

# For the Sake of Learning

*Essays in Honor of Anthony Grafton*

VOLUME 2

*Edited by*

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# Paduan Extracurricular Rhetoric, 1488–1491\*

Anja-Silvia Goeing

## 1 Introduction

This article is about a hitherto little-known manuscript, MS lat. 86, kept in the University Library of Geneva in Switzerland. It contains four major treatises together with some smaller texts. Among the treatises are Franciscus Niger's (1452–ca. 1523) work on the art of letter writing and Peter of Ravenna's (ca. 1448–1508) treatise *Phoenix* on the art of memory. One student, Wolfgang Portus, a graduate in civil and canonical law at the University of Padua, transcribed the manuscript almost entirely. Portus dated his work. We know therefore that the transcription was accomplished between October 1488 and 1491.

What is the significance of this manuscript in the context of Paduan rhetoric and law studies? I am assuming that it presents an extracurricular course attached to both faculties, because the authors, some of the addressees of integrated letters and orations, and also the transcriber belonged either to the Faculty of *Artes liberales* or to the Faculty of Law, or to both. The addressee of many of the letters and orations, Jacobus Geroldus, was, for example, rector of the Faculty of Law in 1487.

This research also ties the manuscript to the regional aspects of humanism at the University of Padua in order to find out whether this apparent communication between the faculties was reflected in the regular curriculum at all. I assume that lawyers in the complicated Venetian government might have felt the need for extra diplomatic skills, enhanced with eloquent quotes from antiquity, to communicate efficiently with patricians, and literate and illiterate urban and rural citizens. A course that would integrate the parts of this manuscript by teaching skills in letter writing, oration, politics, and memorization would have been highly desirable.

At the time of Portus's transcription, both Niger and Peter were teachers in Padua.<sup>1</sup> Printed copies of Niger's *ars epistolandi* containing the text of

\* This article is based on my master's dissertation for the MSt in Medieval Studies at Oxford University, 2009.

1 See Giovanni Mercati, "Pescennio Francesco Negro Veneto," in Mercati, *Ultimi contributi alla storia degli umanisti*, vol. 2, Studi e testi, 9 (Rome, 1939), 24–109, at 52–58; Jacobus Facciolati, *Fasti Gymnasii Patavini* (Padua: Manfré, 1757), 54–55 (for Peter). For further biographical information see the literature in n. 13.



this manuscript were published during his lifetime, and had an afterlife almost as long as the treatise of Peter of Ravenna. About thirty-two versions of his *ars epistolandi* were published from 1488 (Venice) to 1598 (Venice)<sup>2</sup>—about seventy-five years after Niger's death. The books spread very quickly throughout Europe and were printed not only in Venice. The printing shops included Paris (1493, ca. 1500),<sup>3</sup> Deventer (1494),<sup>4</sup> and Augsburg (1499).<sup>5</sup>

The dated and signed Genevan manuscript is not the only manuscript containing Niger's *ars epistolandi*. There are a total of five, kept today in Augsburg, Ghent, Geneva, and Saint Petersburg (two copies).<sup>6</sup> But the Genevan manuscript is the only one that links elements of rhetoric and law and that is directly connected to the Paduan academy. It may even have been used in instruction.

- 2 Franciscus Niger, *Opusculum epistolarum familiarum et artis eorundem scribendi, maxime in generibus uiginti* (Venice: Liechtenstem, 1488); Niger, *De conscribendis epistolis tractatio. Libanii sophistae eiusdem generis libellus è Graeco in Latinum conuersus. Omnia denuò, ad fidem castigatissimorum exemplarium, quam diligentissimè restituita* (Venice: Altobellum Salicatum ad Fortitudinis, 1598). The latter was the last edition in the sixteenth century according to EDIT16: Istituto Centrale per il Catalogo Unico delle biblioteche italiane e per le informazioni bibliografiche, Rome, [http://edit16.iccu.sbn.it/web\\_iccu/ehome.htm](http://edit16.iccu.sbn.it/web_iccu/ehome.htm), accessed 17 July 2014. For a list of the thirty-two different editions, see the website that accompanies this essay, <http://arsepistolandi.wordpress.com>.
- 3 Franciscus Niger, *Epistole Francisci Nigri* (Paris: Baligault, ca. 1500). Information is from *French Books before 1601, Now in the British Museum* (New York: Norman Ross, 2002), reel 69. Franciscus Niger, *Modus epistolandi* (Paris: Baligault, 1493). Information is from Alan Coates et al., *A Catalogue of Books Printed in the Fifteenth Century Now in the Bodleian Library*, vol. 4 (Oxford: Oxford University Press, 2005), 1875, no. N-111.
- 4 Franciscus Niger, *Modus epistolandi* (Deventer: Jacob de Breda, 1494).
- 5 Franciscus Niger, *Ars Epistolandi* ([Augsburg], 1499), <http://daten.digitale-sammlungen.de/~db/0002/bsb00021840/images>, accessed 17 July 2014.
- 6 Augsburg (Germany), Staats- und Stadtbibliothek, 4° Cod. adl. 28: Franciscus Niger, orationes, ca. 1500, from Paul Oscar Kristeller, *Iter Italicum: Accedunt Alia Itinera: A Finding List of Uncatalogued or Incompletely Catalogued Humanistic Manuscripts of the Renaissance in Italian and Other Libraries*, vol. 3 (Alia Itinera 1), eds. of 1955, 1958, and 1962 (London: Warburg Institute; Leiden: Brill, 1983), <http://www.itergateway.org/italicum/record.cfm?idx=40>, accessed 17 July 2014; Ghent (Belgium), Centrale Bibliotheek der Rijksuniversiteit, MS 112, fols. 3–42, from Kristeller, *Iter Italicum*, vol. 3, <http://www.itergateway.org/italicum/record.cfm?idx=36>, accessed 17 July 2014. Saint Petersburg, Public Library, \*139 and \*192, from Kristeller, *Iter Italicum*, vol. 5 (Alia Itinera 3 and Italy 3) *Sweden to Yugoslavia, Utopia [and] Supplement to Italy (A–F)* (London: Warburg Institute; Leiden: Brill, 1990), <http://www.itergateway.org/italicum/record.cfm?idx=52>, accessed 17 July 2014.

