

A SNAPSHOT FROM THE PROCESS
OF THE TEXTUAL DEVELOPMENT OF IVO'S WORKS
(COMPARATIVE ANALYSIS OF ANGERS, BIBLIOTHÈQUE
MUNICIPAL, MS. 369 WITH BAV REG. LAT. 973
AND OTHER TEXTUAL WITNESSES) (*)

1. Description of the Codex. — 2. Panormia or Decretum? — 3. Comparison with BAV Reg. lat. 973. — Conclusion. — Appendix I. — Appendix II.

Recently, there has been a new stress to discover the textual development of the various canonical collections, especially up to the *Decretum Gratiani* (1140) ⁽¹⁾. These new results have brought

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⁽¹⁾ Cf. BRETT, M., *Editions, Manuscripts and Readers in Some Pre-Gratian Collections*, in CUSHING, K.G.-GYUG, R.F. (ed.), *Ritual, Texts and Law. Studies in Medieval Canon Law and Liturgy Presented to Roger E. Reynolds* (Church, Faith and Culture in the Medieval West), Aldershot 2004. 205-224. SZUROMI, Sz. A., *Some observations on the developing of different versions of the Collectio Canonum Anselmi Lucensis* (A comparative analysis of Biblioteca Mediceo-Laurenziana S. Marco 499 with other manuscripts of Anselm's Collection), in *Ius Ecclesiae* 14 (2002) 425-449. WEIGAND, R., *Zur künftigen Edition des Dekrets Gratians*, in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 83 (1997) 32-51. WINROTH, A., *The making of Gratian's Decretum* (Cambridge Studies in Medieval Life and Thought : Fourth Series 49), Cambridge 2000. LARRAINZAR, C., *La ricerca attuale sul «Decretum Gratiani»*, in DE LEÓN, E.-ÁLVAREZ DE LAS ASTURIAS, N., *La cultura giuridico-canonica Medioevale premessa per un dialogo ecumenico*, Milano, 2003, 45-88. VIEJO-XIMÉNEZ, J.M., *La investigación sobre las fuentes formales del Decreto de Graciano*, in *Initium*, 7 (2002), 217-239. VIEJO-XIMÉNEZ, J.M., *La composizione del De-*

to light, that behind the different recensions of a particular collection we have to recognize the different fields of the institutional activity of the Church. The formation of the contents of every single canonical compilation has come about for the use of reading, reference, consultation, or teaching⁽²⁾. This process has been broken by the appearance of the official promulgation in 1234. The *Decretales Gregorii IX*, as a new decretal collection has theoretically changed the traditional structure of the instruction and administration of canon law, because of its promulgation. From this particular time only the various glossal interpretation could take place around the text, but the contextual enlargement could not be a possibility any more. This appearance has significant importance, which has made great contribution for fixing the *glossae ordinariae* of the canonical collections, thanks to Ioannes Teutonicus⁽³⁾, Laurentius Hispanus⁽⁴⁾, Bartholomaeus Brixiensis⁽⁵⁾, and Bernardus Parmensis⁽⁶⁾.

Here we would like to give an overview of this type of textual formation from the time before 1140, based on a 12th century copy of the *Panormia*⁽⁷⁾, as compared with other manuscripts of

creto di Graziano, in SZUROMI, Sz. A. (ed.), *Medieval Canon Law Collections and European ius commune* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/8), Budapest, 2006, 97-169.

(2) Cf. SZUROMI Sz. A., *A 12th century pastoral pocket book (Some impressions on National Library of Scotland, Edinburgh, Adv. Ms. 18. 8. 6, as compared with Bruxelles, Bibliothèque Royal MS 1817)*, in SZUROMI, Sz. A. (ed.), *Medieval Canon Law Collections*, 65-96.

(3) LANDAU, P., *Jobannes Teutonicus und Johannes Zemeke. Zu den Quellen über das Leben des Bologneser Kanonisten und des Halberstädter Dompropstes*, in *Halberstadt. Studien zu Dom und Liebfrauenkirche. Königtum und Kirche als Kulturträger im östlichen Harzvorland-Halberstadt* (Symposium des Leipziger Lehrstuhls für Kunstgeschichte. Halberstadt 7.-bis 10. Oktober 1991.), Berlin, 1997, 19-29.

(4) Cf. GARCÍA Y GARCÍA, A., *Laurentius Hispanus. Datos biográficos y estudio crítico de sus obras*, Roma-Madrid, 1956. ERDŐ, P., *Storia della scienza del diritto canonico. Una introduzione*, Roma, 1999, 48.

(5) *Dictionnaire d'histoire et de géographie ecclésiastique*, 6, 984-985. NAZ, R. (ed.), *Dictionnaire de droit canonique*, Paris, 1924-1965, 2. coll. 216-217. FRANSEN, G., *Tribunaux ecclésiastiques et langue vulgaire d'après les « Questiones » des canonistes*, in *Ephemerides Theologiae Lovaniensis* 40 (1964), 409-412.

(6) ERDŐ, *Storia della scienza*, 90; cf. KUTTNER S., *Notes on the Glossa ordinaria of Bernard of Parma*, in *Bulletin of Medieval Canon Law*, 11 (1981) 86-93.

(7) ERDŐ, P., *Die Quellen des Kirchenrechts. Eine geschichtliche Einführung*

Ivo of Chartres's canonical works, especially with BAV Reg. lat. 973 (*Tripertita*).

1. *Description of the Codex.*

The manuscript 369 of Angers, Bibliothèque Municipale⁽⁸⁾ is a witness of the *Panormia*, as we already mentioned, one of the three canonical works which are attributed to Ivo of Chartres (i.e. *Tripertita* [Tr], *Decretum* [ID], *Panormia* [IP]). These collections all date from between 1093 and 1095. The Angers Ms 369 can be divided into two distinct parts. The first part of the codex begins on fol. 1r and finishes on fol. 106v, marked at the right upper corner of the folio with capital characters: *Ivo Carnotensis Panormia*. There is a possessor inscription at the bottom of the page: *Ex libris Monasterii S. Albini andeg. Cong. S. Mauri*. In the headline we can read also «Ivo Carnotensis» by a 15th century hand. The size of the folios is 260 x 165 mm and the text is in one column. The parchments are not as refined as the contemporary Italian manuscripts, not too thin, but originally they were soft. The codex was trimmed on each side up to the marginal punctuation. Based on the condition of the folios, it seems that this manuscript was kept in

(Adnotationes in Ius Canonicum 23), Frankfurt am Main, 2002. 98-100; cf. FOURNIER, P., *Les collections canoniques attribuées à Yves de Chartres*, in *Bibliothèque de la École des chartes*, 57 (1896) 645-698; 58 (1897) 26-77, 293-326, 410-444, 624-676 [repr. in FOURNIER, P., *Mélanges de droit canonique*, I. (ed. KÖLZER, P.), Aalen, 1983. 451-678]; LANDAU P., *Die Rubriken und Inskriptionen von Ivos Panormie*, in *Bulletin of Medieval Canon Law* 12 (1982), 31-49; BRETT, M., *Creeping up on the Panormia*, in HELMHOLZ, R.H. (ed.), *Grundlagen des Rechts*, Paderborn, 2000. 205-270; BRETT, M., *The Sources and Influence of Paris, Bibliothèque de l'Arsenal 713*, in LANDAU, P. (ed.), *Proceedings of the Ninth International Congress of Medieval Canon Law*, Vatican City, 1997, 149-167; KÉRY, L., *Canonical Collections of the Early Middle Ages (ca. 400-1140). A Bibliographical Guide to the Manuscripts and Literature* (History of Medieval Canon Law), Washington, D.C. 244-260; AUSTIN, G., *Editorial concerns in the Isonian Panormia: the case of repetitious canons in book 8*, in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 89 (2003), 82-106; SZUROMI, Sz. A., *Some observations on BAV Pal. lat. 587 as compared with other textual witnesses of Ivo's works*, in SZUROMI, Sz. A. (ed.), *Parare viam Domino. Commemorative Studies on the occasion of Rt. Rev. Polikárp F. Zakar Ocist.'s 75th Birthday* (Bibliotheca Institutii Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/7), Budapest, 2005, 179-203.

