

Imago, ius, religio. Religious Images in Medieval Legal Manuscripts: An Overview¹

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Recibido: 9 de enero de 2023 / Aceptado: 9 de enero de 2023 / Publicado: 28 de enero de 2023

Abstract. Editorial introduction to “*Imago, ius, religio*. Religious Iconographies in Illustrated Legal Manuscripts and Printed Books (9th-20th Centuries)”. The aim of this monographic issue is to analyse the use of religious iconographies in legal manuscripts and printed books, to create a basis for discussion and exchange on the diverse artistic, historical, and social aspects of these iconographies.

Keywords: Manuscripts, Manuscript Illumination, Iconography, Legal Iconography, Civil Law, Canon Law, Legal Books, Legal Practices.

[es] *Imago, ius, religio*. Imágenes religiosas en manuscritos jurídicos medievales: una visión general

Resumen. Editorial de “*Imago, ius, religio*. Religious Iconographies in Illustrated Legal Manuscripts and Printed Books (9th-20th Centuries)”. El propósito de este número monográfico es analizar el uso de iconografías religiosas en manuscritos y libros impresos jurídicos para establecer un foro de discusión e intercambio sobre los diversos aspectos artísticos, históricos y sociales de estas iconografías.

Palabras clave: Manuscritos, manuscritos iluminados, iconografía, iconografía jurídica, Derecho Civil, Derecho Canónico, prácticas legales.

How to cite: Bilotta, M. A. and del Monaco, G. “*Imago, ius, religio*. Religious Images in Medieval Legal Manuscripts: An Overview”. In *Imago, ius, religio. Religious Iconographies in Illustrated Legal Manuscripts and Printed Books (9th-20th Centuries)*, edited by Maria Alessandra Bilotta and Gianluca del Monaco. Monographic Issue, *Eikón Imago* 12 (2023), 1-10.

1. Introduction

It is well known that in the Middle Ages law books were precious tools through which legal knowledge and normative traditions –means of regulating social life– were handed down. It is also known that these books were an essential tool for the formation and activity of jurists, notaries, and rulers. These books, through which the foundations of legal science were being defined and structured,

were progressively equipped with illustrations that had the purpose of conveying, through images, these foundations of the social order, guaranteed by the two supreme authorities: the *auctoritas sacrata Pontificum* (religious power) and the *regalis potestas* (civil power)⁴, through the canon law and the civil law, both subordinate to divine law. It is therefore not unusual to come across religious iconographies in miniatures as well as in borders and in *bas-de-page* scenes in illustrated legal manuscripts.

¹ This monographic issue is financed with Portuguese national funds through the *FCT – Fundação para a Ciência e a Tecnologia*, I.P., under the contract-program foreseen in numbers 4, 5 and 6 of the art. 23.o of the Legislative Decree n.o. 57/2016, of 29 August, amended by Law n.o. 57/2017, of 19 July. This monographic issue is also carried out as part of the research activity of the IUS ILLUMINATUM research team (<https://iusilluminata.fesh.unl.pt> [accessed January 15, 2023]), coordinated by Maria Alessandra Bilotta at the Instituto de Estudos Medievais (IEM) of the Faculdade de Ciências Sociais and Humanas (FCSH) of the NOVA University of Lisbon.

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⁴ These definitions were formulated by Pope Gelasius I (reigned 492-496). Francesco Calasso, *Medioevo del diritto. Le Fonti*, 8th edition (Milan: Adelphi, 2021), I: 154 note 2; Manlio Bellomo, *L'Europa del Diritto comune. La memoria e la storia* (Leonforte, Enna: Euno Edizioni, 2016), 105 note 25.

2. The Religious Iconography of Manuscripts of the *Corpus Juris Canonici*

In western medieval Europe, manuscript illuminations depicting religious subjects were present in canon law collections starting in the early Middle Ages, as attested by the well-known *Collectio canonum et conciliorum* in Vercelli (Biblioteca Capitolare di Vercelli, Ms. CLXV) from mid-9th century northern Italy, its first pages decorated by ink drawings depicting *Empress Helena Finding True Cross* (fol. 2r), the *Councils of Nicaea, Constantinople, and Ephesus* (fols 2v-5r), and the *Maiestas Domini* (fol. 5r)⁵ (Fig. 1). Another early example is the 10th century (976) *Codex Albeldensis* (Biblioteca Real Monasterio de San Lorenzo de el Escorial, Ms. d.I.2) from northern Spain, which contains the *Collectio canonum Hispana* and includes full-page miniatures of the *Maiestas Domini* (fol. 16v), *Adam and Eve* (fol. 17r), and the *Oviedo Cross Bearing the Letters Alpha and Omega under an Arch* (fol. 18v), alongside several representations of *Church Councils*⁶ (Fig. 2).



Figure 1. Vercelli, Biblioteca Capitolare di Vercelli, Ms. CLXV, fol. 2v. Source: Biblioteca Capitolare di Vercelli.

⁵ Susan L'Engle, "Picturing Gregory: The Evolving Imagery of Canon Law", in *Decretales pictae: Le miniature nei manoscritti delle Decretali di Gregorio IX*, ed. Martin Bertram and Silvia Di Paolo (Rome: Università degli Studi Roma Tre, 2012), 26, accessed January 18, 2023, <http://hdl.handle.net/2307/711>; Silvia Faccin, "7. CLXV, Collectio canonum et conciliorum", in *I segreti della Vercelli medievale*, ed. Daniele De Luca and Fabrizio Tabacchi (Vercelli: Gallo Edizioni, 2020), 52-55.

