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Giotto for Lawyers: Assimilation and Disruption of Giotto's New Realism in Bolognese Legal Illustrations of the First Half of the Fourteenth Century

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*Giotto for Lawyers: Assimilation and Disruption of Giotto's New Realism in  
Bolognese Legal Illustrations of the First Half of the Fourteenth Century*<sup>1</sup>

In his 1934-1935 class on fourteenth century painting in northern Italy at the University of Bologna and in the introduction he wrote to the exhibition on Bolognese Trecento painting, held in Bologna in 1950, Roberto Longhi (1890-1970) presented the *Illustratore* (figs. 1-2, 5-7), i.e. the leading illuminator of the 1330s-1340s in Bologna he nicknamed so effectively, as an extraordinary narrator, who «illustrated sacred and legal books as if he were dealing with the most fascinating popular stories»<sup>2</sup>. The Italian art-historian found in this «visual and narrative liveliness never seen before» the «secret of that sketchy, abruptly composed and lively narrative language, which will continue to be the fundamental characteristic of expression in all the best Bolognese Trecento»<sup>3</sup>. Going beyond the scholarly tradition that dismissed the idea of the Bolognese Trecento as secondary and dependent on those of Florence and Siena<sup>4</sup>, Longhi brilliantly summarized

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<sup>1</sup> The article is a revised and updated version of a paper I presented at the 48th International Congress on Medieval Studies, Western Michigan University, Kalamazoo (MI), 9-12 May 2013, in the Italian Art Society Session entitled *Ruptures in Italian Medieval Art and Architecture IV: Ruptures in Forms II*. The work thus presented is part of the activities developed by the research team *IUS ILLUMINATUM*.

<sup>2</sup> This is my translation. The original runs: «[...] andava illustrando i libri di culto e di legge come se avesse a mano i più affascinanti racconti popolari». LONGHI 1973b, p. 159. Longhi (1973b, p. 159) first dubbed «l'Illustratore» (“the Illustrator”) an anonymous illuminator previously called Pseudo-Nicolò di Giacomo by Lisetta Ciaccio (1907) to distinguish him from the famous Bolognese illuminator of the second half of the fourteenth century he had previously been confused with in some cases. On the *Illustratore*, recently, at least: MEDICA 2004a; DEL MONACO 2014; DEL MONACO 2018a; DEL MONACO 2018b; DEL MONACO 2020.

<sup>3</sup> The translation is mine. The Italian runs: «[...] inaudita vivacità rappresentativa [...] segreto di quel linguaggio corsivo, asintattico e vivacemente narrativo, che rimarrà modo fondamentale d'espressione in tutto il migliore Trecento bolognese». LONGHI 1973a, pp. 24-25.

<sup>4</sup> After short mentions by Giorgio Vasari and Filippo Baldinucci, who presented Vitale da Bologna as a pupil of Giotto or of one of his pupils, Bolognese Trecento artists were appreciated by art historians before Longhi only as far as they could resemble the great masters of Florence and Siena, showing a similar rendering of volume and space or sweet expressions and graceful drawing. What was original in Bolognese paintings, i.e. a direct force of expression, was condemned as awkwardness and vulgarity. Only the Bolognese art writer Carlo Cesare Malvasia had been able to understand the originality of Bolognese Trecento painting. A useful

its original characteristics, in an impulsive popular realism of Romanesque origin<sup>5</sup> combined with an unreal and lyric sophistication stemming from the French Gothic<sup>6</sup>.

Starting from the appraisal of artists like the *Illustratore* and above all the painter Vitale, Longhi thus established a still accepted interpretation of the rupturing interaction of Bolognese Trecento with the epochal upheaval Giotto caused in Italian art<sup>7</sup>. However, I think that modern scholarship should clarify more historically that «truth empirically grasped and sketched»<sup>8</sup>, resulting in the chaotic composition of the scenes and in the extroverted expressions of figures, which is probably the typical feature of Bolognese Trecento art. My hypothesis, now limited to illumination and especially the *Illustratore*, is that this vivid and lively language could be connected with the functions of narrative visualization of law that manuscript decoration fulfilled as a visual mnemonic support in the legal manuscripts produced for the *Studium* of Bologna<sup>9</sup>.

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critical anthology until 1951 on the Bolognese art of the fourteenth century is in LONGHI 1973b, pp. 169-187. On the appreciation of Bolognese Trecento art, also: CIANCABILLA 2012; CROPPER 2012.

