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## 'Ad instar quatuor elementorum': Medical and Literary Knowledge in Salatiele's Ars notarie (1242-1243)

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## Special Issue

### **Il Notaio nella società dell'Europa mediterranea (secc. XIV-XIX)**

### **The Notary in the Mediterranean European Society (14th-19th centuries)**

A cura di / Edited by

Gemma T. Colesanti - Daniel Piñol - Eleni Sakellariou



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## 'Ad instar quatuor elementorum': Medical and Literary Knowledge in Salatiele's *Ars notarie* (1242-1243)

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### *Abstract*

This article examines the implications of medical and literary knowledge for the meaning of the *Ars notarie* (1242-1243) written by the Bolognese notary Salatiele. While previous scholars described the *Ars notarie* as shortening the gap between notarial practice and Roman legal theory in thirteenth-century Bologna, the analysis of medical and literary knowledge in the *Ars notarie* suggests that the Galenic body and Ovidian verses provided Salatiele with models to theorize notarial instruments as *media* to join elements of commercialization and monetization such as proportional balances, shifting prices, and multiplying relationships into ordering principles of the common good.

### *Keywords*

*Ars notaria*; Medieval notary; Salatiele; Contracts.

### *Riassunto*

Questo articolo esamina le implicazioni della conoscenza medica e letteraria per il significato dell' *Ars notarie* (1242-1243) scritta dal notaio Bolognese, Salatiele. Mentre gli studiosi precedenti descrivevano l' *Ars notarie* come un accorciamento del divario tra la pratica notarile e la teoria giuridica romana a Bologna nel Duecento, l'analisi della conoscenza medica e letteraria nell' *Ars notarie* suggerisce che il corpo galenico ed i versi ovidiani hanno fornito a Salatiele modelli con cui poetare teorizzare gli strumenti notarili come *media* che uniscono elementi di commercializzazione e monetizzazione come equilibri proporzionali, prezzi mutevoli e rapporti moltiplicandi in principi ordinatori del bene comune.

### *Parole chiave*

*Ars notaria*; Notai medievali; Salatiele; Contratti.

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*Introduction.* - 1. *Thinking with Medical Knowledge.* - 2. *Ovidian verses, diversity, ambiguity, and hybridity.* - 3. *Conclusion.* - 4. *Bibliography.* - 5. *Curriculum vitae.*

*Introduction*

In the prologue to his *Ars notarie* (1242-1243), Salatiele, a Bolognese notary, jurist, and teacher of the notarial art, tells his readers that he has divided his work into four parts “after the model of the four elements from which the human body is composed” (*ad instar quatuor elementorum quibus humanum corpus conficitur*)<sup>1</sup>. In a gloss on the word *elementorum*, he explains that the four elements that constitute the human body are understood, according to a certain Ioanitus, as fire, air, water, and earth, which make up the smallest particles of the body (fig. 1)<sup>2</sup>. Ioanitus (or Johannitus) is the Latinized name for Ḥunayn ibn Isḥāq al-ʿIbādī (d. 873 CE), an Arab Christian who wrote an introduction to Galenic theory, the *Isagoge Johannitii* (“Introduction of Joannitus”) and translated medical writings by Galen (d. ca. 216 CE), the famous theorist of medicine, into Arabic<sup>3</sup>. Back in the text, Salatiele notes that he wrote the *Ars notarie* because

the mixture of instruments (*conmixtio instrumentorum*), the intricacy of mixtures (*conmixtionum intricatio*) and the confusion of intricacies (*intircaionum confusio*) caused error and tedium among beginners and advanced notaries (*tam rudibus quam propectis tedium parturit et errorem*).<sup>4</sup>

Still in the same sentence, Salatiele continues that he has set into “order concerned with law” (*legittimum ordinem*) these things that are confused “by the diversity of pacts” (*pactorum diversitate*) and “the multiplicity of things” (*rerum multiplicitate*) (Orlandelli, 1961, vol. 1, p. 6). With a passage from Ovid’s *Ars amatoria*, he explains in another gloss that “the diversity of pacts” comes from the diverse customs and wants of people, “as according to Ovid, ‘in the minds

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<sup>1</sup> Orlandelli, 1961, vol. 1, p. 6. Salatiele glosses *instar* with “*id est ad similitudinem*”, meaning “in similitude”.

<sup>2</sup> *Ibidem*.

<sup>3</sup> Cooper, 2016, p. 3. An important achievement by Galen was that he “laid the foundations of a theory of medical prognosis, via the pulse and the medical crises, which endured in medical practice for most of two millennia”. Ḥunayn, who was himself a physician and familiar with the Greek medical tradition, knew Syriac and Greek and “set a standard for quality in Arabic translation” (p. 13).

<sup>4</sup> Instrument (*instrumentum*) is the term used to refer to notarial acts, including, for example, contracts, tax receipts, testaments, or donations.

of people are as many customs as there are shapes on earth” (*pectoribus mores tot sunt quot in orbe figure*) (fig. 2)<sup>5</sup>.

Gianfranco Orlandelli, who edited the two versions of Salatiele’s *Ars notarie* including the entire gloss with utmost attention to detail (1961), notes that

the gloss instead forces us to examine the reason for each word used in the text and revives all the problems that tormented the author when he made the word fall into the mold of a text.<sup>6</sup>

Following Orlandelli’s call, this article examines the implications of the medical metaphor and literary analogies in Salatiele’s *Ars notarie* for our understanding of the role of notaries and notarial acts.

Together with his teacher Ranieri of Perugia (ca. 1190-ca. 1255) and his rival Rolandino Passaggeri (ca. 1215-1300), Salatiele was one of the three most influential writers of the *ars notaria* tradition<sup>7</sup>. *Ars notaria* manuscripts contain instructions and theoretical explanations for the recording of notarial acts, including contracts, testaments, court records and sometimes material pertaining to civic offices<sup>8</sup>. *Ars notaria* has been translated as “the art of notaries (or of the notariate)” and refers to how notaries composed and certified legal acts according to the practice and theory of thirteenth-century Bologna (Weimar, 1980, cols. 1045-1047). Scholars commonly see the development of *ars notaria* as the beginning of the application of methods and principles of juridical science of the twelfth and thirteenth centuries to notarial practice (Orlandelli, 1965, p. 348; Scalfati, 2016, p. 5). The first known manuscript referred to by its

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<sup>5</sup> Orlandelli, 1961, vol. 1, p. 6. Translated according to Kramer, 2010, p. 71: “In the breasts/minds [of man] are as many dispositions as there are shapes on earth.”

<sup>6</sup> Orlandelli, 1965, p. 332: “la glossa ci costringe invece a reicercare la ragione di ogni parola usata nel testo, e fa rivivere tutta la problematica che tormenta l’autore nel momento in cui fa cadere la parola nello stampo di un testo”.

<sup>7</sup> I identified sixteen formularies and *ars notaria* books for thirteenth-century northern Italy.

<sup>8</sup> The term “formulary” comes from the word “formula”, which is the term for the constitutive parts of legal acts. One of the purposes of formularies is to provide a given craft, whether that craft be medicine, shoemaking, cooking or the writing of notarial acts, with a system, and a common foundation or doctrine that outlines and orders its activity. *Ars notaria* manuscripts contain formularies. However, the difference between formularies and *ars notaria* manuscripts is that *ars notaria* manuscripts supplement formularies—models for the composition of notarial acts—with theoretical explanations from contemporary jurisprudence. In this article, I refer to “*ars notaria*” as the tradition and to “*ars notaria* manuscripts” when I mention specific works. The titles of individual works are written with capital letters, for example *Ars notarie* for Salatiele’s *ars notaria* manuscript.

author as *ars notaria* is by Ranieri of Perugia, written ca. 1226-1233 (Wahrmund, 1917)<sup>9</sup>.

*Ars notaria* schooling became mandatory in Bologna by the middle of the thirteenth century<sup>10</sup>. The rapid growth of the notarial profession and the popularity of instruments went hand in hand with the commercialization and monetization of everyday life in the cities of the northwestern Mediterranean. In central and northern Italy, notaries became so influential that civic institutions began to intervene by imposing various control mechanisms on them, such as the qualifying exam or the requirement to deposit registers in the communal archive. At the same time, notaries -like men in other crafts- organized themselves as a guild that competed with the communal government over control of the profession.

Born in Bologna around 1210 to Martino di Papa, Salatiele was married to Bertilla and had two children, Aliotto and Margherita. Salatiele maintained a school in his house where he taught *ars notaria* (Giansante, 2017). Politically active in the pro-Ghibelline faction of the Lambertazzi, he was exiled from Bologna in 1274 after the defeat of the Lambertazzi and died in 1280 (Giansante, 2017). Having studied law at Bologna as a student of Odofredus (d. 1265), Salatiele was inspired by Accursius' style and ambition<sup>11</sup>. According to Orlandelli, he composed the *Ars notarie* with Accursius' *Glossa ordinaria* in his hands (Orlandelli, 1961b, p. vii, n. 2). In contrast to his teacher Ranieri, Salatiele sought to elevate practice and theory of the notariate to the level of juridical doctrine (Orlandelli, 1965, p. 362). Salatiele, for example, deliberately changed customs and usages from Lombard law that did not correspond to the *Corpus iuris civilis* (Orlandelli, 1965, p. 363)<sup>12</sup>. As a result of his goal to make the *ars*

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<sup>9</sup> For the period Ranieri worked on the *Ars notariae* and biographical information, see Tamba, 2016.

<sup>10</sup> See Fasoli, 1974; Schwarz, 1973, pp. 49-92, emphasizes that the changes introduced to the regulation of the exam between 1246 and 1288 indicate a struggle between the guild of notaries and the communal government, each of which sought control over the appointment of notaries to communal offices.

<sup>11</sup> Orlandelli, 1961b, p. xvii, notes that Salatiele's literary affinities, his style, and his wit that come to the fore in the glosses were likely inspired by Odofredus. Franciscus Accursius (ca. 1182-1260), a leading jurist of the thirteenth century and professor of law at the University of Bologna, was one of the last so-called "glossators" of Justinian's compilation of Roman law. Collecting, complementing and systematizing the numerous previous glosses to Roman law, Accursius' *Glossa ordinaria* (1220-1250) became the authority on the *Corpus iuris civilis* for more than five hundred years thereafter; Lange, 1997-2007, pp. 335-386.

<sup>12</sup> See also Orlandelli, 1961a, pp. 32-36.

*notaria* part of the *ius civilis*, Salatiele paid minimal attention to formulas of court records<sup>13</sup>.

Salatiele worked on the first version of the *Ars notarie* between 1237 and 1242 and the second from 1242 to 1254 (Orlandelli, 1961b, p. ix)<sup>14</sup>. Both versions consist of four parts. Three of the four parts are theoretical with the fourth one consisting of a formulary with sample notarial acts. In the first part, Salatiele discusses people, things, and actions. The second part presents contracts, and the third treats testaments and judicial material. According to Orlandelli, it is possible that Salatiele never finished either version, abandoning the first because of dissatisfaction with his own work and the second because of the appearance and success of Rolandino's formulary in 1255 (Orlandelli, 1961b, p. ix)<sup>15</sup>. A difference between the two versions, Silio P.P. Scalfati (2016, p. 7) observes, is the more developed theoretical part in the second version. The gloss in Salatiele's first *Ars notarie* extends from the beginning to the last document of the fourth part. Though writers did not usually gloss their own work, Salatiele apparently did, adding marginal annotations, drawing particularly on Accursius' *Glossa ordinaria* to ground notarial arts in Roman legal theory<sup>16</sup>.

