

PAULUS UNGARUS (here attributed to FRANCISCUS CARACCILO), *Summa de penitentia*; Canons on confession and penance; ANDREAS DE ESCOBAR (ANDREAS HISPANUM), *Confessio minor* or *Modus confitendi*; [ANONYMOUS], *Questiones super confessionem*

In Latin, decorated manuscript on paper

Western Netherlands or Rhineland (Westphalia?), c. 1510-25

i (modern paper) + 27 + *i* folios on paper, modern foliation in pencil bottom outer corner, watermark angular letter P, with two lines, above a rod with quatrefoil, Piccard Online 109628, Wesel, 1511 (and numerous similar, Piccard Online 109693, Xanten, 1507, 109610, Arnhem, 1526, 109896, Wesel, 1505-6, etc.); cf. also Briquet, no. 8636 (*Lettre P gothique à fleuron à quatre feuilles*): Leyden, 1509-1518; Anvers 1512-1519; Düsseldorf, 1513; Sassenberg (Westphalie), 1513-1516; Leeuwenhorst (Pays-Bas), 1519-1529, apparently complete, but once part of a longer manuscript, related to three other substantial fragments (see on this site TM 612, 615, 647) on paper (collation, *i*¹⁰ *ii*⁷ [structure uncertain, but apparently complete] *iii*¹⁰ [beginning f. 18]), no catchwords, traces of signatures visible on the first leaf of quires two and three, quires numbered on the first leaf in Arabic numerals in modern pencil, frame ruled in blind with all rules full length, (justification, 150-145 x 103-100 mm.), written below the top line in an upright well-spaced rounded hybrida script in two columns of thirty-six to thirty-three long lines, red rubrics and paragraph marks, one- to two-line red initials, a few with small decorative flourishes, four-line initial, f. 1, with floral pen decoration, quarter bound in modern marbled paper and vellum over pasteboard, in excellent condition apart from minor water stains, very top margin, ff. 22-23 and 27, and ink bleed-through on ff. 17rv and 27rv. Dimensions 204 x 143 mm.

Originally part of a longer miscellany containing theological, devotional, and pastoral texts, this manuscript includes a selection of texts (all complete) related to the sacrament of penance. These texts, of interest in their own right, are also important as evidence of attitudes towards penance and confession on the very eve of the Protestant reformation (in that respect, the inclusion of the early Dominican treatise on penance, usually attributed to Paul of Hungary, and the *quaestiones* on penance, yet to be identified, seem especially noteworthy).

PROVENANCE

1. Written in the first quarter of the sixteenth century, c. 1510-25 in the Western Netherlands or Rhineland (Westphalia?) as indicated by the evidence of the script, decoration, and watermark. The script is a distinctive, rather artificial looking hybrida script, with a characteristic hairline penstroke above "r" and "l" (also found in other sections of this miscellany, as discussed below).

The texts included appear to be complete, and the first folio is darkened, suggesting that it may have served as the beginning folio for some time. Nonetheless, the small size of the manuscript, and the impression left by the tab once glued to f. 1, confirm that it was once part of a lengthier codex that was divided into small sections (grouping texts with related content), and rebound, three of which are described on this site: TM 612, Arnulfus de Boeriis, *Speculum monachorum*, Ps. Augustine, *Speculum peccatoris*, and Isidore, *Synonyma* [abbreviated]; TM 615, Theological texts and *quaestiones*, possibly by Johannes von Frankfort (?), together with an anonymous theological commentary and a text on the Properties of the planets and zodiac, and TM 646, a Collection of devotional and

theological treatises, including a series of texts by Henricus de Frimaria (Pseudo-Nicolas of Lyra), *Praeceptorium divinae legis* (abridged), *De decimis dandis*, *De articulis fidei*, *De septem peccatis mortalibus*, *De triplici modo peccandi in deum*, and *De operibus misericordie*, with an anonymous treatise on the seven sacraments, and other texts. Taken together, the contents of the original codex formed a large miscellany on moral, theological and confessional topics, compiled by a well-educated priest or monk, possibly in Modern Devotion circles, who took his pastoral duties seriously (evidenced especially in this manuscript and in TM 647).