⁶ Soledad de Silva y Verástegui, "L'illustration des manuscrits de la Collection Canonique Hispana", *Cahiers de Civilisation Médiévale* 32, no. 127 (1989): 247-262; Kristin Böse, "Recht sprechen. Diskurse von Autorschaft in den Illuminationen einer spanischen Rechtshandschrift des 10. Jahrhunderts", in *Ausbildung des Rechts: Systematisierung und Vermittlung von Wissen in mittelalterlichen Rechtshand-*



Figure 2. El Escorial, Biblioteca Real Monasterio de San Lorenzo de El Escorial, Ms. d.I.2, fol. 209v. Source: Wikimedia Commons, accessed January 19, 2023. https://commons.wikimedia.org/wiki/File:King_of_Galicia_-_Rei_de_Galicia_-_Ariamirus.jpg

The frontispieces of later texts in the age of *Ius Commune*, for example Gratian's *Decretum* (Part I, *Humanum genus duobus regitur*) and Gregory IX's *Decretales* (Prologue and Book I, *Iudex*) are often illustrated with the figures of the Trinity or Christ, surrounded by angels, as the ultimate sources of divine law, thus expressing the Christological foundation of the two powers, temporal and spiritual⁷. The first *Titulus* of Book I of Gregory IX's *Decretales*, as it is well known, opens with the words *De summa trinitate et fide catholica*⁸. The iconography of Christ as the ultimate source of divine law, who dispenses their respective powers to the two human authorities, the pope and the sovereign (handing each one a sword symbolizing these powers), is also present to illustrate the text of the doctrine of the two swords in some manuscripts of another fundamental legal text, *The Mirror of the Saxons* (*Sachsenspiegel*), the most important book of customary law of the Ger-

schriften, ed. Kristin Böse and Susanne Wittekind (Frankfurt am Main: Peter Lang, 2009), 109-137; L'Engle, "Picturing Gregory", 27-28. The *Codex Aemilianensis* (Biblioteca Real Monasterio de San Lorenzo de el Escorial, Ms. d.I.1) is a slightly later copy (994) with a few additional illustrations: John W. Williams, "83. codex aemilianensis", in *The Art of Medieval Spain, A.D. 500-1200* (New York: The Metropolitan Museum of Art, 1993), 160-161.

⁷ Anthony Melnikas, *The Corpus of the Miniatures in the Manuscripts of Decretum Gratiani* (Rome: *Studia Gratiana*, 1975), 1: 29-53; Robert Jacob, "Peindre le droit ou l'image du juriste", in *Le Moyen Age en lumière* (Paris: Fayard, 2002), 214-215.

⁸ Kristin Böse and Susanne Wittekind, "Eingangsmminiaturen als Schwellen und Programm im *Decretum Gratiani* und in den *Decretalen* Gregors IX", in *Ausbildung des Rechts: Systematisierung und Vermittlung von Wissen in mittelalterlichen Rechtshandschriften*, ed. Kristin Böse and Susanne Wittekind (Frankfurt am Main: Peter Lang, 2009), 21-37; Susan L'Engle, "Legal Iconography", in *Illuminating the Law: Legal Manuscripts in Cambridge Collections*, ed. Susan L'Engle and Robert Gibbs (Turnhout: Harvey & Miller, 2001), 92; L'Engle, "Picturing Gregory"; Frédérique Cahu, *Un témoin de la production du livre universitaire dans la France du XI-II^e siècle: la collection des Décrétales de Grégoire X* [*Bibliologia. Elementa ad librorum studia pertinentia* 35] (Turnhout: Brepols, 2013), 202-214.

man Middle Ages⁹ (compiled in 1220-1235). Three of these manuscripts are Wolfenbüttel, Herzog August Bibl., Cod. 3.1 Aug. 2 (fol. 10r)¹⁰; Dresden, The Saxon State and University Library (SLUB), Mscr.Dresd.M.32 (fol. 4r; Fig. 3)¹¹ and Oldenburg, Landesbibliothek Oldenburg, CIM I 410 (fol. 6v)¹².



Figure 3. Dresden, The Saxon State and University Library (SLUB), Mscr.Dresd.M.32, fol. 4r. Source: The Saxon State and University Library (SLUB), Wikimedia Commons, accessed January 19, 2023. [https://commons.wikimedia.org/wiki/File:Dresdner_Sachsenspiegel_fol_4_\(Karl_von_Amira,_1902\).jpg](https://commons.wikimedia.org/wiki/File:Dresdner_Sachsenspiegel_fol_4_(Karl_von_Amira,_1902).jpg)

Similar images, illustrating the Trinity, are sometimes also adopted to introduce Book I of Justinian's *Codex*, concerning the sovereignty of the Trinity, the Catholic faith, and the prohibition to debate it publicly (*De summa trinitate et fide catholica et ut nemo de ea publice contendere audeat*)¹³ (Fig. 8).

In one case, MS Pal. lat. 636 (f. 1r) in the Vatican Library¹⁴, illuminated by the *Illustratore*, the sumptuous frontispiece of the *Liber Sextus* of Boniface VIII (1295-1303), is illustrated with *The Coronation of the Virgin*. This latter iconography is quite unusual in the illustration of legal manuscripts and only one other example has been found, in a copy of Justinian's *Codex* in the

Bibliothèque nationale of Paris, Ms. lat. 8941, fol. 4r¹⁵) and could be linked, according to Marta Pavón Ramirez, to the bull *Sacrosanctae Romanae Ecclesiae*¹⁶, while according to Gianluca del Monaco this iconographic choice could be justified as a reference to the first title *De summa Trinitate et fide catholica*¹⁷.

In another manuscript of the *Liber Sextus* kept in Austria (Sankt Florian, Stiftsbibliothek, CSF III 7 [2], fol. 1r), illuminated once again by the *Illustratore*, the frontispiece is illustrated with an unusual religious theme of a hagiographic type: *The Martyrdom of Saint Stephen*. It is an *unicum*, and the iconographic choice is due to the patron of the manuscript, Albert of Saxony, bishop of Passau from 1320 to 1342 (the Passau cathedral was in fact dedicated to Saint Stephen)¹⁸.

In another instance, the requests of the patron, the archdeacon Nicholas of *Strigonium* (current Esztergom in Hungary), led to the creation by the *Illustratore* of two unusual pictorial cycles, one with *Stories of St. Stephen of Hungary* as frontispiece of another sumptuous manuscript of the *Liber Sextus* held at the Capitular Library of Padua (Ms. A 24, fol. 1r) and the other with *Stories of Saint Catherine of Alexandria* as the frontispiece of a manuscript of the *Constitutiones Clementinae*, also kept in the Capitular Library of Padua (Ms. A 25, fol. 1r)¹⁹.

Of course, Canon law books might also be illustrated with scenes including bishops, and among them the Roman pontiff, clerics, monks, and friars, since text passages dealt with issues regarding the life of the Church. One can mention the depictions of church councils in the early medieval canon law collections mentioned above²⁰, the drafting of wills illustrating the text of the *Causa VIII* of the *Decretum Gratiani* (in which the bishop is often represented on his deathbed dictating his will together with the ecclesiastical court where another bishop is illegitimately appointed)²¹, or the opening pages of the *Decretum Gratiani*, concerning the government of the world by the ecclesiastical and secular authorities²², and the *Liber Extra*, where pope Gregory IX, enthroned among the cardinals of the Roman Curia, receives the collection of decretals bearing his name from the hands of the Dominican Raymond of Peñafort²³ (Fig. 4).

