o i suoi rappresentanti discutono alla presenza dell'autorità.

Questo schema, dove la centralità della figura del giudice dovrebbe evocare la sua imparzialità nell'amministrazione della giustizia, riprende modelli della tradizione cristiana – come il Cristo giudice - e classica, dagli imperatori romani ad altri legislatori dell'antichità, e si trova sia nei codici di diritto civile sia nello stesso Decreto di Graziano come immagine generica per l'illustrazione dei testi giuridici.² Ciononostante, le diverse illustrazioni

² S. L'ENGLE fa un'analisi di questo percorso in *Legal iconography*, in: S. L'ENGLE, R. GIBBS (cur.), *Illuminating the law: Medieval legal manuscripts in Cambridge Collections*, London 2001, p. 75-109. Tra i tanti esempi, troviamo una composizione simile nel Salterio di Teodoro (1066) dove l'imperatore Teofilo è assiso in trono mentre i Santi Teodoro e Niceforo si rivolgono a lui London, BL, Add. ms. 19352 fol. 27v; ripr. in: J. LOWDEN, *L'art paléochrétien et byzantin*, Paris 2001, fig. 162; altri esempi sono raccolti da H. MORDEK, *Frühmittelalterliche Gesetzgeber und Iustitia in Miniaturen weltlicher Rechtshandschriften*, in: *La*

mostrano delle varianti nelle formule che attestano l'andamento non continuo degli schemi iconografici, mostrandoci tanto i margini di autonomia lasciati ai miniatori come gli effetti della sicura influenza dei committenti nella scelta delle immagini.³

Come esempio di continuità dello schema iconografico basato sul dibattimento giudiziario, vorrei segnalare le miniature al Libro II di due esemplari delle Decretali miniati a distanza di quasi cinquanta anni uno dall'altro. Da una parte, un

giustizia nell'Alto Medioevo (secoli V-VIII), Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo XLII, vol. II, p. 997-1052, a p. 998, tav. I, XXII. Questo schema iconografico sarà ripreso anche nei codici di diritto civile, per es., nel *Digestum vetus* conservato nella BSB, München Clm 20 fol. 73r (ripr. in: F. EBEL, A. FIJAL, G. KOCHER (hg.), *Römisches Rechtsleben im Mittelalter. Miniaturen aus den Handschriften des Corpus iuris civilis*, Heidelberg 1988, p. 24-25, 193). E anche per illustrare alcune *causae* nel Decreto, per es. nei codici: BAV, Vat. lat. 1370 fol. 158r e Escorial, Real Biblioteca, Ms. ç. I. 2 fol. 219 (ripr. in: A. MELNIKAS, *The Corpus of the Miniatures in the Manuscripts of Decretum Gratiani*, Roma 1975, vol. II, *Studia Gratiana* 17, rispettivamente fig. 26, p. 476 e fig. 30, p. 478).

³ G. DALLI REGOLI, fa un'attenta analisi dell'evoluzione dei modelli e dell'illustrazione nei codici giuridici nel suo studio *La miniatura*, in: *Storia dell'Arte Italiana* 9, *Grafica e immagine*, vol. I, *Scrittura Miniatura e Disegno*, Torino 1980, p. 157-183.

esemplare conservato alla Biblioteca Apostolica Vaticana, Vat. lat. 1379 fol. 79r, databile intorno al 1270 circa, dove l'elemento più rilevante è la figura centrale, che indossa corona, mantello e scettro, che possiamo identificare con l'imperatore o con una raffigurazione di Giustiniano, e che si trova di solito nei codici di diritto civile. Dall'altra parte, un codice conservato nella Biblioteca Municipale di Amiens, ms. 359 fol. 102v, degli inizi del Trecento, dove il giudice, che indossa mantello a cappuccio e bavero foderato di pelliccia e porta il berretto proprio dei dottori universitari, è affiancato da due chierici che discutono tra di loro.⁴ Nonostante le differenze stilistiche e il salto cronologico, il modello iconografico è rimasto quasi identico. In ambedue i casi, l'autorità, sia essa l'imperatore o il giudice, modifica leggermente la sua posizione centrale per girare la testa verso sinistra, verso l'accusatore, che essendo la parte processualmente più debole, si trova abitualmente alla destra del giudice.⁵ Anche l'abbigliamento dei contendenti è rimasto invariato, indossano vesti lunghe e mantelli con fenditure laterali che permettono alle braccia di uscire per compiere dei gesti, anch'essi, quasi identici.

In altri due esemplari del *Liber Extra*, conservati nella Biblioteca Municipale d'Angers, ms. 379 fol. 56r e nell'Archivo de la Corona de Aragón,

⁴ Il manoscritto di Amiens è consultabile in Internet (vedi Indice III).

⁵ Di regola, il giudice mostra una preferenza per l'accusatore, non senza eccezioni. Si veda R. JACOB, *Images de la justice*, Paris 1994, p. 132.

Barcelona, ACA, Ripoll 7 fol. 62r, lo schema iconografico mantiene la stessa composizione che abbiamo già visto, con il giudice nel centro della scena fiancheggiato da alcune figure.⁶ In questo caso, la variante risiede nell'aumento del numero di personaggi, che comprende probabilmente l'attore e il convenuto accompagnati dai loro avvocati o procuratori, che l'artista situa sempre in modo di creare una composizione simmetrica.⁷ Nel manoscritto conservato a Barcellona, è da rilevare l'accento a una struttura architettonica d'archi sotto la quale si svolge il processo e che fa riferimento alle aule di giustizia. Anche i gesti in questo caso si ripetono: il giudice punta con il dito alla sua destra, dove in questo caso si troverebbe l'accusatore, mentre a sinistra, il convenuto e il suo rappresentante presentano il palmo della mano destra alzato e aperto in segno di negazione.⁸

A Siena, Biblioteca Comunale, K.I.6. fol. 85r, si conserva un esemplare delle Decretali miniato da

⁶ I due manoscritti di Angers e dell'ACA sono consultabili in Internet (vedi Indice III).

⁷ Vediamo lo stesso schema iconografico anche nei manoscritti di diritto civile, per es. nel *Digestum novum* conservato a Bologna, Collegio di Spagna, ms. 285 fol. 95r, ripr. in: A. CONTI, La miniatura bolognese, scuole e botteghe 1270-1340, Bologna 1981, fig. 107, è consultabile in Internet (vedi Indice III).

⁸ Il gesto di negazione è identificato da F. GARNIER, *Le langage de l'image au moyen âge*, Paris, 1982-1989, 2 v., e R. JACOB, *Images de la justice*, Paris, 1994, p. 132.

un'équipe di miniatori originari della Linguadoca e probabilmente eseguito ad Avignone.⁹ In questo caso, la soluzione dal punto di vista iconografico rimane la stessa, con il giudice che porta berretto e bastone, sempre al centro della scena essendo però, di proporzioni maggiori rispetto agli altri personaggi, con lo scopo probabilmente di porre l'accento sulla sua autorità.

Nei manoscritti delle Decretali appena citati, e in larga maggioranza negli esemplari di provenienza nordeuropea, l'autorità è rappresentata da un giudice che per i suoi attributi, berretto e bastone di giustizia, sembrerebbe più un giudice civile che ecclesiastico. Di fatto, è così che è normalmente identificato nelle descrizioni delle miniature dei testi giuridici, senza tener conto che la raffigurazione di giudici civili che amministrano cause canoniche è una questione che apre comunque una serie d'interrogativi.¹⁰ A mio avviso, Robert

⁹ Il codice è stato studiato da F. MANZARI in: *La Miniatura ad Avignone al tempo dei Papi (1310-1410)*, Modena 2006, p. 59, 72, 352-353.

¹⁰ S. L'ENGLE *Legal iconography* (vedi nota 2), p. 77, fig. 33, identifica il giudice nella miniatura del Libro II delle Decretali McClean come "a civil judge", in base al suo abbigliamento e attributi. Invece, per esempio J. Cl. SCHMIDT, *Le miroir du canoniste: les images et le texte dans un manuscrit médiéval*, in: *Annales ESC* 6 (1993), p. 1471-1495, p. 1490, identifica questo personaggio non tanto con il giudice ecclesiastico che dà inizio alla causa, quanto con la figura del "canonista" inteso come

Jacob propone invece un'interpretazione plausibile di questo fatto che trova anche riscontro in alcune miniature del Libro II.¹¹

In questo periodo, la giustizia della Chiesa è amministrata in primo luogo dal Papa, che può giudicare da solo o con l'aiuto di alcuni consiglieri, mentre nella realtà locale il vescovo è la figura di riferimento, sostituito a volte da un ufficiale da lui nominato, necessariamente un ecclesiastico, o da altre figure come il capitolo, l'arcidiacono o l'abate o priore di un monastero. In realtà, e già dalla metà del XIII secolo, i vescovi lasciano sempre di più l'amministrazione della giustizia in mano agli ufficiali, perché l'aumentare delle cause e soprattutto della loro complessità, fa sì che sia necessario ricorrere a un personale preparato e che abbia ricevuto una formazione universitaria specifica¹².

In molte miniature, l'identificazione del giudice ecclesiastico è facilitata dalla tonsura, segno d'appartenenza al ceto ecclesiastico, o nel caso dei

colui che possiede la conoscenza del diritto, più spettatore che partecipe.

¹¹ R. JACOB, *Peindre le droit ou l'imaginaire du juriste*, in: J. DALARUN (dir.), *Le moyen âge en lumière*, Paris 2002, p. 207-233.

¹² P. FOURNIER, *Les officialités au moyen âge*, Paris 1880; R. NAZ, *Official*, in: *Dictionnaire de Droit Canonique*, VI, Paris 1957, p. 1105-1111. H. ZAPP, in: *Lexikon des Mittelalters VI* (1999), col. 1370s.

vescovi o del papa, per gli attributi del loro rango¹³. Invece, non è facile distinguere fra avvocati, giudici o professori universitari, tutti vestiti circa allo stesso modo, con vesti lunghe in segno d'appartenenza a una classe sociale elevata, normalmente con fenditure laterali per far uscire le braccia, il collo foderato in pelliccia e il capo coperto da un berretto o tocco.

Secondo l'opinione di Jacob, ed anche dal mio punto di vista, c'è in queste rappresentazioni l'intenzione di far prevalere, o meglio, equivalere la condizione di giudice a quella di ecclesiastico, al punto che quelli che identifichiamo come giudici civili sono probabilmente degli ufficiali ecclesiastici la cui tonsura è stata coperta dal berretto¹⁴.

Un esempio di questa "prevalenza" della condizione di giudice su quella di religioso, si osserva, per esempio, nelle miniature che illustrano il libro II in due codici conservati rispettivamente a Bourges, Bibl. Municipale, ms. 186 fol. 74v e Troyes, Bibl. Municipale, ms. 1244 fol. 87r dove il giudice è un frate domenicano, seduto e affiancato

¹³ Per esempio, nelle miniature del Libro II dei codici: Oxford, Bodleian, Lat. theol. b. 4 fol. 54r (Fig. 117) e Siena, BCI, G.III.19 fol. 78r. Le immagini del manoscritto di Oxford sono consultabili anche in Internet (Indice III). Le immagini del codice di Siena sono ripr. in: *Lo studio e i testi: il libro universitario a Siena (secoli XII-XVII)*, Siena 1996, fig. 47, p. 121.

¹⁴ R. JACOB, *Peindre le droit* (vedi nota 12), p. 229.

da due copie simmetriche di chierici.¹⁵ Queste immagini sono rilevanti poiché i frati domenicani appaiono di solito raffigurati nel Libro V delle Decretali, che riguarda proprio questi argomenti, invece che nel Libro II.¹⁶ In questo caso però, l'aspetto che a mio avviso è più interessante è che, nel manoscritto di Troyes, il religioso indossa le vesti da domenicano, ma porta il berretto proprio dai magistrati, ponendo l'accento sulla sua condizione di giudice ecclesiastico.

Altre fasi del processo

Le rappresentazioni che abbiamo visto fino ad ora fanno riferimento in modo generico al contenuto del libro II, scegliendo in gran parte, la fase del dibattimento giudiziario per illustrare il testo. Allo stesso tempo, alcuni miniatori, probabilmente aiutati o consigliati dai committenti, sperimentano nuovi modelli iconografici prendendo spunto dalle altre fasi del processo.

In un manoscritto conservato nella Biblioteca Municipale di Cambrai, ms. 288 fol. 154 la miniatura che illustra il Libro II raffigura il momento della

¹⁵ Le immagini dei due manoscritti sono consultabili in Internet (Indice III). L'ordine dei predicatori, fondato da San Domenico nel 1216, sarà insieme ai Francescani, parte attiva nella gestione dell'apparato giudiziario della Chiesa soprattutto per quanto riguarda l'Inquisizione. Cfr. G. MERLO, *Inquisitori e inquisizione nel Medioevo*, Bologna 2008.

¹⁶ Cfr. in questa stessa raccolta C. SPITZER sul Libro V.

presentazione del libello – che dà inizio alla causa – sotto una struttura architettonica che fa riferimento alle sale di giustizia ma che mostra in secondo piano altri edifici, forse indicando con essi un contesto cittadino¹⁷. Il libello, un documento scritto dove l'attore espone i termini essenziali della controversia, è consegnato nelle mani del giudice - in questo caso chiaramente un ecclesiastico identificabile dalla tonsura - da parte di un gruppo di chierici. Sorprende la rappresentazione dettagliata dei documenti, dove è possibile perfino individuare uno dei sigilli che accompagnano le carte, e la presenza di un altro personaggio seduto dietro al giudice ecclesiastico. Questa figura, identificabile come un giurista per via del cappello proprio dei dottori, potrebbe essere un consigliere laico del giudice, anche se da Innocenzo III in poi le intromissioni dirette dei laici nelle vicende della Chiesa, anche sotto forma di consulenza tecnica dei giuristi laici, è vivamente sconsigliata.¹⁸

¹⁷ Le immagini del manoscritto sono consultabili in Internet (Indice III).

¹⁸ M. VALLERANI, *La giustizia pubblica medievale*, Bologna 2005, p. 36, nt. 58, ricorda l'ostilità dei pontefici verso i *consilia*, e in particolare di Innocenzo III, che condannava la prassi di affidare non al giudice ma a coloro che lo circondavano, dotti o indotti, la decisione della causa; cfr. M. ASCHERI, *Le fonti e la flessibilità del diritto comune: il paradosso del *consilium sapientis**, in: ID. (cur.), *Legal consulting in the civil law tradition*, Berkeley 1999, p. 11-53.

Due altri esempi, che fanno riferimento alla presentazione del libello, e dove sono coinvolti dei laici, le troviamo nelle miniature che illustrano le Decretali conservate a Oxford, Bodleian, Lat. theol. b. 4 fol 54r (Fig. 117) e a Toledo, Bibliotecas Capitulares, ms. 4-8 fol. 85r (Fig. 130).¹⁹

Le Decretali sanciscono il diritto degli ecclesiastici a essere giudicati soltanto dal loro foro, com'è specificato nel titolo II di questo libro "De foro competenti", e anche le controversie tra laici ed ecclesiastici sono sottoposte alla giustizia ecclesiastica. Nelle Decretali di Oxford, poiché Martin Bertram ha trascritto il testo che appare nell'immagine, sappiamo che si racconta la vicenda di un parroco che denuncia suoi parrocchiani al giudice ecclesiastico, riconoscibile dalla tonsura, perché questi non gli vogliono pagare le decime: *Conqueror de populo non dante decimas ecclesie mee*. Nel manoscritto di Toledo, invece, la presentazione del libello è fatta da varie figure di laici, probabilmente giuristi, visti gli abiti con il collo di pelliccia. In ambedue i casi, sia il giudice che il vescovo fanno il gesto di alzare il dito per mostrare che la loro autorità discende direttamente dal cielo e che loro si limitano ad applicarla in terra.²⁰

¹⁹ Per le immagini del manoscritto di Oxford, vedi nota 13.

²⁰ L'interpretazione dei gesti usati dai protagonisti nelle scene di giustizia è un argomento ancora in discussione. S. L'ENGLE avanza dei dubbi sull'interpretazione di alcuni gesti, in *Legal iconography*, (vedi nota 2), p. 80, seguendo in parte le riflessioni di cultura giuridica di B. J. Hibbitts.

La tradizione italiana (bolognese?)

Le rappresentazioni studiate fino ad ora, in qualche modo generiche, fanno riferimento a tutto il contenuto del libro II sulla procedura o s'ispirano al titolo primo *De iudiciis*. Al contrario, nei codici di tradizione italiana, specialmente negli esemplari di scuola bolognese, gli artisti – quasi dal primo momento – fanno riferimento specificamente al contenuto del primo capitolo del primo titolo del Libro II. Questo testo riporta la decisione presa nel 402 da un Concilio in Africa sulla causa di un vescovo che, accusato da un suo avversario, era stato chiamato a comparire davanti al Concilio.²¹

Vedi inoltre F. GARNIER, *Le langage de l'image* (vedi nota 8); ID., *Le langage de l'image au moyen âge. Grammaire des gestes*, Paris 1989; J.-C., SCHMITT, *La raison des gestes dans l'Occident médiéval*, Paris 1990; K. KÖNIG, *Scheltegestus und Urteilsrosen – Vom Versuch, eine Ikonographie für die Urteilsschelte zu erschaffen*, in: *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung* 127 (2010), p. 33-50.

²¹ Ringrazio Martin Bertram per avermi segnalato la seguente bibliografia: J. E. MERDINGER, *Malfeasance and Misdemeanors in St. Augustine's North Africa*, in: U.-R. BLUMENTHAL, K. PENNINGTON, A. LARSON (ed.), *Proceedings of the Twelfth International Congress of Medieval Canon Law*, Washington DC, 1-7 August 2000, *Monumenta Iuris Canonici C 13*, Città del Vaticano 2008, p. 3-16, p. 9, 15, dove si specificano le condizioni per accusare e scomunicare un vescovo. Inoltre cfr.

Durante l'interrogatorio, gli si chiede se è d'accordo con l'essere giudicato dai suoi pari. In un primo momento, il vescovo sembra accettare ma dopo cambia idea, rifiuta e se ne va. Il concilio decide che deve essere scomunicato ma il presidente del tribunale determina che, nonostante questa decisione, le sue prerogative come vescovo non gli saranno tolte fino a che la condanna non sarà definitiva. L'aspetto più importante del testo, come mi ha fatto notare Martin Bertram, è la decisione presa dal presidente del Concilio sul fatto che il vescovo può mantenere il vescovato fino alla decisione definitiva della corte, nonostante la scomunica.

Tuttavia, gli artisti, in larga misura, hanno preferito proporre il momento del "rifiuto o negazione" del tribunale da parte del vescovo, che lo fa cadere in contumacia.²²

Concilia Africae, A. 345-A. 525, cura et studio C. MUNIER, Turnholti 1974, *Corpus Christianorum*, Series Latina, CXLIX, p. 207, 850. Sulla scomunica in generale cfr. E. VODOLA, *Excommunication in the Middle Ages*, Berkeley, Los Angeles 1986.

²² Nonostante il legame di queste immagini con il testo del primo capitolo del Libro II sia evidente, è un dato di fatto che modelli iconografici molto simili siano stati usati per miniare altri testi giuridici. Come ad esempio, per la Causa II del Decreto di Graziano, il cui argomento ha che fare con l'accusa a un vescovo, che appare abitualmente nel lato sinistro della miniatura, o rifiutando con la mano destra l'accusa o girandosi per andarsene per es., negli esemplari del Decreto BAV, Vat. lat. 1371

In un esemplare delle Decretali di tradizione romano-umbra di fine Duecento conservato a Siena, (Bibl. Comunale, G.III.19 fol. 78r) la reazione del vescovo serve di scusa al miniatore per dare movimento alla scena. Il vescovo non è più una figura ieratica, che rappresenta l'autorità della legge perché è lui l'accusato. Nella sua vivacità rompe lo spazio riservato alla miniatura uscendo verso i margini del foglio e al contempo facendo il segno di rifiuto con il palmo della mano destra aperto. La divisione della scena in tre parti mediante una struttura architettonica a tre archi, propria dei codici del primo stile bolognese, rafforza la staticità della scena solo rotta dalla mossa dirompente del vescovo accusato.²³

In poco tempo, il modello iconografico si standardizza e sarà riprodotto da allora in poi quasi in modo seriale. Rispetto al codice di Siena, nelle miniature al Libro II nelle Decretali di Amiens, (Bibl. Municipale, ms. 357 fol. 79r) e Lucca, (Bibl. Capitolare Feliniana, 287 fol. 58r), cambia soltanto il gesto delle mani del vescovo, quasi di sorpresa o stupore di fronte alla decisione della corte, quando

fol. 91r e Vat. lat. 1370 fol. 93r ripr. in: A. MELNIKAS, (vedi nota 2), vol. II, pl. VII, pl. IV. Questi esempi sarebbero una semplice conferma del fatto, già confermato e trattato in altre occasioni da S. L'ENGLE, *Legal iconography* (vedi nota 2), p. 75-109, che esistevano delle tipologie iconografiche già stabilite che potevano essere usate indistintamente per un testo giuridico o di un altro tipo.

²³ Per le immagini del manoscritto di Siena, vedi nota 13.

in realtà è lui che ha cambiato parere, prima ha accettato e dopo ha rifiutato. Il resto della scena si ripete quasi nei minimi dettagli, tranne che per la figura che incarna l'autorità, che potrebbe essere una raffigurazione di un vescovo come del papa. In quest'ultimo caso, non sembra di dover considerare anomala la figura del Pontefice con la mitra, poiché il papa era pur sempre il vescovo di Roma; il mantello rosso è il simbolo particolare dell'autorità pontificia.

I miniatori rimarranno legati per molto tempo a questo modello iconografico, protagonista il vescovo che gira per andarsene, come nel manoscritto d'Angers (Bibl. Municipale, ms. 378 fol. 89), anche se, con la produzione miniata del Trecento, si spezza questa struttura rigida e le scene cominciano a popolarsi di personaggi in scenari più articolati, come ad esempio, nel manoscritto BAV, Vat. lat. 1389 fol. 93r (Fig. 27) dove il vescovo accusato appare relegato nell'angolo inferiore destro della miniatura, visto che il protagonismo è tutto per un anacronistico concistoro papale, ripreso nel pieno della sua complessità e splendore.²⁴

Dobbiamo comunque segnalare che, anche se in minor misura, ci sono degli esemplari che illustrano la parte più controversa del testo ossia il mantenimento o meno del vescovo in carica nonostante la scomunica. Nel manoscritto conservato nella Biblioteca Municipale d'Avranches,

²⁴ Le immagini del manoscritto d'Angers, vedi nota 6. Per il ms. Vat. lat. 1389, cfr. ripr. in: CONTI (vedi n. 7), fig. 275.

ms. 150 fol. 61v, ma probabilmente miniato in Italia, l'artista ha deciso di porre l'accento sulla condanna di scomunica al vescovo e la sua deposizione, che lo porta addirittura a essere messo alla gogna.²⁵ In altri due esemplari conservati rispettivamente a Colonia, Hist. Archiv W 275 fol. 86r e a Lucca, Capitolare 137 fol. 73v, il miniatore ha evidenziato la riduzione del vescovo allo stato laicale e soprattutto l'accusa nei suoi confronti, che deve essere fatta da parte dei suoi pari come mostra il manoscritto lucchese.²⁶ Al contrario, nelle Decretali di Milano, Bibl. Ambrosiana, ms. B 43 inf. fol. 75r e a Paris, Sainte-Geneviève, ms. 331 fol. 68v, la miniatura illustra il momento nel quale il Papa rimette il vescovo nella sua carica, una volta che è stata tolta la scomunica.²⁷

In fine, dopo l'analisi di queste miniature, il fatto che rimane è la consapevolezza che l'artista (o chi per lui, per esempio il committente o il capo bottega) propone sempre un'altra interpretazione del testo attraverso l'immagine che sceglie per

²⁵ Nel testo non è specificata la colpa di cui è accusato il vescovo, il fatto che sia messo alla gogna può far riferimento alla giustizia secolare. Le immagini del manoscritto sono consultabili in Internet (Indice III).

²⁶ J. E. MERDINGER, *Malfeasance and Misdemeanors* (vedi nota 21), p. 9.

²⁷ Le immagini dei manoscritti di Milano e Parigi sono consultabili in Internet (vedi Indice III).

illustrarlo.²⁸ È “un'altra lettura” quella che ci propone la miniatura e può succedere, come in questo caso, che questa dia più rilievo al rifiuto del vescovo a essere giudicato dai suoi pari che all'effettiva decisione del Concilio, modificando in certo modo la nostra percezione del testo. Questa “lettura” può arricchire il testo con altri elementi estranei alla sua natura o proporre delle interpretazioni opposte o contraddittorie rispetto al contenuto. In altre occasioni, una successione di immagini poco chiare significa una mancanza di comprensione del testo stesso che non è stato capito dagli stessi artisti ma forse nemmeno dai destinatari dell'opera. Un esempio per le Decretali, sotto questo punto di vista, sono le illustrazioni dei Libri II e V, che presentano delle somiglianze nelle rappresentazioni che possono trarre in confusione, nonostante che le differenze tra loro siano altresì evidenti. Il Libro V, dedicato al diritto penale con ampi spazi che riguardano il procedimento inquisitorio, le pene e specialmente la scomunica come principale mezzo coercitivo della Chiesa, è illustrato da scene che si svolgono, in gran parte nelle aule giudiziarie, ma rispetto al Libro II i protagonisti sono normalmente laici e, in altri

²⁸ Su quest'aspetto del rapporto testo – immagine segnalo l'articolo di Guglielmo Cavallo del 1993 dove, molto meglio di me, sviluppa il concetto de “l'altra lettura del testo” (G. CAVALLO, La “sapientia” dei capilettera, il legame tra testo e raffigurazioni nei codici giuridici medievali, in: Il Sole 24ore - Domenica, 26/09/1993, p. 35.

occasioni, frati domenicani o francescani vincolati al procedimento inquisitorio.²⁹

Ciò nonostante, questo non è sempre chiaro per gli artisti, come vediamo se mettiamo a confronto le miniature che illustrano rispettivamente il Libro II e il Libro V dei codici Vat. lat. 1384 fol. 76v (Libro II), e Oxford, Bodleian, Lat. theol. b. 4 fol. 168r (Libro V) (Fig. 120).³⁰ Nelle due miniature, il cui schema compositivo è molto simile, il protagonista è un giovane chierico condannato che sta per essere portato via dall'autorità civile. In un caso, la miniatura è stata usata per illustrare il Libro II e, nell'altro, il Libro V.³¹

Come conclusione, vorrei soffermarmi sulla miniatura del giudizio di Salomone che decora il libro II di un esemplare delle Decretali conservato nella Biblioteca di Admont, ms. 27 fol. 76v (Fig. 3).³² Quest'immagine sintetizza molti aspetti

²⁹ Cfr. in questo volume C. SPITZER sul Libro V.

³⁰ Per le immagini del manoscritto di Oxford, vedi nota 13.

³¹ In questo caso, sembra proprio trattarsi di una confusione del miniatore del codice Vat. lat. 1384. In realtà, la miniatura corrispondente al Libro IV (fol. 205r), una scena giudiziaria, sarebbe più adatta al Libro II. E quella del Libro II per il Libro V, dove c'è invece un'iniziale ornata con decorazione vegetale.

³² Ripr. in M. BERTRAM, *Dekorierte Handschriften der Dekretalen Gregors IX. (Liber Extra) aus der Sicht der Text-und Handschriftenforschung*, in: *Marburger Jahrbuch für*

essenziali della decorazione dei manoscritti giuridici e del Libro II, che ho appena accennato: da una parte, ci mostra come gli artisti si nutrono dalla tradizione iconografica cristiana per trarre soggetti per la decorazione dei codici – storie, che come in questo caso, troviamo spesso nella decorazione della Bibbia. Dall’altro, il giudizio di Salomone non è soltanto il giudizio per eccellenza, e qui si fa riferimento al titolo *De iudiciis*, ma anche la personificazione del giudice “giusto” nella figura del Re Salomone; il giudice “giusto” sul quale doveva fondarsi l’amministrazione della giustizia, allora come nei giorni nostri.

Kunstwissenschaft 35 (2008), p. 31-65, fig. 3b, p. 48.

ROBERT GIBBS

*The Imagery to Book III:
Part II of illuminated copies
of the Decretales Gregorii IX*

The paper considers a sample of about 70 copies preserving illuminated frontispieces plus two of Giovanni d'Andrea's *Novella*; these represent Martin Bertram's material from German and other libraries, the French municipal libraries online, most British examples (London/Oxford only selectively) and a range of Bolognese/Italian examples that dominate my own research. Almost all of the 70 manuscripts represent the celebration of the mass and the exclusion of the laity from the sanctuary; there are seven exceptions.

For the illumination scholar, and perhaps for the original patrons, the *Liber Extra* has a convenient compactness that sets it apart from Gratian's *Decretum*. Five books, five frontispieces, perhaps six to eight with the added material of the later 13th century. Unlike many Gratians the programmes of illuminated copies are generally complete except where those for Books I and III have been robbed out, a not uncommon misfortune. From the earliest surviving illuminated copies of the *Decretales* produced in Italy, and presumably in Bologna in the absence of substantial competing institutions before Padua's re-emergence from Ezzelino's hostility in 1259, it was normal to divide the text into two parts.¹ Already in the early Lincoln copy, MS 136,

¹ It is clearly for my legal and historical colleagues to determine how accurate these assumptions actually are and how far they apply to individual copies; my precepts are based above all on the consistency of certain aspects of production in various copies and the arguments presented by F. P. W. SOETERMEER, *Utrumque ius in peciis: aspetti della produzione*

attributable to Bologna itself through similarities with the *Parvum Volumen* in Bologna, Archiginnasio, MS A.132, which has a Bolognese provenance from S. Salvatore/S. Maria del Reno, the text is thus divided.² Book II ends on an extended gathering of 10 rather than 8 leaves, fol. 91-100, and Book III opens with the standard design of this and other early legal manuscripts, a portrait and *GREGORIUS* spelled out in white capitals, a design emulating the I-portrait of *IUSTINIAN* in the Codex. This division is much more explicit in Leonardo Gropi of Modena's highly precocious copy of the Decretals now in the Bodleian Library, Oxford, MS Lat. theol. b.4 (Fig. 116-120), divided into two parts at Book III and illustrated at each book with full narrative compositions, written in 1241 and clearly

libreria a Bologna fra Due e Trecento, Milano 1997, for the late development of book production in Padua and elsewhere compared with Bologna.

² R. M. THOMSON, *Catalogue of the Manuscripts of Lincoln Cathedral Chapter*, Woodbridge 1989, p. 4-5, 105-106, pl. 54; R. GIBBS, *The 13th-century development of illumination in Bolognese copies of the Decretals of Gregory IX*, in: G. BRIZZI, M. G. TAVONI (ed.), *Dalla pecia all'e-book: Libri per l'Università: stampa, editoria, circolazione e lettura*, Atti del Convegno 21-25 ottobre 2008, Bologna 2009, p. 49-65. While MS 3 has 14th- and 15th-century records of ownership by canons of Lincoln, MS 136 is not recognisable in either 15th- or the 17th-century inventories; Thomson considers it an acquisition after 1454, but it may well have been held elsewhere in the cathedral at an earlier date and is unlikely to have been acquired after the Wren inventory.

illuminated at the same date, given its distinctive early 13th-century style and coherence with the text.³ Here the first Part has a colophon noting its conclusion and a blank verso facing Book III on the new gathering. This division is not followed consistently in other centres, suggesting that it did not have a textual basis; instead it would appear to be the direct result of the Bolognese stationers' practice of hiring the *peciae* of the manuscript in two sets, one for each part, officially taxed (charged for) accordingly, and thus it came to structure many university copies. On the other hand, unlegislated norms are not infallible guides to origin; there are fine Bolognese copies, at least in all their readily identifiable decorative aspects, which do not respect this division, most notably Jacopino da Reggio's Chantilly copy (397, cat. no. 216) owned from very early on by a member of the French royal house.

The obvious reason for the common division is that the two parts are of roughly equal length. But it also privileges the book dealing with the life of the

³ See B. BOMBI's paper in these Proceedings and O. PÄCHT and J. ALEXANDER, *Illuminated Manuscripts in the Bodleian Library. Oxford II: Italian School*, Oxford 1970, p. 8, no. 73, pl. VI, reproducing Books II, III, IV; C. DE HAMEL, *A History of Illuminated Manuscripts*, 2nd ed., London 1994, p. 138-139, fig. 119 (Book V); R. GIBBS, *The Development of the Illustration of Legal Manuscripts by Bolognese Illuminators between 1250 and 1298*, in V. COLLI (ed.), *Juristische Buchproduktion im Mittelalter, Studien zur Europäischen Rechtsgeschichte 155*, Frankfurt am Main 2002, p. 173-218, at p. 194-198.

clergy, an important matter since it reaches into church discipline rather than the broader juridical principles that precede it. The title of the Book (*De vita et honestate clericorum*) derives from the 6th-century St. Martin of Braga's *Formula vitae honestae*, and is taken over by each of the successive *Compilationes* preceding Gregory IX's formal issue. The specific chapter *Ut laici* that opens Book III does not appear to be particularly crucial to these broader concerns, but it epitomises the profound contrast between Gregory's 13th-century clergy, a priesthood made exclusive by a century of papally driven reform, and that of the early Church or indeed its Reformation rivals. It is concerned with the reservation of the church sanctuary to the clergy centred on the priesthood during holy office and the exclusion of the laity from it. The opening title and the iconography usually associated with it reflect both the increasing emphasis on the doctrine of transubstantiation and the centrality of the Eucharist to church ritual and to the increasing exclusion of the laity from direct access to it.⁴ The canon is therefore very much an epitome of the

⁴L. GRANT summarises the effect of these in the province of Normandy, exemplifying their universal impact, in: *Architecture and Society in Normandy 1120-1270*, New Haven and London 2005, p. 4-5, 30. The Franciscan Archbishop Eudes Rigaud of Rouen was particularly concerned as part of his reformist drive in the diocese that lay access to relics should not be allowed through the sanctuary; in these respects the Franciscans were far removed from the popular piety of the Reformation.

13th-century church of Gregory IX rather than the long established doctrines of Gratian's *Decretum*.

From a codicological and artistic point of view the significance of the frontispiece to Book III is clearer. Even taking the comprehensive illustration of the Leonardo Gropi copy into account we find little in the presentation of the early copies of the Decretals to identify most of its contents as an ecclesiastical rather than a juridical text other than the vestments of the judges who dominate the iconography. Most Bolognese and other Italian legal frontispieces are composed of two or three compartments showing a trial, a judge or possibly on occasion the emperor, or his ecclesiastical equivalent, confronting the parties in a judicial hearing or, for certain books, the accused. By the 1280s the two/three-bay division of the scene is given a certain architectural character, and Book I is often given its own frontispiece with the Trinity represented in partnership or replacing the opening promulgation. But it is only with Jacopino da Reggio's Pal. lat. 629 (Fig. 13-18) of a couple of years later that we find the settings acquire an overtly ecclesiastical presence, and this is particularly marked at Book III itself.⁵ Some of the contradictions that we find in the several variations on Jacopino's design may be due to this emphasis upon the church architecture it presents.

The norms of treatment of Book III provide three issues for us to consider, apart from the possibility of exceptional imagery. *First* is the nature

⁵ GIBBS, *The Development* (see n. 3), p. 201-210.

of the *division* of the manuscript itself and the relationship of the display to it. *Second* is the nature of the *scene*, normally the enactment of the mass at an altar, sometimes with an architectural setting as in the Leonardo Gropi manuscript, and *thirdly* the extent to which the precise details of the text are represented, indeed understood, by the illuminator, as is surprisingly often not the case. In fact, as regards exceptions, the celebration of a mass or some kind of office at the altar is remarkably standard throughout, even in the rather odd early Lincoln MS 3. It may be that a broader implication was taken by 13th-century clerics from the imagery chosen by most illuminators or their patrons, and that it also indicated the importance of the dignity of the clergy performing the sacred office in relation to the notorious controversy over the communion enacted by a sinful priest: I am not aware of any specific indicator of such a wider interpretation. A further consideration affects the book as a whole, along with the rest of individual manuscripts, to wit, the extent to which the titles within are also illustrated by distinctive and relevant protagonists in their initial, something which Jacopino seems to give unparalleled attention to.

In a fairly considerable body of manuscripts I have looked at including those Martin Bertram has presented to us and some of the French municipal copies I have found very few exceptions to the normal iconography, generally marked by being early or late or of German/Austrian origin, or from Padua where new iconographies began to supplant the established legal iconography in certain fairly smart copies even from the later 13th century. An

early copy with illumination in the Venetian/Paduan style, Avranches 150, is a fairly early copy from between ca. 1260-80, probably from Padua.⁶ It provides such an exception to what became the standard choice of theme: it shows three clerics seated as an example of the states of meditative clerical life.⁷ It has the pre-alphabetical system of allegations together with underlined lemmata, and is divided into parts. In many respects its grotesques are still close in type and colour to the Lincoln Decretals. Avranches 150's early date is reflected in unusual iconography perhaps for a monastic patron: it shows three clerics seated as an example of the states of meditative clerical life.

Reflecting the changes at a later date Marta Pavón Ramírez has studied Vat. lat. 6054, written by Francesco Florio for the Archbishop of Sens in 1483, with Parisian illumination, concluding that its deathbed scene represents the chapters covering ecclesiastical testaments,⁸ while the Auxerre

⁶ Frédérique Cahu has written an excellent dissertation on the manuscript: *Étude du manuscrit 150 conservé à la Bibliothèque d'Avranches: les Decretales de Gregoire IX*, Maitrise de l'histoire de l'art 1999-2000, Paris IV Sorbonne, deposited in the library, giving a full description of its contents and decoration. It may be dated by the addition of the additional legislation prior to Nicholas III in a different North-European influenced style though in a palette close to the preceding main text.

⁷ Avranches, BM 150 fol. 113 (Internet: see Indice III).

⁸ M. PAVÓN RAMÍREZ, *Manuscritos de derecho canónico iluminados: Las Decretales de Gregorio IX de la Biblioteca*

manuscript recalls her comments on Vat. lat. 1384 as a depiction of the importance of clerical obedience. I have a total of seven cases out of some 62 historiated copies where the celebration of the mass is not represented here. One obvious contradiction to the prioritising of Book III appears in Leipzig 967 (Fig. 62), where it is inverted by reducing its frontispiece to a foliate initial, not, however, a normal procedure in fully illuminated copies. Here it is perhaps the result of the scribe omitting to provide a larger space despite its opening a new leaf/gathering? More typical is the use of such foliate initials throughout or after the opening page as in Leipzig 965 (Fig. 56-59).⁹ This is rare in Italian manuscripts, but Martin Bertram has produced an example in Montecassino MS 63 (Fig. 299-303) from around 1300-1310.

As the second major opening of the manuscript Book III will come to be given special treatment comparable to Book I, and unfortunately in some cases that extends to both being robbed from the manuscript, as is the case for both Durham's major Bolognese copies, C.I.9 from Bologna and C.I.10 written and decorated with marginal grotesque doodles by a Bolognese scribe. Ideally, one would like to start discussion of the mature Bolognese copies with Durham C.I.9, quite closely dateable by its context and probable association with Robert de Insula, prior of Finchale and subsequently bishop of Durham, who appears to have been commissioning

Apostólica Vaticana, tesis doctoral, Universitat de Barcelona, Barcelona 2007, p. 271-277.

⁹ Manuscripts notified by Martin Bertram.

numerous manuscripts in Bologna between 1268 and 1270.¹⁰ It has lost its opening frontispieces, almost certainly a pair of them since two leaves are missing, and Book III, which certainly fell at Part II. A similar fate has fallen to Durham C.I.10, written by the scribe who provided the later additions to C.I.9 in the 1280s, Guillelmo da Bologna.¹¹ C.I.10 was probably written towards 1290 and illuminated by a fine French or Francophile English illuminator. These will fail to appear here, then, though the manuscripts are perhaps the most important copies in Britain apart from the 1241 Oxford copy. One might expect the art history of the Decretals to be dominated by illuminated Bolognese copies in the so-called 'First Style' or 'Academic' as I have proposed to call it, the art

¹⁰ Giovanna Murano has identified him as the '*Roberto de Talave, anglico*', alias '*de Crilao*', '*de Chicam*', '*de Chircam Dulmensis diocensis*', '*de Gurchan*', '*de Grican*', '*de Crican*', '*de Chircam Dualnensis diocensis*', a perhaps excessive range of variations to be securely assigned to one man despite the unfamiliarity of Northern English place names in Bologna: G. MURANO, *Copisti a Bologna (1265-1270)*, *Textes et Études du Moyen Âge* 37, Turnhout 2006, p. 47-52.

¹¹ See Bombi's paper for a detailed study of the former, including some highly challenging conclusions about the integral nature of the whole of C.I.9, including the later additions, written almost certainly by Guglielmo da Bologna who wrote C.I.10, presumably not in Bologna, and whose illumination appears to be English or French of a kind not demonstrably present in Italy: see GIBBS, *The 13th-century development* (see n. 2), p. 61-63, fig. 4-5.

proceeding from the essentially schematic portrait and inscription of Lincoln 136 to develop a simple narrative in a frame of two or three compartments, usually in the mature style arcaded. These naturally lend themselves to form the structure of a church or church arcade in the context of Book III, as already in the 1241 Oxford copy; so the style and the design fit naturally together at this point more dynamically than the otherwise standard legal scene of judge and protagonists in facing compartments. However, when glossed copies might be expected to proliferate they are in fact outnumbered by contemporary French and occasionally English copies and later Bolognese ones, though the material for Britain is very sparse today, rather as in the case of the Scandinavian fragments.¹² A majority of the copies in Durham and elsewhere are French, one or two English or perhaps English copies of French ones, as has been claimed for the finer of the Hereford copies. There is a single modest Bolognese illuminated copy in the Bibliothèque Nationale,¹³ and most of the several Italian 13th-

¹² M. BERTRAM, *Dekorierte Handschriften der Dekretalen Gregors IX. (Liber Extra) aus der Sicht der Handschriften- und Textforschung*, Marburger Jahrbuch für Kunstwissenschaft 35 (2008), p. 31-65, at p. 31f.; Id., *Kanonistische Handschriften im mittelalterlichen Schweden*, in: J. BRUNIUS (ed.), *Medieval Book Fragments in Sweden*, Stockholm 2005, p. 132-183.

¹³ BNF lat. 3944; see F. AVRIL, M.-Th. GOUSSET, C. RABEL, *Manuscrits enluminés d'origine italienne II: XIIIe siècle*, Paris 1984, p. 109f., cat. 135, pl. lxi; Book III has a single-column illustration in the text (as for the other

century copies in the Vatican are not securely attributable in their illumination to Bologna itself. It is possible that even in the 1260s there were still few artists in Bologna working in a specifically local manner.

While the general subject matter of Northern examples matches the Italian material, the possibilities for the development of setting and narrative in Italian manuscripts rapidly outstrip frontal treatment of a limited relief space in the 'Gothic' art of the North. It is only in the 14th century that these possibilities come fully into their own in the surviving Bolognese manuscripts when Northern copies seem to be greatly reduced in number in the face of the compilation of the *Liber Sextus*.

The lack of abundant material for the 3rd quarter of the 13th century is all the more surprising for the precocity of the Leonardo de' Gropi example of 1241. This is given by Anne Derbes as the earliest secure evidence of the raising of the host in Italian celebrations of the mass, even though it is traceable back to the theological concerns with Transubstantiation and the host at the 1215 Lateran council, and it is considered to have been established very early in Paris.¹⁴ The earliest source for the elevation in Roman practice is considered to

frontispieces), showing the elevation of the host during the mass.

¹⁴ A. DERBES, *Picturing the Passion in Late Medieval Italy*, Cambridge 1996, p. 17-18, 187, n. 31 (the manuscript not in the index).

be the *Indutus planeta* ascribed to Haymo of Faversham and dated 1243, but Derbes notes the evidence of the Oxford Decretals that it must have been established earlier. Among the earliest copies of the Decretals the treatment of the host is therefore a matter of interest, though standard by the subsequent stage of illumination. In other respects the illumination to Gropi's work is remarkable. The structure consists of three square domed bays recalling the spreading layout of Modena Cathedral itself, though the first with four columns also strongly evokes a ciborium over the altar. The others have only a central pier suggesting, but misleadingly, a triangular bay. The cupole are carried on columns with foliate capitals and are separated by pinnacles alternately shown from the side and from above, clearly a decorative rather than a descriptive approach to space and structure. The figure style is animated and very competent though not particularly stylish, essentially late Romanesque with strong contours and facial modelling perhaps reflecting remotely Gothic and Byzantine influences; the pleated tunic or amict of the priest represents the extended survival of 1200 style drapery in Tuscan painting. But the articulation of the subject is remarkable: the priest is framed at the altar raising the host above the chalice and missal; a deacon with other clergy holds the patten in readiness in the second bay, and a group of laity occupy a separate bay, as they should. The cloak suggests the leading layman is actually noble and in an archaic short tunic, since such short garments increasingly indicate a lower class from this time. In short the scene looks back to earlier

traditions of representation as well as forward to the mature design of the 1280s. Although it appears to me that there is no evidence for any substantial academic body in Modena itself that might explain the prophetic nature of this manuscript, it is clear that both as artists and scribes, perhaps also as patrons, the Modenese occupied an elite position among the artisans of Bologna by the later 13th century. Whether we consider the signatures of the Gerona Bible signed by Bernardino de Mutina and the Bible of Niccolò da Montenaro signed by Modenese dei Grisolfi, active in Bologna even if the bible was written in Padua, to refer to the illumination instead of or as well as the calligraphy, these Modenese are associated with top order manuscripts, and likewise Jacopino da Reggio.¹⁵

A pair of manuscripts in the Chapter Libraries of Lucca 137 and Piacenza Cod. 59, provide fair examples of Bolognese Decretals for the 1270s and 80s.¹⁶ If my notes are correct Lucca, Bibl. Capit.,

¹⁵ R. GIBBS, *The Signatures of Bolognese Painters from 1250 to 1400*, in: *L'Artista Medievale*, Comune di Modena/Scuola Normale Superiore di Pisa, Modena, 17-19 November 1999, *Annali della Scuola Normale Superiore di Pisa*, Ser. IV, Quaderni 16 (2003), Pisa 2008, p. 322-324.

¹⁶ G. DALLI REGOLI, *La miniatura*, in: *Storia dell'Arte Italiana 9**, Grafica e immagine I, Scrittura, miniatura e disegno, Torino 1980, p. 175-178, fig. 201-210, who first published the latter noting their similarity, misdated them to the early 14th century; M. BOLLATI, in: M. MEDICA (ed.), *Duecento: Forme e colori del Medioevo a Bologna*, Venice 2000, p. 257-261. For the Piacenza MS, wrongly described as

MS 137 has the Gregory X legislation of 1274 added, while Piacenza has it included with the 1282 gloss and is therefore a few years later. The Piacenza copy is strongly Romanesque in idiom, though Quintavalle, demonstrating the incoherence of art-historical studies of the period calls it 'cultura neobizantina emiliana'. Just how wrong is this usage the art of Jacopino da Reggio demonstrates quite vividly. Both manuscripts feature a Trinity for Book I, but in other respects they share the iconography of the 2nd, 3rd and 4th books with Leonardo de Gropi's. In the Lucca copy the composition, by the second very inferior hand probably responsible for Bologna Museo Civico MS 510, is divided into two bays of trefoiled arches, a stone tower rising above the altar bay in which the priest raises the host accompanied by his acolyte. There is a tumultuous crowd in the first arcade, not specifically repelled but separate from the two priests celebrating mass in the second. In the second is a great throng of reverential laity. The Piacenza copy is more consistent in quality. It returns to the three-bay design and stresses the concern of the text by placing a cleric holding back the laity at the heart of the composition. The priest occupies most of the space of the 2nd and 3rd bays, simple arches, while his assistant is placed in front of the support between the 2nd and 1st, in which the congregation is placed.

'Costituzioni' see A. C. QUINTAVALLE, *Miniatura a Piacenza, Venezia* (1963), p. 160-161, for Book III fig. 341.

One fragment by an artist active on the Durham manuscripts is preserved in the Cini Foundation, Venezia, no. 2017,¹⁷ though in the Robert de Insula set he is active in the civilian *Parvum Volumen* C.I.4 and the *Codex* C.I.6, rather than the Decretals. He is also, however, the artist responsible for completing Lucca 137. His figures' triangular darkly shaded eyes are closer to the main artist's work than his additions to the manuscript or his contributions to the Durham *Volumen* and *Codex*, suggesting that it was intermediary in date between the beginning of the Lucca manuscript and its completion, perhaps illuminated alongside it in the same workshop. His triple arcade is a typical example of the mature 'First Style' setting except that he graduates the widths from the wider cusped altar bay at the right, privileging the sanctuary and successively narrower in the other two. An acolyte holds back the throng from the first bay, but the kneeling cleric below him masks the clarity of the division of space, and the uniting of altar and sanctuary is unusual, as are the two bays for the laity.

A curious manuscript in the BAV, S. Maria Maggiore 123, shows a mid-later 13th-century *littera nova*-type script with contemporary gloss but no lemmata despite heavy annotation. It is addressed to

¹⁷ Cited by M. BOLLATI, in: M. MEDICA (ed.), *Duecento* (see n. 16), p. 259, and published in G. MARIANI CANOVA, *Miniature dell'Italia Settentrionale nella Fondazione Giorgio Cini*, Vicenza 1978, p. 79, no. XI, fig. XI; mislabelled as "Officium B. M. Virginis in an 18th or 19th-century hand".

Bologna, and has no further texts despite being attributed to Boniface in the S. Maria Maggiore shelfmark. Its illumination is curiously archaic and rather rough, heavily outlined in black, with green grounds to the faces reminiscent of some material currently considered Paduan, but with the prominent gold balls on the grounds of some secondary initials generally associated with the *Conradin Bible* and South Italian work of the 1260s-70s. The figure style is dominated by 12th-century style dampfold. Its Book III is structurally Part II, divided into two trefle-arched bays with castellation hinting at the influence of the 'Second Style'. In the first the priest and acolyte kneel at the altar, a curiously trestled structure, raising the host. The second bay is occupied by kneeling black monks, avoiding the question of the laity altogether.

None of the 13th-century Vatican copies has a structural division into two parts at Book III except for the group modelled upon Pal. lat. 629 (Fig. 13-18) and Vat. lat. 1391 addressed to Bologna with both alphabetical keying and underlined allegations has somewhat uncharacteristic academic filigree smaller in scale than usual and rather cursive in execution, while the illumination is executed in coloured washes rather than the body colour normal in Bolognese work. This execution is unusual, though it is refined in drawing, and the long faces with calm expressions are not too dissimilar from the important Vat. lat. 1390. Book III opens a new column on the recto of a new gathering, rather as if the scribe had overshot a standard division of the text. It is a three-arched composition with little towers and cupola not directly related to the axis of

the altar. The structure is used to separate the priest from the clergy, one of whom turns with a staff to indicate to the laity in the left-hand arch the ceremony rather as if to explain their confinement.

Vat. lat. 1379 is extremely archaic in appearance, and certainly not 14th-century as Kuttner and Elze's catalogue defined it. It is written in a pre-1250s semi-textualis with Transalpine underlined referencing rather than either of the successive Bolognese keys for lemmata, though its address is to Bologna. Its primitive illumination is too crude to locate with any degree of confidence, with Northern-looking initials and simple outline scenes set in pale blue frames with pink grounds or the alternate. For Book III it adopts the simplest option of a priest raising the host with three clerics standing behind him. Slightly more refined is a copy of slightly later date, Vat. lat. 1384, addressed to Bologna and with alphabetical keying. Stylistically it does not look Bolognese but perhaps Umbrian (Perugia?), and instead of frontispieces it has only initials, unusual in a *Corpus Iuris* text from Bologna or Italy generally. It also provides one of the rare exceptions to the standard iconography, an archbishop enthroned before a seated group of clergy that he is instructing. Both of these features also apply to a French copy of *Compilatio III*, Vat. lat. 1378, unusually illuminated and already divided into parts, but the opening initial shows a pope standing and addressing a bishop with crook and another cleric. Its illumination suggests that it is later 13th-century after the *Liber Extra* had appeared. Initials for frontispieces in Gregory IX's Decretals are normal in French copies, as in

Admont 646 (Fig. 8) and Anglo-French examples like Durham C.II.3.

Cesena, Malatestiana D.V.1, of circa 1270-1280, with Innocent but not Gregory and in a Romanesque style with foliage untypical of mature Bolognese work does have the two-part structure.¹⁸ It has an address to Bologna and alphabetical key, but its Book III frontispiece is of simple square framed type like Vat. lat. 1379, albeit much better drawn and painted and certainly Italian. It may show the heterogeneous nature of early Bolognese illumination still, its heavy drawing and large round faces, and regular use of dampfold and the nested knee have some counterparts among the other early manuscripts. As usual the priest raises aloft the host, but he is shown at an undefined altar with the laity directly behind him, led by a kneeling doctor with miniver hood. Neither sanctuary nor the other attendants of a high mass is included, leaving the specific point unaddressed.

