

# LECTURE

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*Workshop The Miniatures in the Manuscripts of the Decretals of Gregory IX  
(Liber Extra)*

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## **The Consent in Pictures. Marriage representations in medieval manuscripts of the Liber Extra (1250-1400)**

First of all, I would like to express my appreciation to dr. Martin Bertram for the initiative for this workshop. I also would like to thank the Università degli Studi Roma Tre, the Progetto Mosaico and of course the Deutsches Historisches Institut in Rome for the organization.

I am very glad to be invited. I already told some of you, when we met in 2005 in Germany at the Kunsthistorisches Institut der Universität zu Köln, that I feel very lonely in Holland.<sup>1</sup> Because in Holland the art historians seem afraid of juridical manuscripts, especially the juridical manuscripts that are about canon law. Though I can assure them that the marriage questions in the Liber Extra and its illustrations are very fascinating. Therefore I hope my contribution to this workshop will be of some interest to you.

My lecture is about the marriage representations which can be found in illuminated manuscripts of the Liber Extra. It is based on my dissertation: *The Consent in Pictures. Marriage representations in medieval manuscripts of the Liber Extra (1250-1400)*.<sup>2</sup> The dissertation was written in Dutch, but I am working on an English translation (fig.1).

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As we all know book IV of the Liber Extra is devoted to marriage questions. And we also know that, if a copy of the Liber Extra has been illuminated, there is usually only one illustration located at the beginning of each book. So the marriage representation at the beginning of book IV opens the section about marital issues. Here we see the first folium of book IV and the location of the marriage representation (fig. 2).

This detail (fig. 3) shows us the marriage representation itself. On this French illustration from the first half of the 14<sup>th</sup> century bride and groom join their right hands in the presence of a

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<sup>1</sup> That was at the colloquium organized by professor Susanne Wittekind: *Bild und Bildung im Mittelalter III: Transformation und Systematisierung von Wissen in Rechtshandschriften*.

<sup>2</sup> All the illustrations mentioned in this lecture are described (location, library, manuscript, folium, dating) in my dissertation: Kathleen Nieuwenhuisen, *Het jawoord in beeld. Huwelijksafbeeldingen in middeleeuwse handschriften van het Liber Extra (1250-1400)*, Vrije Universiteit, Amsterdam 2000. The dissertation has an English summary.

priest. With this gesture, the so called *dextrarum iunctio*, man and wife confirm their mutual consent. The groom raises his free hand. With this gesture he confirms the marriage vows and his consent that he is pronouncing in words.

Meanwhile the priest keeps his left hand over the joined right hands of the couple.

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It is not without reason that a canon lawbook is devoted to marriage. When Gregory IX promulgated the Liber Extra, marriage was under ecclesiastical jurisdiction. Only the Church was competent to administer justice in marital affairs. This had not always been the case. Actually, only after centuries of interfering in marriage issues and struggling with secular authorities did the Church, around 1100, achieve exclusive jurisdiction over the marital bond.

Theologians and canonists developed a Christian marriage doctrine, based on biblical texts. After centuries of endless thinking and rethinking, marriage found finally its definitive form in book IV of the Liber Extra. From now on marriage is realized through the free will, the mutual consent of man and wife. The mutual consent makes the marriage bond indissoluble.

You all know that pope Gregory IX sent the first two copies of the Liber Extra to the universities of Bologna and Paris, at the time the most prominent universities in Western Europe. You also know that pope Gregory IX directed that the Liber Extra had to be taught in the law faculties as the official law of the Roman Church. Therefore the text of the Liber Extra has been produced in Bologna and Paris on a large scale and also distributed from both cities.

Anyhow, the manuscripts that I have been able to trace are produced in Bologna, in other cities in Italy, and in France. And what did I find out?