⁹ Guido Kisch, "Biblical Spirit in Mediaeval German Law", *Speculum*, 14, no. 1 (1939): 38-55; Robert Jacob, *Images de la Justice. Essai sur l'iconographie judiciaire du Moyen Âge* (Paris: Le Léopard d'or, 1994), 28-29 and fig. 8.

¹⁰ Jacob, *Images de la Justice*, 29 fig. 8. Images of this manuscript are available online on the website Sachsenspiegel online: <https://www.sachsenspiegel-online.de/export/index.html> (accessed January 16, 2023).

¹¹ The images of this manuscript are available online on the website SLUB - DIGITALE SAMMLUNGEN: <https://digital.slub-dresden.de/werkansicht/dlf/6439/15> (accessed January 19, 2023).

¹² The images of this manuscript are available online on the website Landesbibliothek Oldenburg - Digitale Sammlungen: <https://digital.lb-oldenburg.de/ssp/nav/classification/137692> (accessed January 19, 2023).

¹³ Susan L'Engle, "The Illumination of Legal Manuscripts in Bologna: 1250-1350: Production and Iconography" (Ph.D., New York University, 2000), 262-264; Cahu, *Un témoin de la production*, 211-212; Gianluca del Monaco, *L'illustratore e la miniatura nei manoscritti universitari bolognesi del Trecento* (Bologna: Bononia University Press, 2018), 111-113.

¹⁴ The images of this manuscript are available online on the Digi Vat Lib site: https://digi.vatlib.it/view/MSS_Pal.lat.636 (accessed January 14, 2023).

¹⁵ The images in black and white of this manuscript are available online on the Bibliothèque nationale de France Archives et manuscrits website: <https://archivesetmanuscrits.bnf.fr/ark:/12148/cc77158z> (accessed January 14, 2023). A colour photograph of fol. 4r with *The Coronation of the Virgin* is published in Susan L'Engle, "Learning the Law in Medieval Bologna: The Production and Use of Illuminated Legal Manuscripts", in *Medieval Bologna: Art for a University City*, ed. Trinita Kennedy (Nashville and London: First Art Museum and Paul Holberton Publishing, 2021), 51 fig. 44.

¹⁶ Marta Pavón Ramirez, "21. Coroação da Virgem, fl. 1r in Liber Sextus", in *Madonna. Tesouros dos Museus do Vaticano*, ed. Alessandra Rodolfo and José Alberto Seabra Carvalho (Lisbon: Museu Nacional de Arte Antiga, Musei Vaticani, Imprensa Nacional Casa da Moeda, 2017), 92.

¹⁷ del Monaco, *L'illustratore*, 159 and fig. 17.

¹⁸ del Monaco, *L'illustratore*, 58 fig. 19, 207-209, pl. XI.

¹⁹ del Monaco, *L'illustratore*, 67-74, 194-199, pl. XIV-XVII.

²⁰ L'Engle, "Picturing Gregory", 26-28.

²¹ Melnikas, *The Corpus of the Miniatures*, 1: 305-328.

²² Alfons Stickler, "Ursprung und gegenseitiges Verhältnis der beiden Gewalten nach den Miniaturen des gratianischen Dekrets", *Studia Gratiana* 20 (1976): 341-359.

²³ L'Engle, "Picturing Gregory"; L'Engle, "Learning the Law", 52-53.



Figure 4. Vercelli, Biblioteca Capitolare di Vercelli, cod. V, fol. 1v. Source: Biblioteca Capitolare di Vercelli.

One can also mention in this regard the scenes that illustrate the treatise *De poenitentia* (in which the various doctrinal aspects of penance are addressed), inserted within *Causa XXXIII* in the *Decretum Gratiani*, where sermons in front of the faithful, confessions of sins, and repentance are depicted as a necessary condition for Eucharistic participation²⁴. In Clm 23552 in the Bayerische Staatsbibliothek of Munich (f. 552r), illuminated by the *Illustratore*, the three moments of sermon, confession and penance are depicted in one single miniature²⁵ (Fig. 5).



Figure 5. Bayerische Staatsbibliothek, München, Clm 23552, fol. 552r. Source: Digital collections – Bayerische Staatsbibliothek, accessed January 19, 2023. <https://www.digitale-sammlungen.de/en/view/bsb00090822?page=,1>

²⁴ Melnikas, *The Corpus of the Miniatures*, 3: 1061-1084.

²⁵ Melnikas, *The Corpus of the Miniatures*, 3: 1083 fig. 21; del Monaco, *L'illustratore*, 53 fig. 16, pl. IX, 191-194. Images of this manuscript are available online at Digital collections – Bayerische Staatsbibliothek: <https://www.digitale-sammlungen.de/en/view/bsb00090822?page=,1> (accessed January 19, 2023).

Other interesting religious images present in the *Liber Extra* are those that portray liturgical celebrations such as those painted at the beginning of Book III (*Ut laici secus altare*), where the text states that clerics and laity should be divided during church ceremonies²⁶. In thirteenth- and fourteenth-century copies from Bologna a miniature depicts the consecration of the host by the priest with other clerics and laymen attending the rite, for example in the manuscript Clm 23560 in the Bayerische Staatsbibliothek of Munich (p. 183r)²⁷ (Fig. 6).



Figure 6. Bayerische Staatsbibliothek, München, Clm 23560, p. 183r. Source: Digital collections – Bayerische Staatsbibliothek, accessed January 19, 2023. <https://www.digitale-sammlungen.de/en/view/bsb00034960?page=1>

In French manuscripts, for example in one miniature illuminated in Avignon in the first half of the fourteenth century by the Master of the *Liber Visionis Ezechielis* (Arras, Bibliothèque Municipale, *Liber Extra*, Ms. 499 [593], fol. 135r)²⁸, the lay bystander, who attends the

²⁶ Cahu, *Un témoin de la production*, 214-242.