⁽⁸⁾ *Manuscripts de la Bibliothèque d'Angers*, Paris, 1928. 320-321.

some fusty and dirty place. Part of foll. 1-14 got wet as the codex was open. The first quire contains only four folios, then the rest was made from eight - folio quires, and the whole manuscript was copied in the early 12th century, which is supported by the script form. At the end of the codex we found the second part by a 13th or early 14th century hand: *De temptatione Evae*⁽⁹⁾. This theological supplement was written in the bound manuscript.

The introductory canon as opening text on fol. 1r is not the traditional beginning of the Ivonian Panormia: (*Quodcumque imperator per epistolam constituit vel cognoscens decrevit vel edicto precepit legem esse constat. (...) Namque indulsit ob merita alicui vel si cui poenam irrogavit vel si cui sine exemplo subvenit personam non tamens greditur*⁽¹⁰⁾). This is a quotation from the *Institutiones Iustiniani* (Inst. Iust. 1. 2. 6), which is continued immediately with only the concluding part of the prologue of the *Panormia*⁽¹¹⁾. It is

⁽⁹⁾ Foll. 106v-108v.

⁽¹⁰⁾ Fol. 1r: *Quodcumque imperator per epistolam constituit vel cognoscens decrevit vel edicto precepit legem esse constat. Haec sunt quae constitutiones appellantur. Plane ex his quaedam sunt personales appellantur quae nec ad exemplum trahuntur quoniam non hoc princeps vult. Namque indulsit ob merita alicui vel si cui poenam irrogavit vel si cui sine exemplo subvenit personam non tamens greditur. Cf. Inst. Iust. 1. 2. 6: Quodcumque igitur imperator per epistolam constituit, vel cognoscens decrevit, vel edicto praepcepit, legem esse constat: haec sunt, quae constitutiones appellantur. plane ex his quaedam sunt personales, quae nec ad exemplum trahuntur, quoniam non hoc princeps vult: nam quod alicui ob merita indulsit, vel si cui poenam irrogavit, vel si cui sine exemplo subvenit, personam non egreditur. SCHRADER E. (ed.), *Imperatoris Iustiniani Institutionum Libri IV* (Corpus iuris civilis I), Berolini, 1832 (repr. Goldbach 2001), 27-28.*

⁽¹¹⁾ Possemus de huiusmodi plurimas rationes plurima exempla collige sed prudenti lectorum et ei qui nouit plura de paucis intillegere debent predicta pauca suffice. Quod tamen iam monuimus item [*it continues at the margin: mouenius*] ut si quis quod legit de sanctionibus sive dispensationibus ecclesiasticis ad caritatem quae est plenitudo legis referat non errabit nec peccabit et quando aliqui probabili ratione a sumo rigore declinabit caritas excusabit si tamen nichil contra euangelium nichil contra apostolos usurpauerit. Si quae uero sententiae de forensibus legibus insertae sunt qui iudicium sanguinis contineant. non ad hoc insertae sunt ut ecclesiasticus iudex per eas aliquem debeat condemnare sed ut ex eis assetionem canonicorum faciat decretorum. Hinc attendens quanta poenitentia puniendum sit facinus illud uel flagitium quod iudicant iudices saeculi morte uel m(em)brorum mutilatione multandum. Hanc enim rationem romani pontifices in assertione decretorum suorum frequenter interponunt. Haec si hoc scilicet leges continent quanto magis divinae. Hactenus hoc Deinceps singularum partium totius voluminis intentionem breuiter perstringemus ut

followed by a list of themes of the *Panormia* (foll. 1r-2v) as a new article⁽¹²⁾. On fol. 2v we can read in the rubric again the theme of the first book, then begins the usual first canon of the *Panormia*⁽¹³⁾. The canons are not numbered throughout the codex, but the themes are projected into the margin at almost every single canon until the middle of fol. 55r. At the bottom of fol. 4v is the incipit mark of the next quire ('baptizatur'). At this particular theme the parchments are very greasy (especially the center of the pages)⁽¹⁴⁾. If we observe precisely the greasy spots, there are recognizable three certain points where the user would lay his fingers on the folio. This regular habit has made these stains on the pages, and thus, this phenomenon implies, that the place of use was some parish. The part about alms giving, from foll. 31r to 34v, was also used frequently, as often as folios 84v-85r and 92v-93r, which treats of adultery and turpitude. The most worn page is fol. 100v, but this is not greasy⁽¹⁵⁾. Possibly, the sun removed its colour. There is an empty place on fol. 97r⁽¹⁶⁾ for the «arbor consanguinitatis» which regu-

hinc prudens lector aduertat quid in una quaque parte sibi necessarium querere debeat. Cf. *Exceptiones ecclesiasticarum regularum* (...) personam non transgreditur. *Possemus de huiusmodi plurimas rationes plurima exempla* (...) quod in una quaque parte sibi necessarium querere debeat. PL 161. 1041-1044; VIOLI, S., *Il prologo di Ivo di Chartres* (Biblioteca Teologica, sezione Canonistica 3), Lugno, 2006, 367-401.

(12) Fol. 1r: Prima pars diuisis heresibus, de sacramento fidei (...); secunda pars (...).

(13) Fol. 2v: *Expliciunt capitula Incipit panormia Ivonis Carnotensid episcopi*. *Credimus unum deum esse patrem* (...).

(14) Cf. Foll. 5r, 6v-7r, 11r-14r.

(15) Fol. 100v: Miles cum obediens (...) iussus. (IP 8. 35 = ID 10. 98 = Tr 3. 20 [21] 31) cf. C. 23 q. 5 c. 13: Miles, cum obediens potestati, sub qua legitime constitutus est, hominem occidit, nulla ciuitatis suae lege reus est homicidii; immo, nisi fecerit, reus inperii deserti atque contemti est. Quid si sua sponte atque auctoritate fecisset, crimen effusi humani sanguinis incidisset. Itaque unde punitur, si fecerit iniussus, inde punitur, si non fecerit iussus.

