

GIOVANNA MURANO¹

Firenze

ORCID 0000-0002-2715-147X

THE LIFE AND ICONOGRAPHY OF GRATIAN: A ‘MISE AU POINT’ (PART II)

Życie i ikonografia Gracjana: “mise au point” (II)

Abstract: In the first part of this study, I examined the limited biographical data available on Gratian (...–1145), the author of the canon law collection known as the *Concordia discordantium canonum* or *Decretum*. As we have seen, various sources agree that he was a monk, while some also state that he became Bishop of Chiusi in Tuscany at the end of his life. In this second part, I explore whether these biographical details found expression in iconography, which aspects of his life were emphasized in shaping his image, and the differing choices made by artists in Italy and north of the Alps – particularly in France – in their depictions of the *Decretum*’s author.

Keywords: Gratian; iconography; canon law; manuscripts; Middle Ages

Abstrakt: W pierwszej części tego opracowania przeanalizowałam nieliczne dostępne informacje dotyczące biografii Gracjana (...–1145), autora zbioru prawa kanonicznego znanego jako *Concordia discordantium canonum* lub *Dekret Gracjana*. Jak widać, różne źródła są zgodne co do tego, że był on mnichem, a niektóre podają, że pod koniec życia pełnił funkcję biskupa Chiusi w Toskanii. Badania przeprowadzone w drugiej części wykażą, czy te dane biograficzne znalazły odzwierciedlenie w ikonografii, które informacje przeważały nad innymi w kształtowaniu wizerunku Gracjana oraz jakie różne decyzje podejmowali artyści we Włoszech i poza Alpami, zwłaszcza we Francji, przedstawiając autora *Dekretu*.

Słowa kluczowe: Gracjan, ikonografia, prawo kanoniczne, rękopisy, średniowiecze

The documentary sources available to date, alongside increasingly detailed studies of the *Decretum*’s manuscript tradition and the iconography used to depict its author, now allow us to sketch – albeit in broad outline – a biography of Gratian. In a previous article

¹ Giovanna Murano is a palaeographer and essayist. She has carried out research on medieval and Renaissance manuscripts at numerous European institutions and in the United States, and has participated in international projects. She has been the recipient of prestigious fellowships and is the scientific director of the series *Autographa – Autographs of Learned Italians*. She has published a dozen books and over a hundred articles. Among her books are *Opere diffuse per exemplar e pecia* (Brepols 2005); *La biblioteca arabo-ebraica di Giovanni Pico della Mirandola* (Biblioteca Apostolica Vaticana 2022), and *Florentine Humanistic Manuscripts* (Olschki 2024). E-mail: giovanna.murano@gmail.com.

I provided some information on the life of the author of the *Decretum*.² In particular, I edited and analysed the entry dedicated to him in the *Liber de Viris illustribus* by the Dominican Giovanni Colonna. Other manuscript sources and the preliminary results of my research into Gratian's iconography will be presented in this second part.

Gratian, monk and teacher

Between the last quarter of the thirteenth century and the early decades of the fourteenth, a group of manuscripts produced in Bolognese workshops, began to bear the *subscriptio*: "Explicit Decretum compilatum a Gratiano monacho monasterii sancti Felicis de Bononia."³ Shortly before the *subscriptio* appeared in the manuscripts, the Bologna jurist Odofredus (d. 1265) had written: "dicimus rubricas decretorum non esse autenticas, quia alii fecerunt textum, scilicet sancti patres, alii rubricas, ut magister Gratianus qui stabat ad monasterium sancti Felicis."⁴

In comparison with the subscription, Odofredo adds an especially notable detail: he refers to Gratian as a *magister*, i.e., a teacher. In commenting on Odofredo's gloss, Noonan remarks: "The identification of Gratian with SS. Felice and Nabor is older, made in Bologna by the Roman law teacher Odofredus, sometime before his death in 1265. His source for his statement is unidentified, he speaks of Gratian as a rubricator, and lecturing about a century after Gratian's work, he must be regarded as another retailer of legend."⁵

Noonan's description of Gratian as a "rubricator" was not a slip of the tongue and he reiterated the same a little further on: "The legend was to grow. Odofredus had not described Gratian as a monk of S. Felice or as a monk at all, but referred to him as the one who made rubrics (*sic*) when «he was staying» (*stabat*) at S. Felice."⁶ A lack of familiarity with the *Decretum* is the cause of this gross error.

Odofredus did not confine himself to teaching law but, like Accursius, maintained a particularly prosperous *statio* (workshop) where *pecie* were rented and books were sold.⁷ He was therefore well acquainted with the various activities that were involved in the material production of books. *Rubrica* originally meant "that which is written in red ink." Thus, the *rubricator* was the person who added titles or chapter headings, usually in red ink, in

² *The Life and Iconography of Gratian: a 'mise au point' (part I)*, "Saeculum Christianum", 32/2025, p. 30-42.

³ With some variants, this subscription is to be read in the MSS. Vatican Library, Vat. lat. 1370 at fol. 370vb; Arch. San Pietro A 24 at fol. 342v; Arch. San Pietro A 25 at fol. 324v; Vat. lat. 1371 at fol. 312v; and furthermore in the MSS. Cesena, Bibl. Malatestiana, Piana 3-207; Chartres, Bibl. Municipale, 269; London, British library, Add. 24642; München, BSB, Clm 23552; Praha, Národní knihovna České Republiky, Teplá MS E 59 (olim Teplá 18); St. Paul in Lavanttal, Stiftsbibliothek, 25/2 (olim 25-1-1); Venezia, Biblioteca Marciana, Lat. Z 174 and Wien, ÖNB, 2060* at fol. 320r, see F.P.W. Soetermeer, *A propos d'une famille de copistes. Quelques remarques sur la librairie à Bologne aux XIII^e et XIV^e siècles*, "Studi Medievali," ser. III, 30/1989, p. 426 note 5. The study has been reprinted in F. Soetermeer, *Livres et Juristes au Moyen Âge*, Goldbach 1999, n. VI. I will return to Gratian's iconography in some of these witnesses shortly.