²⁷ L'Engle, "Legal Iconography", 95-96; Fabio Massaccesi, "I contesti architettonici delle croci trionfali bolognesi tra spazio e liturgia", in *Imago splendida: Capolavori di scultura lignea a Bologna dal Romanico al Duecento*, ed. Massimo Medica and Luca Mor (Cinisello Balsamo: Silvana Editoriale, 2019), 53-54; Gianluca del Monaco, "Libri e spazi liturgici in epoca medievale", in *Gli spazi del sacro nell'Italia medievale*, ed. Fabio Massaccesi and Giovanna Valenzano (Bologna: Bologna University Press, 2022), 127-131. The images of the manuscript Clm 23560 in the Bayerische Staatsbibliothek of Munich are available online at Digital collections – Bayerische Staatsbibliothek: <https://www.digitale-sammlungen.de/en/view/bsb00034960?page=1> (accessed January 19, 2023).

²⁸ Maria Alessandra Bilotta, "L'enluminure du Midi de la France dans le contexte des circulations culturelles méditerranéennes: un autre

Eucharistic celebration and the elevation of the host, is driven out of the liturgical space by an acolyte, ‘armed’ with an aspergillum (Fig. 7).



Figure 7. Arras, Bibliothèque Municipale, *Liber Extra*, ms. 499 [593], fol. 135r. Source: © Bibliothèque Municipale d'Arras.

Book IV (*De Francia nobilis quidam*) of Gregory IX's *Decretales*, which establishes conjugal law, is introduced by miniatures depicting the liturgical marriage ritual following two different iconographic traditions: the *dexterarum iunctio* or the exchange of rings (the latter of Italian origin)²⁹. In MS Vat. lat. 1389 (fol. 214r), a copy of the *Decretales* of Gregory IX, the illuminator, *Illustratore* again, has portrayed the celebration of the *sponsalia* and the blessing of the spouses inside a church in front of the altar³⁰.

The miniatures that introduce the treatise *De consecratione* at the end of manuscripts of the *Decretum Gratiani* are also of a religious nature: in fact, they represent the bishop or the pontiff in the act of consecrating an ecclesiastical building (outside it, through the blessing of the facade, or inside, through the blessing of

the altar) or the officiating bishop³¹. In one case, in MS G. V.23 preserved at the Municipal Library of the Intronati of Siena, the treatise *De Consecratione* (fol. 466r) is introduced by a historiated initial D in which the *Three Marys at the Tomb* are depicted while receiving the announcement of the Resurrection from the angel. The latter iconography is intended to represent the deepest meaning of the liturgical ceremony of the consecration of the ecclesiastical building, in which Christ is truly present in the fullness of his risen body³².

Religious images are sometimes introduced in the late medieval versions of the *arbores consanguinitatis et affinitatis*, a specific kind of diagram that were used to count the degrees of kinship between persons: fewer than seven degrees meant an impediment to marriage, according to the ecclesiastical elaboration of the norms provided by Roman law for heritage controversies. In these late medieval versions of the *arbores consanguinitatis et affinitatis* God the Father, Christ, Adam, and Eve are sometimes depicted. These diagrams are found in numerous medieval legal works from the 9th century (only the *arbor consanguinitatis* before Gratian) onwards: Book IX of the *Etymologies* of Isidore of Seville, the *Decretum* of Burchard of Worms, the work of Ivo of Chartes, the *Decretum Gratiani* (*Causa XXXV*), the *Decretales* of Gregory IX, the treatise on the trees of consanguinity and affinity by Raymond de Peñafort, and a few others³³.

3. The Religious Iconography of the Manuscripts of the *Corpus Juris Civilis*

As mentioned above, even the civil law compilations were illustrated in some cases with religious iconography: this is the case mentioned above of the illustration of Book I of Justinian's *Codex* (*De summa trinitate et fide catholica*) – illustrated with the image of the Trinity –, in which three emperors, Gratian, Valentinian and Theodosius, invite their subjects to accept the Trinitarian dogma (*patris et filii et spiritus sancti unum deitatem sub pari maiestate et sub pia trinitate*)³⁴. In some manuscripts of the *Codex* the Trinitarian iconography chosen by illuminators is that of the *Throne of Grace* (*Gnadenstuhl*): an iconography that is encountered starting from the third quarter of the thirteenth century in the legal manuscripts produced in Paris and which was widespread in Bolognese production of the fourteenth century. It was also used for the illustration of

ms juridique retrouvé enluminé à Avignon par l'atelier du *Liber visionis Ezechielis* (Arras, BM, ms. 499 [593])", *Belvedere Meridionale* 27, no. 2 (2015): 72-91, accessed January 12, 2023, http://www.belvedere-meridionale.hu/wp-content/uploads/2015/nyar/05_bilotta_2015_02.pdf.

²⁹ L'Engle, "Legal Iconography", 96-97; Kathleen Nieuwenhuisen, "The Consent in Pictures: Marriage Representations in Medieval Manuscripts of the *Liber Extra* (1250-1400)", in *Decretales pictae: Le miniature nei manoscritti delle Decretali di Gregorio IX*, ed. Martin Bertram and Silvia Di Paolo (Rome: Università degli Studi Roma Tre, 2012), 132-144; Cahu, *Un témoin de la production*, 243-270; Frédérique Cahu, "Les rituels du sacrement du mariage illustrés dans les collections de droit canonique au Moyen Âge", *Revue de droit canonique* 68, no. 2 (2018): 319-349; Marta Pavón Ramírez, "Marriage Symbolism in Illuminated Manuscripts of the Twelfth and Thirteenth Centuries: Visualization and Interpretation", in *The Symbolism of Marriage in Early Christianity and the Latin Middle Ages: Images, Impact, Cognition*, ed. Line Cecilie Engh [Knowledge Communities, 8] (Amsterdam: Amsterdam University Press, 2019), 231-258.

³⁰ del Monaco, *L'Illustratore*, 116 fig. 55, 167-169; the images of this manuscript are available online on the Digi Vat Lib site: https://digi.vatlib.it/view/MSS_Vat.lat.1389 (accessed January 14, 2023).

³¹ Melnikas, *The Corpus of the Miniatures*, 3: 1175-1202.

³² Melnikas, *The Corpus of the Miniatures*, 3: 1182 fig. 8; Grazia Vailati von Schoenburg Waldenburg, "I. Decretum Gratiani ms. G. V. 23, Siena, Biblioteca Comunale degli Intronati", in *Lo Studio e i testi. Il libro universitario a Siena (secoli XII-XVII)*, ed. Mario Ascheri (Siena: Protagon Editori Toscani, Biblioteca Comunale degli Intronati, 1996), 100.