(16) It supported by the canon which situates just before the empty section. This canon the regular introducing canon for the «arbor consanguinitatis», cf. IP 7. 90 = ID 9. 64 = Tr 3. 17 (18) [C. 35 q. 5 c. 6]: Primo gradu superiori linea continentur, pater et mater, inferiori filius et filia. Quibus nullae aliae personae iunguntur. Secundo gradu continentur superiori linea avus et avia; inferiori, nepos et neptis. Interuersa frater et soror. Quae personae duplicantur. Avus enim et avia tam ex patre quam ex matre accipiuntur. Quae personae sequentibus quoque gradibus similiter pro substantia earum quae in quo gradu subsistunt, ipse ordine duplicantur. Illae personae in secundo gradu, ideo duplices appellantur, quia duo avi sunt, et paternus est

larly belongs to the material of the *Decretum* ⁽¹⁷⁾. A similar appearance can be found in Bruxelles, Bibl. Royal MS 1817 ⁽¹⁸⁾. With fol. 101r begins a new quire, but it does not continue the last sentence of fol. 100v: *Cum minister iudicis (...) a iudice debuisse // q scele adimpletur (...)*. The fragmented first canon of fol. 101r can be found in Ivo's work, but not in the *Panormia*. The finishing canon of fol. 100v belongs to the material of the *Decretum* too (e.g. ID 10.

et maternus est. Item duo genera nepotum sunt, sive ex filio sive ex filia procreati. Frater et soror ex transverso veniunt; id est aut frater patris, aut frater matris, qui aut patruus aut avunculus nominatur. Qui et ipsi hoc ordine duplicantur. Tertio gradu veniunt supra proavia; infra pronepos, proneptis. Ex obliquo fratris et sororis filius vel filia, patruus, amita, id est patris frater et soror, avunculus matertera, id est frater matris et soror. Quarto gradu veniunt supra abavus et abavia, infra abnepos et abneptis. Ex obliquo fratris et sororis nepos, neptis patruelis, frater, soror, patruelis, id est patris filius vel filia. Consobrinus, consobrina, id est avunculi et materterae filius vel filia. Amitinus, amitina, id est amitae filius vel filia. Itemque consobrini qui ex duobus sororibus nascuntur; quibus accessit patruus magnus, amita magna, id est paterni avi frater et soror, avunculus magnus, matertera magna, id est aviae tam paternae quam maternae frater et soror. Quinto gradu veniunt supra, atavus atavia, infra adnepos adneptis. Ex obliquo fratris et sororis, pronepos proneptis fratres patruelles, sorores patruelis, amitini, amitinae consobrini consobrinae, filius vel filia. Propius consobrina, id est patris magni amitae magnae. Avunculi magni, materterae magnae filius vel filia. Quivis accrescit propatruus et proamita. Hi sunt proavi materni frater et soror, proavunculus, promatertera; hi sunt proviae paternae maternaeque frater et soror proaviaque magni materni. Haec species nec aliis gradibus quam scripta est, nec aliis vocabulis declarari potest. Sexto gradu veniunt supra tritavus tritavia. Infra trinepos trineptis. Ex obliquo fratris et sororis adnepos adneptis. Fratres patruelis et sorores patruelis, amitini amitinae, consobrini, consobrinae. Patris magni, amitae magnae, avunculi magni materterae magnae. Neposnepotis propioris consobrini filius et filia qui consobrini appellantur. Quibus ex laterae accrescunt propatruus, proavunculi, promaterterae, filius vel filia adpatruus, adamita. Hi sunt abavi paterni frater et soror. Abavunculus, abmatertera, hi sunt abaviae paternae maternaeque frater et soror abavique materni. Haec quoque explanari amplius non possunt quam ipse auctor disseruit. Septimo gradu qui sunt cognati recta linea, supra infraque prioribus propriis nominibus non appellantur, sed ex transversa linea continentur fratris, sororis, adneptos adneptis, consobrini filii filiaeque successionis. Idcirco gradus vii constituti sunt, quia ulterius per rerum naturam, nec nomina inveniri, nec successio ultra propagari potest. In his vii gradibus omnia propinquitatum nomina continentur, ultra quas affinitas inveniri, nec successio potest amplius propagari. PL 161. 1303-1304. Cf. SZUROMI, *A 12th century pastoral pocket book*, 74-75.

⁽¹⁷⁾ BAV Vat. lat. 1357. fol. 157v; London, British Library, Royal 11 D. VII. foll. 217ra-217vb (only the empty place for the «arbor»); Cambridge MS 19. fol. 211vb (only the empty place).

⁽¹⁸⁾ Foll. 126r-127v.

103), but the first canon of fol. 101r is far away from that in the *Decretum's* context (e.g. ID 12. 12). It supports clearly, that the Angers Ms 369 is a colligatum. However, it is our impression that the binder lost some quire when the manuscript was rebound. It is very possible, because the script style is the same on both aforementioned folios (100v, 101r). This probable lost quire can be a reason for the break in the original context of the codex. The material of the *Panormia* ends with an unusual supplementary canon. The regular closing canon (IP 8. 136) is about the election of the Roman Pontiff⁽¹⁹⁾, a canon falsely attributed to Pope Leo VIII (963-965)⁽²⁰⁾. In Migne's edition it continues with conciliar canons, basically from the Council of Lateran II (1139)⁽²¹⁾, but we know one example (Paris, Bibliothèque Nationale de France lat. 2472), which ends with supplementary material from the Council of Reims (1148)⁽²²⁾ and from the Council of Lateran III (1179)⁽²³⁾. Here, in Angers Ms 369, there is only one supplementary canon from an unknown source, whose theme manifests the pastoral use of this codex⁽²⁴⁾, as is also supported by the condition of those particular parts of the manuscript which we explained.

2. *Panormia* or *Decretum*?

The Angers Ms 369 definitely contains the textform of the *Panormia*, but at some places the intention of the copier or illuminator is not so clear. On fol. 10v is a nice red and dark brown ornamental «P» at middle of the folio, which looks like a mark for the beginning of the new book. Continuing our reading until fol. 14v, we can find the sign of the explicit of Book 1, then the first canon of Book 2 in much simpler form, and also a hidden mark at the

⁽¹⁹⁾ Foll. 105r-105v: In sinodo congregata Romae in ecclesia S. Saluatoris (...) Si quis contra hanc apostolicam auctoritatem aliquid molietur, hunc excommunicationi subiacerere decernimus, et, nisi resipuerit, inreuocabili exilio puniri, uel ultimis suppliciiis feriri. Cf. Bruxelles, Bibl. Royal MS 1817, fol. 142v; BAV Vat. lat. 1360, fol. 88v.

⁽²⁰⁾ FRIEDBERG I. 241, note 224.

⁽²¹⁾ PL 161. 1340-1341; cf. Edinburgh, National Library of Scotland, Adv. Ms. 18.8.6, foll. 101r-103v.

⁽²²⁾ Foll. 106ra-107ra.

⁽²³⁾ Foll. 107ra-107vb.

⁽²⁴⁾ Foll. 106r-106v: In septuagesima cantatur (...) predicauit.

corner, «Incipit II». This appearance is considerable, because the above mentioned elegant «P» is the initial of that canon (*Panis et calix non quilibet* [...]) which is IP 1. 123, but in the textual tradition of the *Decretum* this canon is situated at the very beginning of Book 2 (ID 2. 1) ⁽²⁵⁾. Certainly, this part of the *Panormia* contains canons in the same order as they are in the *Decretum* ⁽²⁶⁾. The above mentioned proof for the colligatum also shows some confusion in the contents of this codex, which preserved only one hand style (except the ending supplement). The last canon on 100v does not finish, and it belongs to the material of every distinct work of Ivo of Chartres, even to the *Tripartita*. But the next quire's fragmentary first sentence is part of another canon, which also can be found in Ivo's works, except in the *Panormia* ⁽²⁷⁾.

⁽²⁵⁾ Fol. 10v: Panis et calix non quilibet, sed certa consecratione mysticus fit nobis, non nascitur. Proinde, quod ita fit nobis, quamuis sit panis et calix, alimentum est resurrectionis, non sacramentum religionis; non quod benedicimus, gratiasque agimus Domino in omni eius munere, non tantum spirituali, uerum etiam corporali. (ID 2. 1 = IP 1. 123) cf. D. 2 c. 39 de cons.

