

The Catholic University of America, Columbus School of Law
CUA Law Scholarship Repository

Scholarly Articles and Other Contributions

Faculty Scholarship

1973

The Libellus of Telesphorus and the Decretals of Gregory IX

Kenneth Pennington

The Catholic University of America, Columbus School of Law

Follow this and additional works at: <https://scholarship.law.edu/scholar>



Part of the [European History Commons](#)

Recommended Citation

Kenneth Pennington, The Libellus of Telesphorus and the Decretals of Gregory IX, 11 COURIER SYRACUSE U. LIBR. 17 (1973).

This Article is brought to you for free and open access by the Faculty Scholarship at CUA Law Scholarship Repository. It has been accepted for inclusion in Scholarly Articles and Other Contributions by an authorized administrator of CUA Law Scholarship Repository. For more information, please contact edinger@law.edu.

The Libellus of Telesphorus and the Decretals of Gregory IX

by Kenneth Pennington

Syracuse University's manuscript collection of medieval and early modern manuscripts is, like the Bibliothèque Nationale's, for the most part uncataloged. But the collection is very exciting, and it will yield much information when it is finally made available to the scholarly community. Unlike many European manuscript collections in American libraries, most of Syracuse's manuscripts were not obtained in a haphazard fashion. Libraries usually receive manuscripts from friends and patrons (libraries can hardly afford to buy them out of their regular budgets); consequently, the scope and contents of the collection normally reflect a lack of unity or purpose. Most of Syracuse's medieval and early modern manuscripts were collected by the great Leopold von Ranke for a specific project; Ranke planned to write a monumental history of the Republic of Venice, and he scoured Italy for books and manuscripts to provide the raw material for his work.

At the core of the collection are approximately 100-125 *Relazioni* (despatches) of Venetian ambassadors which were written in the period from 1500 to 1800. A substantial number of these *Relazioni* have never been printed, and they constitute one of the largest (if not the largest) collections in the United States of original manuscript material for the political and diplomatic history of early modern Italy. Ranke also collected a large and varied series of texts from many different sources. Although they do not have the unity of the *Relazioni*, they are perhaps even more important because many of them are not available in printed sources, and some may even be unique manuscript copies. Their range is enormous. Ranke MS 385 is a history of the Abyssinian people written by a Roman cardinal in the seventeenth century. Ranke MS 275 contains Andrea Nicoletti's life of Pope Urban VIII (1623-1644), the most important contemporary view of Urban. Ranke MS 280-285 is a description of papal government in the papal states in the year 1586, while Ranke MS 92 is a Latin manuscript which contains excerpts from the episcopal registers of Florence to 1386 and archival documents from the metropolitan library in Florence (dating from 724-1464). This manuscript is especially important because it was copied by the famous seventeenth-century antiquarian Carlo Strozzi.

Dr. Pennington is an Assistant Professor in the Department of History at Syracuse University.

Ranke also gathered together an outstanding collection of early modern chronicles, most of which have never appeared in printed editions. Among these are Daniel Barbaro's *History of Venice* to 1413 (Ranke MS 47), Agostino Agostini's *History of Venice* to 1570 (Ranke MS 41), Giovanni Giacomo Caroldo's *History of Venice* to 1382 (Ranke MS 62), Nicolo Contarini's *History of Venice* to 1597 (Ranke MS 26), and an anonymous, unpublished life of Savanarola (Ranke MS 43). Antonio Milledone's *History of the Council of Trent* – a work upon which Paolo Sarpi based his history – also has never been published even though Ranke called Milledone “a contemporary and well-informed author” (Ranke MS 275). Finally, we possess Bartolommeo Cerretani's *History of Florence* which has been only partially edited (Ranke MS 96). Obviously, the collection is a gold mine for the historian of early modern Italy.

