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ANONYMOUS, *Collectio Sinemuriensis* [*Collection de Semur-en-Auxois*] or *Collectio Remensis*
In Latin, decorated manuscript on parchment
[France, Champagne ?, c. 1100-1120]

119 folios, 15 quires, mostly in gatherings of 8, certain folios canceled (collation: i7 [8-1]; ii-xi8; xii 8 [10-2]; xiii-xiv8; xv8 [10-2]), lacking first folio and at least last two folios of last quire (lacks the ending of Book III, capitula 87-134), written in dark brown ink, in an elegant romanesque script, on up to 28 long lines (justification, 95 x 155 mm), prickings still visible, rubrics in red (color almost orange), numerous 2- to 4-line high initials in red marking the beginning of all capitulae, numbers of capitula in red in left margins, THREE LARGE DECORATED INITIALS marking the beginning of each book, traced in ink and highlighted in red ink, eighteenth-century annotations in brown ink on verso of first flyleaf: "Notitia provinciarum ecclesiasticarum bulliae / Collectio canonum quibus admiscetur post med. praefatio et libellus ut libellus B. Ambrosii nomine inscriptus de vita et ordinatione episcoporum et simoniaca haeresi a domno [sic] Johanne Mabillonis [?] restitutus Silvestro II papa et vulgatus Analect. 10 [?] / Circa med. habetur amplum fragmentum libri 55 capitum Hincmari incipiens a capite 35 hujus Libri ab his scil[icet] [?] quicumque igitur primates provinciarum." Bound in an eighteenth-century full rigid vellum, back sewn on 5 thongs, title-piece "Decretum," former shelfmark E 91/1 on upper pastedown and repeated on spine, generally in sound general condition, bottom margin of last 18 folios mouse-bitten but with no loss of text. Dimensions 160 x 225 mm.

One of a small group of known manuscripts (four) that belong to the second recension of the so-called *Collectio Sinemuriensis*, considered to be the oldest collection of Canon Law produced during the pre-classic period of the Gregorian Reform. Unlike all but one of the manuscripts of this recension and both extant manuscripts of the first recension, this one is a deluxe decorated copy. It was never printed, and there exists no pre-modern transcription or a modern critical edition.

PROVENANCE

1. Executed probably in the area of the Champagne, where the text originated and circulated in its second recension, primarily during the first two decades of the twelfth century.

2. Eighteenth-century annotations on the first flyleaf signaling that Mabillon attributes authorship of the preface to Pope Sylvester II; shelf mark "E 91" on the spine repeated on the inside cover in an eighteenth-century hand.

TEXT

ff. 1-9, *Notitia provinciarum Galliae et Capitulatio collectionis canonum*, lacking first folio; ff. 1-2, f. 1, incipit, "Metropolis civitas Rotomagensium..."; f. 2, explicit, "Civitas Unisiciensium. Explicit."; ff. 2-9v, rubric, *Capitulatio collectionis canonum*;

ff. 10-119, *Collectio Sinemuriensis*; ff. 10-49, [Liber Primus, cap. 1-230], rubric, *Incipit liber primus. Quod oporteat sacerdotes ceteris populis fore doctores*; rubric, [c. 1], *Clemens Jacobo domino et episcoporum episcopo regenti Hebreorum sanctam Ecclesiam Jerosolimis sed et omnis ecclesie (sic) que ubique Dei providentia fundate sunt cum presbiteris et diaconibus ceterisque omnibus fratribus pax tibi sit semper (Inscr.) Petrus apostolus sacerdotes doctiores ceteris populis... in foveam cadunt*; explicit, rubric, *De episcopo excluso si ausus fuerit ingredi civitatem et de observatione legume*, explicit, "Justiniani imperatoris qui in libro constitutionum... mea consensione firmavi. Explicit liber primus." [N.B. The order of certain canons is found inverted when compared to that in the manuscript of Semur: 42 et 43; 130 et 131.

ff. 49v-99 [Liber Secundus, cap. 1-175], rubric, *Incipit [liber] secundus. Quod non liceat apostolicis successoribus constituta predecessorum infringere*; incipit [c. 1], "Papa Simachus ad Eonium dum inquit... videantur obviare sententiae"; explicit, "Quatuor legimus species arrogantium cum aut... non collegistis me. quod non oporteat [c. 175 (= Semur, c. 187)]. Explicit liber secundus" [N.B. In the manuscript in Semur, Book II comprises 188 canons; omitted here are canons 113, 118, 137, 144, 146, 149, 156, 162, 176, 178, 181 et 188].

ff. 99v-119v, [Liber Tertius, cap. 1-86], rubric, *Incipit [liber] tertius. De vindicta in Novo Testamento non prohibenda*; incipit [c. 1], "Ex dictis apostoli, Augustini, Gregorii, Jeronimi (Inscr.). Ex libro Burchardi I (Inscr. 2) De vindicta non prohibenda in Novo... Saphiram terrificae multavit"; explicit [rubric, c. 86], *Utrum oblationem accipere oporteat a presbitero uxorem habente*; "Quicumque discernit a presbitero qui uxorem... accipere anathema sit." [Text lacking; originally 134 chapters appear in Liber III; there is a divergence of numbering with the Semur manuscript].

A fuller textual description, which includes the variations of the rubrics, is available upon request. We are grateful to Frank Roumy, Professor of the History of Law, University of Paris XI, for his study of the manuscript.

