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**RAYMUNDUS DE PENAFORTE, *Summa de poenitentia [Summa de casibus poenitentialis]*  
and *Summa de matrimonio***  
In Latin, decorated manuscript on parchment  
France, Paris (?), c. 1250-1300

[I]-203 ff. (in all 204 ff.), lacking a single leaf between ff. 4-5, else complete (collation: i<sup>7</sup> [8-1], ii<sup>12</sup>, iii<sup>12</sup>, iv<sup>4</sup>, v<sup>10</sup>, vi-ix<sup>8</sup>, x<sup>6</sup>, xi-xvi<sup>8</sup>, xvii<sup>6</sup>, xviii-xxv<sup>8</sup>), ruled in plummet, prickings visible, text on two columns, written in a fine highly abbreviated gothic bookhand in dark brown ink, text on two columns, up to 36 lines per column (justification 120 x 80 mm.), rubrics in red, paragraph marks in red and blue, some capitals in red ink, numerous 2-line high initials in red or blue with blue or red penwork, OPENING PARTI-COLORED INITIAL in red and blue, with blue and red penwork extending in the margin, headings in a 15<sup>th</sup> c. hand in upper margin (brown ink), numerous contemporary marginal addenda or corrections (marginal notes on f. 32 reading "Liber primus. De sortilegis et divinis", and "Plutonia / Pyromancia [...] / Hydromancia / Geomancia [...] Ariola / Aruspicia / Maleficum"). Contemporary binding of pink-stained alum-tawed skin (sheepskin?) over wood boards, remnants of brass catches (clasp missing), back sewn on 4 bands pastedowns covered in contemporary writing, binding worn with upper cover detached, leather lacking on boards and on spine, traces of original blind-stamped decoration on boards (Some internal soiling with small loss of text on verso of last folio, and f. 79 separated in two horizontally (but without loss of text), some worming, especially on lower board). Dimensions 180 x 120 mm.

Early copy of the second recension of Raymond of Penafort's important penitential manual, the first of a new generation of penitential books to contain a repertory of canons following Gregory IX's famous Decretals. The present copy is of additional interest for its profuse annotation, suggesting extensive contemporary use, and its original binding, which is worn but entirely unrestored and thus ideal for a study of the archeology of the book.

## PROVENANCE

1. Script and decoration suggest a French origin for this manuscript, likely Paris, with painted red, blue or parti-colored initials with hairline penwork that bears comparisons with the penwork developed in Paris and studied by P. Stirnemann (1990). The present examples of penwork reflect the style adopted in Paris after 1250 (see Stirnemann, 1990, cat. 37, 39, 40, 41).
2. Ownership stamp on first folio, repeated twice: "J. Kuntschen. Avocat, Sion." Joseph Kuntschen (1849-1928), Sion, Switzerland, was an attorney who served as deputy of the Grand Conseil du Valais and the Conseil national, among other offices in the canton. He is considered one of the notable figures in the Canton of Valais at the beginning of the 20<sup>th</sup> century.

## TEXT

Upper Pastedown-f. I-IV, Contemporary notes and list of rubrics, with references to chapter numbers found in margins.

ff. 1-48v, Raymundus de Penaforte, *Summa de casibus poenitentialis* or *Summa de poenitentia*, Liber I, prooemium, "Quoniam ait Jeronimus secunda pars naufragium tabula est..."; index titulorum [list of chapters], "De symonia – Ne prelati vices suas sub anno censu concedant – De magistris ne ad exigatur pro licentia docendi..."; incipit (f. 1v), "Quoniam inter crimina ecclesiastica symoniaca heresis optinet primum..."; explicit, "[...] Quedam alia de sepulturis quae pertinent ad symoniam require supra. Item per questionem et queritur hic consequenter"; rubric, *explicit liber primus* (published in X. Ochoa and A. Diez, 1976, col. 277-440);

ff. 48v-89v, Raymundus de Penaforte, *Summa de casibus poenitentialis* or *Summa de poenitentia*, Liber II, index titulorum [list of chapters], "De homicidio – De torneamentis – De duello..."; incipit, "In prima parte dictum est de quibusdam criminibus..."; explicit, "[...] sed tutori, curatori, domino, monasterio, patri, marito et Ecclesiae" (published in X. Ochoa and A. Diez, 1976, col. 441-574);

ff. 89v-177, Raymundus de Penaforte, *Summa de casibus poenitentialis* or *Summa de poenitentia*, Liber III, rubric, *Incipit liber tertius*; index titulorum [list of chapters], "De qualitate ordinandorum – Quod ordinandus sit sine crimine..."; incipit, "Expeditis per Dei gratiam duabus particulis..."; explicit, "[...] venite benedicti percipite regnum. Amen"; rubric, *Explicit summa de casibus* (published in X. Ochoa and A. Diez, 1976, col. 575-884).

ff. 177v-203v, Raymundus de Penaforte, *Summa de matrimonio* [Liber IV of the *Summa de poenitentia*], prooemium and index titulorum, "Quoniam frequenter in foro penitentiali dubitationes circa matrimonium immo etiam interdum quasi perplexitates... De sponsalibus – De matrimonio – De errore persone..."; incipit, "Quoniam sponsalia praecedere matrimonium consueverunt ideo primo loco de sponsalibus est agendum..."; explicit, "[...] non invidenti animo sed benigno corrigat et emendet. Explicit [summa] de matrimonio" (published in X. Ochoa and A. Diez, 1978, col. 901-998).

