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SOME OBSERVATIONS ON THE TEXTUAL-DEVELOPMENT OF THE TRIPARTITA

(A COMPARATIVE ANALYSIS OF PARIS, BIBLIOTHÈQUE NATIONALE LAT. 3858 WITH OTHER IVONIAN MANUSCRIPTS)*

- 1. Description of Paris, BN lat. 3858; 2. The manuscripts BN lat. 4282 and BN lat. 13656; 3. Some impressions on the Parisian manuscripts; Conclusion: *Collectio B* and a fundamental question about its similarity to the other Ivonian works.
- The formation or developing process of the Ivonian work (cf. *Decretum* [ID], Panormia [IP], Tripartita [Tr]) is an emblematic example for the proper textual-history of Medieval canonical collections before the late 12th century, especially before 1234. The recent studies concerning the Pre-Gratian canon law collections show well how the earlier meaning of "canonical collection" differs from its classical meaning. The fundamental intention
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- ¹ Edition: MIGNE, I.P. (ed.), *Patrologiae cursus completus. Series Latina*, 1-221. Lutetiae Parisiorum 1844-1864. (PL) 161. 67-1022.
- ² Edition: *Liber decretorum siue panormia Ivonis*, ed. S. Brant, 1499. Cf. PL 161. coll. 1041-1344. Corrected edition by M. Brett and B. Brasington: http://www.wtfaculty.wtamu.edu-/~bbrasington/Panormia.html.
- ³ FOWLER-MAGERL, L., Clavis Canonum. Selected Canon Law Collections Before 1140. Access with data processing (Monumenta Germaniae Historica, Hilfsmittel 21), Hannover 2005, passim. 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., 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 and European ius commune (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae

was to summarize the whole of canon law which – as "ius sacrum" – served the daily life of the Church and was useful in every field of the ecclesiastical activity.⁴ This idea was the reason to supply in many times the collections which developed for different recensions, or versions, moreover "independent" other collections, based on some significant canonist compiling work. The comparative textual-analysis of the Ivonian *Tripartita*'s manuscripts can be helpful to understand this type of development. Here we would like to focus on the textual witnesses of *Tripartita* in the collection of the *Bibliothèque Nationale de Paris*.

1. Description of Paris, BN Lat. 3858

The Paris Bibliothèque Nationale lat. 3858 manuscript was written on refined Italian parchments. The pages are clear, not greasy or fusty. The whole codex was trimmed up to the punctuation. The codex was made from eight folios quires and decorated with red, blue and green colors. The size of the folios is 287×196 mm. In the headline at the right corner of fol.1r we can read an inscription by contemporaneous hand: "Corpus canonum". The similar sentence appears in middle of the headline: "Corpus canonum Beatus", this hand is very probable from the 14th century. On the right margin is inscription by the Royal Library from the 17th century: "Corpus canonum vetus".

The introductory canon as opening text on fol. 1r is "(Q)uem quorumdam romanorum decretalia pontificum synodalibus (...), which is headed by rubric: "Excerpta ex decretis romanorum pontificum" as title of the first part of the canonical material.⁶ There is not any capitulation or canon number. The themes usually are projected into the margin. These short sentences are written with very small letters. The projecting must have been written in the second half of the 12th century, because the same hand wrote references along the whole part to the Decretum Gratiani.⁷ These references are missing somewhere because the trimming (about 20 mm). Among the papal authors the first is Clement I (88?-97?), and the last is Urban II (1088-1099). The first part of canons ends on fol. 116v, and continues with the second which con-

III/8), Budapest 2006. 65-96. Szuromi, Sz.A., 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), in Ius Ecclesiae 18 (2006) 217-238.

⁴ Szuromi, Sz.A., A snapshot from the process of the textual - development of Ivo's works, "Ius Ecclesiae" 18 (2006) 217-238.

⁵ Kéry, L., Canonical Collections of the Early Middle Ages (ca. 400-1140) [History of Medieval Canon Law], Washington D.C. 1999. 244-246.

⁶ 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.

⁷ E.g. fol. 31r.

tains conciliar canons. This part begins on fol. 117r by rubric: "Incipiunt regulae niceani concilii", 8 in the headline of the folio we can read: "Canones antem qui dicuntur apostolorum (...) concilium societas est multorum in unum." However at the foot of fol. 116r is a rubric "Ysidorus" but there is not followed by text. To understand this only one word we have to take a glance on BAV Reg. lat. 973. There we can see that short independent part which quotes patristic authors (cf. Isidorus Hispalensis, St. Augustine) from fol. 116rb to fol. 119ra. Its first canon is: "(Ysidorus) De his qui aparentibus propriis monasterio offeritur: Quicumque aparentibus propriis in monasterio fuerit (...)", which belongs to the material of the Decretum Gratiani as C. 20 q. 1 c. 4.9

From the second part of the codex we can find a numeration of canons, but this numeration re-begins at every single listed council. ¹⁰ The conciliar material is finishing with Concilium Hispalense II (a. 619) on fol. 195v. The so-called *Collectio B* of the *Tripartita*¹¹ which is arranged systematically runs from fol. 195v to fol. 331r. ¹² This section is without numeration, there are only rubrics. Short thematic title are indicated in the headline but not in the main text. On fol. 269r is the traditional explanation of the "arbor consanguinitatis", however the "arbor" sketch is missing from this textual-witness. The themes are ended with "De causis laicorum" which is situated on fol. 330r-331r, in much shorter form than BAV Reg. lat. 973's. ¹³ The last canon in the systematic section of BN lat. 3858 is a quotation from the 47th letter of St. Augustine (a. 397). This canon can be found also in the Ivonian Decretum (ID 9. 98), and the Decretum Gratiani (C. 26 q. 2 c. 10). ¹⁴ Friedberg mentions Tr 3.

