THE CATEGORY ‘ILLUMINATED LEGAL MANUSCRIPTS’ has up to now
seemed to be one of the best-kept secrets in the field of manuscript studies; as recent-
ly as 1980, Carl Nordenfalk observed that the study of juridical codices was mostly
‘untilled land’. Art historians and manuscript scholars have been for the most part obliv-
ious of the illustrations in medieval legal textbooks, in many cases from an assumption that
there would be nothing to illustrate in the study of law. Sustaining this premise is the real-
ity of modern law textbooks: weighty volumes, densely written, teeming with legal con-
cepts, definitions, case studies and cross references, expressed exclusively through the writ-
ten word. Today’s students feel no need for a visual representation of legal concepts since
they are generally presented and perceived in the abstract.

Law in the medieval period was a new and vital intellectual discipline, critical to the
development of political and social organization. The textbooks composed for its analysis
and interpretation were considered at least as precious (if not more so) as the devotional
and liturgical books utilized in the practice and study of religion, and as such, equally as
worthy of being illuminated. And the principles behind the decoration of a legal manu-
script were basically the same as for a Bible or prayer book. Ornamental details, graded
sizes of penwork and painted initials, served not only to provide visual breaks along dry
stretches of legal rhetoric, but also to identify for the reader at all times the type and pre-
cise textual location of each passage being studied. The physical reality of a glossed man-
uscript, that is, a text with its commentary placed around it on the same page, made a well
ordered system of visual guideposts an imperative. The medieval legal page bears as many
different types of information as some of today’s dot-com web sites, but is far more logi-
cally organized and less distracting.

But above all, the law was seen as a dynamic instrument with which to organize and gov-
ern individuals and societies – made up of actual, tangible people. Thus the miniatures and
historiared initials at larger text divisions were filled with human figures, often engaged in
complex narratives. In addition to marking a passage, they served to convey something of
the themes discussed within. The subjects of these figured compositions are as diverse and
wide-ranging as the law itself, and represent an anthology of iconographic material in great
need of scholarly research.¹

Those scholars who have studied legal texts have on the whole focused on manuscripts
executed north of the Alps, limiting their attention to the large miniatures at major text
divisions.¹ In addition, most contemporary studies have dealt with manuscripts of
Gratian’s Decretum, probably in response to the monumental exhibition of manuscripts
and incunabula held in Bologna in 1952 in celebration of the eighth centenary of the
Decretum Gratiani.¹ Rosy Schilling’s preliminary survey of the development of Gratian
iconography appeared in 1963,\textsuperscript{3} and in 1975 Anthony Mclnikas published a pioneering Gratian Corpus listing 480 Decretum manuscripts produced in Europe from the twelfth to the fifteenth centuries, containing more than 1000 illustrations from 150 manuscripts.\textsuperscript{5} Sadly under-exploited, the reproductions in this Corpus provide the most extensive single source of illustrative material ever compiled on legal illustration, an invaluable tool for iconographical analysis.\textsuperscript{7} In the area of Roman law, only Friedrich Ebel, et al. have presented a visual survey of the texts that make up the civil Corpus, illustrating their study with miniatures in manuscripts from German and Austrian collections.\textsuperscript{8} Within the last decade, the themes of law and justice have generated a number of iconographic studies,\textsuperscript{9} but most scholars have concentrated on individual manuscripts, dealing with their specific iconography rather than placing them in the context of legal illustration as a whole.

Lists and catalogues of legal manuscripts are more readily available; Gero Dolezalek's mammoth project for computer entry of codicological information from thousands of extant Roman law manuscripts was published as a four-volume computer printout in 1972\textsuperscript{\textdagger} and is the most complete existing guide to international holdings. Stephan Kuttner's catalogues of canon and Roman law manuscripts in the Vatican Library provide detailed descriptions of their texts, with some indication of existing illumination\textsuperscript{11}. A few libraries with sizeable collections of juridical manuscripts have published catalogues devoted exclusively to these holdings.\textsuperscript{12} The catalogue entries however mainly provide codicological and textual information, and iconographical descriptions are rare.

This catalogue and its accompanying exhibition at the Fitzwilliam Museum were conceived with the idea of introducing the relatively unfamiliar theme of medieval legal texts to a wide audience, drawing on manuscripts and single leaves of canon and civil law in Cambridge collections and supplemented by three manuscripts from a unique and very important set at Durham Cathedral Library. For the catalogue, the chief goal of its organizers and authors was to provide something of a guidebook, a Baedekker of medieval law books, to permit readers a clear and straightforward exploration of this topic. The main title, Illuminating the Law, reflects this aim: derived from the Latin illuminare, to light up, the verb in its broader sense includes ideas of brightening, defining, explaining and clarifying. The gold and brilliant colours applied by illuminators light up manuscript pages and lighten the viewer's passage through the text, and the exercise and significance of law-making and law-giving are made clearer through the narrative miniatures that introduce legal topics. For the modern audience, the catalogue and the exhibition are intended to shed light on the production and use of medieval legal textbooks, by summarizing the literary characteristics of the texts and their commentaries, illustrating the distinctive visual aspects of their layout and decoration, and describing their academic and practical functions.

The catalogue is organized sequentially and didactically. Chapter 1 introduces the texts themselves, giving a brief description of their authors, the contents and the history of their formulation. Chapter 2 expands upon the texts, situating their creation and function more fully within their social and political contexts, with a special focus on their use by teachers
and students. Chapter 3 deals with the manufacture and distribution of legal texts and those involved with this process: the patrons who commissioned and used them, the scribes and craftsmen who produced them, the stationers who sold them, and the university officials who regulated their quality and accuracy. Chapter 4 focuses on the visual aspects of the manuscript page, the manner in which glossed texts were written and the system under which the hierarchies of text passages are organized and identified. In Chapter 5, a range of iconographical compositions and motifs are discussed, exemplified and illustrated by the miniatures and pictorial compositions contained within the manuscripts on exhibit. The chapter essays are followed by the catalogue proper, with an entry for each manuscript exhibited. In this section, each entry provides basic codicological and palaeographical data, a description of primary and secondary decoration and a scholarly discussion of each manuscript in its appropriate historical, social and art historical context. A short glossary of terms relating to manuscripts and legal texts is added for reader reference.

Notes

1 Nordenfalk, "Review", p. 318.
2 For an initial overview and analysis of legal iconography, see my doctoral dissertation, "The Illumination of Legal Manuscripts in Bologna, 1250-1350: Production and Iconography" (New York University, Institute of Fine Arts, 2000).
3 In those cases, iconography is generally given short shrift, and miniatures are described in the context of a particular artist’s work.
4 See Manoscritti e incunaboli. This exhibition stirred historians and theologians to create the series Studia Gratianae, publishing studies on the Decretum from diverse disciplines, including art history.
5 Schilling, "Decretum Gratianum".
6 Melnicas.
7 Other brief Decretum Gratianum studies include: Olivier-Martim, "Manuscrits", Pinotti, "La miniatura bolognese"; Schmitz, "Le Miror du Canonicat".
8 Ebel et al.
9 Among them are Jacob; Mordek, "Gesetzegeber"; Kocher, "Sachsenriegel".
10 Dolezalek and van de Wouw.
11 Kuttner and Elze.
12 Among them, see in particular García y García and González, for the Cathedral Library and Archive of Toledo, Spain, and Nore, for the Nuremberg State Library.
1. The Texts

Susan L’Engle

I wish someone would describe the texts of legal manuscripts, simply and clearly enough for me to remember? I just can’t keep them straight!

A great many people, scholars and general readers alike, have expressed the need for a simple yet comprehensive classification of medieval legal texts. The format and contents of Bibles, Psalters and liturgical manuscripts such as Missals and Choir Books are more familiar, as they have been exhaustively studied and published. Equally well known are Books of Hours which, among the laity, were indeed the best-sellers of the Middle Ages, a period in which cultural activities were dominated and defined by religion and the Church. It is often overlooked, however, that the twelfth- and thirteenth-century expansion of education and literacy included a revival of the study of law, and there was a corresponding acceleration in the book trade to provide the essential texts for this curriculum. The production of legal manuscripts from the late twelfth to around the middle of the fourteenth century was a mass phenomenon, in which thousands of manuscripts were made available to students in a relatively short period of time. One scholar has estimated the number of surviving medieval legal manuscripts at around 10,000 for civil law and seven times this number for canon law.

It is ironic that the most important legal texts in use in the medieval West, both canon and civil, derived in concept and organization from the Emperor Justinian’s (r. 527-565) sixth-century compilation of laws in Constantinople, capital of the Roman East. Although scholarship and learning at this time had declined in Western Europe, there were still study centres and great libraries in the Eastern Empire, and it was here that Justinian gathered a group of professors headed by Tribonian to survey and organize classical and current Roman laws into a comprehensive collection of legal doctrine. The results of this committee’s work were separated into four different categories and text volumes, which today, in the form of their medieval reconstruction, are known by the name assigned them in the fifteenth century, the Corpus iuris civilis, the body of civil or Roman law.

Justinian’s Codification – Roman/Civil Law

In 533 the legislative committee produced the fifty-book Digesta or Pandectae, meaning a complete body of law, representing a condensation of passages from the writings of classical Roman jurists (as Walter Ullmann put it, ‘fragments, snippets and excerpts of varying length from the statements of the jurists of the period between the second and fourth centuries’). The initial books in this collection defined the law and its fundamental principles,
procedures and responsibilities. As a whole the work discussed the existing laws, why they were created and how they were enforced in the late Roman Empire, concentrating on private law and transactions between individuals, families and communities. The second major text – its revised version completed in 534 – was the *Codex* or *Codex*, composed of imperial edicts and constitutions. It was divided into twelve books, subdivided first into titles and then into individual laws. The biggest difference between the *Codex* and the *Digested* was that, instead of concentrating on general principles, the *Codex* quoted the laws themselves as pronounced by Roman emperors up to Justinian and described solutions found and measures applied in specific legal situations. Another text completed in the same year was the *Institutions*, adapted and revised from the very popular *Institutes of Gaius* of the classical period. It was a brief exposition of the main principles of Roman law, accommodated in only four books and was intended from the start as a textbook for beginning law students. The last volume of Roman law was called the *Novellae or Novellae Constitutiones/novae leges* (Novels) and consisted of various compilations of Justinian’s legislation following the publication of the revised *Codex*, up to his death in 565. The most complete version contained 168 new legislations and was utilized mainly in the Eastern Empire, while the collection circulating in the West and further abbreviated in the medieval period included only 134 and went by the title of *Authenticum*.

Each of the original major texts filled a particular juridical need in Justinian’s time and reflected a cultural context that was already disintegrating. In the face of invasions and restructurings of the Empire over the next six centuries, Western Europe in its cultural diversity was governed by a great variety of local practices and customs, often contradictory and conflicting, more often transmitted from generation to generation by word of mouth than committed to writing. Much later, in the twelfth century, when, following a century of religious and scholastic awakening and reform, a new cultural climate encouraged the examination and application of Roman law principles to the organization and governing of societies. This was not an easy task, since many Roman legal and governmental institutions had no twelfth-century equivalents and just as many contemporary customs and practices were unknown to Roman law. These disparate circumstances were at least partly responsible for the creation of schools of law and the study of Roman law as an academic discipline, often thought to be first in Ravenna, but certainly most importantly in Bologna. The corpus of Roman law was painstakingly recovered and reconstructed from scattered fragments by the earliest Roman law scholars and recopied and bound into new textual arrangements.

The medieval versions of the *Corpus iuris civilis* were completed and put into final written form between the twelfth and the fourteenth centuries. These written laws did not immediately become standards for practical use in the local courts, but as fruits of the revival of the pursuit of learning, they were utilized as textbooks in the law schools and served to encourage further intellectual commentary. The physical arrangement and method for studying these texts in Bologna was formulated by the early twelfth-century glossators, who studied and interpreted Justinian’s corpus and added their comments and
interpretations in the form of glosses between the lines or in the margins of each basic text. They rearranged the original texts into formats more expedient for teaching, effected through a meticulous analysis and explication of each text passage, as carefully described in a plan of lectures written by Petrus Peregrossi, a pupil of the thirteenth-century civil law teacher Odofredus:

First, I shall give you summaries of each title before I proceed to the text; secondly, I shall give you as clear and explicit a statement as I can of the purport of each Law (included in the title); thirdly, I shall read the text with a view to correcting it; fourthly, I shall briefly repeat the contents of the Law; fifthly, I shall solve apparent contradictions, adding any general principles of Law (to be extracted from the passage), commonly called 'Brocarda' and any distinctions or subtle and useful questions arising out of the Law with their solutions, as far as the Divine PROVIDENCE shall enable me. . . . And if any Law shall seem deserving, by reason of its celebrity or difficulty, of a Repetition, I shall reserve it for an evening Repetition.