The possible relationship with incunable and early sixteenth-century imprints (demonstrated for TM 647) should be explored further for all of these manuscripts.

2. European Continental Collection.

TEXT

ff. 1-6v, *Incipit summa penitencie edita a magistro Francisco quondam cancelario parisiensis*, incipit, "Quoniam circa confessiones animarum pericula sunt et difficultates que emergunt ad honorem sancti Nicolai ac fratrum utilitatem et deo confitencium salutem tractatum breuem de confessione compilauit sub certis titulis ..."; f. 1, [Chapter list with twenty-three (unnumbered topics)], incipit, "Quo tempore incepit confessio ..."; f. 1 [text], *Quo tempore incepit confessio*, incipit, "Uideamus quo tempore incepit confessio ad hoc quinque sunt opinionones ..."; ... f. 6v, *De desperatione venie*, incipit, "Sequitur deperacione venie iiii enim sunt que solent homines in desperationem ... ad soluendum quam aliquis sit ad peccandum de aliisque supradicti," *Explicit summa penitencie*;

Paulus Ungarus, *Summa penitentiae*; versions printed in Lindebloom, 1919 and in *Bibliotheca Casinensis*, Montecassino, 1880, vol. 4, pp. 191-215; the text exists in at least three versions in almost one hundred manuscripts (Johnson, 2006, expanding on the earlier study, Weisweiler, 1930, and 1936); see also Kuttner, *Repertorium*, 412 n.3; Bloomfield, 1979, pp. 415-416, no. 4919, listing approximately fifty-five manuscripts, and p. 411, no. 4866; Kaepelli, no. 3184, 3:205-7, and 4:129. A study of the various recensions of this text is needed; a critical edition is being prepared by Mark F. Johnson.

The text in this manuscript does not include the references to Gratian's Decretals and to the *Extravagantes* and the chapters on the virtues and vices found in the long version that Weisweiler calls "D"; it is verbally similar to that printed by Lindebloom (from a manuscript with an attribution to Berengar), although the order of the chapters, as well as some of the chapter divisions, differ, and the text here ends before the chapters on the virtues and vices found in the manuscript used by Lindebloom (our manuscript includes the text found on pp. 180-194, chapters 1-21; his manuscript continues, and includes a total of forty-two chapters).

The attribution of either this text (or possibly this version of the text) in our manuscript to Francesco Caracciolo (d. 1316) needs further investigation (see Glorieux, 1933, no. 227 f). Francesco was Italian by birth, probably born in Naples. He studied theology in Paris, and was the author of a commentary on the *Sentences*; he became Chancellor in 1309/10. He entered the Dominican order on his deathbed.

Composed at the recommendation or even insistence of St. Dominic himself, to answer the need for an instructional manual for the many Friars who were hearing confessions and preaching, this first Dominican penitential handbook is quite brief, and is based primarily on the

texts on penance in Gratian's Decretals, with the addition of some words of practical advice. It is usually attributed to Paulus Ungarus, or Paul of Hungary, a professor of law at Bologna, and the author of two influential Canon law collections of *Notabilia* on the *Compilationes II* and *III*. He entered the Dominican order in 1221, and became a noted preacher. In this capacity, he wrote this *Summa de penitentia* (c.1220-21), and served as a missionary to Hungary (1221) and elsewhere. He died in 1242.

ff. 6v-12, *Isti sunt communicati maiori excommunicatione ipso iure et non debent absolui nisi a papa*, incipit, "Incendiarii sacrorum locorum et sunt denunciati a episcopo ..."; f. 7, *Excommunicati que tamen ab episcopo possunt absolui*; ... f. 10, *Eugenius de fide pacto et confessus*, incipit, "Duobus modis dicitur fides pactionis et consensus ..." [cf. *Compilatio quarundam constitutionum iuris canonici et civilis. De sponsalibus et matrimonio*, in Troyes, Bib. mun., MS 961]; f. 10, *De infantibus que reperiuntur cum patre et matre mortui*, incipit, "De infantibus qui moriis et reperiuntur cum matre uel patre et non appareat utri a patrem uel matrem oppressus ..." [cf. Concile d'Ancyre, c. 20, in Burchard de Worms, *Decretum*, XVII, 59; and Régimon de Prum, *Libri duo de synodalibus causis*, II, 61] ..."; f. 12, *Hii sunt mittendi ad papam uel ad episcopum*, incipit, "Hii sunt quidem casus ... criminis obstant";