- ⁸ Fol. 117r: (S)i quis inagritudine vel amedicis (...).
- ⁹ Quicumque a parentibus propriis in monasterio fuerit delegatus, nouerit se ibi perpetuo mansurum. Nam Anna Samuel puerum suum natum et ablactatum Deo pietate obtulit, qui et in ministerio templi, quo a matre fuerat deputatus, permansit, et ubi constitutus est deseruiuit. Friedberg I. 844. Cf. Tr. 2. 50. 1.
- ¹⁰ Cf. Conc. Niceanum cc. 1-10; Conc. Ancyranum (fol. 120r) cc. 1-15; Conc. Neocaesariense (fol. 121r) 1-13; Conc. Gangrense (fol. 122r) cc. 1-20; Conc. Serdicense (fol. 123v) cc. 1-21; Conc. Antiochenum (fol. 125v) cc. 3-23; etc.
- ¹¹ FOWLER-MAGERL, L., Clavis Canonum. Selected Canon Law Collections Before 1140. Access with data processing (Monumenta Germaniae Historica, Hilfsmittel 21), Hannover 2005. 187-190.
- ¹² Fol. 195v: Hactenus de corpore canonum ea que secuntur autem sententiae sunt orthodoxorum patrum autem leges catholicorum regum autem synodicae sententiae gallicanorum aut germanorum pontificum; (Finis) fol. 331r: Si de area autem torculari (...) unde illa sublata sunt.
- ¹³ BAV Reg. lat. 973: [XXIX] (Rubrica) De causis laicorum (cc. 1-284, foll. 173vb-193ra), cf. Szuromi, Sz.A., *A snapshot from the process of the textual development of Ivo's works*, 238.
- ¹⁴ C. 26 q. 2 c. 10: Si de area aut torculari tollitur aliquid ad sacrificia demoniorum, sciente Christiano, ideo peccat, quia permittit fieri, ubi prohibendi potestas est. Quod si factum conperit, aut prohibendi potestatem non habuit, utitur mundis reliquis fructibus, unde illa sublata sunt. Friedberg I. 1023-1024.

21 (22) 21 as a place of this canon in the *Tripartita*. ¹⁵ He used to his edition of *Decretum Gratiani* the Berlin, Ms. lat. 104.

2. The manuscripts bn lat. 4282 and bn lat. 13656

The Paris, BN lat. 4282 is a 12th century manuscript which was rebound in the 16^{th} century. The whole codex was trimmed up to the punctuation (232×134) mm), therefore about 30 mm wide stripe is missing from the original margins. The parchments testify Southern Italian origin, they are very clear and refined. The codex was written with very small 12th century letters, for the "initiale" the illuminator used green and red colors. On fol. 1r we can read the first rubric: "Excerpta ex decretis romanorum pontificum: Quoniam quorumdam romanorum decretalia pontificum synodalibus (...)." But Pope Clement's text begins just on fol. 3v. 16 Summaries of the canons are projected sometimes into the margin, however we cannot find any numeration of canons. The whole codex, especially the letters are too small. The copier miss numerated the folios, fol. 23 is missing, therefore right after fol. 22 is fol. 24. On fol. 24v is a fragmented inscription by a 16th century hand, when the manuscript was rebound. The papal names and themes are missing from the headline from fol. 22, and the projected summaries disappear too from fol. 27v. On fol. 100r and 107r a reference to the *Decretum Gratiani* by 16th century hand is inscripted into the margin. At fol. 108 there is a miss-numerated folio again, which continues with fol. 110. The papal canons finish on fol. 110r with three canonical texts by Pope Urban II. Suddenly on foll. 110r-110v appears a rubric: "(Ysidorus) Canones autem quid noster apostolorum (...) multorum in unum." Then we can read the first canon of the second part from the Council of Nicea. On fol. 184r the ink changes to red color, which indicates the next part: (rubric) Hactenus de corpore canonum (...): Quicumque aparentibus (....)." This canon can be found in the *Decretum Gratiani* C. 20 q. 1 c. 4. On fol. 189r the section of Collectio B begins. There is no inscription system, or it was on the trimmed stripe. It is hard to find the traditional explanation which usually is connected with the "consanguinity tree". This text is on foll. 244r-244v but without distinctive mark it hides in a continuous text. Before rubric "De repudio culpa *viri*" on fol. 298r is a canon attributed to Pope Gelasius I (492-496) which is in fact a text of Pope Paschal II (1099-1118). ¹⁷ This canon is a good help in estimating the date of this textual witness and shows well that the enlarging of

¹⁵ Friedberg I. 1023, note 129.

¹⁶ Fol. 3v: Tribus gradibus commissa sunt (...) fragmentorum.

 $^{^{17}}$ Foll. 298r: Fraternae mortis (...); JL 6613a (1941) Quendam ad destruendam simoniam hortatur. Cf. ID 2. 84; IP 3. 123 and a note by Friedberg at Friedberg I. 358, notationes correctorum c. 5.

the context of Ivo's works must had begun immediately after the theoretical date of origin (1093-1095) as can be seen also concerning the Cambridge, Corpus Christi College Ms. 19 (Decretum). ¹⁸ The basic text of the canonical collection in BN lat. 4282, which shows a script style of one hand, is ending on fol. 299r. The last theme is "Libro novellarum: Si repudio misso matrimonim (...) usum fructum." But another contemporaneous hand (n° 2) continues the text on fol. 299r as a later supplement. This new section can be recognized because the new ink, and the writer wrote it into the bound codex. The text incipit is: "Adrianus Papa Romam uenire Karolum regem ad defendendas res ecclesiae postulauit. (...)." This canon is found in Ivo's Panormia: IP 8. 135 and also in the Decretum Gratiani as D. 63 c. 22. ¹⁹ The second section of the canonical text by the hand n° 2 is the next canon in the Panormia (IP 8. 136) and the Decretum Gratiani (D. 63 c. 23). ²⁰ The attribution of this decretum is false, in the afore-mentioned collections, as based on Paul Hinschius results ²¹ is indicated by Friedberg in his edition. ²² These two canons are the last in the ma-

¹⁸ Cf. Cambridge, Corpus Christi College Ms. 19, fol. 333vb.