⁴ *Odofredi iuris utriusque peritissimi in secundam Digesti Veteris partem Praelectiones...*, Lugduni [Compagnie des Libraires de Lyon] 1552, fol. 2vb, n. 5 ad D. 1.12.1.

⁵ J.T. Noonan, *Gratian Slept Here: The Changing Identity of the Father of the Systematic Study of Canon Law*, "Traditio", 35/1979, p. 148.

⁶ *Ibidem*.

⁷ F. Soetermeer, *Utrumque ius in peciis. Aspetti della produzione libraria a Bologna tra Due e Trecento*, Milano 1997, p. 73-76; G. Murano, *Copisti a Bologna (1265-1270)*, Turnhout 2006, ad ind.

the spaces deliberately left blank by the copyists. In some cases, Bolognese contracts show that copyists undertook to write a work with *minora et rubricas*, i.e., in addition to the text, they would add small initials at the beginning of chapters and transcribe titles in red.⁸ The *rubricator* was thus a bookmaker, an intermediate figure between the copyist and the illuminator.

Odofredus gloss, however, does not refer to a bookmaker, but to the act of composing the *Decretum* itself. In fact, he writes: “we say that the rubrics of the *Decretum* are not authentic, since some wrote the ‘textus’, that is, the holy Fathers, and others wrote the rubrics, such as Magister Gratian, who was in the monastery of Saint Felix.”

Gratian not only juxtaposed over four thousand different texts (*auctoritates*), but often accompanied them with short commentaries, known from the outset as *dicta Gratiani*.⁹ While the *textus* derives from the Church Fathers (as well as the Canons of the Apostles, Councils and Decretals), in the *dicta*, Gratian introduces, explains and comments on the canons. Odofredus’ observations were confirmed by Charles Munier’s studies in his thesis on patristic sources in canon law. Indeed, Abbot Munier calculated that Gratian attributed up to 1,200 chapters to the Church Fathers, of which 1,022 were authentic.¹⁰

The texts of Gratian’s compilation (*auctoritates* and *dicta*) are usually preceded by a short summary, known as *rubrica*, so called because it is written in red.¹¹ Odofredus’ gloss refers to these *rubricae*, which he considers, along with the *dicta*, to be the work of Gratian and he explicitly opposes those who attribute them to another author. In essence, Odofredus calls Gratian *magister* (teacher), not *rubricator*, and the rubrics in question are the concise red-ink summaries that introduce the canonical texts cited by Gratian. As Jacqueline Rambaud has noted, these summaries are directly inspired by the *dicta* that immediately precede them.¹²

The verb *stabat* indicates that Gratian composed both the *dicta* and the *rubricae* during his stay at the Bolognese monastery of Saints Felix and Nabor. The notion of Gratian’s teaching activity in Bologna has been supported by several scholars. However, Noonan’s remarks – misinterpreting Gratian’s role – ought to have been challenged and clarified through further study of Odofredus’ gloss. Unfortunately, no such rebuttal has been produced, and Noonan continues to be regarded as the authoritative biographer of Gratian, even in recent scholarship.¹³

A bull issued by Pope Paschal II to Camaldoli on 4 November 1113 lists the monasteries and other dependencies attached to the Camaldolese Order at that time. Among those located

⁸ F. Soetermeer, *Un problème quotidien de la librairie à Bologne: ‘minora’ manquants*, in: *Excerptiones iuris: Studies in Honor of André Gouron*, ed. B. Durand, L. Mayali, Berkeley 2000, p. 693-716.

⁹ J. Rambaud, *Le legs de l’ancien droit: Gratien*, in: *L’âge classique 1140-1378: sources et théorie du droit*, ed. G. Le Bras, Ch. Lefebvre, J. Rambaud, Paris 1965, “Histoire du droit et des Institutions de l’Eglise en Occident,” 7, p. 64-66.

¹⁰ C. Munier, *Le sources patristiques du droit de l’Eglise du VIII^e au XIII^e siècle*, Mulhouse 1957, p. 126-127. On the sources of the *Decretum* see also: *Histoire du Droit et des institutions canoniques de l’Eglise en Occident*, VII: *L’âge classique (1140-1378). Sources et théorie du droit*, ed. G. Le Bras, Ch. Lefebvre, J. Rambaud, Paris 1965, part. ‘Le legs de l’ancien droit: Gratien’, p. 51-77; P. Landau, *Patristische Texte in den beiden Rezensionen des Decretum Gratiani*, “Bulletin of Medieval Canon Law,” 23/1999, p. 77-84.

¹¹ J. Rambaud, *Le legs*, p. 69-74.

¹² Ibidem, p. 72.

¹³ See J. Fronska, *The Images of Gratian: The Author’s Portrait and Historical Evidence*, in: *Tribute to Elly Miller Opening Manuscripts*, ed. S. Panayotova, L. Freeman Sandler, T. Miller Wand, London–Turnhout 2024, p. 123 note 1. Noonan examined many scattered sources on Gratian and concluded that they were legends or hearsay. Given these premises, his study cannot be helpful to a research that aims to recover Gratian’s iconographic image.

in Bologna are Sant'Angelo of Castel Britti and *San Felice*. According to Cacciamani, "That this monastery must necessarily be identified with the urban monastery of St Felice is proven by the fact that neither in that year nor later did the city of Bologna and its territory have another monastery dedicated to the Milanese martyrs saints Nabor and Felix, or simply to St Felice."¹⁴ According to the same scholar, the monastery ceased to belong to the Camaldolese Order in 1187-1198.¹⁵ Unfortunately, there remains a significant lack of in-depth research into this monastery, which today lies in a state of disrepair.

From its inception, the Camaldolese Order followed the Rule of St Benedict and preserved the traditions common to Benedictine monastic communities. By the time Odofredo wrote his gloss, the monastery of Saint Felix and Nabor had long ceased to be Camaldolese. Nevertheless, the memory of its Benedictine identity endured. This is reflected in the visual representation of Gratian: artists typically portrayed him in a black monastic habit, consistent with the Benedictine tradition – albeit with a few notable exceptions.