The University Library of Geneva did not acquire the manuscript until 1605–6, and it is therefore of rather obscure provenance.<sup>7</sup> It is possible that the scholar Francis Portus, a native of Crete, brought it with him to Geneva. Born in 1511, Portus studied at Padua and moved to Geneva for religious reasons in 1561. Soon after his arrival he was employed by Theodore Beza as a Greek teacher at the Genevan Academy, and he stayed there until his death in 1581. Early sources tell us that, as an orphan, Portus was sent to school in Padua by a relative, but it is unknown whether this relative provided him with the appropriate textbooks.<sup>8</sup>

In spite of this rather speculative provenance, the manuscript is of great significance not only because it is one of the few surviving manuscripts containing Franciscus Niger's *ars epistolandi* and Peter of Ravenna's *Phoenix*, but also because it is so closely connected to the classes in Padua. The Genevan transcript is highly suitable for research work on Paduan lectures in rhetoric. The manuscript presents Niger's art of letter writing with other pieces on rhetoric, ranging from grammar to the art of memory. Rhetoric had a long tradition at the University of Padua, being one of the forerunners to early humanist approaches to a renovation of the disciplines. Gasparino Barzizza was a famous Paduan teacher of rhetoric until 1422, when Vittorino da Feltre succeeded him.<sup>9</sup> Here rhetoric was not only a discipline of the *artes liberales* that was commonly studied first, before the student went on to study law, theology, or medicine; it was studied even after students took their law degrees, as I hope to show.

Research on the Genevan manuscript provides a picture of the knowledge and values a young adult was expected to strive for at a Latin school and

7 See inventory by Bernard Gagnebin, "Le cabinet des manuscrits de la Bibliothèque de Genève," *Genava—Genève*, n.s., 2 (1954): 73–125, at no 9.

8 Charles Borgeaud, *Histoire de l'université de Genève: L'Académie de Calvin 1559–1798*, vol. 1 (Geneva, 1900), 75–76; Charles Knight: *The Penny Cyclopaedia of the Society for the Diffusion of Useful Knowledge* (n.p., ca. 1841), 447–48. More about Portus: Maria Papanicolaou, "Autografi non noti di Francesco ed Emilio Porto," in *Atti del VI Congresso nazionale dell'Associazione italiana di studi bizantini*, Rassegna della Facoltà di Lettere e Filosofia dell'Università di Catania, ns. 57 (Catania: Università di Catania, 2004), 585–632.

9 General information on humanistic rhetorics in the Italian universities can be found in Paul F. Grendler, *The Universities of the Italian Renaissance* (Baltimore: Johns Hopkins University Press, 2004), 199–228. More information on Barzizza: R.G.G. Mercer, *The Teaching of Gasparino Barzizza: With Special Reference to His Place in Paduan Humanism*, Texts and Dissertations, 10 (London: Modern Humanities Research Association, 1979); and Giliola Barbero, *L'Orthographia di Gasparino Barzizza* (Messina: Centro interdepartimentale di studi umanistici, 2008). For Vittorino da Feltre see Anja-Silvia Goeing, *Summus Mathematicus et Omnis Humanitatis Pater*, Archimedes (Dordrecht: Springer, 2014).

university in the early Renaissance. I will examine the secondary literature to identify the main figures—authors, teachers, and transcribers—connected to the manuscript. Then I will identify distinctive aspects of Paduan rhetorical training by placing it in the context of studies of rhetoric texts used in Italian universities around 1490. Third, I will connect these findings to studies on the origins of legal humanism and the textual interdependence of rhetoric and law in the work of Guillaume Budé and Andreas Alciatus. Section 3 will then provide a description of the manuscript, including an overview of its individual sections and a detailed comparison with the printed editions to find out how manuscripts and prints were related. I want to conclude by exploring the connection between rhetoric and law at Padua that is illustrated by this particular document.

For more information on the manuscript and its content, I have put an analysis of parts of the content on the accompanying website <http://arsepistolandia.wordpress.com>.

## 2 Secondary Literature on the Research Questions

### 2.1 *Additional Information about the Manuscript*

Jean Senebier was the first to describe Geneva, MS lat. 86, but he did so only briefly in a manuscript catalog compiled in 1779.<sup>10</sup> Bernard Gagnebin improved on this work by finding notes about the provenance of the manuscript. According to Gagnebin's research, library rector Laurent bought the manuscript in 1605 or 1606<sup>11</sup>—that is, about 115 years after its production. In his work on Swiss Petrarch codices of 1965,<sup>12</sup> Ottavio Besomi identified the letters the manuscript includes by Petrarch and Lombardo a Serico. Furthermore, his article provides valuable Italian bibliographic information about the two main authors of the manuscript: Franciscus Pescennius Niger and Peter Franciscus of Ravenna, also known as Pietro Francesco Tommasi or Tommai.<sup>13</sup> In Besomi's

10 Jean Senebier, *Catalogue raisonné des manuscrits conservés dans la Bibliothèque de la ville et république de Genève* (Geneva, 1779), 223–24.

11 Gagnebin, "Le cabinet des manuscrits de la Bibliothèque de Genève," no. 9: reference to the Archives de la Bibliothèque, Registre B: Fo I. Livres achetés par le Recteur Laurent (1605 or 1606).

12 Ottavio Besomi, "Codici Petrarcheschi in Svizzera," *Italia Medioevale e Umanistica* 8 (1965): 369–429, at 404–7n.22.

13 Ibid., 404–5n.3. His reference to Paolo Sambin, "Lazzaro e Giovanni Francesco Beolco, Nonno e Padre del Ruzante," *Italia Medioevale e Umanistica* 7 (1964): 149n.3, is most important for an entire Italian bibliography on Petrus Tommasi up to 1964. A bibliographical

opinion, the transcriber Wolfgang Portus might have recorded a series of orations included in this manuscript while listening to Niger's declamations. Niger seems to have been known for his impromptu lectures, and the orations transcribed here cannot be found elsewhere.<sup>14</sup> Working at the same time as Besomi, Paul Oscar Kristeller,<sup>15</sup> collecting material independently for his *Iter Italicum*, provided the best description of the manuscript thus far. He identified encomium letters in the middle of the manuscript that previous researchers had not mentioned in detail. His description is therefore the first complete abstract of the different parts of the manuscript. However, both Kristeller and Besomi failed to mention the Ghent manuscript, which was bought in 1484, four years before the date of the Genevan manuscript.<sup>16</sup> The Ghent manuscript contains one section about Niger's art of letter writing similar to the Genevan manuscript, and includes an introductory letter to Jacobus Geroldus. Further comparison would require a look at the manuscript at the Ghent library. If the date of purchase is correct, then we must assume that Niger composed the art of letter writing before 1484 and not in the period between 1486 and 1488, as modern secondary literature would have us believe.<sup>17</sup>