³³ Hermann Schadt, *Die Darstellungen der Arbores Consanguinitatis und der Arbores Affinitatis: Bildschemata in juristischen Handschriften* (Tübingen: Wasmuth, 1982); Didier Lett, "L'homme, la famille, la parenté", in *Le Moyen Age en lumière*, 107-112; Cahu, *Un témoin de la production*, 270-273; Jorge Prádanos Fernández, "Memoria y linaje en los textos jurídicos: la iconografía de los árboles de consanguinidad y afinidad en las Siete Partidas", *Estudios Medievales Hispánicos*, 6 (2018): 63-80.

³⁴ L'Engle, "The Illumination of Legal Manuscripts", 262; Cahu, *Un témoin de la production*, 211.

Book I of the *Decretales* of Gregory IX (see, for example, the Bolognese *Decretales* ms. 137 of the Capitular Library of Lucca [fol. 4v], dating back to c. 1270, or MS M.716 in the Pierpont Morgan Library of New York [fol. 2r], illuminated by the Master of 1328)³⁵. This image usually depicts God the Father seated on a throne, portrayed frontally, while he holds the Cross with the crucified Christ in his two hands and the Holy Spirit in the form of a dove, descending from the Father's mouth, preaches the head of the Son, as if to visually translate the concept of Christ's descent from the Father to whom he is identical in substance³⁶ (Fig. 8).



Figure 8. Paris, Bibliothèque nationale de France, n.a.lat. 2436, fol. 4r (© BnF). Source: Bibliothèque nationale de France.

Only in one case, as mentioned above, Book I of the *Codex* is illustrated with the image of *The Coronation of the Virgin*, flanked by St. Peter and St. John the Baptist: MS lat. 8941 in the *Bibliothèque nationale* in Paris

(fol. 4r), illuminated and signed in Bologna by Nerio around 1310³⁷ (Fig. 9).

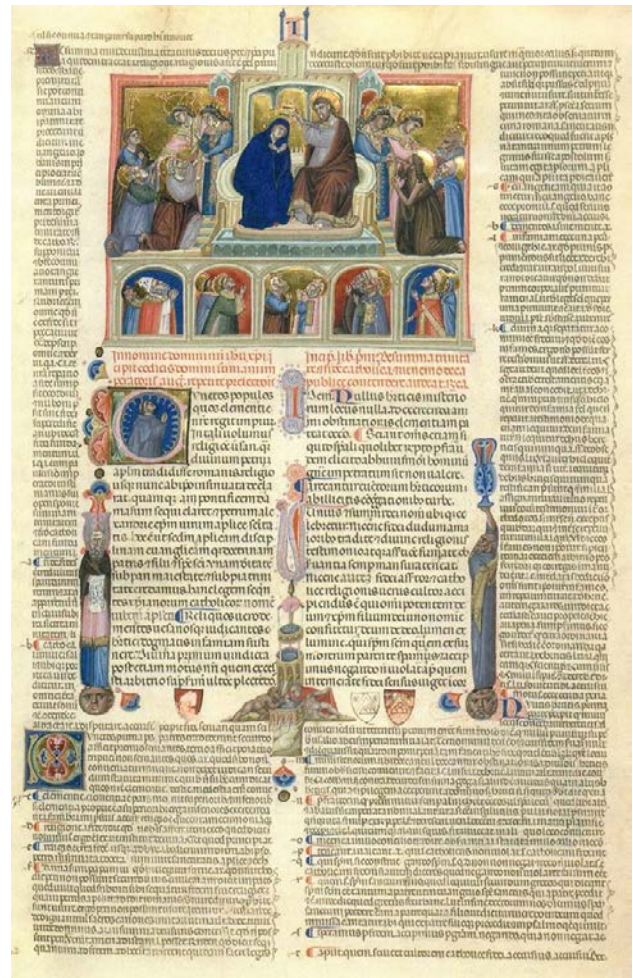


Figure 9. Paris, Bibliothèque nationale de France, ms. lat. 8941, fol. 4r (© BnF). Source: Bibliothèque nationale de France.

Another image chosen to illustrate Book I of the *Codex* is that of *Christ Enthroned in Blessing*, as in MS Urb. lat. 165 (fol. 3r) of the Vatican Library, illuminated in Bologna by the Master of the Paris Gratian³⁸.

In some cases, as clarified by Susan L'Engle, iconographies used to illustrate religious texts were an inspiration and model for the creation of iconographies of civil law: this happens in the elaboration of the iconography of Book XIV (*De exercitoria actione*)³⁹ of the *Digestum vetus* (concerning liability for damage in the transport

³⁷ L'Engle, "The Illumination of Legal Manuscripts", 263-264; L'Engle, "Learning the Law", 49-51.

³⁸ L'Engle, "The Illumination of Legal Manuscripts", 264.

³⁹ The iconography of sea transport by ships is depicted at the incipit of Book XIV in the following manuscripts of the *Digestum vetus* held at the Vatican Library: Vat. lat. 1409, fol. 216r (available online: https://digi.vatlib.it/view/MSS_Vat.lat.1409 [accessed January 16, 2023]); Vat. lat. 1411, fol. 239v (available online: https://digi.vatlib.it/view/MSS_Vat.lat.1411 [accessed January 16, 2023]); Vat. lat. 2513, fol. 193r (available online: https://digi.vatlib.it/view/MSS_Vat.lat.2513 [accessed January 16, 2023]); Pal. lat. 731, fol. 202r (available online: https://digi.vatlib.it/view/MSS_Pal.lat.731, [accessed January 16, 2023]).

³⁵ Milvia Bollati, "Miniature bolognese. *Decretali di Gregorio IX*", in *Ducento. Forme e colori del Medioevo a Bologna*, ed. Massimo Medica (Venice: Marsilio, 2000), 257-259 cat. 75; L'Engle, "The Illumination of Legal Manuscripts", 263; L'Engle, "Legal Iconography", 92-94; Cahu, *Un témoin de la production*, 202.

³⁶ Cahu, *Un témoin de la production*, 202, 212.

of public goods) and of Book XI (*De tollenda lustralis auri collatione*) of the *Tres Libri* (where it concerns the transport of public cargo by sea, in particular wheat, which was subject to specific legislation). To illustrate these two Books, which deal with two quite different laws⁴⁰, the illuminators were directly inspired by existing biblical iconography used to illustrate the Book of Jonah: in both texts, biblical and legal, the action in the miniatures takes place on board a ship in which commercial cargo and passengers are transported and from which in the biblical story Jonah's body is thrown into the sea. In some legal miniatures, the presence of objects floating in the water near the ship suggests, according to Susan L'Engle, that the vessel was shipwrecked⁴¹.