A Collection of Canons (official teachings from Church Councils and other sources) related to penance and confession; includes chapters on excommunication, absolution, matricide, patricide, homicide in general, infants who die at birth and baptism, as well as rather specialized cases, including "sorcerers," women who retain the Host in their mouth when they receive communion, and who then kiss their animals (f. 9v, *De mulieribus que corpus domini in ore retinent et oculantur viciorum*, incipit, "Sorciarum que corpus domini in ore retinetur et cum ipso osculetur animalios suos ..."), and the heartbreaking problem of infants who are found dead (possibly suffocated while sleeping with their parents) and so forth. Further research would be necessary to determine if this is a personal selection of theses text, or whether they circulated together in other sources.

ff. 12-16v, *Modus confitendi optimus et compendiosus siue generalis confessio edita per reuerendum in christo patrem et dominum, dominum andream hispanum sancte romane ecclesie penitenciarium episcopum ciuitaten[sem?] qui dici potest speculum confitencium eo quod quamuis confiteri uolens si primitus hanc confessionem generalem diligenter inspexerit quasi in speculo omnia sua peccata uideat. Incipit prologus*, incipit, "Quoniam omni confitenti necessarium est hanc generalem confessionem ..."; f. 12v, *Incipit confessio*, "Facta igitur signo sancte cruce ante omnia dic ... et dico meam culpam,"

Andreas Hispanus, or Andreas Escobar, *Confessio minor*, or *Modus confitendi*; Bloomfield, p. 425, no. 4989, listing thirty-three manuscripts; numerous early printed editions: GW 1769-1855; Hain 997-1017, 11009-10, 11451-55; Deventer 1504, and Strasbourg 1508. The question of whether this text was copied from a printed edition should be investigated (the lengthy rubric suggests that it may have been). After two general chapters, the text succinctly discusses such topics as the seven Deadly Sins, pride, avarice, lust, envy, gluttony, anger, and sloth, the Ten Commandments, the twelve articles of the faith, the Seven Sacraments, the Seven Theological Virtues, and the Seven Gifts of the Holy Spirit.

Andreas de Escobar or Andreas Hispanicus (1348-1448), was born in Lisbon; he became a Benedictine monk, but only after first joining the Dominicans, and in 1399, the Augustinians. In 1393, he obtained his doctorate in theology at Vienna and was later made proctor of the Duke of Austria at the papal curia, where he also served a papal penitentiary. He wrote several treatises on practical and pastoral matters such as confession and the payment of tithes, as well

as a pamphlet discussing the Council of Basel, and served as bishop of Ciudad Rodrigo (since 1408), then Ajaccio (1422), and finally Megara (1428).

ff. 16v-27v, incipit, [rubric in text ink] *Confessio quid sit et que requiruntur ad eam et de forma*, incipit, "Queritur quid est confessio sacralis . . ."; f. 18, *Confessionem facere quod omnes homines generaliter obligantur*, incipit, "Queritur vtrum omnes homines . . ."; f. 27, *Ieiunando quales exusantur*, incipit, "Primo pueri quia . . . que cum scandalo ut probat frater angelus."

This text discusses various teachings on confession, including whether it is obligatory, why annual confession is required, whether confession can be repeated, satisfaction, contrition, and fasting. *Quaestiones* such as these suggest an academic origin. The text shares a similar incipit as the *Quaedam quaestiones de confessione* in Cambridge, Sidney Sussex College, MS 73.Delta.4.11 (although this may be coincidental), but it has not otherwise been identified; on f. 18, the text cites the form of absolution attributed to Jean Gerson (1363-1429), the French scholar and Chancellor of the University of Paris.