The iconography of Gratian

The *Decretum* manuscript, held in the Admont Abbey Library (Stiftsbibliothek, Cod. 35) can be dated between the final decades of the twelfth century and the early decades of the thirteenth. It opens with the *Introductio: In prima parte agitur*, and was decorated in Austria, probably in the same Benedictine monastery where it is still preserved today.¹⁶ The initial letter H(*umanum genus*),¹⁷ which begins the *Decretum*, has been elaborately designed to resemble a building. Two columns replace the vertical stems, from which vine scrolls twine; the horizontal crossbar is transformed into an architrave. Together, these elements form a stylized temple, symbolizing the Catholic Church. Positioned outside the left column is a monk, shown in profile and grasping the architectural stem with both hands. Dressed in a blue robe with a large hood, his head is encircled by a golden nimbus. His grip is steady, as if supporting the entire structure (fig. 1).

After describing the H-initial, Paul Buberl commented: "Der Dargestellte ist wohl Gratian" (The person depicted is probably Gratian).¹⁸ However, this insight was never pursued further. In his description of Austrian manuscripts of the *Decretum*, Fritz Eheim also notes the presence of the monk outside the letter H but makes no attempt at identification.¹⁹ I have drawn attention to this initial on two separate occasions, presenting analyses of the *Decretum*'s incipit iconography and the broader iconographic tradition surrounding Gratian.²⁰ The initial was mentioned more recently by Joanna Fronska, who appears to rely solely

¹⁴ G.M. Cacciamani, *Appunti di storia camaldolese sul monastero dei santi Nabore e Felice di Bologna*, "Culta Bononia," 2/1970, p. 13.

¹⁵ Ibidem, p. 20.

¹⁶ Some initials are reproduced in the HMML online microfilm collection.

¹⁷ The letter can be written in upper case (H) or lower case (h). I have distinguished between the two forms.

¹⁸ P. Buberl, *Beschreibendes Verzeichnis der illuminierte Handschriften in Oesterreich*, IV: *Die illuminierten Handschriften in Steiermark*, I, Leipzig 1911, p. 86-87.

¹⁹ F. Eheim, *Die Handschriften des Decretum Gratiani in Österreich*, "Studia Gratiana," 7/1959, p. 130-31.

²⁰ G. Murano, *Graziano, monaco benedettino, magister e vescovo di Chiusi. Le testimonianze iconografiche*, "Studia Gratiana. Collectanea Historiae Iuris Canonici." "Gratianus magister decretorum. Il *Decretum* tra storia, attualità e prospettive di universalità", ed. M. Sodi, F. Reali, Città del Vaticano 2020, p. 117 and fig. 8; eadem, *Il Decretum in Europa nel secolo XII*, in: *Medieval Europe in Motion 3. The Circulation of Jurists, Legal Manuscripts*

on Eheim's account, with no additional bibliography. She describes the Admont initial as "an isolated creation," but does not explore the subject further or consider its implications in relation to Gratian's iconography.²¹

A monk also appears in the H-initial of the *Decretum* Troyes, Bibliothèque Municipale, MS 60.²² Like the Admont manuscript, the Troyes *Decretum* opens with the *Introductio: In prima parte agitur* and features vivid marginal decoration populated by human and animal figures in goliardic and extravagant poses, reminiscent of those in Reg. Vat. 4 of the Archivio Segreto Vaticano. Notably, the *Decretum* does not begin on a new folio, but continues on the same that concludes the *Introductio* (fol. 7ra). In this manuscript, the vertical stems of the letter H are replaced by figures of the pope and the emperor. Beneath the richly ornamented horizontal stroke – at the pope's feet – appears a black-robed monk reading an open book. Opposite him, at the emperor's feet, stands an armed man wielding a raised axe (fig. 2). On the Biblis-sima portal, these two smaller figures are identified generically as a "cleric" and a "layman." However, it is difficult to accept that the miniaturist would have chosen an armed executioner to represent the laity and a learned monk to symbolize the clergy. Typically, laypeople and religious figures in manuscript illumination are depicted anonymously, without such pointed iconographic features.²³ The precision of the representation in this case suggests that the artist intended not to symbolize general categories, but rather to depict specific individuals. According to Alfons M. Stickler, the man at the emperor's feet represents a hangman, his axe serving as a symbol of *merum imperium*, or power over life and death.²⁴ Stickler, however, does not offer any interpretation of the second figure, which I believe is intended to represent Gratian himself. I reported on the Troyes H-initial at a symposium held in Chiusi in 2018, the proceedings of which were published in 2020.²⁵ I also provided a detailed description of the manuscript in the recent catalogue of the Clairvaux Library, to which Joanna Fronska also contributed. Yet in her study of portraits of Gratian, there is no mention of the Troyes initial, nor any exploration of its potential significance.

The text of MS Melk, Stiftsbibliothek, 261 was written towards the end of the twelfth century, but was subsequently supplemented with the *Glossa ordinaria*, copied from a university *exemplar*.²⁶ Beneath an arch supported by slender columns, three figures are depicted; at the centre is a tonsured monk, kneeling with face and hands raised in supplication toward St Peter (fig. 3). Rather than focusing on the theme of the Law or the Two powers, the artist sought to emphasize the author of the *Decretum* by placing him at the centre of the scene. The monk wears a white habit, the colour associated with the Camaldolese Order.

and Artistic, *Cultural and Legal Practices in Medieval Europe (13th-15th centuries)*, ed. M.A. Bilotta, Palermo 2021, p. 306.

²¹ J. Fronska, *Images of Gratian*, p. 115, 116, 122.

²² Most French libraries have changed their names in recent decades. In his study, I will use the name by which the manuscripts are known in the bibliography, generally the Bibliothèque Municipale.

²³ See Bratislava, Státny slovenský ústredný archív, 14 (Jur. 46); Graz, Universitätsbibliothek, 69, fol. 10r; Florence, Biblioteca Laurenziana, Edili 96; Siena, Biblioteca Comunale degli Intronati, G.V. 23, fol. 8; Vercelli, Biblioteca Capitolare, XXV, fol. 13r, to name but a few.

²⁴ A.M. Stickler, *Ursprung und gegenseitiges Verhältnis der beiden Gewalten nach den Miniaturen des Gratianischen Dekrets*, "Studia Gratiana," 20/1976, p. 355.