⁽²⁶⁾ Cf. Fol. 11r [*Augustinus*, III. X Libro de civitate Dei]: Sacrificium uisibile inuisibile sacramentum in sacrum signum est alibi. Sacramentum inuisibili gratie uisibiliter forma. (ID 2. 8 = IP 1. 130) cf. D. 2 c. 32 de cons.: Sacrificium est uisibile inuisibile sacramentum, id est sacrum signum. *Item alibi*: §. I. Sacramentum est inuisibilis gratiae uisibilis forma.; [*Augustinus*, III. II De doctrina christiana, c. 1]: Signum est res propter speciem qui ingerit sensibus aliud aliquid exsefaciens in cognitionem uenire. (ID 2. 8 = IP 1. 131) cf. D. 2 c. 33 de cons.: Signum est res preter speciem, quam ingerit sensibus, aliud aliquid ex se faciens in cognitionem uenire.; [*Gregorius I*, in Omelia paschali (attributed by Friedberg to Lanfrancus: Contra Berengarium c. 20)]: Spes namque et similitudo illarum rerum uocabula sunt qui ante fuerit sanctus panis ac uini Unde in fine cuiusdam misse oratur et dicitur. Perfician in nobis (...) Peccatorum remissionem. (ID 2. 9 = IP 1. 132) cf. D. 2 c. 34 de cons.: Species et similitudo illarum rerum uocabula sunt, que ante fuerunt, scilicet panis et uini. Unde in fine cuiusdam missae oratur et dicitur: Perfician in nobis, quaesimus Domine, tua sacramenta quod continent, ut que nunc specie gerimus rerum ueritate capiamus. » Postulat quippe sacerdos, ut corpus Christi, quod sub specie panis et uini nunc geritur, manifesta uisione, sicuti reuera est, quandoque capitur. De qua uisione Dominus in euangelio secundum Iohannem: Qui diligit me diligetur a patre meo, et ego diligam eum et manifestabo ei me ipsum. » Quamuis non inprobabiliter quidam exponant hoc loco carnis et sanguinis ueritatem ipsam eorundem efficientiam, id est peccatorum remissionem.

⁽²⁷⁾ Foll. 100v-101r: Cum minister iudicis (...) a iudice debuisset // q scele adimpleretur.: *Cum minister iudicis occidit eum, quem iudex iussit occidi, profecto, si id sponte facit, homicidia est, etiamsi eum occidat, quem scit a iudice debuisse occidit.* (IP 8. 39 = ID 10. 103 = Tr 3. 20 [21] 33) cf. C. 23 q. 5 c. 14; //q scele adimpleretur: In malis

Those few canons which are combined in the textual witness of Angers are also significant. It could be a mistake of the copier; however our evidence of Bruxelles, Bibl. Royal MS 1817, which contains the last forty-one canons (order, contents) as they are in Book 12 of the *Decretum*, indicates, that the «mistake» is not accidental, but intentional. The two canons which follow each another on fol. 100v (*Si aliquid forte nos incautius iurare contigitur [...] propeffuros cernimus.*⁽²⁸⁾; *Si ad peccatum admittendum ad hibetur [...] Ipse adulter putabat.*)⁽²⁹⁾ preserve the contents of these texts in the form of the *Decretum's* textual tradition⁽³⁰⁾. We should mention

promissis rescinde fidem. In turpi uoto muta decretum. Quod incaute uouisti non facias. Inpia est promissio, *que scelere adimpletur.* (ID 12. 12 = Tr 3. 22 [23] 12) cf. C. 22 q. 4 c. 5.

⁽²⁸⁾ Fol. 100v: Si aliquid forte nos incautius iurare contigerit, quod obseruatum peiorem uergat in exitum, libere illud salubriore consilio mutandum nouerimus, ac magis instante necessitate peierandum nobis, quam pro uitando periurio in aliud crimen grauius esse diuertendum. Denique iurauit Dauid per Deum occidere Nabal uirum stultum et inpium, atque omnia, que ad eum pertinebant, demoliri. Sed ad primam intercessionem Abigail feminae prudentis mox remisit minas reuocauit ensem in uaginam, neque aliquid culpae se pro tali periurio contraxisse doluit. Non solum in iurando, sed in omne, quod agimus, hec est moderatio sollicitius obseruanda, ut, si talem forte in lapsum uersuti hostis inciderimus insidiis, ex quo sine aliquo peccati contagio surgere non possumus, illum potius euadendi aditum petamus, in quo minus periculi nos perpeffuros esse cernimus.

⁽²⁹⁾ Fol. 100v: Si ad peccatum admittendum fides adhibetur, mirum, si fides appelletur. Verumtamen, qualiscumque sit, si et contra ipsam fit, peius est, nisi cum propterea deseritur, ut ad fidem ueram legitimamque redeatur, id est ut peccatum emendetur uoluntatis prauitate correcta, tamquam si quisque, cum hominem solus expoliare non possit, inueniat socium iniquitatis, et cum eo paciscatur, ut simul id faciant, spoliisque partiantur, quo facinore commissio totum solus auferat. Dolet quidem ille, et seruatum sibi non esse fidem conqueritur; uerum in ipsa sua querela cogitare debet, potius in bona uita ipsi humanae societati fuisse seruandum, ne preda iniqui ex homine fieret, si sentit, quam inique sibi in peccati societate seruata non fuerit. Ille quippe utrobique perfidus ac profecto sceleratior iudicandus est. Mulier, si fide coniugali uiolata fidem seruet adultero, utique mala est; si nec adultero, peior. Porro si eam flagicii peniteat, et ad castitatem rediens coniugalem pacta ac placita adulterina rescindat, miror, si eam fidei uiolatricem uel ipse adulter putabit.

⁽³⁰⁾ ID 12. 13: Si aliquid forte nos incautius iurare contigerit (...) in quo minus periculi nos perpeffuros esse cernimus. (but IP 8. 94: Si aliquid forte nos incautius iurare contigerit [...] neque aliquid culpae se pro tali periurio contraxisse doluit.; IP 8. 95: Non solum in iurando, sed in omne, quod agimus, hec est moderatio sollicitius obseruanda [...] in quo minus periculi nos perpeffuros esse cernimus.) cf. C. 22 q. 4 cc. 6-7.

here, that concerning these canons, the *Decretum Gratiani* follows the *Panormia*'s textual tradition.

The particular peculiarity which made really useful the *Panormia* is its structuralized form as compared with the material of the too long *Decretum*. Obviously, the manuscript of Angers contains some thematic lists which introduce Ivo's work, and also there are some marginal inscriptions to facilitate the use of this volume, but this type of inscription system ends at the middle of the manuscript. A very similar problem arises concerning the signal of the beginning and of the ending of each book, because only the first two books have these distinctive marks. Therefore, this particular manuscript preserves that form of the *Panormia*'s text, which the later-developed, most important, fixed, structural forms do not have. The 12th century Bruxelles, Bibl. Royal MS 1817 manuscript is a good example for a fixed, contemporaneous inscription system, which can corroborate that the Brussels copy was used very probably in the cathedral/diocesan administration as a reference book. The condition of the newly developing structure of the Ms Angers 369 can be comparable with BAV Vat. lat. 1359, which also has some «tabula titulorum» at the beginning of the codex, but only until Book 3⁽³¹⁾. There are some important themes with regard to numbering of the canons and the summaries⁽³²⁾, which parts show the most used parts of the text. Another example is Edinburgh, NLS Adv. Ms. 18. 8. 6, which contains rubrics to mark the start and the end of each book. These few examples could show some steps of that formation process which happened during only a few decades from the «nucleus» of Ivo's work.

We also note here that recurring symptom of the textual-witnesses of the *Panormia*, which shows structural similarity with structure of the *Decretum*. This «mistake» cannot be neglect, and it cannot be attributed to the influence of only one person (e.g.