¹⁹ D. 63 c. 22: Adrianus Papa Romam uenire Karolum regem ad defendendas res ecclesiae postulauit. Karolus uero Romam ueniens Papiam obsedit, ibique relicto exercitu in sancta resurrectione ab Adriano Papa Romae honorifice susceptus est. Post sanctam uero resurrectionem reuersus Papiam, cepit Desiderium regem; deinde Romam reuersus, constituit ibi sinodum cum Adriano Papa in patriarchio Lateranensi in ecclesia S. Saluatoris, que sinodus celebrata est a clii episcopis religiosis et abbatibus. Adrianus autem Papa cum uniuersa sinodo tradiderunt Karolo ius et potestatem eligendi Pontificem, et ordinandi apostolicam sedem. Dignitatem quoque patriciatus ei concesserunt. Insuper archiepiscopos et episcopos per singulas prouincias ab eo inuestituram accipere diffinuit, et ut, nisi a rege laudetur et inuestiatur episcopus, a nemine consecretur, et quicumque contra hoc decretum esset, anathematis uinculo eum innodauit, et nisi respiceret, bona eius publicari precepit. FRIEDBERG I. 241.

²⁰ D. 63 c. 23: In sinodo congregata Romae in ecclesia S. Saluatoris. Ad exemplum B. Adriani apostolicae sedis antistitis, qui domino Karolo, uictoriosissimo regi Francorum ac Longobardorum, patriciatus dignitatem, ac ordinationem apostolicae sedis, et inuestituram episcoporum cencessit, ego quoque Leo, seruus seruorum Dei, episcopus, cum cuncto clero ac Romano populo constituimus, confirmamus et corroboramus, et per nostram apostolicam auctoritatem concedimus atque largimur domino Ottoni primo, regi Teutonicorum, eiusque successoribus huius regni Italiae, in perpetuum sibi facultatem eligendi successorem, atque summae sedis apostolicae Pontificem ordinandi, ac per hoc archiepiscopos seu episcopos, ut ipsi ab eo inuestituram accipiant et consecrationem, unde debent, exceptis his, quos inperator pontifici et archiepiscopis concessit; et ut nemo deinceps cuiusque dignitatis uel religionis eligendi uel patricium uel Pontificem summae sedis apostolicae, aut quecumque episcoporum ordinandi habeat facultatem absque consensu ipsius inperatoris, (quod tamen fiat absque omni pecunia), et ut ipse sit patricius et rex. Quod si a clero et populo quis eligatur episcopus, nisi a supradicto rege laudetur, et inuestiatur, non consecretur. Si quis contra hanc apostolicam auctoritatem aliquid molietur, hunc excommunicationi subiacere decernimus, et, nisi resipuerit, inreuocabili exilio puniri, uel ultimis suppliciis feriri. Friedberg I. 241.

²¹ HINSCHIUS, P., System des katholische Kirchenrechts, I. Berlin 1895. 240.

²² Friedberg I. 241, note 224.

terial of the *Panormia*. On fol. 300r are also new script styles (n° 3; n° 4; n° 5), the first two spring from the 12th century, the last from the 13th-14th century. The third codex of Paris is *BN lat.* 13656.²³ This manuscript was copied in the 12th century and was rebound in the 16th century. The whole codex was trimmed up to the punctuation (225 \times 139 mm). The parchments testify a French origin, they are refined, used up, and at some tome got wet. The codex was written on eight folios quires by an early 12th century hand. In the margin are readable references to the *Decretum Gratiani*, as we have already seen concerning the above described other manuscripts. Here these inscriptions spring from the 16th century.²⁴ The condition of this codex is not too good, however its reason - based on the second section – is not the daily consultation, but the place where the manuscript was kept. The canonical collection begins immediately on fol. 1r: "Excerpti decretis romanorum pontificuum". The last two canons in the papal text is attributed to Pope Urban II. The first incipit is: "*Ut ab excommunicatis* (…)", ²⁵ this letter was written to "*Gebehardus*" on April 18th 1089, ²⁶ and can be found also in the *Decretum* (ID 6. 406; 14. 45), Panormia (IP 5. 107) and in the Decretum Gratiani (C. 9 q. 1 c. 4). 27 Jaffé and Loewenfeld do not indicate the Tripartita, but the Collectio Britannica (ep. 38 of Urban II), which has a strong influence on the first part of the Tripartita. 28 The second canon attributed to Pope Urban II cites a letter sometimes from 1063 and 1066 by Pope Alexander II, therefore the attribution of Ivo and even Gratian is false. 29 This second canon took place also in the Collectio Britannica (ep. 70 of Alexander II) and in the Decretum Gratiani (C. 1 q. 5 c. 330),

²³ Delisle, L. (ed.), Inventaire des Manuscrits de Saint-Germain-des-Prés, Paris 1868. 109.

²⁴ E. g. fol. 108r. ²⁵ Foll. 118v-119r.

²⁶ Regesta Pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII, ed. Jaffé, P.-Wattenbach, G. curaverunt Loewenfeld, S. [IL]-Kaltenbrunner, F. [IK]-EWALD, P.[JE], I. Lipsiae 1885. 2 JL 5393 (4031).