Patron saint of lawyers, Raymundus de Penaforte (or de Peñafort in Catalonia) (1180-1275), a noted Dominican, is well known for his career as a canonist. In his youth, he taught philosophy in Barcelona, before leaving Spain for Bologna in 1210, where he completed his doctorate in canon law and subsequently occupied a chair of canon law at the university. At the request of Pope Gregory IX, he went to Rome in 1230. There he served as the pope's confessor and codified his Decretals. Pleading ill health, he returned to Spain in 1236 and became active in the conversion of Jews and Muslims, teaching Hebrew and Arabic to missionaries as an aid to conversion. It was at Raymond's instigation that Thomas Aquinas wrote his *Summa contra gentiles*. He was canonized in 1601, a process that began in 1279, only four years after his death.

Raymond of Penafort's *Summa de poenitentia* or *Summa de casibus poenitentialis* remains his most popular work. He was asked to write the *Summa de poenitentia* to facilitate the ministry of confession to fellow Dominicans. It contains a manual of instruction for confessors, through which the newly developed

canon law that flourished under the impulse of the Gregorian Reform (that dealt with sacraments, moral problems, and the general conduct of Christians) became available to the ordinary confessor. Raymond's *Summa* thus stands at the very beginning of a new generation of penitential manuals, in which the judgment of sins, their consequences and remedies, was viewed through a repertory of canons on various matters—passages from the Fathers, church councils, and papal decisions.

Two redactions of the *Summa de poenitentia* are known: a first composition between 1225 and 1227, and a second redaction c. 1235-1236, revised after the composition of the Decretals of Pope Gregory IX, assembled in 1234 (see Kuttner, 1953, pp. 419-434). On the occasion of the second redaction of the *Summa de poenitentia*, the *Summa de matrimonio* was composed by Raymond of Penafort, who reworked Tancredus de Bologna work by the same title, composed c. 1211-1213 (published by Wunderlich, 1841; see also Ochoa, 1978, pp. CXX-CXXIV), the reworking necessitated by the publication of the Gregorian Decretals in 1234. Raymond's *Summa de matrimonio* was generally incorporated in most extant manuscripts of the *Summa de poenitentia* as its fourth book (see Pérez de Heredia y Valle, 2002, pp. 115-116, and García y García, 1967, p. 417), but it also circulated independently (see Dolezak, in Online Resources).

The number of extant manuscripts of the *Summa de poenitentia* attests to the work's enormous popularity. For lists of the manuscripts, see Robles (1971, pp. 14-33), Ochoa and Diez (1976, pp. XCIII-CIV), Kuttner (Catalogue, 2: 1, 3-6); and Professor Dolezak's site on Roman and Canon Law (see Online Resources below). Only a small number of manuscripts exist of the first edition (Robles records 8), whereas many more are extant of the second recension. At least seven manuscripts of the second edition are recorded in North American collections (see DeRicci and Wilson, 2: 1206, 2154; and Faye and Bond, 53, 79, 106, 215, and 402). To these should be added two other manuscripts: University of California, Berkeley, Robbins Collection, MS 9 (see [www.law.berkeley.edu/library/robbins/RobbinsMSScatalogue1-30.html](http://www.law.berkeley.edu/library/robbins/RobbinsMSScatalogue1-30.html)); and Yale University, Beinecke Library, MS 999. Ochoa and Diez (1976) based their critical edition on two early manuscripts, contemporary with the author: Paris, Bibl. Arsenal, MS. 370 (dated 1244) and Rome, Vatican, Bibl. Apostolica, Ottob. lat. B (dated 1242). A comparative study of all the extant manuscripts with marginalia, indications of early provenance, and original bindings would contribute to a better understanding of the abiding interest Raymond's work held for his contemporaries and followers.

The *editio princeps* of the *Summa de poenitentia*, which also included the *Summa de matrimonio* as the fourth book of the work, appeared relatively late, in Rome, Michael Llot, 1600 (see Ochoa and Diez, 1976, p. XCIV).

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## ONLINE RESOURCES

Dolezak, Verzeichnis (Manuscripts of Raymond of Penafort's writings)

<http://www.uni-leipzig.de/~jurarom/manuscr/Can&RomL/authors/a1810.htm>