One of the finest examples of a 'First Style' Decretals, though an exceptionally classically inspired one, is Vat. lat. 1390 by the Master of the Vat. lat. 20 Bible, probably datable to the 1280s with evidence of its use and annotation before 1298,

¹⁸ For many Cesena manuscripts see F. LOLLINI, P. LUCCHI (ed.), *Libreria Domini. I manoscritti della Biblioteca Malatestiana: Testi e decorazioni*, Bologna 1995, but since it does not include a complete catalogue this modest volume is not referred to.

as Martin Bertram advised me.¹⁹ The scribe planned for a dense layout of illuminated initials to which the illuminator added extensive staves and knots and grotesques; moreover he wrote it without the usual division into parts. Instead it is interrupted by the insertion of the *Arbores consanguinitatis et affinitatis* in the 1340s but perhaps always intended thus before Book IV. In contrast to the cramped composition of the page the artistic quality is extremely refined, using fine blues, gold leaf and shell gold, delicate flesh tones built up in layers over a dark greenish verdaccio in the 12th- and early 13th-century Byzantine tradition, with which the artist was clearly familiar.²⁰ Book III returns to the Lucca design in two bays. The right border is truncated to allow a three-dimensional trefoiled baldachino and a slender church-tower to rise above the altar, exploiting the central margin resulting from its position lower down the page than usual. The kneeling congregation in receding and rising rows into depth suggests the influence of the more

¹⁹ S. KUTTNER, R. ELZE, *A Catalogue of Canon and Roman Law Manuscripts in the Vatican Library*, 2 vols., *Studi e Testi* 322, 328, Città del Vaticano 1986, 1987, vol. I, p. 176-8; A. CONTI, *La miniatura Bolognese*, Bologna 1981, p. 16, 24, fig. 61, reproducing the frontispiece to Book III.

²⁰ In contrast to Conti's account, the Vat. lat. 20-master cannot have transmitted these elements to Bernardino and Jacopino since they are generally closer to their Byzantine sources than he is, though in most respects also using more advanced models. It is clear, however, that there is more than one channel of transmission for the Byzantine influences involved.

modern Byzantine-inspired tradition. They are separated by standing acolytes and a division of the background from the priest. The idea of separation is not emphasised, but the strong spatial treatment establishes the hierarchy of participants very clearly.

The lively profile grouping with the celebrant's host raised aloft appears in Leipzig, Rep.II.10 (Fig. 73), perhaps as direct reduction of the finer design by an artist typical of Bologna's more modest and conservative productions, stylistically affected by Northern Gothic rather than the classicism of the Paleologan-influenced 'Second Style'. Bamberg, MS Can. 25 replaces the clerical choir with a single cleric holding up a candle between the priest and a group of laity together in an undefined space.²¹ MS Can. 48 of the same library, a commentary volume by Goffredo da Trani and others, removes the baldachino and the laity from a similar design, simplification typical of many legal commentary programmes.²²

One of the most elaborate Decretals programmes is the later Lucca copy, MS 287 by the artist responsible for the major work on the Treviso Bible, *Bibl. Com.*, MS 253.²³ He is probably later

²¹ K. G. PFÄNDTNER, *Illuminierte Bologneser Handschriften der Staatsbibliothek Bamberg*, Bamberg 1996, p. 32f, Abb. 22, 23.

²² *Ivi*, p. 25-27, Abb. 17.

²³ G. DALLI REGOLI, in C. Baracchini (ed.), *Il secolo di Castruccio*, Lucca 1982, p. 216-218; GIBBS, *The Development* (see note 3), p. 202-204; Book III is not reproduced. Other works by the predominant artist of the Decretals: a) for the

than his simple design structures suggest, marked by a confident but very conservative linear definition of all forms. His flat arcades fall comfortably into the three-bay design and naturally separate the laity without any spatial distraction at all. On the other hand his celebrant lacks the exuberance of the Vat. lat. 1390 artist and of the design by Jacopino to which we will return. A very similar artist, both probably Paduan rather than Bolognese, illuminated manuscript Frankfurt, Barth. 11 using simpler two-arched frames which confuse the separation of the laity much as among Jacopino's imitators.²⁴ This manuscript is unusual in having a prayer to St. Paul at the end, which suggests the owner or the illuminator bore his name; it also has a scissor-cut gloss filler perhaps unique among Italian manuscripts.

Before turning to the possible source of Book III of Vat. lat. 1390, or perhaps even its compositional

Treviso Bible see: L. GARGAN, in: L. MENEGAZZI, Tomaso da Modena, Treviso 1979, p. 33 cat. 23, pl. 1; D. GASPARINI, Biblia Sacra, Pieve di Soligo 1980; U. BAUER-EBERHARDT, Die italienischen Miniaturen des 13.-16. Jahrhunderts, München 1984, cat. 30, p. 67f., pl. 88; b) for two leaves of a Gratian see: F. AVRIL, M.-Th. GOUSSET, C. RABEL, Manuscrits enluminés d'origine italienne II: XIIIe siècle, Paris 1984, p. 110-111, cat. 136, pl. lxxix: initials of the Paris *Seneca* (BNF lat. 11855).

²⁴ G. SWARZENSKI, R. SCHILLING, Die illuminierten Handschriften und Einzelminiaturen des Mittelalters und der Renaissance in Frankfurter Besitz, Frankfurt 1929, p. 93f., not reproduced.

progeny, we should turn North to Paris and the other French schools where a larger share of mid-late 13th century illuminated Decretals were perhaps produced, foregoing at Book III the architectural elements that have distinguished the smarter Italian copies. Durham C.II.3 dates from around 1255-60, since it includes Innocent IV's constitutions as an extension of Book V; it is glossed except for the last title. It is a really fine manuscript, illuminated, I think, in Paris perhaps by Branner's 'Mathurin Atelier'. It has a complete programme of figurative illumination directly addressed to the text, something still unusual in Bologna, apart from the 1241 Decretals of Leonardo Gropi. On the opening folio Gregory issues his text to two clerics, a contrast to Bolognese iconography where the Dominican Raymond de Penyafort either presents or receives the text. A seated king introduces *Rex pacificus*, and the Trinity depicted as two similar seated persons with the dove between them introduces Book I. Book III begins a new gathering, a clear division into Parts; a cleric repels a layman from the undefined space in which a priest celebrates mass, illustrating its subject with a clarity that disappears from Bolognese examples at least in the 1290s. French scenes generally show the priest preparing the chalice rather than mid-celebration, or a combination of the two. A single layman is being removed from the scene in the Durham copy. We might cast an eye over several other 13th-century French examples to get a broader picture from a handful of examples from Verdun, Troyes and Bourges, all with a very consistent imagery showing the emphatic removal of a layman, though not

necessarily, as the French Internet site has it, ‘un indigne’.²⁵ Arras 802 (9) is perhaps a local North Eastern version of the same iconography, while 816 (485) is at least generically Parisian in style.²⁶ Admont 646 (Fig. 10) is more advanced in style, though not necessarily later.²⁷ There is a fine $\frac{3}{4}$ of the 13th-century example from Reims 697, I think in a local idiom.²⁸ A perhaps Southern French copy is laid out similarly but with a hint of an architectural threshold between the choir and nave: Angers 379.

Nürnberg, Cent. II.79 (Fig. 111), clearly well before 1298 both stylistically and with the prominent Gregory X section (Fig. 114), anticipates Northern copies of earlier 14th-century in

²⁵ Vendôme 81 fol. 138r, Troyes 1244 fol. 157v, Bourges 186 fol. 138v and 189 fol. 130r (Internet: see Indice III).

²⁶ Arras 802 (9) fol. 43v and 816 (485), also Parisian in style and 13th century, fol. 98 (not so far included in the [www.enluminures](http://www.enluminures.com) site); F. XAVIER CARON, *Catalogue des Manuscrits de la Bibliothèque de la Ville d’ Arras*, Arras 1860; *Catalogue des Manuscrits des bibliothèques publiques des Départements Quarto Series IV*, Paris 1872, both without reproductions.

²⁷ P. BUBERL, *Die illuminierten Handschriften in Steiermark I: Admont und Vorau, Beschreibendes Verzeichnis der illuminierten Handschriften in Österreich IV*, Leipzig 1911, p. 152, no. 130, taf. XXII 1-2. Reproductions by M. BERTRAM, *Dekorierte Handschriften der Dekretalen Gregors IX. (Liber Extra) aus der Sicht der Text-und Handschriftenforschung*, Marburger Jahrbuch für Kunstwissenschaft 35 (2008), p. 31-65, at p. 46s.

²⁸ Internet: see Indice III.

introducing an element of violence with the cleric raising a stick to the intruder in each case, suggesting a specific composition being shared. 14th-century are the French miniatures in the copy written by the Bolognese Albertus Bartholomei de Argellata, Milano, Ambrosiana, B.43 inf., and Hamburg 2230 (Fig. 41), probably German but with French-style illumination recalling the Pucelle circle in the 1320s. Angers 376 is a generally conservative manuscript, perhaps Southern, making little allowance for elaborate iconography in its small initials, but with a distinctive moment in the priest's celebration. Nürnberg, Cent. II 43 (Fig. 107) has a bold border and emphatic arcade that may indicate a quasi-French example from a German region, here compared with the mysterious Vat. lat. 1379.

Admont 27 (Fig. 4),²⁹ illuminated by a South German (Austrian) artist provides a very different iconography, apparently displacing Book III with a scene more appropriate to Book II, implying the trial of a cleric for insufficiently 'honest' conduct, referring to the book title, if at all, rather than the opening title. It is notable that Book II has the Judgment of Solomon³⁰ replacing a scene normally of this nature. In none of these manuscripts after Durham C.II.3 do we find the clear division of parts in the layout.

A couple of English examples introduce a modest degree of architectural setting compared with these other Northern examples. Hereford's illuminated

²⁹ BUBERL (see n. 27), p. 94f., no. 80, fig. 99-100; Book III on fol. 139 is not reproduced.

³⁰ Reproduced by Bertram (see n. 27), p. 48.

legal manuscripts are all from France and Oxford, and mostly Northern France rather than Toulouse and Avignon. MS O.VII.7 is considered perhaps French by Mynors and Thompson, but Nigel Morgan suggests it is copied from a Parisian copy by an East Anglian workshop close to that which illuminated the *Carrow Psalter* in Baltimore.³¹ It has lost its opening folio but preserved the address; however the location has been added by the corrector as *Bononie commorantibus*, a possible argument for an early English provenance, perhaps origin, rather than Paris. It is not divided into parts, Book II not ending on the last folio but on the previous one of the gathering, III opening on a new page but not a new gathering and ending on the penultimate folio of the gathering. The Decretals lead into Innocent's IV legislation, opening with a foliate initial *I* with a dragon, just below top of the verso of fol. 219v which has the explicit of the main text on it. Innocent's address is again to Paris. Although its architectural features are purely two-dimensional there is a five-lobed arcade with a supporting column serving to exclude a layman of relatively humble character.

The manuscript of City of London Records Office, Guildhall MS Customary 9, has a very fine copy representing English illumination at its finest

³¹ N. MORGAN, *Early Gothic Manuscripts II: 1250-1285*, A Survey of Manuscripts Illuminated in the British Isles IV.2, London 1988, p. 90, no. 119, ill. 106; R. A. B. MYNORS, R. M. THOMSON, *Catalogue of the Manuscripts of Hereford Cathedral Library*, Woodbridge 1993, p. 51, fig. 83(a).

in the period between the Alfonso Psalter and 1298, though since the first artist may be also responsible for the Murthly Hours (Edinburgh, National Library of Scotland, MS 21000) and an Aristotle *Metaphysics* and a glossed Psalter (Bibl. Arsenal MSS 702 and MS 25), the former with very relevant teaching scenes including academic gowns hanging very vertically, there is a possibility that it is a Parisian import as Michael Michael has suggested, though noting also the affinity of the English *Windmill Psalter*. Book III appears to be by the hand of the Bible, Oxford, Bodleian, MS Auct. D.32, and the Psalter, Cambridge, Trinity College O.4.16.³² The manuscript was surely completed by an undoubtedly English artist closer to the Alfonso Psalter at Book V and the Innocent *Novellae*, his work comparable to Walters 102, and also the Bagnoregio Bible (these attributions are due mainly to Michael Michael). The address is to Paris, but with *Bononie* added in a marginal note. There is no sense of a division into parts, books III and IV falling mid-page. However the gloss adopts the Bolognese system of alphabetically-keyed lemmata with only a secondary role for the French habit of underlining keywords. For Book III an imposing structure like the rendering of a cathedral on seals of the period frames the scene, the only substantial structure of the manuscript, though arcading suggests Italian influence on some of the others.

³² L. FREEMAN SANDLER, *Gothic Manuscripts 1285-1385*, A Survey of Manuscripts Illuminated in the British Isles V, London 1986, vol. II, p. 23f., cat. 13-14, ill. 29-34.

Hereford O.VIII.2 is not Italian as suggested by Mynors and Thomson, but Southern French, promulgated to Paris and Bologna, and with rather coarse French illumination, the paint worn, later 13th century, French, Northern in character with fine but dull blue, blueish grey, dullish vermillion and dull rose pink, dark for ground and light for letter generally. The workshop is probably traceable, though of modest character. Folio 1 has two pictures, Gregory and kneeling Raymon in dark brown over white, plus a Trinity in the manner of Parisian bibles. Book III is well understood, a layman left pushed back by an acolyte in a white surplice while a priest in blue in the centre facing right raises the host above an altar of white and vermillion cloth over vermillion large bricks, all very compact, vertical in emphasis from the shape of the initial V that has been extended by the scribes planning above the display lettering. At Book IV a large bishop turns from a small girl in white left to a small youth in brown right. Book V is in mid page, an S forming two small compartments, a pope above seated, an abbot or bishop with crook but no mitre between clerics in blue, neat body swerve, faces lost.

In the early 1280s Jacopino da Reggio (or the Byzantine-style artist of Jacopino's *Gratian*, Vat. lat. 1366) illuminated, and perhaps wrote,³³ a copy of

³³ F. FILIPPINI, G. ZUCCHINI, *Miniatori e pittori a Bologna, Documenti dei secoli XIII e XIV*, Firenze 1947, *passim*, Paolo di Jacopino Avvocato at p. 187f., 257-259; M. MEDICA, *Modelli bizantini nella miniatura bolognese del "secondo stile"*, in: R. D'AMICO (ed.), *Tra le due sponde*

the Decretals whose illumination was to be profoundly and widely influential: Palatino latino 629 (Fig. 13-18). This can be dated probably immediately before the inclusion of the last of the texts additional to the Decretals themselves: the constitution *Cupientes* of Nicholas III (1277-80) with the *apparatus* of Garsias Hispanus (before 1282) whose illumination is by Jacopino in a rather later manner from the rest of the manuscript, illuminated by the artist in person and as a continuous operation.³⁴ While the end of the manuscript might

dell'Adriatico: la pittura nella Serbia del XIII secolo e l'Italia, Ferrara 1999, p. 154, 161. Other examples of men recorded by Filippini and Zucchini as scribe and illuminator are Andreolo di Giovanni da Roffeno, brother of a painter, Bartolomeo da Modena, Guglielmo di Michele, Guido, Nicolò da Modena. The notary Gerardo di Pietro appears to have been the son of a 12th-century illuminator called Pietro and to be cited as illuminator himself in references to his own son Martino. Iacopo Aspettati, *notarius*, practised illumination, 1284-94, Valentino Pappazoni, *notario*, likewise in 1355 (*ibid.* pp. 10, 16-17, 111, 132, 190-1, 221, 228). M. FACCIOLI BRUNETTO, in: G. CANOVA MARIANI (ed.), *Parole dipinte: la miniatura a Padova dal Medioevo al Settecento*, Padova 1999, p. 76-80 argues that Modenese who says *feci at scripsi* in the *Bible of Niccolò da Montenaro* thereby indicates himself as its principal illuminator too. In 1269 Nicolò da Modena contracted to write, rubricate and illuminate a *Digestum vetus* for lib. 90 (Filippini and Zucchini, p. 174); for several instances of scribes or notaries practising illumination see Murano, *Copisti a Bologna* (n. 10).

³⁴ E. MITTLER, et al. *Bibliotheca Palatina. Katalog zur Ausstellung ... Heidelberg*, Heidelberg 1986, B 6.3.: vol. I, p.

be lacking its last gatherings, this slight but clear change of style provides a terminus for the main body of the book, particularly since it is so closely related to the rest.

Jacopino's structure is complex and ambiguous. The mass is set under a baldachino with the conventional 'Second-Style' tondo with relief and framing foliage demonstrating the command of light and shade; it has a blue background separate from the diapered background of the scene as a whole, and this is taken up again on the left to suggest opening into the world outside and perhaps the mystic world of the transubstantiation the priest is

52f., vol. II, p. 32: reproduction Book II; W. BERSCHIN, *Die Palatina in der Vaticana: eine deutsche Bibliothek in Rom*, Stuttgart 1992, p. 76-78; GIBBS, *The Development* (see n. 3), p. 201-210. But above all the change in the illumination, the only one in the whole manuscript, suggests that the constitution *Cupientes* on fol. 286-95 was an addendum made at the point of completion, particularly since it is by an artist close to the original artist. It is certainly not evidence of the more normal involvement of various workshops, since it is stylistically coherent, whereas collaboration invariably affects the whole of a Bolognese manuscript, even where a single workshop uses a weaker hand for secondary decoration. The last illumination may even be by Jacopino at a later date; in either case, the return of the artist or the arrival of a new hand within the workshop responsible for the original commission, would suggest a close correlation between the decision to include the new legislation in the manuscript and its publication, as well as the completion of the manuscript itself.

conducting. For Jacopino the sanctuary comprises a choir space around it as well. This space is defined by its diapered ground and by a double-arched structure carrying a railed off upper floor beyond which a series of aedicules or churches appear, and a separate one on the right that appears to belong to the principal structure. All of these towers are connected by a veil typical of 'Second Style' settings. Despite a very convincing definition of receding space, and the division of structures to separate the laity, the railed structure suggests the evocation of an Eastern church with Orthodox sanctuary rather than a Western one. The congregation for the mass is elaborately articulated: a kneeling deacon in surplice, two clerics in probably a canons' habit with cowl and open sides, the lectern as a division between them and an assortment of tonsured clergy, one of whom holds a censer aloft, and then the laity, a woman and four men, beyond the sanctuary entrance. Jacopino used a very similar treatment of the mass, without the outer architectural elements and laity, for the *De Consecratione* of Vat. lat. 1375.³⁵

Several manuscripts copy the opening frontispieces of Pal. lat. 629: Pal. lat. 632, illuminated by the illuminator associated with and perhaps to be identified as the scribe Modenese Grisolfi, Vat. lat. 1386 by an artist of essentially Early Gothic training imitating Jacopino's

³⁵ CONTI, *La miniatura bolognese* (see n. 19), fig. 139; A. MELNIKAS, *The Corpus of the Miniatures in the Manuscripts of the Decretum Gratiani*, 3 vols., *Studia Gratiana XVI–XVIII*, Rome 1975, vol. III, pl. V (after p. 1166).

Paleologan style in a rather alien idiom, a later copy illuminated by Modenese or a closely related artist circa 1305-10, Padova, Bibl. Capit., A 28, and an early 14th century copy, Vat. lat. 1387.³⁶ Circa 1300-10 a modest follower of Jacopino adapted a range of his compositions to a manuscript laid out by a more conservative scribe that respects the two-part division at Book III but not the double opening of Book I: Vienna, ÖNB, cod. 2066.³⁷ In another copy, Lucca, Bibl. Capit., MS 287, a couple of artists of the atelier responsible for the Treviso Bible illuminated a manuscript laid out for the double frontispiece and Part II but with rather different compositions deriving perhaps from an earlier work by Bernardino da Modena or Jacopino, incorporating the Crucifixion into a Trinity for Book I.³⁸ Other early 14th-century copies, Arras 11

³⁶ GIBBS, in: COLLI (see n. 2), p. 202-208; CONTI, *La miniatura bolognese* (see n. 19), pp. 52-54, fig. 131, 136, 141, 143, and erroneously at fig. 133.

³⁷ H. J. HERMANN, *Die Italienischen Handschriften des Dugento und Trecento II, Beschreibendes Verzeichnis der illuminierten Handschriften in Österreich Neue Folge V.2*, Leipzig 1930, p. 122-128, no. 78, taf. XLIX-1.

³⁸ G. DALLI REGOLI (see n. 23), p. 215-218. The three major scenes in the Lucca Decretals are by a closely related hand who adapted his style rather awkwardly to the classicism of the Paleologan Style to a far greater extent than the other artist. A step further away still from the innovations of Jacopino, perhaps deriving from an earlier model by him or by Bernardino da Modena, is Frankfurt Barth. 11 (SWARZENSKI, SCHILLING [see n. 24], p. 93-4, no. 85, as circa 1300; G. POWITZ, H. BUCK, *Die Handschriften des Bartholmässtifts und des*

and Laon 357, reflect its opening layout or the modifications of the derivatives. The integral nature of this group appears at the Book III opening on a new gathering in each case.³⁹

Jacopino was faced with two lines of rubric *explicit/ incipit* at the top of the column, whether by his own intention or not, and he took a momentous decision to expand the illumination beyond this text to suggest a vista opening up the page into a vision of Rome or the Heavenly Jerusalem to which the Life and Honour of the Clergy should lead its flock. The specific textural reference to the segregation of clergy and laity is expressed through a contrast of interior structures and outer ones. Significantly the imitating copies follow the layout of Jacopino's design faithfully, but this legal distinction is increasingly lost. Modenese's altar itself is isolated by the baldachino, but he runs the diapered ground across the altar space and replaces the blue 'sky' at the entrance with the turquoise base of the tower

Karmeliterklosters in Frankfurt am Main, Frankfurt 1974, p. 26f.), in which most of the general Lucca compositions have similar treatments, but there is only an initial with bust-length figures for the opening name *Gregorius*; the frontispiece shows Christ in a mandorla instead of the Crucifixion, and the Part II scene is reduced to two arches. The dating of both manuscripts to the 1280s/90s is suggested by the inclusion of the illuminated constitution *Cupientes* of Nicolas III in the Lucca manuscript.

³⁹ MELNIKAS, *The Corpus* (see n. 35), vol. III, *De Consecratione*, p. 1196, fig. 32 and pl. V, reproduces Pal. lat. 629 fol. 132, and Vat. lat. 1375, Jacopino's signed *Gratian*, as a comparison.

above. He allows the crowd to overlap the architectural division between sanctuary and the lay space so that they are actually plunged into the sanctuary itself. He has reduced the clergy in front of them to two acolytes before the lectern and the censer-holding cleric. Vat. lat. 1386 seems to have taken an independent reading of Jacopino's composition, preserving the blue altar space under the baldachino. The ochre tower becomes the side of the canopy, and the tower above changes colour to dark grey, though still independent of the others. The railed structure over the sanctuary is simplified and given more robust columns, marbled. But the background of the sanctuary has changed to gold leaf. His congregation is seen frontally, whereas Modenese's rises in a fan of kneeling and stooping bodies. Nevertheless, they run continuously in front of the columns bearing the upper structure so that there is no visible distinction or architectural division between them and the clergy.

In the later of the Modenese-like examples by an artist active on the Collegio di Spagna MS 280, perhaps the more mature Modenese after 1305, Padova A 28, influenced at Book II by the Arena Chapel's dramatic frontal and oblique architecture, for Book III, Jacopino's structure is greatly simplified, frontal but without those Giottesque spatial refinements. The column that might separate the audience has vanished and they are clearly merged as they shouldn't be into the sacrifice.

In Vat. lat. 1387 the division has vanished altogether as the priest, now seen in frontal perspective rather than the high viewpoint of Paleologan space, stands outside the altar structure.

Towers and railed superstructure have gone, replaced by a curtain whose hooks perhaps recall that railing. The return to a frontal treatment by this artist reminds us how close Jacopino's composition is to Vat. lat. 1390, suggesting a direct exchange of ideas between them, particularly since the Master of Vat. lat. 20 is clearly influenced by 'Second Style' technique and detail, though not its sophisticated expansive spaces.

Padova A 28 has introduced us to a family of manuscripts that adopt numerous traits of the Jacopino school without entering closely into the perspectival ambitions of his art, reducing the architectural setting to a series of truncated towers.⁴⁰ This features also in BAV, Urb. lat 159 by a workshop artistically more advanced than Vat. lat. 1386 but less closely attached to Jacopino's design, more affected perhaps by Northern Gothic. Here the structure is reduced to a three-arch design with some distinctly Paleologan features, and the separation of the laity is in fact more attentively observed, even with a cleric turning them aside as in Northern compositions. Vienna ÖNB cod. 2066 similarly flattens and fragments the architectural setting, but its crowd follows more closely Modenese's wheeling arc of worshippers with the clerics assigned the front row for the viewer rather than that closest to the celebrant.

⁴⁰ A. BARZON, *Codici miniati: Biblioteca Capitolare della cattedrale di Padova*, Padova 1950, p. 25, no. 25, tav. XXVIII, Book III not reproduced; S. BERNARDINELLO, *Catalogo dei codici della Biblioteca Capitolare di Padova*, Padova 2007, p. 54f.

A prolific Bolognese illuminator active in the early years of the 14th century (conceivably in Padua) produced a couple of illuminated Decretals. Arras 11(6) derives perhaps at a distance from Jacopino's design, and certainly from the general typology of his manuscripts. There is a double opening which appears to conflate Books I and II rather than the Trinity. For Book III he uses Jacopino elements but not Pal. lat. 629, removing the exterior and third bay and removing the laity to be represented by a girl in the initial. A still more generic version of Jacopino's composition is Kues 231 (Fig. 51): his Book IV shows architecture of the Jacopino school rather more faithfully. The church setting is reduced to a couple of towers, but the focus in the figures brings out the admonition of the acolyte to the group of kneeling women quite clearly.

Jacopino da Reggio has left us a second rather reduced version of his Pal. lat. 629 programme in Chantilly Ms 397 (cat. no. 216) owned from very early on by a member of the French royal house, since it bears the fleur-de-lys very prominently. Its compact structure forgoes the division into parts and indeed the two-column frontispiece as well, but it is one of a select handful of manuscripts which like Pal. lat. 629 provide a focused illumination for each title as well as the books themselves, in place of the mixture of conventional busts, grotesques and foliate initials generally found. Gone is the architectural setting, reduced to a simple diaper background, and like the whole tradition depending on Book III of the Pal. lat. 629 tradition there is no admonishing cleric, Jacopino relying here solely on

the separate rows of figures with the clergy in a rising sequence to reflect their degrees of proximity to the celebration, and the laity kneeling prayerfully at the back. The essential message is sufficiently expressed but not overtly; the attention to the detail of the altar is more noticeable than the title's content.

One can conclude from this sequence that the spatial challenges of Jacopino's elaborate setting fascinated his imitators but distracted them from the point of the text, without in any way drawing them into the wider subject matter of the book. His legacy in the new age of Franco Bolognese and the Giottesque is highly ambiguous, in contrast to French and English treatments where the exclusion of the laity is generally made explicit. The Bolognese illuminator seems more concerned with the expression of the setting as a complex structure in pictorial space, despite this frequently involving marked uncertainties over the architecture involved. Increasingly, however, the underlying function of the book and its frontispiece as a focus for church matters led to imposing developments from around 1320 onwards.

An illuminated *Apparatus decretalium* of Innocent IV apparently written in Bologna of quite high quality but with very modest and conservative illumination in a generic late 13th-century North Italian manner is Bamberg, Can. 51; in most of its frontispieces a bishop enthroned as judge addresses a couple of kneeling figures either within the initial set in a blue frame or in the frame itself. As a result

of this standardised and minimalist format typical of commentary volumes it is perhaps less surprising that its book III is an exception to the normal iconography with a couple of clerics similarly kneeling before the bishop in a pose of subjection.⁴¹

A highly unusual manuscript which perhaps belongs among the Bolognese but was mainly executed elsewhere is Nürnberg, Cent. II 42 (Fig. 100-104), whose opening scene is a minimal design by an artist responsible for the earlier of the Collegio di Spagna illuminated legal manuscripts without any articulation. But all the other frontispieces are in a caricature of the 'First Style' arcading and figure style, too crude to be safely attributable anywhere, though probably from Southern France. Book III represents the typical late 13th-century Italian design at its simplest, perhaps representing in this respect many examples from Toulouse or perhaps Catalonia.

A number of manuscripts of highly varied style and quality probably come from Southern France and perhaps Catalonia, among which there are various signs of an essentially Italian iconography and imagery. The profile grouping is led by the priest raising the host prominently, not so evident in the Northern manuscripts considered previously, without the emphasis upon the exclusion of the laity, and in the more sophisticated, and some of the less refined, following the two-three bay architectural framing of the Academic/'First Style',

⁴¹ K. G. PFÄNDTNER, *Illuminierte Bologneser Handschriften* (see n. 21), p. 32f.

and not the sophisticated spatial properties of Jacopino and 'Second Style'. MS Vic 144 (Fig. 135-140) with its Gregory X section (Fig. 142) is clearly relatively early among this group, remarkable for its prolific Bolognese-like grotesques (e.g. Fig. 323-326, 330-332, 337-339) and lively expressive version of a linear French Gothic style in an Italianate setting which divides the clergy from the laity without further comment (Fig. 138). A more Italianate workshop produced *Laurenziana*, MS Edili 86, with an incomplete programme around 1300.⁴² Book III is by a less Italian hand. Like two probably later manuscripts he turns the mass to the left, his rather tentative version of an Academic Style framework becoming an apse created by a trefle arch. Like the Italians of this date his audience is ambiguously, even incorrectly placed.

It is becoming increasingly recognised that a substantial body of manuscripts exists from the universities of Toulouse, Avignon and perhaps Montpellier whose character is far less French and more Bolognese than the material so far published as Tolosan. Many of these have not only a strongly Italianate figure style, heavier and more plastic than the light elegant linear illuminations of the North, but also the architectural framework, generally round-arched rather than Gothic, associated with

⁴² L. FABBRI, M. TACCONI (ed.), *I libri del Duomo di Firenze: Codici liturgici e biblioteca di Santa Maria del Fiore (secoli XI-XVI)*, Firenze 1997, p. 125, pl. 33; S. NICOLINI, in: MEDICA (ed.), *Duecento* (see n. 16), p. 297-300.

the 'First Style'. Sometimes the drawing is more marked; trefoiled arches appear: Vic 144 (Fig. 138) – and the imagery is also less marked by the expulsion of the laity than Northern examples: Laurenziana, MS Edili 86, Köln, Stadtarchiv W 275 (Fig. 44) shows the prominent skeletal architecture of one strand, more Northern in technique though not at all Parisian, and my own hypothesis is that it is from Avignon, since clearly after 1300.⁴³ In Hereford O.VIII.2, 13th-century Southern French and only slightly Italianate, a layman left pushed back by an acolyte while the priest in blue in the centre facing right raises the host above an altar of white and vermillion cloth over vermillion large bricks, all very compact but in a vertical format. A particularly fine but rogueish example of the Franco-Italian (and English) is Cambridge, Fitzwilliam Maclean 136, particularly notable for being in parts, but divided by a very spectacular frontispiece at Book IV but not at Book III.⁴⁴ Given the heraldry and abundant gold on this page I wonder whether it was associated with a major marriage. Despite its strongly Italianate character, this Book III does show the pushing out of the laity.

⁴³ An earlier copy in Köln, Dombibl. 130 (Fig. 295), belongs to this category but lacks figurative frontispieces. J. M. PLOTZEK, U. SURMANN, *Glaube und Wissen im Mittelalter. Die Kölner Dombibliothek*, Köln 1998, p. 270-274, no. 57.

⁴⁴ S. L' ENGLE, R. GIBBS, *Illuminating the Law: Medieval Legal Manuscripts in Cambridge Collections*, London 2001, p. 196-203, no. 14.

We have reached the 14th-century, the carelessly defined 'Age of Giotto'. It seems appropriate to take here the other Hamburg manuscript, Hs. 2229 (Fig. 36-39), whose style combines a strong Giottesque character found in Bolognese illumination in Padua from Francesco da Barberino's Hours of ca 1306-8⁴⁵ onwards with the kind of diapered ground, gold on dark green, typical of the 1320s-40s in Bologna; its filigree is late 13th century rather than full 14th, and the same may be said of the geometric foliate initials with their blue-pink palette. Clearly it is missing the opening folio and with it, alas, the address of the text, but the conservative nature of some elements, including the very vertical page layout, suggest this is a Paduan manuscript illuminated by a native Veneto artist rather than the usual Bolognese intruders.⁴⁶ The grey-pink-russet flesh tones and green/pink palette recall the Treviso Book of Hours in the British Library.⁴⁷ One is tempted to see its unusual iconography for Part II, Book III, which this opening clearly is, as the result of Paduan taste and

⁴⁵ K. SUTTON, The lost 'Officiolum' of Francesco da Barberino rediscovered, in: *The Burlington Magazine* 147 (March 2005), p. 151-164; actually unknown private collection in Italy (see *Il Giornale*, 22.2.2007).

⁴⁶ For the range of Paduan illumination in this period, not clearly distinguished between Bolognese and Veneto-originating artists, see G. CANOVA MARIANI (ed.), *Parole dipinte: la miniatura a Padova dal Medioevo al Settecento*, Padova 1999.

⁴⁷ London, BL Add. MS 15265; see CANOVA MARIANI, p. 104f., no. 31.

perhaps the impact of Giotto's frescoes in the Arena Chapel dedicated to the Virgin Annunciate. Here she and her child appear as protectors for the adoring clergy, not unlike the lower level of the Scrovegni Judgement. On the other hand, unusual iconographies begin to appear in the *Liber Sextus* and *Clementines* of the Bolognese soon after, though Padua's influence may play a part in this.

While Giotto's art was being absorbed by Paduan painters the greatest Bolognese illuminator of the 14th century, the 1328-Master, who probably spent much of his career in Padua, transformed the Book III design firstly by developing the sense of architectural setting and then extending its meaning. He was certainly affected by Giotto's art before and probably after the Arena Chapel: there is a suggestion that he knew the Lower Church cycles at Assisi. But since his career runs back, in my view, to the Francesco da Barberino Hours of ca. 1306 he is clearly a contemporary rather than a follower of Giotto, and I strongly incline to the possibility that his work is close to the missing 'Franco Bolognese'.⁴⁸ The 1328-Master's work has immediate roots or ties with a contemporary workshop. A couple of artists from around 1310-20 anticipate him, perhaps, in reversing the composition, exploring the architectural possibilities of the subject in a rather confused blend of 'Second Style' and early Giottesque conceptions: in the first

⁴⁸ Gianluca del Monaco indicated to me that according to Jacopo della Lana Franco was dead by the early 1320s, which would preclude an exact identification with the 1328 Master.

example, by the artist who illuminated the opening of the Gratian, Vat. lat. 2492 and part of the workshop responsible for the Marlay Gratian leaves in Cambridge,⁴⁹ and Leipzig, Rep.II.9c (Fig. 66-70), we have a frontal viewpoint of two separate structures reflecting the new space, while decorated with pseudo-Paleologan foliage. The two separate entities reflect the Jacopino Pal. lat. 629 composition but without the sense of an outer structure embracing the altar space. Here an apse replaces the baldachino altogether, while the figure group completely ignores the division between sanctuary/clergy and the laity. A simple version very similar in style is probably by the 1328-Master himself: BAV, Rossianus 592, simplifying the church structure to a monumental baldachino in convincing frontal foreshortened space, again facing to the left rather than the right.⁵⁰ The Leipzig scene also removes the emphasis on the elevation of the host, retained in the Rossiana scene and in the Vienna copy that epitomises the 1328-Master's work, but which we will see largely ignored in the 1330s and 40s, only to make a comeback in the most imposing mid-14th-century examples.

Of the same generation as the Marlay artist is a quite prolific hand who illuminated much of Laon

⁴⁹ For the Marlay leaves see GIBBS, in: *Illuminating the Law* (see n. 44), p. 126-32, no. 5.

⁵⁰ H. TIETZE, *Die illuminierten Handschriften der Rossiana in Wien-Lainz, Beschreibendes Verzeichnis der illuminierten Handschriften in Österreich V*, Leipzig 1911, p. 77, no. 113, ms. IX, 282, with a surprisingly dismissive comment and no illustration.

357 including all the frontispieces. It is divided emphatically into parts, and book III combines several conflicting ideas of the post-Giotto scene: an emphatic frame, a rather fine exterior of a church reflective of the Scrovegni Chapel, a mass that appears to take place in the open air, and a congregation mixing clergy and laity. Only the noble in the frontispiece suggests the physical separation required.

Wien cpv 2040 is also a work of the 1328-Master in his rather more generic style readily reproduced by assistants.⁵¹ Its designs are varied and subtle, however. The designer anticipated a grand approach by giving each book a two-column space at the head of the page, though it also leaves pages blank to start Part II as a new gathering. The 1328-Master's concept of a church is frontal but truncated, as in several scenes at Assisi's Francis Cycle and the Arena Chapel. It is reversed in relation to virtually every previous composition Italian and French apart from the two we have just considered, and emphasises the raising of the host as in the Jacopino tradition. His treatment of the participants is here ambiguous, however, the clergy on the left and the laity on the right: the latter are in what appears to be the cloister or a less sacred part of the church, but their front ranks encroach on the altar steps, the second and third.

By ca. 1325-30 the artist or his scribal associates had developed an even grander layout in which the

⁵¹ H. J. HERMANN, *Die Italienischen Handschriften II* (see n. 37), p. 153-62, no. 86, Tafel LXIII-LXIV; CONTI, *La miniatura bolognese* (see n. 19), p. 74, 83, 85, fig. 239.

frontispiece, virtually half-page, is integrated with the text initial and above all the borders between text and gloss, ultimately extending to the bas-de-page as well. The development of new iconography, shown in the Madonna of the Hamburg Paduan copy, is encouraged by this extended 'canvas' and is also evident in the *Liber Sextus* fragment accompanying the Morgan Library leaves which epitomise his mature work.⁵² There the normal Boniface scene is replaced by Christ and the Doctors with Pope and Emperor discreetly introduced, Gratian fashion, into the background. Here, Morgan MS 716-4,⁵³ the artist turns his church back to the conventional right-facing design, but he has now expanded its architectural definition into a complete church structure, the whole of its interior dedicated to the sanctuary itself, and the point of the opening title stressed by pushing the laity out of the west door, with a few privileged individuals allowed to approach from a side chapel. But the artist also considers the broader theme of the whole book by introducing the ages of man and man's estates into that border. The cherubic infants the artist also shows in the Turin Digest appear lower right before an aged hermit; younger men on the left. A soldier wields a sword, while another older man represents the post-martial state. And leading into the main scene is the tonsuring of a cleric in the text initial itself.

⁵² M. HARRSEN, G. K. BOYCE, *Italian Manuscripts in the Pierpont Morgan Library*, New York 1953, no. 37; CONTI, *La miniatura bolognese* (see n. 19), fig. 235.

⁵³ HARRSEN-BOYCE, nos. 33-5; CONTI, fig. 238.

From the group of illuminators associated with the 1328-Master's leading associates in the Turin manuscripts and dominated in terms of output at least by the Illustrator, we have a significant example of how the 14th-century illuminated Decretals came to be developed in a less considered but visually quite compelling fashion, closer to later Giottesque notions of architecture. A particularly horrible version of these architectural concerns is present in Vat. lat. 1385, probably datable between the Master's own Vienna and Morgan volumes and by a hand who appears in Vat. lat. 1366 which was probably begun, very briefly by the 1328-Master before passing to younger and generally important artists dominated by the so-called Illustrator.

MS Angers 378 (Internet: see Indice III), is the work of a relatively little known artist of some skill, close to the 1328-Master but distinctive for his chalky white facial complexions and ambitious but very symmetrical architectural structures, not least of which is the stepped church-structure in which one of the first symmetrical masses with the celebrant seen directly from behind appears. This is clearly a part-II frontispiece with its formal layout, twin-column design in contrast to the single column treatments for books II, IV, V. The artist is of sufficient stature to have developed this as a new interpretation, visually speaking, with the central space clearly reserved to the clergy without the need for active intervention to the kneeling congregation on either side. It is of significance that this is the second artist of the Institutes, Paris, BNF lat. 14343, within an essentially complete set of the

Corpus Iuris Civilis (14339-43), and that the artist who executed Book II of the Angers Decretals was the Illustrator, or one of the artists associated with that workshop, while the third who took over the last books is the prolific and rather conservatively stylising artist, the Paris Gratian Master, a frequent collaborator with the Illustrator. Both these artists along with the younger 1346-Master worked together on the Paris set.

Among the other products of this circle Palatino lat. 631 by Conti's 'Servite Crucifixion D Master' has the added interest of being the twin of a Codex in the same collection, Pal. lat. 759, with which it shares most aspects of its two opening frontispieces reflecting the strong similarities of the Codex illumination. In this manuscript as in the Angers copy the parts are marked by twin column frontispieces, and the others by single-column treatments, even the lavish Morgan leaves that survive appear to show the same division. Vat. lat. 1385 essentially follows this structure but oddly gives Book III and V a double-column opening. The altar in at which the priest celebrates is now the centre of a symmetrical composition with flanking canopied structures, presumably notional chapels. On the left a cleric holds back a group of kneeling women and men, but on the right is a more ambiguous combination of clerics in choir followed by laity. Familiarity with the Jacopino tradition explains the nature of the title, but the particular concern of the canon is rather overshadowed by the general architectural setting and ecclesiastical impact.

Following rather luxuriantly on from the Palatine example is Vat. lat. 1389, one of the richest manuscripts by the *Illustrator*, probably Tommaso Galvani recorded in both Bologna and Padua where his son was both a book dealer and perhaps a doctor of laws as well.⁵⁴ Only the opening pages maintain the 1328-Master's elaborate inner border, but the two-column frontispiece dominates most of the books. Its extended view of the clergy reaching up to cardinal and pope in the stalls suggests a broad view of the Book as about the clergy altogether, though the laity are appropriately confined to the outer secondary spaces that the elaborate though rather ambiguous architectural structure creates.

By way of a contrast is Vat. lat. 1388 (Fig. 19-24), written in Bologna circa 1340 to 1342, when it was completed by a Florentine scribe, Lorenzo di Pietro da Firenze, for Brunetto di Andrea da Firenze in 1342.⁵⁵ Lorenzo, however, was not the first scribe, and Brunetto may not have been the original patron for whom this highly distinctive manuscript was intended. At some point before 1350 it had certainly become a Florentine manuscript, since folio 48v, left incomplete by the original Bolognese illuminator, was illuminated by a

⁵⁴ CONTI, *La miniatura bolognese* (see n. 19), p. 90f., tav. XXVIII-XXIX, fig. 266, 275, 279, unfortunately not including Book III; E. CASSEE, *The Missal of Cardinal Bertrand de Deux*, Firenze 1980, p. 26, 74, 116, fig. 15, 95, again not including Book III.

⁵⁵ KUTTNER, ELZE, *A Catalogue* (see n. 19), vol. I, p. 174f.; M. PAVÓN RAMÍREZ, *Manuscritos de derecho canónico iluminados* (see n. 8), p. 251-259.

Florentine artist working in the tradition of Pacino di Buonaguida. But the original scribe or, more probably scribes, as well as the principal and associated illuminators are certainly Bolognese. Lorenzo, however, was probably not Bolognese trained, and certainly the scribe who wrote the accompanying text was not. The script for the text of the last two books is distinctively narrower and more pointed, more 'Gothic', than the first three books which are in a range of fine Bolognese rotunda text and glossing scripts. Lorenzo signed it twice: 'Lorenzo di Pietro of the parish of S. Felice in Florence wrote the aforesaid apparatus, *or the major later part of it* [my italics], for the jurist Brunetto di Andrea of S. Lorenzo in Florence' and at the end of gloss to Book V, title 31 (fol. 303va): *Anno Domini millesimo trecentesimo quadragesimo secundo die undecimo maii scripta fuit hec columpna per me Laurentium Petri de Florentia.*⁵⁶ Originally, however, as planned in the opening leaves, the manuscript was a highly specialised and distinctive production in which the glossed Decretals are supplemented by what may have been intended to be the complete

⁵⁶ MURANO, Copisti (see n. 10), p. 71, has noticed the hidden name *Lau/rem/tius* in the *Decretum Gratiani*, Cambridge, Fitzwilliam Museum McClean 183 which she interprets as the scribe's, perhaps Lorenzo Stephani who wrote the notaries' guild statutes in 1327. Given the unusual and rather untidy script of the manuscript (GIBBS, in: *Illuminating the Law* [see n. 44], pp. 133-143, cat. 6), it is more likely to be the work of Lorenzo di Pietro, though it might possibly refer to the glossator responsible for this recension of the text.

Novella of Giovanni d'Andrea, originally composed as a continuous and self-sufficient commentary. In our manuscript, instead, it is incorporated as a second gloss alongside the principal *Glossa ordinaria* standard for Gregory's Decretals. The manuscript is remarkable structurally not only for its page layout and contents but for being written with each book as a structurally separate 'Part', though with single column frontispieces because of the complex layout. The *Novella* was reduced in the course of writing to fragments that become increasingly isolated and disappear altogether from the layout of most of Part II (Books III-V). Book III, on the life and honourable conduct of the clergy, has a highly dramatic rendering of the mass, the celebrant holding the host high above his head. A couple of prosperous gentlemen attend the mass, much closer to the kneeling priest before them than canonically they should be: unlike the patron and scribe the otherwise very accomplished and advanced illuminator was conservative in his choice of iconography, constrained perhaps by the limited space available, and the narrative elements take us back to the design of Jacopino, especially its reduced Chantilly version.

It would appear that the mid- and later-14th century treatment of the *Liber Extra* was dominated by Giovanni d'Andrea's *Novella* on it, a commentary rather than the glossed text but now provided with a very similar programme of illumination. This shift from new manuscripts of the *Liber Extra* to rich copies of the *Novella* appears already with the set Vat. lat. 1454+2231+2223, illuminated by the Paris Gratian Master and dateable around 1330 on

grounds of dress and artistic context. It follows the same structure of parts in two-column frontispieces and single column treatments for the rest that we have found in 14th-century copies of the *Extra*, with each book again opening on a new gathering. Book III's miniature reflects the essentially conservative nature of the artist, as well as his strong sense for geometrically simple and striking forms, that despite using a symmetrical view of the church structure he adopts the profile treatment of the mass typical of the 13th-designs including Jacopino's canonical treatment. The emphasis his design places upon the converging choir stalls perhaps implies the men and women kneeling on the step beyond are being restricted in their spatial access, though no actual barrier is interposed; it is perhaps a clearer treatment than the completely symmetrical designs of the slightly more modern and less conventionised art of the Crucifixion-D and the Illustrator. The most notable of the manuscripts of this period forms a major transition between the illumination of the two halves of the 14th century, illuminated by the young Niccolò da Bologna with frontispieces to each half of the volume signed and dated to 1353 in their borders it is preserved in the Vatican Library with two separate pressmarks, Vat. lat. 1456 and 2534.⁵⁷ In a polygonal structure fusing baldachino and perhaps a whole church Niccolò has composed a symmetrical elevation of the host of extreme

⁵⁷ Both are illustrated in P. TOESCA, Nicolò da Bologna miniaturista del secolo XIV, in: *Arte Lombarda* XIV.2 (1969), p. 14f., fig. 3-4, and CASSEE, *The Missal* (see n. 54), p. 22-28, fig. 1, 23.

dynamism, surrounded by a host of disturbingly excited onlookers; while clerics occupy the central bay, the division between laity and clergy is not otherwise very clear in their grouping.

The fragments of Niccolò's later copy of the *Novella*, datable ca. 1370 and now split between Cambridge, Washington and New York, have the fullest iconographic programme for either text since Jacopino's Pal. lat. 629.⁵⁸ Unfortunately Book III is not among the known components.

Niccolò da Bologna produced one of his finest manuscripts perhaps a decade earlier, the later of the illuminated Decretals of the Biblioteca Capitolare in Padua A 1, which forms a fitting coda to this sequence of symmetrical designs typical of the generation after the 1328-Master.⁵⁹ Its individual titles have strongly individualised busts of figures, not perhaps a specific programme but finer and more emotive than normal. Niccolò has taken the triple structures that had dominated 14th-century Bolognese treatments and unified them into a single aisled church now recognizably such, complete with belfry above. The main body, the cappella maggiore, is occupied by the celebrant and kneeling acolytes, while the latter are safely echoed by kneeling men and women on either side in the separate spaces afforded by the aisles. As in previous treatments from Bologna there is no explicit driving out of

⁵⁸ L'ENGLE, in: *Illuminating the Law* (see n. 44), p. 226-229, cat. 20.

⁵⁹ BARZON (see n. 40), p. 30f., no. 28, tav. XXXI-XXXII, Book III not illustrated; BERNARDINELLO (see n. 40), p. 4f.

these pious folk, but their separation is now clear and natural. A typically academic addition is the matching choirs of learned men singing behind the men in contrast to the choir of clergy singing above the women: the scene is reflective of the continuing growth of lay orders and devotional bodies through the 14th century. The spatial unity and the rather convincing depiction of the altarpiece almost prophesy the last century of the illuminated manuscript, of which my own knowledge is too patchy to have direct knowledge of any later illuminated treatments.

The late production of printed copies of the Canon Law texts by Peter Schöffer of Mainz in 1473 led to another round of illuminated canon lawbooks, this time incunables. The fine copy illuminated and preserved in Köln, Dom Inc. d. 205 still shows the raising of the host at mass, the clergy undisturbed by the laity confined by the small space allowed for the frontispiece to a convincingly foreshortened interior without any of the ambitious architectural framing that had marked the highpoint of 14th-century artistic ambitions.⁶⁰

⁶⁰ PLOTZEK, SURMANN, Glaube und Wissen (see n. 43), p. 274-277, no. 58.

KATHLEEN NIEUWENHUISEN

*The Consent in Pictures.
Marriage Representations
in Medieval Manuscripts
of the Liber Extra (1250-1400)*

First of all, I would like to express my appreciation to dr. Martin Bertram for the initiative for this workshop. I also would like to thank the Università degli Studi Roma Tre, the Progetto Mosaico and of course the Deutsches Historisches Institut in Rome for the organization.

I am very glad to be invited. I already told some of you, when we met in 2005 in Germany at the Kunsthistorisches Institut der Universität zu Köln, that I feel very lonely in Holland.¹ Because in Holland the art historians seem afraid of juridical manuscripts, especially the juridical manuscripts that are about canon law. Though I can assure them that the marriage questions in the *Liber Extra* and its illustrations are very fascinating. Therefore I hope my contribution to this workshop will be of some interest to you.

My lecture is about the marriage representations which can be found in illuminated manuscripts of the *Liber Extra*. It is based on my dissertation: *The Consent in Pictures. Marriage representations in medieval manuscripts of the Liber Extra (1250-1400)*.² The

¹ That was at the colloquium organized by professor Susanne Wittekind: Bild und Bildung im Mittelalter III: Transformation und Systematisierung von Wissen in Rechtshandschriften.

² The abbreviations (N-Fig. X) used in this paper refer to the illustrations in the Appendix. They are also described (location, library, manuscript, folium, dating) in my dissertation: Kathleen NIEUWENHUISEN, Het jawoord in beeld. Huwelijksafbeeldingen in middeleeuwse handschriften (1250-

dissertation was written in Dutch, but I am working on an English translation (N-Fig. 1).

As we all know book IV of the *Liber Extra* is devoted to marriage questions. And we also know that, if a copy of the *Liber Extra* has been illuminated, there is usually only one illustration located at the beginning of each book. So the marriage representation at the beginning of book IV opens the section about marital issues. Here we see the first folium of book IV and the location of the marriage representation in the manuscript (N-Fig. 2).

This detail (N-Fig. 3) shows us the marriage representation itself. On this French illustration from the first half of the 14th century bride and groom join their right hands in the presence of a priest. With this gesture, the so called *dextrarum iunctio*, man and wife confirm their mutual consent. The groom raises his free hand. With this gesture he confirms the marriage vows and his consent that he is expressing in words. Meanwhile the priest keeps his left hand over the joined right hands of the couple.

It is not without reason that a canon law book is devoted to marriage. When Gregory IX promulgated the *Liber Extra*, marriage was under ecclesiastical jurisdiction. Only the Church was competent to administer justice in marital affairs. This had not always been the case. Actually, only after centuries

1400) van het *Liber Extra*, Vrije Universiteit, Amsterdam 2000, to be published in 2012 by Uitgeverij Verloren in Hilversum.

of interfering in marriage issues and struggling with secular authorities did the Church, around 1100, achieve exclusive jurisdiction over the marital bond.

Theologians and canonists developed a Christian marriage doctrine, based on biblical texts. After centuries of endless thinking and rethinking, marriage finally found its definitive form in book IV of the *Liber Extra*. From then on marriage is realized through the free will, the mutual consent of man and wife. The mutual consent makes the marriage bond indissoluble.

You all know that pope Gregory IX sent the first two copies of the *Liber Extra* to the universities of Bologna and Paris, at the time the most prominent universities in Western Europe. You also know that pope Gregory IX directed that the *Liber Extra* had to be taught in the law faculties as the official law of the Roman Church. Therefore the text of the *Liber Extra* has been produced in Bologna and Paris on a large scale and also distributed from both cities.

Anyhow, the manuscripts that I have been able to trace are produced in Bologna, in other cities in Italy, and in France. And what did I find out?

