

THOMAS OF CHOBHAM, *Summa de penitentia* (fragment)

In Latin, manuscript on paper

Germany (Southern?), c. 1470-80

i (modern paper) + 7 + *i* (modern paper) folios on thick paper, watermark, Oxhead with eyes and nostrils above a star consisting of one line, similar to Piccard 74591, Reutlingen 1480; Piccard 74593, Speyer 1482; cf. also Piccard 74395, Cologne 1476., modern foliation in pencil, top outer corner recto, beginning and ending imperfectly (collation, *i*⁸ [-1, with loss of text]), quire reinforced in the middle with a parchment strip from an earlier manuscript, no catchwords or signatures, frame ruled in ink with vertical bounding lines only, prickings top margin, all single and full-length (justification 165 x 110 mm.), written in a quick cursive gothic bookhand in two columns of thirty-four to thirty-one lines, blanks for three-line initials, guide letters for initials, in good, legible condition, paper is brittle, lower corners darkened, small water stains in upper corners. Bound in a modern binding of a stenciled leaf from a sixteenth- or seventeenth-century noted Antiphonal over pasteboard, heavily buckled. Dimensions 209 x 145 mm.

This manuscript includes one quire from a longer manuscript of the popular early *Summa* on penance by the English theologian, Thomas of Chobham, now bound separately. This particular section is one of the most interesting, and worldly, from this important work, and includes his section on merchants, on clerics taking part in business, and on useless occupations. There appear to be no copies in North American Collections. The narrow strip from a twelfth-century liturgical manuscript, probably a Breviary, used to reinforce the center of the quire is also of interest.

PROVENANCE

1. This is one quire (now missing its first leaf), removed from a longer manuscript in the late nineteenth or twentieth century, when it was bound in its present pasteboard binding covered with a leaf from a noted antiphonal; it now begins and ends imperfectly.
2. The evidence of script and watermark suggests that this manuscript was written c. 1470-80, probably in Southern Germany. The text is copied in a highly abbreviated cursive script, certainly difficult for modern readers (the difficulties it presented to medieval users is a debated point). A script such as this one was however, an economical choice, since it could be written quickly and used a minimum amount of paper.
3. This manuscript includes a parchment strip used as reinforcement in the center of the quire, ff. 3v-4, about 10 mm. wide, with twenty-four lines of script remaining (usually a word or two remains in each line), probably from the first half of the twelfth century, from a liturgical book for the Divine Office, probably a Breviary.
4. Dealers' notes include, front flyleaf, in pencil: "Theol. Traktat" and "M.65"; paper tab stamped "157," and 122 written in ink.
5. This volume was last sold as part of a lot of six items, all removed from longer books and bound in bindings covered with leaves from an early printed book or large-format Choir manuscripts ranging in date from the fifteenth to the seventeenth century. Patterns of

staining, types of paper, and other details show that the manuscript described here was not related to the remaining five items in this one lot. Exactly when and where these items were removed from their various parent manuscripts and bound is still to be discovered, although they include inventory notes in pencil suggesting they were once part of a longer series of items (now numbered respectively M.30, M.62, M.65, M.111, and M.113, in pencil, front flyleaf). The other fascicules are now in Ohio State University, Special Collections (see TM 392-1-2, 392-3, 392-4, and 392-V for their descriptions).

TEXT

ff. 1-7v, incipit, "//seculi et militant propriis stipendiis in curiis principium ut ampliores redditus per querant ..."; f. 1, incipit, "Item est officium mercatorum de quo diligenter debent inquire sacerdotes ..."; f. 1, incipit, "Est autem sciendum quod clericis omnis negotiatio interdicta est ..."; f. 2, incipit, "Item est aliud officium valde periculosum scilicet iudicium ..."; f. 3, Sunt preterea multa officia inutilia ad necessitates humanas ut eorum qui faciunt coronas floridas tantum ad lasiviam homines et qui faciunt vanas picturas ..."; f. 3v, incipit, "[E]st etiam attendendum generaliter omni penitenti quod septem sunt generalia sicut legitur super primum psalmum penitentialem ..."; f. 6, incipit, "Quarta genus remissionis est conversio fratris errantis ... sine dispensatione superioris. Est autem irregularitas laycorum alia//"

Thomas of Chobham, *Summa de penitentia*, edited by Broomfield, 1968, with the title *Summa confessorum*; the text here begins on p. 300, line 17 of the edition [part of questio viii a, of distinctio iv, articulis vi, "De illis qui curam animarum habent" (Concerning those who have cure of souls)]; continuing through p. 324, line 16, Articulis vii, distinctio i, questio i, "Quedam penitentia sunt mutabiles, alie mutari non possunt" (Certain penances are changeable, but others cannot be changed). The text, written about 1216, was a popular one, surviving in over one hundred manuscripts (a partial list of twenty manuscripts, used in his edition, in Broomfield, 1968); it was printed in Cologne and Louvain in 1485. It circulated as the work of a number of authors, including Rabanus Maurus, John of Salisbury, Innocent IV, Thomas Aquinas, and Joannes Andreae. Although the text has been edited in a modern critical edition, the edition was based only on twenty manuscripts now in England. There has been no complete census of the surviving copies, or study of this important text's circulation on the Continent. There appear to be no copies in the United States and Canada listed in De Ricci or the Supplement by Bond and Faye, and few sales reported in the Schoenberg Database (since this text circulated under different names and titles, and may be incorrectly catalogued, it is difficult to know how reliable this observation may be).

