

GREGORY IX, *Decretales (Liber Extra)*

In Latin, illuminated manuscript on parchment

Northern France (Paris?), c.1250-1275

ii (modern paper) + iv (16th-century parchment) + 182 + i (16th-century parchment) + ii (modern paper) folios on parchment, complete, some contemporary foliation in red ink, modern foliation in pencil in the bottom right margin, (collation i-vii¹⁶ viii¹⁴ ix-xi¹⁶ xii⁸), contemporary leaf and quire signatures present on the bottom left recto of bifolia, ruled in lead, (justification 82 x 58 mm.), written in an extremely small, very fine Gothic textualis in two columns of 39-41 lines, a similar hand writing in brown ink supplies occasional corrections throughout and some longer comments at ff. 28, 65v, 69, 111, and 129v, a table of contents ff. 181v-182 in the same hand, a later Gothic cursive hand adds running chapter titles in the top right recto (ff. 1-95), in-line red and blue initials and paraps mark sentences, alternating red and blue decorated initials of 3- to 10- lines at the beginning of paragraphs, FOUR HISTORIATED INITIALS with gold leaf and red, blue, green, and white ink, ff. 1 (two initials), 62v, and 118v (discussed below), added marginal line drawings of human and animal heads on over 100 of the folios, slight staining and few wormholes on ff. 1-8 and ff. 181-182, occasional small holes in parchment throughout with no loss of text, otherwise good condition. Bound in twentieth century green morocco with blind stamping, gilded floral and geometrical pattern on the inside, gilded bands and title on spine "DECRETALES GREGORII NONI" and "MSS. ANNO 1240," marbled pastedowns contemporary with binding, good condition. Dimensions 120 x 80 mm.

Surviving in more than 700 manuscripts, Gregory IX's Decretals remain the fundamental basis of Canon Law, addressing many aspects of clerical as well as secular life. This one, however, is exceptional. Pocket-sized, without the gloss, and with many mnemonic drawings, as well as historiated initials, the present copy deviates from the majestic glossed versions that were the norm. Was it intended for legal practice or study? Was it made for an abbot? A student? Might it have been part of a two-volume set (it is missing Books IV and V)? Further study is needed to unravel its place in the history of production and use of this text.

PROVENANCE

1. This manuscript was likely produced in Northern France for a well-off patron in the third quarter of the thirteenth century based on the script, size, layout, and decoration in the manuscript; details of the illumination suggest this may have been illuminated in Paris. The table of contents at the end of the manuscript (ff. 181v-182) lists the *tituli* for all five books of the *Decretales*, but this manuscript only contains the first three books.
2. In 1569 the manuscript was in the possession of Jakob Gast, whose *ex libris* appears on f. ii of parchment at the beginning of the manuscript, with the Latin motto, a pentameter line: "Perjicies legem si philadelphus eris" (You will fulfill the law if you will love your brother).
3. The manuscript was then in France later in the sixteenth century. On parchment folio iii at the beginning of the manuscript there is a short poem in French titled "La fin

couronne l'oeuvre", a proverb common in 16th century France, e.g. it appears in Boissard's *Emblemata* published in 1584.

4. A description of the contents in a small French cursive on the verso of the front pastedown places the manuscript in France until the 19th century.
5. In the 20th century, the manuscript belonged to Dr. Scott C. Schwartz, whose ex libris stamp "MS 39" appears on the inside of the front cover. Schwartz was a long-time collector of manuscripts and Fellow and Trustee of the American Academy of Psychoanalysis in 2001. By his own confession, Schwartz frequently restored manuscripts that he acquired at auctions, retouching line work and sometimes repainting large portions of damaged artwork (Schwartz, 2001, pp. 643-646).

TEXT

ff. 1-181, [*Decretales of Gregory IX (Liber Extra)*, *Rex pacificus* bull and Books I-III], incipit, "Gregorius episcopus servus servorum Dei dilectis filiis doctoribus et scholaribus universis Bononie commorantibus ... hoc extendi uolumus et appellatione postposita firmiter obseruari. Ex constitutione Turonensi";

ff. 181v-182, [Table of Contents], incipit, "[D]e sancta trinitate... [D]e regulis iuris";

f. 182v, [heavily abbreviated notes], incipit, [top of folio badly worn], "is. fo. li. mu...suc^{lii} abci^{to}."