In the French manuscripts (N-Fig. 4) of the *Liber Extra* almost every marriage representation shows the joining of the right hands, the so called *dextrarum iunctio*. And this joining of the right hands always takes place in the presence of a priest or bishop. On this (N-Fig. 4) French example from the end of the thirteenth century a bishop holds the wrists of the bridal couple, while he looks at the groom, waiting

for his consent. The groom gives his consent which is confirmed by the raising of his free hand. After both bride and groom have given their consent, their right hands are joined for confirmation.

Despite small variations the essential composition stays the same: man and woman give each other their right hand in the presence of a priest and sometimes raise their free hand during the *dextrarum iunctio* (N-Fig. 5). The priest stands in the middle, acting as a binding element, with often, but not always, the groom on his right side.

Often the illustrations show a bride and groom escorted by companions, like parents, relatives, and friends (N-Fig. 6). These companions give the bridal couple away, accompany them, encourage them, or raise their hand too, in a gesture of approval. Often a man escorts the groom and a woman the bride.

This kind of illustration, in which bride and groom give each other their right hand in the presence of a priest, is abundant in French manuscripts. Therefore, it is quite remarkable that Italian illustrations do not follow this rule and show us quite a different image. In Italian illustrations the *dextrarum iunctio* does not exist at all. Instead the transfer of the ring is the central motive. In Italian illustrations the groom offers the bride a ring or the groom puts a ring on the bride's finger.

In this Italian illustration from about 1300 (N-Fig. 7) a priest is standing between the bridal couple and its companions. The groom offers the bride a ring. The bride is waiting. One man is pointing his

hand to the groom. That man wears a dark, flat hat and an ermine pelerine or cape. In the Northern part of Italy, we all know, this is the characteristic costume of a notary.

In the next Italian illustration from the 14th century, this notary has taken over the place of the priest (N-Fig. 8). The notary is laying his hands on the backs of the bridal couple while the groom is offering the bride a ring (you must believe me that the groom offers a ring and that he holds it at his forefinger, though it is hardly visible on this image (N-Fig. 9: detail). A woman supports the bride and a man supports the groom. They are all in the company of a larger group of people.

On the following Italian illustration (N-Fig. 10) we see how the notary asks the bridal couple for their consent. Here, the marriage celebration takes place before a notary who asks the groom for his consent while he is pointing at the bride. The groom holds the wedding ring in his right hand, while the bride is waiting with her arms crossed in front of her chest. The attendants are divided in two parties: men accompany the groom, women escort the bride.

In the Italian illustrations, the priest is often absent. His place is not only taken by a notary, but also by an elderly gentleman (N-Fig. 11). The elderly man acts the same way as the notary. He takes the right hand of the bride, enabling the groom to put the ring on the bride's finger. Three men are raising their hands to encourage the groom. Please keep

these raised hands in mind because I will come back to that gesture later.

In the *Liber Extra* the French marriage representations all show us the joining of the right hands in the presence of a priest. In the Italian marriage representations the priest is often absent and the *dextrarum iunctio* does not exist. Instead the transfer of the ring is the central motive.

How to explain these remarkable iconographic differences between the French and Italian marriage representations? Book IV is not concerned with the way the marriage celebration took place, but with the consent itself. And only two decretals casually mention very briefly ‘a blessing at the entrance of the church’ and ‘the usual ceremony in the presence of a priest or notary’.³ These decretals could hardly provide any useful information to the illuminators. So the illuminators did not rely on the text of book IV. What did they rely on?

If we compare the French and Italian marriage representations from the *Liber Extra* with French and Italian marriage representations in other kinds of manuscripts we see exactly the same iconographic differences (N-Fig. 12). Let’s start with French examples.

This miniature illustrates a French manuscript of the *Decretum Gratiani* (N-Fig. 13). The text is about an extensive marriage issue concerning the acts of a bigamist. However, nothing from this complicated

³ X 4.1.28 and X 4.4.3.

causa is represented. We only see a marriage ceremony with the joining of the right hands in the presence of a priest and companions. We see the same thing happening in Roman law manuscripts (N-Fig. 14). This French or Flemish miniature illustrates Book 23 from the *Digestum Iustiniani* about engagements (*De sponsalibus*). Book 23 is about the appointments that are made before the wedding takes place, for instance about the dowry and the giving of land. The situation is the same in chronicles (N-Fig. 15). This miniature comes from a copy of *L'Histoire d'Outremer* that was made in Saint-Jean d'Acres. It is made by a French illuminator who followed the French tradition. *L'Histoire d'Outremer* is a chronicle about the crusades. The illustration represents the marriage of Guy de Lusignan who married Princess Sibylla, the sister of the King of Jerusalem. A bishop is celebrating this important royal wedding.

In all of these French cases the text of the illuminated manuscript does not concern the celebration of marriage. What did the illuminators rely on if it was not the text?

The situation in the marriage representations bears a great resemblance to the events in the French *ordines matrimonii*, in which the medieval marriage liturgy is recorded.⁴ According to the *ordines matrimonii* the marriage celebration took place at the portal of the church in the presence of a priest. This

⁴ I am greatly indebted to the thorough investigation of J.-B. MOLIN, P. MUTEMBE, *Le Rituel du Mariage en France du XII^e au XVI^e Siècle*, Paris 1974.

priest is always present in the illustrations of the *Liber Extra* but to a lesser degree in illustrations of other kinds of law texts, chronicles and historical bibles. As we have seen, a bridal couple that performed the *dextrarum iunctio* could illustrate the marriage of Princess Sybille and Guy de Lusignan as well as a complicated marriage issue in the *Decretum Gratiani* and the *Digestum Iustiniani* (Roman law).

How about the Italian marriage representations? The marriage representations in the Italian manuscripts of the *Liber Extra* show us that in Italy the iconographical tradition was quite different. Instead of the *dextrarum iunctio* the transfer of the ring is the central motive. Moreover, the priest is often absent and his place taken by a notary or older gentleman (N-Fig. 10, 11). Still, both in the Italian and in the French marriage representations, the same solemn moment is represented, that is the founding of the marriage bond through the consensus of the bridal couple.

How do we know that? We know that from Tuscan family chronicles - the so called *Ricordanze* - and notarial formbooks.⁵ From Tuscan family chronicles and notarial formbooks we know that marriage in Italy was celebrated in a different way

⁵ C. KLAPISCH-ZUBER, An Ethnology of Marriage in the Age of Humanism, in: EAD., Women, Family and Ritual in Renaissance Italy, Chicago/London 1985, p. 247-260; P. LEISCHING, Eheschliessung vor dem Notar im 13. Jahrhundert, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung 63 (1977), p. 20-46.

than marriage in France. In Italy the Church hardly played any role during the marriage ceremony. If so desired, the marriage bond was blessed by the priest, but only before or after the celebration in the family circle. The marriage celebration took place at home in the presence of a notary. That notary asked the bridal couple for their consent with the wedding and recorded it in a written document. In some cases he, or an elderly gentleman who acted as the master of ceremonies, would take the hands of the bridal couple, enabling the groom to put the ring on the bride's finger. This is expressed in the Italian marriage representations, in which, as in the French illustrations, the extensive marriage ritual is reduced to one act only. Here also the moment is shown in which the bride and the groom make their consent known, confirmed by the Italian groom through putting a ring on the bride's finger. This is not only the case in the *Liber Extra* but also in the illuminated manuscripts of canon law, Roman law and historiated bibles (N-Fig. 16).

In a number of Italian marriage representations the transfer of the ring takes place before a standing or enthroned priest (N-Fig. 17). Because we know from contemporary sources that during the marriage celebration no priest was present, his appearance indicates an imaginary situation. This impression is strengthened by the fact that in a number of cases the priest is an enthroned bishop or pope, who raises his finger in a gesture of authority. In my opinion, the enthroned priest refers in this way to the authority of canon law. The priest, in reality absent during the marriage celebration in the family circle,

appeared enthroned in the illustrations. In this way the marriage finally took place under the watchful eye of the Church.

The French illuminators, like the Italians, used one particular motive to represent the formation of marriage. They repeated this motive endlessly. This uniformity has to do with the way the illumination of the manuscripts was effected.

In Paris those who were involved in the production of books worked in the same neighbourhood.⁶ Moreover, different illuminators worked closely together on large assignments. Those who sold and illuminated books did not limit themselves to trading in only one kind of manuscript. The same bookseller could very well sell both biblical and law books. He would have these illuminated by the same people, so there was no strict distinction between the illumination of religious and juridical texts. This is why it is possible

⁶ R. H. ROUSE & M. A. ROUSE, *The Book Trade at the University of Paris, ca. 1250-1350*, in: L. J. BATAILLON et al. (ed.), *La Production du livre universitaire au moyen âge. Exemplar et pecia. Actes du symposium tenu au Collegio San Bonaventura de Grottaferrata (mai 1983)*, Paris 1988, p. 41-114; R. H. ROUSE & M. A. ROUSE, *The Commercial Production of Manuscript Books in Late-Thirteenth-Century and Early-Fourteenth-Century Paris*, in: L. L. BROWN-RIGG (ed.), *Medieval Book Production: Assessing the Evidence. Proceedings of the Second Conference of the Seminar in the History of the Book to 1500*, Oxford 1988, Los Altos Hills CA 1990, p. 103-115.

for a biblical marriage to look exactly like a marriage representation in a juridical manuscript.

In Italy too there was uniformity.⁷ But this uniformity was mostly limited to juridical manuscripts. In Bologna, contrary to Paris, the book-trade was specialized. Booksellers who worked for the faculty of law limited themselves to the reproduction of juridical manuscripts only. The booksellers had different kinds of juridical texts on stock. All those texts contained passages about marriage. So an illuminator could be ordered to paint a marriage in both the *Liber Extra* and the *Decretum Gratiani* and the *Codex Justiniani*.

However, the pictorial traditions reached further than the university town with its production method of juridical manuscripts. This becomes clear when we compare the marriage representations from the *Liber Extra* and historical bibles with the engagement (the so called *Sposalizio*) of Mary and Joseph in the North of Italy. In these representations too the painters put the transfer of the ring at the center (N-Fig. 18). But we also see that they painted the heavy blow on the shoulder, that was given to the groom by his *compater*

⁷ F. SOETERMEER, A propos d'une famille de copistes. Quelques remarques sur la librairie à Bologne aux XIII^e et XIV^e siècles, in: *Studi Medievali* 30 (1989), p. 425-478, repr. in ID., *Livres et juristes au Moyen Âge*, Goldbach 1999, p. 95-148; ID., *Utrumque ius in peccatis. Die Produktion juristischer Bücher an italienischen und französischen Universitäten des 13. und 14. Jahrhunderts*, Frankfurt Main 2002.

anuli during the exchange of the consent. This characteristic blow was, like the notary and the transfer of the ring, in reality part of the marriage ceremony. And the gesture of the *compater anuli* has not been described in the illustrated texts, but in the so called *ricordanze*.

CONCLUSION

Both the French and Italian illuminators of the *Liber Extra* represented the same ceremony, that is the celebration of marriage. They focused on the moment in which the bridal couple declared their consent. This consensus was essential, because without it the marriage was not valid. The illustrations in the *Liber Extra* are only generally related to the text of book IV that consists of many different decretals and conciliar decisions of various marriage questions. The text does not concern itself with the way the marriage celebration took place.

Therefore the representation of the mutual consent the illuminators did not base themselves on the text of book IV, but on iconographical traditions. Those iconographical traditions were determined by the contemporary marriage ceremonies, in which in France the *dextrarum iunctio*, and in Italy the transfer of the ring took up a central position. For this reason the representations constitute an autonomous and very interesting source of information apart from the text.

KATHLEEN NIEUWENHUISEN

Appendix

Illustrations (N-Fig. 1-18)

The author of the present paper assumes full and exclusive personal responsibility for the electronic publication of the photographic materials included in this illustrative section. She confirms that she has obtained from all libraries holding copyright for these materials the publication permissions required by national and international laws regarding electronic publication and transmission. Therefore she exonerates Drs. Martín Bertram and Silvia Di Paolo, editors of the present e-book, from any copyright liabilities toward the concerned libraries.

Note of the editors: The siglum “N-Fig. X” distinguishes this personal series of images from those in the general section at the end of the volume. For technical reasons the identifications given in this list do not correspond verbally to those under the images. The content will be indicated only for others than Decretal manuscripts.

N-Fig. 1: Kathleen Nieuwenhuisen, *Het jawoord in beeld. Huwelijksafbeeldingen in middeleeuwse handschriften (1250-1400) van het Liber Extra*, Dissertation Vrije Universiteit, Amsterdam 2000, to be published in 2012 by Uitgeverij Verloren in Hilversum.

N-Fig. 2: Marriage ceremony, France, first half of 14th c.
Göttingen, SUB Jur. 153 fol. 190r

N-Fig. 3: Detail from N-Fig. 2

N-Fig. 4: Marriage ceremony, France, late 13th c.
Admont 646 fol. 229v

N-Fig 5: Marriage ceremonies in various French manuscripts

- a) Luxembourg, BN Ms. I.140 fol. 117v
- b) Milano, Bibl. Ambrosiana B.43 inf. fol. 203v
- c) BAV, Vat. lat. 1379 fol. 211r
- d) London, BL Royal 10.D.VII fol. 233r
- e) Uppsala, UB C.562 fol. 269r

N-Fig. 6: Marriage ceremonies with companions in two French manuscripts

- a) London, BL Royal 10.E.IX fol. 195, Paris?, c. 1300
- b) s'Heerenberg Hs. 43 (no counting of folios), Avignon? c. 1300

N-Fig. 7: Marriage ceremony in the presence of a priest and a notary, Italy, c. 1300

BAV, Vat. lat. 1386 fol. 181v

N-Fig. 8: Marriage ceremony in the presence of a notary, Italy, 14th c.

Arras BM 11 fol. 216

N-Fig. 9: Detail from N-Fig. 8

N-Fig. 10: Marriage ceremony, Italy, c. 1300

BAV, Vat. lat. 1390 fol. 213r

N-Fig. 11: Marriage ceremony, Italy, c. 1342

BAV, Vat. lat. 1388 fol. 239r

N-Fig. 12: Two marriage ceremonies

- a) Arras, BM 287 fol. 146, France
- b) Oxford, Bodl. Can. Misc. 492 fol. 235r, Italy

N-Fig. 13: *Decretum Gratiani*: Marriage ceremony, France, c. 1300
Paris, BNF lat. 3898 fol. 293

N-Fig. 14: *Digestum*: Marriage ceremony, France or Flanders, c. 1300

Bruxelles, BR 9234 (van den Gheyn 2707) fol. 304v

N-Fig. 15: *Histoire d'Outremer*: Marriage of Guy de Lusignan and Princess Sybille, Acre, c. 1275-1280
St. Petersburg, NL Ms. fr. fol. v. IV.5 fol. 41r

N-Fig. 16: Marriage ceremonies, the transfer of the ring

- a) *Decretum Gratiani*: Genève, Bibl. Publ. Univ. Ms. lat. 60 fol. 263
- b) *Johannes Andreae, Additiones super Sexto et Clementinis*: Bamberg, SB Can.74 fol. 26r
- c) *Bibbia istoriata padovana*: London, British Library Add. MS 15277 fol. 83r

N-Fig. 17: Marriage ceremonies with the transfer of the ring in front of:

- a) an enthroned bishop: Oxford, Bodl. Lat. theol. b.4 fol. 151v, Italy, 1241
- b) an enthroned pope: Berlin, SB Hamilton Ms. 279.II fol. 137, Italy, c. 1300

N-Fig. 18: Traditional Italian marriage ceremonies in different contexts

- a) *Bibbia istoriata padovana*: Rovigo, Accad. dei Concordi Ms. 212 fol. 39v
- b) *Liber Extra*: BAV, Vat. lat. 1388 fol. 239r, c. 1342
- c) *Giotto, Sposalizio della Vergine*: Padova, Capella Scrovegni, c. 1305
- d) *Niccolò di Buonaccorso, Sposalizio della Vergine*, London, National Gallery, 1355-1388

HET JAWOORD IN BEELD

Huwelijksafbeeldingen in middeleeuwse
handschriften (1250-1400) van het
Liber Extra



Kathleen A. Nieuwenhuisen

Fig. 1. Dissertation: Kathleen Nieuwenhuisen, *Het jawoord in beeld. Huwelijksafbeeldingen in middeleeuwse handschriften (1250-1400) van het Liber Extra (1234)*, Vrije Universiteit, Amsterdam 2000.

LIBER EXTRA

BOOK IV



Fig.2 Marriage ceremony in a French copy of the Liber Extra, first half of the 14th century, Göttingen, Niedersächsische Staats- und Universitätsbibliothek, Cod.Ms.Jurid. 153, fol.190a^r

'Incipit liber quartus de sponsalibus et matrimoniis'



dextrarum iunctio

Fig. 3 detail from fig. 2

DEXTRARUM IUNCTIO

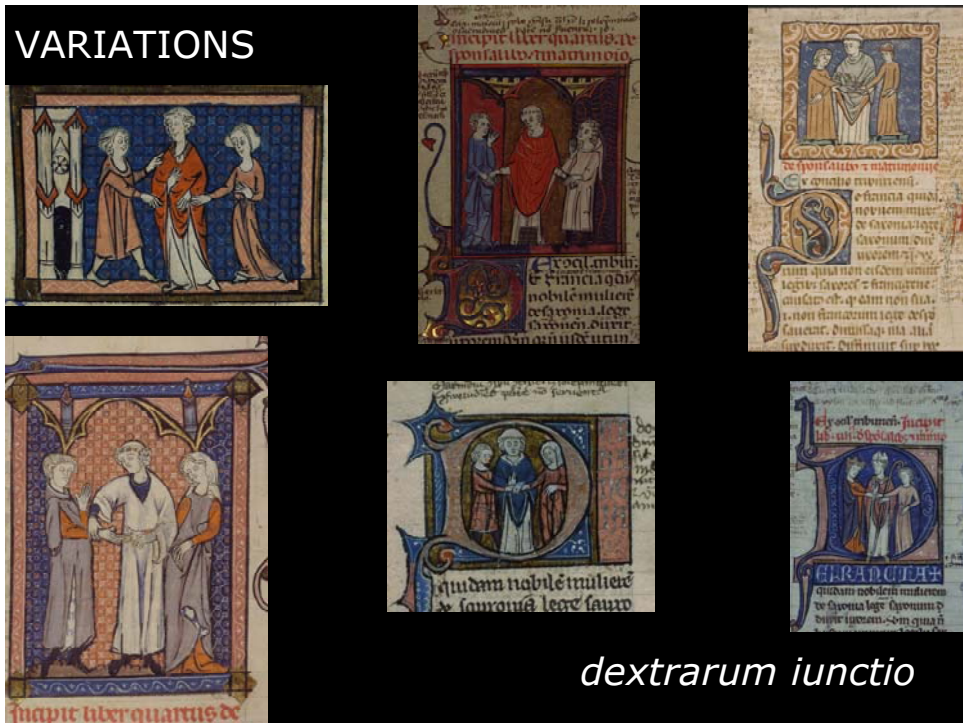


French, late XIII

Admont, ms.lat.646

Fig. 4 Marriage ceremony in the Liber Extra, French, late 13th century, Admont, Stiftsbibliothek, Ms.Lat.646, fol. 229^{vo}

VARIATIONS



dextrarum iunctio

Fig. 5 Marriage ceremonies in various French manuscripts of the Liber Extra



Fig. 6 Marriage ceremonies with companions in French manuscripts of the Liber Extra

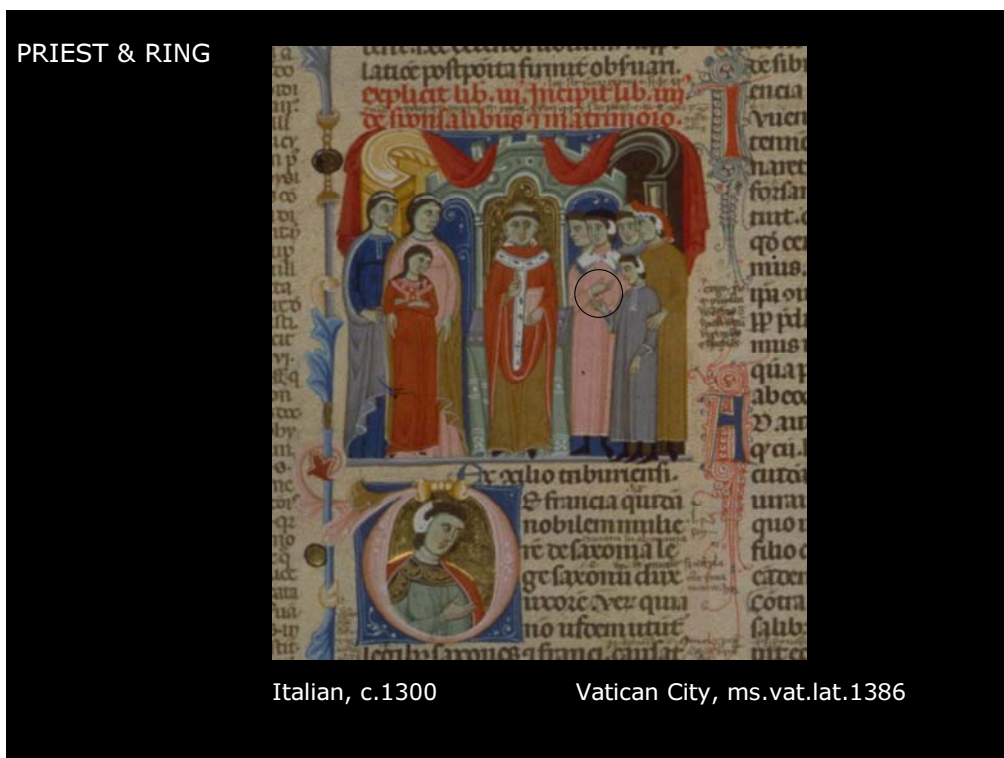


Fig. 7 Marriage ceremony in the presence of a priest and a notary, Italian manuscript of the Liber Extra, Vatican City, Biblioteca Apostolica Vaticana, Ms.Vat.lat.1386, fol.181^v



Fig. 8 Marriage ceremony in the presence of a notary in an Italian manuscript of the Liber Extra, 14th century, Arras, Bibliothèque Municipale, Ms.11.fol.216

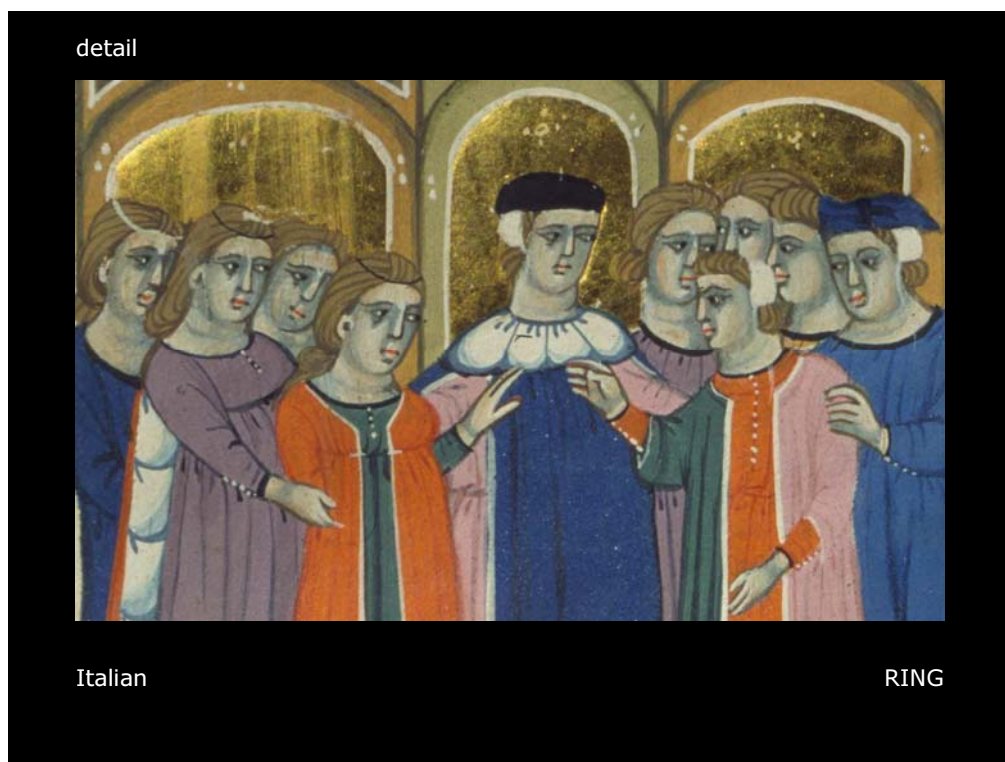


Fig. 9 Detail of fig. 8

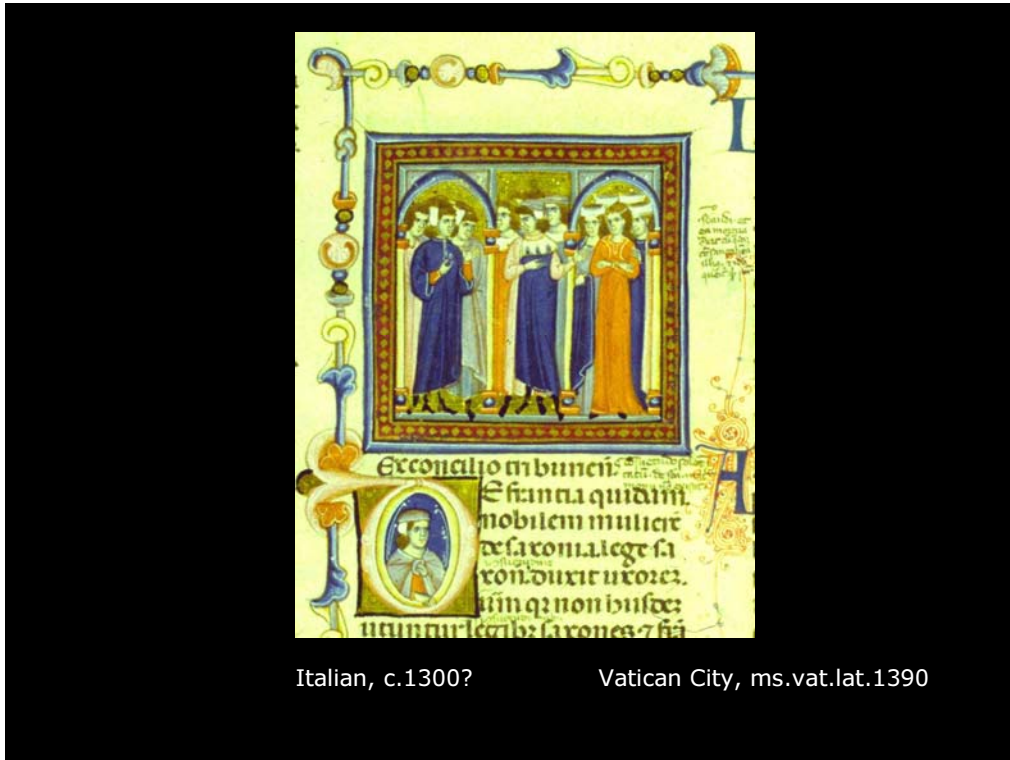


Fig. 10 Marriage ceremony in an Italian manuscript of the Liber Extra, circa 1300 (?), Vatican City, Biblioteca Apostolica Vaticana, Ms.Vat.lat.1390, fol.213^v

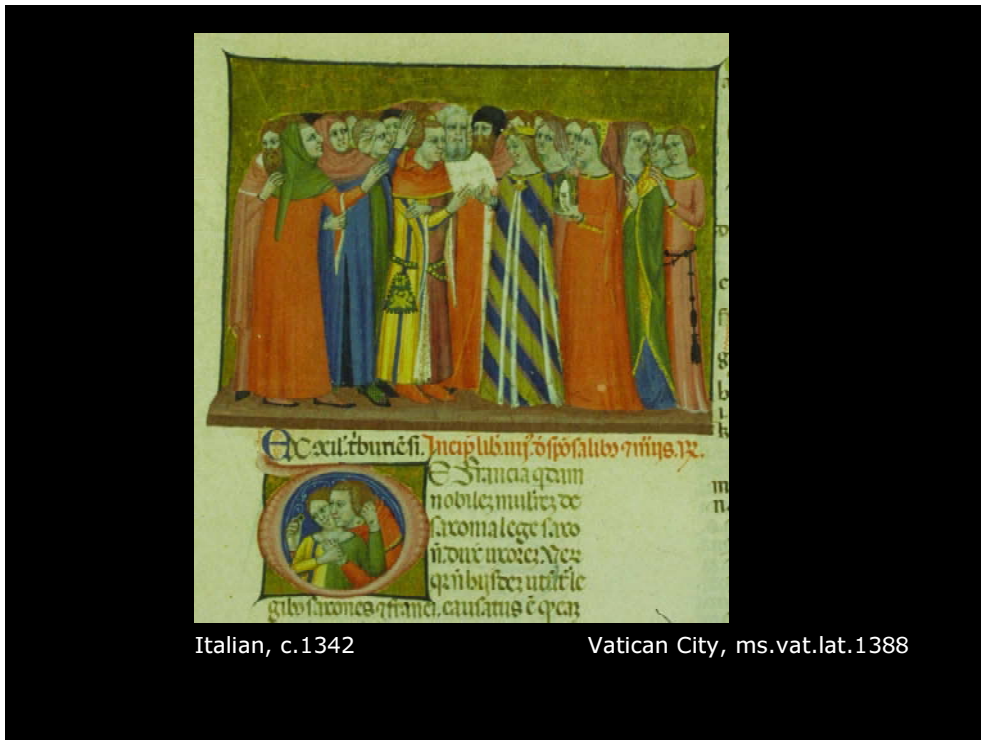


Fig. 11 Marriage ceremony in an Italian manuscript of the Liber Extra, circa 1342, Vatican City, Biblioteca Apostolica Vaticana, Ms.Vat.lat.1388, fol.239^v

French



dextrarum iunctio in front
of a priest (bishop)

Italian



transfer of a ring, priest often
absent (here: a *legum doctor*?)

Fig. 12 Two marriage ceremonies: one in a French manuscript and one in an Italian manuscript of the Liber Extra

Decretum Gratiani

causa XXVIII



French, c.1300

Paris, ms.lat.3898

Fig.13 Marriage ceremony in a French manuscript of the Decretum Gratiani (C. 28), circa 1300, Paris, Bibliothèque Nationale, Ms.lat.3898, fol. 293

Roman law



'De sponsalibus', Digestum Iustiniani 23.1
French or Flemish, c. 1300

Brussels, ms.9234

Fig. 14 Marriage ceremony in a French or Flemish Roman Law manuscript (Dig. 23.1), circa 1300, Brussels, Koninklijke Bibliotheek Albert I, Ms.9234, fol. 304^v

L'Histoire d'Outremer



Marriage of Princess Sybille and Guy de Lusignan
Acre, 1275-80

Saint Petersburg
ms.fr.fol.v.IV.5

Fig. 15 Marriage of Guy de Lusignan and Princess Sybille, L'Histoire d'Outremer Accra, c. 1275-80, Saint Petersburg, National Library, Ms.fr.fol.v.IV.5.fol.41^r

Italian



Decretum Gratiani
Causa XXXI



Johannis Andreae additiones...
(Roman law legist?)



Bibbia Istoriata Padovana
marriage of Achsa and
Othniel

Fig. 16 Italian marriage ceremonies: the transfer of the ring

Liber Extra



Italian, c.1241
Oxford, ms.lat.th.b.4



Italian, c.1300
Berlin, ms.ham.279.II

Fig. 17 Marriage ceremonies with the transfer of the ring in front of a throned priest in Italian manuscripts of the Liber Extra

Italy



Bibbia istoriata padovana



Liber Extra



Sposalizio, Giotto, c.1305



Sposalizio
Buonaccorso, 1355-88

- p. 18 Parts of the traditional Italian marriage ceremony appear in representations of biblical marriages, marriage representations in manuscripts of the Liber Extra and in the Sposalizio.

CLAUDIA SPITZER

*Die Miniaturen zum fünften Buch
der Dekretalen Gregors IX.*

Anhand ausgewählter Miniaturen des fünften Buchs sollen im Folgenden Analysen und Vergleiche der Bildkompositionen vorgenommen werden, wobei Fragestellungen bezogen auf die strafrechtlichen Darstellungen im Vordergrund stehen. Inwiefern kann der Betrachter ein bestimmtes Delikt erkennen, worin besteht gegebenenfalls die Unterschiedlichkeit der Darstellungen und worauf basiert diese? Von weiterreichenden Layout-Betrachtungen der Handschriften soll an dieser Stelle abgesehen werden. Es sei in diesem Zusammenhang lediglich auf die Positionierung der Darstellung über der dreiteiligen Rubrik *De accusationibus, inquisitionibus et denuntiationibus* (X 5.1) und dem ersten Kapitel *Felix Papa. Si legitimus non fuerit accusator, non fatigetur accusatus* (X 5.1.1) hingewiesen, die sich jeweils zu Beginn des fünften Buches befindet.

Das fünfte Buch der Dekretalen, eingeteilt in 41 Titel und 457 Kapitel, weist im Gegensatz zum dritten und vierten Buch keine eindeutigen Grundthemen auf, lässt sich aber insgesamt unter den Begriff des Strafrechts¹ subsumieren.²

¹ Das fünfte Buch gliedert sich auf und zwar: in das Strafverfahren des *forum externum*, insbesondere das kirchliche Inquisitionsverfahren (Titel 1) und die Straftatbestände von Klerikern wie von Laien (Titel 2-36), Strafen und Bußen (Titel 37-39), insbesondere die Exkommunikation, die als wichtigstes kirchliches Zwangsmittel den breitesten Raum einnimmt (Titel 39: 60 Kapitel).

² An dieser Stelle möchte ich mich herzlich für die Teilnahmemöglichkeit an dem „Werkstattgespräch“ und für die hilfsbereite Unterstützung bei Herrn Martin Bertram bedanken.

Zu Beginn der sich nun anschließenden Untersuchungen soll eine Handschrift stehen, die um das Jahr 1280 in Frankreich illustriert wurde. Auf fol. 253v (Fig. 12) der Hs. Admont 646³ sitzt in einer S-Initiale rechts auf einem Schemel der mit roter Tiara, goldenem bzw. Pluviale, blauer Tunika und Dalmatik zu identifizierender Papst. Die Gestik des erhobenen rechten Zeigefingers sowie der linken Handfläche, die der Papst vor seine Brust hält, deutet auf einen Ein- bzw. Widerspruch hin. Ankläger der Darstellung sind Benediktiner (schwarze Kutten) unterschiedlichen Ranges. Die Personen niederen Ranges sind kniend auf der linken Bildfeldseite dargestellt. Die zentrale Figur der Szene wird von dem stehenden Abt eingenommen, der die übrigen Figuren an Größe überragt. Den übergroßen Zeigefinger seiner rechten Hand hält er wie zu einem Argumentationsgestus nach oben, obgleich es sich wohl bei der kompositorischen Darstellung um eine prozessuale Auseinandersetzung zwischen dem Abt als Kläger und dem Papst als Richter handelt. Aufgrund der unklaren Verhandlungssituation, die der Klage zugrunde liegt, kann die visuelle Umsetzung des fünften Buches in Admont 646 lediglich der Teilrubrik *de accusationibus* des ersten Titels (X.5.1) zugeordnet werden.

Wie in Admont 646 sitzt in der Darstellung der Hs. Vendôme, BM 81 auf fol. 233v (Internet: siehe Indice III) inmitten einer S-Initiale ein bärtiger Mann, mit roter, spitz zulaufender Kopfbedeckung, sowie einem gleichfarbigen Umhang und blauem

³ Robert Gibbs datiert die Hs. Frankreich (Paris?) um 1280.

Amikt, bei dem es sich um einen Bischof handeln dürfte. Im Gegensatz zu Admont 646 nimmt der Richter hier eine zentrale Stellung ein. Er hält den Zeigefinger seiner rechten Hand nach oben, wobei der Handrücken zum Betrachter weist. Die linke Hand, die ebenfalls vor die Brust gehalten wird, ist aber wie zu einer Faust geballt. Rechts von ihm steht ein tonsurierter Kleriker mit blauem Umhang, der zwar ebenso wie der Abt in Admont 646, den Zeigefinger der rechten Hand erhoben hat, diesen jedoch nicht dem Richter entgegen streckt, sondern ihn senkrecht nach oben hält. Der Kleriker hält seine linke Hand direkt zwischen sich und dem Bischof wodurch die Gestik des ausgetreckten Zeigefingers wie eine Einwandsgeste erscheint. Die Ankläger, zwei Kleriker, mit braunem Umhang und Dalmatik bekleidet, stehen zur Linken des Bischofs. Der Vordere hat den Zeigefinger seiner linken Hand im mahnenden Gestus erhoben und hält Zeige- und Mittelfinger seiner rechten Hand dem Kleriker im blauen Umhang entgegen. Die Darstellung in der Hs. Vendôme 81 zeigt Kleriker verschiedener Orden (unterschiedliche Farben der Umhänge) ebenfalls in einer prozessualen Auseinandersetzung, die zum einen durch die Einwandsgesten der Kleriker sowie der Urteilsgeste des Bischofs bestimmt wird.

Kompositorisch mit Vendôme 81 vergleichbar ist eine weitere Darstellung in der Hs. Cambrai, BM 619 fol. 18r (Internet: siehe Indice III). Hier werden drei Personengruppen von einer gotischen Bogenarchitektur überfangen. In der Mitte thront ein mit einer roten spitz zulaufenden Kopfbedeckung, gleichfarbiger Kasel, Dalmatik sowie weißem Amikt dargestellter Mann, bei dem es sich um einen Bischof

handeln dürfte. Über seinen rechten Arm ist ein weißes Band (*cingulum*) gelegt. Er wendet sich im Anklagegestus dem in schwarzen Habit gekleideten Mönch auf seiner linken Seite zu, wobei er, wie der Bischof in Hs. Vendôme 81, den Zeigefinger seiner rechten Hand erhoben hält und seine linke Hand zur Faust geballt hat. Als Ausdruck seines Nähe-Verhältnisses legt dieser Mönch seine rechte Hand auf die linke Schulter des Bischofs, seine linke Hand jedoch zum Einwand erhoben. Die zweite Gruppe in der linken Bildhälfte besteht aus drei Mönchen, von denen der Vorderste, ebenfalls mit der Darstellung in Vendôme vergleichbar, den rechten Zeigefinger sowie die linke Handfläche zum Einwand erhoben hält. Er wird von zwei weiteren Mönchen begleitet, die ebenfalls in schwarzen Habit gekleidet sind. Der ganz links stehende Mönch unterstützt die Geste des Einwands seines Vordermannes, indem er auch seine rechte Handfläche nach oben hält. Wie in den erwähnten Vergleichskompositionen handelt es sich auch bei der Darstellung in Cambrai 619 um eine unklare Verhandlungssituation zwischen Mönchen eines Ordens, die der Teilrubrik *de accusationibus* entsprechen könnte.

Die Gestik des erhobenen rechten Zeigefingers erinnert an die Darstellungen des Urteilsgestus wie er auch im Sachsenspiegel zu finden ist. Am Beispiel von ausgewählten Miniaturen zur Urteilsschelte hat Katharina König⁴ den Scheltegestus in der

⁴ K. KÖNIG, Scheltegestus und Urteilsrosen - Vom Versuch, eine Ikonographie für die Urteilsschelte zu erschaffen, in: Zeitschrift der Savigny-Stiftung für

Wolfenbütteler Bilderhandschrift⁵ des Sachsenspiegels untersucht. Auf fol. 78r dieser Hs. sitzt rechts der Richter, wohingegen die im Gericht handelnden Personen in der Mitte und links postiert sind. Der Richter, hier mit Hut und roter Borte sowie einem hellen Gewand als Graf zu identifizieren, ist auf einem einstufigen Podest sitzend dargestellt und hat die Beine, als Ausdruck richterlicher Ruhe,⁶ übereinander geschlagen.



Rechtsgeschichte. Romanistische Abteilung 127 (2010), S. 33-50, hier S. 33.

⁵ HAB Wolfenbüttel, Cod. Guelf. 3.1 Aug 2^o fol. 28r, 2. Bildzeile, nach König, Abb. 1. Vgl. R. SCHMIDT-WIEGAND (Hg.), Die Wolfenbütteler Bilderhandschrift Cod. Guelf. 3.1 Aug 2^o, Faksimile, Textband, Kommentarband, Berlin 1993.

Der Glosse zum Sachsenspiegel lässt sich nicht entnehmen, ob es sich bei dem Scheltegestus um einen Ritus im Gerichtsalltag des Mittelalters handelt. Die Unterschiede zwischen Urteilsschelte⁷ und Appellation lassen sich, so König⁸, bei genauer Betrachtung der Urteilsverkündung erkennen. Das Rechtszugverfahren nach Schelte muss vor Verkündung des Urteils durch den Richter ergriffen werden, während sich die Appellation gegen ein bereits verkündetes Urteil wendet.⁹ Im kanonischen Recht hingegen kann gegen ein Urteil nicht mündlich, sondern nur schriftlich Einspruch eingelegt werden,¹⁰ weshalb es keiner Gesten bedarf. Im Gegensatz zum Sachsenspiegel handelt es sich bei den Dekretalen nicht um mündliches, sondern um geschriebenes Recht, so daß die Miniaturen nicht notwendig eine Beglaubigungsfunktion haben. In Admont 646 können die Handbewegungen des Richters (Papst) sowie der drei Mönche als „Argumentationsgesten“ innerhalb der

⁶ E. FRIEDRICH, A. FIJAL, G. KOCHER, Römisches Rechtsleben im Mittelalter, Miniaturen aus den Handschriften des Corpus iuris civilis, Heidelberg 1988, S. 20.

⁷ Für die Urteilsschelte lässt sich zwar das Verb *appelliren* finden, wobei es sich aber nicht um eine Form der Berufung (Appellation) handelt.

⁸ Wie Anm. 4, S. 45.

⁹ B. DIESTELKAMP, Die Durchsetzung des Rechtsmittels der Appellation im weltlichen Prozessrecht Deutschlands (Akademie der Wissenschaften und der Literatur, Abhandlungen der geistes- und sozialwissenschaftlichen Klasse 1998, 2) Stuttgart 1998, S. 9.

¹⁰ A. ERLER, Kirchenrecht, München 1983, S. 52.

Verhandlungsszene bezeichnet werden, nicht jedoch als Urteilsgesten.

Zwischen den Verhandlungsparteien lassen sich in Darstellungen zum fünften Buch der Dekretalen häufig auch „Verweisgesten“ wie in beispielsweise in der Hs. Angers, BM 376 fol. 354r finden (Internet: siehe Indice III). Hier sitzt in einer S-Initiale auf der linken Seite ein mit weißer Mitra, weißen Pontifikalhandschuhen und rotem Pluviale bekleideter Bischof auf einem Podest. Vor ihm kniet in Bittstellung ein Benediktinermönch mit einem Schriftstück in seinen Händen, beim dem es sich um eine Klageschrift¹¹ handeln dürfte. Hinter dem knienden Mönch steht ein Abt mit Krummstab in seiner linken Hand und vollführt eine ablehnende Geste mit seiner rechten Hand. Der Bischof entspricht dem Gesuch des Klägers, indem er mit der linken Hand auf den verweigernden Abt und mit seiner Rechten auf das Schriftstück weist. Mit dieser Bildkomposition ist die Darstellung in der Hs. Nürnberg, Cent. II 79¹² (Fig. 113) vergleichbar. Die Miniatur fol. 210v zeigt den Papst auf einem Faldistorium sitzend, bekleidet mit roter Tiara, gleichfarbiger Kasel und Dalmatik. Zu seiner Linken befinden sich drei Mönche im schwarzen Habit, von denen der Vorderste kniet und dem Papst eine Urkunde¹³ überreicht. Der Papst berührt diese mit

¹¹ ERLER (wie Anm. 10), S. 52.

¹² Aus Nord-Frankreich, Datierungsvermerke von 1289 und 1290.

¹³ Siegel ist deutlich erkennbar.

seiner Linken und weist mit seiner Rechten auf den stehenden Mönch, ähnlich der Komposition in der Hs. Angers 376. Auch hier vollführt der Abt eine ablehnende Geste, indem er seine rechte Hand nach vorne hält. Der begleitende Mönch im Seitenprofil mit hochgezogenem Skapulier sowie gefalteten Händen in Bittgebärde unter seinem Umhang scheint an eine Billigkeitsentscheidung des Richters zu appellieren. Wie in Angers 376 handelt es sich bei der Illustration um die Klage eines Klostermitglieds gegen seinen Abt und damit um einen Fall der Teilrubrik *De inquisitionibus* des 1. Titels.

In der Hs. Nürnberg Cent. II 43¹⁴ auf fol. 215v (Fig. 109) wird die Bildszene von zwei gotischen Architekturbögen überfangen. Unter dem linken thront der Papst mit Tiara und rotem Pluviale sowie roter Tunika. Vor ihm kniet in Bittstellung ein Abt mit Krummstab in grauem Habit (Zisterzienser), der in seiner linken Hand dem Papst ein Schriftstück entgegen hält, auf das er mit seiner rechten Hand hinweist. Hinter dem knienden Abt stehen eng gedrängt drei Mönche ebenfalls in grauem Habit. Der vorderste Mönch deutet mit seiner linken Hand im Anklagegestus auf den vor ihm knienden Abt, mit der Rechten hält er ebenfalls ein Schriftstück, das jedoch nicht beschriftet ist. Der Ankläger wird von zwei weiteren Mönchen begleitet. Ganz rechts am Bildrand ist ein Mönch nur zu einem Teil dargestellt, dessen linke Hand übergroß erscheint und leicht nach unten weist.¹⁵ Der dritte Mönch ist im

¹⁴ Frühes 14. Jahrhundert, in Südfrankreich illuminiert.

¹⁵ Nach FRIEDRICH, FIJAL, KOCHER (wie Anm. 6), S. 49 Abb. 59, S. 56 Abb. 74 ist die nach unten weisende Hand als

Hintergrund lediglich mit seinem im Verhältnis zu den anderen Figuren übergroßen Kopf sichtbar. Indem der Papst mit seiner linken Hand das Schriftstück des Abtes hält und mit seinem rechten Zeigefinger im Anklagegestus auf die Gruppe der Zisterziensermönche deutet, scheint er dem Ersuchen des bittenden Abtes zu entsprechen. Bei dieser Darstellung handelt es sich um eine Komposition, die eine prozessrechtliche Auseinandersetzung zwischen Richter (Bischof oder Papst), Abt und Mönchen umsetzt. Wie in den Hss. Admont 646, Vendôme 81 und Cambrai 619 könnte es sich auch hier um den Klageakt eines (Zisterzienser-)Konvents gegen seinen Abt gemäß der Teilrubrik *de accusationibus* handeln.

Auf eine andere Situation, jedoch dieselbe Teilrubrik betreffend, scheint die Darstellung zum fünften Buch auf fol. 204r der Hs. Nürnberg Cent II 42¹⁶ (Fig. 104) Bezug zu nehmen. Hier thront links unter einer zweigeteilten Bogenarchitektur mit rotem Pileolus, scharlachroter *toga picta* und roten Pontifikalschuhen sowie einer roséfarbenen Tunika der Papst. Durch eine Säule getrennt befinden sich in der Mitte der Darstellung ein kniender bärtiger Kleriker mit roséfarbenem Pluviale und roter Tunika. Obgleich er in seiner rechten Hand dem Papst ein Schriftstück reicht, hat er seinen Oberkörper und auch seinen Blick nach hinten gewendet, um dort auf den mit Mitra, Pluviale und Dalmatik bekleideten Bischof zu blicken, der ebenfalls einen Bart trägt.

Zeichen der Verweigerung oder auch der Ablehnung zu verstehen.

¹⁶ Oberitalien, 14. Jahrhundert.

Mit seiner linken Hand ergreift er das Obergewand des Bischofs, eine Geste, die auf ein Vertrauensverhältnis schließen lässt. Der Bischof verweist mit seiner rechten Hand auf den Kleriker in der Mitte, ebenso wie der thronende Papst auf der rechten Seite. Seine linke Hand hält der Bischof angewinkelt vor seinen Körper. Durch diese Verweigesten, zum einen des Papstes auf den knienden Kleriker wie auch des Bischofs erlangt die Aussage des Klerikers eine Hervorhebung. Stilistisch auffällig erscheint die Bartgestaltung der Dargestellten, wobei der Bart das gesamte Kinn umschließt.

In der S-Initiale der Hs. München clm 14032¹⁷ fol. 208v (Internet: siehe Indice III) stehen drei Figuren dicht gedrängt im Binnenfeld. Links sitzt der Papst mit Tiara und purpurrotem Umhang mit Pelzbesatz, der in seiner linken Hand einen Codex¹⁸ auf sein linkes Knie stützt und dabei mit dem Zeigefinger seiner rechten Hand im Anklagegestus auf den Bischof deutet. Der Bischof blickt den Papst an, wendet seinen Körper aber im Sinne Giotto's in die entgegengesetzte Richtung. Ein Mönch mit roter Kutte und Tonsur steht mittig zwischen Papst und Bischof, wobei er sich dem Papst zuwendet. Diese Darstellung zeigt die Anklage eines Bischofs durch einen Papst, der sich dabei auf den Codex stützt. Der Klagegegenstand muss auch hier unklar bleiben.

¹⁷ Bologna, Mitte 14. Jahrhundert.

¹⁸ Der Papst hält das Gesetzbuch senkrecht und bildflächenparallel auf seinem Knie, so springt das Buch als kleine Farbfläche ins Auge.

Im Unterschied zu der Münchener Darstellung wird in der Hs. Bourges 189 (Internet: siehe Indice III) der Bischof von einem Abt angeklagt. Auf fol. 207v thront der Papst, links unter einem Rundbogen, bekleidet mit roter Tiara, Kasel und Dalmatik, der in seiner linken Hand den Kreuzstab (*ferula*) hält. Auf der rechten Seite stehen, ohne Bogenarchitektur, ein Benediktinerabt sowie ein Bischof mit Mitra und dunkelrotem Pluviale. Beide halten in ihrer rechten Hand ihren Amtsstab. Der Abt weist im Anklagegestus auf den Bischof, wobei er seinen Blick auf den Papst zu seiner Rechten richtet. Dieser hält in einer Abwehrhaltung die Handfläche seiner rechten Hand nach vorne hin gestreckt, eine Geste, die der Bischof in gleicher Art ausführt. Beide, Bischof und Papst, scheinen hierdurch die Anklage des Mönchs abzulehnen. Durch die korrespondierende Handgebärde wird zudem die Rechtsbeziehung zwischen Papst und Bischof unterstrichen. Die abweisende Haltung des Papstes gegenüber dem Vorbringen des Abtes beschreibt einen unklaren Klageakt zwischen einem Abt und einem Bischof, der lediglich unter die Teilrubrik *de accusationibus* zu subsumieren ist. Anhand der differenzierten Ausstattung der Dargestellten, z.B. der Tiara, der Mitra, dem Hirtenstab, dem Krummstab aber auch der Gewandung, lassen sich die unterschiedlichen geistlichen Ränge klar ablesen.

Kompositorisch vergleichbar ist die Miniatur in der Hs. Leipzig, UB Rep. II.10 fol. 292v (Fig. 76), die jedoch im Gegensatz zu Bourges 189 eine unklare Ausstattung und somit keine klar definierbaren geistlichen Ränge zeigt. Unter einer Bogenarchitektur thront ein Mann mit einer spitz zulaufenden

Kopfbedeckung, der mit einem gelben Umhang und Dalmatik bekleidet ist. Bei dieser Figur könnte es sich um den Erzbischof handeln, jedoch fehlt ein klares Zuordnungskriterium wie z.B. eine Tiara. Dasselbe gilt für die Figur, die ganz rechts im Bildfeld steht und bei der es sich ebenso um einen Bischof handeln dürfte. In der Mitte steht, ebenfalls unter einer Bogenarchitektur, ein mit blauer, langer Tunika bekleideter Jurist, der als sachkundiger Vermittler zwischen den beiden Parteien den Bischof zu seiner Linken präsentiert. Der Jurist wendet sich im Sprechgestus dem Erzbischof zu, der mit beiden Händen einen großen Codex hält und diesen auf sein linkes Bein abstützt. Die Vorderseite des Codex ist dabei dem Betrachter zugewendet. Der im Bild rechts stehende Bischof neigt seinen Kopf in einer Demutshaltung schräg nach vorne, wobei er seine rechte Hand betuernd vor seine Brust hält. Die linke Hand weist dabei auf den Saum seines Untergewandes. Die Demutshaltung des Bischofs deutet auf eine Untersuchungssituation hin, weshalb diese Darstellung unter die Teilrubrik *De inquisitionibus* zu subsumieren ist.