²⁵ G. Murano, *Le testimonianze iconografiche*, p. 117-118 and fig. 9.

²⁶ G. Murano, *Manoscritti prodotti per exemplar e pecia conservati nelle biblioteche austriache*, Wien 2003, p. 109-110.

The incipit initials of Troyes 60 and Melk 261 are both reproduced in the *Corpus of Miniatures in the Manuscripts of the Decretum Gratiani*.²⁷ According to Fronska “the iconographic representations of the father of canon law are absent from Antony Melnikas,”²⁸ but this assertion is incorrect. The *Corpus* includes dozens of images of the *Decretum*’s author. Melnikas failed to identify them as such, and it appears that subsequent scholars consulting his work also overlooked these representations. Alfons M. Stickler contributed a pioneering study on the origins of the iconography of the Two Powers in the H-initials of the *Decretum*. However, he does not address the figure of the black-robed monk present in some versions – such as in the Troyes manuscript.²⁹

The Admont manuscript is populated with blue-robed monks, likely a stylistic choice made by the illuminator. Nevertheless, in the face of such a striking incipit initial, I found myself asking the same question as Buberl: does the monk represent Gratian? In the Troyes manuscript, the monk’s habit is black, the colour traditionally associated with the Benedictine Order. Again, one must ask whether the figure represents merely a generic monk or the author of the *Decretum*. On the other hand, since the *Decretum* was addressed not only to religious audiences but also to the laity, how are we to interpret the consistent presence of a monk in the opening initial? Answering this question required reconstructing Gratian’s biography as far as the extant documents allow simultaneously, examining other incipit initials in *Decretum* manuscripts in search of further possible representations of the author.

The Leipzig, University Library, Rep. II 9b (Naumann CCXLIII) is a little-known manuscript of the *Decretum*.³⁰ At the end of the *Distinctiones* (fol. 87v), a man is depicted wearing a blue robe and headdress. He is seated at a desk, beside a round table, with several books scattered around him. The figure is shown collating the text of two open volumes containing *Decreta*. The illuminator was likely instructed to portray the patron, and the inscription *magister*, later expanded in a different hand with *et doctor decretorum*, makes the subject of the miniature even more explicit to the viewer. The decoration, executed by various artists, belongs to the Bolognese school. At the beginning of the *Decretum*, a monk is depicted at the feet of the pope and a jurist at the feet of the sovereign. Below, in the letter “h,” appears a jurist wearing a red robe and headdress.

In legal manuscripts, authors are frequently depicted writing, presenting their work (often to the pope in the context of canon law), or teaching. However, such iconographic conventions are rare in the case of Gratian, likely due to the limited knowledge of his life. The fact that he was a teacher had not been widely disseminated, and few knew that he had once been elected bishop. Consequently, many illuminators chose to portray Gratian in the only known capacity: that of a monk.

The monk’s posture occasionally mirrors that of typical author iconographic representation. The text of the Vat. lat. 1369 was written by a late twelfth-century hand while the glosses

²⁷ A. Melnikas, *The Corpus of Miniatures in the Manuscripts of Decretum Gratiani*, I-III, Città del Vaticano 1975, “Studia Gratiana,” XVI-XVIII, henceforth referred to as *Census*.

²⁸ J. Fronska, *Images of Gratian*, p. 108.

²⁹ A.M. Stickler, *Ursprung*.

³⁰ A digital copy is available on the Handschriftenportal. It has been recorded by S. Kuttner, *Repertorium der Kanonistik (1140-1234). Prodromus corporis glossarum I*, Città del Vaticano 1937, “Studi e testi,” 71, p. 105 under the shelf mark ‘243’.

were added by various scribes in the thirteenth century.³¹ The manuscript includes space for illuminated initials, and at the beginning of the text, a small miniature – probably executed in Bologna – depicts a black-robed monk. In the upper half of the initial “h” appears the pope, while the lower half contains Adam and Eve as the representatives of the human race (*humanum genus*). In front of the pope, kneeling on a kind of grey cushion, the black monk presents his work. Part of the monk’s legs and feet protrude from the miniature. In his 1928 study of the Bolognese manuscripts of the *Decretum* preserved in the Vatican Library, Félix Olivier-Martin identified this monk as Gratian.³²

A similar image appears in Vatican manuscript Archivio S. Pietro A. 26, copied by Guillelmus Burgundi in 1292.³³ A black-robed monk is shown kneeling and offering a book to the pope. According to Boncompagno da Signa, Gratian presented his work to the pope, and this Bolognese source may have influenced the iconographic choices of the artist.

A black-robed monk also appears in Douai 586, an early thirteenth-century manuscript (fig. 4).³⁴ The first layer of gloss contains material from Johannes Faventinus. The second includes the *Glossa ordinaria* of Johannes Teutonicus.³⁵ In light of its textual content, the dating proposed by the Biblissima portal (1325-1355) is inaccurate. Douai 586 is among the witnesses of the *Decretum* that were copied in Italy and later transported north of the Alps. The text is written in a transitional minuscule that blends features of both *carolina* and *textualis*. The preposition *con* appears both in full and in abbreviated form; the diphthong *ae* is not written with *e* with cedilla; the letter *y* is dotted. Ruling is done in dry point. The layout lacks the added intercolumnar ruling line characteristic of transalpine production. The ink is dark brown. Several decades after the manuscript was copied, some initials were added in France in spaces left blank by the original scribe.

On fol. 1r in the upper half of the “h,” Christ Pantocrator is depicted blessing with his left hand and holding the globe of power with his right. In the lower half, a black-robed monk sits in a chair, preparing to write at a portable desk. The absence of a second book – typically the model text – indicates that the man is not copying and, therefore, is not a scribe (whose posture is quite different in medieval iconography), but the author.

In thirteenth- and fourteenth-century French manuscripts, especially those from Paris, the incipit initial of the *Decretum* is not rendered as the letter H, but rather as a framed miniature, typically depicting the emperor dictating the law. Gratian appears as a scribe-monk, since the image of a monk alone might not have sufficed to identify him. The iconography of the scribe reproduces the posture of the notary or secretary writing on a piece of parchment resting on his thigh. He is shown either squatting (at the feet of the dictator) or sitting, holding a quill and a scraper, the tools of his trade. This visual tradition originated during the decline of the Roman Empire, when notaries acted as secretaries to the emperor. Stripped

³¹ A digital copy is available at https://digi.vatlib.it/view/MSS_Vat.lat.1369.