<sup>5</sup> Longhi appreciated a spontaneous and popular realism as one of the most remarkable qualities of Romanesque art, among which he mentioned the sculptural decoration of Emilian cathedrals, and the main foundation of Bolognese Trecento. In his controversial *Giudizio sul Duecento*, he considered the reworking of ancient forms with a particular inclination to the expression of pathos as the core of a vibrant Western stylistic line in opposition to the supremacy of frigid Byzantine models during the Middle Ages. Longhi valued this aspect also in a few Duecento Italian painters such as one of the masters working in the crypt of Anagni cathedral, the Master of the San Martino Madonna in Pisa and Cimabue. The Italian art historian added to these Central Italian painters the author of a panel depicting the *Life of St. Agata* in Cremona at the end of the century, «an apex of 'Romanesque' in painting», «un apice di 'Romanico' in pittura», whose consequences the scholar could find only in the Emilian painting and illumination of the fourteenth century. LONGHI 1973a, pp. 6, 15; LONGHI 1973b, pp. 156, 158; LONGHI 1974, pp. 10, 16, 18. For the fierce debate caused by Longhi's article, at least, recently: BERNABÒ 2003, pp. 182-188; PACE 2014, pp. 349-350, 351 note 18; PACE 2015. For a stimulating and more balanced analysis: DE MARCHI 2017.

<sup>6</sup> LONGHI 1973b, pp. 158, 168.

<sup>7</sup> For later contributions by other scholars following up Longhi's intuitions, but with a renovated comprehension of the early decades of the century and their foundational role for the stage represented by Vitale degli Equi (Bologna, documented 1330-1359, already dead in 1361) and the *Illustratore* from the 1340s on, at least: *Pittura* 1978; C. VOLPE 1980; BENATI 1986; MEDICA 1990; BENATI 1992; BENATI 2005; MEDICA 2005b; BENATI 2010; MEDICA 2012.

<sup>8</sup> The translation is mine. The original runs: [...] verità empiricamente intuita e scheggiata». LONGHI 1973b, p. 158.

<sup>9</sup> I have first offered this interpretation in DEL MONACO 2018b, pp. 89-119.

This approach reflects the functions the Western Church gave to the use of artistic images since the early Middle Ages<sup>10</sup>. According to the recommendations of Pope Gregory the Great (590-604) in two letters to Bishop Serenus of Marseilles, continuously invoked by later Christian authors for the defense of religious images, sacred stories painted on the walls of churches should instruct the unlearned faithful in order to affectionally move them to adore God<sup>11</sup>. In another Gregory's missive to the hermit Secundinus, someone interpolated a passage around the middle of the eighth century, where the pope says that he has sent Secundinus one image of the Savior, another one of the Virgin and a third of the Apostles Peter and Paul, so that they could remind of the Son of God and through memory emotionally excite to worship<sup>12</sup>. The French scholar Jean-Philippe Antoine remarked that the empathic dimension remained in the background throughout the early Middle Ages and gained a new importance in the twelfth and thirteenth centuries because of the core role images started to perform in religious meditation, now based on techniques of visualization and memorization, among which were the rediscovered rules of the *memoria artificialis* handed down by the first-century-BC *Rhetorica ad Herennium*, traditionally known as a work of Cicero<sup>13</sup>. The *memoria artificialis* of the *Ad Herennium* suggested mentally visualizing figures involved in actions, i.e. *imagines agentes*, for each

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<sup>10</sup> DUGGAN 1989; KESSLER 1989; BASCHET 1996; CAMILLE 1996; SCHMITT 2002, pp. 63-96; DUGGAN 2005; KESSLER 2019.

<sup>11</sup> Greg. M. *epist.* 9, 105 (PL 77, coll. 1027C-1028A); Greg. M. *epist.* 11, 13 (PL 77, coll. 1128A-1130B)

<sup>12</sup> Greg. M. *epist.* 9, 52 (PL 77, coll. 982C-991C).