²⁷ C. 9 q. 1 c. 4: Ab excommunicatis quondam tamen catholicis epscopis ordinatos, si quidem non symoniace ordines ipsos acceperunt, et si ipsos episcopos symaniacos non fuisse constiterit, ad hoc, si eorum religiosior uita et doctrinae prerogatiua uisa fuerit promereri, penitentia indicta, quam congruam duxeris, in ipsis, quos acceperunt, ordinibus permanere permittas. Ad superiores autem conscendere non concedimus, nisi necessitas et uitalitas maxima flagitauerit, et ipsorum sancta conuersatio promouerit. Friedberg I. 601

²⁸ Cf. Sommerville, R. Kuttner, S., Pope Urban II, The Collectio Britannica and Council of Melfi (1089), Oxford 1996. 8-21.

²⁹ JL 4589 (4091): Alberto (Adalberoni), episcopo Metensi suadet ut in sacerdotem quendam dignitatem simoniace adeptum mansuetudine utatur "ita tamen" inquit "ut, si ecclesia illa, cui deservit sacerdotum penuriam non patitur suspensus a sacerdotali officio permaneat; quod si fortasse ecclesiae utilitas exegerit, ut curam regiminis assumat, liceat ei ex concessione sui episcopi fratrumque obedientia sacerdotali officio fungi".

³⁰ C. 1 q. 5 c. 3: Presentium portitorem, quem parentum incuria, per pecuniam non episcopo, sed cuidam principum eius datam, inuitum sacerdotii dignitatem obtinuisse significasti, licet sancti canones deponendum esse testentur, quia tamen, culpam istam nesciens

but based on Friedberg note, not in any Ivonian collection. 31 It could be a later supplement. However, the name of Urban II is written with ink, not any color. If we take a glance into BN lat. 3858, there are two canons (cf. Tr 2. 50. 22=C. 8 q. 3 c. 2;³² Tr 2. 50. 23=C. 30 q. 3 c. 4³³) under Pope Urban II name, but differ from the quoted canons by BN lat. 13656.³⁴ It seems that either canon which attributed to Urban II has been changed in BN lat. 13656. Moreover, in BN lat. 4282 we can find the same canons attributed to Pope Urban II as in BN lat. 13656. 35 On fol. 119r we can see the introductory rubric of the second part of the Tripartia which is ending on fol. 199v with Conc. Hispalelense II. Right after is indicated the second section by rubric: "Hactenus de corpore canonum ea quae sequantur aut sententiae sunt ortodoxorum patrum aut leges catholicorum regum aut synodicae sententiae gallicanorum aut germanorum pontificum.", then the already mentioned canon by Isidorus Hispalensis. 36 Therefore, from foll. 199v untill 204v has to be an enlargement. Untill fol. 204v the themes by summaries are projected into the margin but there is not numeration of canons. From fol. 205r, where the next quire and a systematic section begins, this type of projected summary disappears. The Collectio B begins with first rubric about the faith and sacraments, which belongs to the common material of all the three Ivonian works (cf. ID 1. 2; IP 1. 7; Tr. 3. 1. 1) and also to the Decretum Gratiani (D. 3. 30 de cons.). 37 In this textual-witness

et coactus commisit, et quia ab eodem ordine ut deponeretur suplicauit ultroneus, ex consideratione discretionis (que mater est omnium uirtutum) magis quam ex rigore canonum, misericordiae uiscera adhibendo, ipsum in eodem ordine esse fraternitati tuae consulimus; ita tamen, ut, si ecclesia illa, cui deseruit, sacerdotum penuriam non patitur, suspensus a sacerdotali offitio permaneat. Quod si fortasse ecclesiae utilitas exegerit, ut curam regiminis assumat, liceat ei ex concessione episcopi sui fratrumque obedientia sacerdotali offitio fungi. Friedberg I. 424.

- ³¹ Friedberg I. 423, note 20.
- ³² C. 8 q. 3 c. 2: Artaldus Arelatensis episcopus, Narbonensis ecclesiae suffraganeus, Romam consecrandus ad dominum Papam Urbanum uenit; suus quippe archiepiscopus eum consecrare nolebat, quoniam post electionem suam propter bona ecclesiae conseruanda canonicis iurauit. Consecratus itaque est a domino Papa Urbano, ante purgatus huiusmodi iuramento: "De iuramento, quod canonicis feci nostrae ecclesiae post electionem, nullam conuentionem ante ut eligerer feci. Narbonensis uero archiepiscopus nullis preter id criminis causa consecrationem nostram omisit, me sciente, neque michi criminis conscius sum, propter quod a sacerdotio me repellat." FRIEDBERG I. 599.
- ³³ C. 30 q. 3 c. 4: "Super quibus consuluit nos tua dilectio, hoc uidetur nobis ex sentencia respondendum, ut et baptismus sit, si instante necessitate femina puerum in nomine Trinitatis baptizauerit, et quod spiritualium parentum filii uel filiae, ante uel post conpaternitatem genitae, possunt legitime coniungi, preter illam personam, qua conpatres sunt effecti." Friedberg I. 1101.