The fifty-book Digest was separated into three volumes, of which the first and most important section was called the Digestum vetus or 'old' Digest – represented in this catalogue by Gonville and Caius MS 8/8 (Cat. No. 17) – running from the beginning of Book I through Book XXIII on dowry and then continuing for two titles into Book XXIV. The second and middle part, named the Inforiatum, began however with the full inscription to D.24,3,2 and closed at the end of Book XXXVIII. The last of the three volumes, exemplified by the late thirteenth-century copies Gonville and Caius MS 10/10 (Cat. No. 16) and Durham MS C.I.3 (Cat. No. 13.1), was known as the Digestum noverum, the 'new' Digest, opening with Book XXXIX and continuing through the end of Book I. Various ideas have been proposed to explain the uneven medieval division, one of which contends that it resulted from an accidental disbinding of a portion of one manuscript and the subsequent attempts to reconstruct the text.

In the new medieval arrangement of the Codex the first nine books were preserved as a single volume, like Durham MS C.I.6 (Cat. No. 12) and Gonville and Caius MS 11/11 (Cat. No. 18). The final three, dealing with Byzantine public law, had been considered irrelevant in the West and for a long time were not transcribed. In the thirteenth century, however, this set of books, referred to as the Tres libri, was joined with a series of smaller texts and called the Parvum Volumen, more simply referred to as the Volumen. It opened with the four-book Institutiones, which was usually followed by the twelfth-century version of the Authenticum (ninety-six Novellae grouped into nine collationes) and ended with the Tres libri. Durham MS C.I.4 (Cat. No. 11) exemplifies this arrangement.

Beginning in the thirteenth century, a non-Roman text was added to the Corpus iuris civilis: the Consuetudines feudorum, also known as the Libri feudorum. It originated as a collection of miscellaneous feudal law treatises, the oldest version attributed to Obertus de
Orto, a mid-twelfth-century imperial judge at the court of Milan. His discussions of feudal legislation were reportedly extracted from letters written to his son Anselmus, and these excerpts later combined with other feudal materials into the first version of the Libri feudorum, called the Obertina for its author. Studied and annotated by the early glossators, the text underwent two recensions that added new material and divided the work into two books. The last and standard version, known as the Accursiana, was added to the Volumen and sometimes classified as a tenth collatio of the Authenticum, like the unglossed example present in the Fitzwilliam Museum’s Volumen, MS McClean 139 (Cat. No. 10).

**Canon Law**

The equivalent of the Corpus iuris for the Church, the Corpus iuris canonici, as it was named in 1500, was produced between the twelfth and fourteenth centuries, although it depended in its organization, as well as for many of its principles, on Roman law. It was accommodated in six volumes, the latter five representing successive updates of canon laws and decrees collected under later popes: the Decretum Gratiani, the Decretales, the Liber sextus, the Constitutiones Clementinae, the Extraevangantes Johannis XXII and the Extravagantes communes.

The first volume of canon law, most often referred to as the Decretum Gratiani, was compiled in at least two recensions between 1139 and 1158, perhaps at Bologna, by the scholar and possible teacher Gratian, sometimes considered to have been a monk, although there is no documentary evidence to this effect. It was a systematic and ambitious collection of some 3,945 excerpts from patristic writings, Church councils, papal letters and other ecclesiastic sources, as well as excerpts from Roman law in the second recension. Gratian’s intention was to organize the often confusing and contradictory traditions and canonical decisions into a format that would expose their inconsistencies and then reconcile them through systematic arguments and reasoning. To achieve the objective of the formal title he gave his work – Concordia discordantium canonum (A Harmony of Conflicting Canons) – his approach was to outline a theoretical case and then cite authorities and opinions on how it should be resolved.

Gratian’s Decretum was an excellent classroom tool, since its dialectical presentation exposed students to the complexities of canon law and demonstrated how solutions to hypothetical situations could be resolved by applying legal concepts (discussed in more detail in Chapter 2). The popularity of this text in the medieval period is attested by the number of examples represented in this catalogue: Fitzwilliam Museum MS Marlay cuttings It. 3–11 (Cat. Nos 5 a–j); Fitzwilliam MS McClean 135 (Cat. No. 2) and MS McClean 201.f.11b (Cat. No. 9); Fitzwilliam MS 183 (Cat. No. 6); Fitzwilliam MS 262 (Cat. No. 8); Sidney Sussex MS 101 (Cat. No. 1) and Corpus Christi MS 10 (Cat. No. 3). Bolognese doctors added references, questions and comments to the margins of the copies they used in their classes and this material accompanied subsequent copies of the Decretum. Glosses and commentaries survive for numerous twelfth-century decretists, as
these commentators are called: Paucapaleu, the earliest, had produced his glosses by 1148, and these commentaries have been given their definitive arrangement by mid-twelfth century. The Decretum Gratiani had been divided into three major parts. The first, Pars I, was divided into 101 Distinctiones, and each comprising canons and comments (capitula and dicta) dealing with a specific topic or related topics. Pars II consisted of thirty-six Causae, each a case study describing a legal situation and followed by related questions, thereafter discussed and reconciled by Gratian. The Decretum usually ended with Pars III, a treatise on the liturgy and the sacraments called De consecratione, separated into five Distinctiones with 396 capitula. Additionally, a separate treatise on penance (Tractatus de penitentia) is inserted awkwardly into Pars II at Quaestio 3 of Causa XXXIII.15

Further to Gratian’s textbook, new laws were drawn up and circulated, stemming mainly from papal rulings on specific cases. They were distributed in the form of papal letters called decretals and were often copied and collected by individual professors of canon law. The first significant collection, amounting to nearly a thousand decretals, was compiled by Bernard of Pavia (d. 1213) between 1188 and 1192. He created the model for all succeeding decretal collections with his organization of this material into five thematic divisions: (1) ordination and ecclesiastical offices — opening with the title De summa trinitate et fide catholica; (2) judicial organization and civil cases — opening with De iudiciis; (3) matters affecting the clergy — opening with De vita et honestate clericorum; (4) marriage — opening with De sponsaliis et matrimonii; and (5) criminal procedure — opening with De accusationibus.16 Bernard’s compilation and four more collections of the rapidly expanding body of new decretals, known as the Quinque compilationes antiquae (Five Old Compilations),17 were incorporated into canon law curricula, supplementing and updating Gratian’s Decretum.

In 1234 a new collection of decretals published since Gratian was promulgated by Pope Gregory IX (1227–41), compiled and arranged at his behest by the Catalanian canonist Raymond of Peñafort (1180/85–75). This new collection synthesized and superseded the previous official ones and added decretals of Gregory IX and Innocent III. Though sometimes known as The Extravagants of Gregory IX (for extra vagantes, wandering outside the Decretum Gratiani) or the Liber extra (that is, extra to the Decretum), it is most commonly referred to as the Decretales of Gregorius IX. To set an official stamp on the new publications of Bologna and Paris, proclaiming it the only legitimate version and requiring the Pope recommended his publication to the scholarly community at the various universities of Bologna and Paris, proclaiming it the only legitimate version and requiring that it be taught in the canon law courses.18 A formulaic address prefaced the bull, in which the Pope recommended his publication to the scholarly community at the various universities of Bologna and Paris (Parisii), and one can sometimes find manuscripts addressed to both Bologna and
Paris at once, Parisiis bononiensis, as appears in the McClean Decretales (Cat. No. 14). It would be convenient if the naming of a university in this passage were a firm indication of the actual destination of a given manuscript and/or evidence of where it was produced. Unfortunately, no hard and fast rules can be established for this practice. A great volume of copies were needed and executed for students at the major universities of Bologna and Paris, making mass production imperative in these centres, but copies were also produced for smaller universities in Europe, and scribes would prefix them with one or the other address. There are innumerable manuscripts addressed to Bononiensis that exhibit palaeographical and codicological elements inconsistent with Bolognese scribal practices and are decorated in Northern style; additionally, many manuscripts addressed to Parisiis were actually produced in Southern France, Spain, Germany or England. In the larger centres, texts could perhaps be written on speculation and kept for sale at a stationers’ leaving a blank space for the name of the university to be filled in later: in some manuscripts the added name is seen to be compressed awkwardly into an insufficient area left for its insertion; in others there is evidence of erasure and the substitution of another name for that originally written. Additionally, foreign students would often commission the writing of a manuscript in Bologna and then have it illustrated in their native countries upon their return. Faced with the unreliability of the published address, in some cases the script and decoration of a manuscript may aid in determining where it was physically produced, although scribes and illuminators were capable of executing various scripts and artistic styles and would employ the one(s) requested by the client who commissioned the work. Much more collaborative research needs to be done among palaeographers and art and legal historians to establish with more precision the provenance and destination of individual manuscripts.

Following the Decretales, a new collection of canons was commissioned by Pope Boniface VIII (1294-1303), gathering material from the first and second councils of Lyon (1245 and 1274) as well as from decretal letters of Gregory IX and succeeding popes. Organized into the same five-book format and comprising 76 titles and 359 chapters, it was promulgated by the papal bull Sacrosancta Romana Ecclesia on 3 March 1298 and again transmitted to the universities. Though it constitutes the third text in the Corpus iuris canonici, it was called the Liber sextus by the canonists, meaning a sixth book after the five in Gregory’s Decretales. It is represented in this catalogue by St John’s College, MS A.4 (Cat. No. 19). The last canon law text to be officially promulgated by a pope was Clement V’s Constitutiones Clementinae, compiled in 1312 but only transmitted in 1317 by John XXII with the bull Quomiam nulla. It included decretals from the Council of Vienna (1311-12), one each of Boniface VIII and Urban IV and decretals from Clement’s own chancery, continuing the five-book format and comprising 52 titles and 106 chapters. Between 1325 and 1327, a small collection of twenty decretals was compiled and glossed by the doctor of canon and civil law Zenzelinus de Cassanis (d. 1354) and called the Extravagantes Johannis XXII. This collection and a further collection of decretals, later known as the Extravagantes communis, were edited and published by the Paris scholar Jean
Chappuis in 1500 as the final volumes in the Corpus iuris canonici.

Unlike the Decretales, one may find a considerable number of manuscripts of the Liber sextus and the Constitutiones Clementinae addressed to smaller study centres instead of Bologna and Paris, such as Oxford (Oxonie), Padua (Padue), Avignon (Avignon) and Toulouse (Tolouse). By the time these later texts were published and sent to the universities there were far more cities with established courses in canon law. There is thus a greater likelihood that a manuscript addressed to a smaller university was actually produced there, often borne out by script and decoration, but for copies directed to Bologna and Paris the address continues unreliable in this respect.

Glosses

Most surviving thirteenth and fourteenth-century manuscripts of the Corpus iuris are glossed. Glosses on legal texts have been defined as ‘brief annotation[s] composed and written to explain a text . . . addressing either its terminology and its exterior trappings or its animating spirit and its underlying principles’. They were composed by jurists and canonists, scholars and professors, either written down by the author himself (a glossa redacta) and closing with a siglum made up of one or more letters of the author’s name, or reconstructed from class notes taken by assiduous students (a glossa reportata). The most compact or concise were the interlinear glosses placed between lines of the text. More commonly the gloss was written beside its corresponding text in a margin of the page (marginal gloss). Glosses could be added to the earliest manuscripts successively along the course of years, forming layers or ‘strata’ of commentary by different authors. Although originally these layers were added at different times and often by different hands, when the manuscript was recopied the scribe would simply transcribe all of this added material as he went, eliminating the visual evidence of successive additions. Often, however, a glossator would sign his work with a siglum at the end of some passage, which would also be copied by a scribe, in this case preserving the record of authorship.

A continuous set of glosses was called an apparatus; it consisted of a specific choice and arrangement of glosses by a particular jurist to be used in conjunction with specific passages of the text. Though early glosses were subject to editing by professors, students and of glosses, called the glossa ordinaria, which was positioned on the written page around the the Codex was written by Azo (d. c. 1220–30), a much acclaimed Bolognese jurist, and his the whole Corpus iuris civilis. Following these initial works of commentary the brilliant 90,000 glosses by previous commentators, analysing and synthesizing legal doctrines and valuable to practising jurists that it was given the title Magna glossa and was so widely di-
fused that it was soon reclassified as the glossa ordinaria. All of the Roman law texts in this exhibition are accompanied by this gloss.

For canon law, the first glossa ordinaria to the Decretum Gratiani was composed by the German jurist Johannes Teutonicus (d. 1245) and was later revised and amplified by Bartholomeus Brixiansis (of Brescia, d. 1258), this version becoming the standard. The Fitzwilliam’s late twelfth-century MS McClean 135 (Cat. No. 2) has partial glosses by the former and incomplete additions by the latter, as well as scatterings of glosses by a number of other commentators. Contemporary with this manuscript, Corpus Christi College MS 10 (Cat. No. 3) is ruled for glosses alongside the text but has only sparse notations of the earliest type of commentary. The Sydney Sussex Decretum (Cat. No. 1) is essentially unglossed, but its margins support sporadic annotations, triangular glosses and interpretative drawings that function as visual glosses. The remaining Decretum manuscripts in this exhibition contain the standard glossa ordinaria. Around 1300 the canonist Guido da Bayso (c. 1250–1313), appointed Archdeacon of Bologna in 1296 and later Archchancellor of the University, wrote a scholarly commentary on the Decretum which he called the Rosarium, meant to extend and complete the glossa ordinaria. This rich collection of opinions and doctrines was immediately acclaimed, quickly adopted into the university curriculum and widely diffused, bringing immense prestige to its author.