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In the French manuscripts (fig. 4) of the *Liber Extra* almost every marriage representation shows the joining of the right hands, the so called *dextrarum iunctio*. And this joining of the right hands always takes place in the presence of a priest or bishop. On this French example from the end of the thirteenth century a bishop holds the wrists of the bridal couple, while he looks at the groom, waiting for his consent. The groom gives his consent which is confirmed by the raising of his free hand. After both bride and groom have given their consent, their right hands will be joined for confirmation.

Despite small variations the essential composition stays the same: man and woman give each other their right hand in the presence of a priest and sometimes raise their free hand during the *dextrarum iunctio* (fig. 5). The priest stands in the middle, acting as a binding element, with often, but not always, the groom on his right side.

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Often the illustrations show a bride and groom escorted by companions, like parents, relatives, and friends (fig. 6). These companions give the bridal couple away, accompany them, encourage them, or raise their hand too, in a gesture of approval. Often a man escorts the groom and a woman the bride.

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This kind of illustration, in which bride and groom give each other their right hand in the presence of a priest, is abundant in French manuscripts. Therefore, it is quite remarkable that Italian illustrations do not follow this rule and show us quite a different image. In Italian illustrations the *dextrarum iunctio* does not exist at all (fig. 7). Instead the transfer of the ring is the central motive. In Italian illustrations the groom offers the bride a ring or the groom puts a ring on the bride's finger.

In this Italian illustration from about 1300 a priest is standing between the bridal couple and its companions. The groom offers the bride a ring. The bride is waiting. One man is pointing his hand to the groom. That man wears a dark, flat hat and an ermine pelerine or cape. In the Northern part of Italy, we all know, this is the characteristic costume of a notary.

In the next Italian illustration from the 14<sup>th</sup> century, this notary has taken over the place of the priest (fig. 8). The notary is laying his hands on the backs of the bridal couple while the groom is offering the bride a ring (you must believe me that the groom offers a ring and that he holds it at his forefinger, though it is hardly visible on this image: fig. 9, detail). A woman supports the bride and a man supports the groom. They are all in the company of a larger group of people.

On the following Italian illustration (fig. 10) we see how the notary asks the bridal couple for their consent. Here, the marriage celebration takes place before a notary who asks the groom for his consent while he is pointing at the bride. The groom holds the wedding ring in his right hand, while the bride is waiting with her arms crossed in front of her chest. The attendants are divided in two parties: men accompany the groom, women escort the bride.

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In the Italian illustrations, the priest is often absent. His place is not only taken by a notary, but also by an elderly gentleman (fig. 11). The elderly man acts the same way as the notary. He takes the right hand of the bride, enabling the groom to put the ring on the bride's finger. Three men are raising their hands to encourage the groom. Please keep these raised hands in mind because I will revert to it later.

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In the *Liber Extra* the French marriage representations all show us the joining of the right hands in the presence of a priest. In the Italian marriage representations the priest is often absent and the *dextrarum iunctio* does not exist. Instead the transfer of the ring is the central motive.

What did cause these remarkable iconographic differences between the French and Italian marriage representations? Book IV does not concern itself with the way the marriage celebration took place, but with the consent itself. And only two decretals casually mention very briefly 'a blessing at the entrance of the church' and 'the usual ceremony in the presence of a priest or notary'.<sup>3</sup> These decretals could hardly provide any useful information to the illuminators. So the illuminators did not rely on the text of book IV. What did they rely on? If we compare the French and Italian marriage representations from the *Liber Extra* with French and Italian marriage representations in other kinds of manuscripts we see exactly the same iconographic differences (fig. 12). Let's start with French examples.

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<sup>3</sup> X.4.1.28 and X.4.4.3.