None of the descriptions have attempted to resolve questions apart from the dating of the manuscript. They are also silent about the contexts of the two sections that were available in print. Two works have been written so far on the subject of Niger's art of letter writing, a scholarly article and a notice in a book. Pietro Verrua (1920) treats the above-mentioned 1488 volume by Franciscus Niger in its setting at the University of Padua,<sup>18</sup> and later, Thomas Beebee addresses Niger's art of letter writing in his book *Epistolary Fiction, 1500–1850*, in order to show that some of the letter examples used by Niger to explain his categories were invented letters from antiquity, mostly reformulated from

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summary up to now is given by Annalisa Belloni, *Professori Giuristi a Padova nel secolo xv: profili bio-bibliografici e cattedre*, Ius Communis, Sonderhefte, 28 (Frankfurt: Klostermann, 1986), 300–02. A summary of Besomi's notes is found in *Katalog der datierten Handschriften in der Schweiz in lateinischer Schrift vom Anfang des Mittelalters bis 1550*, ed. Max Burckhardt, Pascal Ladner, and Martin Steinmann (Dietikon-Zürich: Graf, 1977–91), vol. 2, pt. 1, arranged by Beat Matthias von Scarpatetti, p. 149, no. 409.

14 Besomi, "Codici Petrarcheschi," 404n.4.

15 Kristeller, *Iter Italicum*, vol. 5, <http://www.itergateway.org/italicum> accessed 17 July 2014, online library entry no. 1539; Switzerland, Genève, Bibliothèque Publique et Universitaire.

16 Mercati mentions the Ghent manuscript as of 1484: Mercati, "Ultimi contributi," 58n.3.

17 Besomi, "Codici Petrarcheschi," 404.

18 Pietro Verrua, "L'Università di Padova circa il 1488 nell'Opusculum Scribendi epistolas di Francesco Negri," *Atti e memorie dell' Reale Accademia di Padova*, n.s., 36 (1920): 183–214.

Cicero's speeches.<sup>19</sup> However, although we know that the English teacher Robert Whittington (ca. 1480–ca. 1553) published parts of Niger's grammar in London<sup>20</sup> and that Erasmus mentioned Niger's work in a negative sense,<sup>21</sup> these facts do not explain the omnipresence of Niger's writings in European classrooms in the first third of the sixteenth century and in the Venetian presses even up to 1600.

Turning to the other major author in the Genevan manuscript, Peter of Ravenna, we find that Frances Yates<sup>22</sup> and Paolo Rossi<sup>23</sup> mention his art of memory as a Ciceronian memory tool that spread widely during the sixteenth century, despite also being criticized. Many of Peter's contemporaries at the university praised this little work effusively, as is reported in the official records of the University of Padua from 1491 transcribed by Jacopo Facciolati in his *Fasti Gymnasii Patavini*.<sup>24</sup> In the sixteenth century, Peter's art of memory not only had the good fortune to be printed in full, but was also translated into French and English.<sup>25</sup> Paolo Rossi finds evidence of its usage continuing into the seventeenth century, here for occult practices.<sup>26</sup> Its relation to the discipline of canonical law, in which Peter held a professorship at Padua from circa 1473 to 1498,<sup>27</sup> remains unclear.

## 2.2 *Authors, Teachers, and Transcribers Included in the Manuscript: A Paduan Set Text for Teaching?*

Aside from the well-known classical authors such as Cicero, Quintilian, and Livy cited by Franciscus Niger in his art of letter writing, and aside from the

- 19 Thomas Beebee, *Epistolary Fiction in Europe, 1500–1850* (Cambridge: Cambridge University Press, 1999), 24–26.
- 20 Nicholas Orme, "Whittington, Robert (c.1480–553?)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), <http://www.oxforddnb.com/view/article/29331>, accessed 17 July 2014; Robert Whittington and Franciscus Niger, [*Fleurion*] *Roberti Whittintoni...Secunda grammaticæ pars de syllabarum quantitate, accentu, & uarijs metrorum generibus, nu[per]rime recensita* (London, 1529).
- 21 Beebee, *Epistolary Fiction*, 26.
- 22 Frances A. Yates, *The Art of Memory* (1st ed. 1966; London: Pimlico, 2008), 119–221.
- 23 Paolo Rossi, *Logic and the Art of Memory: The Quest for a Universal Language* (London: Continuum, 2006), 20–23.
- 24 Facciolati, *Fasti Gymnasii Patavini*, 55.
- 25 Petrus Tommai [Peter of Ravenna], *The art of memory, that otherwyse is called the Phenix. A boke very behouefull and profytable to all professors of scyences, Grammaryens, Rethoryciens, Dialectyke, Legystes, Phylosophres and Theologiens*, trans. from French by Robert Coplande (London: Wyliyam Myddylton, [ca. 1545]).
- 26 Rossi, *Logic*, 82.
- 27 Belloni, *Professori Giuristi*, 300–02.

famous letters by Petrarch and Lombardo a Serico, nine names deserve our attention.

Wolfgang Portus's name and northern handwriting suggest German or Austrian origins. Fortunately, he signed his name and indicated the date of the transcription in many places in the manuscript. His name, transcribed as Wolfgang or Vulcanus Portner from Ratisbona in Germany, that is, Regensburg, can be found in the exam lists of the University of Padua.<sup>28</sup> He was listed in 1484 as a witness at an exam, being a student of both civil and canonical law.<sup>29</sup> On 28 June 1488, he finished his own exam graduation in both subjects.<sup>30</sup> He finished his studies at Padua five months before—on 3 October 1488—he started with the text transcriptions. Thus, he did not use these transcriptions for his own studies.