The glossa ordinaria for the Decretales was composed and revised more than once by Bernardus de Botone Parmensis (of Parma, d. 1266) and it accompanies all the Decretales in this exhibition: the Fitzwilliam Museum’s two single leaves, MS Marlay Cutting Fr. 2 (Cat. No. 15) and MS McClean 201.f.12 (Cat. No. 4), MS McClean MS 136 (Cat. No. 14) and Durham C.1.9 (Cat. No. 13). In parallel to glosses that were designed to be read and studied in conjunction with the text, a great many expository glosses were composed on the Decretales, transcribed in a two-column format and published separately, to be studied and annotated on their own. The most important were written by the canonists Godfridus de Trano (d. 1245), Summa super titulis decretalium; Sinibaldus de Fieschis (Pope Innocent IV, d. 1254), Apparatus in Decretales; and Henricus de Segusio (called Hostiensis, d. 1271). Hostiensis’s Summa on the Decretales – written in two versions, the earliest completed around 1250–51 – was highly admired and abundantly copied, its rhetoric so compelling that it became known as the Summa aurea (Golden Summa) in the fifteenth century. At the behest of his students in Paris he also completed a Lectura in Decretales just before his death in 1271.

For the Liber sextus, the glossa ordinaria taught in Bologna was composed and completed in 1304 by the renowned Bolognese lay canonist Johannes Andreae (c. 1270–1348), who was also responsible for the glossa ordinaria on the Constitutiones Clementinae, finished in 1326. The University of Paris preferred to teach a different glossa ordinaria for the Sextus, written by the Cardinal Jean le Moine (Johannes Monachus, c. 1250–1313). In addition to the glossa ordinaria, Johannes Andreae produced a separate body of commentary on the Decretales and the Liber sextus which he named Novella after his mother and daughter. The Novella is represented in this catalogue by the Fitzwilliam’s single leaf, MS 331 (Cat. No.
20) once part of the Pierpont Morgan Library’s fragmentary Novella in Decretales III-V,
comprising the frontispiece and opening pass-
bound with the Novella in Sextum (M.747), usually commissioned and
ages to the Decretales, Book V. The Novella in Decretales was usually commissioned and
the other containing the last three,
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their subject matter from canon and Roman law texts. A collection of customary laws, the Southern French 1296 *Costumes de Toulouse*, is divided into four books which discuss successively court procedures, the regulation of financial transactions, marriage obligations and rules of inheritance and municipal administration. The Bolognese statutes of 1288 is a more extensive document, made up of twelve books, many with numerous subdivisions, which describe and define communal institutions and procedures. The topics covered are wide-ranging and include the election of public officers and their duties, taxes to be levied on products and services, the operations of civil and criminal courts and the assignment of penalties and punishments, financial transactions, university organization and its standards and the obligations of merchants in the practice of their trades. Unlike the Roman law textbooks studied in the Bolognese *Studiuni*, these statutes describe the law actually in practice in fledgling municipal governments—dependent on ancient civil law principles, but adapted to the medieval milieu.

**Notes**

3. Ulmann, pp. 78–79; Calasso, pp. 281–82.
4. This passage extracted from Rashdall, I, p. 218.
6. Van de Wouw, ‘Zur Textgeschichte’, pp. 245–46 (cited in Whitman, ‘Division’, p. 273). James Whitman argues that the division reflects eleventh-century social conflicts dealing with marriage laws and consanguinity; see Whitman, ‘Division’, pp. 273–84. Observing that many scholars have noted that the *Institutionum* is composed of Roman law subjects that are in strict conflict with Lombard law equivalents, Whitman also cites Lodovico Zelzaiu’s 1890 suggestion that the *Institutionum* had been divided off from the rest of the *Digestum* precisely because of its non-Lombard character and that it received its name because the Bolognese lawyers regarded it as ‘timeo in forza’ —Zelzaiu’s proposed translation for *Institutionum*. See Zelzaiu, pp. 25–26 (cited in Whitman, ‘Division’, p. 278).
7. Ulmann, p. 69.
8. Other misleadingly translated as ‘Gratian’s Decree’, which belies its status as a compilation.
11. These headings are furnished in Sayer’s clear and concise description of Decresciv development in Sayers, p. 107.
12. Described in detail by Peter Clarke in Chapter 2.
13. Innocent III established this practice in 1210 when he sent his *Consilium litterarum* to the University of Bologna, followed by Honorius III in 1226 with the *Compendio quarta* See Brundage, *Canon Law*, pp. 194–97 and his bibliography at pp. 235–36.
17. On this manuscript, see James, St John’s, cat. no. 4, pp. 3–5; Egbert, ch. 8 (pp. 117–20) and app. 8 (pp. 219–22), pls CX–CXII; Sendler, *Gothic Manuscripts*, II, cat. no. 113, pp. 126–27, illus 295, 296.
18. See James, *Inventory*, pp. 88–114. Further mention of this inventory is found in Chapters 2, 3 and 5.
20. The most important extant version and the only one to contain a gloss is found in Paris, BNF, MS Latin 9187.
2. The Growth of Canon and Civil Law Studies, 1070–1535

There were many different systems of law co-existing and competing with one another in Europe by the end of the twelfth century. There was royal law, feudal law, municipal law, maritime law, and the two laws which are represented in this exhibition, canon (or ecclesiastical) law and civil (or Roman) law. Each of these legal systems claimed jurisdiction over particular areas of life. For example, canon law enjoyed virtually exclusive competence over marriage, wills, disputes over ecclesiastical property and taxes, and even defamation, oaths including contracts and sexual immorality among many other issues. But boundaries between royal legal systems were often disputed in the Middle Ages. For example, the key issue in the famous conflict between King Henry II of England and Thomas Becket, Archbishop of Canterbury, was whether criminal clergy were subject to the exclusive jurisdiction of the Church courts or whether they might also be tried in the royal courts. English clergy won on this and other issues, but on some points of contention they compromised or gave way to the claims of royal law, for example, they remained under royal jurisdiction in civil cases contrary to canon law. Nevertheless, on many issues it was uncertain where the dividing line between different legal systems lay, and shrewd litigants could exploit this uncertainty and bring their case before the court most likely to favour their interests.

Among the many medieval legal systems, civil and canon law had special status. First of all, both were international systems of law recognized across Europe by the late twelfth century, whereas other laws only tended to operate within a particular country or region. Canon law was binding on all Christians, regardless of social standing, and even touched the lives of Muslims and Jews under Christian rule. An international system of Church courts had thus emerged to enforce its rules by the late twelfth century, extending from the local bishop’s and archdeacon’s courts in every diocese to the papal Curia, the highest tribunal in the Church, that heard appeals from all over Europe. Civil law lacked its own special courts but it served as a source of legal principles on which many other legal systems drew to some extent. The ecclesiastical courts, for example, derived most of their rules of procedure from civil law from the late twelfth century onwards. Even the two great medieval treatises on English common law, attributed to Glanvill (c. 1187–89) and Bracton (c. 1215–29) respectively, borrowed, in varying degrees, from civil law.

Secondly, canon and civil law were usually the only law that was formally taught in universities. The earliest law school in Europe was established at Bologna by the early twelfth century. By the late twelfth century, Bologna was attracting law students from all over Europe, and other centres of legal learning were being established at Montpellier, Paris...
and Oxford, and later Cambridge and elsewhere. Graduates of these schools could and did practise their legal skills anywhere in Europe. Many found employment as judges and advocates in the church courts, or as notaries, drawing up all kinds of official records. Some rose high in the service of the Church and secular rulers. The increasingly legalistic nature of ecclesiastical administration meant that many popes and bishops from the early thirteenth century onwards were trained lawyers. Later medieval kings of England found the services of law graduates useful in international diplomacy and other business, and a college, King’s Hall, was specifically established in Cambridge in 1317 and patronized by the English Crown as a source of legal personnel, particularly civil law graduates.

The medieval books of canon and civil law featured in this exhibition were hence primarily produced for and used in the teaching and study of these subjects in universities. Indeed, medieval legal learning was largely devoted to the close study of the authoritative texts in these books, and it was the recovery in c. 1070 of one such text, the Digest, which formed part of the Corpus iuris civilis, that had largely stimulated the subsequent growth of canon and civil law studies. In the intervening centuries, only part of the Corpus iuris was known in the West: the Institutes and an abbreviated version of the Code. Despite the barbarian invasions in the West from the fifth century onwards, Roman law remained in use in Southern France and Italy after the fall of the Western Empire, and some barbarian rulers had the legal customs of their peoples reduced to written form in imitation of Justinian’s Code. Though these barbarian codes adapted and preserved parts of civil law, close systematic study of legal texts, what we call jurisprudence, only began after the discovery of a sixth-century manuscript of the Digest in late eleventh century Pisa. From this single surviving exemplar (now preserved in Florence) all subsequent copies of the text were derived, and medieval copies were divided into three parts, known as the Digestum vetus, the Inforitiatum and Digestum novum. The full Corpus iuris civilis was available within a century of the Digest’s reappearance. The Tres libri, the last three books of the Code, were known by the mid-twelfth century. The Notellae (new laws) of Justinian, were known only in an abridged form in the early twelfth century but a fuller version, the Authenticum, was then discovered. The Tres libri and Authenticum usually circulated together in the Parvum Volumen, a medieval concoction that also came to include the feudal law code and legislation of the German Emperor Frederick II (1231) whose rule and law were modelled on that of the Roman Empire.

The rediscovery of the old jurisprudence in the Digest therefore fostered the new jurisprudence at Bologna c. 1100, but its beginnings are obscure. Odofrebis, a thirteenth-century professor of civil law at Bologna, claimed that his school was founded by a man called Irnerius, who established the classical Bolognese method of applying grammar and logic to the study of legal texts. Irnerius (or Wernerus) is a shadowy figure, however, and the few writings that can be safely attributed to him testify little to his mythical reputation as an inspiring teacher. Indeed, the glosses that he and his contemporaries wrote to clarify difficult terms and passages in civil law books are largely unsophisticated and reveal only a basic knowledge of civil law. It was the next generation of civilians, as civil lawyers are
called, who would establish Bologna as an international centre of civil law studies. This was the age of the 'Four Doctors', supposedly pupils of Irnerius, of whom Bulgarus and Martinus Gosia were the most influential for the subsequent course of civil law doctrine. They established rival schools, and that of Bulgarus became dominant in Bologna by the mid-twelfth century. Several writings can be identified as his work and they reveal a high proficiency in civil law and relatively advanced teaching methods. He conducted moots, where different students would take on the roles of defendant and plaintiff in hypothetical lawsuits, and he would act as judge and decide the case. Such exercises became a typical part of university training for lawyers, and Bulgarus's reports of these disputations are an early example of an important genre of medieval legal literature called *quaestiones*.

The mid-twelfth-century civilians tended to look down on canon law as inferior to their own discipline, although Martinus was less conservative and turned to canon law to interpret elements of civil law. Civilians prided themselves on possessing a complete and authoritative body of law, while in the early twelfth century the Church had no definitive collection of its legal authorities. The discovery of the *Digest* can be associated with the papacy's search for legal texts. The late eleventh-century papacy was in the control of a circle of reformers, who sought to free the Church from lay control, notably interference in ecclesiastical appointments, and to eliminate vices among the clergy, such as buying ecclesiastical offices (simony), keeping concubines (nicholaisms) and priests bequeathing churches to their sons. Like many reformers, they claimed to be restoring tradition, hence they looked to the old law of the Church to justify their agenda. The circle of the reform papacy thus produced several canon law collections after 1070, notably those of Anselm of Lucca and Deusdedit. The *Pamoronta* of Ivo of Chartres (c. 1090–1100) was a popular collection, but no single compilation drove the others out of use until the appearance of the *Concordantia discordantium canonum*, commonly known as Gratian's *Decretum*.