<sup>13</sup> ANTOINE 1988, pp. 573-575. For a synthetic but thorough account of the development Western image doctrines experienced in the high Middle Ages, also affected by the Greek image theory of anagogy: BASCHET 1996, pp. 336, 338-339; KESSLER 2019. The *Ad Herennium* is an anonymous Latin treatise on rhetoric, written in Rome in 86-82 BC. The section dedicated to memory (*memoria*) as the fourth part of rhetoric is: *Rhet. Her.* 3, 16-24. On the reception of the *Ad Herennium* during the Middle Ages: COX – WARD 2006. On memory and memorization in medieval culture, at least: YATES 1966; ANTOINE 1982; COLEMAN 1986; ANTOINE 1988; CARRUTHERS 1990; COLEMAN 1992; DI MAURO 1992; ANTOINE 1993; BOLZONI 2002; CARRUTHERS 2006; CARRUTHERS 2008; *Making Thoughts* 2009.

content to be memorized and setting them into architectural three-dimensional places, i.e. *loci*, ordered into a larger location, i.e. *regio*, as an house, a square or a temple.

Antoine noticed a link between this kind of mnemonic images used in religious meditation and the great change of Italian religious painting in the thirteenth and fourteenth centuries<sup>14</sup>. Antoine asserted that the rediscovering of Ciceronian artificial memory allowed to understand the rhetorical and mnemonic grounds of spatial illusionism in ancient Roman paintings, so as to prompt artists from Cimabue to Giotto and his followers to depict again acting figures more realistically and to set them in three-dimensional and habitable places arranged in a larger three-dimensional region corresponding to each pictorial field<sup>15</sup>. Furthermore, in complex cycles like that in the upper church of San Francesco in Assisi, the different images were ordered in a sequence connected to the real three-dimensional region of the church by an illusionistic architectural frame. According to the spirit of mnemonic practice, artists thus created decorative complexes consisting of sequences of depicted places, set up into a pictorial region bound to its architectural environment, in order to visualize and fix the images of an ambulating beholder's *liber mentalis*<sup>16</sup>.

Of course, the illuminated manuscripts of the *Illustratore* are not the same kind of object as the painted walls of churches. They are books, and mostly legal books, therefore not religious in the strict sense. However, the study of law and the act of judgment had a sacred character<sup>17</sup>. Furthermore, the religious image was still the fundamental artistic

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<sup>14</sup> ANTOINE 1988 pp. 51-53; ANTOINE 1992, pp. 99-115; ANTOINE 1993, pp. 1447-1469.

<sup>15</sup> ANTOINE 1992, pp. 104-105. On the recovery of ancient Roman painting in Giotto's murals in the upper church of Assisi: ROMANO 2008, pp. 84-89.

<sup>16</sup> ANTOINE 1992, p. 114.

<sup>17</sup> Law and judgement were considered as the human expression of God's rational will acting in the creation. GROSSI 1995, pp. 135-144.

image in the fourteenth century. Consequently, one can expect that the didactic-mnemonic model of mural ecclesiastical painting may have been decisive also in this different field.

A scene found as the typical illustration of some books belonging to Roman law can further justify an interpretation in this sense. In Bolognese manuscripts from late thirteenth century onwards, the openings of Books 28, 30, 31, 32 and 35 of the *Infortiatum*, of Book 7 of the *Codex*, and of Book 3 of the *Institutiones*, all dedicated to inheritance issues, could be decorated with a miniature depicting a deathbed scene<sup>18</sup>. At Book 30 of the *Infortiatum*, in two copies in Cesena (Cesena, Biblioteca Malatestiana, S.IV.2, fol. 111r<sup>19</sup>; fig. 1) and Paris (Paris, Bibliothèque nationale de France, Latin 14340, fol. 111r)<sup>20</sup>, dating to around 1330-1335, the Illustratore added a doctor examining a phial containing urine to the usual characters of a dying man in the bed, his relatives assisting him and a scribe writing his testament on a scroll or a priest giving the last rites<sup>21</sup>.

There is no direct connection between this iconography and the related text.

Illustratore's pictures are indeed close to the mnemonic image that Albertus Magnus,

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<sup>18</sup> The *Infortiatum*, the *Codex* and the *Institutiones* are among the fifth parts in which the *Corpus iuris civilis*, i.e. the monumental codification of Roman law promoted by the emperor Justinian in 529-565, was rearranged by medieval lawyers in the twelfth and thirteenth centuries. The *Infortiatum* included Books 24,3-38 of the *Digest*. The *Codex* preserved the first nine books of Justinian's original work. The *Institutiones* were often joined with Books 10-12 of Justinian's *Codex*, dubbed as *Tres libri*, the *Authenticum*, containing Justinian's *Novellae*, and the thirteenth-century *Libri feudorum* in a comprehensive text, called the *Volumen parvum*. The other sections are the *Digestum Vetus* (*Dig. Iust.* 1-24, 2) and the *Digestum Novum* (*Dig. Iust.* 39-50). L'ENGLE 2001, pp. 12-15.

