

RAYMUNDUS DE PENAFORTE, *Summa de poenitentia [Summa de casibus poenitentialis]*

In Latin, decorated manuscript on parchment

Northern France, Paris, c. 1235-1250

i (parchment) + 160 + i (parchment) folios on parchment (moderate quality, thin, but with imperfections including holes, unevenly shaped leaves and original repairs including sewing, ff. 17, 77, and 104, and often a pronounced difference in color between hair and flesh side), foliated in pencil (cited), top outer corner recto, next to earlier foliation in ink which begins with the blank endleaf as f. 1, text appears complete, but see discussion in provenance below (collation, i-ix¹² x-xi¹⁴ xii¹² [+ a conjugate pair, ff. 146-147, added after 9] xiii⁶ xiv⁴), horizontal catchwords, very bottom inside margin, often trimmed, quire three, f. 36v, numbered with a roman numeral, very bottom margin, mostly trimmed, but seems to read "iii," quires numbered in ink in an early modern hand, top, inner margin, with the present quire one numbered "2," ruled in lead with the top two and bottom two horizontal rules full-across on some folios, single full-length vertical bounding lines, inside and outside, with triple rules between the columns and an extra single or double bounding line in the far outer margin on some folios (cf. f. 107), prickings in top and bottom margins (justification, 113-110 x 72 mm.), written below the top line in a very small upright gothic bookhand in two columns of thirty-four to thirty-three lines, guide letters for initials in outer margins, notes for rubrics in very bottom margin (some trimmed), red or blue paragraph marks, red and blue running headlines, red rubrics, two-line initials alternately red and blue, with pen decoration in the other color, ff. 1, 1v, 44v, and 81, f. 160, four- to fourteen-line red and blue parted initials with pen decoration in red and blue, blank space at the end of the text decoratively filled in red, in good condition, ink flaking, with some loss of text, f. 151rv, stained outer margin, ff. 1-14, repairs to bottom corner, and on later folios, outer margin, ff. 113-end, a few mold spots, and cockling. Bound in vellum with the covers turned over the fore edge, smooth spine, in very good condition, covers slightly stained and cockled. Dimensions 175 x 115 mm.

Very early copy of the second recension of Raymond of Penafort's penitential handbook likely dating close to its composition in c. 1234-1236 and not including the fourth book on marriage. The extensive corrections to the text are of particular interest given its early date. Of Parisian origin, it may have been associated with the Dominican Convent of St. Jacques or have been owned by a student at the University. In the fourteenth century it belonged to the Augustinian Canons of St. Denis at Reims, one of the most important religious foundations in Reims.

PROVENANCE

1. The evidence of the script and decoration of this manuscript together indicate that this manuscript was copied in Paris in the second quarter of the thirteenth century, c. 1235-1250; the penwork initials are similar to examples in Stirnemann, 1990, pp. 67-68, cat. 25, 26, 29 and 31, all manuscripts copied in Paris, dating from after 1234-1250. It is not only a copy that dates from the author's lifetime, but it is also a very early example of Raymond's second version of his text, completed c. 1234-1236. Given its origin in Paris, it seems possible that it was made at the Dominican Convent of St. Jacques in Paris, or by Parisian booksellers for St. Jacques, or a student at the University. This manuscript seems remarkably similar in terms of script, format and decoration to another copy of this text previously

sold at this site (reference number TM 198), although TM 198 does include book four (I would suggest that TM 198 probably also dates from the second quarter of the thirteenth century).

The manuscript is of interest since it preserves extensive clues to its construction, include guide letters for the initials, notes for rubricator, and two other marks, f. 1, lower margin, two red parallel lines (counting the initials for payment?), and f. 160v, lower margin, in lead, "lxxx."

The text is now complete, but the question of whether it may have once been longer must at least be addressed. An early modern hand numbered the quires at the beginning of each quire, and as noted above, the first quire is now labeled "2." However, there is no text missing at the beginning, and the fragmentary original signature that survives at the end of quire three, looks like "iii" – strong evidence that the manuscript is complete at the beginning. Secondly, this manuscript does not include book four, the *Summa de matrimonio*, composed by Raymond when he revised this work c. 1234-6. This underlines the potential textual importance of this copy, since it is possible that it was copied from a version of the second recension dating before the fourth book was added. The scribe ended his text on f. 160, in the middle of column b (trying his hardest to stretch out the text to fill the space), and then embellished the empty half column with red line-fillers; f. 160v is blank. Therefore, there is no reason to believe this manuscript ever included the fourth book (although, it is admittedly not impossible that it once did).

The manuscript includes numerous – although usually brief – contemporary annotations in a number of hands (suggesting, that it may have been used by a community, perhaps by the members of a Dominican Convent as discussed above), including numerous corrections, including words and short passages that are scraped away and rewritten, as well as additions in the margins and between the lines, identifications of biblical passages cited in the text listing the book of the Bible, chapter number (modern chapters), cited by Roman numerals and a-g reference (a convenient method to suggest where in the chapter the citation was located, since Bibles from this date do not have numbered verses), short comments and subject headings, and other brief notes, including numerous notes in lead point (more difficult to read, but some quite lengthy). All these would repay further study.

2. Owned in the fourteenth century by the Augustinian Canons of St. Denis in Reims, f. 1, upper margin, "De conuentu sancti dyonisii Remensis, p .h" (the letters indicating the location in the Abbey's library). The foundation dates from the early Middle Ages and was rebuilt a number of times – in 892, again in 1067, and then in 1246 (see Cottineau, col. 2434, and Lambert, 1960). Apart from the Cathedral and the two Benedictine monasteries, this was the most important religious foundation in Reims, and judging from the surviving manuscripts, they must have had an extensive library. Petrus Riga (1165-1209), author of the extremely popular versification of the Bible, the *Aurora*, was a canon at St. Denis.
3. Inside front cover, modern annotations in pencil, "4363" (circled), and "3"; front flyleaf, f. i, "3."