The life and work of Franciscus Niger, author of the first large section of the manuscript concerning letter writing, have been researched mainly by Giovanni Mercati. Mercati's findings help to provide greater insight not only into the probable connections between Niger and the history of the University of Padua, but also into the combined study of law and rhetoric that we assume took place outside the regular curriculum there. Mercati uses Niger's autobiography hidden in his work *Cosmodystica* or *De mundi infelicitate*, a manuscript kept in the Vatican library,<sup>31</sup> to give an overview of Niger's life. According to his own account, Niger was born on 17 April 1452 in Venice. He studied in his home city and then, when he was seventeen, enrolled at the University of Padua. There he focused on the *artes liberales* in all their diversity, from history and poetics to geography and mathematics. In 1476, he graduated with a degree in law. In his treatises on the art of letter writing he calls himself a doctor, a title for which no other proof exists. After becoming a priest in 1478, he gave public and private lessons at a variety of institutions. He resided primarily in Padua but also spent time in Hungary and at the papal court in Rome. His works consist mainly of orations, but also include two textbooks, one on Latin grammar, published in 1480 in Venice, and the other on the art of letter writing, published in Venice in 1488. We cannot be sure what he taught, but from the surviving

28 Elda Martellozzo Forin, *Acta graduum academicorum/Gymnasii Patavini: Ab anno 1471 ad annum 1500*, 2 vols. (Padova: Antenore, 2001), 1718: Portner Wolfgangus (Vulcanus, Wgangus) de Ratispona (Ratispana) de Alemaniam d. Leonardi sco[lar] i[ur]is civ[ilis] no. 894 [anno 1484]; lic[entiat]us u[triusque] i[ur]is no. 1256 [examination day: 28 June 1488]; 1303 [testimony of a doctoral exam on 22 Dec. 1488]. (Information in brackets: A.-S.G).

29 Ibid., no. 894.

30 Ibid., no. 1256.

31 Mercati, "Pescennio Francesco Negro Veneto," 24.

records and textbooks it seems to have been mostly rhetoric and grammar. Twentieth-century assessments of his works vacillate between statements about its mediocrity and expressions of astonishment at the perspicacity, openness, and originality of his approaches to the classical texts that constitute the foundations of humanism.<sup>32</sup>

Jacobus Geroldus is the addressee of a letter Niger wrote that must be seen as a precursor to the treatise on the art of letter writing and that introduces methods of studying at a university. In the Ghent version of the manuscript, presumably written before 1484, the Austrian Geroldus of Knittelfeld from Styria is referred to as a “moderator” of the Paduan Gymnasium, a word used to signify a schoolmaster or teacher of student freshmen. He earned a doctorate in the arts. Facciolati lists him as rector<sup>33</sup> in 1487, and a comparison with the *Acta Graduum Academicorum* shows him in his office as *rector universitas iuridium* as an examiner from June 1487 to June 1488. From these exam entries, it is clear that Geroldus was a rector of the Faculty of Law rather than the Faculty of Arts. In the year of his rectorate, he submitted himself to the doctoral examination in civil law. Niger’s and Peter of Ravenna’s graduation orations for the same Jacobus Geroldus in the middle part of the manuscript celebrate this new doctorate in *ius civilis*. The orations for his graduation connect the parts of the manuscript dealing with rhetoric and the law, since he belonged now to both faculties, arts and law.

At that time Peter of Ravenna was a professor of law in Padua and known for his work on the art of memory, *Phoenix*, which was published in 1491, the same year as the transcription of this particular part of the manuscript. Born in Ravenna, he studied at Padua and was teaching there from 1473. In 1474, he may have already become professor of canonical law.<sup>34</sup> He went abroad at the beginning of the sixteenth century and served as a law professor in Greifswald in 1498, at Wittenberg (some read Württemberg)<sup>35</sup> in 1502, and, finally, in Cologne in 1506. He died after a controversy with his Cologne colleagues of the theological faculty at Mainz in 1508.<sup>36</sup> In Wittenberg, he published as a textbook a huge corpus in folio format on the teaching of *ius civilis*.<sup>37</sup> Because of

32 Ibid., 1.

33 Facciolati, *Fasti Gymnasii Patavini*, 16.

34 Belloni, *Professori Giuristi*, 300–01.

35 Ibid., 300. Friedrich III of Saxony, who is mentioned in Facciolati, *Fasti Gymnasii Patavini*, 55, was building up his university at Wittenberg, not in Württemberg.

36 Belloni, *Professori Giuristi*, 301.

37 Petrus Tommai [Peter of Ravenna], *Compendium pulcherrimum iuriscanonici* (Wittenberg, 1504, 1506).

his professorial position in law, his textbook on mnemotechnics strongly suggests a link between law and rhetoric based on the principles of rhetoric in antiquity. Cicero and Quintilian, and even the often-used *Rhetorica ad Herennium*, included mnemotechnics in their preparations for oratory.<sup>38</sup>

Less important writers or addressees of the letters included in the manuscript are Nicolaus Crucigerus, Regina Cecilia Cassandra (who might have something to do with the Venetian orator Cassandra Fidelis), and several unknown individuals, including Antonius Plebanus, Marcus Picardus, and Hieronymus Buticellus.<sup>39</sup> At the time this manuscript was written, Nicolaus Crucigerus was a rich Paduan man of letters who is mentioned in Bernardo Morsolin's biography of Zaccaria Ferreri,<sup>40</sup> a bishop who spent his early years studying law in Padua. Cassandra Fidelis was allowed in 1487 to receive an oration according to the traditions of the university by Rector Jacobus Geroldus, as is explicitly stated in Facciolati's transcription of the *Fasti Gymnasii Patavini*.<sup>41</sup> The poems by Antonius Plebanus, Marcus Picardus, and Hieronymus Buticellus are addressed to Peter of Ravenna and printed in his *Phoenix*.<sup>42</sup> Hieronymus Buticellus became a professor of law in 1504 and is therefore mentioned in the *Fasti Gymnasii Patavini*, where he is praised for his trustworthiness as opposed to his intellect.<sup>43</sup>

These last few names, starting with Nicolaus Crucigerus, were identified by Paul Oscar Kristeller in his work *Iter Italicum*. The names are almost illegible because this section of the manuscript was written in a cursive hand and in a hurry, perhaps by a person other than the transcriber of the other parts. Because of the sloppy handwriting, it is possible that this part of the manuscript was not transcribed from another piece of writing, but orally transmitted, maybe even dictated.

The biographies of the people involved in this manuscript offer valuable insight into the link between rhetoric and law: in addition to Peter of Ravenna, who served as a professor of law, and Niger himself, who was a graduate of law

38 See Rossi, *Logic*, 3–20.

39 See Facciolati, *Fasti Gymnasii Patavini*, 63, 71.

40 See Bernardo Morsolin, *Zaccaria Ferreri: episodio biografico del secolo decimosesto* (G. Burato, 1877), digitized 12 July 2006 (Harvard University), <http://www.archive.org/details/zaccariaferrerioomorsgoog>, accessed 17 May 2014.

41 Facciolati, *Fasti Gymnasii Patavini*, 16: “concessum est Cassandrae Fideli Venetae ejus consanguineae, quae litterarum studiis Patavii operam dabat, ut de ejus laudibus orationem haberet, pro illorum temporum more.”