The sacrament of penance, involving the forgiveness of sins committed after baptism through absolution granted by a priest after confession, is one of the church's most complex concepts, and one that was developed over a long period of time from the church's earliest period. The importance of confession and penance was underlined in the canon *Omnis utriusque sexus* of the Fourth Lateran Council in 1215 that established that lay people were to make annual confession to their parish priests. Certainly by the fifteenth century, confession was an important practice in the lives of most Christians, and teachings on confession and the forgiveness of sin was a sharply contested point during the Protestant Reformation.

Manuals for confession, or *Summa confessorum* – handbooks that summarized the teaching of the church on the sacrament of penance – such as the two included in this manuscript, appear around 1200 and replace the codified treatment of penance found in the Penitentials from the early Middle Ages. In the wake of the Gregorian Reform, and the new emphasis on pastoral care enunciated by the Fourth Lateran Council, these manuals aimed to educate ordinary priests in the prudent and informed exercise of the office of confessor. Judgment of sin, and importantly, its circumstances, as well as its consequences and remedies, were viewed through a repertory of canons on various matters, including passages from the Fathers, church councils, and papal decisions. The first treatise in this manuscript, the *Summa de penitentia* attributed to Paul of Hungary, is one of the earliest examples of this genre. It is striking to see it here, testifying to its continuation in active use in the early decades of the sixteenth century.

LITERATURE

Bibliotheca casinensis seu codicum manuscriptorum qui in tabulario casinensi asservantur . . . aucta, cura et studio monachorum ordinis S. Benedicti, abbatiae Montis Casini . . ., Monte Cassino, ex Typographia Casinensi, 1873-1894, vol. 4, 1880, pp. 191-215.

Bloomfield, M. *Incipits of Latin Works on the Virtues and Vices, 1100-1500 A.D. Including a Section of Incipits of Works on the Pater Noster*, Cambridge, Massachusetts, Medieval Academy of America, 1979.

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

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.

Glorieux, P. *Répertoire des maîtres théologie en de Paris au XIIIe siècle*, Paris, 1933.

Johnson, Mark F. "La 'Summa de poenitentia' attribuita a Paolo Ungaro," in *L'origine dell'Ordine dei Predicatori e l'Università di Bologna*, Collana Philosophia 32, ed. Giovanni Bertuzzi, OP, Bologna, Edizioni Studio Domenicano, 2006, pp. 136-145; also appeared in *Divus Thomas* 109/2 (2006), pp. 136-145.

Kaeppli, Thomas. *Scriptores Ordinis Praedicatorum Medii Aevi*, Rome, Santa Sabina, 1970- .

Kuttner, Stephan, *Repertorium der kanonistik (1140-1234)*, Città del Vaticano, Biblioteca apostolica vaticana, 1937-.

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

Lindeboom, J. "Een Middeleeusch Handschrift over de Biecht," *Nederlandsch archief voor kerkgeschiedenis* 15 (1919) 161-219.

Michaud-Quantin, P. *Sommes de casuistique et manuals de confession au moyen âge*, Louvain, Lille, Montreal, 1962.

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.

Weisweiler, H., "Handschriftliches zur 'Summa de penitentia' des Magister Paulus von Sankt Nikolaus," *Scholastik* 5 (1930), pp. 248-60, and 11 (1936), p. 440.

ONLINE RESOURCES

Palémon Glorieux, "Francesco Caracciolo"

Dizionario Biografico degli Italiani - Volume 19 (1976)

[http://www.treccani.it/enciclopedia/francesco-caracciolo_res-e799857a-87e9-11dc-8e9d-0016357eee51_\(Dizionario-Biografico\)/](http://www.treccani.it/enciclopedia/francesco-caracciolo_res-e799857a-87e9-11dc-8e9d-0016357eee51_(Dizionario-Biografico)/)

Giovanna Murano, "Initia operum iuris canonici medii aevi"; A Shortlist of Works, arranged by their incipit words

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

Kenneth Pennington, "Medieval and Early Modern Jurists: A Bio-Bibliographical Listing"

<http://faculty.cua.edu/pennington/1298a-z.htm>

TM 646