ID 12. 14: Si ad peccatum admittendum fides adhibetur (...) si eam fidei uiolatricem uel ipse aduler putabit. (but IP 8. 96: Si ad peccatum admittendum fides adhibetur [...] Ille quippe utrobique perfidus ac profecto sceleratior iudicandus est.; IP 8. 97: Mulier, si fide coniugali uiolata fidem seruet adultero [...] si eam fidei uiolatricem uel ipse aduler putabit.) cf. C. 22 q. 4 cc. 20-21.

⁽³¹⁾ Foll. 7v-9r, 28v-30r, 53v.

⁽³²⁾ Foll. 9r-59v.

the original compiler) on the text. Therefore, we suggest a comparison of the Ms Angers 369 with BAV Reg. lat. 973, a version of the *Tripartita*.

3. *Comparison with BAV Reg. lat. 973.*

The manuscript of BAV Reg. lat. 973 belongs to the later version of the *Tripartita*, based on Martin Brett's classification⁽³³⁾. As Linda Fowler-Magerl ascertains concerning the *Tripartita*, «the numbering of the canons differs from manuscript to manuscript»⁽³⁴⁾. It is worth consideration to establish a general overview of this type of Ivonian work, and its place in the process of the textual development of Ivo's collections. This particular textual-witness (BAV Reg. lat. 973) was written on refined Italian parchments with wide margins in two columns. The whole codex was trimmed up to the punctuation. The script style very probable testifies to the first part of the 12th century. The manuscript does not show a day-to-day usage. After fol. 1r which is empty, we can read a list of Popes from St. Peter until Formosus (891-896) on foll. 1va-1vb. The canonical collection begins on fol. 2ra with a prologue⁽³⁵⁾, and on fol. 2rb is found the «*Tabula titulorum*»⁽³⁶⁾. The first canon of the collection is «*Prima epistola Clementis*»⁽³⁷⁾. There are 25 numbered canons attributed to Pope Clement (88?-

(33) BRETT, M., *Urban II and the collections attributed to Ivo of Chartres*, in CHODROW, S. (ed.), *Proceedings of the 8th International Congress of Medieval Canon Law. San Diego University of California at La Jolla 21-27 August 1988* (Monumenta iuris canonici C/9), Vatican City, 1992, 27-46. See concerning the basic results on the *Tripartita*: FOWLER-MAGERL, L., *Clavis Canonum. Selected Canon Law Collections Before 1140. Access with data processing* (Monumenta Germaniae Historica, Hilfsmittel 21), Hannover, 2005, 187-190.

(34) FOWLER-MAGERL, *Clavis Canonum*, 189.

(35) Foll. 2ra-2rb: Quoniam quorundam romanorum decreta(lia): pontificorum synodalibus temporem prestater conuentibus non incongrue in nostre deflorationis opusculo primas sibi uendicant patres (...) Si iam tandem eorumdem decretalium necessarias paginas imprimarius sententias. Cf. THEINER, A. (ed.), *Disquisitiones criticae in praecipuas canonum et decretalium collectiones seu sylloges Gallandianae dissertationum de vetustis canonum collectionibus continuatio*, Romae, 1836, 154-155.

(36) Foll. 2rb-2va: Explicit prologus Incipiunt capituli. I. de potestate et discretionem doctorum, II. de uitanda ambitione (...), etc.

(37) Fol. 2va: Trado ipsi clementi a domino traditam michi potestatem ligandi et soluendi (...) et non fere bestiae future conuoveri.

97?)⁽³⁸⁾, which are then continued with canons of Pope Anacletus (76?-88?). It is well known, that the first section of the *Tripartita* traditionally contains two parts: papal letters, then conciliar canons (cf. *Collectio A*). This section of BAV Reg. lat. 973 is foll. 2va-72ra (finishing with pope Urban II [1088-1099]) and foll. 72ra-116ra (finishing with Concilium Hispalense II [a. 619]). The second section (cf. *Collectio B*), which is arranged systematically runs from fol. 119ra to fol. 193ra. It explains twenty-nine themes. Between the two basic sections, on foll. 116rb-119ra, is an independent part quoting patristic authors (cf. Isidorus Hispalensis, St. Augustine)⁽³⁹⁾. After the section of the *Collectio B*, there is an empty column (fol. 193rb), but its second half is supplied by a 13th century hand. This script style is also found on fol. 193vb explaining rules about excommunicated bishops. There is another final supplement on fol. 193 va, which is a creed, referring to a council of Pope Eugene. Perhaps it is the Council of Reims (1148) by Pope Eugene III (1145-1153)⁽⁴⁰⁾, which council is also quoted in Paris, Bibliothèque Nationale de France lat. 2472 as a final supplement. We do not want to get into an analysis of the various textual traditions of the *Tripartita*, except to mention that the first part of the first section in BAV Reg. lat. 973 is very similar to Florence, Biblioteca Medicea Laurenziana Ashburnham 53⁽⁴¹⁾, which is a textual-witness of the *Collectio Anselmi Lucensis*. The first, unfortunately fragmentary, part of this particular 12th century manuscript⁽⁴²⁾ contains papal letters from Pope Clement I until Pope Lucius (253-254) in the same order as in BAV Reg. lat. 973. This Pseudo-Isidorian material of the *Tripartita* usually shows the influence of the *Collectio Britan-*

⁽³⁸⁾ Foll. 2va-5rb.

⁽³⁹⁾ Cc. 1-39: (*Isidorus*) De his qui a parentibus propriis monasterio offeritur: Quicumque a parentibus propriis in monasterio fuerit (...) polluit; [...] (*Augustinus*) Fucari figintis quo uel rubicum dior (...) demonibus adhibentur.

⁽⁴⁰⁾ Cf. *Regesta Pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, ed. JAFFÉ, P.-WATTENBACH, G. curaverunt LOEWENFELD, S. [J.L.]-KALTENBRUNNER, F. [J.K.]-EWALD, P. [J.E.], II. Lipsiae, 1888², JL (Mart. 21. 1148) 52-53.

⁽⁴¹⁾ *Catalogue of the Manuscripts at Ashburnham Place*, I, London, 1853, n 53. *I Codici Ashburnhamiani della R. Biblioteca Mediceo-Laurenziana di Firenze* (Indici e Cataloghi VIII), I/1, Roma, 1887, 12-13.

⁽⁴²⁾ Foll. 1ra-14vb.

nica⁽⁴³⁾. After this very part of Ms Ashburnham 53 is situated Anselm's Collection⁽⁴⁴⁾, in the place of the systematic part of Reg. lat. 973.

We would like to focus on *Collectio B* regarding the analysed Vatican manuscript. The general opinion on this section of the *Tripartita* is that it is an «abbreviated form» of the *Decretum*⁽⁴⁵⁾. Comparing the contents of foll. 119ra-193ra with the structure, contents and inscription system of the *Decretum* and of the *Panormia*, it is hard to say which other Ivonian collection is the original source of this section of the *Tripartita*. The 29 themes which are expressively indicated in the material of BAV Reg. lat. 973 almost in the same order can be found in both of Ivo's other works. How can it be possible to recognize which is the substantial, distinctive mark of the various contents, if the fundamental themes and canons are the same? Both manuscripts, the Ms Angers 369 and the BAV Reg. lat. 973 have the consanguinity tree, or an empty place for it. If we lay the foll. 1r-104v of Ms Angers 369 side-by-side with foll. 119ra-193ra of BAV Reg. lat. 973, we can see the structural similarity and also some diversities. The beginning of the Ivonian text is about the faith (*De fide et sacramento fidei* [Ms Angers 369, fol. 119ra: IP 1. 1]; *De fide* [Reg. lat. 973, fol. 1r]). Following the rubrics of the systematic section of Reg. lat. 973, we can find the first five rubrics in the material of the *Decretum* and in the *Panormia* too (ID 1-4; IP 1-2). The contents of the 6th and 7th rubrics are certainly closer to the text-form of the *Decretum*⁽⁴⁶⁾. From the 8th to the 11th rubrics, the material does not show any possibility to make a distinction between the two main textual traditions. Rubrics 12 and 13 are independent confirmations of the *Tripartita*'s form ([XII] *De sanctimonialibus*⁽⁴⁷⁾; [XIII] *De monachis et sanctimonialibus*)⁽⁴⁸⁾

(43) Cf. SOMMERVILLE, R.-KUTTNER, S., *Pope Urban II, The Collectio Britannica and Council of Melfi (1089)*, Oxford, 1996, 8-21.