A second biblical image used in the elaboration of juridical iconographies is, once again according to Susan L'Engle, *The Hanging of Judas* – an image depicted in the Gospels starting in the sixth century – which was available to be taken as a model by the illuminators of legal manuscripts to represent the scenes of punishment in civil law compilations. In particular, the Books usually illustrated with scenes of punishment are Books III (*De iudiciis*), VI (*De fugitivis servis et libertis mancipiis que civitatum artificibus et ad diversa opera deputatis et ad rem priuatam uel dominicam pertinentibus*) and IX (*Qui accusare non possunt*) of the *Codex*⁴². Hanging was one of the most unseemly and degrading punishments because, as Susan L'Engle and Barbara Morel explain, it prolonged the effect of the sentence, since the lifeless body of the condemned person remained exposed to public infamy, and it could be prevented from interment in a cemetery, and was therefore intended above all for thieves and murderers in the illustrations of legal manuscripts (in particular in Book I of the *Digestum vetus* and in Book IV of the *Institutiones*)⁴³.

As described by Susan L'Engle, in illuminated manuscripts of civil law datable to the 1330s it is common to find images of a religious nature inserted at times, as details in the background or in the margins of the miniatures in civil law manuscripts: this is the case of the *Annunciation* painted by the Bolognese illuminator Lando di Antonio in the lateral niches of the architectural framing of the large miniature-frontispiece in the *Tres Libri* manuscript, Pal. lat. 765 (fol. 79r) of the Vatican Library⁴⁴; in the same manuscript, a little further on, in the frontispiece of the *Authenticum*, the illuminator paints a sort of polyptych above Justinian's throne with

Christ as *Man of Sorrows* in the center, flanked by the Virgin Mary and St. Peter (fol. 149r)⁴⁵.

Among the religious iconographies present in manuscripts of civil law we can also include the representation of the allegory of the cardinal (Prudence, Justice, Fortitude, and Temperance) and theological (Faith, Hope, and Charity) virtues represented in the frontispiece with *The Tribunal of Justinian advised by the Virtues* of a sumptuous manuscript of the *Digestum vetus*, in Paris (Bibliothèque nationale de France, ms. lat. 14339, fol. 3r), illuminated in Bologna by the Master of 1346 (Fig. 10).



Figure 10. Paris, Bibliothèque nationale de France, ms. lat. 14339, fol. 3r (©BnF). Source: Bibliothèque nationale de France.

This image therefore represents a kind of *Good Government* placed under the authority of a historical personification of Justice (the emperor Justinian) advised by theological and cardinal virtues⁴⁶. Finally, in another manuscript of the *Digestum vetus*, kept in the National University Library of Turin, ms. E.I.1, the page hosting the large miniature-frontispiece with the *Allegory of Justice* is enriched in the *bas-de-page* with *Stories of*

⁴⁰ We thank Viviana Persi for the clarifications regarding the legal aspects of these Books (oral communication of 15 January 2023).

⁴¹ L'Engle, "The Illumination of Legal Manuscripts", 238; L'Engle, "Legal Iconography", 102 fig. 64; Susan L'Engle, "Trends in Bolognese Legal Illustration: The Early Trecento", in *Juristische Buchproduktion im Mittelalter*, ed. Vincenzo Colli [Studien zur Europäischen Rechtsgeschichte 155] (Frankfurt a. M.: Klostermann, 2002), 222-223, 222 fig. 1.

⁴² L'Engle, "The Illumination of Legal Manuscripts", 178-188.

⁴³ L'Engle, "The Illumination of Legal Manuscripts", 180; Barbara Morel, *Une iconographie de la répression judiciaire. Le châtement dans l'enluminure en France du XIII^e au XV^e siècle* (Paris: Éditions du Comité des travaux historiques et scientifiques, 2007), 36-39.

⁴⁴ The images of this manuscript are available online on the Digi Vat Lib site at the following link: https://digi.vatlib.it/view/MSS_Pal_lat.765 (accessed January 15, 2023).

⁴⁵ L'Engle, "The Illumination of Legal Manuscripts", 265-266.

⁴⁶ Maria Alessandra Bilotta, "Formes et fonctions de l'allégorie dans l'illustration des manuscrits juridiques au XIV^e siècle: quelques observations en partant des exemples italiens", in *L'allégorie dans l'art du Moyen Âge: formes et fonctions. Héritages, créations, mutations*, ed. Christian Heck [Etrilma 2] (Turnhout: Brepols, 2011), 223-240; Bertrand Cosnet, "Les manuscrits juridiques bolognais parmi les transferts artistiques au Trecento: de l'iconographie des ermites de saint Augustin au *Bon gouvernement* d'Ambrogio Lorenzetti", in "Dossier: Image et Droit. Les manuscrits juridiques enluminés", ed. Maria Alessandra Bilotta and Serge Dauchy, special issue, *Clio@Themis* 21 (2021), accessed January 15, 2023, <https://journals.openedition.org/cliothemis/1839>.

Saint Catherine of Alexandria (fol. 4r; Fig. 11) using the same hagiographic iconographic tradition as that mentioned above, in the illustration of the manuscript of the *Constitutiones Clementinae*, commissioned by the archdeacon Nicholas of Esztergom, now in the Capitular Library of Padua (Ms. A 25, fol. 1r)⁴⁷.



Figure 11. Turin, Biblioteca Nazionale Universitaria, ms. E.I.1, fol. 4r. Source: Biblioteca Nazionale Universitaria di Torino. © Ministero della Cultura, Biblioteca Nazionale Universitaria di Torino, divieto di riproduzione.

