

SZABOLCS ANZELM SZUROMI O.PRAEM.

SOME OBSERVATIONS ON THE DEVELOPING  
OF THE DIFFERENT VERSIONS OF THE  
*COLLECTIO CANONUM ANSELMI LUCENSIS*  
(A COMPARATIVE ANALYSATION OF BIBLIOTECA  
MEDICEO-LAURENZIANA S. MARCO 499 WITH OTHER  
MANUSCRIPTS OF ANSELM'S COLLECTION) (\*)

1. The Ms. San Marco 499. — 1.1. The materials which are not in the corpus of Anselm's collection. — 1.2. The Collection of Anselm in S. Marco 499. — 2. Some impression by the supplementary canons. — 3. Conclusion: the development of the different versions of the Anselm's collection.

In 1987, prof. Peter Landau published an article with the title: «Erweiterte Fassungen der Kanonessammlung des Anselm von Lucca aus dem 12. Jahrhundert»<sup>(1)</sup>, where he summarised the basic facts concerning the recensions of the Collection of Anselm of Lucca, which were classified originally by Paul Fournier in 1901<sup>(2)</sup>, before the critical edition of the collection by Friedrich

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(1) In GOLINELLI, P., (ed.), *Sant'Anselmo, Mantova e lotta per le investiture* (Atti del Convegno Internazionale di Studi, Mantova 23-24-25 maggio 1986), Bologna 1987. 323-338.

(2) FOURNIER, P., «Observations sur diverses recensions de la collection d'Anselme de Lucques», in *Annales de l'Université de Grenoble* 13 (1901) 427-458. New edition: FOURNIER, P., *Mélanges de droit canonique*, II. (ed. KÖLZER, P.), Aalen 1983. 635-666.

Thaner<sup>(3)</sup>. Professor Landau drew up a scheme about the relations of the text traditions of the recensions. In this work he placed the Ms. San Marco 499 of Florence<sup>(4)</sup> among recensions 'A1'<sup>(5)</sup>.

1. *The Ms. San Marco 499.*

The manuscript S. Marco 499 of the Biblioteca Mediceo-Laurenziana di Firenze was obtained by the Biblioteca S. Marco<sup>(6)</sup> from the personal library of Niccolò Niccoli in 1441<sup>(7)</sup>, together with roughly 257 other manuscripts. Later on this collection became a part of the collection of Mediceo-Laurenziana<sup>(8)</sup>.

The codex contains 19 different canons under the title *De peregrinorum*, treating of bishops, priests, parishes and councils;<sup>(9)</sup> *De basilicarum et altarium consecratione*;<sup>(10)</sup> *Iohannis Octavius in libro codice legis*;<sup>(11)</sup> *Epistola Ysidori episcopi hispalensis*;<sup>(12)</sup> three canons from different sources;<sup>(13)</sup> *Exempla Bonifacii pape ad episcopos gallicae*;<sup>(14)</sup> a canon of Council of Carthage;<sup>(15)</sup> *Anselmi episcopi Lucensis collectio canonum*;<sup>(16)</sup> *De originali peccato et remediis eius*;<sup>(17)</sup> and other canons by different authors<sup>(18)</sup>.

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<sup>(3)</sup> THANER, F. (ed.), *Anselmi Collectio canonum una cum collectione minore*, I-II. Oeniponte 1906-1915.

<sup>(4)</sup> LANDAU, P., «Erweiterte Fassungen» 327.

<sup>(5)</sup> With Mss. Graz, Universitätsbibliothek MS 351. II; Parma, Bibliotheca Palatina MS Palt. 976; Napoli, Bibliotheca Nazionale MS XII. A. 37-38-39.

<sup>(6)</sup> ULLMAN, B.L.-STADTER, Ph.A., *The public library of Renaissance Florence* (Medioevo e Umanesimo 10), Padova 1972. 3.

<sup>(7)</sup> ZIPPEL, G., *Niccolò Niccoli: contributo alla storia dell'umanesimo* (BML Misc. 23.8.), Firenze 1890. 56-70.

<sup>(8)</sup> See *Index Manuscriptorum Bibliothecae FF: Ordinis Praedicatorum Florentiae Ad Sanctum Marcum*, w. p. 1768. 104-105. *Concordanze dell'Inventario di San Marco del 1768*, 11. *Della Biblioteca Medico-Laurenziana di Firenze*, Firenze 1872. 4-5.

<sup>(9)</sup> Foll. 1r-2r.

<sup>(10)</sup> Foll. 2v-7v.

<sup>(11)</sup> Fol. 8ra.

<sup>(12)</sup> Foll. 8rb-8vb.

<sup>(13)</sup> Fol. 9ra.

<sup>(14)</sup> Foll. 9rb-9vb.

<sup>(15)</sup> Fol. 9vb.

<sup>(16)</sup> Foll. 10ra-185va.

<sup>(17)</sup> Foll. 186ra-206rb.

<sup>(18)</sup> Foll. 206va-209vb. See Appendix: Description of Biblioteca Mediceo-Laurenziana di Firenze, S. Marco 499.

The parchments are very clear, light, refined, therefore the codex was not used on a regular even daily basis. We can distinguish the various quires: the first is from fol. 1r-8v. The codex was composed of eight folio quires, a fact supported by the mentioned signs found at the end of the quires and by the script style which often changes a little after every eighth folio. The pages of the entire codex were trimmed on at least 3 sides, but in places some *implicit* of the next quires survived the trimming (cf. «predictorum» on fol. 130v). The mentioned sign is 2 cm from bottom of the page on fol. 201v. We can clearly recognize the three parts which were bound in a volume. There is a strip of parchment about 0.5 cm wide after the first quire (1r-8v), because the next folio was bound alone in the codex. Roman numeral VII is to be found at the top of the fol. 9r. It could be intended to mean Book 7. Fol. 10r is empty; however the Collection of Anselm begins on fol. 10v without a title, but with a listing of the themes of the books (10va). After that one page is missing, only a 0.5 cm wide strip remains, hence this quire contains 7 folios (179r-185v). The next section begins on fol. 186ra with the title *De originali peccato et remediis eius*. The writing style changes often during this last section of the codex. Consequently this volume may be considered a colligatum of three parts.

1.1. *The materials which are not in the corpus of Anselm's collection.*

Now let's examine the canons which are outside of the Collection of Anselm. In the first text, what we can recognize is under the rubric *Iohannis Octauis in libro codice legis* (fol. 8ra). It cites three canons from the *Panormia* of Ivo of Chartres<sup>(19)</sup> about the sacrilege<sup>(20)</sup>. This *Panormia*<sup>(21)</sup> is the third collection of Ivo, which is

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<sup>(19)</sup> Edition: *Liber decretorum siue panormia Ivonis*, ed. S. Brant, 1499. MIGNE, I.P. (ed.), *Patrologiae cursus completus. Series Latina*, 1-221. Lutetiae Parisiorum 1844-1864. (PL) 161. coll. 1041-1344. Hereafter *Decretum*=Ivo D (Edition: PL 161. coll. 67-1022); *Panormia*=Ivo P; *Tripartita*=Ivo T.

<sup>(20)</sup> Ivo P. 2. *De sacrilegio* 1 (Ivo P 2. 79): *Sacrilegium enim committitur si quis infregerit ecclesiam. vel xxx ecclesiasticos passus. qui in circuitu ecclesie fuerint: vel in domibus que infra. xxx. predictos passus fuerint: aliquid inde diripiendo vel auferendo: seu qui iniuriam vel ablationem rerum intulerint: clericis arma non ferentibus vel monachis. siue deo deuotis omnibusque ecclesiasticis personis. Non enim capelle que infra*

usually considered to be later than the *Collectio Tripartita* and the *Decretum*. They all date from between 1093 and 1095<sup>(22)</sup> and the *Panormia* is based on Ivo's other two collections (*Tripartita*, *Decretum*).

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ambitum murorum castellorum sunt: committitur auferendo sacrum de sacro vel non sacrum de sacro: que quod non potest computari in crimine sacrilegii: secundum mundanarum legum censuram debet emendari. vel secundum morem patrie. *Liber decretorum*, fol. 39r; (PL 161. col. 1099) cf. C. 17 q. 4 c. 21. Quisquis inuentus fuerit reus sacrilegii, episcopis uel abbatibus, siue personis, ad quas querimonia sacrilegii iste pertinuerit, triginta libras examinati argenti purissimi conponat. §. 1. Sacrilegium committitur, si quis infregerit ecclesiam, uel triginta passus ecclesiasticos, qui in circuitu ecclesiae sunt, uel domos, que infra predictos passus fuerint, aliquid inde diripiendo uel auferendo; seu qui iniuriam uel ablationem rerum intulerit clericis arma non ferentibus, uel monachis, siue Deo deuotis, omnibusque ecclesiasticis personis. Capellae, que sunt infra ambitum murorum castellorum, non ponuntur in hac triginta passum obseruatione. §. 2. Similiter sacrilegium committitur auferendo sacrum de sacro, uel non sacrum de sacro, siue sacrum de non sacro. *Idem*: §. 3. Si quis domum Dei uiolauerit, et aliqua sine licentia illius, cui comissa esse dinoscitur, inde abstulerit, uel ecclesiasticis personis iniuriam fecerit, donec in contentu ammonitus legitime satisfaciat, sciat se comunione fore priuatum. Si uero post secundam et tertiam conuentionem coram episcopo satisfacere detrectauerit, sacrilegii periculo ab omnibus obnoxius teneatur, ita, ut secundum Apostolum nemini fidelium misceatur. *Idem*: §. 4. Hii qui monasteria, et loca Deo dicata, et ecclesias infringunt, et deposita uel alia quelibet exinde abstrahunt, dampnum nouies conponat, et emunitatem tripliciter, et uelut sacrilegi canonicae sententiae subigantur. FRIEDBERG, A. (ed.), *Corpus iuris canonici*, I. Lipsiae 1879. col. 820.

Ivo P. 2. *De sacrilegio* 2 (Ivo P 2. 80): Inspectis legibus romanis ubi habebatur de sacrilegiis inuenimus a iustiniano imperatore legem compositionis sacrilegii constitutam in decem libras auri optimi: non leuiorem legem precipimus esse tenendam: qui a karolo est constituta: pro principe de compositione sacrilegii uidelicet. xxx. libras argenti examinati. is est sexcentorum solidorum summam argenti purissimi. Ideoque quisquis fuerit inuentus reus sacrilegii istam leuiorem compositionem eum det ipsis episcopis vel abbatibus: siue personis: ad quos querimonia sacrilegii iuste pertinuerit. Et si ipse reus sacrilegii facere noluerit. tamdium excommunicationi subiacet: usque quo predictam compositionem sexcentorum solidorum persoluat. Et si in hac. obstinatione mortuus fuerit: corpus eius cum psalmis et himnis non deferatur ad sepulturam: et precipimus ut sine codicis mundane legis scribatur: hec lex huc usque lex pape. *Liber decretorum*, fol. 39v; (PL 161. coll. 1099-1100).