This manuscript contains the dedicatory bull *Rex pacificus* and the first three books of the *Decretales* of Gregory IX, lacking books four and five. Due to its small size, it does not contain the gloss that accompanies most larger format manuscripts of the *Decretales*, although the scribe who produced the manuscript, or a second scribe writing in a similar hand, added corrections to the text throughout and a few longer comments in the margins (see ff. 28, 65v, 69, 111, and 129v). (The gloss tradition for the *Decretales* is massive and complex, suffice it to say here that Bernard of Parma composed the Ordinary Gloss that accompanies many of the manuscripts as early as 1239, see Reno III, 2023, p. 323.) The small, pocket size is unusual for canon law manuscripts, as well as the inclusion of only the first three books. A French owner of the manuscript in the nineteenth century suggests that because the manuscript only contains the first three books, dealing with primarily ecclesiastical matters, it was produced for an abbot or some other head of a religious foundation. The presence of a table of contents at the end of the manuscript (ff. 181v-182), which contains *tituli* for all five books of the *Decretales*, however, may imply that the manuscript was intended to contain all five books, but the patron could not afford the production of the final two books, or that this manuscript was the first of two volumes, its companion being lost (compare TM 732, also sold on this site, a pocket format of the *Decretales* in two volumes, lacking book five).

ILLUSTRATION

The manuscript contains historiated initials at the beginning *Rex pacificus* (f. 1), and each of the three books, all of which portray miniaturized versions of themes present in the preface and the books (see L'Engle, 2001, pp. 91-98 for an analysis of iconographic themes in the *Decretales*). The first and second historiated initials appear to have been repainted in the late twentieth century, probably because of earlier damages. The figures of the third and fourth initials, with

their flat folds and combed hairs, are reminiscent of manuscripts illuminated in Paris in the third quarter of the thirteenth-century, although the size does not facilitate their attribution.

Subjects as follows:

f. 1, G[regorius] at the beginning depicts Gregory;

f. 1, F[irmiter] of book one Christ in majesty with an orb, for ecclesiastical offices;

f. 62v, D[e] of book two a generic court scene with a figure bowing before a judge, for judgements;

f. 118v, L[ex] of book three a clergyman blessing a figure, for clerical behavior.

The manuscript also contains well over one hundred grotesques and line drawings of faces and objects in the margins. Some of the drawings are tied to the content of the decretals. For example, on f. 98v column 1 containing the text of Book 2 Title 24 chapters 24 and 25, there appear four heads, the middle two of which, a woman and a tonsured monk, relate directly to the content of chapters 24 and 25 concerning a woman swearing an oath and a clergyman swearing an oath. (Text in *Corpus iuris canonici*, vol. 2 col. 373) Likewise, on f. 101v, there is a small line drawing of a church next to the text of Book 2 Title 26 chapter 8, dealing with church property held with a *praescriptio*, i.e. a title or right acquired by long-standing use. (Text in *Corpus iuris canonici*, vol. 2 col. 384) A fuller examination of the line drawings in this manuscript may reveal a more systematic engagement between the art and the content of the decretals; see L'Engle, 2011, and for the same phenomenon in Roman Law contexts, L'Engle, 2024.

Gregory IX (1227-41) ordered the compilation and publication of the *Decretales* in 1230. The Dominican Raymond of Penyafort (1175-1275) undertook the commission and in 1234 produced the first papally sanctioned collection of Canon Law from nearly 2,000 excerpts from earlier decretal collections, a small number of civil law cases, and Gregory IX's own papal canons and bulls. The *Decretales* of Gregory IX survive in almost 700 manuscripts, making it the most copied collection of canon law texts (Bertram, 2014 and "Fama," Online Resources). They were also translated into French in the thirteenth century and Castilian around 1300. The *Decretales* are gathered into five books (following the model of the earlier decretalist Bernard of Pavia) dealing with "(1) ordination and ecclesiastical offices; (2) judicial organization and civil cases; (3) matters affecting the clergy; (4) marriage; and (5) criminal procedure." (L'Engle, 2001, p. 16).