Einen Akt, bei dem es dem Bischof wie den übrigen Geistlichen verboten ist, Geld für ihre Dienste zu nehmen, zeigt die nachfolgende Miniatur. In der Hs. Bourges 186¹⁹ fol. 222v (Internet: siehe Indice III) sitzt inmitten von vier Mönchen ein Bischof mit spitz zulaufender Kopfbedeckung und Umhang, der mit seiner rechten Hand einen Geldsack in den Händen hält und sich dabei nach rechts wendet. Zu beiden Seiten ist der Bischof von jeweils

¹⁹ Nach Susan L'Engle: Frankreich (Paris) 1260-1270.

zwei Mönchen umgeben, die eine schwarze bzw. braune Kutte mit hochgezogener Kapuze tragen. Der kniende Mönch mit schwarzer Kutte zur Rechten des Bischofs hält die rechte Hand an einen Geldsack, den der Bischof entgegenzunehmen scheint. Bestärkt wird der Verdacht, daß der Bischof den Geldsack annimmt dadurch, daß der links stehende Mönch im braunen Habit (Franziskaner) mit seiner linken Hand im Anklagegestus auf den Bischof deutet und zum anderen auch der zweite Franziskaner seine rechte Hand zum Einspruch erhoben hat. Der Benediktiner (schwarze Kutte) am rechten Bildrand ist nur teilweise sichtbar. Bei der Darstellung in dieser Hs. handelt es sich um eine Situation, in der ein Bischof Geld für einen Dienst in seinem Amt entgegen nimmt; sie dürfte sich deshalb auf den Titel *de simonia* (X 5.3) beziehen.

Einen anderen Fall zeigt die Darstellung in der Hs. Amiens 357 fol. 231v (Internet: siehe Indice III). Unter einer dreigeteilten Rundbogenarchitektur thront mittig der Papst als oberster Richter mit Pileolus und Pluviale. Er ist umgeben von zwei Personengruppen. Links die Gruppe der Laien mit dem knienden Notar, der die Klageschrift in den Händen hält und rechts die Gruppe der angeklagten Kleriker. Beide Gruppen korrespondieren in Personenanzahl und Aufstellung. Jeweils kniend dargestellt sind die Überbringer der schriftlichen Dokumente. Links wird die Anklageschrift mit den Worten *denuncio* durch den juristischen Berater präsentiert, rechts hält ein kirchlicher Vertreter den Codex mit beiden Händen nach vorne. Links hinter dem knienden Notar steht der Kläger, ein Mann, der sich mit seiner linken Hand auf die Klageschrift

stützt und mit seinem rechten Zeigefinger im Anklagegestus auf den gegenüberstehenden Kleriker weist, und durch den Verweisgestus des hinter ihm Stehenden unterstützt wird. Der Angeklagte verweist mit seiner rechten Hand auf den thronenden Papst, der in seiner Linken einen Codex hält und mit seiner rechten Hand auf die Gruppe der Kleriker weist. Im rechten Bildhintergrund sind ein Bischof mit Mitra und Albe sowie eine weitere Figur, von der nur das Gesicht sichtbar ist, zu sehen. Aufgrund der kompositorischen Anordnung und der Inschrift auf dem Schriftstück des Notars handelt es sich bei dieser Darstellung um eine gerichtliche Anzeige die Teilrubrik *De denuntiationibus* betreffend.

Kompositorisch vergleichbar mit Amiens 357 ist die Miniatur aus der Hs. des *Decretum Gratiani* Fitzwilliam Museum, Marlay Cutting It.3.²⁰ Sie bezieht sich auf Causa II, in der ein Bischof von einem Laien der Fleischessünde angeklagt wird und zwei Mönche, ein Subdiakon sowie zwei Leviten gegen ihn aussagen. Während der Anhörung fallen drei der Zeugen aus. Dennoch wird der Bischof seines Amtes enthoben:

Quidam episcopus de lapsu carnis inpetitur; duo monachi, unus subdiaconus, et duo Leuitae aduersus ipsum testimonium ferunt; a metropolitano suo sentit se pregruari; in ipsa uentilatione causae tres ex testibus deficiunt, siue promissione decepti, siue

²⁰ S. L'ENGLE, R. GIBBS, *Illuminating the Law. Legal Manuscripts in Cambridge Collections*, London / Turnhout 2001, S. 126f. Pl. 5a.

canonica examinatione reprobati; expoliatur tamen episcopus, quia crimen eius notorium erat.²¹

Wie in der Hs. Amiens 357 sitzt mittig der Papst umgeben von beiden Streitparteien. Zu seiner Rechten stehen der Ankläger und sein Fürsprecher, der die Anklageschrift vorträgt, zu seiner Linken der Angeklagte, umgeben von einem Leviten und zwei Mönchen. Auch hier hält der Angeklagte ein Buch in der linken Hand und verweist mit seiner Rechten auf den Papst als obersten Richter ähnlich der Komposition in Amiens 357. Dieser weist ebenfalls mit seiner Rechten auf das Gesetzbuch, das er auf sein linkes Bein stützt. Beide Darstellungen zeigen den Akt der Präsentation einer Klageschrift (*libellus*).

In der Hs. München clm 4 fol. 217r (Fig. 82) sitzt in der Mitte einer Rundbogenarchitektur ein Erzbischof, der mit weißer Mitra, weißer Dalmatik und roter Kasel mit Pallium bekleidet ist. Er wendet sich dem zu seiner Rechten stehenden Juristen zu, der mit einem pelzbesetzten roten Umhang eine typische Gelehrtenkleidung trägt. Hinter ihm ist eine Begleitperson lediglich mit einem Teil des Gesichts erkennbar. Der Jurist hält in seiner linken Hand ein Schriftstück und weist dabei mit der rechten Hand im Anklagegestus auf die Seite der Kleriker. Hier verweist wiederum der vorderste Kleriker mit Umhang und Tunika mit beiden Händen argumentierend auf den Erzbischof. Dieser hält das geöffnete Gesetzbuch auf seinem linken Knie und verweist auf den Juristen zu seiner Rechten.

²¹ *Decretum Gratiani*, C.2 principium, ed. FRIEDBERG, Sp. 438.

Unterhalb der Miniatur ist im Abstand von zwei Textzeilen eine S-Initiale angebracht, die im oberen Binnenfeld einen Hund zeigt. Rechts oberhalb der Miniatur im Interkolumnium zwischen Glosse und Textspalten ist nachträglich ein springender Hirsch auf einer Ranke eingefügt, die bis zur Initiale reicht und die Miniatur umrahmt. In dieser Rahmenszenerie kann ein thematischer Bezug zur Jagd und somit zum Titel *De clerico venatore* (X 5.24) hergestellt werden,²² der es dem Geistlichen untersagt, Hunde zu halten oder mit diesen im Walde herumzuschweifen.

Einen anderen Fall beschreibt die Darstellung in der Hs. Ravenna, Bibl. Classense 488 fol. 230v (Fig. 126). Hier thront der Papst mit Tiara und Pluviale zwischen zwei Erzbischöfen, nebst je einer Begleitperson. Auf der rechten Seite weist ein Erzbischof, angetan mit Mitra, Pluviale und Dalmatik, begleitet von einem Mönch mit Tonsur, auf den Papst. Dieser blickt auf den rechts von ihm stehenden Erzbischof mit dunklem Umhang und deutet dabei mit seiner rechten Hand auf das geöffnete Gesetzbuch. Zu seiner Rechten wendet sich der zweite Erzbischof nach hinten zu dem hinter ihm stehenden Juristen, um anscheinend von diesem Rat zu dem Argument des Papstes einzuholen, und verweist dabei mit seiner rechten Hand auf den Papst als Richter. Aufgrund der Interaktion mit dem Papst und dem Sich-Umwenden zum Juristen wird die

²² Vgl. C. SPITZER, Die Funktion von Bildern in Handschriften zum Kanonischen Recht. Das Decretum Gratiani der Walters Art Gallery (W135), in: K. BÖSE / S. WITTEKIND (Hg.), *AusbILDUNG des Rechts*, Frankfurt am Main 2009, S. 99-107, hier S. 106.

prozessuale Wechselbeziehung des Erzbischofs mit dem Papst als Richter und dem Juristen augenscheinlich. Die Rechtsbeziehung zwischen Jurist und Erzbischof wird darüber hinaus durch das Berühren des erzbischöflichen Mantels durch den Juristen unterstrichen. Da die zwei Erzbischöfe Personen privilegierten Rechts sind, könnte es sich bei dieser Darstellung um eine Verhandlungssituation handeln, die einem Fall aus dem Titel *De privilegiis et excessibus privilegiatorum* (X 5.33) entsprechen könnte.

Um einen anderen Rechtsfall handelt es sich bei der Darstellung in der Hs. München clm 21505.²³ Auf fol. 246v sitzt links unter einer zweigeteilten Bogenarchitektur der Papst, bekleidet mit Tiara, dunkelblauem Sternenpluviale und weißer Dalmatik. In seiner rechten Hand präsentiert er dem Betrachter einen geschlossenen Codex und verweist dabei mit seiner Linken auf den vor ihm stehenden juristischen Berater, der aufgrund seiner Kopfbedeckung und seiner Tunika als solcher zu identifizieren ist. Dieser deutet mit seiner Linken auf ein Schriftstück und mit seiner Rechten auf einen Laien, der von (s)einer Frau begleitet wird. In der Bildmitte kniet eine offensichtlich jüngere Person, die beide Arme über der Brust verschränkt hat und hierdurch eine ablehnende Haltung einnimmt. Eine vergleichbare Gestik findet sich in einer Darstellung des Sachsenspiegels der Universitätsbibliothek

²³ U. BAUER-EBERHARDT, Die illuminierten Handschriften italienischer Herkunft in der Bayerischen Staatsbibliothek, Teil 1: Vom 10. bis zur Mitte des 14. Jahrhunderts, Wiesbaden 2010, Kat. Nr. 202.

Heidelberg, Cpg 164 fol. 14v.²⁴ Zwei Männer stehen vor dem Grafen als Richter, der auf einem Kastenthron sitzt. Einer der Männer hat ein Schwert mit einem normalen Griffstück, der andere eines mit einer Krone als Griff durch den Hals stecken. Jeweils mit ihrer Rechten weisen beide Männer auf den Richter und halten ihre Linke untätig nach unten. In der Mitte des Bildes wird ein Mann gezeigt, der beide Hände in die Achselhöhle geklemmt hat. Hier wird die Klage eines „Verfesteten“ (normales Schwert) oder eines Geächteten (Schwert mit Krone) dargestellt, auf die sich der Mann in der Bildmitte nicht einlassen muss und daher seine beiden Hände als prozessuale Verweigerung vor der Brust verschränkt.²⁵ Die kompositorische Vergleichbarkeit lässt für die Darstellung in der Hs. München clm 21505 den Schluss zu, daß es sich hier um eine Anklage handelt, die der Beklagte zurückweisen will. Wegen der verschiedenen Größenverhältnisse von Angeklagtem und Ankläger scheint es sich bei dem Angeklagten um einen Minderjährigen zu handeln, also eine nicht straffähige Person im Sinne des ersten Kapitels des Titels *De delictis puerorum* (X 5.23.1):

Pueris grandiusculis peccatum nolunt attribuer
quidam, nisi ab annis XIV, cum pubescere ceperint.²⁶

²⁴ Vgl. FRIEDRICH, FIJAL, KOCHER (wie Anm. 6), S. 169 Nr. 168: Sachsenspiegel Ldr III 16 § 3, Heidelberger Bilderhandschrift, UB Heidelberg Cpg 164, fol. 14v.

²⁵ Vgl. FRIEDRICH, FIJAL, KOCHER, S. 110.

²⁶ X 5.23.1, ed. FRIEDBERG, Sp. 824.

Kompositorisch vergleichbar ist die Darstellung in der Hs. München clm 6345.²⁷ Fol. 264v thront auf der rechten Seite ein mit Mitra und rotem Pluviale ausgestatteter Bischof, der in seiner Linken ein offenes Gesetzbuch zeigt. Seinen rechten Arm hält er nach oben und wendet sich mit dieser Gebärde den vor ihm stehenden fünf Personen zu. Wie in clm 21505 wird ein Jüngling mit vor der Brust verschränkten Armen dargestellt, der hier von einem weißbärtigen Mönch in grauem Habit begleitet wird. Dieser legt seine rechte Hand auf den Kopf des jungen Mannes und weist mit seiner Linken im Lehrgestus auf den Boden. Außerdem sind vier weitere tonsurierte Kleriker in unterschiedlich farbigen Kutten als Begleitfiguren dargestellt. Eine besondere Stellung nimmt im Bildgeschehen der äußerst links stehende Mönch ein. Er blickt auf das Schriftstück in seiner rechten Hand, verweist aber mit seinem linken Zeigefinger nach unten auf die Darstellung eines weißbärtigen Mannes in der Initiale. Dieser, mit grünem Umhang und roter Tunika bekleidet, blickt auf den richtenden Bischof. Wie in clm 21505 verschränkt auch hier der Knabe seine Hände unter die Arme und demonstriert hierdurch seine Unantastbarkeit. Es könnte sich auch hier um die Verhandlung über einen Minderjährigen gemäß dem Titel *De delictis puerorum* (X 5.23) handeln.

In der Hs. Avranches 150 fol. 181r (Internet: siehe Indice III) sitzt auf der linken Seite ein weißbärtiger Bischof oder Papst mit roter Mitra,

²⁷ BAUER-EBERHARDT (wie Anm. 23), Kat. Nr. 202.

Sternenumhang und blauer Tunika vor einem Vorhang. Er stützt sich mit seiner linken Hand auf ein Buch, daß er zwischen seinen Beinen hält. Mit seiner Rechten weist er anklagend auf einen ganz rechts stehenden Laien, der sich mit der linken Hand den Kopf hält und sich dabei von dem Geschehen abwendet. In der Mitte der Bildkomposition steht ein mit blauer Kutte und heller Tunika bekleideter Mönch, der mit seinem rechten Zeigefinger auf eine blutende Wunde an seiner Stirn deutet und dabei mit seiner linken Hand einen Laien als Angeklagten vorführt. Es könnte sich bei dieser Darstellung um Verletzungen der Ehre, des Körpers und des Eigentums gemäß dem einschlägigen Titel *De iniuriis et damno dato* (X 5.36) handeln, genauer gesagt um den Fall eines tätlichen Angriffs eines Laien auf einen Kleriker (*iniectio manuum*), dessen Verfolgung von alters her der kirchlichen Gerichtsbarkeit vorbehalten war; die entsprechende Bestrafung bzw. die Absolution wird in mehreren Kapiteln des Titels *De excommunicatione* geregelt (X 5.39 cc. 5, 9-11, 13 usw.).

Abschließend soll die Miniatur in der Hs. Oxford, Bodleian Library, lat. theol. b. 4 fol. 168r (Fig. 120) vorgestellt werden, die offenbar die Anklage eines Ehemannes gegen einen kriminellen Kleriker darstellt. In einer Bogenarchitektur sitzt ein weißbärtiger Bischof mit Mitra und rotem Pluviale mit Kapuze. Die Rechte im Lehrgestus erhoben und in der Linken ein gerolltes Dokument blickt er auf eine weiter rechts stehende Frau. Links von dem Bischof steht ein Laie mit einem roten Mantel über einer weißen Tunika, der einen gefesselten Kleriker vorführt und dabei auf die ganz rechts stehende Frau

zeigt. Der Kleriker berührt mit seinem linken Fuß den deutlich ins Bild gesetzten Kleidersaum der Frau, die durch das Gebende²⁸ als verheiratete Frau zu erkennen ist. Hier wird die Verhandlung über die Klage eines Ehemannes gegen einen ehebrecherischen Kleriker gemäß dem Titel *De adulteriis et stupro* (X 5.16) dargestellt. Ob die Darstellung eine Fesselung des Klerikers durch den Ehemann vor dem Urteil zeigt oder als eine der wenigen Umsetzungen zum fünften Buch zu werten ist, die einen Strafvollzug, also den gefesselten Kleriker zeigt, muss an dieser Stelle offen bleiben.

SCHLUSSBEMERKUNG

Von den insgesamt 20 untersuchten Miniaturen zum fünften Buch der Dekretalen sind mehr als die Hälfte wohl dem ersten Titel zuzuordnen, jedoch ohne sie näher auf eine konkrete Verhandlungssituation beziehen zu können. Meistens findet sich gegen Ende des 13. oder Anfang des 14. Jahrhunderts eine Szene, auf der eine dominierende Hauptfigur als Richter und mindestens eine, oft auch zwei antagonistische Personengruppen als Prozessparteien gezeigt werden, wodurch die Darstellung als Gerichtsszene gedeutet werden kann. Es ist darüber hinaus gelungen, vergleichbare Bildkompositionen auch zu den Rechtsfällen des

²⁸ Kinnband, welches Ende des 13. Jahrhunderts eine kappenförmige und wie hier mit krausem Rand verzierte Form annahm. Nur unverheiratete Frauen durften das Haar unbedeckt tragen; vgl. E. THIEL, *Geschichte des Kostüms*, Berlin 1997, S. 112.

Decretum Gratiani oder des Sachsenspiegels aufzuzeigen.²⁹

Eine Art Standardisierung fällt bei Zentralkompositionen auf, wie in den Hss. Amiens 357 fol. 231v und Lucca, Capit. 287 fol. 171r, bei denen die Gruppe der Kleriker stets auf der linken und die der Laien bzw. der Juristen auf der rechten Seite des Richters dargestellt sind. Stets verweist der vorne stehende Mönch mit seiner rechten Hand auf den Richter in der Mitte. In den Handschriften aus dem 13. Jahrhundert, wie beispielsweise in Admont 646 fol. 253v, und Cambrai 619 fol. 18r fallen schlicht gekleidete Mönche auf, die durch die unterschiedlichen Farben ihrer Ordenstracht als Franziskaner, Benediktiner oder Dominikaner zu identifizieren sind. Handbewegungen sind oftmals als Gebärden zu deuten, die je nach ihrem Kontext Schuldvorwurf, Klage oder Zurückweisung ausdrücken können. Das schlichte Hinweisen aufeinander mit Argumentationsgesten ist nicht immer eindeutig interpretierbar, aber generell im Sinne einer prozessualen Auseinandersetzung zu verstehen. In früheren Handschriften wird zunächst eine zusammengerollte Schriftrolle in den Händen (meist links) des Richters gezeigt wie z.B. in Oxford, Bodleian Library, Lat. theol. b.4 fol. 168r, später dann ein aufgerolltes Schriftstück wie in den Hss. Angers 376 fol. 354 oder Nürnberg Cent. II 43 fol. 215v. Das geöffnete Gesetzbuch ebenso wie das Hinweisen auf das Gesetzbuch ist als Verweisen auf die Verschriftlichung des Rechts und damit auf den

²⁹ Fitzwilliam Museum, Marlay Cutting It.3 sowie UB Heidelberg Cpg 164 fol. 14v, Ldr III 16 § 3, fol 14v.

Geltungsanspruch einer päpstlich autorisierten Gesetzessammlung zu verstehen.

Ogbleich es gelungen ist, vergleichbare Bildkompositionen auch zu den Rechtsfällen des *Decretum Gratiani*³⁰ oder des Sachsenspiegels³¹ aufzuzeigen, formulieren die Dekretalen im Gegensatz zum *Decretum Gratiani* den neuen Anspruch Gregors IX. einer allein gültigen Gesetzessammlung. Es konnte gezeigt werden, daß die Unterschiede der untersuchten strafrechtlichen Darstellungen nicht nur in den differierenden Auffassungen vom Rechtscharakter der gregorianischen Dekretalen-Sammlung liegen, sondern auch der Individualität des Einzelfalles Rechnung trägt. Nach welchen Gesichtspunkten jedoch die Auswahl der darzustellenden Fälle vorgenommen wurde, muss weiteren Untersuchungen vorbehalten bleiben.

³⁰ Wie Anm. 21.

³¹ Wie Anm. 5.

CHRISTINE JAKOBI-MIRWALD

*Initials and other Elements
of Minor Decoration*

A paper on the subject of minor manuscript decoration can well turn out somewhat less than exciting. However, it depends on the point of view, and if the manuscripts of the *Liber Extra* are a somewhat alien field of investigation to this author,¹ this may well present a chance for a fresh approach.

For once, the subject of terminologies in different languages has recently proved to be rather fascinating.² In the third edition of my Terminology

* I would like to thank Martin Bertram for trusting me with this paper and for accepting it at the conference, even when I was unable to participate in person, and Susanne Wittekind, who was so kind as to read the text in my place.

¹ My primary fields of research have concentrated on rather earlier manuscripts: Die illuminierten Handschriften der Hessischen Landesbibliothek Fulda. 1. Handschriften des 6.–13. Jahrhunderts. Textband bearbeitet von Ch. JAKOBI-MIRWALD auf Grund der Vorarbeiten von Herbert Köllner, Denkmäler der Buchkunst 10, Stuttgart 1993; C. JAKOBI-MIRWALD, Die Initiale zur Causa 28 in den Münchener Gratianhandschriften 17161 und 23551, in: E. EISENLOHR, P. WORM (Hg.), Arbeiten aus dem Marburger hilfswissenschaftlichen Institut, Elementa diplomatica 8, Marburg 2000, p. 217-228; EAD. Die Schäftlarnier Gratian-Handschrift Clm 17161 in der Bayerischen Staatsbibliothek, Münchner Jahrbuch der bildenden Kunst, 3. F. 58 (2007), p. 23-70; EAD., Gratian in Schäftlarn, in: K. BÖSE, S. WITTEKIND (Hg.): AusBILDung des Rechts. Systematisierung und Vermittlung von Wissen in mittelalterlichen Rechtshandschriften, Frankfurt/M. etc. 2009, p. 82-97.

² Lost in Translation. Manuscript terminology across the languages, Gazette du livre médiéval 55, 2009, p. 1-8.

book ³ I have included a four-part list with the corresponding terms in German, English, French and Italian: a list with many lacunae and, apparently, quite a few errors as well. Hence, when considering the minor decoration elements in question, the occasional glance across the language barriers can be risked.

Furthermore, on preparing for this conference, I studied our host's excellent article on the decorated *Liber Extra* manuscripts, where I stumbled on the sentence: in dating and locating medieval manuscripts "art history has a home advantage". ⁴ This sentence, considered at length, has raised three issues to be discussed first, namely the questions of (1) art historical style analysis, (2) ornament, and (3) display scripts.

(1) Are there, today, any art historians left who research the merely formal questions of style history? Well, apparently very recently there seems to have been the occasional return to a discipline which has for decades been considered as outdated.⁵

³C. JAKOBI-MIRWALD, *Buchmalerei. Ihre Terminologie in der Kunstgeschichte*, Berlin 1991; 2nd revised and extended edition 1997; *Buchmalerei. Terminologie in der Kunstgeschichte*, 3rd revised and extended edition, Berlin 2008.

⁴ M. BERTRAM, *Dekorierte Handschriften der Dekretalen Gregors IX. (Liber Extra) aus der Sicht der Text- und Handschriftenforschung*, *Marburger Jahrbuch für Kunstwissenschaft* 35 (2008), p. 31-65, esp. 35.

⁵ Usually we deal with painstakingly compiled and meticulously illustrated doctoral theses which provide

A simplified overview of two centuries of art history would produce the following result. During the 19th century and the first half of the 20th, art historians undertook the enormous task of formally and stylistically classifying, dating, locating and identifying a vast amount of works of art, among them manuscripts. This work in large parts accomplished, the focus of art historians shifted to questions of contents and context. The latter was a rather pressing matter as far as manuscripts were concerned, for until then scholars had treated miniatures merely as a surrogate for lost monumental paintings and had consequently studied them in neatly cut-out rectangles.⁶ Questions of the book as a whole, even extending to the very important element of initials, were widely ignored.⁷ But evidently, the elements of decoration below the level of initials have suffered even more from the neglect. And, as I

monographic treatment of the manuscripts in question, no less and no more: G. DENZINGER, *Die Handschriften der Hofschule Karls des Großen. Studien zur Ornamentik, Langwaden/Grevenbroich* 2001; S. WESTPHAL, *Der Wolfenbütteler Psalter Cod. Guelf. 81. 17 Aug. 2°. Eine ornamentgeschichtliche Studie*, Wiesbaden 2006.

⁶ A new investigation of questions of science history has been provided, albeit with regional restriction, by M. BRAESEL, *Buchmalerei in der Kunstgeschichte. Zur Rezeption in England, Frankreich und Italien*, *Studien zur Kunst*, 14, Wien 2009.

⁷ In my doctoral thesis I have discussed this fact at length: C. JAKOBI-MIRWALD, *Text–Buchstabe–Bild. Studien zur Entstehung der historisierten Initiale im 8. und 9. Jahrhundert*, Diss. Kassel 1997, Berlin 1998.

have just stated, art historians have for the last three or four decades in their turn neglected formal and stylistic matter. Hence, the “home advantage” in the case of minor manuscript decoration is bound to be slim at best. In a word, first the art historians researched ornament, but neglected the book, and later they researched the book, but neglected ornament.⁸

(2) Obviously, art historians are fond of pictures. Less obvious is the fact that they tend to neglect ‘mere ornament’. I came across this fact when I was trying to follow the instructions of the *DFG-Richtlinien*, a manual for the use of scientists who compile manuscript catalogues funded by the Deutsche Forschungsgemeinschaft. I was not obliged to follow these guidelines, since my catalogue had been begun earlier and was outside the DFG programme. This guideline, now, prescribes the following for catalogues of illuminated manuscripts: “no detailed description of ornamental initials in order of folios. Enumeration only of historiated initials with statement of relevant text passage.”⁹

⁸ The exceptions mentioned n. 5 excluded. Mention must be made of the fact that medieval art history in general and manuscript studies in particular occupy a steadily decreasing portion of the annually listed scientific theses in Germany.

⁹ *Richtlinien Handschriftenkatalogisierung*, 5., erweiterte Auflage, DFG 1992, p. 32: „Keine Einzelbeschreibung von ornamentalen Initialen in der Reihenfolge der Folien. Nur historisierte Initialen einzeln aufzählen, mit Angabe der zugehörigen Textstelle“. I am assuming here that the term “historiated initial” as denominating an initial containing

This guideline filled me with doubts, and for several reasons. It would be too long-winded to lay out all my objections, but one of them takes us back to the manuscript production at Charlemagne's court and the iconographic controversy. As I have argued elsewhere, it is just possible that the connection of letters with images was considered as problematic, and that, at least in the beginning, initials with "mere" ornamental décor were preferred.¹⁰ Furthermore, there are manuscripts which feature initials with iconographic elements only in subordinated places, whereas the large major initials are painted and decorated with gold, and they feature "merely" ornamental elements.¹¹ In extreme cases, the guideline of the catalogues could lead to the neglect of interesting objects of investigation.¹² Catalogues of illuminated manuscripts are meant to

figurative elements of any form of iconographic relevance is familiar. For a discussion of this and other terminological questions see my paper held at Wolfenbüttel, 19th-21th September 2011: Beschreiben oder Vorschreiben?—Terminologie zwischen Bestandsaufnahme und Normierung.

¹⁰ C. JAKOBI-MIRWALD, Text–Buchstabe–Bild (see n. 7), p. 126–135.

¹¹ Ibidem, p. 93–94; cf. for instance the matutinal lectionary from Weingarten, Fulda HLB Aa 14, which has historiated initials at rather subordinated points of the book (fol. 1r, 158r: Die illuminierten Handschriften Fulda [see n. 1], Kat. 40, fig. 395, 404).

¹² For example the two intriguingly similar, "merely" ornamental initials at the beginning of Causa 28 in two totally dissimilar manuscripts of the *Decretum Gratiani* at Munich, cf. C. JAKOBI-MIRWALD, Die Initiale zur Causa 28 (see n. 1).

be used by art historians, and it is very questionable whether they can afford to neglect the ornamental elements in such a manner. And as it happens, this preoccupation with things iconographic isn't exactly favourable for minor decoration elements.

(3) Which discipline is actually responsible for display scripts? (German: *Auszeichnungsschriften* or *Zierschriften*). Display scripts fall neatly between the research fields of palaeographers who deal with the text scripts, and art historians who are occupied with the decoration of a manuscript. Both of these disciplines have a history of saddling each other with the respective responsibilities.¹³ However, when working on a manuscript catalogue, there is no way around dealing with them.

¹³ Around the year 1930, the manuscripts of Tours were simultaneously researched by the paleographer E. K. RAND (*Studies in the Script of Tours*, 1. A Survey of the Manuscripts of Tours, Cambridge/Mass. 1929, p. 32sq., reviewed by W. KOEHLER, *Göttingische Gelehrte Anzeigen* 9, 1931, p. 321-336) and the art historian W. KOEHLER (*Die karolingischen Miniaturen*, 1. Die Schule von Tours, 1. Teil: Die Ornamentik, Berlin 1930, reviewed by E. K. RAND, *Göttingische Gelehrte Anzeigen* 9, 1931, p. 336-351), who then went on to review each other's work. During this discussion, they implicitly agreed that the display scripts in these early manuscripts which deliberately imitate the antique scripts, would fall within the competence of the paleographers and script historians.

Therefore, my occupation with the Fulda manuscripts produced a paper on this subject,¹⁴ where I provide a research report and a catalogue of the elements and properties of script which a terminology would have to take into consideration. As descriptive terms I suggest *Ziermajuskel* (an accepted term, used in several major German manuscript catalogues, which would roughly translate as fancy capitals) for the painted or drawn scripts on the one hand and *Rustica* (rustic capitals) for the written scripts on the other. These terms may be somewhat lacking in originality, but research history provides us with several examples of highly complex and artificial terminologies which have had no repercussion whatsoever on actual use. I finally put the suggested terminology to the test using several examples from the Fulda catalogue, one of which we will be returning to later.

Now, it is a very interesting fact that the scholar who definitely allotted the display scripts to the discipline in charge was an Auxiliary Sciences historian, Peter Rück, who was positively renowned for his overstepping of disciplinary borderlines. In his work on the scripts of the Gospel Book of Henry the Lion he named Epigraphy¹⁵ as the home science

¹⁴ C. JAKOBI-MIRWALD, Die Auszeichnungsschriften in mittelalterlichen Handschriften. Versuch einer Terminologie, in: P. RÜCK (ed.), Methoden der Schriftbeschreibung, Historische Hilfswissenschaften 4, Stuttgart 1999, p. 107–117.

¹⁵ Cf. W. KOCH, Inschriftenpaläographie des abendländischen Mittelalters und der früheren Neuzeit: 1.

of display scripts, correctly observing that display scripts had developed alongside, and in relation with, sculpted and painted inscriptions, and had, by the year 1200, left the original antique models so far behind that neither of the terms “Capital” and “Uncial” could apply any longer.¹⁶

To sum it up: the formally responsible discipline for display scripts would be Epigraphy, and major impulses on research and terminology have been provided by palaeographers, researchers in diplomatics (Rück), and by people formerly or currently working on manuscript catalogues.

Viewed in this light, the “home advantage” of art history in describing minor decorative elements doesn’t amount to much.¹⁷ In fact, it lies with the

Früh- und Hochmittelalter, Historische Hilfswissenschaften 2, München 2007.

¹⁶ The emerging of different levels and the developing of a veritable hierarchy of display scripts need not be referred at this point, because the phenomenon does not apply to the manuscripts here considered.

¹⁷ Overly optimistic expectations for the future are not called for. Funding is notoriously precarious in the Arts and Humanities faculties, and the steady decline of manuscript studies in German art history has already been hinted at. This would not merely be a result of the impoverishment of the University landscape in Germany, where even the most prominent institutes of Medieval Latin Philology or Auxiliary Sciences of History are being shut down for reasons of actual or perceived lack in young professionals. It is also not merely a result of the declining Latin skills. Any existent funds are

“practitioners” occupied with writing manuscript catalogues, many of whom are actually art historians. They were obliged to turn to many disciplines beside art history for procuring the necessary descriptive tools, first and foremost to Palaeography and Auxiliary Sciences. It was my work on a manuscript catalogue, the obligation to deal with all aspects of manuscript decoration, that set off my every occupation with terminological questions, and that doesn’t apply just to me. In general, the bulk of scientific work on minor decoration of manuscripts originates from the circle of people occupied with manuscript catalogues. The happy term “Paleography of the Ornament” was coined by Elisabeth Klemm of Munich, author of the catalogues of the Romanesque and Gothic illuminated manuscripts.¹⁸ The article on pen-flourishing for the *Reallexikon zur deutschen Kunstgeschichte*¹⁹ was written by scholars formerly or currently working on manuscript catalogues, and the discussion of display scripts is likewise dominated by scientists from this group. To sum it up: it is a very

preferably invested in the digitizing of medieval manuscripts, instead of restocking personnel in universities and schools. The outcome may be a welcome increase in manuscripts available on the Internet – but sooner or later there will be nobody left who has the skills to actually work with them.

¹⁸ E. KLEMM, Katalogisierung der illuminierten Handschriften der Bayerischen Staatsbibliothek, *Bibliotheksforum Bayern* 9 (1981), p. 85–100, at p. 87.

¹⁹ Fleuroné (12. Jahrhundert), W. AUGUSTYN, C. JAKOBI-MIRWALD, C. SAUER, M. ROLAND, Artikel Fleuroné in: *Reallexikon zur deutschen Kunstgeschichte* vol. 9, 1996, p. 1113–1196.

hard-earned “home advantage” held by people who have no choice but to come to terms with describing even the most minor decoration elements in their catalogues.

After these preliminary considerations we shall turn to the ornamental decoration of the *Liber Extra* by its functions and places of appearance, in ascending order, proceeding from (1) minor elements within the text block to (2) display scripts, (3) initials of text beginnings with non-figurative decoration and, finally, (4) borders and frames as well as illustrations in the margins. Unfortunately, copyright reasons prevent us from furnishing this article with illustrations – but at least some of the relevant pages may be found on the Internet.

(1) minor elements within the text block

The miscellany with *Liber Extra* in Fulda, Hessische Landesbibliothek D 24 may serve as an introduction.²⁰ The page contains miniatures and large initials with border elements. In text and gloss, different passages are divided merely by the *paraph signs* also known as *pied-de-mouche* in English, French

²⁰ Fulda, HLB D 24 fol. 7r (Miscellany containing the Liber Extra, Upper Italy and Bologna, s. XII/XIII/XIV); Die Historischen, Philologischen und Juristischen Handschriften der Hessischen Landesbibliothek Fulda bis zum Jahr 1600. B 1-25, C 1-18.68, D1-48, beschrieben von R. HAUSMANN, Die Handschriften der Hessischen Landesbibliothek Fulda II, Wiesbaden 2000, p. 161-165; www.manuscripta-mediaevalia.de/hs/kataloge/HSK0541.htm (text version of catalogue, no images).

and Italian and as *Paragraph-* or *Alinea-Zeichen* in German. In the text, some initials are highlighted with red *colour strokes* as the only way of distinction (in German this is called *Strichelung*, in French: *lettre rehaussée*, in Italian: *lettera rilevata* or *ritoccata*). Köln, Dombibliothek Cod. 130 (Internet: see Indice III) is an Italian *Liber Extra* manuscript.²¹ The *piéd-de-mouche* signs already previously mentioned are here seconded by *sentence initials* (initials within the flowing text, not returning to the beginning of the line and not extending into the margins. In German: *Satzinitialen*, in French and Italian: *lettre majuscule, iniziale maiuscola*) and *paragraph initials* (initials at the beginning of a line, in this case also set outside the text block in the left margins; German: *Initialmajuskeln*, French and Italian: no distinction to the above-mentioned sentence initials that I know of). The paragraph initials of the text are decorated with pen-flourish ornament, a feature we shall be returning to, as well as to the display scripts. Other examples of the features described can be viewed in manuscripts in Hamburg²² (with an even more marked contrast between the paragraph initials of the text and gloss), Milano²³ (merely *piéd-de-mouche*) and Köln,²⁴ where the gloss was planned but

²¹ Köln, Dombibl. Cod. 130 fol. 3r (Bologna? ca. 1300? s. XIVmed.? [incoherently dated by CEEC]) (Fig. 295 and also Internet: see Indice III).

²² Hamburg, SUB Cod. jur. 2229 fol. 2r (s. XIV).

²³ Milano, Bibl. Ambrosiana B.43 inf. fol. 3r (Bologna/Southern France, post 1274).

²⁴ Köln, Dombibl. Cod. 131 fol. 81v (s. XIV) (Internet: see Indice III).

not executed, display scripts and paragraph initials were inserted and decorated with modest pen-flourishing.

(2) display scripts

The *display scripts* (in German: *Auszeichnungsschriften*, in French: *lettres capitulaires*, in Italian: *scrittura distintive*) in the *Liber Extra* manuscripts show the highly typical forms known as *interlocked letters* (in German: “*verschachtelte*” *Auszeichnungsschrift*, in French and Italian: *lettres enclavées* and *lettere inchiavardate*).²⁵

They are framed or (vertically) bordered by simple pen-flourish ornaments. The elongated, alternating red and blue letters with contour lines in contrasting colours are squeezed into a rectangular field to the point of being barely legible. This is a very typical feature of the manuscripts here presented and can, in slightly differing versions, be seen in many manuscripts. Urgell 2013 (Fig. 298)²⁶ has a multitude of vertical contour lines which place the elongated letters in a kind of contrasting grid, with the text (*Si legitimus*) repeated below, with its own paragraph initial.

The typical presentation of display scripts does not necessarily form its own block, it can also follow up a painted initial, function called *Textanschluss* or

²⁵ For example: Lambach, Stiftsbibl. Cml V fol. 75vb (s. XIII) (Fig. 296).

²⁶ La Seu d’Urgell, Bibl. Capit. 2013 fol. 1r, 155v, 173v (Northern France, s. XIII.2) (Fig. 298); A. GARCÍA Y GARCÍA, Catálogo de los manuscritos jurídicos de la Biblioteca Capitular de La Seu d’Urgell, La Seu 2009, p. 19.

Anschlussbuchstaben in German.²⁷ A typical framing ornament is a vertical row of tiny spirals with stamen-like extensions on both sides. At times, the space left blank by the scribe is not fully taken up with the interlocked letters,²⁸ whose forms can vary, being at times less densely packed, elongated and angular.²⁹

Finally, the execution of the scheme may be very terse and spare,³⁰ or the letter forms may take on other shapes, for instance the typical *cadet* form (in German *Cadelle*, in French *cadeaux* or *cadelure*, in Italian *cadelle*: initials drawn with a pen with broad nib, parallel and crossing lines forming a cunning pattern and enhanced with drolleries) as seen in a manuscript in Nürnberg.³¹

²⁷ See for instance Nocera Inferiore, Bibl. S. Antonio (Italy, s. XIII.2); Salzburg, UB M.III.97 fol. 122rb (according to Koll www.ubs.sbg.ac.at/sosa/handschriften/mIII97.htm: Upper Italy (?), s. XIII.2).

²⁸ Siena, Private Collection fol. 158v (Fig. 294) (according to Martin Bertram late s. XIII, painting at fol. 2r [Fig. 127, 128] added later, possibly at Avignon, s. XIVin.).

²⁹ Köln, Dombibl. Cod. 130 fol. 152r (see n. 21).

³⁰ Köln, Dombibl. Cod. 131 fol. 81v (see n. 24).

³¹ Nürnberg, Stadtbibl. Cent. II 43 fol. 1r (Southern France, s. XIV.1) (Fig. 105).

(3) minor initials

A very early *Liber Extra* manuscript without glosses is preserved in Munich.³² It was written before 1250, maybe in Styria/Austria. The Salzburg Archbishopric has a history for producing early legal manuscripts, among them several major *Decretum Gratiani* copies. The initials display the ornament type known as *silhouette ornament* (*Silhouettenornament* in German), which J. J. G. Alexander referred to as *Arabesque ornament* – a term which to my knowledge is only used in reference to the English examples it was coined for. These silhouette initials are the direct ancestors of pen-flourish ornament.

Pen-flourish ornament such as in the larger initials and more modest chapter initials in Brno³³ is the most widespread decorative element in medieval books. Hence, it is most surprising that the terminology of this ornament is rather incoherent. The Germans use the French-seeming *Fleurronné* (meaning: flowered) – French-seeming, because in

³² München, BSB Clm 15651 fol. 82r, 113r (Styria/Austria, according to Klemm s. XIIImed.); E. KLEMM, Die illuminierten Handschriften des 13. Jahrhunderts deutscher Herkunft in der Bayerischen Staatsbibliothek, Katalog der illuminierten Handschriften der Bayerischen Staatsbibliothek in München IV, Wiesbaden 1998, Kat. 106, fig. 300–301.

³³ Brno, Archiv města, Svatojakubská knihovna sign. 96/114 fol. 101r (fol. 1-42: s. XVex; fol. 43-154: s. XIII); S. PETR, Právní rukopisy ve farní knihovně sv. Jakuba v Brně, in: P. KRAFL (ed.), Sacri canones servandi sunt. Ius canonicum et status ecclesiae saeculis XIII–XV, Praha 2008, p. 424-432, this ms. at p. 426.

French this ornament is called *filigran* (*lettre filigranée*, likewise in Italian *iniziale filigranata*). The English equivalent, *pen-flourish*, is a bit of a weak term for such a well-defined and frequent phenomenon: after all, a mere “pen-flourish” can reasonably be executed by any scribe at any time, even today.

Examples of elaborately decorated paragraph initials can be found in many manuscripts,³⁴ some of them even executed in paint or in the form of small historiated initials (initials with narrative or illustrating elements all have the same name: *Historisierte Initiale*, *historiated initial*, *initiale historiée*, *iniziale istoriata*).

(4) border and frame

The *borders* of Gothic manuscripts were developed gradually from different origins. German and Italian have adopted the French *bordure* for the typical Gothic phenomenon, English keeps to the more assimilated but less explicit word, *border*. One of the starting-points are pen-flourish extensions and patterns, as seen in a manuscript in Nürnberg,³⁵ and another manuscript in Urgell³⁶ has compact bars with silhouette ornaments (in German: *Fleurronné-Leiste* or *-Stab*, in French: *bande d'I*, *prolongement à l'Italienne* – and Italian comes up with a blank at this point!). The

³⁴ Nürnberg, Stadtbibl. Cent. II 79 fol. 210v (Upper Italy, 1289, 1290) (Fig. 113) – Fulda, HLB D 24 fol. 145v (see n. 20).

³⁵ Nürnberg, Stadtbibl. Cent. IV 99 fol. 20r (Upper Italy [Padova?], s. XIII.2.) (Fig. 115).

³⁶ La Seu d’Urgell, Bibl. Capit. 2013 fol. 1r (Northern France, s. XIII.2) (Fig. 298).

form is split and forms a red and blue pattern, it may resemble a long *c* or an *i*, but it is a compact border element in its own right.

A very intriguing motif of decoration in borders is the *drollery*: a French word used in all four languages in question, albeit in different spelling. Drolleries may be found in the margins, especially the lower ones, but a manuscript in Oxford shows them in the middle margin of a two-column manuscript without encasing gloss.³⁷

Compact border elements may be formed by vine-like extensions sent out from the miniature field – in a manuscript in Milano, at first glance, they look like several painted initials placed one above the other, and are adorned with drollery heads above the frame.³⁸ In the lower space between text and gloss, a branch of the very distinctive Gothic *spray border* or *rinceaux* extends horizontally. The French term for this phenomenon, *bordure à rinceaux*, is adopted only in English, German has the evocative term *Dornblattranke*.

Two manuscripts in Lucca show how the space between text and gloss is gradually filled up with different forms of painted frame lines.³⁹ In Lucca

³⁷ Oxford, Bodl. Lat. theol. b. 4 (Italy, Modena or Bologna, 1241) (Internet: see Indice III).

³⁸ Milano, Bibl. Ambrosiana B.43 inf. fol. 3r, 3v, 271r (see n. 23).

³⁹ Lucca, Bibl. Capit. 137 fol. 4r (ca. 1270, according to M. BOLLATI, in: M. MEDICA [ed.], Duecento: Forme e colori del

137, the stem sent out into the lower margin gives room for a rather naturalistically drawn bird. This area is known as *bas-de-page* in German and English as well as in French (Italian prefers *fondo pagina*). It usually provides room for exuberant drolleries.

A manuscript in Munich shows the framework encircling the two text columns quite firmly in place.⁴⁰ The border, constructed around a central staff, includes vegetal, geometric and drollery elements. Another example in Siena has a rather compact border attached to a miniature field between and around the text columns, with an extension into the lower margin.⁴¹

A manuscript in the Biblioteca Episcopale in Vic is interesting.⁴² It shows a rather generous frame around the text block, including an inhabited scroll in the lower margin, and other drollery elements. *Inhabited scroll*, by the way, is a very happy English term which has evoked analogue translations in all other languages here considered (*bewohnte Ranke*, *rinceau habité* and *tralcio abitato*). However, it is apparent that the gloss was written around the framework, i. e. the frame was there before the gloss

Medioevo a Bologna, Venezia 2000, p. 257-261) and 287 fol. 1r (Upper Italy [Bologna?], s. XIIIex).

⁴⁰ München, BSB Clm 14011 fol. 3r (Fig. 84) (Upper Italy [Bologna?], s. XIIIex).

⁴¹ Siena, Private Collection fol. 2r (Fig. 127, 128) (see n. 28).

⁴² Vic, Bibl. Episcopale 144 fol. 1r, 1v, 76r, 209r (Fig. 135-137, 139) (Bologna, ca. 1280).

(see especially fol. 1v, lower parts), which would be highly unusual, but not unheard-of.

Finally we turn to a manuscript in Fulda, D 5,⁴³ which constitutes a beautiful example for the wanderings of manuscripts cited by Bertram in the aforementioned article.⁴⁴ It dates from the first quarter of the 13th century and is therefore, regrettably, not a *Liber Extra*, but the earlier collection of decretals by Bernard of Pavia (*Compilatio I*).

Up to fol. 139, two northern Italian scribes, probably from Bologna, can be discerned. Then two scribes from southern Germany took over, who may have still been working in Italy. A third German scribe („Flores-Schreiber“) added glosses and rubrics and, according to Hausmann, the display scripts as well.⁴⁵ Into the spaces left blank, from fol. 1 to 122 Italian interlocked display scripts in blue and red letters were added.

Fol. 140r, 185r und 191r, however, show copies of these Italian display letters; they as well as all initials and other decorated letters were added in the Suabian monastery of Weingarten, close to Lake Constance in Southwestern Germany. Incipit texts were rubricated in the text script. But the letters following up the initials mostly occupy a column's

⁴³ Die illuminierten Handschriften (see n. 1), Kat. 54, fig. 556, 560; Die Historischen ... Handschriften (see n. 20), p. 116-120; C. JAKOBI-MIRWALD, Die Auszeichnungsschriften (see n. 14), p. 117, fig. 6 u. 7.

⁴⁴ Dekorierte Handschriften (see n. 4), p. 39.

⁴⁵ Die Historischen ... Handschriften (see n. 20), p. 117.

width and extend to the full height of the preceding initial. They form the usual interlocked letters which are, as seen, quite difficult to read.

It is fascinating to watch the Suabian monks “copy” the Italian letters – substituting their rather hard and angular forms, sparse contour lines and vertical borders of little scrolls with arched and rounded letters, more loosely arranged and clearer to read, occasionally forming two lines instead of the one block, and decorated with palmette pen-flourish ornament.⁴⁶

The repertoire of the ornamental letters as well as the actual initials is closely connected to the secondary decoration of the famous Berthold Sacramentary written and decorated in 1210 at Weingarten.⁴⁷ Our miscellany therefore is set within

⁴⁶ The short version of the description in the aforementioned article (C. JAKOBI-MIRWALD, *Die Auszeichnungsschriften ...* [see n. 14], p. 117), given in the original German: „Anschlusstexte in Blockform neben der Initiale, gemeinsam die ganze Spaltenbreite einnehmend, gleiche Höhe. Jeweils rot-blaue Ziermajuskeln mit Strichornamentierung; kantige, gelängte Lombardenform und geschachtelte Buchstaben im italienischen, geschwungene bauchige Ziermajuskeln im deutschen Teil.“

⁴⁷ Fol. 19v: Adoration of the Magi; see H. SWARZENSKI, *The Berthold Missal* (New York Pierpont Morgan Libr. Ms. 710) and the Scriptorium of Weingarten Abbey, New York 1943; *Das Berthold-Sakramentar*. Pierpont Morgan Library New York Ms. M. 710. Vollst. farb. Faksimile-Ausg. mit Echthgoldaufl.; Kommentar hg. v. F. HEINZER/H. U. RUDOLF, Graz 1996 (Codices selecti. 100); H. U. RUDOLF, „Ein Buch von Gold und Silber“: *Das Berthold-Sakramentar aus Weingarten* (1215–

an intriguing context – the provenance of the truly unique Berthold artist remaining unknown to this day – and presents attractive evidence for the fact that from the day of their production, manuscripts did not necessarily heed geographic, stylistic, art historical or indeed any other boundaries.

1217). Einblicke in die schönste Handschrift aus dem Kloster Weingarten (heute MS 710 der Pierpont Morgan Library New York), mit einem Beitrage von F. HEINZER, Ravensburg 1996; <http://www.themorgan.org/collections/collections.asp?id=80>.

BERNHARD SCHIMMELPFENNIG

*Liturgie und Recht.
Riten, Roben und Farben*

*Habet ergo, secundum Ieronymum: 'Religio divina alterum habitum in ecclesiasticis officiis, alium in communi usu', ut cuncto populo christiano exemplum prebeat bone conversationis, quatenus loti prius sordes novi Christo fiant homines. Exiit enim tunc sacerdos veterem hominem cum actibus suis, et induit novum, qui secundum Deum creatus est. Per vestes quoque, quibus in sacris tantum utimur, non omnia sacramenta fore populo relevanda intelligimus.*¹ Die Kleidung also macht den Priester.

Der diese schönen Sätze geschrieben hat, war Guillelmus Duranti gewesen - päpstlicher Legat, standesbewußter Bischof, Jurist und Liturgiker in ein und derselben Person. Weil die enge Verbindung zwischen Recht und Ritus auch für meinen Beitrag von Bedeutung ist, dürfte es einleuchten, daß ich versuchen werde, auf Durantis Spuren zu wandeln. Dieser hatte sich zuerst in einem langen Kapitel seines *Rationale* den Gewändern und Geräten (*indumenta seu ornamenta*) der Geistlichen gewidmet, dann den liturgischen Farben.

Was bei Duranti eher theoretisch traktiert wird, macht eine liturgische Handschrift anschaulich: der Codex Vaticanus latinus 3747.² Hergestellt für Papst

¹ Duranti, *Rationale* lib.III cap.1 §1. Letzte Ausgabe: Guillelmi Duranti, *Rationale officiorum* I-IV, edd. A. DAVRIL/T.M. THIBODEAU, Corpus Christianorum Cont. Med. CXL, Turnhout 1995, S. 177-239. Zu den Gegenständen vgl. auch Gerhart B. LADNER, *Die Papstbildnisse des Altertums und des Mittelalters* III, Città del Vaticano 1984, bes. S. 264-308.

² Vgl. zum Folgenden die ausgewählten Abbildungen im Anhang (S-Fig. 1-7). Die Handschrift (44 fols., 320x220 mm) ist in einem aufwendigen Faksimile verfügbar: *Il Pontificale* di

Bonifaz IX. (1389–1404) enthält die Handschrift alle Psalmen und Gebete, die vor der Messe während des Ankleidens des Papstes zum zelebrierenden Priester gesprochen – bzw. gesungen – wurden (fol. 1v-20r; fol. 20v-39r folgen die Texte für den Kleidungswechsel nach der Messe). Den Abschluß bildet eine *Benedictio coram populo* (fol. 39v-41r), betont durch eine ganzseitige Miniatur mit der Segnung des Volkes (fol. 39v), die dem sogenannten Giotto-Fresco in der Lateranbasilika ähnelt. Kurz eine Bemerkung zum Facsimile! Wenn dort die Handschrift als „Pontificale“ bezeichnet wird, so ist dies irreführend, denn alle Teile der Handschrift beziehen sich auf die Papstmesse, kein einziges Blatt auf den üblichen Textbestand von Pontifikalien. Das Besondere der Handschrift ist vielmehr, daß bei jedem Parament der Akt des Ankleidens in einer ganzseitigen Miniatur dargestellt ist. Die beim Anlegen erkennbare Reihenfolge der Gewänder ist bei beiden Texten - *Duranti* und Handschrift - weitgehend identisch:

Bonifacio IX (ms. Vat. Lat. 3747), *Codices e Vaticanis selecti. Series maior 95*, MCS Schabert, ArtCodex, München 2010; ISBN 978-88-210-0813-9, *Commentario a cura di A. M. Piazzoni, Art Codex/BAV 2007*; siehe www.artcodex.it. Soweit erkennbar, ist das Faksimile bisher nur in der Biblioteca Apostolica Vaticana vorhanden (Signatur: Facs. BAV Vat. lat. 3747[1,2] Cons.), wahrscheinlich wegen des Preises (ca. 14.000 €). Für große Hilfe danke ich Bernd Michael (Berlin).

Duranti

Vat. lat. 3747

1. sandalia	sandalia
2. amictus	-----
3. alba	alba
4. cingulum	cingulum
----	fanum
5. stola	stola
6. tunica iacinthina, id est celestis conversatio	tunicella
7. dalmatica, id est sancta religio et carnis mortificatio	dalmatica
8. chirotecae	-----
9. anulus, ut diligat sponsam, id est ecclesiam	-----
10. casula, id est caritas	casula
11. sudarium = manipulus	-----
12. pallium, ut ostendat se imitatore Christi, qui languores nostros tulit	-----
13. mitra, ut sic agat, quod coronam mereatur percipere eternam	-----
14. baculum, id est auctoritas potestatis et doctrine	-----

Außer den Paramenten beschrieb Duranti auch die liturgisch zulässigen Farben und die Anlässe für deren Gebrauch.³ Für ihn stand fest, daß an der römischen Kurie fünf Farben erlaubt waren: weiß, rot, grün, violett und schwarz; manchen Autoren würden die beiden letzten Farben als eine gelten.