The first one hundred bound Ranke manuscripts were described in the early fifties, and the results were published by the Syracuse University Library. This brief checklist illustrates quite well the difficulties of dealing with manuscript materials. A scholar who must use a particular manuscript is entirely dependent on the catalog to provide him with information about its content. Further, each manuscript is *sui generis* – that is, a description must inform the scholar about a manuscript's unique features. There are three basic pieces of information which must be garnered from each text to make it useful: the identity of the author and his dates, the title and contents of the work (with incipits and explicits), and an indication of whether the text is available in print with pertinent bibliographical information. Unfortunately, the Syracuse checklist never fulfills all three criteria and is almost valueless to any scholar who is not in Syracuse to check his hunches about a certain text. The challenge of the future for the library is great. The entire Ranke manuscript must be cataloged, and the information passed on to the scholarly world; the manuscripts have slumbered too long!

Two Latin medieval manuscripts demonstrate the promise and importance of the Syracuse collection. One is a Ranke manuscript which has remained unknown to scholars since Ranke acquired it in the nineteenth century, and the second is a legal text which was given to Syracuse in 1966 by John M. Crawford, Jr. The latter is one of eleven medieval manuscripts (four uncataloged) which are not part of the Ranke Collection and were added later by various benefactors.

Ranke MS 90 is a parchment manuscript which was probably written in the last decade of the fourteenth century. It contains a work by a Franciscan hermit, Telesphorus of Cosenza, which has been given the title *Libellus fratris Telefori*. Telesphorus was a follower of the twelfth-century prophet Joachim of Fiore (ca. 1135-1202). Joachim was not a figure of controversy during his lifetime, but after his death his writings and prophecies had an enormous impact on radical religious groups, particularly the spiritual Franciscans. Medieval men reacted differently to Joachim's writings. Pope

Innocent III condemned Joachim's teaching on the trinity in 1215, but Dante placed him in *Paradiso*. However, his influence was not confined to the Middle Ages, and in the sixteenth and seventeenth centuries his views generated as much excitement as they had in the thirteenth. He still intrigues scholars today; in 1969 Marjorie Reeves published a major book on Joachim and his successors.

Joachim made his greatest impact as a prophet, and his peculiar apocalyptic visions have an eery modern ring (*à la* the visions of Charlie Reich!). Joachim claimed that the world was destined to go through three ages which corresponded to the three persons of the trinity. The age of the Father was the period of history up to the birth of Christ; the age of the Son began with the birth of Christ and had lasted until Joachim's own lifetime. The age of the Spirit, predicted Joachim, was yet to come and was to be marked by liberty, revelation and contemplation. The leaders of this new age would be holy monks. But before the third age could begin, Joachim said that the world must endure frightful tribulations. An Antichrist would appear who would shake Christendom to its core. Although Joachim had forecast the beginning of the third age in the middle of the thirteenth century, his followers were not completely disheartened at their prophet's lack of clairvoyance. A prophet who foretold such a colorful, apocalyptic future world was hard to set aside for merely suffering from human error.

Later followers of Joachim loved to dwell on the period of chaos which was to usher in the new age. Naturally, the more politically minded of them were fond of seeing the anticipated Antichrist in one of the contemporary monarchs or popes. In the early fourteenth century, Peter Olivi predicted that a pope at Rome would be the long-awaited Antichrist whose coming would bring the third age. By the pontificate of Pope John XXII (1316-1334), some of the spiritual Franciscans believed that John himself was the Antichrist. Such ideas were not popular in the papal curia.

In the middle of the fourteenth century, men were enthusiastically predicting the coming of an Antichrist in the person of a German Emperor, and an Antipope who would be the 'Beast of the Land.' Some, however, foresaw a victory for Christianity which would result from an alliance between the Catholic Kings of France and a new pope, appropriately dubbed the Angelic Pastor. When the Great Schism began in 1378 with one pope residing in France and the other at Rome, many believed that the apocalyptic final hours of the second age were at hand. It is at this moment that Telesphorus wrote his *Libellus* on the "present schism and tribulations as well as the future age to come."