This miniature illustrates a French manuscript of the *Decretum Gratiani* (fig. 13). The text is about an extensive marriage issue concerning the acts of a bigamist. However, nothing from this complicated *causa* is represented. We only see a marriage ceremony with the joining of the right hands in the presence of a priest and companions. We see the same thing happening in Roman law manuscripts (fig. 14). This French or Flemish miniature illustrates book 23 from the *Digestum Iustiniani* about engagements (*De Sponsalibus*). Book 23 is about the appointments that are made before the wedding takes place, appointments about the dowry and the giving of land, for instance. The situation is the same in chronicles (fig. 15). This miniature comes from a copy of *L'Histoire d'Outremer* that was made in Saint-Jean d'Acre. It is made by a French illuminator who followed the French tradition. *L'Histoire d'Outremer* is a chronicle about the crusades. The illustration represents the marriage of Guy de Lusignan who married Princess Sybille, the sister of the King of Jerusalem. A bishop is celebrating this important, royal wedding.

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In all of these French cases the text of the illuminated manuscript does not concern itself with the celebration of marriage. What did the illuminators rely on if it was not the text?

The situation in the marriage representations bears a great resemblance to the events in the French *ordines matrimonii*, in which the medieval marriage liturgy is recorded.<sup>4</sup> According to the *ordines matrimonii* the marriage celebration took place at the portal of the church in the presence of a priest. This priest is always present in the illustrations of the *Liber Extra* but to a lesser degree in illustrations of other kinds of law texts, chronicles and historical bibles. As we have seen a bridal couple that performed the *dextrarum iunctio* could illustrate the marriage of Princess Sybille and Guy de Lusignan as well as a complicated marriage issue of Gratianus and the *Digestum Iustiniani* (Roman law).

How about the Italian marriage representations? The marriage representations in the Italian manuscripts of the *Liber Extra* show us that in Italy the iconographical tradition was quite different. Instead of the *dextrarum iunctio* the transfer of the ring is the central motive. Moreover, the priest is often absent and his place taken by a notary or older gentleman (figs. 10, 11). Still, both in the Italian and in the French marriage representations, the same solemn moment is represented, that is the founding of the marriage bond through the consensus of the bridal couple.

How do we know that? We know that from Tuscan family chronicles –the so called *ricordanze*– and notarial formbooks.<sup>5</sup> From Tuscan family chronicles and notarial formbooks we know that marriage in Italy was celebrated in a different way than marriage in France. In Italy the Church hardly played any role during the marriage ceremony. If so desired, the marriage bond was blessed by the priest, but only before or after the celebration in the family circle. The marriage celebration took place at home before a notary. That notary asked the bridal couple for their consent with the wedding and recorded it in an act. In some cases he, or an elderly gentleman that acted as the master of ceremonies, would take the hands of the bridal couple, enabling the groom to put the ring on the bride's finger. This is expressed in the Italian marriage

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<sup>4</sup> I am greatly indebted to the thorough investigation of Jean-Baptiste Molin and Protais Mutembe, *Le Rituel du Mariage en France du XII<sup>e</sup> au XVI<sup>e</sup> Siècle*, Paris 1974.

<sup>5</sup> Christiane Klapisch-Zuber, 'An Ethnology of Marriage in the Age of Humanism', *Women, Family and Ritual in Renaissance Italy*, Chicago/London 1985, pp. 247-260; Peter Leisching, 'Eheschlieszung vor dem Notar im 13. Jahrhundert', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 63 (1977) 94, pp. 20-46.

representations, in which, as in the French illustrations, the extensive marriage ritual is reduced to one act only. Here also the moment is captured in which the bridal couple makes their consent known, confirmed by the Italian groom through putting a ring on the bride's finger. This is not only the case in the *Liber Extra* but also in the illuminated manuscripts of canon law, Roman law and historiated bibles (fig. 16).

On a number of Italian marriage representations the transfer of the ring takes place before a standing or throned priest (fig. 17). Because from contemporary sources it is known that during the marriage celebration no priest was present, his appearance indicates an imaginary situation. This impression is strengthened by the fact that in a number of cases the priest is a throning bishop or pope, who raises his finger in a gesture of authority. In my opinion, the throning priest refers in this way to the authority of canon law. The priest, in reality absent during the marriage celebration in the family circle, appeared throned in the illustrations. In this way the marriage finally took place under the watchful eye of the Church.