(44) Foll. 15ra-201rb.

(45) FOWLER-MAGERL, *Clavis Canonum*, 187.

(46) BAV Reg. lat. 973, foll. 129va: *De consuetudinibus ecclesiasticis*; 131ra: *De consuetudine*; cf. ID 4: *De Scripturis canonicis, et consuetudinibus, et celebratione concilii*.

(47) Foll. 142vb-143ra.

(48) Foll. 143va-143vb.

which did not separate in the inscription system of the *Decretum* and the *Panormia*. But around this very part of the Reg. lat. 973 are missing some important themes of the basic Ivonian material concerning accusation and juridical process. The 14th to 17th and the 20th to 22nd rubrics are in accordance again with the contents of the *Decretum* and the *Panormia*. Rubric 18 (*De nocturna illusione*), which is situated on either side of the «arbor consanguinitatis», is unique supplement of the textform of the Reg. lat. 973⁽⁴⁹⁾. The last part of this witness of the *Tripartita* (e.g. Rubrics 23-29) shows structural similarity with the *Decretum*; however these themes are found also in Book 5 of the *Panormia*.

The above-explained singularities of both analysed manuscripts and the comparison with the material of Ivo's works have made clear again that the distinction of Ivo's works (*Panormia*, *Decretum*, *Tripartita*) is very thin and permeable. We have to recall that the formation of the Ivonian inscription system is related to the development of the text as a later insertion⁽⁵⁰⁾, but we have an example of a fixed, contemporaneous inscription system too⁽⁵¹⁾. Therefore, those peculiarities which are found in the BAV Reg. lat. 973 can confirm the Ivonian origin of the systematic section, but not more, because it contains basically the common material of Ivo's work. The first section of the *Tripartita* and its two parts is an independent problem, especially as compared with the Ashburnham 53. This section looks like only a traditional continuous chronological list of canons with some primitive structure (popes, councils, patristic fathers), which orders the material into three (and not two) types, based on their authors. The introductory papal list is quite usual in the textual witnesses of Ivo's works⁽⁵²⁾, but of Anselm's Collection too⁽⁵³⁾.

⁽⁴⁹⁾ Foll. 155va-155vb: *Beda in hystoria anglorum libro i. gregorius respondit augustino*. Aliquando ec crapula aliquando ex naturae (...) nesciens.

⁽⁵⁰⁾ LANDAU, *Die Rubriken und Inschriften von Ivo's Panormie*, 31-49.

⁽⁵¹⁾ Cf. SZUROMI, *A 12th century pastoral pocket book*, 77-79.

⁽⁵²⁾ Cf. BAV Vat. lat. 1358, foll. 3va-4rb: *Nomina et successiones apostolicorum urbis romae pontificum* (...).

⁽⁵³⁾ BAV Ottob. lat. 224, foll. 718r-724r; Venezia, Biblioteca S. Marco Cl. IV. 55, foll. [1va-2ra].

Conclusion.

As we indicate in the title of this article, and as we have seen above, the Angers, Bibliothèque Municipale, Ms. 369 is a «snapshot» from the process of that textual - development which had set off from Ivo's basic idea to summarize the discipline of the Church, and concluded with the three versions of his work (*Panormia*, *Decretum*, *Tripartita*). This structuralization process from the end of the 11th century until the first part of the 12th century happened very intensely through the different institutional activities and places of usage of the Church. Therefore, based on the various aims and intentions of the users, there soon crystallised the canonical material and structure of the collections. The contents sometimes have been abbreviated and at other times have been enlarged, and furthermore, there has been inserted, step by step — based on the peculiarity of the place of usage — a developed inscription or rubric system. Obviously, the earlier manuscripts also suffered some later supplements at their place of using, especially in those parts which were used frequently by the possessor.

Regarding the Angers Ms 369, the place is evidently pastoral work at some parish, which is indicated clearly by the greasy and hand-printed pages. But this is further indicated also by the short theological supplement which has been written into the finished codex after its binding. When the codex was rebound, its contents became incomplete; however, the manuscript shows many times the presence of both (*Panormia*, *Decretum*) Ivonian textual traditions. Certainly, the whole contents reflect the formation of that shorter and more structuralized status which is the identifying mark of the *Panormia*. This formation or developing process is set in proper light by the comparison with BAV Reg. lat. 973 as a textual-witness of the *Tripartita*. Based on these explained observations, one has to seriously consider the compilation work of Ivo of Chartres. We have to reorganize our traditional categories for the identification of the canonical collections, especially for those which were compiled before 1140. This is the time when the most significant versions (*Decretum*, *Panormia*, *Tripartita*) of the Ivonian collection appeared and were copied with further supplementary material, linked to the proper life of the Church. The similarity and the diversity of the various textual witnesses signal the unity of the canonical field as «ius sacrum», and hence, the intention to

summarize all of canon law; but it also indicates the different institutional fields and circumstances where this unified «ius sacrum» was used⁽⁵⁴⁾. If scholarly research would like to reveal the reasons for the main textual traditions of any single canonical compiler of the 11th-12th century (even Gratian's intention and the redactions of his work), it has to analyse and understand the internal essence of canon law as «ius sacrum»: a living law of the Church, which serves its particular goal.

Appendix I

Description of Angers, Bibliothèque Municipale, Ms. 369

Poss. Ex libris Monasterii S. Albini andeg. Cong. S. Mauri [Saint Aubin].

Prov. Gallia

106 fols. memb. in 260 x 165 mm, saec. XII.

fol. 1r «*Institutiones Iustiniani, 1. 2. 6*»

(Textus) Quecumque imperator per epistolam constituit vel cognoscens decrevit vel edicto precepit legem esse constat. ...; (Finis) Namque indulgit ob merita alicui vel si cui poenam irrogavit vel si cui sine exemplo subvenit personam non tamens greditur.

fol. 1r-104v «*Ivo Carnotensis (s.) Panormia*»

(Fragmentus Prologi) Possemus de huiusmodi plurimas rationes plurima exempla ...; (Finis) quid in una quaque parte sibi necessarium querere debeat.