Little is known about Gratian himself except that he compiled the *Decretum*, but it is widely supposed that he was a teacher of canon law at Bologna. His text was indeed a textbook designed for teaching, not a law code. What made it attractive for use in the classroom was its 'dialectical' arrangement. The dialectical method was a popular tool of early-twelfth-century scholars and consisted of assembling the authorities for and against a particular proposition. The Paris theologian, Peter Abelard, had applied this approach to contradictory passages in the Bible in his work *Sic et non* (Yes and No). Gratian likewise adduced conflicting authorities on a specific point of law and sought to reconcile them in comments called *dicta*, thus he called his book a concordance of discordant canons. The civilians had looked down on canon law because of its confusing and contradictory mass of authorities, but Gratian's method made a virtue of those contradictions and revealed that they could be resolved through interpretation. His sources included the Bible, the writings of the Church Fathers, notably Augustine, canons of Church councils and papal rulings. It is now widely accepted that his text appeared in two recensions, or versions. The first was probably completed no earlier than 1139. This recension was apparently considered inadequate within a few years of its appearance, for a treatise on consecration (De conse-
catione) was appended to it and numerous additional authorities were interpolated, including many from civil law, which had featured little in the original version, perhaps because civil law teaching was not so well advanced when it was compiled. It has been claimed that Gratian had little to do with this augmentation of his work, for it confusingly broke up the structure and argument of the original. None the less, it was this second recension, virtually twice the length of the first and completed no later than 1158, that was accepted as the standard textbook of canon law studies.

Evidence of the use of the *Decretum* in the Bolognese schools can be found in the glosses written on the text within twenty years of its original appearance. The earliest was probably that of Paeucapalea (c. 1148), allegedly a pupil of Gratian. Commentators on the *Decretum* were known as decretists, and other important early Bolognese decretist works were those of Rolandus (c. 1150), Rufinus (c. 1164) and Huguccio (c. 1188). Schools of decretists were established in other centres by the end of the twelfth century. One existed at Paris by the 1160s, and its earliest *Decretum* commentaries included that of Stephen of Tournai (1160s) and the anonymous *Summa Parisiensis* (c. 1170). A Rhenish school also sprang up, and an Anglo-Norman school, which had its principal centre at Oxford by the 1190s. Lectures of two of the earliest known teachers of canon law at Oxford, Simon of Sywell and John of Tynemouth, are reported by a student of theirs in the marginal glosses of c. 1200 on the *Decretum* in Gonville and Caius College MS 283/676 (Fig. 1).
Civil law studies were also spreading outside Bologna by the mid-twelfth century. Of the ‘Four Doctors’, Martinus was especially influential in other centres. A *Summa*, or systematic treatise, on the *Institutes* that was written in southeast France in c. 1127 refers to his teachings. In c. 1160, Rogerius and Placentinus, followers of his school, migrated from Italy to teach in the Rhône valley. Placentinus (d. 1192) finished Rogerius’s *Summa* on the *Institutes*, both of which were influential. By the mid-twelfth century, knowledge of civil law had also reached England. It began to be taught in cathedral schools, and by the 1180s the subject was thriving. One contemporary even noted that the hitherto dominant study of liberal arts (grammar, logic, rhetoric, etc.) was being abandoned in England in favour of civil law. This dramatic rise of the subject in England is mainly associated with the *Liber pauperum*. This textbook, an anthology of extracts from the *Code* and *Digest*, was written in the 1170s by Vacarius, a Lombard trained in civil law, in the age of the ‘Four Doctors’, who came to England in c. 1143 to serve the Archbishop of Canterbury. There is no proof to support the claim that he taught at Oxford, but his book was a standard teaching text in the schools of canon and civil law flourishing there by the 1180s; students trained on it were indeed known as pauperistae.

Canons and civil law were therefore studied side by side in many centres of higher learning in the late twelfth century, notably at Bologna, Paris and Oxford. This marked the beginnings of an increasingly close symbiotic relationship between the two laws. The civilians overcame their prejudices about canon law and began to collaborate with canon lawyers, or canonsists as they were known, especially on procedure. This was to lead to the growth of Romano-canonical procedure, generally adopted in the Church courts from the late twelfth century. Johannes Bassianus, who succeeded Bulgarus as the dominant figure in the Bolognese civil law school from c. 1160 to c. 1187, made notable contributions in this direction. He devised ‘Trees of Actions’ which classified different kinds of lawsuit (an example is illustrated in Cat. No. 10). His writings stimulated the development of a literary genre on procedure, known as *ordo iudiciorum*, that provided practical guidance to court-room lawyers. By the close of the twelfth century, the interdependence between the two laws was such that aspiring canonists had to master some civil law before moving on to the specialized study of canon law. And even civilians found it useful to learn some canon law, since many of them ended up as practitioners in the Church courts or involved in ecclesiastical administration. At Oxford in the 1190s, there were not even specialized departments of civil and canon law, as in Continental universities, but simply a school of both laws, in which both the *Liber pauperum* and the *Decretum* were required reading.

Canonists also adopted many of the literary methods and genres of the civilians. Both used the gloss as the main vehicle for their ideas. The canonists used it to continue Gratian’s work of resolving the contradictions between legal authorities by interpretation. And it served a similar function for civilians since many of their texts differed on points of doctrine, despite Justinian’s assurance that his body of law contained no contradictions a subtle mind could not resolve. Primitive civilian glosses largely consisted of strings of allegations, that is citations of other texts in the *Corpus iuris civilis* either analogous or con-
trary to that being glossed. Canonists applied this technique to the *Decretum* from the 1140s and increasingly cited civilian as well as canonical texts. These annotations partly originated as an *aide-memoire*, or crib, as law teachers lectured on these texts to students. By the mid-twelfth century, jurists also included in glosses comments clarifying difficult terms or ideas in the texts. Some of these summarized their own class-room teaching but others were simply borrowed from teachers with whose opinions they agreed. By the late twelfth century, jurists increasingly identified their own teachings and those of others by means of *sigla*, a letter or letters standing for a teacher’s name, such as ‘h.’ or ‘hug.’ for the decrettist Huguccio. Not all glosses were authored by law teachers. Some, as we have already seen with the Coniville and Caius manuscripts, were based on notes taken by students on their lectures, and these are known as reported glosses. Indeed, in the early thirteenth century, the Bolognese canonist Tancred was so tired of the inferior reported versions of his lectures that he decided to publish his own glosses.

By the late twelfth century, many layers of glosses had built up around legal texts. A pupil of Johannes Bassianus, Azo (d. 1220/29), began the work of synthesizing those on the *Corpus iuris*, and this was completed by his pupil, Accursius. Azo was famous for his *Summa* on the Code and that on the *Institutes*, but it was the work of Accursius, compiled between 1220 and 1240, that was accepted as the standard exposition or *glossa ordinaria* on all parts of the *Corpus iuris* for centuries, superseding all previous glosses. Around the same time, a *glossa ordinaria* was also established for the *Decretum*.

By the early thirteenth century, the literary activity of the canonists was actually more fertile than that of civilians, and for one simple reason. While the *Corpus iuris* was essentially a closed system, canon law had continued to grow after the appearance of the *Decretum* with the publication of papal decreets. The *Decretum* had stimulated the demand for decreets since it had exposed the gaps in the existing law and emphasized the role of the pope as the highest judge in the Church, or ‘universal ordinary’. An appeal might be made to the universal ordinary from the lowest church court without passing through any intermediate courts, hence appeals to Rome multiplied from the mid-twelfth century. Papal decreets grew correspondingly, especially under Pope Alexander III (1159–81), and canonists were quick to recognize them as a new source of law. Although decreets were addressed to the parties who had requested them, usually bishops or other ecclesiastical dignitaries, copies circulated and were collected by canonists. Early collections were haphazard, but systematic ones began to appear in the 1170s, the contents of which were organized under subject-headings, known as titles (*tituli*). A very important collection was the *Brevisarium extraelegantantium* that Bernard of Pavia compiled between 1188 and 1192. It was divided into five books, each of which was devoted to a broad area of decreet law: the powers of ecclesiastical judges (Book I); procedure in the Church courts (Book II); the freedoms and duties of clergy (Book III); marriage (Book IV); canonical crime and punishment (Book V). Each book was then further subdivided into titles, within which Bernard arranged the decreets in chronological order, so that the reader might quickly identify more recent papal rulings that had perhaps superseded earlier ones. Bernard also
adopted the practice of editing out details in a decretal text relating to the specific case that prompted it, leaving behind only the essential legal rulings and indicating omissions by the phrase "et infra". His collection provided the model for all subsequent ones and was the first of five generally adopted for use in courts and schools of canon law. It therefore became known as *Compilatio prima*. *Compilatio secunda* was the first collection officially approved, assembled in c. 1210 by Petrus Beneventanus. *Compilatio secunda* actually appeared shortly afterwards, but it was so called since it contained chronologically earlier material. *Compilatio tercita* comprised Innocent III's decreals not included in *Compilatio prima*. *Compilatio quarta* comprised the decreals of the Fourth Lateran Council (1215), but there is some evidence to suggest that the Pope did not approve it and canonists certainly seem to have been slow to accept it. By contrast, Pope Honorius III (1216–27) commissioned the canonist Tancred of Bologna to collect his decreals in *Compilatio quinta*, promulgated in 1226.

These *Quinque compilaciones antiquae* and all other collections were superseded in 1234 by the *Liber extra*. Charged by Pope Gregory IX with its compilation, Raymond de Retie used the *Compilaciones antiquae* as his main source, and the *Liber extra* contains many decreals of other popes, notably Alexander III and Innocent III, besides some two hundred of Gregory IX himself. But it did not remain the exclusive decretal collection for long. Appendixes had to be added containing the legislation of subsequent popes, notably Innocent IV (1243–54) and Gregory X (1271–76). This new material was later incorporated in the *Liber sextus*, which supplemented the five books of the Gregorian collection; it too was divided into five books. Pope Boniface VIII (1294–1303) had charged three canonists with its compilation in 1296 and promulgated it in 1298. Many of its texts appear under his name, and although some were adapted from rulings of his predecessors, most were new law that appeared for the first time in the *Liber sextus*. More new law was later published in the *Clémentina*, a collection of legislation of Pope Clement V (1305–14) promulgated in 1317 by Pope John XXII (1314–34), and the *Extraagantes* of John XXII (1325). Thereafter, decreals ceased to be the main vehicle for legal change, and the rulings of the papal courts assumed greater prominence, especially those of the Rota, the chief tribunal where petitions to the pope were heard by judges on his behalf. Collections of these decreals were also made, forming a body of case law. But in the late fifteenth century the last officially decreal collection was compiled, *Extraagantes communes*, comprising rulings of Boniface VIII and his successors. This completed the *Corpus iuris canonici*, as its first printer, Jean Chappuis, named it after Justinian's *Corpus iuris civilis* in his Paris edition of 1500. This *Corpus* of canon law remained binding on all Catholics until 1918 when it was superseded by the *Code* of canon law, since revised twice.

Decretal law had attracted commentators since the late twelfth century, and they were consequently known as decretalists. *Compilaciones prima* and *secunda* were glossed by most of the leading canonists of the day, including Tancred of Bologna who wrote the *glosa ordinaria*.
naria to both these collections (c. 1220). A new wave of decretalist writings followed the appearance of the Liber extra, including the glossa ordinaria of Bernard of Parma (d. 1266) (see Cat. No. 4). Many of these commentaries became so detailed that they could not be contained in the margins of manuscripts and had to be transmitted independently of legal texts, notably those of Innocent IV and Hostiensis (d. 1271) on the Liber extra. Canonists often spent a lifetime labouring on such works, revising them as new decretales appeared; this was the case with Bernard of Parma, whose glossa appeared in four versions representing different stages of revision between 1241 and his death a quarter of a century later.\(^7\) Rival commentaries often competed for attention, such as the gloss to the Liber sextus of the Bolognese canonist Johannes Andreæ, which was ordinaria at Bologna, and that of the French cardinal Johannes Monachus, which was ordinaria at Paris (d. 1313). Copies of the Liber sextus listed in medieval catalogues of Cambridge University and college libraries were often accompanied by both glosses, and sometimes also that of Guido de Baysio (d. 1313), Archdeacon of Bologna University.\(^8\) For example, all three glosses appear in an early fourteenth-century copy of the Liber sextus addressed to the scholars of Cambridge University, now in the British Library (Royal MS 11 D.5; see also Cat. No. 19).

Many canonists were incredibly prolific. Andreæ was notably productive, writing not only glosses to the Liber sextus and Clementinae, but also extensive commentaries, Novellae, on the Liber extra and Liber sextus (without the text).\(^3\) He had an encyclopaedic knowledge of decretalist literature going back to the early thirteenth century and spent over twenty years condensing this in his Novella on the Liber extra (see e.g. Cat. No. 20), which appeared in its final version in 1338. As each generation of canonists had to take more and more literature into account, so the size of commentaries grew until they reached elephantine proportions by the fifteenth century; that of Nicolaus de Tudeschis (d. 1453) on the Liber extra ran to five volumes! From the late thirteenth century, civilians were also writing ever more expansive legal commentaries, notably the brilliant Bartolus of Sassoferrato (d. 1357) and his pupil Baldus de Ubaldis (d. 1400), who wrote commentaries on both canon and civil law. Canonists and civilians also wrote other kinds of juristic literature: the summa (systematic treatise on part of either Corpus iuris); quaestiones (records of classroom 'moots' or disputations); procedural manuals, notably the Speculum iudiciale of French canonist William Durand (d. 1296); consilia (advice to clients on specific cases); and treatises on specific issues. Hence, law students had to cope with a massive and constantly expanding body of highly technical reading by the later Middle Ages. The final section of this chapter will consider how they did so, specifically at Cambridge, and what motivated them.