 ³⁴ BN lat. 3858, foll. 198r-198v.
 - ³⁵ BN lat. 4282, foll. 109V-110r.
 - ³⁶ Fol. 199v: (Ysidoris) Quicunque a parentibus (...).
 - ³⁷ Omnes, quos legere potui, qui ante me scripserunt de Trinitate, que Deus est, diui-

the enlargement between the two main section of the *Tripartita*'s canonical material cannot be found. At fol. 273v is the usual explanation of the degrees of consanguinity (IP 7. 90; ID 9. 64; Tr 3. 17 [18] un; C. 35 q. 5 c. 6), with a rubric "*Haec capitula de septem gradibus consanguinitatis*" but without the "arbor consanguinitatis". The last theme in the second section is "*De causis laicorum*", but in unfinished form. Even its last rubric is not explained.³⁸

3. Some impressions on the Parisian Manuscripts

The above described three textual-witnesses definitely belong to the Tripartita's textual "family" and based on their structure they can be distinguished from the textual tradition of the Panormia or the Decretum. But beside the similarities we have been able to find some diversities among the analyzed three manuscripts, even if we compare them to BAV Reg. lat. 973. This goes to show, that even in those manuscripts which follow the structure of the Tripartita some anomalies can be found. It can mean significant variants, as we saw concerning the canons by Pope Urban II and also the supplementary canon of Pope Paschal II in BN lat. 4282. However, here we have to mention that the material of BN lat. 3858 lists less canons of the councils then we could see concerning the first section of BAV Reg. lat. 973. We also remind for those canons which took place between the traditional contents of Collectio A and Collectio B, enlarged the collection with basically patristic material. This supplement naturally can be recognized as a thematic enlargement at the beginning of the systematic part of the canonical collection. The different extent of the systematic section is striking, it is also true concerning the further supplement at the end of BN lat. 4282. 39

If we compare the systematic section of BN lat. 3858 40 with BAV Reg. lat.

norum librorum ueterum et nouorum catholici tractatores, hoc intenderunt secundum scripturas docere, quod Pater, et Filius, et Spiritus sanctus unius eiusdemque substantiae inseparabili equalitate diuinam insinuant unitatem, ideoque non sint tres Dii, sed unus Deus, quamuis Pater Filium genuerit, et ideo Filius non sit qui Pater est, Filiusque a Patre sit genitus, et ideo Pater non sit qui Filius est, Spiritusque sanctus nec Pater sit, nec Filius, sed tantummodo Patris et Filii Spiritus, et Patri et Filio etiam ipse coequalis, et ad Trinitatis pertinens unitatem; non tamen eandem Trinitatem natam de Virgine Maria, et sub Pontio Pilato crucifixam et sepultam et tercia die resurrexisse, et in celum ascendisse, sed tantummodo Filium; nec eandem Trinitatem descendisse in specie columbae super Iesum baptizatum, aut die Pentacostes post ascensionem Domini sonitu facto de celo, quasi ferretur flatus uehemens, et linguis diuisis, uelut ignis, sed tantummodo Spiritum sanctum; nec eandem Trinitatem dixisse de celo: "Tu es filius meus," siue cum baptizatus est a Iohanne, siue in monte, quando cum illo erant tres discipuli, aut quando sonuit uox dicens: "Et clarificaui, et iterum clarificabo:" sed tantummodo Patris uocem fuisse factam ad Filium, quamuis Pater et Filius, et Spiritus sanctus, sicut inseparabiliter operentur. Friedberg I. 1361.

³⁸ Cf. Fol. 340v.

³⁹ Cf. BN lat. 4282, foll. 299r-300r.

⁴⁰ Cf. BN lat. 3858, foll. 203r-331r.

973⁴¹ it can be seen that the basic theme and outline correspond to each other, but there are also some structural differences. The Collectio B does not has a rubric system in BN lat. 3858, the copier was the one who indicated the themes in the headline. The first themes about baptism, ⁴² sacraments, ⁴³ ecclesiastical goods,44 etc. are following each another in the same order in either textual-witness. The explanation of the consanguinity degrees takes place in BAV Reg. lat. 973 directly after the "De incerta copulatio", 45 as in BN lat. 3858 is also kept the thematic order and explains the consanguinity relations 46 right after the "De incerta copulatio" 47, which is not attached with a consanguinity "tree". After the mentioned two themes the two manuscripts are still corresponding. The theme of "De incantatione et daemonum superstitione" 48 is distributed into two rubrics in material of BN lat. 3858. 49 After the theme "De iniuriosis et flagitiosis" 50 is an independent theme about usury in BAV Reg. lat. 973 (six canons). 51 Then there is also a supplement in the Vatican manuscript right after "De venatoribus", 52 which is called "De his qui trunctationes membrorum" 53 and contains nine canons. The rest of the contents is the same.

Based on this comparison our conclusion concerning the structural relation of the *Collectio B* to the *Decretum* and the *Panormia* has to be the same as was on the basis of BAV Reg. lat. 973. ⁵⁴ Those themes which are expressively indicated in the material of BN lat. 3858 almost in the same order can be found in both of Ivo's other works. Obviously, the very end of the second section about excommunication, ⁵⁵ penitence ⁵⁶ and cases of laymen ⁵⁷ is closer to the *Decretum*'s textual-tradition wherein these themes are in Book 14, 15 and 16. In this case the text of BAV Reg. lat. 973 is closer to the *Decretum*'s form than BN lat. 3858, because the theme of usury is in the *Panormia* in Book 3 (IP 3. 156-162) but takes place at right before "de ventatoribus" in Book 13 of the *Decretum* as in BAV Reg. lat. 973 (six canons). ⁵⁸ Nevertheless, about the canonical material from rubric 1 up to rubric 23 it is hard to say on which text-tradition it is depending. ⁵⁹