(Tabula librorum) Prima pars diuisis heresibus, de sacramento fidei ... (1r-2v);

fol. 2v (Tabula titulorum I) Prima pars istius libri continet de fide ...; (Rubrica) Expliciunt capitula Incipit panormia Ivonis Carnotensid episcopi; (Textus) Credimus unum deum esse patrem ...; (Textus) Panis et calix non quilibet... (10v, cf. ID 2. 1; D. 2 c. 39 de cons.); (Inscriptio) De baptismo; De Sacramento corporis et

⁽⁵⁴⁾ Cf. ERDŐ, P., *Metodo e storia del diritto nel quadro delle scienze sacre*, in DE LEÓN-ÁLVAREZ DE LAS ASTURIAS, *La cultura giuridico-canonica Medioevale*, 3-22, especially 15-16. ERRÁZURIZ, J.C.M., *Lo studio della storia nella metodologia canonistica: la rilevanza della nozione di diritto*, in DE LEÓN-ÁLVAREZ DE LAS ASTURIAS, *La cultura giuridico-canonica Medioevale*, 109-121, especially 114.

sanguinis S. Christi (11r); (Inscriptio) De missa (14r); (Explicit) ... ad offitium sacri misterii uideantur indigna (14v); (Rubrica) Explicit lib. I (14v); (Inscriptio) Incipit II (14v); (Inscriptio) De transmutatione sedis episcopalis et de presbiteris et de eorum ecclesiis (18r).

fol. 97r vacat (arbor consanguinitatis est absens)

fol. 100v (Textus fragmentus) Cum minister iudicis occidit eum, quem iudex iussit occidi, profecto, si id sponte facit, homicidia est, etiamsi eum occidat, quem scit a iudice debuisse (ID 10. 103; IP 8. 39; Tr 3. 20 [21] 33; cf. C. 23 q. 5 c. 14);

fol. 101r (Textus fragmentus) /q scelere adinpletur. (ID 12. 12; Tr 3. 22 [23] 12) [C. 22 q. 4 c. 5: In malis promissis rescinde fidem. In turpi uoto muta decretum. Quod incaute uouisti non facias. Inpia est promissio, que scelere adinpletur.]

fol. 105r-105v (Textus) Leo Papa, in sinodo congregata Romae in ecclesia S. Saluatoris ...; (Explicit) ... nisi resipuerit, inreuoocabili exilio puniri, uel ultimis suppliciis feriri.

fol. 106r-106v (Supplementum) In septuagesima cantatur ...; (Explicit) ... predicauit.

fol. 106v (Finis) Explicit panormia ivoonis carnotensis.

fol. 106v-108v «*Fragmentum*»

De temptatione Euae ...; (Finis) de superbia.

Ed. Patrologiae cursus completus. Series Latina, I-CCXXI. ed. I.P. Migne, Lutetiae Parisiorum 1844-1864. CLXI. coll. 1041-1344. Bibl. P. Fournier, «Les collections canoniques attribuées à Yves de Chartres» in Bibliothèque de la École des chartes 57 (1896) 645-698; 58 (1897) 26-77, 293-326, 410-444, 624-676 [repr. in Mélanges de droit canonique, ed. T. Kölzer, I. Aalen 1983. 451-678]; P. Landau, «Die Rubriken und Inskriptionen von Ivos Panormie» in Bulletin of Medieval Canon Law 12 (1982) 31-49; P. Landau, «Das Dekret des Ivo von Chartres: die handschriftliche Überlieferung im Vergleich zum Text in den Editionen des 16. und 17. Jahrhunderts» in Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung 70 (1984) 1-44; G. Fransen, «La tradition manuscrite de la Panormie d'Yves de Chartres» in Proceedings of the Eighth International Congress of Medieval Canon Law (San Diego 1988) [Monumenta iuris canonici C/9], ed. S. Chodorow, Città del Vaticano 1992. 23-25; Sz.A. Szuromi, «Roman Law texts in the "A", "B", "C" recension of the Collectio Canonum Anselmi Lucen-

sis, and in *BAV Vat. lat.1361* (A comparative overview on the influence of the Roman Law on different canon law collections up to the *Decretum Gratiani*» in *La cultura giuridico-canonica Medioevale premessa per un dialogo ecumenico*, ed. E. De León-Álvarez de las Asturias, N., Milano 2003. 437-467; M. Brett, «Editions, Manuscripts and Readers in Some Pre-Gratian Collections» in *Ritual, Texts and Law. Studies in Medieval Canon Law and Liturgy Presented to Roger E. Reynolds* (Church, Faith and Culture in the Medieval West), ed. K.G. Cushing-R.F. Gyug, Aldershot 2004. 205-224; Sz.A. Szuromi, «Work in progress» - The transformation of the cathedral teaching to the university instruction of the canon law at the end of the 11th Century» in *Zeitschrift der Savigny-Stiftung Kanonistische Abteilung* 91 (2005); Sz.A. Szuromi, «Some observations on BAV Pal. lat. 587 compared with other textual-witness of Ivo's works» in *Parare viam Domino. Commemorative Studies on the occasion of Rt. Rev. Polikárp F. Zakar Ocist.'s 75th Birthday* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/7), ed. Sz.A. Szuromi, Budapest 2005. 179-203; Sz.A. Szuromi, «A 12th century pastoral pocket book (Some impressions on National Library of Scotland, Edinburgh, Adv. Ms. 18. 8. 6, as compared with Bruxelles, Bibliothèque Royal MS 1817)» in *Medieval Canon Law Collections and European ius commune* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/8), ed. Sz.A. Szuromi, Budapest 2006, 65-96.

Bibl. Manuscrits de la Bibliothèque d'Angers, Paris 1928. 320-321.

Appendix II

Description of Bibliotheca Apostolica Vaticana Reg. lat. 973

Poss. Alexander Pauli filius peraius senator parisiensis anno 1547.

Prov. Gallia

193 fols. memb. in 450 x 250 mm, saec. XII/1.

fol. 1r vacat

fol. 1va-1vb «*Pontificium Romanorum Catalogii a Petro ad Formosus*»

fol. 2ra-193ra Collectio Decretalium «Tripartita»

(Rubrica) Quoniam quorundam romanorum decreta[lia]: pontificorum synodalibus tempore prestater conuentibus non incongrue in nostre deflorationis opusculo primas sibi uendicant patres ...;

fol. 2rb (Textus) Si iam tandem eorundem decretalium necessariae paginae imprimarius sententias; (Rubrica) Explicit prologus Incipiunt capituli; (Tabula titulorum) I. de potestate et discretione doctorum ...; (Explicit) XXV. Scripturas ex proprio ingenio non esse legendas (2va).

fol. 2va (Rubrica) In prima epistola Clementis ...; (Textus, cc. 1-25) Trado ipsi clementi a domino traditam michi potestatem ligandi et soluendi ... (5rb); (Rubrica) Incipiunt capitula Anacleti papae; (Textus, cc. 1-24) Anacletus papa tercius a Petro in primo decretali; omnibus episcopis qui non debeant recipi ad accusationem uel testimonium. ... (-7va); (Rubrica) Papa Evaristus ...; (Textus, cc. 1-6) Dyaconi qui quasi oculi uidentur ... (-8rb); (Rubrica) Alexander papa ...; (Textus, cc. 1-8) Si sacerdotibus ... (-9rb); (Rubrica) Sixtus a Petro papa ...; (Textus, cc. 1-5) A nobis et a reliquis ... (-9vb); (Rubrica) Telesphorus papa ...; (Textus, cc. 1-6) Cognoscite et cunctis... (-10rb); (Rubrica) Yginus papa ...; (Textus, cc. 1-3) Saluo in omnibus romanae ecclesiae ... (etc.); Urbanus II ...; (Explicit) Presentium portitirem quem parentum; Conpatim tre firmitati tuae (72ra);

fol. 72ra (Rubrica) Ysidorus. Quod canones qui dicuntur postolorum inter apocrifia sint habendi de quid sit canon. Regula. Synodis. Concilium et cetus; (Textus) Canones autem qui denominare apostolorum seu. ...; Incipiunt regulae Niceanae concilii (cc. 1-20) [72rb]; Conc. Carthaginensis IV (cc. 1-101) [89vb]; Conc. Hispanense II [a. 619] (cc. 1-6) [115rb]