The appearance of the *ars notaria* has been explained as the result of a combination of political and legal developments that took place in Bologna at the beginning of the thirteenth century. Legally, the problem lay in the growing tension between communal legislation (*ius novum* or *ius proprium*) and the *ius*

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<sup>13</sup> Scalfati, 2016, p. 7 points out that judicial material is "pratiquement inexistente" in Salatiele's *Ars notarie*.

<sup>14</sup> The only known version of the first *Ars notarie* is Biblioteca comunale dell'Archiginnasio di Bologna (henceforth, BCABo), MS B 1484, discovered by Lino Sighinolfi; see Sighinolfi, 1920. Sighinolfi also edited Salatiele's testament and other documents in which Salatiele is attested. The version in MS B 1484 was contemporary with the first version of the *Ars notarie*. It includes 34 folios in total and has fragmentary passages. Versions of Salatiele's second *Ars notarie* are extant in two manuscripts: Paris, BNF, MS lat. 4593 and 14622.

<sup>15</sup> Rolandinus was Salatiele's contemporary. Both maintained schools of *ars notaria*.

<sup>16</sup> Orlandelli claims that the gloss is "opera diretta e cura principalissima dello stesso autore". The annotations and corrections in MS B 1484, the manuscript Orlandelli used for the edition of the first version, were made by people who were "vicinissima" to Salatiele. They indicate the transition from the first to the second *Ars notarie*; see Orlandelli, 1961b, p. xxiv. Despite Orlandelli's experience and, indeed, the similarity of handwriting of the gloss and the main text in MS B 1484, it seems not entirely certain that Salatiele glossed the *Ars notarie*. I will nevertheless follow Orlandelli's judgment and refer to Salatiele as the writer of the gloss throughout this article. If Salatiele was not the writer of the gloss, the *Ars notarie*'s meaning and what notaries learned from it were still the same.

*communis*. Jurists sought to clarify the relationship between the two normative systems, while the writers of *ars notaria* turned to jurists' works, especially to the *Glossa ordinaria*, to adapt notarial formulas to the conclusions of learned law (Orlandelli, 1965, pp. 356-357)<sup>17</sup>. Giovanni Feo, Lorenza Iannacci, and Annafelicia Zuffrano explain formularies and *ars notaria* manuscripts as key tools for establishing the link between written legislation and the notarial practices of the communal court (Feo - Iannacci - Zuffrano, 2012). Politically, during the Investiture Controversy, communes transitioned to relatively autonomous governments with administrations and courts run by notaries<sup>18</sup>. As they did so, an increasingly complex skillset was demanded of notaries, who were no longer employed only as writers of private documents, but also as administrators of communal offices and especially of courts<sup>19</sup>.

These and other contributions further our understanding of the legal-institutional and political aspects of *ars notaria* (Scalfati, 2016; Tamba, 2002; Piergiovanni, 1995). But why, despite Roman law being so central to Salatiere's undertaking, did he organize his *Ars notarie* according to the image of the human body as explained in medical theory? What does it mean that Salatiere looked to a passage from Ovid's *Ars amatoria* to discuss the diversity of pacts? The inclusion of Galenic theory and Ovidian verses in the gloss suggests that Salatiere's conception of the notarial art was -if only marginally- framed in terms of analogies drawn from medical and literary thought<sup>20</sup>.

I suggest that the medical metaphor may reveal an economic context to Salatiere's conception of the notarial art. The words—confusion, multiplicity, mixture, and diversity—suggest that Salatiere faced an additional challenge. Besides merging notarial practice with Roman law, he had to devise an ideal social order in which human relationships are monetized and commercialized. The legal form, the instrument, provided a fixed frame for monetized relationships at the same time as these relationships, the mixtures, were in constant flux because monetized values change. The human body explained by Galenic theory is a self-ordering system consisting of ever-changing mixtures of the four elements. This body may be seen as an analogy for the ordered whole

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<sup>17</sup> Henceforth, I will use the word "formula" in two distinct ways, as denoting a model document and as referring to a stock phrase in a document.

<sup>18</sup> Orlandelli, 1965, p. 349: "Scoppiano crisi politiche che tradiscono l'insufficienza di una organizzazione troppo primitiva per governare un organismo sempre più complesso."

<sup>19</sup> *Ibi*, pp. 348-350. See also Walther, 1986.

<sup>20</sup> Caravaggi, 2020, chapter 6, has made a parallel argument concerning medical knowledge in political thought and practice.



Salatiele sought to construct of the changing instrumental mixtures of monetized and commercialized relationships<sup>21</sup>.

Drawing on literary analogies, I suggest it is possible to see Salatiele relate to Ovidian verses just as contemporary intellectuals, religious leaders, and (insofar as we conceive of them) ordinary people did: to reflect on the nature of change and hybridity<sup>22</sup>. For notaries this change concerned the translation of mixed, multiple, diverse, and confused relationships into an ordered whole. Ovidian verses may have been a way for Salatiele to conceptualize the changes that took place whenever notaries wrote new contracts, turning men and women into married couples, living people into dead persons, or children into heirs.

It is impossible for us to enter Salatiele's mind. But what I suggest is that his vision of the notarial profession, notarial identity, and formulaic language was shaped not only by the context of the changing legal-institutional and political circumstances but, as exemplified here, also by medical and literary contexts. At the heart of this article is the claim that sectors or domains of thought, imagination, and apprehension were and are not isolated as we engage with the world but instead constantly cross-pollinate and mutually influence one another<sup>23</sup>.

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<sup>21</sup> For the implications of the experience of monetization and commercialization on intellectual thought, see Kaye, 2014.

<sup>22</sup> For the interpretation of the interest in Ovid as a way to understand change as an ontological category, see Bynum, 2001, p. 18.

<sup>23</sup> This line of thought is common in certain works of the history of science, and in medievalist scholarship, brilliantly attested in Kaye, 2014.

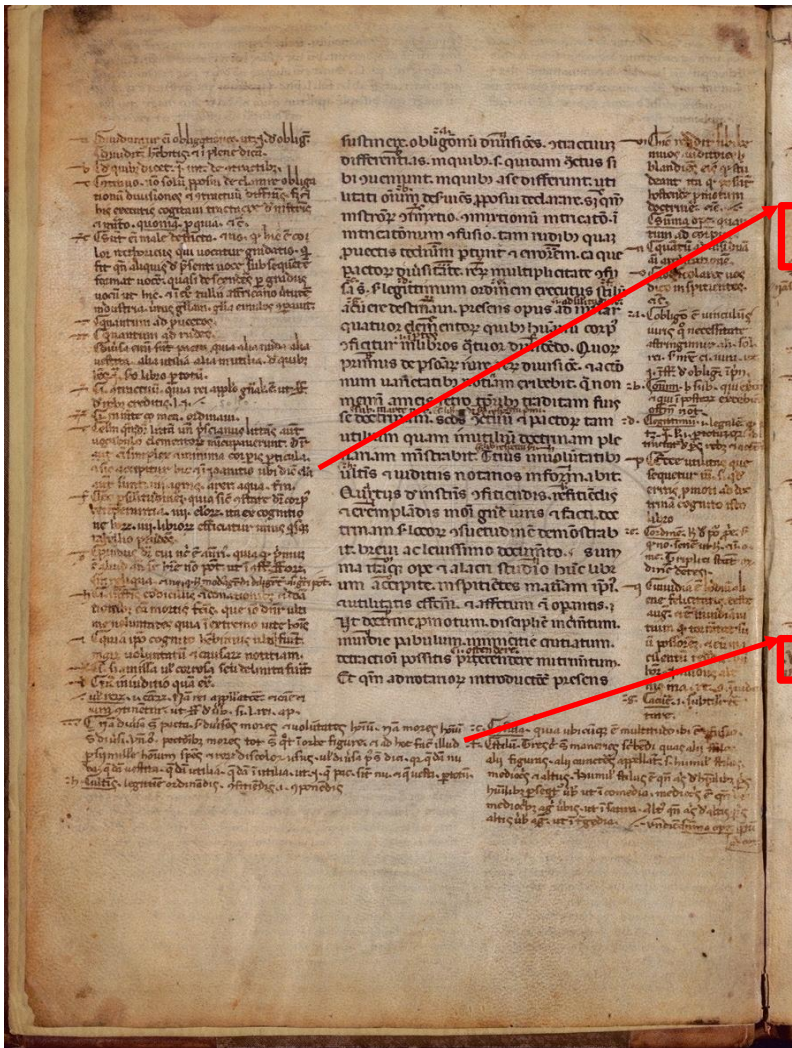


Figure 1

et sic accipitur hic et in Ioanitis ubi dicit elementa autem sunt .iiii., ignis, aer, aqua, terra.

Figure 2

unde Ovidius 'peccatoribus mores tot sunt quot in orbe figure'

Figures 1-2: Bologna, BCABo, MS B 1484, 2v. Second folio of Salatiello's *Ars notarie*, ca. 1242. Lines 10-12 of the main text contain the passage in which Salatiello compares the structure of "this book," the *Ars notarie*, to the four elements that constitute the human body.

Figure 1: The red arrow points at the gloss to the word *elementorum*: "et sic accipitur hic et in Ioanitis ubi dicit 'elementa autem sunt .iiii., ignis, aer, aqua, terra'" (and so it is accepted here according to Ioanitis, where he says 'but the elements are four: fire, air, water, and earth'); (Orlandelli, 1961, vol. 1, p. 6).

Figure 2: The red arrow points at the line with the reference to Ovid in the gloss to the word *diversitate*: "unde Ovidius 'peccatoribus mores tot sunt quot in orbe figure'" (as Ovid writes 'in the minds of people are as many customs as there are shapes on earth'); (Orlandelli, 1961, vol. 1, p. 6).

### 1. *Thinking with Medical Knowledge*

A set of medical texts Salatiere was likely to have known was the collection in the *Ars medicina* or *Articella*<sup>24</sup>. The *Articella* likely circulated in Latin Europe as early as the mid-twelfth century (Kaye, 2014, p. 138). It included Ḥunayn ibn Ishāaq al-ʿIbādī’s (Ioanitus) short introduction to Galen’s medical theory known as *Isagoge Johannitii*, the work Salatiere indicates in the gloss (Orlandelli, 1961, vol. 1, p. 6). The *Articella* did not contain an authentic Galenic work, but the *Isagoge*, one of the five original texts in the compilation, was written explicitly as a summary of the Galenic system (Kaye, 2014, p. 206, n. 82). The first detailed commentator on Galenic medical theory was the physician Taddeo Alderotti (c. 1210-1295), who was a professor of medicine at the University of Bologna, one of the most important centers of the study of medicine in northern Italy (Kaye, 2014, p. 195; Siraisi, 1990, p. 17). Knowledge of different disciplines circulated between students and teachers not only at the university in Bologna, but also among universities in different cities. Indeed, Lorenzo Caravaggi points out that “[w]hether directly or indirectly, Galenic theory permeated the environments in which the law was administered” (Caravaggi, 2020, 234). Of little surprise, then, is that a university-trained jurist, Salatiere, had access to medical knowledge.