Ivo P 2. *De Sacrilegio* 3 (Ivo P 2. 81). Nicolaus episcopus episcopis omnibus: sicut antiquitus a sanctis patribus statutum est statuimus: ita ut maior ecclesia per circuitum. lx. passus habeat. Capelle uero vel minores ecclesie. xxx. Qui autem confinium confringere tamptauerit: aut personam dominis: vel bona eius inde abstraxerit: nisi publicus latro fuerit. quo usque emendet et quod rapuerit reddat excommunicetur. *Liber decretorum*, fol. 39v-40r; (PL 161. col. 81) cf. C. 17 q. 4 c. 6. Sicut antiquitus a sanctis Patribus statutum est, statuimus, ut maior ecclesia per circuitum LX passus habeat, capellae uero uel minores ecclesiae XXX. §. 1. Qui autem confinium

The *Decretum* of Ivo also contains two of these certain canons<sup>(23)</sup>, but this part follows the structure and the text tradition of the *Panormia*<sup>(24)</sup>. The next canon is a letter of Isidor (episcopus hispalensis) on foll. 8rb-8vb. If we compare this text with the collections of Ivo, we will find it in each of the three: Ivo D. 6. 20; Ivo P 3. 41 and Ivo T 3. 101<sup>(25)</sup>. The situation is very similar in the following

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eorum confringere temptauerit, aut personam hominis, uel bona eius inde subtraherit, nisi publicus latro erit, quosque emendet, et quod rapuerit reddat, excommunicatur. FRIEDBERG I. col. 816.

<sup>(21)</sup> Cf. LANDAU, P., «Die Rubriken und Inskriptionen von Ivos Panormie» in *Bulletin of Medieval Canon Law* 12 (1982) 31-49. FRANSEN, G., «La tradition manuscrite de la Panormie d'Yves de Chartres», in CHODOROW, S. (ed.), *Proceedings of the Eighth International Congress of Medieval Canon Law* (San Diego 1988) [Monumenta iuris canonici C/9], Città del Vaticano 1992. 23-25.

<sup>(22)</sup> STICKLER, A., *Historia iuris canonici latini. Historia fontium*, Taurini 1950. 183. ERDÖ, P., *Die Quellen des Kirchenrechts. Eine geschichtliche Einführung* (Adnotationes in Ius Canonicum 23), Frankfurt am Main 2002. 98-100.

<sup>(23)</sup> «Sacriliegium enim committitur...» cf. Ivo D 3. 98; «sicut antiquitus a sanctis patribus statutum est statuimus...» cf. Ivo D 3. 104.

<sup>(24)</sup> Cf. In Ivo P 2. *De sacrilegio* 1 (Ivo P 2. 79): «in domibus»; in Ivo D 3. 98: «domibus» (see above, note 20).

<sup>(25)</sup> Cf. D. 25. 1. Perlectis sanctitatis tuae litteris gaudisus sum, quod optatam salutem tuam earum relatu cognoui. De his autem, que in consequentibus insinuare eloquii tui sermo studuit, gratis ago Deo, quod sollicitudinem offitii pastoralis impendis, qualiterque ecclesiastica officia ordinentur, perquiris; et licet omnia prudentiae tuae sint cognita, tamen quia affectu fratero me consulis, ex parte, qua ualeo, expediám, et de omnibus ecclesiae gradibus quid ad quemque pertineat eloquar. §. 1. Ad hostiarium namque pertinent clauis ecclesiae, ut aperiat et claudat templum Dei et omnia, quae sunt intus extraque, custodiat; fideles recipiat, excommunicatos et infideles excipiat. §. 2. Ad exorcistam pertinet exorcismos memoriter retinere, manusque super energuminos et catecuminos in exorzizando imponere. §. 3. Ad acolitum pertinet preparatio luminariorum in sacrario; ipse cereum portat, ipse suggesta pro eucharistia calicis preparat. §. 4. Ad psalmistam pertinet offitium canendi, dicere benedictiones, lades, sacrificium, responsoria, et quicquid pertinet ad canendi peritiam. §. 5. Ad lectorem pertinet lectiones pronunciare, et ea, que prophetae uaticinauerunt, populis predicare. §. 6. Ad subdiaconum pertinet calicem et patenam ad altare Christi deferre et Leuitis tradere, eisque ministrare; urceolum quoque et aquamanile et manutergium tenere; episcopo et presbiteris et Leuitis pro lauandis ante altare manibus aquam prebere. §. 7. Ad diaconum pertinet assistere sacerdotibus, et ministrare in omnibus, que agantur in sacramentis Christi: in baptismo scilicet, in crismate in patena et calice; oblationes quoque inferre et disponere in altari; componere etiam mensam Domini atque uestire, crucem ferre, et predicare euangelium et Apostolum. Nam sicut lectoribus uetus testamentum, ita diaconibus nouum predicare preceptum est. Ad ipsum quoque pertinet offitium precum et recitatio nominum; ipse premonet aures habere ad Deum, ipse hortatur cla-

three canons. The first two spring from the Council of Toledo (a. 633) [cc. 34-35] and a last one quotes a letter of Pope Gealasius I (492-496), that was written between 494 and 495 <sup>(26)</sup>. We can iden-

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mare\*\*, ipse donat pacem et ipse annuntiat. §. 8. Ad presbiterum pertinet sacramentum corporis et sanguinis. Domini in altario conficere, orationes dicere, et benedicere dona Dei. §. 9. Ad episcopum pertinet basilicarum consecratio, unctio altaris et confectio crismatis. Ipse predicta officia distribuit et ordines ecclesiasticos, ipse sacris uirgines benedicit, et, dum precessit in singulis unusquisque, iste tamen est preordinator in cunctis. §. 10. Hi sunt ordines et ministeria clericorum, que tamen auctoritate pontificali in archidiaconi cura, et primicerii ac thesaurarii sollicitudine diuiduntur. §. 11. Archidiaconus enim iperatur subdiaconibus et Leuitis; ad quem pertinent ista ministeria: ordinatio uentiendi altaris a Leuitis, cura incensi et sacrificii necessaria sollicitudo, quis Leuitarum Apostolum et euangelium legat, quis preces dicat, seu responsoria in dominicis diebus aut solemnitatibus decantet. Sollicitudo quoque parrochiarum\*\*\* et ordinatio et iurgia ad eius pertinent curam, pro reparandis diocesanis basilicis ipse suggerit sacerdoti; ipse inquit parrochias cum iussione episcopi et ornamenta uel res basilicarum uel parrochiarum, gesta libertatum ecclesiasticarum episcopo idem refert, collectam pecuniam de communione ipse accipit et episcopo defert, et clericis partes proprias idem distribuit. Ab archidiacono nuntiantur episcopo excessus diaconorum, ipse denuntiat sacerdoti in sacrario ieiuniorum dies atque solemnitatum, et ab ipso publice in ecclesia predicatur\*\*\*\*; quando uero archidiaconus absens est, uicem eius diaconus sequens adimplet. §. 12. Archipresbiter\*\*\*\* uero se esse sub archidiacono, eiusque preceptis, sicut episcopi sui, obedire sciat, et (quod ad eius specialiter ministerium pertinet), supra omnes presbiteros in ordine positos curam agere, et assidue in ecclesia stare, et quando episcopi sui absentia contigerit, ipse eius uice missarum solemnia celebret et collectas dicat, uel cui ipse iniunxerit. §. 13. Ad primicerium pertinent acoliti, exorcistae, psalmistae atque lectores; signum quoque dandum pro officio clericorum, pro uitae honestate, et officium cantandi et peragendi sollicite, lectiones, psalmus, laudes, offertorium responsoria quis clericorum dicere debeat. Ordo quoque et modus psallendi in choro pro solempnitate temporum, ordinatio quoque pro luminaribus deportandis. Si quid etiam necessarium fuerit pro reparatione basilicarum, que sunt in urbe, ipse denuntiet sacerdoti; epistolas episcopi pro diebus ieiuniorum parrochianis per hostiarios ipse dirigat; clericos, quos delinquere cognoscit, ipse distringat, quos uero emendare non ualet, eorum excessus ad agnitionem episcopi deferat; basilicarios ipse constituat, et matriculas ipse disponat. Quando autem primicerius absens est, ea, que dicta sunt, ipse exquirat, qui ei aut lege est proximus aut eruditione ††. §. 14. Ad thesaurarium pertinent hostiarii basilicarum ordinatio, incensi preparatio, cura crismatis conficiendi, cura baptisterii ordinandi, preparatio luminariorum in sacrario et sacrificiis. FRIEDBERG I. coll. 89-91.

<sup>(26)</sup> *Regesta Pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, ed. JAFFÉ, P.-WATTENBACH, G. curauerunt LOEWENFELD, S. [JL]-KALTENBRUNNER, F.[JK]-EWALD, P.[JE], I. Lipsiae 1885.<sup>2</sup> Iusto episcopo mandat, «studeat, ut, si de spatiis, de quibus memoratur orta contentio, definitio dudum certa processerit, intemerata seruetur; alioquin de praescriptione temporum si qua pars confidit, praebeat sacramentum, ut tamen de iis, quae hactenus possessisse probatur, iusiurandum sinatur offere». JK 659 (439).

tify all of them in Ivo's works: «*Quicumque episcopus ...*» cf. Ivo D. 3. 131, 5. 175;<sup>(27)</sup> Ivo P 2. 67; Ivo T 2. 37. 11; «*Sicut diocesim...*» cf. Ivo D. 3. 212; Ivo P 2. 68; Ivo T 2. 17. 12<sup>(28)</sup>; «*Dilectio tua studeat ...*» cf. Ivo D. 3. 135, 6. 105; Ivo P 2. 69; Ivo T 1. 46. 29<sup>(29)</sup>. From this list it appears that the source here was the *Panormia* again, because the order is same and the text contains the supplementary words of the *Panormia*<sup>(30)</sup>. If we examine foll. 9rb-9vb, we find a letter of Pope Boniface I (418-422) dated 13<sup>th</sup> June in 419<sup>(31)</sup>, it follows the text tradition of the *Panormia* 4, *De subterfugientibus iudicium* c. 1 (Ivo P 4. 105)<sup>(32)</sup>. Read the text of *Panormia* in continue,

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(27) Cf. C. 16 q. 3 c. 4. *Quicumque episcopus alterius episcopi diocesim per triginta annos sine aliqua interpellatione possederit, quamvis secundum ius legis eius non uideatur esse diocesis, admittenda tamen non est contra eum actio repossendi. Sed hoc intra unam prouinciam, extra uero nullo modo, ne, dum diocesis defenditur, prouinciarum termini confundantur.* FRIEDBERG I. col. 789.

(28) Cf. C. 16 q. 3 c. 3. *Sicut diocesim alienam tricennalis possessio tollit, ita territorii conuentum non admit.* FRIEDBERG I. col. 789.