Most historians agree that the origins of Cambridge University lie in the migration of scholars from Oxford in 1209. According to the chronicler Roger of Wendover, it was prompted by the lynching of three Oxford students by the townsfolk; this was an arbitrary and violent act of revenge for the accidental killing of a woman by a room-mate of these students. Oxford University dispersed for five years, and some of its members apparently
never returned, preferring to remain at Cambridge. It has recently been argued that the
fleeing scholars were attracted to Cambridge by the presence of church courts there that
required the services of trained lawyers. Law studies were well established at Oxford by
1209, and Cambridge was thus a better venue for their continuation than Reading, where
other Oxford scholars settled but which had no Church courts. A canon law faculty indeed
existed at Cambridge by c. 1250, when it is mentioned in the original university statutes,
and it has been claimed that canon law was taught from the university’s very beginnings.
The first known Chancellor of the University, Richard de Wetheringtset, or de Leycestrella
(c. 1222–32), was a canonist, and the canon law faculty was perhaps founded under his
chancellorship. A separate faculty of civil law emerged later, probably shortly after 1250,
for the first known candidate for a doctorate in civil law (DCL) is recorded at Cambridge
in 1256 (Fig. 2). But since canonists needed to know the basics of civil law, it is probable
that the subject was taught there much earlier.

The earliest statutes compiled in c. 1250 did not outline the canon law curriculum or
even refer to civil law. Regulations concerning courses are not found till the fourteenth cen-
tury, and then they parallel contemporary arrangements at Oxford in terms of entrance
requirements, length and content of courses and teaching provision. No arts degree was
necessary to enter law, unlike theology. But, most lawyers had a knowledge of arts even if
they had no arts degree, since arts provided training in grammar and logic, which were
applied to the study of legal texts. Study of arts also counted towards a law degree. The
course of bachelor in civil law (BCL) lasted seven years, but only five if one had an arts
degree, and by the late fifteenth century similar concessions were granted to lawyers who
had spent two years studying arts. The doctorate in civil law (DCL) took a further three
years. The Digest was the key textbook for both degrees; BCLs had to spend three years
hearing lectures on part of it. Law students were also required to teach in order to qualify for their degrees. Candidates for a BCL or a DCL had to lecture on the Digestum novum and the Institutes.

As at Oxford, a training in civil law was a necessary preparation for the study of canon law. By the late fourteenth century, an aspiring bachelor of canon law (BCnL) had to spend three years hearing lectures on civil law, or five if they had no prior arts degree, and five more on canon law—eight to ten years altogether. The civil law requirement was a problem for clerics, however, since Honorius III had forbidden the study of civil law to the generality of clergy in 1219; therefore, statutes provided for exemption of clergy from this requirement, allowing years of civil law study to be commuted into canon law study. Those going on to the doctorate of canon law (DCnL) had to do further years of study on civil law, the Decretum and the Bible, and, like civilians, they also had to lecture as part of their course requirements. Doctoral candidates in either law also had to take part in the weekly ‘moots’ or disputations in the law schools and required testimonials from doctors of law regarding their learning and character in order to take their degree.

The canon law curriculum apparently evolved with the law itself. One can deduce from later evidence that, in the thirteenth century, it was based on the Decretum and, after 1234, the Liber extra too. Lectures were apparently given on the former as the ‘ordinary’ text in the mornings and on the latter as the ‘extraordinary’ text in the afternoons. By the early fourteenth century, the Liber extra achieved ‘ordinary’ status, and the Liber sextus and Clementinae were introduced into ‘extraordinary’ afternoon lectures. The teaching as already indicated was carried out mainly by students as part of their degree requirements. The bachelors were required to give the afternoon lectures, but by c. 1330 they were also encouraged to lecture in the mornings. The morning lectures were normally reserved for the regent masters, those who had fulfilled the requirements for the doctorate, but change was necessitated by the teaching burden that the new decretal collections created and the shortage of regent masters. Qualified lawyers were lured away from teaching by practice in local Church courts as judges and advocates, which was far more lucrative. Teachers at Cambridge were expected to survive on fees collected from their students. The university did not maintain a salaried body of professors as at Bologna. This may be a reason why it produced no jurists of international significance. Its two most eminent canonists were noted simply for work on the legislation of the English Church, William Lyndwood who compiled it in his Provinciale (1433), and John Acton who had glossed some of it (1334).

Teaching was probably carried out in various rooms rented for the purpose till the late thirteenth century when jurists lectured in the domus scolarum (house of scholars), a large building owned by a Cambridge Burgess, Nicholas de Barber, that stood opposite Great St Mary’s near the market place. Barber took the building back for his own use in 1309, and it is probable that teaching was carried out thereafter in several student hostels that accommodated jurists, such as the Burden Hostel, until the mid-fifteenth century. By 1420, the university began building a canon law school, completed with a library above by 1438, and it formed the west range of the quadrangle now known as the Old Schools, the pres-
ent-day seat of the university’s administration. Those who lectured on canon law had to rent the school from the university, which remained responsible for its repair and management. By 1458, the university acquired a site for a civil law school on the south side, and this is depicted in a contemporary sketch by John Botwright, Master of Corpus Christi College (Fig 3). This building was finished with another library above by 1471.

Students bound law hard. Formal addresses made by canon law students, probably on their assumption of teaching duties at Cambridge, c. 1430, speak of sleepless nights and nerves before taking part in disputations. Not only was the subject intrinsically difficult, but it was hard to find the funds to stay the long courses of study. Fees had to be paid to lecturers, and the expenses of the formal ceremonies for taking a degree were substantial. Candidates for the DCsL were also required to buy or borrow for their own use copies of the Corpus iuris civilis and the Decretum and Liber extra. Accommodation also had to be found. Monks and friars might obtain board and lodging in a convenant of their order in or near Cambridge, and some provision was made for monastic students in the town, such as the hostel set up for the monks of Ely by its prior in 1340 or the two houses bought by the Abbot of Crowland in 1428 to accommodate Benedictines studying canon law and theology.
Most secular students rented rooms in the various Cambridge student hostels and relied on the financial aid of friends, family and patrons. A few were lucky enough to obtain a benefice, the revenues paid to a parish priest. According to Pope Boniface VIII's constitution Cum ex eo (1298), they might obtain a dispensation from their local bishop to absolve themselves from pastoral duties during their years of study. Law students could supplement their income from teaching and find employment in the local church courts as scribes copying the masses of documents that Romanos-canonical procedure required. The more advanced students might work as advocates and lecturers as judges. It was indeed the career opportunities that made the long hard years of legal study worthwhile. During the later Middle Ages, most Cambridge graduates entered the service of the Church, and those with law degrees were generally more successful in reaching high office, especially civilians. Of the twenty-nine Cambridge men appointed bishops in the fifteenth century, for example, thirteen were civilians, three were trained in both laws, and one had degrees in theology and canon law. Many Cambridge law graduates also entered royal service. Of the ninety-seven Cambridge men with royal associations in the 1300s, fifty-two held law degrees, thirty-three of them in civil law, which was useful for judges and diplomats.

Law was therefore a popular course of study. Since the law faculties at Cambridge did not require prior training in the arts, unlike theology, law was a serious rival to arts as an undergraduate degree. Of the secular students at Cambridge in 1340–1499, half were studying arts, a third to two-fifths, law, and only about a tenth, theology. Admittedly, the non-seculars, who made up 28% of all Cambridge students in the 1300s, were dominated by the friars, almost all of whom studied theology, but in the 1400s, the number of friars and thus theologians declined at the university. Hence, seculars and lawyers increased so that in 1458–82 law accounted for 35% of scholars, arts 58%, and theology only 8%. The growth of law studies at the expense of theology was a widespread phenomenon, and it was decreed by some, notably the friar John of Bromyard acting University Chancellor in 1382, as making the Church more worldly and less spiritual. This way of thinking had influenced many founders of Cambridge colleges. As early as the mid-fourteenth century, some colleges' statutes placed strict limitations on the number of jurists to be admitted as fellows, notably at Clare and Peterhouse, in order to stop them swamping institutions and to favour theologians. Several colleges certainly curtailed the number of law fellows after 1400. At Corpus Christi (1352), for example, fellows mostly took law degrees in the late fourteenth century, but none did so in the fifteenth century, and a similar reaction against law studies is found at Peterhouse, Clare, Pembroke and Gonville. After the mid-fifteenth century, some colleges were founded exclusively for theologians, notably Queens' (1448) and St Catharine's (1473). Only three colleges catered specifically for jurists. King's Hall (1317) was the main centre of civil law studies in the university and accounted for a fifth of its graduates in the subject. This emphasis was encouraged by royal patrons, who gave law books to its library, notably its founder Edward II and Henry VI, since they valued it as a source of trained legal personnel for royal service. Indeed, Henry VI told its scholars in 1440 that his gift of books, half of which were on civil law, was intended to assist their
studies so that they could serve the king and state better in civil law. In 1350, Bishop Bateman of Norwich had also founded Trinity Hall exclusively to promote 'the growth of canonistic and civilian learning'. Its fellowship was accordingly restricted to law students and produced the second largest output of law graduates among the colleges after King's Hall. Only King's College (1441) was prominent in law, soon overtaking Trinity Hall as the college with the most law graduates. College fellowships, however, only accounted for a small proportion of scholars at Cambridge. Many jurists lived in hostels such as the Barden Hostel, and some rented rooms in colleges such as Peterhouse, even if they were not admitted as fellows. A measure college stipend, regardless of statutory restrictions, held little long-term attraction for lawyers, in any case, when more lucrative sources of income were open to them.

One major respect in which colleges contributed to law studies at Cambridge was in the provision of books. Law students had to develop close familiarity with the texts of the two laws through lectures and private study, which involved memorizing hundreds of laws. But
manuscript books were dear to buy, therefore a library holding multiple copies of basic textbooks was an essential feature of any medieval academic institution. Several founders of Cambridge colleges recognized this need. Bishop Bateman of Norwich gave books to his foundation of Trinity Hall in 1352 and promised others that he reserved for his use till death, some ninety volumes altogether. The books reflected his intention that the college should be a community of jurists, for thirty-two were on canon law and thirty on civil law (Fig. 4). They included his old student textbooks and a book of case law that he probably compiled as a hearing-judge at the papal court of the Rota in the 1340s. His statutes required the commentaries of canon and civil law to be chained in a secure room to which all college members might have access, but these books were for reference only and had to be consulted in situ. Legal texts, however, might be borrowed for private study. Similar arrangements existed at other colleges. In keeping with its chief aim as a pool of jurists for royal service, King's Hall built up a large library collection specializing in law, especially civil law, and in 1391 four-fifths of its books were available for loan. Records of books bor-
rowed by members of King’s Hall survive among the college accounts from the 1380s and 1390s, and they reveal that most members borrowed civil law textbooks in accordance with their academic needs. A borrowing register also survives from Gonville for 1406–10, and a third of the seventy odd volumes that it refers to were on law.27

