

RAYMOND OF PEÑAFORT, *Summa de casibus poenitentialis* [*Summary concerning the Cases of Penance*] and *Summa de matrimonio* [*Summary concerning Matrimony*]

In Latin, decorated manuscript on parchment

Northern France, c. 1250-1275

i (parchment + 207 + *i* (parchment) folios on parchment, modern foliation in pencil, upper outer rectos, 1-207, complete (collation *i-ii*¹⁶ *iii*¹⁸ *iv-v*¹⁶ *vi*²⁰ *vii*¹⁶ *viii*²⁰ *ix*¹⁶ *x*²² *xi*¹⁶ *xii*¹⁶ [-7; leaf cancelled between ff. 198 and 199 with no loss of text]), notations in red ink in the gutter of f. 198v and the adjacent stub to guarantee the proper ordering of the leaves in quire *xii*, horizontal catchwords on quires *vi*, *vii-ix*, and *xi*, lower inner versos, ruled in lead with full-length horizontal and vertical bounding lines, prickings in upper, outer, and lower margins (justification 88-90 x 60-62 mm.), written in a diminutive gothic bookhand in dark brown ink in two columns of thirty-three to thirty-five lines, guide letters for initials, guide notes for rubrics in margins (partially cropped), red rubrics, red letters in outer margins marking subdivisions within chapters, red roman numerals on upper outer versos designating chapters, running headers ("L" on versos and Roman numerals "I" through "VIII" on rectos) in red and blue in the upper margins, one-line paraphs in red or blue, one-line initials in red or blue in tables of contents, two-line initials in red or blue with contrasting pen decoration at beginnings of chapters, three-line initial in the same style (f. 179v), four- to six-line parted initials in red and blue with pen decoration in red and blue (ff. 1v, 48v, 88v, 179) at beginnings of books, six-line parted initial in same style at beginning of text (f. 1), red and blue decorated bars in lower margin (f. 1), marginal corrections by the scribe, many marginal annotations in very diminutive, rapid glossing script, cropped along upper and outer margins, very minor staining and soiling (see f. 2v), some slight tears in the margins with no loss of text, corrosion from an earlier binding has left small holes on ff. 204-207 with very slight loss of text, but otherwise in excellent condition. Modern binding of light brown morocco, spine with four raised bands. Dimensions 126-128 x 83-86 mm.

An unusually small yet complete copy of an extremely influential text, this diminutive volume was almost certainly made for someone's personal use. It may well have belonged to a priest who referred to this important penitential manual to inform his judgments and his counsel while administering confession. Careful organization and ample marginal annotation would have added to its utility and certainly add to its interest to modern scholars.

PROVENANCE

1. Judging from evidence of script and decoration, this manuscript was produced in Northern France in the third quarter of the thirteenth century, c. 1250-1275, perhaps in a Dominican house.

Given its small size (unusual for this text), this manuscript must have been made for personal use, very likely for a priest or friar who referred to it when administering the sacrament of confession.

2. Belonged in the fifteenth or sixteenth century to a Monsieur Briçonnet, who left his signature on f. 207 in a clumsy hand: "[...?] monseigneur bryconnet quy ado[...?]." It is possible that this book belonged to a member of the illustrious Briçonnet family, many of whom occupied powerful positions in church and court in the late fifteenth and early sixteenth centuries. Guillaume Briçonnet (1445-1514), for example, was secretary of the treasury under Charles VIII and later Cardinal of Saint-Malo. He is known to have commissioned a splendid Book of Hours for his wife, known as the Briçonnet Hours (Haarlem, Teylers Museum, MS 78).