42 Petrus Tommai [Peter of Ravenna], *Phoenix seu artificiosa memoria domini Petri Ravennatis memoriae magistri* (Venice: Bernardinus de Choris de Cremona, 1491), 4r–v.

43 Facciolati, *Fasti Gymnasii Patavini*, 73.



but was linked in a freelance position to the arts faculty and published works on grammar and rhetoric, the transcriber, Wolfgang Portus, was, as noted earlier, a law student and later graduate. Only Jacobus Geroldus thus was part of the arts faculty, and even he was personally linked to the Faculty of Law, as its rector in 1487–88 and as doctor from May 1488. Probably these many personal links between the faculties were not a coincidence. Portus transcribed texts that were useful to him, not as a student, as we have seen, but as a jurist. He either sought out the texts deliberately on his own—maybe as useful tools for his career in jurisprudence—or transcribed an existing extended coursework either as a teacher or as an advanced scholar.

Knowledge about lecture lists or the names of other rhetoric professors apart from Geroldus and their works is very hard to come by. The most important reason for this is that, with the exception of the jurists, the professors' names are not recorded in the *Fasti Gymnasii Patavini*. In order to classify the Geneva manuscript, it would be most enlightening to learn more about the time and person of Jacobus Geroldus and the lectures at the arts faculty. His name occurs in many places in the manuscript, and we know that he was rector shortly before the manuscript was transcribed. He therefore represents, alongside Peter of Ravenna, the most immediate biographical connection between the subjects of this manuscript and the practice of teaching at the university. Does this manuscript perhaps reflect parts of Geroldus's own lectures at the university, designed to help prepare *artes* graduates for law school? Or was it the other way around, designed to help lawyers with their daily diplomatic missions in the Republic of Venice?

### 2.3 *Regional Aspects of Paduan Rhetoric Training*

To understand the manuscript in the Paduan context of rhetorical training, we must first consider the institutional and intellectual setting. In terms of the institutional framework of training in rhetoric in fifteenth-century Padua, it is important to bear in mind that studies in the liberal arts were integrated into a single faculty together with medicine and theology, independent of the Faculty of Law.<sup>44</sup> The structure was similar to that of the University of Bologna.<sup>45</sup> With its two faculties (called “universities”)—liberal arts, including theology and medicine, on the one hand and law on the other—it differs strikingly from the faculty structure of the University of Paris, with four independent faculties, which countries in northern Europe tended to emulate.<sup>46</sup> Unfortunately, Facciolati was not

44 Ibid.: implicated by the structure of this book.

45 Hastings Rashdall, *The Universities of Europe in the Middle Ages*, 2 vols. (Oxford, 1895), 2:17.

46 Ibid., 1:324, 546.

able to reconstruct the names of the fifteenth-century grammar, mathematics, and rhetoric teachers because of gaps in the documents. Teachers of physics, ethics, law, and medicine—and even the names of the rectors of the liberal arts faculty and the Faculty of Law—are mentioned in Facciolati's report on the archival documents. The names have survived from these lists of a few teachers who were promoted in one of the other fields of teaching. They include Jacobus Geroldus, who was appointed rector of the liberal arts faculty in 1487–88, shortly before Wolfgang Portus started work on his transcription, as already mentioned.<sup>47</sup> In his book *Padua and the Tudors: English Students in Italy, 1485–1603*, Jonathan Woolfson makes clear that law had its affiliated network of an “English nation,” while the Faculty of Medicine and the Liberal Arts did not.<sup>48</sup> This gap between the faculties made it much more likely that the subject of medicine would follow humanistic approaches used primarily by the liberal arts,<sup>49</sup> and would explain why the Faculty of Law might not have used them. In spite of this institutional gap, the manuscript addresses rhetoric and law at the same time.

According to the research of Paul F. Grendler, summarized in *The Universities of the Italian Renaissance* (2004),<sup>50</sup> the study of rhetoric in universities was not as advanced at Padua as in the few elite humanist schools that were distributed across Italy, such as the school of Vittorino da Feltre in Mantua; Paduan rhetoric was even not as advanced as in many Italian grammar schools. Grendler attributes this to better working conditions for humanist elementary teachers in those times.<sup>51</sup>

At universities, manuals for letter writing were compiled from Ciceronian guides to oratory, especially the *Rhetorica ad Herennium* and Cicero's *De inventione*, and read alongside ancient letter collections. The manuals were still connected in the fifteenth century to the medieval traditions of pattern collections that were active in notarial offices. The most advanced examples of the new textbooks were Erasmus of Rotterdam's manuals on letter writing and on the profusion of styles printed in 1511 and 1512.<sup>52</sup> In later editions, the student would

47 Facciolati, *Fasti Gymnasii Patavini*, 16.

48 Jonathan Woolfson, *Padua and the Tudors: English Students in Italy, 1485–1603* (Toronto: University of Toronto Press, 1998), 10; see also Rashdall, *The Universities*, 2:19, concerning the University of Medicine and Art at Padua (not the Jurists, who formed their own university): “This university was divided into seven Nations of which only one was Ultramontane.”

49 See Nancy G. Siraisi, “Oratory and Rhetoric in Renaissance Medicine,” *Journal of the History of Ideas* (2004): 191–211, at 194.

50 Grendler, *The Universities*, 199–248.

51 *Ibid.*, 208–9.

52 Used: Desiderius Erasmus, *D. Erasmi Roterodami De Duplici Copia Rerum ac Verborum: Commentarij Duo* (1st ed. 1512; Strassbourg: Schuerer, 1513).

buy a collection of manuals adapted for university use, as exemplified by the work of Agostino Dati, *Liber De Dictamine et Modo Orandi*, printed in 1518 together with commentaries and other style guides.<sup>53</sup> The Venetian jurist, polymath, and poet Franciscus Niger represented a humanist advancement in the Paduan context because he was, by his own account, a humanist working with the new methods drawn from Cicero.