Cambridge libraries acquired many books on law, and other subjects, as gifts from alumni. The university largely formed its collection in this way since it had no founder to establish its library. Its earliest known catalogue compiled between c. 1424 and c. 1440 is indeed called a ‘register of books given by various benefactors’. Twenty-three of the 122 volumes listed in it were on canon law (Fig. 5), and eleven of these had been donated by Richard Holme, DCL and Warden of King’s Hall from 1417 until his death in 1424. The catalogue included no civil law books, though the university had certainly received some by then, such as those bequeathed in 1415 by William Loryng DCL. By 1473, the library had grown as a result of further gifts to include fourteen books on civil law and forty-five on canon law, twice as many as in 1440.28 Most benefactions, however, went to college libraries. Peterhouse had thus acquired seventy law books by 1418, and Clare, forty-four by about 1440. These collections were largely built up through small gifts, but a few gifts were large, indicating the extensive private libraries that a few successful jurists amassed. For example, Thomas de Lesham, DCnL, bequeathed some thirty books to Clare in 1382, mostly on canon law. Likewise, in 1539 the Burden Hostel received as many as forty-six volumes on civil and canon law from the estate of John Dowman, DCL and Archdeacon of Suffolk (Fig. 6).29
Gifts of books were sometimes solicited by colleges. Henry VI's gift of books to King's Hall mentioned earlier, half of them on civil law, was prompted by a petition of Richard Caudrey, its warden, that claimed that the studies of its scholars were suffering since the college was poorly provided with the books that they needed, and they were too poor to buy them themselves. But most books were given freely to colleges by their old members. A college's library thus reflected the interests of the community that formed it. At King's Hall and Trinity Hall, both dedicated to legal studies, almost all the books that old members donated were unsurprisingly on law. The interests that such gifts indicated were not always those prescribed by a college's founder or statutes, however, and indeed they illustrate that initial attempts to restrict the admission of jurists to colleges were not wholly effective. Lady Clare, a thrice-widowed heiress and the foundress of the college that bears her name, had intended arts and theology as the main subjects of study in her foundation, permitting no more than two civilians and one canonist to be fellows at any one time. However, almost half of the books given to the college in its first century down to 1440 were on law, and most of them had come from fellows. Indeed, many fellows and masters of Clare College before 1440 had been jurists despite the foundress's wishes. Likewise, in 1418, Peterhouse also seems to have had too many law books. Its statutes of 1344 limited the number of jurists in the fellowship at any time to one civilian and one canonist, yet by 1418 it had received enough basic law textbooks to equip twice that number. In the fifteenth century the tide did turn against legal studies in the colleges, and this is reflected in the changing character of many college libraries in this period. The earliest list for the library at Corpus mainly comprised law books, for it was compiled in the late fourteenth century when the fellows were mostly taking law degrees. But in the following century, none of the fellows did so. Most aspired to parish benefices and hence studied theology. Accordingly, by 1550 the library was dominated by works on pastoral theology, largely as a result of major benefactions from three former masters of Corpus. Similar reactions against legal studies in favour of theology characterize the development of the libraries at Peterhouse, Clare and Gonville after 1400. The number of theology books at Peterhouse grew from ninety in 1418 to some two hundred by c. 1481, for example, but in the meantime it had acquired few additions to the seventy law books held in 1418 and had even sold some of them. This trend was reinforced by the foundation of the 'theological' colleges of Queens' and St Catharine's, equipped with predominantly theological libraries. The founder of the latter even precluded the study of law in his foundation and hence gave it no law books. This collegiate antipathy to law was unrepresentative of general academic trends across the university, where legal studies were in the ascendant in the fifteenth century, and indeed it was as nothing compared with the assault that was to follow Henry VIII's break with Rome. In 1535, Henry suspended the teaching of papal canon law at Oxford and Cambridge, and, despite a brief revival under the Catholic Queen Mary (1553–58), the subject disappeared from the curriculum. Some private study of medieval canon law continued since the new Anglican canon law was in large part formed out of it, but since
degrees could no longer be taken in the subject, its textbooks were largely discarded as useless, and indeed few canon law books recorded in medieval catalogues of Cambridge colleges remain. Civil law remained on the curriculum but its prestige gradually diminished, although it is still taught in the university as part of the degree in English common law. No civil law books survive from the once-great collection at King’s Hall, and few remain from other medieval libraries in Cambridge (Cat. Nos 16–18); however, this probably has as much to do with the replacement of manuscripts by printed books in most libraries during the early sixteenth century as the decline of the subject. After 1535, some private collectors preserved medieval legal manuscripts as antiquarian curiosities and gave them to Cambridge libraries (e.g. Cat. No. 19). The items in this exhibition are treasures rescued from the spoil heap of history, and from these fragments the visitor to the exhibition can hopefully begin to reconstruct the past in which they were once so important and valued.

Notes

1 Helmholz, pp. 1–27.
3 De Zulueta and Stein, pp. xii–xxi; Winroth, pp. 157–74.
4 Winroth, esp. pp. 122–45.
7 De Zulueta and Stein, pp. xvi–xxiv, Boyle, ‘Canon Law’, pp. 532–33. Boyle notes, however, that after 1234 separate faculties of canon and civil law emerged at Oxford, but that of civil law was effectively the undergraduate department of canon law.
8 Belkomo, pp. 129–32.
9 Kummer and Small, ‘Glocester’.
10 Especially Trinity Hall (see Libraries, UC55).
15 Hackett, pp. 280, 130–33, 136n, 138.
24 Libraries, UC37 (Henry VI).
25 Libraries, UC24 (Gonville), UC31–35 (King’s Hall), UC55 (Trinity Hall).
26 Libraries, UC2 (c. 1424–c. 1440), UC3 (1473): BRUC, pp. 373–74 (Lucy’s). 
27 BRUC, 192–93 (Downman), 366 (Lecham); Libraries, UC8 (Burden Hostel).
28 Libraries, UC11–12 (Clare), UC46 (Peterhouse).
29 Libraries, UC16 (earliest list), UC17–18, UC20 (gifts of masters), UC23 (mid-sixteenth-century list).
30 Libraries, UC49 (Queen’s), UC51 (St Catharine’s).
3. Production and Purchase: Scribes, Illuminators and Customers

Susan L’Engle

It was a custom for beautifully designed and illuminated Books of Hours to be commissioned to commemorate a marriage, as a groom’s gift to the bride or perhaps a mother’s to her daughter, although wealthy members of the laity would ordinarily purchase one or more examples for themselves. A Book of Hours could be used by anyone who could afford it, to recite one’s daily devotions, to seek out special prayers for fearful moments or simply to leaf through and admire. Its dimensions and appearance were user-friendly: the text was generally written in one column of fewer than twenty lines; most pages were decorated with brightly coloured initials and borders, and many others had large coloured pictures enhanced with gold leaf; the book itself was easily handled and extremely portable, often petite enough to be hung by a chain from a lady’s waist. This was not so with a volume of canon or Roman law. Large and bulky, it was densely written, usually with two different texts to be considered in tandem. It was awkward to carry and needed a large surface on which to place it for consultation. Although some copies were lavishly illustrated, the majority was furnished with the minimum number of visual cues necessary for the reader to navigate the text. It is doubtful whether law books would be commissioned to commemorate a wedding, as has been suggested for the St John’s College MS A.4 (Cat. No. 19); a Liber sextus accompanied by four of its commentaries: although beautifully decorated, this very specialized collection of texts would not have served any immediate practical or devotional use to a married couple.¹ Legal texts, decorated or not, had a specific scholarly public.

Owners and Users

The twelfth- to fourteenth-century manuscripts in this exhibition were largely produced for study, though not all of them were originally made for English owners, as some details of provenance attest. Fitzwilliam MS McClean 135 (Cat. No. 2), of uncertain origin, was owned by the Benedictine Abbey of Wiblingen, Württemberg in the seventeenth century; MS McClean 136 (Cat. No 14), produced around 1300, has a later, partly erased ownership inscription Donini Vuillermi de kurbo[s? ] and an eighteenth-century German binding; Fitzwilliam MS 262 (Cat. No. 8) in a sixteenth-century German binding was most recently owned by John Ruskin. There are many manuscripts in Cambridge and in other parts of England, however, that have been in the possession of their church and college libraries since the fourteenth century, as can be verified in the numerous (more than eighty) medieval catalogues that survive from English monastic institutions, cathedral chapters, universities and hospitals.² Texts of canon and civil law were acquired for courses of study
as well as for practical applications. Decretales and Summæ are listed among the required books for the Dominican houses in Humbert of Romans’s Constitutions. In the fourteenth century, Bishop Hamo Herbe of Rochester bequeathed his canon law books to Rochester Cathedral, that they might assist some churchmen of our diocese, [who] although commendable for their life and learning . . . have committed grievous and absurd errors for lack of books profita- ble to such cure or such office, especially in the matter of consultations and salutary advice to their flocks, of enjoining penances and of granting absolus- tions to penitents. ¹

In Europe the study of law took place under diverse circumstances. Both canon and Roman law were taught at the Studium in Bologna, the latter to a student population of mixed clerical and secular elements. At the University of Paris, the study of theology was foremost in the curriculum, and though a faculty of canon law was available, the study of Roman law had been prohibited by papal decree. ³ In England, as treated in more detail in Chapter 2, emphasis was on the study of canon law. This partly explains the overwhelming predominance of canon law texts that survive in Cambridge collections and which make up the exhibition described in this volume.

Some of the Cambridge Colleges possessed more extensive library resources for the study of law. This is particularly true for Corpus Christi, as evidenced by the very detailed description of the College’s books found in its earliest inventory, begun in 1376 by John Botener and supplemented by John Northwode, admitted as Fellow in 1384. ¹² A total of forty-one civil and canon law texts are recorded in the list. An important distinction in this inventory is the manner in which Northwode identifies the opening passages of the legal texts: in contrast to Botener’s standard listing of the first words of the second leaf, Northwode describes when present the figured decoration that was furnished for the opening, whether a historiated initial or a miniature. By means of these descriptions it is possible to arrive at tentative dates for these manuscripts, according to the type of illustration furnished or by its iconography, and a more specific example of Northwode’s iconographical observations is discussed in Chapter 5.

Legal manuscripts can be encountered in a variety of medieval collections. In the four-teenth-century catalogue of the Augustinian monastery of Lanthony (found in London, we re kept, and that the fourth held the volumes on law together with those of philosophy, grammar and mathematics. ⁶ Books were also held in private hands. Geoffrey de Lawath, rector of St. Magnus, London, in the late thirteenth century, listed the contents of his personal library on the last flyleaf of a Decretum Gratiani in Pembroke College Library (MS 162). ⁷ Among a total of forty-eight books divided into five thematic sections, the first section labelled Canonic (canon law) contains four different volumes, the first of which, a of bequests reveal what texts were most useful to canonists and other clerics, as well as
practising lawyers. The fifteenth-century library inventory of Henry Bowet, Archbishop of York, included at least twelve books of canon law.

**Book Production**

Where did individuals and institutions get their books? Most academic institutions in Cambridge acquired their volumes as gifts and bequests from fellows, alumni and faculty. The original provenance of their thirteenth- and fourteenth-century manuscripts, however, is multi-national. While there is evidence of university book production in Oxford and Cambridge as early as the thirteenth century, many of the thirteenth- and fourteenth-century legal manuscripts found in English libraries were executed in one of the two major centres of book production, Bologna or Paris, as revealed by their scripts and decoration. A large number was also produced in the South of France at Toulouse, Montpellier, Arignon and Orleans. In most cases they would have been commissioned and purchased on the spot by students, travelling canonists and clerics, and taken back to England upon their return. A variety of foreign clients is mentioned in Bolognese records of contracts for writing and decorating legal texts, which sometimes specify the patron’s nationality and occupation: student, churchman, doctor, lawyer, teacher. For example, on 25 January 1267, Magister Andreas, scribe, promised Bernardo of Montpellier, a student, to write the gloss to a Decretales for the price of 15 soldi per quire;\(^{11}\) also in 1267 the brothers Cardinale and Rogerius di Paganello da Forlì agreed to write a pair of glossed Decretales for Frédol de Saint Bonnet, a canon of Maguelonne, for 134 lire;\(^{12}\) and on 17 November 1288, the illuminator Zagnobone promised Gualfredo Buticulario, a rector from Normandy, to illuminate one Decretales for 20 lire and two others for 22 lire.\(^{13}\) A number of legal texts could also have been purchased second-hand directly from students or through a university stationer, who in both Paris and Bologna exercised the function of broker for this transaction, but was forbidden to buy and sell second-hand books directly.\(^{14}\) Books, either foreign-made or domestically produced could also be obtained closer to home: the earliest record of a stationer in Cambridge is found in a note of purchase written on a flyleaf of Gonville and Caus College, MS 17, dating to 1309–10: ‘Memo that I bought this book from John Hailey on the Vigil of the Apostles Saints Simon and Jude in the house of William de Nesyfylde, stationer, before the following witnesses . . .’\(^{15}\)

In university towns,\(^{16}\) the production of textbooks was facilitated by the pecia or piece system of gatherings provided by stationers to scribes on a sequential basis.\(^{17}\) The pecia was established in Bologna as a unit consisting of two bifolia containing sixteen columns, each of sixty lines and each line composed of thirty-two letters; although in practice it has been found that the actual dimensions could vary.\(^{18}\) The stationers affiliated with the university would take an official copy of each university textbook and its gloss, called an exemplar, and have it copied into the pecia format, in as many numbered units as necessary to the length of the text. Each pecia was carefully corrected, since the accuracy of the text copy was continually monitored by the university. Professional scribes or students copying books for
themselves were then allowed to rent the copied exemplar, pecia by pecia, picking up the
next in order after returning the first, and in this way it was possible for a large number of
people to copy the same text simultaneously. It is thought that the pecia system was first
established in Bologna somewhere between 1200 and 1225, and a bit later in Paris.
Nonetheless, if a notation heading the second text of Trinity College MS O.7.40 is correct
– *In hoc libello continetur XXV pecie differente* – it would appear that this procedure had
been in force somewhat earlier, as the script has been dated between 1150 and 1180.19

Scribes were paid for their work according to how many pecie they had copied, and thus
were very careful to annotate the individual pecia numbers on page margins at the appro-
priate intervals in the manuscripts they were copying out. In Bologna the pecia mark was
usually placed at the end of each section; in Paris scribes more commonly designated the
beginning. Sometimes these marks have been cut off when the manuscript was trimmed
for binding, but a great many survive: pecia marks are visible in Fitzwilliam MS 183,
MS McClean 139 and Durham MS C.I.9, as seen in Figure 7, a pecia mark for the text,
and Figure 8, one for the gloss. It is important to understand that though the pecie were
written in units of a specific length, a scribe would copy them onto blank quires of eight,
ten or twelve leaves in accordance with the layout specified for the particular text being
written, and in his or her personal manner of execution, varying with regard to details of
script, the form and frequency of abbreviations and formatting strategies. Thus, although
multiple copies of the same text could be made using the same set of pecie, the resulting
manuscripts were not physically identical, differing at the very least in length, number and
size of quires and length and width of text columns.