fol. 116ra. (Rubrica) Hactenus de corpore canonum ea quae sequentur autem sententiae sunt orthodoxorum patrum autem leges catholicorum regum synodicae sententiae gallicanorum autem germanorum pontificum; (Tabula titulorum 1-39); (Rubrica) Ysidorus. De his qui aparentibus propriis monasterio offeritur; (Textus) Quicumque aparentibus propriis in monasterio fuerit...; (Explicit) ... demonibus adhibentur (119ra);

fol. 119ra [I] (Rubrica) De baptesimo (cc. 1-23); (Rubrica) Incipit de fide et sacramento fidei. ...; (Textus) Omnes quos legere

potui qui ante ore ...; [II] (Rubrica) De sacramentis (cc. 1-27, fol. 122ra); (Rubrica) Incipit de sacramentis ecclesiasticis. ...; (Textus) Quia passus est pro nobis dominus ...; [III] (Rubrica) De rebus ecclesiasticis (cc. 1-34, fol. 125va); (Rubrica) De rebus ecclesiasticis et de earum reverentia et observatione ...; (Textus) Ut nullum episcopum prohibeat ...; [IV] (Rubrica) De observatione dierum ... (cc. 1-2, fol. 128va); (Rubrica) Ambrosius episcopus in expositione epistulae ad galathas ...; (Textus) Diem obseruatis et menses et tempora et annos timeo ...; [V] (Rubrica) De ieiunio (cc. 1-3, fol. 128vb); (Rubrica) Quod nec in manducando nec in abstinendo sit iustitia. ...; (Textus) Quod dominus dicit in euangelio iustificata ...; [VI] (Rubrica) De consuetudinibus ecclesiasticis (cc. 1-18, fol. 129va); (Rubrica) De consuetudinibus ecclesiasticis pro lege sint tenendae. ...; (Textus) In his enim rebus de quibus ...; [VII] (Rubrica) De consuetudine (cc. 1-17, fol. 131ra); (Rubrica) Ysidorus ethimologiarum ...; (Textus) Mos est uetustate probata consuetudo siue lex non scripta ...; [VIII] (Rubrica) De primatu romanae ecclesiae (fol. 132ra); (Rubrica) Agatho papa omnibus episcopis ...; (Textus) (S)ic omnes apostolicae sedis sanctiones ...; [IX] (Rubrica) De episcopis (cc. 1-23 [24], 133ra); (Rubrica) Decreta Gregorii VII cap. XI. de ordinationibus ...; (Textus) O)rdinationes interueniente precio ...; [X] (Rubrica) De clericis ex eorum causis (cc. 1-54, fol. 135rb); (Rubrica) Incipit epistula ysidori ...; (Textus) Perlectis sanctitatis tuae ...; [XI] (Rubrica) De monachis (cc. 1-14, fol. 140vb); (Rubrica) Hieronimus in epistula ad Paulinum presbiterum ...; (Textus) Si cupis esse quod diceris ...; [XII] (Rubrica) De sanctimonialibus (cc. 1-8, fol. 142vb); (Rubrica) Ex concilio triburiensis cp. X. de virginibus; (Textus) Uirgines que ante X(ci)II annos ...; [XIII] (Rubrica) De monachis et sanctimonialibus (cc. 1-8, fol. 143va); (Rubrica) Ex registro gregorii. Quod non sit permitendum monachos ...; (Textus) In nullo loco monachos et monachas permittimus ...; [XIV] (Rubrica) De virginibus (cc. 1-9, fol. 144ra); (Rubrica) Ambrosius de virginibus libro II; (Textus) Tolerabilius est mte uirginem ...; [XV] (Rubrica) De coniugiis (cc. 1-109, fol. 144va); (Rubrica) Quid sint nuptiae uel matrimonium; (Textus) Nuptiae siue matrimonium est uiri mulieri ...; [XVI] (Rubrica) De incerta copulatione (cc. 1-32, fol. 152va); (Rubrica) Institutionum libro I titulo x inter quas personas nuptiae contrari non possint; (Textus) Inter eas personas quae parentum ...; [XVII] De gradibus septem consanguinitatis (fol. 155ra); (Rubrica) Hec capi-

tula de vii gradibus ...; (Textus) Primo gradu ... (cf. IP 7. 90; ID 9. 64; Tr 3. 17 [18] un; C. 35 q. 5 c. 6); Arbor consanguinitatis (155v); [XVIII] (Rubrica) De nocturna illusionem (cc. 1-4, fol. 155va); (Rubrica) Beda in hystoria angolorum libro i...; (Textus) Aliquando ec crapula aliquando ex naturae ...; [XIX] (Rubrica) De incerto concubitu (cc. 1-4, fol. 156ra); (Rubrica) Augustinus contra faustu libro ii ...; (Textus) Inebriaverunt loth filiae ...; [XX] (Rubrica) De homicidiis licitis et illicitis (cc. 1-58, fol. 156rb); (Rubrica) De homicidiis licitis et illicitis uoluntaris et non uoluntariis; (Textus) De occidendis hominibus ne ab eis ...; [XXI] (Rubrica) De incantatione et demonum superstitione (cc. 1-21, fol. 162rb); (Textus) Intelligi uoluit dominus etiam illa ...; [XXII] (Rubrica) De mendatio et de iuramentis (cc. 1-33, fol. 162vb); (Rubrica) Augustinus in libro demandatio; (Textus) Primum est capitale mendatium ...; [XXIII] (Rubrica) De iniuriis et flagitiis (cc. 1-3, fol. 168ra); (Rubrica) Ex libro questionum exodi sancti Augustini; (Textus) Dixit dominus ad moysem. Petat iura ...; [XXIV] (Rubrica) De usuariis (cc. 1-6, fol. 168rb); (Rubrica) Augustinus De usuariis et aliis qui aliquid de malo haberit; (Textus) Nolite uelle elemosinas ...; [XXV] (Rubrica) De venatoribus (cc. 1-5, fol. 168vb); (Rubrica) Augustinus super psalmi cii; (Textus) Qui uenatoribus donant quare ...; [XXVI] De his qui truncationes membrorum (cc. 1-9, fol. 169rb); (Rubrica) Ex decretis Euthiciani pape; (Textus) Si quis membrorum truncationes ...; [XXVII] (Rubrica) De excommunicatione (cc. 1-24, fol. 170ra); (Rubrica) Gregorius in omelia xxvi ...; (Textus) Plerumque contingit ut iudicis ...; [XXVIII] (Rubrica) De penitentia (cc. 1-18, fol. 172ra); (Rubrica) Augustinus in libro i. e baptismo; (Textus) Redire dimissa peccata ...; [XXIX] (Rubrica) De causis laicorum (cc. 1-284, fol. 173vb); (Rubrica) Ex decretis Adriani papae. Quod non ualeat iniustum iudicium ...; (Textus) Non licet ergo imperatori uel cuiquam pietatem custodienti aliquid...; (Finis) sacramentum ordinationis.& (193ra);

fol. 193rb «Textus theologicus»

[E]rror. Quod diuina natura que diuinitas ...; (Finis) aliud est ipse et aliud quod habeat.

fol. 193va «Credo»

Fides remensis concilii presente Eugenio papa ...; (Finis) sed in filio. [cf. Concilium Remense a. 1148: Mansi XXI. 713.]

fol. 193vb «Canon»

Qui ab episcopis anathematis sententia ...; (Finis) uel decanatum nisi.

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SZABOLCS ANZELM SZUROMI O. PRAEM.