(29) Cf. C. 16 q. 3 c. 7. *Dilectio tua studeat, quesita omnium fideliter rerum ueritate, ut si de spaciis, de quibus memoratur orta contentio, diffinito dudum certa processerit, intemerata seruetur; alioquin, si nichil umquam constiterit terminatum, tunc de prescriptione temporum, si qua pars confidit [dissidet], prebeat sacramentum, ut tamen que hactenus possedissee probabitur, iusiurandum sinatur offerre.* FRIEDBERG I. col. 791.

(30) Ivo D 6. 105 does not contain «*studeat*»; Ivo P 2. 69 does not contain «*ut*»; Ivo P 2. 69 contains «*confidet*» not «*dissidet*» as Ivo D 3. 135 (see above, note 29).

(31) Patroclo, Remigio, Maximo, Hilario, Montano, Marino, Mauricio et ceteris episcopis per Gallias et septem prouincias constitutis mandat, ut, synodo ante diem kalendarum Nouembrium intra prouinciam convocata, de Maximo, episcopo Valentino, iudicent, criminibus accusato. Eorum sententiam se confirmaturum, scribit. JK 349 (141).

(32) Foll. 9rb-9vb. «*Patroclo Remigio Maximo Ylario Seuero Valerio (...) auctoritate firmetur.*» see *Exempla Bonifacii pape ad episcopos gallie*. Bonifacius episcopus patrocho: Remigio: Maximo: Hilario: Seuero: Valerio: Iuliano: Castorio: Leontio: Ohimontano: Marino: Et ceteris episcopis per galliam: et per varii prouincias constitutis valentine: nos clerici ciuitatis adierunt proponentes libellum et crimina que maximum teste tota prouincia asserunt commississe: delegata totiens cognitione illum constituta. et subterfugisse iudicia: nec confisum conscia festinasse: ut si esset innocens examinatus omnibus purgaretur. que totiens decreta ex numerorum quoque cartarum instructione cognouimus. Nos autem per omnes prouincias litteras dirigemus: ne excusationem sibi ignorationis obtendat. ut ad prouinciam venire cogatur et illic constituto iudicio prentare. Quicquid autem varia caritas de hac re dixerit decernendum: cum ad nos relatum fuerit: nostra ut condecet necesse est auctoritate firmetur. *Liber decretorum*, foll. 99r-99v (PL 161. col. 1203); cf. C. 3 q. 9 c. 10. *Decreuimus uestram debere intra prouinciam esse iudicium, et congragare sinodum ante kalendarum diem nouembrium, ut, si adesse*

after this canon is a canon of Council of Carthage IV (a. 391) <sup>(33)</sup> [*De subterfugientibus iudicium* c. 2 (Ivo P 4. 106)], the same as in S. Marco 499 on fol. 9vb <sup>(34)</sup>. Though the other two collections of Ivo also contain this canon (Ivo D. 5. 270; Ivo T 2. 17. 123), the *Panormia* has some significant words, these support our opinion, that the copy was made from this certain collection <sup>(35)</sup>. After this section of the Anselm's Collection we read a new title: *De originali peccato et remediis eius* (foll. 186ra-206rb) <sup>(36)</sup>. This title can be found in *Algeri*

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uoluerit, presens, si confidit, ad obiecta respondeat; si uero adesse neglexerit, dilationem sententiae de absentia non lucretur. Nam manifestum est, confiteri eum de crimine, qui indulto et totiens delegato iudicio purgandi se occasione non utitur. Nichil enim interest, utrum in presenti examine non omnia, que dicta sunt, conprobentur, cum ipsa quoque professio ex procurata totiens constet absentia. FRIEDBERG I. col. 531. The *Decretum* also contains this canon: Ivo D 5. 271, 6. 338.

<sup>(33)</sup> Aurelius episcopus dixit. Quisquis episcoporum accusator: ad primatem prouincie eius ipse causam deferat: (...) Illud uerbo placuit ut cum agere ceperit in episcoporum iudicio si fuerit causatorum persona culpabilis ad arguendum non admittatur: nisi proprias causas non tm ecclesiasticas asserere uoluerit. *Liber decretorum*, foll. 99v-100r (PL 161. coll. 1205-1206) cf. C. 4 q. 5 c. un. Quisquis episcoporum accusatur, ad primates [*primatum*] prouinciae ipsius [*eius ipse*] causam deferat accusator. Nec communione suspendatur [*privetur*] cui crimen intenditur, nisi ad causam suam dicendam electorum iudicium [*iudicio*], die statuta, litteris euocatus minime occurrerit, hoc est infra spatium mensis ex ea die, qua eum litteras accepisse constitit. Quod si aliquas ueras necessitatis causas probauerit, quibus occurrere non potuisse manifestum sit, suae causae dicendae intra alterum mensem integram habeat facultatem. Verum tamdiu post mensem secundum non communicet, donec purgetur. Si autem ad uniuersale\*\* concilium occurrere noluerit, ut uel ibi causa **eius** terminetur, ipse in se dampnationis sententiam dixisse iudicetur. Tempore sane, quo non communicat, nec in sua ecclesia\*\*\* uel parrochia communicet. Accusator autem [*vero*] eius, si numquam diebus causae dicendae defuerit subtrahens se, a communione non remoueatur. Si uero aliquando defuerit subtrahens se, restituto in communione episcopo, remoueatur a communione accusator, ita tamen, ut nec ipsi adimatur facultas causae peragendae, si se ad diem constitutam occurrere non uoluisse, sed non potuisse probauerit. FRIEDBERG I. coll. 542-543. *Panormia* contains one more canon about this topic: *In decretis Iulii pape. cap. II.* Iulius romane ecclesiae presul: episcopis omnibus. nullus dubitat quod ita soluat requirit. nec suspicione caret qui alium calumniis derogat: falsa dixisse cum ipse ad iudicium ut probet quod intulit uocatus venire distulit. *Liber decretorum*, fol. 100. (PL 161. col. 1206).

<sup>(34)</sup> Fol. 9vb. «Quisquis episcoporum accusare (...) ecclesiasticis afferere uoluerit.»

<sup>(35)</sup> Ivo P 4. 106 contains «*primatum*»; «*eius ipse*»; «*privetur*»; «*vero*»; does not contain «**eius**» (see above, note 33).

<sup>(36)</sup> The first canon: «Firmissime tene, et nullatenus dubites (...) originalis tamen peccati dampnationem carnali conceptione traxerunt.» fol. 186ra.



*Leodiensis, Liber sententiarum* <sup>(37)</sup> (c. 5), and it cites c. 26 of a work of Fulgentius Ruspensis (*De fide ad Petrum*) <sup>(38)</sup>. If we compare it with the ones from Ivo's collections, we can recognize in the *Decretum* <sup>(39)</sup> and in the *Panormia*. <sup>(40)</sup> The textform is reflected for us again in the *Panormia's* version <sup>(41)</sup>. The last unit of this codex starts on fol. 206va without a title and contains canons by different authors. The beginning canon <sup>(42)</sup> quotes a section of Augustin, *De civitate Dei* (cc. 17; 20; 26); that part can be found also in Ivo's work (Ivo D. 10. 10; Ivo P 8. 2; Ivo T 3. 20 [21] 2) <sup>(43)</sup>, but the text of

<sup>(37)</sup> Cf. Paris, Bibliothèque Nationale, lat. 3881. fol. 207b.

<sup>(38)</sup> Cf. D. 4. 3 de cons. Firmissime tene, et nullatenus dubites, omnem hominem, qui per concubitum uiri et mulieris concipitur, cum originali peccato nasci, inpietati subditum, mortique subiectum, et ob hoc naturaliter nasci irae [*ira*] filium, de qua dicit Apostolus: «Eramus enim natura filii irae, sicut et ceteri». A qua ira nullus liberatur, nisi per fidem mediatoris hominis Iesu Christi. §. 1. Firmissime tene, non solum homines ratione utentes, uerum etiam paruulos, qui siue in uteris matrum uiuere incipiunt, et ibi moriuntur, siue iam de matribus nati [+ *sunt*] sine baptismatis sacramento, quod datur in nomine Patris, et Filii, et Spiritus sancti, de hoc seculo transeunt, sempiterno igne puniendos; quia, etsi peccatum propriae actionis nullum habent, originalis tamen peccati damnationem carnali conceptione **ex natiuitate** traxerunt. FRIEDBERG I. col. 1362.

<sup>(39)</sup> Ivo D 1. 26 (PL 161. col. 73).

<sup>(40)</sup> Ivo P 1. 8 (PL 161. col. 1049).

<sup>(41)</sup> Ivo P 1. 8 contains «*ira*»; «*sunt*»; does not contain «**ex natiuitate**» (see above, note 38).

<sup>(42)</sup> Fol. 206va. «Si non licet privata potestate...».

<sup>(43)</sup> Cf. C. 23 q. 5 c. 9. Si non licet priuata potestate alicui hominem occidere innocentem, cuius occidendi licentiam lex nulla concedit, profecto etiam qui se ipsum occidit homicidia est, et tanto fit nocentior, cum se occiderit, quanto innocentior in ea causa fuit, qua se occidendum putauit. *Nam si Iudae merito factum detestamur, eumque ueritas iudicat, cum se laqueo suspendit, sceleratae illius traditionis auxisse potius, quam expiasset commissum, quoniam, de Dei misericordia desperando excrucianter penitens, nullum sibi salubris penitentiae locum reliquit. quanto magis a sua cede se abstinere debet qui tali supplicio quid in se puniat non habet? Iudas enim, cum se occidit, sceleratum hominem occidit, et tamen non solum Christi, uerum etiam suae mortis reus finit hanc uitam, quia, licet propter scelus, alio tamen suo scelere occisus est. §. 1. Cur autem homo, qui nichil mali fecit, sibi malefaciat, et se ipsum interficiendo hominem interficiat innocentem, ne alium patiatur nocentem, atque in se perpetret peccatum proprium, ne in eo perpetretur alienum? Item [c. 20]: §. 2. In sanctis canonicisque libris nobis nusquam diuinitus preceptum permissum reperiri potest, ut uel ipseus immortalitatis adipiscendae, uel ipsius cauendi curandue causa nobismetipsis necem inferamus. Nam et prohibitos nos esse intelligendum est, ubi lex ait: «Non occides», presertim, quia non addidit, proximum tuum, sicut falsum testimonium cum ueteret: «Falsum,» inquit, «testimonium non dices aduersus proximum tuum.» Nec ideo tamen, si aduersus se ipsum quisquam falsum testimonium dixerit, ab hoc se putauerit*

*Decretum* and the *Tripartita* is significantly longer than the version of the *Panormia* <sup>(44)</sup>.