Orlandelli has already suggested that the metaphor of the human body is not merely a rhetorical affectation. He understood it in the context of Salatiere’s endeavor to make notarial practice part of the *Corpus iuris civilis*, arguing that Salatiere’s division of his works into four books reflects a “cosmogenic” order (Orlandelli, 1965, p. 363). The quadripartition of the material into people, things, actions, and formulas formally corresponds to the Justinianic corpus consisting of the *Institutes* (*Institutes*), *Digest* (*Digesta*), *Code* (*Codex*), and *Novels* (*Novellae Constitutiones*). Conceptually, Salatiere’s *Ars notarie* is similar to the tripartition of the *Institutes* that are divided in persons, things, and actions, and Orlandelli sees the phrase “the four elements of the human body” as a metaphor for the fixed grid of Roman law into which Salatiere will insert the notarial art. Ranieri’s tripartite structure of the *Ars notariae* honoring the Holy Trinity, in contrast, is “less astral and more warmly humane” (Orlandelli, 1965, p. 363). What this may mean to Orlandelli is that Ranieri’s *Ars notariae* strikes a

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<sup>24</sup> There is no indication of books Salatiere owned in his testament or in other documents related to his legacy, Sighinolfi, 1920, pp. 144-149. However, Orlandelli writes that Salatiere had access to classical authors and other works through his teacher Odofredus; Orlandelli, 1961b, p. xvii.

better balance between theory and practice in the sense that it explains practice with theory but does not fit practice into the straitjacket of Roman law (Orlandelli, 1965, p. 363). Lino Sighinolfi, too, noted the reference to the human body in Salatiele's prologue and suggested that the phrase shows that Salatiele was inspired by scholastic philosophy (Sighinolfi, 1920, p. 111).

However, given that Salatiele glosses "the four elements of the human body" with a passage from the *Isagoge*, and given that Galenic theory was discussed by Alderotti at the time Salatiele was active in Bologna, it seems unlikely that the medical metaphor served as a model of a fixed and rigid order of the *Ars notarie*. Because, as Joel Kaye shows, and as we will see in more detail below, "Galen conceives of the body as a working whole, which is to say, as an ever-shifting relational system" (Kaye, 2014, p. 154). Salatiele was certainly not the first to use the human body as a metaphor for social order. Organic metaphors of government in political thought had long existed. However, as Caravaggi shows, these organic metaphors began to be formulated in specifically medical terms and by Galenic theory in the thirteenth century (Caravaggi, 2020, p. 230). Around the same time as Galenic texts were widely circulated and systematized, Aristotelian philosophy, too, was disseminated across Western Europe. Consequently, Latin thinkers began to merge the two branches of knowledge. Taddeo Alderotti translated the *Nichomacean Ethics* into the vernacular and made it mandatory for medical students to learn philosophy (Caravaggi, 2020, p. 232; Gentili, 2005).

In what follows, I suggest there is an alternative reading of the medical metaphor. One context of the metaphor, the human body as model for the structure of the *Ars notarie*, is the *Ars notarie* as a whole, concerned with the ordering of notarial instruments that almost always include several facets of people and monetary values that fluctuate over time. The other is the more immediate textual environment of the metaphor; "the four elements that constitute the human body" are meant to order the mixture, intricacy, diversity, and multiplicity of instruments and things (Orlandelli, 1961, vol. 1, p. 6). Considering these contexts, the human body as it is explained in Galenic theory may be a metaphor responding to processes of commercialization and monetization. The process of monetization, Kaye explains,

was inextricably tied to what has been called "the commercial revolution of the thirteenth century": the rapid growth of trade, markets, and towns; the acceleration of agricultural and craft production; the evolution of specialized commercial enterprises and techniques; and the penetration of monetary and commercial values into all areas of social life (Kaye, 1998, p. 15).

Because contracts bind facets of people and things into relationships over time, the monetary value of things or services could change depending on external circumstances. People could enter myriad diverse contracts, which meant that relationships and things multiplied in their existences in the medium of legal forms<sup>25</sup>.

Proportions, probability, multiplicity, and shifting values and mixtures were problematic and even a threat from the viewpoint of medieval intellectuals. According to the ideal social order traditionally imagined by them, everything and everyone had its fixed place in a divinely ordered hierarchy. Yet as urbanization, commercialization and monetization increasingly determined life in the medieval Mediterranean, old hierarchies, and, as Kaye argues, even a shift in imaginations of the potentialities of systematic balance—an expansion of the sense of what balance is and can be when applied to the ordering of the body politic—radically changed (Kaye, 2014).

The problem of proportionality and shifting equalities was that they contradicted traditional ideas of fixed and knowable quantities required by justice in economic exchange<sup>26</sup>. For example, a piece of land in a rent contract could change its value over time; the arithmetic equality of the price of the land demanded at the moment when the contract is drawn up, reflecting a 1:1 proportion to value, was impossible throughout the duration of the contract. Money itself had multiplying potential when a certain amount was lent and a larger amount was received back at the end of a usurious loan contract. Loans could violate the requirement of exchange equality by including a return in excess of the sum originally lent. In time sales, “there is no recognizable basis for numerical equality at all” (Kaye, 2014, p. 101).

A typical form of time sale used at the time was the census contract, “a peculiar hybrid between a contract of loan (*mutuum*) and of sale (*emptio-venditio*)” (Kaye, 2014, p. 101). With a census, one party (A) offered to another party (B) the rights of fruitful property valued at a particular price. B promised to pay yearly installments over the duration of the contract, usually as long as B

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<sup>25</sup> Bedos-Rezak, 2011, has shown that, in northern Europe, charters derived their trustworthiness and authority not from the presence and meaning of the words of the text, but through the seal in which the issuer of the charter was meant to be physically present. Such presence led to a multiplication of identities with ensuing issues about their status and nature similar to the one I see Salatiele invoke when he writes about the “multiplicity of things” in notarial instruments.

<sup>26</sup> Kaye, 2014, discusses these issues in chapters 1 and 2.

and his heirs lived or in perpetuity. These installments are, individually, smaller than the initial valuation of the property. Thus, as Kaye notes, “the probability of a numerical equality resulting from this contract is small to none” (Kaye, 2014, p. 101). If, for example, the property was valued at 100 solidi and B promised to pay 10 solidi per year, for numerical equality to be reached, B had to die precisely ten years into the agreement, and his heirs had to refuse to take over the contract. The exchange equality in this contract, then, is proportionate.

Proportionality and probability posed fewer problems to merchants and ordinary people using notarial services than to legal theorists and notaries like Salatiele who sought to render them compatible with the vision of social order and justice they were familiar with. For apprentice-notaries who were instructed in *ars notaria* by Salatiele, his views mattered because he shaped their role and systematized their practice to function as ordering principles of the public good.

Changes in legal thought came from members of the Church, which itself was one of the biggest participants in and proponents of time-sales. Daily contact with the commercialized environment—a world of the probable, unpredictable, and relational—led Pope Gregory IX to promulgate the decretal *Naviganti* in 1237. In a general consideration of time-sales, Gregory “justifies a numerically unequal return where doubt exists” about the future prices of goods (Kaye, 2014, p. 36). Theological and canon law discussions of contractual forms led people to stretch the bounds of *aequalitas* to include probabilistic and proportionate values in the notion of a just balance (Kaye, 2014, pp.35-41). Justice in exchange was increasingly recognized as being achieved through the balancing of willed inequalities between buyers and sellers in the dynamic urban marketplace. Even though each exchanger sought their own personal benefit—a potential source of unending dispute—the general opinion shifted from a fear of money and material wealth to a common recognition that the multiplication of commerce and exchange was beneficial to the common good. The result of this experience was, Kaye shows, a new, complex model of dynamic equilibrium formulated by a small number of extraordinarily talented and ambitious intellectuals as a self-ordering and self-equalizing system applied to the analysis of both nature and society (Kaye, 2014, p. 6).

Salatiele’s use of the medical metaphor as an encompassing and ordering principle of the mixture, intricacy, and confusion of notarial instruments may reveal a concern about the internal balance of the conception of the notarial art based on the experience of commercialized and monetized relationships notarial instruments had to formalize. Though he cited Galenic theory only

once, this one citation is important since it appears in the gloss to the sentence in which Salatielle explained why and how he structured the entire work:

Sed quoniam instrumentorum conmixtio, conmixtionum intricatio, intricacionum confusio tam rudibus quam provecis tedium parturit et errorem, ea que pactorum diversitate, rerum multiplicitate confusa sunt secundum legitimum ordinem executus stilum acuere destinavi, presens opus ad instar quatuor elementorum quibus humanum corpus conficitur in libros quatuor dividendo: [...] (Orlandelli, 1961, vol. 1, p. 6).

But since the mixture of the instruments, the intricacy of the mixtures and the confusion of the intricacy bring forth tedium and error for beginners and for advanced [notaries] alike, I have determined to clarify those things which have been confused by the diversity of pacts [and] the multiplicity of issues, according to the correct order, [and] I have followed [proper] style, by dividing the present work into four books, after the model of the four elements from which the human body is produced: [...].

He then glossed the word *elementorum* (elements) with a phrase from Galenic theory:

elementum] quandoque dicitur littera, unde Priscianus ‘litteras autem vocabulo elementorum nuncupaverunt,’ dicitur etiam simplex et minima corporis particula, et sic accipitur hic et in Ioanitio ubi dicit ‘elementa autem sunt .iiij., ignis, aer, aqua, terra’ (Orlandelli, 1961, vol. 1, p. 6).

element] as often as it means “letter”, as in Priscian ‘however, they called letters by the term elements’, it also means the uncompounded and smallest part, as it does here and in Johannitius where he says ‘but the elements are 4: fire, air, water, and earth’

As Kaye notes, the word *mixtio* (mixture) is the translation of Galen’s term (commonly found in the Latin translations and commentaries) used to convey “the idea of proportional balance, and the active sense of a dynamic process of systematic balancing” (Kaye, 2014, p. 136). Health was associated with balance and illness with imbalance prior to Galen. However, the astonishing connection Salatielle makes here is that he uses the word *conmixtio* (mixture) to define the composition of instruments followed by an explanation of elements as constituents of the human body. This combination makes it possible to propose

that he understood the “mixture of instruments” as ordering society in a “dynamic process of systematic balancing” as Galen described it for the mixtures of the four elements in the human body.

Salatiele’s intention was to compose the *Ars notarie* “according to the order concerned with law” (“secundum legitimum ordinem”) in the image of the human body<sup>27</sup>. It is a commonplace that “[w]hen medieval society imagined an ideal society, order was among its guiding principles” (Barker, 2019, p. 12). Thomas Aquinas’ (1225-1274) ideal society, for example, is set in the Garden of Eden<sup>28</sup>. People who lived there were naturally sociable, which brought them to live in society. Dominance was necessary because society needed a ruler to take care of the common good and because the rest of society would benefit from the goodness and knowledge of the wisest.

Unlike in Thomas Aquinas’ ideal society, however, there was no linear and fixed hierarchy of elements in the Galenic body. The human body in Galenic theory is described as a system of elemental mixtures, which implied a process of systematic ordering not directed by one central element such as the wise and knowledgeable ruler in Thomas Aquinas’ ideal society (Kaye, 2014, p. 136). Neither Aquinas nor Salatiele denied the presence of a superior intelligence, for example, God, as the architect of the ideal society. But what may have made the Galenic body a suitable analogy for Salatiele’s ideal order is that it was maintained by multiple and dynamic forces, just as he was likely to have known them to exist for commercialized and monetized contracts from economic thought and just as he experienced them in the agreements he recorded in instruments during his own activity as notary.