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<sup>42</sup> BN lat. 3858, foll. 203r-207r.
<sup>41</sup> Cf. BAV Reg. lat. 973, foll. 119ra-193ra.
                                                                                  <sup>44</sup> BN lat. 3858, foll. 214r-220v.
 <sup>43</sup> BN lat. 3858, foll. 207r-214r.
<sup>45</sup> BAV Reg. lat. 973, foll. 155ra-155rb.
                                                                                 <sup>46</sup> BN lat. 3858, foll. 269r-270v.
<sup>47</sup> BN lat. 3858, foll. 265v-269r.
<sup>48</sup> Cf. BAV Reg. lat. 973, foll. 162rb-162vb.
<sup>49</sup> BN lat. 3858, foll. 281r-281v; foll. 281v-285v.
<sup>50</sup> BN lat. 3858, foll. 290v-291v; BAV Reg. lat. 973, foll. 168ra-168rb.
 <sup>51</sup> BAV Reg. lat. 973, foll. 168rb-168vb.
 <sup>52</sup> Cf. BN lat. 3858, foll. 291V-294r; BAV Reg. lat. 973, foll. 168Vb-169rb.
<sup>53</sup> BAV Reg. lat. 973, foll. 169rb-170ra.
<sup>54</sup> Szurom<sup>T</sup>, Sz.A., A snapshot from the process of the textual – development of Ivo's works, 229-
 <sup>55</sup> Cf. from fol. 294r.
                                             <sup>56</sup> Cf. from fol. 297r.
                                                                                              <sup>57</sup> Cf. from fol. 300r.
 <sup>58</sup> Cf. foll. 168rb-168vb.
                                                                                              <sup>59</sup> Cf. foll. 203r-286r.
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However, in general we can establish about the analyzed textual-witnesses of the *Tripartita* that the stock of canons in the main parts is uniform. The place and activity where the manuscripts were used cannot be a parish day-to-day sacrament administering. Although, the last observed manuscript's condition (e.g. BN 13656) is not too good, nevertheless it cannot be estimated – based on the second section – as the effect of the daily use. The two other codex's condition and the size of letters testify clearly to non daily use. This is supported by the missing of the "arbor consanguinitatis". Our general overview on the parts which deal with administering of sacraments, that their condition is not worse than other parts of the codex. The BN lat. 3858 which we chose as a basic codex of our comparison, has contemporaneous reference to the *Decretum Gratiani* and this is considerable. This type of reference can be very probable a signal of consultation by an university instructed person. ⁶⁰ The final supplement of BN lat. 4282 supports most of all the episcopal curial use. For summarizing these facts, the textual tradition of the *Tripartita* has to be recognized as a main version or "family" of Ivo of Chartres's work, more than an isolated colligated form. Within it can be separated precisely the chronological listed canons (based on popes and councils) from the systematic part.

CONCLUSION: COLLECTIO B AND A FUNDAMENTAL QUESTION ABOUT ITS SIMILARITY TO THE OTHER IVONIAN WORKS

To enlighten our fundamental question about the Ivonian works and their developing let us use the development of the *Collectio Anselmi Lucensis* as a possible analogy. As that is in the common sense, we classify four types recensions of Anselm's Collection: e.g. 'A', 'B', 'C', 'Bb'. Regarding the supplementary canons of the textual witnesses we found three phases: when the supplementary material was inserted among the original canons; when new canons were – usually – placed at the ends of the various books; and when the copiers or bookbinders apparently guided by principles of topical and textual similarity, combined Anselm's work with excerpts from Ivo's *Panormia*. The second period, as we explained regarding Ms. S. Marco 499, ⁶¹ was a certain epoch when the chronologically new decretals were used for the enlarging. But the first phase was basically important for the development of the main textual-traditions. Unfortunately, we do not know a contemporaneous manuscript of Anselm of Lucca. However, we know, that Anselm's in-

⁶⁰ Cf. Erdö, P., Storia della scienza del diritto canonico. Una introduzione, Roma 1999. 41.

⁶¹ SZUROMI, Sz.A., 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), in Ius Ecclesiae 14 (2002) 425-449.

tention was endeavoring to organize the canonical life and also to teach the discipline of Church at his cathedral. 62 We are convinced, that Ivo of Chartres had also a fundamental motive to improve the disciplinary knowledge of his clergy by collecting works which helped to serve the care of souls.⁶³ Summarizing the whole discipline of the Church as complete as possible! It can be the only reason, why right after the composed late 11th century collection appeared as copied collections with particular supplements, but not recent canons. It shows similarity to the first phase of the textual-development of Anselm's Collection. The newly collected books of the discipline of the Church (i.e. the Ivonian work) wide-spreaded so rapidly and suffered further supplements, moreover, facilitated by the inclusion of a detailed rubrics or thematical lists. In many of Ivonian textual-witnesses, even those which testify the Panormia form, difficult to find information based on the thematical order. But in the Strassbourg, Bibliothèque Nationale et Univ. 10864 which perhaps a witness of the very end of the 11th century,⁶⁵ can be found the "tabula librorum" 66 and list of canons in front of every book. 67 Moreover, we can mention a late 12th century copy of Bruxelles, Bibliothèque Royal Ms 1817⁶⁸ which suggests professional usage, helped by clear rubric and marginal inscription system. How differs its appearance from the form of BN lat. 2472, a 12th century copy of the *Panormia!* This last manuscript is a good example for the step by step formation of the structural and inscription system, but also shows well its own place of use, which has to be a parish. 70 Therefore, as we can learn based on these variants: only one intention has to be behind the composition of the ecclesiastical discipline in one volume; and we have to see in the same time the various goals and using fields of the just compiled canonical collections too. This is that type of influence which developed the main "families" of the Ivonian work.

⁶² Szuromi, Sz.A., *Anselm of Luccaas a Canonist* (Adnotationes in ius canonicum 34), Freiburg am Main 2006. 4-5.

⁶³ 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 Occist.'s 75th Birthday (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/7), Budapest 2005. 179-203.

⁶⁴ Wickersheimer, E. (ed.), Catalogue général des manuscrits des bibliothèques publiques de France (Strasbourg), xlvII, Paris 1923. 79.

⁶⁵ SZUROMI, Sz.A., Some observations on BAV Pal. lat. 587, 195.