#### 2.4 *The Link between Rhetoric and Law Studies and the Origins of “Legal Humanism”*

In analyzing European law Helmut Coing describes the University of Padua as a rising key player in the fifteenth century, based on the rules set up in Bologna in the thirteenth and fourteenth centuries.<sup>54</sup> Outside of the university curriculum, however, there was a great amount of development within the Paduan and Venetian community. In his book *Foundations of Modern Historical Scholarship*, Donald R. Kelley<sup>55</sup> introduces the term “legal humanism” to a broad audience interested in history. He describes the growing importance of humanist exegesis in the work of Lorenzo Valla that formed the basis of legal and institutional history in later times.<sup>56</sup> Key figures in this process were Valla himself, who historicized and grammaticized law in the mid-fifteenth century,<sup>57</sup> and Guillaume Budé and Andrea Alciato in the first half of the sixteenth century, who brought these philological methods to the study of law within the university.<sup>58</sup> From the perspective of law studies, therefore, Lorenzo Valla’s *Elegantiae*, written in 1440, was a landmark work of humanist exegesis.<sup>59</sup> Valla was to lose his position as law professor at the University of Pavia because he refused to graduate a student on the grounds that the candidate was not

53 An example compiled by the erudite Parisian printer Jodocus Badius Ascensius: Agostino Dati et al., *Augustini Dathi, ...Opusculum in elegantiarum precepta, cum Jodoci Clichtovei, ... et Jodoci Badii Ascensii commentariis....Francisci Nigri Elegantie regularum elucidatio. Magistratuum Romanorum nominum declaratio....* [Cum tractatu Georgii de Valla de ratione scribendi] (Limoges: Beron, 1518).

54 Helmut Coing, *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, 3 vols., vol. 1 (Munich: Beck, 1973), 79–80.

55 Donald R. Kelley, *Foundations of Modern Historical Scholarship: Language, Law, and History in the French Renaissance* (New York: Columbia University Press 1970).

56 Ibid., 88.

57 Ibid., 19–52.

58 Ibid., 92–97.

59 Laurentius Valla, *Laurentii Vallæ...de Romani sermonis elegantia liber primus (-sextus)* ([Rome]: A. Pannartz, 1475).

sufficiently skilled in eloquence.<sup>60</sup> On other occasions, he claimed that the most important issue in the field of law was to look carefully at the original ancient text and to avoid the misinterpretations of later times. His grammatical view of the amendment of texts had followers who criticized law texts. They did not, however, give guidance to advance law studies. This began much later with the advice of the jurist Andrea Alciatus (1492–1550). In the period between Valla and Alciatus, the effects within the region of the Veneto of this continual friction between the university disciplines of law and rhetoric are generally too little studied. The Genevan manuscript helps our understanding of regional differences in the process that linked rhetoric and law studies in this time, because it is closer to the atmosphere in the classroom than any work that was coming from the printing shops without annotations or personal notices in it.

The observations here made leave room for more general inquiries. Peter Denley makes quite clear in his doctoral thesis on the University of Siena<sup>61</sup> that documents are sparse from this time concerning events at Siena. Only a few lecture transcripts have survived, and Denley refrains from drawing any general conclusions from them. He does, however, draw conclusions from books that were printed later but stemmed originally from this period. One of his sources for law studies is the work of the law professor Giovanni Battista Caccialupi,<sup>62</sup> who wrote a manual on the methods of studying law that was printed in the sixteenth century. The equivalent at Padua was a textbook written by the law professor Giovanni Giacomo Can.<sup>63</sup> Individual lecture transcripts tend to hold greater weight than manuals among historians today,<sup>64</sup> because they are closer to the actual act of teaching. Fundamental studies are required to shed light on specifics, especially studies that contain detailed information and are so clear as to be usable for references and comparisons. The Genevan manuscript examined here can, to a certain degree, serve as one of these case studies.

60 Grendler, *The Universities*, 110–11.

61 Peter Denley, "The University of Siena, 1357–1557" (thesis, Oxford, 1981), 186. See also Peter Denley, *Commune and Studio in Late Medieval and Renaissance Siena* (Bologna: CLUEB, 2006), 127.

62 Giovanni Battista Caccialupi, Antonio de Nebrija, and Héritiers de Jacques Giunta, *Vocabularium vtriusque iuris: ...Accessit praeterea Lexicon iuris ciuilis, in quo varij & insignes errores Accursij notantur* (Lugduni: Apud haeredes Iacobi Iuntae, 1559).

63 See Belloni, *Professori Giuristi*, 61–62.

64 See Anthony T. Grafton and Lisa Jardine, "Humanism and the School of Guarino: A Problem of Evaluation," *Past and Present* 96 (1982): 51–80, at 54–55.

### 3 The Manuscripts and the Printed Editions: A Comparison

#### 3.1 *Codicological and Paleographical Description*

The manuscript MS lat. 86 is written in a northern hand (distinguishable by the use of a late textualis rather than a humanist cursive) and contains 271 folios. The format of the volume is octavo. Page numbers were added in later times. A table of contents on the title page was also added later. The text is written on both sides of the page, recto and verso. Most of the pages have carved lines. A smaller number do not have these lines, but there is no pattern from which to draw a conclusion concerning the separation of texts. Paul Oscar Kristeller attributes the whole text to one scribe, except for one poem (fol. 192v). The scribe must have been trained before he wrote this, because the appearance of the script is very clear and balanced. The treatises contain title rubricatures and leave space for initial letters, suggesting that they have been copied from a text and not written from dictation.

#### 3.2 *Manuscript Sections*

Kristeller's table of manuscript sections of MS lat. 86, taken from his *Iter Italicum*,<sup>65</sup> is updated and copied on the website that accompanies this essay, <http://arsepistolandi.wordpress.com>. There are three different types of separation created in the manuscript. The first type stems from blank pages between the end of one text and the beginning of the following text, as on the folios 91v–92v, 116r–19v, 156r–v, 242r–43v, and 271r. The second manner of separation stems from four dated signatures of the transcriber, Wolfgang Portus, at the end of texts. The dates mark the transcription as having been done in four time periods, while the second time period appears to lie before the first: 91r (23 Oct. 1488), 172v (8 [sic] Oct. 1488), 241v (20 Jan. 1489), 271v (1491).

Finally, the third type of separation stems from the texts and their structure themselves: There are four entire treatises included, two by Franciscus Niger, one by Marcus Tullius Cicero, and one by Peter of Ravenna. The other texts are letters, orations, and poems in three different places. The first treatise is the art of letter writing by Franciscus Niger, preceded by introductory letters, one of them to Jacobus Geroldus. The transcription is dated (fol. 91r) 23 Oct. 1488 and bears the name of the place where it was executed: Padua. Between Niger's art of letter writing and the second treatise, his treatise on oratory for civil law dedicated to the emperor Sigismundus at Vienna, there are six orations and

65 Kristeller, *Iter Italicum*, vol. 5 (Alia Itinera 3 and Italy 3): *Sweden to Yugoslavia, Utopia [and] Supplement to Italy (A–F)*. <http://www.itergateway.org/italicum>, Library entry no. 1539: Switzerland, Genève, Bibliothèque Publique et Universitaire.

poems celebrating the graduation of Jacobus Geroldus in Padua, written by Franciscus Niger (four) and Peter of Ravenna (one or two). This bundle bears no date, but is separated by blank pages on either side.