<sup>19</sup> The manuscript has been fully digitized: <http://catalogoaperto.malatestiana.it/elenco-libri/libro/?saggioid= SX.04.02> (accessed November 13, 2019). For a catalogue entry: DEL MONACO 2018b, pp. 155-158 scheda 3. For a recent contribution: DEL MONACO 2020.

<sup>20</sup> A full digitized copy of the manuscript's microfilm is available at: <https://gallica.bnf.fr/ark:/12148/btv1b10035425w> (accessed November 13, 2019). For recent catalogue entries: AVRIL – GOUSSET 2012, pp. 84-87 n° 30; DEL MONACO 2018b, pp. 199-200 scheda 23.

<sup>21</sup> A doctor observing urine by the Illustratore is also in the opening miniature of Book 3 of the *Institutiones* in a later copy of the *Volumen parvum* in the Vatican (Città del Vaticano, Biblioteca Apostolica Vaticana, Vat.lat.1436, fol. 40r). The codex has been digitized in full: [https://digi.vatlib.it/view/MSS\\_Vat.lat.1436](https://digi.vatlib.it/view/MSS_Vat.lat.1436) (accessed November 15, 2019). For a catalogue entry: DEL MONACO 2018b, pp. 175-176 scheda 11.

depending on the *Ad Herennium*<sup>22</sup>, suggested that his reader mentally depict in order to remember the accusation of poisoning<sup>23</sup>. In Albertus' text are present a dying man in his bed and a doctor. Therefore, the dictation of a will appeared to work as a mnemonic image to memorize the topic of the Book 30 of the *Infortiatum*. In a similar way the lawyer Pietro Ravennate, in his *Phoenix seu memoria artificiosa*, written in 1491, recommended imagining a relevant narrative scene as the best way to remember the «rubrica de transactionibus» («concerning the bringing of an action») of Justinian's *Codex*<sup>24</sup>.

Mnemonic training was indeed pivotal for the law students and scholars living in the university milieu of Bologna, who were used to following a demanding method for the quotation of legal *auctoritates* especially based on the association between the single law to remember, the mental image most appropriate to it and the exact place where the law was situated in the text<sup>25</sup>. The lawyers and rhetors of the local *Studium* were among the protagonists of the rediscovery of the Ciceronian artificial memory in the thirteenth century. For instance, the *Instrumentum Iuris Civilis*, written in Bologna by Anselmo de Orto, begins with a mnemonic image, the Temple of Justice, and the most widespread vernacular edition of the *Ad Herennium* was composed in Bologna too<sup>26</sup>.

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<sup>22</sup> *Rhet. Her.* 20, 33.

<sup>23</sup> ALBERTUS MAGNUS, *De bono* 4, 2, *Alberti Magni ordinis fratrum praedicatorum De bono*, edd. H. KÜHLE et al., Münster 1951, pp. 247-248. On the passage: YATES 1966, pp. 11, 65.

<sup>24</sup> BRAMBILLA 2005, p. 184.

<sup>25</sup> BRAMBILLA 2005, pp. 167-169. Research by Joanna Frońska and Susan L'Engle has also shown that pictures with a mnemonic purpose were sketched with pen and ink on the margins of legal manuscripts, especially from the twelfth to the first decades of the thirteenth century. The manuscripts owners were often the authors of these drawings. However, these sketches did not function according to the complex mnemonic rules of the *Ad Herennium*, but on more elementary techniques used to associate words with images. This activity seemed to become rarer in the very moment when the practice of illuminating legal manuscripts with narrative scenes started being a common practice. FROŃSKA 2010; FROŃSKA 2011; L'ENGLE 2011; FROŃSKA 2013.

<sup>26</sup> ANTOINE 1993, p. 1454.

At least since the late thirteenth century the illustration of legal manuscripts in Bologna consisted of a combination between the allegorical depictions of the authority of law, usually the emperor Justinian enthroned for Roman law, Christ or the pope enthroned for canon law<sup>27</sup>, surrounded by the *doctores legum*, at the beginning of each part of the *Corpora*, and depictions of legal cases at the beginning of internal books<sup>28</sup>.

In both kinds of images the Illustratore developed the typical narrative flair of the Bolognese. Firstly, the artist took advantage of Giotto's realistic innovations for a higher narrative unity and a deeper rendering of life; then he subverted the regular order of the Florentine painter<sup>29</sup>.