The *Collectio Sinemuriensis* is considered the oldest collection of Canon Law of the Gregorian Reform. Written during a period of the reform of the Church, which benefited from a

“renaissance” of Roman law, the *Collectio Sinemuriensis* is a fine example of the reform initiative amongst the higher clergy (see Fowler-Magerl, p. 141). It led directly to the great classic collections: the Decretals of Gratian (c. 1140), the Decretals of Gregory IX (1234), and the Liber Sextus (1298). There are two recensions of the *Collectio Sinemuriensis*

The first recension seems to date from the end of the tenth or the first two decades of the eleventh centuries. It is partially represented by two manuscripts, both of later date and incomplete, but which transmit the oldest version of the text that has come down to us: Paris, BnF, lat. 18221 [“Exceptiones ex decretis et dictis sanctorum patrum et auctoritate patrum et auctoritate canonum Christi ut sacerdotes doctiores sint ceteris populis”]; Sélestat, Bibl. humaniste MS. 13 (after 1075).

The second, slightly later recension, which was used by Pope Urban II who became acquainted with it when he was archdeacon of Reims, first circulated in Reims after 1067 and its author remains unknown. This Collection is divided into three books, themselves divided into canons or chapters as follows: Liber Primus, cap. 1-230; Liber Secundus, cap. 1-175; Liber Tertius, cap. 1-134. This second recension, to which our copy belongs, is represented by three other manuscripts all housed in public collections: Semur-en-Auxois, Bibl. mun., MS. 13 (XIe ex.-XIIe in.); Orléans, Bibl. mun. MS. 306 (from Fleury); and Madrid, Biblioteca nacional, MS. 428 (C 28) (XIe ex.-XIIe in.). A collection of fragments is in the Vatican, BAV, Vat. lat. MS 3832 (see J. Berhard, “La collection en deux livres (Cod. Vat. Lat. 3832),” *Revue de droit canonique*, 12 (1962), pp. 1-601). These manuscripts are recorded in Kery, 1999, pp. 203-204 and Fowler-Magerl, 1982 pp. 124-125, and 2003.

Among these, only the manuscript in Semur presents the complete version of the text. Our copy, the sixth known exemplar, lacks only the end of Book III, capitulae 87-134. It presents a text very close to that in the Semur manuscript; the order of the canons is exactly the same in the three books. However, it removes selected canons, in particular those that are extracted from the treatise *De nuptiis* of Hincmar of Reims. There is no modern critical edition of the *Collectio Sinemuriensis*, and the text was never printed nor even transcribed in the sixteenth or seventeenth centuries.

DECORATION

f. 10, Initial C [8-line high], composed of interlaced rope motifs, executed in pen, with traces of deep red ink and on a red ground

f. 49v, Initial P [21 line-high], the descender composed of a rope-like bar, knotted at the halfway position, the bow of the initial composed of an entwined acanthus form terminating in the head of a monster, all in brown penwork the bow of the P on a red ground;

f. 99v, Initial D [8 line-high], two hybrid dragon-birds encircle the bow of the D, holding the tail of each other in their mouths, on the interior, entwined acanthus with red tracery, all on a red ground.

Neatly written and carefully decorated with designs inspired by Insular manuscript illumination, the present codex is a deluxe exemplar of the text, unlike the majority of the other manuscripts, which are merely working copies. Only the manuscript in Paris is an exception, it too being a luxury copy decorated by an Anglo-Normand hand (see Avril/Stirnemann, 1987, no. 40, p. 27, pl. 11). The decoration of the present manuscript appears to place the work in the region either of Chartres or Champagne in the beginning of the twelfth century (see Cahn, 1996, no. 5).

LITERATURE

Avril, François and Patricia Stirnemann. *Manuscripts enluminés d'origine insulaire VIIe-XXe siècle*, Paris, 1987.

Becker, Alfons, "Rechtsprinzipien und Verfahrensregeln im papstlichen Gerichtswesen zur Zeit Urbans II", in *Landesgeschichte und Reichsgeschichte. Festschrift für Alois Gerlich zum 70. . .*, ed. W. Dotzauer et alii, Stuttgart, 1995, pp. 51-66.,

Cahn, Walter. *Romanesque Manuscripts. The Twelfth Century (A Survey of Manuscripts Illuminated in France)*, 2 vols., London, Harvey Miller, 1996.

Kery, Lotte. *Canonical Collections of the Early Middle Ages (ca. 400-1140). A Bibliographical Guide to the Manuscripts and Literature*, Washington , 1999 [History of Medieval Canon Law, 1], pp. 203-204.

Fournier, P. and G. Lebras. *Histoire des collections canoniques en Occident, tome II: De la réforme grégorienne au décret de Gratien*, Paris, Sirey, 1932, pp. 230-235.

Fowler-Magerl, Linda. "Vier französische und spanische vorgratianische Kanonessammlungen", in *Aspekte europäischer Rechtsgeschichte. Festgabe für Helmut Coing zum 70. Geburtstag*, Frankfurt-am-Main, V. Klostermann, 1982 [Jus commune, Sonderhefte, 17], pp. 123-141.

Linda Fowler-Magerl. *KanonesJ*, CD-Rom, Piesenkofen, 2003 (to be published Monumenta Germaniae Historica, serie Hilfsmittel)

ONLINE RESOURCES

Medieval Manuscripts of Canon Law and Roman Law:

<http://www.uni-leipzig.de/~jurarom/manuscr/>

<http://www.uni-leipzig.de/~jurarom/manuscr/Can&RomL/titles/10514.htm>

Stephen Kuttner Institute of Medieval Canon Law

<http://www.lrz-muenchen.de/~SKIMCL/>

Universitätsbibliothek Freiburg, Rechtswissenschaft elektronisch

<http://www.freidok.uni-freiburg.de/volltexte/189/pdf/tutor12.pdf>