The third treatise starts on fol. 193r and ends fifty pages later, on fol. 243v. It is Cicero's short dialogue on rhetoric, *Partitiones oratoriae*. The transcription is dated 20 January 1489. Between Niger's and Cicero's treatises on oratory there are orations and poems by contemporary Paduans, where identifiable, preceded by two famous medieval letters, those of Francesco Petrarca and Lombardo a Serico. These two letters are the ones that conclude with a date two weeks earlier than the transcription of the first treatise.

The fourth treatise is Peter of Ravenna's work on the art of memory (fols. 244r–71v), dated 1491. While the first three dated pieces could be linked together in a coherent sequence, since the dates are very closely connected, the last treatise stands alone. Almost two years separate the transcription of Cicero's work and that of Peter of Ravenna's treatise. This fact rules out the possibility that the manuscript represents a course curriculum in its entirety and suggests a separation of the largely rhetorical from the largely legal sections of this manuscript. The next section of this essay will cast doubt on such a separation: the comparison of our manuscript with printed versions of its individual parts demonstrates that some of the orations by unknown contemporaries were used by Peter of Ravenna as precursory letters for his printed version of the *Phoenix*.

### 3.3 *Comparison with the Printed Editions*

This comparison relies on the known printed or handwritten copies of parts of this manuscript kept in various European libraries and reveals whether the transcriptions have additions, missing parts, or different spellings compared to the counterparts. On the basis of the results, we will consider whether parts of the manuscript that may seem disparate in fact belonged together. As in the Genevan manuscript, Niger's work is preceded by his letter to Jacobus Geroldus in the manuscript of Ghent, dated before 1484, and in all printed versions, starting in 1488. Peter of Ravenna's *Phoenix* is preceded by many orations and poems in the printed editions starting in 1491, among them the writings of Antonius Plebanus, Marcus Picardus, and Hieronymus Buticellus. These are in the manuscript but in completely different places, thus suggesting a different date of transcription.<sup>66</sup>

A closer look at the printed copies, which are nearly as old as the original, can reveal whether the comparable parts of the manuscript were transcribed in their entirety. While the unprinted work on oratory by Niger seems to be unfinished, because it ends in an open clause (fol. 155v), both printed works are

66 Besomi, "Codici Petrarcheschi," 404–5.

complete. The content of the first comparable work, the art of letter writing, remains the same in all copies, even though the title changes considerably during the years and places of print. (see <http://arsepistolandi.wordpress.com>).

The orthography varies so widely between manuscript and print that there must have been more than one copy from which the text was derived: *ae* or *oe* in the printed version is *e* in the manuscript, and different abbreviation signs are used throughout the text. Since we have no other evidence, we must therefore assume that another personal copy of the original manuscript, rather than the printed edition, could also have formed the basis of the Genevan manuscript.

The second comparable work, the *Phoenix*, adds the first sentences of each paragraph to the printed version. The manuscript version includes two to six circles on almost each page for memory places to be filled in by the student. This student has not filled in any of them. At the end, the circles even have little titles. They bear the names of chess figures, *Rex albus* and *Rex niger*, *Regina alba* and *Regina nigra*, and so on (fol. 269r, see fig. 30.1). The suggestion is the same as with the other text: this is a copy probably from a master copy differing from the printed text.

#### 4 Conclusion

Was this manuscript adaptable to rhetoric or law studies at Padua at all? We are better informed about the proceedings in law studies at Padua than we are about those in rhetoric studies for the simple reason that the names of rhetoric teachers in Padua are not researchable because the documents are missing. Annalisa Belloni gives an acute account of law studies in the fifteenth century from the archival documents in her book *Professori giuristi a Padova nel secolo xv: Profili bio-bibliografici e cattedre* (1986).<sup>67</sup> Her profile is based on the lists of professors, whom she records alphabetically with their works. In the first part of this work, dealing with teaching,<sup>68</sup> she quotes from the statutes of law teaching at Padua as of 1331 and 1445–63.<sup>69</sup> She also reveals important aspects of studying law at Padua from various sources, including the only manual written for this purpose at Padua. It was written by Giovanni Giacomo Can, who taught canonical law from 1451 to 1494.<sup>70</sup> Later, she reconstructs the lecture series

67 Annalisa Belloni, *Professori Giuristi a Padova Nel Secolo xv: Profili Bio-Bibliografici e Cattedre*. Studien zur Europäischen Rechtsgeschichte: Veröffentlichungen des Max-Planck-Instituts für Europäische Rechtsgeschichte Frankfurt am Main (Frankfurt am Main: Klostermann, 1986).