³² F. Olivier-Martin, *Manuscripts bolonais du décret de Gratian conservés à la bibliothèque Vaticane*, “Mélanges d’archéologie et d’histoire,” 45/1928, p. 220 e fig. 1.

³³ A digital copy of the manuscripts is available at https://digi.vatlib.it/view/MSS_Arch.Cap.S.Pietro.A.26/0007.

³⁴ G. Murano, *Graziano e il Decretum nel secolo XII*, “Rivista Internazionale di Diritto Comune,” 26/2015, p. 82; eadem, *Il Decretum in Europa*, p. 305-6; eadem, *Le testimonianze iconografiche*, p. 115-16 and fig. 7; J. Fronska, *Images of Gratian*, p. 118 and fig. 6.

³⁵ R. Weigand, *Die Glossen zum Dekret Gratians. Studien zu den frühen Glossen und Glossenkompositionen*, Roma 1991, “Studia Gratiana,” XXV-XXVI, pp. 726-27.

of his civilian clothes and wearing a black robe with a prominent tonsure, the scribe-monk is dwarfed by the figure of the emperor who is sometimes depicted wielding a sword.

The iconography of the *Emperor dictating the law to a scribe-monk* does not represent the incipit of the *Decretum* itself but instead introduces a legislative theme that is both different and opposite to that of the *Decretum*. Historically, the notaries or secretaries who first recorded imperial laws were slaves – hence the kneeling posture – and never belonged to religious orders, even during the period of the *Decretum* was disseminated. The presence of a monk in this legal context constitutes a historical fabrication yet one that was extraordinarily successful in France. This iconographic scheme can be found in the manuscripts Amiens 353 (*Census*, I, Fig. 52); Arras 263 (CGM 921), and 791 (CGM 444),³⁶ Berlin, SPK, Ham. 279,³⁷ Bremen, Sb, msa 150 (fig. 5),³⁸ Bruxelles, Bibl. Royale 5668 (*Census*, I, Fig. 54); Copenhagen, Royal Library, Thott 160 2°, fol. 32; Dijon 341; Dublin, Chester Beatty Library, W 66; London Royal 10.D.VIII; München, BSB, Clm 28159,³⁹ München, UB, 2° Cod. ms. 289; Olomouc, Statni archiv, C.O.39 (*Census*, I, Fig. 56); Paris, BnF, lat. 3898 (*Census*, I, Pl. XI); Tour, Bibl. Municipale, 558; Tournai, Bibliothèque du Séminaire, BE 6; Vat. lat. 2491,⁴⁰ and Christie's sales 6 Jul 2011 (*olim* Toulouse, Private collection).⁴¹ Also, St Florian, Stiftsbibliothek, III. 2 is of French origin. The first miniature, in the lower right-hand corner, features a very young, black-robed monk in the typical posture of a copyist: crouching with a scroll on his knees and a quill in his hands (*Census*, I, Fig. 46). In the Paris lat. 3898, the act of dictation is made even explicit by the monk's gaze turned towards the royal figure above him and by his raised hand with a pen, ready to receive the text of the law. In contrast, in Cambrai 605, the figure the monk looks toward is not a king but a monstrous face.

In manuscripts where the spaces for the initials were left blank, a illuminations of Gratian were added later as in Douai 586 and in Vat. lat. 1370. The latter, written in Bologna by Pietro Piçinino and other scribes, bears the *subscriptio* referring to the monk Gratian and the monastery of Saints Felix and Nabor.⁴² The decoration may be French or possibly English. In the lower right corner, a man appears with a scroll on his knee and a quill in his hand. While his posture is that of a notary, his habit and tonsure indicate the artist intended to represent the author of the *Decretum*. The blue colour of his robe is likely a stylistic choice and does not reflect the actual order to which Gratian belonged – probably unknown to the artist. On the left, the emperor is shown pointing with an extended finger at the monk seated at his feet.

Some artists, however, departed from this model while retaining its basic structure. The French artist who decorated Autun S 99 (80) made a significant change by replacing the emperor with the pope while retaining a scribe-monk at the centre of the scene.

³⁶ A digital copy of the manuscripts is available at <https://arca.irht.cnrs.fr/iiif/117674/canvas/canvas-2883443/view>.

³⁷ A digital copy of the manuscripts is available at https://digital.staatsbibliothek-berlin.de/werkansicht?PPN=PPN87011381X&PHYSID=PHYS_0007&DMDID=DMDLOG_0001.

³⁸ <https://brema.suub.uni-bremen.de/urn/urn:nbn:de:gbv:46:1-117054>.

³⁹ <https://www.digitale-sammlungen.de/de/view/bsb00105896?page=4,5>.

⁴⁰ A digital copy of the manuscripts is available at https://digi.vatlib.it/view/MSS_Vat.lat.2491.

⁴¹ A. Melnikas, *Census*, I, Fig. 58.

⁴² See fol. 136rb: *hic finitur jacob*///; fol. 284ra: *huc usque scripsit cominus*. Pietro Piçinino, who signs at the end of the text, appears as a witness in the statio of Sullimanus in 1286. A digital copy of the manuscripts is available at https://digi.vatlib.it/view/MSS_Vat.lat.1370.

The emperor was also replaced by the pope by the artist of Cambrai 623 and in the Ross. 307 of the Vatican Library.⁴³

From the mid-thirteenth century, Bolognese artists increasingly focused on the incipit *Humanum genus duobus regitur...* and its interpretations, while depictions of the author of the *Decretum* receded into the background. As Rose Schilling noted in her 1963 study, in the Italian manuscripts of the *Decretum* the portrait of Gratian is placed in the letter “h,” beneath the initial miniature or the frontispiece.⁴⁴

The sumptuous decoration, featuring five large miniatures introducing the four sections of the text, of the MS Genève, Bibliothèque publique et universitaire, lat. 60, has been attributed to the “Master of 1346” and the Illustrator.⁴⁵ The first frontispiece (D.1) illustrates the divine origin of the two laws. Below, in the letter “h,” a black-robed monk is shown to read from a book, inspired or protected by an angel. In the second frontispiece (fol. 2r), the pope and the emperor are seated on a shared throne, proclaiming canonical and civil law to the clergy and jurists, respectively. A monk kneels at the feet of the clergy. At the centre, a scribe (notary) sits with quill and scraper.