Based on the data that has been written above, it seems evident that the first (from fol. 8ra) and third section of S. Marco 499 contain different texts from the *Panormia* of Ivo of Chartres. We are reminded of BAV Vat. lat. 1361 <sup>(45)</sup> wherein we also find a part (from fol. 24v), that was placed in the original codex and a part copied from the prologue of the *Panormia* <sup>(46)</sup>. Moreover we should mention

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*crimen alienum, quoniam regulam diligendi proximum a semetipso accepit, quandoquidem scriptum est: « Diliges proximum tuum sicut te ipsum ». Porro si falsi testimonii non minus reus est qui de se ipso falsum fatetur, quam si aduersus proximum hoc faceret, cum in eo precepto, falsum testimonium prohibetur, aduersus proximum prohibeatur, possitque non recte intelligentibus uideri non esse prohibitum, ut aduersus se ipsum quisque falsus testis assistat: quanto magis intelligendum est, non licere [licet] homini se ipsum occidere, cum in eo, quod scriptum est: « Non occides », nichil deinde addito, nec ipse utique, cui precipitur, intelligatur exceptus? Item: §. 3. « Non occides », nec te, nec alterum. Neque enim qui se occidit aliud quam hominem occidit. §. 4. Quasdam uero exceptiones eadem ipsa diuina fecit auctoritas [auctoritate], sed his exceptis, quos Deus occidi iubet, siue data lege, ad personam pro tempore expressa iussione, siue ipse qui occidit, ministerium debet iubenti, sicut gladius amminiculum utenti. Et ideo nequaquam contra hoc preceptum fecerunt, quod dictum est: « Non occides », qui Deo auctore bella gesserunt, aut personam gerentes publicae potestatis secundum ius legis, hoc est iustissimae rationis imperium, sceleratos morte punierunt. Et Abraham non solum non est culpatus crudelitatis crimine, uerum etiam laudatus est nomine pietatis, quod uoluit filium nequaquam scelerate, sed obediens occidere. Et merito queritur, utrum pro iussu Dei sit habendum, quod Iephte filiam, que patri occurrit, occidit, cum id uouisset se inmolaturum, quod ei uictori redeunti de prelio primitus occurrisset. Nec Samson aliter excusatur, quod se ipsum cum hostibus ruina domus obpressit, nis quia Spiritus latenter hoc iusserat, qui per illum miracula faciebat. His igitur [ergo] exceptis, quos uel lex iusta generaliter, uel ipse fons iustitiae Deus specialiter iubet occidi, quisquis hominem uel se ipsum uel quemlibet occiderit, homicidii crimine innectitur. Item [c. 26]: §. 5. Hoc dicimus, hoc asserimus, hoc modis omnibus approbemus, neminem spontaneam mortem sibi inferre debere, uelut fugiendo molestias temporales, ne incidat in perpetuas; neminem propter aliena peccata, ne hoc ipso incipiat habere grauissimum [+ peccatum] proprium; neminem propter sua preterita peccata, que magis in hac uita opus est, ut possint penitendo sanari; neminem uelut [quasi] desiderio melioris uitae, que post mortem speratur, quia reum suae mortis melior post mortem uita non suscipit. FRIEDBERG I. coll. 933-934.*

<sup>(44)</sup> Ivo P 8. 2 does not contain the cursive part (see above, note 43) of the text; it contains « *licet* »; « *auctoritate* »; « *ergo* »; « *peccatum* »; « *quasi* » (see above, note 43).

<sup>(45)</sup> See in detail: SZUROMI, Sz.A., « Some observations concernig whether or not BAV Vat. lat. 1361 is a text from the Collection of Anselm of Lucca » in *Ius Ecclesiae* 13 (2001) 693-715.

<sup>(46)</sup> BAV Vat. lat. 1361. fol. 24v. « Regula heccllesiastica. Incipit prologus panormi ivotis carnotensis episcopi de mulmoda distinctione scripturum ».

the two codexes of recension 'C', BAV Vat. lat 4983<sup>(47)</sup> and BAV Ottob. lat. 224<sup>(48)</sup>, which contain a long part of the *Panormia*<sup>(49)</sup>, after Book 13 of Anselm's collection<sup>(50)</sup>. This section is a last part of both manuscripts under the title: *Institut. Lib. i. cap. X*<sup>(51)</sup>. This tendency may not be unintentional. The parts of the *Panormia* or the excerpts of that could appear to the copier (or binder) to be very similar to Anselm's text. This is very possible because the themes and texts in many cases are the same in the Anselm's collection and in the *Panormia*. Moreover if we examine the materials of the different recensions, it seems that Anselm's text was mainly supplemented with canons quoted by Ivo of Chartres<sup>(52)</sup>.

### 1.2. *The Collection of Anselm in S. Marco 499.*

The Collection of Anselm of Lucca begins on fol. 10va, where the titles of 13 books (*Tabula librorum*) are found. The titles of the canons (*Tabula capitulorum*) are found starting on fol. 11r (in two columns). The numbers of canons of books: Book 1: cc. 89 (without a number: 1); Book 2: cc. 82; Book 3: cc. 114 (without a number: 1); Book 4: cc. 55 (without a number: 10); Book 5: cc. 64 (without a number: 5); Book 6: cc. 190 (without a number: 9); Book

(47) Cf. FOURNIER, P., *Mélanges*, II. especially 651. LANDAU, P., «Die Rezension 'C' der Sammlung des Anselm von Lucca», in *Bulletin of Medieval Canon Law* 16 (1986) 17-54. especially 17-20.

(48) Cf. FOURNIER, P., *Mélanges*, II. especially 657. KUTTNER, S., «Some Roman manuscripts of canonical collections» in *Bulletin of Medieval Canon Law* 1 (1971) 7-29. especially 16.

(49) BAV Vat. lat. 4983. foll. 625r-631r; BAV Ottob. lat. 224. foll. 729r-749v. cf. *Liber decretorum*, 149r-155r

(50) In BAV Vat. lat. 4983 between the Collection of Anselm and the part of the *Panormia* is a canon list of heresies (foll. 607v-615r) that is very similar as it can be found in Paris, Bibliothèque Nationale, lat. 12450-12451 (version of «Bb»); [fol. 615v is empty] a list of Popes from St. Peter until Innocence II [1130-1143] (foll. 616r-618v); a list of monarchs from Gaius Iulius Caesar (foll. 619r-621r); «Paternas traditionum exemplis (...).» (fol. 621v) [foll. 622r-624v are empty].

In BAV Ottob. lat. 224 between the Collection of Anselm and the part of the *Panormia* is list of Popes from St. Peter until Innocence II ([fol. 717v is empty] foll. 718r-724r); a list of the monarchs from Gaius Iulius Caesar (foll. 724v-727r); «Patris arum traditionum (...).» (foll. 727v-728r) [fol. 728v is empty].

(51) «Primus liber institutionum ait ex Inter eas personas quam parentum librorum locum (...).»=Ivo P 7. 53. *Liber decretorum*, from fol. 149r. (PL 161. coll. 1293ff).

(52) See below in Chapter 2.

7: cc. 174 (without a number: 2); Book 8: cc. 34 (without a number: 14); Book 9: cc. 49 (without a number: 1); Book 10: cc. 46 (without a number: 5); Book 11: cc. 152 (without a number: 1); Book 12: cc. 72 (without a number: 7); Book 13: cc. 29 (+ c. 351; without a number: 2 [3]). If we compare this material with BAV Vat. lat. 1363 (recension 'A') we notice that most of the books contain similar numbered canons as that particular version. Only Book 1 misses 1, and Book 10 numbered one more. We have to consider the supplementary canons, those that appear at the end of most of the books. There are a significant number of those in Book 4; Book 5; Book 6; Book 8; Book 10 and Book 12. All of the new canons were placed after the old canons in each book. The themes of these books (*De privilegiorum auctoritate; De ordinationibus ecclesiarum et de omni iure ac statu illarum; De electione et ordinatione ac de omni potestate sive statu episcoporum; De lapsis; De coniugiis; De excommunicatione*) suggest that this supplementary material placed in the collection mainly for the most practical topics. This can be further supported if we observe the origin of the supplementary canons. Peter Landau<sup>(53)</sup> has already analysed some of them, and he has established that there are very new canons, especially from the Council of Lateran I (a. 1123)<sup>(54)</sup>. At the end of Book 3<sup>(55)</sup>, after c. 114 is a decretal by Pope Urban II (1088-1099) to *Lucius praepositus*<sup>(56)</sup>. The canons from Pope Calixtus II's age (1119-1124) are found at the end of Book 4<sup>(57)</sup>. These canons are mostly from the First Lateran Council (suppl. canons [1]<sup>(58)</sup>, [3]<sup>(59)</sup>, [5-7]<sup>(60)</sup>), but there

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<sup>(53)</sup> LANDAU, P., «Erweiterte Fassungen» 327. Cf. BRETT, M., «The canons of the First Lateran Council in English Manuscripts», in *Proceedings of Sixth International Congress of Medieval Canon Law* (Berkeley 1980), Città del Vaticano 1985. 20-22.

<sup>(54)</sup> Cf. Supplementary canons in Book 4.

<sup>(55)</sup> Foll. 62va-63ra.

<sup>(56)</sup> «Lucio, praeposito ecclesiae S. Iuventii (al. Vincentii) apud Ticinum (...).» JL 5743 (4308) see C. 1. q. 3 c. 8. FRIEDBERG I. coll. 413-415. cf. LANDAU, P., «Erweiterte Fassungen» 327.

<sup>(57)</sup> Foll. 71va-72rb.

<sup>(58)</sup> «Sanctorum patrum exempla sequentes (...).» = Council of Lateran I (1123) c. 1. cf. C. 1 q. 1 c. 10.

<sup>(59)</sup> «Sanctorum patrum canonibus consona (...).» = Council of Lateran I (1123) c. 15. cf. C. 10 q. 1 c. 14.

<sup>(60)</sup> Suppl. can. [5]: «Si quis romipetas et peregrinos (...).» = Council of Lateran I (1123) c. 17. cf. C. 24 q. 3 c. 23.

is also a canon from the Council of Rome (a. 1119)<sup>(61)</sup>. This is very similar to the supplements of BAV Vat. lat. 4983 and Ottob. lat. 224 (recension 'C'), where after the numbered canons<sup>(62)</sup> we may find the canons of the First Lateran Council<sup>(63)</sup>. The supplementary material of Book 5<sup>(64)</sup> contains a canon from the Council of Autun that was held in 1077, during the reign of Pope Gregory VII (1073-1085);<sup>(65)</sup> a part of a decretal letter<sup>(66)</sup> (Febr. 27. a. 610) of Pope Boniface IV (608-615)<sup>(67)</sup> that was cited also by the *Decretum* of Ivo<sup>(68)</sup>. Here is a canon<sup>(69)</sup> under the name of Pope Eugene I (654-657) but its authorship is dubious;<sup>(70)</sup> and a canon from Pope

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Suppl. can. [6]: «Interdicimus etiam abbatibus et monachis (...).» = Council of Lateran I (1123) c. 18. cf. C. 16 q. 1 c. 10.

Suppl. can. [7]: «Paternarum traditionum exemplis (...).» = Council of Lateran I (1123) c. 20. cf. C. 24 q. 3 c. 24.