TEXT

ff. 1-44, incipit, "Quoniam ut ait Ieronimus secunda post naufragium tabula est culpam ..."; [book one, list of chapters], incipit, "De symonia ne prelati vices suas sub annuo censu concedant, De magistris et ne aliquid erigant pro licentia docendi..."; f. 1v, incipit, *De symonia*, "Quoniam inter crimina ecclesiastica symoniaca heresis optinet primum locum ... Item questionem queritur hic consequenter";

ff. 44-81, [book 2, list of chapters], incipit, "De homicidio, De torneamentis, De duello..." *Explicit prima particula. Incipit secunda de homicidio*, incipit, "In prima parte dictum est de quibusdam criminibus... sed tutori, curatori, domino, monasterio, patri, marito et ecclesie." *Explicit liber secundus*,

ff. 81-160, [book 3, list of chapters], incipit, "Ex qualitate ordinandorum, Quod ordinandus sit sine crimine..."; incipit, "Expeditis per dei gratiam duabus particulis ... venite benedicti percipite regnum. Amen." *Explicit summa de casibus* [f. 160v, blank].

Raymundus de Penaforte, *Summa de casibus poenitentie* or *Summa de poenitentia*; edited by Xavier Ochoa and A. Diez, 1976, col. 277-884 (with book two beginning col. 441, and book three, col. 575); the first edition, which included glosses by William of Rennes (attributed in the edition to John of Freiburg), appeared relatively late in Rome in 1603 (reprinted, Gregg Press, 1967). There is an English translation of book four of the treatise (not found in this manuscript) by Payer, 2005.

A study of selected passages of the text shows that this is a copy of Raymond's second recension of c. 1234-1236 (discussed below). Nonetheless, the fact that it does not include the fourth book on marriage is of interest (the first recension included only three books; most manuscripts of the second recension include book four). The divisions of the text in book one are also of interest. The table of chapters at the beginning lists the usual chapters, but the text itself includes further subdivisions of these chapters, each beginning with a rubric and an initial.

The number of extant manuscripts of the *Summa de poenitentia* attests to the work's enormous popularity; Roblès, 1971, pp. 14-33, listed more than 311 manuscripts, not including this one; see also, Ochoa and Diez, 1976, pp. XCIII-CIV and Professor Dolezalek's site on Roman and Canon Law (see Online Resources below); in general, on the author and this work, see Kaeppli, 1967, 3:285 no. 3407, García y García, 1967, pp. 416-417, Kuttner, 1937, pp. 443-445, and Murano, 2005, pp. 706-7; three manuscripts of this text are described and discussed in Kuttner, *Catalogue*, 2, pp. 1-7. Ochoa and Diez (1976) based their critical edition on only two early manuscripts, Paris, Bibl. Arsenal, MS. 370 (dated 1244) and Rome, Vatican, Bibl. Apostolica, Ottob. lat. 5 (dated 1242), and there is certainly room for further study of this text's transmission (see Gracia y Gracia, 1979).

Two redactions of the *Summa de poenitentia* are known: the first recension, which was completed by c. 1222-1225, survives in very few manuscripts (Roblès, 1971, records eight), and the widely disseminated second redaction, dating c. 1234-1236. Raymond's second version included changes in the text that reflected his work on the Decretals of Gregory IX, completed in 1234 (see Kuttner, 1953, pp. 419-434). In the course of his revisions he also produced the *Summa de matrimonio*, which was a revision of the earlier work with the same title by Tancredus de Bologna, composed c. 1211-1213. Raymond's *Summa de matrimonio* is usually found in 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 Dolezalek, in Online Resources). It is not included here, and probably never was (see provenance, above).

Patron saint of lawyers, Raymundus de Penaforte (c. 1180-1275), a noted Dominican, is well known for his career as a canonist. He was born in Catalonia, near Barcelona, where he studied and taught arts courses at the cathedral school. He then studied, and subsequently taught law at the University of Bologna between 1218 and 1222. He entered the Dominican order c. 1222, shortly after his return to Barcelona. At the request of Pope Gregory IX (r. 1227-1241), he went to Rome in 1230 and began work on a new compilation that aimed to gather together earlier decretal collections into one up-to-date volume. The *Decretales Gregorii IX*, or the "Liber Extra," so called because it included the law not found in Gratian's *Decretum*, was completed in 1234. 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. The Dominicans were charged from their earliest years with the duty not only to preach to the people, but to serve as confessors. Raymond states in the preface to his work that he compiled his little summa ("summula") "... so that if brothers of our order, or others, should perhaps have doubts concerning the judgment of souls in sacramental confession, through using it, as much in their counseling as in their judgments, they may be able to untangle many questions and various cases, both difficult and perplexing" (prologue, translation in Mulchahey, 1998, p. 535). Humbert of Romans, master general of the Dominicans from 1254-1263, included it among the seventeen essential works that were to be kept in Dominican libraries for reference, and it was among the works considered essential for students at the University of Paris, where it was included in the lists of exemplars in 1275 and 1304 rented "in pieces," or by *pecia* (Murano, 2005, no. 801), explaining the large number of manuscripts surviving of this essential text.

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. Book one discusses sins against God, beginning with simony (the sale of ecclesiastical office), book two includes sins against one's neighbors, with chapters on homicide, tournaments, duels, theft, and usury, among others, and book three discusses holy orders, including a chapter directly discussing the doctrine and administration of penance. His work greatly expanded previous penitential manuals by including numerous particular "cases" or examples.

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