Salatiele’s social order was not led by the few wisest of the community but by numerous public notaries who joined monetized and commercialized affairs of people into a whole. He defined notaries as public servants and specified that they were free servants because they “publicly served all” (“publice omnibus

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<sup>27</sup> Orlandelli, 1961, vol. 1, p. 6. Salatiele glosses “legittimum” as “legalem,” which means “legal” and “concerned with law,” and adds that “that it is accessible in the first book below through the whole, because there it treats people, things and actions” (legittimum, id est legalem, quod patet infra libro .i., per totum, quia ibi tractatur de personis, rebus et actionibus).

<sup>28</sup> Barker compares Thomas Aquinas’ imagination of ideal society to the ideal society imagined by Muslims as starting point of her examination of medieval slave trade between the two religions; *Ibidem*.



servit")<sup>29</sup>. Salatiele's repeated statements that the work of notaries serves the utility of all indicates that he imagined notarial instruments as ordering principles of the common good, the highest communal ideal<sup>30</sup>. The image of notaries as servants of the common good recurs time and again in contemporary sources<sup>31</sup>. However, the meaning of the common good takes an interesting turn in Salatiele's *Ars notarie* because he chooses the human body, likely explained by Galenic theory, as his analogy for the order of the *Ars notarie*.

Already in an earlier sentence of the prologue, we can observe Salatiele thinking about instruments in terms of the human body. Salatiele compares the instruments of notaries to the *nervi* that tie together the living body, noting that in the hands of bad notaries these essential *nervi* are broken:

nam per instrumenta, que ipsorum prodigalitatibus incuria fudit, iuris vinculum homines non astringit sed per pravam structuram, que a turpi crimine artis ignorate procedit, instrumentorum nervi defitiunt quibus homines vitiuntur [...].<sup>32</sup>

for by means of instruments which the carelessness of their [notaries'] prodigality scatters, not the chain of law but a deformed structure binds men together, [a deformed structure] which results from the ugly crime of not knowing the art, and the *nervi* of instruments by which men are bound, die out [...].

The word *nervi* can be translated as 'nerves', 'sinews', 'muscles', 'fettors', or 'strings of an instrument', and in the plural also 'stringed instrument' among other meanings. In the gloss, Salatiele defines the word *defitiunt* (die out) with a phrase from Horace's *Ars poetica*, adding a separate explanation to the word

<sup>29</sup> Schulte, *Scripturae publicae creditur*, 32, explains that Salatiele specifies that a notary cannot be a slave but has to be a free man "[i]n conscious demarcation from Roman law" ("[i]n bewusster Abgrenzung vom römischen Recht").

<sup>30</sup> In another passage, Salatiele writes that he will explain notarial acts in the *Ars notarie* "to the utility of all" ("utilitati omnium deserviens"); Orlandelli, ed., *Salatiele: Ars notarie*, 1:6.

<sup>31</sup> Referring to Salatiele's definition of notaries as public servants, Schulte, *Scripturae publicae creditur*, 32, writes that "[d]as auf der Terminologie des römischen Rechts basierende und im Sinne des Gemeinwohls interpretierte Bild des Notars findet sich in dieser oder ähnlicher Formulierung in zahlreichen zeitgenössischen Werken." ("The image of the notary based on the terminology of Roman law and interpreted in the sense of the common good can be found in this or a similar formulation in numerous contemporary works".)

<sup>32</sup> Orlandelli, ed., *Salatiele: Ars notarie*, 1:3-4.

*nervi*. *Nervus*, the gloss reads, is a “vinculum humani corporis” (a chain of the human body), here meant to be the chains of sentences<sup>33</sup>.

In Galenic theory, nerves are chains only insofar as they extend through the body and connect the various parts of the body into a systematic whole. Galen is one of the first to insist that the central nerves that control the psychic and physiological activities of the body come from the brain and not the heart (as Aristotle had insisted), and go (in a chain) to every part of the body: “Where the source of the nerves is to be found, there too is found the ruling part of the soul”<sup>34</sup>. The term “source” refers to the origin of power, and Galen thought that power “flows” from its origin to the other parts of the body. Nerves are transmitters between the brain and muscles enabling sensation and movement. Amelle Debru writes that Galen’s model of transmission of power that enables the body to function by way of nerves rests on the image of a “stream which flows out from the source towards the rest of the body” (Debru, 2008, p. 270). According to Galenic theory, then, nerves and chains invoke the notion of an interconnected, dynamic, and fluid whole.

However, it is not entirely certain that Salatiele defined the term *nervi* according to Galenic theory. His use of the term *vinculum* (chain) to explain *nervi* may refer to the function of nerves that keep the body in place and control its movements similar to bonds and chains. There are then two possible interpretations for Salatiele’s drawing on vocabulary relating to the human body. It could, as Orlandelli suggests, indicate Salatiele’s aim of reconstructing a static and fixed social order invoked by the word *vinculum* (chain) and “the four elements of the human body” explained in their pure and unmixed form (Orlandelli, 1965, pp. 352 and 362-363). Or it could mean that he understood *nervi*, *vinculum*, and the metaphor of the four elements of the human body as they are explained in Galenic theory, as constituting a self-ordering system, consisting of elemental mixtures and flows of power leading to movement transmitted by nerves.

I am inclined to believe that Salatiele understood and applied Galen’s dynamic model of the self-ordering body to his conception of both the communal order and the notary’s function within it. After all, he cited the human body from Galenic theory by referring to the mixture (*mixtio*) of instruments. Nevertheless, I do not suggest that Salatiele conceptualized society as a self-ordering system in the same way as did the writers analyzed by Kaye,

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<sup>33</sup> Orlandelli, 1961, vol. 1, p. 4: “*nervi*, id est iuncture, est enim nervus vinculum humani corporis, transuntive ergo ponitur ad vincula sententiarum”.

<sup>34</sup> Cited from Debru, 2008, p. 268.

among them Peter John Olivi (ca. 1248-1298), Marsilius of Padua (ca. 1280-ca. 1343), and Nicole Oresme (ca. 1320-1382). Their model of equilibrium consists of a self-ordering process without a superior intelligence directing this process. Moreover, their writings became known after Salatiele's time, and even if Salatiele could have read them, it would not mean that he had understood their new model of equilibrium. But just as with these writers, I see Salatiele's choice of the four elements of the human body explained by *Ioaniti*us (an introduction to Galenic theory) as a metaphor for the order of the mixtures, intricacies, and confusion of instruments—forms of monetized and largely commercialized relationships—and as an expression of his concern with the internal balance of the art and social order.

Ultimately, whether Salatiele imagined the body as a metaphor imposing a fixed order on mixtures of instruments or whether he understood this body as a model for a dynamic order is not even the most relevant question at hand. Important to note is the choice of a medical and physical metaphor for the order of the notarial art. This choice, I argue, may reveal his concern about dynamics of commercialization and monetization in contractual relationships that he sought to organize in his *Ars notarie* such that they constitute a balanced common good. He certainly would have sensed the complexity, multiplicity, and ever-shifting values that underpinned the economy (broadly speaking) that notaries intersected with and had to comprehend on a sophisticated level.

Salatiele was not the first writer of *ars notaria* theorizing notarial instruments for a monetized and commercialized society. However, the possible connection between the common good, economic, and medical thought in the *Ars notarie* is singular and without obvious implications for practice. One practical change adapting contracts to the needs of a more commercialized economy was introduced by the anonymous author of the *Formularium tabellionum* (1205), the earliest extant formulary commonly regarded as the predecessor of the *ars notaria* (Palmieri, 1892). Scalfati explains that Irnerius, on whose theory the anonymous author of the *Formularium tabellionum* is supposed to have relied, introduced a major change in the formulae of the emphyteusis contract, eliminating the formula of feudal submission, which rendered the contract bilateral (Scalfati, 2016, p. 6). Renting land could thus be a commercial investment, more capable of accommodating the exigencies of the growing artisanal and commercial economy. So, while the anonymous author of the *Formularium tabellionum* and later writers such as Ranieri and Rolandino faced the same challenge of constructing order out of shifting, fluid, and multiplying relationships in their *ars notaria* books, the experience of this economic reality is not metaphorically reflected in their works. Salatiele and the other writers of *ars*

*notaria* also did not refer to themselves as healers or physicians, and they did not mention the *salus publica* (public health, well-being) in *ars notaria* manuscripts as far as I know. But Salatielle's, and only Salatielle's, choice of language in the prologue implies a framework of thought within which he understood notarial practice to be ordered, drawing from medical knowledge and the human body more broadly.

Passages Rolandino and other writers of the *Summa* adopted from Salatielle are stripped of medical and physical metaphors. In a gloss at the beginning of the *Tractatus notularum*, where Rolandino defines the parameters of the notarial profession, he wrote that

[v]ir autem peritia et industria artis notariae inter omnes homines imbutus bonae memoriae magister Salatiel sic in quadam sua summa, quam super artem notariae composuit: quid sit notarius descripsit<sup>35</sup>.

[m]aster Salatielle, a man of expertise and diligence in the notarial art, held in good memory by all men, described what a notary is in that certain treatise he composed about the notarial art.

Rolandino then adopted Salatielle's definition of a notary almost word for word:

Notarius est quaedam persona publicum gerens officium, ad cuius fidem hodie publice decurritur, ut scribat, et ad perpetuam rei memoriam in publicam formam reducat ea quae ab hominibus aguntur<sup>36</sup>.

The notary is a certain person who has a public office, and to whom public trust is attributed today, so that he may write and render the perpetual memory of things that are dealt with by men in public form.

Discussing the various terms that refer to a notary, Rolandino also took Salatielle's definition of notaries as public servants:

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<sup>35</sup> *Summa*, 407 r.

<sup>36</sup> *Summa*, 407 r. Orlandelli, 1961, vol. 2, p. 7: "Est autem notarius quedam publica persona publicum officium gerens ad cuius fidem hodie publice decurritur ut scribat et ad perhemnem memoriam in publicam formam reducat ea que ab hominibus fiunt".

Dicitur etiam servus publicus: non quia vere sit servus: sed quia eius officium est ad publicam utilitatem inventum<sup>37</sup>.

He is also called public servant not because he is truly a servant but because his office was invented for public utility.

When copying from Salatiele, Rolandino omitted Salatiele's medical and literary metaphors and analogies in the gloss and main text. In Salatiele's *Ars notarie*, we may see more clearly that Salatiele thought about how to balance and harmonize commercialized relationships perhaps just as much as he thought about politics and law, and just as he worried about developing a complete doctrine.