On Easter Sunday, 1386, Telesphorus had a vision which told him to seek out the prophecies of Joachim and others about the Schism. He and his friend, Eusebius of Vercelli, went to Calabria to search for prophetic books. There they found not only Joachim's works, but Merlin the Magician's as well. Armed with the knowledge, Telesphorus wrote the work which is still



An illustration from Ranke Manuscript No. 90, the *Libellus* of Telesphorous, titled "The Angelic Pope is led from his cell to be condemned." Part of a cycle of illustrations portraying the tribulations of the Angelic Pope. From the George Arents Research Library.

preserved in Ranke MS 90. The central prophecy of Telesphorus' *Libellus* is that a German tyrant named Frederick III and a German Antipope will become locked in mortal combat with the forces of good: a French king named Charles and the true pope. Naturally, Telesphorus thought that good would win out over evil and that afterwards, Charles and the true pope would reform the Church, reconquer the Holy Land and bring in the millennium. The third age would then begin.

The manuscript of Telesphorus' work in the Arents collection was written in 1391. The caption of the prefatory letter states "Here is the letter or preface to the book of Brother Telesphorus to Antonio, duke of Genoa, which he wrote concerning the present schism, that is now in the year of Our Lord 1391 and has lasted almost thirteen years since the election of Our Lord Pope Clement VII." There is one older manuscript (1387) in Rome, and since this work has never been completely edited, the Ranke manuscript will be extremely important to the scholar who undertakes the task.

Telesphorus' *Libellus* had a great impact on the intellectual history of the fifteenth and sixteenth centuries. Evidence of this can be gathered from the manuscripts which are still extant. Of the thirty-one complete manuscripts, only three date from the fourteenth century. Most of the others were written in the late fifteenth or early sixteenth centuries. The *Libellus* was even translated in German and French. Partial printed editions appeared in Venice 1516, Paris and Lyon 1572.

There is one interesting footnote to this manuscript. In the nineteenth century, the seminar library of the University of Padua possessed a copy of this work which was illustrated. It has since disappeared. Wiedemann, Ranke's amanuensis, believed that Ranke's good friend, Professor Francesco Francesconi of Padua was influential in helping Ranke obtain many of his manuscripts. Perhaps Francesconi's generosity extended into his own library although there is not any evidence that the Ranke manuscript and the Paduan are one and the same.

The second manuscript is far less exotic, although more valuable. Syracuse University MS 1 is the oldest manuscript we have, and, as mentioned earlier, was given to Syracuse by John M. Crawford. Crawford is a collector, patron of the arts, and donor of several important medieval and early-modern manuscripts and books to the Syracuse University Library. In recognition of his distinguished service to the university, Syracuse awarded him an honorary doctorate in 1967. His most significant contribution to the library is now listed as Syracuse University MS 1 which contains four works of thirteenth-century canon (ecclesiastical) law: the *Decretals* of Pope Gregory IX with the Ordinary Gloss of Bernardus Parmensis and the *Novella* of Pope Innocent IV with the gloss of Bernardus Compostellanus Junior.

The manuscript is a large, magnificent volume measuring 30 cm. by 47 cm., written in the late thirteenth century, probably at the famous law school in Bologna. A decretal letter of Pope Nicholas III, dated 1278, was added by

a later scribe as the flyleaf of the manuscript, and probably the main text was written sometime before this date. The text is lavishly illustrated. Five miniatures adorn the beginning of each of the law books; and there are numerous gold, red, green and blue initials. The appearance of the manuscript is typical of legal manuscripts throughout the Middle Ages; in fact the same format was used by the early printers of standard legal texts (see illustration). The middle of each folio has two columns of forty-three lines each which contain the laws themselves. The beginning of each law is indicated by a large, often elaborate, initial. The scribe left large margins around the text to accommodate the gloss (commentary) which was added after the main text had been finished. In order to understand the importance of this manuscript, however, it is necessary to give a brief sketch of legal history in the twelfth and thirteenth centuries.