⁶⁶ Cf. Strassbourg, Bibliothèque Nationale et Univ. 108, foll. 8r-9r.

⁶⁷ Cf. foll. 9v; 27r-29r; 48v-51r; 75r-75v; 91r-93v; 113v-115r; 132r; 147v-148v.

⁶⁸ Szuromi, Sz.A., A 12th century pastoral pocket book, 77-79.

⁶⁹ Catalogus codicum manuscriptorum Bibliothecae Regiae. III/3. Parisiis 1744. 286/A-B. LAU-ER, PH. (ed.), Catalogue général des manuscrits latins, II. Paris 1940. 474-475.

⁷⁰ Cf. BN lat. 2472, foll. 8va-9rb.

The fundamental question is – based on what has been said above – how can the exemplars of these "families", which appear now as independent collections be distinguished from each another. Can we talk about the Panormia as an abbreviation as compared with the Decretum? Or, can we talk about the Decretum as an enlarged new collection based on the Panormia? Is it possible to describe the Tripartita as a collection which was erected by an independent intention as compared with the two others Ivonian works? Ouestions, which are on the basis on the classical theory of the "intact literary work". But it seems this idea cannot give a proper answer for that step by step development which footprints are found in every type of the 11th and 12th century manuscripts of the canonical collections. That structural similarity which is between the form of the Tripartita's family and the form of Anselm's Collection preserved by Ms Ashburnham 53⁷¹ cannot be accidental. Many 12th century enlargements at the end of Anselm's textual witnesses (cf. BAV Ottob. lat. 224, right after Book 672 and Book 1373) which copy of the Ivonian material⁷⁴ indicate the same intention, which formed the "family" of the *Tripartita*: to keep the possible complete "canon law" because its relation to the divine law. 75 The "nucleus" of Ivo's works has to be the same in each today known "family". Therefore, the origin cannot recognize as one of the conserved 12th century manuscripts of the *Decretum* or Panormia. Our fundamental question needs some transformation based on the proper peculiarities of a "living text" which intended to issue the actual complete canon law in that time. As we see the formation or development of those inscriptions, summaries or titles which took place step by step in the margins and headlines of the manuscripts facilitating the use of the text.

⁷¹ Catalogue of the Manuscripts at Ashburnham Place, I. London 1853. n 53. I Codici Ashburnhamiani della R. Bibliotheca Mediceo-Laurenziana di Firenze (Indici e Cataloghi VIII), I/1. Roma 1887. 12-13.

⁷² BAV Ottob. lat. 224, foll. 275V-278V: IP 1. 19-69.

⁷³ BAV Ottob. lat. 224, foll. 729r-749V: IP 7. 8-7. 12. 34.

 $^{^{74}}$ Cf. Napoli Ms XII A 37, fol. 102ra: ID 2. 81=Tr 3. 2. 7 (Alexander I [105?-115?], "Sufficit sacerdoti", JK †29 [3517]=D 1 c. 53 de cons.); ID 3. 84=Tr 2. 4. 5 (D. 30 c. 10); Tr 2. 4. 6 (D. 30. c. 11). BAV Barb. lat. 535, fol. 208V: ID 8. 78=IP 6. 112 (Gregorius II [715-731], "Desiderabilem mihi", JE 2174 [1667]=C. 32 q. 7 c. 18); ID 6. 411=Tr 3. 10 (11) 43 (Urbanus II [1088-1099], "Urbanus papa" "Duae sunt", JL 5760 [4323]=C. 19 q. 3 c. 3); ID 6. 175 (C. 7 q. 1. 23); ID 6. 231=IP 5. 9 (Gregorius II [715-731], "Desiderabilem mihi", JE 2174 [1667]=C. 2 q. 5 c. 5). Biblioteca Mediceo-Laurenziana di Firenze, Ashburnham 53, foll. 140va-141vb: IP 3. 118-127 (C. 1 q. 1 c. 107).

⁷⁵ Cf. D. 1 c. 1: Omnes leges aut diuinae sunt, aut humanae. Diuinae natura, humanae moribus constant, ideoque he discrepant, quoniam aliae aliis gentibus placent. §. 1. Fas lex diuina est: ius lex humana. Transire per agrum alienum, fas est, ius non est. [Gratianus]: Ex uerbis huius auctoritatis euidenter datur intelligi, in quo differant inter se lex diuina et humana, cum omne quod fas est, nomine diuinae uel naturalis legis accipiatur, nomine uero legis humanae mores iure conscripti et traditi intelligantur. §. 1. Est autem ius generale nomen, multas sub se continens species. FRIEDBERG I. 1.

Not only the explanation's extension could be enlarged⁷⁶ or abbreviated⁷⁷ but the order of themes could also transform based on the basic activity of the using place. It can be a reason why the themes about usury and excommunication took place at the end of the Ivonian collection in families of the *Decretum* and *Tripartita*.

The three analyzed manuscripts of Paris have clearly indicated that those basic six themes of the Ivonian work, as we saw concerning BAV Pal. lat.587⁷⁸ as a "nucleus", also can be found in the "family" of the *Tripartita*. The introduction to the Catholic Faith (1); the Holy Eucharist and the celebration of the Holy Mass (2); the Church and her goods (3); the canonical customs and the celebration of councils (4); the primacy of the Roman Church (5); the proper life of the clergy (6): these themes mark the fundamental framework of the Ivonian organization of the complete ecclesiastical discipline. Every "family" of Ivo's work (i.e. *Decretum, Panormia, Tripartita*) depends on this basic structure. The first section of the *Tripartita*'s textual-tradition has to be an enlargement as also was a similar supplementary part attached to Anselm's Collection. The motive behind this type of chronological enlargement should be the more complete composition of the collection as during the third phase of the development of Anselm's Collection, which happened in the same way. Obviously, the "nucleus" of Ivo's work also got supplementary canons for the more detailed explanation of the theme, or some new decretals, depended on the place of use of the particular textual-witness. The contemporaneous marginal references of BN lat. 3858 testify well how the ecclesiastical discipline was considered as unit in the 11th -12th century.