## 2. Ovidian verses, diversity, ambiguity, and hybridity

From his repeated use of Ovid's works, we may gather that Salatiele also thought about the nature of language as a medium and the central role it plays in the maintenance of social order. A reference to Ovid's *Ars amatoria* occurs in the same sentence in which Salatiele writes that because of the mixture, intricacy, multiplicity, and diversity of instruments and things, he chose the human body as a metaphor for the structure of the *Ars notarie*. He glossed the word *diversitate* (diversity) with another verse from the *Ars amatoria*. Diversity, according to Ovid, exists because people have "as many different customs in their minds as there are shapes on earth:"

diversitate] nam diversa sunt pacta secundum diversos mores et voluntates hominum, nam mores hominum sunt diversi, unde Ovidius 'pectoribus mores tot sunt quot in orbe figure' et ad hoc facit illud Persii 'mille hominum species et rerum discolor usus', vel 'diversa' possunt dici quia quedam nuda quedam vestita quedam utilia quedam inutilia, ut infra 'que pacta sunt nuda et que vestita' (Orlandelli, 1961, vol. 1, p. 6)

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<sup>37</sup> *Summa*, 407 v. Orlandelli, 1961, vol. 1, p. 8: "Dicitur autem notarius [...] nam aliquando vocatur servus publicus non quia vere sit servus cum servus non possit esse notarius sed ideo quia publice omnibus servit et servire debet, sed interdum vocatur tabellio atque tabularius, ut supra dixi".

diversity] pacts are diverse according to the different customs and volitions of people, for the customs of men are diverse according to Ovid [who writes that] ‘in the minds of people are as many customs as there are shapes on earth’ (*ars am.* I 759) and according to Persius [who writes of] ‘a thousand species of men and differently colored customs of things’ (sat. V 52), or they [pacts] can be called ‘diverse’ because some are naked [but] others are clothed, some are useful [but] others are useless, as [treated] below ‘which pacts are naked and which are clothed’.

The references to ‘useful and useless pacts’ and to ‘naked and clothed pacts’ concern Roman law<sup>38</sup>. Why did Roman law need an additional explanation provided by Ovidian verse, and why of all possible texts with which Salatiello could have explained the word *diversitate* (diversity) did he choose verse 759 from Ovid’s *Ars amatoria*? The appearance of Ovid in Salatiello’s *Ars notarie* is not *per se* exceptional. As Robert Black writes, “[d]uring the Middle Ages, Ovid’s poetry was a pervasive ingredient of civilization wherever culture was based on the Latin language, and Italy was no exception” (Black, 2011, p. 123). Salatiello, however, cited Ovid only six times, four times in the first version and twice in the second (Orlandelli, 1961b, p. xvii). Six citations to five different passages is not a lot compared to the citations of Accursius’s *Glossa ordinaria* appearing in almost every gloss. Ovid was also not the only source of inspiration for Salatiello<sup>39</sup>.

Nonetheless, there is something about Ovid that may have made him amenable to the concerns of Salatiello and other notaries. Verse 759 (*Ars am.* 1) qualifies the diversity of the confusing and innumerable mass of contracts and acts as an ordered whole, the notarial arts as presented in the manuscript. In the main text, Salatiello wrote that the diversity of pacts confused the orders of the notarial art (Orlandelli, 1961, vol. 1, p. 6). In the gloss, he explained that diversity results from the many customs and desires of people, as Ovid wrote (Orlandelli, 1961, vol. 1, p. 6). Innumerability posed a problem to writers of formularies and *ars notaria* manuscripts for similar reasons that proportionality, shifting equalities, and opposing forces in commercialized and monetized

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<sup>38</sup> For an explanation of the terms *utilis* and *inutilis*, see Berger, 1953, pp. 756 and 516. For *pactum nudum*, see Berger, 1953, pp. 602, 458-459, and 614.

<sup>39</sup> Other works he included in the *Ars notarie* are the Bible, and works by Aristotle, Horace, Cicero, Virgil, St. Augustine, and Boethius; *Ibid*, pp. xvii-xviii. Among the jurists and glossators Salatiello cites are Odofredus, Irnerius, Bulgarus, Placentinus, Azo of Bologna, and Roffredus. By far the most frequently cited work is Accursius’s *Glossa ordinaria* (p. xvii).

instruments did. Throughout the thirteenth century, infinity (other than that of God) had a negative connotation because it implied the existence of a sensible realm without limits or boundaries (Moore, 1993, pp. 44-55). With Ovidian verse, innumerability becomes both finite and ordered at the same time. When the diversity of parts is the same as the number of shapes on earth, innumerability is assimilated to divine infinity as creator of everything existing. Innumerability still exists but is rendered part of a divinely ordered world through Ovidian verse.

Caroline Walker Bynum (2001, p. 110) writes that “grammarians saw Ovid’s great poem, like Plato’s *Timaeus* and the Book of Genesis, as an account of the emergence of an ordered world from primordial chaos”. Bynum argues that intellectuals, religious leaders, and (insofar as we conceive of them) even ordinary people in late medieval Europe, turned to Ovidian verses and other writings because

they were fascinated by change as an ontological problem—not merely the birth and decay inherent in the life cycle, the economic and political opportunities attendant upon growth, the threat and promise posed by shifting gender relations and family structures, the efforts to position self engendered by cross-cultural contacts and emerging national identities—but also and preeminently change itself: the fundamental fact that something can become something else (Bynum, 2001, p.18).

Interest in change emerged alongside agricultural, urban, and economic growth that caused transformations of familial and social structures. As a consequence of these transformations, it became increasingly possible, if not easy, for people, mostly privileged people, to change their social status (Bynum, 2001, p. 26). In relation to Ovid’s reception in the late medieval period, Bynum pushes against the scholarly notion that late medieval writers were interested in Ovid as a revival of metamorphosis, meaning, for example, “escape from the nexus of shape and self” (*Ibi*, p.100). Bynum argues that the revival of Ovid meant “interest in mutability and flux, in the complexity of the moral and natural world, and in interpretation” (*Ibidem*).

If Salatiele and his students continued reading verses 760-762 in Ovid’s *Ars amatoria*, they learned not how innumerability becomes enumerated, but how lovers have to orient themselves in a world of myriad natures:

Qui sapit, innumeris moribus aptus erit, / Utque leves Proteus modo se tenuabit  
in undas, / Nunc leo, nunc arbor, nunc erit hirtus aper.

The wise man will adapt to countless customs, / like *Próteus*, he'll dissolve himself now into fickle waves, / now be a lion, now a tree, now a bristling boar<sup>40</sup>.

Could it be that a part of the professional identity students assumed through Salatiel's merging of paratext and text—of literature and documentary principles—was analogous to Ovid's lover? Just as Ovid's lover had to know countless situations to win over his beloved, so did Salatiel's notary have to understand the "diverse customs and desires" ("diversos mores et voluntates") of his clients to succeed in translating them into the correct legal forms. It is equally possible that Salatiel was interested in the fact that notaries translated aspects of people's lives into new legal entities when writing contracts.

In part four of the *Ars notarie*, the part that most closely resembles a formulary, Salatiel included a verse from Ovid's *Metamorphoses* that categorizes and explains the ambiguity of words as a constitutive, rather than a detrimental part of written language. The key word here is *putare*, which can mean "to think", but which could also mean "to prune" in rent-hire contracts. Salatiel's model for a rent-hire contract for a vineyard, land, or garden reads:

Aliotus tradidit et locavit ad laborandum Titio vineam suam de Bago [...], qui Titius pro se suisque heredibus promisit dicto Aliotto pro se suisque heredibus stipulanti dictam vineam in quolibet anno usque ad terminum antedictum in congruo tempore putare, [...] (Orlandelli, 1961, vol. 1, pp. 182-184).

Aliotus handed over and leased out his vineyard in Bago to Titius, for Titius to work, and Titius, on behalf of himself and his heirs promised said Aliotus, stipulating on behalf of himself and his heirs, to prune said vineyard in each year until the aforesaid term [of the lease] shall have expired in due course.

Glossing the word *putare* (to prune), Salatiel noted that the meaning is *equivocum* (ambiguous) because it can also mean 'to think.' Rather than resolving this ambiguity, Salatiel included an Ovidian verse about Vertumnus, god of change, plant growth, seasons, and gardens, who could change his shape at will:

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<sup>40</sup> For the translation, see Hejduk, 2014, pp. 91-92. Hejduk translates *innumeris moribus* as "countless characters." I chose "customs" for *moribus* instead, because it fits the context of Salatiel's *Ars notarie* better.



putare] id est incidere ramos veteres et nocivos et bonos dimittere, nec dicatis 'potare' ut quidam dicunt quia aliud est 'poto' et aliud 'puto', nam poto idem est quam bibo, puto tamen equivocum est unde quandoque accipitur ut hic et in Ovidio 'falce data vinitor habet vitisque putator' et infra Insti. de lege Aquilia § item si putator, quandoque puto accipitur pro cogito unde versus 'cogito quando puto, puto vitem quando recido' (Orlandelli, 1961, vol. 1, p. 184)

to prune, that is to cut old branches and to take out the noxious and to leave the good ones, and they set apart 'to drink' as some say because 'I drink' is something else than 'I prune', for I drink (Lat., *poto*) is the same as I drink (Lat., *bibo*), yet 'I prune' is ambiguous whence whenever it is accepted as here and in Ovid 'given a knife one might take him for a dresser and pruner of vines'<sup>41</sup> and according to the *Institutiones* about the laws of Aquila §, also if the pruner, whenever I think (Lat., *puto*) it is accepted as I think (Lat., *cogito*) versus whence 'I think when I think, I prune (Lat., *puto*) the vine when I prune (Lat., *recido*)'

The gloss indicates Salatiele's recognition of the fact that words with the same morpheme can contain two different and opposing meanings. Likewise, words that sound similar can have differing meanings. *Potare* means 'to drink' but sounds similar to *putare* which means 'to prune' or 'to think.' Especially in the last part of the gloss, we may be inclined to think that Salatiele strove to pin down the word *putare* to only one of the two meanings of the word, that is, "to prune". However, instead of suspending ambiguity in appearance, Ovid's verse (*Metamorphoses* 14.649) is about Vertumnus adapting his looks to win Pomona's love. A skillful gardener, field-, and orchard-worker, Pomona had no desire for men and denied them entrance to her orchard. Previous suitors failed in their attempts to win her love. Vertumnus, however, surpassed them all through his skill in changing appearances and fitting them to the circumstances. Once, he approached Pomona pretending to be a reaper offering her a basket with ears of barley. Another day, he came as pruner. As the verse Salatiele included in the gloss says, "given a knife one might take him for a dresser and pruner of vines". Because he adapted himself to Pomona's proclivities and likenesses, she

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<sup>41</sup> Ovid, *Metamorphoses*, trans. by Kline, 2000, accessed August 10, 2020, <<https://ovid.lib.virginia.edu/trans/Metamorph14.htm#487618619>>. Orlandelli marks the verse with an asterisk to indicate a different verse version: "falca data fondator erat vitisque putator" Orlandelli, 1961, vol. 1, p. 184. However, the way Salatiele wrote the verse makes perfect sense and seems to have existed in the version of the *Metamorphoses* Kline used.

granted Vertumnus access to her. The story ends with Vertumnus disguising himself as an old woman trying to convince Pomona to marry Vertumnus.

One may interpret verse 649 as dissolving ambiguous meaning, as a pun, or as a memory aid. However, it is also possible to see Salatielle as reasoning with Ovid about textual interpretation. Because of the mutability and ambiguity of language, Salatielle could have deemed it important that notaries must learn to choose legal forms that suit their clients' wishes.

Ovidian verses in Salatielle's *Ars notarie* can be seen to demonstrate how medieval notaries were different from Max Weber's ideal-type officials who, having separated their persona from the office they oversaw, followed the precepts of written rules. Weber writes that

the more the bureaucracy is 'dehumanized', the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation. This is the specific nature of bureaucracy and it is appraised as its special virtue. The more complicated and specialized modern culture becomes, the more its external supporting apparatus demands the personally detached and strictly 'objective' *expert*, in lieu of the master of older social structures, who was moved by personal sympathy and favor, by grace and gratitude (Gerth - Mills, 1946, p. 216).