In the period between the fall of the Roman Empire in the West and the eleventh century, the study of law had almost entirely disappeared in Western Europe. But with the economic, demographic and intellectual developments which marked the late eleventh and early twelfth centuries, law once more became an academic discipline. We know very little about this legal revival except that it centered on the texts of Roman law which had been codified under the direction of the sixth century Roman Emperor Justinian (*Corpus iuris civilis*). The early study of law was confined to the northern Italian peninsula where social and economic factors favored intellectual activity. The rest of Europe remained far behind the Italians; indeed, the Italian law schools dominated the study of law for the rest of the Middle Ages.

The most famous law school in Italy, the Harvard of medieval Europe, was Bologna, and it was here that the father of medieval law, Irnerius, began to explicate the difficulties of Roman Law. Irnerius' successors continued teaching at Bologna, and by the second half of the twelfth century, the Bolognese students had incorporated themselves to become the first of the modern European universities.

Canon law, or church law, played an even more important role in the intellectual history of Europe than did Roman law. Roman law provided lawyers with an intellectual framework – written reason they called it – but Roman law remained an academic discipline. As lawyers who were trained in Roman law began to practice, they often attempted to use “written reason” to change or supplement customary law, but Roman law was not fired in the crucible of the courtroom nor tempered by the hand of a legislator. The corpus of Roman law remained unchanged – perhaps the worst fate that can befall a legal system. Although Roman law did not change, it did not die. Because of both the sophistication of the system and the prestige of the Roman name, Roman law continued to lead a “ghost’s life” until the nineteenth century. Even today most European law schools still offer a degree in Roman law.

Canon law also began its life in Bologna, but the canon lawyers had many disadvantages to overcome in comparison to Roman counterparts. The *Corpus iuris civilis* of Justinian had been immediately accepted as the standard text of Roman law. In contrast, up until the middle of the twelfth century, the papacy had never promulgated an official *corpus* of canon law. Even though the papacy had become a pan-European institution (legally speaking) ever since the great reform movement of the eleventh century, its law remained very primitive. Although a number of canonical legal collections had been made in earlier centuries, their value was strictly limited, and their organization was chaotic. A churchman in the early twelfth century had an arduous task in solving even the most elementary problems of law. He was often faced with a plethora of texts which often conflicted with one another.

An example of this problem is the plight of a girl who had been raped and wanted to marry the offender – not an uncommon occurrence in the early twelfth century! The ecclesiastical judge who had to decide such a case had to choose among the several influential but contrary texts. St. Jerome had declared that such a marriage could be arranged, but a church council held at Aachen had decreed that the marriage was invalid. How were such conflicts to be resolved? This was the problem which had been posed for twelfth-century men.

The solution to this problem occurred in the mid-twelfth century. In ca. 1140 a Bolognese monk named Gratian compiled an unofficial collection of texts which he entitled a *Concordia discordantium canonum* (a concordance of discordant canons, later known as the *Decretum*.) As the title implied, this collection of law was no mere compilation; rather it was an attempt to reconcile the ambiguities and conflicts that plagued earlier canon law texts. Gratian forged these unwieldy texts into a harmonious whole through the *Sic et Non* method which had been created by the brilliant French thinker, Abelard. Surprisingly quickly, Gratian's collection was accepted as the standard text of canon law.

Gratian put the study of canon law on a scientific basis. Soon, as the canonists began to imitate the activities of the Roman lawyers at Bologna, Gratian's *Decretum* was being taught, explicated, and glossed. Fortunately, the manuscript texts of many of these glosses are still extant. The first *summa* on the *Decretum* was written by Paucapalea. Within forty years, Rufinus, Johannes Faventinus, Stephen of Tournai, Rolandus Bandinelli (Pope Alexander III), Sicardus of Cremona, and others, many of whom are anonymous, wrote apparatus, glosses and *summae* to the *Decretum*. Finally, about 1190, the greatest canonist of the twelfth century, Huguccio of Pisa, wrote a *summa* on the *Decretum* which was the culmination of a half century's activity. But, at the time when Huguccio finished his *Summa*, it was already clear that legislation subsequent to the *Decretum* had either changed the law or opened new areas.