Der Farbenkalender sah folgendermaßen aus.

Weiß: von der Weihnachtsvigil bis zur Oktav von Epiphanius einschließlich, abgesehen von Märtyrerfesten; Gründonnerstag; in der Osternacht tragen der das *Exsultet* singende Diakon sowie der ihm assistierende Subdiakon weiße Gewänder vor der Messe, während der Zelebrant erst in der Messe Weiß trägt. Diese Regelung gilt bis zur Oktav von Christi Himmelfahrt, sofern das *Officium de tempore* vollzogen wird; Ausnahmen: Bitt-Tage und *Litania Maior* am Markustag. Weitere Tage in Weiß: Fronleichnam; alle Marienfeste; Allerheiligen; Engelsfeste; Geburtsfeste Johannes' des Täufers und Johannes' des Evangelisten; *Conversio Pauli*, *Cathedra Petri*; Feste aller Bekenner und aller heiligen Frauen, die keine Märtyrerinnen waren; Kirchweihfeste. Weiterhin während der Oktaven der vorgenannten Feste, sofern sie eine Oktav halten.

Rot: von der Messe der Pfingstvigil bis zum Samstag der Pfingstoktav; Feste des hl. Kreuzes, der

³ Duranti, *Rationale* III.18, S. 224-229; B. SCHIMMELPFENNIG, *Die Zeremonienbücher der römischen Kurie im Mittelalter*, Tübingen 1973, S. 350-353. Für die Thematik immer noch wichtig: J. BRAUN, *Die liturgische Gewandung im Occident und Orient*, Freiburg/Br. 1907 (Ndr. Darmstadt 1964).

Enthauptung Johannes' des Täufers, alle Apostel- und Evangelistenfeste – ausgenommen das Hauptfest des hl. Johannes, das Fest des hl. Lukas, die *Conversio s. Pauli* und *Cathedra Petri*; alle Feste von Märtyrern und Märtyrerinnen außer dem der Unschuldigen Kinder, sofern es nicht auf einen Sonntag fällt; auch an den Oktaven, wenn das jeweilige Fest eine Oktav besitzt.

Grün: zwischen der Oktav von Epiphania und dem Sonntag *Septuagesima* und zwischen der Pfingstoktav und der Adventszeit, wenn das sonntägliche Officium gefeiert wird.

Violett: vom ersten Adventssonntag bis zur Messe der Weihnachtsvigil einschließlich und von *Septuagesima* bis zur Messe der Ostervigil einschließlich, wenn in den jeweiligen Zeiträumen das Officium *de tempore* gefeiert wird, außer am Gründonnerstag und Karfreitag; am Karsamstag während des Officiums vor der Messe – Ausnahme: der das *Exsultet* singende Diakon und der diesem assistierende Subdiakon: weiße Dalmatika bzw. Tunicella, doch in der folgenden Messe trägt der Diakon eine violette Kasel(!), während der Subdiakon keine Kleidung wechselt. Außerdem violett: Quatember im September, Vigilien mit Fasten, Bitt-Tage, Litanei am Markusfest, im Officium vor der Messe; Fest der Unschuldigen Kinder, sofern es kein Sonntag ist; Mariä Lichtmeß, aber nur während der Prozession.

Schwarz: Karfreitag; alle Totenmessen; alle Prozessionen, die der Papst barfuß begeht. Generell kann Schwarz durch Violett ersetzt werden.

Durantis Farbenlehre bezog sich lediglich auf die Obergewänder, auf die Kleidungsstücke also, die ebenso wie markante Insignien (Mitra, Tiara) weithin sichtbar waren, während die Untergewänder (Albe, Amikt bzw. *fanon*, *cingulum* und *subcinctorium*) vorwiegend weiß waren. Eine Sonderrolle spielte die Fußbekleidung (*sandalia* und *caligae*), war sie doch häufig reich verziert - dies vielleicht deshalb, weil sie dem häufig geübten Fußkuß als Ziel diente.⁴

Für den Farbenwechsel - und damit auch für die Thematik der Tagung - verbleiben also die Darstellungen von Stola, Tunicella, Dalmatik und Kasel. Doch sei zuerst auf die Miniatur am Beginn der Handschrift eingegangen (Vat. lat. 3747 fol. 1v). Sie zeigt einerseits den Ort, an dem der Papst zelebrieren wird: Der Altar mit der Reliquiennische deutet ebenso wie der mit Tüchern geschmückte Apsidenthron auf St. Peter hin. Und weil Rot als liturgische Farbe dominiert, könnte die Darstellung auf Ostern hinweisen. Der Papst sitzt auf einem (nicht erkennbaren) Faltstuhl und trägt ein rotes Pluviale, also das liturgische Obergewand, das er immer dann trägt, wenn er nicht zelebriert; hingegen tragen die beiden Assistenten - konform mit Duranti - weiße Gewänder: der Subdiakon (links vom Papst) eine Tunicella, der Kardinaldiakon eine Dalmatik. Hingegen tragen die anderen Kardinäle vorwiegend rote Pluvialia, während zwei von ihnen mit grünen Pluvialia bekleidet sind. Doch alle tragen Mitren, der Papst eine prächtige *mitra aurifrigiata*, die Prälaten

⁴ Immer noch anschaulich: G. POUYARD, *Dissertazione sopra l'antiorità del bacio de' piedi de' sommi pontefici*, Roma 1807 (mit 4 Tafeln).

einfache Mitren (*mitre albe simplices*). Rechts vom Altar steht der Sakristan vor der Kredenz mit Wein und Wasser. Vor dem Sakristan stehen - gemäß ihrer Gliederung in vier Stimmen - vier Sänger der *Capella* vor einem Notenpult. Alle nichtmitrierten Kleriker zeigen ihre Tonsur und tragen *superpellicia* (später ersetzt durch das Chorhemd). Die Laien hingegen zeigen (links unten) stolz den modischen Schnitt ihrer Gewänder.

Bevor nun der Papst angekleidet wird, seien ein paar allgemeine Bemerkungen zur Kleidung gemacht. 1. Die Tunicella ist ebenso wie die Dalmatik aus der antiken Tunica entstanden und zusammen mit der Kasel den Inhabern der drei höheren Weihen vorbehalten: Tunicella = Subdiakon, Dalmatik = Diakon, Kasel = Priester. 2. Der zelebrierende Papst trägt alle drei Gewänder übereinander. Dem mußte der Schnitt der beiden Tuniken entsprechen; die Tunicella mußte also so schmal gearbeitet sein, daß die Dalmatik locker über sie paßte, vor allem endeten die Ärmel in eng anliegenden Manschetten. Andererseits waren bei der Dalmatik die Ärmel sehr weit und besaß sie große Schlitze an den beiden Seiten des Gewandes.

Als Zelebrant mußte der Papst demzufolge eine beachtliche Anzahl von Gewändern tragen, die - oft aus Brokatstoffen gefertigt - ein erhebliches Gewicht besaßen. Nach dem Bekleiden der Füße (fol. 1v) legte der Papst das Pluviale ab und - nur mit dem *superpelliceum* bekleidet - die Albe an. Weil diese sehr weit und lang geschnitten war, wurde ihr, quasi als Gürtel, das *cingulum* um den Bauch gebunden. Dann wurde dem Papst der *fanon* - eine ihm vorbehaltene Variante des Amiktes (Schultertuch, bei Duranti

schon vor der Albe angelegt) – über den Kopf gezogen; die Art Kapuze des *fanon* bedeckte später, nach der Bekleidung mit der Kasel, deren Nackenteil (fol. 15v). Am Ende dieses Aktes erhielt der Papst die Stola, in deren Mitte ein Kreuz gestickt war, das exakt auf dem Nacken lag. Auf der Brust wurde die Stola gekreuzt und deren Enden vom *cingulum* festgehalten. Dazu noch ein Hinweis: Der Priester kreuzt die Stola auf der Brust, der Diakon auf der rechten, der Subdiakon auf der linken Körperseite – ein (wie die Formen der beiden Tuniken) wichtiges Detail bei der Deutung von Bildquellen. Deutlich zu erkennen ist, daß die Stola dem Papst von zwei Diakonen angelegt wird, tragen sie doch beide Dalmatiken. Doch zeigt die Darstellung ebenso klar, daß dem Maler Durantis Farbenkanon nicht als Richtschnur gedient hat. Darauf wird noch einzugehen sein. Widmen wir uns erst einmal dem zweiten Akt, also dem Bekleiden des Papstes mit Tunicella, Dalmatik und Kasel!

In der Handschrift (fol. 17v) als *tunica iocunditatis et indumentum letitie* gepriesen, ist dort die Tunicella blau gefüttert, das österliche Rot ihrer Außenseite entspricht dem der Stola und der beiden anderen Meßgewänder. Anders verhält es sich bei den Gewändern der anderen Beteiligten. Die zwei Assistenten, die dem Papst die Tunicella über den Kopf anlegen, tragen zwar als Diakone korrekt je eine Dalmatik, doch deren Farben entstammen dem Reich der Phantasie; gleiches gilt für die Pluvialia der vier Mitraträger (Bischöfe oder Kardinäle?). Nicht viel anders verhält es sich mit der Dalmatik (fol. 18r), der *dalmatica iustitie*, die gelb gefüttert ist, so wie auch die Dalmatiken der beiden Assistenten

und die Pluvialia der (diesmal) drei Bischöfe(?). Aus der spätantiken *mappula* entwickelt und zum Insigne vor allem der Subdiakone geworden, wird nach der Dalmatik dem Zelebranten der Manipel auf den linken Unterarm gezogen (fol. 18v). Schließlich (fol. 19v) bekleiden die beiden assistierenden Diakone den Papst mit der (ursprünglich ponchoähnlichen) Kasel, die ihn legitimiert, die nun folgende Messe zu zelebrieren. Auch bei diesem Bild dominiert die Farbe Gelb – und dies, obwohl der Papst das österliche Rot bevorzugt und das viel verwendete Gelb bei Duranti als liturgische Farbe ausgeschieden ist.

Schon diese Diskrepanz warnt uns davor, die bisher kurz vorgestellten Miniaturen vorschnell als Zeugen der liturgischen Realität zu interpretieren. Erst recht ist Vorsicht geboten, wenn nunmehr ein paar Miniaturen aus Handschriften des *Liber Extra* auf ihre liturgische Aussage geprüft werden.

Wegen der bislang behandelten Handschrift erscheint es mir sinnvoll, zuerst auf zwei Miniaturen liturgischen Inhalts einzugehen. Mit beiden beginnt jeweils des 3. Buch des *Liber Extra: De vita et honestate clericorum*,⁵ und beide zeigen sie je einen Priester bei der Ausübung seiner wichtigsten Pflicht, der Wandlung von Brot und Wein in Leib und Blut des Herrn. Beiden Bildern gemeinsam sind folgende Details: Zelebration mit dem Rücken zum Volk und Erhebung der großen Hostie, beiden ist auch gemeinsam, daß die zwei Gruppen der Teilnehmer –

⁵ Köln, Stadtarchiv Hs. W 275 fol. 156r (Fig. 44); Oxford, Bodl. MS lat. theol. b.4 fol. 101r (Fig. 118).

Klerus und Laien – nicht nur in ihrer Tracht, sondern auch räumlich unterschieden sind. Anders bei der Darstellung der ministrierenden Kleriker: Während in der Kölner Handschrift junge Akoluthen – mit *superpelliceum* und *cingulum* – ihrem geistlichen Herren dienen und große Kerzen tragen, gleichen in der Oxforder Handschrift hinsichtlich des Stoffes die Dalmatiken der Assistenten der Kasel des Priesters und dessen Stola.

Weniger friedlich erscheinen zwei andere Miniaturen. Die eine schmückt die schon bekannte Oxforder Handschrift,⁶ und zwar am Beginn von Buch V, wohl mit Bezug auf den Titel *de adulteriis et stupro* (X 5.15): ein Ehemann führt einen gefesselten Kleriker vor den Richter, um ihn wegen Ehebruch oder Vergewaltigung seiner Frau anzuklagen, die weinend am rechten Bildrand erscheint. Der auf einer Art Ziborienthron sitzende Bischof trägt unter dem Pluviale eine Art Albe.

Mehr im Stil von Henry van de Velde ist der Bischofsthron in einer italienischen Hs., die sich heute in Vic befindet.⁷ Der auf ihm sitzende Papst soll wohl einen Streit zwischen zwei Gruppen schlichten. Sind schon deren Mitglieder phantasievoll gekleidet, so erst recht der Papst: Unter einer gelben(!) Albe scheint er ein blaues Gewand zu tragen, über der Albe eine Kasel; deren Rot entspricht dem der Tiara. Die Tiara symbolisiert des Papstes weltliche Herrschaft, gehört demnach in Kirche und Palast in die schützende Schatulle,

⁶ Oxford, Bodl. MS fol. 168r (Fig. 120).

⁷ Vic 144 fol. 311r (Fig. 142): Gregor X. Zur Tiara und zu anderen Insignien vgl. Ladner (wie Anm. 4).

während die Kasel der Messe vorbehalten war. Kurzum: Nichts stimmt an der dort geübten Farbpraxis. Doch war das keineswegs eine Ausnahme.

Eine hübsches Beispiel liefert eine Sieneser Handschrift.⁸ Umgeben von drei Kardinälen, geehrt durch den gelehrten Raymund von Penafort, sitzt Gregor IX. auf einem Thron, der – ähnlich wie bei einem Geigenkasten – von einer Art Thronkasten umgeben ist. Der Papst trägt ein verlängertes Pluviale in grüner Farbe und ähnelt hierin stark dem afghanischen Präsidenten Karsai; zusammengehalten wird der Mantel von einer strahlenden Brosche aus Gold, während den Kopf eine dreikronige Tiara bedeckt. Doch so sehr auch das Bild das Auge ergötzen mag, der liturgischen Lehre entsprach es überhaupt nicht.

In dieser Hinsicht machen zwei andere Miniaturen einen besseren Eindruck.⁹ Dargestellt werden die Päpste Gregor IX., der als Schöpfer des Rechts von einem Nimbus umgeben ist (Admont), bzw. Gregor X. (Nürnberg). Doch auch diesmal trägt der Schein. Daß der Papst als Gesetzgeber eine rote Kasel nebst Pallium sowie eine Tiara trägt, widerspricht völlig den liturgischen Vorschriften.

Fazit: Die knappen Bemerkungen zu einigen liturgischen oder juristischen Handschriften haben gezeigt, daß bei ihrer Analyse vorsichtige Skepsis angebracht ist.

⁸ Siena, Collezione privata fol. 2r. (Fig. 127, 128).

⁹ Admont 27 fol. 4ra (Fig. 1); Nürnberg, Cent. II.79 fol. 283v (Fig. 114).

BERNHARD SCHIMMELPFENNIG

Anhang

Abbildungen (S-Fig. 1-7)

Città del Vaticano, BAV Vat. lat. 3747



S-Fig. 1: fol. 1v



S-Fig. 2: fol. 15v



S-Fig. 3: fol. 16v



S-Fig. 4: fol. 17v



S-Fig. 5: fol. 18r



S-Fig. 6: fol. 18v



S-Fig. 7: fol. 19v

BARBARA BOMBI

*Codicological and Canonistic
Examination
of the Decretal manuscripts
Oxford, Bodl. Lat. theol. b.4 and
Durham, Cathedral Library C.I.9*

This paper focuses on the production of *Liber Extra* manuscripts, examining two significant examples: Oxford, Bodleian MS Lat. theol. b.4 (Fig. 116-120 and also Internet: see Indice n. 3) and Durham, Cathedral Library C.I.9 (Fig. 31-32). Both manuscripts were copied in the 13th century and are richly decorated in Italian and, in the case of C.I.9, Anglo-French styles. In particular I shall concentrate on the codicology of these manuscripts and I shall address the following questions:

1) What does the codicological examination of the manuscripts tell us about the circumstances of their compilation (especially place and date)?

2) To what extent do canonistic texts, commentaries and additions copied in the manuscripts allow us to place and date them?

3) How far can the codicological analysis of the manuscripts inform us about the circumstances of their decoration?

1) *MS Oxford, Bodl. MS Lat. theol. b.4*

This manuscript is the third earliest known copy of the *Liber Extra* and dates from 1241. As Martin Bertram highlighted, the first dated *Liber Extra* manuscript, which is now in Florence at the Biblioteca Nazionale Pal. 157, dates from 1235 and it was probably written in southern Italy by a certain *Gualterius*; the second earliest dated manuscript was compiled by a Lombard notary in 1239 and is now preserved in Florence at the Biblioteca Laurenziana III sin. 9.¹

I am most grateful to Dr. Giovanna Murano and Dr. Martin Bertram for their comments on this paper.

¹ M. BERTRAM, *Die Dekretalen Gregors IX: Kompilation oder Kodifikation?*, in: C. LONGO OP (cur.), *Magister Raimundus. Atti del Convegno per il IV Centenario della*

The manuscript measures 426x257 mm and is formed of 216 folios, organized in 23 quires: 18 quires are *quinterni*; 4 *quaterni*; while the last quire of book II is formed of two bifolios and coincides with the end of the first part of the *Liber Extra*, providing early evidence of the separation of the *Liber Extra* in two parts. The division between the first part (book I/II) and the second part of the *Liber Extra* (book III-V) is highlighted at folios 100rb and 100v, which are blank, whereas the beginnings of books II, IV and V follow over without any break. Catchwords are present at the end of all the quires, but in the final quires of part I and II.²

The main text of the *Liber Extra* is written in Italian *textualis*, datable to the first half of the 13th century. Fol. 1ra opens without any inscription and *Rex pacificus* is generically addressed to *dilectis filiis doctoribus et scholaribus universis*. The *explicit* of the *Liber Extra* text at fol. 216vb refers to the owner of the manuscript: *Expliciunt decretales domini Bertrandi in prima parte et in secunda*.

Our manuscript also represents the second earliest known manuscript where the *Liber Extra* text comes with the Ordinary Gloss of Bernard of Parma, which was written by 1239.³ The *explicit* of the gloss at fol. 216vb recites: *Finito libro referamus gratiam atque laudem Domino Ihesu Christo. Ego Leonardus de Gropis <civis add. Kuttner-Smalley> Mutine <civis?>*

Canonizzazione di San Raimondo de Penyafort (1601-2001), Roma 2000, p. 74-76; M. BERTRAM, Dekorierte Handschriften der Dekretalen Gregors IX. (*Liber Extra*) aus der Sicht der Text- und Handschriftenforschung, Marburger Jahrbuch für Kunstwissenschaft 35 (2008), p. 33.

² See Appendix 1.

³ BERTRAM, Dekorierte Handschriften (see n. 1), p. 33, note 27.

apparatu<*m*; Kuttner: *apparatus*; little hole on the top of the last letter> *in hac compilatione decretalium fideliter scripsi. In Christi nomine die <mer>curii <12 July 1241 was a Friday, not a Wednesday> xii intrante iulio in millesimo ccxli indictione xiiii<!> domino Frederico imperatore Romanorum.*⁴

The gloss was hence written by *Leonardus de Gropis* and finished by 12 July 1241, which we should consider as *terminus ante quem* for the compilation of the manuscript.⁵ Leonard's hand is different from that of the main text, in small *textualis* and brown ink, while the gloss is not decorated. Frank Soetermeer has identified *Leonardus de Gruppis* as a notary public from Modena, active between 1241 and 1269, when he was in Bologna. On 3 June 1269 he signed a contract in Bologna to copy in nine months the *Infortiatum* along with the *Tres partes*, while on 15 March his son Paolo, a notary public as well, copied the *Digestum vetus*.⁶

As the evidence stands, the manuscript may have been written either in Modena or Bologna. The reference to Frederick II in Leonard's date may suggest that the manuscript was glossed in lands under the control of the Empire. From 1226 Modena, Cremona, Parma supported the imperial

⁴ S. KUTTNER, B. SMALLEY, The 'Glossa Ordinaria' to the Gregorian Decretals, *English Historical Review* 60 (1945), p. 97-103; BERTRAM, *Dekorierte Handschriften* (see n. 1), p. 33-34

⁵ KUTTNER, SMALLEY, The *Glossa Ordinaria*, p. 99.

⁶ F. SOETERMEER, A propos d'une famille de copistes. Quelques remarques sur la librairie à Bologna aux XIII^e et XIV^e siècles, *Studi Medievali* III 30 (1989), p. 425-478, at p. 434 note 38; repr. in : ID., *Livres et juristes au Moyen Âge*, Goldbach 1999, p. 95*-148*, at p. 104*; see also G. MURANO, *Copisti a Bologna (1265-1270)*, *Textes et Études du Moyen Âge* 37, Turnhout 2006, p. 30f., 149 no. 178.

party and Bologna joined the Second Lombard League, but by April 1241 the imperial party controlled both Bologna and Modena. Hence Leonard's dating does not shed new light on the place where the manuscript was completed. Similarly, the indiction should be 10 and not 14, as the scribe points out, although this is a common mistake.

The most notable codicological features of the manuscript are a number of cuts in the margin of the parchment. Many of these cuts have been carefully stitched, possibly after the gloss had been copied.⁷

These cuts are of three kinds:

- Horizontal cuts that neither affect the main text nor the gloss, which was indeed carefully written around the cuts. This is the case for a majority of folios in the manuscript.⁸

- Horizontal cuts made after the gloss was copied and which do not affect the gloss (for instance fol. 2, 205, 198-203).⁹

- Horizontal cuts made after the gloss was copied and which affect the gloss (for instance fol. 10, 24, 76, 79, 105, 132, 193, 198, 199, 200, 201, 202, 203).¹⁰

Horizontal cuts that neither affect the text of main text nor the gloss, referred to as **A** in Appendix 1, are especially interesting, as they contribute to the understanding of the stages of compilation of the manuscript.¹¹

- Generally, the position of these cuts changes when a new quire begins, as happens at fol. 38-39,

⁷ See Appendix 1, Table.

⁸ These cuts are called **A** in Appendix 1, Table.

⁹ These cuts are called **B** in Appendix 1, Table.

¹⁰ These cuts are called **C** in Appendix 1, Table.

¹¹ See the pictures no. 1-6; Appendix 1.

58-59, 96-97. A few exceptions are however found, for instance at fol. 168-169.

- In some cases, these cuts appear in the same position in consecutive folios, for instance at fol. 34-35 and 141-145.

- Similarly, there is no rule on the part of the quire where the cuts appear, as they indistinctly occur in both sections of the quire.

When was the parchment of our manuscript cut? In other words, was the parchment already cut, when the main text and the gloss were copied in the manuscript? Although these cuts are very deep, they are almost always sparing both the main text and the gloss, which was indeed carefully written around the cuts. Two possible answers can be given to these questions:

1) On the one hand, we can argue that the main text and the gloss were copied despite the quality of the parchment was poor and already affected by deep cuts. If the scribe of the main text and *Leonardus de Gropis* worked on the manuscript at the same time, they had to rule the folios and write the gloss around the cuts, which were then stitched. Likewise, one could suggest that the parchment was chosen despite its cuts as the original intention was to copy only the legal text. This is an early copy, dating only seven years after the *Liber Extra* was issued in 1234 and only two years after the first dated copy with the gloss of Bernard of Parma is known to have been written (1239).¹²

2) On the other hand, if *Leonardus de Gropis* worked on the manuscript after the scribe of the

¹² Firenze, Bibl. Laurenziana S. Croce III.sin.9. See BERTRAM, *Dekorierete Handschriften* (see n. 1), p. 33, note 27 and p. 60.

main text had copied the text and after the parchment had been damaged by the cuts, we can assume that it was considered too costly to dispose of the quires and the cuts were stitched so that the gloss could be copied.

So far, to my knowledge the only other *Liber Extra* manuscript with comparable horizontal cuts is Oxford, New College 205, which was compiled in Italy in the second half of the 13th century and is known to contain an early version of the *Apparatus (Lectura) decretalium* of Hostiensis, dated between 1254 and 1265. Although the number of cuts in the New College manuscript is far smaller than that in the Bodleian manuscript, some of the cuts in the parchment of this manuscript are as deep as those in the latter. Similarly, it is worth noting that the cuts in the New College manuscript never affect the legal text, as indeed they do in the Bodleian one.¹³

My last point concerns the extent to which these cuts spoil the decoration of our manuscript. Pächt and Alexander argue that the manuscript represents a fine example of Bolognese style in Modena and they do not deal directly with this issue. Accordingly, Robert Gibbs points out that the manuscript stands as an example of the “Second Bolognese style”, but he does not focus on the cuts in the margins of the manuscript.¹⁴

¹³ See Oxford, New College MS 205, fol. 25, 31, 40, 185, 199, 215, 216, 218, 220, 239.

¹⁴ O. PÄCHT, J. J. G. ALEXANDER, *Illuminated manuscripts in the Bodleian Library, Oxford II: Italian School*, Oxford 1970, p. 7-8 no. 73 (pictures of the illuminations of book II, III, IV); R. GIBBS, *The development of the Illustration of Legal Manuscripts by Bolognese Illuminators between 1241 and 1298*,

The cuts never affect either the five illuminations at the beginning of each book, as they are well within the section of the writing area ruled to accommodate the *Liber Extra* text, while the gloss is not illuminated. Similarly, the cuts do not generally touch either the pen-flourished initials or the pen-work flourishing the *lemmata* keying the main text to the gloss. However, a few exceptions occur, for instance at fol. 88v, 96v, 108v, 121v, 157va, 169va, whereas in the same folios the gloss is written around the cuts without being touched by them.¹⁵

To what extent was the decorator concerned with the cuts? Were the initials flourished before or after the cuts were stitched together? Robert Gibbs stated that the manuscript was finished by 1241 and it “has rubrication and illumination added subsequently but early on, and probably all for its original owner”. In Gibbs’s opinion “the scribe either designed the manuscript himself or took an important and precocious role in this process”.¹⁶

Although no certain answer is available, two possibilities still stand open:

1) The scribe, who was commissioned to copy the *Liber Extra* by *Bertrandus*, outlined the layout of the folios including the five illuminations before 1241, while *Leonardus de Gropis* copied the gloss in 1241 after the cuts had heavily damaged the parchment. *Leonardus de Gropis* therefore dealt with the cuts in the margins, which partly affected the work of the artist/scribe designing the pen-flourished initials of

in: V. COLLI, *Juristische Buchproduktion im Mittelalter, Studien zur europäischen Rechtsgeschichte* 155, Frankfurt am Main 2002, p. 194-199, 216f.

¹⁵ See the pictures no. 1, 3a, 3b, 4, 6.

¹⁶ GIBBS, *The development* (see n. 14), p. 195, 197, 217.

the main text. These were therefore added after the gloss had been copied, as Robert Gibbs also argues.

2) The scribe of the main text and *Leonardus* worked on the manuscript at the same time in 1241 and dealt as well as they could with the cuts, already present in the parchment, stitching them together in order to allow the gloss to be copied and the *Liber Extra* to be decorated with pen-flourished initials. Similarly, the decorator dealt with the poor quality of the parchment as well as he could.

2) Durham, Cathedral Library MS C.I.9

The manuscript measures 475x290 mm and is formed of 350 folios, organized in 36 quires: 26 quires are *quinterni*; 2 are *quaterni*; 3 are *sexterni*; and 5 quires are irregular, four of these (quires 1, 16, 33, 36) mark the beginning or the end of different texts in the manuscript. Catchwords are present at the end of most of the quires. The latter are decorated: with figurines representing animals and grotesques (quires 1-7 and 17-18); with pen-work (quires 32-35), or not decorated at all (quires 8-15 and 19-30). The end of the first part of the *Liber Extra* is marked at the end of book II by blank space at the bottom of fol. 157rv and book III begins at fol. 158r; books II, IV and V follow the previous ones without interruption.¹⁷

The manuscript includes seven canonistic texts: the *Liber Extra* with the ordinary gloss of Bernard of Parma (fol. 3v-305r); the *Novellae* of Innocent IV accompanied by the *Apparatus* of Bernardus Compostellanus iunior (fol. 306r-320v); the *Novissimae* of Gregory X accompanied by the *Apparatus* of Garsias Hispanus (fol. 321ra-329vb); the *Constitutiones* of Urban IV, Alexander IV, Nicholas III (with gloss) and Clement IV (fol.

¹⁷ See Appendix 2.

329vb-350r).¹⁸ The manuscript is written in *littera bononiensis* by one scribe, who also copied the gloss.¹⁹ The handwriting can be dated to the last quarter of the 13th century. Furthermore, the paleographical evidence matches the contents of the manuscript. The *Constitutiones* of Nicholas III, issued on 23 March 1280, are the latest text copied into the manuscript, hence they have to be considered as *terminus post quem* for its compilation.²⁰

As for the *terminus ante quem* for the compilation of the manuscript, some of the canonistic allegations to the gloss can be of some help. As Martin Bertram has recently shown, between fol. 8va and 86va notes in cursive hand cite a certain *Lamb(ertus)* in addition

¹⁸ M. BERTRAM, Die Dekretalen Gregors IX. (see n. 1), p. 79f.; ID., Dekorierte Handschriften (see n. 1), p. 33f. On the *Novellae* of Innocent IV, the *Novissimae* of Gregory X and the *constitutiones* of Urban IV, Alexander IV and Nicholas III see also ID., Die Konstitutionen Alexanders IV. (1255/56) und Clemens' IV. (1265/67). Eine neue Form päpstlicher Gesetzgebung, in: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Kan. Abt. 88 (2002), p. 70-109, at p. 94f.; ID., Die Dekretalensammlung Papst Nikolaus' III. (1280), *ibid.* 90 (2004), pp. 60-76. For the *Apparatus* of Bernardus Compostellanus iunior see P.-J. KESSLER, Untersuchungen über die Novellen-Gesetzgebung Papst Innozenz' IV. II. Teil, *ibid.* 32 (1943), p. 300-383, at p. 316-354. On the *Apparatus* of Garsias Hispanus to the *Constitutiones Novissimae* of Gregory X and the constitution *Cupientes* of Nicholas III see J. F. VON SCHULTE, Die Geschichte der Quellen und Literatur des canonischen Rechts II, Stuttgart 1877, repr. Graz 1956, p. 161f.

¹⁹ See below, n. 25.

²⁰ BERTRAM, Die Dekretalensammlung Papst Nikolaus' III (see n. 18), p. 60.

to the gloss.²¹ Although *Lambertus* is not listed by J. F. von Schulte, the name is likely to be Italian. The allegations on these additions date them either before or after 1298. The allegation at fol. 61rb refers to *Quia pontificali*, the constitution of Alexander IV dated 24 March 1256, included in the *Liber Sextus* (1.14.2) in 1298. Since the citation of this constitution of Alexander IV does not refer to it as being included in *Sextus*, the allegation could possibly be dated before 1298. However, another allegation at fol. 13va refers to the constitution *Pia* as being in the *Liber Sextus* and therefore has to be post-dated after 1298.²² Along with *Lambertus* another canonist *Tha(ddeus)* is often mentioned in the additions (e.g. at fol. 83rb). Schulte lists two canonists from Padua between the end of the 13th and the beginning of the 14th centuries with this name: 1) *Thaddeus de Pocaterra*, *doctor decretorum* in Padua between 1288 and 1295; 2) *Thaddeus de Anguissola*, professor of canon law in Padua between 1307 and 1309.²³ On the basis of the evidence provided by the allegations, the *terminus ante quem* for the compilation of the manuscript should be late 13th

²¹ BERTRAM, *Dekorierte Handschriften* (see n. 1), p. 37, n. 77.

²² Durham C.I.9 fol. 61rb, at X 1.29.11: *lege hic consti<tutionem> Alexandrinam que incipit Quia pontificali et cet<era>*. For the issues concerning the reception of the *Liber Sextus* see T. SCHMIDT, *Die Rezeption des Liber Sextus und der Extravaganten Papst Bonifaz^e VIII.*, in: M. BERTRAM (ed.), *Stagnation oder Fortbildung? Aspekte des allgemeinen Kirchenrechts im 14. und 15. Jahrhundert*, Bibliothek des Deutschen Historischen Instituts in Rom 108, Tübingen 2005, p. 58f.

²³ SCHULTE, *Die Geschichte der Quellen* (see n. 18), p. 175, n. 19-20.

century, possibly around 1298, the date of the publication of the *Liber Sextus*.

The additions also suggest where the manuscript was compiled. Since references to *Lambertus* and *Thaddeus*'s opinions on the gloss are consistently mentioned in C.I.9 and both *Lambertus* and *Thaddeus* are probably Italians (indeed the latter probably taught in Padua in the late 13th century), we can argue that the manuscript was still in northern Italy at that time.

Paleographical and codicological evidence supports this assumption:²⁴

- In the bottom right corner of the first folio of quires 8-13 and 30 there is evidence of annotations reciting *Symon*, *Symon f.* or *Symon T.* Accordingly, at fol. 114r and 124r the name *Symon* is either followed or preceded by *a.*, which may stand for *apparatus*, possibly indicating that *Symon* was also responsible for copying the gloss. Furthermore, this point seems supported by palaeographical evidence, as these annotations occur in both parts of the *Liber Extra*, confirming the suggestion that the text was copied by one scribe.²⁵

- Quires 1-8 record *pecia*-marks referring to the gloss.²⁶

- Similarly, along the bottom margin of the first folio of quire 23 at fol. 217r it is noted that the decretals belong to *magister Thomaxinus: decretales magistri Thomaxini ei(us)dem*.

- Furthermore, along the bottom margin of the last folios of quires 1-13, 23, 32, 34 and 35 several

²⁴ See Appendix 2.

²⁵ See n. 19.

²⁶ See picture no. 7: Durham C.I.9, fol. 22va. See also G. MURANO, *Opere diffuse per exemplar e pecia*, *Textes et Études du Moyen Âge* 29, Turnhout 2005, p. 358, no. 295.

notes, mainly by *Thomaxinus*, refer to the correction of the gloss, which was amended with new *pecie*. For instance at quire 5 in the margin of fol. 45rb and f. 47va there are references to *pecia xxi* and *xxiii*, while in the note at fol. 53v it is pointed out that *pecia xxii* is lost. The last note concerning the work of *Thomaxinus* as corrector of the text and gloss occurs at fol. 344v in quire 32 and concerns the *Constitutiones* of Alexander IV, confirming the suggestion that later canonistic texts were copied in the manuscript along with the *Liber Extra* in the late 13th century.

- Finally, two notes by two different hands along the bottom margin of fol. 113v evidence that *Thomaxinus de Strata sancti Vitalis* gave quire 11 to the stationer as a pledge (*pignus*) for borrowing the *pecie* of the gloss of the *Decretum* before C.I.9 was finished and bound. Later on *Cambius quondam Luce de comitatu* gave the same quire as a pledge to a stationer as well.²⁷

Such evidence suggests the following conclusions:

1) The codicological examination of the manuscript supports the paleographical evidence that all the quires including the *Liber Extra* along with its gloss were written at the same time in the same place along with the *Novellae* of Innocent IV, the *Novissimae* of Gregory X, and the *Constitutiones* of Alexander IV, Nicholas III and Clement IV.

²⁷ F. SOETEMEER, *Utrumque ius in peciis. Aspetti della produzione libraria a Bologna fra Due e Trecento*, *Orbis Academicus. Saggi e documenti di storia delle università raccolti da Domenico Maffei* 7, Milano 1997, p. 281-293. Soetemeer gives evidence (p. 287f.) of how the same quire of Firenze, Bibl. Laurenziana, Plut. VI sin. I, was given as a pledge to the stationer by three different students.

2) *Symon*, whose name is always written in the bottom margin of the first folio of the quire, probably copied the text and the gloss, while *Thomaxinus de Strata sancti Vitalis* was responsible for correcting it, borrowing the *pecie* from the stationer. However, later on at least one of the quires (quire 11) must have been in the hands of *Cambius quondam Luce de comitatu*, who used it as a pledge as well. Finally, the note at fol. 217r suggests that the *Decretales* belonged to *Thomaxinus*. Two possible explanations for such annotations can be logically suggested. On the one hand, one can argue that *Thomaxinus* gave as a pledge one of his quires that was then passed to *Cambius* and finally recovered by *Thomaxinus*, who declared himself owner of the *Decretales* at fol. 217r. On the other hand, one can suggest that *Thomaxinus* gave as a pledge one of his quires borrowing the *pecie* of the gloss to the *Decretum* that he needed, possibly to finish another work commissioned from him. He finally recovered his quire, as the note at fol. 217r indicates, while *Cambius* acquired at least quire 11 at a later stage and he pledged it as well as in order to borrow new *pecie*.

3) Although there is no clear hint which one of these explanations is more likely, it is quite clear that *Thomaxinus* and *Cambius*'s activities ought to have taken place where stationers and *pecie* were available. Since the canonistic allegations evidence that the manuscript was still in northern Italy after its completion at the end of the 13th century, one should assume that *Symon*, *Thomaxinus* and *Cambius* worked either in Bologna or Padua.

A final question, concerning the identification of the scribe and the corrector of C.I.9, needs to be answered:

- Giovanna Murano lists *Symon Thomaxini de Testacalvaria*, a notary public from Modena, active between 1269 and 1277, who was engaged by *Henricus de Bagator*, a student in Bologna and proctor of Thomas, archdeacon of Norwich, to copy the *Liber Extra* and its gloss in 1277.²⁸ If this identification is correct, *Symon* referred to in C.I.9 as both *Symon f(ilius)* and *Symon T(homaxini)* would be the son of *Thomaxinus de Testacalvaria*.²⁹ Similarly, it is indicative that *Symon Thomaxini de Testacalvaria* was working for English clients, as Giovanna Murano has pointed out.

- However, the identification with *Symon Thomaxini de Testacalvaria* does not explain why in C.I.9 the corrector is referred to as either *Thomaxinus* or *Thomaxinus de Strata Sancti Vitalis*, which surely hints at a scribe from Bologna rather than Modena. The *matricula* of the notaries of Bologna dating 1283 lists only one *Thomax quondam Melioris de Curionibus*

²⁸ MURANO, Copisti a Bologna (see n. 6), p. 28, 167f. no. 254: *Magister Simon filius domini Thomaxini Testacalvaria, presente patre suo predicto et consentiente, promisit domini Henrico de Bagator procuratorio nomine pro domino Thomaxio archidiacono Norvicensi scribere totam secundam partem decretarium(!) super apparatu magistri Bernardi de tali littera ut fecit in primo quinterno secunde partis, precio quinquaginta sold. Mut. quolibet quaterno, de quo precio recepit viginti lib. Mut. etc. Scripto manu domini Venturini qd. domini Ugonis de Parma notarii.* See also T. SANDONNINI, Di un codice del XIV secolo e dell'antico Studio modenese, Rassegna per la storia dell'Università di Modena e della cultura superiore modenese I, Appendice all'Annuario della R. Università di Modena per l'a.a. 1928-1929, Modena 1929, at p. 125f. Similarly, on 27 March 1277 *Thomaxinus* commissioned *Petrus Felicis* to copy the apparatus to the *Decretals*: MURANO, Copisti a Bologna (see n. 6), p. 28 and n. 87; SANDONNINI, Di un codice, p. 126.

²⁹ Durham C.I.9 fol. 74r, 114r.

(*de capella Sancti Vitalis de quarterio porte Sancti Petri*) and this should be considered as another possibility. In such a case, *Symon* would not be the son of *Thomaxinus* and it is impossible to identify him in the *matricula* without further details about his origins.³⁰ Similarly, I could not identify *Cambius quondam Luce de comitatu* neither in the *matricula* of Bologna nor in other edited sources.

Arguably, the codicological evidence supports Martin Bertram's recent argument that Durham, C.I.9 was written and corrected in northern Italy, probably at Bologna or Padua, in the late 13th century, where it still was for one or two decades after its compilation, as the allegations to the gloss also show.³¹ My last point should therefore concern the circumstances in which C.I.9 was decorated.

Whereas at fol. 3v the illumination of book I and the addressee of *Rex pacificus* have been removed, as well as the illuminations at the beginning of book III and V, the illuminations at the beginning of books II and IV survive. Robert Gibbs has attributed the latter to an Anglo-French artist, while he considers the decorated initials between fols. 3 and 321 the

³⁰ R. FERRARA, V. VALENTINI, *Liber sive matricula notariorum Communis Bononie (1219-1299)*, Roma 1980, p. 520.

³¹ BERTRAM, *Dekorierete Handschriften* (see n. 1), p. 37f. Bertram convincingly disagrees with Susan L'Engle and Robert Gibbs, who have argued for the work of Italian scribes either in England or in Paris, taking as a benchmark the example of William of Bologna, who wrote another *Liber Extra* manuscript now Durham, Cathedral Library, C.I.10: S. L'ENGLE, R. GIBBS, *Illuminating the Law. Legal Manuscripts in Cambridge Collections*, London-Turnhout 2001, p. 45 (L'ENGLE), 182-191 cat. no. 13 (GIBBS).

work of two Bolognese artists and their workshops.³² Finally, Alexander and Gibbs have attributed to the Jonathan Alexander Master the decoration between fol. 321 and 350.³³

On the one hand, Alexander maintained that the decoration was begun in Italy and completed in England when the manuscript was still unbound. Indeed, he argued that C.I.9 is an example of Italian artistic models in England, comparing it to the Luttrell Psalter; he dates the Italian illumination of C.I.9 before 1300, while the English decoration is dated c. 1310-1320.³⁴ On the other hand, Robert Gibbs and Susan L'Engle have argued that C.I.9 was written by a wandering Italian scribe and decorated by some Italian and Anglo-French artists moving around France and England.³⁵ However the latter argument of a wandering Italian scribe has been recently rejected by Martin Bertram on the basis of codicological and canonistic evidence.³⁶

By and large, in C.I.9 the decoration frames the text and it was added after the text and the gloss were copied and corrected.³⁷ However, at fol. 109va and 110rab the gloss is written around the sophisticated grotesque elaborated from the initials

³² GIBBS, in: *Illuminating the Law* (see n. 31), p. 187 with Pl. 13g.

³³ J. J. G. ALEXANDER, *An English Illuminator's Work in some Fourteenth-Century Italian Law Books at Durham*, in: *Medieval Art and Architecture at Durham Cathedral*, The British Archaeological Association: Conference Transactions for the Year 1977, London 1980, pp. 149-152; GIBBS, *Cat. No. 13*, p. 190f.

³⁴ ALEXANDER, p. 150.

³⁵ GIBBS, in: *Illuminating the Law* (see n. 31), p. 164 note 9.

³⁶ BERTRAM, *Dekorierete Handschriften* (see n. 1), p. 37f.

³⁷ See picture no. 8: Durham, C.I.9 fol. 60r.

of two titles of the *Liber Extra* and framing their text.³⁸ Likewise, at fol. 349v the gloss surrounds the decoration framing the main text.³⁹ We therefore ought to assume that the decorated initials and the grotesque at 109va, 110rab and 349v were added at some point after the text of the *Liber Extra* and the *Constitutiones* of Clement IV were copied, but before the gloss had been reproduced.

The latter point excludes the argument, suggested by Alexander and Gibbs, that the decoration was completed in England. Indeed, both fol. 109va and 110rab on which the artist ought to have worked before the gloss was copied, are in quire 11, which was written by *Symon* and corrected by *Thomaxinus*, who gave the same quire as a pledge to the stationer to borrow the *pecie* of the *apparatus* to the *Decretum*.⁴⁰ Similarly, quire 36, to which fol. 349 belongs, is written in the same hand as the previous quire, where we find a note of *Thomaxinus* at fol. 344v, who claims to have corrected both text and apparatus.⁴¹ Since, as demonstrated above, both the texts and their apparatus in C.I.9 were copied and corrected in the late 13th century either in Bologna or Padua, and since at least in three folios the decoration is added before the *apparatus* was copied, we can conclude that the manuscript was also decorated in northern Italy, where the manuscript still was until the first two decades of the 14th century.

To sum up, the stages of compilation of C.I.9 should be reconsidered as follows:

³⁸ See picture no. 9-10: Durham, C.I.9 fol. 109va and 110rab.

³⁹ See picture no. 11: Durham, C.I.9 fol. 349v.

⁴⁰ See Appendix 2; above n. 27.

⁴¹ See Appendix 2.

- *Symon* wrote the texts of the *Liber Extra* and the later constitutions in C.I.9.

- Decorated initials and grotesques were added before the gloss was copied by two artists at least in quires 11 and 36. These were an Italian artist, who worked on fol. 109r and 110v, and the Jonathan Alexander Master, who worked on fol. 349v.⁴²

- The gloss was then copied in accordance with Murano's argument that in Bologna text and gloss were often copied at different stages, although in the case of C.I.9 the gloss was not copied by a different scribe, as palaeographical and codicological evidence seem to suggest.⁴³

- the *Liber Extra* text, its gloss and the later constitutions were corrected by *Thomaxinus de Strata sancti Vitalis* who used a new set of *pecie*. If so, *Thomaxinus* worked in a place where the *pecie* were available, that is either Bologna or Padua. Arguably, the canonistic evidence supports this argument, as the allegations by *Lambertus* and *Thaddeus* still place the manuscript in Italy between the late 13th and the early 14th centuries.

- Finally, the decoration attributed to the *Decretals* master was completed, as fol. 60r evidences.⁴⁴ Accordingly, the illuminations at the beginning of each book were added – the only surviving two at books II and IV indicate the work of an Anglo-French artist. Finally, the gloss was decorated by the so-called Bolognese master.⁴⁵ Likewise, as Susan L'Engle pointed out, some initials

⁴² ALEXANDER, *An English Illuminator's Work* (see n. 33), p. 150; GIBBS, in: *Illuminating the Law* (see n. 31), p. 190f.

⁴³ MURANO, *Copisti a Bologna* (see n. 6), p. 74.

⁴⁴ See picture no. 8: Durham C.I.9 fol. 60r.

⁴⁵ GIBBS, in: *Illuminating the Law* (see n. 31), p. 182-189, cat. no. 13.

of the chapters of the *Liber Extra* at fol. 227-236 and fol. 298-305 cover illuminated title initials and were probably the later work of the Anglo-French artist.⁴⁶

The broader implication of my argument is that English and French artists, such as the Jonathan Alexander Master, worked in Bologna and Padua in the late 13th and early 14th centuries, where Durham, C.I.9 was written and partly illuminated.⁴⁷ To a certain extent this also challenges Murano's statement that "Bologna non ospita una comunità internazionale di copisti e miniatori".⁴⁸

My final point concerns the circumstances in which C.I.9 arrived in Durham. An ownership note in the second fly-leaf of the manuscript, which is written in English cursive hand, possibly datable to the 14th century, refers to Henry, Richard and John *de Insula* as owners of the manuscript. The same note is present in other law books, now preserved in Durham Cathedral Library.⁴⁹

⁴⁶ L'ENGLE, in: *Illuminating the Law*, p. 45. Only at this stage the manuscript was considered finished and probably bound. The latter point allows the suggested possibility that quire 11 was in the hands of *Cambius quondam Luce de comitatu*, who then pledged it to a stationer; see above p. 230f.

⁴⁷ This suggestion is rejected by L'ENGLE and GIBBS, in: *Illuminating the Law* (see n. 31), p. 45-47 (L'ENGLE) and p. 161 (GIBBS).

⁴⁸ MURANO, *Copisti a Bologna* (see n. 6), p. 37.

⁴⁹ See Durham, Cath. C.I.4: *trium puerorum* namely *istud parvum volumen est trium puerorum de Insula scilicet Henrici, Ricardi ac Iohannis fratrum*; Durham, Cath. C.I.12: *Ista pars Summe Odofridi est trium puerorum de Insula, scilicet Henrici, Ricardi et Iohannis fratrum*. See N. R. KER, *Medieval Libraries of Great Britain. A List of Surviving Books*, London 1964, p. 69.

Giovanna Murano has recently argued that C.I.9 was taken to Durham by Robert *de Crican filius domini Alani Duelmensis diocesis*, who was in Italy in the early 1270s and took, in Murano's opinion, several law books from Italy to England. Robert, also known as Robert de Insula, was prior of Finchale in Durham diocese (1269-1272) and bishop of Durham (1274-1283).⁵⁰ Accordingly, Jonathan Alexander and Susan L'Engle observed that Henry and Richard de Lisle, who were relatives of Robert *de Crican*, studied canon law at Oxford and owned the manuscript.⁵¹ Finally, Gibbs states that Robert, bishop of Durham, commissioned C.I.9 in Bologna between 1268 and 1270 and is to be held responsible for the association of the manuscript with Durham.⁵²

However, unlike other canon law books, namely C.I.4 and C.I.6, C.I.9 is not listed in the early library catalogues of Durham Cathedral library dating from 1391, 1395 and 1416.⁵³ In his recent catalogue of Durham Cathedral Library, Richard Gameson has indeed argued that the De Lisle name is fairly common and there is no certain evidence of a connection of the De Lisle brothers with Durham. In Gameson's opinion the most plausible route for

⁵⁰ MURANO, *Copisti a Bologna* (see n. 6), p. 51f.; see also J. LE NEVE, D. E. GREENWAY (ed.), *Fasti Ecclesiae Anglicanae, 1066-1300*, vol. II: *Monastic Cathedrals*, London 1971, p. 32.

⁵¹ ALEXANDER, *An English Illuminator's Work* (see n. 33), p. 151; GIBBS, in: *Illuminating the Law* (see n. 31), p. 161.

⁵² See GIBBS's article in this volume, at p. 87f.

⁵³ C.I.9 cannot be identified with the item listed in: J. RAINE (ed.), *Catalogi veteres librorum ecclesie cathedralis Dunelmensis*, London 1838, p. 36: I. *Decretales Antiquae*, glo., cum *constitucionibus*; II fol. *comprobemur*. No mention of the manuscript is found in: H. D. HUGHES (ed.), *A History of Durham Cathedral Library*, Durham 1925, pp. 53-68.

some or all of the Italian volumes to have reached Durham was in stages: the manuscripts were first brought to Oxford and acquired there via Durham College, Oxford for the mother house, probably in the late 14th century.⁵⁴

Gameson's suggestions support the argument mentioned above that C.I.9 was still in Italy in the early 14th century, where it was possibly used by a pupil of *Lambertus* and *Thaddeus* at Bologna or Padua. Indeed, the first piece of evidence that undoubtedly links C.I.9 to Durham is the addition to the gloss at fol. 74rb, written by William *de Daltona*, who was monk at Durham from 1420, studied at Durham College, Oxford in the 1420s and gave Durham Cathedral Library one of his manuscripts (B.IV.42).⁵⁵ Dobson points out that, although none of the Durham monks graduated in canon law in the Late Middle Ages, Dalton was one the Durham monks who specialized in legal procedure and became proctor of the monastery, official, and almoner. Indeed, on the fly-leaf at fol. IIr an English cursive hand, datable from the late 14th or early 15th century, copies in brown ink a formulary of *procuratorium ad impetrandum* addressed to the pope. Similarly, between 1434 and 1438 under Prior Wessington William Dalton became chancellor and was in charge for the management of the library and its acquisitions, enriching the cathedral collection with a number of manuscripts coming from Durham

⁵⁴ R. GAMESON, *Manuscript Treasures of Durham Cathedral*, Durham 2010, p. 111. See also B. DOBSON, *Durham Priory, 1400-1450*, Cambridge Studies in Medieval Life and Thought III vol. 6, Cambridge 1973, p. 374-379.

⁵⁵ DOBSON, *Durham Priory*, p. 346f., 352f., 361-363, 368. B.IV.42 is a collection of treatises and statutes about the Benedictine order.

College, Oxford. Accordingly, it is likely that another chancellor of Durham cathedral, Thomas Swalwell, added a list of chapters of the *Liber Extra* on fol. Iiv, evidencing the use and fruition of C.I.9 in the library during the 15th century.⁵⁶

Once more, codicological and canonistic evidence help us to shed some light on a very obscure and complex case.

⁵⁶ Durham C.I.9 fol. Iiv: dark brown ink, 15th century English cursive hand; DOBSON, *Durham Priory* (see n. 55), p. 363.

BARBARA BOMBI

Appendices 1-2

Pictures 1-11

APPENDIX 1

CODICOLOGICAL FEATURES OF MS BODL. LAT. THEOL. B.4

A = Horizontal cuts that neither affect the main text nor the gloss

B = Horizontal cuts made after the gloss was copied and which do not affect the gloss

C = Horizontal cuts made after the gloss was copied and which affect the gloss

Bold numbers indicate the presence of the same cut in two consecutive folios; underlined numbers indicate the presence of the same cut in two consecutive folios belonging to two different quires. Brackets indicate the presence of cuts in consecutive folios, although they do not necessarily refer to the same kind of cut.