The two-column frontispiece of a *Volumen* in Bordeaux (Bordeaux, Bibliothèque de Bordeaux, ms. 355-1, fol. 1r<sup>30</sup>; fig. 2), dating to around 1335, is a good example of the Illustratore's narrative imagery. In the frontispiece to Justinian's *Institutiones* the artist depicted the principle expressed at the beginning of Book 1: «Imperatoriam maiestatem non solum armis decoratam, verum etiam legibus oportet esse armatam» («The Imperial Majesty should be not only made glorious by arms, but also armed with laws»). In Bolognese manuscripts of the time the power of weapons is embodied by soldiers and the power of laws by jurists<sup>31</sup>. In a slightly later copy in Cesena (Cesena, Biblioteca

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<sup>27</sup> Canon law, also known as the *Corpus iuris canonici* since the sixteenth century, was the collection of the laws of the Church. Imitating the *Corpus iuris civilis*, it was arranged in six volumes: the *Decretum Gratiani*, the *Decretales* of pope Gregory IX, the *Liber sextus*, the *Constitutiones clementinae*, the *Extravagantes Johannis XXII* and the *Extravagantes communes*. L'ENGLE 2001, pp. 15-18.

<sup>28</sup> For the most complete survey on Bolognese legal illustration in the thirteenth and fourteenth centuries: L'ENGLE 2000. For more recent contributions: L'ENGLE – GIBBS 2001; GIBBS 2002; L'ENGLE 2002; BERTRAM 2003; BERTRAM – DI PAOLO 2012; PAVÓN RAMÍREZ 2014; DEL MONACO 2018b, pp. 93-121.

<sup>29</sup> For the stylistic development of the Illustratore: DEL MONACO 2018b, pp. 27-88.

<sup>30</sup> A full digitized reproduction is available online:

[http://bibliotheque.bordeaux.fr/in/faces/imageReader.xhtml?id=h::BordeauxBNSA\\_1251&pageIndex=1&mode=simple&selectedTab=thumbnail](http://bibliotheque.bordeaux.fr/in/faces/imageReader.xhtml?id=h::BordeauxBNSA_1251&pageIndex=1&mode=simple&selectedTab=thumbnail) (accessed November 18, 2019). For an updated catalogue entry: DEL MONACO 2018b, pp. 153-155.

<sup>31</sup> For a few examples: DEL MONACO 2018b, p. 95.



Malatestiana, S.IV.1, fol. 1r<sup>32</sup>; fig. 3) the composition is fragmented, and there are scenes even out of the frame. On the contrary, the Illustratore unified the composition as a narrative scene. The artist represented the power of weapons as an execution happening just in front of the emperor, while around him lawyers discuss among themselves. The Illustratore interpreted the frontispiece of the *Volumen* as a sequence of actions in a single narrative composition around a figure embodying authority<sup>35</sup>.

In Illustratore's miniatures (figs. 1-2) the figures are rendered with solid volume by chiaroscuro and plausibly set into three-dimensional space. The Illustratore updated to the Giottesque changes already introduced in Bolognese illumination, especially by the Master of 1328 during the city government of papal legate Bertrand du Pouget (1327-1334)<sup>34</sup>, who called Giotto himself to work in Bologna<sup>35</sup>, but he was not interested in the more complex spatial and compositional solutions of Giotto's mature works, like the murals decorating the Bardi Chapel in the Florentine church of Santa Croce<sup>36</sup> or those originally adorning the chapel of the Rocca di Galliera built in Bologna by Bertrand and unfortunately lost in the following centuries<sup>37</sup>. He looked back at Giotto's earlier outcomes in Assisi and Padua. The artist assimilated the essentials of Giotto's spatial experiments to give unity and verisimilitude to the scenes and stressed the individual

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<sup>32</sup> This manuscript was probably decorated by the main artist who worked in the Bible of the Hungarian royal treasurer Néksei-Lipócz (Washington, Library of Congress, Ms. Pre-Accession 1) in 1335-1340. On this illuminator, dubbed the Hungarian Master: L'ENGLE 2004. The codex has been digitized in full: <http://catalogoaperto.malatestiana.it/elenco-libri/libro/?saggioid= SX.04.01> (accessed November 18, 2019). For a catalogue entry:

[http://catalogoaperto.malatestiana.it/ricerca/?oldform=mostra\\_codice\\_completo.jsp?CODICE\\_ID=180](http://catalogoaperto.malatestiana.it/ricerca/?oldform=mostra_codice_completo.jsp?CODICE_ID=180) (accessed November 18, 2019).