<sup>(61)</sup> Suppl. can. [8]: «Presbiteris diaconibus subdiaconibus et monachis (...).» = Council of Rome (a. 1119) c. 5. cf. D. 27 c. 8. Presbiteris, diaconibus, subdiaconibus et monachis concubinas habere, seu matrimonium contrahere penitus interdicimus; contracta quoque matrimonia ab huiusmodi personis disiungi, et personas ad penitentiam debere redigi, iuxta sacrorum canonum diffinitionem iudicamus. FRIEDBERG I. col. 100.

<sup>(62)</sup> Ottob. lat. 224: from fol. 228r, after c. 55 (Book 4).

<sup>(63)</sup> Cf. LANDAU, P., «Die Rezension» especially 23, 31. SZUROMI, Sz.A., *A püspökre vonatkozó egyházfegyelemi szabályok az Anselmi Collectio Canonumban* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae IV/1), Budapest 2000. 191.

<sup>(64)</sup> Foll. 79vb-80va.

<sup>(65)</sup> Suppl. can. [3]: «Ut canonici regulares (...).» cf. C. 19 q. 3 c. 1. Nullus abbas uel monachus canonicos regulares a proposito professionis canonicae, atque ad monasticum habitum trahendo suscipere audeat, ut monachi fiant, quamdiu ordinis sui ecclesiam inuenire quierint, in qua canonicè uiuendo Deo seruire, et animam suam saluare possint. Quod si temerario ausu id agere temptauerint, anathematis uinculo obligentur. FRIEDBERG I. col. 840. see LANDAU, P., «Erweiterte Fassungen» 327.

<sup>(66)</sup> Suppl. can. [1]: «Sunt nonnulli nullo dogmate (...).»

<sup>(67)</sup> JE 1996 (cclxxii) cf. C. 16 q. 1 c. 25. see LANDAU, P., «Erweiterte Fassungen» 327.

<sup>(68)</sup> Ivo D 7. 22. (PL 161. coll. 549-550).

<sup>(69)</sup> Suppl. can. [4]: «Placuit communi nostro concilio (...).»

<sup>(70)</sup> Cf. C. 16 q. 1 c. 8. Placuit communi nostro concilio, nullus monachorum pro lucro terreno de monasterio exire nefandissimo ausu presumat, neque penitentiam dare, neque filium de baptismo accipere, neque baptizare, neque infirmum uisitare, neque mortuum sepelire, neque ad ecclesiam transire secularem, neque qualibuscumque negociis sese implicare; sit claustro suo contentus, quia sicut piscis sine aqua caret uita, ita sine monasterio monachus. Sedeat itaque solitarius, et taceat, quia mundo mortuus

Paschal II (1099-1118)<sup>(71)</sup> that was written between 1104 and 1118<sup>(72)</sup>. These two canons are in similar order in the *Decretum Gratiani*. This supplementary material is similar again to the supplementary canons of Book 5 in Ottob. lat. 224<sup>(73)</sup> and in Laur. Ashburnham 53<sup>(74)</sup>. We could identify a decret of Pope Alexander II (1061-1073)<sup>(75)</sup> in the new material of Book 6 in S. Marco 499<sup>(76)</sup>, there are three fragments from Pope Paschal II<sup>(77)</sup>, and an other canon probably from 1107<sup>(78)</sup>, that is found after the text of *Concilium*

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est, Deo autem uiuit. §. 1. Agnoscat nomen suum, *μόνος* enim grece, latine unus: *ἄρχος* grece, latine tristis. Unde dicitur monachus, id est unus tristis. Sedeat igitur tristis, et officio suo uacet. FRIEDBERG I. col. 763.

<sup>(71)</sup> Suppl. can. [5]: «Peruenit ad nos unde ualde miramur (...).»

<sup>(72)</sup> JL 6616 (4874) cf. C. 16 q. 1 c. 9. Peruenit ad nos, unde ualde miramur, quod quidam monachi et abbates in parrochia uestra contra sanctorum patrum decreta episcopalia iura et officia sibi arrogenter uendicant uidelicet penitentiam, remissionem peccatorum, reconciliationem, decimas, et ecclesias, cum absque proprii episcopii licentia uel apostolicae sedis auctoritate hoc nullatenus presumere debeant, sicut in Calcedonensi concilio a sanctis Patribus de huiusmodi cautum est et sub anathematis uinculo monachis omnibus prohibitum. Mandamus itaque dilectioni tuae, ut eos conuenias, et ne talia deinceps presumant omnino prohibeas. FRIEDBERG I. col. 763.

<sup>(73)</sup> See foll. 265r-267r.

<sup>(74)</sup> See foll. 84rb-85va.

<sup>(75)</sup> Suppl. can. [1]: «Ex multis temporibus hoc detestabile (...).» JL 4722 (3490) cf. C. 1 q. 3 c. 1. FRIEDBERG I. coll. 415-416.

<sup>(76)</sup> Foll. 105ra-106rb.

<sup>(77)</sup> Suppl. can. [6]: «Nullus laicorum ecclesias uel ecclesiarum (...).» JL 6609 (4869) cf. C. 16 q. 7 c. 18. Nullus laicorum ecclesias uel ecclesiarum bona occupet uel disponat. Qui uero secus egerit, iuxta B. Alexandri capitulum ab ecclesiae liminibus arceatur. FRIEDBERG I. col. 805.

Suppl. can. [7]: «Sicut domini uestimentum scissum (...).» JL 6610 (4870) cf. C. 16 q. 7 c. 19. Sicut Domini uestimentum scissum non est, sed de eo sortiti sunt, ita nec ecclesia scindi debet, quia in unitate tota consistit. It potestate ergo proprii episcopi ecclesiae reducantur, et ab ipso (sicut in sacris canonibus cautum est) ordinentur. Alioquin et ecclesiae ipsae, et clerici earumdem diuinis destituantur officiis. FRIEDBERG I. coll. 805-806.

Suppl. can. [8]: «Abbatibus qui neque sub episcopo (...).» JL 6608 (4868) cf. C. 18 q. 2 c. 18. Abbatibus, qui neque sub episcopo, neque sub metropolitano, neque sub primate, neque sub patriarcha sunt, nullus prorsus episcoporum episcopalia que libet amministret. Cum enim se nulli episcopo omnino subesse profiteantur, consequens est, ut nullus episcoporum que sua sunt eis tamquam extraneis largiatur. FRIEDBERG I. col. 834.

<sup>(78)</sup> Suppl. can. [9]: «Si quis clericus abbas uel monachus (...).» cf. C. 16 q. 7 c. 16. Si quis clericus, abbas uel monachus per laicos ecclesias obtinuerit, secundum Apo-

*Trecense* in Mansi's edition<sup>(79)</sup>. The first and second Paschal's canons are follow each other in the *Decretum Gratiani*, and the suppl. can. [9] also is with them. The largest corpus of the new material is placed in Book 8<sup>(80)</sup>. After the concluding canon (c. 34) is a text attributed Pope Nicolaus II (1059-1061), that issues from the Council of Rome (a. 1059) [c. 3] and is in the *Panormia* [3. *De lapsis post eorum ordinationem* 3 (Ivo P 3. 135)]<sup>(81)</sup>. At the end of this book we find a canon from the Council of Clermont (a. 1095) [c. 4] under the name of Pope Urban II<sup>(82)</sup>; and three dubious canons can be

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stolorum sanctorum canones et Antioeni\*\* capitulum concilii excommunicationi subiaceat. FRIEDBERG I. col. 805.

<sup>(79)</sup> MANSI, I.D. (ed.), *Sacrorum conciliorum nova et amplissima collectio*, 1-31. Florentiae-Venetis 1757-1798. 20. col. 1221.

<sup>(80)</sup> Foll. 130vb-132va.

<sup>(81)</sup> Suppl. can. [1]: «Nullus missam audiat presbyter (...).»=Ivo P. 3. 135. Nul-  
lus missam audiat presbyteri: quem sit concubinam in dubitanter habere: aut subintro-  
ductam mulierem: Unde et ipsa sancta sinodus hoc capitulum sub excommunicatione  
posuit dicens. Quicumque presbyterorum: dyaconorum subdyaconorum pius constitu-  
tum beate memorie predecessoris nostri sanctissimi leonis papa de castitate clericorum  
concubinam palam duxerit: vel ductam non cantet: neque euangelium. vel epistolam leg-  
gat ad missam: neque in presbyterio ad diuina officia qui prefate constitutionis fuerit  
inobediens maneat: neque partem ab ecclesia suscipiat. quousque a nobis sententia su-  
per homini deo concedente procedat. *Liber decretorum*, foll. 74v-75r (PL 161. col. 1161)  
cf. D. 32. 5. Nullus missam audiat presbyteri, quem scit concubinam indubitanter ha-  
bere aut subintroductam mulierem. Unde etiam ipsa sancta sinodus hoc capitulum  
sub excommunicatione statuit, dicens: Quicumque sacerdotum diaconorum etc., *sicut  
in subsequenti\* cap. Alexandri contietur*. D 32. 6. (...) §. 1. Quicumque sacerdotum, dia-  
conorum, subdiaconorum post constitutum beatae memoriae predecessoris nostri sancti  
Papae Leonis aut Nicolai de castitate clericorum, concubinam palam duxerit, uel duc-  
tam non reliquerit, ex parte omnipotentis Dei et auctoritate apostolorum principum Pe-  
tri et Pauli precipimus et omnino contradicimus, ut missam non cantet, nec euangelium  
legat nec epistolam ad missam, neque in presbyterio cum his ad diuina officia, qui pre-  
fatae constitutioni obediens fuerint, maneat, neque partem ab ecclesia suscipiat. (...)  
FRIEDBERG I. coll. 117-118. see JL 4501 (3385).

<sup>(82)</sup> Suppl. can. [10]: «Sane quia monachorum quidam (...).» cf. C. 16 q. 2 c. 6.  
Sane quia monachorum quidam episcopis ius suum auferre contendunt, statuimus, ne in  
parrochialibus ecclesiis, quas tenent, absque episcoporum consilio presbiteros collocent,  
sed episcopi parrochiae curam cum abbatum consensu sacerdoti committant, ut eiu-  
smodi sacerdotes de populi quidem cura episcopis rationem reddant, abbati uero pro  
rebus temporalibus ad monasterium pertinentibus debitam subiectionem exhibeant,  
et sic sua cuique iura seruentur. *Idem*: §. 1. In parrochialibus ecclesiis presbiteri per epi-  
scopos constituantur, qui eis respondeant de animarum cura, et his, que ad episcopum  
pertinent. FRIEDBERG I. 787.

found in D. 6. 3 de pen.; D. 82. 5<sup>(83)</sup>. Concerning this book we refer again to the codexes of recension 'C', BAV Vat. lat. 4983 and Ottob. lat. 224, which also contains this supplement<sup>(84)</sup>. We mention two more canons from the supplement of Book 10<sup>(85)</sup>. The suppl. can. [1], that is the last numbered canon (c. 46) there and it quotes c. 25 of Council of Aede (a. 506)<sup>(86)</sup>, and a dubious canon (suppl.