Quire	Catch-word	Cuts	<i>Main text initials affected by cuts</i>
		PRIMA PARS	
V ¹⁻¹⁰	yes	A: fol. 1; B: fol. 2; C: fol. 10	
IV ¹¹⁻¹⁸	yes		
V ¹⁹⁻²⁸	yes	A: fol. (21, 22), (25, 26, 27); C: fol. 24	
V ²⁹⁻³⁸	yes	A: fol. (30, 31, 32), (34, 35 , 36, 37, 38)	
V ³⁹⁻⁴⁸	yes	A: fol. 39, 42, (44, 45, 46, 47)	
V ⁴⁹⁻⁵⁸	yes	A: fol. 50, 52, 54, 56, 58	
V ⁵⁹⁻⁶⁸	yes	A: fol. 59, 61, 63 , 65, 67	
V ⁶⁹⁻⁷⁸	yes	A: fol. 71; C: fol. 76	
IV ⁷⁹⁻⁸⁶	yes	C: fol. 79, (83, 84, 85)	
V ⁸⁷⁻⁹⁶	yes	A: fol. (88, 89, 90), 92 , 96	fol. 96v
II ⁹⁷⁻¹⁰⁰	no	A: fol. (97, 98),	
100rb-vb		blank	

SECUNDA PARS

V ¹⁰¹⁻¹¹⁰	yes	A: fol. 104, 106, 108, 110; C: fol. 105	fol. 108v
V ¹¹¹⁻¹²⁰	yes	A: fol. (112, 114), 115, 120	
V ¹²¹⁻¹³⁰	yes	A: fol. (124, 125, 126, 127 , 128, 129)	fol. 121v
V ¹³¹⁻¹⁴⁰	yes	A: fol. 135, 140	
V ¹⁴¹⁻¹⁵⁰	yes	A: fol. (141, 142, 143, 144, 145 , 146)	
V ¹⁵¹⁻¹⁶⁰	yes	A: fol. (151, 152 , 153, 154, 155, 157)	fol. 157va
IV ¹⁶¹⁻¹⁶⁸	yes	A: fol. (161, 162), (165, 166, 167, 168)	
V ¹⁶⁹⁻¹⁷⁸	yes	A: fol. 169 , 176	fol. 169va
V ¹⁷⁹⁻¹⁸⁸	yes	A: fol. 179, 184, 185	
V ¹⁸⁹⁻¹⁹⁸	yes	A: fol. (195, 196); B: fol. (197, 198) C: fol. 193	
V ¹⁹⁹⁻²⁰⁸	yes	A: fol. (212, 213); B: fol. (199-203)	
IV ²⁰⁹⁻²¹⁶	no		
216vb		explicit of the Extra: <i>Expliciunt decretales domini Bertrandi in prima parte et in secunda.</i> explicit of the Gloss: <i>Finito libro referamus gratiam atque laudem Domino Ihesu Christo. Ego Leonardus de Gropis <civis add. Kuttner-Smalley> Mutine <civis?> apparatu<m;</i> Kuttner: <i>apparatus</i> ; little hole on the top of the last letter> <i>in hac compilatione decretalium fideliter scripsi. In Christi nomine die <mer>curii <12 July 1241 was a Friday, not a Wednesday> xii intrante iulio in millesimo ccxli indictione xiiii <!> domino Frederico imperatore Romanorum.</i>	

APPENDIX 2

CODICOLOGICAL FEATURES OF DURHAM, CATHEDRAL MS C.I.9

CWd = catchword decorated

CW n. d. = catchword not decorated

CWp = catchword with pen-work

Quire	Catch-words	Pecia (of the gloss)	Notes	Corr. to Extra and gloss
PRIMA PARS				
1. V(+1) ^{3v-13}	CWd	fol. 10va: <i>iiii</i>	fol. 13v: <i>Cor. in textu et etiam in apparatu per Th<omaxinum> necnon per eundem in correctionibus examinatus</i>	x
2. V ¹⁴⁻²³	CWd	fol. 14rb: <i>vii</i> fol. 22va: <i>xi</i>	fol. 23v: <i>xxxviii cedulae sunt in isto sine aliis multis minutis et etiam in apparatu necnon in correctionibus examinatus</i>	x
3. V ²⁴⁻³³	CWd	fol. 28va: <i>xiiii</i>	fol. 33v: <i>Cor. in apparatu per Th<omaxinum> et in correctionibus examinatus</i>	
4. V ³⁴⁻⁴³	CWd	fol. 36va: <i>xvii</i> fol. 38va: <i>xviii</i> fol. 42va: <i>xx</i>	fol. 43v: <i>lxvi</i> ; followed below along bottom margin: <i>in isto perdita est una cedula hic in ultima pagina. Cor. in apparatu per Th<omaxinum> et etiam in correctionibus examinatus</i>	
5. V ⁴⁴⁻⁵³	CWd	fol. 45rb: <i>xxi</i> fol. 47va: <i>xxiii</i>	fol. 53v: <i>lxix</i> ; followed below along bottom margin: <i>in isto deperdita est una cedula in med.; crossed out: in isto dep<erdita> xxii. Cor. in apparatu per Th<omaxinum> et etiam in correctionibus examinatus</i>	
6. V ⁵⁴⁻⁶³	CWd	fol. 59rb: <i>xxvii</i> fol. 63va: <i>xxx</i>	fol. 63v: <i>Cor. in apparatu per Th<omaxinum></i>	
7. V ⁶⁴⁻⁷³	CWd	fol. 72rb: <i>xxxvii</i>	fol. 73v: <i>lxxxiii. Cor. per Th<omaxinum> in apparatu et etiam post alium in correctione examinatus. Timeo de isto quinterno(?) alique cedulae sint amisse, tamen non invenio [...]</i>	
8. V ⁷⁴⁻⁸³	CW n.d.	fol. 74rb: <i>xxviii</i> fol. 76va: <i>xl</i>	fol. 74r: Symon f. fol. 83v: <i>Cor. in apparatu per Th<omaxinum> et etiam in correctionibus</i>	
9. V ⁸⁴⁻⁹³	CW n.d.		fol. 84r: .g., followed by: Sym<on?> fol. 93v: <i>Cor. per Th<omaxinum></i>	
10. V ⁹⁴⁻¹⁰³	CW n.d.			

11. V ¹⁰⁴⁻¹¹³	CW n.d.	fol. 104r: Symon (read with ultraviolet lamp) fol. 113v: <i>p<ignus> Thomaxini de Strata sancti Vitalis p<ro> ap<paratu?> d<e>c<re>to<rum?></i> ; followed by a new hand: <i>p<pignus> Cambii quondam Luce de comitatu</i>
12. V ¹¹⁴⁻¹²³	CW n.d.	fol. 114r: Symon T(?), .a.
13. V ¹²⁴⁻¹³³	CW n.d.	fol. 124r: .a., Sym. fol. 133v: <i><Tho>masini de Strata sancti Vitalis ap<paratu> d<e>c<re>to'</i>
14. V ¹³⁴⁻¹⁴³	CW n.d.	
15. V ¹⁴⁴⁻¹⁵³	CW n.d.	
16. II ¹⁵⁴⁻¹⁵⁷	-----	
SECUNDA PARS		
17. V ¹⁵⁸⁻¹⁶⁶	CWd	
18. V ¹⁶⁷⁻¹⁷⁶	CWd	
19. V ¹⁷⁷⁻¹⁸⁶	CW n.d.	
20. V ¹⁸⁷⁻¹⁹⁶	CW n.d.	
21. V ¹⁹⁷⁻²⁰⁶	CW n.d.	
22. V ²⁰⁷⁻²¹⁶	CW n.d.	
23. V ²¹⁷⁻²²⁶	CW n.d.	fol. 217r: <i>decretales magistri Thomaxini ei<us>dem</i>
24. V ²²⁷⁻²³⁶	CW n.d.	
25. VI ²³⁷⁻²⁴⁸	CW n.d.	fol. 237r: illegible note fol. 248r: <i>Ugo.nⁱ</i>
26. (V-1) ²⁴⁹⁻²⁵⁷	CW n.d.	
27. V ²⁵⁸⁻²⁶⁷	CW n.d.	
28. V ²⁶⁸⁻²⁷⁷	CW n.d.	
29. V ²⁷⁸⁻²⁸⁷	CW n.d.	
30. V ²⁸⁸⁻²⁹⁷	CW n.d.	f. 288rb ' Symo<n> '.
31. IV ²⁹⁸⁻³⁰⁵	-----	

Innocent IV, *Novellae* (fol. 306r-320v)

32. IV ³⁰⁶⁻³¹³	CWp		fol. 313v: <i>m<?>xviii gt. / Cor. in textu per Th<omaxinum> et etiam in glosa necnon in correctionibus tam textus quam glosarum examinatus</i>	x
33. (IV-1) ³¹⁴⁻³²⁰	-----			x

Gregory X, *Novissimae* (fol. 321r-329v)

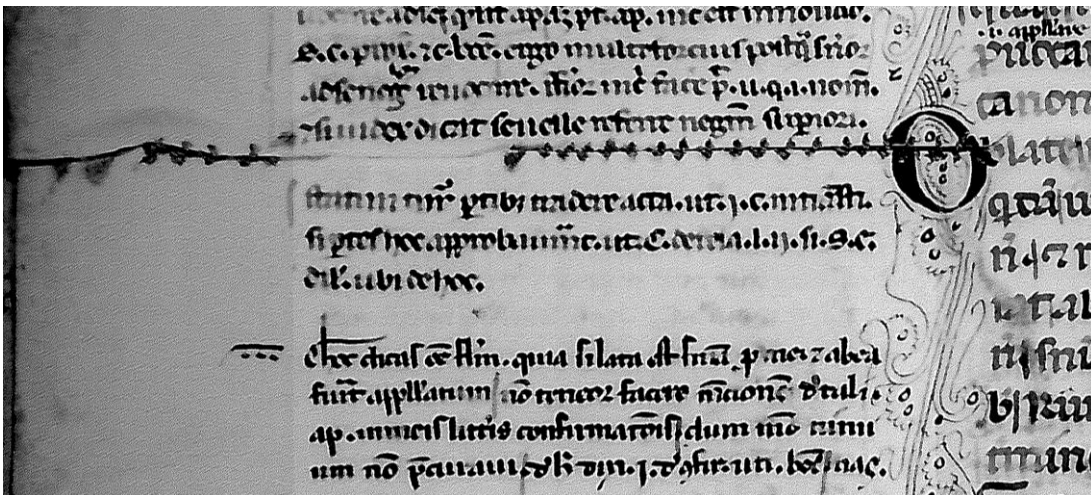
34. VI ³²¹⁻³³²	CWp		fol. 332v: <i>x in f., iii in t. / Cor. in textu et in apparatu per Th<omaxinum>; other hand: necnon in correctionibus examinatus</i>	x
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Constitutiones of Urban IV. (fol. 329v) and Alexander IV (fol. 332r)

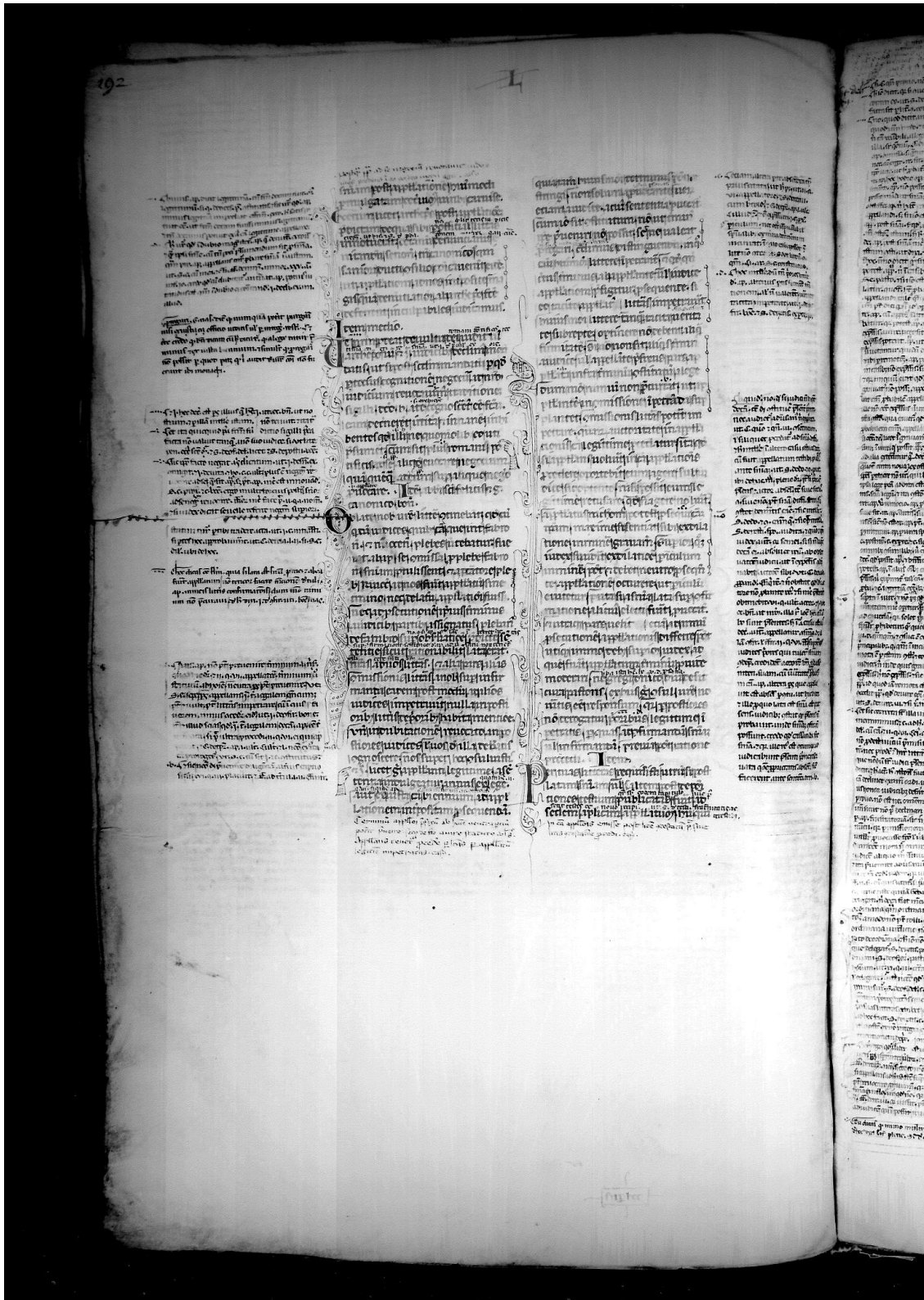
35. VI ³³³⁻³⁴⁴	CWp		f. 344v: <i>Cor. in textu per Th<omaxinum> et etiam in apparatu</i>	x
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Constitutiones of Nicholas III (fol. 342r) and Clement IV (fol. 347v)

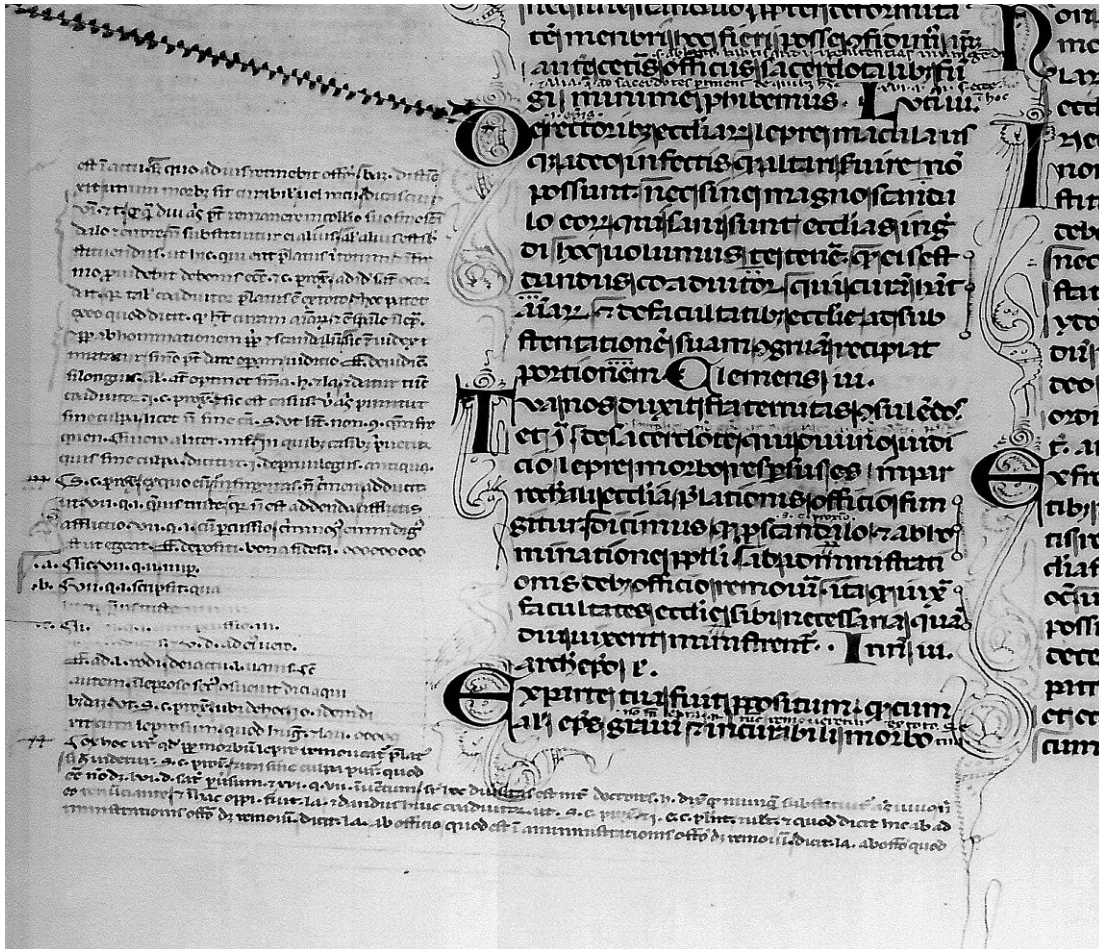
36. (VI-6) ³⁴⁵⁻³⁵⁰	----			x
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Picture 3a: Oxford, Bodl. Lat. theol. b.4 fol. 96v, detail



Picture 3b: Oxford, Bodl. Lat. theol. b.4 fol. 96v



Picture 6: Oxford, Bodl. Lat. theol. b.4 fol. 108v, detail



Picture 7: Durham, Cathedral Library C.I.9 fol. 22va



Picture 8: Durham, Cathedral Library C.I.9 fol. 60r:

“*Decretals Master*” (see GIBBS, *Illuminating the Law*, p. 186)



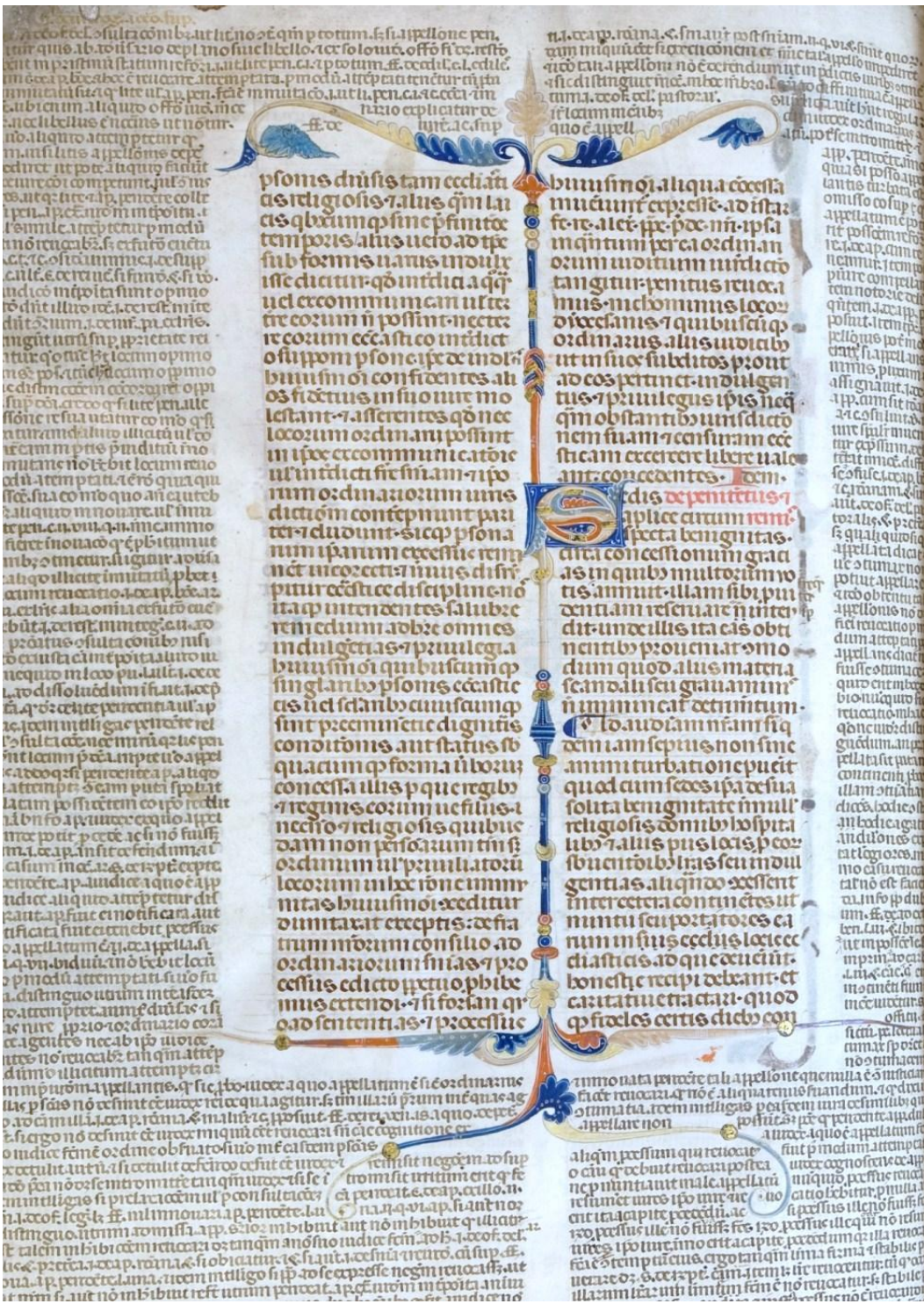
Picture 9: Durham, Cathedral Library C.I.9 fol. 109va:

“Assistant close to the *Decretals* Master” (see GIBBS *ibid.*)



Picture 10: Durham, Cathedral Library C.I.9 fol. 110r:

“Assistant close to the *Decretals* Master” (see GIBBS *ibid.*)



Picture 11: Durham, Cathedral Library C.I.9 fol. 349v:

“Jonathan Alexander Master”

GIOVANNA MURANO

*Inter artifices longa est differentia
(Dig. 46.3.31).
Copisti a Bologna nella
seconda metà del Duecento*

Il dizionario Hoepli della lingua italiana definisce un manuale un “libro di formato agevole e di facile consultazione contenente la trattazione compiuta, esauriente e sistematica di un determinato argomento”.

La stesura di un qualsivoglia manuale presuppone da un lato la conoscenza dell'argomento trattato, dall'altro l'umiltà e la fatica da parte del compilatore di verificare le informazioni offerte. A differenza di uno studio specialistico, il manuale si rivolge ad un pubblico che non ha ancora sviluppato una piena coscienza critica, un pubblico portato a considerare vero o quanto meno corretto tutto ciò che trova scritto, oppure si indirizza a coloro i quali pur essendo specialisti di una determinata branca di quella disciplina, conoscono meno altri aspetti e pertanto si rivolgono al manuale per cercare informazioni di base.

Un recente, imponente, manuale di codicologia, adottato anche in corsi universitari, ha dedicato alcune pagine alla *pecia* nel capitolo riservato alla trascrizione dei testi. Tralascio la prima parte dedicata alla descrizione del sistema e leggo ciò che l'autrice scrive a proposito dei copisti:

“Chi erano i copisti. Erano generalmente laici, potevano anche essere donne o studenti, talora stranieri in possesso, quindi, di abitudini grafiche diverse da quelle locali. Essi lavoravano esclusivamente a servizio degli stazionari, e quindi dipendevano dalle stesse università. Le condizioni cui erano sottoposti erano più dure di quelle degli altri scribi: non pote-

vano accettare altri lavori né riunirsi in corporazioni; non potevano lavorare in comune né formare centri scrittori [...]”.

“Costi, tempi, quantità di produzione. La *pecia* costituiva l’unità di misura standard di pagamento, e l’affitto permetteva allo stazionario di recuperare la spesa per l’*exemplar*. Tuttavia la documentazione che abbiamo al riguardo è scarsa, e da quei pochi riferimenti in contratti o vendite di libri si deducono cifre ineguali, che dipendono da fattori diversi, come lo stato di conservazione e il fatto se fosse o meno un acquisto diretto dallo stazionario, ecc. Spesso, tra l’altro, non si capisce se fosse incluso il prezzo della pergamena.”¹

Mi fermo qui. La prima affermazione che vorrei analizzare è la seguente: “la documentazione che abbiamo al riguardo è scarsa”.

La documentazione sulla produzione libraria a Bologna è senza alcun dubbio una delle più importanti dell’intera storia del libro nel Medioevo.

Nel 1265 è stato istituito a Bologna l’*Ufficio dei Memoriali*, un *Ufficio* che prevedeva la registrazione di tutti gli atti ed i contratti superiori a venti lire di Bolognini (la cifra è piuttosto alta, un professore di

* Si pubblica qui senza alcuna variazione e con l’aggiunta della sola bibliografia essenziale il testo della conferenza presentata al workshop.

¹ M. L. AGATI, *Il libro manoscritto. Introduzione alla codicologia*, Roma 2003, p. 259-260.

buona fama poteva guadagnare in un anno 100, 150 lire di Bolognini). Coloro che acquistavano, vendevano o sottoscrivevano, ad esempio, il contratto per la scrittura di un manoscritto erano tenuti, alla presenza di testimoni e di un notaio a far registrare l'atto nel *Memoriale* e la mancata registrazione lo rendeva *cassum et nullius valoris*. L'*Ufficio* è stato soppresso nel 1456 ed i *Memoriali* giunti fino a noi, curati presso appositi uffici comunali, sono raccolti in 322 volumi di grande formato.² Gli atti notarili regestati ogni anno sono 15-20 mila e ciò rende i *Memoriali* una fonte imprescindibile per conoscere non solo la storia economica di Bologna (si registravano anche i testamenti³ e le emancipazioni), ma anche per la

² G. ORLANDELLI, I Memoriali bolognesi come fonte per la storia dei tempi di Dante, in: Dante e Bologna nei tempi di Dante, Bologna 1967, p. 191-205, rist. in ID., Scritti di paleografia e diplomatica, a cura di R. FERRARA, G. FEO, Istituto per la storia dell'Università di Bologna. Opere dei maestri 7, Bologna 1994; G. TAMBA, I Memoriali del Comune di Bologna nel secolo XIII. Note di diplomatica, Rassegna degli Archivi di Stato 47 (1987), p. 235-290; L. CONTINELLI, L'archivio dell'Ufficio dei Memoriali. Inventario, vol. I: Memoriali 1265-1436, tomo I: 1265-1333, Universitatis Bononiensis Monumenta 4, Bologna 1988.

³ M. BERTRAM, Bologneser Testamente. Erster Teil: Die urkundliche Überlieferung, Zweiter Teil:

storia culturale, per conoscere i nomi degli artisti e degli artigiani attivi a Bologna lungo l'arco di quasi due secoli. I *Memoriali* sono soprattutto una fonte indispensabile per conoscere coloro che frequentarono lo *Studium*, personaggi divenuti in seguito vescovi, dignitari ecclesiastici, uomini di potere, letterati.⁴

Sondierungen in den *Libri Memoriali*, Quellen und Forschungen aus Italienischen Archiven und Bibliotheken 70 (1990), p. 151-233, 71 (1991), p. 195-249.

⁴ Elenchi di *scholares illustres* in M. SARTI, M. FATTORINI, De claris Archigymnasii Bononiensis professoribus a saeculo XI usque ad saeculum XIV, Bononiae 1888-1896 (rist. anast. Torino 1962) II, p. 307-332; G. C. KNOD, Deutsche Studenten in Bologna (1289-1562). Biographischer Index zu den Acta Nationis Germaniae Universitatis Bononiensis, Berlin 1899; S. et S. STELLING-MICHAUD, Les juristes Suisses a Bologne (1255-1330). Notices biographiques et Regestes des actes bolonais, Genève 1960; P. TAMBURRI, 'Natio hispanica'. Juristas y estudiantes españoles en Bolonia antes de la fundación del Colegio de España, Studia Albornotiana LXXI, Bolonia 1999; J. SCHMUTZ, Juristen für das Reich. Die deutschen Rechtsstudenten an der Universität Bologna 1265-1425, I. Text, II. Personenkatalog, Veröffentlichungen der Gesellschaft für Universitäts- und Wissenschaftsgeschichte, Basel 2000. Un'ampia bibliografia sull'argomento è offerta da Schmutz, vol. I, p. 272-301. Sulle *nationes*: A. SOR-

Il 19 luglio 1269, ad esempio, Paolo di Iacopino Avvocati è teste insieme a Oderisi da Gubbio. Nell'atto vergato dal notaio Tommasino delle Querce tre francesi, *Iohannes de Mauduno*, *Iohannes de Buyaco* e *Raginaldus de Buisiacho* incaricano Anselmo Clarenti ed il figlio Clarentino di portare a Parigi alcuni volumi del *Corpus iuris civilis* entro il 20 di novembre. L'atto è stato scritto da Tommasino Armanini, il notaio che redige nel 1272 il testamento di Re Enzo. Tra i testimoni: Oderisi da Gubbio, *miniator*, Paolo Avvocati, *Belçobanne quondam Cambi de Bertalia* un notaio che copia nei *Memoriali* alcune poesie, e Filippo Ungarelli, un noto bidello. A parere di Luciano Rossi, *Iohannes de Mauduno* era Jean de Meun, l'autore o meglio il continuatore del notissimo *Roman de la Rose*.⁵

BELLI, La 'nazione' nelle antiche università italiane e straniere, in: Atti del convegno per la storia delle università italiane tenutosi in Bologna il 5-7 aprile 1940 e memorie in esso presentate, Studi e memorie per la storia dell'Università di Bologna, serie I, vol. XVI, Bologna 1943, p. 93-232.

⁵ G. MURANO, Paolo di Iacopino Avvocati (fl. 1252-1297), in: G. P. BRIZZI, M. G. TAVONI (cur.), Dalla pecia all'e-book. Libri per l'Università: stampa, editoria, circolazione e lettura. Atti del Convegno internazionale di studi. Bologna, 21-25 ottobre 2008, Bologna 2009, p. 13-31, 20. L'identificazione di *Iohannes de Mauduno* (al. Magduno), *Aurelianensis diocesis* con Jean de Meun, già da tempo prospettata,

Dei 322 volumi di *libri memorialium* che si sono conservati (frutto della rilegatura di oltre 2400 registri originali) soltanto i primi dodici, relativi al 1265-1270 (ma l'ultimo anno non è completo) e quelli relativi al 1286, sono stati parzialmente editi.⁶ Quest'ultima data ha una spiegazione. Dante, a parere di molti studiosi, tra il 1286 ed il 1287 trascorre

è stata definitivamente provata da Luciano ROSSI, cfr. Jean de Meun e Guido Guinizelli a Bologna, in: *Bologna nel Medioevo*, p. 87-108; ID., *Du nouveau sur Jean de Meun, Romania. Revue trimestrielle consacrée a l'étude des langues et des littératures romanes* 123 (2003), p. 430-460 e ID., Jean Chopinel et Durante: le noeud Roman de la Rose-Fiore, in: *De la Rose. Texte, Image, Fortune. Etudes publiées par C. BEL et H. BRAET*, in: *Synthema* 3, Louvain-Paris-Dudley (Mass.), Peeters, 2006, p. 273-298.

⁶ *Chartularium Studii Bononiensis. Documenti per la storia dell'Università di Bologna dalle origini fino al sec. XV*, vol. V, Bologna 1921, *Memoriali del Comune Bolognese* (aa. 1265-1266) (= CSB V); vol. VII, 1923, *Memoriali* (aa. 1267-1268) (= CSB VII); vol. VIII, 1927, *Memoriali* (a. 1268) (= CSB VIII); vol. X, 1936, *Memoriali* (a. 1269) (= CSB X) e vol. XI, 1937, *Memoriali* (a. 1269) (= CSB XI) tutti a cura di G. ZACCAGNINI; vol. XIV, 1981, *Memoriali* (a. 1270), a cura di R. FERRARA e G. TAMBA (= CSB XIV) e vol. XV, 1988, *Memoriali* (a. 1270), a cura di R. FERRARA, G. TAMBA e M. ZAGHINI (= CSB XV).

alcuni mesi a Bologna.⁷ In *Conv.* III, xii, 7 ricorda di aver frequentato “le scuole de li religiosi e le disputazione de li filosofanti”; le prime probabilmente fanno riferimento al centro domenicano fiorentino di Santa Maria Novella, mentre le seconde ricordano verosimilmente Bologna, dove non si studiava soltanto diritto ma esisteva anche un attivo centro di studi filosofici e teologici, quello del Convento di San Domenico, *studium generale* a partire dal 1248, ma scuola sin dalla sua fondazione che risale agli anni 1218-1219.⁸ In ogni caso, i *Memoriali* sono stati compulsati per cercare conferme del passaggio del Poeta nella città di Bologna ed effettivamente un *Dante de Florentia* appare nella documentazione bolognese di quegli anni, il 29 ottobre 1291 in un atto di quietanza registrato nel *Memoriale* 80 (notaio *Bonfantinus Petriçoli de Malpiglis*), al fol. 79v e, alla stessa data, tra le *Carte di corredo ai Registri podestarili*.

I *Memoriali* non sono la sola fonte a cui si può attingere per ricavare notizie sulla vita economica e sociale di Bologna e notizie su coloro che per perio-

⁷ G. PETROCCHI, *Vita di Dante*, Roma-Bari 1983, p. 23: “Se vogliamo sforzarci di dare una data più approssimata o approssimabile a questo soggiorno in Bologna, dovremmo pensare al semestre tra l'estate del 1286 e i primi mesi del 1287”.

⁸ G. MURANO, I libri di uno ‘*Studium generale*’: l'antica ‘libreria’ del convento di San Domenico di Bologna, *Annali di storia delle università italiane* 13 (2009), p. 287-304.

di più o meno lunghi vissero in questa città, si trovano anche nelle serie degli *Estimi*, delle *Matricole d'arti e d'armi*, delle *Venticinquine*, degli *Atti giudiziari*, ecc.

Alcuni anni fa ho passato in rassegna i contratti registrati nei *Memoriali* editi (quelli degli anni 1265-70) e pochi altri documenti quali le *venticinquine*. Altri documenti inediti mi sono stati segnalati da Martin Bertram e Frank Soetermeer. Da questo spoglio ho dedotto i nomi di non meno di 280 copisti, parte dei quali notai, attivi a Bologna tra il 1265 ed il 1270.⁹

Per comprendere meglio questa cifra è necessario rapportarla con altre. Nel 1947 nella collana Raccolta di fonti per la storia dell'arte diretta da Mario Salmi, Francesco Filippini e Guido Zucchini pubblicarono l'opera intitolata *Miniatori e pittori a Bologna. Documenti dei secoli XIII e XIV*. L'opera si basava sullo spoglio di manoscritti sei, sette ed ottocenteschi scritti da eruditi bolognesi, oltre che su documenti originali. Filippini e Zucchini censiscono per i due secoli presi in esame 131 miniatori, 217 pittori e 164 *scriptores*. Come si deduce anche dal titolo, gli *scriptores* sono un'aggiunta successiva ed il numero pare lontano da quello reale, in considerazione soprattutto del numero di manoscritti di sicura origine bolognese

⁹ G. MURANO, *Copisti a Bologna (1265-1270)*, *Textes et Études du Moyen Âge* 37, Turnhout 2006.

giunti sino a noi.¹⁰ Già nel 1933-34 Pagnin in uno studio dedicato alla *littera Bononiensis* aveva offerto un elenco di copisti attivi a Bologna nel quadriennio 1265-1268 tratto dai *Memoriali*,¹¹ ma non tutti i copisti censiti da Pagnin sono registrati nel volume del 1947. Nel 1981 Antonio Ivan Pini ha apportato un significativo incremento ai registi documentari di Filippini e Zucchini, realizzando uno spoglio delle sole *venticinquine*.¹²

Per il periodo d'oro della produzione libraria a Firenze, quello della seconda metà del Quattrocento, Albinia de la Mare ha censito 106 copisti (70 identificati, i restanti anonimi).¹³ Questo numero relati-

¹⁰ Sulla diffusione delle Decretali: M. BERTRAM, *Dekorierte Handschriften der Dekretalen Gregors IX. (Liber Extra) aus der Sicht der Text- und Handschriftenforschung*, *Marburger Jahrbuch für Kunstwissenschaft* 35 (2008), p. 31-65.

¹¹ B. PAGNIN, *La 'littera Bononiensis'*. Studio paleografico, *Atti del Reale Istituto Veneto di Scienze, Lettere ed arti* 93 (1933-34), p. 1593-1665.

¹² F. FILIPPINI, G. ZUCCHINI, *Miniatori e pittori a Bologna: documenti dei secoli XIII e XIV*, Firenze 1947; A. I. PINI, *Miniatori, pittori e scrittori nelle 'venticinquine' bolognesi del Due e Trecento* (Integrazioni ed aggiunte ai registi documentari di Filippini, Zucchini), *Il Carrobbio* 7 (1981), p. 348-365.

¹³ A. DE LA MARE, *New Research on Humanistic Scribes in Florence*, in: A. GARZELLI (cur.), *Minia-*

vamente basso si spiega con il fatto che nel secondo Quattrocento molti, letterati, mercanti, artigiani, scrivono per sé e dunque il ricorso al copista di professione è episodico, non sistematico.¹⁴ Bologna a differenza di Firenze, inoltre, è sede di uno *Studium* e ciò spiega la presenza di un così elevato numero di copisti. Il dato che sorprende è tuttavia il numero dei copisti attivi in rapporto al numero degli studenti. Nella seconda metà del Duecento la popolazione studentesca bolognese poteva aggirarsi intorno ai 2000-2200 individui ogni anno, in una città che probabilmente non superava i 50.000 abitanti¹⁵

tura fiorentina del Rinascimento (1440-1525). Un primo censimento I, Inventari e cataloghi toscani, 18, Firenze 1985, p. 395-600.

¹⁴ G. MURANO, 'Memoria e richordo'. I libri di Giordano di Michele Giordani (a. 1508), *Aevum* 83,3 (2009), p. 755-826.

¹⁵ Secondo A. I. PINI, 'Discere turba volens'. Studenti e vita studentesca a Bologna dalle origini dello Studio alla metà del Trecento, in: G. P. BRIZZI, A. I. PINI (cur.), *Studenti e università degli studenti dal sec. XII al XIX secolo*, in: *Studi e memorie per la storia dell'Università di Bologna*, n.s. VII, Bologna 1988, p. 47-136, 66; rist. in ID., *Studio, università e città nel medioevo bolognese*, Centro interuniversitario per la storia delle università italiane. Studi 5, Bologna 2005, p. 125-188.

(70.000 secondo Hessel¹⁶). In un anno privo di turbolenze e tensioni politiche, quale ad esempio il 1267, il rapporto studenti/copisti poteva essere di 8 a 1, senza contare i *famuli* al seguito degli stessi studenti che talvolta svolgevano funzioni di copista.

Dei circa 280 copisti attivi tra il 1265 ed il 1270 oltre 50, il 19% circa, sono o diverranno notai entro breve tempo dalla stipula del primo contratto. La percentuale sale notevolmente se consideriamo i soli bolognesi. Tra i 280 copisti censiti, infatti, molti provengono da altre città dell'Emilia (soprattutto da Modena)¹⁷, dalla Romagna¹⁸ o da altre regioni quali

¹⁶ A. HESSEL, *Storia della città di Bologna dal 1116 al 1280*, ed. it. a cura di G. FASOLI, Bologna 1975, p. 143.

¹⁷ **Da Modena:** Anastaxius Amadixii (Copisti [vedi nota 11] n° 11), Bartholomaeus de Tintis (n° 30), Benfenatus Ianotti Crivellarii (n° 35), Bernardino Giglioli (n° 42), Bonus Iohannes Guidonis Guidopizolis (n° 56), Bonus Rolandini Tuschi (n° 59), Falethus Bartholomei (n° 88), Francesco Grisolfi (n° 96), Gerardinus de Ganaceto (n° 101), Guillelmus Natalis (n° 129), Guirisius Boninsegne (n° 131), Homobonus Petri (n° 136), Laurentius Petri (n° 177), Leonardo de Gruppis e suo figlio Paolo (n° 178 e 207), Militinus Ugolini (n° 193), Nicholaus Richerii (n° 200), Paulus de Copertis (n° 204), Pius Guidonis (n° 217), Rolandinus Iohannis (n° 238), Symon Thomaxini (n° 254), Ubertinus Petri Lastigna (n° 261), Ugolinus Nicolai (n° 263), Zacharias Gualelli (n°

la Lombardia,¹⁹ la Toscana (soprattutto da Arezzo),²⁰ il Veneto,²¹ l'Umbria²² e le Marche;²³ ma non si tratta

277); **da Ferrara**: Anselmus (n° 18), Vivianus (n° 271); **da Imola**: Dominicus Guidonis (n° 80), Ymolensis Guidonis (n° 275); **da Parma**: Albertus Barthomomei Quattrodinari (n° 4), Bonus Uguicionis (n° 60), Egidius Petri (n° 87), Salustius Gerardi (n° 244), Thomaxius Baldi Viviani (n° 257), Venturinus Ugonis (n° 269); **da Reggio**: Arduinus Bernardi (n° 21), Flandina Tebaldini (n° 94), Iacobus Gerardi (n° 143), Iohannes Boramatii (n° 144).

¹⁸ **Da Forlì**: Cardinale e Rogerino Paganelli (n° 68 e 236); **da Faenza**: Raynaldus (n° 225).

¹⁹ **Da Bergamo**: Dominicus Lanfranchi (n° 82), Petrus Ambroxii (n° 211); **da Brescia**: Aquiliano (n° 20), Bertholinus de Moraxii (n° 44); **da Como**: Thomaxius (n° 258); **da Mantova**: Valentinus (n° 264); **da Milano**: Guido de Manuellis (n° 122), Petriçolus Petri (n° 210).

²⁰ **Da Arezzo**: Aldrevandinus Clarimbaldi (n° 8), Argumento (n° 23), Belioctus (n° 31), Benvenutus Bonaçunte (n° 37), Brocardus Benzevenis (n° 62), Fides Guidonis (n° 93), Giliottus Maynardi (n° 107), magister Griffus (n° 111), Guillelmus (n° 128), Iohannes Iacobini (n° 163), Prete (n° 219), Pucius Marsipini (n° 220), Raynerius Guezi (n° 228), Thebaldus Romei (n° 255), Ubertinus (Nutius) Bracii Fracassi (n° 260), Ventura Benincase (n° 266); **da Firenze**: Albertus Ugolini (n° 6), Andreas Dominici Pistorii (n° 15), Benvenutus (n° 38), Bondi Martini

(n° 52), Bonus Azolini (n° 55), Conte Inghirami (n° 70), Gerardus Donati (n° 104); **da Grosseto**: Ventura Pontii (n° 268), magister Zunta (n° 278); **da Massa Marittima**: Datus Iacobi (n° 75); **da Pistoia**: Bonaçunta Honorati (n° 50), Meglorinus Allegritti (n° 186), Symon Falconis (n° 252); **da Siena**: Angelus Ugolini Rubei (n° 17), Balduccio e Bernardino Bernardi (n° 27 e 40), Iacobus (n° 147).

²¹ **Da Padova**: Desideratus Bertolomei (n° 76), Dominicus Iordani (n° 81); **da Verona**: Benedictus Omniboni (n° 34), Benvenutus (n° 39), Bernardinus Bonapressi (n° 41), Daniele e suo padre magister Federico (n° 74 e 91), Marchesinus Gerardi (n° 181), Vivianus Martini (n° 272).

²² **Da Perugia**: Bonaventura Petri (n° 49), Paulus Folcucci (n° 205), Ventura Petri (n° 267); **da Foligno**: Carpinellus (n° 69); **da Spoleto**: Guarinus (n° 115), Iacobus Thome (n° 150).

²³ **Da Camerino**: Anconitanus Atonis (n° 12), Cambius Bonaiuncte e suo figlio(?) Phylippus magistri Cambii (n° 64 e n° 215); **da Fabriano**: Deutesalvi Viviani (n° 78), Vivolus Dominici (n° 275); **da Fermo**: Federicus Phylippi (n° 90), Franciscus Iacobi (n° 95), Franciscus Zanelli (n° 97), Gentilis Gualtieri (n° 100), Gualterius (n° 133), Iohannes de Capelina (n° 158), Matheus Iacobi (n° 184), Matheus Marchi Scalchi (n° 185), Phylippus Actonis (n° 214), Raynaldus Nicholai (n° 226), Verdolinus Egidii (n° 270); **da Matelica**: Benvenutus Albrici (n° 36); **dalla Marca d'Ancona**: Iohannes Mathei (n° 147), Ra-

di copisti erranti: sono famiglie da tempo stabilitesi a Bologna, come prova la menzione di padri e figli e di fratelli. Nella *matricula* della *Società dei Toschi (de quarterio porte Sterii)*, ad esempio, nel 1259 sono registrati *Billioctus de Gualcheriis. Cambius, Iacobus, Guido, fratres, filii dicti Biliotti*: Biliotto è uno *scriptor* proveniente da Arezzo ma da tempo risiede a Bologna con i figli. Una ricerca su fonti aretine della prima metà del Duecento potrebbe svelarci se era anche notaio.

La storia dei testi non può prescindere da coloro che i testi li hanno scritti, copiati e diffusi e la qualifica dei copisti non è semplice curiosità erudita. La produzione libraria per *exemplar* e pecia, almeno a Bologna, non è passata tra le mani di studenti bensì era affidata a più o meno esperti *scriptores*: professionisti della scrittura.

Nel 1980 Roberto Ferrara e Vittorio Valentini hanno edito il *Liber sive matricula notariorum comunis Bononie*.²⁴ A partire dal 1219 è fatto obbligo a quanti esercitano o intendono esercitare legalmente il notariato a Bologna di farsi iscrivere in un apposito registro (*in uno libro*). Nella *matricula* troviamo dunque registrati i nomi di quanti esercitavano l'attività di

ynaldus Donati (n° 224), Severinus de Sancto Severino (n° 249).

²⁴ R. FERRARA, V. VALENTINI, *Liber sive matricula notariorum Comunis Bononie (1219-1299)*, Fonti e strumenti per la storia del notariato italiano, Roma 1980.

notaio e a partire dal 1246 di quanti hanno sostenuto l'esame per divenire notai. Come aveva già sottolineato Soetermeer studiando la famiglia dei Grasolfi,²⁵ numerosi *scriptores* che sottoscrivono contratti di scrittura compaiono anche nel *Liber sive matricula*. Se altri nomi non vi compaiono ciò è dovuto al fatto che, con ogni probabilità, hanno sostenuto altrove l'esame per diventare notaio. Bernardino Giglioli, ad esempio, e molti altri modenesi risultano notai nella loro città d'origine e sono attivi in entrambe le città. Bernardino - notaio e *scriptor* ma sicuramente non miniatore - è il *magister* che sottoscrive la bibbia di Gerona, realizzata probabilmente per il giurista Niccolò Matarelli.²⁶

Nonostante la frammentarietà della documentazione edita è possibile ricostruire la carriera di alcuni copisti. Si inizia a lavorare molto giovani, spesso nella bottega del padre. Ho potuto ricostruire l'attività di Bernardino Giglioli dal 1268 al 1278 tra Bologna e Modena ma sono certa che

²⁵ F. P. W. SOETERMEER, A propos d'une famille de copistes. Quelques remarques sur la librairie à Bologne aux XIII^e et XIV^e siècles, in: Studi Medievali, ser. III vol. 30 (1989), p. 425-478; rist. in ID., Livres et juristes au Moyen Âge, Bibliotheca Eruditorum 26, Goldbach 1999, p. 95-148 (Addenda: p. 374*-379*).

²⁶ MURANO, Copisti (vedi nota 9), p. 32-33; EAD., Paolo di Iacopino (vedi nota 5), p. 26-27.

ebbe una carriera molto lunga e lavorò con artisti di rilievo, quasi certamente con Franco Bolognese.

Albertinello Bompietri Rustighelli, ad esempio, è registrato nella *matricula* nel 1269, ma appare in un contratto in cui vende un *Digestum novum* quattro anni prima, nel 1265.²⁷

Le carriere possono essere molto lunghe. Albertino Aldrevandini diviene notaio nel 1247 e risulta attivo ancora nel 1270.²⁸ Antonio Bombologni che trascrive gli *Statuti della Società dei Falegnami*, è attivo dal 1265 (ma si immatricola nel 1266) fino almeno al 1302.²⁹ Quest'ultima data l'ho dedotta dallo spoglio che Gianfranco Orlandelli ha realizzato sui volumi 98-170, relativi agli anni 1300-1330, dei *Memoriali*. I regesti complessivamente offerti da Orlandelli sono 367.³⁰ Antonio Bombologni nel contratto del 1302 non risulta più *scriptor* ma venditore di un *Codex miniatum de penna et signatum in testu et in glosis per alphabetum et coretum ad pecias stationis*. Quando la vista inizia a cedere piuttosto che scrivere interi manoscritti, i maestri incaricano della trascrizione i figli o comunque copisti più giovani,

²⁷ MURANO, Copisti, p. 97 n° 2.

²⁸ Ivi, p. 97 n° 3.

²⁹ Ivi, p. 101s. n° 19.

³⁰ G. ORLANDELLI, Il libro a Bologna dal 1300 al 1330. Documenti, con uno studio su Il contratto di scrittura nella dottrina notarile bolognese, Studi e ricerche di storia e scienze ausiliarie 1, Bologna 1959.

mentre riservano a se stessi il compito di correggere il testo e l'apparato e di segnarlo *per alphabetum*.

Paolo di Iacopino Avvocati è stato probabilmente uno dei più grandi artisti della Bologna del secondo Duecento. La prima notizia che si ha di lui risale al 1251, anno dell'immatricolazione come notaio e risulta ancora in vita nel 1297. Paolo lavora con alcuni grandi artisti come Oderisi, il Cicogna e riceve da parte del Comune numerosi incarichi per eseguire pitture infamanti.³¹

Aquiliano Erbari da Brescia quando lo incontriamo per la prima volta nella documentazione, nel 1265, è probabilmente già anziano. Non sottoscrive contratti ma è sempre presente in qualità di testimone.³² Ciò che possiamo dedurre dalla documentazione è che almeno per quanto riguarda Bologna non sono i copisti ed i miniatori che si muovono da una città all'altra per cercare lavoro, ma sono gli studenti che si spostano da uno *Studium* ad un altro e con essi i loro libri, talvolta completi, talvolta scritti solo parzialmente, spesso non miniati.³³ I formulari notarili imponeva-

³¹ MURANO, Paolo di Iacopino (vedi nota 5).

³² MURANO, Copisti (vedi nota 9), p. 102s n° 20.

³³ Gli inventari di libri di personaggi, piuttosto che di enti, sono la fotografia del posseduto in un preciso momento. Nell'inventario *post obitum* di Goffredo d'Alatri († 1287) i primi 23 volumi elencati, contenenti opere giuridiche, sono stimati 363 fiorini e tra questi il primo, un *Digestum vetus*, è stimato ben

no il ricorso ad indicazioni suppletive quali cognome, soprannome e provenienza affinché locatore e committente fossero precisamente individuati ed individuabili in caso di controversia. Se un copista o un miniatore si identifica o è identificato con l'appellativo *de Bononia* o *Bononiensis*, ciò significa che è sì originario di Bologna, ma è attivo altrove. È questo il caso di Franco Bolognese, probabilmente Franco di Bonavita, *pinturis* attivo a Modena³⁴, e del

60 fiorini d'oro. Bassissimo invece il valore dei volumi incompleti: le *Institutiones* senza apparato valgono appena due fiorini, egualmente il *Libellus* di Roffredo Beneventano, mentre le *Decretales sine apparatu com cobopertorio de cartis, ext. flor. VII* (V. BRANCONE, Il tesoro dei cardinali del Duecento. Inventari di libri e beni mobili, Micrologus Library 31, Firenze 2009, p. 92-93). Non è raro che, considerato soprattutto il costo della copia, testo e glossa risalcano ad epoche, luoghi e soprattutto mani diversi e lo stesso può dirsi della miniatura che poteva essere eseguita anche a molta distanza di tempo dalla trascrizione.

³⁴ Decio Gioseffi, Una traccia per Oderisi e un'ipotesi per Franco, in: L. MENEGAZZI (cur.), Miniatura in Friuli. Crocevia di civiltà, Pordenone 1997, p. 83-91 ha ricordato un documento del 1289 in cui compare un Franco di Bonavita *pinturius*, ipotizzando potesse essere Franco Bolognese, ma ha purtroppo omesso di indicare sia la fonte da cui ha tratto la notizia, sia il contesto in cui è inserita.

copista del manoscritto Durham, Cathedral Library C.I.10 *Guillelmus de Bononia*, forse lo stesso attivo a Padova nel 1274.³⁵

Nel manuale ricordato al principio di queste pagine leggiamo: “Essi [i copisti] lavoravano esclusivamente a servizio degli stazionari, e quindi dipendevano dalle stesse università”.