<sup>33</sup> For a detailed discussion of Illustratore's legal frontispieces: DEL MONACO 2018b, pp. 93-113, 119-121.

<sup>34</sup> On the Master of 1328, at least: MEDICA 1990, pp. 99, 101; MEDICA 2004; MEDICA 2005b, pp. 88-90; MEDICA 2012, pp. 53-54. On the reply of Bolognese illuminators to Giotto's innovations, especially: MEDICA 2005b, pp. 86-92; MEDICA 2009; DE MARCHI 2016.

<sup>35</sup> MEDICA 2005a, pp. 37-47.

<sup>36</sup> For a recent examination of this work: MONCIATTI 2018, pp. 209-264.

<sup>37</sup> MEDICA 2005a, pp. 37-41.

character and the liveliness typical of the Bolognese reaction to Giotto. *Illustratore's* human figures were rendered in their individual aspect and expressive force at a level that in the Bolognese art of its time could be found only in monumental painters, like for instance the Campana Crucifixion Master (fig. 4)<sup>38</sup>. Furthermore, in Bordeaux the balance of composition and spatial clarity are perturbed. Space has a vertical inclination and figures are invaded by a swarming movement.

These aspects of the *Illustratore's* art are also well represented by a two-column miniature like that at the beginning of another later *Volumen* in Paris (Paris, Bibliothèque nationale de France, Latin 14343, fol. 1r<sup>39</sup>; fig. 5). Space tends to turn upside down, and figures are arranged along vertical directions in several internal unities, which are brutally connected. Figures' animation and contrasts between solid colors stress the effect of lively swarming, which however still has a focal point in the main figures at the centre, highlighted by architecture. One may recall the contemporary mural depicting the *Nativity* painted by Vitale in the church of Santa Maria di Mezzaratta on the Bolognese hills, now displayed in the Pinacoteca Nazionale (6346)<sup>40</sup>. Together with Vitale, the *Illustratore*

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<sup>38</sup> Alessandro Volpe has formed a corpus of paintings dating from the second to the fifth decades of the fourteenth century around the author of a panel depicting the *Crucifixion* in the Musée du Petit Palais in Avignon (MI 422, on permanent loan from the Musée du Louvre). These works were previously attributed to the same painter of three polyptychs in Bologna Pinacoteca Nazionale (213, 217, 7153), whom Longhi had identified with Jacopino di Francesco (Bologna, documented 1343-1386). Luciano Bellosi realised that these paintings were too earlier than the dates when Jacopino is recorded and therefore could not have been made by him. LONGHI 1973a, pp. 73-76; BELLOSI 1974, pp. 87-92; A. VOLPE 1995, pp. 403-414; PINI 2005, pp. 60-61.

<sup>39</sup> The microfilm of the manuscript is available at: <https://gallica.bnf.fr/ark:/12148/btv1b90782079> (accessed November 18, 2019). For updated catalogue entries: AVRIL – GOUSSET 2012, pp. 79-82 no. 28; DEL MONACO 2018b, pp. 200-202 scheda 24.

<sup>40</sup> The small church of Santa Maria di Mezzaratta was used by the Confraternity of the Devotees of the Madonna del Monte as their place of meeting. The building was inaugurated in 1338. The inner west wall was decorated with the *Annunciation* and the *Nativity*, attributed to Vitale, few years later. Most of the paintings were detached and moved to the Pinacoteca Nazionale di Bologna in the mid-twentieth century. D'AMICO - MEDICA 1986, p. 112; A. VOLPE 2005, pp. 41-42, 45; BENATI 2010, pp. 26-27.

created the strongest subversion of Giotto's rational principles, forcing the rendering of three-dimensional space and human expressions.