4. The Religious Iconography of English Statute Books (*Statuta vetera*), of *Livres juratoires* (the Customs of the Towns in the South of France), and of Italian Statutes

As mentioned above in relation to the *Sachsenspiegel* (*Mirror of the Saxons*), in some cases also the manuscripts of local law were illustrated in the Middle Ages with images of a religious kind. This is the case also of some English statute books studied by Anthony Musson such as the Bloomington, Indiana, University of Indiana, Lilly Library, MS Poole 22, a collection of statutes, which contains within it a series of historiated initials with religious iconographic subjects. In this manuscript (f. 19r) the initial letter for Edward I's *Inspeximus* of

Magna Carta encloses the image of the *Virgin and Child enthroned*. Anthony Musson writes:

While this overtly spiritual scene may seem out of place in a law book, the representation may be a means of linking the symbolism of ‘the Word of God made flesh’ and the Charter’s concern with ‘reason’ via the twin meanings of ‘logos’ (as both “word” and ‘divine reason’). Indeed, transmission of the word of God was a key responsibility of medieval kingship, one the king makes clear in the preamble of *Magna Carta* when declaring that the Great Charter is being issued ‘for the advancement of holy church’⁴⁸

The iconography of the *Virgin and Child Enthroned* is also encountered in another initial E (*Eduardus*) at the *incipit* of a register of legal acts in the British Library in London, Harley MS 947 (fol. 170r), and may allude to the concept of celestial royalty (*Regina Coeli*) of the Virgin Mary⁴⁹. It is also possible that such religious iconography was meant to accompany the evangelical texts present in English manuscripts of customary law such as Oxford, Bodleian Library, MS Douce 35 and London, British Library, Royal MS 9 A VII (*Virgin and Child* [fol. 14v] and *Crucifixion* [fol. 18r]). These religious images most likely also had the practical purpose of facilitating the oaths of government officials, without having to resort to the use of Gospel Books (this is perhaps the case of the *Statuta vetera* manuscript EL 34 A 8 of the Huntington Library, San Marino, California, where Christ Crucified is depicted flanked by the Virgin Mary and Saint John the Evangelist [fols 13v, 20r])⁵⁰.

Even in southern France, the existence of a municipal consular regime in the Middle Ages facilitated the creation of the so-called *Livres juratoires*, the Customs of the towns. As explained by Henri Gilles, to ensure that the municipal liberties were respected and that the consuls and magistrates entrusted with the administration of the city enforced those liberties, the consuls and magistrates were obliged to take an oath: a promissory oath in which they reaffirmed their commitment to fulfill their functions and to respect the rights of citizenship⁵¹. The promise was made to God upon something sacred as witness, such as an altar. For this reason, the first promissory oaths were pronounced on the altar of a church (the Customs of Toulouse mention this last form of oath); while the custom of pronouncing the oath on the four Gospels gradually came into use. The latter modality meant that the oath could be pronounced on a Missal (which contained the text of the Gospels). As it is well known, the Missals contained, in addition to the texts of the Gospels, also the image of *Christ Crucified* depicted in the historiated initial T, which introduced the Canon of the mass (*Te igitur*) and so it was that over

⁴⁸ Anthony Musson, “Illuminated English Law Books”, in “Dossier: Image et Droit. Les manuscrits juridiques enluminés”, ed. Maria Alessandra Bilotta and Serge Dauchy, special issue, *Clio@Themis* 21 (2021), accessed January 15, 2023, <https://journals.openedition.org/cliothemis/1839>.

⁴⁹ Musson, “Illuminated English Law Books” fig. 3.

⁵⁰ Musson, “Illuminated English Law Books”.

⁵¹ Henri Gilles, “Les livres juratoires des consulats languedociens”, in *Livres et bibliothèques (XIII^e – XV^e siècle)* [*Cahiers de Fanjeaux*, 31] (Toulouse: Privat, 1996), 334-335.

⁴⁷ L’Engle, “The Illumination of Legal Manuscripts”, 266.

time people began to swear by this last image rather than on the text of the Gospels. From this custom the expression “to swear on *Te igitur*” was coined in the documents of Languedoc and for this reason the Customs on which an oath was taken were called *Te igitur* in some cities (Venerque, Montauban, Cahors)⁵². Thus, the image of the *Crucifixion*, which visually narrated the Passion of Christ, was considered as a witness to the divine presence in place of the Gospels and thus miniatures with the image of the *Crucifixion* were inserted in some *livres juratoires* (which also contained the texts of the Gospels) in the territory of Languedoc and on these images an oath was taken. Some *livres juratoires* also included other miniatures depicting religious iconographies taken from evangelical episodes, as in the *Te igitur* of Cahors (Cahors, Archives municipales, Ms. 1), where the *Adoration of the Magi*, the *Crucifixion*, and *Christ in Glory* are depicted (fols 87v-88r, 89v-90r)⁵³. In some examples of *livres juratoires* the *Crucifixion* was replaced with other devotional iconography, as, for example, in the Customs of Agen of the 13th century (Agen, Bibliothèque/Médiathèque, Ms. 42), in which the text of the Gospels is preceded by two full-page miniatures, in which are represented God the Father supporting the crucified Son with his arms, following in part the Trinitarian iconography of the *Throne of Grace* (*Gnadenstuhl*) described above (fol. 7v), and *The Virgin and Child* (fol. 8r)⁵⁴. In one of the seven copies of the Customs of Montpellier, called *Petit Thalamus*⁵⁵, with the oldest urban chronicle of Montpellier, written in Occitan and preserved in the *Bibliothèque nationale* of Paris (ms. fr. 11795) there is yet another religious iconography represented in the historiated initial I (*In nomine domini amen*) of the prayer that precedes the text of the Customs: the offering of the book of Customs to the Virgin with the Child by five citizens of Montpellier, probably the consuls of the city, representatives of the urban community⁵⁶ (fol. 1r, Fig. 12).

Also, in the Italy of the Municipalities, the city registers, the Statutes, include in their illustrations numerous religious iconographic subjects intending to express the sacredness of the urban and municipal citizen power. The saints, named together with God and the Virgin Mary, in the *invocationes* that open the texts of the Statutes, are the protagonists of the illustrations on the frontispieces of these fundamental city documents. In fact, the saints become the symbols of civic identity and



Figure 12. Paris, Bibliothèque nationale de France, Ms. fr. 11795, fol. 1r (©BnF). Source: Bibliothèque nationale de France.

at the same time the guarantors of the correct application of the regulations for the defence and protection of citizenship. The saints thus become, in the statutory iconographic repertoire, the protectors of the urban community and its government⁵⁷. In the Registers of the Guilds, the iconographic repertoire of the city's saints takes on a further meaning: the saints are guarantors of the correct exercise of the professions of the arts and crafts⁵⁸, as it happens, for example, in the Bolognese Register of the Merchants' Guild of 1328, illuminated by the artist called the Master of 1328 for this very manuscript, in the *Museo Civico Medievale* of Bologna (Ms. 633), in which the *Virgin and Child Enthroned* are depicted on the frontispiece that introduces the invocation, in the centre, flanked by St. Peter apostle (which at the same time symbolizes the Church of Rome and protects the city of Bologna) and St. Michael the Archangel⁵⁹ (fol. 1r, Fig. 13).