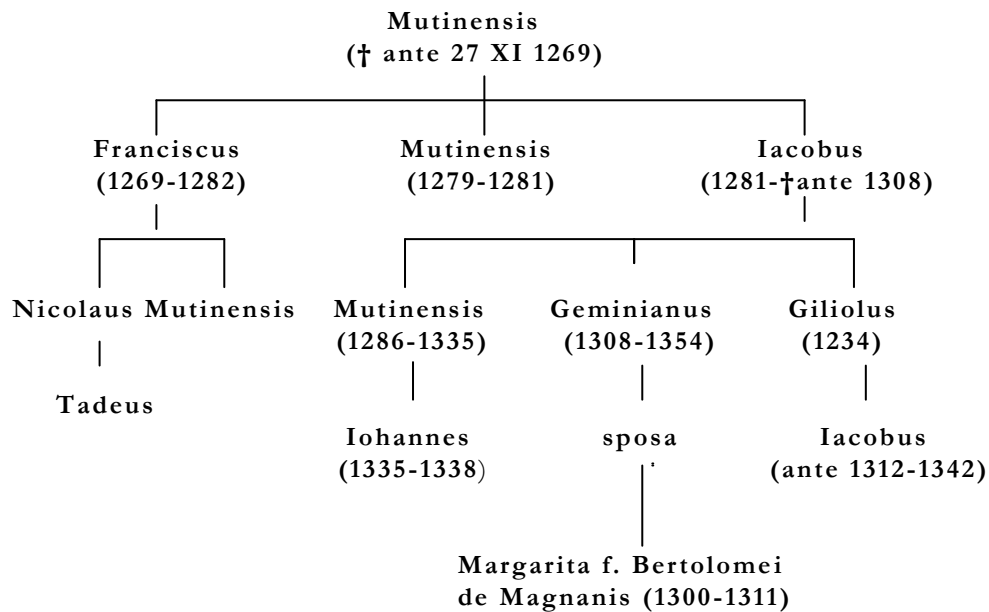
I copisti attivi a Bologna erano professionisti, in molti casi, come detto, notai, e non lavoravano a servizio degli stazionari, non dipendevano in alcun modo dall'Università. Nelle botteghe degli stazionari si potevano acquistare libri, si potevano affittare pecie, ma non si eseguiva la trascrizione materiale dei codici.³⁶ La copia dei manoscritti e la decorazio-

³⁵ FILIPPINI-ZUCCHINI, *Miniatori* (vedi nota 12), p. 87; sul manoscritto S. L'ENGLE, in: EAD., R. GIBBS, *Illuminating the Law. Legal Manuscripts in Cambridge Collections*, London-Turnhout 2001, p. 45.

³⁶ Sull'attività svolta dagli stazionari: F. SOETERMEER, *Utrumque ius in peciis*. Aspetti della produzione libraria a Bologna fra Due e Trecento, *Orbis Academicus* 7, Milano 1997; trad. tedesca aggiornata ID., *Utrumque ius in peciis*. Die Produktion juristischer Bücher an italienischen und französischen Universitäten des 13. und 14. Jahrhunderts, aus dem Niederländischen übersetzt von G. HILLNER, *Ius Commune*. Sonderheft 150, Frankfurt/Main 2002.

ne avveniva nelle case dei copisti, dei miniatori, talvolta nella *domus* del committente o, per gli esemplari di lusso, nelle botteghe, negli *atelier* di maestri affermati.

Una vera e propria dinastia di copisti è quella dei Grasolfi, già illustrata da Soetermeer, e di cui mi limito a segnalare l'albero genealogico e a ricordare che non meno di sette membri della famiglia esercitarono la professione di copista, lungo un arco di oltre 50 anni.



Un altro caso interessante è quello di Cardinale Paganelli da Forlì. Insieme a Cardinale lavorano il fratello minore Rogerino e probabilmente Bonomo, suo figlio.³⁷

Cardinale insieme al fratello esegue intorno al 1266-67 una *Bibbia* (ora Paris, BNF lat. 22). Il committente, Fré dol de Saint Bonnet, è menzionato in un documento del febbraio del 1267 in cui contrae un mutuo (CSB VII doc. 50). Nel maggio dello stesso anno Fré dol incarica Cardinale e Rogerino della trascrizione del testo e della glossa di *unum par decretalium* per la straordinaria cifra di 134 lire (CSB VII 65 doc. 118). Nei *Memoriali* dell'anno successivo i due fratelli compaiono cinque volte e in un contratto incaricano Rinalduccio di Donato di scrivere e glossare un *Codex*. La scelta è piuttosto infelice. Nel 1277 *magister* Giovanni da Vicenza accusa *Rinalducius scriptor* di avergli rubato il *Digestum novum* che gli aveva dato da scrivere; nel 1286 Francesco d'Accursio denuncia un furto avvenuto quattro anni prima a Parigi, dunque nel 1282: il furto è stato compiuto da Raynaldus Donati. Raynaldus si trasforma in un copista errante per sfuggire alla giustizia, non per lavorare.

Nonostante la scelta del collaboratore, gli affari dei due fratelli prosperano. Nel 1269 sono protagonisti di non meno di 20 compravendite e sempre nel 1269 Aldebrandino Clarimbaldi promette

³⁷ MURANO, Copisti (vedi nota 9), p. 116-119 n° 68.

a Cardinale di scrivere il testo delle Decretali. È evidente che grazie agli ottimi contratti stipulati con Frédol, Cardinale e la sua famiglia non sono più dei semplici copisti ma la loro attività si è trasformata in quella di un vero e proprio *atelier*, dove si compra, si vende, si svolgono intermediazioni. Ricordo, ma solo *en passant*, che le Decretali di Piacenza sono state attribuite al ‘maestro del BNF lat. 22’: questo significa che sono state realizzate nella bottega di Cardinale e del fratello Rogerino?

I copisti a Bologna non lavorano al servizio degli stazionari, né dipendono dall’università. I soli vincoli che essi hanno sono quelli previsti dal contratto sottoscritto e registrato nei *Memoriali*. Sulle formule via via adottate nei contratti di scrittura si è soffermato Gianfranco Orlandelli e in questo contesto credo sia importante sottolineare che i contratti sono stipulati non soltanto tra copisti e scolari o maestri dello *Studium*, ma tra copista e mercanti di libri o maestri che possiedono un *atelier*. Ciò significa che i manoscritti universitari importanti, quali ad esempio le Decretali, sono spesso il risultato del lavoro di più artigiani ed artisti e non sono la fatica di un solo - malpagato - scriba!

La produzione per *exemplar* e pecia non riduce in alcun modo i tempi di produzione di un manoscritto. Per realizzare un volume delle Decretali, ad esempio, erano necessari non meno di due anni. Il testo delle Decretali era tassato nella lista bolognese

per 24 quaterni, corrispondenti a 48 pecie,³⁸ mentre l'apparato era tassato per 39 quaterni.³⁹ Per l'apparato si utilizzavano due *exemplaria*, il primo formato da 44 pecie, il secondo da 35. Se sommiamo queste due cifre (44+35) otteniamo 79 pecie. Poiché un quaterno è formato da due pecie, se dividiamo 79:2 otteniamo 39,5. Ovvero un numero molto vicino al numero dei quaterni tassati.

In alcuni contratti i copisti si impegnano a scrivere 5 pecie al mese. Ciò significa che per trascrivere le 48 pecie del testo erano necessari 9 mesi e mezzo circa (48:5). Per trascrivere l'apparato erano necessari circa 16 mesi; complessivamente, dunque, erano necessari 25 mesi, oltre due anni, per copiare un solo volume delle Decretali.

In che modo si potevano ridurre i tempi? Incaricando, ad esempio, copisti diversi della trascrizione del testo e della glossa e, addirittura, copisti diversi per la prima e la seconda parte della glossa. Ad esempio Bertolino da Brescia, un notaio, sottoscrive un contratto per l'esecuzione della glossa della seconda parte delle Decretali. Il prezzo pattuito è di 28 soldi per ciascun quaterno.⁴⁰ I quaterni sono già disponibili, contengono già il testo e la prima parte dell'apparato e ciò spiega

³⁸ G. MURANO, *Opere diffuse per exemplar e pecia*, *Textes et Études du Moyen Âge* 29, Turnhout 2005, p. 357.

³⁹ Ivi, p. 360.

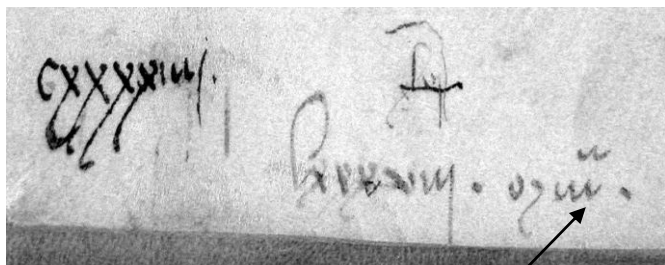
⁴⁰ MURANO, *Copisti* (vedi nota 9), p. 110s.

perché nel contratto è stato indicato il prezzo per ciascun quaterno e non per l'intero volume.

Nel 1268 Corradino del fu Vitale promette a *magister Iacobus*, un canonico bolognese, di far scrivere da sua figlia Cristiana entro sedici mesi le *Decretales in littera de testu eque bona, ut incepit in tertio libro Decretalium, et ponet minora* per la somma di 24 lire.⁴¹ Delle *minora*, o *minores* o *minoribus* ha già scritto ampiamente Soetermeer.⁴² I copisti annotano negli spazi predefiniti le letterine d'attesa per le iniziali ed i titoli correnti necessari al rubricatore affinché questi possa eseguire il proprio lavoro senza dover ricorrere all'*exemplar*. In seguito, alla fine di ciascun fascicolo, viene indicato il numero complessivo delle lettere minori trascritte o eseguite. L'immagine che segue mostra come si presentano queste indicazioni nei margini dei manoscritti.

⁴¹ Ivi, p. 120.

⁴² F. SOETERMEER, Un problème quotidien de la librairie à Bologne: *minora* manquants, in: B. DURAND, L. MAYALI (ed.), 'Excerptiones iuris'. Studies in Honor of André Gouron, Studies in Comparative Legal History, Berkeley 2000, p. 693-716.



LXXXVIII. *min*^a

Nei contratti di compravendita è precisato se il manoscritto è in *littera antiqua* o in *littera nova*,⁴³ e ugualmente nei contratti di scrittura è indicata la *littera* che deve essere impiegata per la trascrizione del testo e della glossa. Ciò che appare evidente dalla documentazione e come provano gli stessi manoscritti universitari, non è consentito il ricorso a canoni diversi dal canone librario bolognese, nonostante che i copisti provengono, come abbiamo visto, da tutte le regioni d'Italia. E per dimostrare di avere perfetta padronanza della *littera nova* o *de textu* occorre fornire una prova diretta trascrivendo brani del testo oggetto del contratto.

⁴³ G. ORLANDELLI, 'Littera nova' e 'Littera antiqua' tra glossatori e umanisti, Archivio di Stato di Bologna. Quaderni della Scuola di paleografia e archivistica 7, Bologna 1965, rist. in: ID., Scritti (vedi nota 2), p. 211-236.

Magister Andreas scriptor, ad esempio, promette di copiare ...*totum aparatum Decretalium in glosa de tali litera vel meliori, ut fecit in quinterno Decretalium secunde partis in sexto folio in glosa que incipit: Hoc ipso, satis continue, usque ad glosam que incipit: Quod iuris sit...*⁴⁴ Benché *magister* trascrive un brano della glossa per dimostrare la propria capacità scrittoria.

Ma torniamo a Cristiana che promette - per il tramite del padre - di copiare il testo delle Decretali per un compenso di 24 lire. Per comprendere se si tratta di un prezzo di mercato oppure no dobbiamo confrontarlo con quello di altri contratti.

Nel 1265 *Damianus exemplator* promette ad uno scolare inglese di far scrivere da suo figlio Simone, *totum textum Decretalium tam veterum quam novarum*. Il compenso pattuito è di 40 lire.⁴⁵ Simone al momento della stipula del contratto è ancora minorenne ed è questa la ragione per la quale interviene il padre. Soltanto sette anni più tardi, nel 1272, Simone sarà iscritto nella matricola dei notai. Nel 1268 sottoscrive un altro contratto per la copia del testo delle Decretali, ma in questo caso la trascrizione è eseguita per i fratelli Cardinale e Rogerino ed il compenso pattuito è decisamente inferiore: 25 lire.

La somma di 24 lire è il compenso previsto anche nel contratto che Iacopo Ammanniti stipula per il

⁴⁴ CSB VII, p. 15 doc. 24 (1267 I 25).

⁴⁵ MURANO, Copisti (vedi nota 9), p. 121, 166.

figlio Bartolomeo per la trascrizione del testo delle Decretali vecchie e nuove.⁴⁶

Cristiana, Simone di Damiano e Bartolomeo di Iacopo Ammanniti al momento della stipula sono giovani, alle prime armi e percepiscono pertanto un compenso piuttosto basso. Se Cristiana ha copiato l'intero testo delle Decretali ha ricevuto un compenso pari a quello dei suoi colleghi uomini. In breve, non è il genere che determina le variazioni dei compensi ma altri fattori.

Aldrevandino Clarimbaldi di Arezzo nel 1269 promette a *magister* Cardinale di scrivere ed ultimare tutto il testo delle Decretali e porre le *minora* e le rubriche, il contratto che stipula è di 36 lire. Una cifra superiore del 50 % rispetto a quella prevista nei contratti di Cristiana, Bartolomeo e nel contratto sottoscritto da Simone di Damiano con Cardinale Paganelli nel 1268.

Anche nei contratti per la scrittura della glossa si registra una grande oscillazione.

Nel 1268 Bernardino di Matteo promette al canonico della chiesa di Santa Maria Maggiore di *scribere et glosare totum librum Decretalium de apparatu d. magistri Bernardi et de tali littera, sicut fecit et scripsit in dicto libro in glosa que incipit: nota quod infinitas etc. Et finit: super eodem capitulo Ad hoc*. Il contratto prevede una durata di 18 mesi e la cifra concordata è 36 lire di Bolognini.⁴⁷ Il compenso previsto per la tras-

⁴⁶ Ivi, p. 105.

⁴⁷ Ivi, p. 110.

crizione dell'apparato è superiore del 50% rispetto a quello del testo e la differenza è dovuta al numero delle pecie: quelle dell'apparato sono oltre il 60% in più rispetto a quelle del testo. Come anticipo Bernardino riceve 29 lire. Ma Domenico di Giordano da Padova per l'*apparatum Decretalium cum novissimis* stipula un contratto per un prezzo inferiore: 31 lire e 10 soldi.⁴⁸ Beliotto, *scriptor de Aretio*, promette a Pietro di Puglia di scrivere *totum aparatum Bernardi* per la somma di 40 lire.⁴⁹ Albertino Aldrevandini, un notaio, nel 1269 promette allo scolare Raimondo di Polonia di glossare le Decretali per 47 lire,⁵⁰ il 50 % in più rispetto al contratto di Domenico di Giordano.

Queste differenze dipendono da fattori diversi: età e condizione del copista, esperienza, abilità e soprattutto la fama dell'*atelier* in cui o per il quale il manoscritto è eseguito.⁵¹

⁴⁸ Ivi, p. 123.

⁴⁹ Ivi, p. 106.

⁵⁰ Ivi, p. 97.

⁵¹ Era sicuramente un copista di grande fama il *Leonardus* che ebbe l'onore di essere menzionato nel codicillo testamentario di Conte Casati cardinale prete dei SS. Marcellino e Pietro († post 19 luglio 1287) e che eseguì un *Digestum vetus cum glosis Accursii in duobus voluminibus* ed un *Codex novus scriptus per Leonardum predictum et glosatum Bononie*: BRANCONE, Il tesoro dei cardinali (vedi nota 33), p. 127.

Tommasino di Marsilio, ad esempio, promette nel 1269 a Cardinale di scrivere l'apparato delle Decretali per 66 lire e 8 soldi.⁵² Nei contratti Tommasino è sempre chiamato *magister* e nel 1281 è stimato nei suoi averi 100 lire di Bolognini, dunque è una persona se non ricca, quanto meno agiata. La qualifica di *magister* e l'incarico per l'*atelier* di Cardinale spiegano perché il suo compenso è più che doppio rispetto a quello di Domenico.

Per i prezzi dei libri completi si registrano le stesse variazioni. Il figlio del giurista Rolandino dei Romanzi, Scanabicco, nel 1270 acquista da Boncore di maestro Bernardo un volume completo delle Decretali per 37 lire,⁵³ probabilmente era un libro usato, forse non era miniato. Gerardino da Modena vende nella *statio* di Ardizzone un volume delle Decretali per 41 lire,⁵⁴ ma Bono Azzolini da Firenze vende a Bellengario un volume delle Decretali al prezzo di ben 97 lire e mezzo e dal contratto sembra che l'apparato non fosse neppure completo.⁵⁵ Il volume delle Decretali che Cardinale promette di vendere al *prior Guillelmus de Bociacis* nel 1269 ha il prezzo di ben 150 lire di Bolognini, mentre il noto stazionario Ardizzone vende un volume delle

⁵² MURANO, Copisti (vedi nota 9), p. 168.

⁵³ Ivi, p. 112.

⁵⁴ Ivi, p. 129.

⁵⁵ Ivi, p. 113.

Decretali non ancora completo per 130 lire di Bolognini.⁵⁶

Per l'esecuzione di un volume delle Decretali in *littera nova*, con *minora* e rubriche un giovane copista può ricevere un compenso intorno alle 60 lire (24+36); un copista affermato può raggiungere le 90 lire.

Quanto incide sul prezzo finale del manoscritto il costo della miniatura? Sicuramente per una cifra inferiore alle 20 lire in quanto nei *Memoriali* non troviamo registrati contratti per eseguire la decorazione dei manoscritti. Tuttavia in alcuni contratti di scrittura compaiono come testimoni miniatori e non è escluso che a questi venga affidata successivamente l'esecuzione della decorazione. Tra i nomi più frequenti oltre a Paolo di Iacopino Avvocati, compaiono quelli di Alessandro di Gandolfino (fl. 1277-1285),⁵⁷ Berto di Bartolomeo da Verona (fl. 1298-1302),⁵⁸ Bitino di Vincenzo (1298-1310),⁵⁹ fra' Bona-

⁵⁶ ASB, Memoriale 24, fol. 218v (1274 IX 14), edito in STELLING-MICHAUD, *Les jurists* (vedi nota 4), p. 251. Henry de Grandson è attestato a Bologna nel 1274-1276; canonico di Wells, in Inghilterra, nel 1284 diviene vescovo di Verdun: STELLING-MICHAUD, *Les juristes*, p. 92-94; SCHMUTZ, *Juristen* (vedi nota 4) II, p. 488 n° 1312.

⁵⁷ FILIPPINI, ZUCCHINI, *Miniatori* (vedi nota 12), p. 5.

⁵⁸ Ivi, p. 30.

ventura (1255-1299),⁶⁰ il Cicogna, ovvero Antolino di Rolando (1265-1289).⁶¹ Il Cicogna lavora spesso con Paolo di Iacopino e come Paolo è sia miniatore che pittore. Il numero dei contratti in cui è presente come contraente o come teste è ragguardevole ed indica che sicuramente fu un artista di rilievo.

Concludo con un auspicio. Anzi due. Il primo rivolto agli storici dell'arte è quello di iniziare a percorrere anche le vie della documentazione, oltre che dell'analisi stilistica, vie che consentiranno finalmente di dare un nome ed un volto ai troppi maestri "senza nome" proliferati soprattutto in quest'ultimo quarto di secolo; il secondo è quello di riprendere l'edizione dei documenti trasmessi nei *Memoriali*, documenti fondamentali non solo per comprendere la storia di Bologna ma dell'intera Europa del Due e Trecento.

⁵⁹ Ivi, p. 36.

⁶⁰ Ivi, p. 40.

⁶¹ Ivi, p. 48-52.

SUSANNE WITTEKIND

Resultate und Perspektiven

Im Verlauf der Tagung kristallisierten sich einige Leitfragen heraus. Immer wieder wurde diskutiert, ob und inwiefern die Bilder der Dekretalenhandschriften auf Adressaten ausgerichtet sind bzw. auf Auftraggeberwünsche reagieren. Ein weiterer Diskussionspunkt war die Herkunft des ikonographischen (und ornamentalen) Ausstattungsvokabulars, insbesondere die Frage, wie Motivübernahmen aus anderen, liturgischen oder juristischen Texten in den Dekretalenhandschriften zu interpretieren sind. Wie ist schließlich konkret der Herstellungsprozeß solcher illuminierten Dekretalenhandschriften vorzustellen? Positionen, Argumente und Beispiele zu diesen Komplexen werde ich im folgenden knapp zusammenfassen.

1. Inwiefern beziehen sich die Miniaturen auf den Text der Dekretalen? Hier lassen sich verschiedene Ebenen des Textbezugs unterscheiden.

a) Viele Handschriften unterstützen durch Autorschaftsbilder oder durch die Darstellung Gottes als Legitimationsinstanz die Autorität der Dekretalensammlung Gregors IX. Dies geschieht vor allem zu Beginn der Handschrift. Hier erfolgt häufig eine theologische Einbettung der Rechtssammlung, so, indem wie in einer Hs. in Toledo Szenen der Schöpfung vorangestellt werden. Diese wurden von L'Engle verortet in der Tradition von Prachthandschriften der frühmittelalterlichen *Collectio Canonum Hispana* (*Codex Emilianus*, *Codex Vigilanus*, 10. Jh.). Doch werden Schöpfung und Sündenfall vereinzelt auch in zeitgenössischen Handschriften des *Decretum Gratiani* vorangestellt (Cambridge, Fitzwilliam Museum MS 262 fol. 1r, um

1300).¹ Wie verschiedene Prologe zeitgenössischer Rechtssammlungen spricht auch Gregors Bulle *Rex pacificus* die Notwendigkeit irdischer und kirchlicher Gesetzgebung infolge des Sündenfalls an, als Mittel zur Wiedergewinnung der göttlichen Ordnung. In einer anderen Dekretalen-Handschrift (Angers, BM 376 fol. 1r) wird der heilsgeschichtliche Rahmen, in dem die Dekretalensammlung betrachtet werden soll, durch eine vorangestellte Miniatur mit Kreuzigungsszene und einem Stifterbild darunter verdeutlicht.² Doch auch durch die Positionierung der Eingangsminiatur mit Gregorbildnis und derjenigen zum ersten Buch *De summa trinitate* mit zugehöriger Darstellung der Trinität oder des Pantokrators auf einer Seite oder auf einer Doppelseite kann die kirchlich-päpstliche Gesetzgebung in Relation zu Gott als höchstem

¹ K. BÖSE, S. WITTEKIND, Eingangsminiaturen als Schwellen und Programm im Decretum Gratiani und in den Dekretalen Gregors IX., in: *AusBILDung des Rechts*, Frankfurt 2009, S. 20-37, hier 25ff. mit Abb. 2; S. WITTEKIND, *Ut hac tantum compilatione universi utantur in iudiciis et in scholis*. Überlegungen zu Gestaltung und Gebrauch illuminiertes Handschriften der Dekretalen Gregors IX., in: E.C. LUTZ, M. BACKES, S. MATTER (Hg.), *Lesevorgänge. Prozesse des Erkennens in mittelalterlichen Texten, Bildern und Handschriften*, Zürich 2010, S. 89-128, hier S. 106-113.

² Abbildungen von Miniaturen aus Dekretalen-Handschriften der französischen Stadtbibliotheken finden sich unter www.enluminures.culture.fr (siehe Indice III in diesem Band).

Richter gesetzt werden (vgl. Bourges, BM 186 fol. 2).

b) Charakteristisch scheint die bildliche Konkretisierung der Buch-Titel durch Elemente zeitgenössischer Rechtspraxis. Zu Buch IV *De matrimoniis* wird eine Eheschließung dargestellt, die Riten jedoch unterscheiden sich nach Herkunftsregion der Handschriften. So wird in französischen Handschriften die zentrale Rolle des Priesters und der *dextrarum iunctio* als Rechtsgeste hervorgehoben, oft die Zustimmung der Verwandten gestisch ergänzt. In italienischen Handschriften dagegen wird die Eheschließung durch die Ringübergabe in Gegenwart des Notars vollzogen. Der Illustrator bezieht sich auf den als Buchtitel fungierenden ersten Titulus und macht ihn durch Rekurs auf die zeitgenössische Rechtspraxis anschaulich. Doch auch die Miniaturen zu Buch II *De iudiciis* greifen, wie Conte bemerkte, auf die zeitgenössische Rechtspraxis zurück, indem auffallend häufig die geforderte Zahl von fünf Zeugen bei Gerichtsverhandlungen anwesend ist. Andere (wie Cambrai, BM 288) spiegeln dies durch betonte Hervorhebung gesiegelter Urkunden.

In anderer Weise nehmen die Illustrationen der Smithfield-Decretals, die Bovey vorstellte, Bezug auf die zeitgenössische Rechtspraxis und Rechtsvorstellungen. So wird in den Bas-de-page-Szenen die in London übliche Bestrafung eines Bäckers wegen falscher Laibgröße gezeigt, wird die zeitgenössische Gerichtspraxis in Gestalt eines Hasengerichts persifliert, mit der Thais-Legende zugleich ein didaktisches Modell rechten priesterlichen Lebens gegeben.

c) Eine allgemeinere Form des Textbezugs zeigen Handschriften, die sich, so L'Engle, auf Fragen der Legitimation des kirchenlichen Rechts beziehen. Sie sind als Reflex zeitgenössischer Diskussionen über die Quellen christlicher Wahrheit, über Natur und Grenzen kirchlicher Autorität, über die Souveränität und Unfehlbarkeit des Papstes zu lesen. So wird im Initial zur Bulle *Rex pacificus* manchmal Christus, Gottvater oder ein König dargestellt, aber mit welcher Konnotation? L'Engle vermutet in ihnen - mit Blick auf die unterschiedlichen Konzeptionen weltlicher und geistlicher Gewalt in Miniaturen zum *Decretum Gratiani* - eine kirchenpolitische Akzentuierung. Denn um 1280-1320 werden in Nordfrankreich im Initial zu *Humanum genus* nicht wie üblich beide Gewalten in Gestalt von Papst und König gezeigt, sondern der König agiert allein als Rechtsgarant. Dies wertet sie als kirchenpolitische Stellungnahme angesichts der Kritik der französischen Krone am Mißbrauch geistlicher Gewalt durch die Päpste (Bonifaz VIII.). Italienische Handschriften stellen hier seit Anfang des 14. Jahrhunderts dagegen den Papst im Kreis der Kurie dar. Sie sind mit L'Engle vor dem Hintergrund der Diskussion konziliarer Theorien und des Unfehlbarkeitsdogmas zu sehen.

Vielleicht kommt auch der zwischen Frankreich und Italien jeweils unterschiedlichen Bildprägung für Buch III *De vita et honestate clericorum* eine ähnlich kirchenpolitische Bedeutung zu. Denn gerade in französischen Handschriften wird, wie Gibbs hervorhob, oft eine heftige Auseinandersetzung zwischen Klerikern und Laien gezeigt, die aus dem Altarraum verdrängt werden.

Italienische Handschriften hingegen trennen durch architektonische Gliederung der Szene die Stände räumlich und zeigen ihre harmonische, gleichwohl hierarchische Ordnung.³ Die Sakralität des Kirchenraumes wird in ihnen durch eine reiche liturgische Kirchengestaltung mit Glocke, Weihwasser und Weihrauch sowie Chorbüchern betont.

d) Manche Handschriften zielen offenkundig auf bestimmte Adressatenkreise. So wird in den Dekretalen des Fitzwilliam Museums, wie L'Engle zeigte, in der Eingangsminiatur der Dominikaner Raymund als Franziskaner dargestellt - vielleicht, da die Handschrift für Frankziskaner bestimmt war? Zu beobachten ist zudem, daß die älteren Dekretalen-Handschriften meist Geistliche als Empfänger der Dekretalen zeigen. Die Handschrift in Avranches, BM 150 von 1260-80 fokussiert sogar explizit Mönche als Adressaten des Textes, nicht nur in der Eröffnungsminiatur, sondern ebenso in der Miniatur zu Buch III, die abweichend von der üblichen Altarszene hier ein monastisches Lehrgespräch darstellt - worauf Gibbs hinwies. Jüngere Handschriften zeigen hingegen zunehmend Juristen. Ist dies ein Indiz für den Wandel der Benutzerkreise? Manche Illustratoren nutzen zudem das R-Initial zum Beginn der Bulle, um die konkrete

³ S. WITTEKIND, Rechtsordnung und Rechtsverstoß in illuminierten Rechtshandschriften, in: T. FRESE, A. HOFFMANN (Hg.), *Habitus. Norm und Transgression in Text und Bild*. Festschrift für Lieselotte Saurma-Jeltsch, Berlin 2011, S. 149-171.

Nutzung des Werks im Schulunterricht vorzuführen (Angers, BM 378 fol. 1v).

Zu überlegen ist meines Erachtens, ob nicht auch die Eröffnung der Dekretalensammlung durch christologische Bildthemen, so in Angers, BM 376 fol. 1r oder Douai, BM 602 fol. 5v mit einer Kreuzigungsszene, oder durch die Darstellung von Mönchen, Klerikern oder Juristen in Anbetung Gottes (Frankfurt, Barth. 11 fol. 6r) ⁴ den kirchenrechtlichen Studientext für den Adressaten umschreibt. Denn diese Bilder betten ihn theologisch ein, verorten das Rechtsstudium in einem frommen Lebenshorizont.

Wie Spitzer zeigte, rechnen einige Illustrationen zu Buch V mit einem Leser, der nicht nur bildliche Incipits sucht, sondern auch Anspielungen auf später folgende Textstücke goutieren kann, sei es, daß die Eingangsminiatur die Klage gegen Minderjährige aufruft, die im Titel 23 c.2 verhandelt wird (München, BSB Clm 21505), oder Droherien auf das Jagdverbot für Kleriker (Titel 24) hinweisen. Eine auf den Textinhalt bezogene Einrichtung des Buchschmucks läßt sich, so L'Engle, darüber hinaus sogar im ornamentalen Schmuck von Dekretalen-Handschriften finden, indem, Verweiszeichen vergleichbar, durch wiederkehrende Ziermotive verschiedene inhaltlich zusammenhängende Textstellen miteinander verknüpft werden.

⁴ WITTEKIND, Eingangsminiaturen als Schwellen (wie Anm. 1), S. 34, Abb. 5.

2. Unterschiedliche Positionen wurden in den Vorträgen wie Diskussionen hinsichtlich der Bewertung der Aufnahme ikonographischer Modelle, Kompositionsschemata und Motive deutlich.

Einerseits lassen sich diese oft, wie Michael anhand der Illustrationen zu Buch I *De summa trinitate* betonte, als durch die Werkstattpraxis bedingte, pragmatische Übernahmen bekannter Bildformeln erklären. Denn in einer Werkstatt wurden oft unterschiedliche Buchtypen illuminiert, worauf Nieuwenhuisen und Murano hinweisen. Bildformeln für den Papst oder Bischof wurden oft unabhängig vom jeweiligen Kontext (als Liturg oder Richter) übernommen, so daß die Darstellung ihrer Kleidung im Kontext der Rechtshandschrift oft ‚fehlerhaft‘ ist - wie Schimmelpfennig zeigte.

Andererseits kann man sie, wie ich meine, im Rückgriff auf aktuelle Modelle der mediävistischen Philologien, als Zeugnisse eine *réécriture*, eines fortgesetzten Prozesses der Anverwandlung unter Veränderung ihrer Bedeutung und Funktion durch neue Kontexte interpretieren. Indem ähnliche Bilder aus unterschiedlichen Zusammenhängen miteinander vom Betrachter bzw. Leser verknüpft werden, bildet sich im Gedächtnis ein bildliches (‚interpiktorales‘) Verweissystem.⁵ Man kann annehmen, daß jeweilige Kontexte des Bildmotivs im anderen Zusammenhang bewußt oder unbewußt erinnert werden. Die

⁵ Vgl. V. VON ROSEN, Interpiktoralität, in: U. PFISTERER (Hg.), Metzler Lexikon Kunstwissenschaft, Darmstadt 2003, S. 161-164; M. CARRUTHERS, *The Book of Memory*, Cambridge 1990, ²1994; EAD., J.M. ZIOLKOWSKI, (Hg.), *The medieval craft of memory*, Pennsylvania 2002, ²2004.

Handschrift erhält also durch die Bilder, durch ihr Format, ihre Ausstattung wie durch Bildmotive, jenseits ihres Textinhalts eine bestimmte Konnotation. L'Engle machte darauf anhand der Eröffnungsbilder aufmerksam. Indem unterhalb von Papst Gregor in der Eingangsminiatur im Initial ein König erscheint, wird das etablierte Bildschema der *Humanum-Genus-Initiale* des *Decretum Gratiani* aufgerufen, mit ihm das dort erläuterte Problem der Herkunft und Aufteilung der Gewalten.

Michael zeigte, daß die verschiedenen, für die Illustration von Buch I *De summa trinitate* verwendeten Pantokrator- und Trinitäts-Motive Ende des 13. Jahrhunderts zum lang bekannten künstlerischen Repertoire gehören, insbesondere in liturgischen Handschriften. Diesen Verweis nehme ich auf: Das Trinitätsmotiv ist in all den Varianten, welche die Dekretalen zeigen, vor allem aus der Psalterillustration geläufig. Historisierte Initialen zu Psalm 109 plazieren seit dem 12. Jahrhundert häufig Christus und Gottvater thronend nebeneinander, zwischen ihnen die Taube des Heiligen Geistes (vgl. Dekretalen Bourges, BM 186 fol. 2r). Im 13. Jahrhundert wird dieses Motiv in Psaltern oft durch den Gnadenstuhl ersetzt,⁶ dessen erster Beleg im

⁶ Vgl. Landgrafenpsalter 1209/11 (Stuttgart, WLB, HB II 24 fol. 172v); F. HEINZER (Hg.), Faksimile und Kommentar, Graz 1992. - Münchner Psalter 2.V.13.Jh. (München, UB, Cim. 15 = 4^o Cod. ms. 24 fol. 1v); A. LEGNER, Romanische Kunst in Deutschland, München ³1999, Abb. 480. - Cuerden Psalter um 1270 (New York, Pierpont Morgan Lib., Ms. M. 756 fol. 169); N. MORGAN, Early Gothic Manuscripts 1250-1285, A

Missale von Cambrai,⁷ wie Michael hervorhob, im Kontext eucharistischer Debatten um 1100 zu sehen ist. Doch auch Dekretalenhandschriften wählen häufig den Gnadenstuhl, der das göttliche Selbstopfer betont (Troyes, BM 1244 fol. 7r), dies sogar mit direktem Bezug auf die Eucharistie in Douai, BM 602 fol. 5v), wo ein Engel mit dem Kelch das Blut aus der Seitenwunde Christi auffängt, ihm gegenüber ein betender Mönch. Andere Psalterien des 13. Jahrhunderts zeigen den Pantokrator, der in den Frankfurter Dekretalen (Barth. 11 fol. 16r) in der Mandorla thront, umgeben von den vier Evangelistensymbolen zwischen Maria und Petrus als Fürbittern.⁸ Ich halte es für naheliegend, daß somit durch die Trinitätsminiatur am Beginn von Buch I nicht nur der erste Titulus, sondern auch Psalm 109 mit dem Lobpreis der Herrschaft Gottes und seines Gerichts aufgerufen wird - dies legen die Erweiterungen des Bildmotivs durch Heiligen- und Stifterbilder nahe.

Auch die Meßszenen zu Buch III *De vita et honestate clericorum* erinnern an Miniaturen

survey of manuscripts illuminated in the British isles IV.2, London u.a. 1988, Tafel 311.

⁷ Cambrai, BM 234 fol. 2r, um 1125 - W. CAHN, *Romanesque Manuscripts: The Twelfth Century*, Bd. 1, London 1996, Abb. 242.

⁸ WITTEKIND, BÖSE, *Eingangsminiaturen als Schwellen* (wie Anm. 1), S. 34f., Abb. 5. Vgl. das Initial zu Ps 109 in einer englischen Bibel um 1230 (Cambridge, Gonville and Caius College, Ms. 350/567 fol. 172v) - N. MORGAN, *Early Gothic Manuscripts* (wie Anm. 6) IV.1: 1190-1250, London 1982, Nr. 231.

liturgischer Handschriften, genauer zeitgenössischer Missale und Pontifikale, Prachthandschriften also allein für den gehobenen priesterlichen bzw. bischöflichen Gebrauch. Dringen solche Bildmotive einfach über die Werkstattpraxis in kostspielige Prachtausgaben der Dekretalen ein? Oder spiegelt sich darin der Adressaten- bzw. Auftraggeberkreis solcher Handschriften? Was heißt es, wenn Bildmotive aus dem Zusammenhang von Gebetbüchern und liturgischen Texten in Rechtshandschriften überführt werden (wie Conte fragte)?

Meines Erachtens werden die Dekretalen als kirchenrechtliche Studientexte durch diese Bildmotive in die zeitgenössische Frömmigkeitspraxis eingebettet. Zugleich erfahren die Rechtstexte durch den Reichtum der Ausstattung und die Aufnahme sakraler Bildmuster eine Aufwertung. Der „mindere“ oder ornamentale Schmuck der Dekretalen-Handschriften, in den Jakobi-Mirwalds Vortrag einführte, die Zier- oder Auszeichnungsschriften, Fleuronnée- und Initialmajuskeln wechselnd in blau oder rot, Paragraphenzeichen, groteske Cadellen und Drolieren, verbinden die Dekretalen mit anderen zeitgenössischen Handschriften, mit liturgischen Texten und theologischen Schulbüchern ebenso wie mit Handschriften des *Corpus Iuris Civilis*. Allein die Form ihrer Klammern hebt die juristischen Schultexte ab von den theologischen, mit denen sie wiederum durch Strategien der Verweisung zwischen Glosse und Text verbunden sind.

3. Die letzte Gruppe von Vorträgen widmete sich der praktischen Organisation der Schreibwerkstätten und dem Pecien-Wesen.

Exemplarisch wurde von Bombi die Arbeitsteilung zwischen dem Schreiber des Dekretalertexts und dem Schreiber der Glosse anhand der Oxforder Dekretalen-Handschrift Bodl. MS lat. theol. b.4 (Fig. 116-120) vorgestellt. Hier weicht die Glosse den zahlreichen Pergamentschäden bzw. -schnitten aus. Die Nutzung schlechten Pergaments spricht für eine relativ geringe Wertschätzung des Texts – dies steht im Widerspruch zu seiner reichen Ausstattung mit Vollmalerei und Blattgold. Da sich die Pergamentschäden (Schnitte) ausschließlich im Randbereich befinden, war die Handschrift evtl. für eine Glossierung ursprünglich nicht vorgesehen. In der Handschrift Durham C.I.9 (vor 1298) (Fig. 31, 32) weisen *Pecia*-Einträge eine gestufte Verantwortung der Beteiligten auf, zwischen dem Schreiber Symon und magister Thomasinus als für die *correctio in apparatu* Verantwortlichem.

Die Auswertung von Notariatsregistern (*Libri memoriali*), in denen auch Handschriften-Kaufverträge aufgezeichnet sind, belegt die hohe Zahl von 280 in Bologna um 1270 tätigen Schreibern und Miniatoren, dies in Relation zu ca. 2000 Studenten pro Jahr und ca. 50.000 Einwohnern, wie Murano darlegte. Die Register geben Auskunft über die Arbeitsteilung in Werkstätten, in die oft Kinder und Gattin einbezogen waren, über deren abgestufte Entlohnung, aber auch über die ganz von der künstlerischen Ausstattung abhängigen, großen

Preisspannen für die Dekretalenhandschriften. Hohe Professionalität und Konstanz der Form machen die für Bologneser Rechtshandschriften typische Schrift, die platzsparende und doch gut lesbare *littera Bononiensis*, kaum datierbar. Wie Zamponi erläuterte, blieb sie von der Mitte des 13. bis Ende des 14. Jahrhunderts erstaunlich stabil. Ihre Entwicklung im Kontext der Schulen von Padua und Modena setzt Nicolaj schon Mitte des 12. Jahrhunderts an.

4. Perspektiven für weitere Untersuchungen?

Aus Sicht der Kunsthistorikerin stellen sich folgende Aufgaben:

- Mit Blick auf die ikonographischen Unterschiede zwischen französischen und italienischen Handschriften in den Miniaturen zu Buch III und IV wäre ein genauerer Vergleich der Miniaturen auch der anderen Dekretalen-Bücher sinnvoll. Weisen evtl. auch Dekretalen-Handschriften aus anderen Regionen mit eigenen Rechtsschulen (wie England oder Spanien) Besonderheiten auf?

- In Zusammenarbeit mit rechtshistorischen Kollegen wäre weiter zu verfolgen, inwiefern die ikonographischen Differenzen, aber auch die Überlieferungsdichte von Dekretalenhandschriften in bestimmten Zeiträumen und Regionen einen rechtspraktischen, kirchenpolitischen oder rechtshistorischen Hintergrund haben, ob sie Wiederhall z.B. in Veränderungen der juristischen Curricula an den Schulen finden.

- Monographische Untersuchungen zu weiteren Dekretalen-Handschriften, insbesondere zu

solchen mit ‚besonderen‘ Bildprogrammen (Auftraggeberbildern, Wappen, Heiligen), versprechen Aufschluß über Adressaten und Nutzungsmilieus. Hier wäre eine Zusammenarbeit zwischen Kunsthistorikern und Rechtshistorikern sinnvoll, um neben dem Bildschmuck auch Zeugnisse inhaltlicher wie formaler Textbearbeitung (Glossen, Notae, Inhaltsverzeichnisse, Nachträge oder Ergänzungen) auszuwerten.

- Spannend scheint mir eine ausgreifendere Verortung des künstlerischen Schmucks, des Layouts und der Textgestaltung der Dekretalen - einerseits mit Blick auf andere (Kirchen-) Rechtshandschriften (z.B. *Liber sextus*, *Decretum Gratiani*, *Corpus iuris civilis*), andererseits hinsichtlich theologischer Schultexte, darüber hinaus aber gerade auch in Bezug auf liturgische Handschriften.

- Auch vor dem Hintergrund der aktuellen Forschungen zum Verhältnis von Mündlichkeit, Schriftlichkeit, Performanz und bildlicher Repräsentation im Kontext von Rechtshandlungen und ihrer Erinnerung böten die Dekretalen interessantes Untersuchungsmaterial.

- Die stärkere Einbeziehung methodischer Ansätze (z.B. der Intermedialität, Interpiktoralität, *réécriture*, *material philology*) könnte sich dabei als produktiv erweisen, sowohl für das Studium der Dekretalen-Handschriften selbst wie auch hinsichtlich des Austauschs mit anderen HandschriftenforscherInnen.

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compilati da

MARTA PAVÓN RAMÍREZ

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Clm 20 (*Digestum Vetus*): 62 n. 2

Clm 17161 (*Decretum Gratiani*): 184 n. 1

Clm 23551 (*Decretum Gratiani*): 184 n. 1

MÜNCHEN, UNIVERSITÄTSBIBLIOTHEK

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NEW YORK, PIERPONT MORGAN LIBRARY

102 (*The Windmill Psalter*): 105

436 (*Bible of Niccolò da Montenaro*): 92

710 (*The Berthold Missal*): 202 n. 47, 203

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PARIS, BIBLIOTHÈQUE DE L'ARSENAL

25 (*Aristoteles, Metaphysica*): 105

702 (*Aristoteles, Metaphysica*): 105

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**ST. PETERSBURG, PUBLICHNAIA
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SHCHEDRINA**

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MARTA PAVÓN RAMÍREZ

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INDICI DEI MANOSCRITTI

compilati da

MARTA PAVÓN RAMÍREZ

*III. Manoscritti delle Decretali
con miniature riprodotte in Internet
(inclusi i riprodotti in questo volume)*

La seguente lista non pretende di essere esaustiva ma di servire come strumento di consultazione delle riproduzioni di manoscritti miniati delle Decretali disponibili on line. In questo senso, sarei grata a chi volesse segnalarmi ulteriori siti web al seguente indirizzo: mapavon@libero.it.

La lista, che include le immagini pubblicate in questo volume (Sigla Fig.), è aggiornata ad aprile 2012.

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AMIENS, BIBLIOTHÈQUE MUNICIPALE

357: www.enluminures.culture.fr

359: www.enluminures.culture.fr

ANGERS, BIBLIOTHÈQUE MUNICIPALE

376 (363): www.enluminures.culture.fr

378 (365): www.enluminures.culture.fr

AVRANCHES, BIBLIOTHÈQUE MUNICIPALE

150: www.enluminures.culture.fr

BARCELONA, ARCHIVO DE LA CORONA DE ARAGÓN

Ripoll 7: www.pares.mcu.es

Ripoll 25: www.pares.mcu.es

BERNKASTEL-KUES, BIBLIOTHEK DES ST. NIKOLAUS-HOSPITALS

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280: <http://irnerio.cirsfid.unibo.it>

BOURGES, BIBLIOTHÈQUE MUNICIPALE

186: www.enluminures.culture.fr

189: www.enluminures.culture.fr

CAMBRAI, BIBLIOTHÈQUE MUNICIPALE

288+289: www.enluminures.culture.fr

619: www.enluminures.culture.fr

CAMBRIDGE, FITZWILLIAM MUSEUM

McClellan 136:

www.fitzmuseum.cam.ac.uk/gallery/law/

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600: www.enluminures.culture.fr

601: www.enluminures.culture.fr

602: www.enluminures.culture.fr

606: www.enluminures.culture.fr

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<http://www.bl.uk/catalogues/illuminatedmanuscripts/searchMSNo.asp>

Royal 10.E.IV:

<http://www.bl.uk/catalogues/illuminatedmanuscripts/searchMSNo.asp>

Royal 10.E.IX: N-Fig. 6

<http://www.bl.uk/catalogues/illuminatedmanuscripts/searchMSNo.asp>

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Clm 14032: http://www.digitale-sammlungen.de/index.html?c=digitale_sammlungen&l=de

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NEW YORK, PIERPONT MORGAN LIBRARY

M. 716:

<http://utu.morganlibrary.org/medren/>

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Cent. IV 99: Fig. 115, 178, 297

OXFORD, BODLEIAN LIBRARY

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<http://www.bodley.ox.ac.uk/dept/scwmss/wmss/medieval/mss/lat/th/b/004.htm>

PARIS, BIBLIOTHÈQUE STE. GENEVIÈVE

331:

http://liberfloridus.cines.fr/textes/biblio_fr.html

PHILADELPHIA, FREE LIBRARY

Lewis 158 (77):

<http://libwww.freelibrary.org/medievalman/MSSrchFrm.cfm>

PISTOIA, BIBLIOTECA COMUNALE

A 65 (30): codex.signum.sns.it

RAVENNA, BIBLIOTECA CLASSENSE

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REIMS, BIBLIOTHÈQUE MUNICIPALE

697: www.enluminures.culture.fr

SAN MARINO, HUNTINGTON LIBRARY

HM 19999:

http://dpg.lib.berkeley.edu/webdb/dsheh/heh_brf?CallNumber=HM+19999

SIENA, COLLEZIONE PRIVATA

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SYRACUSE NY, UNIVERSITY LIBRARY

1: <http://library.syr.edu/digital/collections/m/MedievalManuscripts/ms01>

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TOURS, BIBLIOTHÈQUE MUNICIPALE

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TROYES, BIBLIOTHÈQUE MUNICIPALE

1244: www.enluminures.culture.fr

1902: www.enluminures.culture.fr

VENDÔME, BIBLIOTHÈQUE MUNICIPALE

81: www.enluminures.culture.fr

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INDICI DEI MANOSCRITTI IV

MARTIN BERTRAM

*Checklist für Handschriften
des Liber Extra mit Miniaturen*

In Ergänzung zu den vorausgehenden Indices von Marta Pavón Ramírez, welche diejenigen Miniaturen-Hss. verzeichnen, die im vorliegenden Band zitiert und/oder abgebildet werden (Indice I) bzw. im Internet verfügbar sind (Indice III), bietet die folgende Liste einen vorläufigen Überblick über den Gesamtbestand an Extra-Handschriften mit Miniaturen.

Diese Liste ist aus einem noch laufenden Projekt zur Inventarisierung und Beschreibung der Handschriften des *Liber Extra* erwachsen; wie dieses hat sie den Charakter eines *work in progress* und kann deshalb weder bei den Signaturen noch bei den Einzelangaben abschließende Vollständigkeit beanspruchen.

Erfaßt werden sowohl autonome, d. h. nicht in den Text eingebundene Miniaturen wie auch szenische (historisierte) Initialen, während solche mit nur einer einzelnen Figur sowie rein ornamental ausgeschmückte Initialen ausgeschlossen bleiben (vgl. die Beispiele in unserem Abbildungsteil: Fig. 299-313). Unberücksichtigt bleiben ferner die in vielen Extra-Handschriften enthaltenen illuminierten Verwandtschaftsschemata; vgl. dazu das ausgezeichnete Werk von H. SCHADT, *Die Darstellungen der Arbores Consanguinitatis und der Arbores Affinitatis. Bildschemata in juristischen Handschriften*, Tübingen 1982.

Für die Einzelheiten sollten in jedem Fall die entsprechenden Handschriftenkataloge konsultiert werden, die mit Hilfe des Katalogverzeichnisses von O. KRISTELLER-S. KRÄMER, *Latin Manuscripts before 1600. A List of the Printed Catalogues and Unpublished Inventories of Extant Collections*, MGH Hilfsmittel 13, München 1993 mit Ergänzungsband 2006 aufzufinden sind; danach die

Abteilung "Cataloghi di manoscritti" in Medioevo Latino.

Den kanonistischen und den überlieferungsgeschichtlichen Rahmen habe ich skizziert in: Dekorierte Handschriften der Dekretalen Gregors IX. (*Liber Extra*) aus der Sicht der Text- und Handschriftenforschung, Marburger Jahrbuch für Kunstwissenschaft 35 (2008), S. 31-65. Die damals (S. 34) zu niedrig geschätzte Gesamtzahl von mehr als 200 Miniaturenhandschriften ist durch die Zahlen zu ersetzen, die in der folgenden Liste nachgewiesen werden. Ferner sind folgende Versehen zu berichtigen: S. 52 Anm. 16: das Fragment **Bodleian** MS Add. A.288 war schon seit langem bekannt; vgl. J. J. G. ALEXANDER wie von S. L'ENGLE, oben S. 35 Anm. 29 zitiert; S. 56 Anm. 63 und S. 65: **Bologna**, BU 1759 (nicht 1769); S. 57 Anm. 90 und S. 65: **Paris**, BNF lat. 3950 alle 5 Miniaturen vorhanden; **Pavia**, Aldini 210 (nicht 288); S. 59 Anm. 113 and S. 65: **Philadelphia**, Free Library Lewis MS 158 (nicht 77; Nummer im Katalog WOLF).

* = selber eingesehen

? = unzureichende Informationen

ohne Zahl in Klammern = 5 Miniaturen

(?) = 5 Miniaturen wahrscheinlich, aber nicht gesichert

(6) = eine zusätzliche Miniatur zum Titel *De summa Trinitate et fide catholica*

+In = Eingangsminiatur zu anschließenden Novellen Papst Innozenz' IV.

+Gr = Eingangsminiatur zu anschließenden *Constitutiones Novissimae* Papst Gregors X.

VOLLSTÄNDIGE SERIEN: 182 (davon 9?)