In Cesena, Biblioteca Malatestiana, S.II.1 and in Madrid, Biblioteca Nacional, Res. 198, both illuminated by the same artist, Gratian is depicted as a black-robed monk within the letter “h,” below a magnificent frontispiece illustrating the pope and emperor receiving their insignia from Christ. In the Spanish manuscript, a winged angel watches over his work. In the Urb. lat. 161, the monk is shown writing at his desk, holding a quill and a scraper.⁴⁶ The scraper in the left hand also appears in München, BSB, Clm 23552 (*Census*, I, Pl. XVI). In the ms. Toledo, Biblioteca Capitulare, 4.2, the image of Gratian has been inserted in letter “h,” below the frontispiece showing the division of jurisdiction.⁴⁷ The same artist of the Toledo manuscript, the “Master of the Bible Lat. 18,” illuminated the *Decretum* Reims 677, which belonged to the Cathedral chapter.

The *Decretum* Jena, Universitätsbibliothek, El. fol. 51c is known to have been decorated by Niccolò di Giacomo, who signed it in capital letters at the bottom centre of the two-column frontispiece.⁴⁸ Niccolò portrayed Gratian in a monastic habit with a tonsure, his face marked by age. The monk is bent over a lectern, intent on writing and holds both a pen and a scraper. The black habit confirms his status as a religious and his belonging to a monastic order.

The frontispiece of Cambridge, Fitzwilliam Museum, MS 183 shows Jesus seated on a podium disputing with the Doctors of the Temple. The miniature does not represent the incipit of the *Decretum*: its function is to embellish the object, the book, not to illustrate its content. Nevertheless, the artist did not omit Gratian. The image of a black monk is included in the letter “h,” below the large frontispiece. Similarly, in the Vatican Library, Pal. lat. 623

⁴³ A digital copy of the manuscripts is available at https://digi.vatlib.it/view/MSS_Ross.307.

⁴⁴ R. Schilling, *The Decretum Gratiani formerly in the C.W. Dyson Perrins Collection*, “Journal of the British Archaeological Association,” 26/1963, p. 3.

⁴⁵ A digital copy of the manuscripts is available at <https://www.e-codices.unifr.ch/it/searchresult/list/one/bge/lat0060>.

⁴⁶ A digital copy of the manuscripts is available at https://digi.vatlib.it/view/MSS_Urb.lat.161.

⁴⁷ Duecento. *Forme e colori del Medioevo a Bologna*, ed. M. Medica, Venezia 2000, p. 344-346, with the correct identification of Gratian in the initial.

⁴⁸ A digital copy of the manuscripts is available at https://collections.thulb.uni-jena.de/rsc/viewer/HisBest_derivate_00004312/BE_0951_0003.tif.

Gratian is depicted in the letter “h” as a black-robed monk holding a scroll.⁴⁹ In the Ottob. lat. 119, the initial depicts Christ enthroned, surrounded by clergy and laity, above the pope and the sovereign, both kneeling. In the initial “h,” a tonsured monk is depicted with a disproportionately large red arm.

The incipit page of the Frankfurt, Stadtbibl., Barth. 7 features three different monks.⁵⁰ The first, inside the letter “h,” is absorbed in writing; the second, outside the letter “h,” holds a closed book under his arm; finally, the third is depicted in the letter “O”(nmes). According to Fronska, “Gratian at work fills the loop of a lower case « h, » while another monk assists him in the margin.”⁵¹ However, this explanation is based on a rather superficial analysis and does not take into account several important details of the illustration. First, the monk’s robes differs in colour suggesting that the artist’s intention was to depict members of different monastic orders. The figure inside the letter “h” wears black, the one outside wears brown, and the third wears blue. Second, their postures indicate no direct relationship among them. The monk outside the letter “h” cannot represent Gratian’s “assistant” – whatever the term might imply. An “assistant” may be depicted kneeling, with a scroll in hand, intent on writing, but not with a closed book under his arm, a gesture more typical of an author. Nor can this figure plausibly represent a student.

A possible explanation for this image should be sought in the history of the *Decretum*. According to Boncompagno da Signa, Gratian’s compilation was approved by the Roman Church.⁵² However, no other documents confirm Boncompagno’s claim. As noted in the previous study, Giovanni Colonna devoted a large part of his entry on Gratian to the “presentation” of the *Decretum* to the pontiff.⁵³ According to Colonna Gratian – being a poor monk – was not able to present his work to the pope in person. A *magnus prelatius* offered to do so on his behalf but then claimed authorship of the work. Upon learning this, Gratian arranged for someone else to introduce him to the pope deeming it unjust that others should take credit for labour. Colonna wrote this account around 1330, but the narrative may be older and transmitted orally, which could explain the discrepancies between Colonna’s version and that of the Frankfurt artist.

The Frankfurt Barth. 7 dates from around 1290 and it is of Bolognese university origin, as evidenced by the numerous pecia marks in the margins.⁵⁴ Given its academic context in which it was written and illuminated and probable patronage by a university professor, it is possible that there is a narrative behind this unusual depiction. While Colonna mentions a *magnus prelatius*, the Frankfurt manuscript instead depicts a monk, imagined as a “colleague” of Gratian.

⁴⁹ A digital copy of the manuscripts is available at https://digi.vatlib.it/view/MSS_Pal.lat.623.

⁵⁰ A digital copy of the manuscripts is available at <https://sammlungen.ub.uni-frankfurt.de/msma/content/titleinfo/4377355>.

⁵¹ J. Fronska, *Images of Gratian*, p. 116.

⁵² Boncompagni *Rhetorica Novissima*, ed. A. Gaudenzi, in *Scripta Anecdota Glossatorum*, II, Bononiae 1892, p. 253.