⁵² Gilles, “Les livres juratoires”, 335-338.

⁵³ Gilles, “Les livres juratoires”, 343, 346, 349, 350 fig. 8; Béatrice Beys, “La Vierge à l’Enfant, réceptrice du livre dans les manuscrits méridionaux (XIII^e – XIV^e siècle)”, in *Culture religieuse méridionale. Les manuscrits et leur contexte artistique*, ed. Michelle Fournié, Daniel Le Blévec and Alison Stones [*Cahiers de Fanjeaux*, 51] (Toulouse: Privat, 2016), 316-319, 318 fig. 3.

⁵⁴ Gilles, “Les livres juratoires”, 346; Beys, “La Vierge à l’Enfant”, 316-317. Images of the Customs of Agen are available online on the Manuscripts Médiévaux d’Aquitaine website: <http://www.manuscripts-medievales.fr/notices-manuscrit/ms0042-livre-des-statuts-et-des-coutumes-de-la-ville-d-agen.aspx> (accessed January 16, 2023).

⁵⁵ On the Customs of Montpellier, consult the website of the Thalamus project, funded by the National Research Agency of the Government of France, which can be consulted at: <http://thalamus.huma-num.fr> (accessed January 17, 2023).

⁵⁶ Beys, “La Vierge à l’Enfant”, 312-315, 313 fig. 2.

⁵⁷ Giulia Orofino, “L’immagine del potere nelle miniature degli Statuti e delle Matricole di età comunale”, in *Medioevo: immagini e ideologie*, ed. Arturo Carlo Quintavalle (Milan: Electa, 2005), 510-518.

⁵⁸ Orofino, “L’immagine del potere”, 513-517.

⁵⁹ Silvia Battistini, “11. Matricola della Società dei Merciai”, in *Giotto e le arti a Bologna al tempo di Bertrando del Poggetto*, ed. Massimo Medica (Milan: Silvana Editoriale, 2005), 136-139. For an extensive discussion of the medieval Guild’s Statutes of the city of Bologna, see Haec Sunt Statuta. *Le corporazioni medioevali nella miniatura*



Figure 13. Bologna, Museo Civico Medievale, Ms. 633, fol. 1r. © Bologna, Musei Civici di Arte Antica. Source: Museo Civico Medievale di Bologna.

5. The Study of Religious Iconography in Law Books beyond the European Territory and the Middle Ages

As shown in these pages, some religious iconographies present in medieval legal manuscripts have been accurately examined and analysed. However, many aspects of these iconographies remain unexplored especially in local illuminated productions and in the production of printed books beyond the medieval period. For these reasons, this monographic issue of the journal *Eikon-Imago* set out to bring together several studies dealing with the examination of religious iconographies in legal manuscripts and printed books, with a broad geographical and diachronic vision: in fact, the contributions collected here show the variety of religious iconographies in different types of legal books from the late-thirteenth-century northern Italy, passing through the Iberian Peninsula (*Siete Partidas* and *Fuero Juzgo*), to continue in Latin America and the Philippines and up to Islamic print production in the 19th century.

Federica Volpera presents the results of a close investigation on the manuscript Clm 14011 preserved in

the Bayerische Staatsbibliothek of Munich, produced in Genoa at the end of the thirteenth century and containing the *Decretals* of Gregory IX, the *Collectio III* of Innocent IV and the *Constitutiones* of Gregory X. Volpera's analysis of the iconography of each miniature reveals how religious themes and details were reused in the illustrations of a legal manuscript.

Heléna Lagreou investigates images of punishment in Book IV of Justinian's *Institutiones* in late-medieval manuscripts from all over western Europe, pointing out how outside Bologna and Italy, and especially in France, the illuminators adopted the image of a hanged man, taking for its model the motif of Judas hanged.

Jorge Prádanos Fernández analyses the presence of religious iconography in the codices of the *Siete Partidas*, a legal work from thirteenth-century Castile, classifying the most popular religious iconographic themes, as well as possible parallels in other late medieval illuminated legal works.

María Arriola Jiménez analyses two unusual iconographies (*The Marriage Blessing of Adam and Eve* and a representation of the *Arbor consanguinitatis*) in a manuscript of *Fuero Juzgo*, preserved in the Biblioteca Nacional in Madrid.

Rosa Alcoy addresses the iconographic theme of "Justice" and "Judgment" in medieval Catalan artistic production.

Based on methods pertaining to Cyrillic and Latin palaeography, ecdoetics, and legal history, Ela Cosma analyses precious documents, discovered in the Church Museum from Rășinari (Romania) in the 18th century Orthodox Bishops' House.

Pilar Mejia Quiroga and Ana Isabel Soler examine the relationships between the legal doctrine on the bonds of consanguinity and affinity, dating back to Roman law alongside the norms of medieval Church, and the debates on the validity of marriage among indigenous peoples converted to the Christian faith by missionaries in the early-modern Spanish colonies of America and Philippines, from the perspective of their different visual representations.

Finally, Sergio Carro Martín presents one Islamic certificate of pilgrimage from the 19th century, a legal document that accredited the fulfilment of the pilgrimage to Mecca through a delegate, preserved in the British Library (ORB.50/11). It contains several illustrations of the main holy places of Islam and a design resembling other copies scattered in European collections. The comparative study of its iconography allows the author to analyse the standardization process of these certificates and their copies before the scroll format was completely discarded.

We are well satisfied that this special issue has brought together texts of such a breadth and thematic variety, which, without claiming to be exhaustive, show the liveliness of studies concerning religious iconography in legal manuscripts and printed books from different territories and cultures, delving into some interesting aspects, shedding light on some still little-explored topics, and opening stimulating avenues of research for scholars to come.

Bolognese, ed. Massimo Medica (Modena: Franco Cosimo Panini Editore, 1999); Paolo Cova, "Nuovi studi sulla miniatura delle matricole e degli statuti delle confraternite medievali bolognesi", *Rivista internazionale di Storia della miniatura* 14 (2010), 81-97.