Viewed through the lens of Ovidian verses, Salatielle's notary had to be mutable like Vertumnus so that he would understand contractual parties' communications and could translate them into the most suitable instrument. Salatielle's use of Ovid may suggest that he outlined an urban administration in which 'personal sympathy' and individual initiatives, judgments, and choices would be translated into—but not eliminated from—the rational organization of society by notaries.

Once more, it is unlikely that most practicing notaries were concerned about the ambiguity of the language they used to write contracts and other acts. However, it is known that notarial interest in Ovid's works went beyond the boundaries of Bologna. Attilio Bartoli Langeli cites the example of the Perugian notary Bovicello Vitelli, who, being in possession of the first part of Ovid's *Metamorphoses*, was seeking the second (Bartoli Langeli, 2006, pp. 223-232). In 1277, Bovicello, together with Beltramino Moronus, wrote a letter to his friend, Giovannino Medici, in Milan requesting "velitis nobis mittere Maioris Ovidii complementum, ultra librum quem michi Bovicello Perusii prestitistis" (that

you may want to send to us the complement of the Ovid Maior, the book in addition to the one you have lent to me)<sup>42</sup>. Apparently, Medici owned both parts and had lent the first one to Bovicello. Bovicello must have written several letters to ask for Ovid's work. Now, even though he wrote together with Beltramino, their request remained "penitus ignoratur" (thoroughly ignored) as Beltramino wrote to his uncle, Arnolfo de Vicudono, who lived in Milan and whom the two men now approached as potential intermediary on their behalf. Beltramino pleaded with his uncle,

aliter autem omnino velitis efficere quod totus Maior Ovidius, Metamorphoseos, per vos michi Perusium destinetur, in meo reddito Mediolanum, dante Domino, reportandus<sup>43</sup>.

otherwise you will want to do everything so that the entire Ovid Maior, the Metamorphoses, will be sent to me in Perugia, God willing, it shall be brought back with my return to Milan.

Both Bovicello and Beltramino were notaries. Did these men's interest in Ovid's *Metamorphoses* have anything to do with their profession as writers of documents? Roberto Abbondanza sees a contrast between the strict norms of the *ars dictaminis* and the poetry of the Ovid Maior, characterizing Bovicello as a "precursor of the great humanistic chancellors"<sup>44</sup>. It should be clear, however, that I do not see these notaries as proto-humanists.

Bovicello was born around 1225 and began his professional activity around 1250 as an ordinary judge and apostolic notary. The latter title indicates a high professional level and suggests that he studied in a pontifical school or at the prestigious *Studium* in Bologna where it would not have been unlikely for him to have met Salatiele or Odofredo (Bartoli Langeli, 2006, p. 213). In the following years, we find Bovicello as an official in the service of important ecclesiastical and civic institutions in the territory of Perugia. He seems not to have worked for private clients. From 1265 on, Bovicello worked in several positions but mostly as notary for the commune, which was, at the time, controlled by the *popolo*, a professional class that, like the Bolognese *popolo*, spurred broader political participation and republicanism. In 1274, he was employed as a letter writer (*dictator*) for the commune, and from 1282 to 1301,

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<sup>42</sup> Cited from Abbondanza, 1973, p. 253.

<sup>43</sup> *Ibi*, pp. 253-254.

<sup>44</sup> *Ibi*, p. 254.

he was designated as “notary and chancellor of the commune”. While other officials’ posts became limited in duration, Bovicello’s and those of a few other high-ranking officials were not. Bovicello also oversaw the notarial activity and documentary practices of communal offices.

In 1276, Bovicello pushed for a major revision of the communal statutes. Notaries were tasked with the annual revision of the statutes. Each year, the commune appointed three notaries who had to recite the existing statute to the communal council, discuss changes and finally read the changed version. This was a laborious process that could stretch over several months, and Perugia had two statutes, communal and *popolo*. Bovicello’s undertaking with the 1276 statute was more extensive than the usual revisions because he re-organized and redistributed the contents, producing a sort of “Accursian work”, by which Bartoli Langeli likely means that Bovicello wanted the statute to be of the same completeness as and to conform to the *Glossa ordinaria*<sup>45</sup>. Indeed, Salatiele and Bovicello seem to have both been drawn to Ovid and Accursius.

At the beginning of the 1279 statute—the 1276 version is lost, but scholars assume that the 1279 one is based on Bovicello’s 1276 statute—is a short poem in elegiac couplets<sup>46</sup>. While the content of the poem itself is not about anything Ovidian—it praises Perugia and its people and wishes for God’s protection of the city—the poem’s form is<sup>47</sup>. Did Bovicello think about his own career and work as writer of letters and documents in the context of Ovid’s *Metamorphoses*? Based on the evidence provided here, it is impossible to know. Bovicello was not the only notary to write a poetic preface to an official document. Analyzing prologues in Bolognese statutes and the *Liber Paradisus* (1257), a list of serfs liberated by the commune, Massimo Giansante argues that the notaries who wrote the prologues created a political ideology with these texts, making use of various literary and Biblical authors (Giansante, 1999, pp. 71-99). As mentioned above, Ovidian references were also found in the letters written and sent between the communes, the emperor, and the pope, and between the communes themselves (Giansante, 1999, pp. 51-69).

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<sup>45</sup> Bartoli Langeli, 2006, p. 220: “una sorta di novello Accursio”.

<sup>46</sup> *Ibi*, p. 228.

<sup>47</sup> “Cunctipotens eterne Deus, concordia mundi, / qui pacem tribuis, qui facis omne bonum, / tu salvare velis Urbem, quam mentio fertur / militie florem, tu, populique, Deus; / et, pater alme, tuum numen cognoscere prebe / cristicolique tuis scandere lucis iter. / Urbs Perusina tibi subsit, pax unica mundi; / Ecclesiam noscat da sibi teque tuum.” Cited from Bartoli Langeli, 2006, p. 228.

Bartoli Langeli thinks that Bovicello's interest in Ovid was not "directly related to his activity as notary, but to his professional and social culture"<sup>48</sup>. What would it mean for Bovicello's interest in Ovid to be related to his professional culture? With Bartoli Langeli's fine paralleling of Bovicello's poetic and documentary production, we may be able to at least imagine the possibility of a similar approach to Ovid as observed in Salatiele's glosses, meaning as a text which helped him, as a notary whose profession it was to translate the varieties of human speech, acts, and desires into written instruments, to appreciate the nature of diversity and change.

There is a major additional source of evidence that reveals other communal officials steeped in the world of shape shifters that relates not only to Ovid's but to many other popular tales in the later Middle Ages: the frequent images of hybrid creatures on the covers or in the margins of notarial registers (see Figs. 3-7). Were the artists of these sketches familiar with tales about hybrids, werewolves, and Ovid's *Ars amatoria* and *Metamorphosis*? Did the artists of these sketches think about the change and social order they created with the hybrids they encountered in these tales, as they were using Latin formulas in ink on parchment or paper to organize people's lives in an ever more encompassing fashion? Indeed, Bynum (2001, p. 100) notes that the werewolf stories that tested boundaries of identity were written mostly by "aspiring bureaucrats", many of whom wrote in late twelfth-century England. The images of hybrid creatures may have been doodles unrelated to notarial practice. But if notaries or other urban officials were the artists of these werewolves and hybrids, it may also be possible to imagine them thinking about what kinds of identity and order they created when they translated human relationships into legal forms.

The sketches of hybrids, along with Bovicello's and especially Salatiele's use of Ovid, lead to a broader question, namely whether the notarial art was imagined as a kind of hybrid or whether the writers of *ars notaria* thought of notaries as creating something hybrid when writing documents. Both questions bring us back to medicine. Connecting the notary and the physician is that their art represented hybrid knowledge. Medicine was explicitly defined by Galen as a theoretical science and a practical art (Kaye, 2014, p. 197). The mixture called for knowable rules, combined with continued fine judgment, based on

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<sup>48</sup> Bartoli Langeli, 2006, p. 228: "Appunto, interessa che un notaio perugino faccia di tutto per ottenere l'Ovidio Maggiore, evidentemente considerandolo strumento imprescindibile: imprescindibile, beninteso, non alla sua stretta attività notarile, ma alla sua cultura professionale e sociale".

observation of changing circumstances and conjecture. In this regard, the physician provides an important model for notaries' work.

Ranieri was the first to theorize *ars notaria*, giving it the definition as a science consisting of both liberal and mechanical arts<sup>49</sup>. For the medieval period, Hugh of St. Victor's (1096-1141) *Didascalion* was the most widely disseminated work that conceptualized the mechanical arts, assigning them a higher degree of epistemological legitimacy than had previous writers (Truitt, 2015, p. 42)<sup>50</sup>. Following Plato, Hugh divided knowledge into four types: "theoretical (philosophy), practical (liberal arts), and mechanical (manual work), with logic providing the framework to assess the truth and clarity of conclusions in the other three types of knowledge" (Truitt, 2015, p. 43).

However, throughout the medieval period, it remained common sense that the more a certain kind of knowledge engaged in practice and the closer it came to being classified as an "art", the lower was its intellectual value (Kaye, 2014, p. 197). In Bologna, Taddeo was directly concerned with elevating the standing of medicine as an intellectual discipline, as was Salatiele with respect to the notarial art (Kaye, 2014, p. 197). Taddeo finally accepted the mixed status of medicine as a practical art and a science, recognizing that the Galenic body resists absolute certainty associated with Aristotelian philosophy. Instead, medicine demanded "its own forms of seeing and knowing" (Kaye, 2014, p. 197).

Salatiele appears so zealous to raise the notarial art to the status of a science that he defines practice as mere implementation of theory. According to the gloss in Salatiele's second version of the *Ars notarie*, "theory in the *ars notaria* is the science of people, things, and affairs, born around civil wisdom, (...): practice, as Augustine says, is subject to theory", meaning that hands implement the precepts of theory according to the intellect<sup>51</sup>. Notaries are

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<sup>49</sup> "Considerans utique artis notarie scientiam, tam sui magnitudine quam rei veritate certius inspecta, omnium tam liberalibus quam mechanicis artibus competentium industriam exigit sine dubio ac requiret". Wahrmund, 1907, p. xiv.

<sup>50</sup> Hugh of St. Victor divided the mechanical arts into fabric-making, arms, commerce, agriculture, hunting, medicine, and theatrics; Buttimer, 1939, pp. 38-44. The *Didascalion* is a guide for students that instructed them in what to read, how to read, and to what purpose, including the arts and Scripture.

<sup>51</sup> Orlandelli, 1961, vol. 2, pp. 5-6: "theorice, sed queritur quid sit in hac arte theorica, quid practica: theorica artis notarie est scientia personarum rerum et negotiorum natans circa civilem sapientiam rationabili investigatione comprehendens: practica, ut dicit Augustinus, est subiecta teorice demonstrationi in propatulo sensuum et operatione manuum secundum preceptis theorice intellectus".

compared to smiths (*faber*) who strike (*cutenda*) the material (*massam*) out of their knowledge (*scientia*) of the art. Notaries, like other artisans, must write instruments with the knowledge of the art, which here explicitly means theory, that they have in their mind (*animo*), the seat of theoretical knowledge<sup>52</sup>. Rolandino too compared notaries to artisans using the word *artifex*: “Notarius autem dicitur a notaria sicut artifex ab arte sua” (A notary, however, is called a notary from the art (*notaria*) just as an artisan is called after his art) (*Summa*, 407 r.).