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(83) Suppl. canons: [11] «Placuit ut deinceps nulli sacerdotum (...)» cf. D. 6. 3 de pen. Placuit, ut deinceps nulli sacerdotum liceat quemlibet commissum alteri sacerdoti ad penitentiam suscipere sine eius consensu, cui se prius commisit, nisi pro ignorantia illius, cui penitens prius confessus est. Qui uero contra hec statuta facere temptauerit gradus sui periculo subiacebit. (cf. C. 9 q. 2 c. 2) FRIEDBERG I. col. 1244. (coll. 602-603); [12]: «Inter cetera que de ordine (...)» cf. FRIEDBERG I. coll. 291-292. note 119 to D. 82. 5; [13]: «Presbiter si fornicationem fecerit (...)» cf. D. 82. 5. Presbiter, si fornicationem fecerit, quamquam secundum canones Apostolorum debeat deponi, tamen iuxta auctoritatem B. Siluestri Papae, si non in uitio perdurauerit, si sua sponte confessus adiecit, ut resurgeret, decem annis in hunc modum peniteat: tribus siquidem mensibus a ceteris remotus pane et aqua a uespera in uesperam utatur, diebus autem dominicis et precipuis festis modico uino et pisciculis atque leguminibus recreetur, sine carne et sagimine, ouis et caseo\*\*; sacco indutus humi adhereat, die ac nocte iugiter misericordiam Dei omnipotentis imploret. Finitis tribus mensibus continuus exeat: tamen in publicum non procedat, ne grex fidelis in eo scandalum patiat; nec enim debet sacerdos publice penitere, sicut laicus. Postea aliquantisper resumptis uiribus, unum annum et dimidium in pane et aqua expleat, exceptis dominicis diebus et precipuis festiuitatibus, in quibus uino et sagimine, ouis et caseo iuxta canonicam mensuram uti poterit. Finito primo anno et dimidio, corporis et sanguinis Domini, ne indurescat, particeps fiat, et ad pacem ueniat, psalmos cum fratribus in choro ultimus canat, ad cornu altaris non accedat, iuxta B. Clementis uocem minora gerat offitia. Deinde uero usque ad expletionem septimi anni omni quidem tempore, exceptis pascalibus diebus, tres legitimas ferias in unaquaque ebdomada in pane et aqua ieiunet. Expleto septimi anni circulo, si fratres apud quos penituit, eius condignam penitentiam laudauerint, episcopus in pristinum honorem iuxta B. Calixti Papae auctoritatem eum reuocare poterit. Sane sciendum est, quia secundum feriam unum psalterium canendo, aut unum denarium pauperibus dando, si opus est, redimere poterit. Finitis septem annis, deinde usque ad finem decimi anni sextam feriam (nulla interueniente redemptione) obseruet in pane et aqua. §. 1. Eadem quoque penitentia erit sacerdoti de omnibus aliis peccatis et criminibus, que eum in depositionem adducunt. Neque hoc culibet uideatur onerosum, si sacerdos post lapsum digne, ut supra dictum est, penitens ad pristinos redeat honores. FRIEDBERG I. coll. 292-293.

(84) BAV Vat. lat. 4983 foll. 413r-414v; BAV Ottob. lat. 224. foll. 481r-485r.

(85) Foll. 141va-145ra.

(86) «Seculares coniugale consortium (...)» cf. C. 33 q. 2 c. 1. Seculares, qui coniugale consortium nulla\*\* grauiori culpa dimittunt uel etiam dimiserunt, et, nullas causas discidium probabiliter proponentes, propterea sua matrimonia sua dimittunt, ut aut illicita aut aliena presumant: si ante, quam apud episcopos conprovinciales discidium causas dixerint, et prius, quam iudicio dampnentur, uxores suas abiecerint, a communione ec-



can. [5]) attributed to Pope Innocence (401?-417) <sup>(87)</sup>. The first of them is contained by Ivo's collections again (Ivo D. 8. 231, 328; Ivo P 6. 106; Ivo T 2. 28. 23).

Summarized these facts we can see that the main part of the supplementary canons, i. e., what was found in the books of Anselm's collection, is very new. The quoting of the Lateran canons and other texts from Pope Alexander II, Urban II, Paschal II we emphasize as significant. Why have not these supplement been placed among the other earlier — canons of the books? Why are there in this new material more than a few old canons, and why do they appear again among the possible sources of the Ivo's work?

## 2. *Some impression by the supplementary canons.*

If we observe the different recensions of Anselm's collection, we can distinguish three types of the supplementary canons. We find supplements among the «basic» canons; at the end of the books; and finally, before and/or after Anselm's work. Here we would like to give some attention to the first two.

Concerning the first type it is evident that this is the supplement, a characteristic of the recensions, when it breaks the basic canon order. Biblioteca Nazionale di S. Marco Cl. IV. LV (2243) <sup>(88)</sup> is an extremely important example for us <sup>(89)</sup>. Its textform is named by Landau: «Mischform» <sup>(90)</sup> because it contains the supplements of recension 'B' <sup>(91)</sup> and 'C' <sup>(92)</sup>. From Giuseppe Motta's analysis

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clesiae et sancto populi cetu pro eo, quod fidem et coniungia maculant, excludantur. FRIEDBERG I. coll. 1150-1151.

<sup>(87)</sup> «Si qua mulier ad secundas (...)» cf. C. 35 q. 10 c. 5. Si qua mulier ad secundas transierit nuptias, et filios et filias ad secundum maritum genuerit, debere eas nepotibus prioris mariti coniungi, sancta Romana sinodus prorsus inhibuit. FRIEDBERG I. col. 1288.

<sup>(88)</sup> See in detail MOTTA, G., «La redazione "A" aucta» della «Collectio Anselmi episcopi Lucensis» in LARA, C.R.I (ed.), *Studia in honorem Eminentissimi Cardinalis Alphonsi M. Stickler* (Studia et textus historiae iuris canonici 7), Roma 1992. 374-449.

<sup>(89)</sup> LANDAU, P., «Erweiterte Fassungen» 328-330. SZUROMI, Sz.A., *A püspökre vonatkozó*, 6-7, 178-191.

<sup>(90)</sup> LANDAU, P., «Erweiterte Fassungen» 329.

<sup>(91)</sup> Cf. BAV Vat. lat. 1364; BAV Vat. lat. 6381; Università di Bologna 375; Berlin, Staatsbibliothek Preußischer Kulturbesitz Cod. 597.

<sup>(92)</sup> Cf. BAV Vat. lat. 4983; BAV Ottob. lat. 224; Huesca, Bibl. Provincial 20.

we know, that most of the supplementary canons can be found in the *Decretum* and in the *Panormia*. The number of them is very significant: in the material of recension 'B' are 25 canons of 36;<sup>(93)</sup> in the material of recension 'C' are 32 canons of 50<sup>(94)</sup>. The other supplementary canons can be found in the *Polycarpus*<sup>(95)</sup>, *Collectio cardinalis Deusdedit*<sup>(96)</sup>, *Collectio Anselmo dedicata*<sup>(97)</sup>, and in the *Collectio in 183 titulos digesta*<sup>(98)</sup>. The quoted canons are not really new, they cite the same authors (for example Pope Leo I [440-461])<sup>(99)</sup> and councils (Council of Antiochy [a. 341];<sup>(100)</sup> Council of Carthage [a. 397];<sup>(101)</sup> Council of Chalcedon [a. 451]<sup>(102)</sup> etc.) what we can find in recension 'A'. If we observe BAV Barb. lat. 535 («Bb») we also find some texts among the supplementary canons, those which belong to the material of Ivo's collections too<sup>(103)</sup>.

We intended to determine a «nucleus» of Anselm's collection, what we have identified in BAV Vat. lat. 1361 (hereafter: V<sub>5</sub>)<sup>(104)</sup>. Now we are comparing the version of S. Marco 499 with V<sub>5</sub>. If we try to analyse the canons which are supplemented in version S.

<sup>(93)</sup> SZUROMI, Sz.A., *A püspökre vonatkozó*, 182.

<sup>(94)</sup> SZUROMI, Sz.A., *A püspökre vonatkozó*, 185.

<sup>(95)</sup> About the collection see HORST, U., *Die Kanonensammlung «Polycarpus» des Gregor von S. Grisogono. Quellen und Tendenzen* (Monumenta Germaniae Historica, Hilfsmittel 5), München 1980. MOTTA, G., «Nuove identificazioni nella collezione canonica della "Polycarpus"» in *Aevum* 57 (1983) 232-244.

<sup>(96)</sup> About the collection see ERDÖ, P., *Die Quellen*, 94.

<sup>(97)</sup> About the collection see FOURNIER, P., «L'origine de la collection «Anselmo dedicata»» in *Mélanges à Paul Frédéric Girard à l'occasion du 60e anniversaire de sa naissance*, Paris 1912. 475-498. cf. STICKLER, A., *Historia fontium*, 150. ERDÖ, P., *Die Quellen*, 84-85.

<sup>(98)</sup> Edition: MOTTA, I. (ed.), *Liber canonum diversorum sanctorum patrum sive Collectio in CLXXXIII titulos digesta* (Monumenta iuris canonici B/7), Città del Vaticano 1988. cf. ERDÖ, P., *Die Quellen*, 97.

<sup>(99)</sup> Rec. 'B' Book 9. c. 58=Rec. 'C' Book 9. c. 14.

<sup>(100)</sup> Rec. 'B' Book 6. c. 200=Rec. 'C' Book 6. c. 100.

<sup>(101)</sup> Rec. 'B' Book 3. c. 32=Rec. 'C' Book 3. c. 37.

<sup>(102)</sup> Rec. 'B' Book 5. c. 26=Rec. 'C' Book 5. c. 89.

<sup>(103)</sup> Cf. «Bb» Book 3: c. 21=Ivo T 1. 2. 7; c. 45=Ivo D 5. 204, Ivo T 1. 3. 6; c. 54=Ivo D 6. 137, Ivo P 4. 103, Ivo T 1. 11. 2; c. 78=Ivo D 6. 228; c. 79=Ivo D 6. 231, Ivo P 5. 9; c. 80=Ivo D 6. 388, Ivo T 3. 10. (11) 23; c. 84=Ivo D 5. 235, Ivo T 1. 14. 3; c. 87=Ivo D 6. 324, Ivo P 4. 74, Ivo T 1. 18. 11 etc. But it seems, that for this certain collection the compiler mainly did not use Ivo's works.

<sup>(104)</sup> See SZUROMI, Sz.A., «Some observations concernig whether or not BAV Vat. lat. 1361» 707.