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The French illuminators, like the Italians, used one particular motive to represent the formation of marriage. They repeated this motive endlessly. This uniformity has to do with the way the illumination of the manuscripts was effected.

In Paris those who were involved in the production of books worked in the same neighbourhood.<sup>6</sup> Moreover, different illuminators worked closely together on large assignments. Those who sold and illuminated books did not limit themselves to trading in only one kind of manuscript. The same bookseller could very well sell both biblical and law books. He would have these illuminated by the same people, so there was no strict distinction between the illumination of religious and juridical texts. This is why it is possible for a biblical marriage to look exactly like a marriage representation in a juridical manuscript.

In Italy too there was uniformity.<sup>7</sup> But this uniformity was mostly limited to juridical manuscripts. In Bologna, contrary to Paris, the book-trade was specialized. Booksellers who worked for the faculty of law limited themselves to the reproduction of juridical manuscripts only. The booksellers had different kinds of juridical texts on stock. All those texts contained passages about marriage. So an illuminator could be ordered to paint a marriage in both the *Liber Extra* as the *Decretum Gratiani* and the *Codex Justiniani*.

However, the pictorial traditions reached further than the university town with its production method of juridical manuscripts. This becomes clear if we compare the marriage representations from the *Liber Extra* and historical bibles with the engagement (the so called *Sposalizio*) of

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<sup>6</sup> Rouse Richard H. & Rouse, Mary A., 'The Book Trade at the University of Paris, ca. 1250-1350', in: L.J. Bataillon et al. (red.), *La Production du livre universitaire au moyen âge. Exemplar et pecia*. Actes du symposium tenu au Collegio San Bonaventura de Grotta Ferrata (mai 1983), Paris 1988, pp. 41-114; Rouse R.H. & Rouse, M.A., 'The Commercial Production of Manuscript Books in Late-Thirteenth-Century and Early-Fourteenth-Century Paris', in: L.L. Brownrigg (red.), *Medieval Bookproduction: Assessing the Evidence*. Proceedings of the Second Conference of The Seminar in the History of the Book to 1500, Oxford 1988, Vermont 1990, pp. 103-115.

<sup>7</sup> Soetermeer, Frank Pieter Willem, 'A propos d'une famille de copistes. Quelques remarques sur la librairie à Bologne aux XIII<sup>e</sup> et XIV<sup>e</sup> siècles', in: *Studi Medievali*, Spoleto 1989, vol. XXX, pp. 425-78; Soetermeer, Frank Pieter Willem, *De pecia in juridische handschriften*, dissertatie Rijksuniversiteit Leiden, Utrecht 1990.

Mary and Joseph in the North of Italy. In these representations too the painters put the transfer of the ring at the center (fig. 18). But we also see that they painted the heavy blow on the shoulder, that was given to the groom by his *compater anuli* during the exchange of the consent. This characteristic blow was, like the notary and the transfer of the ring, in reality part of the marriage ceremony. And the gesture of the *compater anuli* has not been described in the illustrated texts, but in the so called *ricordanze*.

### **Conclusion**

Both the French and Italian illuminators of the *Liber Extra* represented the same ceremony, that is the celebration of marriage. They focused on the moment in which the bridal couple declared their consent. This consensus was essential, because without it the marriage was not valid. The illustrations in the *Liber Extra* are only generally related to the text of book IV that consists of many different decretals and conciliar decisions of various marriage questions. The text does not concern itself with the way the marriage celebration took place.

So for the representation of the mutual consent the illuminators did not base themselves on the text of book IV, but on iconographical traditions. Those iconographical traditions were determined by the contemporary marriage ceremonies, in which in France the *dextrarum iunctio*, and in Italy the transfer of the ring took up a central position. Because of this the representations constitute an autonomous and very interesting source of information apart from the text.