Using Gratian's *Decretum* as their basic text, canonists were able to bring the study of canon law out of the realm of speculation and ignorance, and into the schools and courtrooms. However, at the same time the papacy began to flood Europe with an unending deluge of new legislation in the form of privileges, rescripts, and decretals. Some of this new legislation changed the old law as contained in Gratian's *Decretum*, while other decretals contravened the old law, but only in special cases. Further, the Third Lateran Council of 1179 created a new body of legislation which had to be incorporated into ecclesiastical law. Almost immediately after Gratian's *Decretum* had been generally accepted, the canonists continued to compile new collections of decretals. Some of the collections contained pre-Gratian material, but the majority of the decretals were from post-Gratian legislation which had emanated from the papal curia. Often the canonists added these small decretal collections to the end of *Decretum* manuscripts.

Then beginning in 1191 and ending finally in 1234, canonists compiled a number of private collections of papal decretal letters which were accepted as being authoritative by the law school at Bologna. However, the papacy soon took a hand in organizing its own legal system, and, in 1208, Pope Innocent III (1198-1216) ordered the first official collection of his own legislation. This trend culminated in 1234 when Pope Gregory IX (1227-1241) enlisted Raymond de Pennafort to fashion a collection which would supersede all earlier collections except Gratian's *Decretum*. Raymond's *Decretals* of Gregory IX (which contained decretal letters of many earlier popes) was commonly called the *Liber extra* because it was the book "outside of" (extra) Gratian's *Decretum*. And it is this huge collection which we have on fol. 13^f-263^v of Syracuse University MS 1. The manuscript also contains the commentary of Bernardus Parmensis (ca. 1260) on the *Decretals* which became the Ordinary Gloss – i.e. the gloss which was normally used both in the schools and courts. Under the ever increasing pressures of a changing legal system as well as a changing society, Pope Innocent IV issued a series of papal decretal collections which ended with a third collection (*Novella*) in 1253. This collection contained some of Innocent's constitutions which he had promulgated at the Council of Lyon and other of his decretal letters. A short time later, Bernardus Compostellanus Junior provided the new collection with a commentary. Innocent IV's *Novella* and Bernardus' gloss occupy fol. 2^f-12^v of Syracuse University MS 1. From a scholarly point of view, these last works are invaluable, for the manuscript in the Arents Library is the only copy of these two works outside of Europe.

Syracuse's lavish manuscript reflects the growing sophistication of legal studies, and the economic success which lawyers were having. The text is far more ornate than that of a normal medieval manuscript, and there are many additional glosses added to the margins in later centuries which reflect changing legal opinions. Indeed, perhaps Dante had such a manuscript in mind when he wrote in Canto X of *Paradiso*:

For this reason [money] the Gospels and great
Doctors are left aside, and only the
Decretals are studied, as is shown by
their well worn margins.

To this the pope and cardinals attend; their
thoughts do not extend to Nazareth where
Gabriel spread his wings.

Dante, for one, was not fond of lawyers and their craft; a crusade had much more appeal to him.

But these two medieval manuscripts are only part of Syracuse's collection. Thanks to the original gift of the Ranke library by Dr. and Mrs. John Reid, Syracuse possesses the finest collection of early modern Italian manuscripts in North America – perhaps outside of Italy. And at today's prices, those manuscripts represent the most valuable collection the library owns. In a poignant way, they are a memorial to Ranke himself. They reflect his scholarship and his wide-ranging interests, and he referred to them time and time again in his many works. It has been a long time since any scholar has cited a Ranke manuscript in a footnote, but I hope that lamentable situation will soon end. Medieval men believed that the phoenix regenerated itself from its own ashes; fortunately Ranke's manuscripts are not yet ashes – merely covered with dust. A miracle will not be required to bring Ranke's manuscripts to life again.



CORRECTION

We regret an error in the printing of “The Lost Voice of Criticism” by Hilton Kramer in the Summer 1973 issue of *The Courier*.

The three final paragraphs of the article, as they appear on pages 33 and 34, are misplaced and belong chronologically between the third and fourth paragraphs on page 32.

We apologize to Mr. Kramer for this unfortunate transposition.