Marco 499 based on V<sub>5</sub>, the following observation can be made regarding the supplementary canons: the considerable group of those are found in the works of Ivo of Chartres. I. e.: Book 1: cc. 10 (Ivo D: cc. 8; Ivo P: cc. 5);<sup>(105)</sup> Book 2: cc. 7 (Ivo D: cc. 7; Ivo P: cc. 3);<sup>(106)</sup> Book 3: cc. 8 (Ivo D: cc. 9; Ivo P: cc. 7);<sup>(107)</sup> Book 4: cc. 3 (Ivo D: cc. 3);<sup>(108)</sup> Book 5: c. 1 (Ivo D: c. 1; Ivo P: c. 1);<sup>(109)</sup> Book 6: cc. 14 (Ivo D: cc. 14; Ivo P: cc. 2);<sup>(110)</sup> Book 7: cc. 25 (Ivo D: cc. 24; Ivo P: cc. 6);<sup>(111)</sup> Book 8: cc. 5 (Ivo D: cc. 4; Ivo P: cc. 3);<sup>(112)</sup> Book 9: cc. 12 (Ivo D: cc. 12; Ivo P: cc. 6);<sup>(113)</sup> Book 12: cc. 3 (Ivo D: cc. 5; Ivo P: c. 1);<sup>(114)</sup> Book 13: c. 1 (Ivo D: c. 1)<sup>(115)</sup>. We do not want to get into an analysis of the text of the *Polycarpus*, which is textually very close to the Collection of

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<sup>(105)</sup> **Book 1:** c. 6=Ivo D 14. 22; c. 7=Ivo D 5. 269; c. 23=Ivo P 4. 12; c. 24=Ivo D 5. 10, Ivo P 4. 8; c. 41=Ivo D 4. 67; c. 45=Ivo D 5. 37; c. 47=Ivo P 4. 9; c. 52=Ivo D 5. 153, Ivo P 4. 14; c. 59=Ivo D 4. 108, Ivo P 2. 106; c. 60=Ivo D 4. 109.

<sup>(106)</sup> **Book 2:** c. 9=Ivo D 5. 4, Ivo P 4. 126, 4. 134; c. 40=Ivo D 4. 240; c. 41=Ivo D 5. 46, Ivo P 4. 112; c. 43=Ivo D 5. 292; c. 56=Ivo D 5. 9; c. 60=Ivo D 5. 295; c. 81=Ivo D 5. 244.

<sup>(107)</sup> **Book 3:** c. 23=Ivo D 5. 264, 6. 334, Ivo P 4. 89, 4. 30; c. 27=Ivo D 6. 327, Ivo P 4. 62; c. 33=Ivo D 5. 243, Ivo P 4. 36; c. 35=Ivo D 5. 245; c. 48=Ivo D 5. 292, 5. 299; c. 54=Ivo D 5. 293, Ivo P 4. 53; c. 61=Ivo P 4. 87; c. 66=Ivo D 5. 245, Ivo P 4. 135.

<sup>(108)</sup> **Book 4:** c. 18=Ivo D 16. 298; c. 19=Ivo D 3. 182; c. 26=Ivo D 5. 35.

<sup>(109)</sup> **Book 5:** c. 63=Ivo D 3. 47, Ivo P 2. 42.

<sup>(110)</sup> **Book 6:** c. 25=Ivo D 5. 131; c. 50=Ivo D 4. 117; c. 52=Ivo D 6. 112; c. 70=Ivo D 6. 59, Ivo P 3. 130; c. 73=Ivo D 2. 84; c. 95=Ivo D 5. 223; c. 96=Ivo D 5. 182; c. 98=Ivo D 5. 201; c. 104=Ivo D 5. 53; c. 125=Ivo D 5. 105; c. 137=Ivo D 8. 287; c. 138=Ivo D 14. 74; c. 149=Ivo D 6. 73; c. 187=Ivo D 4. 64, Ivo P 2. 91.

<sup>(111)</sup> **Book 7:** c. 7=Ivo D 6. 95; c. 8=Ivo D 6. 55; c. 9=Ivo D 6. 56, 8. 302; c. 12=Ivo P 3. 50; c. 14=Ivo D 1. 293; c. 25=Ivo D 6. 354, Ivo P 3. 165; c. 35=Ivo D 8. 288; c. 36=Ivo D 6. 23; c. 53=Ivo D 1. 252; c. 55=Ivo D 6. 296; c. 85=Ivo D 6. 43; c. 87=Ivo D 6. 82, Ivo P 3. 76; c. 89=Ivo 5. 98; c. 95=Ivo D 2. 123; c. 102=Ivo D 6. 251; c. 107=Ivo D 6. 72; c. 117=Ivo D 3. 62; c. 120=Ivo D 2. 67; c. 128=Ivo D 6. 98, Ivo P 3. 100; c. 130=Ivo D 6. 87. 89; c. 132=Ivo D 6. 52; c. 133=Ivo P 3. 111; c. 144=Ivo D 3. 151; c. 147=Ivo D 2. 138; c. 156=Ivo D 2. 71, Ivo P 2. 174.

<sup>(112)</sup> **Book 8:** c. 4=Ivo P 3. 49; c. 5=Ivo D 6. 51; c. 11=Ivo D 6. 150, Ivo P 3. 151; c. 16=Ivo D 5. 243; c. 19=Ivo D 6. 78, Ivo P 3. 133.

<sup>(113)</sup> **Book 9:** c. 16=Ivo D 1. 219, Ivo P 1. 78; c. 17=Ivo D 1. 218, Ivo P 1. 77; c. 18=Ivo D 1. 165; c. 20=Ivo D 1. 260, Ivo P 1. 113; c. 22=Ivo D 1. 263, Ivo P 1. 116; c. 23=Ivo D 1. 255, Ivo P 1. 114; c. 27=Ivo D 2. 73; c. 32=Ivo D 1. 158; c. 33=Ivo D 1. 162; c. 37=Ivo D 2. 94; c. 39=Ivo D 1. 117; c. 44=Ivo D 1. 171, Ivo P 1. 95.

<sup>(114)</sup> **Book 12:** c. 17=Ivo D 11. 108, 14. 28, Ivo P 5. 99; c. 19=Ivo D 14. 72, 14 102; c. 58=Ivo D 3. 179.

<sup>(115)</sup> **Book 13:** c. 28=Ivo D 5. 268.

Anselm of Lucca, except to mention that its text tradition also contains these noted canons<sup>(116)</sup>.

Based on these facts it seems for us that this type of supplement contains more details of certain themes in the books. This enlarging of the text could be made during instruction in the cathedral school, where the main source for the supplementary information was Ivo of Chartres's works.

Concerning the second type we have already listed the supplementary material of S. Marco 499, that was placed at the end of the books. We would like to mention here Biblioteca Mediceo-Laurenziana di Firenze, Ashburnham 53<sup>(117)</sup>. This 12<sup>th</sup> Century codex belongs to the family of recension 'A'<sup>(118)</sup>. If we examine the supplementary canons at the end of Book 8<sup>(119)</sup>, we recognize an independent part from the *Panormia*<sup>(120)</sup>. This part quotes all of the canons of chapter *De simoniace ordinatis et eorum ordinatoribus* (Ivo P. 3. 118-127)<sup>(121)</sup>, under a blurred title: *De simonia*<sup>(122)</sup>. There are ten canons in similar version and order as in the *Panormia*, finishing with a text from Pope Nicolaus II (1059-1061)<sup>(123)</sup>. We refer moreover to BAV Barb. lat.

<sup>(116)</sup> See HORST, U., *Die Kanonessammlung Polycarpus*, 104-198.

<sup>(117)</sup> *I Codici Ashburnhamiani della R. Bibliotheca Mediceo-Laurenziana di Firenze* (Indici e Cataloghi VIII), I/1. Roma 1887. 12-13. *Catalogue of the Manuscripts at Ashburnham Place*, I. London 1853. n 53.

<sup>(118)</sup> Cf. LANDAU, P., «Erweiterte Fassungen» 324-327.

<sup>(119)</sup> Foll. 140va-141rb.

<sup>(120)</sup> The last canon of Book 8 (c. 35) is finishing on fol. 140ra. Fol. 140rb is empty.

<sup>(121)</sup> Cf. *Liber decretorum*, foll. 71n-73r. (PL 161. col.).

<sup>(122)</sup> On the top of 140va.

<sup>(123)</sup> Fol. 141rb. «Statuimus decretum de simoniacis (...)»: Ivo P 3. 127. *In decretis Nicolai Cap. II. Nicolaus episcopus omnibus episcopis. statuimus decretum de simoniacis tripertita heresi. id est de simoniacis simoniace ordinatoribus vel ordinatis: et de simoniacis simoniace a non simoniacis: et simoniacis non simoniace a simoniacis: Simoniaci simoniace ordinati vel ordinatores: secundum ecclesiasticos canones a proprio gradu decidunt. Simoniaci quoque simoniace a non simoniacis ordinati similiter ab officio male accepto remoueantur. Simoniacos autem non simoniace a simoniacis ordinatos misericorditer per manus impositionem pro temporis necessitate concedimus permanere in officio. Liber decretorum*, fol. 73r. (PL 161. col. 1158) cf. C. 1 q. 1 c. 107. Statuimus decretum de symoniacis symoniace ordinatoribus uel ordinatis et de symoniacis symoniace a non symoniacis, et symoniacis non symoniace a symoniacis. §. 1. Symoniaci symoniace ordinati uel ordinatores secundum ecclesiasticos canones a proprio gradu decidunt. Symoniaci quoque symoniace a non symoniacis ordinati similiter ab officio male accepto remoueantur. §. 2. Symoniacos autem non symoniace a symoniacis ordinatos

535 («Bb»), which also has a supplement<sup>(124)</sup>, after the canons of Book 5<sup>(125)</sup>, which contains such material in its second part<sup>(126)</sup>, the same as we could find in Ivo's work<sup>(127)</sup>. But we can mention BAV Ottob. lat. 224 again, because among the three parts of the supplementary material of Book 6<sup>(128)</sup>, the second part is quoting many canons from different places of the *Panormia*<sup>(129)</sup>. So, what is the difference between this type of the supplement and that type which was explained above? In our opinion, the difference is substantial. Here we find a similar intention that we saw at the end of the most used books in S. Marco 499. These supplements serve the even daily use, as we can perfectly see concerning Asburnham 53<sup>(130)</sup>. Therefore it was not important to place the canons among the old ones. The compilers added the new and a referred to old material in the books, without organization and numeration.

### 3. *Conclusion: the development of the different versions of the Anselm's collection.*

Based on what has been said above we propose a distinction between three degrees of the text development regarding the Anselm's

miseriorditer per manus inpositionem pro temporis necessitate in officio concedimus permanere. FRIEDBERG I. col. 400.

<sup>(124)</sup> Foll. 204r-208v.

<sup>(125)</sup> The last numbered canon of Book 5 is c. 210 on top of fol. 204r.

<sup>(126)</sup> The first part contains 30 canons without number, from fol. 204r.