In a contemporary copy of the *Decretum Gratiani* in Munich (München, Bayerische Staatsbibliothek, Clm 23552)<sup>41</sup> figures are more imposing and the composition has an unstable order. In the major miniatures opening the *Distinctiones* (p. 1) and *Causa 2* (p. 199; fig. 6) figures are set in a regular order, but it is not clear how they are arranged in three-dimensional space. Buildings frame the scene, but in one case they diverge from a central axis, in the other the dais protruding in the lower part is too advanced compared with the ceiling in the upper part. Furthermore, the vault decorated with lozenges of the room containing the papal court seems to blur with the background decorated with golden foliate scrolls, shaping a flat background for the acting figures and the three-dimensional buildings. The composition in an unstable system of the expressive and flattening ruptures of Giottoesque compositional and spatial clarity reached an exceptional apex in the frontispiece with four *Stories of St. Stephen of Hungary*, opening a *Liber sextus* in Padua (Padova, Biblioteca Capitolare, ms. A24, fol. 1r; fig. 7), dating to 1343<sup>42</sup>.

As modern scholarship has observed since Longhi<sup>43</sup>, disordered swarming and the perturbation of spatial clarity might reflect visually chaotic effects of contemporary French or German gothic ivories and illuminations. At the same time, I think that these stylistic features can be connected to the artificial memory of the *Ad Herennium*.

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<sup>41</sup> A full digitized copy is available on the web: <https://daten.digitale-sammlungen.de/~db/0009/bsb00090822/images/> (accessed September 18, 2019). For recent catalogue entries: BAUER-EBERHARDT 2011, pp. 234-238 Kat. 213; DEL MONACO 2018b, pp. 191-194 scheda 20.

<sup>42</sup> This manuscript was commissioned by Nicholas, provost of the Cathedral of Estergom in Hungary, alongside a copy of the *Constitutiones clementinae* in the same library (Padova, Biblioteca Capitolare, ms. A25), also illuminated by the Illustratore and bearing the date «1343». DEL MONACO 2018b, pp. 194-199 scheda 21-22.

<sup>43</sup> LONGHI 1973b, p. 158; BENATI 2005; MEDICA 2012.

Antoine remarked that Giotto created distinct spatial places for each figure or group of figures involved in action and coordinated them in a spatial region, following the advice of Ciceronian artificial memory<sup>44</sup>. Frances A. Yates noticed a link between the rational balance of Giotto's painting and the regular order that Thomas Aquinas<sup>45</sup>, unlike the *Ad Herennium*, suggested to set mnemonic images into places<sup>46</sup>. These observations can be useful to better understand the peculiar assimilation of Giotto's language in Bolognese legal illustration. Giotto's rendering of spatial depth and especially of three-dimensional buildings may have proved helpful for mentally visualizing actions in architectural settings, as artificial memory requested. Giottesque rational balance gave order and unity to actions and the ability to render the life of figures provided a stronger narrative efficacy. However, as we have seen in Illustratore's works (figs. 1-2, 5-7), narrative expressivity and animation tended to overcome Giottesque balance and cause contrasts between different spatial places in a single miniature or confound their relations in a continuous stream of acting figures. Rather than the order especially recommended by Aquinas, these artistic choices seem to reflect the stress by the author of the *Ad Herennium* on the extreme force *imagines agentes* should have to remain impressed in the mind<sup>47</sup>.

I think that a link with artificial memory could be found also for Illustratore's tendency to flatten three-dimensional spaces and buildings on the surface of golden backgrounds (figs. 6-7), often decorated with vegetal motifs, «on those abstract

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<sup>44</sup> ANTOINE 1993, p. 1465.

<sup>45</sup> THOMAS AQUINAS, *Summa theologiae* 2, 2, 49, 1, *Sancti Thomae Aquinatis doctoris angelici Opera omnia*, VIII, edd. T. DE VIO CAETANI *et al.*, Roma 1895, p. 367.

<sup>46</sup> YATES 1966, p. 93.

<sup>47</sup> Mary Carruthers already observed that the *drôleries* painted on the margins of gothic manuscripts might respond to that recommendation by the *Ad Herennium*. CARRUTHERS 1990, p. 245.

backgrounds a true magic lantern of Bolognese Trecento life», as Longhi brilliantly wrote<sup>48</sup>. Fabrizio Lollini has noticed that Bolognese Trecento illumination was extremely sensitive to the contrasting tension between Giotto's new three-dimensional space and the two-dimensional space of the written page<sup>49</sup>. With reference to artificial memory, this contrast may reflect the difference between the use of book as formal structure for arranging memorial contents, already present in Quintilian<sup>50</sup> and later prevailing during the Middle Ages until the twelfth century<sup>51</sup>, and the rediscovery of the artificial memory based on three-dimensional places and acting figures according to the *Ad Herennium*. The first kind of artificial memory is expressed in the medieval manuscript by the visual hierarchy of titles and initials, which gained a high level of perfection in Bolognese legal manuscripts of the thirteenth and fourteenth centuries<sup>52</sup>. Indeed, as in the example from the A24 of Padua (fig. 7), I think that also the Illustratore's choice to set solid figures involved in vigorous actions against two-dimensional and monochromatic backgrounds in rectangular miniatures, here ordered in a group of four, could reflect a conception of visual memory set on the reading of books, where the layout of text and its image were the main mnemonic tools. This concept of artificial memory was still present even after the thirteenth century, for instance in the treatise *De memoria artificiali acquirenda*, composed by the English Franciscan friar Thomas Bradwardine in the 1330s, studied