68 Belloni, *Professori Giuristi*, 43–106.

69 Ibid., 52–60.

70 Ibid., 61–62.

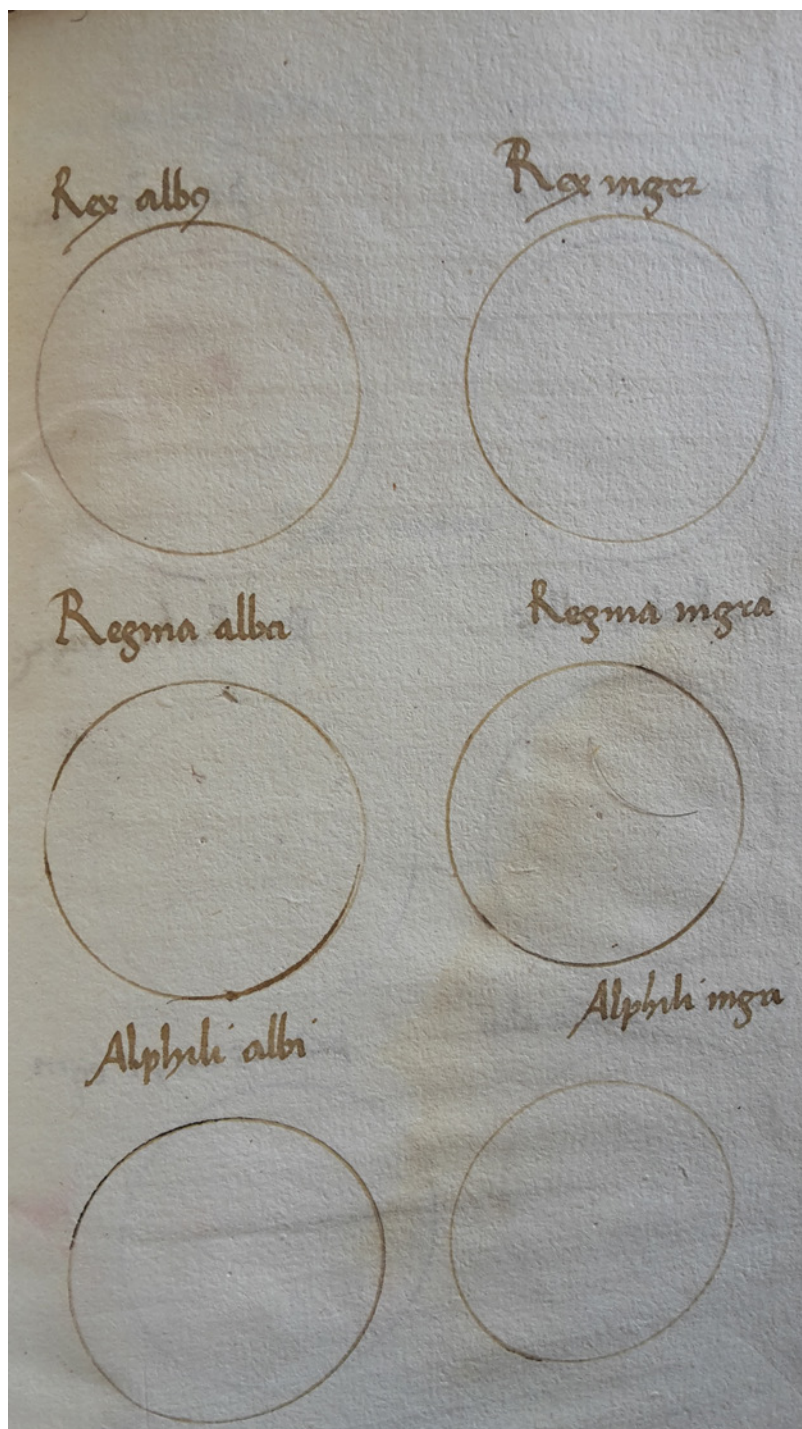


FIGURE 30.1 *Bibliothèque de Genève, MS lat. 86, fol. 269r: Peter of Ravenna, Phoenix, chess pieces.*  
COURTESY OF BIBLIOTHÈQUE DE GENÈVE



from the *rotuli*.<sup>71</sup> From her timetables we can gather that there were four different lecture series each day, two in the morning and two in the afternoon. Two of them—one morning and one afternoon lecture—were in canonical law and the remaining two in civil law. Each lecture was given by two professors, including both extraordinary and ordinary professors, who competed with each other at the same time. Eight professors were needed for this organization. Some professors, like Can himself, grew very old in the same position; others worked only briefly in Padua. The statutes prescribed the lectured texts and how they were supposed to be read, one chapter after the other without skipping any chapter (statutes of 1331). According to Belloni, no part of the Genevan manuscript would be included in law studies. It is possible, though, that professors were allowed to talk about their own commentaries and manuals on the side, or even in extracurricular courses, as Gasparino Barzizza was allowed to do around 1420 for rhetoric.<sup>72</sup> This would have given a certain freedom to Peter of Ravenna, who between circa 1474 and 1498 gave the afternoon lecture on canonical law, to speak about his *art of memory* on the side. Owing to the rigid lecture curricula we can rule out that Cicero's or Niger's texts were taught in law studies. Students interested in them would have had to get their sources from other places. If there were a link between law and rhetoric, it would have been created by the arts faculty or the personal choices of professors in their discussions outside the official curriculum, traceable in their oeuvres, or recorded by students like Wolfgang Portus. The manuscript might therefore reflect an extracurricular matter or a personal choice of the transcriber guided by his university surroundings. With the knowledge and the skills from the humanities to write elegantly and to address letters correctly, the lawyer would have a politically useful tool for his career in later life at the Venetian state, for which the University of Padua provided candidates, as explicitly is stated in the governmental rules<sup>73</sup> and as is traceable in daily practice.<sup>74</sup>

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71 Ibid., 63–106.

72 Mercer, *The Teaching of Barzizza*, 42: “The voluntary lectures.”

73 Rashdall, *The Universities*, 21: “Venetian subjects were forbidden to study elsewhere than at Padua, and eventually a period of study there was required as a qualification for the exercise of public functions at Venice.”

74 Edward Muir, “Was There Republicanism in the Renaissance Republics? Venice after Agnadello,” in *Venice Reconsidered: The History and Civilization of an Italian City-State, 1297–1797*, ed. John Martin and Dennis Romano, Johns Hopkins paperbacks (Baltimore: Johns Hopkins University Press, 2002), 137–68, at 145–57. See also, as a next stage, Filippo de Vivo, *Information and Communication in Venice: Rethinking Early Modern Politics* (Oxford: Oxford University Press, 2007).

The main conclusion that can be drawn from this particular manuscript is the trace of interdependence between rhetoric and law in extracurricular studies at the University of Padua. The manuscript, the teachers, the student transcriber, and the authors of the letters show this. No legal content is explicitly mentioned, but it includes instruction in preparatory skills to develop the eloquence of a politician, diplomat, or lawyer, including the use of the arts of memory, and humanist pattern letters that could be adapted to a variety of situations and purposes. The manuscript therefore seems to represent a certain Paduan style of rhetoric teaching that is different from that of Siena and other universities in Italy and Europe, because it leads to daily practice in the Venetian Republic.

Secondly, we learn that manuscript transmission in the university context continued to be important even after the invention of printing. Although the distribution of knowledge generated at this time was marked by a shift from manuscript to printed textbook production, and both Niger's and Peter's works count numerous printed editions, Wolfgang Portus's compiled textbook suggests angles and corners of research overlooked by a research purely into printed copies.

Thirdly, the research provides insights into texts used for teaching rhetoric in fifteenth-century Italy. Niger was an average author of manuals, not on a par with Erasmus but still important and often published. Peter of Ravenna's treatise on the art of memory continued to be published as well, even in the vernacular. The question of usage would be the next important question to raise in both cases, because it would reveal which preferences of learning were linked to which specific social groups or cultural and individual tastes.