Manuscript Production and Collaboration

The stereotype of the patient, dedicated monk bent over his writing table, copying texts
day in and day out to the glory of God, persists to this day. It is true that many monaster-
ies retained their scriptoria or at least some form of scribal activity through the fourteenth
and fifteenth centuries. Nunneries in fact were responsible for a great amount of copying
in Florence. But the work done by the religious was almost always of liturgical, theolog-
ical or biblical texts, and usually destined to supplement or replace their institution’s hold-
ings. There was rarely a sense of urgency towards completion; religious communities had
other activities and commitments to pursue in their daily routines.

Legal texts, on the other hand, were required year after year in great numbers by the
students who flocked to the faculties of canon and civil law. The production of these spe-
cialized university textbooks in mass quantities required the services of professionals pre-
pared to exercise this task on a full-time basis, adhering to the exigencies of accuracy
imposed by the university, and a time schedule established by their patrons. They were for
the most part lay persons, independent semi-educated individuals trained to copy texts in
a variety of scripts, in Bologna working out of their homes rather than for an employer in
a workshop.20
Scribes from all over Europe came to Bologna to learn the litere nova, or litere bonae.

1 A particularly accomplished example is found in the Fitzwilliam Museum's Decretum Gratiani single leaves (Cat. No. 3). It was highly in demand domestically and internationally in the second half of the thirteenth century. The term 'Bolognese' is sometimes assigned to a manuscript simply with reference to this distinctive script even though it was not exclusive to Bologna. In addition, scribes in all countries mastered a variety of scripts in order to guarantee a wider client base. Countless manuscripts in international collections present a mixed assortment of written and decorative elements whose pedigree often cannot be precisely determined, as can be seen in a number of the manuscripts in this catalogue. Not only Bolognese but the decoration of manuscripts in the 'Bolognese' style was admired outside Italy and was widely imitated during the thirteenth and fourteenth centuries by Transalpine illuminators, particularly those working in Southern France and in Catalonia. In fact, stylistic characteristics were imitated so well in some cases that only recently have a number of manuscripts long thought to be produced in Bologna been reassessed and reattributed to French or Spanish artists. Other features, therefore, including layout, number of leaves in a quire, form of the lemmata, pecia indications and iconography, must be considered to pinpoint a manuscript's place(s) of production. For example, Robert Gibbs has stressed that Italian manuscripts tend to have quires made up of eight or ten folios, whereas North of the Alps they are generally written in quires of twelve. In Northern manuscripts lemmata are underlined rather than alphabetically keyed, as they are in Italy.

Medieval scribes and illuminators would travel considerable distances in search of work, and their presence in foreign lands is often recorded. The same Bolognese contracts that describe the patrons also specify the nationalities of scribe or illuminator, revealing a considerable presence in Bologna of book trade professionals from a variety of locations, inside and outside of Italy. For Paris the names and nationalities of scribes, artists and booksellers can be found in tax records and university lists. Frank Soetemeer, who has done considerable work in the Bologna archives, has observed a proportionally high number of people from the British Isles involved with the production and sale of books in Bologna in the fourteenth century. Richard and Mary Rouse have examined the roles foreign artists and artists working in Paris between 1279 and 1349, and others who travelled even farther. A noteworthy example of book production involving the collaboration of peripatetic professionals is a very beautiful Bible now in Paris (BNF, Ms n. a. l. 3189), executed in Bologna first designed and written by the English scribe Raulinus, who signed his name in an auto-biographical colophon recounting that he was born at Fremington in Devon, studied and worked in Paris and then became a scribe in Bologna. He adds that he wrote the Bible as expiation for his sins (some of which are spelled out in detail), and hopes to be pardoned.
by the Virgin. Two Parisian artists, also working in Bologna at this time, provided the Bible's illumination, as well as a contemporaneous Bolognese artist who executed the illumination of the replacement for the first quire. The Corpus Master, a French artist whose work Robert Branner identified in Paris from the 1240s until after mid-century, illuminated only one quire; the Johannes Grusch Master, whom Branner dated working in Paris from the 1240s and 1250s, was responsible for the rest of the illumination aside from the Bolognese artist's opening quire. The Rouses suggest that the Parisian illuminators were temporarily in Bologna taking advantage of the excellent employment opportunities for skilled illuminators, particularly since Parisian illumination was so highly prized, the Corpus Master also illuminating another work in Bologna, the Copenhagen Corpus iuris civilis. In the case of the Raulinus Bible, then, we may observe an English scribe, a Bolognese and two French illuminators working together in Bologna, the first imitating a Bolognese script, the second painting in typical Bolognese 'First Style', and the last two maintaining the highest traditions of Parisian illumination, all in the same manuscript.

A similar situation is found in a fourteenth-century Decretales at Durham, MS C.I.10. Composed in gatherings of twelve folios (as was Raulinus's Bible), more characteristic for Northern manuscripts, text and gloss are written in either the true littera bononiensis or a close copy of this script, much as in MS McClean 136 (Cat. No. 14). Penwork and illumination are definitely Northern, probably French; the three-line penwork initials placed in the margins beside the text are more tall and narrow than Italian work. Furthermore, these initials are all blue, as has often been observed in English canon law manuscripts, whereas Italian and particularly Bolognese canon law manuscripts are articulated with alternating red and blue initials. Interestingly, however, at the end of the manuscript the text scribe names himself Guilleri de bononia in the colophon on folio 269, raising the inevitable question: was William in Bologna when he wrote the manuscript, or had he travelled to England or Paris to ply his trade?

The foregoing examples can serve as benchmarks by which to assess some of the problematic manuscripts in this exhibition. The Durham set, MSS C.I.4, C.I.6 and C.I.9 (Cat. Nos 11–13) taken as a whole, present especially complex features. All are apparently written in a firm littera bononiensis; all three contain illumination executed by authentic Bolognese artists, whose work can be found in other purely Bolognese manuscripts. Their rubrication and penwork are consonant with Bolognese work of the period, except for the C.I.9, part of whose calligraphic decoration was omitted in a first campaign and was added subsequently after the illumination had been executed. The later additions, perhaps made in France or England, are in the Northern angular and elongated style, and become even more compressed and distorted where the penwork artist tries to fit it around or between the painted decoration. Yet in two of these manuscripts illuminators of different stylistic traditions share the decoration with the Bolognese artists, in a manner comparable to the Paris Bible.

The Parvum Volumen (MS C.I.4) seems to be a straightforward Bolognese production and was illuminated by two Bolognese artists. In the Codex (MS C.I.6) the collaboration is
among at least four illuminators who alternate work in groups of quires: two Bolognese, the first working only in the manuscript's opening quire, the second artist also the main artist of the Volterra; the Jonathan Alexander Master, who is most likely from a Toulousian background; and a Northern French artist. The bulk of the work is shared between the second Bolognese and the Jonathan Alexander Master. The second Bolognese and the Jonathan Alexander Master, for the other Frenchman only executes the illustration in two quires, the first of which is fifth from the end, the second the ultimate quire in the manuscript. From the pattern of alternation, it would be reasonable to suppose that the illumination was parcelled out among the different hands, and executed in the same locale during one campaign of illumination. The same seems true for the Decretales (M.S.C.I.9), in which work alternates between two different Bolognese artists and a French artist imitating the Bolognese style, up to the last three quires, at which point the Jonathan Alexander Master enters and executes all the illumination for the added series of Constitutions (fols 321-350) to the end of the manuscript.

What are we to make of this collaboration, and how can we determine how it was effected? Were one or more of the manuscripts written in one place, partially illuminated there, and then taken elsewhere to be completed? Or were the illuminators all based in Bologna, temporarily or permanently, taking advantage of the healthy job market, representing available labour and occasionally sharing the decoration of various manuscripts? It may never be possible to settle these questions beyond doubt in this case, for lack of concrete data and the range of alternatives, and indeed, in the face of even more complex interactions observed by Kathleen Scott:

The permutations by which the work of English and Continental artists might be brought together within the confines of one book can take as many different forms as the divisions of labour in book decoration and illustration allow. The basic book (material, script, secondary decoration) may be an English product to which contemporary miniatures from a foreign production site were added. It may be foreign-made, with extensive English additions of text, decoration, and miniatures; or a complete text in a foreign manuscript may be fitted with a second complete text in England and designed to match the first. An English manuscript may give evidence of an English illustrator (or more than one) having worked with an alien border artist; or the book may show the work of one or more Continental illustrators together with that of native border artists or other craftsmen; or, still in a basically English book, work by an alien illustrator may appear with two different types of foreign border decoration. Apart from the enigmas of multi-national production, however, it is essential to understand the need for collaboration in the production of juridical texts, and the factors involved in its organization. It is rare to find an individual legal manuscript, particularly one with numerous major text divisions, illuminated by a sole artist. Legal texts were simply too long and could encompass more decoration than one artist could complete within a time period agreeable to the normal patron. Most, therefore, were executed by groups of
artists, craftsmen not necessarily located within the same physical confines, but sharing similar experience and expertise that allowed them to work piecemeal on the illumination of large projects. Each project would require centralized coordination, since the normal unit of work parceled out to artists as well as scribes was the quire, and the division of a manuscript's quires and their distribution to different artists was often extremely complex. How this control was maintained and by whom is still mostly a matter of conjecture — whether it was exercised by a university stationer, a workshop master, the main illuminator or by the scribe who contracted for the work. The physical proximity of residential and commercial establishments would facilitate collaborative work. Illuminators in Bologna tended to live close to each other, as can be seen in the documents that register their contracts and in the commercial transactions witnessed by fellow artists. In Paris stationers and professionals of related trades were concentrated in two locations: the Left Bank around the University of Paris, and on the tiny crowded Rue neuve Notre Dame on the Île de la Cité; in early thirteenth-century Oxford they gathered in Catte Street. The term ‘workshop’ has been assigned to various combinations of collaborative activity. Francesca d’Arcais suggested for Bologna that the patterns of exchange and alternation of hands in some legal manuscripts indicated that these artists were probably working side by side in a workshop, not only collaborating on a particular text, but also on the decoration of other manuscripts simultaneously. She considered that the task of distributing quires among illuminators fell to the scribe, who would thus be responsible for the execution of all phases of the manuscript: writing, choice of iconography and organization of the decoration. Alessandro Conti further observed that manuscript decoration was parcelled out among associates of differing experience and skills, who not only executed their own work, but were free to refine the efforts of others. 'Workshop' could also signify a master and his assistants, or various family members with different skills working together in their home — such as the thirteenth- through fourteenth-century family dynasty of scribes described by Stoetmer. For Paris, it has been observed that a libraria (the exclusive university stationer) could centralize manuscript production activities, executing one or more that fell within his areas of expertise, and contracting out for the others. In any event, manuscript illumination follows an overall design, the production and sequence of which would be overseen by a controlling force, the scribe or perhaps the main illuminator. He might have the final word on the finished illumination for the manuscript as a whole, and could re-work the compositions of others, or may simply have agreed to see to the completion of the decoration program, without vouching for its quality. This may be the case in the B 18 Master's Decretum Gratiani (Cat. No. 6), where the Master himself executed the opening two-column miniature and a number of the smaller ones, but delegated the rest to two or three assistants who imitated his style at varying degrees of competence. The different artists in the Marlay single leaves (Cat. No. 5) are also close in style but maintain a higher level of technical skill. In the Durham manuscripts, however, while the artists are all of high-calibre, their styles spring from entirely disparate traditions —
perhaps evidence that those who commissioned the illumination were either incapable of discriminating between styles or felt no need for stylistic consistency in their manuscripts— or, more pragmatically, simply an indication of what artists were free to take on a commission at the time. The success or failure of mass book production depended primarily on the availability of specialized craftsmen, over and above their national heritage or stylistic conventions.