Admont *27(6+In), *646; **Amiens** *359 (+Gr); **Angers** *376, *378; **Arras** *11(6); **Aschaffenburg**, Hofbibl. *29; **Avanches** 150; **Baltimore** W *158, *159(6); **Bamberg**, Can. *27; **Barcelona**, ACA Ripoll *7; Arxiu Capitular *93; **Basel** C.V.15; **Berkeley**, Robbins MS *100; **Berlin**, SB lat. fol. *7; **Bourges** *186, *189; **Bremen**, UB *a. 133; **Bruxelles**, BR *II 2530 (2507); **Cambrai** *288-289, *619(+Gr); **Cambridge**, Fitzwilliam Museum MS McClean 136; **Celle**, OLG *c. 7; **Cesena**, Malat. *D.V.1; **Darmstadt** *312; **Douai** *601(+In+Gr beschädigt), *602(+In?), *606; **Durham**, Cathedral *C.II.3(6+Gr?); **El Escorial** *V.I.2, *V.I.7; **Firenze**, BL *Fes. 119, S. Croce *I sin. 10 (6); **Frankfurt** Barth. *11(+In); **Fulda** *D 24 (6); **Göttingen**, UB Jurid. 150, Jurid. 153; **Gniezno** 88(?); **Graz**, UB 54(+In?+Gr?), 72(+In?); **Heidelberg**, Cod. Sal. X.17(6); **Hereford**, Cath. O.VIII.2; **Holkham Hall** *215; **Innsbruck**, UB *89; **Jena**, UB *El. fol. 52; **Karlsruhe**, LB *Aug. Perg. XLI; **Klosterneuburg** CCl 98, 99(6), 650(6); **Köln**, Stadtarchiv *W 275; **København**, Thott 159 fol.; **Krakow**, Jag. 370, 379; **Kues** *231(6 +In+Gr); **Laon** *357, *364, *365; **Leipzig**, UB *Rep. II.9c(244); **Leon**, S. Isidoro XIV; **Lilienfeld** 224; **Lincoln**, Cath. 3(A.1.15), 136(B.1.2); **Lisboa**, Arquivo Nacional da Torre do Tombo C. F. 146; **Liverpool**, UL F.4.20; **London**, BL Royal *10.D.V, *10.D.VII, *10.E.IV, *10.E.IX; **Lucca**, Capit. *137(6+In), *287(6+In); **Luxembourg**, BN I.140(6); **Milano**, Ambr. *B 43 inf.(6+In); **München** clm *4(6+Madonna nach III), *6345, *8702, *14011 (6+In; Gr nicht ausgeführt), *14032, *16081, *21505, *28163; **Napoli**, BNC *XII.A.2; *XII.A.41; *Vindob. lat. 41; **Nürnberg**, Stadt *II.42; *II.43; **Olomouc**, Státní archiv C. O. 36(?), 263(?); **Oxford**, Bodl. *Lat. theol. b.4, *Lat. theol. d. 32; **Padova**, Capit. *A.1(6), *A. 28(6); **Paris**, Arsenal *5215, Ste. Geneviève *331; BNF lat. *3943, *3944, *3945, *3946, *3947, *3950, *3951, *3960, *8923, *8924, *4379, *14323, *15401(?), *15408, *16541(+In?), *n.a.fr. 5120; **Philadelphia**, Free Library Lewis MS *158(Wolf 77); **Piacenza**, Capitolare *59(+In); **Pistoia**, Comunale *A.65 (30); **Poitiers**, BM 122; **Pommersfelden**, Schloßbibl. Hs. 328(2774); **Ravenna**,

Classense *488 (+Verkündigung vor I, +In); **Reims** 697; **Rieti**, Comunale *48(O-I-22), *96(O-II-1); **Roma**, Vallicelliana *D 59; **Rouen** *711(E.3), *724(E.51), *725(E 94); **Salzburg**, UB M.III.1 (V.1.A.1), M.III.97(V.3.B.15); St. Peter a.XII.8, a.XII.13; **Saint-Omer** *434; **San Marino**, HM 19999 (+Verkündigung nach II); **Sankt Florian** III.6; **Siena, Comunale** *H.III.14, *K.I.6(6); **Stockholm**, NM *B 1652; **Stuttgart**, WLB Cod. iur. 2° 146; **Sydney**, Univ. Fisher Library MS Nicholson 32(?); ***Syracuse NY**, UL MS 1 (+In); **Tarazona**, Catedral 127(?); **Toledo**, Catedral 4-6(6), 4-7(6), 4-8(6), 4-9(5), 4-10(?), 22-33(?), 22-34(?); **Toronto**, Bergendal MS 100; **Tours** *568; **Treviso**, Capit. *Ms. 2A/1 Nr. 1; **Troyes** *1244(+In?); **Uppsala**, UB C 561, C 562; **Vatikan**, Vat. lat. *1379, *1385(6), *1386(6), *1387(6), *1388(6), *1389(6), *1390(6), *1391(I nur mit Initiale), *6054; *Chigi E.VIII.237; *S. Maria Maggiore 123; *Ottob lat. 3089; Pal. lat. *629(6), *631(6), *632(6), *635; Ross.*592; Urb. lat. *159; **Vendome** *81; **Venezia**, Marc. *1478(f.a.lat. 177); **Verona**, Capit. *CLXXXII; **Vic**, Bibl. Capitular *144(6+In+Gr); **Wien**, ÖNB *2051, *2056, *2066, *2140(6); **Vorau** 153(6); **Warszawa**, Bibl. Narodowa, Lat. F.vel.II.18; **Wroclaw** (Breslau), UB *II.F.30(+In?+Gr?), *II.F.31, *II.F.32 +In+Gr); **Zagreb**, Metropolitana MR 49.

VOLLSTÄNDIGE SERIEN VORGESEHEN, ABER NICHT ODER NUR TEILWEISE AUSGEFÜHRT: 35

Sofern nicht anders vermerkt, fehlen alle Miniaturen; zur Erläuterung vgl. BERTRAM, Dekorierte Handschriften, S. 39.

Admont *11; **Arras** *287(939) (fehlen II, V), *581(476), *793(443); **Bamberg**, Can. *25 (fehlt V), Can. *26 (fehlen I, V); **Brescia**, Queriniana *G.III.4; **Douai** *600(feehlen II-V), *604; **Firenze**, BL *Edili 86 (fehlen I [herausgerissen], IV, V), *89; **Holkham Hall** *216(feehlen II, IV, V); **Leipzig**, UB Rep. *II.10(245)(fehlt I, +Madonna nach IV), *967(III und V nur ornamental); **London**, Corp. of London Records Office, ohne

Signatur (fehlt II, +In); **Lund**, UL Medeltidshandskrift 9(fehlen I-IV); **Mainz** *I 489, *I 490; **Mantova**, Com *364; **Oxford**, Bodl. *Canon. Misc. 492(fehlt III); **Paris**, BnF lat. *3948(fehlen I, II, IV, V), *3949(+In), *3956, *11717(fehlen II, IV, V); **Pavia**, BU *Aldini 210; **Rieti** *91; **Roma**, Archivio di Stato SS. Salvatore Ms. *998; **Saint-Omer** *480 (fehlen I, II, IV, V); **Subiaco** *XII (13)(Vorzeichnungen für I-III); **Vatikan**, Vat. lat. *1383, *1384(I und V ornamental), *11154; *ASP G.18; *Pal. lat. 633; **Vercelli**, Capit. Ms.*XVII(79).

**NACHTRÄGLICH MEHR ODER WENIGER
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Amiens *357(fehlen III und IV); **Arras** *287(939)(fehlen II und V), *593(499)(fehlen IV und V), *802(9)(fehlen I-III und V), *816(485)(fehlt V); **Berlin**, SBPK *Hamilton 279(I-V, Einzelblätter); **Cambridge**, Fitzwilliam Museum MS McClean 201 fol. 12(nur V); Marlay Cutting Fr.2(nur III); *Pembroke 164(fehlen alle); *Peterhouse 10(fehlen alle); *UL 426 (Dd.VII.18)(fehlt I, ornamentale Initialen für II-V noch vorhanden), *445(Dd.VIII.11: fehlen alle); **Durham** *C.I.9(fehlen I, III, V, aber +In+Gr), *C.I.10(fehlen I und III); **Erlangen** *350(fehlen I und V); **Firenze**, BL *Acquisti 225(fehlen III und V); **Girona**, Seminario *S. Felix 28(fehlen II-V); **Göttingen**, UB Jurid. 152(fehlen III-V); **Hamburg**, SUB Cod. jur. *2229(fehlt I), *2230(fehlen I, IV, V); **Holkham Hall** 217(fehlen alle); **Hereford**, Cath. O.VII.7(I beschädigt), **Leipzig**, UB *1075(fehlen II-V); **London**, BL Add. *17393(fehlen IV und V); **Mainz**, SB *II.195(fehlen alle); **Milano**, Ambr. *Z.50.sup.(fehlen III-V); **München** clm *23560(6, fehlt II); **New York**, Pierpont Morgan MS M 716(fehlen IV und V); **Nürnberg**, Stadt *I.16(fehlen II-V), *II.79(fehlt I, aber +In); **Oxford**, Bodl. *Canon. Misc. 496(fehlen alle); Bodl. *Add. MS A 188(MC 29157)(nur I); **New College** *184; **Paris**, Inst. Fonds Condé a Chantilly 216(fehlen II und IV); BNF lat. *3952(fehlen alle), *3954(fehlt I); **Reims** *699(fehlen I-III, aber +In+Gr); **Rouen** *719(E 91) (fehlt III), *720(E.18)(fehlen I, III, V),

*721(E.14)(fehlen I, II, IV, V); **Roma**, Casanatense *223(feehlen alle); BNC *S. Onofrio 129(feehlen I-III); **Sevilla**, Colomb. Ms. 56-6-5(feehlen alle); **Sheffield**, Graves R.3553(feehlen I und III); **Siena** *G.III.18+*H.III.2 fol. 162-285(feehlen IV und V), *G.III.19+*H.III.2 fol. 45-161(feehrt III); **Sion** (Sitten), Archives de Valère Ms. 105(feehrt V); **Toledo**, Catedral 4-11(feehlen I-III, V); **Troyes** *1902(feehrt I); **Uppsala** C 533(feehrt II); **Vatikan**, Ottob. lat. *1601(feehrt I); Pal. lat. *634(feehlen I, IV, V); **Venezia**, Fondazione Cini 2017(nur III); **Vercelli**, Capit. Ms. *V(feehrt III); **Vicenza**, Comunale *11(15.2.3, Mazzatinti 628)(feehlen III und IV); **Wien**, ÖNB *2040(feehrt I), *2050 (feehrt I); Museum für angewandte Kunst, *Miniaturen 1072 (feehlen I und V).

NUR EINE EINGANGSMINIATUR: 36

Angers *376; **Bamberg**, Can. 24; **Barcelona**, ACA Ripoll *25; **Berkeley**, Robbins MS *6; **Bologna**, CS *280 fol. 262; **Bruxelles** *1857(2504); **Firenze**, BNC *Princ. II.I.417; BL *S. Croce *III sin. 9, *V sin. 2; **Graz**, UB 40 (auch de s. tr.?): **Jena**, *El. q. 13; **Leipzig**, UB *965 (nur de s. trinit.), *Haenel 19; **London**, Lambeth *430; **Lucca**, Capit. *138 (nur de s. tr.); **Milano**, Ambr. *Z.50.sup.; **München** *3202, *17737, *18095, *23556; **Nürnberg**, Stadt *IV.99; **Oxford**, Univ. College *17; **Padova**, Antoniana *III.60; Capitolare *A.28; **Paris**, BNF lat. *3938, *11716, *14322, *15406, *16542; **Poppi**, Comunale *10(II-V mit Figureninitialen); **Siena**, *Privatbesitz; **Stuttgart**, WLB Cod. iur. 2° 146; **Todi**, BC *83; **Torino**, BN *K.I.1 (1420) (fast völlig zerstört); **Wien** *2074; **Wolfenbüttel**, *Helmstedt 12(+In+Gr+Nikolaus III.).

INSGESAMT 311 (DAVON 9?)

SILVIA DI PAOLO

Premessa

alla sezione illustrativa

Questa sezione illustrativa contiene soltanto 34 dei più di trecento manoscritti miniati del *Liber Extra* finora noti (vedi Indice dei manoscritti IV), che i curatori hanno selezionato arbitrariamente e indipendentemente dalle analisi compiute dagli autori nei propri contributi. Sono esclusi infatti diversi manoscritti miniati pure ampiamente discussi nel volume, e viceversa sono inclusi alcuni che non sono neppure citati.

Come accennato nella premessa dei curatori (pag. 1-5), la scelta si è dovuta orientare principalmente su quei testimoni manoscritti conservati presso Biblioteche, italiane e straniere, che in diversa misura hanno voluto favorire la realizzazione di questa pubblicazione elettronica sperimentale. Ringraziamo i nostri relatori, Barbara Bombi, Marta Pavón Ramírez, Claudia Spitzer e Susanne Wittekind, per aver agevolato la collaborazione con le Biblioteche di Durham, Nürnberg, Oxford, Toledo e Vic.

I curatori desiderano esprimere un sincero ringraziamento nei confronti delle Biblioteche che, considerando il carattere puramente scientifico e sperimentale di questa pubblicazione elettronica *in open access*, hanno accordato i permessi di pubblicazione delle immagini a condizioni più favorevoli di quelle normalmente previste e hanno altresì rinunciato a requisiti tecnici di protezione che presuppongono supporti informatici particolarmente sofisticati.

L'assenza di una casa editrice del volume ha reso infatti indisponibili ai curatori i dispositivi di risoluzione, marcatura e impedimento del download delle immagini, oggi richiesti dalla maggior parte delle Biblioteche, italiane e straniere, per la

pubblicazione elettronica dei propri manoscritti. Ed ha rimesso esclusivamente ai curatori il compito – oltre che di curare il layout dei testi – di lavorare e presentare le singole immagini in questa sezione.

Nel rispetto e a tutela del copyright sulle immagini, di cui le Biblioteche restano esclusive titolari, i curatori hanno provveduto a indicare la segnatura di ogni manoscritto riprodotto e a marcare ogni riproduzione fotografica con la parola “copyright” seguita dalla sigla della Biblioteca. Inoltre le immagini – benchè siano consultabili in *open access* – sono state disposte in formato pdf così da non essere modificabili.

Il carattere puramente scientifico della pubblicazione, che ne esclude qualsiasi uso presente e futuro a scopo di lucro, attribuisce ai curatori del volume il diritto alla pubblicazione delle immagini soltanto in questa sede specifica.

La comprensione dimostrata da talune Biblioteche ci ha permesso di presentare una parte delle immagini in una qualità adeguata a studiarle in modo dettagliato ed approfondito. In altri casi, invece, la previsione di accorgimenti tecnici e in particolare il limite di risoluzione in 72 dpi, imposto a protezione delle immagini contro un uso improprio sul web, è responsabile di una risoluzione insufficiente a consentire lo studio analitico degli specialisti.

In generale, quindi, le immagini non presentano una medesima risoluzione, in primo luogo perché fortunatamente non tutte le Biblioteche hanno imposto gli accorgimenti di cui sopra, in secondo luogo perché alcune immagini non sono state elaborate da fotografi professionisti.

Benchè la risoluzione delle immagini talvolta non sia ottimale, il carattere elettronico della

pubblicazione riserva comunque indiscutibili vantaggi. Consente infatti di proporre la stessa immagine più volte, prediligendo di volta in volta l'adozione di un diverso criterio organizzativo.

Se nel corso del colloquio i singoli manoscritti sono stati scomposti nei cinque libri per consentirne un'analisi omogenea per tema, è ora possibile ricomporli presentandoli secondo un duplice criterio di analisi.

Inizialmente, le miniature sono organizzate secondo i singoli manoscritti delle Decretali, disposti in ordine alfabetico delle rispettive Biblioteche. Successivamente, le miniature sono organizzate secondo i cinque libri delle Decretali rispettando un'omogeneità di soggetto.

Questa duplice sistemazione permette al lettore un diverso confronto e tipo di studio: il primo stilistico, il secondo iconografico.

La numerazione delle immagini è continua in tutta la sezione illustrativa, prescindendo dal criterio organizzativo di volta in volta seguito: I. per manoscritto delle Decretali (Fig. 1-150); II. per libro delle Decretali (Fig. 151-289); III. altri elementi decorativi (Fig. 290-339).

Le miniature – diversamente dagli “altri elementi decorativi” – presentano perciò due numeri: un primo riferito alla disposizione per manoscritto, un secondo a quella per libro delle Decretali.

Per facilitare il lettore nell'identificazione delle immagini, negli articoli i rinvii alle miniature considerano soltanto la prima numerazione: quella riferita alla disposizione per manoscritto. Così come l'indicazione del foglio del ms. ricorre soltanto nella prima disposizione, quella per manoscritto, e non anche in quella per libro.

Diversamente, negli indici dei manoscritti I e III i rinvii alle immagini considerano la numerazione completa da 1 a 339. Una stessa immagine può quindi comparire con due numeri diversi: il primo riferito alla disposizione per manoscritto, il secondo a quella per libro.

Non è compito dei curatori commentare ulteriormente il materiale qui proposto; ci limitiamo a rilevare solo alcuni aspetti sostanziali per agevolare la consultazione.

Solitamente le miniature compaiono all'inizio di ciascuno dei cinque libri, sicchè è normale avere una serie di cinque miniature.

In alcuni casi, però, si trova una miniatura soltanto all'inizio del primo libro, e in apertura dei restanti quattro libri compaiono iniziali più o meno decorate, è il caso dei manoscritti: Leipzig, Rep. II.10 (miniatura prevista ma non eseguita: Fig. 71), München 17737 (al posto della miniatura solo una iniziale figurata: Fig. 89), Nürnberg IV 99 (Fig. 115), Siena (Fig. 127, 128), Wolfenbüttel Helmst. 12 (Fig. 143).

In altri manoscritti, poi, le miniature che erano state eseguite dai pittori medievali, purtroppo, sono state asportate: Durham C.I.9 (libri I, III, V), Durham C.I.10 (libri I e III), Hamburg 2229 (libro I), Hamburg 2230 (libri I, IV, V), Leipzig 1075 (libri II-V), München 23560 (libro II), Nürnberg II 79 (libro I).

In altri manoscritti sono presenti delle miniature che si aggiungono alla serie regolare dei cinque libri. Le nostre immagini ne offrono tre tipologie:

1) Al titolo iniziale di contenuto teologico *De summa trinitate et fide catholica* spesso si trovano i seguenti motivi:

a) una rappresentazione della Trinità: Admont 27 (iniziale figurata: Fig. 2), Leipzig 965 (iniziale figurata: Fig. 55), München Clm 23560 (Fig. 91), Vat. lat. 1388 (iniziale figurata: Fig. 20), Vat. lat. 1389 (Fig. 26).

b) un Cristo benedicente: Kues 231 (Fig. 48), München Clm 4 (iniziale figurata: Fig. 78), Clm 14011 (Fig. 83), Pal. lat. 629 (Fig. 14), Ravenna 488 (Fig. 122).

c) un Santo scrivente: Vic 144 (iniziale figurata: Fig. 136).

2) In punti diversi, talvolta, è stata inserita una rappresentazione della Madonna: Leipzig Rep. II 10 (dopo il libro IV: Fig. 75), München Clm 4 (dopo il libro III: fig. 81), Ravenna 488 (dopo il prologo, Annunciazione: Fig. 121).

3) A volte, anche i testi legislativi aggiunti alle Decretali di Gregorio IX si presentano decorati con iniziali figurate o persino con una miniatura:

a) le *Constitutiones Novellae* di Innocenzo IV: Admont 27 (iniziale figurata: Fig. 7), Durham C.I.9 (fol. 306r: non riprodotta), Kues 231 (Fig. 53), Toledo 4-8 (Fig. 134), Vic 144 (Fig. 141), Wolfenbüttel Helmst. 12 (iniziale figurata: Fig. 148).

b) le *Constitutiones Novissimae* di Gregorio X: Durham C.I.9 (fol. 321r: non riprodotta), Kues 231 (Fig. 54), Vic 144 (Fig. 142), Wolfenbüttel Helmst. 12 (iniziale figurata: Fig. 149).

c) la costituzione *Cupientes* di Niccolò III: Wolfenbüttel Helmst. 12 (iniziale figurata: Fig. 150).

Il nostro campionario si conclude con una serie di altri elementi decorativi (Fig. 290-339), scelti senza alcuna pretesa di sistematicità, che si possono rinvenire nei manoscritti delle Decretali in aggiunta alle miniature vere e proprie. La nostra scelta comprende esempi per il nome *Gregorius* in varie scritture distintive, iniziali decorate, drolerie etc.

I. MINIATURE SISTEMATE SECONDO I MANOSCRITTI (FIG.1-150)

Admont, Stiftsbibliothek 27

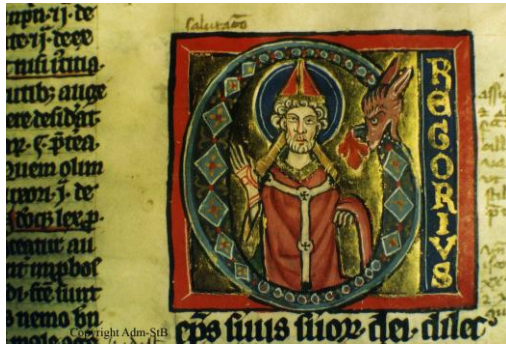


Fig. 1: fol. 4ra



Fig. 2: fol. 4rb



Fig. 3: fol. 76v



Fig. 4: fol. 139v



Fig. 5: fol. 207r

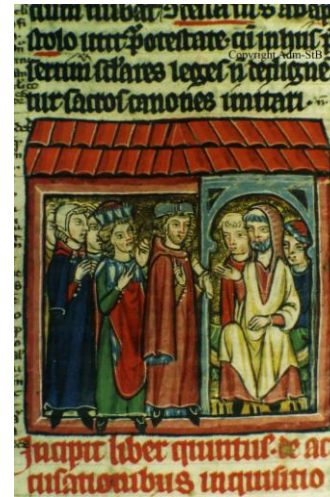


Fig. 6: fol. 228r



Fig. 7: fol. 287r

Admont, Stiftsbibliothek 646



Fig. 8: fol. 3r



Fig. 9: fol. 87v



Fig. 10: fol. 157v



Fig. 11: fol. 229v



Fig. 12: fol. 253v

Città del Vaticano, Biblioteca Apostolica Vaticana Pal. lat. 629



Fig. 13: fol. 1v



Fig. 14: fol. 2r



Fig. 15: fol. 72r



Fig. 16: fol. 132r



Fig. 17: fol. 189r



Fig. 18: fol. 208r

Città del Vaticano, Biblioteca Apostolica Vaticana Vat. lat. 1388



Fig. 19: fol. 1r



Fig. 20: fol. 2r



Fig. 21: fol. 93r



Fig. 22: fol. 171r



Fig. 23: fol. 239r



Fig. 24: fol. 265r

Città del Vaticano, Biblioteca Apostolica Vaticana Vat. lat. 1389



Fig. 25: fol. 3v



Fig. 26: fol. 4r



Fig. 27: fol. 93r



Fig. 28: fol. 173r



Fig. 29: fol. 241r

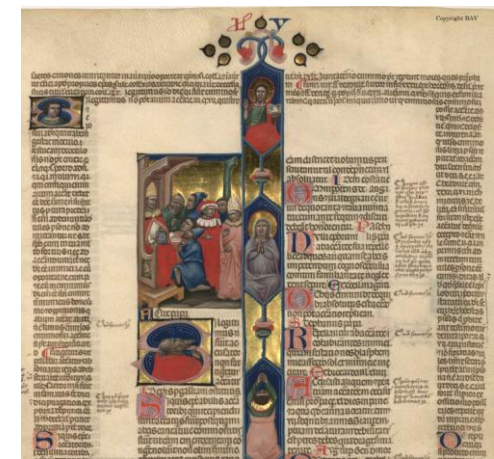


Fig. 30: fol. 265r

Durham, Cathedral Library C.I.9



Fig. 31: fol. 88r



Fig. 32: fol. 226r

Hamburg, Staats- und Universitätsbibliothek 2229



Fig. 36: fol. 41r



Fig. 37: fol. 123r



Fig. 38: fol. 187r



Fig. 39: fol. 208r

Köln, Stadtarchiv W 275 (7010 275)



Fig. 42: fol. 4r



Fig. 43: fol. 86r

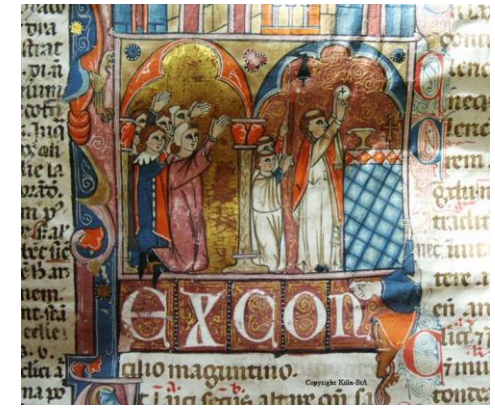


Fig. 44: fol. 156r



Fig. 45: fol. 231v



Fig. 46: fol. 257v

Kues, Bibliothek des St. Nikolaus-Hospitals 231



Fig. 47: fol. 3v



Fig. 48: fol. 4r



Fig. 49: fol. 67v



Fig. 50: fol. 124r



Fig. 51: fol. 182r



Fig. 52: fol. 202r



Fig. 53: fol. 255r



Fig. 54: fol. 267r

Leipzig, Universitätsbibliothek 965



Fig. 55: fol. 1r



Fig. 56: fol. 65v



Fig. 57: fol. 122v



Fig. 58: fol. 180v



Fig. 59: fol. 200r

Leipzig, Universitätsbibliothek 967



Fig. 60: fol. 1r



Fig. 61: fol. 107r



Fig. 62: fol. 191r



Fig. 63: fol. 271r



Fig. 64: fol. 297r

Leipzig, Universitätsbibliothek 1075



Fig. 65: fol. 8r

Leipzig, Universitätsbibliothek Rep. II 9c (244)



Fig. 66: fol. 7r



Fig. 67: fol. 86r



Fig. 68: fol. 147r



Fig. 69: fol. 211r



Fig. 70: fol. 234v

München, Bayerische Staatsbibliothek Clm 4



Fig. 77: fol. 1r



Fig. 78: fol. 1v



Fig. 79: fol. 73r



Fig. 80: fol. 147v



Fig. 81: fol. 202r



Fig. 82: fol. 217r

München, Bayerische Staatsbibliothek Clm 14011



Fig. 83: fol. 2v



Fig. 84: fol. 3r



Fig. 85: fol. 77r



Fig. 86: fol. 144r



Fig. 87: fol. 202v



Fig. 88: fol. 221v

München, Bayerische Staatsbibliothek Clm 17737

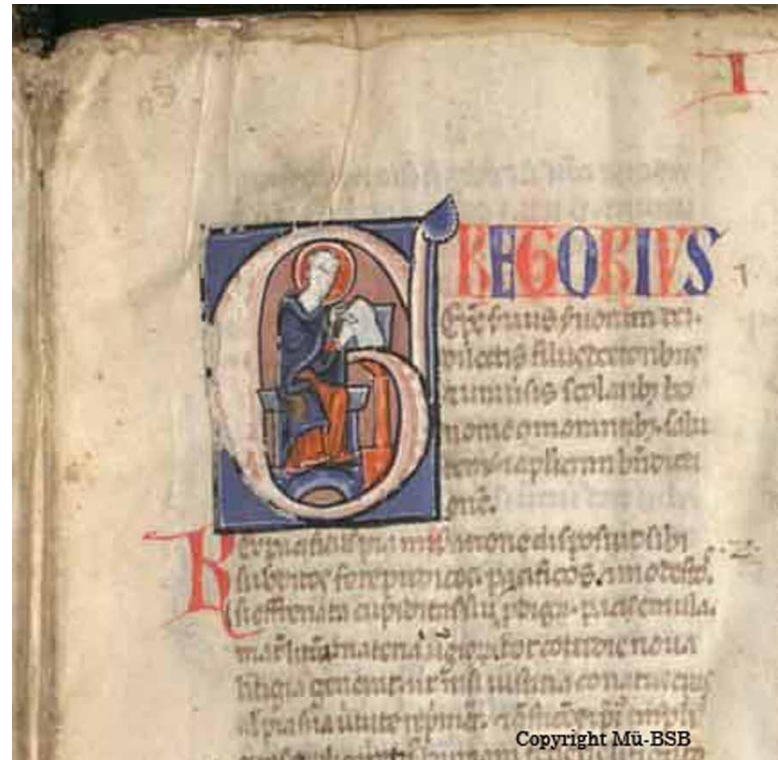


Fig. 89: fol. 1r

München, Bayerische Staatsbibliothek Clm 23560



Fig. 90: fol. 1r



Fig. 91: fol. 2r



Fig. 92: fol. 183r



Fig. 93: fol. 319r



Fig. 94: fol. 366v

München, Bayerische Staatsbibliothek Clm 28163

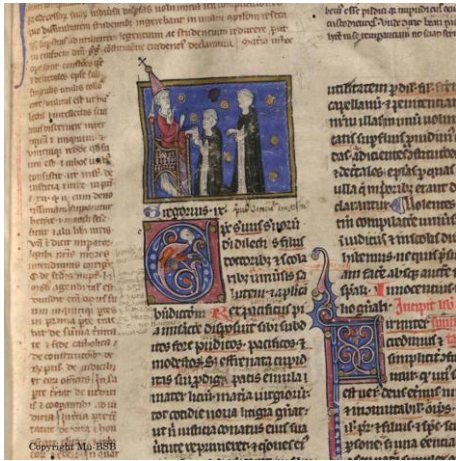


Fig. 95: fol. 4r



Fig. 96: fol. 55v



Fig. 97: fol. 106r



Fig. 98: fol. 158v



Fig. 99: fol. 176r

Nürnberg, Stadtbibliothek Cent. II 43



Fig. 105: fol. 1r



Fig. 106: fol. 72v



Fig. 107: fol. 124r



Fig. 108: fol. 193v



Fig. 109: fol. 215v

Nürnberg, Stadtbibliothek Cent. II 79



Fig. 110: fol. 28r



Fig. 111: fol. 110r



Fig. 112: fol. 182r



Fig. 113: fol. 210v



Fig. 114: fol. 283v

Oxford, Bodleian Library Lat. theol. b.4



Fig. 116: fol. 1r



Fig. 117: fol. 54r



Fig. 118: fol. 101r



Fig. 119: fol. 151v



Fig. 120: fol. 168r

Ravenna, Biblioteca Classense 488



Fig. 121: fol. 5r



Fig. 122: fol. 5v



Fig. 123: fol. 81v



Fig. 124: fol. 143r



Fig. 125: fol. 210v



Fig. 126: fol. 230v

Siena, Collezione privata

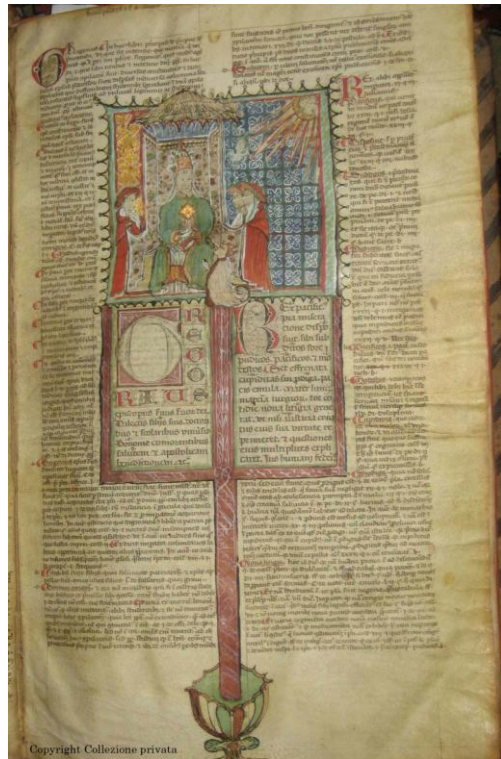


Fig. 127: fol. 2r

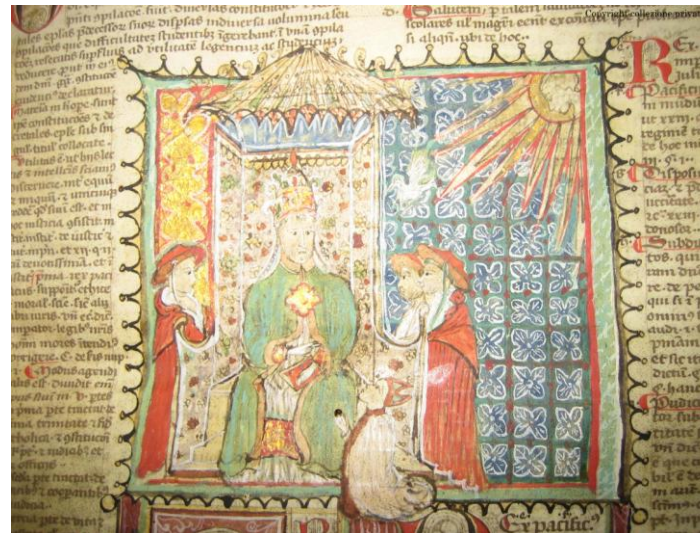


Fig. 128: fol. 2r

Toledo, Biblioteca Capitulare 4-8



Fig. 129: fol. 1r



Fig. 130: fol. 85r



Fig. 131: fol. 156r



Fig. 132: fol. 228r



Fig. 133: fol. 253r



Fig. 134: fol. 323r

Vic, Biblioteca Episcopal 144



Fig. 135: fol. 1r



Fig. 136: fol. 1v



Fig. 137: fol. 76r



Fig. 138: fol. 145v



Fig. 139: fol. 209r



Fig. 140: fol. 232r



Fig. 141: fol. 299r



Fig. 142: fol. 311r

Wolfenbüttel, Herzog-August-Bibliothek Cod. Guelf. Helmstedt 12



Fig. 143: fol. 5r



Fig. 144: fol. 64v



Fig. 145: fol. 119r



Fig. 146: fol. 173v



Fig. 147: fol. 193r



Fig. 148: fol. 244r



Fig. 149: fol. 253r



Fig. 150: fol. 264r

*II. MINIATURE SISTEMATE SECONDO
I LIBRI DEL LIBER EXTRA*

LIBER PRIMUS (FIG. 151-186)

Fig. 151



Adm-StB 27

Fig. 152



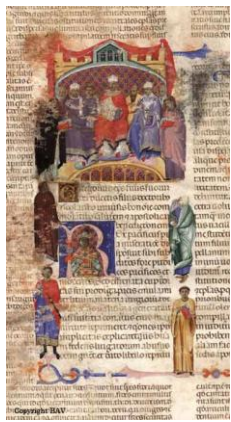
Adm-StB 27

Fig. 153



Adm-StB 646

Fig. 154



BAV Pal. lat. 629

Fig. 155



BAV Pal. lat. 629

Fig. 156



BAV Vat. lat. 1388

Fig. 157



BAV Vat. lat. 1388

Fig. 158



BAV Vat. lat. 1389

Fig. 159



BAV Vat. lat. 1389

Fig. 160



Köln-StA W 275

Fig. 161



Kues-Hosp. 231

Fig. 162



Kues-Hosp. 231

Fig. 163



Lei-UB 965

Fig. 164



Lei-UB 967

Fig. 165



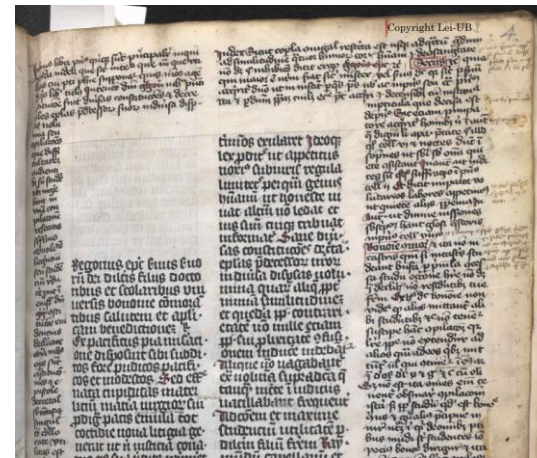
Lei-UB 1075

Fig. 166



Lei-UB Rep. II 9c

Fig. 167



Lei-UB Rep. II 10

Fig. 168



Mü-BSB Clm 4

Fig. 169



Mü-BSB Clm 4

Fig. 170



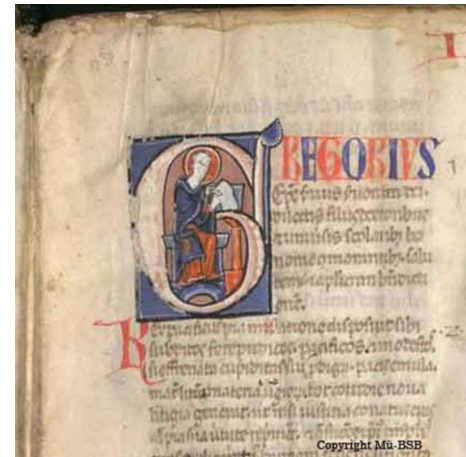
Mü-BSB Clm 14011

Fig. 171



Mü-BSB Clm 14011

Fig. 172



Mü-BSB Clm 17737

Fig. 173



Mü-BSB Clm 23560

Fig. 174



Mü-BSB Clm 23560

Fig. 175



Mü-BSB Clm 28163

Fig. 176



Nürn-StB Cent. II 42

Fig. 177



Nürn-StB Cent. II 43

Fig. 178



Nürn-StB Cent. IV 99

Fig. 179



Ox-BL. Lat. theol. b.4

Fig. 180



Rav-BCI 488

Fig. 181



Rav-BCI 488

Fig. 182



Siena, Coll. priv.

Fig. 183



To-BC 4-8

Fig. 184



Vic-BE 144

Fig. 185



Vic-BE 144

Fig. 186



WF-HAB Helmstedt 12

*II. MINIATURE SISTEMATE SECONDO
I LIBRI DEL LIBER EXTRA*

LIBER SECUNDUS (FIG. 187-210)

Fig. 187



Adm-StB 27

Fig. 188



Adm-StB 646

Fig. 189



BAV Pal. lat. 629

Fig. 190



BAV Vat. lat. 1388

Fig. 191



BAV Vat. lat. 1389

Fig. 192



Dur-CL C.I.9

Fig. 193



Dur-CL C.I.10

Fig. 194



Ham-SUB 2229

Fig. 195



Ham-SUB 2230

Fig. 196



Köln-StA 7010275

Fig. 197



Kues-Hosp. 231

Fig. 198



Lei-UB 967

Fig. 199



Lei-UB Rep. II 9c

Fig. 200



Lei-UB Rep. II 10

Fig. 201



Mü-BSB Clm 4

Fig. 202



Mü-BSB Clm 14011

Fig. 203



Mü-BSB Clm 28163

Fig. 204



Nürn-StB Cent. II.42

Fig. 205



Nürn-StB Cent. II.43

Fig. 206



Nürn-StB Cent. II.79

Fig. 207



Ox-BL lat. theol. b.4

Fig. 208



Rav-BCI 488

Fig. 209



Tol-BC 4-8

Fig. 210



Vic-BE 144

*II. MINIATURE SISTEMATE SECONDO
I LIBRI DEL LIBER EXTRA*

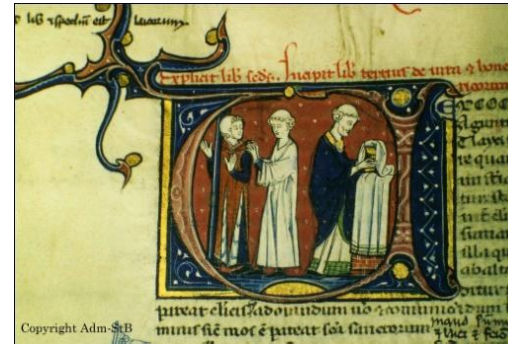
LIBER TERTIUS (FIG. 211-232)

Fig. 211



Adm-StB 27

Fig. 212



Adm-StB 646

Fig. 213



BAV Pal. lat. 629

Fig. 214



BAV Vat. lat. 1388

Fig. 215



BAV Vat. lat. 1389

Fig. 216



Ham-SUB 2229

Fig. 217



Ham-SUB 2230

Fig. 218



Köln-StA W 275

Fig. 219



Kues-Hosp. 231

Fig. 220



Lei-UB, Rep. II 9c

Fig. 221



Lei-UB, Rep. 10

Fig. 222



Mü-BSB clm 4

Fig. 223



Mü-BSB clm 14011

Fig. 224



Mü-BSB clm 23560

Fig. 225



Mü-BSB clm 28163

Fig. 226



Nürn-StB cent. II 42

Fig. 227



Nürn-StB cent. II 43

Fig. 228



Nürn-StB cent. II 79

Fig. 229



Ox-BL Lat. theol. b.4

Fig. 230



Rav-BCI 488

Fig. 231



Tol-BC 4-8

Fig. 232



Vic-BE 144

*II. MINIATURE SISTEMATE SECONDO
I LIBRI DEL LIBER EXTRA*

LIBER QUARTUS (FIG. 233-257)

Fig. 233



Adm-StB 27

Fig. 234



Adm-StB 646

Fig. 235



BAV Pal. lat. 629

Fig. 236



BAV Vat. lat. 1388

Fig. 237



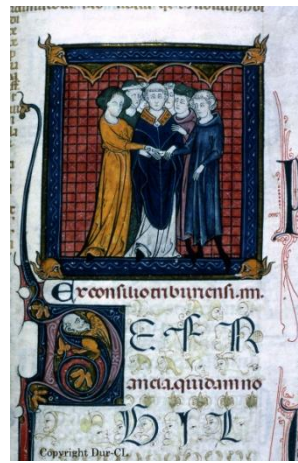
BAV Vat. lat. 1389

Fig. 238



Dur-CL C.I.9

Fig. 239



Dur-CL C.I.10

Fig. 240



Ham-SUB 2229

Fig. 241



Köln-StA W 275

Fig. 242



Kues-Hosp 231

Fig. 243



Lei-UB 967

Fig. 245



Lei-UB Rep. II 10

Fig. 244



Lei-UB Rep. II 9c

Fig. 246



Lei-UB Rep. II 10

Fig. 247



Mü-BSB clm 4

Fig. 248



Mü-BSB clm 14011

Fig. 249



Mü-BSB clm 23560

Fig. 250



Mü-BSB clm 28163

Fig. 256



Tol-BC 4-8

Fig. 257



Vic-BE 144

*II. MINIATURE SISTEMATE SECONDO
I LIBRI DEL LIBER EXTRA*

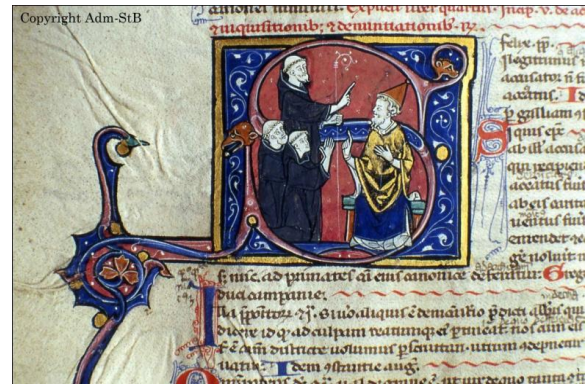
LIBER QUINTUS (FIG. 258-279)

Fig. 258



Adm-StB 27

Fig. 259



Adm-StB 646

Fig. 260



BAV Pal. lat. 629

Fig. 261



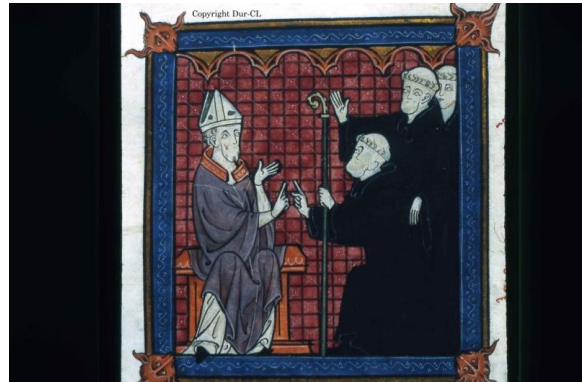
BAV Vat. lat. 1388

Fig. 262



BAV Vat. lat. 1389

Fig. 263



Dur-CL C.I.10

Fig. 264



Ham-SUB 2229

Fig. 265



Köln-Sta W 275

Fig. 266



Kues-Hosp. 231

Fig. 267



Lei-UB, Rep. II 9c

Fig. 268



Lei-UB, Rep. II 10

Fig. 269



Mü-BSB clm 4

Fig. 270



Mü-BSB clm 14011

Fig. 271



Mü-BSB clm 23560

Fig. 272



Mü-BSB clm 28163

Fig. 273



Nürn-StB Cent. II.42

Fig. 274



Nürn-StB Cent. II.43

Fig. 275



Nürn-StB Cent. II. 79

Fig. 276



Ox-BL Lat. theol. b.4

Fig. 277



Rav-BCI 488

Fig. 278



Tol-BC 4-8

Fig. 279



Vic-BE 144

*II. MINIATURE SISTEMATE SECONDO
I LIBRI DEL LIBER EXTRA*

NOVELLAE E NOVISSIMAE (FIG. 280-289)

NOVELLAE

Fig. 280



Adm-StB 27

Fig. 281



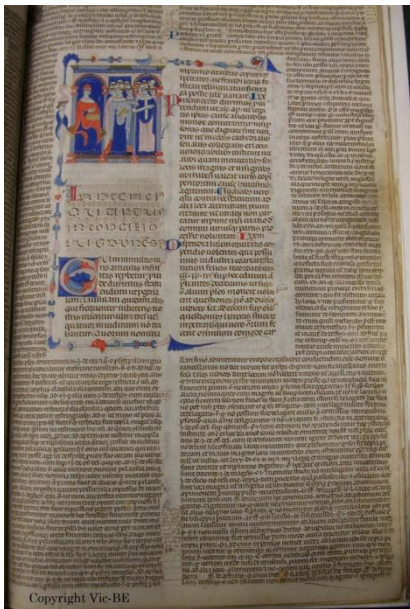
Kues-Hosp. 231

Fig. 282



Tol-BC 4-8

Fig. 283



Vic-BE 144

Fig. 284



WF-HAB Helmstedt 12

Copyright WF-HAB

plimpy
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actere
conue
si utre
de ure
ar expe
culare
pnuier

Imoo
tatum
tionem
obitier

NOVISSIMAE

Fig. 285



Kues-Hosp. 231

Fig. 286



Nürn-StB Cent. II. 79

Fig. 287



Vic-BE 144

Fig. 288



WF-HAB Helmstedt 12

Fig. 289



WF-HAB Helmstedt 12
Nicolaus III, Const. Cupientes

III. ALTRI ELEMENTI DECORATIVI (FIG. 290-339)

Nome *GREGORIUS*

nel medesimo manoscritto: Siena, Collezione privata

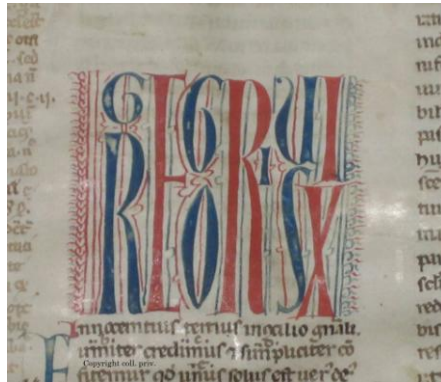


Fig. 290: fol. 3r



Fig. 291: fol. 52r



Fig. 292: fol. 97r



Fig. 293: fol. 143r



Fig. 294: fol. 158v

Nome *GREGORIUS* in manoscritti diversi



Fig. 295: Köln, Dombibl. 130 fol. 262rb



Fig. 296: Lambach, Cod. Cml V fol. 75vb



Fig. 297: Nürnberg, Cent. IV 99 fol. 59v



Fig. 298: Urgell, Cod. 2013 fol. 1ra

INIZIALI DECORATE

nel medesimo manoscritto:
a) Montecassino, Abbazia Cod. 63



Fig. 299: pag. 1



Fig. 300: pag. 227



Fig. 301: pag. 407



Fig. 302: pag. 589



Fig. 303: pag. 643

b) Ravenna, Biblioteca Classense 488



Fig. 304: fol. 163v



Fig 305: fol. 164r



Fig. 306: fol. 184v

c) Leipzig, Univ. Bibl. 965



Fig. 307: fol.65v



Fig. 308: fol. 122v



Fig. 309: fol. 180v

d) Leipzig, Univ. Bibl. 967



Fig. 310: fol. 200r



Fig. 311: fol. 191r



Fig. 312: fol. 297r

e) Wolfenbüttel, HAB Cod. Guelf. Helmstedt 12



Fig. 313: fol. 5r



Fig. 314: fol. 64v



Fig. 315: fol. 119r



Fig. 316: fol. 173v



Fig. 317: fol. 193r



Fig. 318: fol. 253r

Vic, Biblioteca Episcopal 144



Fig. 320: fol. 1v

Vic, Biblioteca Episcopal 144



Fig. 321: fol. 145v

Vic, Biblioteca Episcopal 144

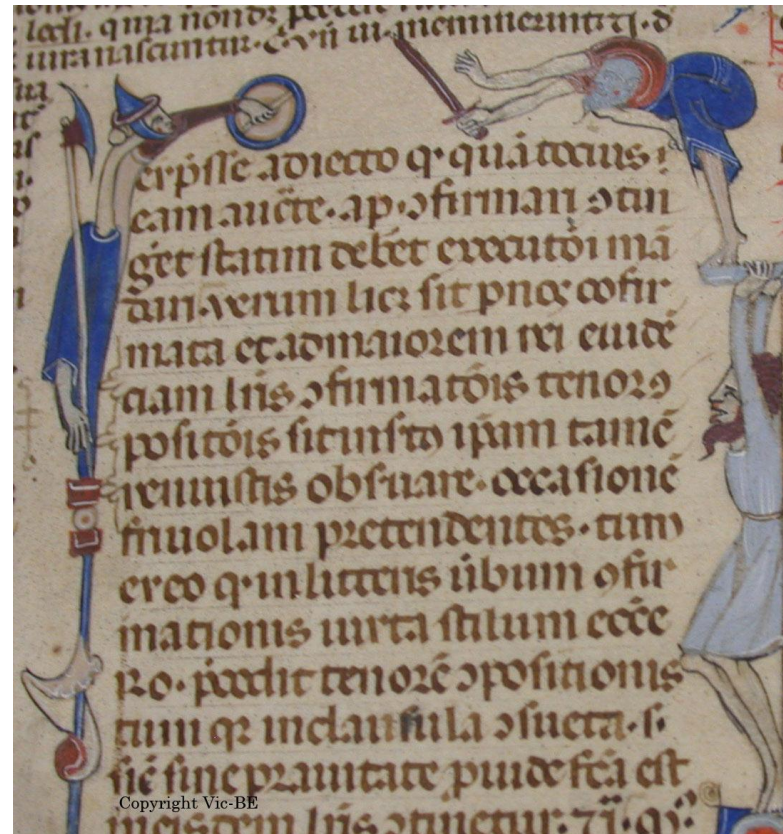


Fig. 323: fol. 145v

Vic, Biblioteca Episcopal 144



Fig. 324: fol. 168r

Vic, Biblioteca Episcopal 144



Fig. 325: fol. 209r



Fig. 326: fol. 232r

Vic, Biblioteca Episcopal 144



Fig. 327: fol. 309v



Fig. 328: fol. 316v

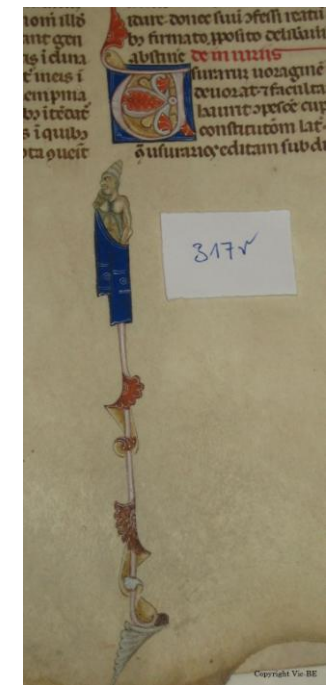


Fig. 329: fol. 317r

Vic, Biblioteca Episcopal 144



Fig. 330: fol. 35v



Fig. 331: fol. 232r



Fig. 332: fol. 315r

Vic, Biblioteca Episcopal 144



Fig. 333: fol. 61v



Fig. 334: fol. 84v



Fig. 335: fol. 261r



Fig. 336: fol. 269v

Sommario / Summary / Zusammenfassung

Il presente volume è concepito come un esperimento sotto diversi aspetti e come tale dovrebbe essere considerato: è pubblicato in formato elettronico (pdf) in libera consultazione (open access), si occupa di un'area di ricerca ancora inesplorata e cerca di realizzare un vero approccio interdisciplinare. Le Decretali di papa Gregorio IX (cosiddetto *Liber Extra*), promulgate nel 1234, sopravvivono in quasi 700 copie. Più di 300 manoscritti contengono una serie, più o meno completa, di cinque miniature in apertura dei cinque libri delle Decretali. Conseguentemente in questo volume cinque storici dell'arte analizzano le miniature rispettivamente a uno dei cinque libri, confrontandole in numerose copie delle Decretali. Tre contributi poi si occupano di altri elementi decorativi e di questioni paleografiche e codicologiche nei manoscritti delle Decretali. Il volume è completato da un'ampia sezione illustrativa che mostra le miniature in 34 diversi manoscritti delle Decretali.

The present volume is conceived as an experiment in several respects and it should be regarded as such: it is published in electronic format (pdf) with open access, it is dealing with a virtually unexplored area of research and it tries to realize a genuine interdisciplinary approach. The Decretals of pope Gregory IX (so called *Liber extra*), published in 1234, survive in almost 700 copies. More than 300 of the manuscripts feature a series of five miniatures heading the five books of the Decretals. Accordingly in this book five art historians are investigating the

miniatures to one of the five books respectively, comparing them through many copies of the Decretals. Three more contributions are dealing with other decorative elements and with paleographical and codicological problems of the Decretal manuscripts. The volume is complete with a substantial illustrative section showing the miniatures in 34 different Decretal manuscripts.

Der vorliegende Band ist in mehrfacher Hinsicht als ein Versuch konzipiert und entsprechend aufzufassen: er wird in elektronischer Form (pdf) mit freiem Zugang (*open access*) publiziert; sein Gegenstand war bisher praktisch unerforscht; und es wird versucht, den sachlich gebotenen interdisziplinären Ansatz zu verwirklichen. Die Dekretalen Gregors IX. (sog. *Liber Extra*), die 1234 publiziert wurden, sind in rund 700 mittelalterlichen Handschriften überliefert. Davon sind mehr als 300 mit Miniaturen ausgestattet. In der Regel findet man jeweils eine Miniatur am Anfang der fünf Bücher der Dekretalen, d.h. insgesamt fünf pro Handschrift. Diese Miniaturen werden in unserem Band von fünf Kunsthistoriker/innen untersucht. Unabhängig von einander analysiert jede/r von ihnen die Darstellungen am Anfang eines der fünf Dekretalenbücher, die sie in vielen Handschriften vergleichen. Es folgen drei Beiträge zu anderen dekorativen Elementen sowie zu paläographischen und kodikologischen Problemen der Dekretalenhandschriften. Die Texte werden ergänzt durch einen umfangreichen Abbildungsteil, der Miniaturen aus 34 verschiedenen Dekretalenhandschriften wiedergibt.