Thomas's approach to penance was a nuanced one that took into account circumstances of sin and the difficult decisions facing priests in their day to day lives as pastors. In his review of Broomfield's edition, Leonard Boyle observed that for Thomas, "... the confessional is not simply a tribunal where sins are judged, cases solved, and punishment imposed. It is also a seat of counsel, a means of instruction, an opportunity for exhortation to courage and virtue" (Boyle, 1982).

The *Summa* is divided into seven books, discussing: What is penance? What are its kinds? What are the sins for which penance is enjoined? Who administers penance and how? By whom and for whom should penance be enjoined? How should the priest receive various kinds of penitents? What satisfaction should be imposed for what sin? His practical approach and desire to ground his treatise in actual problems faced by priests in the confessional is one of the reasons this text is such a rich historical source. In the course of his discussion of penance,

topics touched upon include commercial partnerships, the execution of heretics, the right of bishops to resist unjust royal acts, the activities of jongleurs, and the problems of prostitutes in Paris. Thomas's roots in England are also evident, and he discusses royal rights over forests, treasure trove, and the Jews, ordeals, duels, the use of approver, and the execution of criminals in England.

This manuscript includes one of the most interesting sections of this text, including *questio ix a*, "De officio mercatorum" (On the occupation of merchants), *questio x a*, "De clericis negotiantibus" (On clerics taking part in business), *questio xi a*, "De iudicibus" (On judges), and *questio xii a*, "On useless occupations," which mention the intriguing example of making "flowery crowns" to please the lasciviousness of men, and the making of "vanas picturas" (empty or vain pictures). In Hauréau's pioneering article on the text that established that it could not have been written by John of Salisbury, it is just this section that he chose to discuss at length (Hauréau, 1876, Online Resources).

Thomas of Chobham was born in England, perhaps between 1158 and 1168. It is generally accepted that he studied in Paris under Peter the Chanter at the end of the twelfth century, c. 1190, and possibly again in the 1220s. In around 1198 he entered the service of the bishop of Salisbury, becoming subdean in 1206/7, and continuing in the service of the bishop, holding various offices, until his death, sometime in the 1230s (possibly as late as 1239, or between 1233 and 1236). In addition to his *Summa de penitentia*, he also wrote a *Summa de arte praedicandi*, a guide to preaching, some sermons, and a *Summa de commendatione virtutum et extirpatione vitiorum*.

LITERATURE

Baldwin, John W. *Masters, Princes, and Merchants, The Social Views of Peter the Chanter and His Circle*, Princeton, Princeton University Press, 1970.

Boyle, Leonard E. Review of *Thomae de Chobham Summa Confessorum* by F. Broomfield, in *The Catholic Historical Review*, 57 (Oct., 1971), pp. 487-488.

Boyle, L. "Summae confessorum," in *Les genres littéraires dans les sources théologiques et philosophiques médiévales*, Louvain-la-Neuve, 1982.

Broomfield, F., ed. *Thomae de Chobham summa confessorum*, *Analecta mediaevalia namurcensia*, 25, Louvain, Éditions Nauwelaerts, and Paris, Béatrice Nauwelaerts, 1968.

Dietterle, J. "Die *Summae confessorum (sive de casibus conscientiae)* von ihren Anfängen an bis Silvester Prierias," *Zeitschrift für Kirckgeschichte* 27 (1906), pp. 166-70.

Firey, Abigail, ed. *A New History of Penance*, Leiden and Boston, Brill, 2008.

Langholm, O. *The Merchant in the Confessional. Trade and Price in the Pre-Reformation Penitential Handbooks*, Leiden, Brill, 2003.

Michaud-Quantin, P. *Sommes casuistique et manuels de confession au moyen age, XII-XVIe siècle* (*Analecta mediaevalia Namurcensia*, 13) Louvain, 1962, pp. 60-62.

Teetaert, A. *La confession aux laïques dans l'Eglise latine, depuis le VIIIe jusqu'au XIVe siècle. Etude de théologie positive*, Wetteren, Bruges and Paris, 1926.

Vogel, C. *Le pêcheur et la pénitence au Moyen Age*, Paris, 1966.

ONLINE RESOURCES

Briquet Online (Kommission für Schrift- und Buchwesen des Mittelalters der Österreichischen Akademie der Wissenschaften)

http://www.ksbm.oeaw.ac.at/_scripts/php/briquet.php

Piccard Online

<http://www.piccard-online.de/ergebnis1.php>

Hauréau, M. "Notice sur un penitential attribué à Jean Salisbury. Nos. 3218 et 3259A de la Bibliothèque Nationale," in *Notices et extraits des manuscrits de la Bibliothèque nationale et autres bibliothèques* 24 (1876), pp. 269-282.

<http://archive.org/stream/noticesetextrai00goog#page/n302/mode/1up>

TM 392-6