3. Private Collection, Europe.

TEXT

ff. 1-48v, *Incipit casuum summa*, incipit, "Quoniam ut ait ieronimus secunda post nafragium [sic] tabula est culpam simpliciter confiteri ..."; f. 1 [Book One, list of chapters], incipit, "De symonia, Ne prelati uices suas sub annuo censu concedant ..."; f. 1v, *De symonia*, incipit, "Quoniam inter crimina ecclesiastica symoniaca heresis obtinet primum locum ... Require supra de symonia. § Item per questionem et § queritur hoc consequenter";

ff. 48v-88, [Book Two, list of chapters] incipit, "De homicidio, De torneamentis ..."; *De homicidio*, incipit, "In prima parte dictum est de quibusdam criminibus que principaliter in deum committuntur ... sed tutori curatori domino monasterio patri marito et ecclesie";

ff. 88-179, [Book Three, list of chapters] incipit, "De qualitate ordinandorum quod ordinandus sit sine crimine, De bigamis ..."; f. 88v, *De qualitate ordinandorum quod ordinandus sit sine crimine*, incipit, "Expeditiis per dei gratiam duabus particulis ... venite benedicti percipite regnum. Amen."

This is a copy of the second recension of Raymond of Peñafort's *Summa de casibus poenitentialis* (*Summary concerning the Cases of Penance*). Raymond had produced an earlier version of *Penance* c. 1222-1225, but the changes he made in this second recension, completed c. 1234-1236, reflect the important work he had done in the interim on the *Decretals* of Gregory IX, completed in 1234 (see Kuttner, 1953, pp. 419-434). The text of the second recension has been edited in a modern critical edition by Xavier Ochoa and Aloisio Diez (1976, cols. 277-884). The second recension was by far the most influential recension of the two, circulating in more than 311 manuscripts (Roblès, 1971, pp. 14-33); the first recension survives in eight (Roblès, 1971, p. 14). The first print edition, which is based on the second recension and includes glosses by William of Rennes (attributed in the edition to John of Freiburg), appeared relatively late in Rome in 1603.

ff. 179-207, incipit, "Quoniam frequenter in foro penitentiali dvbitationes circa matrimonium ..."; [list of chapters] incipit, "De sponsalibus, De matrimonio ..."; f. 179v, *De sponsalibus*, incipit, "Quoniam matrimonium sponsalia precedere consueuerunt ... sed benigno corrigat et emendet"; [f. 207v, blank].

In the course of his revisions of *Penance* (see above), c. 1235-1236, Raymond of Peñafort produced his *Summa de matrimonio* (*Summary concerning Matrimony*), which was a revision of the earlier work of the same title by Tancred of Bologna, composed c. 1211-1213. Raymond's *Matrimony* has been edited in a modern critical edition by Xavier Ochoa and Aloisio Diez (1978, cols. 901-998). There is an English translation of by Payer (2005). Raymond's *Matrimony* is usually found, as it is here, following *Penance* as if it were an additional book (see Pérez de Heredia y Valle, 2002, pp. 115-116 and García y García, 1967, p. 417); in fact, here running headers refer to it throughout as "Liber IIII" (Book Four). *Matrimony* also circulated independently. Roblès lists at least 129 manuscripts, not including this one (1971, pp. 34-45). It was printed alongside Raymond's *Penance* in Rome in 1603.

Patron saint of lawyers, Raymond of Peñafort, a noted Dominican, is well known for his career as a canonist. He was born c. 1180 in Catalonia, near Barcelona, and studied, and subsequently taught, law at the University of Bologna between 1218 and 1222. His *Decretales Gregorii IX*, or the "Liber Extra," so called because it included the law not found in Gratian's *Decretum*, was completed in 1234 at the request of Pope Gregory IX (*sedit* 1227-1241). Pleading ill health, Raymond 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 in 1275.

Raymond's *Penance* 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.

Raymond's *Summa* 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.

Issues relating to marriage and its treatment under canon law are absent from Raymond's *Penance*; Raymond may have expected his readers would avail themselves of Tancred of Bologna's *summa* on the subject. Following his work on the *Decretals*, however, Raymond undertook a revision and updating of Tancred's *Summa de matrimonio* alongside his revisions of his own *Penance*. Though both updated works often circulate together in manuscripts and were printed together in the 1603 edition of Raymond's *Penance*, Raymond does not appear to have regarded *Matrimony* as the fourth book of *Penance* but as a separate work, meant to help address questions regarding marriage that might arise in the context of confession. Much of Raymond's *Matrimony* is given over to the requirements for, and impediments to, legal engagements and marriages, and it also addresses legal issues pertaining to the legitimacy of children and to dowries.

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