Both Salatiele’s and Rolandino’s artisans implemented theoretical precepts in earthly matter as if practice did not alter the knowledge of theory, hence, as if the notarial art was a science rather than a mixed art. But in his first version, Salatiele does draw on medical knowledge to define the order of the *Ars notarie* leaving open the possibility of the recognition of the notarial art as a hybrid art. What happened between the first and the second version? Why is the medical metaphor missing there? Did he feel pressured to assert the notarial art as a pure science?

Salatiele, and perhaps the notaries who drew images of hybrid creatures, were themselves, or saw themselves, in some sense hybrids. They wandered into the fields of medicine, literature, jurisprudence, and philosophy perhaps to understand and conceptualize the kind of change and hybridity notaries created as artisans when translating speech into legal form, writing a daughter into an heiress, a man and a woman into a married couple, and servants into freed persons.

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<sup>52</sup> *Ibidem*: “cutenda, id est in animo ordinanda, nam sicut faber cudit ex sue artis scientia massam rudem ut inde formam eliciat quam peroptat ita notarius super aliquod datum sibi thematem diu cudere, id est revolvere, debet in animo quamdiu ex artis peritia legittimam excudere possit formam que a voluntate iuris et mandantis vel mandantium scribere non discordet”.

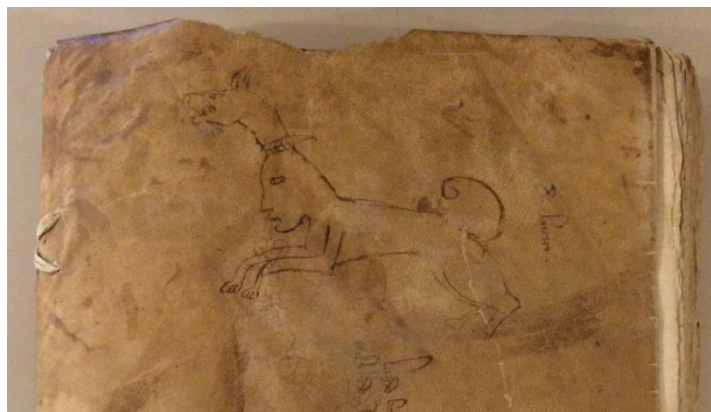


Figure 3: Creature resembling a wolf with two heads, one human, the other animal, stacked on each other. Archivio di Stato di Bologna (ASBO), *Capitano del Popolo, Giudici*, reg. 805 (1376), backside of the parchment cover, outside.

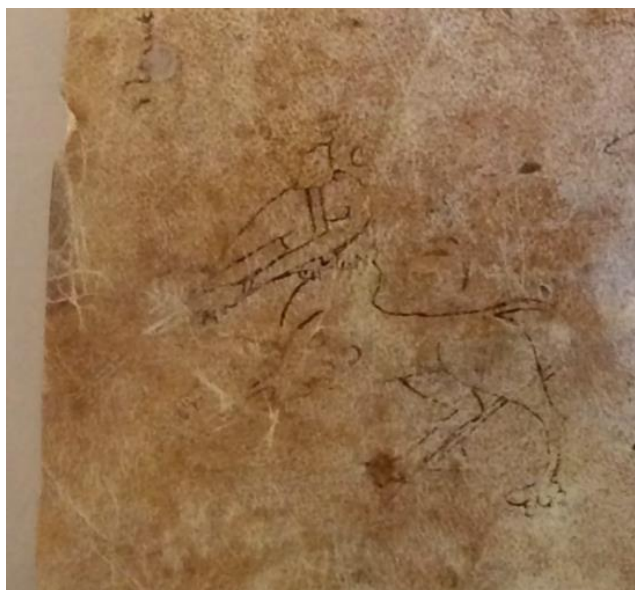


Figure 4: Creature reminiscent of a werewolf, with the torso of a human being and the lower body of an animal. ASBO, *Capitano del Popolo, Giudici*, reg. 524 (1310), backside of the parchment cover, outside.





Figure 5: Wyvern depicted from the side with a face that has both human and animalistic traits. ASBO, Curia del Podestà, Ufficio Corone ed Armi, b. 1 (1287), frontside of the parchment cover, outside.

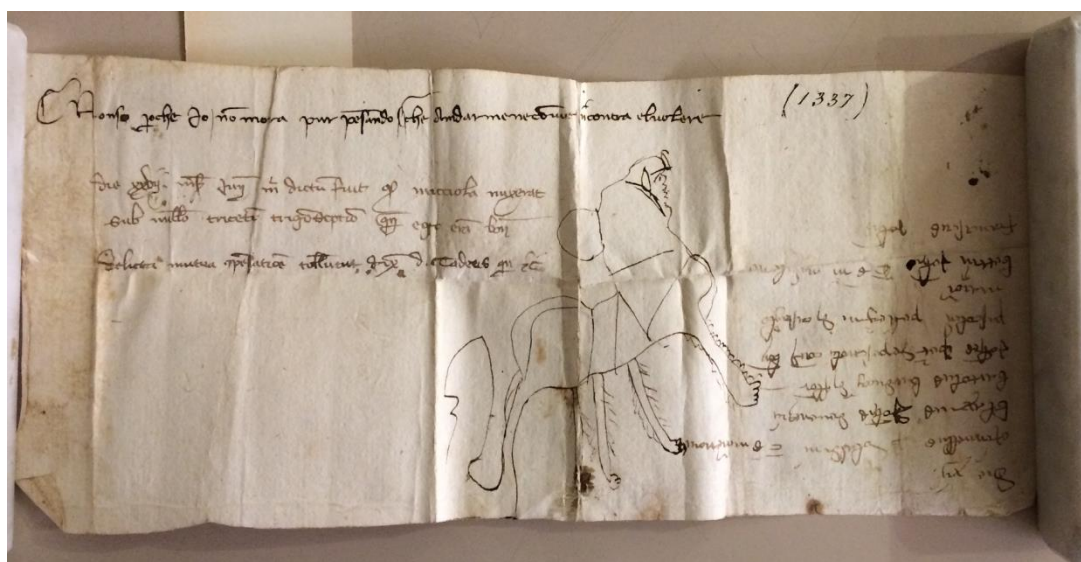


Figure 6: Note stuck between pages. Creature reminiscent of a werewolf, with the torso of a human being and the lower body of an animal. ASBO, Capitano del Popolo, Giudici, reg. 790 (1337).

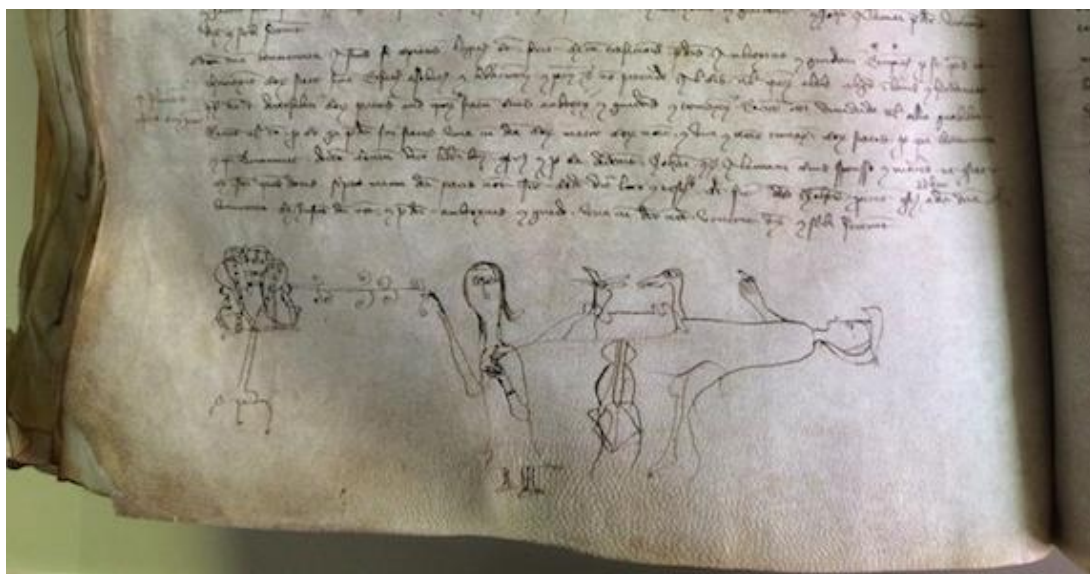


Figure 7: Memoriali register of Iacobus Mathey Bonvixini. Hybrid creature, bowed-back, pointing to the contractual text beyond. In the middle is a female figure, holding the man-beast on one side and the notarial signum (sign) on the other with a leash that may possibly depict lilies. At the place where one would expect the male genitals, the viewer sees the throat and head of a bird that seems to interact with another bird that emerges from the female figure's leash. The leash is connected to the upper body of the man. Right underneath the human-beast body of the male figure appears a legged, oval-shaped stand-like form that resembles female genitals. The male figure's upper body is bowed back pointing to the text of instruments above with the hand that sticks out of its chest. At the same time the male-animal hybrid is pulled or moves toward the female genitals and toward the female figure in the center. ASBO, *Ufficio dei memoriali*, reg. 128 (1314), 474 v.

### 3. Conclusion

When the Bolognese notary and jurist Salatiele wrote the *Ars notarie*, a manuscript with theoretical explanations and instructions for the writing of contracts, testaments, and judicial material, he mostly drew on Accursius' gloss to the *Corpus iuris civilis* grounding notarial practice in Roman legal theory. However, in the prologue, Salatiele writes that because of the "mixture, intricacy, diversity" and "multiplicity" of instruments and things, he has set out to divide "the present book into four books after the model of the four elements from which the human body is produced" ("presens opus ad instar quatuor elementorum quibus humanum corpus conficitur in libros quatuor dividendo"). He glosses the word *elementorum* with a passage from Ioanitiu's *Isagoge Johanniti*, a short introduction to Galenic theory. In the same sentence, he adds a gloss on the word *diversitate*, explaining that diversity exists because "according to Ovid, 'there are as many customs in the minds of people as there

are shapes on earth' (unde Ovidius 'pectoribus mores tot sunt quot in orbe figure')."

This article has explored possible explanations for why Salatiere turned to medical and literary knowledge in a passage as important as the one explaining the necessity and structure of the *Ars notarie*. Salatiere's *Ars notarie* has received little scholarly attention because its dissemination and use were limited by the appearance of Rolandinus' formulary in 1255 and perhaps, too, because of Salatiere's labyrinthine style of writing. The few scholars who have studied the *Ars notarie* suggest that it contributed to the integration of the school of notaries into Roman legal culture. The development of *ars notaria* in mid-thirteenth-century Bologna responded to the growing complexity of notarial practice when communal governments needed notaries as officials of civic institutions and especially as recorders of court cases.

Focusing on the role of the medical metaphor of the human body, I have suggested that Salatiere may also have been concerned about adjusting notarial practice to economic change. Commercialization and monetization confronted medieval intellectuals with elements of proportionality, multiplicity, and innumerability opposing previous notions of idealized society in which everyone and everything had their fixed place in a divinely ordered hierarchy. Salatiere may have chosen the Galenic body as model for the structure of his *Ars notarie* because it is an ordered system composed and maintained by proportional mixtures, multiples, and opposed forces. In this sense, Salatiere could have imitated this model with notarial instruments he thought resembled the mixtures of the elements in the human body when they formalized monetized and often also commercialized civic affairs.