⁷⁶ Supplements based on the use at a parish: BAV lat. 1360 (Panormia), foll. 18r-18V: "Unaqueque mulier sequatur (...) =ID 3. 225 (C. 13 q. 2 c. 3); fol. 18V: Ut instructiones missae (...).

⁷⁷ Cf. Bibliothèque Nationale de France, Ms. lat. 3874 (Decretum).

⁷⁸ Szuromi, Sz.A., Some observations on BAV Pal. lat. 587, 185.

APPENDIX

Description of Paris, Bibliothèque Nationale Lat. 3858

Poss. Ex libris Oratoriis Collegii Trecensis.

Prov. Dubiosus

331 fols. memb. in 287×196 mm, saec. XII/1.

fol. 17-331r Collectio Decretalium < Tripartita>

(Rubrica) Excepta ex decretis romanorum pontificum ...; (Textus) Quem quorumdam romanorum decretalia pontificum ...; (Explicit) paginae imprimamus sententias (1v).

fol. 1r (Rubrica) In prima epistola clementis uerba petri de clemente; (Textus) Trado ipsi clementi ad nos traditam mihi potestatem ligandi et soluendi ...; (Rubrica) de uitanda ambitione; (Textus) Haec eo dicente ego ...; (Rubrica) Urbanus sancti ecclesia Gebeardo episcopo constantiensi (116v); (Textus) Ut ab excommunicatis quondam tamen catholicis; (Explicit) criminosa sit et dampnabilis (116v).

fol. 116v (Rubrica) [Ysidorus] Canones autem qui dicuntur apostolorum ...; (Textus) Canones autem qui denominare apostolorum seu.; (Rubric) Incipiunt regulae Niceanae concilii (cc. 1-10); Conc. Ancyranum (cc. 1-15) [120r]; Conc. Neocaesariense (cc. 1-13) [121r]; Conc. Gangrense (cc. 1-20) [122r]; Conc. Serdicense (cc. 1-21) [123v]; Conc. Antiochenum (cc. 3-23) [125v]; ... Conc. Hispalense II [a. 619] (cc. 1-6) [194r].

fol. 195V (Rubrica) Hacenus de corpore canonum ea que secuntur aut sententiae sunt orthodoxorum patrum aut leges catholicorum regum aut synodicae sententiae gallicanorum aut germanorum pontificum; (Textus) [Ysidorus] Quicumque a parentibus propriis in monasterio fuerit delegatus ... (cf. C. 20 q. 1 c. 4.); ... [Urbanus II] Artaldus alamensis episcopus narbonensis aecclesiae suffraganeus romae ... (cf. C. 8 q. 3 c. 2; Tr. 2. 50. 22) [198r]; Super quibus consuluit ... (cf. C. 30. q. 3 c. 4; Tr. 2. 50. 23); Augustinus ... (198v).

fol. 2017 (Rubrica) Incipit de fide et de sacramento fidei....; (Textus) Augustinus in libro De trinitate. Omnes quos legere potui ...; (Explicit) ita inseparabiliter operentur. [1] De baptismo (2037); [11] De sacramentis (2077); [111] De rebus ecclesiasticis (214v); [1v] De observatione dierum (220v); [v] De ieiunio (221r); [v1] De consuetudinibus ecclesiasticis (222v); [v11] De primatu romanae ecclesiae (227r); [v111] De episcopis (229r); [1x] De clericis (233r); [x] De monachis (244v); [x1] De sanctimonialibus (248r); [x11] De virginibus (259v); [x111] De coniugiis (261v); [x1v] De incerta copulatione (265v); [xv] (Textus) Primo gradu ... (269r); [xv1] De nocturna illusione (269v); [xv11] De incerto concubitu (270r); [xv111]. De homicidiis (270v); [x1x] De incantatione (281r); [xx] De superstitionibus demonum (281v); [xx1] De mendatio et periurio (285v); [xx11] De iuramentis (286r); [xx111] De iniuriosis et flagitiosis (290v); [xx1v] De venatoribus (291v); [xxv] De excommunicatione (294r); [xxv1] De penitentia (297r); [xxv11] De officiis laicorum et causis (300r); (Finis) unde illa sublata sunt (331r).

Ed. (Prologus Tripartitae): Disquisitiones criticae in praecipuas canonum et decretalium collectiones seu sylloges Gallandianae dissertationum de vetustis canonum collectionibus continuatio, ed. A. Theiner, Romae 1836. 154-155. 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]; M. Brett., «The sources and influence of Paris, Bibliothèque de Arsenal MS 713» in Proceedings of the 9th International Congress of Medieval Canon Law, Munich 13-18 July 1992 (Monumenta iuris canonici C/10), ed. P. Landau-J. Müller, Vatican City 1997. 149-167; L. Fowler-Magerl, «Fine Distinctions and Transmission of Texts» in Zeitschrift der Savigny-Stiftung Kanonistische Abteilung 83 (1997) 146-186; L. Kéry, Canonical Collections of the Early Middle Ages (ca. 400-1140). A Bibliographical Guide to the Manuscripts and Literature (History of Medieval Canon Law 1), Washington 1999. 244-250; 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; L. Fowler-Magerl, Clavis Canonum. Selected Canon Law Collections Before 1140. Access with data processing (Monumenta Germaniae Historica, Hilfsmittel 21), Hannover 2005. 187-190. Sz.A. Szuromi, «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)», in Ius Ecclesiae 18 (2006) 217-238.