Scribes and Illuminators

The little we know about medieval scribes and illuminators comes mainly from their appearance in contemporary documents, such as business contracts for copying or illuminating, registers or membership lists of guilds or religious associations, certification of office in political or social organizations, purchase of land or other property or service as witness to legal transactions. Another source of information can be the infrequently encountered personal signature in a manuscript, which unfortunately is rarely as descriptive as Rualhin’s opus in his Paris Bible. Most signatures can be readily distinguished as pertaining to the scribe, generally placed in a colophon at the end of a major division of text or gloss. The scribe either identifies himself as such, using the term scriptor or the verb scripta, or resorts to a conventional formula, often a rhymed jingle, describing the job he has done, such as Robertus in the Fitzwilliam’s MS McClean 136 (Fig. 9), who made sure he was credited for writing the Decretales by signing after the main text division explicit on folios 187v and 257v: ‘Sunt Robertus ego qui mea scripta rego’—or William of Bologna’s
hope for eternal blessing and joy. One very chatty Italian scribe working in Padua, howev-
er, gives us almost as much information as did Raulinus. In Italy the scribe could live in
the house of a wealthy patron as a family servant, as Andreas de Mutina informs us, stat-
ing that he copied three commentaries by Johannes Andréac (scripsi totam de manu mea) in
1339, 1360 and 1363 for the ‘sapiens et discredi urit domini domini Ioannis de Placentini,
decretorum doctoris . . . in domo dicit domini Ioannis’ (for the learned and esteemed Johannes
de Placentinus, doctor of decretals, in his residence).41 He describes his patron in very
favourable terms, using a formulaic phrase that might confer some reflected glory on the
scribe himself for being employed by such a distinguished client. In addition to the place
and dates of execution, Andreas tells us in one of the colophons how long it took him to
write one volume (a year and seven months) and how much he was paid for it (40 soldi per
quire).

While scribes used the verb scripsit to refer to the writing of a text, illuminators more
often used the term fecit (made), which implies a more substantive graphic product.
Sometimes the artist signed his name in a place and in a form that made clear the work for which he was responsible. The mid-thirteenth-century French illuminator of a Tree of Consanguinity in the Morgan Library (MS G.37) revealed his identity in the best Hollywood tradition (Fig. 10). At the base of the Tree he painted the figures of a cleric and a secular official, stretching out a long white banner between them, and wrote upon it in bold letters: 'Gautier Lebaube fit tarbe' (Gautier Lebaube made this tree). Scrolls and banners were ideal media for this purpose, and we have obtained the names of a number of Bolognese illuminators who utilized them. A Byzantinizing artist signed 'Meister Guigliamo' on various scrolls held by marginal figures in an Azo Summa at the Bodleian Library (MS Holkham Misc. 47), and the main artist in a Paris Codex (BNF, MS Latin 8941, fol. 4) identified himself on the miniature page for Book I, placing an unrolling scroll in the hands of a stately prophet figure, with the inscription 'NER[N]US FEC[IT]' (Nerius made this). What may well be the real name of the B 18 Master* (who illuminated Cat. No. 7 and shared Cat. No. 6 with his workshop) has been recently found in a Roermond Parvum Volumen illuminated by him and several other Bolognese artists (Fig. 11). In an initial I on folio 185v, a hooded, seated figure suspends a banner or unrolled scroll inscribed, in somewhat blotted fashion, in an enigmatic mixture of Latin and Italian – 'MA[R]CO
CHI "TE FEICIT" – which I interpret as "Ma[r]co who made you". Although the name is uncertain, the intention to register authorship is clear from the 'FE'. Niccolò da Bologna, the first Bolognese illuminator to consistently sign his work, always employed the verb fecit, either written out in full or abbreviated as f. Only one example of his work in this exhibition is signed (Cat. No. 22); the miniature has been extensively retouched, however, and the signature is almost certainly false.

Craftsmen on the whole were not innovators but followed existing models, often duplicating the same composition from manuscript to manuscript, sometimes with exact combinations of colour or decorative details. The B 18 Master (Marco?) exemplifies this practice. He was one of the most prolific and indiscriminating of artists working in Bologna in the 1320s and 1330s, penetrating all venues and illustrating all manner of texts, which survive in great numbers. His stocky figures with their broad faces, fixed, beady eyes under low straight eyebrows and doorstop noses are distinctive and unvarying, and he used the same compositions over and over, hardly varying poses or attributes. Why was he so popular? He evidently worked very quickly, to account for so many surviving works. Large and small, his miniatures dominate their pages, executed nearly in a pleasing balance of strong, clear colours and filled with massive buildings composed in dynamically shifting planes, silhouetted against combinations of solid gold grounds, and dark grounds ornamented with calligraphic gold designs. His figures, despite their sameness, transmit dignity and power, and their expressions are open and engaging. These qualities are particularly evident in the De poenitentia cutting (Cat. No. 7). For the patron, his pictures could be counted on to make an impact, and he was evidently a reliable worker. The last must have counted for a lot in an escalating market.

Occasionally, however, an illuminator appears who transcends the norm and puts a personal stamp on decorative details, motifs and compositions. The artist who created and executed the multi-compartment miniatures in the Fitzwilliam’s MS 262 Decretum Gratiani (Cat. No. 8) expanded on conventional iconography and added interpretative touches of his own, particularly in his narrative and explicit representations of extra-marital sex. The Jonathan Alexander Master, whatever his origin, combines a refined sense of design with a brilliant use of colour, and above all, manifests an extraordinary imagination that allowed him to extrapolate on existing motifs to generate some of the most cleverly composed and wickedly humorous hybrid creatures ever to grace a manuscript page. Niccolò da Bologna, although his production was so vast that he relied heavily on a limited repertoire of stock compositions and figure types, nevertheless invests his figures with a strong human presence, transmitted through a sensitive modelling of flesh and eloquent facial expressions.

Most illuminators remain unnamed, particularly those considered of less than brilliant artistic vision, or of modest technical accomplishments. Yet it is impossible to speak of the evolution of layout, composition, style and iconography within the large body of extensively illuminated medieval legal manuscripts without dealing with the great majority of generally competent craftsmen who made this production possible. Although major
changes can be attributed to a handful of innovative individuals, their more conventional associates, in copying and modifying selectively, define for us the popularity and duration of certain motifs, and illustrate the mechanism of their transmission from culture to culture, over generations.

Notes

1 As suggested by Eibbert in his description of this manuscript, Egbert, p. 118.
3 Drawn up around 1260, see Opena de rebus regulari, ed. J.J. Berthier (Rome, 1888-99), II, p. 265.
5 Sigillated by Pope Honorius III (1216-27) in his decreal Savor opus, making Paris the only French university in the thirteenth and fourteenth centuries where civil law was not taught. See Bradshaw, pp. 342-42.
6 Briefly listed by M. R. James in the introduction to Corpus, I, pp. 3-36, and fully transcribed by James in ‘University’, pp. 86-114. A new edition is being prepared by Dr. Peter Clarke for the Corpus of British Medieval Library Catalogues.
7 Wormald, ‘Manuscript’, p. 23.
8 See James, ‘Pensdale’, no. 162, pp. 157-59.
9 The four listed books are the following: Liber decreto-
orum (probably Pensdale MS 162), Liber decratum (probably the Decretals), Liber qui dicta sursum
Concordant (probably Gerschelius de Tarino’s Summa de-
sententiae, Liber qui dicta supera Raymond (probably
one of Raymond de Peiresk’s Summare).
10 Listed in Owen, p. 12.
11 1267, 25 gennaio, Magister Andreas scriptor filius q
Dominici Iomandi de capella sancte Lazare promette a
alle Decreton per il prezzo di 15 soldi al quintenario
Zucchi, p. 9.
12 1267, 17 maggio, Cardinalis et Rogerius fratres et fili
q. Darcella de Furciro si obbligano di scrivere unum
Roman canonico magisteriaco al prezzo di tre lire 134
52
which they wrote for the same patron, perhaps a short
time before the Decretals. See Avril and Gourret, II, cat. no. 103, pp. 85-87. pl. C, figs XI, XII.
13 1288, 17 Novembre, D. Zagnobusus q. Apeci di
cappella sancti Marini promette a d. Guisnino
Battigarulo preposto Nocentide di misere in
Decreto per 20 lire e due paia di Decretals per 22 inc.
Filipponi et Zucchi, p. 238.
14 For a detailed description of the activities of universi-
ity stationers, see Rouse and Rouse, ‘Determinand’,
especially p. 23, as well as most recently Rouse and
Rouse, Manuscripts.
16 Pollard lists eleven universities that utilized the pec
system: Bologna, Padua, Verona, Perugia, Treviso,
Florence and Naples in Italy; Salamanca in Spain;
Paris and Toulouse in France and Oxford. Although he
claims that no evidence of its use has been found for
any of the German or Dutch universities, or Salerno,
Montpellier, Orleans, Angers, Angoumois, or Cambrai,
Talbot maintains that it was in operation in both
Oxford and Cambridge in the thirteenth century. See
Pollard, ‘The peces system’, p. 148, and Talbot,
‘Universities’, p. 68.
17 Literature on the peces begins with Desprez see Rous
and Rouse, Manuscripts, for Paris and Soest van
Utrechtiae in peces, for Bologna.
18 In Bologna the size of the peces was also directly rela-
ted to the banchum, the amount of a university pro-
sessor was required to cover within a specified period
of time, usually around a fortnight.
19 On fol. 71; see James, Trinity, III, pp. 376-79.
20 For the university production of legal texts in Bologn
as well as extensive bibliography see Soestvand van
Utrechtiae in peces, pp. 30-33; and Devoti, ‘Utrecht,
in peces, especially pp. 80-84 on the production of acts and
contractual obligations with the universites.
21 Referred to in contracts as ‘attenu notum’, 1268. Bona
ventura qui fuit de Persio scriptor videlicet
Pietro di Giovanni un Codice de latteo nova con l'appendio di Accurso in pergamina per lire 50' (my emphasis). See Filippini and Zucchi, p. 46.

22 Soetermeer, 'Famille de copistes', p. 430.

23 Roux and Roux, 'Wandering Scribes', p. 43.

24 '[i] entered there into the wicked embraces of women and their depraved couplings—and squandered everything [i] had'. Transcribed in full in Roux and Roux, 'Wandering Scribes', p. 43.

25 The Parisian illuminators were identified by François Avril; see Neveil and Glueckstein, II, p. 98. The Bolognese artist was also responsible for the illumination of another manuscript in Paris (BNF, MS Lat. 3253), ibid., pp. 96–97.

26 See Branner, pp. 115–17.

27 Lately baptized Master of the Polyphony for his work in a music manuscript at the Biblioteca Laurenziana in Florence, MS Plat. 29,1. See the catalogue entry by Marie-Thérèse Gouisset in Decreto, cat. no. 92, pp. 294–96, fig. 92c.


29 Copenhagen Royal Library, MS Gl. Kgl. S. 393,20, (up to now thought to be produced in Paris but suggested by the Rouxs to be entirely an Italian product; see Roux and Roux, 'Wandering Scribes', p. 30.

30 The colophon: 'Explicitant decretales noue et novelle per manum guelfera de bononia casus p[r] bona semp[e] in caudo et bonitate regenter im p[er] pontium amen amen et [et][e] jam fiat amen[n]' (Here end the new Decretals and Novels [written] by the hand of William of Bologna, let him live forever in joy and virtue amen amen and once again let there be amen).

31 Added Constitution of Gregory X, addressed to Paris, of Nicholas III and Clement IV.


33 Within the quire, for example, the different bifolia could each be given to separate artists, as d'Arcais indicates for a Sierra Decretum Gratiani (Sierra, Bibl. Comp. degli Intronati, MS K.I.3); see d'Arcais, 'L'organizzazione', p. 365.

34 In Bologna, during the thirteenth and fourteenth centuries, stationers had varied and/or multiple roles, divided into the two main functions of bookseller (Stationarius exemplar tenens, venditore libraeum, stationarius libraeum) or producer and distributor of exemplars and pocia (exemplator libraeum, stationarius pociam). See Soetermeer, Utromque ilus in poecclia, ch. 2, for definition and description of the stationers' diverse professional activities, as well as essential bibliography.

35 See Filippini and Zucchini for examples.


37 Talbot, 'Universities', p. 71.


39 Conti, La miniaturo, p. 5.

40 See Soetermeer, and Soetermeer, 'Famille de copistes'.

41 Roux and Roux, 'Wynnondhewold', p. 65.

42 One of the most common is the basic Qui scripsit scrupilat, semper cum domino vivat. For more examples of scribes' jingles, see Thornhicle, 'Final Jingles', p. 268, and Thornhicle, 'More Jingles', p. 321–28.

43 Andreas de Mutina signed three manuscripts in the Chapter Library of the Cathedral of Toledo, Spain, MSS 8–5, 8–7 and 8–10, dated 1363, 1359 and 1360 respectively. See García y García and González, pp. 22–26.

44 Named by Francesca d'Arcais for his illustration of a Padua Parram Volumen (Padua, Biblioteca Capitulare, MS B 18), but first known as Secondo Maestro of the San Domenico choir books in Bologna.

45 Roermond Gemeente Museum, MS 3.

46 Alternative interpretations will be enthusiastically welcomed.

47 Casser and Lacazez, 'Miniaturkunst', pp. 86–87, listed works for the Master of B 18, and by now the list can be doubled.