While the medical metaphor is used as model for the structure of the *Ars notarie* as a whole, Ovidian verses can be seen as analogies of smaller but equally important parts of the notarial art ordering elements such as diversity and ambiguity, previously identified by Salatiere as disordering. Indeed, Salatiere's focus on Ovidian verses and Galenic theory may both be part of a pattern of late medieval interest in change and hybridity. With Ovidian verse, Salatiere may have explained the innumerability of instruments required by the "diverse wants and customs of people," as an element of ideal society, understood as a Galenic body. He and other officials who drew images of hybrids may have contemplated the hybridity and multiplicity they created when "writing" two people into a married couple. References to Ovid's *Ars amatoria* and *Metamorphoses* in the *Ars notarie* may point to adaptability and fittingness as skills public notaries needed to be able to transform "diverse

wants and customs” into notarial instruments that would constitute the Galenic body as common good<sup>53</sup>.

#### 4. Bibliography

- Abbondanza, Roberto (ed.) (1973) *Il notariato a Perugia*. Rome: Consiglio Nazionale del Notariato.
- Barker, Hannah (2019) *That Most Precious Merchandise: The Mediterranean Trade in Black Sea Slaves, 1260-1500*. Philadelphia: University of Pennsylvania Press.
- Bartoli Langeli, Attilio (2006) *Notai: scrivere documenti nell'Italia medievale*. Roma: Viella.
- Bedos-Rezak, Brigitte (2011) *When Ego was Imago: Signs of Identity in the Middle Ages*. Leiden: Brill.
- Berger, Adolf (1953) *Encyclopedic Dictionary of Roman Law*. Philadelphia: American Philosophical Society.
- Black, Robert (2011) 'Ovid in medieval Italy', in Clark, James G. - Coulson, Frank T. - Mc Kinley, Kathryn L. (eds.) *Ovid in the Middle Ages*. Cambridge: Cambridge University Press, pp. 123-142.
- Bynum, Caroline Walker (2011) *Christian Materiality: An Essay on Religion in Late Medieval Europe*. New York: Zone Books.
- (2001) *Metamorphosis and Identity*. New York: Zone Books.
- Buttimer, Charles Henry (editor) (1939) *Hugonis de Sancto Victore Didascalion de studio legendi: A Critical Text*. Washington: Catholic University of America Press.
- Caravaggi, Lorenzo (2020) 'Keeping the Peace in a Late-Medieval Polity: Conflict and Collaboration in Bologna in the Age of Dante (13<sup>th</sup>-14<sup>th</sup> Centuries)'. PhD diss., University of Oxford.
- Carniello, Brian R. (2002) 'The Rise of an Administrative Elite in Medieval Bologna: Notaries and Popular Government, 1282-1292', *Journal of Medieval History*, 28, pp. 319-347.

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- Cooper, Glen M. (2016) *Galen, De diebus decretoriis, from Greek into Arabic. A Critical Edition, with Translation and Commentary, of Ḥunayn ibn Ishāaq, Kitāb ayyām al-buḥrān*. London: Routledge.
- Cortese, Ennio (2004) 'Irnerio,' in *Dizionario Biografico degli Italiani*, 62, <[http://www.treccani.it/enciclopedia/irnerio\\_\(Dizionario-Biografico\)](http://www.treccani.it/enciclopedia/irnerio_(Dizionario-Biografico))> (5 gennaio 2022).
- Debru, Armelle (2008) 'Physiology', in Hankinson, Robert J. (ed.) *The Cambridge Companion to Galen*. Cambridge: Cambridge University Press, pp. 263-282.
- Fasoli, Gina (1974) 'Giuristi, giudici e notai nell'ordinamento comunale e nella vita cittadina', in Bocchi, Francesca - Carile, Antonio - Pini, Antonio Ivan (eds.) *Gina Fasoli. Scritti di storia medievale*. Bologna: La Fotocromo Emiliana, pp. 609-622.
- Feo, Giovanni - Iannacci, Lorenza - Zuffrano, Annfelicia (2016) 'Il formulario del documento privato tra norma giuridica e prassi notarile. L'apporto della scuola bolognese di notariato del secolo XIII'', in Guyotjeannin, Olivier - Morelle, Laurent - Scalfati, Silio P.P. (coords.) *Les formulaires. Compilation et circulation des modèles d'actes dans l'Europe médiévale et moderne. XIII<sup>e</sup> congrès de la Commission internationale de diplomatique* (Paris, 3-4 septembre 2012). Paris: École Nationale des Chartes, pp.1-27. <<http://elec.enc.sorbonne.fr/cid2012/part7>> (5 gennaio 2022).
- Gaudenzi, Augusto (ed.) ([1892] 1962) [*Liber Formularis*]. Turin: Bottega d'Erasmus, pp. 28-73 (Bibliotheca iuridica medii aevi).
- Gentili, Sonia (2005) *L'uomo aristotelico alle origini della letteratura Italiana*. Rome: Carocci.
- Gerth, Hans Heinrich - Mills, Charles Wright (translators) (1985) *From Max Weber: Essays in Sociology*. New York: Oxford University Press.
- Giansante, Massimo (2017) 'Salatiele', in *Dizionario Biografico degli Italiani*, 89, <[http://www.treccani.it/enciclopedia/salatiele\\_\(Dizionario-Biografico\)/>](http://www.treccani.it/enciclopedia/salatiele_(Dizionario-Biografico)/>), (5 gennaio 2022).
- (2014) 'Passaggeri, Rolandino', in *Dizionario Biografico degli Italiani*, 81, <[http://www.treccani.it/enciclopedia/rolandino-passaggeri\\_\(Dizionario-Biografico\)/>](http://www.treccani.it/enciclopedia/rolandino-passaggeri_(Dizionario-Biografico)/>) (5 gennaio 2022).
- (1999) *Retorica e politica nel Duecento: I notai bolognese e l'ideologia comunale*. Rome: Istituto storico italiano per il Medio Evo.

- Hejduk, Julia Dyson (2014) *The Offense of Love: Ars amatoria, Remedia Amoris, and Tristia 2*. Madison: The University of Wisconsin Press.
- Kaye, Joel (2014) *A History of Balance, 1250-1375: The Emergence of a New Model of Equilibrium and its Impact on Thought*. Cambridge: Cambridge University Press.
- (1998) *Economy and Nature in the Fourteenth Century: Money, Market Exchange, and the Emergence of Scientific Thought*. Cambridge: Cambridge University Press.
- Kline, Anthony S. (translator) (2000) *Ovid: Metamorphoses*, <<https://ovid.lib.virginia.edu/trans/Metamorph14.htm#487618619>>, (5 gennaio 2022).
- Kramer, Johanna (2010) 'Mapping the Anglo-Saxon Intellectual Landscape: The Old English Maxims I and Terence's Proverb "Quot homines, tot sententiae"', *Anglia*, 128, 1, <https://doi.org/10.1515/angl.2010.006>, pp. 48-74.
- Lange, Hermann (1997-2007) *Römisches Recht im Mittelalter. Die Glossatoren*, vol. II-1. München: C. H. Beck.
- Moore, Adrian W. (1993) *The Infinite*. London: Routledge.
- Orlandelli, Gianfranco (1965) 'Genesi dell' "ars notariae" nel secolo XIII', *Studi medievali*, 2, pp. 329-66.
- (1961a) 'Appunti sulla scuola bolognese di notariato per una edizione della "Ars notarie" di Salatiere', *Studi e Memorie per la Storia dell'Università di Bologna*, 2, pp. 1-54.
- (1961b) 'Introduzione', in *Salatiere. Ars notarie*, vols I-II. Milano: Giuffrè, pp. VI-XXVII.
- (edited by) (1961) *Salatiere. Ars Notarie*, vols. I-II. Milano: Giuffrè.
- Palmieri, Giovanni Battista (ed.) ([1888] 1892) *Appunti e documenti per la storia dei glossatori I: Il "Formularium tabellionum" di Irnerio*. Bologna: Libreria Fratelli Treves di P. Virano.
- Piergiovanni, Vito (1995) 'Scienza giuridica e notariato italiano tra medioevo ed età moderna', in Pardo Rodríguez, María Luisa - Ostos-Salcedo, Pilar (coords.) *El notariado andaluz en el tránsito de la Edad Media a la Edad Moderna. I jornadas sobre el notariado en Andalucía del 23 al 25 Febrero de 1994*. Sevilla: Ilustre Colegio Notarial, pp. 25-32.
- Scalfati, Silio P.P. (2016) *Les formulaires toscans d'ars notaria*, in *Les formulaires. Compilation et circulation des modèles d'actes dans l'Europe médiévale et moderne. XIII<sup>e</sup> congrès de la Commission internationale de diplomatique* (Paris, 3-4

- septembre 2012). Paris: École Nationale des Chartes, pp. 1-27. <<http://elec.enc.sorbonne.fr/cid2012/part8>> ( 5 gennaio 2022).
- Schulte, Petra (2003) *Scripturae publicae creditur. Das Vertrauen in Notariatsurkunden im kommunalen Italien des 12. und 13. Jahrhunderts*. Tübingen: Max Niemeyer Verlag.
- Schwarz, Brigide (1973) 'Das Notariat in Bologna im 13. Jahrhundert', *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 53, pp. 49-92.
- Sighinolfi, Lino (1920) 'Salatiele e la sua "Ars notariae"', *Studi e Memorie per la Storia dell'Università di Bologna*, 4, pp. 65-149.
- Sirais, Nancy G. (1990) *Medieval and Early Renaissance Medicine: An Introduction to Knowledge and Practice*. Chicago: University of Chicago Press.
- Summa totius artis notariae Rolandini Rodulphini Bononiensis*. Bologna: Arnaldo Forni, 1977.
- Tamba, Giorgio (2016) 'Ranieri da Perugia', in *Dizionario Biografico degli Italiani*, 86, <[. Atti del convegno internazionale di studi storici sulla figura e l'opera di Rolandino, organizzato del Consiglio notarile di Bologna sotto l'egida del Consiglio nazionale del notariato: Bologna - città europea della cultura 9-10 ottobre 2000. Mila: Giuffrè.](http://www.treccani.it/enciclopedia/ranieri-da-perugia_(Dizionario-Biografico)/></a>, (5 gennaio 2022).</p>
<p>Tamba, Giorgio (editor) (2002) <i>Rolandino e l')
- Truitt, Elly Rachel (2015) *Medieval Robots: Mechanism, Magic, Nature, and Art*. Philadelphia: University of Pennsylvania Press.
- Van Dievoet, Guido (1986) *Les coutumiers, les styles, les formulaires et les "artes notariae"*. Turnhout: Brepols.
- Wahrmund, Ludwig (ed.) (1907) *Das Formularium des Martinus de Fano*. Innsbruck: Wagner.
- (editor) (1917) *Die Ars Notariae des Rainerius Perusinus*. Innsbruck: Verlag der Wagner'schen K. K. Universitäts-Buchhandlung.
- Walther, Helmut G. (1986) 'Die Anfänge des Rechtsstudiums und die kommunale Welt', in Fried, Johannes (ed.) *Schulen und Studium im sozialen Wandel des hohen und späten Mittelalters*. Sigmaringen: Jan Thorbecke Verlag, pp. 121-162.
- Weimar, Peter (1980) 'Ars notariae', in *Lexikon des Mittelalters*, 1. Stuttgart: Metzler, cols. 1045-1047.

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