⁵³ G. Murano, *The Life and Iconography (Part I)*, p. 38.

⁵⁴ The text is divided into 30 + 54 + 19 *peciae*; the apparatus into 32 + 29 *peciae*. The manuscript was in use in a school as evidenced by the notes: “.xxx. .xxx et xxxi .d. extraordinarie legunt” (fol. 23r, mg. inf.); “.xii. est extraordinaria” (fol. 38v); “.extraordinarie legitur per dominum Pinum” (fol. 209v); “.et xxiii ca. usque ad xxviii legitur extraordinarie” (fol. 210r).

Frankfurt Barth. 7 is not the only manuscript with such ambiguous decoration. In the *Decretum* Avignon 659 the first miniature shows two scenes of book presentation. In the first, there are two different figures before the pope, both dressed in black. One holds a book whereas the other stands with his arms crossed. The latter's gesture is not one of humility (which would be with open palms on the chest) but one of defensiveness or even hostility. Even today, crossing one's arms before an interlocutor is often considered impolite or confrontational. Avignon 659 was written in Italy but decorated in France, probably in Avignon itself, a city well-informed about what happened to Gratian's work.

In the Arras 470 (577), written by Iohannes Petrus Compostellanus and decorated in France, the author of the *Decretum* is shown presenting his book to the pope. He wears a headdress that identifies him as a bishop. The manuscript belonged to the famous Benedictine abbey of Saint Vaast.⁵⁵ The Paris, Bibl. Mazarine 1290 shows the presentation in two scenes: on the left the book is offered to the pope, on the right to the emperor. In both scenes, the figure offering the book is a cleric, not a monk. The Wien, ÖNB 2060* was made in Bologna, with *peciae* from the *statio* of Reginaldus Rıcardi of Ibernıa.⁵⁶ Inside of the letter "h" appears a black-robed monk engrossed in writing, while the lower right margin of the page features an elaborate book presentation scene.⁵⁷ This image, too, may reflect the "story" told by Giovanni Colonna. In Vat. lat. 1366, a black-robed monk is depicted in the letter "h" pointing upward with his finger. Outside the letter, a prelate with his head bowed holds a closed book.⁵⁸ In this miniature, Gratian does not write, read, or teach; rather he seems to invoke divine help – for the wrongs he has suffered?

Conclusion

The documentary sources uncovered so far, alongside increasingly detailed study of the *Decretum*'s manuscript tradition and the iconography of its author, now allow us to trace, albeit in broad outline, a biography of Gratian. I summarize it briefly below.

Gratian was born in a small village called La Carraia, near Ficulle, in the state of Orvieto. The absence of a surname suggests that he was of a humble origin. Ficulle lies not far from Chiusi, a more prominent comital city – likely the source of the persistent claim found in Martin Polonus and later authors that he was born in Chiusi. The Orvieto origin, recorded by Giovanni Colonna, had already been mentioned by Boncompagno da Signa in his *Rethorica novissima* (1235). Near Ficulle stood the abbey of St. Nicolò del Montorvietano, a fortress-like monastery whose foundation or reform by Saint Romuald remains uncertain. It was likely in this abbey that Gratian became a monk.

After studying in France (one chronicle records that he was a fellow student of Rolando Bandinelli, the future Pope Alexander III), he moved to Bologna, to the monastery of Saints Felix and Nabor, which then belonged to the Camaldolese Order. The composition of the *Decretum* began shortly after the Concordat of Worms (around 1125), though opinions differ as to the latest canons of the two Lateran Councils (the second of which was held from

⁵⁵ Unfortunately, the manuscript has suffered the loss of almost all its illuminated initials. A digital copy of the ms is available at <https://arca.irht.cnrs.fr/iiif/32582/canvas/canvas-2884479/view>.

⁵⁶ G. Murano, *Manoscritti prodotti per exemplar e pecia*, p. 141.

⁵⁷ A. Melnikas, *Census*, I, Fig. 39.

⁵⁸ https://digi.vatlib.it/view/MSS_Vat.lat.1366.

4 to 11 April 1139). The episode described by Giovanni Colonna, in which the *Decretum* was presented to the Pope by a *magnus prelatus* who attempted to claim authorship, may have occurred between 1140/41 and 1143. In fact, Colonna writes that Gratian was a monk and poor at the time.

In 1143 Gratian was in Venice, where a document records his presence at a trial against the bishop of Treviso. From that year until 10 August 1145, Gratian served as bishop of Chiusi. Twelfth-century sources confirm this, including a gloss (or *Introductio*). The original version of this text dates from the time when the short, two-part version of the *Decretum* was still in circulation and is also attested in non-French manuscripts, such as the Montecassino 64, probably made in Rome. Giovanni Colonna also mentions Gratian's election as bishop of Chiusi in his brief biography. The record of his death on 10 August appears in an obituary preserved in Siena, edited by Lisini in 1931, though it omits the year. However, a document dated 5 May 1146 identifies Martin, bishop of Chiusi, indicating that Gratian died in 1145.

Iconography provides further insights. In the initial H(*umanum*) that opens the *Decretum* Saint-Omer 453, Gratian is portrayed seated on a bench, teaching in a school. He wears a large, richly decorated bishop's mitre. The manuscript was made during the abbacy of Godescalc (1163-1176) for the Benedictine abbey of Saint-Bertin and the illustration is attributed to Maître du Zacharie de Besançon. The image of Gratian appears in other manuscripts, typically wearing a black habit and a tonsure. The earliest images date from the twelfth century, while by the mid-thirteenth century we find his image in both French manuscripts (in the guise of a monk-scribe at the emperor's feet) and Bolognese ones. In the latter, Gratian is represented within the letter "h," below the vignette or frontispiece illustrating the *Decretum's* incipit. Although some scholars have noted these images, Gratian's isolated position – distances from the main scene, just as he likely was in life – has kept his figure largely unnoticed until now.