The editorial history of the *Decretales* is complex: the first modern edition appeared in 1560, edited by Antoine le Conte; a few years later in 1582 the *Editio Romana*, sanctioned by the church, became the standard edition (see Reno III, 2023, esp. p. 309 for an account of editorial practice in the *Decretales*). The *Decretales* and their gloss tradition governed many aspects of the life of the clergy in the high and late Middle Ages. They formed the core of the discipline of Canon Law at medieval universities along with Gratian's (d. ca. 1250) *Decretum*. All of the members of the clergy would be subject to Canon Law and large class of lawyers arose to conduct legal proceedings professionally.

This small manuscript of Gregory IX's *Decretales* without a gloss is a rare format of a very widespread text. The ubiquity of the *Decretales* in universities and their importance to the practice and interpretation of Canon Law ensured a wide dissemination of the text, usually in a large format with the accompanying Ordinary Gloss. The small format of this manuscript and its lack of gloss is a rarity. Another small format copy in two volumes (TM 732) was sold on this site, but other copies are few and far between. (Bertram, 2014, only lists two other manuscripts, Munich, BSB, clm 19647 (s. xv, paper, 217x160mm), and Naples, Biblioteca Nazionale, XIII.A.30 (s. xiii, parchment, 140x100mm), with similar dimensions and lack of glossing.) Small format Canon Law codices like this one have not been well studied and their purpose and use remain obscure. Thus, this manuscript presents an opportunity to study how small format legal texts may have been used in legal practice and study in the Middle Ages.

LITERATURE

Bertram, Martin. "Die Dekretalen Gregors IX: Kompilation oder Kodifikation?," in *Magister Raimundus: atti del convegno per il IV centenario della canonizzazione di San Raimondo de Penyafort (1601-2001)*, ed. C. Longo, Rome, 2002, pp. 61-86.

Bilotta, Maria Alessandra. "Un manuscrit des *Décrétales* de Grégoire IX à l'usage de l'université de Toulouse conservé dans les Archives Nationales de la Torre do Tombo à Lisbonne: quelques aspects iconographiques," in *Portuguese Studies on Medieval Illuminated Manuscripts*, ed. Maria Adelaide Miranda and Alicia Miguélex Caverio, Turnhout, 2015, pp. 81-104.

Brundage, James. *Medieval Canon Law*, London and New York, Longmans, 1995.
Corpus Iuris Canonici, ed. Aemilius Friedburg, 2 vol., Leipzig, 1879-1881. (*Decretales* in vol. 2)

Hartmann, Wilfried and Kenneth Pennington, eds., *The History of Medieval Canon Law in the Classical Period, 1140-1234: from Gratian to the Decretales of Pope Gregory IX*, Washington, D.C., 2008.

L'Engle, Susan. "Construing Character and Social Status: Visual Interpretations by Medieval Readers of Roman Law," in *Tributes to Elly Miller: Opening Manuscripts*, ed. Stella Panayotova and Lucy Freeman Sandler, Turnhout, 2024, pp. 170-187.

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

L'Engle, Susan. "The Pro-active Reader: Learning to Learn the Law," *Medieval Manuscripts, Their Makers and Users. A Special Issue of Viator in Honor of Richard and Mary Rouse*, Turnhout, 2011, pp. 51-75.

Reno III, Edward A. "Gregory IX and the *Liber Extra*," in *Pope Gregory IX (1227-1241): Power and Authority*, ed. Damian J. Smith, Amsterdam, 2023, pp. 301-327.

Schwartz, Scott C. "Narcissism in Collecting Art and Antiquities," *Journal of the American Academy of Psychoanalysis* 29.4 (2001), pp. 633-647.

ONLINE RESOURCES

Bertram, Martin and Silvia Di Paolo. "Decretales pictae. Le miniature nei manoscritti delle Decretali di Gregorio IX (Liber Extra)," *Deutsches Historisches Institut in Rom*, 2010
http://dhi-roma.it/bertram-dipaolo_decretales.html

Bertram, Martin. "Signaturenliste der Handschriften der Dekretalen Gregors IX. (Liber Extra)," *Deutsches Historisches Institut in Rom*, 2014
http://dhi-roma.it/bertram_extrahss.html

FAMA - Œuvres latines médiévales à succès : Decretales (listing 683 manuscripts)
<https://fama.irht.cnrs.fr/en/oeuvre/267545>

"Liber extra, Decretalists," *The Medieval Canon Law Virtual Library*, 2025
<https://web.colby.edu/canonlaw/extra/>

TM 1390