<sup>(127)</sup> Suppl. can. [31] «Quod posuisti si mulier infirmitate (...)» [Pope Gregory II (715-731) a. 726]: Ivo D 8. 78; Ivo P 6. 112. cf. C. 32 q. 7 c. 18. FRIEDBERG I. coll. 1144-1145. see JE 2174 (1667).

Suppl. can. [32] «Statuimus ne professionis canonice (...)» [Pope Urban II (1088-1099)]: Ivo D 6. 411; Ivo T 3. 10 (11) 43. cf. C. 19 q. 3 c. 3. FRIEDBERG I. coll. 840-841. see JL 5760 (4313).

Suppl. can. [33] «Quicumque temere ac periculose neque (...)» [Council of Nicea (a. 325) c. 16 (versio dionysiana)]: Ivo D 6. 175. cf. versio hispana: C. 7 q. 1 c. 23. FRIEDBERG I. coll. 576-577.

Suppl. can. [34] «De presbitero uel quolibet sacerdote (...)» [Pope Gregory II (715-731) a. 726]: Ivo D 6. 231; Ivo P 5. 9. cf. C. 2 q. 5 c. 5. FRIEDBERG I. col. 456. see JE 2174 (1667).

<sup>(128)</sup> «De prefationibus (...)» foll. 361v-362v; [canons of the *Panormia* without a title] foll. 363r-376v; «Ex auctoritate et precepto sanctorum Patrum.» foll. 377r-378v.

<sup>(129)</sup> From Ivo P. 1; 6; and 7.

<sup>(130)</sup> Several times the folios are greasy, especially in Book 6 and 7 (foll. 104v, 114r-133v).

manuscripts. The first degree, which starts from the first compilation of the canons and continues until the appearance of the recensions ('A', 'B', 'C', «Bb»). During this period the supplementary material has been placed among the original canons. The motive behind this development is certainly that of instruction and the text was moreover enlarged by the teachers in the cathedral schools. As new emphases became prevalent at the schools, more detailed explanations were given of various questions<sup>(131)</sup>. Most of the supplementary canons were not new and the authors mainly used Ivo of Chartres' works, especially the *Decretum* and the *Panormia*. Basically this period renders the peculiarity of the versions of Anselm's text traditions. The second degree, consists of when the enlarged texts were used on a day to day basis. It was necessary to add to the text the most important new decretals (cf. Pope Urban II; Pope Paschal II; Pope Calixtus II) and conciliar canons (especially the canons of the roman and ecumenical councils [cf. Lateran I]), moreover the earlier canons were referred to and the new disciplinary materials. Therefore some of Ivo's canons entered into Anselm's collection again at this time. But during this process the canons were placed usually at the end of the books, so the new canons have not changed the original orders of the canons, and thus we can recognize the text traditions of the main recensions. The finishing degree (the third), when the copiers — or binders — by the thematic and textual similarity, have placed together Anselm's work with a part — or «excerpta» — of Ivo's *Panormia* (i. e. in S. Marco 499). The tendency in this age was to summarize the «antique canons». This developing process was substantially finished no later than the middle of the 13<sup>th</sup> Century. During the age of the «Renaissance», the manuscripts of Anselm were again important for the humanist text edition of the *Decretum Gratiani*.

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<sup>(131)</sup> See SZUROMI, Sz.A., «Some observations concernig whether or not *BAV Vat. lat. 1361*» 708-709.

## Appendix

### Description of Biblioteca Mediceo-Laurenziana di Firenze, S. Marco 499

**Poss.** Conventus S. Marci de Florence Ordinis Predicatorum; De hereditate Nicolai Nicoli Florentini uiri doctissimi (a. 1441).  
209 fols. memb. 307x 205 mm, saec. XII.

- fol. 1r-2r **De peregrinorum** « Canones varii » (19)  
(Textus fragmentus) alteram. Haec autem definitio maneat ...  
*De peregrinorum* [numeratio VII-XXV] (Textus) Nullus peregrinos ...; Presbyteri qui sunt ...; Per singulas regiones episcopos...; Qui muicis uel possessionibus cor episcopi nominantur...; Si quis episcopus aut presbyter ...; Si quis episcopo presbiter aut diaconus ...; Nullus episcopus ex alia prouincia ...; Si quis episcopus de certis criminibus iudicatur...; Si quis episcopus de certis criminibus accusatus...; Si quis episcopus uacans in ecclesiam...; Si quis episcopus manus impositionem ...; Si quis episcopus ordinatus ...; Episcopus preter synodum ...; Propter utilitates ecclesiasticas et absolutiones earum ...; Episcopus ab alia parochia...; Episcopus alienam ciuitatem ...; Episcopo non licere successorem constituere...; Que sunt eccle sub omni sollicitudine ...; Episcopus ecclesiasticarum rerum ... (Finis) condecet ad perbante.
- fol. 2v-7v **De basilicarum et altarium consecratione**  
(Rubrica) De basilicarum et altarium consecratione. (Textus) Dilectissimo fratri ... (Finis) ab obsequentibus sibi.
- fol. 8ra (Rubrica) Iohannis Octauis in libro codice legis. (Textus) Sacriligium enim committitur ... (Finis) quod rapuerit reddat excommunicetur. (Cf. Ivo Carnotensis (s.), Panormia 2, *De Sacriligio* cc. 1-3 [Ivo P 2. 79-81]. **Ed.** PL 161. coll. 1099-1100. *Liber decretorum siue panormia Ivonis*, ed. S. Brant, 1499. fol. 39r-40r)
- fol. 8rb-8vb « **Ysidorus episcopus hispalensis, Epistola** »  
(Rubrica) Incipit epistola Ysidori episcopi hispalensis ad luido cordubense episcopum directa. (Textus) Perlectis sanctitatis tue litteris... (Finis) luminariorum in sacrificio et sacrificium. (Cf. Ivo Carnotensis (s.), Panormia 3. 41 **Ed.** PL 161. coll. *Liber decretorum*, fol.; D. 25. 1)

- fol. 9ra « **Auctores varii** » (3)  
 Ex concilio arunensi. (Textus) Quicumque episcopus ... (immo Conc. Tolletanum IV [a. 633] c. 34; C. 16 q. 3 c. 4); Ex tolletano xxv. (Textus) Sicut diocesim ... (immo Conc. Tolletanum IV [a. 633] c. 35; C. 16 q. 3 c. 3); Gelasius Iusto episcopo (Textus) Dilectio tua studeat ... (Finis) iusiurandum sinatur offerre. (JK 659 [439]; C. 16 q. 3 c. 7)
- fol. 9rb-9vb **Exempla Bonifacii pape ad episcopos galliae** (a. 419)  
 (Textus) Patroclo Remigio Maximo Ylario Seuero Valerio ... (Finis) auctoritate firmetur. (JK 349 (141); Cf. Ivo Carnotensis (s.), Panormia 4, *De subterfugientibus iudicium* c. 1 Ed. PL 161. col. *Liber decretorum*, fol. 99r-99v)
- fol. 9vb **Ex concilio cartaginensi cap. xix** (Immo c. 7)  
 (Textus) Quisquis episcoporum accusare ... (Finis) ecclesiasticis afferere uoluerit. (Cf. Ivo Carnotensis (s.), Panormia 4, *De subterfugientibus iudicium* c. 2. Ed. PL 161. col. *Liber decretorum*, fol. 99v-100r)
- fol. 10r « vacat »
- fol. 10va-185va « **Anselmi Lucensis (s.), Collectio canonum** »  
 « Tabula librorum »; (fol. 11r) (Rubrica) Incipiunt capitula libri primi. « Tabula capitulorum lib. I »; (fol. 12rb) De primatu sancte Romane ecclesie. Quod in nouo testamento post Christum Dominum a Petro sacerdotalis ceperit ordo; (fol. 12va) (Textus) In nouo testamento post Christum Dominum nostrum (...). (Ed. *Anselmi episcopi Lucensis collectio canonum una cum collectione minore*, ed. F. Thaner, I-II (Oeniponte 1906-1915; anast. repr. Aalen 1965); **Bibl.** P. Fournier, « Observations sur diverses recensions de la collection canonique d'Anselme de Lucques » in *Annales de l'Université de Grenoble* 13 (1901) 427-458, repr. in P. Fournier, *Mélanges de droit canonique*, ed. T. Kölzer, II. Aalen 1983. 635-666; A.M. Stickler, « Il potere coattivo materiale della Chiesa nella riforma gregoriana secondo Anselmo di Lucca » in *Studi Gregoriani* 2 (1947) 235-285; P. Landau, « Erweiterte Fassungen der Kanonessammlung des Anselm von Lucca aus dem 12. Jahrhundert » in *Sant'Anselmo, Mantova e lotta per le investiture* (Atti del Convegno Internazionale di Studi, Mantova 23-24-25 maggio 1986), ed. P. Golinelli, Bologna 1987. 323-338. G. Fransen, « Anselme de Luques Canoniste? » in *Sant'Anselmo Vescovo di Lucca* (Atti del Convegno internazionale Lucca 1986) [Nouvi Studi Storici 13], Roma



1992. 143-155. G. Motta, «La redazione A 'Aucta' della Collectio Anselmi Episcopi Lucensis» in R.L. Castillo (ed.), *Studia in honorem eminentissimi Cardinalis Alphonsi M. Stickler* (Studia et textus historiae iuris canonici 7), Romae 1992. 375-449. K.G. Cushing, *Papacy and Law in the Gregorian Revolution. The Canonistic Work of Anselm of Lucca*, Oxford 1998. Sz.A. Szuromi, «The rules concerning bishops in the Anselmi collectio canonum. Sources and Discipline» in *Folia Canonica* 3 (2000) 173-183. Sz.A. Szuromi, «Some observations concernig whether or not *BAV Vat. lat. 1361* is a text from the Collection of Anselm of Lucca» in *Ius Ecclesiae* 13 (2001) 693-715.

fol. 185vb «vacat»

fol. 186ra-206rb **De originali peccato et remediis eius** «Auctores varii»

(Textus) Firmissime tene, et nullatenus dubites ... [Fulgentius Ruspensis, *De fide ad Petrum*, c. 26; D. 4. 3 de cons.; cf. Algeri Leodiensis, *Liber sententiarum* /Paris, Bibliothèque Nationale, lat. 3881. fol. 207b/ c. 5] (Finis) et in tempore uindictae disperdetur.

fol. 206va-209vb «**Auctores varii**»

(Textus) Si non licet priuata potestate ... [Augustinus, *De ciuitate Dei*, I. 15; C. 23 q. 5 c. 9] (Finis) fidelitatem obseruent prohibemus.

**Bibl.** *Index Manuscriptorum Bibliothecae FF: Ordinis Praedicatorum Florentiae Ad Sanctum Marcum*, w. p. 1768. 104-105. *Concordanze dell'Inventario di San Marco del 1768*. 11. *Della Biblioteca Medico-Laurenziana di Firenze*, Firenze 1872. 4. B.L. Ullman, -Ph.A. Stadter, *The public library of Renaissance Florence* (Medioevo e Umanesimo 10), Padova 1972. 12, 59-67.