Fig. 1. A monk (Gratian) holds the Catholic Church represented by the letter 'H' (*Humanum* genus) that opens the *Decretum*. Admont, Stiftsbibliothek, Cod. 35, fol. 12r (detail)



Fig. 2. A black monk (Gratian) and a hangman stand at the feet of the Pope and the Emperor, respectively. Troyes, Bibliothèque Municipale, Ms 60, fol. 7r (detail)



Fig. 3. A kneeling and tonsured monk (Gratian) is at the centre of the scene, facing St Peter. Melk, Stiftsbibliothek, Cod. 261, fol. 1r



Fig. 4. A black-robed monk (Gratian) is writing his work below the image of Christ Pantocrator. Douai, Bibliothèque Municipale, 586, fol. 1r (detail)



Fig. 5. Emperor dictating the law to a scribe-monk (Gratian). Bremen, Staats- und Universitätsbibliothek, msa 150, fol. 1r (detail)

Bibliography

- Boncompagni *Rhetorica Novissima*, ed. A. Gaudenzi, in: *Scripta Anecdota Glossatorum*, II, Bononiae 1892.
- Buberl P., *Beschreibendes Verzeichnis der illuminierte Handschriften in Oesterreich*, IV: *Die illuminierten Handschriften in Steiermark*, I, Leipzig 1911.
- Cacciamani G.M., *Appunti di storia camaldolese sul monastero dei santi Nabore e Felice di Bologna*, "Culta Bononia," 2/1970, p. 11-21.
- Duecento. Forme e colori del Medioevo a Bologna*, ed. M. Medica, Venezia 2000.
- Eheim F., *Die Handschriften des Decretum Gratiani in Österreich*, "Studia Gratiana," 7/1959, p. 125-173.
- Fronská J., *The Images of Gratian: The Author's Portrait and Historical Evidence*, in: *Tribute to Elly Miller Opening Manuscripts*, ed. S. Panayotova, L. Freeman Sandler, T. Miller Wand, London–Turnhout 2024, p. 108-125.
- Histoire du Droit et des institutions canoniques de l'Église en Occident*, VII: *L'âge classique (1140-1378). Sources et théorie du droit*, ed. G. Le Bras, Ch. Lefebvre, J. Rambaud, Paris 1965.
- Kuttner S., *Repertorium der Kanonistik (1140-1234). Prodromus corporis glossarum I*, Città del Vaticano 1937, "Studi e testi," 71.
- La bibliothèque de l'abbaye de Clairvaux du XII^e au XVIII^e siècle*, II: *Manuscrits conservés. Quatrième partie. Droit, médecine, grammaire, logique, rhétorique, poésie, philosophie, coutume monastiques*, ed. J.-P. Rothschild, C. Heid, Paris 2024.
- Landau P., *Patristische Texte in den beiden Rezensionen des Decretum Gratiani*, "Bulletin of Medieval Canon Law," 23/1999, p. 77-84.
- Melnikas A., *The Corpus of Miniatures in the Manuscripts of Decretum Gratiani*, I-III, Città del Vaticano 1975, "Studia Gratiana," XVI-XVIII.

- Munier C., *Le sources patristiques du droit de l'Eglise du VIII^e au XIII^e siècle*, Mulhouse 1957.
- Murano G., *Copisti a Bologna (1265-1270)*, Turnhout 2006.
- Murano G., *Graziano e il Decretum nel secolo XII*, "Rivista Internazionale di Diritto Comune", 26/2015, p. 61-139.
- Murano G., *Graziano, monaco benedettino, magister e vescovo di Chiusi. Le testimonianze iconografiche*, "Studia Gratiana. Collectanea Historiae Iuris Canonici." "Gratianus magister decretorum. Il Decretum tra storia, attualità e prospettive di universalità", ed. M. Sodi, F. Reali, Città del Vaticano 2020, p. 105-122.
- Murano G., *Il Decretum in Europa nel secolo XII*, in: *Medieval Europe in Motion 3. The Circulation of Jurists, Legal Manuscripts and Artistic, Cultural and Legal Practices in Medieval Europe (13th-15th centuries)*, ed. M.A. Bilotta, Palermo 2021, p. 301-312.
- Murano G., *Manoscritti prodotti per exemplar e pecia conservati nelle biblioteche austriache*, Wien 2003.
- Noonan J.T., *Gratian Slept Here: The Changing Identity of the Father of the Systematic Study of Canon Law*, "Traditio", 35/1979, p. 145-172.
- Odofredi iuris utriusque peritissimi in secundam Digesti Veteris partem Praelectiones..., Lugduni [Compagnie des Libraire de Lyon] 1552.
- Olivier-Martin F., *Manuscrits bolonais du décret de Gratian conservés à la bibliothèque Vaticane*, "Mélanges d'archéologie et d'histoire", 45/1928, p. 215-257.
- Rambaud J., *Le legs de l'ancien droit: Gratien*, in: *L'âge classique 1140-1378: sources et théorie du droit*, ed. G. Le Bras, Ch. Lefebvre, J. Rambaud, Paris 1965, "Histoire du droit et des Institutions de l'Eglise en Occident", 7, p. 49-129.
- Schilling R., *The Decretum Gratiani formerly in the C.W. Dyson Perrins Collection*, "Journal of the British Archaeological Association", 26/1963, p. 27-39.
- Soetermeer F., *Un problème quotidien de la librairie à Bologne: 'minora' manquants*, in: *Excerptiones iuris: Studies in Honor of André Gouron*, ed. B. Durand, L. Mayali, Berkeley 2000, p. 693-716.
- Soetermeer F., *Utrumque ius in peciis. Aspetti della produzione libraria a Bologna tra Due e Trecento*, Milano 1997.
- Soetermeer F.P.W., *A propos d'une famille de copistes. Quelques remarques sur la librairie à Bologne aux XIII^e et XIV^e siècles*, "Studi Medievali", ser. III, 30/1989, p. 425-478 (repr. in F. Soetermeer, *Livres et Juristes au Moyen Âge*, Goldbach 1999, n. VI).
- Stickler A.M., *Ursprung und gegenseitiges Verhältnis der beiden Gewalten nach den Miniaturen des Gratianischen Dekrets*, "Studia Gratiana", 20/1976, p. 341-359.
- Weigand R., *Die Glossen zum Dekret Gratians. Studien zu den frühen Glossen und Glossenkompositionen*, Roma 1991, "Studia Gratiana", XXV-XXVI.