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<sup>48</sup> The English translation is mine. The original runs: «[...] su quei suoi fondi astratti una vera lanterna magica della vita bolognese del Trecento». LONGHI 1973a, p. 24.

<sup>49</sup> LOLLINI 2007, pp. 55-56.

<sup>50</sup> *Qvint. inst.* 11, 2.

<sup>51</sup> In Quintilian's mnemonic rules the text image leads memorization. The Roman rhetor recommends dividing the text in small units, create pictures and words referring to the content on the margins and learn always on the same manuscript. The Middle Ages until the twelfth century preferred mnemonic techniques based on the act of reading a 'codex', where the sequence of pages is used as an ordered series of mnemonic places, each one characterized by the text layout and markers made of words and images. ANTOINE 1993, pp. 1449-1450.

<sup>52</sup> L'ENGLE 2001, pp. 56-66.

especially by Mary Carruthers<sup>53</sup>. Not only did Bradwardine underline the extreme character mnemonic images should show with regards to aspect, color and activity<sup>54</sup>, but he also suggested displaying the figures thus involved in extremely vigorous actions in rectangular locations set up as cells into a grid on a page<sup>55</sup>. Furthermore, the *imagines agentes* should be depicted against an almost plain background<sup>56</sup>, so that «they are ‘impressed’ memorially in the manner of a carved relief»<sup>57</sup>, which reminds me of the North European gothic ivories that may have influenced Bolognese Trecento artists such as the Illustratore.

Thanks to the illuminating studies by Roberto Longhi and other scholars following his path, the astonishing originality of Bolognese Trecento art has been understood as a rupturing updating of Giotto’s new realism. The new rendering of spatial depth and the active life of figures stimulated the naturalistic inclination of local style and proved to particularly fit the needs of legal illustration. However, Bolognese artists subverted Giotto’s syntactical and expressive gravity. Illustratore’s illuminations were one of the apexes of this trend together with Vitale’s paintings. Artist’s specialization in legal illustration allowed us to notice the connection of Illustratore’s visual language with the techniques of mnemonic image practice, by then widespread in the scholarly environment of the medieval West. By following up on Yates and Antoine’s studies on the relations of Italian painting renovation between the thirteenth and the fourteenth centuries with the rediscovery of Ciceronian *ars memoriae*, I observed an affinity between the disordered

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<sup>53</sup> CARRUTHERS 1990, pp. 130-137; CARRUTHERS 1992.

<sup>54</sup> THOMAS BRADWARDINE, *De memoria artificiali adquirenda* 47-59, ed. in CARRUTHERS 1992, p. 36.

<sup>55</sup> THOMAS BRADWARDINE, *De memoria artificiali adquirenda* 11 e 23-35, Carruthers, pp. 35-36.

<sup>56</sup> THOMAS BRADWARDINE, *De memoria artificiali adquirenda* 40, Carruthers, p. 36.

<sup>57</sup> CARRUTHERS 1992, p. 27.

animation and the extroverted expressivity and the advice to shape extreme *imagines agentes*. In addition, there is a link between the tendency to flatten three-dimensional space on the two-dimensional plane of golden backgrounds and of the written page, and the early medieval concept of space in mnemonic images based on the format of a book page.

I do not mean to state a simplistic cause-and-effect connection between different cultural practices. Recognizing a link with *ars memoriae*, that is considering how artistic language answered the functional demands of images to communicate effectively, is only a first step towards delineating the cultural context where the peculiar Bolognese Trecento style could flourish and find reason for being. I hope to have shown that connecting the traditional study of how artists faced the rupturing novelties of Giottesque realism with the consideration for the mnemonic functions of artistic images might prove useful for understanding the complexity of pictorial modes employed by Italian Trecento artists.